

Supervisor James Schmitt opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM November 14, 2018 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, DeRosa, and approximately 30 interested citizens. Councilmen McCarthy and Kelly were absent.

MINUTES

The motion to approve the minutes of 9/5/18, 9/12/18, 9/20/18, 10/3/18, 10/10/18, and 10/26/18 was made by Councilman Johnson, seconded by Councilman DeRosa, motion passed unanimously.

BUDGET

Councilman Johnson made a motion to make the following changes to the 2019 Preliminary Budget, which was seconded by Supervisor Schmitt, and passed unanimously.

Increase A.1120.000 (Non-Property Tax Distribution)	\$150,000
Decrease A.1001.000 (Real Property Taxes)	\$150,000
Increase DB.1001.000 (Real Property Taxes)	\$150,000
Decrease DB.1120.000 (Non-Property Tax Distribution)	\$150,000
Increase B.3620.100 (Building PS)	\$ 2,000
Decrease B.8010.100 (Zoning PS)	\$ 2,000

CONSENT AGENDA

Resolution 2018110 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 20182400 through 20182544, 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 \$789,232.73 which includes \$316,711.95 for Winn Construction for the Whaley Lake Dam construction.

Resolution 2018111 Billing for Pawling Water District #1

Whereas, Pawling Water District #1 bills need to be approved by the Pawling Town Board, and,

Whereas, the bills have been prepared and submitted in the amount of \$2,245.20 for the period of 8/1/18 through 10/31/18 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 #1.

Resolution 2018113 Reappointment- Fire Commissioner

Whereas, the Pawling Fire District is overseen by the Board of Fire Commissioners that are appointed jointly by the Town of Pawling and Village of Pawling, and

Whereas, Town of Pawling representative Commissioner David Denzel has served many years as a commissioner, and

Whereas, the current term of Mr. Denzel expires on December 31, 2018, and

Whereas, Mr. Denzel has expressed an interest in continuing service to the Board of Commissioners, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby reappoints David Denzel to a five (5) year term ending on 12/31/2023.

**Resolution 2018114
Planning Board Training Approval**

Whereas, the Town of Pawling Planning Board is required to complete in 4 hours of training annually, and

Whereas, at the Planning Board meeting on September 4, 2018, Michael Liguori, Esq. provided 1.5 hours of training to the Planning Board covering the roles and responsibilities of the Planning Board, and

Whereas, the Town of Pawling Town Board must approve the training hours for the Planning Board, therefore, be it

Resolved, the Town of Pawling Town Board hereby approves 1.5 hours of training conducted by Michael Liguori, Esq. to the Planning Board on September 4, 2018.

**Resolution 2018115
Acceptance Justice; Annual Audit Reports**

Whereas, the Unified Court Act requires that town justices annually provide their court records and docks to their respective town auditing boards, and

Whereas, such records then are to be examined or audited by the Town Board members, and

Whereas, the Town Supervisor received the Annual Audit Report from Justice Daniels and Justice Zelazny for calendar year 2017 on November 2, 2018 and made said reports available to the Town Board members, and

Whereas, such Annual Audit Reports continue to be available for review and audit to the Town Board members at the Town Clerks Office until the time of the Town Board meeting on Wednesday, November 7, now, therefore, be it

Resolved, that the Town Board does hereby acknowledge receipt of the Town of Pawling Justice Annual Audit Report(s) and has been given the opportunity to review and comment on said reports.

**Resolution 2018117
Resolution to Amend the Town of Pawling Dog Licensing Fees**

Whereas, the Town Clerk, after reviewing the Town's Dog Licensing Fees with other local municipalities, has requested an increase in such fees; and

Whereas, the Town of Pawling Town Board strives for fees that are appropriate and consistent with the current economic environment; and

Whereas, the Town Board of the Town of Pawling has engaged in discussions and review of said fees and finds it to be in the best interests of the Town of Pawling to make the proposed change:

\$7.50 if Dog is Spayed/Neutered	To	\$12.50 if Dog is Spayed/Neutered
\$15.50 if Dog is not Spayed/Neutered	To	\$20.50 if Dog is not Spayed/Neutered

\$3.00 for Replacement Dog Tag To \$5.00 for Replacement Dog Tag

Now, Therefore, be it, Resolved, that the Town Board of the Town of Pawling hereby adopts the proposed Amendment to the Town of Pawling Dog Licensing Fees as set forth herein; and be it

Further Resolved, that this Resolution will take effect on January 1, 2019.

Resolution 2018118
Authorizing the Town Clerk to Re-Advertise for a Planner

Whereas, the Town of Pawling is seeking to hire a planner to assist with the review and implementation of possible rezoning on Route 22 to allow for commercial uses; and

Whereas, the Town of Pawling wishes to re-advertise for Request for Proposals for a Planner; and

Whereas, the Town Board of the Town of Pawling wishes to authorize its Town Clerk, Catherine Giordano, to re-advertise for Requests for Proposals for a Town Planner; now therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby authorizes its Town Clerk, Catherine Giordano, to re-advertise for Requests for Proposals for a Planner.

Resolution 2018121
Budget Amendments for Fiscal Year 2018

Whereas, a request for Budget Amendments has been received from the Budget Officer, and

Whereas, normal course of business activity throughout 2018 has prompted the Budget Officer to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting business as usual, and

Whereas, the Budget Officer has requested the following budget amendments:

For the purpose of completing the LVT flooring project at Lathrop:

Increase in Expense Line A.7110.400 (Parks CE) by \$9,000
Decrease in Expense Line A.7145.100 (Teen Center) by \$9,000

For the purpose of replacing lane lines and provide a storage reel:

Increase in Expense Line A.7230.400 (Beach & Pool CE) by \$3,300
Decrease in Expense Line A.7230.100 (Beach & Pool PS) by \$2,300
Decrease in Expense Line A.7230.200 (Beach & Pool EQ) by \$1,000

Now, therefore be it Resolved, that the Town Board of the Town of Pawling hereby approves the 2018 Budget amendments as submitted by the Budget Officer.

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilman Kelly – “ABSENT”

Supervisor Schmitt – “AYE”

NON CONSENT AGENDA

**Resolution 2018122
Approving Establishment of Town Sewer District No. 3**

Whereas, a petition dated January 25, 2015, as amended on January 13, 2016, has been duly presented to the Town Board of the Town of Pawling, New York (the “Town”), with the necessary map and plan attached thereto according to law, requesting that a sewer district, as hereinafter described, be established in the Town, and

Whereas, said Town Board duly adopted on the 11th day of July, 2018, an order reciting in general terms the filing of said petition, the boundaries of the proposed district, the improvements proposed, at no cost to the Town for the improvement, and specifying that said Town Board shall meet at the Town Hall, 160 Charles Colman Boulevard, Pawling, New York, on the 8th day of August, 2018, , at 7 p.m. p.m., to consider said petition and hear all persons interested in the subject thereof, concerning the same, and

Whereas, certified copies of said order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider the matter of the establishment of said sewer district, and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same, and

Whereas, the evidence offered at such time and place requires that the Town Board make the determinations hereinafter made; now, therefore, be it,

Resolved, by the Town Board that it be and hereby is determined as follows:

- (1) The aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient.
- (2) That all of the property and property owners, within the proposed Sewer District are benefited thereby.
- (3) That all of the property and property owners benefited are included within the proposed Sewer District.
- (4) It is in the public interest to establish the proposed Sewer District as hereinafter described, and be it

Further Resolved, that the Town Board does hereby approve the establishment of a Sewer District as hereinafter described to be known as Town Sewer District No. 3. The proposed district will serve the Planned Development District on property now or formerly owned by Jucca Company (Castagna Realty Corp.), will be operated by the Pawling Joint Sewer Commission and will include the properties with designated tax map numbers 134089-7056-00-601368, 134089-7056-00-661351, 134089-7056-00-672238, 134089-7056-00-634323, 134089-7056-00-638384 in the Town of Pawling, Dutchess County, New York; and be it

Further Resolved, that the following improvements in said district have been constructed and the improvements, including cost of rights of way, construction costs, legal fees and other expenses have been paid for by Castagna Realty Corp. at no cost to the Town; and be it

Further Resolved, that the Town Clerk shall file a copy of this Resolution with the Dutchess County Clerk and the New York State Office of Audit and Control within ten (10) days; and it be

Further Resolved, that the Town Board of the Town of Pawling hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this resolution.

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilman Kelly – “ABSENT”

Supervisor Schmitt – “AYE”

Resolution 2018123
Adopting Local Law– Application Processing Restrictive Local Law

Whereas, a local law to amend Pawling Town Code to add a prohibition on processing applications related to properties upon which a violation exists, or upon which there are unpaid fees, was introduced as Introductory Local Law #2 of 2018 before the Town Board of the Town of Pawling on October 10, 2018; and

Whereas, a public hearing was held on November 7, 2018 and the public was invited to attend and be heard on the matter. Now, therefore, be it

Resolved, Introductory Local Law #2 of 2018 is hereby enacted by the Town Board of the Town of Pawling as Local Law #2 of 2018 of the Town of Pawling; and

Further Resolved, that a true copy of the law is attached hereto and made part hereof.

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilman Kelly – “ABSENT”

Supervisor Schmitt – “AYE”

Resolution 2018124
Approving Adopting Rules and Regulations Town Transfer Station

Whereas, pursuant to §191-10 of the Pawling Town Code, the Town Board may, from time to time, promulgate rules and regulations consistent with the Town Code in order to effect the purposes of the Town Code regarding the Transfer Station and Recycling; and

Whereas, the purpose of this Policy is to clarify that the Transfer Station is for individual domestic household debris, brush and recycling only and that the use of the Transfer Station for commercial or business debris or waste is therefore strictly prohibited; and

Whereas, the Town Board also wishes to set the fees for permits for 2019 and the hours of operation of the Transfer Station; Now, therefore, be it

Resolved, that the Town Board adopts the following Rules and Regulations with regard to the Town Transfer Station for the year 2019:

Town of Pawling Transfer Station
New Rules & Regulations
Effective January 1, 2019

1. Fees for individual permits for 2019: \$355.00 for first permit/\$20.00 for the second permit. A maximum of three (3) permits per household are allowed to be purchased.
2. The Transfer Station will be in operation Monday, Thursday, Saturday from 6 AM to 4 PM. Please note that if there is a holiday on a Monday, the transfer station will be closed and reopen on its next regular day (Thursday). If the town offices are closed due to snow, the transfer station will also be closed and will reopen on its next regular day.
3. No annual transfer station permit will be issued to an applicant whose vehicle registration is in the name of a corporation, Limited Liability Company, d/b/a or other commercial or business entity.

4. A vehicle registration must be presented for the purchase of the permit and it must show the vehicle is registered to an individual with a street address within the Town of Pawling, and that vehicle should be used for personal purposes.
5. No vehicle will be allowed into the transfer station after January 15th without a permit.
6. Permits must be placed on the passenger's side rear window and all previous year's permits must be removed from the vehicle.
7. The Transfer Station is for disposal and recycling of Household debris/trash only - No commercial building debris/trash will be accepted.
8. Only residential brush will be accepted - Maximum Size 4" wide by 10' feet long.
9. Anyone caught dumping building material will be subject to a fine of \$500.00 and revocation of their Transfer Station Permit.
10. Residents are reminded to PLEASE RECYCLE every glass bottle, can, and plastic container placed in the recycle bin, as this saves money and the environment, and be it;

FURTHER RESOLVED, that the Town Board establishes a procedure for application for a waiver from Rule Number 3 hereinabove, and that such waiver may be issued, in the sole discretion of the Town Board, upon submission of acceptable proof that a resident only has access to only vehicles registered to a commercial entity and no other vehicle for personal use.

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilman Kelly – “ABSENT”

Supervisor Schmitt – “AYE”

Resolution 2018125
Contract Extension Winn Construction – Whaley Lake Dam Project

Whereas, the Town of Pawling entered into a contract for construction of the Whaley Lake Dam with Winn Construction in 2017, and

Whereas, construction was started on or around September of 2017 with substantial completion within one year (September 2018), and

Whereas, due to unforeseen conditions the project has extended past the one year deadline, and

Whereas, Winn Construction has asked the Town to approve a contract extension for a period to cover the time to reach substantial completion which was assessed by the engineers for the town at a meeting held on November 6, 2018 which would be on or around the end of November 2018, and

Whereas, certain time would have to be allowed for the entire project to be completed, which would run into the Spring of 2019 to allow for final grading, seeding, clean up and any other items noted within the current contract, now, therefore, be it

Resolved, that the Town Board hereby awards a contract extension to Winn Construction to on or around the end of November 2018 for substantial completion based on the approval of the engineer and continues to extend the contact for a period of time to allow for the final close out of the project into 2019 based on the terms of the contract with Winn Construction and the Town of Pawling.

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilman Kelly – “ABSENT”

Supervisor Schmitt – “AYE”

**Resolution 2018126
Approval of Change Order #9 – Winn Construction**

Whereas, the Town of Pawling entered into a contract for construction of the Whaley Lake Dam with Winn Construction in 2017, and

Whereas, construction was started on or around September of 2017 with substantial completion within one year (September 2018), and

Whereas, due to unforeseen conditions within the project a Change Orders has been requested by Winn Construction, and

Whereas, all Change Orders are subject to the reviewed and approved by the Town Board, now, therefore, be it

Resolved, that the Town Board hereby approves Change Order #9 in the amount of \$55,139.75 and hereby directs the Bookkeeper to pay Change Order #9 from said funds dedicated for said project.

MOTION: Councilman Johnson

SECOND: Supervisor Schmitt

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilman Kelly – “ABSENT”

Supervisor Schmitt – “AYE”

WHALEY LAKE DAM OWNER’S REPRESENTATIVE

Councilman Johnson made a motion to increase the Owner’s Representative amount from \$50,000.00 to \$70,000.00 to cover any future foreseen expenses, seconded by Councilman DeRosa, motion passed unanimously.

BOARD MEMBER DISCUSSION

JOHNSON

Councilman Johnson said he was at the dam today and it has progressed. The comments from the workers there were that they couldn’t believe that a roadbed wasn’t included in the plan.

SCHMITT

Supervisor Schmitt said he was also at the dam today and it looks really good and it is amazing to see if finally constructed. The water is up 22 inches. Supervisor Schmitt gave a really big thank you to Senator Murphy, who is responsible for getting grant monies for Pawling for the East Main Street culvert, amount approximately \$151,000.00 and the entire rebuild of the Dewey Lane Bridge, approximate amount of \$300,000.00. Senator Murphy will be missed and we are deeply indebted to him.

DEROSA

Councilman DeRosa thanked everyone for approving the changes for the transfer station, he appreciated everyone’s help. He said the Board needs to address the capital portion of the

transfer station permits. This is the portion of the permit funding that goes into a capital fund account for improvements to the transfer station. It is something that was started around 2010 and now, \$40.00 from the sale of each permit goes toward this capital improvement fund. The amount of money collected for this fund is \$184,155.00. When you deduct the items that have been purchased over the years from that fund, \$112,982.06 is remaining. The Board needs to finalize the number and agree on the deductions that were taken out.

CAPITAL FUND ESTABLISHMENT FOR THE TRANSFER STATION

Following discussion, Councilman Johnson made a motion to direct the Supervisor and Bookkeeper to establish a separate line item fund of \$112,982.06 for the capital fund portion of the transfer station, seconded by Councilman DeRosa, motion passed unanimously.

SPECIAL BUDGET MEETING

Supervisor Schmitt made a motion to schedule a special meeting for Monday, November 19, 2018 at 7:30 PM for budget discussion and adoption, seconded by Councilman Johnson, motion passed unanimously.

Councilman Kelly arrived to the meeting at approximately 8:00 PM.

PUBLIC COMMENT

Mark Chipkin, President of the Hurds Corner Civic Association said he represented many people and organizations and asked for additional time for comment this evening, as he is the spokesperson.

Councilman Johnson said there will be time for public comment and public meetings and Mr. Chipkin's comments would not be tied to those if he gives his comments tonight.

Mr. Chipkin said he understood but this is coming from the Civic Association's concern of the Town hiring a planner which will use taxpayer's money, they had important things to share with the Board.

Councilman Johnson agreed to Mr. Chipkin making his comments as follows:

- I am here tonight to share the comments, feelings and statements expressed primarily by the residents in the Critical Environmental Area of Hurd's Corner which of course includes the RT 22 strip of commercial zone being proposed. HCCA visited every house (40+) we could, to ask about their concerns, questions and level of support.
- When some residents heard and saw the responsibilities you established for a paid planner to follow, it produced a feeling of urgency to communicate our resident's concerns tonight in hopes that you will listen to them before you decide to accept a bid and spend any tax payer money to hire a planner.
- Several people saw the planner's responsibilities as the blueprint you provided to plan a commercial zone, a plan developers would like to see but not our residents.
- We would like the planner to first focus on a full Comprehensive Plan Update to determine where in the entire town commercialization is most feasible and compatible with the current zoning, rather than putting a strip of commercial zone forced into our environmentally sensitive residential zone.
- The number one comment from our residents went something like this, "We moved to Pawling to be in the country away from places of congestion and commercial sprawl."
- Other residents have said "For over forty years we respected the zoning laws, expanded our homes and during all those years the Town Board has in the past told anyone asking for a commercial change in the Critical Environmental area along route 22 that it would be spot zoning, except Charlie Martin who got a variance to display his sheds. Now, for some reason the town did not say 'no' to the individuals that applied for a zone change and are planning to review all of the Route 22 area so it will not be considered spot zoning. Why, residents ask?"
- When the Master Plan was written and the Comprehensive updates were completed we trusted the Town Board when they told us they would protect our community by

designating our community a 3 acre residential zone with a Critical Environmental Area Designation. We have not yet gotten any confirmation that the current Town Board is committed to protecting this area. Why is the Board Rushing this?...The First step according to residents familiar with this process is a Comprehensive Plan update not a zone change before a full town review of all commercial properties. We believe it's time for an update. Is the comprehensive plan due for review every five years?

- Residents ask “Why isn't the Town Board making a time to listen to us. We asked for that time to be heard before the board starts spending tax payer money on the planner and project?-We asked for 15 minutes tonight to present this information and was told we had to wait till a public hearing.
- What surprises us, as long term community members is that when the town board has asked us for help we have given so much to the town over the last 40 years. Some of us even sat in your chairs. We have been on your Town Board, Planning Board, Conservation Advisory Boards and school boards. When you asked we were honored to join your implementation committees with Phil researching most valuable natural resources in Pawling. Some of us were born and raised here...we keep the farmland going; a road so beautiful with two parks that people come to Pawling to walk the trails here and then visit our town. As Members of the The Nature Conservancy- providing hunting, clear trails etc., For the National Park Service we have helped to build some of the steps for the AT and we still mow the trails now. Our historians helped to rebuild our historic structures such as our water tower. Which leads us to the question why are you excluding us from committees just because we care about our environment and preserving our history?
- Why are we considering the construction of commercial buildings along our perhaps greatest wildlife corridor which is a greenway that will allow the migration across states that is necessary for the healthy survival of our animal populations. The ability for animals to travel to mix with other populations of the same animals is crucial for their reproduction and survival. Our residents have infrared cameras that have photographed bobcat, fisher cat, even moose and an occasional mountain lion passing through the corridor and crossing route 22. These animals won't do well crossing through an office park with feeder roads.
- We trusted that with the state designation of the Great Swamp as a Critical Environmental area that you would protect the Great Swamp, a valuable wetland with diverse plants and animals The planners assignment to look for commercialization of the route 22 strip will add to the pollution of this precious natural wetland resource and uglify the area thereby reducing any potential eco-tourism site.
- We trusted you would continue to value the historic significance of some of our homes built in the 1700s. One of which is right on route 22. Our road is part of the Dutchess county Historic Tour. Residents do not want you to take away our Historical Significance by sandwiching or bordering our homes with commercial or industrial buildings.
- Some civic members believe the building of commercial establishments will take away from the wilderness experience hikers appreciate– Native Landscape and Tony's deli offer ample comforts with showers, food, camping and other supplies that they need?
- Mark attended a meeting recently exploring ways of increasing ecotourism in Pawling and Dover He heard a lot could be done with ecotourism without adding a single structure near the Appalachian Trail. Instead we could be offering transportation packages to the village restaurants and bed and breakfasts and other points of interest in our wonderful rural town.
- Think of this plan in your backyard - would you really be happy if the town government told you they were changing your zone to commercial? Maybe your neighbor wants to have a wedding venueshooting range....or raise pigs in a residential zone. Projects that could pollute your water supply or noise pollution that could potentially destroy your peace and quiet.

- Residents have been told that broadening the tax base by making this commercial strip will lower their tax bills. How much will it lower their taxes for each individual? We have asked and were told no answer is available. Maybe even more importantly is it worth “forever” losing the rural nature of the very community we moved here for a few bucks in everyone’s pocket.
- Adding infrastructure like large septic systems in the wetlands of our area is dangerous to our community’s water supply – providing a sewage line will be costly.
- There is no proof that adding this new commercial development/broadened tax base, north of the village will LOWER our taxes as some are saying it will. Several of us believe that the costs of roads, lighting and the infrastructure needed to protect our Critical Environmental Area resident’s water supplies will negate any potential tax gains claimed to be made by the town. Most people have never seen their tax bill go down even when their assessments have and believe we will never see our tax bills go down.
- People asked me to ask you not to hide the fact that your efforts at broadening the tax base and spending tax dollars to develop a commercial strip north of the village may actually lower our residential property values and will also be destroying the fabric of our community that we love and moved here for.
- Feeder roads will only produce more destruction of habitat more salt more polluted wells like those found on route 22 south and of course more of an eyesore. Would all members of the current Town Board guarantee that all the new salted parking lots and feeder roads weaving along the residential property will not poison our wells? We would like that guarantee tonight before we proceed with any rezone consideration.
- Drawing water for commercial use could drain our wells. Some residents have told us that they know that the Town/Village of Pawling already has water quality and quantity issues?
- Are you really opposed to anyone who cares about the environment being on your committee? Residents wonder if you are really just eliminating any possible candidate for the committee who opposes the commercial strip. Some say it seems like you are saying, “Yes” to the individuals due to profit from development and “no” to people who have been living in the community and are most likely to be affected negatively from this change.
- In the past the town had a Conservation Advisory Board and Ethics Board. Before you continue with this commercial strip zone investigation we would like you to reinstate the Conservation Advisory Board and Ethics Committee, which were abolished for reasons unknown. In the past the development projects on Hurd’s Corner Road, benefited from the extra pair of eyes and ears of the CAB. The CAB had always been helpful by providing addition information for the Town Board and the public. We thought it a good idea to have an Ethics Committee Review of the process you used leading up to the decision to have this rezone investigation. Some people were very disappointed, and slightly shocked to learn that neither of these oversight committees were ever reinstated.
- Many residents want you to commercially develop route 22 south first, before investigating rural north 22- There is much support for the completion of the Castagna project, as well as, fully developing the vacant commercial lands and buildings in that area before this northern commercial strip investigation.
- Some residents say, “My nest egg- all my life putting money to develop my equity and now you will surround me with commercial. It’s not right- we trusted our Town Board, we followed the rules.
- A member of the community was in here a few months ago...He supported the route 22 South commercialization until his taxes were raised because now he was in a commercial zone. We don’t want changes in our taxes or changes in our zoning for our property to be non- conforming residential within in a commercial zone.

- One person was thinking of buying a resident's house on Hurd's corner said, "I won't if it becomes commercial on route 22." This is not speculation of impact on our home sales, it is fact.
- The comprehensive plan I think, mentioned increasing the commercial zone from 1.3 to 3% commercial zone. Can you or the planner tell us if you completed all the development possible south of the village and in vacant spots how much closer to the 3 % we would be before we view any other areas for commercialization.
- Have you ever read the Lowell Thomas-plaque Donation from Tela Cook and The Akin Hall on the Hurd's Corner Monument? It Reads, "This site was donated by Mrs. Tela Cook as a tribute to honor our friend and neighbor (Lowell Thomas) for his generous contributions **and foresight to preserve the Pawling Community**. He made a difference in our lives which we will cherish forever."
- One important point we wanted to make to the board is that we canvassed houses located in the Critical Environmental Area from Rt. 22 to Hurds Corner and North Quaker Hill to Lola Lane. As you have heard we are people proud of our community. 80 % of the homes in our Critical Environmental Area signed a petition saying NO to any zoning change. (We are still working on gathering the few missing names before we consider turning this petition in.
- It will take the courage of this Town Board to stand up to the status quo of stripping the highway area of its residential zone along route 22 to extend the commercial sprawl. Rather, the board has an opportunity to be conservative and protect the rural nature of the land and pure water we came here for. Please show us going forward that we can trust you to do so!

Nancy Tagliafierro, Town Attorney said the Board has received several petitions from residents requesting a zone change. So the Board is obligated to look at this and thoroughly investigate it and base whatever determination they reach on a thorough investigation. This is not coming from the Town Board, it is coming from residents.

Richard O'Rourke, attorney from the firm of Keane & Beane representing Castagna/Jucca, said they owned that property for over 60 years. He said it has taken them 30 years to reach a point where they finally have a special district in place, which they believe will be very instrumental with helping them move forward with property that has been zoned for commercial use for the last 40 years. In this market, you don't build things on speculation, you build it on having the ability to move forward with development. He thanked the Board for allowing them to reach a point where they believe the infrastructure built will allow them to attract good quality development. He said Frank Castagna is 90 years old and still comes to work every day. They had the untimely death of Chairman and CEO John Gutleber unfortunately. They are in a reorganization/transition right now, or someone would have been here from the organization.

Bill Dietz said last week during the budget discussion, salaries of the Town Board members was discussed and there was a question as to whether to raise them or not. He presented the Board with research he had done regarding salaries of other surrounding towns and town boards and their salaries and benefits, saying Pawling is 15% above the average, which seemed high to him. He felt the time had come in Pawling to consider the total compensation package for employees, not just salaries.

Supervisor Schmitt said he continues to move forward with the healthcare, he spoke with two more providers today. He felt Patterson was not a good comparison because they pay much more to their supervisor and town board members.

Councilman DeRosa said in doing comparisons, you have to compare apples to apples. There are many factors to consider, such as services they provide and what they have in their towns.

Mr. Roy Carter from 17 Hurds Corner Road said he wanted to address the RFP for a planner. Regarding the wording in the RFP regarding eco-tourism, it is a mistake to tell the planner what to do.

Councilman DeRosa said that wording is giving the planner ideas of the tasks that might be involved in order to get an honest estimate of what the costs might be.

Helen Grosso asked for an update on the new cell tower.

Supervisor Schmitt said it is under construction and Mrs. Grosso could check with Building Inspector Carl Ellis tomorrow for an update.

Mrs. Grosso said she had some thoughts on the healthcare and Supervisor Schmitt has said he is checking with different companies/providers. She asked who is on the committee.

Supervisor Schmitt said he and Councilman Johnson are on the committee and he has been working on this since he took office.

Mrs. Grosso said she has information she would like to present to the Board from other towns, including the providers they are using because they are changing providers, which can make a tremendous difference. Recently there are some people who are getting health insurance who are above the age of 65. She wondered who was in charge of keeping track of these details. She has spoken to Unionvale and Pleasant Valley and shared that information with the Board.

Supervisor Schmitt said he would meet with Mrs. Grosso any time.

Councilman Johnson said NYSHIP is restrictive as to what you can or can't do. He said he and Supervisor Schmitt continue to gather information on this issue.

Marty Mygan said he works for a company and gets benefits but contributes quite a bit. When he hears that people work 20 hours per week and his tax money is being spent on Cadillac benefits, he gets upset. He felt the Ethics Committee was a good idea. Mr. Mygan felt people were spoken down to at the meeting tonight.

Supervisor Schmitt said Mr. Mygan probably hears this information from a certain social media page which has the ability to get the community very upset.

Councilman Johnson said the County Ethics Committee oversees the Town of Pawling.

Councilman Kelly said the Ethics Committee members resigned from their positions on the Ethics Board, which is why the Town moved to the County Ethics Board.

Debbie Battaglia said what happened to the Ethics Board was that every time someone's term was over, the Town Board declined to replace that person and so the Board got smaller and smaller until there was no quorum and no ability to have a meeting. Ms. Battaglia felt people were not being listened to and felt the Board did not want people to express themselves tonight.

Councilman Kelly said that NYS law states that if a board member is not reappointed, their term continues on until such time as the governing board replaces them. None of the Ethics Board members were replaced, all of them resigned.

Supervisor Schmitt made a motion to adjourn at 8:20 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk

**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 67 shall be added to the Pawling Town Code regarding the prohibition of processing of applications related to properties upon which a violation exists, or upon which 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) Boundary adjustments.
- (e) Signage approvals.
- (f) Environmental Permits

(3) Applications to the Board of Appeals for:

- (a) Variances.
- (b) Appeals/Interpretations.

- (4) Applications to the Building Inspector for:
 - (a) Building permits.
 - (b) Extension of expired building permits.
 - (c) Certificates of occupancy.
 - (d) Flood damage prevention permits.
 - (e) Environmental permits.
 - (f) Blasting permits.

- 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: 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 Pawling 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.

Dated: _____, 2018

BY THE ORDER OF THE TOWN BOARD
TOWN OF PAWLING