

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM April 13, 2022 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilmen McCarthy and DeRosa, councilwomen Snow and Musella Pitt, Nancy Tagliaferro, town attorney and approximately 11 interested citizens.

**PUBLIC COMMENT ON AGENDA ITEMS**

Supervisor Schmitt opened the meeting for public comment on agenda items, and there were none.

**MINUTES**

Supervisor Schmitt made a motion to accept the minutes of March 2, 2022, seconded by councilwoman Snow and passed with the following roll call vote:

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Supervisor Schmitt made a motion to accept the minutes of March 16, 2022, seconded by councilwoman Snow and passed with the following roll call vote:

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**CONSENT AGENDA**

**Resolution 2022085  
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 202120674 through 20220058, 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 \$684,851.03.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2022086**  
**Billing for Pawling Water District #2**

Whereas, Pawling water district #2 bills need to be approved by the Pawling town board, and

Whereas, the bills have been prepared and submitted in the amount of \$13,993.45 for the period of January 1, 2022 through March 31, 2022 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 #2.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman DeRosa

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2022090**  
**Accepting Quotes for Appraisals for Dewey Land Culvert Replacement Project**

WHEREAS, there is a need to replace the culverts at the Dewey Lane Bridge in the Town of Pawling, County of Dutchess, State of New York the (“Project”); and

WHEREAS, the Project will involve the complete replacement of the culverts to make the bridge safe for transport and providing a structurally sound bridge that requires minimal maintenance; and

WHEREAS, it is anticipated that it will be necessary for the Town to acquire real property right of way interests in and to two (2) separate tax map parcels in order to accomplish the Project; and

WHEREAS, the Town must acquire a fee interest in approximately 1,140.8 square feet or .027 acres of real property known as Tax Map Parcel 7057-00-633938 (the “West Parcel”) for purposes of the Project and a fee interest in approximately 1,556.3 square feet or .036 acres of real property known as Tax Map Parcel 7057-00-771879 (the “East Parcel”) for purposes of the Project; and

WHEREAS, in connection with the Project, and consistent with the Town’s procurement policy, the Town solicited quotes for an appraisal of the West Parcel and the East Parcel; and

WHEREAS, The Landmark Appraisal Group submitted the lowest quote for appraisal services for a sum of Five Hundred (\$500) Dollars per parcel for a cumulative total of One Thousand (\$1,000) Dollars; and

NOW, THEREFORE, BE IT RESOLVED, that the town board of the Town of Pawling hereby accepts the Quote of Faughnan Appraisal, LLC; and

BE IT FURTHER RESOLVED, that the town board of the Town of Pawling hereby authorizes and directs the supervisor to execute any and all documents in such form as is satisfactory to the town supervisor and the town attorney, and to take whatever other actions may be necessary to give effect to this resolution.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2022092**

**Authorization of Town Clerk to Advertise for Construction Bids for Well #5 in Water District #2**

Whereas, the Dutchess County Department of Behavioral and Community Health has approved the use of well no. 5 for the benefit of water district no. 2; and

Whereas, the design engineer, Laberge Group, has developed contract documents for the connection of well no. 5 to the water treatment building in water district no. 2; and

Whereas, the town is desirous of having the connection made as soon as is practical to relieve said water district of the expense of hauling in water; therefore, be it

Resolved, that the town clerk is authorized to advertise for construction bids for the project using the contract documents provided by the design engineer which will establish a bid opening date of May 11, 2022, at 11:00 A.M.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilwoman Pitt

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2022093**

**Appointment of Part Time Building, Planning & Zoning Clerk**

Whereas, a vacancy exists in the building, planning & zoning departments for a part time clerk, and

Whereas, the position was advertised and interviews were conducted, and

Whereas, after interviewing several candidates the town board in consultation with the building, planning & zoning staff would like to fill that position with Anandadevi Wint, therefore, be it

Resolved, that the town board approves Anandadevi Wint to be a part time building, planning & zoning clerk at an hourly rate of \$20.00 per hour starting April 25, 2022.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilwoman Snow

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Appointment - Board of Assessment Review**

Whereas, there was an unexpected departure on the board of assessment review, and

Whereas, Shannon Tully is qualified and wishes to serve on the board of assessment review, and

Whereas, the board of assessment review is scheduled to meet with members of the public on May 25, 2022, therefore, be it

Resolved, that Shannon Tully is hereby appointed to the board of assessment review for a term of 5 years set to expire on September 30, 2027.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilwoman Pitt

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**APPOINTMENT OF COURT OFFICERS**

Councilwoman Pitt said the reason for resolution 2020095 is that some of the constables resigned or retired as of recently. The town is down to having two constables for court nights, and two is not enough. The court is staffed with at least four bodies per night. With vacations and work, the town simply needs more manpower. The constables remaining are dedicated town employees. The town needed to look at the options on the table because come May, the remaining constables are retiring as of the end of this month. An option, as she discussed last week, would be to use New York State Supreme Court Officers. She reached out to the senior court officer in White Plains, who works for the NYS Supreme Court Officers Association. When these officers are done with their day job, they have the opportunity to work in local criminal courts. They work throughout Westchester County townships. They are fully trained in court security and first aid. They are peace officers and are fully indemnified while working in any local criminal court. They would be part time employees and their salary is for a guaranteed four hour block. The price difference isn't all that much. These Supreme Court Officers will staff court with three bodies per court night. This is something the town had to look into because the town is short manpower and it does put the town in a unique position. The town can consider rebuilding its constabulary, which the board will consider. These officers will not require training through the town, as they are already trained.

Councilwoman Snow asked if these officers are flexible should they be needed during the day.

Councilwoman Pitt said they are extremely flexible at night but she wasn't sure about the day time.

Councilman DeRosa asked if an agreement was signed, how long it would be for.

Councilwoman Pitt said there would not be a contract and their price point would not change for five years.

Councilman DeRosa asked if existing constables would be used at the park or wherever else the town may need them.

Councilwoman Pitt said that can be discussed. The town has a unique opportunity to rebuild that department.

Supervisor Schmitt and Councilman DeRosa thanked Councilwoman Pitt for all of her work on this.

Councilwoman Snow thanked all of the constables for all of their years working for the town. Some of them have been working for the town for many, many years and she would hate to not be able to say thank you for all of the work and dedication to the town.

Councilman DeRosa said that was a very good point.

**Resolution 2022095**  
**Appointment of Court Officers**

Whereas, the Town of Pawling justice court is in need of court security to work during the times when court is in session: and

Whereas, New York State allows its Supreme and County Court Officers to work part time in local criminal courts: and

Whereas, the Supreme and County Court officers, members of the Supreme Court Officers Association, are trained in but not limited to court security, first aid, CPR, AED, magnetometers and hand scanners, workplace violence and sexual harassment, and exposure control, now, therefore, be it

Resolved, that the supervisor is authorized to hire up to six (6) Supreme and or County Court Officers, on a part time basis, at a salary of \$35.00 per hour, with a four (4) hour minimum for each court shift covered; and be it

Further resolved, that the supervisor is authorized to sign any and all documentation necessary to effectuate this resolution.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilwoman Pitt

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**TOWN BOARD DISCUSSION**

**SIMMONS PROPOSED ZONE CHANGE**

Mr. Tim Curtiss, attorney representing the Simmons and Mrs. Simmons were present.

Councilman DeRosa said he talked with the planning department and Mike Liguori, town’s attorney, and it was revealed that there is a problem because to change the zoning in this area to one acre residential zoning, there isn’t any real close one acre zoning in that neighborhood. The bordering residential zoning is five acres. The closest one acre zoning is north of the old OTB near Sans Souci Drive. The property was subdivided and was built on before the up-zoning in the 1990’s that changed this parcel to commercial. When they changed it, they went 2,000 feet up the edge line of Route 22 and everything within that zone was changed to commercial. The other issue that came up was that this is on a private driveway with three residences that gain access on this driveway. He asked if the Simmons have the right to add another driveway, and he felt the title searchers would need to be involved and the road agreement would need to be reviewed to see if it could be changed. These are the issues that need to be discussed. It would need to be sent to the planning board so they can investigate this and figure it out. This is close to spot zoning in his view.

Mr. Curtiss said he did this presentation at the last meeting. This is an old subdivision that was developed. This is the only lot left and they had a two acre lot. They live on one acre, and because of Mr. Simmons health problems, they want to build a one level house and they are seeking to subdivide off that one lot. The spot zoning issue is committed by the town, not them, because when they built, it was all one acre zoning. He felt the problem would be resolved because he felt the planning board was going to recommend that just this little section of the development be converted to residential and not any other parcels around it. There is a private road that they all maintain together, that is the way it was developed back in the 1990’s. The entire rest of the commercial zone would stay. It was a residential lot, when the town did the commercial zone, they actually spot zoned this lot commercial, which was not intentional. The planning board will look at the property, discuss this and make a recommendation to the town board.

Supervisor Schmitt made a motion to refer the Simmons property and the current subdivision process to the planning board for further review, seconded by Councilwoman Pitt, motion passed unanimously.

### **ARPA FUNDS**

The town board discussed the ARPA funds. The board had allotted a maximum of \$100,000.00 ARPA monies to PWD #2 for an upgrade the water system, and the town will get another \$200,000.00 if they have a plan for the use of those funds. Following discussion, the board agreed that they would use the \$200,000.00 ARPA for town hall repairs, namely asbestos abatement, mold testing and drainage, and also roads. This decision needed to be made by the end of April and no resolution was necessary, just a decision by the board as to how the funds would be used. If the town uses these ARPA funds now, they could be eligible for another \$300,000.00 next year.

### **MCCARTHY**

Councilman McCarthy asked everyone to look at the draft of the update of the employee handbook. He will resend the draft handbook to the board and asked for comments from the board in May.

### **SNOW**

Councilwoman Snow said there has been one interview for the media assistant position and there will be another one next week. The one candidate who was interviewed was an experienced candidate. Once the other interview is done, she will let the board know. Once someone is hired, all meetings will be streamed, hopefully in May. She also scheduled a meeting for a week from Friday as the first meeting for the ethics committee.

### **DEROSA**

Councilman DeRosa asked if a letter to PWD #2 residents has been done to go out with the water billing. The billing is going out on April 15<sup>th</sup> and he wanted the letter to go out with the water bills.

Supervisor Schmitt said the town is working on collecting email addresses for the entire district so residents will be notified by email if there is a problem.

Town Clerk Cathy Giordano said she has been working on obtaining residents email addresses for years and has many now.

Supervisor Schmitt said he would put something together to send to the residents.

Councilman DeRosa said the Dutchess County Planning Federation is offering spring classes on planning and zoning issues. He asked that the petitions around the dais be removed.

Councilman DeRosa said the lake is high, as it always is in spring, everyone's yards are wet. He felt that next year, one or two weir boards should be taken out after the summer months, maybe October and then put back in May.

### **PUBLIC COMMENT**

Robert Hill, resident of North Quaker Hill Road thanked supervisor Schmitt, councilman McCarthy and Jamie Spillane, town attorney for meeting with him on the site of the Dewey Lane Bridge. There were some problems with the design, which he understood would be corrected. He also understood that there would be no intrusion onto his property. He would allow access for building and so forth. There was an agreement and that was all fine. He noticed that tonight the board voted on resolution 2022090 regarding appraisals for the properties on either side of the bridge.

Supervisor Schmitt said even when the design is tweaked, the town will still need an appraisal done of properties alongside the bridge so when the construction is done on the bridge, the town will need to gain access for construction and for future maintenance. The appraisals are also needed for the grant process and they must be done.

Mr. Hill asked if the town was moving forward with trying to take property. He has said all along he would grant access but did not want the property taken from him.

Supervisor Schmitt said not at this time. The appraisal is a starting point in the process and it is necessary for the grant process. He said there is a meeting scheduled with the design engineer so issues can be discussed and Mr. Hill would be involved in the process moving forward.

Mr. Hill said he has kept his word all along and he assumed the board will keep theirs.

Mr. Joe Marotta, resident of 1680 Route 292, Holmes, New York and chairman of the Whaley Lake Dam committee said he wanted to report that there are cracks on the spillway, and the residents want to make sure they are evaluated to see if they need to be repaired or if they are in any danger. The cracks seem to be emanating from the bolts that hold the cleats for the weir boards. That was a decision the board went with, along with the engineer, and excluded them from the solution. He is hearing more things from the board tonight about what they are going to do without calling a meeting for the people on Whaley Lake. He asked several years ago for a meeting because he thought the dam was too low and he was told he was wrong and it took a year before the board recognized that the dam was too low. There are other engineering mistakes. The width of the dam is causing flooding to residents in the community. It was twenty eight feet wide and now it is eighteen and a half feet wide. Using the supervisor's own words, a smaller spillway keeps the water higher. Those were the supervisor's own words when he was told the dam was not built correctly and the previous supervisor knew it was wrong prior to construction. He asked the board to do things with everyone involved and find out what all of the parameters are and build it correctly. There are already cracks in the solution the board provided and the residents were locked out of that meeting, even though they were promised they would be in attendance. They were lied to and could not attend. He is asking for a meeting with the board and community to discuss all of the issues. There are people who are getting flooded and they are concerned about that. The width of the spillway is very important and this is not the first time he has brought this up. Twenty eight feet wide allows the water to drain out more quickly keeping the water level lower for the people who are closer to the water. The board has not mentioned that in talking about keeping people safe. That is the issue, it is not the correct width. The original plan was a concrete spillway all the way across, and at the right width, the right height, we can come up with something that is good for everyone. But we need to have an inclusive meeting to talk to people, he asked that board not to shut them out.

### **EXECUTIVE SESSION**

The motion to enter into executive session to discuss personnel and employment matters was made by Supervisor Schmitt at 7:10 PM, seconded by Councilwoman Snow, motion passed unanimously.

The Board returned from Executive Session at 7:35 PM and adjourned the meeting. No action was taken.

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Town Clerk