

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM May 11, 2022 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilmen McCarthy and DeRosa, councilwoman Musella Pitt, Nancy Tagliafierro, town attorney and approximately 15 interested citizens. Councilwoman Snow was absent.

PUBLIC COMMENT ON AGENDA ITEMS

Marty Mygan, resident of One Aspen Court, asked about the liability insurance policy on the agenda. He looked back to 2019, 2020, 2021 and 2022, and the board has received only one bid for the last four years. By only getting one bid, how would the taxpayers of Pawling know this is the best price? He did not feel like the town had done its due diligence for the taxpayers of Pawling regarding insurance by only getting one bid.

Councilman McCarthy said this year, the town has added a number of additional items to the policy, and the total the insurance went up was about \$2,000.00. He explained that Emery & Webb go out to about six different companies for prices. Selective is the insurance company that covers the town, Emery & Webb is the town's agent. Many insurance companies will not bid on the town's insurance due to vacant town owned buildings and town owned dams. The town did go out to bid on insurance a couple of years ago and not another agent bid. The town has had Selective for the past four to five years and they have been by far the least expensive.

MINUTES

Supervisor Schmitt made a motion to accept the minutes of April 6, 2022, seconded by councilman McCarthy and passed with the following roll call vote:

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “ABSENT”

Supervisor Schmitt – “AYE”

Councilman McCarthy made a motion to accept the minutes of April 13, 2022, seconded by Councilman DeRosa, and passed with the following roll call vote:

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “ABSENT”

Supervisor Schmitt – “AYE”

MS4 ANNUAL REPORT/JOANNE DALEY

JoAnne Daley, MS4 Coordinator said the Board members were given the MS4 Annual Report. Ms. Daley explained the MS4 program, saying the town has held a few events this year, but fewer due to Covid. She said the new permit has been released and it will be a lot more involved. There will be a lot more for the highway and buildings and grounds departments to do. There may need to be a SWIP coordinator to oversee projects. The town will need to purchase software for this. Street sweeping and catch basin cleaning will now be increased, and a lot more training will be required. The MS4 coordination committee and the East of Hudson coalition have written letters to NYS DEC naming items in the permit that are unattainable. The board will need to budget for these additional items. The town obtained part one of a grant, and the town should apply for part two of that grant. The cost will ultimately come back to the towns. She said there is a potential for training the highway department in June. She is working with Councilwoman Pitt on a town wide cleanup day, tentatively for June 18th, and she hoped the girl scouts, boy scouts and other organizations would get involved.

BONDING DISCUSSION

Christine Mitchell, town bookkeeper explained that interest rates are going up and she felt the town shouldn't wait if they want to bond monies. She met with Bob Brill, highway superintendent, councilman McCarthy and supervisor Schmitt on a road plan and they came up with a total of approximately one and a half million dollars that would need to be bonded to cover the necessities over the next two years. These monies would be used for roads, equipment and machinery and building improvements. If the board approved this June 1st, it would take about sixty days to obtain the money. She is talking about a million dollars in paving, \$108,000.00 in building improvements, \$37,000.00 for a piece of equipment and \$355,000.00 in automobiles. The long term impact to the budget would be, including principal and interest, approximately \$135,000.00 per year. This would affect the general fund and highway fund. The impact would be slightly less than two percent, which would have a minimal impact if any.

CONSENT AGENDA

**Resolution 2022097
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 2022059 through 2022012, 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 \$406,058.54.

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “ABSENT”

Supervisor Schmitt – “AYE”

NON CONSENT AGENDA

**Resolution 2022107
Authorizing Renewal of Liability Insurance Policy**

Whereas, the town's commercial insurance policy will expire on June 4, 2022, and prior to its expiration, the town board requested proposals from insurance brokers, and

Whereas, the town board received one proposal in response from Emery & Webb (the “Proposal”) submitted by account executive and branch manager Lori Johnson and account manager Beth Metzler, and

Whereas, the Proposal details all coverages and limits for liability, property, crime, equipment, auto, public officials, law enforcement, umbrella coverages, boiler and machinery and crime coverage, a copy of which Proposal is annexed hereto and incorporated by reference herein, therefore, be it

Resolved, that the town board of the Town of Pawling approves and accepts the Proposal from

Emery & Webb to renew its commercial insurance policies for an annual premium cost of \$112,044.62 and be it further

Resolved, that the town supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the town attorney.

MOTION: Supervisor Schmitt

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “ABSENT”

Supervisor Schmitt – “AYE”

Resolution 2022108

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

BE IT RESOLVED, that the Town of Pawling (30350) hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Current Term Begin & End Dates	Record of Activities Result	Pay Frequency
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Elected Officials

Town Clerk	6	Catherine Giordano	01/01/2022-12/31/2025	25.6	Bi-weekly
Town Councilwoman	6	Corinne Musella Pitt	01/01/2022-12/31/2025	15.4	Bi-weekly
Town Councilman	6	James McCarthy	01/01/2022-12/31/2025	20.1	Bi-weekly
Highway Superintendent	8	Robert F. Brill	01/01/2022-12/31/2025	34.2	Bi-weekly
Tax Collector	6	Barbara Tyson	01/01/2022-12/31/2025	27.2	Bi-weekly
Town Justice	6	David Daniels	01/01/2022-12/31/2025	1.5	Bi-weekly

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “ABSENT”

Supervisor Schmitt – “AYE”

Resolution 2022109
Approving Settlement of Tax Certiorari Proceeding in the Matter of the Application of
Inspirational Books v. the Town of Pawling Index Nos. 21/52633

WHEREAS, the Town of Pawling is currently a party respondent in a certain tax certiorari proceeding entitled INSPIRATIONAL BOOKS V. TOWN OF PAWLING, ET AL, currently pending in the Supreme Court, State of New York, County of Dutchess, in which the total assessed valuation of premises shown on the Pawling tax map as grid number 7056-05-206939-0000 as listed on the 2021 assessment roll is being contested; and

WHEREAS, a proposed settlement of said matter has been negotiated by and among the town attorney, counsel to petitioner, and counsel to the Pawling Central School District the terms of which are set forth in a proposed consent judgment, a full and complete copy of which is annexed hereto and hereby made a part hereof; and

WHEREAS, the assessor of the Town of Pawling and the property owner have agreed to settle the proceeding by reducing the assessed valuation of the subject premises as follows:

Assessment Roll _____	Original Assessment	Settlement Assessment	
2021	741,900	286,750	and,

NOW, THEREFORE, BE IT RESOLVED, that the town board of the Town of Pawling hereby approves and ratifies the settlement of the above described matter; and

BE IT FURTHER RESOLVED, that Jamie Spillane, Esq. of the Firm of Hogan & Rossi, the Pawling town attorney, or any other member of said firm, is hereby authorized and directed to sign, on behalf of the Town of Pawling, said consent judgment in the form annexed hereto or, if hereinafter modified or amended, in such form as may be deemed satisfactory to the town attorney.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “ABSENT”

Supervisor Schmitt – “AYE”

Resolution 2022110
Approval of Name Changes of Private Roads

Whereas, a correction is needed for resolution 2022103 approved on May 4th, 2022, and

Whereas, new owners of parcel 6958-00-970148 have requested to change to names of two private roads that provide access to said, and

Whereas, the two roads were previously names Mistover Way and Wang Dang Doodle Loop, and

Whereas, the owner requests that Mistover Way be changed to Rounded Crest Way, and

Whereas, the owner requests that Wang Dang Doodle Loops be changed to Horse Around Loop, and

Whereas, the name change will impact the following addresses which all serve parcel 6958-00-970148:

128 Mistover Way

130 Mistover Way
47 Wang Dang Doodle Loop
59 Wang Dang Doodle Loop, and

Whereas, the addresses would become:

128 Rounded Crest Way
130 Rounded Crest Way
47 Horse Around Loop
59 Horse Around Loop, and

Whereas, the renaming of the private roads will not impact any other parcels other than 6958-00-970148, therefore, be it

Resolved, that the town board hereby approves the renaming of the above private roads on parcel # 6958-00-970148 from Mistover Way to Rounded Crest Way and from Wang Dang Doodle Loop to Horse Around Loop as further detailed above, and be it further

Resolved, that the Town of Pawling records shall be amended to reflect the renaming of the roads.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “ABSENT”

Supervisor Schmitt – “AYE”

Resolution 2022111

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

Whereas, the town board sought sealed bids containing proposals for the connection of well 5 to water district 2 (the ‘Project’), which bids were due by 11:00 A.M. today; and

Whereas, although one bid was received this afternoon, it was after the 11:00 AM deadline and cannot be accepted, and therefore no valid bids were received; and

Whereas, the town board wishes once again to seek bids for the project;

NOW, THEREFORE, BE IT RESOLVED, that the town board of the Town of Pawling hereby authorizes the town clerk to publish a notice advising the public that sealed bids will be received for the Project at 160 Charles Colman Blvd, Pawling, NY 12564 in the Office of the town clerk of the Town of Pawling.

MOTION: Supervisor Schmitt

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “ABSENT”

Supervisor Schmitt – “AYE”

TOWN BOARD DISCUSSION

PITT

Councilwoman Pitt said in regards to Ms. Mitchell's presentation regarding bonding, is Old Route 55 included in that conversation?

Bob Brill, highway superintendent said Old Route 55 was not included in the bonding. It will be very expensive to do that road, so there needs to be further discussion on how to go about financing it. This will need to be researched and he did not feel it would be wise to jump into doing that road, and he felt the town would need to search for grant monies for Old Route 55.

Councilwoman Pitt said she has received a response from Verizon regarding FIOS, saying that Verizon has expansion plans for the western part of the Dutchess County, not the eastern part of the county. The Verizon representative suggested she reach out at the state level to see why the expansion would not be on the east side of the county.

DEROSA

Councilman DeRosa said he inspected the weir boards this morning at the Whaley Lake Dam and the water is two inches above the wooden weir boards. The valve is closed so there is no extra water draining. He suggested taking the weir boards out in the fall. Councilman DeRosa said he has been in contact with Aaron Cioppa, president of the Shorehaven civic association regarding holding their meetings at the Holmes Whaley Lake Civic Association, which they have done for many years. There was never a charge for them to use that location four times per year. When Mrs. Cioppa went to submit the insurance certificate and secure the dates to use the HWLCA, she was asked to pay a fee.

Councilman DeRosa made a motion to waive the fees for Shorehaven to use the meeting room at the HWLCA for four meetings per year, seconded by supervisor Schmitt.

Ms. Tagliafierro, town attorney said Shorehaven is a private entity and if the board waives the fees for them, it is like giving a gift of public funds to a private entity, which is a violation of the New York State constitution. She understood there may be some hardship here and the board is sympathetic toward them, but she wanted to bring that to the board's attention. The town has had some issues with this with other buildings in the recent past and that is her legal advice.

Councilman DeRosa said there are a lot of organizations the town doesn't charge.

Ms. Tagliafierro said as far as she knows, under New York State law, the only type of associations you can give that accommodation to are veterans organizations that are located within the town or in an adjoining municipality, and they have at least five residents of the town as part of their organization.

Councilwoman Pitt said the fees have come up in the past and it may be time to take a hard look at the fee schedule.

Mr. Cioppa, resident from 1348 Route 292 and acting president of the Shorehaven Civic Association, said in his seventeen years as vice president, they have never paid a fee. He can't express the disappointment and the impact this will have on the residents. Shorehaven has been intact since 1964 and this is the first time they would be charged. He hoped the board would disagree with their legal advice and let them use the HWLCA for their meetings.

Ms. Tagliafierro suggested the board allow the use this one time without a fee while they work on a final policy. This is an issue that comes up from time to time. There is a short period of time between now and their meeting May 21st, and it has been historically done, maybe the board could give it a pass for this one time.

Councilman DeRosa amended his motion to waive the fee for the May 21, 2022 meeting and for the town board to continue the discussion on fees, and work on a policy, seconded by councilwoman Pitt, motion passed unanimously.

Councilman DeRosa felt the board needed to consider the park attendant position. The board never really finished the discussion. He felt the board should talk about it before the June 1st meeting and decide one way or the other. Councilman DeRosa said regarding the sewer district, he asked the board to send comments if they have them to Ron Laberge before he sends the board the final numbers. The only thing he came up with is requesting a map for the district. There have not been any more responses from the residents in the proposed district. He has had private conversations with residents and they are concerned about the cost for the installation, especially if they are a distance from the main line.

Councilwoman Pitt said she would like to figure out a way to get these questions answered for all residents in the proposed district.

Councilman DeRosa felt once the updated information is received from Mr. Laberge, a letter should be put out again to the residents and have another informational meeting.

SCHMITT

Supervisor Schmitt said he, councilman McCarthy and Bob Brill, highway superintendent have been working on the road plan and getting as many roads done as they can. They had a good meeting this week with Peckham, and they heard about the increases and how difficult it is to plan, because the prices are only good for thirty days.

PUBLIC COMMENT

Giovanna Cioppa, resident of 1348 Route 292, Holmes, said their combined efforts applying for the grant for the Shorehaven civic association for the bridge that was damaged in the hurricane did not work out. They are back for more help if possible. She asked the town to donate one hundred yards of item four to help repair their roads and pathways. They reached out to all government agencies and no one can help them. They have exhausted all of their options and are looking to the town board for help for the damage that has been done. She thanked the board for their consideration.

Supervisor Schmitt said this puts the board in the same situation as they were just in but they will have some conversations this week to see what can be done.

Supervisor Schmitt made a motion to adjourn at 6:50 PM, seconded by Councilman McCarthy, motion passed unanimously.

Town Clerk