

Supervisor James Schmitt opened the regular meeting of the Town Board of the Town of Pawling at 6:00 PM January 13, 2021 at the Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. The public was not able to attend due to Covid 19 restrictions. The meeting was broadcast live on the Town of Pawling Facebook page. The public was able to submit comments in writing until noon Wednesday, January 13, 2021 and through Facebook during the meeting. Present were Councilmen Johnson, DeRosa (dialed in by phone), McCarthy, Councilwoman Snow, and Town Attorney Nancy Tagliafierro.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

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

MINUTES

Supervisor Schmitt made a motion to accept the minutes of December 2, 2020, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Schmitt made a motion to accept the minutes of December 9, 2020, seconded by Councilman Johnson, motion passed unanimously.

CONSENT AGENDA

Resolution 2021042 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 20203348 through 20203521, 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 33,427.63.

Resolution 2021043 Billing for Pawling Water District #2

Whereas, Pawling Water District #2 bills need to be approved by the Pawling Town Board, and

Whereas, the bills have been prepared and submitted in the amount of \$14,008.05 for the period of October 2020 through December 2020 by the Water District Clerk, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the billing as recommended for Pawling Water District #2.

MOTION: Councilman Johnson

SECOND: Supervisor Schmitt

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

NON-CONSENT AGENDA

**Resolution 2021048
AUTHORIZING TOWN ASSESSOR TO REQUIRE RENEWAL APPLICATION FOR
CERTAIN EXEMPTIONS BY POSTAL MAIL OR ELECTRONIC MAIL**

Whereas, on or about December 28, 2020, Governor Andrew M. Cuomo signed into law bill S.9114/A.11181 which, in subpart D, directs the assessor (i) to extend to the 2021 assessment roll, the renewal of the exemptions received on the 2020 assessment roll pursuant to sections 467 and 459-c of the Real Property Tax Law, relating to persons age sixty-five and older and for certain persons with disability and limited income, without requiring a renewal application of eligible recipients to continue receiving the applicable exemption at the same amount received on the 2020 assessment roll, and (ii) make renewal applications available through postal mail or electronic means for eligible recipients to file renewal applications in the event that such eligible recipient determines that his or her income has changes in a manner that would grant him or her a greater exemption than what was present on the 2020 assessment roll; and

Whereas, the bill further provides that the Town may adopt a resolution which includes procedures by which the assessor may require a renewal application to be filed when she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died, provided that the assessor cannot require eligible recipients to appear in person to file a renewal for any reason; and

Whereas, the Town of Pawling wishes to adopt such a resolution authorizing the Town Assessor to require a renewal application by postal mail or electronic mail where the Town Assessor believes the owner no longer qualifies for the applicable exemption.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling hereby authorizes the Town Assessor to require a renewal application to be filed by postal mail postdated no later than March 1, 2021 or electronic mail to assessor@pawling.org on any exemption pursuant to sections 467 and 459-c of the Real Property Tax Law when the Town Assessor has reason to believe that an owner who qualified for the applicable exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died ; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling hereby authorizes and directs the Supervisor and Town Assessor to execute any and all documents necessary to give effect to this Resolution.

**Resolution 2021049
Budget Amendments for Fiscal Year 2021**

Whereas, a request for budget amendments has been received from the bookkeeper, and

Whereas, normal course of business activity throughout 2021 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; 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						
Bldg Equip. & Capital	A.1620.2	\$ -	41,600.00	\$ -	41,600.00	Truck Purchase held over
			\$ -		\$ -	from
Total		\$ -	41,600.00	\$ -	41,600.00	2020

Revenue

Fund Balance	A.4999	\$ 276,800.00	\$ 41,600.00	\$ 318,400.00	Truck Purchase held over
		\$	\$	\$	from
	Total	276,800.00	41,600.00	318,400.00	2020

**Resolution 2021050
AUTHORIZING PARTIAL REFUND OF BUILDING DEPARTMENT FEE**

Whereas, by email dated December 3, 2020, Mark Reilly has requested a refund of the \$1,034 paid to the Town of Pawling building department for issuance of a building permit that has not been issued due to deficiencies in the application; and

Whereas, according to Mr. Reilly he is unable to move forward with the application process at this time due to economic hardship; and

Whereas, the building department has already processed and reviewed the application submitted; and

Whereas, the town board wishes to authorize a partial refund of the fee paid minus the expense to the Town for review of the application;

Now, therefore, be it, Resolved, that the town board of the Town of Pawling hereby authorizes a refund to Mark Reilly of \$684 of the \$1,034 fee paid to the Town of Pawling building department.

**Resolution 2021051
Appointment Constable**

Whereas, the positions of the town constable is an appointed position serving for a one-year term at the pleasure of the Town Board, and

Whereas, current term of the town constable is to be effective to the date of the January 8, 2021, now, therefore, be it

Resolved, that Brian Sferra is hereby appointed Town of Pawling town constable and is to be compensated at the hourly rate of \$22.52 which is within the approved Town of Pawling 2021 budget.

MOTION ON NON-CONSENT AGENDA: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

TOWN BOARD DISCUSSION

DEROSA

Councilman DeRosa said his goals for the Whaley Lake dam are to get the million dollar grant, come to a consensus on the water level of the lake, and to get a storage shed at the dam site. He would also like to see an RFP prepared for the asbestos removal for the town hall basement now that the testing has been done. He also wants to work with Gary Beck, building inspector and Ron Gallaher, fire marshal to implement the short term rental law. His final goal is to continue to work on the golf course and continue to improve it.

SNOW

Councilwoman Snow said her goal was for the village and town to work more closely together and she wanted to schedule joint meetings between them. She suggested having committees for larger town/village projects.

MCCARTHY

Councilman McCarthy said he would like to see the public hearing closed on the new Ag Law and he would like to see it adopted. He felt the Board needed to review the Route 22 south sewer line again.

JOHNSON

Councilman Johnson said number one on his list is to get the new well going at water district #2, and he would also like to have that new well hooked up to the generator. He echoed Councilman McCarthy's thoughts on the sewer, it is a no brainer and will bring much needed enterprises into the community. He wanted to continue on the community garden. He wanted to see the Community Resource Center ramp project get done. He looked forward to working closely with recreation and getting Ms. Dickinson the full time employee she has asked for. He wants the Whaley Lake Dam behind him. Councilman Johnson read the following letter from Bill Huott:

Hello Pawling Town Board!

Here is a question that several Whaley Lake residents would respectfully like to have addressed at tonight's town board meeting:

As of 1/10/2021, the lake level had already dropped below the cement spillway level and yet the draw down drain was still flowing at a high rate (as posted on the Whaley Lake Friends Facebook page).

The question is two-fold:

1- What is the plan for setting the Whaley Lake water level throughout the rest of the winter, and then into the spring and summer? (It would be nice if this answer could eventually be defined by actual spillway and draw-down chamber weir board elevation settings.)

2- Can there be a section on the Town of Pawling website (pawling.org), where the current weir board height setting (for both the spillway and draw-down chamber) can be displayed, and any planned weir board height changes announced?

This is important for many of us as we need to know the lake level (and its planned changes) in order to properly adjust our ice eater, ice bubble, and dock anchoring setups to help prevent ice damage to our docks, sea walls, and waterfronts.

Also, it is important to note that too low of a lake level in the winter can cause damage to sea walls and footings due to frost heaving and erosion.

Additionally, having the lake level change too dramatically while the ice is already in place can also be very damaging to our docks, sea walls, and waterfronts.

Thank you in advance for any information you can provide here, and hopefully you can help to eventually create an online communication mechanism to keep us all informed of the status of the Whaley Lake Dam spillway and draw-down-chamber weir board height settings in the future.

Sincerely,
Bill Huott
1045 Route 292
Holmes, NY

Councilman Johnson said the concrete spillway is 704.8, which is the height the residents were told would be maintained for the winter months. Without a weir board in the draw down

chamber, we have to do it strictly with the valve, which is a weekly adjustment process, which is very tedious. Going forward, there is a temporary eight inch weir board in the draw down chamber, the additional weir boards have been installed on the spillway itself because as the lake begins to rise, putting them in and removing them is not an option. The plan for setting the Whaley Lake water level throughout the rest of the winter should be no lower than 704.8. As we watch it over the next three to four weeks, we will know what effect that eight inch weir board has. It could come up another two to three inches. The lake currently is two and a half inches higher than it was a year ago in January. That is the plan for the winter. NYS DEC regulates when the lake can be brought down and when it can be refilled. The drawdown of the impoundment is prohibited between October 15th and July 15th. The refill of the impoundment to normal elevation of the 705.8 is prohibited between March 1st and July 15th. On February 18th the valve should be closed, which will allow the lake to refill and begin to flow over the weir boards. We must be 80 to 90% done with the refill by March 1st. In the fall we will need to draw down the lake again with the new eight inch proper weir board installed, which has been ordered but it is eight to nine weeks out. At that point, the dam should regulate itself. That will happen October 5th, at the latest, which is ten days before we are allowed to draw down the lake any further. It is the town's goal to have this streamlined. The town will set up a maintenance schedule with the maintenance department for mowing, observation, etc. and he would also like to discuss a neighborhood watch for residents to monitor the lake. We have now come to an end to this and he needed to get board authorization to close the valve per NYS DEC instructions on February 18th.

Councilman Johnson made a motion that the refilling of the lake is to begin on February 18th and the drawdown of the lake is to begin October 5th barring any unforeseen environmental issues, seconded by Supervisor Schmitt.

Councilman DeRosa said he would feel more comfortable with a draw down date of October 1st instead of October 5th. This is his only objection to Councilman Johnson's motion.

Councilwoman Snow asked if this could be held over to the next meeting so that the community could see it in writing and ask questions if they want to.

Supervisor Schmitt said this is NYS DEC's dates. He said this happened rather quickly and just came up.

Following discussion, the motion passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “NAY”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

SCHMITT

Supervisor Schmitt said three of the goals he has for 2021 are the Hurds Corner Road paving/drainage project, the Dewey Lane Culvert/rehabilitation project and the West Main Street culvert project. The town was able to get grant money for all three of these projects. It will be really wonderful when they are completed. He gave projected timelines on all three projects. He said town board goals for 2021 are as follows:

Pawling Town Board Goals for 2021

Fiscal Management: The Town of Pawling will develop short and long term policies that increase revenue from services other than property taxes and minimize annual budget growth.

Public Safety: The Town of Pawling will create an atmosphere of residential and commercial safety and comfort throughout the town.

Infrastructure: The Town of Pawling will-develop a road replacement and upgrade plan.

Community Sustainability: The Town of Pawling will foster sustainable and appropriate economic growth, while protecting and restoring the environment.

Community Engagement and Governance: The Town of Pawling will have an open and transparent government that proactively engages the town residents.

Five Year Plan: A comprehensive financial plan that addresses long term projects, road maintenance, infrastructure, debt maturity, equipment purchases and other goals for improvement and growth in Town of Pawling.

Councilwoman Snow said she would like to add under community engagement and governance, in light of what is going on in our world and country right now, to proactively engage with town residents with a strong emphasis on anti racism, anti bias, and anti bullying. She felt those were things that were important and felt it was helpful for the town board to continue to be role models of that. She felt the Board should consider some type of ethics committee. She understood there was an ethics committee before and she wanted to bring that up for more discussion in the future.

Councilman McCarthy said with the world we live in, we could all try to respect each other a little bit more.

Councilman Johnson said he and his family live every day not vocally condemning racism but certainly not looking at one person any different than any other person. The shame is that too many people assume that people do. Everyone needs to be more aware of their surroundings and he agreed with Councilwoman Snow. He said he would be happy to help Councilwoman Snow with the ethics committee.

Councilman DeRosa echoed everyone's comments.

Supervisor Schmitt said the town board liaison positions are as follows for 2021:

2021 Town Board Liaisons

Ambulance: James McCarthy and James Schmitt

Assessor's Office: William Johnson and James Schmitt

Bookkeeping: William Johnson and Phil DeRosa

Building Department: Phil DeRosa and James Schmitt

Buildings & Grounds: James McCarthy and James Schmitt

Constables: William Johnson and James Schmitt

Dog Warden: William Johnson

Golf Course: Phil DeRosa and William Johnson

Highway Department: James McCarthy and Phil DeRosa

Human Resources: James Schmitt and William Johnson

Planning Department: Coleen Snow and James McCarthy

Pawling Community Foundation: Coleen Snow and William Johnson

Pawling Library: James Schmitt and Coleen Snow

Pawling Resource Center: Coleen Snow

Pawling School District: James Schmitt and Coleen Snow

Recreation: Coleen Snow and William Johnson

Town Clerk: Phil DeRosa and Coleen Snow

Transfer Station: James McCarthy and Phil DeRosa

Whaley Lake Dam: William Johnson and Phil DeRosa

Christine Mitchell, bookkeeper explained her vision for the five year plan. She has accomplished quite a bit so far. It is a very large document and she is trying to simplify it so that once it is put together, it can be manipulated. This plan should be the best combination of getting the town what it needs and trying to take care of some of the deferred maintenance. She has worked with Wendel Weber, supervisor of buildings & grounds and Jay Dickinson, highway superintendent and put together a list of equipment and vehicles. She has used 2018, 2019 and 2020 actuals and projected out through 2025 and 2026. She would like to show the board the finances over five years. She has a meeting scheduled with Beth Ferguson tomorrow to go over how to structure the financing. She said the five year plan is 80 to 85% complete and she hoped the document would be ready to discuss with the board soon.

PUBLIC COMMENT

Supervisor Schmitt said the following comment was posted on Facebook:

Bill Huott

Thank you very much for taking the time to discuss the Whaley Lake Dam water levels in such detail! What I think I heard from the discussion is that the "target" weir-board setting for the lake elevation during the winter is 704.8' (through weir-board adjustments made in the beginning of October each year), and the target elevation for the summer is 705.8' (through weir-board adjustments made in February each year). Is that correct?

Supervisor Schmitt said that is correct.

Supervisor Schmitt made a motion to adjourn at 6:55 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk