



Town of Pawling Town Board

Pawling Town Hall
160 Charles Colman Blvd
Pawling, NY 12564

Regular Meeting of the Town Board

*Meeting will be broadcast live on the
Town of Pawling Facebook page*

Wednesday, April 12, 2023
6:00PM

James Schmitt, Supervisor
James McCarthy, Deputy Supervisor / Councilman
Phil DeRosa, Councilman
Coleen Snow, Councilwoman
Corinne Musella-Pitt, Councilwoman

Cathy Giordano, Town Clerk

RULES FOR PUBLIC COMMENT:

1. Each presentation to the Board made by an individual shall be limited to three (3) minutes in duration, unless extended by agreement by the Town Supervisor/ designee
2. Comments should be directed to the Board. Comments should be made in a respectful manner to the Board and from the Board to the community.

The Town Supervisor or designee may:

- a. Interrupt, warn, or terminate an individual's comment when the comment is personally directed, abusive or obscene.
- b. Request that any individual leave the meeting when that individual fails to observe reasonable decorum.
- c. Call for a recess or an adjournment to another time.

The intent of these rules are:

1. To allow members of the public a fair and adequate opportunity to be heard.
2. To assure that the regular agenda of the Town Board is completed; and
3. To recognize the nature of the Board and community's time and to use that time effectively.

Meeting Agenda

- a) Roll Call of the Town Board
- b) Pledge of Allegiance
- c) Executive Session -*To discuss personnel and potential litigation.*
- d) Privilege of the Floor with respect to Agenda Items only
- e) Resolutions
- f) Discussion
 - 1. Commendation – Mackenzie Madigan and Daniel Madigan, Town Beautification - Schmitt
- g) Town Board Items for Special Consideration & New Business
 - 1. Setting Public Hearing – No Parking on Dodge Road
 - 2. Setting Public Hearing - Town Park Rules and Regulations
- h) Privilege of the Floor with respect to Agenda & Non-Agenda items (3 minutes)
- i) Adjournment

Resolutions

RESOLUTION 2023-068

Payment of Bills for the Town of Pawling

WHEREAS, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for 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 20230286-20230424, 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 \$346,385.53.

RESOLUTION 2023-069

Establishing a Capital Budget for Lakeside Park Pavilion Project

WHEREAS, the Town of Pawling wishes to perform capital improvements to Town lands including improving the Lakeside Park following the demolition of the building known as “The Inn”, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling adopts the following capital budget to complete the Lakeside Park Pavilion Project:

Expenditures

Design, Etc.	HPP.1440.21	94,000
Contract MGMT	HPP.1440.22	80,000
Demolition/sign Construction	HPP1620.21	230,065
Bathroom/Pavilion	HPP1620.22	930,550
Fiscal Agent Fees	HPP1380.20	7,500
Bond Counsel	HPP1420.20	10,000
	TOTAL	<u>1,352,115</u>

Revenue

NYS-OPR	HPP.3097	500,000
ARPA	HPP.5031	100,000
GENERAL FUND A	HPP.5031	52,115
BOND	HPP.5710	<u>700,000</u>
		<u>1,352,115</u>

RESOLUTION 2023-070

**Approval of Use of ARPA Funds for Various
Town Improvements**

WHEREAS, the Town of Pawling received a partial payment of American Rescue Plan Act (ARPA) funds from the Federal Government, and

WHEREAS, ARPA funds may be used on infrastructure improvements such as capital improvements to Town lands, facilities, and assets, and

WHEREAS, the Town Board plans to use the funds to complete a variety of projects throughout the Town of Pawling, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approves the use of \$200,000 of ARPA funds to fully fund the following projects:

- 1. Lake Accessible Wheelchair \$2,500.00
- 2. ADA Compliant Beach Mat \$2,500.00
- 3. Lakeside Pavilion Project \$100,000.00
- 4. Fire/Co2 Alarms & Keypad System for Town Hall \$30,000.00
- 5. Speed Limit Signs \$20,000.00
- 6. Overage Generator Project/Lathrop (\$70k-\$50) \$20,000.00
- 7. Generator Town Hall \$25,000.00

RESOLUTION 2023-072

**Authorization to Advertise for
Request for Proposals (RFP) to Perform a Financial
Audit of the Town of Pawling**

WHEREAS, for over a decade the Town of Pawling has not had a financial audit of the operations of Town government, and

WHEREAS, the Town Board of the Town of Pawling finds it necessary to seek professional services to perform a financial audit of the Town of Pawling, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the Town Supervisor, or his designee, Town Attorney, or their designee to prepare, and advertise for separate sealed bid documents for a Request For Proposals (RFP) for a professional consultant to perform a Financial Audit of the Town of Pawling for three years.

RESOLUTION 2023-077

Budget Amendments for Fiscal Year 2023

WHEREAS, a request for Budget Amendments has been received from the Bookkeeper, and

WHEREAS, normal course of business activity throughout 2023 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

HRA Account	A.9089.81	0	40,000		40,000	To establish a Health Reimbursement Account
Health Insurance	A.9060.80	686,385		-40,000	646,385	
		<u>686,385</u>	<u>40,000</u>	<u>-40,000</u>	<u>686,385</u>	

B Fund

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
HRA Account	B.9089.81	0	20,000		20,000	To establish a Health Reimbursement Account
Health Insurance	B.9060.80	72,925		-20,000	52,925	
		<u>72,925</u>	<u>20,000</u>	<u>-20,000</u>	<u>72,925</u>	

DB Fund

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
HRA Account	DB.9089.81	0	40,000		40,000	To establish a Health Reimbursement Account
Health Insurance	DB.9060.800	337,130		-40,000	297,130	
BAN Principal	DB.9730.6	25,715	308,540		334,255	Increase to payoff HCR BAN
		<u>362,845</u>	<u>348,540</u>	<u>-40,000</u>	<u>671,385</u>	

DB Fund

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Revenues						
Operating Transfers	DB.5031	0	308,540		308,540	Transfer to payoff HCR BAN
		<u>0</u>	<u>308,540</u>	<u>0</u>	<u>308,540</u>	

HCR (H FUND)

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Operating Transfer	HCR.9901.90	0	308540		308540	Transfer to payoff HCR BAN

HCR (H FUND)

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
BANS Redeemed from Appropriations	HCR.5731	0	308540		308540	Revenue Inc. for Payment of BAN

RESOLUTION 2023-078

Billing for Pawling Water District No. 2

WHEREAS, Pawling Water District No. 2 Bills need to be approved by the Pawling Town Board, and

WHEREAS, the bills have been prepared and submitted in the amount of \$13,785.40 for the period of January 1, 2023 through March 31, 2023 by the Clerk to the Water District, Catherine Giordano, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby accepts the billing as recommended for Pawling Water District No. 2.

RESOLUTION 2023-082

**Authorizing the
Town Supervisor to Sign Contract between Roosevelt
Veterinary Center, Inc. and the Town of Pawling to
provide a Dog Shelter**

WHEREAS, the Town of Pawling is seeking to provide said sheltering of dogs as required by law, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the Town Supervisor to sign the Dog Shelter Contract for a term of one year, commencing March 1st, 2023, and ending February 29th, 2024.

RESOLUTION 2023-079

**AUTHORIZING, SUBJECT TO
PERMISSIVE REFERENDUM, THE ISSUANCE OF
\$1,300,000 BONDS OF THE TOWN OF PAWLING,
DUTCHESS COUNTY, NEW YORK, TO PAY THE COST
OF THE CONSTRUCTION OF A NEW BATHROOM
BUILDING WITH PAVILION AND DEMOLITION OF
EXISTING FACILITIES AT THE LAKESIDE
RECREATION AREA, FOR SAID TOWN.**

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any adverse significant effects on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project, NOW, THEREFORE,

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

Section 1. The construction of a new bathroom building with pavilion and demolition of existing facilities at the Lakeside Park Recreation Area, in and for the Town of Pawling, Dutchess County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,300,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,300,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, **PROVIDED, HOWEVER**, that to the extent that any grants-in-aid are received for such purposes, the amount of obligations to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 11(b) of paragraph a of Section 11.00 of the Local

Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will exceed five years.**

Section 4. The faith and credit of said Town of Pawling, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

RESOLUTION 2023-080

**A RESOLUTION AUTHORIZING,
SUBJECT TO PERMISSIVE REFERENDUM, THE
ISSUANCE OF \$545,000 BONDS OF THE TOWN OF
PAWLING, DUTCHESS COUNTY, NEW YORK, TO
PAY THE COST OF THE PURCHASE OF
EQUIPMENT FOR CONSTRUCTION AND
MAINTENANCE PURPOSES, FOR SAID TOWN.**

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any adverse significant effects on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project, NOW, THEREFORE,

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

Section 1. The purchase of equipment for construction and maintenance purposes, each item of which costs \$30,000 or over, including incidental equipment and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$545,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$545,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will exceed five years.**

Section 4. The faith and credit of said Town of Pawling, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

RESOLUTION 2023-081

**A RESOLUTION AUTHORIZING,
SUBJECT TO PERMISSIVE REFERENDUM, THE
ISSUANCE OF \$50,000 BONDS OF THE TOWN OF
PAWLING, DUTCHESS COUNTY, NEW YORK, TO PAY
THE COST OF THE PURCHASE AND INSTALLATION
OF IRRIGATION EQUIPMENT FOR DUTCHER GOLF
COURSE, FOR SAID TOWN.**

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any adverse significant effects on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project, NOW, THEREFORE,

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

Section 1. The purchase and installation of irrigation equipment for Dutcher Golf Course, including incidental equipment and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$50,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$50,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 54 of paragraph a of Section 11.00 of the Local

Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will exceed five years.**

Section 4. The faith and credit of said Town of Pawling, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**