

Supervisor James Schmitt opened the Regular meeting of the Town Board of the Town of Pawling at 6:00 PM August 14, 2019 at the Holmes Whaley Lake Civic Association building, 239 Route 292, Holmes, New York. Present were Councilmen McCarthy, DeRosa, McGrath, Johnson and approximately 80 interested citizens.

### **WHALEY LAKE DAM PUBLIC DISCUSSION**

Supervisor Schmitt said he understood that the residents here tonight were concerned with the level of the lake. They were told the lake would be back to historical levels, that's what the town was told and that is the message that was conveyed to the residents. Now that the lake is full, it doesn't seem to be operating at the level that it was prior to the deconstruction of the old dam. He introduced Kevin Flood, PE from the firm of Fuss & O'Neill, who were the design engineers for the Whaley Lake Dam, the one that is in place right now. He is here to address questions and comments. Supervisor Schmitt said he emailed Mr. Flood questions that have been asked and he is going to address the Board and the community now as to the elevation of the lake, how they came up with the elevation of the spillway and why the lake is at the level it is and the historic elevations.

Councilman DeRosa said the Board did try to get NYS DEC to come to tonight's meeting but they would not come. Historically they haven't come to Town Board meetings, but they are willing to help the town.

Kevin Flood, from the firm of Fuss & O'Neill, said Fuss & O'Neill got involved with the project in early 2009. Their initial efforts were to do some investigations regarding the dam itself. At the time, the dam was not owned by the town and their initial work was to do some borings to figure out the extent of the problems with the dam. At that time, they began collecting data and information. One of the main documents they reviewed and looked at was a report that was done in 1999 by Zarecki & Associates. At that time, they did a survey of the dam and also looked at alternatives on how to do repairs to the dam to get it up to current NYS DEC standards. At that time, the elevation of the existing spillway was 704.8, and that was per a survey that was done by Zarecki & Associates, a professional surveyor. And in 2009, when Fuss & O'Neill got involved, Zarecki & Associates was still involved because they were the surveyor that did the previous survey and so they were used to do the survey again as they began the design. Again, the survey was done by Zarecki & Associates and 704.8 was the number that came out again as the spillway elevation. Mr. Flood said his guess is that as the years have gone on between the time they started working on the design and going through the options, and discussions included dam committee, the spillway as it stood started filling up with debris and materials and his guess was the water level continued to rise. Even though it was 704.8 at the crest of the spillway, there was so much debris, his guess is that the water level was up higher than the 704.8 number and that is what everyone has seen, at least in the ten years he has been involved. As we finished the design and submitted the permit information to NYS DEC, they agreed with the 704.8 and they approved the permit and the design was complete and construction began in 2017. Throughout the beginning of the project, they did a lot of basic investigations prior to excavation of the new spillway that was built. Throughout the next eighteen months was the length of the construction project. His understanding, as always, was that they were designing to 704.8. The hydraulic analysis that was done as part of the permitting process assumed that number and it had passed what is called the half of the probable maximum flood that the spillway would have to handle. The way it was designed, was assuming 704.8, which is what is out there now.

Stewart Grant, resident of Whaley Lake said he disagreed with what Mr. Flood has said. He said the spillway has been done over four times over time. He presented photographs of the island, which is now visible, saying it never was before. The water is eight inches below where it was when he was a kid. How will this be corrected and will it cost money? The 704.8 is not the elevation that he grew up with as a kid on that lake. He felt this entire project was a con job at the expense of the working people who are paying for this in the district. He felt this was a disaster.

Supervisor Schmitt said the whole point of the meeting tonight is to have the engineer speak and to listen to the residents' concerns. The point is to get the information out and get a means to an end. He asked everyone to stay focused. Supervisor Schmitt said Mr. Flood left him a 1999 document, which show the spillway at 704.8 but it shows the lake at 705.8, which is a foot higher, which is what most of these folks are complaining about. This is the problem. That is the twelve inches everyone is talking about and it is right here in this document. These folks have a reason to be upset. He inherited this problem and it is his problem now. He is here to work with these folks. The question is spillway elevations and historic elevations, this dam

was built in 1838, and if that is the elevation we decided to build a new one to in 2018, then shame on us. That is not what the lake was in 2017 when they demolished the old spillway. They have to figure out how to get the lake up twelve inches because that is where it needs to go. The Board has spent time on the lake and these residents live on the lake and it is low. He didn't know if it is a newer, highly efficient spillway that sheds water quicker than the old one but he has documentation that shows the water level at 705.8 in multiple locations. These are Fuss & O'Neill's drawings.

Mr. Grant said he made an original benchmark before the project originally started and if you look at it, the lake level is low.

Supervisor Schmitt said it is his opinion that this lake is twelve inches lower than what it was on average and there is a lot of documentation in the books that have this engineer's name on them with a different lake level, and the survey from Zarecki shows 705.7 on the spillway.

Mr. Flood said he gave them survey information that they used in their design that said 704.8.

Supervisor Schmitt said this has to get repaired and the residents will not be burdened with the cost of this. He came to this meeting prepared and has done research and he understood. He went through the binders and the information shows the lake, in a lot of places, the lake where you folks think it should be and now we have to figure out a way to get it up there.

Mr. Flood said they presented the design, and went through alternatives analysis with the dam committee. They went through the entire analysis with the town and, went over the spreadsheets and everything they did was based on 704.8, and it has always been that number.

Supervisor Schmitt asked why 704.8 was picked when the lake wasn't 704.8.

Mr. Flood said they were given survey information back in 2009 from Zarecki that said 704.8. It is on the drawings, and on the drawings Mr. Flood sent Supervisor Schmitt.

Supervisor Schmitt asked if Zarecki was working for Fuss & O'Neill in 2009 or for the Town of Pawling in 2009.

Mr. Flood said Zarecki did the survey for the project and they got the survey from them to do the design. If it was changed, he can't say whether it is right or wrong. He has it on the drawings as 704.8.

Councilman DeRosa said when we started to refill the dam after the construction was complete, the water level was seven inches above the existing concrete spillway. That was pretty much what he witnessed, the highest point of the water level that was above the 704.8. Now that the 6x6 is installed at the top of the spillway, the water is about an inch above the concrete spillway. His theory is, and he has been here over sixty years, and he knew when the lake was filled that it was a little lower because he could tell the rock on the island was visible and it never was. So if we let the water fill up and it goes six or seven inches above where that 6x6 is, we'll have almost ten to eleven inches. He asked Mr. Flood if the spillway was raised a foot, would that change the calculations for the dam standard for NYS DEC.

Mr. Flood said yes.

Councilman DeRosa said then we would have to look at the whole dam.

Supervisor Schmitt said he was looking at a binder, dated May, 2014, on page 6, the first paragraph says, "The water levels on Whaley Lake will be restored to normal pool level." The normal level on the drawings is 705.8, that is twelve inches higher than where the lake is right now. It is documented. You don't need documentation because if you go out on the lake, the water marks don't lie and you can see where the lake used to be. It used to be ten to twelve inches higher than where it is right now. There is absolutely no doubt about it. The bottom line is the lake needs to go up and it will need to be worked on immediately. The Board agrees with him and these folks agree with him. We need to get a solution and it can't come out of the pockets of these people who are already paying for a brand new dam that they were told, because we were told, that it would be the same.

Bill Colbert, Colbert Construction, said 704.8 was the design and the lake was in general 705.50, it would go up to almost 706 sometimes and drop back down. We spent a lot of money and were told that 704.8 was the design level. He probably did the most work on Whaley Lake. The work he did was based on 704.8, and he gets it, people want to put water in the pond but who is liable for the work that has been done and the changes that have to be made. His question is which engineering firm does he sue? He has spent almost a million dollars doing work and if the lake level is raised, the dock and boat house he built will be under water. He got the 704.8 number from Winn Construction, Vinny DiMarco and from the blue prints he has for the dam project. He worked with Fuss & O'Neill and he put the crossing in for the test borings. We just need to know who to hold liable for this, let's not just go and raise the spillway.

Councilman Johnson said if you look at the drawings, they talk about the spillway being 704.8 but they still reference the pooling level at 705.8 in that same drawing.

Mr. Colbert said it went to 705.30, that was the max, and now the 6x6 is on there and it is not coming up yet. When it does, assume six inches over that which is 705.8 in spring in fall but in summer it will be where it is now. His point is, who does he sue.

Supervisor Schmitt said he would like to see if the situation could be remedied before we get there.

Pete Bissonette said there might be a simple solution for this. There are two types of elevations, one is USUG, which is older and the other is newer, Datum 88, which is satellite. The difference is 1.1 inch any way you go. There is no question the lake is a foot lower and he said the high water mark should be used. He works for FEMA and they use the high water mark. This could be the problem, he didn't know. The seaweed is unbelievable right now. When the lake is lower, the fertilizer goes into the water from the lawns, which is twice as strong because the water level is lower. The other problem he is having is that they were told the town would not own one bit of property around the lake. It changes the lake's definition. If the town owns one piece of property along the lake, it is a navigable waterway and becomes a public lake. Now with the swap of property, the town owns property and the definition of the lake is now public, which changes everything on the lake.

Councilman Johnson said the property will be dedicated to the town when the project is complete.

Supervisor Schmitt said the plan is to complete the project and dedicate it to the district.

Mr. Bissonette said it doesn't make sense to buy a piece of property for a right of way when we have one. The road is completely illegal going down, it is too steep.

Councilman Johnson said it was for construction only. It was a temporary access for construction.

Mr. Bissonette said he was told by the building department and assessor's office the property is town owned.

Councilman Johnson said Mr. Bissonette is not familiar with the very complicated process that has been going on for the past twenty years.

Supervisor Schmitt said the goal is to turn this over to the district once the project is complete.

Mr. Bissonette said Mr. Benko's property was supposed to be used for repairs and maintenance of the dam. The town screwed up by selling the property.

Councilman DeRosa said the town didn't sell it, Dutchess County sold the property. Regarding the other property that was purchased, the right of way was put in because it made the construction costs less while building the dam. The town needed the property for the lay down area for the project. There was very little access to the dam with very little storage, so all of the material had to be brought out, brought up the hill, dumped somewhere and new material brought down. That is why the road was needed.

Supervisor Schmitt said the goal is to get the lake level back to the elevation the residents want to see it and mitigate the weed situation. He has contacted NYS DEC and four different aquatic specialists. There are many factors to the weed growth according to all of the specialists he spoke to. He asked them to do a full report, which he will get out to the residents. The main reason for the additional weed growth is the fact that the lake was five feet lower for an entire calendar year. Supervisor Schmitt said there is a lot less boat traffic, which is another reason for the increased weeds. He has reached out to NYS DEC and four aquatic specialists about the weeds. He will pick someone to do a study and see how to mitigate the problem.

Mr. Bissonette asked if there was any way to bring this back from a high hazard dam. He said NYS DEC has told him that they don't have a clue as to how the dam came to be high hazard.

Supervisor Schmitt said the town did not designate the dam high hazard, NYS DEC did that. It was his understanding that the dam was classified high hazard due to the condition of the dam. He agreed that now that there is a new dam in place, it should not be a high hazard dam.

Mr. Bissonette felt a forensic engineer should be called in to investigate this situation. He did not feel the dam needed the degree of work that was done.

Louis Trombetta said he lives on the lake at 1528 Route 292, and said the one thing the lake does not have going for it is its depth. At the deep end of the lake, eight inches doesn't mean a lot but at his end, it means a lot. There is now a literal zone, which means light hits the bottom of the lake. Basically, you have a lake that is totally engulfed in light and increased thermal pollution because the lake temperature now is seven or eight degrees above normal. There is a situation where there is Eurasian milfoil, algae bloom and duckweed growing in the

lake. So we have to raise the lake level and we have to come up with an idea how to get rid of this growth. There may be a solution and that is to lower the lake, but the air temperature has to be about 27 degrees and it has to be that way for forty eight hours. There has to be a frost.

Supervisor Schmitt said he just had that conversation with one of the aquatic experts and this is the preferred way of killing weed growth. The expert told him that there will be less weed growth next year because depth would be added to the lake by raising the water level. He understood the weed growth is an issue. He said surrounding areas are also having the weed problem.

Mr. Trombetta said this is not a deep lake and we have to be careful what we do.

Supervisor Schmitt said he will continue to get information out to the residents. He is working every day to try to get a solution for residents.

Mr. Grant said he did not understand how the Benko parcel was ever allowed to be sold and on top of that, a lot of money was paid to Mr. Adams to get the staging area. He wanted to know who allowed that to happen and who is protecting the interests of the residents, who have been paying taxes their entire life.

Councilman Johnson said the County sold the Benko property. The Town Board took action for the people of the lake when NYS DEC told the town in no uncertain terms that they would breach the dam.

Mr. Grant said he has spoken to NYS DEC and they have said something different, so the Board can tell him whatever they want, he doesn't believe it. This is a town project that has gone into disarray.

Councilman Johnson said he has documentation.

Supervisor Schmitt said he is trying to protect the residents now.

Joe Marotta, resident of 1680 Route 292, felt the lake level needed to be restored and the process also needed to be restored. He suggested a committee be formed, like the committee that was formed in the past for this process, so that the community can come up with the elevation of the lake to help in the process. The committee will have better communication, they can get some of the legal issues together, get the project done, restore the lake and have good relations with the town.

Councilman DeRosa said Mr. Marotta was on the committee many years ago. When the district was formed, the intent was to have a citizens committee, once the dam construction was complete, to advise the town board on the conditions of the lake. When the district was formed, being that this was the first dam district ever formed in New York State, there had to be special legislation in Albany to be able to do it. The attorneys had to look back at the map, plan and report and the original agreement to see what else could be done besides the dam. When the district was created, there were a lot of informational meetings and people were worried that the dam district would have tentacles and go out into many different things, such as weeds in the lake and septic systems. He would like the attorney to look over the original documents to see what can be done with the district and what cannot be done, because it was formed specifically for the dam. There was always an agreement that there would never be public access to the lake over the dam site.

Supervisor Schmitt felt a committee for the district was a wonderful idea and it gives better communication to the board. The committee would then be able to communicate with the board.

Rick Wilson said he has done his own calculations on the gallons of water in the lake. He knows it has been three feet higher many times. We no longer have the integrity that we had. The money has been spent, due diligence has been done but we have bigger problems than when we started. He felt there was an engineering and surveying problem. These professionals acted in an unprofessional way and the residents are liable for their mistakes. The community needs to stand together and do what is right, and he didn't know what was right but he knows that something is wrong. When something is wrong, we need the clearest heads, the smartest minds and the best people to work together. He extended his appreciation to Supervisor Schmitt for everything he said tonight and to Councilman Johnson for putting the board across the spillway. He would have liked to see NYS DEC here at the meeting. He appreciated the board working on this and he understood it was a difficult situation and it is not of their making. All he could ask is for them to do the best job in their heart and mind, knowing what is right.

Councilman Johnson said NYS DEC did attend a meeting at the dam.

There were questions about the maximum levels of the spillway.

Supervisor Schmitt said NYS DEC allowed the town to come up six inches, see how it affects everything on the lake and if the residents are not happy, it will be another discussion. We haven't gotten to that because the water hasn't crested the 6x6 that was put on the lake.

Mr. Flood said we can bring it up the six inches that NYS DEC said it could be raised, and that initially is what was done. NYS DEC came out a couple of Fridays ago and said if the town wants to increase the water level any more, hydraulic analysis needs to be done on the new spillway to figure out whether it can still pass the probable maximum flood and still have enough free board so that the dam is okay as it is right now. If it can't, we may need to raise the dam. If the residents want another foot and a half of water over the six inches that it already has come up, it could mean that we may need to raise the dam.

Councilman Johnson said one of the gentleman that was at the dam meeting from NYS DEC said that a possibility also exists to widen the initial spillway. There are a lot of options but a study would have to be done. The permit is good until 2022, and we are within the window and anxious to get it taken care of.

William Pardy from 66 Lakeview Drive, said the gentleman just said a foot and a half. There is no one in this room that wants a foot and a half. He did not want to see us asking for a foot and a half in the minutes. He felt 90% of the people in this room are shooting for a foot.

Supervisor Schmitt said there will be no steps taken without everyone here being brought up to speed on what is going on.

Andrea Cooper said residents are getting different information from different people. She felt one or two people should be designated who would be answering questions. People should not be able to offer their opinions.

Councilman Johnson said people should contact the Supervisor's office and he would direct the questions to the correct person who could answer.

Diane Harden said she emailed the supervisor and board members about this issue and never received a response, and she knows of at least three other people who never received responses.

Supervisor Schmitt said he gets back to everyone he can.

Frank Bonthron, resident from 1064 Route 292, at the south end of the lake, said he wanted to talk about another aspect falling under the category of safety. He has had boats on the lake for 45 years and never had this happen to a boat prop, which he presented. He was lucky and he didn't get hurt. It was a pain just to tow the boat out of the lake. There was a lot of erosion at the south end of the lake and the idea of bringing the lake down again for any length of time is not good for him.

Jane Colbert said the temporary 6x6 on the spillway is temporary and something will have to be put in permanently, and if we go any higher it will compromise the dam. There will need to be studies done and restructuring may have to be done, and Supervisor Schmitt has said before that the residents will not be responsible for paying for this. She wanted to hear it again.

Supervisor Schmitt said that is what his goal is.

Tom DiMarinis, resident of 1128 Route 292, on the south end of the lake, said he is not an engineer but the level of the lake is too low, and everyone agrees on that. There seems to be a lot of talk about what the height should be. There were a lot of people that were a part of the process to pick the right people to do this particular job. Ultimately, from what he is hearing, Mr. Flood's firm was selected as the experts to design this dam. The first thing he heard from Mr. Flood today was that the only thing he could think of was that maybe there was debris. He asked if this was such a unique situation that the debris affected the possible design of the lake.

Mr. Flood said he stated that the higher elevations that everyone saw prior to his engineering firm getting involved could have been a function of that but they used survey information, which was done by a licensed surveyor, that was available and that is what they designed to, and that is what the state permit is based on and that is what was constructed.

Supervisor Schmitt said he is working toward rectifying this situation now.

Mr. DiMarinis said he understood the enormous amount of work that everyone has done on this project through the years. It seems to him that based on what he is hearing, the wrong people were picked.

Mr. Bissonette said the engineer had to use the survey that was provided to him.

Mr. Marotta said if there is anyone who would like to be on the committee that will be formed, see him after the meeting.

Bruce Reeves, resident from 1702 Route 292 said he wanted to hear from the Board that they will begin the process to do the analysis required to evaluate what needs to be done to raise the lake six inches or twelve inches.

Supervisor Schmitt said the process has begun by installing the 6x6's on the dam crest to bring the lake up. That was per NYS DEC's blessing, as long as the dam district was for it. Obviously from the feedback the board received, they knew the residents were for it. The reason for going with the temporary solution was because of people like Mr. Colbert who built things

and did not have a lot of wiggle room. Part of the reason for putting the 6x6's out there was to get the lake to come up slowly so it could be monitored and people could see what is happening. The concern is that people did work and invested money into their property using the elevations they were given. This process is ongoing and we must take everyone's opinion into consideration.

Mr. Reeves asked how we would come to a consensus as to what the appropriate level is.

Supervisor Schmitt said the board will work with the residents on that. He felt there has been great communication since the dam has been done.

Paul Malichuk said the engineer looked at one survey and that is not historical.

Councilman DeRosa said twenty five years ago, NYS DEC said it would be at the normal level of the lake.

Steve Martens, resident of 48 Lakeview Drive, thanked the board and asked everyone to remember that they secured a one million dollar grant for this project. Regarding the dam property, it was suggested to put a deed restriction on that property. He felt that should be brought to the residents to decide. He did not feel a deed restriction should be placed on the property.

Councilman Johnson said the goal was to ensure access to the dam for maintenance and/or reconstruction of the dam.

Supervisor Schmitt felt the dam committee, once formed, could discuss that issue.

Councilman DeRosa felt that the attorneys needed to look at the documentation relating to the formation of the dam district to see what could be done legally before these discussions could take place.

Arthur Mulford, resident from 42 Lakeview Drive, said at the last meeting, it was stated that the lake level could be adjusted by putting slats in and raising the lake level. He asked who told the town they could put the slats in and raise the lake level.

Councilman DeRosa said NYS DEC told Vinny DiMarco that a 6x6 could be placed on the existing spillway temporarily. We have to give this time and see what happens with the lake. Additional conversations will need to happen with NYS DEC. He said when the lake was full, it was six to seven inches above the concrete spillway. If we add six inches and get to a high water level again next year, it will be six or seven inches above that 6x6, and we will have raised it twelve inches.

Supervisor Schmitt said he has never seen the weir boards in any design plans. The way to do this is to pick an elevation and build the spillway to the right elevation. The draw down valve is to be able to lower the lake when you need to.

Mr. Marotta said there was discussion by the dam committee about weir boards in the original concept that never made it into the plans.

Mrs. Colbert asked how information would be communicated to residents.

Supervisor Schmitt said he wasn't sure, maybe through the town's website, social media, special meetings and mailings. He could communicate with the committee once formed, and the committee could communicate with the residents.

Councilman DeRosa said the town took out a Bond Anticipation Note for 3.8 million dollars for the construction of the dam. Once we get to a certain point, that money will be bonded. The town is hoping to get the million dollar grant that NYS DEC granted, which brings it down to 2.8 million dollars, and that is probably the amount that will be borrowed. He has asked the accountant for a breakdown of the account and he is waiting for that.

Alfred Greve, resident of 1705 Route 292, felt the process needed to be expedited. There is little opportunity before the cold weather comes in. He asked if the survey could be done in a timely manner, or will NYS DEC be involved.

Supervisor Schmitt said he intended to expedite the process as best he could.

Mr. Greve asked if the town could put out a schedule as to when the engineering could be done. He asked about expediting the funding to cover the engineering.

Supervisor Schmitt said he would be talking to Mr. Flood tomorrow and he said we don't know what the cost will be to remedy the situation. He guaranteed that the cost would not be a mitigating factor in this process moving forward. He wanted results.

Steve Martens said let's remember that there are people who have built stuff at the marina and we have to make sure they are not negatively affected.

## **PAWLING COMMUNITY FOUNDATION**

The Board entertained a presentation by George Apap from the Pawling Community Foundation regarding the plan for a dog park at Murrow Park, and restoration of the great lawn at Lakeside Park. He explained that a survey was done four years ago and the community said in that survey that they wanted a dog park and soccer and lacrosse fields on the great lawn at Lakeside Park. PCF hired a park planner, who designed a master plan and they went ahead and spent a lot of money on engineering of the great lawn and dog park. The PCF would like to donate, at no cost to the town, the dog park and restore the great lawn, all being done on the generosity of the community, not taxpayer's expense. They have been working on these projects for quite some time.

Ed Hauser, member of the PCF said the dog park is shovel ready and they can begin work within a week. The location of the dog park at Murrow Park is where the volleyball courts once were. They are now proposing grass and there would be an area for smaller dogs and larger dogs. They would be providing water and the area would be fenced in.

Supervisor Schmitt said the board can consider and discuss this at the first meeting in September.

Councilman Johnson said the temporary dog park at Lakeside is being used quite a bit. He asked if the PCF would consider improving the temporary one instead of building the new one.

Mr. Apap said they have been at this for years and they have spent a lot of design time and money. The goal was to repurpose Murrow Park and bring in new uses and the dog park was a popular need in the survey. The master plan located it there strategically, along with other uses for that park, such as a community garden and nature educational center.

Councilman McGrath said he is not necessarily adverse to a dog park but he felt starting this project would take away from initiating the great lawn project, which he felt should be the biggest priority. He felt the community had expressed they want to see the dirt pile gone. To vote on anything that distracts from that project, he couldn't do it.

Supervisor Schmitt asked to touch base on the dirt pile. He asked if the PCF had a timeline for these projects.

Mr. Apap said the dog park is approximately a \$75,000.00 project and the great lawn project is in the hundreds of thousands of dollars. They have the money for the dog park and can give it to the town literally right away. They went ahead with the dog park because they felt the town board was 100% behind it so they moved forward with it. With the great lawn, they want the resolution first and then they would raise the money, just to make sure everyone is on the same page. They have 2020 blocked out for fund raising and they have a very elaborate fund raising plan. The PCF has done the Village Green, which is a multimillion dollar project. Regarding the dirt pile, the PCF has allocated \$4,000.00 to reseed and reshape it because they don't need all of the dirt. The problem is no one knows where to put the remainder of the dirt.

Supervisor Schmitt said he would like to know when the great lawn project would begin because the community will come to the board for answers.

Councilman Johnson said the other concern with that project is where the kids will go in the two years it takes for that lawn to be playable.

Mr. Apap said the construction time frame would ideally start in the spring of 2021 and playable by fall of 2021. There has been talk about using other fields in town in the meantime. They feel they would have the money raised for the great lawn project in one year.

Councilman McCarthy asked if cars could be parked on the great lawn once the construction is done, or is there a better place to put those fields by the other ballfields along Dodge Road.

Mr. Ed Hauser said properly constructed turf can handle occasional parking.

Following further discussion, Supervisor Schmitt said the board would consider these proposals at the first September meeting.

## **MINUTES**

Councilman Johnson made a motion to accept the minutes of 7/10/19 and 7/24/19, seconded by Supervisor Schmitt, motion passed unanimously.

**NON CONSENT AGENDA**

**Resolution 2019093  
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 20190936 through 20191117, 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 \$4,896,380.36.

**Resolution 2019094  
Bond Release – Schiavone**

Whereas, the Town of Pawling currently holds a \$26,800.00 Restoration Bond for Eugene and Barbara Schiavone, and

Whereas, the Planning Board Secretary has confirmed in a letter dated July 16, 2019 that all equipment pertaining to the original site plan approval has been removed, and

Whereas, the Planning Board has recommended to the Town Board that these funds be released, therefore, be it

Resolved, that the Town of Pawling hereby releases the \$26,800.00 Restoration Bond to Eugene and Barbara Schiavone and authorizes the Bookkeeper to release such funds.

**Resolution 2019095  
Appointment - Full Time Laborer**

Whereas, a vacancy exists in the Buildings & Grounds Department for a Full Time Laborer due to the departure of Kevin Reynolds, and

Whereas, Michael Pitts is a current Part Time Laborer for the Buildings & Grounds Department, and

Whereas, the Supervisor of Buildings & Grounds would like to fill the Full Time Laborer position with Michael Pitts, therefore, be it

Resolved, that the Town Board approves Michael Pitts to be a full time Laborer in the Buildings & Grounds Department.

**MOTION:** Councilman Johnson

**SECOND:** Supervisor Schmitt

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2019097**  
**Amendments to Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities**

Whereas, the Hudson River Valley Greenway Act of 1991 has as a legislative goal the establishment of the Greenway Compact, a process for voluntary cooperation among the communities of the Hudson River region; and

Whereas, the Town of Pawling adopted *Greenway Connections* by Local Law and joined the Greenway Compact on August 8, 2000 and

Whereas, the Greenway Act or the adoption of *Greenway Connections* do not supersede or change the powers that the State has granted municipal governments under the New York constitution, the Municipal Home Rule Law, or various municipal enabling acts, and

Whereas, the Local Law adopting *Greenway Connections* contained a provision allowing subsequent amendments to the document by resolution of the local legislative body; and

Whereas, after multiple local presentations and public comments, the Hudson River Valley Greenway Communities Council has approved seven new Greenway Guides to be included in *Greenway Connections*: Centers and Greenspaces, Slower Safer Streets, Rural Roads, Building Bicycle Networks, Convenience Stores with Gas Pumps, Recycling and Waste Collection, and Green Infrastructure; and

Whereas, the Greenway Guides are entirely optional in nature and to be considered only when local officials in discretionary decisions think they may be appropriate; and

Whereas, The Town Board of the Town of Pawling, as lead agency, has completed a review under the State Environmental Quality Review Act (SEQRA) and has determined that these amendments to *Greenway Connections* will not have a significant effect on the environment and, therefore, warrant a “Negative Declaration” under Article 8 of the State Environmental Conservation Law, and

NOW, THEREFORE BE IT RESOLVED,

1. That the Town Board of the Town of Pawling has prepared and hereby adopts the annexed SEQRA Negative Declaration for the proposed action; and
2. That the Town Board of the Town of Pawling approves and adopts the amendments to *Greenway Connections* to include seven new Greenway Guides: Centers and Greenspaces, Slower Safer Streets, Rural Roads, Building Bicycle Networks, Convenience Stores with Gas Pumps, Recycling and Waste Collection, and Green Infrastructure.

**Resolution 2019098**  
**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 2019 -2020, 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.

**Resolution 2019099**  
**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 \$2,396.40 for the period of May 1, 2019 through July 31, 2019 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 2019100**

**Standard Work Day & Reporting Resolution for Elected & Appointed Officials RS-2417-A**

BE IT RESOLVED, that the Town of Pawling (30350) hereby establishes the following standard work days for these titles and will

report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Current Term Begin & End Dates	Record of Activities Result	Not Submitted (Check only if official did not submit their Record of Activities)
-------	--	--------------------------	--------------------------------------	-----------------------------------	--

**Elected Officials**

Town Justice	6	Gayle Zelazny	01/01/2019- 12/31/2022	4.14	
--------------	---	---------------	---------------------------	------	--

I, **Catherine Giordano**, clerk of the governing board of the Town of Pawling of the State of New York, do hereby certify that the foregoing resolution was

passed by the Pawling Town Board at a legally convened meeting held on the 14<sup>th</sup> day of August, 2019 and is on file as part of the minutes of such meeting,

and that same is a true copy thereof and the whole of such original.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Pawling on this 14<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
Catherine Giordano  
Town Clerk

**AFFIDAVIT OF POSTING:** I, Catherine Giordano, being duly sworn, deposes and says that the posting of the Resolution began on \_\_\_\_\_ and

continued for at least 30 days. That the Resolution was available to the public on the Employer's website at [www.pawling.org](http://www.pawling.org) and the official sign board at

160 Charles Colman Blvd., Pawling, New York. The resolution was available to the public on the Employer's website at [www.pawling.org](http://www.pawling.org) and the Official

Town Clerk's Sign Board at Town Hall, 160 Charles Colman Blvd., Pawling New York.

**Resolution 2019101**

**Adoption of Credit Card Policy**

Whereas, the Town of Pawling deems it in the best interest of the Town to make certain transactions with a credit card, and

Whereas, a policy for the use of the Town credit card has been created and attached hereto, now, therefore, be it

Resolved, that the Town of Pawling Town Board approve and adopt the Credit Card Policy as the official policy of the Town of Pawling.

**Resolution 2019102**  
**Budget Amendments for Fiscal Year 2019**

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

Whereas, normal course of business activity throughout 2019 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:

***Regarding Water District #1:***

**Increase** in Expense Line SW1.1980.400 (MTA Tax) by \$10.00  
**Decrease** in Expense Line SW1.9089.810 (NYS MTA Tax) by \$10.00

***Regarding Water District #2:***

**Increase** in Revenue Line SW2.4999.000 (Appropriated Fund Balance) by \$8,645.00  
**Decrease** in Expense Line SW2.8310.400 (Water Admin CE) by \$3,500.00  
**Decrease** in Expense Line SW2.8330.400 (Purification CE) by \$4,000.00  
**Increase** in Expense Line SW2.8320.400 (Source of Supply, Power CE) by \$15,900  
**Increase** in Expense Line SW2.1980.400 (MTA Tax) by \$10.00  
**Increase** in Expense Line SW2.9030.800 (Social Security Tax) by \$190.00  
**Increase** in Expense Line SW2.9035.800 (Medicare Tax) by \$45.00

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approve the 2019 Budget amendments as submitted by the Budget Officer.

**Resolution 2019103**  
**Budget Amendments for Fiscal Year 2019**

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

Whereas, normal course of business activity throughout 2019 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:

**Increase** in Expense Line B.8090.400 (Environmental Control) by \$ 2,000.00  
**Increase** in Expense Line B.9089.800 (Medicare Reimbursement) by \$ 108.00  
**Decrease** in Expense Line B.1990.400 (Contingency) by \$ 2,108.00

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approve the 2019 Budget amendments as submitted by the Budget Officer.

**Resolution 2019104**  
**Budget Amendments for Fiscal Year 2019**

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

Whereas, normal course of business activity throughout 2019 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:

**Increase** in Expense Line A.1010.400 (Town Board CE) by \$ 2,000.00  
**Decrease** in Expense Line A.1220.400 (Supervisor) by \$ 2,000.00

**Increase** in Expense Line A.1650.400 (Central Communication CE) by \$ 6,500.00  
**Decrease** in Expense Line A.1910.400 (Unallocated Insurance) by \$ 6,500.00

**Increase** in Expense Line A.9089.800 (Medicare Reimbursement) by \$ 1,600.00  
**Decrease** in Expense Line A.9050.800 (Unemployment Insurance) by \$ 1,600.00

**Increase** in Revenue Line A.2050.000 (Golf Course Fees) by \$ 5,000.00  
**Increase** in Expense Line A.7260.400 (Golf course-Club House CE) by \$ 5,000.00

**Increase** in Revenue Line A.2025.000 (Beach & Pool Fees) by \$ 41,000.00  
**Decrease** in Expense Line A.7145.100 (Teen Center PS) by \$ 5,000.00  
**Decrease** in Expense Line A.7145.400 (Teen Center CE) by \$ 4,000.00  
**Increase** in Expense Line A.7230.100 (Beach & Pool PS) by \$ 44,000.00  
**Decrease** in Expense Line A.7320.100 (Youth Programs – Summer Camp PS) by \$ 7,000.00  
**Increase** in Expense Line A.7320.400 (Youth Programs – Summer Camp CE) by \$ 13,000.00

***And per Town Board Resolution #2019074 (Purchase of Water Equipment)***

**Increase** in Revenue Line A.5031.000 (Interfund Transfer) by \$ 18,531.00  
**Increase** in Expense Line A.7230.200 (Beach & Pool EQ) by \$ 18,531.00

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approve the 2019 Budget amendments as submitted by the Budget Officer.

**MOTION:** Councilman Johnson

**SECOND:** Supervisor Schmitt

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2019105  
Adopting a Negative Declaration Under SEQRA – Hurds Corner Road**

WHEREAS, the Town of Pawling Town Board desires to reconstruct Hurds Corner Road to provide a safe stable driving surface with a service life of 15 to 20 years, and to clean existing drainage culvert crossings and upgrade storm water drainage to alleviate drainage problems; and

WHEREAS, the Project represents an “Unlisted” action pursuant to the New York State Environmental Review Act (“SEQRA”), and the Town Board considers itself the most appropriate agency to conduct the required environmental review for the Project; and

WHEREAS, a Full Environmental Assessment Form (“EAF”) identifying and analyzing the potential environmental impacts of the proposed action has been prepared; and

WHEREAS, the Town Board declared their notice of intent to become Lead Agency pursuant to SEQRA; and

WHEREAS, no other involved agency has raised an objection to the Town Board of the Town of Pawling acting as Lead Agency in the review of the Project; and

WHEREAS, as Lead Agency the Town Board has duly reviewed the EAF, the public record and the latest plans; and

WHEREAS, to determine whether the action may have a significant adverse impact on the environment, the Town Board has compared the impacts that may reasonable be expected to result from the action and compared them against the criteria for determining significance set forth in SEQRA, 6 NYCRR §617.7(c); and

WHEREAS, the Town Board has thoroughly analyzed and identified the relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment, and has taken the requisite “hard look” at the potential environmental impacts of the action; and

WHEREAS, the Town Board concludes that the proposed action will not have any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Pawling hereby finds that the proposed action will not result in a significant adverse environmental impact for the following reasons:

1. There will be no substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels.
2. There will be no substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. There will be no substantial increase in traffic or the use of existing infrastructure.
4. There will be no removal or destruction of large quantities of vegetation or fauna, nor will there be any significant impacts on habitat areas.
5. There will be no significant impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources
6. There will be no significant impairment of existing community or neighborhood character.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling, pursuant to 6 NYCRR Part 617.7, issues a NEGATIVE Determination of Significance.

**Resolution 2019106**  
**Adopting a Negative Declaration Under SEQRA – Dewey Lane Bridge**

WHEREAS, the Town of Pawling Town Board desires to replace the existing concrete and steel beam deck over Hiller Brook Culvert; and

WHEREAS, the Project represents an “Unlisted” action pursuant to the New York State Environmental Review Act (“SEQRA”), and the Town Board considers itself the most appropriate agency to conduct the required environmental review for the Project; and

WHEREAS, a Full Environmental Assessment Form (“EAF”) identifying and analyzing the potential environmental impacts of the proposed action has been prepared; and

WHEREAS, the Town Board declared their notice of intent to become Lead Agency pursuant to SEQRA; and

WHEREAS, no other involved agency has raised an objection to the Town Board of the Town of Pawling acting as Lead Agency in the review of the Project; and

WHEREAS, as Lead Agency the Town Board has duly reviewed the EAF, the public record and the latest plans; and

WHEREAS, to determine whether the action may have a significant adverse impact on the environment, the Town Board has compared the impacts that may reasonable be expected to result from the action and compared them against the criteria for determining significance set forth in SEQRA, 6 NYCRR §617.7(c); and

WHEREAS, the Town Board has thoroughly analyzed and identified the relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment, and has taken the requisite “hard look” at the potential environmental impacts of the action; and

WHEREAS, the Town Board concludes that the proposed action will not have any significant adverse environmental impacts.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Pawling hereby finds that the proposed action will not result in a significant adverse environmental impact for the following reasons:

1. There will be no substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels.
2. There will be no substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. There will be no substantial increase in traffic or the use of existing infrastructure.
4. There will be no removal or destruction of large quantities of vegetation or fauna, nor will there be any significant impacts on habitat areas.
5. There will be no significant impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources
6. There will be no significant impairment of existing community or neighborhood character.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling, pursuant to 6 NYCRR Part 617.7, issues a NEGATIVE Determination of Significance.

**Resolution 2019107**  
**Adopting a Negative Declaration Under SEQRA – West Main St. Culvert**

WHEREAS, the Town of Pawling Town Board desires to line an existing open bottom concrete box culvert with an aluminum pipe arch culvert grouted in place at the corner of West Main Street approximately 170 feet east of the intersection with West Street in the Town of Pawling; and

WHEREAS, the Project represents an “Unlisted” action pursuant to the New York State Environmental Review Act (“SEQRA”), and the Town Board considers itself the most appropriate agency to conduct the required environmental review for the Project; and

WHEREAS, a Full Environmental Assessment Form (“EAF”) identifying and analyzing the potential environmental impacts of the proposed action has been prepared; and

WHEREAS, the Town Board declared their notice of intent to become Lead Agency pursuant to SEQRA; and

WHEREAS, no other involved agency has raised an objection to the Town Board of the Town of Pawling acting as Lead Agency in the review of the Project; and

WHEREAS, as Lead Agency the Town Board has duly reviewed the EAF, the public record and the latest plans; and

WHEREAS, to determine whether the action may have a significant adverse impact on the environment, the Town Board has compared the impacts that may reasonable be expected to result from the action and compared them against the criteria for determining significance set forth in SEQRA, 6 NYCRR §617.7(c); and

WHEREAS, the Town Board has thoroughly analyzed and identified the relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment, and has taken the requisite “hard look” at the potential environmental impacts of the action; and

WHEREAS, the Town Board concludes that the proposed action will not have any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Pawling hereby finds that the proposed action will not result in a significant adverse environmental impact for the following reasons:

1. There will be no substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels.
2. There will be no substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. There will be no substantial increase in traffic or the use of existing infrastructure.
4. There will be no removal or destruction of large quantities of vegetation or fauna, nor will there be any significant impacts on habitat areas.
5. There will be no significant impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources
6. There will be no significant impairment of existing community or neighborhood character.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling, pursuant to 6 NYCRR Part 617.7, issues a NEGATIVE Determination of Significance.

**Resolution 2019108**  
**Adopting a Negative Declaration Under SEQRA – Greenway Connections**

WHEREAS, the Town of Pawling Town Board adopted the Greenway Connections by Local Law and joined the Greenway Compact on or about August 8, 2000, which local law contained a provision allowing for subsequent amendment of Greenway Connections; and

WHEREAS, the Hudson River Valley Greenway Communities Council has approved seven new Greenway Guides (the “Project”) that the Town wishes to approve and adopt; and

WHEREAS, the Project represents an “Unlisted” action pursuant to the New York State Environmental Review Act (“SEQRA”), and the Town Board considers itself the most appropriate agency to conduct the required environmental review for the Project; and

WHEREAS, a Short Environmental Assessment Form (“EAF”) identifying and analyzing the potential environmental impacts of the proposed action has been prepared; and

WHEREAS, the Town Board declared their notice of intent to become Lead Agency pursuant to SEQRA; and

WHEREAS, no other involved agency has raised an objection to the Town Board of the Town of Pawling acting as Lead Agency in the review of the Project; and

WHEREAS, as Lead Agency the Town Board has duly reviewed the EAF, the public record and the latest plans; and

WHEREAS, to determine whether the action may have a significant adverse impact on the environment, the Town Board has compared the impacts that may reasonable be expected to result from the action and compared them against the criteria for determining significance set forth in SEQRA, 6 NYCRR §617.7(c); and

WHEREAS, the Town Board has thoroughly analyzed and identified the relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment, and has taken the requisite “hard look” at the potential environmental impacts of the action; and

WHEREAS, the Town Board concludes that the proposed action will not have any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Pawling hereby finds that the proposed action will not result in a significant adverse environmental impact for the following reasons:

1. There will be no substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels.
2. There will be no substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. There will be no substantial increase in traffic or the use of existing infrastructure.
4. There will be no removal or destruction of large quantities of vegetation or fauna, nor will there be any significant impacts on habitat areas.
5. There will be no significant impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources
6. There will be no significant impairment of existing community or neighborhood character.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling, pursuant to 6 NYCRR Part 617.7, issues a NEGATIVE Determination of Significance.

### **Resolution 2019109 Authorizing Credit Card Agreement**

Whereas, the Town Clerk has recommended that the Town accept credit card payments for permits and other services rendered by the Town; and

Whereas, the Town Clerk has received a proposal from Forte, a company that will process Credit Card, Debit Card and ACH Transactions on behalf of the Town, and the cost will be covered by a surcharge to be paid by the credit card, debit card or ACH user; and

Whereas, the Proposal is for a term of three (3) years, and requires the Town to establish a separate account in the amount of \$1,000 to cover any debits caused by declined cards; and

Whereas, in order to process credit, debit and ACH payments, a separate data line is required, and Sullivan Data has submitted a proposal to install said line in the Clerk's office at a cost of \$300 ;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling approves and accepts the Proposal from Forte to process Credit Card, Debit Card and ACH Transactions at a per charge cost, to be paid by the credit card user; and

BE IT FURTHER RESOLVED, that a separate data line be installed in the office of the Town Clerk by Sullivan Data, at a cost of \$300; and

BE IT FURTHER RESOLVED, the Town to establish a separate account in the amount of \$1,000 to cover any debits; and

BE IT FURTHER RESOLVED the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney.

**Resolution 2019110**  
**Response to Department of Agriculture & Markets**

Whereas, Kirby Hill Farm is a farm operation, located within a county adopted, State certified agricultural district; and

Whereas, an appeal was made by Kirby Hill Farm to the Department of Agriculture & Markets("DAM") pursuant to New York State Agriculture & Markets Law 305-1, to review the Pawling Town Code and the exclusion of "piggeries" from the Town's definition of "farm, farm use; customary farm occupation;" and

Whereas, on September 27, 2018 and March 22, 2019, the Town of Pawling submitted objections to the appeal and defended the Town Code prohibition on piggeries as necessary to protect the health, safety and welfare of our Town's residents as well as the New York City watershed; and

Whereas, the Town is in receipt of a determination from DAM dated July 9, 2019, which concludes that the Town of Pawling's piggery ban, and its administration by the Town, unreasonably restricts Kirby Hill Farm in violation of AML §305-a(1); and

Whereas, DAM has also requested that that the Town confirm that it will not administer its piggery ban as applied to Kirby Hill Farm, a farm operation, located within a county adopted, State certified agricultural district, or DAM will take appropriate action to ensure the prohibition is not enforced; and

Whereas, DAM's determination does not prohibit the Town from adopting or enforcing regulations that protect the health, safety and welfare of the Town and the Town is currently working on amendments to the Town Code to reasonably regulate farm use;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling authorizes the Town Attorney to confirm that the Town will not administer its piggery ban as applied to Kirby Hill Farm.

**Resolution 2019111**  
**Accepting Donation of Buoys for Whaley Lake**

Whereas, the Town is in receipt of a donation from Susan Leoni in the amount of \$1,108.62, to be used for the purchase of three (3) buoys for Whaley Lake;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling accepts the donation of Susan Leoni, with gratitude and appreciation, and authorizes the use of the donation to purchase three (3) buoys for Whaley Lake.

**MOTION:** Councilman Johnson

**SECOND:** Supervisor Schmitt

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2019096  
Appointment – Zoning Board of Appeals**

Whereas, the Town of Pawling Zoning Board of Appeals has an open seat that exists, and

Whereas, interviews were conducted with interested candidates, and

Whereas, the Pawling Town Board and the Chairwoman of the Zoning Board of Appeals hereby recommend Tanmay Gajjar for the position, therefore, be it

Resolved, that Tanmay Gajjar is hereby appointed to complete the remainder of the existing term ending on December 31, 2020 and shall be compensated at the rate set within the adopted Town of Pawling budget for each given year.

Councilman Johnson made a motion to move Resolution 2019096 with the contingency that the Supervisor receiving a letter from the applicant, seconded by Supervisor Schmitt, motion passed unanimously.

**JOHNSON**

Councilman Johnson said he and Supervisor Schmitt spent a lot of time over the last month working on the Whaley Lake Dam. The board is taking this very seriously. There is an issue and the board needs to pay attention to people who he feels were probably given erroneous information. He thanked Supervisor Schmitt for his time. A tremendous amount of hours have been spent working on this.

**MCCARTHY**

Councilman McCarthy said the transfer station will be closed August 22, 2019, next Thursday in order for the new compactor and boxes to be installed. He and most of the board members and every department head met with the new grant writers and he felt it was very successful. There will be more information coming from them.

**MCGRATH**

Councilman McGrath said the same day the grant writers meetings took place, there was a meeting with Laberge about the map, plan and report for the sewer line for Route 22 south. The engineer is beginning to gather all of the information to move forward with that. Another issue that is happening is that JoAnne Daley’s office has water leaking in again and he felt there should be a motion to move her over to the annex building next door to town hall.

Wendel Weber said he was planning to put down the new flooring in the annex building in October. He had gotten estimates on moving phone lines and computer lines to the annex building but he didn’t have them with him now.

Councilman DeRosa said the only way to repair the lower level of the building is to strip the walls down to the studs, remove asbestos and check for mold. The drainage outside would have to be corrected.

Councilman Johnson said someone should speak to Legion representatives to see what parts of the building they use. He also suggested Mr. Weber get an estimate from someone to put down the new flooring in order to expedite the move.

Following further discussion, it was agreed that Mr. Weber would get the prices together and discuss this issue with the board.

### **DEROSA**

Councilman DeRosa said he met with the head engineer of the rail trail and he will be getting a tour of the project on Friday. Their schedule is to have the rail trail completed by October. He said it is time for the CDBG and the board to discuss projects to submit for the grant.

Councilman Johnson suggested a phase three sidewalk project and possibly improvements of the handicapped bathrooms at Murrow Park.

### **SUPERVISOR SCHMITT**

Supervisor Schmitt said he hoped everyone enjoyed the Fireman's Carnival. He has been working with the Senator and he was able to obtain a grant for \$150,000.00, and the money will be used for the old Murrow building. He did meet with the new grant company, who he felt would serve the community very well and he is excited for that. He was happy with the turnout at tonight's meeting and he wanted to continue to communicate with residents.

### **PUBLIC COMMENT**

Vinny DiMarco thanked the Board for meeting in Holmes. Attendance was wonderful and it showed that people really care and appreciate the efforts the board puts in. He thanked the board for coming to the dam and taking the time to try to remedy the issue. He thanked Councilman Johnson for installing the 6x6's, it was really appreciated, and he thanked all board members for everything they do.

Fred Palm, resident from 26 Crescent Drive, asked about the Airbnb policy.

Supervisor Schmitt said the town board has been working on it and it has been turned over to the planning board. It is in the process and is moving forward.

Roy Carter, resident from 17 Hurds Corner Road, commended the Board for going forward with the Greenway Connections and Greenway Compact. He commended the board for having meetings and planning for sewer connections south along Route 22.

Marty Mygan, resident of South White Rock Road, Holmes said a lot of work has been done on South Road.

Supervisor Schmitt said South Road will be paved this year.

Mr. Mygan asked if for the board members, the health benefits are available for a single person and are completely paid for by the town.

Supervisor Schmitt said he is working now on a different increase in contributions and he is looking to vote on that prior to budget season this year and hoped to have the changes in place moving forward.

Mr. Mygan said the family plan is available as well at a cost of \$28,000.00 or \$29,000.00 and the single is approximately \$12,000.00. He understood the contribution to be approximately \$4,000.00.

Councilman McCarthy said for the family plan, the Board pays 25% of the difference between the single plan and family plan, approximately \$4,000.00.

Mr. Mygan said so approximately \$24,000.00 is paid by the town. He hoped that Supervisor Schmitt could do something about that.

The motion to adjourn was made by Councilman DeRosa at 8:00 PM, seconded by Councilman Johnson, motion passed unanimously.

---

Town Clerk

**TOWN OF PAWLING**  
**CREDIT CARD USE POLICY**

**I. PURPOSE**

To establish internal controls and criteria for the use of credit cards issued to employees of the Town of Pawling for the purpose of conducting Town Business.

**II. OVERVIEW**

The use of credit cards has been determined to be a convenient and cost effective method of obtaining certain products and services for the Town. The primary purpose will be to pay vendor invoices within the Finance department and will continue to follow the existing Town's purchasing policy. Additional purchasing may be conducted only when purchasing with the card will facilitate a specific advantage to the Town where payment in advance is required with only a credit card and could also include pricing or availability. Some travel and training costs may also be handled best through the credit card process.

**III. PROCEDURE**

For all transactions which occur within the Finance department, the purchasing will flow through the existing procurement process. The vendor payment will be made within the Finance department once all existing procurement procedures and approvals have been completed.

For any additional purchasing the following will apply.

**A. Issuance of Credit Cards**

1. Cards will be issued at the discretion of the Supervisor and will be accessible to Department Heads to be used only on an as needed basis. These individuals then become the responsible party to all supporting documentation related to all transactions placed with that card. The Legislative Aide shall maintain a list of all credit card account numbers for all cards issued.
2. As needed will be defined as to only those individuals who are regularly authorized to make purchases and where the traditional procurement process will not work. Examples of these instances would be limited to when a vendor offers items and/or services at an advantage to the Town where payment in advance is required with only a credit card and could also include pricing or availability.

**B. Use of the Credit Card(s)**

1. The following employees will have authorization to process orders using universal (Visa, Mastercard, Etc.) credit card(s):  
  
Supervisor  
Deputy Supervisor  
Bookkeeper
2. Use of the universal card(s) will take place within the Finance Department. Department heads wishing to use the card(s) will e-mail the Finance Department with their purchase request. A member of the

Finance Dept. will obtain an approval, via e-mail, from one of the above authorized users before processing the order.

3. At the discretion of the Supervisor, Store Credit Cards may be issued to Town Employee Department Heads.
4. All credit card invoices will be submitted to the Finance Department for payment according to the Town's existing procurement process.
5. The credit card(s) are to be used in the conduct of the Town's business only. The use of a Town credit card to acquire or purchase goods and services for other than official use of the Town is strictly forbidden, considered fraudulent use and may subject the employee to disciplinary action up to and including dismissal and/or criminal prosecution.
6. The use of a town-issued credit card shall in all respects be consistent with applicable laws and regulations, as well as guidance issued by the NYS Comptroller.

C. Unauthorized Credit Card Use

1. The credit card SHALL NOT BE USED for including but not limited to the following:
  - a. Personal purchases or identification.
  - b. A purchase that exceeds the Purchaser/Cardholder's single, daily, and/or monthly purchase limit.
  - c. Cash advances.
  - d. Purchase of alcohol.
  - e. A Purchaser/Cardholder who makes unauthorized purchases will be liable for the total dollar amount of such unauthorized purchases, plus any administrative fees charged by the Bank or card company in connection with the misuse. The purchaser/Cardholder will also be subject to disciplinary action, which may include termination.

D. Security

It is the cardholder's responsibility to immediately notify the Town of a lost or stolen card. Failure to do so will result in disciplinary actions and/or revocation.

E. Separation

1. Prior to separation from employment from the Town of Pawling, the Cardholder shall surrender the credit card held in their name if not already in the custody of the Town. It will immediately be shut down by the Supervisor.

F. Revocation of Credit Card Privileges

1. The issuance of a credit card to an employee is done at the discretion of Supervisor.
2. Failure to comply with proper record keeping procedures as outlined in this policy will be cause to revoke the employee's credit card privilege.
3. Repeated loss or theft of any issued credit card will be cause to revoke the

Employee's credit and privilege. Failure to immediately report the theft/loss of a card upon discovery may also lead to revocation of the credit card privilege.

**IV. ANNUAL REVIEW**

The Town Board shall review this policy at the annual reorganization meeting.