

Supervisor James Schmitt opened the Workshop Meeting of the Town Board of the Town of Pawling at 6:00 PM September 2, 2020 at the Lathrop building, 2 Lakeside Drive, Pawling, New York. Present were Councilmen McCarthy, DeRosa, Johnson, Councilwoman Snow, Town Attorney Nancy Tagliafierro and approximately 7 interested citizens. The meeting was also broadcast live on Facebook on the town Facebook page at www.pawling.org. The Board took comments in person, through Facebook and by email. Due to Covid 19 restrictions, there was a limited capacity of 48 persons maximum allowed in the building. Social distancing and masks were required. Registration to attend the meeting was required.

PUBLIC HEARING/SEWER AGREEMENT/SEWER RATES

Supervisor Schmitt said the public hearing for the sewer agreement/sewer rates was left open at last month's meeting. He asked for comments from the public, and there were none. He said no other comments have been received since the last meeting regarding the sewer agreement/rates.

Supervisor Schmitt made a motion to close the public hearing for the sewer agreement/sewer rates, seconded by Councilman Johnson, motion passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS

Supervisor Schmitt opened the meeting for public comment on agenda items, there were none.

RESOLUTIONS

The Board reviewed the resolutions and stated that the resolutions would be placed on the September 9, 2020 agenda. The Board took the following actions:

Resolution 2020118 Appointment of Motor Equipment Operator – Brett Bohlinger

Whereas, 1 Full Time Motor Equipment Operator (MEO) vacancy exists in the Highway Department, and

Whereas, the Highway Superintendent would like to fill the MEO position with Brett Bohlinger, therefore, be it

Resolved, that the Town Board approves Brett Bohlinger to be a Full Time Motor Equipment Operator in the Highway Department at the current MEO hourly rate of \$23.96.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020119
Approval of Kevin Reynolds as Caretaker of Murrow Park

Whereas, Kevin Reynolds has been an exemplary employee of the Town of Pawling in the Buildings & Grounds Department from 2015 through 2020, and

Whereas, the Supervisor of Buildings & Grounds has recommended that Mr. Reynolds be the Caretaker at Murrow Park, and

Whereas, having a Caretaker at Murrow Park would assist the Town in opening and closing the park on a daily basis and ensuring the park is being tended to, and

Whereas, Mr. Reynolds will live in the Chalet for a monthly rent of \$100.00 and will be required to work 10 hours per week at Murrow Park, therefore, be it

Resolved, that Kevin Reynolds is hereby approved to be the Caretaker at Murrow Park, and be it further

Resolved, that Kevin Reynolds is hereby approved to live in the Chalet for a monthly rent of \$100.00 and will be required to work 10 hours per week at Murrow Park.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020120
Setting a Date for Referendum on Consolidation

WHEREAS, the Pawling Town Board (the “Town Board”) is the governing board of the Town of Pawling; and

WHEREAS, on July 31, 2020 the Pawling Town Clerk received a Petition for Local Government Consolidation, filed pursuant to General Municipal Law §757(1) (the “Petition”), calling for a referendum on the consolidation of the Village of Pawling (the “Village”) and the Town of Pawling (the “Town”); and

WHEREAS, on August 10, 2020 the Pawling Town Clerk determined, in accordance with General Municipal Law §757(6), that the number of signatures on the Petition was sufficient; and

WHEREAS, pursuant to General Municipal Law §757(7), within thirty (30) days of the determination that the Petition contained the sufficient number signatures, the Town Board must enact a Resolution calling for a referendum on the proposed consolidation of the Village and the Town by the electors of the Town of Pawling, and set a date for such referendum; and

WHEREAS, pursuant to General Municipal Law §758(1), the referendum on the proposed consolidation by the electors must be held not less than sixty (60) or more than ninety (90) days after the enactment of the Resolution calling for such referendum; and

NOW, THEREFORE, it is:

RESOLVED, the following referendum question shall be placed before the electors of the Town of Pawling on November 30, 2020 as follows:

“Shall the Village of Pawling be consolidated with the Town of Pawling?

Yes ___ or No ___”, and

IT IS FURTHER RESOLVED, that the referendum shall be conducted in accordance with General Municipal Law §758, a copy of which is annexed hereto and made a part hereof as Exhibit A; and

IT IS FURTHER RESOLVED, that the Town Clerk shall publish Notice of the referendum to the electors of the Town of Pawling by publication in a newspaper having a general circulation within the boundaries of the Town of Pawling at least once a week for four (4) consecutive weeks immediately prior to the referendum, consistent with General Municipal Law §758(3).

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Councilman DeRosa asked how long before the election the study would be done.

Supervisor Schmitt said he would be working with the Laberge Group to get the study going tomorrow. He did not know what the turn around time would be.

BOARD MEMBER DISUCSSION

JOHNSON

Councilman Johnson said the Board received bids back for the Burr House asbestos abatement project at Murrow Park. The Board received four bids, luckily, the low bid came in at close to \$20,000.00 less than the other bids. He would be speaking with the bookkeeper and supervisor to discuss funding for this. He said Supervisor Schmitt has generously offered his company to remove the building at no charge to the community. This is also the site of a community garden,

and people are anxious to get that going. He would like a resolution for this at the next meeting.

Councilman DeRosa said the air testing is the responsibility of the town and would probably cost between \$5,000.00 and \$10,000.00.

SNOW

Councilwoman Snow said the testing of the soil for the community garden would be done once the building was taken away. She said the Resource Center continues to post their needs, and with school starting, they need additional supplies for the children.

DEROSA

Councilman DeRosa said regarding Kevin Reynolds acting as caretaker at Murrow Park, he will not only be caretaker but a watchman and laborer for things that need to be done there. Regarding the Whaley Lake Dam, the permit extension has been received for the work that needs to be done. He was in touch with the contractor and he said it will take approximately three weeks once he is hired to get the steel uprights and the boards made up. The Board needs to discuss this and hire him to get this done, maybe the middle of October. Councilman DeRosa said he has been appointed to the Dutchess County Planning Board on August 10th and he will be representing this part of the County on that board.

PUBLIC COMMENT

Harvey Matcovsky, resident of Holmes said he was happy with the progress with social distancing and masking from the last meeting. He is here tonight to defend Coleen Snow, who he worked with for many years on the School Board. The treatment she received on social media was totally uncalled for and wrong. She has done more to unify this community than anyone he knows. Mr. Matcovsky said regarding the consolidation petitions filed with the town, the Board should make lemons out of lemonade. The Board needs to educate residents as to the pros and cons and hold the vote. He felt that many people who signed the petition just wanted change, they are unhappy with government. He was not defending the way it was done, it was unfair and has divided the community. The end result should be that the town and village work out a situation where there will be change. He felt the community should have a say in the change.

The motion to adjourn the meeting was made by Supervisor Schmitt at 6:20 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk

EXHIBIT A

McKinney's Consolidated **Laws** of New York Annotated

General Municipal **Law** (Refs & Annos)

Chapter 24. Of the Consolidated **Laws**

Article 17-a. Consolidation and Dissolution of Local Government (Refs & Annos)

Title 2. Consolidation of Local Government Entities

McKinney's General Municipal **Law** § **758**

§ **758**. Conduct of referendum

Effective: March 21, 2010

[Currentness](#)

1. A referendum required by sections seven hundred fifty-five or seven hundred fifty-seven of this title shall be placed before the electors of each of the local government entities to be consolidated at a special election to be held not less than sixty or more than ninety days after the enactment of a resolution calling for such referendum, provided, however, that in cases where a town or Town general election falls within such period, the question may be considered during a town or Town general election.

2. The referendum may be held in each local government entity on the same day, or on different days, however, not more than twenty days apart.

3. Notice of the referendum shall be given to the electors of each local government entity to be consolidated by publication in a newspaper having a general circulation within the boundaries of each entity at least once a week for four consecutive weeks immediately prior to the referendum. The notice shall include, but not be limited to:

(a) a summary of the contents of the resolution and joint consolidation agreement or petition for consolidation, as the case may be;

(b) a statement as to where may be examined a copy of the resolution and joint consolidation agreement or petition for consolidation, as the case may be;

(c) the names of the local government entities to be consolidated and a description of their territory;

(d) with respect to a resolution calling for a referendum under [section seven hundred fifty-five](#) of this title only, the name of the proposed consolidated local government entity;

(e) the time and place or places at which the referendum will be held; and

(f) such other matters as may be necessary to call, provide for and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns thereupon.

4. The referendum question placed before the electors of each local government entity to be consolidated shall be in a form reading substantially as follows:

“Shall (insert type and name of local government entity) be consolidated with (insert type and name of local government entity or entities)?

YES

NO”

5. In any referendum held pursuant to this title, each local government entity to be consolidated shall bear only the costs of holding such referendum in its respective entity and shall not be required to bear the costs of a referendum held in any other entity.

6. In any referendum held pursuant to this title, and except as otherwise specified herein, the referendum shall be conducted in the same manner as other municipal elections or referendums for the local government entities to be consolidated.