

Supervisor James Schmitt opened the Regular meeting of the Town Board of the Town of Pawling at 7:00 PM March 13, 2019 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, McCarthy, DeRosa, McGrath and approximately 35 interested citizens.

PUBLIC HEARING/PROPOSED LOCAL LAW #1 OF 2019/AMENDMENT TO THE PAWLING TOWN CODE REGARDING ENFORCEMENT OF TOWN CODE PROVISIONS REGARDING THE TRANSFER STATION AND RECYCLING

Supervisor Schmitt made a motion to open the public hearing on the Pawling Town Code revisions regarding enforcement of Town Code provisions regarding the transfer station, seconded by Councilman Johnson, motion passed unanimously.

Councilman DeRosa gave a history of the proposed local law, stating that this local law would give the transfer station attendants the authority to issue violations to people who violate the rules and regulations of the transfer station.

Vinny DiMarco thanked Councilman DeRosa for making the transfer station a better place for the residents of the Town of Pawling. He felt this was a good change to the law.

There were no further comments from the audience.

Supervisor Schmitt made a motion to close the public hearing, seconded by Councilman Johnson, motion passed unanimously.

MINUTES

Supervisor Schmitt made a motion to approve the minutes of February 6, 2019, seconded by Councilman DeRosa and passed with the following roll call vote:

| | |
|----------------------------------|----------------------------|
| Councilman Johnson – “ABSTAINED” | Councilman DeRosa – “AYE” |
| Councilman McCarthy – “AYE” | Councilman McGrath – “AYE” |
| Supervisor Schmitt – “AYE” | |

Councilman Johnson made a motion to approve the minutes of February 13, 2019, seconded by Supervisor Schmitt and passed with the following roll call vote:

| | |
|-----------------------------|----------------------------|
| Councilman Johnson – “AYE” | Councilman DeRosa – “AYE” |
| Councilman McCarthy – “AYE” | Councilman McGrath – “AYE” |
| Supervisor Schmitt – “AYE” | |

Councilman Johnson made a motion to approve the minutes of February 15, 2019, seconded by Supervisor Schmitt.

Councilman Johnson said he wanted to clarify that the purpose of that meeting was to discuss the funding for the two F550 highway trucks. One correction was that the interest rate was not 4.67, it was 4.503, which is a .14% reduction. The other thing is that there is a 2% penalty for prepayment. Based on the terms and conditions of a three year loan, with one payment per year, he saw no reason to prepay.

The motion passed with the following roll call vote:

| | |
|-----------------------------|----------------------------|
| Councilman Johnson – “AYE” | Councilman DeRosa – “AYE” |
| Councilman McCarthy – “AYE” | Councilman McGrath – “AYE” |
| Supervisor Schmitt – “AYE” | |

CONSENT AGENDA

**Resolution 2019053
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 20190174 through 20190317, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$2,602,017.90, which includes \$974,275 to the Pawling Fire District and \$450,000 to the Pawling Library.

**Resolution 2019054
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:

| | | |
|---------------------------------------|-----------------------------|--|
| Pawling Youth Lacrosse Rob Walters | Great Lawn Practice | March 15 – June 8, 2019 M-F 5:30-8:30pm Saturdays 10am – 5pm Sundays 12pm – 2pm |
| Pawling Youth Lacrosse Rob Walters | Great Lawn Annual Picnic | June 8, 2019 8am – 2pm |

**Resolution 2019055
Bond Release for J & J Log and Lumber Corp.**

Whereas, the Town of Pawling currently holds a \$5,000 Irrevocable Standby Letter of Credit from J & J Log and Lumber Corp. to ensure the repair of any damage to Town roads that might have been caused by logging trucks on Quaker Lake Road, and

Whereas, it has been determined by Code Enforcement Officer Carl Ellis that all activities have been completed and no damage has been incurred and he recommends the release of the Standby Letter of Credit, therefore, be it

Resolved, the Town of Pawling hereby releases the \$5,000 Irrevocable Standby Letter of Credit to J & J Log and Lumber Corp.

**Resolution 2019056
Appointment – Planning Board**

Whereas, the Town of Pawling Planning Board has an open seat that exists due to the resignation of Jay Erickson, and,

Whereas, the previous Resolution 2019052 appointing Mrs. Pitt listed the incorrect date of the respective term's end, and

Whereas, extensive interviews were conducted with several interested candidates, and,

Whereas, the Pawling Town Board and the Chairman of the Planning Board hereby recommend Corinne Pitt for the position, therefore, be it

Resolved, that Corinne Pitt is hereby appointed to complete the remainder of the existing term ending on December 31, 2021 and shall be compensated at the rate set within the adopted Town of Pawling budget for each given year.

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

NON CONSENT

**Resolution 2019057
Appointment – Special Prosecutor**

Whereas, the Town of Pawling is currently in need of a Prosecutor for Building and Zoning violations, and

Whereas, there is a need to appoint an attorney to continue the prosecution of Building and Zoning violations, and

Whereas, the Town Board of the Town of Pawling wishes to hire Hogan & Rossi 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 Hogan & Rossi 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.

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 2019058
Adopting Local Law – Enforcement of Transfer Station Rules and Regulations Local Law**

Whereas, a local law to amend Pawling Town Code regarding enforcement at the Transfer Station was introduced before the Town Board of the Town of Pawling on January 13, 2019; and

Whereas, a public hearing was held on March 13, 2019 and the public was invited to attend and be heard on the matter.

Now, therefore, be it

Resolved, Introductory Local Law # 1 of 2019 is hereby enacted by the Town Board of the Town of Pawling as Local Law # 1 of 2019 of the Town of Pawling; and

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

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

Resolution 2019059

Authorizing, Subject to Permissive Referendum, the Issuance of \$480,000 Bonds of the Town of Pawling, Dutchess County, New York, to Pay the Cost of the Purchase of Heavy Duty Highway Trucks for the Town of Pawling Highway Department

Whereas, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse impact on the environment; and

Whereas, it is now desired to authorize the financing of such capital project, now, therefore,

Be it Resolved, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Pawling, Dutchess County, New York, as follows:

Section 1. The purchase of heavy duty highway trucks for the Highway Department, each of which costs \$15,000 or over, including incidental equipment and expenses in connection therewith, in and for the Town of Pawling, Dutchess County, New York, is hereby authorized at a maximum estimated cost of \$480,000.

Section 2. It is hereby determined that the plan of financing of said class of objects or purposes is by the issuance of \$480,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. It is hereby further determined that said class of objects or purposes may be financed with a lease purchase agreement pursuant to the provisions of Section 109-b of the General Municipal Law. The Supervisor is hereby delegated the power to determine the method of finance thereof and to enter into such a lease purchase agreement therefor.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds,

appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 7. The faith and credit of said Town of Pawling, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

MOTION: Supervisor Schmitt

SECOND: Councilman McGrath

ROLL CALL VOTE:

Councilman Johnson – “NAY”

Councilman DeRosa – “NAY”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

Resolution 2019059 did not pass because two thirds of the Board did not vote in favor.

DISCUSSION

MCCARTHY

Councilman McCarthy said he has been working on the reduction of speed limits in Town. He is waiting for some reports from the County on road safety so he can file paperwork for a reduction in speed limits. All of Quaker Hill is 45 miles per hour now. The State roads he is working on will have to be done one at a time.

MCGRATH

Councilman McGrath said he reached out to the six references for Millennium Strategies and he spoke with three of them. He spoke with the City Manager of Rye, Director of Planning for the

Village of Portchester and Township Manager of Middletown Pennsylvania and they all had wonderful, positive things to say about Millennium Strategies. They did say it is the Town's responsibilities to take care of all of the paperwork to obtain the grant monies, or you can pay Millennium to do it. He looked forward to their presentation to the Town Board.

DEROSA

Councilman DeRosa said the plot map for the property the Town acquired from the Latter Day Saints has been completed and he hoped to present it to the Planning Board Monday in order to finalize this. Regarding the Whaley Lake Dam, he said this Friday will complete the eighth week that the dam has been inspected every day. After that, inspections will be done weekly for three months. The lake is going up approximately half an inch per day but today it was at the same level as yesterday. Regarding the transfer station, he and Councilman McCarthy are waiting for an estimate on replacing the compactor. He felt a compactor for recycling was not a good idea right now because it is not that easy to dispose of the recycled items.

TRAILS

Supervisor Schmitt said the Board has received the proposal from the Pawling Community Foundation (PCF) for the work on the trails within Lakeside Park. Supervisor Schmitt said he wanted more time to look over the proposal and did not want to vote on this tonight.

Councilman Johnson said the proposal seems restrictive.

Supervisor Schmitt said the Town looked forward to working with the PCF and the Oblong Land Conservancy but wanted to look into the proposal deeper. Lakeside Park is paid for by the taxpayers of Pawling and he wanted to make sure that all of the residents were well served with these programs.

Henry Brunow from the PCF felt the Board should read the proposal and understand it. The plan does not stop people from walking or running through the area and it would not stop anything except brush hogging the area.

Supervisor Schmitt said he would schedule a meeting at the park with Mr. Brunow to further discuss the proposal.

Following further discussion, the Board felt they wanted more time to review the proposal. The Board also said the PCF could go ahead with the installation of bird boxes throughout the parks.

PRESENTATION BY JOE ZARECKI ON GRANT FUNDING

Joe Zarecki from Zarecki & Associates made a presentation to the Board regarding an update on grant monies the Town has gotten for three significant projects. The first project is the West Main Street Bridge in the Village, for which \$150,500.00 was secured, with a local share of \$10,000.00 under the Bridge, NY program. The second project is the Dewey Lane Bridge, for which \$343,200.00 and New York State provided \$350,000.00 on top of that. The third project is a federal project for Hurds Corner Road, which is for repairing the road and the drainage and \$359,000.00 was secured, with a local share of \$90,000.00. The grand total, with local share funding is \$1,313,700.00. Mr. Zarecki said he and Jay Dickinson, Highway Superintendent met with the specialist who is dealing with the paperwork and the process is beginning. Even though the funding is secured, there is a process. He hoped to get the funding for the West Main Street culvert this year and possibly Hurds Corner Road. The other project has to be put out to bid.

PUBLIC COMMENT

Coleen Snow, resident of 50 Mohawk Trail, Pawling suggested talking to the Village about the trucks and the possibility of a shared service and shared cost for the trucks.

The motion to adjourn was made by Councilman Johnson at 8:15 PM, seconded by Supervisor Schmitt, motion passed unanimously.

Town Clerk

A LOCAL LAW AUTHORIZING THE ISSUANCE OF APPEARANCE TICKETS
FOR VIOLATIONS OF CHAPTER 191 OF THE TOWN CODE ENTITLED
“TRANSFER STATION; RECYCLING”

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

Section 1: Two new Articles shall be added to Chapter 5 of the Pawling Town Code regarding “Appearance Tickets”, as follows:

Article III
Transfer Station Attendants

§ 5-4 Form of ticket.

The Town Board of the Town of Pawling shall, upon resolution, approve and adopt a form of appearance ticket to be used in connection with enforcement of Chapter 191 of the Town Code regarding the Transfer Station and Recycling. Such form of appearance ticket shall be in conformance with § 150.10 of the Criminal Procedure Law of the State of New York.

§ 5-5 Authorization; applicability.

Transfer Station Attendants of the Town of Pawling be and the same are hereby authorized, pursuant to Municipal Home Rule Law § 10, Subdivision 4(a), to issue appearance tickets as defined and in conformance with Criminal Procedure Law § 150.10 in order to enforce any provision of Chapter 191 of the Town Code and the rules and regulations of the Transfer Station.

Article IV
Constables

§ 5-6 Authorization; applicability.

Constables of the Town of Pawling be and the same hereby are authorized, pursuant to Municipal Home Rule Law § 10, Subdivision 4(a), to issue appearance tickets as defined and in conformance with Criminal Procedure Law § 150.10 in order to enforce any provision of Chapter 191 of the Town Code and the rules and regulations of the Transfer Station and Recycling.

Section 2: Chapter 191 of the Town Code regarding “Transfer Station; Recycling”, is hereby amended so that Sections 191-10 through 191-12 are now part of a new Article III, as follows:

ARTICLE III

ENFORCEMENT

§ 191-10 Rules and regulations.

The governing body of the Town of Pawling may from time to time by resolution promulgate rules and regulations consistent with the provisions of this Chapter in order to effect the purposes thereof.

§ 191-11 Penalties for offenses.

Any person, firm or corporation who or which violates or neglects to comply with any provisions of this Chapter or any rule or regulation promulgated pursuant thereto shall, upon conviction thereof, be punishable by a fine not to exceed \$500 or a period of imprisonment for not more than 15 days, or both. Subsequent offenses may, at the discretion of the court, result in the revocation of the Transfer Station Permit of the convicted individual.

§ 191-12 Enforcement.

The transfer station attendants and constables are hereby authorized and directed to enforce this Chapter and any rules and regulations established pursuant thereto.

Section 3 Severability:

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

Section 4 Effective Date:

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