

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM March 10, 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, March 10, 2021 and through Facebook during the meeting. Present were Councilmen DeRosa, McCarthy, Johnson, 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 February 3, 2021, seconded by Councilman McCarthy, and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “ABSTAINED”	Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE”	Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”	

Supervisor Schmitt made a motion to accept the minutes of February 10, 2021, seconded by Councilman McCarthy, and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “ABSTAINED”	Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE”	Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”	

Councilman McCarthy made a motion to accept the minutes of February 12, 2021, seconded by Councilman DeRosa, and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “ABSTAINED”	Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE”	Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”	

CONSENT AGENDA

**Resolution 2021059
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 20203687 through 20210167, 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 \$1,819,169.39.

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 2021061
Escrow Release – Tomassetti

Whereas, the Town of Pawling currently holds \$2,297.53 balance in escrow for Diana Tomassetti Harlem Valley Plastics, and,

Whereas, the planning board secretary has confirmed in a letter dated March 2, 2021 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 \$2,297.53 balance in escrow and authorizes the bookkeeper to release such funds.

MOTION: Councilman McCarthy

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSTAINED”

NON CONSENT AGENDA

Resolution 2021065
Bid Package Release – Murrow Park Building

Whereas, the Town of Pawling town board is seeking to begin the construction of the Murrow Park roof and structural building project, and

Whereas, Town of Pawling engineer Zarecki & Associates has prepared a Request for Proposal to solicit bids for this project, and

Whereas, the town board wishes to authorize the town clerk, Catherine Giordano, to release the RFP to advertise to bidders, therefore be it

Resolved, that the town board hereby authorizes town clerk, Catherine Giordano, to advertise for bidders for the Murrow Park building roof and structural construction project.

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 2021066
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	ACCOUNT	CURRENT		REVISED		
	DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Expenditures							
	Bldg Equip. & Capital	A.1620.2	\$ 41,600.00	\$ 30,975.00	\$ -	\$ 72,575.00	Capital Proj in A.1620.426
	Bldg. Maintenance	A.1620.426	\$ 50,000.00		\$ 29,000.00	\$ 21,000.00	and A.7020.2
	Rec Equipment	A.7020.2	\$ 7,975.00		\$ 1,975.00	\$ 6,000.00	
	Bldg Equip. & Capital	A.1620.2	\$ 72,575.00	\$ 5,400.00		\$ 77,975.00	Lathrop Patio not 2021
	Recreation	A.7020.2	\$ 6,000.00		\$ 6,000.00	\$ -	Project Funds Trns to A.1620.2
	Equipment	A.7020.2	\$ 6,000.00		\$ 6,000.00	\$ -	Men's Ballfield Lights
	Parks Equip. & Capital	A.7110.2	\$ -	\$ 7,000.00		\$ 7,000.00	
	Parks Maint.	A.7110.45	\$ 7,000.00		\$ 7,000.00	\$ -	Trns to Capital acct
	Office Supplies	A.1620.403	\$ 800.00	\$ 600.00		\$ 1,400.00	Revised Estimate
	Supervisor	A.1220.1	\$ 81,265.00	\$ 1,550.00		\$ 82,815.00	\$1,500 DCWWA Stipend inc.
	Clerk	A.1410.1	\$ 126,348	\$ 1,000.00		\$ 127,348	\$500 longevity and PT buffer
	Auditor	A.1320.4	\$ 30,000.00		\$ 1,000.00	\$ 29,000.00	Inc. Snow OT Budget
	Parks	A.7110.1	\$ 94,872.00	\$ 2,000.00		\$ 96,872.00	Snow OT to A.7110.1
	Buildings	A.1620.10	\$ 213,947.00		\$ 2,000.00	\$ 211,947.00	Revised Estimate
	Triathlon Expense	A.7310.441	\$ 18,000.00		\$ 5,500.00	\$ 12,500.00	
	Summer Camp	A.7320.4	\$ 33,700.00		\$ 11,500.00	\$ 22,200.00	Revised Estimate Inc. Dues for Pawling
	Municipal Dues	A.1920.4	\$ 1,200.00	\$ 45.00		\$ 1,245.00	COC Pawling COC to A.1920.4
	Town Board	A.1010.4	\$ 3,800.00		45	\$ 3,755.00	
	Total		\$789,082.00	\$ 48,570.00	\$64,020.00	\$773,632.00	
Revenue							

Interfund Transfer	A.5031	\$56,000.00		\$51,000.00	\$ 5,000.00	Parkland Funds for Pickleball now in A Fund per GABS 84 Revised Estimate
Appropriations	A.4999	\$318,400.00	\$51,000.00		\$ 369,400.00	
Fines & Fees	A.2610	\$80,000.00		\$30,000.00	\$ 50,000.00	
Mortgage Tax	A.3005	\$210,000.00	\$30,000.00		\$240,000.00	Revised Estimate
Triathlon Revenue	A.2097	\$30,000.00		\$17,000.00	\$ 13,000.00	Revised Estimate
		\$			\$	DCWWA Stipend
Share of Joint Activity	A.2390	3,200.00	\$ 1,550.00		4,750.00	Reimbursement

Total		\$697,600.00	\$ 82,550.00	\$98,000.00	\$682,150.00	
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DB Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Machinery Equipment	DB.5130.2	\$0.00	\$2,600.00		\$ 2,600.00	Compressor Purchase
Machinery Contractual	DB.5130.4	\$75,500.00		\$2,600.00	\$ 72,900.00	
Health Insurance	DB.9060.8	\$266,260.00	\$10,000.00		\$276,260	Revised Budget
General Repairs	DB.5110.4	\$114,550.00		\$10,000.00	\$104,550	Revised Budget
						Increase snow OT
Snow OT	DB.5142.106	\$50,000.00	\$15,000.00		\$ 65,000.00	Budget
					\$	
Snow Contractual	DB.5142.4	\$190,000.00		\$15,000.00	175,000.00	
Total		\$696,310.00	\$27,600.00	\$27,600.00	\$696,310.0	

B FUND						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	EXPENDITURE INCREASE	REVENUE INCREASE	REVISED BUDGET	DESCRIPTION
Planning Escrow Used	B.8020.3	\$0.00	\$40,000.00		\$ 40,000.00	New Budget to recognize
Planning Escrow Revenue	B.2115.3	\$0.00		\$40,000.00	\$ 40,000.00	Escrow REV/EXP per GASB 84
Planning Wages	B.8020.1	\$67,681.00	\$2,844.00		\$70,525.00	Planning
						Alternate Board
Retirement	B.9010.8	\$21,375.00	\$156.00		\$21,531.00	Member
Appr. Fund Balance	B.4999	\$72,570.00		\$3,000.00	\$75,570.00	Revised Budget
Total		\$161,626.00	\$43,000.00	\$43,000.00	\$247,626.00	

A.1620.2 Increase Detail

Capital Projects

Golf

Replace 4 Windows 2,500

Gutters/Fascia 3,000

Holmes

Flagpole 4,000

Lathrop

Kitchen 5,000

Replace Seats 1,975

Legion

LED Lighting Inside 3,000

Murrow Park

Snack Shack LEDs 3,000

Chalet Bathrooms

Auto LEDs 6,000

Teen Center

Upgrade Emergency Lights 2,500

A.1620.2 30,975

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 2021067
Introducing Local Law__-2021 and Providing For Public Notice and Hearing**

Whereas, that an amendment to Pawling Town Code Chapter 52 entitled alternate members to the planning board and zoning board of appeals has been introduced before the town board of the Town of Pawling in the County of Dutchess and State of New York as introductory Local Law #___ of the year 2021, and

Whereas, copies of the aforesaid updated proposed amendment, which is attached hereto, were laid upon the desk of each member of the board, and be it

Resolved, that the town board will hold a public hearing on said proposed amendment at the town hall, in the Town of Pawling, New York at 6 o'clock P.M. on Wednesday April 14th 2021, and be it further

Resolved, that the town clerk publish or cause to be published a public notice in the official newspaper of the Town of Pawling of said public hearing at least five (5) days prior thereto.

MOTION: 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

JOHNSON

Councilman Johnson said he is scheduling a meeting with Laberge to discuss grant possibilities for Pawling Water District #2.

MCCARTHY

Councilman McCarthy said the ice is very thin right now so people should be careful allowing their dogs on the ice, it can be dangerous.

SNOW

Councilwoman Snow announced that bulk pick for the town will be Saturday, April 17th and residents can call the highway department at 855-5292 or send an email to dsciavo@pawling.org to register. Councilwoman Snow said regarding the ethics committee, she heard back from the Hyde Park supervisor, who has sent her their ethics code. She would be sending the Town of Pawling ethics code and Hyde Park ethics code to the town board for their review.

Supervisor Schmitt said the Village bulk pickup is Wednesday, April 14th.

DEROSA

Councilman DeRosa said regarding the Whaley Lake Dam, the water is three and one half inches above the spillway. He said the ice is also thin on Whaley Lake and people should be aware of that.

COMMENDATION – CREW BINETTE

Supervisor Schmitt said the board discussed awarding a commendation to community members and will be awarding one per month. This month, the board chose Crew Binette, president of Crew's Frozen Treats for being an amazing member of the community. Crew Binette joined the meeting via live stream. Supervisor Schmitt read the commendation below:

COMMENDATION

Crew Binette

Whereas, Crew Binette has been a proud and treasured lifelong resident of Pawling, and

Whereas, Crew Binette started his own local business Crew's Frozen Treats with the focus of inspiring others and giving back to those in need, and

Whereas, the dedication of Crew Binette and Crew's Frozen Treats has allowed him to make a real impact in our community by donating his proceeds to the Pawling Resource Center and to many other charities such as Tunnel for Towers and Feed Texas, and

Whereas, Crew Binette selflessly works every day to accomplish his dream of helping others in Pawling and in the Autism community, and

Whereas, Crew Binette has been a shining example of what one person can accomplish with perseverance and a huge heart, therefore, be it

Resolved, that the Town of Pawling, by its elected Town Board, hereby recognizes the hard work, ingenuity and altruism displayed by Crew Binette Presented this 10th day of March, 2021.

Councilman Johnson thanked Crew for his love of the community and for setting an example for others to follow, and congratulated him for his work.

Councilman McCarthy said he couldn't thank Crew enough for everything he does for the community.

Councilwoman Snow thanked Crew for his kind and big heart. Sometimes just one person does something kind and it starts a chain reaction, and Crew has done that here and she is really proud of him. She also thanked Henry from the Quick Stop for opening space for Crew's Frozen Treats. She thanked Crew for all that he has done.

Councilman DeRosa echoed what everyone said. He said Crew is setting a wonderful example and thanked him for all he does.

Supervisor Schmitt thanked Crew for doing an amazing job.

Crew thanked the town board for the commendation.

PUBLIC COMMENT

Supervisor Schmitt read the following email into the record:

From: Kenneth Baresich <kenbaresich@gmail.com>
Sent: Wednesday, March 10, 2021 10:15 AM
To: jschmitt@pawling.org; bjohnson@pawling.org; pderosa@pawling.org; jmccarthy@pawling.org; csnow@pawling.org
Subject: Tonight's Board Mtg - DEC Grant Update

Can you provide an update at tonight's Town Board meeting on the status of the DEC grant for the Whaley Lake Dam reconstruction project? Is there any estimate as to when those funds might be available?

Thank you, Ken Baresich 1683 RT 292, Holmes

Supervisor Schmitt answered Mr. Baresich saying final paperwork has been sent in to NYS DEC on March 2, 2021 and is waiting for the funds to arrive. Everything is completed and accepted.

Supervisor Schmitt read the following email into the record:

Hi All,

Spring is in the air and the garden planning committee is hoping to get our hands in the dirt sooner rather than later. I have attached our rough plan for this season, all contingent upon the Burr House material removal, and soil testing. Is there a timeline for this?

A few other questions:

- Are there future plans for the public restrooms at the park? Will they be reopened once restrictions lift?
- The original discussion regarding water sourcing for the garden included use of the spigot outside of the restroom. Is this still a possibility?
- Is it possible to get a look at any potential storage near the garden site which has been mentioned previously?

I look forward to hearing back, and getting this project going!

In Gratitude--

Gabrielle Semel, ERYT 500, AHC
Founder Pawling Yoga & Wellness
pawlingyogawellness.org
845-661-8664

Supervisor Schmitt said the asbestos abatement has been done and the building will be removed shortly. Regarding the other issues raised, he would discuss these with Wendel Weber, supervisor of buildings & grounds to see what the status of those is and get back to Ms. Semel.

Supervisor Schmitt made a motion to adjourn the meeting at 6:30 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk

A LOCAL LAW AMENDING CHAPTER 52 (TERMS OF OFFICE) OF THE TOWN CODE OF THE TOWN OF PAWLING ENTITLED “ALTERNATE MEMBERS TO PLANNING BOARD AND ZONING BOARD OF APPEALS”

BE IT ENACTED by the Town Board of the Town of Pawling, County of Dutchess, as follows:

Section 1: Chapter 52 (Terms of Office) of the Code of the Town of Pawling is hereby amended with the insertion of a new Article II to read as follows:

Article II. Alternate Members to the Planning Board and Zoning Board of Appeals.

A. Intent. The Town Board of the Town of Pawling recognizes that it is sometimes difficult to maintain a quorum on the Planning Board and Zoning Board of Appeals, because members are ill, are on extended vacation or find that they have a conflict of interest situation on a specific matter before such board. In such instances, official business cannot be conducted which may delay or impede adherence to required timeliness. The use of alternate members in the absence of Planning Board Members and Zoning Board of Appeals Members is hereby authorized pursuant to the provisions of this local law.

B. Definitions. As used in this Article, the following terms shall have the meanings indicated:

ALTERNATE MEMBER- an individual appointed by the Pawling Town Board to serve on the Planning Board or the Zoning Board of Appeals of the Town of Pawling when a regular member is unable to participate on an application or matter before the respective Board, as provided herein.

MEMBER- an individual appointed by the Pawling Town Board to serve on the Planning Board or the Zoning Board of Appeals of the Town of Pawling pursuant to the provisions of the applicable law, local law or ordinance which established each respective board.

PLANNING BOARD- the duly constituted Planning Board of the Town of Pawling.

ZONING BOARD OF APPEALS- the duly constituted Zoning Board of Appeals of the Town of Pawling.

C. Purpose; appointment, designation and term of office.

(i) The Town Board of the Town of Pawling hereby enacts this local law to provide a process for appointing Alternate Members of the Planning Board and Zoning Board of Appeals. Such Alternate Members would serve when Members are absent or unable to participate on an application or matter before the respective Board.

(ii) Alternate Members of the Planning Board and Zoning Board of Appeals shall be appointed by resolution of the Pawling Town Board, for a term of 3 year(s), with the term expiring on December 31 of the 3rd year after the date of appointment.

(iii) The Chairperson of the Planning Board or Zoning Board of Appeals may designate an Alternate Member to substitute for a Member when such Member is unable to participate in an application or matter before the Board. When so designated, the Alternate Member shall possess all the powers and responsibilities of such Member. Such designation shall be entered into the minutes of the initial Planning Board or Zoning Board of Appeals meeting at which the substitution is made.

(iv) Alternate Members appointed by the Town Board shall regularly attend the scheduled meetings and/or work sessions and training requirements of the Board to which they may be designated so as to be available for designation when required and familiar with the applications and/or matters pending before such Board.

(v) Alternate Members shall serve at the rate of compensation of regular members of the Planning Board and Zoning Board of Appeals respectively.

(vi) All provisions of state law relating to Planning Board or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law relating to training, continuing education, compensation and attendance, shall also apply to Alternate Members.

Section 2. Suppression of Town Law.

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Section 10 of the New York Statute of Local Governments. It is the intent of the Town Board of the Town of Pawling pursuant to Section 10 of the New York State Municipal Home Rule to supersede any conflicting provisions of:

A. New York State Town Law Section 271 relating to the appointment of members to Town planning boards; and

B. New York State Town Law Section 267 relating to the appointment of members to Town zoning boards of appeals.

Section 3. 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 4: 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.