

Supervisor James Schmitt opened the Regular meeting of the Town Board of the Town of Pawling at 7:00 PM May 8, 2019 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, McCarthy, DeRosa, McGrath and approximately 35 interested citizens.

MINUTES

Councilman Johnson made a motion to accept the minutes of April 3, 2019 and April 10, 2019, seconded by Supervisor Schmitt and passed unanimously.

PRESENTATION/LABERGE GROUP

The Board entertained a presentation by Benjamin Snyder, Vice President and Scott Segal, Community Development Manager, of the Laberge Group. Mr. Snyder said they have been in business since 1964 and work in many parts of New York, as well as Pennsylvania, Virginia, Massachusetts, Vermont and New Hampshire. They work mostly with New York State municipalities. The Laberge Group provides engineering, architectural services, planning, surveying and grant and funding services. Since July 1999, they have secured 240 million dollars in grant monies and in the last four years, 84 million dollars. They have over fifty years of experience and have established an excellent record for completing work on time and in budget. They have engineers and grant writers on staff who do the grant writing together. They understand the Consolidated Funding Application portal and what is fundable and how things are really going to work. They will show the Town the projects that can be implemented and how to go about it. They work on a fee basis, either hourly or on an annual basis and he explained the details. If it is agreed the fee would be on an annual basis, they would take a retainer from the Town and keep it in escrow and use it only if grants are written. They work together with the Town to achieve the grant writing, administration and getting the grant money. They have a team of 14 people who only look for grants. The first step would be to do a needs assessment with every department. Mr. Snyder gave a detailed explanation of some of the grants they have applied for in other towns, including water, sewer and economic development. He explained the procedures that are followed to apply for the grants, saying they have given the Town of Pawling a proposal for a map, plan and report for the Route 22 south sewer line. He thanked the Board for their time and said he hoped to work with the Town of Pawling in the future.

Following discussion, Supervisor Schmitt thanked Mr. Snyder and Mr. Segal for their presentation.

Councilman Johnson asked that the Town of Pawling be provided with a general services contract for the Laberge Group so that the Town Attorney could review it, and which could be discussed at the June Town Board meeting.

Supervisor Schmitt agreed.

MS4 ANNUAL REPORT/JOANNE DALEY

JoAnne Daley said the Board members were given the MS4 Annual Report. The Town of Pawling is on target pertaining to the permit again this year. Ms. Daley explained that the entire community is an MS4 community because 40% of the Town is located in the New York City watershed, which has heightened criteria and therefore there is more to do in that section of the Town. This also costs the Town more money to be in compliance with these regulations. To offset that cost, she works with the East of Hudson Watershed Group on a retrofit program to meet the compliance of reducing phosphorous. For the other five requirements, she works with the Dutchess County MS4 Coordination Committee to address public education, public involvement, illicit discharge and elimination, construction site stormwater runoff and good housekeeping for municipalities. During the course of working with the DC MS4 Committee this year, she was able to work with Wendel Weber, Supervisor of Buildings & Grounds to get a grant for tree assessment and risk assessment and inventory for Lakeside Park. She would also like them to assess the golf course to possibly obtain a grant for the golf course. The assessment would include addressing the condition of the trees, and funding for whatever work would be done. If the Town hires a grant writer, hopefully another grant can be obtained next year. The new MS4 permit is expected to be released shortly and it will have new requirements for the Town, one of which is mapping the entire infrastructure of the Town. This will be a huge cost for the Town. This will have to be done over five years and she suggested that the chances of obtaining grant monies through a shared services grant was greater. Ms. Daley said she has

organized a cleanup event behind St. John's Church on June 8th to clean up the stream bank, and she has quite a few volunteers already. The rain date for this event is June 15th.

CONSENT AGENDA

Supervisor Schmitt made a motion to remove Resolution 2019071 from the consent agenda, seconded by Councilman Johnson, motion passed unanimously.

**Resolution 2019066
Payment of Bills for the Town of Pawling**

Whereas, the Town of Pawling Bookkeeper has reviewed and prepared the vouchers 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 20190480 through 20190628, now therefore, be it

Resolved, that the Pawling Town Board 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 \$383,171.42.

**Resolution 2019067
Billing for Pawling Water District #1**

Whereas, Pawling Water District #1 bills need to be approved by the Pawling Town Board, and,

Whereas, the bills have been prepared and submitted in the amount of \$2,085.60 for the period of February 1, 2019 through April 30, 2019 by the Water District Clerk, and the Water District Clerk has recommended their approval, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the billing as recommended for Pawling Water District #1.

**Resolution 2019068
Facility Use Requests - Waiver / Fees**

Whereas, the Town of Pawling operates facilities that from time to time will be used by the public for events when those facilities are not needed for the Town's own usage, and

Whereas, the Town Board sets the fees for the use of facilities, and

Whereas, the Director of Recreation will periodically receive requests to waive the fees and has recommended waiving the following fees for usage of Town facilities which are not needed for the Town's own usage during those date and times, and now, therefore, be it

Resolved, that the following fee waiver(s) have been authorized by the Town Board:

Chamber of Commerce Peter Cris	Rotary Room Chamber Meeting	May 7, 2019 7pm - 9pm
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Nights Under the Lights Paul Miessner	Lathrop Auditorium Fundraising Event	May 3, 2019 6pm - 9:30pm
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Pawling Fire Department Everett White	Lakeside Park Grounds PFD Carnival	August 7 - 10, 2019
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**Resolution 2019069
Escrow Release – Daryl’s House**

Whereas, the Town of Pawling currently holds \$4,956.71 balance in escrow for 13th Step LLC - Daryl’s House, and,

Whereas, the Planning Board Secretary has confirmed in a letter dated April 16, 2019 that there are no outstanding bills and that there will be no future bills for review, and,

Whereas, the Planning Board has recommended to the Town Board that these funds be released, therefore, be it

Resolved, that the Town of Pawling hereby releases the \$4,956.71 balance in escrow to 13th Step LLC - Daryl’s House and authorizes the Bookkeeper to release such funds.

**Resolution 2019070
Approval of Planning Board Training Hours**

Whereas, the Town of Pawling Planning Board is required to complete 4 hours of training annually, and

Whereas, at the Planning Board meeting on April 1, 2019, Michael Liguori, Esq. provided 1.5 hours of training to the Planning Board covering the roles of the Planning Board as well as a discussion on farms relating to Town and Agriculture & Market zoning regulation, and

Whereas, the Town of Pawling Town Board must approve the training hours for the Planning Board, therefore, be it

Resolved, the Town of Pawling Town Board hereby approves 2 hours of training conducted by Michael Liguori, Esq. to the Planning Board on April 1, 2019.

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

NON CONSENT AGENDA

Resolution 2019071

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$480,000 BONDS OF THE TOWN OF PAWLING, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF HEAVY DUTY HIGHWAY TRUCKS FOR THE HIGHWAY DEPARTMENT, IN AND FOR SAID TOWN.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project, NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Pawling, Dutchess County, New York, as follows:

Section 1. The purchase of heavy duty highway trucks for the Highway Department, each of which costs \$15,000 or over, including incidental equipment and expenses in connection therewith, in and for the Town of Pawling, Dutchess County, New York, is hereby authorized at a maximum estimated cost of \$480,000.

Section 2. It is hereby determined that the plan of financing of said class of objects or purposes is by the issuance of \$480,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. It is hereby further determined that said class of objects or purposes may be financed with a lease purchase agreement pursuant to the provisions of Section 109-b of the General Municipal Law. The Supervisor is hereby delegated the power to determine the method of finance thereof and to enter into such a lease purchase agreement therefor.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 7. The faith and credit of said Town of Pawling, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

Councilman Johnson asked that Resolution 2019072 and 2019073 be stricken as they were provided to the Board today and he suggested they be considered at the first June Town Board meeting, Councilmen DeRosa and McCarthy agreed.

**Resolution 2019072
Adoption of Procurement Policy**

Whereas, Section 104-b of the General Municipal Law (GML) requires every Town to adopt internal policies and procedures governing all procurement of good and services not subject to the bidding requirements of GML 103 or any other law, and

Whereas, comments have been solicited from those officers of the Town involved in Procurement,

Now, Therefore, Be It Resolved, that the Town of Pawling does hereby adopt the 2019 Procurement and Surplus Policy attached hereto.

**Resolution 2019073
Adoption of Credit Card Policy**

Whereas, the Town of Pawling deems it in the best interest of the Town to make certain transactions with a credit card, and

Whereas, a policy for the use of the Town credit card has been created and attached hereto, now, therefore, be it

Resolved, that the Town of Pawling Town Board approve and adopt the Credit Card Policy as the official policy of the Town of Pawling.

**Resolution 2019074
Resolution to Purchase Water Equipment**

Whereas, the Town Board of the Town of Pawling has received a request from Jessica Dickinson, Director of Recreation, for the purchase of equipment to be used to enhance the use of the lake at Lakeside Park, a copy of which request is annexed hereto and incorporated herein by reference; and

Whereas, the Director of Recreation advises that there are sufficient funds in the Recreation Trust to cover the cost of \$18,531.00; and

Whereas, in accordance with the Town's Procurement Policy, at least three quotes were requested for the equipment by the Recreation Director; and

Whereas, the Recreation Director recommends accepting the following quotes for such equipment as the lowest quote:

- i) \$10,663 for the purchase and installation of a waterslide from Commercial Recreation Specialists;
- ii) \$5,074 for the purchase of lifevests/paddles/boats (Corcls&WigWags) from Commercial Recreation Specialists; and
- iii) \$2,794 paddleboards/kayaks from Hudson River Recreation

Now, therefore, be it, Resolved, that the Town Board of the Town of Pawling hereby authorizes and approves the purchase of a waterslide, life vests, paddles, boats, corcles, wigwags and paddleboard as set forth above at a cost not to exceed \$18,531.00; and

Be it Further Resolved, that the Town Board of the Town of Pawling hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this Resolution.

MOTION: Councilman Johnson

SECOND: Supervisor Schmitt

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

BOARD MEMBER DISCUSSION

AIRBNB

Supervisor Schmitt said AirBnB's have been an issue for the community this past year, although they could be good for the Town. The Board must consider the impact on the community. He would like to put together a committee to study this issue and see how they can be regulated. He said safety is an issue and people need to understand that they need to be respectful to adjoining landowners.

GREENWAY

Councilman DeRosa said he was approached by Dutchess County officials because the Town of Pawling has not yet adopted the new principals for the Greenway, which were distributed in 2015. He would like to present the updates to the Planning Board and have them review them and make recommendations to the Town Board.

The Board agreed.

SEWER DISCUSSION/ROUTE 22 SOUTH

Councilman Johnson felt that everyone on the Board was in favor of exploring costs and doing a map, plan and report. He had a lot of questions and concerns but he was extremely impressed by the presentation tonight. He would be in favor of going forward with the map, plan and report and he would be in favor of retaining the services of the Laberge Group.

Councilman McCarthy agreed. He has heard both presentations and he is comfortable using the Laberge Group.

Councilman DeRosa agreed, saying he wanted to go with the people who gave the presentation tonight, they gave a more complete package.

Supervisor Schmitt said the prices between The Chazen Companies and the Laberge Group were very close for the map, plan and report. He felt it was very important to consider Chazen's involvement with the Village and the sewer district. Chazen have been the engineers on the sewer plant and there is something to be said for the value of having someone who is already here and already working on the project. If there was a large price difference, he might feel different about it but given the number is so close, he would be in favor of Chazen for the sewer project, although Laberge made a great presentation.

Councilman McGrath agreed with Supervisor Schmitt. He felt in the spirit of working together with the Village that the Chazen Companies would be the best choice. He felt like they knew the area and it could take a month or two for the Laberge Group to get familiar with Pawling before they even got started. Chazen will be inspecting the lines and he felt it was a no brainer. Either way, he is for a map, plan and report.

Dan Peters, Village of Pawling Trustee, said he was not sure the Laberge Group understood the scope of the project. Part of it is the line from McGrath's north on Route 22, which is part of the map, plan and report. He didn't know if that was on the radar before. In order to bring the sewer to Route 22 south, it has to go all the way to the plant. The 26,000 gallons that Castagna has is the last amount that can go through the Village unless they allow some of that to be diverted. The map, plan and report goes from the Patterson line all the way to the plant. The Castagna group has to be at the table because as part of their arrangement going to the next phase, they are responsible for that line.

Supervisor Schmitt said given that the stretch of Route 22 runs through the Village, would this be a shared service project with the Village?

Dan Stone, engineer from the Chazen Companies said it would be a joint project between the Town and Village. Mr. Stone said it was a fine presentation and he was sure the Laberge Group would serve the Town well. Chazen does all of the same things Laberge does and they do the same things Chazen does. Chazen's emphasis is technical, Laberge's emphasis is financial. With respect to the sewer district, there are some significant complexities. Castagna has a district that the Town has approved. The facilities in that district have not yet been dedicated. They are not owned by the district, they are not owned by the Pawling Joint Sewer Commission and those issues need to be resolved. Castagna was obligated to build a pipe to connect the original phase and then if they go beyond the 26,000 gallons, they are obligated to build a longer pipe. More importantly it is part of the contract between the Pawling Joint Sewer Commission and Castagna, that whole system is outlined in the report. Mr. Stone said it is his view that it would serve all of the users of a future Route 22 sewer district to have common interests and common obligations. To do that, it would require a negotiation because Castagna now owns those sewers and has certain future obligations, some of which they may well want to fulfil and some of which they may want to be part of a bigger denominator serving a greater area. But when the Castagna district was created, there was no thought at that point of the future district perhaps for Route 22 south. Castagna's obligations and benefits, he believed, need to be part of the map, plan and report for the greater district and the Board would have to determine whether a dissolution of the first district in favor of incorporating that ground in the future district might be a better deal, as the Board is the administrator of the district and they could do it. But they would also have to consider the contract that exists. It is very complicated. With respect to having a transmission line through a Village, there is no impediment to do that. You can't create a service area within the district but you can have a transmission line through the district owned by the new sewer district.

Supervisor Schmitt asked about a shared cost for the map, plan and report.

Mr. Stone said no, because the benefit of the force main is going to be to the district. There is a discussion to have about who is going to own that district and who will own the future rights to its capacity. With respect to the Castagna agreement, there is no other property benefitted other than the Castagna property.

Councilman DeRosa said there needs to be discussions with Castagna on how much of the 26,000 gallons they will need for the new senior housing and if there is room for negotiation.

Mr. Stone said the 26,000 gallons covers two senior housing projects of roughly 160 units plus a medical office building. That flow is based on the design calculations required by the State of New York for those facilities. There is no excess capacity unless they give up some development rights. Mr. Stone said there is no flow capacity in the Village.

Mr. Peters said the Village wants to make this work together with the Town.

Councilman Johnson said the other thing is if that district has to be responsible for everything up to Castagna and everything from the light to the plant, it may not be cost effective, depending on what kind of monies the Town gets. The first step is to do the map, plan and report and get figures. He said maybe if you do a map, plan and report with an engineering firm that is a second set of eyes looking at something, maybe there is another idea or another alternative for financing. He was also excited to do future projects with this firm and he says this with no disrespect to the Chazen Companies.

Supervisor Schmitt made a motion to retain Chazen to do the map, plan and report for Route 22 south, seconded by Councilman McGrath and did not pass with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “NAY”

Councilman DeRosa – “NAY”

Councilman McCarthy – “NAY”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

Councilman Johnson made a motion to retain the Laberge Group to do the map, plan and report for Route 22 south, seconded by Councilman DeRosa and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “NAY”

Supervisor Schmitt – “NAY”

PUBLIC COMMENT

Helen Grosso said she was confused about the Laberge Group presentation. She said it sounded like you couldn't choose to have them write a grant to have Chazen do the map, plan and report. She thought the Board was talking about grants of all kinds.

Supervisor Schmitt said the Board could do that. Chazen also applies for grants.

Councilman Johnson said there are two separate things here. Laberge is sending the Board their general services contract for their general list of services. The map, plan and report is a completely separate issue. Ultimately, if the Board signs on with Laberge, they could ask them to do grant writing for the Town.

Mrs. Grosso asked why the Pawling Joint Sewer Commission didn't make the decision on the map, plan and report.

Supervisor Schmitt said because that portion of the sewer line is in the Town.

Cathy Haggadorn, from the Connecticut Audubon Society, announced a brand new sanctuary in Pawling New York and Sherman Connecticut, just 5.6 miles from here. She has spoken with Supervisor Schmitt, who knew Kathy and Walter Wristen, who gifted 835 acres total to the Connecticut Audubon Society. She said on June 8th, they welcome everyone to 57 Wakeman Hill Road in Sherman to learn more about the Audubon. They will be providing a trial map of their 388 acres of land open to the public with ten miles of trails. As of June 8th, that will be connected to the Pawling section, which is 447 acres with ten miles of trails. Her office is in Sherman and she welcomed the opportunity to speak with everyone.

Mayor Rob Liffland thanked the Board for making a decision tonight and said the Village would help with the project in any way they could.

Arthur Crowe, resident from Harmony Hill Road said there is no posted speed limit on Harmony Hill Road. He said this is a very dangerous situation and cars speed on the road, sometimes at 50 miles per hour. He wondered why there was no speed limit posted. He has lived there for twenty years and it is getting worse.

Councilman McCarthy said he has been in touch with the County regarding speed limit changes. There are two requests in now and they are still under review. The issue is the County doesn't like to change too many speed limits, speed limits are only a recommendation. If no speed limit is posted, the speed limit is 55 miles per hour, per Dutchess County. He said he would be happy to call Mr. Crowe tomorrow to discuss this.

The motion to adjourn was made by Supervisor Schmitt at 9:10 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk