

Supervisor James Schmitt opened the Regular meeting of the Town Board of the Town of Pawling at 7:00 PM April 11, 2018 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, McCarthy, DeRosa, Kelly and approximately 30 interested citizens.

CONTINUATION/PUBLIC HEARING/COMCAST CABLE FRANCHISE AGREEMENT

Supervisor Schmitt opened the public hearing.

Helen Grosso said she had a list of concerns. These agreements are boilerplate and there are only so many changes you can make. She compared this agreement to the agreements of four other towns. She asked why the Town is not asking for \$15,000.00 to install video and audio to do the meetings live, it seems like it is standard in the agreements. She felt that the franchise fee of 3% in Pawling and 5% in other places could be applied to that. Also, it appears the franchise fee is on her cable bill, and on her bill it is \$4.14 which is 3% of the fees. This goes right to the Town. Why not ask for zero percent and reduce the cable bill. If she is paying late payments, is she also paying 3% on that late payment? She said it is not written in the agreement that there would be a credit applied to customers for outages that last more than four continuous hours. She said the 15 year agreement is standard. She asked why Wi-Fi at Lakeside Park was not included in the agreement, which could be very beneficial for usage of the park.

Councilman Kelly said at Lakeside Park, in this agreement, the Town was able to have Comcast put a hard line into the building at virtually no cost to the town. This was done at the Highway Department also. So the internet is faster in both buildings. The IT Company is prepared to do Wi-Fi in the buildings but this only happened in January. The Board will now need to decide whether or not they want to offer Wi-Fi at Town buildings. So this has already been done. Free expanded basic service has been increased in every municipal building if the town wants to have it put in. Regarding the late fee, the town does not get interest on late payments. If the franchise fee is raised from 3% to 5%, it will be charged directly back to the customer and he chose not to increase the fee to the customer. Regarding the public access, it didn't seem like the Board wanted to have that here. The Town podcasts the meetings, there is a town website and a Facebook page. He said \$15,000.00 is a drop in the bucket when you are talking about public access, it will cost much more than that.

Mrs. Grosso said the Town is gaining approximately \$40,000.00 from the franchise agreement, which they could put toward getting public access of town meetings. She felt it could be streamlined.

There were no further comments from the audience.

Councilman DeRosa made a motion to keep the public hearing open for another 30 days, seconded by Councilman Kelly, motion passed unanimously.

MINUTES

Councilman Kelly made a motion to approve the minutes of March 14, 2018, seconded by Councilman Johnson and passed with the following roll call vote:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

CONSENT AGENDA

**Resolution 2018052
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 20181303 through 20181461, 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 \$702,094.86 (\$390,000 of which is Library Tax Warrant).

Resolution 2018053
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 \$14,274.50 for the period of January 1, 2018 through March 31, 2018 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.

Resolution 2018054
Facility Use Requests - Waiver / Fees

Whereas, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the Town's own usage, and

Whereas, the Director of Recreation will periodically receive requests to waive the fees, and

Whereas, the Town Board sets the fees for the use of facilities, now, therefore, be it

Resolved, that the following fee waiver(s) have been authorized by the Town Board:

Pawling Soccer Club Mark DelBalzo	Lakeside Park Fields Practice	4/1/18 – 6/24/18 11am – 8pm
Pawling Lacrosse Robert Walters	Lakeside Field Practice	4/2/18-6/16/18 M-F 5:30pm – 8:30pm Sat 10am – 5pm, Sun 12-2pm
Trinity Pawling Golf Club Brian Foster	Dutcher Golf Course Practice	Opening – 5/31/18 M,T,TH at 3pm W at 1pm
DVP Scholarship Fund Catherine Purdy	Lakeside Pavilion	6/16/18 1pm
Pawling Men's Softball Chris Doria	Murrow Park Softball Field	April – June 2018 7-11pm *schedule coming *Pays for lights

Resolution 2018055
Local Law to Change Grievance Day for Assessments

Whereas, the Town of Pawling presently employs an Assessor who is at the same time employed by another jurisdiction's assessing unit, and

Whereas, the grievance days for both assessing units are established by Section 512(1) of the Real Property Tax Law as the fourth Tuesday of May in each year, and

Whereas, Section 512(1-a) of the Real Property Tax Law permits a governing body of an assessing unit to adopt a local law establishing a date for the meetings of the board of assessment review (also known as "Grievance Day") other than that provided by Section 512(1)

of the Real Property Tax Law. Therefore, be it

Resolved, that The Town of Pawling hereby adopts as the date for the meetings of the board of assessment review (also known as “Grievance Day”) as the first Wednesday following the fourth Tuesday of May and so many days thereafter as the Board of Assessment Review deems necessary to hear complaints in relation to assessments in the Town of Pawling.

**Resolution 2018056
Settlement of the Tax Certiorari Proceeding Regarding Eugene Pepe**

Whereas, there is now pending in the State of New York Supreme Court, held in and for the County of Dutchess, a tax certiorari proceeding commenced in 2017 by Eugene Pepe regarding the property located at Quaker Hill Road Rear and 905 Quaker Hill Road, Town of Pawling, County of Dutchess and State of New York, designated on the Official Assessment Map of the Town of Pawling as Grid numbers 7157-00-445726, 7157-00-492660, 7157-00-528707, and 7157-00-570658, seeking a reduction in 2017 tax assessment for the 2017/2018 tax roll, and

Whereas, the Town Assessor has approved and authorized the following reductions of assessment, and predicated thereon the Town Attorney Special has recommended a discontinuance and settlement of said tax certiorari proceeding, now, therefore, be it

Resolved, the Town Board of the Town of Pawling, Dutchess County, New York, hereby approves the following reductions of assessment and discontinuance and settlement of said tax certiorari proceeding on behalf of the Town of Pawling as it pertains to Grid numbers: 7157-00-445726, 7157-00-492660, 7157-00-528707, and 7157-00-570658:

Assessment Year/Parcel	Assessed Valuation/Reduced From	Reduced to	Amount of Reduction
2017/7157-00-445726	\$29,900	\$0	\$29,900
2017/7157-00-492660	21,900	0	21,900
2017/7157-00-528707	21,600	0	21,600
2017/7157-00-570658	550,000	358,100	191,900

And be it further resolved that the Town Supervisor, Town Assessor and Town Attorney of the Town of Pawling, are hereby authorized to take any and all actions necessary and appropriate to effectuate the terms of this Resolution.

**Resolution 2018057
Laborer Vacancy Appointment**

Whereas, a Full Time Laborer vacancy has occurred in the Buildings & Grounds Department, and,

Whereas, Craig Akin is a Part Time Laborer for the Buildings & Grounds Department, and

Whereas, the Supervisor of Buildings & Grounds would like to fill that position with Craig Akin, therefore, be it

Resolved, that the Town Board approves Craig Akin to be a full time Laborer with the Buildings & Grounds Department.

MOTION: Councilman Kelly
SECOND: Councilman Johnson

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

NON-CONSENT AGENDA

**Resolution 2018058
Appointment, Assessment Review Board**

Whereas, a vacancy exists on the Assessment Review Board, and

Whereas, the Assessment Review Board is scheduled to meet with members of the public on May 23, 2018, and

Whereas, newly appointed are required to attend mandatory training which is offered in the month of May, now, therefore, be it

Resolved, that Rebecca Lapp is hereby appointed to the Assessment Review Board.

MOTION: Councilman Kelly
SECOND: Councilman Johnson

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE” Councilman Kelly – “AYE”
Supervisor Schmitt – “AYE”

FURTHER DISCUSSION

PFD CARNIVAL

Fire Chief Everett White said on behalf of the men and women of the Pawling Fire Department, he asked the Board’s permission to use Lakeside Park for their annual carnival and parade. They have used the Pietryka property for the past eight years and they have been informed that the venue is no longer available.

Following discussion, Councilman Johnson suggested that, because this may affect summer camp, Chief White work with Wendel Weber, Supervisor of Buildings & Grounds and Melissa Smith, Recreation Director to come up with a plan to present to the Board.

CONSTABLE OFFICE

Councilman Johnson said he met with Chief Constable Mike Kelly on Sunday and they looked at potential office space at Lakeside Park. They felt it would be good for the Constables to have a presence at Lakeside Park. They looked at some possibilities and there is a storage room at the end of the long hallway, which could be converted to an office for the Constables. He would like to pursue a design and get cost estimates.

Councilman Johnson made a motion to authorize Councilman Johnson to explore the feasibility and costs of putting an office for the Constables at Lakeside Park, seconded by Councilman Kelly, motion passed unanimously.

1970 LLC REFUND

Councilman DeRosa said the applicant went through the subdivision process and received conditional approval from the Town Planning Board and had paid all of the fees. Following up on the conditions, the applicant could not obtain the outside agency approvals for the subdivision and is therefore asking for his money back from the Town.

Councilman DeRosa made a motion to refund the \$3,000.00 as the applicant acted in good faith and deserves the refund as the lot was not created, seconded by Councilman Johnson.

Councilman Kelly introduced an amendment to authorize the Bookkeeper to issue the refund, seconded by Councilman Johnson, motion passed unanimously.

The motion passed unanimously.

KIRBY HILL FEE REDUCTION

Supervisor Schmitt said the Board received a letter from NYS Ag & Markets saying the Town could reduce the fee if they see fit for these special events.

Supervisor Schmitt made a motion to abide by what NYS Ag & Markets is recommending, seconded by Councilman Kelly.

Councilman Kelly said he felt that the State was telling the Town how to set fees. It deals with agriculture and he understood that but he had an issue with the State coming in and telling the Town how to set its fees. He sympathized with the farmers but the Town should set the fees, not the State Agricultural Board.

Councilman Johnson agreed but saw this as an opportunity for the applicant to run a business and pay taxes in Pawling and he felt it was reasonable. If this use expands, this can be revisited.

Councilman DeRosa said this was a long process and NYS Ag & Markets is a way for farmers to get relief from certain restrictive things. He felt in this matter, it saved the Town from creating new zoning and changing fee structures and gives the applicant a chance to receive relief.

The motion passed unanimously.

LED LIGHTING PROPOSAL

Wendel Weber, Supervisor of Buildings & Grounds said a few months ago, he spoke with the Board about changing all of the fluorescent lighting to LED in the town hall, highway garage and the Lathrop building at Lakeside Park. He and Supervisor Schmitt met with Robert Nemeth from Sustainability Partners to get a price on having them do this project. Mr. Nemeth came up with a plan, which has been distributed to the Board. He felt the Town would save 70% of the bill and the savings is how they get paid back. On the plan, he also added the ballfield lights, which would save money that could be spent on the fields.

The Board said they would like to review the plan and talk about it at the next meeting.

Councilman Kelly suggested getting a copy of an existing contract and giving it to the Town Attorney for review.

GOLF COURSE

Councilman DeRosa said the golf course is open and he toured it with Shawn Cunningham. He said the maintenance crew has done a wonderful job taking care of the course and he appreciates the job they are doing.

WHALEY LAKE DAM REPORT

Vinny DiMarco said progress is being made at the dam project. They are waiting for feedback from NYS DEC. The plans for the east wing wall are in place and they have a direction as to how to proceed with that wall. The steel has been ordered for the spillway and should be here next week. Stainless steel will be used. There is a tentative meeting for 10:00 AM this Friday on site. He and Councilman Kelly will be attending but they have not heard the final okay from Fuss & O'Neill yet. He felt work would resume next week at full speed. The project is on schedule.

Councilman Kelly said cofferdam #2 is in place. The original low level outlet valve was exposed last week, which has been in place since around 1847. It was made in New York. The project is moving forward and Mr. DiMarco has been a good contact between Fuss & O'Neill and Winn Construction. Councilman Kelly said Congressman Faso continues to work on obtaining the funding and it is in the schedule for 2018 funding.

TRANSFER STATION

Councilman DeRosa said on December 6, 2017 when the fees for the transfer station were raised \$25.00 for the initial permit and \$5.00 for secondary permit, the fee was raised for the attendants to the transfer station. They were funded for six months. He wanted to talk to the Board about this because he did not want to pull the rug out from under them at the last minute because they have done a good job. In the same time period of selling permits, from 12/18/2016 through 4/11/2017, a total of 753 initial stickers were sold, and 294 second stickers. This year, from 12/18/17 through 4/11/2018, a total of 791 initial stickers, and 271 second stickers were sold. So

there were 38 more stickers sold this year in the same time period as last year, which comes to a little over \$13,000.00 more than was raised last year. The second permits went down from last year to this year. He just wanted to make everyone aware of where we are at this point and we have to keep working with the attendants. He suggested that maybe there is less garbage since the attendants have been there. He felt there needed to be options discussed about allowing brush.

DISCUSSION ON POTENTIAL ROUTE 22 REZONING MATTER

Supervisor Schmitt recused himself from the discussion.

Councilman Johnson made a motion to forward the two requests to the Planning Board for their advice on how to proceed with this matter, seconded by Councilman Kelly.

Councilman Kelly said he agreed and it is how the Board has always acted in the past. They have always asked the Planning Board and Implementation Committee to research and he felt they should look at this from border to border, from the Village to Dover, the entire Route 22 corridor. This was discussed during the master plan, as part of a living document, and adjustments were made to the comprehensive plan. Since there is a variance at one of the properties that is asking for an increase, he suggested asking the Zoning Board to weigh in on this as well. He felt the Implementation Committee and Zoning Board should weigh in as well.

Councilman Johnson said the Board has two specific requests that are now a couple of months old. He would start with Planning and Zoning and get their recommendation. At that point, depending on what comes back to the Board, at that point it could be forwarded to the Implementation Committee.

Councilman Kelly said he was looking at historically how it had been done before.

Councilman Johnson said the recommendation may come back to have the Implementation Committee look at it, and County Planning.

Councilman DeRosa felt it was important to have the Implementation Committee look at it at the same time as the Planning Board and Zoning Board because it is important to get all of the interested people in the room and hear the discussions on why some things are included in the plan and why some things are not. The other thing is that the Village is updating its Master Plan on the Route 22 section of the Village and he felt that this review should be coordinated with the Village. He felt what is planned in the Route 22 corridor should be consistent. He felt the entire section should be looked at together with the Village.

Councilman Johnson introduced an amendment to include the Zoning Board and Planning Board to review the letters and make a recommendation to the Town Board as to how to proceed with the process, seconded by Councilman Kelly and passed with the following roll call vote:

Councilman Johnson – “AYE”

Councilman DeRosa – “NAY”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “RECUSED”

ROLL CALL VOTE ON THE MOTION:

Councilman Johnson – “AYE”

Councilman DeRosa – “NAY”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “RECUSED”

PUBLIC COMMENT

Melissa Smith, Town of Pawling Recreation Director gave a presentation on the upcoming summer camp program. Mrs. Smith explained that she has researched what other camps offer and said that the Town of Pawling offers a lot more because it is very special and unique. The reason Pawling camp is unique is because of the parkland and the property the Town owns, which is available when kids come to camp, hence the title three parks, 400 acres. Kids get to be on these 400 acres if they choose to come to camp at a town camp fee. It is like coming to a special camp, with a 44 acre lake at Lakeside Park and biking and hiking on the trails. They do swim lessons, kayaking, row boating, paddle boating and paddle boards. They also do boat races

and water polo. They also have the teen center for kids who are a little older, which is separate from other activities. Lakeside Park also has the auditorium where they will have a Zumba instructor this year. There is a separate room for the smaller children. If it rains, the entire Lathrop building is available. Lakeside Park also has the great lawn which lends itself to many activities. Mrs. Smith said she will try to incorporate Murrow Park this year, possibly using the walking trails, a fishing derby and hiking. She will be utilizing the golf course for activities for the teens this year. These are really special things and will make the camp unique. She has created a poster and will capitalize on everything camp has to offer. She is very proud of what the Town has to offer.

Erica Wiley, resident of Hurds Corner Road, said she had concerns about the zoning change on Route 22. She has lived in Pawling for eight years and one of her biggest concerns with expanding the zoning, changing from residential to commercial, is that there are already significant vacancies in commercial properties in Pawling. She did not see the wisdom in expanding that situation. In regards to the specific project proposed at the intersection of Route 22 and North Quaker, she felt that would be contrary to the master plan and intention for that area. Also, this being the pathway to the Appalachian Trail, she felt that especially that area of Route 22 should be preserved as it is.

Philp van Buren, resident of Wingdale and Chairperson of the Oblong Land Conservancy thanked the Board for exercising due caution when looking at this question of commercial rezoning on Route 22 north of Town. The Oblong Land Conservancy is quite concerned about it because of the proximity to the swamp because of water table issues, especially because of an important investment that the Federal Government and people in the Pawling community are making in acquiring land to expand the corridor of the Appalachian Trail. That may be compromised by commercial development on Route 22. They would like to ask that they be considered as an interested party in the environmental assessment process for this matter and also hoped to be seeing copies of the immediate applications in question. They look forward to following the Board's deliberations carefully but would like to be kept informed.

Dr. Jim Utter, Chairman of Friends of the Great Swamp (FROGS) echoed what Mr. van Buren just said. He pointed out the wonderful view and ambiance you have on Route 22 in that area now, which is consistent with the Appalachian Trail, which is a major economic generator for this area. To sacrifice that with people getting off the train to hike the trail in both directions for strip malls that are south of the Village, of which many are empty, would be a shame. He wanted the Board to know that people are interested and very concerned about this and as soon as it gets to the point where there is more information available to the public, FROGS would like to be involved in communications and the chance to talk about it.

Councilman Johnson said for everyone's information, the reason this Board has referred this to the Planning & Zoning Boards is because it is a very sensitive area and sensitive issue with a lot of people. However, you have landowners who do have rights to ask for changes. The Board wants to follow procedure and get advice from the Planning & Zoning offices. Depending on how they would like the Board to go forward with it, they will include the Implementation Committee, the County and there will be public hearings. He did not want people to think the Board would develop Route 22 into a row of strip malls. The Board is at the beginning stages of this and will do it correctly and make sure that everyone is heard and all concerns are considered.

Councilman Kelly said people should also watch the Planning & Zoning Boards to see what their actions are.

Councilman DeRosa felt it was very important to coordinate with the Village.

Harvey Matcovsky, resident of Holmes, said the Pawling Board of Education met on Monday and had a large budget gap that was filled by using reserves they have accumulated over the past few years. The gap was caused by a huge increase in medical costs and State mandates that are not reimbursed. This year they had a number of Special Ed kids they are mandated to service that were unexpected. The solution to that lies in Albany and Pawling does not get its fair share from the State. The rate increase will be less than one quarter of one percent at 0.23%. Regarding the LED lighting, the School had LED lighting put in by its own staff by paying over time. He announced the event called "Falling for Pawling", which he informed the Board about and handed them a flyer. He urged everyone to get tickets and attend.

Supervisor Schmitt asked how significant the gap was in the school budget.

Mr. Matcovsky said the gap was close to a million dollars. Over \$200,000.00 was from three Special Ed kids they cannot take care of in the school, whether they are severely retarded or sight impaired or whatever, and the medical bills went up by over half a million dollars from what was expected. There had been complaints, which were true, that the School Board over budgeted for many, many years and had a significant amount of surplus. They put a lot of the money in reserve funds for eventualities such as this so they have reserve funds to cover shortfalls for the next three or four years. When the middle school payment falls off, they should be fine because they won't have that expense.

Duncan Brine, resident from Hurds Corner Road, said he has lived there for almost 30 years. Every person he has spoken to so far were very alarmed at the possibility of developing the Route 22 corridor any more than it is. They are very fortunate to have FROGS and The Oblong to speak for them. He is sure they are going to really look at the situation very knowledgeably and he is very grateful for them. The residents of the area have voted for the area as it is. They moved to the area as it is, there aren't malls, they have to travel and the taxes are high. They knew what they were getting into. They are there and want it to be as it is.

EXECUTIVE SESSION

The motion to enter into Executive Session was made by Supervisor Schmitt at 8:13 PM to discuss attorney client privilege, seconded by Councilman Johnson, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Schmitt at 8:48 PM, seconded by Councilman Johnson, motion passed unanimously.

Councilman Johnson made a motion that the Town retain the services of James E. Nelson of Van DeWater and Van DeWater if necessary and he authorized the Supervisor to contact him and make arrangements as outside counsel, seconded by Supervisor Schmitt, motion passed unanimously.

Councilman DeRosa made a motion to adjourn the meeting at 8:50 PM, seconded by Councilman Kelly, motion passed unanimously.

Town Clerk