

A "Swearing In" ceremony of the elected officials of the Town of Pawling was conducted by Dutchess County Family Court Justice Honorable Joseph Egitto at 5:30 P.M. January 10, 2024 at the Town Hall, 160 Charles Colman Blvd., Pawling, New York. Town Officials installed by Judge Egitto were councilwoman Coleen Snow and Town Justice Kevin P. Irwin. Councilman Marty Mygan was sworn in by his wife, Karen Burka.

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM January 10, 2024 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, councilmen Mygan and McCarthy, Nancy Tagliafierro, town attorney and approximately 20 interested citizens.

**PUBLIC COMMENT ON AGENDA ITEMS**

Mr. Kenneth M. Stenger, attorney from the firm of Stenger, Diamond & Glass, LLP represented Mr. & Mrs. Elghanayan, who own a house next to the Dewey Lane Bridge, which is the subject of repair. He has had good communication and cooperation with the town and he thanked the town for that. He is here tonight because his clients asked him to place on the record the urgency they feel about the situation. He appreciated the opportunity to speak this evening. He wrote a letter to Jamie Spillane, town attorney on December 6, 2023 and there have been conversations since then. His clients asked him to read two paragraphs from the letter, which were as follows:

This repair is not a matter of convenience – it is a matter of necessity. If there were a small fire at my clients' residence, the additional time required for the arrival of fire prevention services, directly caused by the Town's failure to repair the Dewey Lane bridge, might cause the loss of the entire house. Illness or injury to any person at my clients' residence, which requires emergency medical treatment, may well be exacerbated as a consequence of the additional time for emergency medical services to arrive at my clients' residence again, as a consequence of the town's continued failure to repair the Dewey Lane bridge. Prior to my being retained, my clients served the town with written notice of the hazard created by this situation. I would think the town would wish to remove itself from this potential source of liability.

Mr. Stenger said this is an urgent issue for his client. Every step the town takes would be deeply appreciated by his client and him.

**RESOLUTIONS**

**RESOLUTION 2024-040**

**Appointment of Part Time Administrative Help in the Building Department**

WHEREAS, Keanu Resnick has been an exemplary intern with the Town of Pawling in the Building Department through the CAREERS Support Solutions program since May 2023, providing administrative assistance to the Building Department and,

WHEREAS, the Building Inspector advises there is an ongoing need for additional administrative assistance in the Building Department, and has recommended that Keanu Resnick be hired to fill that need, on a part time basis;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approves the hiring of Keanu Resnick to serve as part time Administrative Help at a salary of \$15.00 per hour effective January 1, 2024.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

Councilwoman Pitt – "AYE"

Councilman Mygan – "AYE"

Councilman McCarthy – "AYE"

Councilwoman Snow - "AYE"

Supervisor Schmitt – "AYE"

The Board said they were very happy to approve this resolution for Keanu Resnick to continue to work for the town.

Keanu Resnick thanked the board for welcoming him as a part time worker. He welcomed councilman Mygan to the board.

**RESOLUTION 2024-021**  
**Appointment of a Town Court Special Prosecutor for the Town of Pawling**

WHEREAS, the position of Town Court Prosecutor is an appointed position that serves at the pleasure of the Town Board, and

NOW THEREFORE BE IT RESOLVED, that Cappillino, Rothschild & Egan, LLP and Hogan & Rossi are hereby appointed Town of Pawling Town Special Prosecutors.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilwoman Pitt

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman Mygan – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**RESOLUTION 2024-037**  
**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 20231646 through 20231791, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling 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 \$392,146.19.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman Mygan – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**RESOLUTION 2024-038**  
**Approval of Laberge Contract Addendum**

WHEREAS, the Town of Pawling has been successful in securing a wide variety of grants over the past years, and

WHEREAS, the Town of Pawling is required to provide grant management and administration of each grant which includes, but is not limited to summary reports, drawdown requests, coordination with local, state and federal officials and program staff, and other duties as may be required to manage and closeout program funding, and

WHEREAS, the Town of Pawling has a General Services contract with Laberge Group as well as an annual Grant Writing Contract, and

WHEREAS, to continue services with the Laberge Group a Contract Addendum must be reviewed and executed, and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorized and directs the Town Supervisor to execute contract addendum No. 2023038-01 to be increased by \$25,907.54 for additional services of the Lakeside Boathouse demolition.

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilwoman Snow

Councilwoman Snow asked what the additional funds were for.

Councilman McCarthy said this was due to additional asbestos found at “The Inn” project.

Councilman Mygan asked if this was for the actual work done or engineering services. Supervisor Schmitt said it is for engineering and architectural services.

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”                      Councilman Mygan – “AYE”  
Councilman McCarthy – “AYE”                      Councilwoman Snow - “AYE”  
Supervisor Schmitt – “AYE”

**RESOLUTION 2024-039**  
**Billing for Water District No. 2**

WHEREAS, Pawling Water District No. 2 bills need to be approved by the Pawling Town Board, and

WHEREAS, the bills have been prepared and submitted in the amount of \$13,829.20 for the period of October 1, 2023 through December 31, 2023 by the Clerk to the Water District, Catherine Giordano, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby accepts the billing as recommended for Pawling Water District No. 2.

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”                      Councilman Mygan – “AYE”  
Councilman McCarthy – “AYE”                      Councilwoman Snow - “AYE”  
Supervisor Schmitt – “AYE”

**RESOLUTION 2024-041**  
**Authorization of Budget and Inter-Fund Loan**

WHEREAS, the Town Board of the Town of Pawling from time to time authorizes loans from funds to fund the initial cost of a project prior to grant funding being received, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the following inter-fund loan:

- 1. \$175,000 from Hoffman Fund for Town Hall ADA Bathrooms Project.
- 2. This loan shall be paid in full with an interest rate of 3.75%

	<u>Account</u>	<u>Budget</u>
Revenue		

NYS Sam DASNY Grant	H2.3097	\$75,000.00
DC CDBG Grant	H2.2797	<u>\$100,000.00</u>
		\$175,000.00

Expenditure

Engineering	H2.1440.270	\$17,500.00
Construction	H2.1620.270	<u>\$157,500.00</u>
		\$175,000.00

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”                      Councilman Mygan – “AYE”  
Councilman McCarthy – “AYE”                      Councilwoman Snow - “AYE”  
Supervisor Schmitt – “AYE”

**RESOLUTION 2024-042**  
**Authorization of Budget and Inter-Fund Loan**

WHEREAS, the Town Board of the Town of Pawling from time to time authorizes loans from funds to fund the initial cost of a project prior to grant funding being received, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the following inter-fund loan:

1. \$50,000 from the A Fund for Senior Center Improvements
2. This loan shall be paid in full with an interest rate of 3.75%

	<u>Account</u>	<u>Budget</u>
Revenue		
NYS DASNY Grant	H2.3097	<u>\$50,000.00</u>
		<u>\$50,000.00</u>
Expenditure		
Construction	H2.1620.260	<u>\$50,000.00</u>
		<u>\$50,000.00</u>

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”                      Councilman Mygan – “AYE”  
Councilman McCarthy – “AYE”                      Councilwoman Snow - “AYE”  
Supervisor Schmitt – “AYE”

**RESOLUTION 2024-043**  
**Authorization of Budget and Inter-Fund Loan**

WHEREAS, the Town Board of the Town of Pawling from time to time authorizes loans from funds to fund the initial cost of a project prior to grant funding being received, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the following inter-fund loan:

1. \$50,000 from Hoffman Fund for the American Legion Veterans Pavilion Project.
2. This loan shall be paid in full with an interest rate of 3.75%

	Account	Budget
Revenue		
NYS Crest Grant	H2.3097	\$50,000.00
		\$50,000.00
Expenditure		
Construction	H2.1620.250	\$50,000.00
		\$50,000.00

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”                      Councilman Mygan – “AYE”  
Councilman McCarthy – “AYE”                      Councilwoman Snow - “AYE”  
Supervisor Schmitt – “AYE”

**RESOLUTION 2024-044**  
**Facilities Use Request**

WHEREAS, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the Town’s own usage, and

WHEREAS, the Recreation Director will periodically receive request for special considerations once all application and insurance requirements are met, and

WHEREAS, the Town Board of the Town of Pawling sets the fees for the use of facilities, and

NOW THEREFORE BE IT RESOLVED, that the following waiver(s) have been authorized by the Town Board: Juan Perez – Alcohol Waiver, Alcohol Control Plan.

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilwoman Pitt

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”                      Councilman Mygan – “AYE”  
Councilman McCarthy – “AYE”                      Councilwoman Snow - “AYE”  
Supervisor Schmitt – “AYE”

**RESOLUTION 2024-045**  
**Budget Amendments for Fiscal Year 2024**

WHEREAS, a request for budget amendments has been received from the bookkeeper, and

WHEREAS, normal course of business activity throughout 2024 has prompted the bookkeeper to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting business as usual, and

NOW THEREFORE BE IT RESOLVED, that the bookkeeper has requested the following budget amendments.

A Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
<b>Expenditures</b>						
Health Insurance	A.9060.8	551,200	15,000		566,200	2024 Ins Inc
Central Data Processing	A.1680.2	22,365		-15,000	7,365	
Transfer Station	A.8160.1	91,585		-30,900	60,685	FT Emp to HWY
Contingent Account	A.1990.4	0	30,900			Replaced with 2 PTs
		665,150	45,900	-45,900	634,250	

DB Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
<b>Expenditures</b>						
Health Insurance	DB.9060.8	242,550	68,000		310,550	2024 Ins inc
General Repairs Wgs	DB.5110.1	449,690	58,200		507,890	Chris Trent to HWY
Paving	DB.5112.2	650,000		-150,000	500,000	
HRA	DB.9089.81	28,000		-14,200	13,800	
Road Construction Engineering	DB.5112.41	0	30,000		30,000	Eng for FEMA Projects
		1,370,240	156,200	-164,200	1,362,240	

DB Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
<b>Revenue</b>						
DC Snow Plowing Revenue	DB.2300	38000		-38000	0	No DC Snow Plowing
Emergency Disaster Assistance	DB.4960	0	30000		30000	FEMA Eng cost Reim

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilwoman Snow

Councilwoman Snow said it looks like \$150,000.00 is coming out of the DB account, which was for paving. Will that money be put back in?

Supervisor Schmitt said he spoke to the highway superintendent today and these funds are being moved because the healthcare costs came in much higher than anticipated. He will put any monies back into the blacktop budget that he can.

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”                      Councilman Mygan – “AYE”  
 Councilman McCarthy – “AYE”                      Councilwoman Snow - “NAY”  
 Supervisor Schmitt – “AYE”

## TOWN BOARD DISCUSSION

### PITT

Councilwoman Pitt said transfer station stickers are on sale, and residents can come in and purchase them during the week, or on Saturday, January 20<sup>th</sup>, or purchase them by mail. Residents have until February 1<sup>st</sup> to utilize their sticker from last year. There will be an open position on the town planning board and the town board is accepting resumes for that position.

### MCCARTHY

Councilman McCarthy said he and Wendel Weber, supervisor of buildings and grounds met with the supplier of the new meters for water district #2. There will be a letter going out by the end of this month to the residents, and they are hoping to be able to begin work in February and finish installing the new meters in two to three weeks. There has been discussion with Laberge to try to get grants to put EV charging stations here at town hall and at Lakeside Park. There was also discussion about purchasing electric vehicles for town use. There are also grants for the fire department and fire district and they will be working with Laberge on those potential grants. The town is also looking for some smaller grants moving forward for culverts.

### SNOW

Councilwoman Snow said at the second meeting in February, there will be a presentation about the conservation advisory board. Mr. Chipkin will be making the presentation and she would be in contact with Wendel Weber's wife, who was also involved in the conservation advisory board when it existed. The board can ask questions and then she hoped the board could move this forward.

### MYGAN

Councilman Mygan said he wanted to revisit from last week the meeting that is scheduled for October 2<sup>nd</sup>, which is Rosh Hashanah, the time was pushed back to 5 PM. Out of respect for our Jewish residents, he requested that meeting be postponed.

Councilman Mygan made a motion to cancel the October 2<sup>nd</sup> meeting, seconded by supervisor Schmitt, motion passed unanimously.

### SCHMITT

Supervisor Schmitt said he wanted to let the public know there is a cotton tail rabbit study being done at Murrow Park by NYS DEC, so if representatives of NYS DEC are seen at the park, they are authorized to be there. This will not involve any trapping of rabbits, and no rabbits will be harmed during the study.

### PUBLIC COMMENT

Harvey Matcovsky thanked councilman Mygan and the board for cancelling the October 2<sup>nd</sup> meeting, which falls on Rosh Hashanah. He asked if there was a reason PJSC budget has been removed from the agenda.

Supervisor Schmitt said he and councilman McCarthy are still working with mayor Taylor and deputy mayor Locascio on the revision of the IMA.

Mr. Matcovsky said the PJSC tentative budget has an increase of over 10%, which includes \$43,000.00 in stipends mainly for elected officials. He hoped the decision would be made that seven commissioners are not needed and a stipend of \$5,500.00 to \$7,000.00 for the commissioners is uncalled for in lieu of the 10% increase in the budget. Mr. Matcovsky said it has been brought to the attention of the community that there is a problem in the building department where a lot of the records seem to be misplaced. He hoped an individual appointed to the building department would bring the record keeping up to date. Mr. Matcovsky asked how the board and bookkeeper concluded taking \$150,000.00 away from the highway superintendent for paving.

Supervisor Schmitt said that was the largest line in the budget the board had and the board is hoping to put a lot of that money back as the year goes on.

Joe Marotta, chairman of the Whaley Lake committee said the composition of the town board has changed and in the spirit of that change, legal action has been suspended between their community and the town board. Therefore, they are officially requesting a meeting between the town board and the committee to discuss the issues, solutions and obstacles that have prevented a viable solution to the Whaley Lake Dam spillway. At this time, he would like to know the willingness of each board member to attend and that the meeting should be scheduled in the next few weeks.

Councilwoman Pitt asked for documentation that the legal action has been suspended. Once that is received, the board can go from there.

Councilwoman Snow agreed.

Councilwoman Pitt asked if the Whaley Lake Dam Committee is an actual committee that was voted on through the township.

Mr. Marotta said after a year of horrible conditions on the lake, when the dam was put in at 704.8, there were weeds and algae, and many problems, and the community was in an uproar, and a meeting was held at the Holmes Civic Center. At that time, the supervisor Schmitt promised that they would get the full twelve inches and the residents wouldn't pay a dime. At that meeting, people were so angry, it was suggested bringing back the committee that originally created the district, which is now paying for the dam. Supervisor Schmitt thought it was a good idea and agreed with it at the time. The board should listen to the recording. The Whaley Lake Dam committee meets on a monthly basis and minutes are taken of those meetings. Many people contribute money, engineering and volunteer. The treasurer is William Huott.

Christine Mitchell said regarding the paving funding, a full time employee was added to the highway department, which was one of the reasons for the \$150,000.00 adjustment. She knows how much the board is committed to supporting the highway department. The problem is that there was a massive increase in health insurance that had to be absorbed. The town is not receiving revenue from Dutchess County that was anticipated. She is transparent with the transfers that are done, they are not done in a vacuum. She is committed to doing as much for the highway department as the board is.

Supervisor Schmitt made a motion at 6:40 PM to enter executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension or removal of a particular person or corporation, seconded by councilman McCarthy, motion passed unanimously.

The Board returned from executive session at 7:12 PM, no action was taken.

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Town Clerk