



## 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 14th, 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) Public Hearing
  - A LOCAL LAW ESTABLISHING CHAPTER 53 OF THE TOWN CODE OF THE TOWN OF PAWLING ENTITLED "TREE ORDINANCE"
- d) Privilege of the Floor with respect to Agenda Items only
- e) Resolutions
- f) Discussion
  - a. Murrow Park Dog Park - Pawling Community Foundation
  - b. Water District No. 2
  - c. Proposed Route 22 Sewer
- g) Town Board Items for Special Consideration & New Business
- h) Privilege of the Floor with respect to Agenda & Non-Agenda items (3 minutes)
- i) Adjournment

# Resolutions

## **RESOLUTION 2022148**

## **Payment of Bills for the Town of Pawling**

WHEREAS, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for and has offered them for review, and

WHEREAS, the vouchers have been approved in accordance with the Town of Pawling policy, and

WHEREAS, the vouchers have been numbered 20220706-20220831, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper and hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$552,795.33.

## **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.

## **RESOLUTION 2022153**

## **Adjusting the Salary of Part-Time Laborer in the Buildings & Grounds Department**

WHEREAS, the Town of Pawling has set the rate of \$15.00 per hour for all permanent part time employees of the Town, and

WHEREAS, Dylan Clark has been promoted from a seasonal part time Laborer to a permanent part time laborer in the Buildings & Grounds Department, and

NOW THEREFOR BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby adjust the hourly wage of Dylan Clark from \$13.80 per hour to \$15.00 per hour.

**RESOLUTION 2022154**

**Approval of Use of ARPA Funds for  
Park Improvements**

WHEREAS, the Town of Pawling received a partial payment of American Rescue Plan Act (ARPA) funds from the Federal Government, and

WHEREAS, ARPA funds may be used on infrastructure improvements such as capital improvements to Town lands, and

WHEREAS, the Town Board plans to use the funds to complete the Great Lawn Restoration Project and Roller Hockey Rink Project, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approves the use of \$149,620 of ARPA funds to fully fund both the Great Lawn Restoration and Roller Hockey Rink projects.

**RESOLUTION 2022155**

**Appointment of Part-Time Building  
Department Clerk**

WHEREAS, the resignation of Anandadevi Wint has caused a vacancy for the part time Building Department Clerk, and

WHEREAS, Robert Half Talent Solutions was utilized due to the short notice and need for experienced assistance, and

WHEREAS, Robert Half Talent Solutions has provided Christian Pasquariello, a temporary Clerk, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approves an inclusive hourly rate of \$35.00 per hour to be paid to Robert Half Talent Solutions.

**RESOLUTION 2022156**

**Award of Bid for Heating Fuel Oil and  
Service of Oil-Fired Heating Equipment**

Whereas, bids were duly advertised and noticed for #2 Heating Fuel Oil and Service Boiler Maintenance Service for the year 2022 -2023, and

Whereas, the bids have been submitted for the Town Board's review and tabulations have been provided by the Town Clerk, now, therefore, be it

Resolved, that the following bids for #2 Fuel Oil be awarded per the specifications within the bid packet to Taylor Oil in the amount of plus (+) \$0.0890 per gallon, and the Boiler Maintenance Service bid is hereby awarded to Taylor Oil in the amount of \$ 94.00 per hour

**RESOLUTION 2022157**

**Budget Amendments for Fiscal Year 2022**

WHEREAS, a request for Budget Amendments has been received from the Bookkeeper, and

WHEREAS, normal course of business activity throughout 2022 has prompted the Bookkeeper to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting business as usual, and

NOW THEREFORE BE IT RESOLVED, that the Bookkeeper has requested the following budget amendments:

**A FUND**

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
Central Print/rental agmt	A.1610.420	-	385		385	Inc. offset by sale of Equipment
Bldg Equip Parts	A.1620.400	4,000	3,850		7,850	Inc. offset by sale of Equipment
Golf Course Mtncl Equip	A.7250.200	9,000	3,205		12,205	Inc. offset by sale of Equipment
Dog Control Wages	A.3510.1	-	7,500		7,500	Appt. of Dog Control employee
Dog Control Contractual	A.3510.40	18,000		(7,500)	10,500	offset for new hire
Golf Maint Equipment	A.7250.200	12,205	5,000		17,205	Increase equip purchases
Park Electric	A.7110.417	10,000		(5,000)	5,000	Offset for increase
Youth Programs	A.7320.200	-	620		620	Increase equip purchases
Youth Programs Contr.	A.7320.400	30,000		(620)	29,380	Offset for increase
Engineer	A.1440.400	38,900	10,000		48,900	Grant Centralization
NYS Retirement	A.9010.80	149,755		(10,000)	139,755	Offset for Grant Centralization
Transfer to Capital Project	A.9950.900	104,000	75,000		179,000	ARPA funds used for Great Lawn
Transfer to Capital Project	A.9950.900	179,000	74,620		253,620	ARPA funds used for Roller Hockey
		554,860	180,180	(23,120)	711,920	

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Revenues						
Equipment Sales	A.2665	\$ -	\$ 7,440		\$ 7,440	Sale of Bldg & Grnds Equip
Fed Aid ARPA Funds	A.4089	\$ 104,000	\$ 75,000		\$ 179,000	ARPA Rev for Great Lawn
Fed Aid ARPA Funds	A.4089	\$ 179,000	\$ 74,620		\$ 253,620	ARPA Rev for Roller Hockey
				\$ -		
		\$ 283,000	\$ 157,060	-	\$ 440,060	

DB Fund ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
Fiscal Agent Fees	DB.1380.400	\$ 5,000	\$ 11,555		\$ 16,555	Cost of Bonding \$1mpaving, \$335K Autos
Brush	DB.5140.400	\$ 10,000		\$ (4,500)	\$ 5,500	To offset cost of financing above
NYS Retirement	DB.9010.800	\$ 59,400		\$ (2,000)	\$ 57,400	To offset cost of financing above
Health Insurance	DB.9060.800	\$ 302,145		\$ (5,055)	\$ 297,090	To offset cost of financing above
				\$ (11,555)		
		\$ 376,545	\$ 11,555	-	\$ 376,545	

B Fund ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
Building Wages	B.3620.100	\$ 70,265		\$ (7,500)	\$ 62,765	
Building Contractual	B.3620.400	\$ 112,500	\$ 7,500		\$ 120,000	
Planning Escrow	B.8020.300	\$ 75,000	\$ 25,000		\$ 100,000	Increase for Escrow used
Zoning Contractual	B.8010.400	\$ 2,500	\$ 1,000		\$ 3,500	Revised Budget
				\$ -		
		\$ 77,500	\$ 26,000	-	\$ 103,500	

B Fund ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Revenues						
Escrow Earned	B.2115.30	\$ 75,000	\$ 25,000		\$ 100,000	Revenue Increase for escrow used
Zoning Fees	B.2110	\$ 2,400	\$ 1,000		\$ 3,400	Revised Budget
				\$ -		
		\$ 77,400	\$ 26,000	-	\$ 103,400	

**RESOLUTION 2022158**

**Authorizing Completion Change Order No. 1 for the Great Lawn Restoration Project**

WHEREAS, the Town of Pawling has received a Change Order for the Great Lawn Restoration Project per an August 26, 2022 letter from Amaxx Inc.

NOW THEREFORE, BE IT RESOLVED, as follows:

The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.

The Town Board of the Town of Pawling hereby approves Change Order No. 1 for the Great Lawn Restoration Project between the Town and Amaxx Inc. in the amount of Forty Five Thousand, One Hundred Forty Nine and 50/100 (\$45,149.50) to complete this project.

The Great Lawn Project / Change Order Request

Bid Item	Description	Original Qty Quoted	Actual Qty	Units	Unit Price	Difference in Sqft.	Original Total Quoted	Difference in amount	New Total Amount
40	Temporary Stabilization	106,818		SF	\$ 0.10		\$ 10,681.80		\$ 18,890.80
			188,908	SF	\$ 0.10	82090		\$ 8,209.00	
50	Top Soil Strip	106481		SF	\$ 0.20		\$ 21,368.20		\$ 37,786.20
			188908	SF	\$ 0.20	82090		\$ 16,418.00	
70	Rough Grade	106818		SF	\$ 0.10		\$ 10,681.80		\$ 18,890.80
			188908	SF	\$ 0.10	82090		\$ 8,209.00	
100	Rake, Seed and Mulch	106818		SF	\$ 0.15		\$ 16,022.70		\$ 28,336.20
			188908	SF	\$ 0.15	82090		\$ 12,313.50	
								\$ 45,149.50	

**RESOLUTION 2022159**

**Denying Petition to Rezone**

WHEREAS, the Town Board is in receipt of a petition from MaryAnn Simmons to rezone a 2.927-acre property along Buhleier Lane (the Subject Parcel”) from a commercial zone to a residential zone in order to subdivide the Subject Parcel to a 2-lot subdivision, and

WHEREAS, Buhleier Lane is a private, dead-end road which derives access from South Quaker Hill Road in Patterson, and

WHEREAS, the Subject Parcel currently lies in the “Highway Business” zoning district, where residential development is not permitted, and

WHEREAS, it is the Town Board’s purview whether or not to re-zone properties within the Town, and the Town Board must determine whether the re-zoning request is in harmony with the Town’s land use plan and be in furtherance of the purposes set forth in Town Code Chapter 215 (Town Zoning Code), and

WHEREAS, the residential zoning district closest to the Subject Parcel is CD-R5, which has a minimum bulk requirement of five (5) acres per lot, and the Subject Parcel, if subdivided, would be less than five acres per lot, and

WHEREAS, in addition, a 1978 plat filed in the office of the Dutchess County Clerk’s office includes a note

specifying that there can be no further subdivision of the subject lot, and

WHEREAS, in 1984, the Town of Patterson requested guidance from the Town of Pawling as to whether the Town would permit any further subdivision of lots in Pawling which derive access from Buhleier Lane, as this would affect Patterson residents along the roadway. In response, the Pawling Planning Board passed a resolution specifying that no further subdivision of these lots would be authorized, and

WHEREAS, based upon the size of the proposed lots, the note on the 1978 plat and the 1984 Planning Board resolution prohibiting further subdivision as this would affect other properties long the roadway, the Town Board believes the proposed rezoning would not be in harmony with the Town’s land use plan nor would it be in furtherance of the purposes of the Town Zoning Code, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling hereby denies the request of MaryAnn Simmons to rezone a two (2) lot subdivision of a 2.927-acre property along Buhleier Lane.

**RESOLUTION 2022160**

**Establishing a Capital Budget for the Roller Hockey Rink**

WHEREAS, the Town of Pawling wishes to perform capital improvements to Town lands including the Roller Hockey Rink at Lakeside Park, and

WHEREAS, the Bookkeeper has developed a capital budget for the Roller Hockey Rink project for the Town Board to review,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling adopts the following capital budget to complete the Roller Hockey Rink project:

Roller Hockey Rink Budget		
Description	Account	Amount
Revenue		
Donations (NYR)	H.2705	\$125,000
ARPA	H.5031	\$74,620
	<b>TOTAL</b>	<b>\$199,620</b>
Expenditures		
Parks (Rink)	H.7110.2	\$125,000
Parks (Rink Install)	H.7110.2	\$73,720
Engineer	H.1440.2	\$900
	<b>TOTAL</b>	<b>\$199,620</b>



**RESOLUTION 2022161**

**Establishing a Capital Budget for the Great Lawn**

WHEREAS, the Town of Pawling wishes to perform capital improvements to Town lands including the Great Lawn at Lakeside Park, and

WHEREAS, the Bookkeeper has developed a capital budget for the Great Lawn restoration project for the Town Board to review,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling adopts the following capital budget to complete the Great Lawn restoration project:

Great Lawn Budget		
	Account	Amount
Revenue		
Donation (PCF)	H.2705	\$100,000
ARPA	H.5031	\$75,000
	TOTAL	\$175,000
Expenditures		
Lawn	H.7110.2	\$175,000

**Resolution 2022162**

**Setting Public Hearing for Sewer District #4**

WHEREAS, on May 1, 2022, a map, plan and report prepared by Laberge Group for the provision of facilities, improvements or services in a portion of the Town of Pawling along the Route 22 commercial corridor, wherein a new sewer district is proposed, was filed in the Office of the Town Clerk; and

WHEREAS, the Town Board believes that it would be in the best interests of the owners of commercial properties along the southern portion of Route 22, and the Town of Pawling, to establish a Sewer District to serve those properties and allow the continued growth of the Route 22 commercial corridor; and

WHEREAS, pursuant to the authority of Article 12-A of the New York State Town Law, the Town Board does intend to form Sewer District Number 4 to serve those commercial properties, pursuant to the said Map, Plan and Report, subject to holding a Public Hearing, and further subject to the permissive referendum process, and

WHEREAS, the boundaries of the proposed sewer district are as follows:

Beginning at the northwest corner of Parcel 257503;

Thence easterly and then southerly along the northern and eastern boundary of the said parcel to the westerly boundary of Old Route 22;

Thence easterly, across NYS Route 22 to the west corner of Parcel 422473;

Thence southerly along the westerly boundary of Parcel 422473 to the southwest corner of said parcel;  
Thence easterly, along the southern boundary of Parcel 422473 to the northeast corner of Parcel 440439;

Thence southeasterly and southwesterly along the northeasterly and southeasterly boundary of Parcel 440439 to the south corner of said parcel;

Thence southerly along the easterly boundary of NYS Route 22 to the northwest corner of Parcel 552214;

Thence easterly along the northerly boundary of Parcel 552214 to the northeast corner of Parcel 552214;

Thence southerly along the easterly boundary of Parcels 552214 and 561152 to the southeast corner of Parcel 561152;

Thence westerly along the south boundary of Parcel 561152 to its intersection with the northward extension of the west boundary of Parcel 565087;

Thence southerly, across Akindale Road to the northwest corner of Parcel 565087, and continuing southerly to the northerly boundary of parcel 552035;

Thence easterly, southerly, and westerly along the northerly, easterly and southerly boundary of Parcel 552035, continuing westerly along the southerly boundary of Parcel 514017 to the intersection of the northward extension of the easterly boundary of Parcel 496996;

Thence south to the northeast corner of Parcel 496996;

Thence south along the easterly boundary of Parcel 496996 to the northerly boundary of Parcel 496975;  
Thence east along said northerly boundary and the northerly boundary of Parcel 522966 to the easterly boundary of Parcel 522966;

Thence south and west along the easterly and southerly boundary of Parcel 522996 to the intersection of the northward extension of the easterly boundary of Parcel 503941;

Thence south to the southeast corner of Parcel 503941, and west along the southerly boundary of said parcel to the northeast corner of Parcel 492920;

Thence south along the easterly boundary of Parcel 492920 to the northerly boundary of Parcel 494892;

Thence northeast along said boundary to the easterly boundary of said parcel;

Thence southerly along the easterly boundary of Parcel 494892 and Parcel 487867 to the northerly boundary of Parcel 514867;

Thence easterly and southerly along the north and east boundary of Parcel 514867;

Thence continuing south along the extension of the east boundary of Parcel 514867 to the southerly boundary of Maggie Lane;

Thence west along said southerly boundary to the east boundary of Parcel 477834; Thence

south along said boundary to the northerly boundary of Parcel 486785;

Thence south, east, and south, along the east, northerly, and easterly boundaries of Parcel 486785 to the northerly boundary of Parcel 471743;

Thence east, south, west, and south along the northerly, easterly, southerly, and easterly boundaries of Parcel 471743 to the northeasterly corner of Parcel 451714;

Thence southerly along the easterly boundary of said parcel to the northerly boundary of Parcel 458682;

Thence easterly and southerly along the northerly and easterly boundary of Parcel 458682 to its intersection with the southerly boundary of the Town of Pawling;

Thence westerly along said boundary to the westerly highway boundary of NYS Route 22; Thence

northerly along said highway boundary to the southerly boundary of Parcel 371702;

Thence westerly along the southerly boundary of Parcel 371702 to the westerly boundary of Parcel 371702;

Thence northerly along said boundary, and the westerly boundary of Parcel 440895, to the northwest corner of said parcel;

Thence northerly through Parcel 198874 to the southwesterly corner of Parcel 434282;

Thence easterly along the southerly boundary of Parcel 434282 to the westerly highway boundary of NYS Route 22;

Thence north along said highway boundary to the easternmost corner of Parcel 410418;

Thence southwest along the southeasterly boundary of said Parcel, and crossing Old Route 22 to the easterly corner of Parcel 394393, and the westerly highway boundary of Old Route 22;

Thence northerly along said highway boundary to the north boundary of Parcel 372436;

Thence westerly along said boundary, in part, and the south boundary of Parcel 257503, and northerly along the westerly boundary of said parcel to the Point of Beginning.

Excepting Parcel 485936; and

WHEREAS, the improvements proposed include the installation of a Septic Tank Effluent Pump Collection System to accept effluent from existing and future on-site septic tanks and to transport said effluent to an existing wastewater treatment plant. The proposed improvements shall provide a service connection at the parcel's property boundary with the adjoining highway right of way and each parcel owner shall be responsible for the modification and connection of their on-site system to the service connection provided, and

WHEREAS, the maximum amount proposed to be expended for such improvement is \$2,710,000, and

WHEREAS, the proposed method to be employed for financing such improvement is debt service, operation and maintenance cost and capital recovery charges; and

WHEREAS, the estimated cost of said district to properties in the proposed district are generally as follows:

Average of all parcels	\$5,962
Average of occupied parcels	\$7,901
Median of all Parcels	\$2,995
Median of all occupied parcels	\$3,117; and

WHEREAS, there are no hook up fees to be charged by the proposed district, however each parcel owner shall be responsible for the modification and connection of their on-site system to the service connection provided,

WHEREAS, a Map, Plan and Report describing such improvement are on file in the office of the Town Clerk for public inspection, it is

ORDERED, that the Town Board shall meet at the Town Hall, 160 Charles Colman Boulevard, Pawling, New York, on the 12th day of October, 2022, at 6:00 p.m., for the purpose of conducting a public hearing on the proposal to establish said sewer district with the improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk is hereby authorized and directed to publish a copy of this order in an official newspaper of the Town and post a copy of the same on the signboard of the Town, in the time and manner required by law.

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