



## Town of Pawling Town Board

Pawling Town Hall  
160 Charles Colman Blvd  
Pawling, NY 12564

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## Town Board Meeting

*Meeting will be broadcast live on the  
Town of Pawling Facebook page*

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Wednesday, September 7th, 2022  
6:00PM

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James Schmitt, Supervisor  
James McCarthy, Deputy Supervisor / Councilman  
Phil DeRosa, Councilman  
Coleen Snow, Councilwoman  
Corinne Musella-Pitt, Councilwoman

Cathy Giordano, Town Clerk

## **RULES FOR PUBLIC COMMENT:**

1. Each presentation to the Board made by an individual shall be limited to three (3) minutes in duration, unless extended by agreement by the Town Supervisor/ designee
2. Comments should be directed to the Board. Comments should be made in a respectful manner to the Board and from the Board to the community.

The Town Supervisor or designee may:

- a. Interrupt, warn, or terminate an individual's comment when the comment is personally directed, abusive or obscene.
- b. Request that any individual leave the meeting when that individual fails to observe reasonable decorum.
- c. Call for a recess or an adjournment to another time.

### **The intent of these rules are:**

1. To allow members of the public a fair and adequate opportunity to be heard.
2. To assure that the regular agenda of the Town Board is completed; and
3. To recognize the nature of the Board and community's time and to use that time effectively.

# Meeting Agenda

- a) Roll Call of the Town Board
- b) Pledge of Allegiance
- c) Executive Session - *to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.*
- d) Privilege of the Floor with respect to Agenda Items only
- e) Approval of Minutes
  - a. August 3, 2022
- f) Resolutions
- g) Discussion
  - a. Water District No. 2
  - b. Proposed Route 22 Sewer
  - c. Request for Rezone – Simmons Property
  - d. Tree Ordinance / Tree Board
  - e. Proclamation – National Recovery Month
  - f. Proclamation – Childhood Cancer Awareness Month
- h) Privilege of the Floor with respect to Agenda & Non-Agenda items (3 minutes)
- i) Adjournment

# Resolutions

## **RESOLUTION 2022149**

### **Appointing a Part-Time Dog Control Officer for the Town of Pawling**

WHEREAS, Under New York State Agriculture and Markets Law Article 7, Section 113, each municipality in which dog licenses are issued, shall appoint one or more dog control officers, and

WHEREAS, the Town Board of the Town of Pawling sees fit to appoint a part-time, on call 24/7, Dog Control Officer to serve the Town, and

NOW THEREFORE BE IT RESOLVED, that Mary Madsen is hereby appointed as Dog Control Officer for the Town of Pawling, at the time of the adoption of this resolution for the remainder of the 2022 calendar year, and

NOW THEREFORE BE IT FURTHER RESOLVED, that said Mary Madsen shall receive salary of \$7,500 for the remainder of the 2022 calendar year.

## **RESOLUTION 2022150**

### **Facilities Use Request**

WHEREAS, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the Town's own usage, and

WHEREAS, the Recreation Director will periodically receive request for special considerations once all application and insurance requirements are met, and

WHEREAS, the Town Board of the Town of Pawling sets the fees for the use of facilities, and

NOW THEREFORE BE IT RESOLVED, that the following waiver(s) have been authorized by the Town Board: Pawling Community Foundation – Alcohol Waiver, Alcohol Control Plan submitted and reviewed.

## **RESOLUTION 2022151**

### **Acknowledging the Appointment of the Secretary to the Highway Superintendent**

WHEREAS, the Superintendent of Highways is authorized to appoint a Secretary to the Highway Superintendent, which is exempt from Dutchess County Civil Service; and

WHEREAS, Robert Brill, Superintendent of Highways of the Town of Pawling, has elected to appoint Anandadevi Wint as his Secretary to the Highway Superintendent, and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board of the Town of Pawling acknowledges the appointment of Anandadevi Wint as Secretary to the Highway Superintendent to serve at the pleasure of Superintendent of Highways Robert Brill, and

The Town Board of the Town of Pawling hereby establishes the salary of the Secretary to the Highway Superintendent as \$20.00 per hour, full time, 35 hours per week, effective at the time of the adoption of this resolution.

**RESOLUTION 2022152**

**Grant Management Services**

WHEREAS, the Town of Pawling has been successful in securing a wide variety of grants over the past few years; and

WHEREAS, the Town of Pawling is required to provide grant management and administration of each grant which includes, but is not limited to summary reports; drawdown requests; coordination with local, state and federal officials and program staff; and other duties as may be required to manage and closeout program funding; and

WHEREAS, the Town of Pawling has a General Services contract with Laberge Group as well as an annual Grant Writing Contract; and

WHEREAS, the Laberge Group has secured and administered almost \$300 million in funding and has the requisite staff available to assist the Town of Pawling;

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes and directs the Town Supervisor to execute a contract addendum 2022094-00 to be billed hourly and not to exceed \$10,000 for the following:

- Creation of a database/spreadsheet and summary report of open grants with the name, agency, internal and agency contact information; amount secured; amount remaining; preparation of MWBE/SDVOB utilization reports; list of administrative tasks needed for drawdown/disbursement, and deadlines.
- Facilitation assistance for the development of financial paperwork necessary drawdowns (i.e. development of tracking forms, set up of files for grant closeout, identification of which grants require documentation of cleared checks).

NOW THEREFORE BE IT FURTHER RESOLVED, that upon completion of this task, Laberge Group will provide a cost estimate for 2023 grant administration services for each grant. The additional tasks will include, but are not limited to the development of a monthly status report; preparation and submission of drawdown requests, coordination with state and federal officials and program staff; and other duties as may be required to manage and closeout program funding.

LOCAL LAW NO. \_\_ OF THE YEAR 2022

**A LOCAL LAW ESTABLISHING CHAPTER 53 OF  
THE TOWN CODE OF  
THE TOWN OF PAWLING  
ENTITLED "TREE ORDINANCE"**

**BE IT ENACTED** by the Town Board of the Town of Pawling, County of Dutchess, as follows:

Section 1: A new Chapter 53 shall be added to the Pawling Town Code regarding the establishment of a Tree Board, as follows:

§ 53-1. Purpose.

The purpose of this chapter is to establish the Town of Pawling Tree Board which shall study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas, subject to the approval of the Town Highway Superintendent of the placement and removal of trees along streets, avenues or ways within the Town of Pawling.

§ 53-2. Definitions.

"Street Trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town of Pawling.

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the town, or to which the public has free access as a park.

§ 53-3. Creation and Establishment of the Town of Pawling Tree Board.

There is hereby created and established the Town Board of the Town of Pawling a Tree Board which shall consist of five members, who are citizens and residents of the Town of Pawling, and shall be appointed by the Town Supervisor with the approval of the Town Board. The Highway Superintendent shall be consulted by the Tree Board and his or her consent obtained, in writing, with regard to the placement or removal of Street Trees on either side of all streets, avenues or ways within the Town of Pawling.

§ 53-4. Terms of Office.

The term of the Tree Board members appointed by the Supervisor with the approval of the Town Board shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

#### § 53-5. Compensation

Members of the board shall serve without compensation.

#### § 53-6. Duties and Responsibilities of Members of the Board

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Said plan shall first be referred to the Town Highway Superintendent for his or her approval with regard to the placement and removal of Street Trees. Such plan will then be presented annually to the Town Board, and upon their acceptance and approval, shall constitute the official comprehensive Town Tree Plan for the Town of Pawling.

The Tree Board, when requested by the Town Board, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

#### § 53-7. Operation

The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

#### § 53-8. Street Tree Species to be Planted

The following list constitutes the official Street Tree species for the Town of Pawling. No species other than those included in this list may be planted as Street Trees without written permission of the Town Tree Board.

Arborvitae	American Hophornbeam
Black Ash	American Hornbeam
White Ash	American Larch
Bigtooth Aspen	Black Locust
Quaking Aspen	Honey-Locust
Basswood	The Maples
American Beech	Red Maple
Black Birch	Silver Maple
Gray Birch	Sugar Maple
Paper Birch	The Oaks
Yellow Birch	Black Oak
Butternut	Chestnut Oak
Black Cherry	Northern Red Oak
Pin Cherry	Scarlet Oak
American Chestnut	White Oak
Eastern Cottonwood	Eastern White Pine
Cucumber Tree	Pitch Pine
American Elm	Red Pine
Slippery Elm	Eastern Redcedar
Balsam Fir	Sassafras
Hawthorn	Shadbush
Eastern Hemlock	Red Spruce
Bitternut Hickory	White Spruce
Pignut Hickory	Sycamore
Shagbark Hickory	Tulip Tree
	Black Walnut
	Black Willow



#### § 53-9. Spacing

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 53-8 of this ordinance, and no trees may be planted closer together than the following: Small Trees- 30 feet; Medium Trees- 40 feet; and Large Trees- 50 feet; except in special plantings designed or approved by a landscape architect and with approval of the Town of Pawling Town Board.

#### § 53-10. Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 53-8 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees- 2 feet; Medium Trees- 3 feet; and Large Trees-4 feet.

#### § 53-11. Distance from Street Corners and Fireplugs.

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest the intersecting curbs or curb lines. No Street Tree shall be planted closer than 10 feet from any fireplug.

#### § 53-12. Utilities

No Street Trees other than those species listed as Small Trees in Section 53-8 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

#### § 53-13. Public Tree Care

Subject to the authority of the Highway Superintendent to maintain public roadways pursuant to Highway Law, the Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 53-8 through 53-12 of this Chapter 53 of the Town of Pawling Town Code.

#### § 53-14. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Tree Board.

#### § 53-15. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

#### § 53-16. Dead or Diseased Tree Removal on Private Property

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the town, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the Town. The Town Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

#### § 53-17. Removal of Stumps

All stumps of Street Trees and Park Tree shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

#### § 53-18. Interference with Town Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the Town Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this Chapter.

#### § 53-19. Arborists License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or replacing trees within the Town without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or Town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

#### § 53-20. Review by Town Board

The Town Board shall have the right to review the conduct, acts and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Town Board who may hear the matter and make final decision.

#### § 53-21. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$250

Section 2. Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Pawling hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Dated: \_\_\_\_\_, 2022

BY THE ORDER OF THE TOWN BOARD  
TOWN OF PAWLING