

Deputy supervisor/councilman James McCarthy opened the regular meeting of the town board of the Town of Pawling at 6:00 PM October 11, 2023, 2023 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, councilmen McCarthy and DeRosa, Nancy Tagliaferro, town attorney, and approximately 15 interested citizens. Supervisor Schmitt was absent.

ALL ACCESS TRAIL – JULIAN PARKER & MARK WHITNEY/CEO PAGE LUMBER

The board entertained a presentation by Julian Parker and Mark Whitney, CEO of Page Lumber regarding an all access trail at Lakeside Park. Mr. Parker said back in February, he presented the all access trail idea to the town board. It is basically a raised platform in the woods, which helps everyone be able to go into the woods, no matter if they are wheelchair bound or have limited mobility. Everyone is entitled to go into the woods and breathe the fresh air.

Mr. Whitney said information was provided to him by supervisor Schmitt and he had expressed a desire to make some charitable donation to this project as it developed. He was uncertain as to where the project exists in its development at this point.

Councilman McCarthy said some planning has been done and there has been some trails and a certain amount of footage proposed.

Mr. Parker said he and Mr. Schmitt went out to the site and planned out the dimensions, which Mr. Schmitt has. Mr. Parker said he did not have the dimensions. He would have to see when this would be able to be done, he hoped by the end of this year.

Councilman McCarthy said the town has received \$1,400 in donations for this project to date. He felt the next step was to get a rough idea of the amount of material necessary.

Mr. Parker thanked everyone for their donations. He thanked Page for all of their help and donation. He would get in touch with Mr. Schmitt and move this forward. He thanked Mr. Schmitt and the town board for their help.

Mr. Whitney said the plans would be significant in helping them understand the scale of what the project would cost. He is anxious for the details to develop.

The board thanked Mr. Parker for his work on this project.

PUBLIC HEARING/EXTENSION OF SOLAR MORATORIUM LAW

Councilman McCarthy made a motion to open the public hearing regarding extending the moratorium on the solar moratorium, seconded by councilwoman Pitt, motion passed unanimously.

There were no comments from the audience.

Councilman McCarthy made a motion to close the public hearing, seconded by councilman DeRosa.

Councilman McCarthy made a motion to extend the moratorium for another one hundred eighty days (180), seconded by councilwoman Pitt, motion passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS

Christine Mitchell, town bookkeeper said Jade McSpedon has been working in the finance department since June and she has done a phenomenal job, and she is taking a full time appointment in the building department. Ms. Mitchell said she would be sad to see her go and she is an asset to the town.

RESOLUTIONS

RESOLUTION 2023-142 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 20231213 through 20231352, 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 \$313,762.80.

MOTION: Councilman McCarthy
SECOND: Councilwoman Snow

ROLL CALL VOTE:

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

RESOLUTION 2023-144
Approval of Pitney Bowes Contract Renewal

WHEREAS, the Pitney Bowes mail machine in town hall is out of contract and obsolete, and
WHEREAS, a new sixty (60) month contract for a like-for-like machine is \$305.09 per month, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling hereby authorizes the approval of said contract with Pitney Bowes.

MOTION: Councilman McCarthy
SECOND: Councilwoman Pitt

ROLL CALL VOTE:

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

RESOLUTION 2023-145
Approval of Truck Purchase

WHEREAS, the supervisor of buildings & grounds conducted a bid with OGS New York State for a ¾ ton pickup 4x4 extended cab with a Boss plow, and

WHEREAS, 6 bids were received with the lowest being a 2024 Ford F-250 extended cab 4x4 with Boss plow for \$55,616.20 from C. Basil Ford, and

WHEREAS, this truck will replace the town’s oldest pickup Ford F-250, and

NOW THEREFORE BE IT RESOLVED, the town board of the Town of Pawling hereby authorizes the supervisor of buildings & grounds to purchase said 2024 Ford F-250 extended cab 4x4 with Boss plow for \$55,616.20 from C. Basil Ford.

MOTION: Councilman McCarthy
SECOND: Councilman DeRosa

ROLL CALL VOTE:

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

RESOLUTION 2023-148
Award of Bid for Heating Fuel Oil and Service of Oil-Fired Heating Equipment

WHEREAS, bids were duly advertised and noticed for #2 heating fuel oil and service boiler maintenance service for the year 2023-2024, and

WHEREAS, the bids have been submitted for the town board's review and tabulations have been provided by the town clerk, and

NOW THEREFORE BE IT RESOLVED, that the following bids for #2 fuel oil be awarded per the specifications within the bid packet to Taylor Oil in the amount of plus (+) \$0.090 per gallon, and the boiler maintenance service bid is hereby awarded to Taylor Oil in the amount of \$125.00 per hour.

MOTION: Councilman McCarthy

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

RESOLUTION 2023-149
Approving Preliminary Budget for Fiscal Year 2024 and Directing a Public Hearing Thereon

WHEREAS, the town supervisor, pursuant to Section 106 of the town law has presented the tentative budget to the town board for review, examination and possible revision, and

WHEREAS, the town board of the Town of Pawling has reviewed same and deemed it reasonable and appropriate, and

NOW THEREFORE BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. Pursuant to and in accordance with the provisions of Section 106 of the town law and other applicable provisions of law, the annexed detailed statement of estimated expenditures and revenues be and the same is hereby approved and adopted as the preliminary budget of the Town of Pawling for the fiscal year beginning January 1st, 2024.
3. The preliminary budget adopted herein shall forthwith be filed in the Office of the town clerk in the Town of Pawling where it shall be available for public inspection.
4. The town board of the Town of Pawling shall meet at town hall, 160 Charles Colman Boulevard, Pawling, New York on the 1st day of November, 2023 at 6:00 p.m. and then and there shall hold a public hearing upon such preliminary budget.
5. The town clerk of the Town of Pawling shall give notice of such public hearing by publishing notice thereof in the Poughkeepsie Journal, the official newspaper of the Town of Pawling, at least five (5) days prior to 11/01/2023 and the town clerk shall cause a copy of said notice to be posted on the sign board of the town no later than five (5) days before the scheduled public hearing.
6. This resolution shall take effect immediately.

MOTION: Councilman McCarthy

SECOND: Councilwoman Snow

Councilwoman Snow said as she mentioned at last week's meeting, after speaking with the supervisor and bookkeeper, she was able to see a visual on the budget. Normally when the bookkeeper and supervisor create the budget, it is presented to the board, so now it becomes the board's budget. The board can change things tonight if they choose, and the board will have a public hearing, and they can change things as they choose. One of the things she wanted to talk about today was the wages in particular. The cost of living has gone up extremely. She did research over the weekend. There has been an increase in utilities of 3%, 35 % for groceries, oil and gas have also gone up. There is a 2.75% increase for employees and she felt very strongly she would like to make that 3% for all town employees. The other concern she had was the amount of \$744.00 for all elected officials. The supervisor encouraged her to meet with the bookkeeper on the budget, which she did. Her opinion on percentages, the town board would be getting about 7.7%, supervisor would get 3.1%, the judges would be getting 4.1%, the tax collector would be making 4.2%, the clerk would be getting 1.3% and the highway supervisor would get 1.1%. Her opinion is that the money is there and the town clerk and highway superintendent are here every day and she felt strongly that if the board would go with 5%, the town board would make less than the \$744.00, it would be \$259.00 less, they would get \$459.00. If it means helping the town employees and other elected officials, she felt it was the fair thing to do.

Councilman DeRosa said it is obvious by the percentages that the town board makes the least amount of money. That's why the raises were so much more for the town board. He said whatever is decided for the employees, whether it is 2.75% or 3.0%, he wanted to make a motion that every employee, excluding the elected officials, that every employee gets that. Whatever the number is, he wanted every employee to get that number.

Councilwoman Pitt asked Nancy Tagliaferro, town attorney, if the board needed to adopt the supervisor's budget. The board hasn't taken that step yet.

Ms. Tagliaferro said that is correct.

Councilwoman Snow said it was her understanding this would be discussed tonight.

Councilwoman Pitt said the conversations can take place whenever. The math regarding the staff, it seems the board concentrates on the A fund. What is really important for people to understand is you need to think about how you will set things up for folks who would be taking your spot at some point. She felt that this hasn't necessarily been done. The town board is still going on a salary from before there were emails or cellular phones. The jobs have drastically changed as the years have gone on and will continue to drastically change. It needs to be set up for those who want to come in here and serve their town when we are done. This is not a very palatable position, quite frankly. She would also like to see 3% across the board for all employees, except union employees. This includes folks in the clerk's office. The discussion should be continued for the elected officials but she would like to see a solid percentage for them as well.

Councilwoman Snow said she has looked back to 2010, and there have been cost of living raises for all elected officials. For the past two years, this board has been raising the salaries of all town employees. Because of that, the board was talking about all elected officials, and her understanding was that there would be 5% across the board for elected officials. She asked Christine Mitchell, town bookkeeper if these percentages were discussed and if there was money in the budget to support this.

Ms. Mitchell said yes.

Councilwoman Pitt understood that elected officials' salaries would be looked at. She felt they have been disregarded in years gone by in comparison to how things have shifted, and the amount of work that goes into these positions.

Councilman McCarthy said this is the last meeting before the public hearing, which once the resolution is adopted will be set for November 1st. The budget can be changed after that.

Ms. Tagliaferro said she wanted to bring to the board's attention the email she sent earlier about the timeline and the fact that once there is a notice of public hearing that is published, it has to contain salaries of the elected officials and you can't change them after that.

Councilman McCarthy made a motion that the town clerk receives 3%, the deputy town clerk receives 3% and all elected officials and all employees would receive 3%, he felt this was a fair amount for everyone, and it is taking care of his concerns by including everyone, all employees and all elected officials with 3%, seconded by councilwoman Pitt and passed with the following roll call vote:

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “NAY”

Supervisor Schmitt – “ABSENT”

Councilman DeRosa said he has been here the longest as a town board member, and since there is no schedule or major requirements for the town board, it all depends on the individual town board members how much they get involved. This town board contributes quite a bit and, in the future, there is a lot of responsibility at the town board level. To get good people, the board may have to look at the town board members’ salaries down the road.

Councilwoman Pitt said it is impossible to compare our township to other townships in Dutchess County. She has looked at the numbers. If you want to get a jist of what elected officials are making, feel free to research it, or she would be happy to share the research she has done. She felt this was a positive step and she hoped to see this continue in a sustainable manner into next year.

Christine Mitchell, town bookkeeper, said she needed a point of clarification here, as she is the one who does the math. So, the 3% is the standard for all employees. You have a number of people that are other than that now, like your zoning board, planning board, a couple of key people, does the board want them changed as well or do you want the base increase to be 3% for all employees.

Councilman McCarthy said the ones that we changed the base, should stay the same. The ones you put through on the projected 2024 at 2.75 should all be changed to 3%.

Ms. Mitchell said it’s just the base that is changing.

Councilman McCarthy said regarding resolution 2023-149, approval of the preliminary budget with the understanding that the public hearing will be set for November 1st, our next town board meeting at 6:00 PM, he made a motion for that, seconded by councilwoman Pitt, motion passed unanimously.

RESOLUTION 2023-150

Authorizing the Provisional Appointment of Full Time Clerk in the Building Department

WHEREAS, a permanent full time clerk vacancy exists in the building department, and

WHEREAS, Jade McSpedon has resigned as part time bookkeeping clerk effective October 30, 2023, and

WHEREAS, after interviewing several candidates, the town board of the Town of Pawling would like to fill the full-time position in the building department with Jade McSpedon, and

NOW THEREFORE BE IT RESOLVED, Jade McSpedon shall serve provisionally as full time clerk until a clerk’s exam from Dutchess County Civil Service is announced, taken and passed, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling hereby approves Jade McSpedon to be provisionally appointed as full time clerk in the building department at the hourly rate of \$22.00 per hour, effective as of October 30, 2023.

MOTION: Councilman McCarthy

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

RESOLUTION 2023-151
Escrow Release

WHEREAS, the Town of Pawling currently holds balance in escrow for several escrow accounts, and

WHEREAS, the planning board has confirmed that there are no outstanding bills and that there will be no future bills for review and recommended that these funds be released, and

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling hereby releases the following balances in escrow and authorizes the bookkeeper to release such funds:

1. Lawrence Lawlor	Subdivision	\$102.60
2. Peter Muller	Subdivision	\$243.70
3. Sharon Muller	Subdivision	\$243.70
4. Michele Tyson	Environmental Permit	\$256.25

MOTION: Councilman McCarthy

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

RESOLUTION 2023-152
Budget Amendments for Fiscal Year 2023

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

WHEREAS, normal course of business activity throughout 2023 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	ACCOUNT	CURRENT			REVISED	
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Expenditures						
Beach & Pool Wages	A.7230.10	80,000	1,200		81,200	Revised Budget
Beach & Pool Equipment	A.7230.20	1,500		-1,200	300	Revised Budget
Golf Course Fert. & Chemicals	A.7250.438	20,000	600		20,600	Revised Budget
Gold Course Fuel	A.7250.416	3,000		-600	2,400	Revised Budget
BLDGS Vehicle Gas & Maintenance	A.1620.424	12,000	3,500		15,500	Revised Budget
BLDGS Fuel Oil	A.1620.416	55,000		-3,500	51,500	Revised Budget
Parks Permits, DEC, etc.	A.7110.450	12,000	3,000		15,000	Revised Budget
Auditor	A.1320.400	16,650		-3000	13,650	Revised Budget
Park Maintenance Contracts	A.7110.415	23,000	8,000		31,000	Revised Budget
Buildings, Fuel Oil	A.1620.416	51,500		-5000	46,500	Revised Budget
Buildings, Wgs	A.1620.1	265,985		-3000	262,985	Revised Budget
Central Data Processing	A.1680.4	27,000	5400		32,400	Revised Budget
Auditor	A.1320.400	13,650		-5400	8,250	Revised Budget

Beach & Pool Wgs	A.7230.100	81,200	25		81,225	Revised Budget
Beach & Pool Equipment	A.7230.200	300		-25	275	Revised Budget
Golf Course Club House	A.7260.400	10,000	320		10,320	Revised Budget
Golf Course Club House Equip	A.7260.200	25,000		-320	24,680	Revised Budget

	697,785	22,045	-22,045	697,785
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B Fund

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Buildings Contractual	B.3620.4	11775	60		11835	Revised Budget
Buildings Wgs	B.3620.1	143330		-60	-60	Revised Budget

MOTION: Councilman McCarthy

SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

DISCUSSION

Councilman DeRosa said regarding the budget, he asked about the major debt the town paid off in 2023. What is the town doing with the major savings since Lakeside Park was paid off this year, in the amount of \$500,070? He has seen some of the items these funds are being used for, such as putting \$305,000 to reduce the fund balance, increase payroll related expenses in the amount of \$100,000, new debt issued \$61,000, tax decrease of \$44,000, applied to the balance of 2024 in the amount of \$37,357. In his calculations, \$44,340 is being given back to the taxpayer.

Ms. Mitchell said what she would recommend people do is look at her presentation from last week, which is on the town’s website. The basic gist of it is that the town is reducing the use of its savings in the A fund by over \$300,000, which is a big chunk of the money. The town was trying to work the numbers so there wasn’t a huge tax increase due to the increase in the fee for ambulance. The town has reduced spending for 2024 by over \$326,000, the net result is a decrease to the town wide taxes of 1.02%. People can call her and she would be happy to answer questions.

Councilman DeRosa said he didn’t realize the money was going to go to all of these things. He still had questions with this and he would come in and speak to Ms. Mitchell about it.

Ms. Mitchell said you want to make sure you have enough rainy day money. You should have enough resources to cover the first few months until your tax money comes in. The town is more than sufficient with that. The town has a five year plan, which it is following.

Councilman McCarthy said he wanted to point out how lucky Pawling is to have the fire department it has, volunteer fireman. The town is paying over half a million dollars for one ambulance and two employees. If the day ever comes that we do not have a volunteer fire department, can you imagine what the budget would be. Pawling is very lucky to have the officers it has.

PUBLIC COMMENT

Harvey Matcovsky, from Holmes, said this senior citizen appreciates the work that has been done on the trail. He said he is a proud 84 year old Jewish man, resident of Pawling, New York. He was taunted as a child and those memories don’t go away. We have all seen the horrific images that are happening now. His message to the board and anyone who likes memes on

social media, you are enabling them, and by silence are condoning these hateful acts. He hoped that people would ask for forgiveness.

Glenn Carey, Pawling resident, said he had a couple of things related to the budget. He thanked councilwoman Snow for addressing the issue with the elected officials raises. He is trying to understand if the \$744.00 was for every elected official? He did not understand that logic. With that scenario, the highway superintendent would have had a 1.1% raise and the clerk would have had a 1.3% raise, both of those positions was below the 3% that was provided by the board. He can't even comprehend the thought of that, that a town board member would think in a part time position, that they would be entitled to \$744.00, while someone who works in a full time position here, the highway superintendent and town clerk would have only gotten \$744.00, yet this is their full time job. There was also discussion that we need to look at salaries of elected officials if you want them to run for office. He would agree with that, but he would say that also pertains to full time positions. Had you only given a \$744.00 increase to the clerk and highway, they would have been falling behind everyone. The logic defies him. 3% of a salary is 3%, town board members are part time positions. Most people who run for town board do so because it is a public service, and that is why they decide to run for office. He thought the salary was about \$12,000 or \$12,500, and the board also gets a \$4,500.00 buyout if they don't take the health insurance, which is a \$500.00 increase next year over the \$4,000.00 that is provided this year, so they would have gotten \$500.00 more on their health insurance buyout, plus the \$744.00. He said the budget summary was excellent. Unfortunately, the salaries weren't clearly defined. Maybe the town needs to look at a long term strategy regarding salaries, what those salaries are across the board and what the plan is to try and equalize them or raise them if the board feels it is necessary, but justify that. He is grateful that this percentage increase is now 3% across the board, that those who work here full time are not going to be getting less, and the town board members who are part time positions are not going to be getting more.

Councilwoman Pitt said the folks on the town board are actually at \$9,700, not \$12,500. She thanked Mr. Carey for his comments.

Rick Wilson, resident from 64 Lakeview Drive, said on the subject of 3%, as a senior, everyone wants 3%. What he did at work, there were yearly evaluations and he suggested the town do that. People should be proud of their accomplishments and he would like to know how much the town has received in grants over the last year. If the board got more grants, he would like to double their salary.

Joe Marotta, chairman of the Whaley Lake committee, said at a few meetings, there was some real discussion about where the water level should be. Without facts, people were saying a lot of different things. He wanted to clarify the water level with seven different proofs. He presented photos of etchings at 704.8, homeowners accounts of where their docks were prior to and after the construction which come out to about a foot or over. Once the dam was completed and the water filled up, boats were hitting exposed hazards that were never there before. Zarecki had a survey with 705.7, which is consistent, then he made an error in translation that was not picked up by the next engineer. There is proof also that supervisor Schmitt acknowledged that the spillway was a foot too low, he reversed that when he found out that Dave Kelly gave permission to continue knowing that there was this error, and he pulled back his support. They have FOIL emails that state that there is an error of a foot, that it should be 705.8. Those FOIL's were sent between contractor and engineers and eventually ended up in James Schmitt's hands. And they have recorded interviews with Fuss & O'Neill and Winn Construction which state who knew what, and when. These proofs are hard level proofs. They also have pond level, which was banded about up and down depending on rain. Pond level is a fixed number and was on Fuss & O'Neill's documents. There is no reason to think that there wasn't a mistake of over a foot. And to correct it by using wooden weir boards and not widening the spillway is going to cause additional flooding, it already has, it will cause additional problems with the men of the town that have to walk out onto an eighteen and a half foot spillway not designed for people to walk on. The spillway should be fixed correctly, all concrete, twenty eight foot minimum, and at the correct 705.8 height.

Marty Mygan, resident from One Aspen Court, said regarding the health insurance buyout, the \$4,500.00 is well above what he would get at a corporation that he worked at for a long time that makes billions of dollars. He asked the board to consider how high that is. In corporate America, it is much lower. He agreed with Mr. Carey's comments, saying part of being on the town board is a civic duty, it is not for everyone but that should be a big part of it.

Councilman McCarthy wished the Schmitt family all the best of luck tonight, and he made a motion to adjourn the meeting at 6:55 PM, seconded by councilman DeRosa, motion passed unanimously.

Deputy Town Clerk