

Supervisor James Schmitt opened a special meeting of the Town Board of the Town of Pawling at 6:00 PM November 19, 2020 via Facebook due to the Covid-19 pandemic. The meeting was broadcast live. The public was able to submit comments in writing until noon Wednesday, November 19, 2020 and via zoom during the meeting. Present were Councilman DeRosa, Councilwoman Snow and Town Attorney Jamie Spillane. Councilmen McCarthy and Johnson were absent.

Also present were town assessor Bernadette Fanuele and town bookkeeper Christine Mitchell.

The purpose of the meeting was to conduct a public hearing on the Whaley Lake Dam Annual Assessment Roll. The following is a transcript of the meeting.

The meeting ended at 6:30 PM.

Catherine Giordano
Town Clerk

STATE OF NEW YORK : COUNTY OF DUTCHESS
TOWN OF PAWLING

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WHALEY LAKE DAM DISTRICT ASSESSMENT

Date: November 19, 2020

Time: 6:00 p.m.

Location: Lathrop Building
2 Lakeside Drive,
Pawling, New York
Via Zoom

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TOWN BOARD OF TOWN OF PAWLING
WHALEY LAKE DAM DISTRICT
ANNUAL ASSESSMENT ROLL
PUBLIC HEARING

TOWN OF PAWLING: HON. JAMES SCHMITT, Town Supervisor
HON. PHILIP DeROSA, Councilman
HON. COLLEEN SNOW, Councilwoman
CATHERINE GIORDANO, Town Clerk
CHRISTINE MITCHELL, Town Bookkeeper
JAMIE SPILLANE, Town Attorney
BERNADETTE FANUELE, Town Assessor

ABSENT: HON. WILLIAM JOHNSON, Councilman
HON. JIM McCARTHY, Councilman

ALSO PRESENT: JESSICA PETERSON

*Proceedings electronically recorded.
Transcript produced by Kimberly J. Zogby*

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1 MR. SCHMITT: Thank you everybody. Good
2 evening, thank you everyone for being here for the
3 Thursday, November 19, 2020, 6:00 Whaley Lake Assessment
4 Town Board Meeting.

5 Clerk, will you please read the roll call?

6 MS. GIORDANO: Councilman DeRosa.

7 MR. DeROSA: I'm here.

8 MS. GIORDANO: Councilwoman Snow.

9 MS. SNOW: Here.

10 MS. GIORDANO: Supervisor Schmitt.

11 MR. SCHMITT: Here.

12 MS. GIORDANO: Councilmen McCarthy and Johnson
13 are absent.

14 MR. SCHMITT: Please stand and follow us in the
15 Pledge of Allegiance.

16 (Pledge of Allegiance.)

17 MR. SCHMITT: Thank you. I'll make a motion to
18 open a public hearing for the Whaley Lake Assessment.

19 MS. SNOW: Second.

20 MR. SCHMITT: All in favor?

21 (Chorus of aye.)

22 MR. SCHMITT: Perfect. Okay, the public hearing
23 is open. Please keep questions directed towards the
24 Whaley Lake Assessment in the public hearing on that
25 tonight. And myself, and the Board, along with Christine,

1 our Bookkeeper, and Bernadette, our Assessor will be happy
2 to answer any questions you folks have for us.

3 Jess, is there anyone waiting to get in to speak
4 for the opening of the public hearing?

5 MS. PETERSON: There is not. I'm trying to ask
6 Joe Marotta to un-mute himself. Bruce Reeves is still
7 connecting.

8 MR. SCHMITT: You know what I'll do, then?
9 Maybe I'll have Bernadette just speak briefly on exactly
10 what we're doing and why we're doing it. And just while
11 we are waiting for people to get in, they can hopefully
12 hear and maybe we can answer some questions right off the
13 bat with Bernadette's response.

14 So, Bernadette, if you don't mind saying a few
15 words to the community as to exactly how we got here, and
16 why we're doing this, and how we'll do this moving
17 forward.

18 MS. FANUELE: So the whole point of the public
19 hearing is so that anybody that's included in the district
20 has the opportunity to see the amount that is going to be
21 spent on the total number of the benefit assessment units
22 and the benefit assessment units on their property. So,
23 everybody should have been notified in writing that the
24 public hearing is tonight and the assessment roll was
25 posted on the Town of Pawling's web page.

1 And it's just something that they should have
2 the opportunity to do every year. They should see the
3 total amount that's going out. They should see what's
4 available on their -- what's listed on their property, and
5 to know what that is going to cost per unit on their tax
6 bill in January.

7 MR. SCHMITT: Bernadette, and this is something
8 that will be done annually moving forward, correct?

9 MS. FANUELE: It should be done every year.

10 MR. SCHMITT: And --

11 MS. FANUELE: Actually, I believe it is Town Law
12 that it is to be done every year.

13 MR. SCHMITT: Okay.

14 MR. DeROSA: James, can I just add that this is
15 the first time -- well, this is the second time this is
16 being done actually since the formation of the district
17 back when. We were never informed when we created the
18 district that this would have to be done every year.

19 But due to Bernadette's attention to this, she
20 figured out that this wasn't done and she went back and
21 researched the map plan and report herself and found out
22 that it wasn't done in the past when it should have been
23 done.

24 MR. SCHMITT: And that would have been like 2008
25 or something, Phil?

1 MR. DeROSA: Right. Right. And we were never
2 told. People have got to remember that this was the first
3 dam district that was ever created in New York State. So
4 there was a -- we had to actually get legislation changed
5 in Albany to be able to create the district. It was never
6 done before.

7 So I'm sure there was -- might have been some
8 mistakes that happened through the attorneys, maybe. But
9 this is, you know, thank God that Bernadette caught this
10 and researched it.

11 And what had happened was, years ago when people
12 started to merge their properties, there's a lot of vacant
13 lots here, especially in Shore Haven, and along the lake,
14 when they started to be charged for the water district out
15 here every year on their tax bill, they started to merge
16 the properties. Even though they didn't have water
17 service to their properties, they're in the district and
18 the water line went by so when they went to build in the
19 future, they could hook up.

20 So once they started to merge the properties, by
21 mistake, the properties were dropped off the credits map
22 and they were never put back on.

23 So Bernadette has looked through the records the
24 best that she's been able to and recreated the proper
25 assessments for each property.

1 MR. SCHMITT: Excellent. Thank you for that,
2 Phil.

3 Bernadette, do you have anything else to add to
4 that or should we go back to the comments and see if we
5 have any residents that want to speak?

6 MS. FANUELE: That was it. I think, though,
7 Christine would probably want to give the total amount and
8 the charge per benefit unit, so they could have that.

9 MR. SCHMITT: Sure. Christine, thanks for being
10 here tonight as well. And do you mind just adding to what
11 Bernadette just put out there for the public?

12 MS. MITCHELL: Sure. The Town Board has
13 approved, as of last Wednesday, this is the adopted budget
14 for 2021. The Whaley Lake Dam District will have total
15 appropriations of \$213,445. And for anyone who is
16 interested in the detail of what actually makes up the
17 total of the appropriations, which is, basically, the
18 money that is spent for the year.

19 Of that total, \$195,525 is to repay debt. It's
20 principal and interest on the notes that are currently
21 outstanding.

22 The additional amounts: There's \$5,000 of what
23 they call fiscal agent fees. Those are fees that you pay
24 to the people that help you finance your debt and issue
25 your bonds or your bond anticipation notes.

1 There's \$2,000 in insurance. There's \$10,920 in
2 water shed protection. It's called contractual.

3 Those are all the other expenses. So that adds
4 up to your total of \$213,445.

5 Now on the revenue side, you have about \$1,700
6 in earnings. You have \$5,000 that's being used
7 appropriated fund balance. And the difference is being
8 made up by property taxes. So, the tax amount is actually
9 equal to the tax amount last year of \$206,745.

10 And the way you calculate the rate per benefit
11 unit is you know it's basic division. You take the tax
12 rate and you divide it by the total number of benefit
13 units.

14 So last year, 2020, it was the same amount of
15 tax revenue, the \$206,745 but it was 623.7 units and that
16 gave us the rate for Whaley Lake of \$331.48 per unit.

17 This year, the same revenue, \$206,745, is now
18 being divided by 598 benefit units. That's a rate of
19 \$445.73, an increase of \$114.25 per unit.

20 MR. SCHMITT: Thank you for that Christine.

21 Jess, do we have any residents that wish to
22 speak at this time?

23 MS. PETERSON: Not on Facebook. I asked five
24 minutes ago if anyone has questions and they don't. On
25 YouTube there are no questions.

1 I wonder if anyone in the Zoom, Mr. Marotta, Mr.
2 Reeves, Bill?

3 MR. MAROTTA: Yes, can you hear me? This is Joe
4 Marotta.

5 MS. PETERSON: Yes, we can hear you.

6 MR. SCHMITT: Thank you, Joe. We can hear you.

7 MR. MAROTTA: What is the -- you said that that
8 number is comprised of the principal and interest. What
9 is the principal number?

10 MS. MITCHELL: The total amount that's going to
11 be repaid on the bond next year is \$171,062.

12 MR. MAROTTA: No, no, no, the principal, the
13 total principal amount.

14 MS. MITCHELL: Yes, maybe I'm not understanding
15 you correctly.

16 The budget is just one year's payment of
17 principal and interest. Are you asking for the total
18 amount that is currently outstanding on the debt?

19 MR. MAROTTA: Yes.

20 MS. MITCHELL: Oh. That amount as 12/31 of this
21 year is going to be \$3,712,000. After we make the payment
22 next year, it will be \$3,540,938.

23 MR. MAROTTA: And the dam cost four point
24 something million. So we've been already paying it down
25 from that high amount?

1 MS. MITCHELL: Yes, we have. Originally, the
2 total amount of debt issued is \$4.7 million. We've been
3 making payments, principal and interest, starting back in
4 2012. So through 2019, we made \$900,000 in payments and
5 then you have this year and next year's payments and that
6 comes out to -- you know leaves you with the balance.

7 MR. MAROTTA: There is a bond that we'll be
8 hopefully getting. Will that bond -- I believe it's a
9 million dollar bond, will that go directly to the
10 principal amount?

11 MS. MITCHELL: The grant you mean?

12 MR. SCHMITT: Oh, the D.C. Grant.

13 MR. DeROSA: You mean the grant.

14 MS. MITCHELL: Actually, I'm working with Beth
15 Ferguson of Fiscal Advisors. We've started looking
16 through the grant documentation and we want to see if
17 there are any specific limitations on how that can be
18 applied. We're hopeful to apply it either -- it will
19 either be directly to the debt or to offset the tax rate
20 for the debt. What we want to do is find out what is most
21 advantageous for the taxpayers in Whaley Lake.

22 MR. MAROTTA: Okay. We had to have some repairs
23 to the dam. The spillway was too low after it was
24 completed and it was raised. The money that was used to
25 make those repairs, were they paid for by the district?

1 MS. MITCHELL: I have not had any bills yet
2 regarding that.

3 MR. MAROTTA: Okay, so that hasn't been
4 accumulated into this part of it.

5 MS. MITCHELL: No.

6 < MR. MAROTTA: Is there a plan? Does anybody
7 know if there is a plan to have the district pay for those
8 repairs?

9 MR. SCHMITT: So Joe, we haven't even -- they
10 just completed that part of the modification just this
11 past week, even. But this meeting tonight is strictly
12 about the Whaley Lake Assessments and the benefit units.
13 Unfortunately, that should have been done annually and it
14 hasn't been. So, we're just getting up to speed with this
15 now so we can get it corrected right now and then we'll
16 keep it corrected moving forward.

17 You know annually, we will have this public
18 hearing to discuss this, you know the ups and downs of the
19 benefit units. As you can see, there's substantially less
20 this year than there was last year and that's what the
21 point of this meeting is about right now.

22 But any other dam questions as far as the
23 financing and the repairs, modifications, what should be,
24 I'm happy to have a meeting with you and Christine. You
25 know we made these numbers available to other people

1 already. I know last week, at our Town Board meeting,
2 someone asked it and we told them the same thing. Feel
3 free to come in. We'll give you guys whatever you're
4 looking for. And I know Christine and Bernadette got a
5 bunch of information out to Bruce Reeves this week as well
6 but that's just not what this public hearing is about
7 right now, Joe.

8 MR. MAROTTA: Okay. But I think -- I have a
9 suggestion. This is not a question.

10 There have been a lot of people who question
11 like how they arrive at how many benefit units they have.
12 And I believe that's in a formula that's part of the map
13 tax and plan report. If that could be condensed and then
14 put on the Friends of Whaley Lake so if you have a house
15 on waterfront, I believe that you paid three basic units.
16 If you have a house that's not on waterfront but you have
17 access to the water, you pay X units. There's that --
18 that might be a good idea to just place it on the Friends
19 of Whaley Lake site so that you will get less questions,
20 like why am I paying this, if my neighbor is paying that.

21 MR. SCHMITT: Sure.

22 MR. MAROTTA: So just a suggestion that that
23 could be helpful.

24 MR. SCHMITT: That's a great suggestion, Joe.
25 And you know what, if we want, we could even get into it

1 right now.

2 Bernadette, do you mind just running through the
3 benefit real quick on how they're broken down so that we
4 can have it here? And then that way it's available in
5 this meeting to folks as well. And we will get it out
6 there, Joe, to the social media and to the website, if
7 it's not there already. It very well may be.

8 But maybe Bernadette could just speak quickly on
9 that.

10 MS. FANUELE: I can tell you the one that the
11 majority of people in the district are in. So, it's
12 either a vacant non-waterfront, which would be 0.5; if you
13 were a vacant waterfront, it would be 1.0; if you are a
14 single family home, non-waterfront, it would be 1.0; if
15 you were a single family waterfront, it would be 3.0; if
16 there's an additional dwelling, it would be an additional
17 1.0.

18 Those are pretty much the ones that make up the
19 bulk of it and then there's a couple others that would you
20 know capture some of the other properties that are not one
21 of those vacant -- regular vacant land or regular homes.

22 MR. MAROTTA: Okay, thank you. I just know that
23 I get a lot of those questions, too. So, it would be
24 great to have it put someplace that's easily referred to.

25 MR. SCHMITT: Yes, Joe, that's a great

1 suggestion. We'll get that up right away.

2 And Joe, anything else? Like I said, as far as
3 you know Christine has really worked hard to put together
4 a pretty extensive packet of information regarding the
5 Whaley Lake Dam, so she has a pretty good hold on it. I
6 think Christine, correct me if I have it wrong, I think
7 you said you have it down to within like \$4, right?

8 MS. MITCHELL: Yes, I have a summary sheet of
9 all the activity. I have a detail of all the expenditures
10 since the inception of the project. I have detail on all
11 the debt payments that were made. And I have copies of
12 the majority of the vouchers.

13 So anyone who is interested, you can reach out
14 to email cmitchell@pawling.org, if you'd like to set up a
15 time with me. And you know you're happy to come in and
16 review anything you would like.

17 MR. MAROTTA: That's great. We have a treasurer
18 and so that may be something that she will do. I do have
19 your spreadsheets right now in front of me but, certainly,
20 our treasurer may be in contact with you. So that's
21 great. Thank you.

22 MR. SCHMITT: Thank you, Joe.

23 Any other questions from anyone in the Zoom
24 meeting here?

25 Okay, seeing none, I'll make a motion to close

1 the public hearing.

2 Could I get a second?

3 MR. DeROSA: Yes, I'll second it. Just for
4 discussion a second, James?

5 MR. SCHMITT: Sure, of course.

6 MR. DeROSA: I just wanted to explain to people
7 that this is being done this time of year so that we can
8 correct the tax roll for the next year in January. That's
9 why this came up kind of spur of the moment. Actually,
10 Bernadette's been working on it for a little while but we
11 had to do it so fast and have this special meeting so that
12 we can make the time limits needed for this public
13 hearing, so that we can get it done in time for the
14 assessment for the following year.

15 I just wanted to make that clear to people.

16 MR. SCHMITT: Thank you for that, Phil.

17 All in favor of closing the public hearing?

18 (Chorus of aye.)

19 MR. SCHMITT: Thank you.

20 And that's all we have for tonight. So, with
21 that, I'll make a motion for adjournment.

22 MR. DeROSA: Just before you adjourn, James --

23 MR. SCHMITT: Sure.

24 MR. DeROSA: When do we actually have to approve
25 this, Bernadette? Do we have to -- can we wait until the

1 next meeting in December?

2 MS. FANUELE: No.

3 MR. DeROSA: Or do we have to approve it before?

4 MS. FANUELE: No, it should be approved tonight,
5 if you can. We're already cut off from the County. I got
6 a special exception for them to hold off but they have to
7 get our bills prepared for printing. The Town is already
8 done.

9 MR. DeROSA: So do we --

10 MS. FANUELE: So if nobody had any questions or
11 problems with it, then it should just go through tonight
12 and then we can --

13 MR. SCHMITT: Got you.

14 MS. FANUELE: -- you know move forward with
15 getting this -- whatever they are listed on the current
16 assessment roll is what they would be.

17 MR. DeROSA: So I have to make a motion, then,
18 that we approve that this new district -- not the new
19 district but the new spreadsheet.

20 MS. FANUELE: It's the assessment roll.

21 MR. SCHMITT: The 2020 assessment roll.

22 MR. DeROSA: The assessment roll.

23 MR. MAROTTA: Could I make one more comment? If
24 you could take a look at the 2008, it had only one item
25 listed but plus three added. I couldn't quite understand

1 how that particular thing happened on the -- this is the
2 original resolution listed 638.7 benefit assessment units.
3 In 2007, you have 634.7. You subtract the four. Then, in
4 2008, you add three but there's only person, Acker
5 (phonetic), that's listed.

6 MS. FANUELE: Right, because it wasn't a change.
7 It was because those four differences in 2007 were then
8 put on in 2008. So, they were no longer a difference.
9 The only one that was a difference was the one for Acker.

10 MR. MAROTTA: Right but somehow the map didn't
11 work out there, somehow.

12 MS. FANUELE: Well, that's what I'm telling you.

13 ME. MAROTTA: Okay.

14 MS. FANUELE: The first one is listing four and
15 then in the next one, those four -- the three of them were
16 taken into account, so they are no longer a difference.
17 So it's just the one from the original 638.7.

18 MR. MAROTTA: Okay but then you ended up 637.7.
19 So maybe I'm missing something but if you figured it out,
20 okay.

21 MS. FANUELE: Yes, I'll be glad to go over it
22 with you.

23 MR. MAROTTA: No, that's okay. That's fine.

24 MS. FANUELE: But that's the only -- for the
25 2008, that was only change that was incorrect from the

1 original 638.7.

2 MR. MAROTTA: Okay.

3 MR. SCHMITT: Thank you, Joe.

4 Phil, you want to make -- finish that motion?

5 MR. DeROSA: Yes, I'd like to make a motion that
6 we approve the -- 2020 is it or '21, Bernadette,
7 assessment roll?

8 MS. FANUELE: 2020.

9 MR. DeROSA: -- the 2020 assessment roll.

10 MR. SCHMITT: I'll second that.

11 All in favor?

12 (Chorus of aye.)

13 MR. SCHMITT: All right.

14 MR. MAROTTA: One quick question. I don't know
15 if I missed it but how many years until the dam balance is
16 paid off?

17 MS. MITCHELL: James, would you like me to?

18 MR. SCHMITT: Sure, Christine, if you want to
19 give a quick comment on that, if you can.

20 MS. MITCHELL: Sure, of course.

21 The period of probable usefulness for the dam,
22 which is the amount that you can, by law, spread your debt
23 over is 30 years. We started repaying the debt in 2012.
24 So after this year, we have 18 years in which we will have
25 to spread out the remainder of that debt. I'm not saying

1 that that's what it's going to be. I'm saying that's the
2 most that it could be.

3 MR. DeROSA: James, can I just add that all the
4 paperwork and everything have been filed for the \$1
5 million grant. So, hopefully we get that in the next few
6 months and then that will make everybody's taxes go down
7 on this a lot. It will help a lot.

8 MR. SCHMITT: Yes, we're very excited that the
9 D.C. paperwork is completed. It has been accepted. I
10 know we spoke about that in the previous meeting. You
11 know it is in their possession and going through the
12 sequence of necessary events in their hands now. And for
13 that, we are very grateful.

14 And that will be exciting when that gets in.
15 Obviously, we will let this district know immediately when
16 those funds are made available. And of course, I know
17 people want to know exactly how they're going to be used
18 and that will, of course, be information for them before
19 they're utilized.

20 Other than that, thank you everyone for
21 participating this evening. I know we have a motion on
22 the floor for an adjournment. Do I have a second for
23 adjournment?

24 MS. SNOW: Second.

25 MR. SCHMITT: All in favor?

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(Chorus of aye.)

MR. SCHMITT: You all have a great night and
have a great Thanksgiving.

(Proceeding adjourned)

CERTIFICATION

I, KIMBERLY J. ZOGBY, certify that the foregoing
transcript of proceedings in the State of New York,
Dutchess County, Town of Pawling, Town Board, on November
19, 2020, in the matter of Whaley Lake Dam District Annual
Assessment Roll Public Hearing was prepared using the
required transcription equipment and is a true and
accurate transcript of the recording.

Kimberly J. Zogby

AMERICAN LEGAL TRANSCRIPTION

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Date: December 2, 2020