

Supervisor James Schmitt opened the regular meeting of the Town Board of the Town of Pawling at 6:00 PM May 13, 2020 via Facebook due to the Covid-19 pandemic. The meeting was broadcast live. The public was able to submit comments in writing regarding agenda items until noon Wednesday, May 13, 2020. Present were Councilmen Johnson, McCarthy, DeRosa and Councilwoman Snow.

Supervisor Schmitt read the following statement:

In accordance with Executive Order 202.1, this meeting is not open to the public. We will be streaming the meeting on Facebook Live starting at 6 PM on the Town of Pawling Facebook page. You can also hear the meeting via podcast afterwards.

PRESENTATION BY SENATOR PETE HARCKHAM/COVID 19 UPDATE

Senator Harckham updated the Board on the Covid 19 global pandemic. He asked that people call his office if they need help with unemployment claims, the phone number is 914-241-4600. There are nine representatives available to help. The other issue is food insecurity. Folks who used to donate to food pantries are now going to food pantries. He has done a food drive in Sleepy Hollow and will do one in Peekskill on Saturday. If a food drive is needed in Pawling for the food pantry, he would be happy to do one, but he has been in touch with them and they are doing okay at this time. Food insecurity is an unfortunate by product of this pandemic. Senator Harckham said Supervisor Schmitt asked him to talk about two things, one is budget implications for the Town of Pawling, and the other is the reopening process the governor set out through executive order. Senator Harckham said when the budget process began, little did they know that three weeks into budget season, the economy would shut down, we would lose sales tax, and income tax would be pushed out to July. Billions of dollars have been lost to the State. In the primary budget, they were able to hold education funding to 2020 levels and they were pleased they could do that. For the towns, they were able to put back in the budget AIM, CHIPS and Severe Weather Recovery money. However, right now, we are at a 13.6 billion dollar deficit and New York State can't run at a deficit, they have to rectify that. The Governor, within a week by statute, will be coming to the legislature with a series of recommended budget adjustments, or cuts, to rectify that 13.6 billion dollar gap. The legislature has ten days to review those proposed adjustments and can either propose their own or accept what the Governor proposes. That's why a federal bailout for municipalities is so vital, because the disappearance of sales tax and the crunch on income tax, for States, Counties and towns the loss will be very real. That is why they are pushing for a federal bailout, otherwise they will need to make some steep cuts. So, all of the things in the general fund could be subject to cut if a federal bailout is not received. On the capital side, we should be okay, for instance the SAM, DASNY, Environmental Facilities or DOT grants should be okay. That is the overview of the State budget and how it may impact Pawling. Regarding the opening plans, all of this has been done through executive order so the legislature cannot legislatively impact the opening. What they can do is advocate for policies that make sense. The Governor has the State broken out into regions. He will be opening the ten regions according to seven criteria they have to meet. We are in the mid-Hudson region and there was talk about trying to separate out some counties from that because there are certain counties that are more ready to open than the rest of the region. They were not successful in that advocacy, it seems like the Governor is holding firm on doing this on a regional basis. Right now, the mid-Hudson region meets five of seven of the criteria. There is a regionally monitoring dashboard on line where you can see where the mid-Hudson region is regarding the criteria, and he gave the information for that. The Governor has announced that four of the ten regions will be approved to begin the opening process on Saturday. Unfortunately, the mid-Hudson region does not yet qualify because they only meet five of the seven criteria. He imagined the mid-Hudson region would qualify probably sometime next week. The criteria the Governor has laid out for reopening is that Phase I would be construction, manufacturing, wholesale and select retail for curbside. There needs to be guidance on that. There are four phases and there will be roughly two weeks in between phases. Phase II would be professional services, the rest of retail and real estate. Phase III would be restaurants, hotels and food service. Phase IV would be art, education, recreation and entertainment. In that, there are a lot of unknowns and there are a lot of questions and they continue to push for guidance. They are consistently updating the Empire State Development Corporation website, which is where all of the business guidance is. The New York Forward Guide, which is the official plan to reopen the State, is also on line for people to read. That is essentially where they are with this. They continue to advocate for

guidance. It does not appear that the mid-Hudson region quite meets the criteria but it should qualify fairly soon.

Supervisor Schmitt thanked Senator Harckham for attending the meeting this evening and his hard work. He said all of the links the Senator spoke about are available on the town's Facebook page. He hoped that the mid-Hudson region could reopen next week.

Councilwoman Snow thanked Senator Harckham for his time tonight. She asked in what areas the Governor was looking to make cuts. Also, what are the recommendations for towns at this time if the Governor is looking for his own cuts in the budget?

Senator Harckham said the three areas the Governor has said publicly would be healthcare, education and aid to municipalities, counties and local governments. Part of this could be bluster in trying to stimulate federal officials to realize how dire this situation is and where those cuts would be. The legislature would have an opportunity to look for alternative areas, including enhanced revenue. That is what the Governor has mentioned publicly. It would be a shame to pass the cuts down the food chain but if you don't have the money, you don't have the money.

Councilman McCarthy thanked Senator Harckham for joining the meeting. He asked if there was any chance the Governor may rethink keeping Dutchess in the mid-Hudson region and group Dutchess with the northern counties, or is that set in stone.

Senator Harckham felt it was set in stone, and the regions would be kept intact. They are worried about people living in Dutchess or Putnam commuting to Westchester or Rockland counties.

Councilman Johnson thanked Senator Harckham for joining the meeting. He said it was fabulous news that the grants will be secure. The best news is he can get a haircut maybe in two weeks.

Councilman DeRosa asked if the one million dollar grant from the NYS DEC for the Whaley Lake Dam was in the capital portion of the budget or in the other part of the budget, because he would hate to lose that grant.

Senator Harckham said his sense is that the grant money would be safe because it is on the capital side but he will ask NYS DEC specifically about that and report back to the Supervisor for dissemination.

Supervisor Schmitt thanked Senator Harckham for joining the meeting and he looked forward to reopening. He was happy to hear that the grants are intact and the town can keep the projects moving forward.

Senator Harckham said he would check on those grants and get back to Supervisor Schmitt. He said if the food pantry needs help, he is happy to help and do a food drive.

Supervisor Schmitt said the Pawling Resource Center is doing great work feeding people and he would work with Councilwoman Snow to send an email tomorrow to see if a food drive is needed.

The Board thanked Senator Harckham for attending the meeting.

US CENSUS PRESENTATION/JOHN PENNEY

The Board entertained a presentation by John Penney from the US Census Bureau. Mr. Penney thanked the Board for entertaining his presentation and said he is the Chair of the Dutchess County Complete Count Committee, which has been charged by the County Executive with raising awareness of the importance of the 2020 census. The results of the census will play a big role in the amount of money the town gets in grants from the Federal Government, and also assistance. The census is important because congressional representation and other political lines will be redrawn once these numbers are finalized. This is done once every ten years, it is mandated by the constitution. Before 2010 there were three congressional representatives in this area, now there are two, which occurred after the 2010 census. This shows you what kind of ramifications can occur. There is a lot of money on the line, six hundred and seventy five billion dollars gets divided up based on the census figures. It involves around one hundred and thirty two programs, everything from highway to housing money gets divvied up based on the census figures. So, it is imperative that everyone in your town fills out the census form and fills it out on behalf of their household. He was doing a lot of presentations and then the Covid 19 situation occurred and it set them back. The census is open at my2020census.gov. This is the first time ever people can fill out the census form on line, which is what the federal government was hoping would occur all along, but with the Corona Virus, it is even more important that it occurs. Nationally, the self-response rate is 59%, 53.5% across the state, 57.4% in Dutchess County and in Pawling it is 57%. In 2010, we were in the bottom third but this time we are in the top third

of responses. The census does not send a form to a Post Office box. You don't need a code to fill out the census if you have a Post Office box, if you go to my202census.gov, you can fill out the census on line. 844-330-2020 is the phone number for people who need help filling out the census and for Spanish, the number is 844-468-2020. Field workers going out into the field is going to be a huge problem and they probably won't get out until August. The census will now go to October instead of July. They will keep working to get people to fill out the census on line or over the phone. Field workers will need to get out in order to get to 100%. The fact that people don't like to answer doors and because of the corona virus fears, both of those issues have been magnified. The census takes about ten minutes to fill out on line. The census is totally confidential and the census bureau cannot release personal information to other agencies. The census mandate is to count everyone living here, regardless of their legal status. Pawling is doing well and he is going to circle back and try to get the numbers up. He said anything the town can do to raise awareness about the importance of having constituents fill out the census would be great. Towns that are under counted will be financially hurt.

The Board thanked Mr. Penney for the very informative presentation.

QUESTIONS FROM THE PUBLIC ON AGENDA ITEMS

Supervisor Schmitt said the Board accepts questions that are emailed to the Board by noon the day of the meeting if they pertain to the agenda. The Board received a lot of questions and emails but 99% of them did not relate to an agenda item. There was one email that was submitted by Dean Gilbert, which was as follows:

Just a reminder that your town income will be reduced by at least a 25% shortfall very soon. Expect little sales tax income, less state/fed aid, less tourism/rec dollars in the town than in 1980, unpaid or late property taxes, along with a virtual sea of unpaid or non-collectable fines, fees and other nuisance charges towns have been tacking on for years. I ask, do you think the Town is going to prosper in the coming year? Have you started discussing cuts of up to 50% in many areas? Are you planning on hiring additional people in light of this?

Just a note on my questions: While I do think it's nice to create a few new jobs in hard times this is not the way when volunteers and existing personnel can do the job better. I see also that new fees and charges are coming for events to further insure nothing fun, interesting or mildly exciting occurs in Pawling. A common complaint I've heard for years and a reason I never spent much time here when younger. That is more money you will drive away as other places without backward cash grabbing laws take advantage of our folly. Now is the time for serious thought on how Pawling will survive and remain vibrant and alive. Wasting time on discussion of things that the pace of current events has negated could cost huge amounts of taxpayer money, money that simply will not exist, every project and plan will be affected by economic collapse great or small. While we certainly hope it will not happen to those levels, failing to start serious planning now will lead to disaster. Sincerely, Dean Gilbert

Councilwoman Snow said after hearing Senator Harckham talk about cuts tonight, she wondered how that would impact us going forward. In listening to the Senator tonight, she was more aware of some of the things the Board may have to possibly look at a little differently.

Councilman McCarthy said he wanted to address the special event fees. The main reason for the fees is to offset the costs of inspectors going out and spending tax payer dollars to do these inspections. The Committee looked at other towns and these fees were generated from other towns, and that's why the fees are on the agenda.

Councilman Johnson agreed with Councilman McCarthy, saying if someone is going to have a special event, it is not fair that other tax payers bear that burden. Let the people hosting the events pay for them.

Councilman DeRosa felt the gentleman was confused because the law that was enacted and the fees for that are not only on town property but also for private properties. The fees are appropriate for the amount of time the inspector would have to spend on the applications for those fees.

Supervisor Schmitt said there is a cost to running these events. These are events that would have a significant amount of people and parking. There are a lot of factors that go into this equation. This was worked on for a long time and Pawling is right in line to make sure everyone is covered. The costs of inspections needs to be covered. He wasn't sure where Mr. Gilbert is getting these shortfalls but he has taken a lot of provisions and is working with the Bookkeeper every day. There are budget cuts on the agenda. He is going department by department making cuts. He is working incredibly hard and making budget adjustments constantly.

CONSENT AGENDA

**Resolution 2020091
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 20202198 through 20202302 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 \$184,154.11.

MOTION: Supervisor Schmitt
SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE” “Councilwoman Snow – “AYE”
Supervisor Schmitt – “AYE”

**Resolution 2020092
Special Events Fees**

Whereas, the Town Board of the Town of Pawling wishes to set the fee schedule annexed hereto for Special Events as authorized by Local Law #2 of the Year 2020 amending Pawling Town Code Chapter 215, entitled “Zoning”, which amendment adds provisions allowing Short Term Rentals by Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling hereby authorizes and approves the Special Events fees as annexed hereto.

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE” “Councilwoman Snow – “AYE”
Supervisor Schmitt – “AYE”

Resolution 2020093
Building Department Appointment - Gary Beck/Z3 Consultants

Whereas, a thorough review of the Town of Pawling Building Department was conducted by Gary Beck of Z3 Consultants to assess operations that can be improved, and

Whereas, the Building Department has not been updated in many years and will require a period not to exceed 6 months to bring up to speed with other municipalities, and

Whereas, to make necessary changes to all paperwork and administrative processes there will be a one-time \$2040.00 fee, and

Whereas, the cost to update the fee schedule, forms and computer systems over this period will not exceed a total of \$25,000, and

Whereas, a part time Building Inspector from Z3 Consultants will be utilized to perform inspections and permit review, and

Whereas, total time for Inspector and Consultant not to exceed 20 hours per week therefore, be it

Resolved, that the Pawling Town Board hereby approves the appointment of Gary Beck and Z3 Consultants to work with the Building Department to improve operations and to perform the duties of Building Inspector.

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

Councilman Johnson made a motion to amend Resolution 2020093 to switch it from 20 hours per week to 80 hours per month, seconded by Councilman DeRosa and passed with the following call roll vote:

ROLL CALL VOTE ON THE AMENDMENT:

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

ROLL CALL VOTE ON Resolution 2020093:

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

Resolution 2020094
Budget Amendments – Highway Department

Whereas, a request for Budget Amendments has been received by the Bookkeeper, and

Whereas, due to the possible financial impact of COVID-19 it is prudent that adjustments be made for the remainder of 2020 in regards to sales tax revenue to the Highway Department, and

Whereas, the Highway Department is also consolidating wage lines to simplify accounts, therefore, be it

Resolved, that the Bookkeeper has requested the following Budget Amendments:

| DESCRIPTION | ACCOUNT | BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|-------------------|-----------|---------|----------------|-----------------|----------------|
| GENERAL REPAIRS | DB.5110.1 | 191,500 | 252,500 | | 444,000 |
| MACHINERY REPAIRS | DB.5130.1 | 67,000 | | -67,000 | 0 |
| BRUSH AND WEEDS | DB.5140.1 | 14,000 | | -14,000 | 0 |
| SNOW | DB.5142.1 | 171,500 | | -171,500 | 0 |
| | | 444,000 | 252,500 | -252,500 | 444,000 |

| TO ADJUST 2020 HIGHWAY BUDGET TO DATE | | | REVENUE | EXP | REVISED |
|---------------------------------------|------------|---------|-----------------|-----------------|---------|
| DESCRIPTION | ACCOUNT | BUDGET | INC/DEC | INC/DEC | BUDGET |
| Sales Tax Revenue | DB.1120 | 455000 | -136,000 | | 319,000 |
| Snow Removal Contractual | DB.5142.4 | 229500 | | -136,000 | 93,500 |
| CHIPS REVENUE | DB.3501 | 144,690 | 49,000 | | 193,690 |
| DB. EMP CONTRIBUTION INS | DB.2704 | 13,190 | -5,000 | | 8,190 |
| HEALTH INS EXPENSE | DB. 9060.8 | 240,279 | | 32,221 | 272,500 |
| GENERAL REPAIRS WGS | DB.5110.1 | 10,000 | | 11,779 | 21,779 |
| | | | 44,000 | 44,000 | |

| TO ADJUST HWY GARAGE BUDGET TO DATE | | | REVENUE | EXP | REVISED |
|-------------------------------------|----------|--------|---------|---------------|---------|
| DESCRIPTION | ACCOUNT | BUDGET | INC/DEC | INC/DEC | BUDGET |
| SUPT. OF HIGHWAYS WGS | A.5010.1 | 90,414 | | 4,500 | 94,914 |
| GARAGE CONTRACTUAL | A.5132.4 | 13,000 | | -4,500 | 8,500 |

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
 Councilman McCarthy – “AYE” “Councilwoman Snow – “AYE”
 Supervisor Schmitt – “AYE”

**Resolution 2020095
 Budget Amendments – Recreation Department**

Whereas, a request for Budget Amendments has been made by the Bookkeeper, and

Whereas, due to the impact of COVID-19, many budgeted Recreation programs will be cancelled or postponed, therefore, be it

Resolved, that the Bookkeeper has requested the following Budget Amendments:

EXP REVISED

| DESCRIPTION | ACCOUNT | 2020 BUDGET | REVENUE DECREASE | INCREASE DECREASE | BUDGET 2020 |
|-----------------------------|------------|-------------|------------------|-------------------|----------------|
| SUMMER CAMP EXP | A.2001.101 | 145,000 | -145000 | | 0 |
| SUMMER CAMP WGS | A.7320.1 | 78,800 | | -78000 | 800 |
| SUMMER CAMP EQUIP | A.7320.2 | 17,100 | | -10000 | 7,100 |
| SUMMER CAMP CONT | A.7320.4 | 33,700 | | -26000 | 7,700 |
| TOTAL EXP | | 129,600 | 0 | -114,000 | 15,600 |
| REV | | | | | |
| FACILITY USE | A.2001.103 | 8,000 | -2000 | | 6,000 |
| COMMUNITY DAY EXP | A.2001.104 | 7,000 | -7000 | | 0 |
| CELEBRATIONS | A.7550.4 | 3,000 | | -3000 | 0 |
| | | | | EXP | REVISED BUDGET |
| | | 2020 BUDGET | REVENUE DECREASE | INCREASE DECREASE | 2020 BUDGET |
| BEACH FEES EXP | A.2025 | 72,000 | -72000 | | 0 |
| BEACH WGS REV | A.7230.10 | 103,586 | | -85000 | 18,586 |
| TRIATHLON INCOME EXP | A.2091 | 30,000 | -30000 | | 0 |
| TRIATHLON EXP | A.7310.441 | 22,000 | | -18000 | 4,000 |
| | | | | EXP | REVISED BUDGET |
| | | 2020 BUDGET | REVENUE DECREASE | INCREASE DECREASE | 2020 BUDGET |
| RECREATION ADMIN EXP WAGES | A.7020.1 | 140,889 | | 10,000 | 150,889 |
| TOTAL ADJUSTMENT REC | | | -271000 | -240,500 | |
| AMBULANCE | A.4540.400 | 357,800 | | -17,500 | 340,300 |
| JUDGEMENTS & CLAIMS | A.1930.400 | 15,000 | | -13,000 | 2,000 |
| TOTALS | | | -271,000 | -271,000 | |

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE” “Councilwoman Snow – “AYE”
Supervisor Schmitt – “AYE”

**Resolution 2020096
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 \$2,113.60 for the period of 2/1/20 through 4/30/20 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.

MOTION: Councilman Johnson

SECOND: Supervisor Schmitt

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

NON CONSENT AGENDA

Resolution 2020097 Approving 2020 Capital Costs and O&M Costs for the Wastewater Treatment Plant Pursuant to 425-2 of the General Municipal Law

WHEREAS, the Village of Pawling has undertaken a project ("Project") involving the planning, design and construction of an upgrade and expansion of its Waste Water Treatment Plant (" WWTP") and Sewer System ("Sewer System"); and

WHEREAS, the Project is defined by the engineering report and report addenda entitled "Wastewater Treatment Plant Improvements Project" dated 7/31/2014, revised 11/4/2014, "Engineer's Report Addendum No. I" dated May I, 2015, and "Engineer's Report addendum No. 2" dated January 31, 2018; all prepared by the engineering firm The Chazen Companies. These documents were approved by the New York State Environmental Facilities Corporation (NYSEFC) on January 15, 2015, August 3, 2015, and February 14, 2018, respectively; and

WHEREAS, the Project is further defined by the plans and specifications entitled "Wastewater Treatment Plant Upgrade" dated November 2017, the plans and specifications entitled "Installation of Sludge Dewatering Equipment" dated July 2016, and the plans and specifications entitled "Sludge Dewatering Equipment" dated July 2016, all by the engineering firm The Chazen Companies that were approved and made eligible by the NYSEFC on February 14, 2018, February 21, 2017, and April 26, 2017, respectively; and

WHEREAS, the Village and the Town have entered into an Agreement of Municipal Cooperation for the Construction, Financing and Operating of an Inter-Municipal Sewer Interceptor, Treatment and Disposal System dated February 16, 1983 20, 1986 and amended by separate amendments dated October 29, 1985, February 20, 1986, January 11, 1994 (which voided a July 12, 1991 amendment), October 12, 1999, and July 28, 2014 ("IMA"); and

WHEREAS, under the IMA, in each calendar year during which there is outstanding Project indebtedness, the Village and Town are each responsible for a share of the debt service which is equal to each municipality's relative percentage amount of sewage generated into the System by such municipality during the twelve (12) month period ending on September 15 of the immediately preceding calendar year;

WHEREAS, under the IMA, each Party agrees to raise the funds required for such Party's own pro rata share of any amounts payable thereunder and to take such steps as may be legally required to assess properties within the districts or other areas of such party (i.e. either the Town or Village) which are benefitted by the WWTP, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon such

property and/or to establish sewer rates and/or surcharges sufficient to raise the funds necessary to pay such pro-rata share;

WHEREAS, pursuant to the Agreement, the methodology to be used by the Village and Town for establishing such assessments, rates and/or surcharges, as the case may be, shall be determined by the Pawling Joint Sewer Commission ("PJSC") in accord with the IMA and applicable law;

WHEREAS, pursuant to the IMA, the Village and the Town have delegated authority to the PJSC to determine and assess to each party the annual capital costs and O&M costs required to be paid in each fiscal year for the retirement of indebtedness relating to the WWTP ("Capital Costs") and for operation and maintenance of the Sewer System ("O&M Costs"); and

WHEREAS, the PJSC pursuant to the IMA, has determined that Capital Costs for the WWTP in fiscal year 2020 equal \$324,100 ("2020 Capital Costs");

WHEREAS, the PJSC's apportionment and assessment of each municipality's respective share of the 2020 Capital Costs against the lands within such municipality which are benefitted by the WWTP, including the formula for calculating same, is shown on Exhibit "B" attached hereto and made a part hereof; and

WHEREAS, section 452-2 of the General Municipal Law provides that municipalities may adopt rates for usage of sewer services, and the basis for setting such rates for Operation and Maintenance ("O&M") charges regarding the Sewer System is provided for in sections 9 and 10 of the IMA dated July 28, 2014, which are based on the amounts of sewage generated by the Village of Pawling and the Town of Pawling's respective usage of sewage deposited in to the Sewer System, as shown in Exhibit "C"; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling, in accord with the IMA and Section 452-2 of the General Municipal Law hereby ratifies the PJSC's determination and calculation of the 2020 Capital Costs and O&M Costs as shown on Exhibit "A"; and

BE IT FURTHER RESOLVED, that in accord with the IMA, the Town Board ratifies the PJSC's calculation of each municipality's aggregate share of the 2020 Capital Costs and the 2020 O&M Costs, in accord with the Town's obligations under the IMA, the Town will raise the Town Cost through local assessments and apportionment upon the lands within the Town which are benefitted by the WWTP in the manners calculated by the PJSC as shown on Exhibit "B" and Exhibit "C"; and

BE IT FURTHER RESOLVED, The Board hereby adopts, approves and ratifies the PJSC's apportionment and assessment of the Town's Cost, including the formula for calculating same and the amounts assessed to each benefitted parcel of land within the Town, as shown on Exhibit "B" and Exhibit "C".

MOTION TO TABLE RESOLUTION 2020097

Supervisor Schmitt made a motion to table Resolution 2020097, seconded by Councilman Johnson and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

BOARD MEMBER DISCUSSION

SNOW

Councilwoman Snow said the Pawling Resource Center is doing really well. She wondered if the community would consider sending lunch to the Resource Center to thank them. The Pawling Community Foundation is looking hard for people do donate to the great lawn project. The PCF still plans to hold its gala in November. They will be mailing out a brochure soon regarding the gala and other things and they are continuing fund raising for the project. She has been in conversations with the school and there is communication on their website, they would like to know what people would like to do to celebrate graduation and all of the students. She asked Supervisor Schmitt to discuss some of the emails the Board received that were not discussed earlier in the meeting.

MCCARTHY

Councilman McCarthy said there are a lot of people walking on the roads. He asked that they please wear bright colored clothing and do not wear black. He thanked all of the department heads and employees in the Town of Pawling. It has been a difficult time for everyone and he asked the community to thank them and not give them a hard time, they are doing their job per the government. We will all get through this.

JOHNSON

Councilman Johnson reminded the community to get out and support the merchants, some of whom are selling meals to go. Iron and Wind in Patterson gives you the option to pay for a meal for a volunteer, Tacos and Cones is open and the Pawling Quick Stop also. These people are part of the community and we need to support them. If you see someone who is not social distancing, you should tell them not to ruin it for everyone. He thanked everyone for all of their hard work during this time.

DEROSA

Councilman DeRosa agreed with all Board member comments. People who are walking on the roads need to wear something bright and drivers need to be aware of the walkers. He was at the dam and measured the dam and the water dropped an inch and a half from last week. Inside the draw down chamber, the water is about half an inch over the weir board. The water building up in the lake is slowing down. Regarding the emails talking about the parkland attendants, this has been talked about since Mike Montemarano was on the Board. The Board talked about using the parkland attendants instead of constables. They would get paid less so this would save money and it would be a softer presence than an armed constable. This has been talked about for many years. They would be part time positions.

SCHMITT

Supervisor Schmitt thanked Board members for their good comments. The Governor's reopening plan runs from May 15th through July 1st. There are four different opening periods

as long as the parameters are met. Very soon, we will get back to normal and it is important for everyone to support each other. The Board is working really hard and these positions are in addition to their regular full time jobs. During the pandemic, there is a lot more to do. There is a lot of budget work being done. It is nice to hear people say the Board is doing a good job and he believed in the Board and everything they have accomplished so far and will accomplish. The Board gives the public the ability to email questions until noon the day of the meeting on agenda items, which are then read into the minutes, and addressed by the Board before a vote is taken on the agenda item. This past week, the Board received a lot of emails, none of which were pleasant. He understood people's reaction but they were given bad information. He puts in a lot of hours into this job, a lot more than part time hours, which is what he constantly hears from Pawlingtaxcut.org, and Kevin Gardiner. He didn't want to give Mr. Gardiner any more publicity than he deserves. What Mr. Gardiner did to this Board and this community this week was shameful. He spread misinformation and rallied up most of the residents in this community. People were told a lie by that organization and Kevin Gardiner, which is what he always does. This is a time when this community is working hard to support each other, make budget cuts and tighten its belt and create savings for the community, so the town will be in a strong fiscal position at the end of the calendar year. Instead, the Board spent countless hours going through emails and communicating, only to find out it all lead back to Pawlingtaxcut.org and Kevin Gardiner, who for whatever reason decided to tell the community that the Board was going to add additional positions that would cost the taxpayers more money in retirement and benefits. It is unfortunate that Kevin Gardiner and this organization doesn't use its energy in a positive fashion to help Pawling. The conversation is very premature. Supervisor Schmitt said this has been discussed prior to him being elected and something that has been discussed again recently. The reason this is being discussed is to be fiscally responsible. There will be more regulations with social distancing which will be enforced at a local level, and the town will not be reimbursed for any of these new rules and regulations. So the discussion was to cut back on the constable hours and create a position at a lesser dollar per hour rate, hence savings in the budget. It has not gone further than a few conversations because the Board was bombarded with emails from residents who were told something completely different by that group. He urged residents to fact check because 99% of the time, that group is telling a lie. Supervisor Schmitt felt guns should not be in the park and the community would feel better with unarmed personnel at the park, which is another reason the Board was talking about this position. Another reason is that the constables patrol the entire town and patrols are needed in the parks because there has been a lot more use of the parks. It is very early on and shameful that the Board had to deal with these emails this week, 99% of them were not pleasant. They came from neighbors and people he thought were friends, and he felt they should have picked up the phone and called him or sent a nicer email. The Board will continue to work hard and he apologized that the Board had to be burdened with those emails. It is never fun getting an email accusing you of something that is not true. So shame on Pawlingtaxcut.org and Kevin Gardiner, who continue to prove they are an unreliable source. Pawling is a worse place because they are in it. He hated to say that but he had to, they bring very bad stuff to this community.

Councilman DeRosa said regarding the constables, a large percentage of the constables duties are the courts, which is mandated. He felt 70% of the constable's responsibilities was the courts.

Supervisor Schmitt said this would be a continued conversation, he would never add additional employees. It would be budget neutral and he felt the firearms in the park was an issue to be discussed. Once the Board has more information, they will get it out to the public.

Councilman Johnson said one of the emails questioned whether the constables were trained to handle firearms. Chief Kelly spends a lot of time qualifying and training the constables and they do provide an important function for court. There will still be a need for constables for large events, but for everyday use where you hopefully need an adult presence, he felt this position is something that the Board needed to look towards creating and figuring out the difference in cost and make the park a better, safer place.

Supervisor Schmitt made a motion to adjourn at 7:10 PM, seconded by Councilman DeRosa, and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

“Councilwoman Snow – “AYE”

Supervisor Schmitt – “AYE”

Town Clerk

Attachments to Resolution 2020092

SPECIAL EVENT SCHEDULE OF FEES

NUMBER OF ATTENDEES:

Per Event

Under 125 - \$100.00

125 - 500 - \$250.00

501 – 1000 - \$500.00

INSPECTION FEES:

In addition to the application fee, the site inspection fees are as follows:

Per inspection up to 125 - \$100.00

Per inspection of 125 to 500 people - \$200.0

Per inspection of 500 or more - \$400.00

EVENTS HELD ON TOWN LAND EXCEEDING 1,000 ATTENDEES:

Factors to be evaluated by the Town Board in determining Fee in addition to the Base Fee:

- Size of premises to be used versus number of people attending events.
- Arrangements for controlled traffic, parking, noise, lighting and refuse. Will constables be needed for the event.
- Frequency of events for the premises and usage of the property incompatible with its Character or with the surrounding area.
- Conflicts with ordinary public use of the land, roads or facilities involved.
- Verify if the applicant has been convicted for failure to comply with Special Event local law within the last three years.
- The Town Board discourages events at Town beaches and parks from Friday before the observance of Memorial Day until Labor Day.
- Are these events recurring?
- Two or more events in a localized area, how will impact ensure public health and safety.

TOWN BASE FEES FOR 1000 ATTENDEES:

1000 Attendees - \$1,500.00

1000 Plus Attendees - To be determined based on type and size of event.

Individual events that require additional Town personnel (workers, constables, supplies, etc.) should be determined on an event by event basis.

CLEAN UP FEES:

The Town Code provision on clean up is a “**minimum deposit of \$250.00**”.

Attachments to Resolution 2020097

Exhibit “A”

Itemization of “2020 Capital Costs” \$339,100 from 2020 budget.

Exhibit “B”

PJSC's apportionment and assessment of each municipality's respective share of capital costs against the lands within such municipality which are benefitted by the WWTP, including the formula for calculation same.

1. Capital Recovery

a. General Discussion

Capital recovery shall be based on a combination of two factors that are related to the benefit received: Water Use and Assessment. PJSC determined that 75% of a user's benefit is derived from water use and 25% of the benefit is derived from Assessment. Also, and consistent with the IMA, Capital fees are calculated based on the pro-rata share of wastewater generation by the Village of Pawling and by the Town of Pawling. The total annual Capital cost for the Town and the total annual Capital costs for the Village will be calculated based on the pro-rata total flow for each in the previous year divided by the total flow billed in the previous year multiplied by the total annual Capital budget of the PJSC for the billing year.

b. Phase 1 and Phase 2 users

With respect to the Capital charges, there shall be two principle classes of users: Phase 1 users and Phase 2 users. A users Phase classification shall be determined quarterly based on a calculation of the user's quarterly capital charge. Any user (whether Town user or Village user) that has a quarterly charge calculated to be equal to or less than \$68 shall be a Phase 1 user, Phase 2 users shall be all other users.

c. Town User's Quarterly Capital Bills

Quarterly bills for Town users will be generated by PJSC to recover one fourth of the Town's annual Capital obligation.

PJSC shall calculate the quarterly Capital bill for each Town user using the following equation: the product of (A) multiplied by (B), where

(A) Equals 25% of the Town's annual Capital obligation and

(B) Equals

$$\left(\frac{\text{Town User's Gallons used in quarter}}{\text{Sum of all Town use in Quarter, Gallons}} * 0.75 \right) + \left(\frac{\text{Town User's Assessment}}{\text{Sum of All Town User's Assessments}} * 0.25 \right)$$

When the result of this calculation for a given Town user is \$68.00 or less, such Town user customer shall be billed \$68.00 for the quarter and Identified as a Phase 1 user for this quarter.

Any Town user who is not determined to be a Phase I user shall be deemed a Phase II User. PJSC shall calculate the Quarterly Capital obligation of each Phase 2 users in the Town using the following equation: (C) multiplied by (D), where

(C) Equals

$$(25\% \text{ of Towns annual Capital Obligation}) - (\$68.00 * \text{number of Quarterly Phase 1 users})$$

And

(D) Equals:

$$\left(\frac{\text{Phase 2 User's quarterly Gallons}}{\text{Sum of all Town Phase 2 Quarterly Gallons}} * 0.75 \right) + \left(\frac{\text{Phase 2 User Assessment}}{\text{Sum of All Town Phase 2 Assessments}} * 0.25 \right)$$

d. Village User's Quarterly Capital Bills

Quarterly bills for Village users will be generated by PJSC to recover one fourth of the Village's annual Capital obligation.

PJSC shall calculate the quarterly Capital bill for each Village user using the following equation: the product of (E) multiplied by (F) where

(E) Equals 25% of the Village's annual Capital obligation and

(F) Equals

$$\left(\frac{\text{Village User's Gallons used in quarter}}{\text{Sum of all Village use in Quarter, Gallons}} * 0.75 \right) + \left(\frac{\text{Village User's Assessment}}{\text{Sum of All Village User's Assessments}} * 0.25 \right)$$

When the result of this calculation is \$68.00 or less for a given Village user, such Village user shall be billed \$68.00 for the quarter and identified as a Phase 1 user for this quarter. Any Village user who is not determined to be a Phase I user shall be deemed a Phase II User. PJSC shall calculate the quarterly Capital obligation of all Phase 2 users in the Village using the following equation: (G) multiplied by (H), where

(G) Equals

$$(25\% \text{ of Village's annual Capital Obligation}) - (\$68.00 * \text{number of Quarterly Phase 1 users}) \text{ and}$$

(H) Equals

$$\left(\frac{\text{Phase 2 User's quarterly Gallons}}{\text{Sum of all Village Phase 2 Quarterly Gallons}} * 0.75 \right) + \left(\frac{\text{Phase 2 User Assessment}}{\text{Sum of All Village Phase 2 Assessments}} * 0.25 \right)$$

Exh. "C"

MANNER OF CALCULATION AND APPRTIONMENT OF O&M CHARGES

1. Operation and Maintenance

Operation and Maintenance (O&M) fees are calculated based on the pro-rata share of wastewater generation and pursuant to the intermunicipal agreement between the Village of Pawling and the Town of Pawling. The total annual O&M cost for Town and the total annual O&M costs for the Village will be calculated based on the pro-rata total flow for each in the previous year multiplied by the total annual O&M budget of the PJSC for the billing year.

a. Town's Quarterly O&M Bills

Quarterly bills for Town users will by generated by PJSC to recover one fourth of the Town's annual O&M obligation. Each Town user's quarterly bill for O&M shall be the decimal fraction created by dividing the users' quarterly flow by the total Town flow during that quarter times 25% of the Town's annual O&M obligation.

b. Villages Quarterly O&M Bills

Quarterly bills for Village users will by generated by PJSC to recover one fourth of the Village's annual O&M obligation. Each Village user's quarterly bill for O&M shall be the decimal fraction created by dividing the users' quarterly flow by the total Village flow during that quarter times 25% of the Village's annual O&M obligation.

Wastewater flow generation shall be based on water meter readings and all users shall have a functioning and calibrated water meter.

Owners of developed properties in an area where sewerage and laterals are available shall be billed quarterly for O&M services.

Owners of developed properties in an area where sewerage and laterals were recently installed to expand the PJSC's service area shall not be billed for O&M services for a period of up to one year after the sewerage facilities have been deemed substantially complete. These new users will receive their first O&M bill for their developed property in the first billing cycle following their hook-up **OR** in the first quarterly billing cycle one year after substantial completion. O&M bills for all developed properties shall be calculated as if the property was contributing wastewater to PJSC facilities.

Owners of undeveloped property where sewerage is not available shall not be billed for the O&M component of quarterly bills.