

Supervisor James Schmitt opened a special meeting of the town board of the Town of Pawling at 6:00 PM October 27, 2021 at the Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilmen McCarthy, DeRosa, Johnson, councilwoman Snow, town attorney Jamie Spillane, and approximately 4 interested citizens.

**Resolution 2021146
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 20211343 and 20211357, 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 \$39,900.

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 2021147
Introducing Local Law __ -21- A Local Law Opting Out of Adult Use Cannabis Retail
Dispensaries and On- Site Consumption Sites**

WHEREAS, a Local Law was introduced by Deputy Supervisor James McCarthy on October 6, 2021 as Introductory Local Law #_____ of the year 2021 before the Town Board of the Town of Pawling in the County of Dutchess and State of New York, to Opt Out of Adult Use Cannabis Retail Dispensaries and On-Site Consumption Sites within the Town of Pawling, and

WHEREAS, a motion to set the public hearing for November 3, 2021 was adopted on that day, and copies of the aforesaid proposed Amendment, which is attached hereto, were thereupon laid upon the desk of each member of the Board, and

WHEREAS, Section 20 of the Municipal Home Rule Law prescribes a five-day newspaper notice period for a public hearing on a local law, and the Town Clerk is hereby authorized to publish the required Notice of Public Hearing;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling hereby confirms that the aforementioned Introductory Local Law has been provided to each Town Board member at least ten days before the Public Hearing scheduled for November 3, 2021, that the Town Clerk is duly authorized to publish notice of said Public Hearing at least five days prior to said Public Hearing, and confirming and ratifying the actions of all Town officials and employees with regard to the scheduling and the notice of said Public Hearing.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Supervisor Schmitt – “AYE”

2021148

Apply for EFC Grant, and Classify Action As A Type II Action for the ‘Town of Pawling Water District No. 2 Water System Improvements Project’

WHEREAS, the Town of Pawling (Pawling) Town Board, is proposing to undertake a project and action entitled ‘Town of Pawling Water District No. 2 Water System Improvements’ (Project); and

WHEREAS, this Project, targets: 1) Improvements to the existing water treatment plant, including an update of controls, piping, metering, backwash disposal, as well as actual building improvements, with all of this work anticipated to be within, on or adjacent to the existing building; 2) Improvements to existing water supply wells; 3) Installation of valves on existing water mains in the District; 4) Replacement of portions of the water distribution system in the same location as existing; 5) Replacement of two 25,000 gallon finished water storage tanks with a single above ground, low-rise tank on the treatment plant property adjacent to the treatment building; and 6) Replacement of individual water service meters; and

WHEREAS, per 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations), under the State Environmental Quality Review Act (SEQRA), Section 617.5 provides that certain actions identified within subdivision (c) of that section are defined as Type II, which means that such actions are not subject to environmental review under the Environmental Conservation Law because such actions have been determined not to have a significant impact on the environment; and

WHEREAS, the proposed project is consistent with the following actions listed in subdivision (c):

- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
- (6) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities
- (9) construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities

NOW, THEREFORE, BE IT RESOLVED, the Pawling Town Board does hereby consent to the Town hereby applying to the NYS Environmental Facilities Corporation for New York State Water Infrastructure Improvement Act funding for the Town of Pawling Water District No. 2 Water System Improvements Project; and

BE IT FURTHER RESOLVED, that the Pawling Town Board does hereby establish itself as the Lead Agency for SEQRA review regarding the Town of Pawling Water District No. 2 Water System Improvements Project; and

BE IT FURTHER RESOLVED, that the Town Board does hereby determine that the Town of Pawling Water District No. 2 Water System Improvements Project, is a Type II Action in accordance with 6 NYCRR Section 617.5(c)(1), 6 NYCRR Section 617.5(c)(2), and/ or 6 NYCRR Section 617.5(c)(6), and is therefore not subject to further review under 6 NYCRR Section 617.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Supervisor Schmitt – “AYE”

BUDGET PRESENTATION/CHRISTINE MITCHELL

Christine Mitchell, town bookkeeper presented the town board with the following budget presentation:

2022 TOWN BUDGET SUMMARY

Estimated tax increase:

3.07% if you live in the Village= \$5.73/1,000
3.13% if you live outside the Village=\$8.27/1,000
How do I easily calculate my 2022 Town Tax?
Say your house is assessed at \$300,000
Drop the last 3 zeros, you get \$300

You live in the Village-

Take \$300X \$5.73
Your Town tax is \$1,719

You live outside the Village-

Take \$300X \$8.27
Your Town Tax is \$2,481

CONTINUED SERVICES

- Park & Recreation Programs
- Contracted Ambulance Service
- Transfer Station
- Golf Course
- Paving, plowing & road maintenance
- All Departments open & available

PERSONNEL

- 2% wage increase for most personnel, including all Board members
- No new full-time employees
- New Permanent part-time Positions:
 - 1 Buildings & Grounds late shift \$11,700/yr.
 - 3 new PT for Transfer Station, replacing retiring employee, 2 with CDL \$15,600/yr., 1 without CDL \$12,480/yr.
 - 1 Building Department office clerk \$11,700/yr.
- New Stipends

| | |
|-----------------------------|---------|
| Capital Project bookkeeping | \$2,000 |
|-----------------------------|---------|

PERSONNEL CONTINUED..

- | | |
|---------------------------------|---------|
| Building Inspector Trainee | \$7,000 |
| Building Department Coordinator | \$5,000 |
- Benefit increases
- Retirement system contribution about \$237K. Rates by Tier have decreased over 20% from 2021 to 2022. Town may save about \$50k if billing reflects NYSERS recent projections.
 - Health insurance estimated 5 % increase. Will have new rates in November.
- \$965k Grand Total Health Insurance cost current and retired employees all Funds.
Town Saves over \$60k annually using AARP/UHC for Medicare eligible retirees.

EQUIPMENT & CAPITAL IN BUDGET

\$56,500 Total in General Fund A Budget
\$4,000 Buildings & Grounds (A.1620.2) Round Tables for auditorium use at Lakeside.

EQUIPMENT & CAPITAL CONTINUED..

\$20,000 Central Data Processing (A.1680.2) Annual computer upgrades.
\$3,000 Park Equipment (A.7110.2) Rec Bleaches, benches & blackboards.
\$20,500 Beach & Pool Equipment (A.7230.2) \$16K for a fence at the waterfront, \$4,500 for beach sand.

\$9,000 Golf Course (A.7250.2) \$5k for a Top dresser (\$10-12k cost less trade in) \$4k for a roof on the clubhouse.

CAPITAL BUDGETED HIGHWAY FUND (DB)

Paving (DB.5112.2) \$400,000
\$144,690 of revenue from NYS CHIPs program (DB.3501) is budgeted to offset the tax cost. Detailed road inventory in progress. Working to increase paving budget.

EXPANDED INVESTMENT IN EQUIPMENT &BLDGS in 2021

- In following with Pawling’s 5year plan and on advice of Financial Advisors Pawling bonded \$1 million over 16yrs@ 1.45% for major equipment purchases, building and other capital improvements.
- Capital items include- A new entrance and lighting at Lakeside Park and Town Hall front office construction, drainage, etc.
- Equipment includes a backhoe, mower, tractor & trucks for Highway and Buildings & Grounds.

ADDITIONAL CAPITAL FUNDS

American Rescue Plan Act \$609,203
Pawling has been allocated these federal funds.
The Town is working with Laberge Group, forming a plan for the use of funds within required guidelines. A budget will be established when a plan is finalized.

USE OF FUND BALANCE (savings) 2022

The Town decreased use of Fund Balance in the 2022 budget compared to 2021 in all but B Fund in following with our 5 year plan:

| | 2021 | 2022 |
|---------|-----------|------------|
| A Fund | \$276,800 | \$190,000 |
| DA Fund | \$ 24,700 | \$ 20,000 |
| B Fund | \$ 72,570 | \$ 90,000 |
| DB Fund | \$210,189 | \$ 130,000 |

How much will we have left? About \$800k in A, \$25K in DA, \$284k in B and \$477k in DB. Fund Balance estimates are monitored and updated on a regular basis.

TAX LEVY LIMIT for 2022

Tax Levy limit for 2022 is \$4,446,993 for all Funds and special districts.
We are currently under the limit by \$34,280.

GENERAL FUND (A) Revenues

- Franchise Fees (A.1170) \$67,500, was in B Fund in 2021, moved to A for 2022.
- Golf Fees (A.2050) \$270,000 Golf revenue continues to improve.
- Fines & Forfeited Bail (A.2610) \$95,000 estimate includes absorbing Village court.
- Mortgage Tax (A.3005) \$240,000, Mortgage Tax collections are still up, this is conservative.
- Employee contributions (A.2704) \$53,000
Estimate of amount employees reimburse the Town for health insurance coverage.

GENERAL FUND (A) Expenditures

- Auditor (A.1320.4) \$30,000 for independent audit, had NYS Audit end of 2020. Will likely meet Federal Single Audit requirements in 2022 (Over \$750,000 in Federal Spending).
- Central Data Processing (A.1680.4) \$22,000 for computer IT support and data storage.
- Contingent Account (A.1990.4) \$60k funds available for unanticipated expenditures, evaluations, Village Court absorption, health insurance cost increases, etc.
- Dog Control (A.3510.4) \$10,000 New contract with DCASPCA.
- Ambulance (A.4540.4) \$353,595 Contract expires March, 2022. New rates not yet finalized. There may be a significant increase.

DEBT

Total Town Debt for all Funds as of 12/31/21 is currently \$6,389,753.

General Fund Debt (A) \$1,859,700 Total Debt

- \$1,120,000, 2% Bond for Lakeside Park, with final payment in 2023
- \$521,000 1.45% Bond for Building Improvements, final payment 2037
- \$143,700 1.45% Bond for Equipment, 2037

\$75,000 1.45% Bond Anticipation Note for the Transfer Station Roll Off Truck, Final Payment 2023

Highway Fund Outside Village (DB) \$1,310,315

\$457,875 2021 1.45% Bond for Trucks, paid off 2037

\$157,180 2021 1.45% Bond for Town portion of Hurds Corner Improvements, paid off 2037

\$359,960 2021 .53% BAN for grant portion of Hurds Corner Improvements

Debt Continued...

\$335,300 2021 1.45% Bond for Highway Equipment, due 2037

Highway Townwide (DA) \$498,800

\$315,000 .53% BAN for Dewey Lane Bridge, mostly covered by grants (about \$24k Town Cost)

\$183,800 .53% BAN for West Main Street Culvert, mostly covered by grants (about \$38k Town cost).

Special Districts-

Whaley Lake Dam District \$2,540,938

1.45% Bond paid off 2023

Water District 2 \$180,000

1.45% Bond paid off 2037

Note: The Town is working on additional financing for improvements to this district through debt and a grant application.

Following the budget presentation and discussion, Supervisor Schmitt made a motion to adopt the tentative budget to the preliminary budget, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Schmitt made a motion to set the public hearing for the budget on November 10, 2021 at 6:00 PM, seconded by Councilman Johnson, motion passed unanimously.

PUBLIC COMMENT

Helen Grosso asked about the money received for Covid. Mrs. Grosso asked about the building inspector trainee and building department coordinator, if these are needed because there is more building going on in town.

Supervisor Schmitt said the building department is very busy.

Mrs. Grosso asked what will the Lakeside Park monies be used for once the park is paid off.

Ms. Mitchell said the board has discussed what the monies would be used for once Lakeside Park is paid off but no decision has been made yet.

Mrs. Grosso asked about the Dewey Lane bridge.

Supervisor Schmitt said he hoped Dewey Lane bridge would be done next year.

Ms. Mitchell said some of the federal monies would be used for PWD #2, the town board has not finalized how to use the remainder of those monies. These monies do not show up in the budget.

Supervisor Schmitt announced that FEMA is in Pawling now following up on the storm. If residents need to contact FEMA, they can email them at disasterassistance.gov or call 800-621-3362. This information is on the town's website.

Supervisor Schmitt said regarding lowering Whaley Lake, this will begin November 1st so it can be 11 to 12 inches lower for the winter.

Supervisor Schmitt made a motion to adjourn at 6:45 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk

TOWN OF PAWLING LOCAL LAW NO. _____ of 2021
A LOCAL LAW OPTING OUT OF ADULT USE CANNABIS
RETAIL DISPENSARIES AND ON SITE CONSUMPTION SITES
WITHIN THE TOWN OF PAWLING

A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4

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

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Pawling that would otherwise be allowed under Cannabis Law Article 4.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Pawling hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the Town's jurisdiction.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.