

Supervisor James Schmitt opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:03 PM June 6, 2018 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen DeRosa, McCarthy, Johnson, Kelly and approximately 35 interested citizens.

### **EXECUTIVE SESSION**

The motion to enter into Executive Session was made by Supervisor Schmitt at 7:04 PM to discuss ongoing litigation and personnel matters, seconded by Councilman Kelly, motion passed unanimously.

The motion to return to the regular order of business was made by Councilman Kelly at 7:45 PM, seconded by Councilman Johnson, motion passed unanimously.

### **RESOLUTIONS**

The Board discussed the proposed resolutions. Following discussion, it was agreed that the resolutions would be placed on the June 13, 2018 Town Board meeting agenda. The Board took the following action:

#### **Resolution 2018074 Appraisal for Tax Certiorari Matter**

Whereas, Kent Christopher Johnson has filed a Tax Certiorari proceeding against the Town of Pawling challenging the assessment on his real property located at 121 Quaker Hill Rd, and

Whereas, the Town Assessor has advised the Town Board that in order to properly defend this action, the services of an appraiser are required, therefore, be it

Resolved, that the Town Board hereby authorizes the Town Supervisor in conjunction with the Assessor to hire an appraiser for the above mentioned matter.

Councilman Kelly made a motion to discuss Resolution 2018074, seconded by Councilman Johnson, motion passed unanimously.

Councilman Kelly made a motion to authorize the Assessor to spend up to \$7,500.00 and order an appraisal related to this matter, seconded by Councilman Johnson.

Supervisor Schmitt asked why the Town covers all of the expense when three quarters of what they are fighting is school taxes. Why doesn't the school get involved and help with what the costs are to fight this.

Councilman Kelly said it is New York State law that the Town sets the assessments and battles the assessments. In previous years, the Town has asked the school to get involved in it. They have their own attorney on retainer, who has joined in and looked at it but they have never offered to pay any of the expense defending the action. He suggested Supervisor Schmitt continue the conversation with Dr. Ward and the School Board to see if they are willing to pay part of the defense costs and part of the appraisal. The Town has asked before and has had no success in it. The Town is the one who sets the tax rolls so they are the ones who defend the action.

Supervisor Schmitt said no one in Pawling is coming in and saying they are paying too much Town tax. It is a concern for him that the Town gets the burden on this with very little help.

The motion passed unanimously.

## **BOARD MEMBER REPORTS**

### **JOHNSON**

#### **TRIATHLON & GOLF COURSE**

Councilman Johnson said the Triathlon was a success, with over 340 athletes participating and he thanked the volunteers and contributors. The Recreation Department is up to 75 summer camp registrations. Things are going well at the golf course.

### **DEROSA**

#### **TRANSFER STATION ATTENDANTS & BRUSH REQUIREMENTS**

Councilman DeRosa said the Triathlon was a good event and he thanked the volunteers. Regarding the transfer station, he met with Councilman McCarthy and Jay Dickenson, Highway Superintendent. When the transfer station attendants were hired, they were hired for six months. He said the Board must decide whether or not to continue with them working and budget for it.

Councilman DeRosa made a motion to keep the attendants on staff and keep them being paid out of the operation and maintenance part of that account, seconded by Councilman Johnson.

Councilman Johnson said he would rather table this until next week.

The Board agreed.

Councilman DeRosa discussed the issue of limiting brush at the transfer station. He suggested the Board limit the size of the brush allowed to 10' length and 4" diameter brush, but he wanted to do it when the yard will be cleaned up.

Councilman Johnson suggested considering charging for a commercial brush permit.

Following discussion, Councilman DeRosa made a motion to change the rules of the transfer station to accept brush not more than 10' in length and no more than 4" in diameter, seconded by Councilman McCarthy.

Supervisor Schmitt asked what you would tell people who have purchased a permit when that rule wasn't in place and are trying to bring brush to the transfer station. He would look at it moving forward.

Councilman DeRosa said the attendants are turning people away now.

Councilman Kelly suggested making this rule effective September 1<sup>st</sup>.

Councilman Kelly made a motion to table this until next week, seconded by Councilman Johnson, motion passed unanimously.

Councilman DeRosa said the Town is losing its Building Inspector, he has retired. The Town has already asked for a list of qualified candidates from the County.

### **MCCARTHY**

#### **TOWN SPEED LIMIT**

Councilman McCarthy said he has had a resident from South Quaker Hill talk to him about a town wide speed limit. He wondered if the Board would consider taking action on this.

Councilman Kelly said the Board would need to pass a resolution to ask the County to do a speed evaluation on the roads. The County then does the evaluation and sends a recommendation to adopt it and then that resolution would go to the Secretary of State. He said he would help Councilman McCarthy with this.

**KELLY**

Councilman Kelly said Highway Superintendent Jay Dickenson wants to get a tub grinder and piggy back off the County bid, which currently is \$3,000.00 per day. There is a lot of brush that needs to be cleaned up at the transfer station and Highway Department.

Councilman Kelly made a motion to authorize the Highway Superintendent to requisition the tub grinder as piggy backing under the County Highway bid at \$3,000.00 per day and split the cost between the transfer station and Highway fund balance, seconded by Councilman Johnson and following discussion, passed with the following roll call vote:

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “NAY”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

Councilman Kelly gave a monthly update on the Whaley Lake Dam. He said Vinny DiMarco, Owner’s Rep on the project, has been sending the Board, Fuss & O’Neill, Winn Construction and DEC daily pictures of the activity going on at the dam site. The mud mat has been poured and verified by Fuss & O’Neill. The rebar is being installed for the apron.

Vinny DiMarco gave the Board an update on the work that has been going on at the dam, saying the arched spillway cut off wall has been completed, the apron was completed and the mud mat was poured. An additional 170 yards will be poured this Friday and this will be the north section of the apron. Everyone is working hard and it is a pleasure to work at the project, it is moving along. He is keeping everyone informed. He appreciated the Board’s support.

The Board discussed opening up the Whaley Lake Dam site to the public but felt details such as when the site should be opened up to the public, parking and a time frame for the site visit needed to be worked out before a date is set.

**SCHMITT**

**BUILDING INSPECTOR**

Supervisor Schmitt said he reached out to the Village to discuss a shared service with the Building Inspector but the Village is not interested in doing that.

**TRANSFER STATION**

Supervisor Schmitt said he has met with a private resident and other town supervisors from communities that have garbage pickup at their homes. They are conducting a survey, reaching out to four or five different garbage companies to get actual costs for garbage pickup in the Town of Pawling. That will be compared to what the transfer station costs are so that this issue can be discussed.

**ASSESSOR/SHARED SERVICE**

Supervisor Schmitt said there is a potential to have a shared service with the Town of Hyde Park with the Assessor and the Assessor’s Aide at a substantial savings for the Town of Pawling. He would continue to work on that.

## **4<sup>TH</sup> OF JULY COMMUNITY DAY**

Supervisor Schmitt said he has been discussing the idea of a Town of Pawling community day on Sunday, July 1<sup>st</sup>. He would like to see Lakeside Park utilized. He has met with the Fire Department and Sheriff Anderson and discussed having fireworks at 9 PM. The Chamber of Commerce and people in the community are raising funds to pay for the fireworks. If a conclusion could be reached and everyone could agree to keep this moving forward, he would like to see doing the event from 4 PM to 9 PM, free to the community. There are local food vendors that would like to come in also.

Peter Cris, President of the Chamber of Commerce, said he and the Town Supervisor spoke about a week ago and they also got Diana Tomassetti and Everett White, Fire Chief involved. Mr. Cris said he put together a draft document for people to look at. He felt it would be a mini Summerfest, except it would be free, except for food. There would be many activities. There are some initial sponsorships now but not enough to cover the fireworks and there will be some additional costs involved. Time is of the essence, July 1<sup>st</sup> is upon us. Ordinarily, the events take a lot more time, up to a year. We will try to pull this off and try to reignite the community day spirit. He invited everyone who is interested in participating to contact the Supervisor's office and he will be pushing for the Village to be involved and work together with the Town.

## **PAWLING FIRE DEPARTMENT CARNIVAL @ LAKESIDE PARK**

Councilman Johnson said an insurance certificate has been submitted and as far as he knew, it was moving ahead.

## **ROUTE 22 REZONING**

Supervisor Schmitt recused himself from the discussion.

Councilman Johnson said he did not have a lot of information tonight. The Town Board received letters from the Planning Board and Zoning Board of Appeals offering varying opinions. He has had discussions with Councilman DeRosa, whose expertise lies in the zoning area. They have questions and will reach out to the County Planning Board this week and he would expect by next meeting, the Board will be able to formulate how it wants to move forward.

Councilman DeRosa said he has been attending the Planning Board meetings where this has been discussed. There are a number of questions and the Board wants to reach out to the County and discuss what professionals the Board wants to bring in before a judgement is made as to whether or not the Board wants to look at this a little deeper.

Councilman Kelly said as of last October, he and his wife have been appointed to the National Parks Board, specifically to the NPCA, which is the National Parks Conservation Advisory Board/Northeast Division. The NPCA and National Parks Service will be commenting on this action as well as the Appalachian Trail Conservancy, which he is a member of and Co-Chair of the Harlem Valley ATC, therefore he will have to recuse himself from this discussion. He said when the area of Route 22 south of Route 55 was rezoned, there was a brief discussion about looking at Route 22 north but it was a costly venture and it did not move forward.

Councilman Johnson said there are people serving on other Town Boards who belong to other organizations who have already voiced opposition or comments regarding this action, which is part of some of the questions he and Councilman DeRosa want to ask. He did not have any answers right now but he would be overseeing this matter due to the fact that Supervisor Schmitt and Councilman Kelly need to recuse themselves. If people have questions, he is happy to advance those to people who are experts in this.

## **PUBLIC COMMENT**

Betsy Montgomery said the resolutions on the agenda the Board passed contained absolutely no information or dollar amounts.

Councilman Johnson said the Board only passed the resolution relating to the appraisal.

Dr. Thomas Bloom said regarding the cleanup at the transfer station, the Board mentioned there is a \$3,000.00 amount per day for the use of equipment and he felt there should have been a maximum amount of days in the resolution. He is also here tonight because he felt it was the responsibility of the Town Board to supervise their employees. Employees working for the Town should respect the public and they should be knowledgeable and know all of the ramifications of their decisions.

Councilman Johnson said if Dr. Bloom is talking about a personnel issue, he needed to meet with the Board in private.

Mr. Bloom said there was a mistake made by the Town Assessor and he needs relief. He said Route 22 south was rezoned to an HB zone and his property was involved.

Councilman Kelly said it is his understanding that Mr. Bloom has a current application in front of the Benefit Assessment Review Board and this may be premature and the Town Board should not hear it right now. Mr. Bloom may be jeopardizing his own case.

Dr. Bloom said he was told by the Town Assessor that his property was reassessed. He went through grievance and met with the Town Supervisor.

Councilman Kelly said the Benefit Assessment Review Board is a judicial board and he should wait for their opinion.

Supervisor Schmitt said the Town Board will not discuss this matter at this time.

Mark Chipkin thanked the Board for taking the Route 22 rezoning topic seriously, it is a growing concern for many residents who have been in the community for over 40 years. The changes being discussed are significant. Is there a way to improve communication?

Councilman Johnson said people can contact him to get questions answered.

Mr. Chipkin said the Planning Board gave the Town Board suggestions and they haven't addressed how they felt about what the recommendations were.

Councilman Johnson said he needed to digest it, determine if they have examined all of the facts and prior actions of this Board and the Town, and he also wanted to reach out to some other officials in the County so that every person is represented properly.

Lou Musella said the American Legion building looks good and he thanked the Board.

The motion to adjourn was made by Councilman Johnson at 8:40 PM, seconded by Councilman Kelly, motion passed unanimously.

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Town Clerk