

Supervisor James Schmitt opened the Regular Meeting of the Town Board of the Town of Pawling at 7:05 PM December 12, 2018 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, DeRosa, McCarthy, Kelly and approximately 40 interested citizens.

MINUTES

The motion to approve the minutes of 11/7/18, 11/14/18 and 11/19/18 was made by Councilman Johnson, seconded by Councilman Kelly, motion passed unanimously.

CONSENT AGENDA

Resolution 2018127 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 20182545 through 20182684, 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 \$1,030,607.11.

Resolution 2018128 Authorization to Place a Help Wanted Advertisement for the Town of Pawling Planning Board

Whereas, the Town of Pawling Planning Board consists of 7 members who are Pawling residents, and

Whereas, each Planning Board member is appointed by the Town Board for a term of 3 years, and

Whereas, an opening exists on the Planning Board for a term beginning on 1/1/2019, therefore, be it

Resolved, that the Town Board authorizes the Town Clerk to advertise for the open seat on the Planning Board with the Help Wanted Advertisement attached hereto.

Resolution 2018130 Resolution to Hire a Special Prosecutor

Whereas, the Town of Pawling is currently prosecuting a case from which the Town Prosecutors, Cappillino and Rothschild LLP, have recused themselves, and

Whereas, there is a need to appoint another attorney to continue the prosecution of the case, and

Whereas, the Town Board of the Town of Pawling wishes to hire Nancy Tagliafierro, Esq. on behalf of the Town of Pawling, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby authorizes the hiring of Nancy Tagliafierro, Esq. as Special Prosecutor to prosecute the case on behalf of the Town of Pawling at a rate of pay of \$180 per hour, and be it

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

**Resolution 2018132
Approval of Dog Park Rules**

Whereas, the Town of Pawling is planning to construct a temporary public dog park in Lakeside Park, and

Whereas, Selective Insurance Company, the Town's Property and Casualty Insurance carrier, has recommended that rules for said dog park be formally adopted and posted at the gates and inside the dog park, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby approves the rules for the dog park attached hereto, and, be it, further

Resolved, that said rules shall be posted at the gate and inside the run of the dog park.

**Resolution 2018133
2019 Highway Material Bid**

Whereas, the Superintendent of Highways has requested bids on various highway materials for the year 2019, and,

Whereas, the list of highway materials has been advertised in the Poughkeepsie Journal and was noticed to be opened on November 13, 2018 at 11:15am, and,

Whereas, the bids for material have been reviewed and approved by the Highway Superintendent for purchase in 2019, now, therefore, be it

Resolved, that the Town Board hereby approves the material bid from the tabulated sheet provided by the Town Clerk.

**Resolution 2018134
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:

Eastern Dutchess		
Road Runners Club	Lathrop Auditorium	Tuesdays starting on 12/11/18
John Morris	Run/Workout	7pm to 8pm

MOTION: Councilman Johnson

SECOND: Councilman Kelly

Councilman Johnson – "AYE"

Councilman DeRosa – "AYE"

Councilman McCarthy – "AYE"

Councilman Kelly – "AYE"

Supervisor Schmitt – "AYE"

NON CONSENT AGENDA

**Resolution 2018136
Approval of Waiver for Transfer Station Permit**

Whereas, the Town of Pawling has established new rules for the 2019 operation and use of the Pawling Transfer Station, and

Whereas, commercial vehicles are prohibited from obtaining permits to the Transfer Station without first seeking a waiver from the Town Board of the Town of Pawling, and

Whereas, recipients of a waiver are only permitted to dump household waste at the Transfer Station, therefore, be it,

Resolved, that the following individuals are hereby approved for a waiver to obtain a 2019 Transfer Station Permit by the Town Board of the Town of Pawling:

Mark & Marie Benko

MOTION: Councilman Kelly
SECOND: Councilman Johnson

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

**Resolution 2018137
Authorization to Place a Help Wanted Advertisement For the
Town of Pawling Zoning Board of Appeals**

Whereas, the Town of Pawling Zoning Board of Appeals consists of 5 members who are Pawling residents, and

Whereas, each Zoning Board of Appeals member is appointed by the Town Board for a term of 3 years, and

Whereas, Marie Cooney has resigned from her position on the Zoning Board of Appeals, and

Whereas, an opening now exists on the Zoning Board of Appeals for the unexpired term of Marie Cooney which began on 1/1/2018 and will expire on 12/31/20, therefore, be it

Resolved, that the Town Board authorizes the Town Clerk to advertise for the open seat on the Zoning Board of Appeals with the Help Wanted Advertisement attached hereto.

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

Councilman Kelly introduced an amendment to accept Marie Cooney’s resignation and asked that the Supervisor’s Office send a letter to Mrs. Cooney thanking her for her years of service, seconded by Councilman Johnson.

Councilman DeRosa said Mrs. Cooney was an asset.

The motion passed unanimously.

ROLL CALL VOTE ON RESOLUTION 2018137:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2018138
Budget Amendments for Fiscal Year 2018**

Whereas, a request for Budget Amendments has been received from the Budget Officers, 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:

Decrease in Expense Line A.1110.400 (Justice CE) by \$5,000
Decrease in Expense Line A.1320.400 (Auditor CE) by \$10,000
Decrease in Expense Line A.1330.400 (Tax Collector CE) by \$7,400
Decrease in Expense Line A.1340.100 (Finance Dept. PS) by \$5,000
Decrease in Expense Line A.1340.400 (Finance Dept. CE) by \$5,000
Decrease in Expense Line A.1610.400 (Central Printing CE) by \$4,000
Decrease in Expense Line A.1660.400 (Central Storeroom CE) by \$5,000
Decrease in Expense Line A.1670.400 (Central Printing CE) by \$20,000
Decrease in Expense Line A.1930.400 (Judgements & Claims CE) by \$25,000
Decrease in Expense Line A.1990.400 (Contingency) by \$20,000
Decrease in Expense Line A.9010.800 (NYS Retirement) by \$35,000
Decrease in Expense Line A.9050.800 (Unemployment Ins.) by \$5,000
Decrease in Expense Line A.9089.800 (Medicare Reimbursement) by \$9,000
Decrease in Expense Line A.9730.600 (BAN Principal) by \$14,000

Increase in Expense Line A.1355.100 (Assessment PS) by \$5,800.00
Increase in Expense Line A.1355.400 (Assessment CE) by \$27,000.00
Increase in Expense Line A.1420.400 (Attorney CE) by \$45,000.00
Increase in Expense Line A.1440.400 (Engineer CE) by \$5,000.00
Increase in Expense Line A.1620.200 (Buildings & Grounds EQ) by \$4,000.00
Increase in Expense Line A.1620.400 (Buildings & Grounds CE) by \$35,000.00
Increase in Expense Line A.5010.100 (Superintendent of Highways PS) by \$4,000.00
Increase in Expense Line A.5010.400 (Superintendent of Highways CE) by \$6,000.00
Increase in Expense Line A.7250.200 (Golf Course – Grounds EQ) by \$7,000.00
Increase in Expense Line A.7250.200 (Golf Course – Grounds CE) by \$3,500.00
Increase in Expense Line A.8160.100 (Refuse & Garbage PS) by \$17,500.00
Increase in Expense Line A.9035.800 (Medicare) by \$2,800.00
Increase in Expense Line A.9060.800 (Health Insurance) by \$6,800.00
Decrease in Expense Line B.1990.400 (Contingency) by \$10,000.00
Increase in Expense Line B.3620.100 (Buildings – PS) by \$1,600.00
Increase in Expense Line B.8010.100 (Zoning – PS) by \$5,500.00
Increase in Expense Line B.9030.800 (Social Security) by \$2,100.00
Increase in Expense Line B.9035.800 (Medicare) by \$800.00

Increase in Revenue Line DB.3501.000 (State Aid (CHIPS, Etc.)) by \$80,000.00
Decrease in Expense Line DB.5148.100 (Services for Other Govts. – PS) by \$39,314.00
Decrease in Expense Line DB.9060.800 (Hospital & Medical Ins.) by \$27,309.00
Decrease in Expense Line DB.9089.800 (Medicare Reimbursements) by \$13,000.00
Decrease in Expense Line DB.5142.100 (Snow Removal – PS) by \$24,000.00
Increase in Expense Line DB.5110.400 (General Repairs - CE) by \$10,000.00
Increase in Expense Line DB.5112.200 (Road Construction - EQ) by \$80,000.00
Increase in Expense Line DB.5120.400 (Bridges - CE) by \$6,000.00
Increase in Expense Line DB.5130.100 (Machinery - PS) by \$36,000.00
Increase in Expense Line DB.5130.200 (Machinery - EQ) by \$40,000.00
Increase in Expense Line DB.5130.400 (Machinery - CE) by \$5,000.00
Increase in Expense Line DB.9010.800 (NYS Retirement) by \$6,623.00

Decrease in Expense Line SW1.8340.400 (Transmission and Distribution CE) by \$3,000
Increase in Expense Line SW1.8310.400 (Water Administration CE) by \$3,000

Now, Therefore, Be It, Resolved, that the Town Board of the Town of Pawling hereby approve the 2018 Budget Amendments as submitted by the Budget Officer.

MOTION: Councilman Kelly
SECOND: Councilman Johnson

Councilman Johnson introduced an amendment Resolution 2018138 “Whereas the Town Bookkeeper made a recommendation to the Chief Fiscal Officer to perform the following budget amendments”, seconded by Councilman Kelly, motion passed unanimously.

Councilman Johnson said the same should be changed in the “Resolved”.

ROLL CALL VOTE ON RESOLUTION 2018138:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

LETTER OF SUPPORT FOR CASTAGNA PHASE II

Councilman Johnson made a motion to direct the Supervisor and Town Board to sign the letter authorizing and recommending “The Hamlet of Pawling”, phase II to continue, seconded by Councilman DeRosa, motion passed unanimously.

AUTHORIZE THE TOWN ATTORNEY TO DRAFT AIR BnB ZONING

Councilman Johnson said there are many Air BnB’s in Pawling. He said this is a nationwide issue affecting small communities, affecting the peaceful lifestyles of people. There are all kinds of wild things going on. He has spoken to County and State officials. The County is working on a fix and he would like to work with the Town Attorney to draft their recommendations and codes into the Town’s. This is something that needs to be addressed.

Councilman Johnson made a motion to authorize the Town Attorney to draft an Air BnB zoning ordinance for the Board to review as a guide and hopefully work toward its acceptance, seconded by Councilman DeRosa.

Councilman DeRosa said it is definitely a problem. It has been a problem for planning and zoning also. He attended a class on it last year and he brought back different ordinances from different towns. He would get together with the Town Attorney and go over the guidelines that were discussed.

The motion passed unanimously.

PUBLIC COMMENT

John Daley said there was discussion last week about a grant and since he knew about the grant, he wanted to put the information about the grant on the record. In 2016, Judy Pisano went to him with information about a grant through DEC for equipment related to recycling. Mrs. Pisano gave Mr. Daley the contact information. Mr. Daley contacted DEC and he did all of the work and submitted all of the paperwork DEC needed and the grant was approved in March of 2017. With a grant like that, you have to constantly update things. When he left the highway department, he left that grant on top of the desk with a sticky note with the date the updated paperwork had to be in. He said what Councilman Kelly said about him last week was an outright lie. Councilman Kelly knew all about the grant, he knew everything about it, he knew about it in 2017. Mr. Daley said he is proud of his legacy as Highway Superintendent. For eight years, while Mr. Kelly cut his budget and his staffing, he did the work and came in under budget. He said Mr. Kelly lied about him last week because the grant was not continued by the current Highway Superintendent. Mr. Kelly’s legacy is a list of people and families he hurt and he hoped Mr. Kelly was proud of that.

Philip van Buren, Chairman of the Oblong Land Conservancy with offices at 517 Route 22, said he would like to offer further comments about the RFP for Planner. There is a great difference between the two bids, not only in cost but in the work they described. The reason why there are different processes proposed by these two different planners is because the RFP itself is unclear as to just what is the action being proposed and what is the process to get there. A second

concern is that there were only two bids when 13 firms were contacted. He felt that there were only two firms bidding because of the vagueness of the RFP. He felt there would be a lot of cost over runs and changes in the process. This is not a competitive bidding process. We are comparing an apple to an orange and neither company is bidding on the same job. He felt that the firms were assuming they would be dealing with a Type II SEQRA action where there is a Negative Declaration with no significant environmental impact and yet we know this is an area with multiple overlapping critical environmental areas. We know it is an area with fragile natural resources. This is going to be a Type I action per SEQRA requiring a full environmental impact statement with 24 chapters. As a result of this underestimating the cost and lack of comparability to the proposals, it seems apparent the Town will have to issue yet another RFP. While the Town is at it, why not take this opportunity to address the fundamental flaw in this process.

Mark Chipkin, Hurds Corner Civic Association, said they are asking the Town Board to consider not hiring a planner at this stage rather to form a more inclusive committee that sets the intention to evaluate where in the town's current commercial zoning we can increase the commercial tax base and how to do it. Not by taking aim at rezoning our residential community. This committee can focus on a New Comprehensive Plan for sustainable environmental and economic future for Pawling. Did you know that almost every home on Hurd's Corner Road and on the Northern end of route 22 is connected to the Pawling Nature Reserve which has views looking towards the Rt. 22 direction. We had an amazing trail in Wingdale where you could climb the orange trail and view birds of prey just seeing these birds, trees and sky...I called it our Hawk Mountain. Then Dover gave a permit to build a drop and lock storage center, it seemed nonpolluting, except for one big thing. It became a center view from the mountain, especially when the trees lost their leaves – you look at white reflective roofed trailer like buildings instead of a beautiful view...lost forever...No one ever asked the Pawling Nature Reserve Committee if it mattered to us. A similar thing happened when the current Iron Mountain Building on Hurd's Corner Road was accidently built 10 ft. higher than the Town had previously approved. Some people on North Quaker Hill now have this mistake in their view. Would any board member welcome a neighbor trying to make their neighborhood a commercial one. How would you react if you found out the Town Board was going to change the zone around your home to commercial. My guess is that...you would not stand for it. Recently commercial wedding venues and piggeries were proposed and the people came out with their lawyers in an outrage. In our case the threat is by the actions now being taken by the Town Board as instead having a public hearing for each applicant your decision so far is to hire a planner to come up with a commercial strip plan before reviewing commercialism in the entire town. It will take the courage of a member or members of this board to halt a plan that will rob us of our rural residential community, scenic views and nature, while polluting our water supplies to financially benefit the few who have requested this change. Thank you Dave Kelly for being available the Hurd's Corner Civic Association with your honest and thoughtful answers to our questions, for years before this situation. Thanks for helping current board with your many years of experience to answer questions, about tough situations occurring in our town. Your invaluable support for the AT is appreciated now and I believe will be for future generations. Merry X-Mas, Happy Holidays, New Year to all here tonight with the wish that in 2019 we all find ourselves working together with plan that includes a variety of members from our community without using our tax dollars to hiring a planner.

Councilman Johnson made a motion to adjourn the meeting at 7:30 PM in recognition of Councilman Kelly's eight years of service to the Town, it has been a pleasure to work with Mr. Kelly and he wished him well in his future endeavors, seconded by Councilman DeRosa, motion passed unanimously.

Town Clerk

HELP WANTED ADVERTISEMENT
TOWN OF PAWLING - PLANNING BOARD

The Town of Pawling is looking for a Planning Board member. The position is appointed by the Town Board. In general, the position requires attendance at 2 meetings per month, on Monday evenings (first and third) and an occasional special meeting and site inspections. You must be a resident of Pawling. All Board members are required to obtain four (4) hours of training per year.

The Planning Board oversees applications for Subdivisions, Site Plans, Special Use Permits, Signage and Telecommunication Towers, as well as updating the Town's zoning ordinance.

If you have an interest in the community and the future quality of life in the Town of Pawling and are willing to obtain a working knowledge of the Town Comprehensive Plan, town code, state and local environmental policies and land use planning activities. Board members must have the ability to make sound planning decisions.

Interested candidates can submit their resume and any background information that you would like to share to introduce yourself to Supervisor James Schmitt and Town Board Members and George Brehm, Chairman of the Planning Board. Please contact Cathy Giordano, Town Clerk 845-855-5040 cgiordano@pawling.org and JoAnne Daley, Planning Department Clerk 845-855-0959 jdaley@pawling.org by email and/or phone.

DOG PARK RULES

1. Use Park at your own risk.
2. Owners are legally responsible for the behavior of their dogs at all times.
3. Dogs must be leashed while entering and exiting the park.
4. Dog waste must be cleaned up by their owners immediately.
5. Owners must be within the dog park and supervising their dog with leash readily available.
6. Dog handlers must be at least 16 years of age.
7. Children under 13 must be accompanied by an adult and supervised at all times.
8. Aggressive dogs must be removed immediately.
9. Dogs should be under voice control.
10. Dog handlers should not enter the park with more than 2 dogs.
11. All dogs who enter the park must be licensed.

PROHIBITED:

- Human & Dog food/treats
- Glass containers
- Dogs in heat
- Sick Dogs
- Aggressive dogs
- Dogs under 4 months old

HELP WANTED - ZONING BOARD OF APPEALS MEMBER

The Town of Pawling is looking for a Zoning Board of Appeals member. The position is appointed by the Town Board. In general, the position requires attendance at 1 meetings per month (on the fourth Monday evening) and site inspections. You must be a resident of Pawling. All Board members are required to obtain four (4) hours of training per year.

The Zoning Board of Appeals oversees applications for area variance, use variances and interpretations.

If you have an interest in the community and the future quality of life in the Town of Pawling and are willing to obtain a working knowledge of the Town Comprehensive Plan, town code, state and local environmental policies and zoning regulations. Board members must have the ability to make sound decisions.

Interested candidates can submit their resume and any background information that you would like to share to introduce yourself to Supervisor James Schmitt and Town Board Members and Brenda Colberg-DiMarco, Chairperson of the Zoning Board of Appeals. Please contact Cathy Giordano, Town Clerk 845-855-5040 cgiordano@pawling.org and JoAnne Daley, Planning Department Clerk 845-855-0959 jdaley@pawling.org by email and/or phone.