

Supervisor James Schmitt opened the Workshop meeting of the Town Board of the Town of Pawling at 7:00 PM October 2, 2019 at the Holmes Whaley Lake Civic Association building, 239 Route 292, Holmes, New York. Present were Councilmen McCarthy, DeRosa, McGrath, Johnson and approximately 22 interested citizens.

RESOLUTIONS

The Board discussed the proposed resolutions. Following discussion, it was agreed that resolution 2019124 be moved to the non consent agenda. The Board also agreed to move 2019127 to the non consent agenda.

Councilman Johnson made a motion to forward the Introductory Local Law “Agricultural Uses; New York State Agricultural Districts” to the Planning Board for their opinion, seconded by Supervisor Schmitt, motion passed unanimously.

Councilman Johnson made a motion to move Resolution 2019128 to the non consent agenda, seconded by Supervisor Schmitt, motion passed unanimously.

BOARD MEMBER DISCUSSION

WHALEY LAKE DAM

Supervisor Schmitt said he has been working on the Whaley Lake Dam every day. The Town’s Attorneys have spoken with the previous engineers who designed the project and they have spoken several times with the construction company who executed those plans, and they have been very helpful. Meetings have been scheduled to go over things with them. They have recommended two additional engineers to the town who have experience with dam structures. Significant headway has been made talking about the process and he is full steam ahead on this. He would have more detailed information at the next meeting.

Councilman DeRosa said he has been working with Nancy Tagliafierro, Town Attorney on the district formation and restrictions of that and how the district can raise money. Any of the costs related to this have to be borne by the district, not all of the taxpayers. If there are legal costs and expenses, those would be borne by the district. Fuss & O’Neill has been in contact with the town’s attorneys and they have offered to meet with the town and help rectify some of the engineering questions with the committee and the town. Any engineers that are hired would have to do the same calculations that Fuss & O’Neill have already done, and they will be paid to do that.

Councilman Johnson said Winn Construction also has those calculations electronically and a new engineer would not have to start from scratch.

Councilman DeRosa said for twenty five years, he has told the residents of Whaley Lake the truth about what is going on with the dam and he is not going to have people getting information that isn’t the truth, by saying it is not going to cost the district any more money. He is not ready to say that yet. The district will have to pay any expenses incurred on this. Ms. Tagliafierro has spoken to Marilyn Berson, the attorney who was involved in creating the district. The question for NYS DEC is, what is the highest level we can raise the existing spillway without having to change the other characteristics of the dam. Once we get that number, it can be decided how far to raise it.

Supervisor Schmitt said he is going to fight this tooth and nail to do everything he can to make sure it does not cost the district one penny more. He cannot guarantee the residents that it won’t cost them more but he guarantees he will get this back to where it belongs without costing the residents a penny.

Councilman DeRosa said he didn’t say we are not going to fight it but he didn’t want to give the residents the misinformation that it is not going to cost them a penny. The Board doesn’t know what is left of the 3.8 million dollars that was borrowed.

Supervisor Schmitt said his number one goal is to make sure it doesn’t cost the district more money.

Ms. Tagliafierro said Councilman DeRosa’s description of how the district is supposed to support itself is accurate, but it is premature to say what is going to happen. We have every reason to believe that there is a negligent design and a defect in the design and the town intends to hold the party accountable.

DEROSA

Councilman DeRosa said he met with the new building inspector, Joe Szilagy last week and it was an informative meeting. He would like the building inspector to come before the Board and discuss some of the issues he has with the Board. Mr. Szilagy stated that he misses Jennifer Strehle, who went to work full time for the Village, and Mr. Szilagy feels a zoning officer should be hired just to take care of zoning laws and complaints. He felt a replacement for Mrs. Strehle should be discussed should the Board feel she should be replaced. Regarding the Short Term Rental proposed local law, the fees are not included in the law and he had some other issues with it.

Ms. Tagliafierro said it is the intent not to incorporate fees into the town code because every time you want to change the fee, it would need to be done by local law. If the fees are not included in the local law, they can be changed by resolution and there would be no delay or fees.

MCGRATH

Councilman McGrath said he has been in constant contact with Ron Laberge, who is the engineer working on the map, plan and report. He met with Supervisor Schmitt and Mr. Laberge last week and things are moving along well. As far as the overall cost, it is lower than he originally anticipated and he hoped this would be completed by the end of the year.

MCCARTHY

Councilman McCarthy said he, Jay Dickinson, Highway Superintendent and Scott Segal from Laberge have been working on the DEC grant that has been ongoing for a few years. To clarify, the grant is a 50% grant but it is also based on the amount that the individual items are being used for recycling. The most the town will receive for the roll off is 25% of the cost, the most the town will get for boxes is 50% but it still should be approximately \$50,000.00 to \$60,000.00. He hoped to get that done this month.

SCHMITT

Supervisor Schmitt thanked the Rotary for the great event at Lakeside Park this past Saturday. It was a nice turnout and there were a lot of events going on all day long. He thanked everyone involved and said it was great to see the park being used. Supervisor Schmitt said the tentative budget is complete and has now been given to the Board members for their comments. He said the tentative budget is \$35,000.00 under the allotted tax cap of 2%. He said some of his biggest focuses were the highway department, recreation department and buildings and grounds. He is beginning replacement plans in this year's budget for equipment replacement. He said there may be a special meeting the third week in October to discuss the budget.

Councilman DeRosa said the golf course has also had a great year.

PUBLIC COMMENT

Vinny DiMarco welcomed the Board to Holmes and said he appreciated the efforts of Supervisor Schmitt and Councilman DeRosa regarding the cost to rectify whatever is wrong with the spillway. He appreciated trying to avoid any additional costs to the district to remedy the spillway elevation. He was willing to help in any way but he wanted to be realistic in that in rectifying something, there is always costs associated. He thanked Ms. Tagliafierro for being on top of this project. He thanked Jay Dickinson for doing a great job and Lori Johnson for a beautiful day on Saturday.

Colleen Snow thanked the Board for keeping the budget under the 2% cap, there are many towns and schools that override that. It is a hard thing and it takes a lot to keep it under the cap. She thanked the Board for allowing the Rotary to use Lakeside Park. There were approximately 600 people who went through, which exceeded their goals from last year. She thanked everyone who helped. She said 2021 will be the Pawling Library's 100th anniversary. A committee has been formed to plan a gala, with a great Gatsby theme. There will be fund raising and the Library will be looking for people to support this.

Joe Marotta, resident from Route 292 said they have formed a committee to help communicate with the district in terms of the level of Whaley Lake. They have come up with the fact that the

spillway is fifteen inches too low based upon different markings on the lake. There is flexibility with that number. In some of the documentation, the spillway was marked at 705.7, and somehow we got 704.8. The spillway has been changed and modernized it so it sheds water more quickly. The committee would like to be involved in any conversation with the engineer to discuss how to move forward, and they would like to be involved in the process. The committee offers any help they can give. When the district was created, it required that there be sort of a commissioner of the district that should be representing the district. They would like the commissionership to be the committee and they would be an oversight committee to oversee the lake. In terms of Councilman DeRosa's point, certainly there could be costs but there can also be liabilities to other people and that will have to play out. He asked about a letter from Winn Construction to Fuss & O'Neill telling them that the spillway was too low and they went ahead anyway. He would like to see that letter because if one group told another group there was an error and they went ahead anyway, and no information came back to us, that would be a strong case for us not paying something in the future.

Supervisor Schmitt said he didn't know what he could talk about and what he could not but he said he had the best interest of the residents at heart and he is working on it.

Helen Grosso asked about the map, plan and report. She asked who Councilman McGrath said he was working on it with.

Councilman McGrath said he has been working with Ron Laberge from The Laberge Group, who are the engineers who were hired to create the map, plan and report. They were hired a few months back, he thought it might have been May. The map, plan and report was supposed to be completed eight weeks from the time they started, at a cost of approximately \$18,000.00.

Mrs. Grosso asked what The Laberge Group would be looking at.

Supervisor Schmitt said they are looking at many items to see what it will take to get the line from the Castagna property to the Patterson line. They are putting together pricing for property owners of what it would cost them to be in the district. It is not only from Castagna to Patterson but also from the light at McGraths and running the line all the way up Route 22. The map, plan and report will show that, the benefits of it and what it will cost each person going in and what businesses could be expanded. There are a lot of grants for water and sewer should the town decide to move forward. If the district is formed, the cost will only effect the people in the district.

Mrs. Grosso said there is a lot of cost to building a plant, although she understood there was tremendous potential. She is concerned where the money would come from and concerned about the \$18,000.00 being spent on the map, plan and report.

Councilman McGrath said if the district is formed, the \$18,000.00 would be charged back to the district. If not, the town would have to pay it.

Mrs. Grosso said Supervisor Schmitt said the tentative budget is under 2%. She asked what amount 2% of the budget was.

Supervisor Schmitt said he would have to get that information and get back to Mrs. Grosso. He said the budget is now thirty something thousand under the tax cap.

Mrs. Grosso asked if the tentative budget will be put on line, she is curious to see the budget.

Supervisor Schmitt said yes.

Mrs. Grosso asked about the resolution 2019125, Kent Christopher Johnson vs Town of Pawling and the assessment that has gone down by hundreds of thousands of dollars. How did that happen and based on what.

Supervisor Schmitt said lawyers and the school have been involved.

Mrs. Grosso asked why the property value has gone down hundreds of thousands and has been back dated three years. She worries a lot about our assessments. This is another area we should be thinking about and a town wide reassessment.

Supervisor Schmitt said a reevaluation is incredibly expensive.

The motion to adjourn was made by Councilman Johnson at 7:50 PM, seconded by Supervisor Schmitt, motion passed unanimously.

Town Clerk