

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM October 12, 2022 at the Pawling town hall, 160 Charles Colman Blvd., Pawling, New York. Approximately 20 interested citizens were present. Present from town board:

Supervisor James Schmitt
Councilman McCarthy
Councilman DeRosa
Councilwoman Snow
Councilwoman Pitt

Also present:

Nancy Tagliafierro, Town Attorney
Ron Laberge, P.E./Executive Vice President of The Laberge Group
Ron Gainer, Town Consulting Engineer

PUBLIC HEARING/PROPOSED SEWER DISTRICT #4

Supervisor Schmitt made a motion to open the public hearing for the district, seconded by Councilman DeRosa, motion passed unanimously.

Councilman DeRosa said the public hearing would be kept open until November 9, 2022 and would be left open for written comments for two weeks following November 9th.

The Board entertained a presentation by Mr. Laberge regarding a proposed sewer district along Route 22 south. Attached is a transcript of the public hearing.

Following the presentation and public hearing, the board conducted regular business.

PUBLIC COMMENT ON AGENDA ITEMS

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 September 7, 2022, seconded by councilman McCarthy and passed with the following roll call vote:

ROLL CALL VOTE:

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

Supervisor Schmitt made a motion to accept the minutes of September 14, 2022, seconded by councilwoman Snow and passed with the following roll call vote:

ROLL CALL VOTE:

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

RESOLUTIONS

**RESOLUTION 2022163
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 20220832 through 2020979, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling 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 \$480,513.61.

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

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

RESOLUTION 2022164
Billing for Pawling Water District #2

WHEREAS, Pawling water district #2 bills need to be approved by the town board, and

WHEREAS, the bills have been prepared and submitted in the amount of \$ \$14,274.50 for the period of July 1, 2022 through September 30, 2022 by the water district clerk,

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling hereby accepts the billing as recommended for Pawling Water District #2.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2022165
Approval of Truck Purchase

WHEREAS, the superintendent of highways has requested to purchase a 2022 Dodge Ram 3500 dual rear wheel 4x4 Crew Cab with an aluminum flatbed truck, and

WHEREAS, the funding for the truck is included in the 2022 Highway Bond for \$1.5 Million and was identified through the New York State Bid List, and

WHEREAS, the superintendent of highways requests approval to order said 2022 Dodge Ram 3500 dual rear wheel 4x4 Crew Cab with an aluminum flatbed truck, for \$65,692.30, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling hereby authorizes the superintendent of highways to purchase said 2022 Dodge Ram 3500 dual rear wheel 4x4 Crew Cab with an aluminum flatbed truck, for \$65,692.30.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2022166
Authorization of Payment for Services Rendered to the Town of Pawling

WHEREAS, Jessica Peterson formerly served as the legislative aide for the Town of Pawling, and

WHEREAS, Jessica Peterson performed services for the Town of Pawling following her employment with the town including finalizing the 2022 payroll certification for Dutchess County, special projects, and

WHEREAS, the town board of the Town of Pawling feels it appropriate to pay Jessica Peterson for her services rendered to the town, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling authorizes the bookkeeper to pay Jessica Peterson retroactively at a rate of \$30.00 per hour for a maximum of 25 hours for a total of \$750.00.

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

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

RESOLUTION 2022167
Appointment of Bookkeeping Clerk

WHEREAS, a vacancy currently exists for the part-time bookkeeping clerk position due to unforeseen circumstances position, and

WHEREAS, Robert Half Talent Solutions was utilized due to the short notice and need for experienced assistance, and

WHEREAS, Robert Half has provided a temporary clerk, and

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling hereby approves an hourly rate of \$37.00 per hour to be paid to Robert Half Talent Solutions.

MOTION: Supervisor Schmitt
SECOND: Councilwoman Snow

ROLL CALL VOTE:

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

RESOLUTION 2022168
Authorizing the Secretary to the Planning Board and Zoning Board of Appeals to Complete Municipal Searches

WHEREAS, an unforeseen vacancy exists in the building department, and

WHEREAS, in an effort to avoid a backlog of municipal searches, which are required to be performed before selling a property in the Town of Pawling, the town board sees fit to authorize JoAnne Daley to complete these municipal searches, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling does hereby authorize JoAnne Daley to work overtime at a rate of \$30.00 per hour, ending on October 31, 2022, for the purpose of completing the necessary municipal searches to keep the building department operational.

MOTION: Supervisor Schmitt
SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2022171

Establishing a Flex Time Bank for Buildings & Grounds, Parks, Non-Union Highway Employees

WHEREAS, the buildings and grounds department and highway department services the Town of Pawling in extreme weather conditions or other circumstances in which town offices close, or town staff is sent home early, and

WHEREAS, the buildings & grounds department, parks division, and non-union highway department employees do not receive flex time for their laborious work during these circumstances per the employee handbook, and

WHEREAS, the town board of the Town of Pawling has determined that for every one hour worked during an such circumstance when town offices are closed, an employee will receive one hour of flex time, and

WHEREAS, flex time earned during these conditions when town offices are closed, can be used upon the approval of the supervisor of buildings & grounds or the superintendent of highways between the dates of November 1st through October 31st annually, and

WHEREAS, there will be no banking of flex time into the following year and all flex time earned must be used by the employee during the calendar year indicated above, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling does hereby establish this flex time bank for buildings & grounds, parks, non-union highway employees and authorize this addendum to the employee handbook.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2022172

Appointment of Full Time Mechanical Equipment Operator

WHEREAS, a permanent full time mechanical equipment operator (MEO) vacancy exists in the highway department, and

WHEREAS, Edwin Aguilera has interviewed with the superintendent of highways and was deemed duly qualified, and

WHEREAS, the supervisor of buildings & grounds would like to fill one permanent full time MEO position with Edwin Aguilera, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling hereby approves Edwin Aguilera to be appointed as a full time MEO in the highway department at the current MEO hourly rate of \$24.99.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**RESOLUTION 2022173
Budget Amendments for Fiscal Year 2022**

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

WHEREAS, normal course of business activity throughout 2022 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, and

NOW 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						
Parks Capital	A.7110.200	3,000	5,100		8,100	
Parks Permits	A.7110.450	10,000	100		10,100	
	A.1620.417	60,000		(1,200)	58,800	
Other Rec Personnel	A.7310.1	38,500	12,000		50,500	Transfer to cover additional
Beach Personnel	A.7230.1	95,000		(12,000)	83,000	wages in Other Rec personnel
Supervisor Contractual	A.1220.400	8,500	1,000		9,500	
Central Data Processing	A.1680.400	22,000	1,500		23,500	
Judgements & Claims	A.1930.400	15,000	17,525		32,525	Increase in DC Chargebacks
Supt of HWYS	A.5100.400	3,500	1,000		4,500	
NYLRS	A.9010.800	139,755		(21,025)	118,730	
		395,255	38,225	(34,225)	399,255	
ACCOUNT	ACCOUNT	CURRENT			REVISED	
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Revenues						
	A.2651	\$ 9,000	\$ 4,000		\$ 13,000	
		\$ 9,000	\$ 4,000	\$ -	\$ 13,000	
SW2 Fund						
ACCOUNT	ACCOUNT	CURRENT			REVISED	
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Expenditures						
Source of Supply	SW28320.200	\$ -	\$ 500		\$ 500	Meter & Couplings
Source of Supply	SW28320.400	\$ 15,000		\$ (500)	\$ 14,500	
		\$ 15,000	\$ 500	\$ (500)	\$ 15,000	

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**RESOLUTION 2022174
Change Due Date Water Bill Payments**

WHEREAS, the town is in receipt of a letter from the County of Dutchess advising that the annual re-levies for unpaid bills and taxes will only be accepted through November 4, 2022, and

WHEREAS, the quarterly bills for water district #2 are currently due on November 15, 2022, after the deadline to submit re-levies and it is in the best interests of the town to be able to submit all open water bills for re-levy by the county this year, and

NOW, THEREFORE, BE IT RESOLVED, that the town board of the Town of Pawling hereby authorizes the town clerk to change the payment due date for the current quarterly bills for water district #2 from November 15, 2022 to November 1, 2022.

MOTION: Supervisor Schmitt
SECOND: Councilwoman Snow

ROLL CALL VOTE:

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

**RESOLUTION 2022175
 Establishing a Budget for \$1.5Million Bond Issue**

WHEREAS, a request to establish a budget for \$1.5million bond issue has been received from the bookkeeper, and

WHEREAS, to appropriately spend these funds within the highway department the town board finds this budget necessary, and

NOW THEREFORE BE IT RESOLVED, that the town noard of the Town of Pawling approves the following budget:

<u>Description</u>	<u>Account</u>	<u>Amount</u>	<u>Amount</u>
Expenditures			
Paving	H.5112.2	\$1,000,000.00	
Building Improvements	H.1620.22	\$108,000.00	
Equip and Autos	HT.5130.22	\$392,000.00	
Revenue			
Serial Bond	H.5710		\$1,108,000.00
Serial Bond	HT.5710		\$392,000.00
		<u>\$1,500,000.00</u>	<u>\$1,500,000.00</u>

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE” Councilman DeRosa – “AYE”
 Councilman McCarthy – “AYE” Councilwoman Snow – “AYE”
 Supervisor Schmitt – “AYE”

TOWN BOARD DISCUSSION

MCCARTHY

Councilman McCarthy said he would like to thank all of the farmers for what they do for our country. He thanked chief Everett White and the Pawling Fire Department for the great job they did at the Dutcher House last week fighting the fire.

SNOW

Councilwoman Snow said the Pawling Resource Center Walkathon is this Saturday and they need help setting up Friday and Saturday.

DEROSA

Councilman DeRosa congratulated councilman McCarthy and his family for national farmer's day for all they do, and commended them for the efforts they put in. Councilman DeRosa said the letter has been prepared and will be sent out to the Whaley Lake Dam District regarding the lowering of the lake.

PUBLIC COMMENT

Joe Marotta, Whaley Lake chairman, from 1680 Route 292, Holmes, NY said he had multiple questions on the spillway weir boards. It looks like the original weir boards were taken out and some type of temporary single board was put in. Who is paying for the removing and replacing and the damaged weir boards. The district personnel paid for an all concrete spillway and he wanted to know where installation and replacement costs were being charged.

Councilman DeRosa said only the top weir board was taken off and the town maintenance crew did the work. Replacement weir boards will be ordered to replace damaged ones. All expenses will be paid for by the dam district.

Nancy Tagliafierro, town attorney answered that all costs associated with the district are paid for by the residents of the district.

Mr. Marotta said their independent engineer has completed a review of the dam and it is not a favorable review for both Fuss & O'Neill and Zarecki & Associates. Unfortunately, the dam was built too low and too narrow for the spillway. This is an error and the solution is a concrete spillway at the correct height, 705.7 feet elevation and the correct width, the original width, twenty eight feet wide, and then the lake would not need to be managed. No one was managing the old dam because it was at the correct levels. Now you have to replace spillway boards and have people go in harm's way to take out the boards and they could be in danger. Then there is the question of the management of the lake.

Supervisor Schmitt said there has always been management and maintenance of the dam.

Mr. Marotta said there is more now and the weir boards have already been damaged after one season. Why does the board have such objection to working together to fix this problem? The people who should be paying for this are Fuss & O'Neill and Zarecki & Associates. The residents will have to sue the town in order to get to them but they are the ones who should pay. He asked the board to work with the residents to put in a concrete spillway at the right height and right width.

Helen Grosso, resident from 14 Tracy Road, said the sewer presentation was good. She asked about the capacity of the sewer plant.

Supervisor Schmitt said he did not think the proposed sewer district would take up all of the capacity in the plant.

Mrs. Grosso said regarding the PDD relating to The Woods at Pawling, she was wrong last week regarding the amendment that was made to the PDD, saying the word "seniors" was taken out, and instead it just said "assisted living". She asked the board to review the PDD wording, because the intent is for support of senior housing. What has been built there so far is an eighty unit low income senior housing development with a PILOT, paying an agreed upon amount of \$65,000.00 a year for thirty two years. In thirty two years, there will be no other real estate tax that will be garnered from those eighty units. That is not a great way to benefit the tax base. She wanted to say one more thing, this recent struggle in town about the comments made by James Schmitt, she was afraid were dividing the community and making them angry and she would like Mr. Schmitt to consider before reaching out. She felt the board should create a guideline regarding these situations and not continue to let this kind of division happen with these mean words that don't help our sense of humanity in the village and town.

Councilwoman Pitt felt the PDD language was changed because the board recognized the need for folks who were not seniors to be able to utilize the services envisioned on that piece of property. She would like representation from the Castagna group to come and let the board know publicly as to how that piece of property is being marketed. She would like to be able to reach out to the powers that be at the Castagna organization to let the board know what is going on with the property as of recently.

The board supported that suggestion.

Christine Mitchell, town bookkeeper asked if supervisor Schmitt wanted to mention a change in the date for the presentation of the 2023 budget.

Supervisor Schmitt said the budget presentation has been changed to November 2nd.

Town clerk Cathy Giordano said there was discussion this afternoon that there would not be enough time to notice the public hearing on November 9th if the presentation was November 2nd.

Nancy Tagliaferro, town attorney said the preliminary budget needs to be approved by the board and then there needs to be five days' notice for the public hearing, so the board will need to have a special meeting for the purpose of approving the preliminary budget.

Following discussion, the board decided that the special meeting which was scheduled for October 19, 2022 would be cancelled and they would discuss this further and decide what date the special meeting would be held.

Joe Marotta said if the last weir board was taken out, that would bring the water level down to 704.8, which is extremely low and could possibly damage sea walls. He asked the board to consider leaving that weir board in.

Councilman DeRosa said they are only planning on lowering the lake two or three inches.

Councilwoman Pitt asked if the independent engineering report was complete.

Mr. Marotta said the independent engineer has done his analysis. He just has to write up a report that will be delivered to his attorney.

Councilwoman Pitt asked if their attorney would send the report to the town attorney.

Mr. Marotta said his attorney would do whatever he needs to do, he was not sure what that was, and then they will proceed. They will look for reparations in terms of damage to the boards, they don't feel they should be paying that and they will go to court and say they shouldn't pay it. They want a concrete spillway. That's what they paid for and there is absolute proof that the engineers made mistakes. The board should be siding with the people who pay taxes and live here.

Councilwoman Snow asked if once the report was done, would the board be able to view that report.

Mr. Marotta said no, they will not. It will be presented to his attorney who will then take the town to court.

Nancy Tagliaferro, town attorney said the board needs to allow Mr. Marotta's attorney handle this the way he wants, the board has just been threatened with litigation. She suggested not discussing this any further.

Following the regular portion of the meeting, the motion to adjourn was made by supervisor Schmitt at 7:30 PM, seconded by councilman DeRosa, motion passed unanimously.

Town Clerk