

Supervisor James Schmitt opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM September 12, 2018 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, McCarthy, DeRosa, Councilman Kelly and approximately 46 interested citizens.

EXECUTIVE SESSION

The motion to enter into Executive Session was made by Supervisor Schmitt at 7:01 PM to discuss pending litigation, seconded by Councilman Johnson, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Schmitt at 7:40 PM, seconded by Councilman Johnson, motion passed unanimously.

MINUTES

Councilman Johnson made a motion to approve the minutes of August 8, 2018 seconded by Councilman Kelly 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 2018095
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 20182104 through 20182248, 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 \$1,206,576.93.

**Resolution 2018096
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:

BSA Troop 34 Maura Kemmer	JC Penney Room Troop Meetings	Wed. Nights 9/12 – 12/12/18 7PM to 9PM
BSA Troop 34 Maura Kemmer	JC Penney Room Troop Meetings	Wed. Nights 1/2/18 – 6/12/19 7PM to 9PM
BSA Troop 34 Maura Kemmer	Lakeside Auditorium Troop Meetings	10/24/18. 12/19/18, 3/27/19, 6/19/19 7PM to 9PM

Pawling American Legion	Legion	9/19/18
Jerry Christiansen		
Pawling Men's Softball	Softball Field	9/14- 11/14/18
Chris Doria		*Pays Electricity

**Resolution 2018097
Award of Bid for Heating Fuel Oil and Service of Oil Fired Heating Equipment**

Whereas, bids were duly advertised and noticed for #2 Heating Fuel Oil and Service Boiler Maintenance Service for the year 2018-2019, and

Whereas, the bids have been submitted for the Town Board's review and tabulations have been provided by the Town Clerk, now, therefore, be it

Resolved, that the following bids for #2 Fuel Oil be awarded per the specifications within the bid packet to Taylor Oil in the amount of plus (+) \$0.0590 per gallon, and the Boiler Maintenance Service bid is hereby awarded to Taylor Oil in the amount of \$ 92.00 per hour.

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 2018100

**A Local Law Establishing Chapter 67 of the
Town Code of The Town of Pawling Entitled
“Application Processing Restrictive Law”**

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

Section 1: A new Chapter 135 shall be added to the Pawling Town Code regarding the prohibition of processing of applications related to properties upon which a violation exists, or there are unpaid fees, as follows:

§ 67-1. Purpose.

The purpose of this chapter is to prohibit the processing and approval of any and all applications by any board or official of the Town of Pawling for any property owner who has outstanding fees under the Standard Schedule of Fees of the Town of Pawling or where outstanding violations of any local laws or ordinances of the Town of Pawling exist on the property for which the approval is being requested.

§ 67-2. Short title.

This chapter shall be known as "Application Processing Restrictive Law of the Town of Pawling."

§ 67-3. Applicability.

This chapter shall apply to the provisions of all the local laws and ordinances adopted by the Town of Pawling for any and all applications submitted on or after the effective date of this chapter.

§ 67-4. Submission of proof; processing and approval.

- A. Simultaneously with the filing of an application to any board or official of the Town of Pawling, including but not limited to those listed below, an applicant must submit proof, using the affidavit attached hereto, that no fees are due under the Standard Schedule of Fees of the Town of Pawling and that no outstanding violations of any local law or ordinance of the Town of Pawling exist on the property:
- (1) Applications to the Town Board for:
 - (a) Petitions to amend the Zoning Ordinance.
 - (b) Special permits.
 - (c) Planned unit developments.
 - (2) Applications to the Planning Board for:
 - (a) Subdivision approvals.
 - (b) Site plan approvals.
 - (c) Conditional/Special use permits.
 - (d) Excavation and tree removal permits.
 - (e) Boundary adjustments.
 - (f) Sign plans.
 - (g) Environmental Permits
 - (3) Applications to the Board of Appeals for:
 - (a) Special permits.
 - (b) Extension of expired building permits.
 - (c) Variances.
 - (d) Appeals/Interpretations.
 - (4) Applications to the Building Inspector for:
 - (a) Building permits
 - (b) Sign permits
 - (c) Certificates of occupancy
 - (d) Flood damage prevention permits
 - (5) Applications to the Town of Pawling for:
 - (a) Blasting permits.
 - (b) Transfer station.
- B. The processing and approval of any and all applications for approval and issuance of any permit or certificate of occupancy or use by any board or official of the Town of Pawling for any property owner who has fees outstanding under the Standard Schedule of Fees of the Town of Pawling or outstanding violations of any local laws or ordinances of the Town of Pawling on the property for which the approval is being requested is hereby prohibited.
- C. In the event that an application is in process before any of the boards or officials as listed above and a violation of this chapter occurs, processing of the application shall cease upon presentation of proof of the violation by the Zoning Enforcement Officer of the Town of Pawling. Once the applicant submits proof that the violation of this chapter has been corrected, the application process shall be allowed to continue.
- D. For purposes of this chapter only, a violation of any local law or ordinance of the Town of Pawling shall be deemed to have occurred when one of the following events occurs: (1) When a property owner has exhausted his or her administrative remedies to cure a specific violation or has waived his or her right to do so; (2) When a property owner has failed to seek a variance or appeal within 30 days after the issuance of an order to remedy violation; or (3) Upon the issuance of a criminal summons by the Code Enforcement Officer.

§ 67-5. Waivers.

The Town Board, when appropriate, may, upon submission of a written request by a property owner, temporarily waive specific provisions of this chapter where necessary to prevent undue hardship or an inequitable result.

Section 2. Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Kent hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 3: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

Councilman DeRosa gave some background of the proposed local law, saying there are concerns from the Building Department, Town Clerk, ZBA and Planning Board. The Town Attorney worked with representatives of the ZBA, Planning Board and Building Inspector on this. He felt the Board should review it and possibly schedule a public hearing at the next meeting.

Supervisor Kelly made a motion to table Resolution 100, seconded by Councilman Johnson, motion passed unanimously.

FURTHER DISCUSSION

ROUTE 22 REZONING REVIEW

Councilman Johnson said regarding the Route 22 rezoning, Councilman Kelly and Supervisor Schmitt have abstained from discussion on this. He received a number of questions from Mark Chipkin on the potential rezoning and he answered the questions as follows:

1. Did the Town Board reject the two applications for a zoning change? If so on what basis? If not, why not? Is there a date the decision has to be made by?

Section 215- 53 of the Pawling Town Code requires that, upon petition of a landowner for a change in zoning, the Town Board must consider the petition. The Town Code does not give the Town Board the discretion to hear or reject those applications. Rather, the Town Board is required to have a hearing regarding such a petition:

215- 53 Procedure.

A. The Town Board may, from time to time on its own motion or on petition or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this chapter after public notice and hearing and in the manner provided by the Town Law.

B. In addition to the notice of public hearing required by the Town Law, there shall be published, once each week for two successive weeks, following the notice required by the Town Law, a summary notice of such public hearing, which shall set forth the date, place and time of the hearing and a general reference to the fact that the subject of the hearing is the amendment of the Zoning Ordinance of the Town of Pawling and that the full text of the proposed amendments

may be obtained from the Town Clerk of the Town of Pawling.

2. Why did the Town Board feel it was necessary at this time to consider hiring a planner to consider changing zoning from residential to commercial along all of Route 22 north of the Village?

Because the Town of Pawling does not have its own Planner, the Town Board and the Planning Board routinely rely upon the expertise of a professional planner when considering matters that have the potential to impact the character of the Town and the health, safety and welfare of its residents. The Town hopes to engage the services of a planning firm with a solid record of experience in important matters like rezoning.

3. Why didn't the Town Board hold one single public meeting for the sole purpose of explaining why the Town Board had decided that the Route 22 investigation is required and to clarify the board's goals, intentions and legal responsibilities?

The Town is required to have a public hearing, as set forth in Town Code Section 215- 53, after referral to the Planning Board and County Department of Planning.

4. The Hurd's Corner Civic Association only found out by a rumor filled with some misinformation, that a change in zoning request had been made. Have you made any effort to inform residents along the Hurd's Corner Critical Environmental Area and Route 22 corridor, through public notices, media or mail that the Town Board is considering this major commercial zone change and why?

Public Notice will be published in accordance with the above- cited provision of the Town Code, as well as Town Law Section 264 which requires publication of a notice of a hearing on proposed amendments to the zoning ordinance at least ten days before the hearing. In addition, our Town Code requires additional notices to be published once for two successive weeks. (Town Code 215- 53(8)). The Town Board will comply with the notice provisions set forth in the Town Code and New York State Town Law once the hearing date is established.

5. You stated tonight that the reason the Town Board is taking this drastic action to spend our tax dollars to review all of Route 22 north of the Village for a possible commercial zone change was because 3 landowners requested a zoning change. Is the Town Board legally required to review all of Route 22 north of the Village.

See response to Question 1.

6. It was the understanding of many of our residents that applicants requesting to develop commercially in a residential zone could simply be told no, especially when the applications have been rejected by the Planning and Zoning Boards. Can the Town Board just say no? Would saying no, save the taxpayers' money that would have been spent on a planner etc.?

See response to Question 1.

7. Can anyone in Pawling request a zoning change for their property which would initiate this same extensive and costly review of the community they live in and the hiring of a planner?

Yes, see response to Question 1

8. Is it worth paying for a planner and restarting a comprehensive and time consuming planning process, when the Town had already hired a planner for this same purpose and engaged dozens of its citizens in such effort in 2008. Why isn't the Town implementing the 2010- 2012 Town of Pawling Comprehensive Plan Update that emerged from research process conducted by Cleary Consulting which was adopted by the Town Board on July 11, 2012?

We could have said the same thing in 2008.

9. Approximately how much taxpayer money was spent on the Comprehensive Plan Update adopted in 2012?

10. Residents have indicated to me that this Comprehensive Plan Update of 2012 recommends commercial on the west side of 22 and residential on the east side due to environmental restraints. They believe the implementation committee supported the zoning that exists today. Is it really necessary for the Town Board to do this over again?

See #1

11. If the cost of a planner is considered to exceed the Town budget, can the Town Board decide not to move forward with hiring one?

Yes, but we do not expect that to be the case.

12. Can you give us a brief job description, or scope of work of the planner sought in the RFP?

Under the direction and supervision of the Deputy Supervisor William Johnson, duties may include, but are not limited to:

1. Take a lead role regarding the proposed re-zoning of local land use, review of the Town's zoning district's dimensional regulations relative to front, rear and side yard setbacks and general planning activities.
2. Review and prepare a written report on a proposal for rezone of Highway Business, North and Highway Business, South (Mixed Business industry and Residential- 2 parcel).
3. Prepare a schedule of work tasks for the Rezone Committee.
4. Introduce new planning and community development techniques and theories to the Town Board.
5. Create design guidelines for commercial development. List economic opportunities, to pursue a diverse economic base incorporating office and appropriate industrial development, ecotourism, retail and innovative entrepreneurial and small business activities and development.
6. Develop a plan for a feeder road or interconnection transportation between parcels for future growth.
7. Develop landscape and architectural detail plans for the corridor to preserve community, environment and quality of life in a harmoniously and sustainable way.
8. Provide assistance to the Town Board in the interpretation of federal, state and local laws and regulations.
9. Ensure that local regulations are in conformance with state laws, to the extent possible.
10. Serve as a general conduit of information for the Board between various other boards and committees serving the Town, as time permits.
11. Attend meetings regarding planning matters in order to maintain effective communication.
12. Distribute information to the public through a local forum and other ways as appropriate.
13. Coordinate the maintenance of Town Board's files and related records with assistance from the Town's Board's Secretary and other Town staff.
14. Draft Code and Zoning Map. Complete initial draft of the new land use regulations. Facilitate a process of presentation of the draft to the Town and Planning Boards and the general public: ongoing refinement of the draft based on feedback from Town and Planning Boards, staff, and citizens; tracking of all changes. Identify changes needed on the zoning map.
15. Assist Town staff with public outreach and explanation of the proposed changes.
16. Incorporate land use categories to the Comprehensive Plan, Schedule of Uses and update Zoning Map.

13. Can you please tell us again, the Route 22 - Zoning Change Evaluation Committee members names and current positions? Bill Johnson- co chair, Phil Derosa- co- chair, George Brehm, Carl Ellis, Joanne Daley, County planning board member and a planner.

14. The Town's Planning Board's recommendation to form a committee was to include members from the following: The Town Planning Board (two members already volunteered), members from the CAB— Conservation Advisory Board, Zoning Board, members of the Implementation Committee and the Village Boards involved in Village rezoning. Which have you chosen not to include and why?

My biggest concern when given this task was to have an unbiased review of the area being reviewed for change. There are members of our Town, Planning and Zoning boards that are members of organizations that have already expressed their negative feelings towards any changes. I cannot allow them to be involved in any phase of this review.

15. Will you include a few residents from the areas of our community that would be most affected by a commercial zone change? We know you stated that you don't want 15 members on the committee. Representation from the actual communities at large that might suffer the consequences of a zone change, are crucially important to us, even if it is just a few. Can you support us here?

The committee will at its discretion meet with and discuss the rezone with community members and representatives from organizations that have expressed the desire to do so or ones that we feel will provide valuable information.

16. No one has been chosen for the committee from the Conservation Advisory Board or with a strong environmental background. Will you please select someone with expertise of land conservation and the environment perhaps from organizations such as Oblong Land Conservancy, the Pawling Nature Reserve, Friends of the Great Swamp, or the Appalachian Trail Conservancy or Appalachian Trail Community?

See # 15

17. Did you respond to the Zoning Board of Appeals following concerns listed below? The Hurds Corners Civic Association has not seen a written response to any of the concerning Zoning Board statements below:

chemical pollution of the air and water would negatively impact flora and fauna
Visually the natural beauty would be negatively impacted as development not only displaces creatures of the wild, but it also interferes with the landscape on the aesthetic level once rezoning would be in place, though it might benefit from taxes paid; the property values of houses might take a hit, enforcement of laws surrounding pollution of the air and water would be limited to "fines" easily paid while laws continue to be ignored. People who value and respect nature (earth, air, wildlife) would not be attracted to the "business district" and those who already live in that area (some for several decades, others for generations) would be heartbroken to watch the land they love so disrespected. Rezoning in this way might cause residents to distrust the planners (boards designed to protect the initial plans upon which the town was founded)."

This will all be addressed during the review.

18. If lowering our taxes is one of the goals, can you give a reasonable approximation of how much a typical home owner's taxes would be reduced by allowing conversion of our residential zone to a commercial zone?

That information will be part of the Rezoning Committee's analysis of the proposed change to the zoning ordinance.

19. Does the Scope of Work provide for the planner to undertake a cost benefit analysis, quantifying the tax and other benefits of any proposed rezoning action, and accurately assessing the costs, including injury to real estate values in the surrounding area?

He hoped that any change would reflect a positive effect on real estate but this will be asked of the planner.

20. Some people feel that your action to consider allowing a change of the current residential zoning to commercial has started to divide and destroy the existing residential communities. This is occurring as some residents will now consider maximizing their profits by selling their land to commercial interests, without seeing the negative environmental impacts for adjoining residential properties. This is causing division among neighbors and resentment to the Town Board's actions. Can you see how this commercial zoning change can cause the collapse of our residential community?

Your statement is speculative and the question cannot be answered until much further into this process, if it continues.

21. Our wells on Hurd's Corner Road go down a few hundred feet, bringing us to the aquifer along Route 22. Are you aware that according to the Board of Health (* see attachment) some wells in the commercial zone along Route 22 South of the village are already unsafe to drink due to sodium contamination? Most likely from increased parking and road lanes and the

increased salt that is needed to be spread to keep the paved area safe. We can provide additional information from a similar problem in Sherman CT., if needed.

This is a statement, not a question, and therefore requires no response.

23. Will the Town Board test our current well qualities and then guarantee our current well water purity will remain, if they allow a change to commercial anywhere in our Hydrologically Sensitive Critical Environmental Area?

See response to Question 1. This question cannot be answered until much further into this process, if it continues.

24. The Town Board is aware that Metro North and the National Park Service have spent millions to provide a train stop and board walk to our beautiful gateway to the Appalachian Trail? Do you believe that people will want to come to Pawling to see a strip of commercial development when they get off the train?

The public hearings will provide residents and others an opportunity to express their concerns, which will be taken into account by the Board.

25. As a result of the hard work and commitment of our local residents, Board members and organizations, Pawling has been designated the highly regarded honor of being an "Appalachian Trail Community." How does the action of commercializing and destroying the view scape from the trail respect and support this designation?

The hard work of the local residents and the Town's designation is appreciated and important to the Town. This question, however, cannot be answered at this time as there is no plan in place and impacts of potential rezoning is unknown.

26. Does the Scope of Work provide for the planner to coordinate with the study of the economic benefits of the Appalachian Trail to surrounding communities currently being undertaken by the Appalachian Trail Conservancy, with Pawling/ Dover as a designated study area?

That is an issue that will be considered by the Rezoning Committee.

27. Has the Town Board discussed with Trinity Pawling Schools what the impact to enrollment might be if the attractiveness of the gateway to this world renowned boarding school is surrounded with commercial developments and most likely increased traffic with the reduced traffic speeds?

This question is premature and cannot be answered as the potential rezoning has not been defined. We will, however, make every effort to ensure that all concerned residents and entities will have an opportunity to be heard.

28. Has the Town Board informed residents of North Quaker Hill that though the large property for sale by Ziff on the corner of Route 22 is now residential, a change to commercial would open up a commercial possibility as large as a mall. As Mr. Johnson stated, it may be common sense to some that the Town Board would not allow the commercial zone to extend that far back from route 22. However, we have seen the extent to which the Castagna property in fact has. Does the commercial property along the gateway to North Quaker Hill impact their real estate values?

Please see the response to Question 27.

29. Are we opening Pandora ' s Box by considering a commercial zoning change that will destroy the very reason people came and settled in the picturesque Town of Pawling? Can you guarantee that once you allow one person to develop commercially you will have the ability to refuse the wishes of all properties on 22?

As previously stated, the Board has a legal obligation to consider the petition to amend the zoning ordinance.

30. Can the Town Board see that a change to a commercial zone on Route 22 north of the Village is such a drastic change to the Comprehensive Plan that it might require a very costly newly revised/ amended Comprehensive Plan? This of course would require an extensive thorough review of what the impacts of this change will be? Will you include review of the Pace University studies Mr. Johnson mentioned at the meeting regarding property along Route 22 in Patterson and Dover as well?

Again, there is no rezoning plan in place, so it is not possible to answer this question at this time.

31. Has the Town Board considered that the previous Town Board Members and Planners had the wisdom to "Keep Pawling Beautiful" and our residents environmentally safe and that the changes toward commercialism in residential areas will actually reduce the attractive nature and rural feeling of the entire town and lower its real estate values? One only needs to travel a short distance to see how a strip mall takes away from the good feeling you can get from a town.

Please see the answer to question 30.

32. In the past the Town Board made an effort to promote and support the Village as the main center for commerce. What impact will moving or adding commerce along Route 22 have on the Village's Commercial vitality.

Please see the answer to question 30.

33. Does the scope of the planner's work (if hired) include consultation with representatives of parts of Pawling that benefit from Pawling's rural character and natural beauty? (Home buyers who pay a premium for Pawling's beauty, construction industry reliant on such primary and second homeowners, our restaurant and hospitality sectors, outdoor recreation enthusiasts, parks users, sporting outfitters, etc.)

Please see the answer to question 27.

34. Did the Town Board members James Schmitt and Dave Kelly though recused from previous zoning change meetings, vote on this issue to pursue a zoning review/ change along route 22 North? If yes, was that a conflict of interest?

No, they have not.

35. According to Section 28- 3 of the Town Code, 3 members of the Board shall constitute a quorum, and a majority vote of the entire Board shall be required to take any action. What happens if there comes time for the Town Board to vote on a zone change, now that 2 of the 5 have recused themselves and then if only 2 of the three members vote to adopt new zoning?

A majority of the members of a town board constitute a quorum for the transaction of business, but a zoning ordinance may be adopted only by affirmative vote of a majority of the whole membership of the board. The board will have a different make up January 1, 2019

36. Some residents would like to see more board members available to vote on issues regarding the Appalachian Trail and to be able to determine the goals for the planner, if hired. Would the board wait until Dave Kelly's position vacancy is filled in November, before going forward with the hiring of planner? This would allow the new Town Board Member to start at the beginning.

See # 35

Councilman Johnson said this will be an open and transparent process.

Councilman DeRosa said when the master plan update was done in 2012, it was just an addendum to the master plan that was created in 1996. The old master plan is still in effect along with the update. He said when the portion of Route 22 south was rezoned, the Town went beyond what was required by law with respect to notifications to residents. It would be his intention to make sure the public gets the information.

TRANSFER STATION

Councilman DeRosa said the transfer station committee met and discussed some changes to the code. In reviewing the transfer station code, he has come to the conclusion that the code may not need to be changed because it already says that businesses would not be allowed to purchase permits and that the transfer station is open to town residents only. Everything in the code relates to residential garbage. He suggested reviewing this with the Town Attorney to see how to move forward to change policies. The goal is not to sell permits to businesses, only residents. He felt a change in the policy would help the cost of the transfer station. The Board discussed the possibility of a commercial permit, closing the transfer station one day per week and cutting back the hours of the attendants. He said there are only three towns in Dutchess County that have transfer stations and he believed most are only open one day per week. He said the committee will continue working and report back to the Board.

PWD #1 BACKFLOW VALVE BID

Councilman Johnson said this is a re-bid for PWD #1 as the Town needs to install backflow valves before transferring this district over to the Village. Morris Associates have rewritten the bids and he hoped this could get done and then eventually the Board could move forward turning over the water district.

Councilman Johnson made a motion to have the Clerk release a Request For Proposal for PWD #1 Backflow Prevention to be released September 17, 2018 with a bid opening as stated in the bid documents, seconded by Councilman Kelly, motion passed unanimously.

OCTOBER 3, 2018 MEETING TO BE HELD AT THE HOLMES WHALEY LAKE CIVIC ASSOCIATION BUILDING

Councilman Kelly said the general workshop meeting of the Town Board will take place at the Holmes Whaley Lake Civic Association building on Route 292 in Holmes at 7 PM on October 3rd.

KIRBY HILL FARM

Supervisor Schmitt said Kirby Hill Farm has been a huge topic amongst the community recently and there has been a lot of misinformation out in the community lately. The Board is available all of the time for questions and comments. People should come to the Board for correct information. He said some members of the community had a meeting this past weekend and it would have been great to have been a part of that but unfortunately none of the Board members were permitted at the meeting.

Supervisor Schmitt made a motion to direct the Town Attorney to respond to the July 25, 2018 letter from Ag & Markets, which was received by his office on August 27th, to vigorously defend the Town Code prohibition on piggeries in the Town of Pawling, seconded by Councilman Johnson.

Councilman Johnson said this has been the Board's opinion since the beginning of this. It is a shame that there is contradictory information out in the public.

Supervisor Schmitt said the Board has made it very clear that they will absolutely defend the Town's rules and regulations.

The motion passed unanimously.

WHALEY LAKE DAM

Councilman Kelly made a motion to authorize the increase for the Whaley Lake Dam for the sheet pilings for wing wall #4 from the amount of \$9,200.00 to \$13,600.00, seconded by Councilman Johnson.

Councilman Kelly said last week, Vinny DiMarco came to the Board with an estimate of the cost of only the sheet pilings. Since then, the estimate has been revised to \$13,600.00. This amount will further reduce the credit the Town has on this project.

The motion passed unanimously.

WHALEY LAKE DAM

Vinny DiMarco thanked the Councilman Johnson for answering the questions on the Route 22 rezoning issue. He liked Councilman DeRosa's ideas on the transfer station.

Mr. DiMarco gave a detailed update on the Whaley Lake Dam project, saying work is non-stop and the crew has made very good progress. He stated that the sandbags have been removed, the rip rap installation has been completed and the mini excavator will be removed. He will continue to report to the Board on the progress of this project.

PUBLIC COMMENT

Mark Chipkin thanked Councilman Johnson for taking the time to do his homework and felt he did a good job in addressing most of the questions that were asked. He hoped that the Board would keep residents informed. They are new to this and they do not know the process and he asked that the Board do more than is required by law and keep the community informed as the process proceeds.

Councilman Johnson said one of the first things he plans to do with the committee is to come up with an outline that will be very useful for everyone.

Mr. Chipkin agreed, saying the answers from Councilman Johnson were very helpful and hoped the community would continue to be informed.

Giovanna Cioppa, resident of 1348 Route 292, Holmes, said her husband Aaron Cioppa is a Planning Board member, on the Implementation Committee, and president of the Shorehaven Civic Association, and they have two small children. She is here because she wanted to express frustration with the Building Department. She has had an issue with her neighbor over a hot tub that was given to her for free being too close to the property line. There is apparently a variance needed, and her neighbor has spoken to the Building Department on a number of occasions. She felt her neighbor was using the Building Department to harass her.

Following further discussion, the Board agreed that Councilman DeRosa would work with Mrs. Cioppa and the Building Department to resolve this issue.

Mindy Franklin Levine thanked the Board for voting to uphold the Town Code prohibition against piggeries. She felt that by doing so, their voices have been heard and people really appreciate it. She asked if George Brehm, Chairman of the Planning Board, was going to engage NYS Ag & Markets about the piggeries vis-à-vis the Kirby Hill Farm issue.

Councilman Johnson said he would get back to Mrs. Levine with an answer on that. The only people who represent the Town Board are the Town Board. If there is a reason Mr. Brehm would be involved, they would let Mrs. Levine know.

Councilman DeRosa said Mr. Brehm is involved in Planning Board business with site plan review. The Town Attorney represents the Town Board.

Mrs. Levine expressed concern about the water table and the cattle being raised on Kirby Hill Farm as the cattle are now being raised closer to the water than before. She felt it would be worth the Board's while to study the New York State water maps to see where the water runs through Pawling so that when issues like piggeries come up, the Town takes a look at the water and the proximity to where it is being proposed.

Councilman DeRosa said the Planning Board studies this issue during the site plan review process.

Mrs. Levine said she did not exclude members of the Town Board from the meeting the other day, she put it on her Facebook.

Supervisor Schmitt said as an adjoining property owner and Town Supervisor, it could have been beneficial had he been invited. He is not friends with Mrs. Levine on Facebook.

Councilman Kelly said Mrs. Levine did not reach out to any members of the Town Board to invite them. He is not friends with her on Facebook, nor does he follow her on Facebook.

Mrs. Levine said she may take time out to watch Mr. Kelly's page.

Councilman Kelly said if Mrs. Levine is going to watch him that was creepy.

Mrs. Levine said she wanted it on the record that Councilman Kelly said she was going to watch him and it was creepy.

Councilman Johnson said the Town Board is doing what Mrs. Levine wanted.

Councilmen DeRosa and McCarthy stated they do not use Facebook.

Susan Pieratti, resident of 71 Hurds Corner Road, said she lives close to the Route 22 project and she has concerns about that, not the least of which are the water table and water quality. Regarding the transfer station, she suggested a limit to the number of bags of garbage and a per bag fee be charged. She suggested a bulk rubbish pick up two times per year and she agreed with limiting the number of days the transfer station is open.

Supervisor Schmitt said the Board prides itself on being available to the community at any time. He asked people not to listen to rumors but to call the Board go get the correct information.

The motion to adjourn was made by Supervisor Schmitt at 8:45 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk