

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM November 1, 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, Brendan Liberati, town attorney and approximately 15 interested citizens.

PUBLIC HEARING/2024 TOWN BUDGET

Supervisor Schmitt made a motion to open the public hearing on the 2024 town budget, seconded by councilwoman Snow, motion passed unanimously.

Harvey Matcovsky, resident of Holmes, New York, said he found it quite surprising that he is the only taxpayer in this town that saw fit to come and discuss the town budget, everyone should care about the town budget. The board should also be concerned that taxpayers do not comment on the budget. At the last town board meeting, residents were told there was a \$300,000 budget surplus, due to the final payment of the Lakeside bond. The board did not decide to return this surplus to the taxpayers to reduce their tax burden, just the opposite occurred. The board were fighting over how much of an increase to give themselves and proceeded to give themselves a buyout of the health insurance of \$4,500.00, when teachers in the community get a \$1,500.00 buyout. The board at the last meeting talked about the town clerk and highway superintendent getting 1.1%. These people work very hard and are full time employees. The board gave themselves 3%.

Supervisor Schmitt said that was changed in that same meeting, giving all elected officials and employees 3%.

Mr. Matcovsky said there are two town board members who are getting stipends for being on the sewer commission, while sewer rates are going up double digits. That is over \$5,000.00 per year to attend a few sewer meetings.

Supervisor Schmitt said that should be a question for the sewer commission.

Mr. Matcovsky said some of the \$300,000.00 savings is going into a bloated reserve fund. He suggested the town consider an increase of 2% or less in the budget in order to give residents a break.

Gayle Zelazny, resident of the Town of Pawling and one of the two justices for the Town of Pawling, said she was here to renew the justice court's request for a part time clerk. The court currently has one full time clerk for two justices. New York law requires the Town of Pawling to have two justices and each justice must have a clerk. As she reported in her budget meeting with supervisor Schmitt and Ms. Mitchell, budget officer/bookkeeper, the workload in the justice court continues to increase. The Village of Pawling court was combined with the Town of Pawling court, which created some budget savings but contributed greatly to the increased workload that is being seen in the justice court. There is a substantial backlog which can't be met under the current conditions. The supervisor has a legislative aide, the assessor, the town clerk, the tax collector all have deputies, the building inspector and bookkeeper both have clerks. To the best of her knowledge, the justice court and planning department are denied help while all other departments that have asked for help have received it. Tonight's agenda includes a resolution for a clerk in the building department, so the board can't say the budget can't support it. The justice court needs help. The court clerk's responsibilities are extensive, detail oriented and often require the keeping of confidential information. A qualified clerk is responsible for record keeping, the handling of monies taken in by the court through fines and fees, as well as the preparation of the monthly reports submitted to the New York State comptroller's office, the preparation of court calendars, reporting of dispositions to the Dept. of Motor Vehicles, preparation and submission of the annual audit to the town board and correspondence with attorneys. In addition, and one of the most important parts of the job is interaction with the public. People come to the court office to make payments, file papers, file cases, file pleas and ask for information. Dealing with the public takes time. It is impossible to function effectively or efficiently without a clerk. When the clerk is sick or on vacation, the justice comes to a standstill. This is unacceptable. This year, we were without our regular clerk for four months. Through luck and lot of phone calls, we were able to get some very part time help to keep the court running. Justice Zelazny said she personally took on much of the administrative roll and worked as the court clerk without additional pay. Some town board members have suggested there be additional court sessions to help with the mounting caseloads. That is not a viable solution with a single clerk. It takes ten to twenty hours to prepare for a court session. The work required to have a single court session extends far beyond the hours that the court is in session on a Thursday evening. It is not feasible to add additional court sessions without additional support.

In fact, we may have to look at decreasing the calendars or the number of court nights. It was also suggested for her to estimate the additional revenue that would be brought in if the court was given an additional clerk, it might lean in her favor and her request might be approved. She reminded the board that the town is legally required to fund a justice court. It is not dependent on revenue and in fact it would be unethical for her to make any promise of increased revenue. She cannot and will not make a promise of increased revenue or give the board a dollar figure of what that revenue might be. What she can say is that it is a fact that the justice court generates revenue for the Town of Pawling. Her department must depend on the town board to provide the funds so they can provide the citizens of Pawling justice in a timely fashion. Without funds for an additional part time clerk, cases will continue to languish and the backlog will sit unanswered. That is not justice.

Supervisor Schmitt made a motion to close the public hearing on the budget, seconded by councilman McCarthy, motion passed unanimously.

MINUTES

Supervisor Schmitt made a motion to acknowledge the minutes of October 4, 2023, seconded by Councilman DeRosa, and passed unanimously.

Councilman McCarthy made a motion to acknowledge the minutes of October 11, 2023, 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 – “ABSTAINED”

PUBLIC COMMENT ON AGENDA ITEMS

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

RESOLUTIONS

The Board reviewed the resolutions and agreed they would be acted upon at next week’s meeting.

The board took the following actions:

RESOLUTION 2023-154 Appointment of a Part-Time Clerk in the Finance Office

NOW THEREFORE BE IT RESOLVED, that Janet Forsyth is hereby retroactively appointed as part-time clerk in the finance office with a start date of October 23, 2023 and shall be compensated at a rate of \$22.00 per hour.

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 2023-155
Appointment of Fire Inspector

WHEREAS, the resignation of Jessica Peterson has caused a vacancy for the fire inspector position, and

WHEREAS, interviews have been conducted, and

WHEREAS, Everett White, has completed all necessary courses and exams, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling hereby appoints Everett White, effective immediately, as fire inspector at a salary of \$5,150.00 per year.

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 2023-157
Rejection of Bids for Construction of Maintenance Shed

WHEREAS, bids were duly advertised and noticed for the construction of new maintenance shed, and

WHEREAS, the Town of Pawling wishes to reject all bids, and

NOW THEREFORE BE IT RESOLVED, the town board of the Town of Pawling hereby rejects all bids submitted for construction of purchased maintenance shed.

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 2023-158
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 authorizes and directs the Town Supervisor to execute contract addendum No. 20230121-00 to be increased by \$30,795 plus reimbursable expenses for the development of a Housing Assessment and Strategy to be partially funded through the successful Hudson River Greenway Grant.

MOTION: Supervisor Schmitt

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

PUBLIC HEARING/SOLAR ENERGY LAW

Supervisor Schmitt made a motion to open the public hearing on the solar energy law, seconded by councilman DeRosa.

Supervisor Schmitt said this public hearing will be left open because the board wants more time to review things.

There were no comments on the solar energy law. The public hearing was left open.

DISCUSSION

PITT

Councilwoman Pitt said she wondered if any of her board partners heard anything about the joint ethics board. She was not here for the meeting where the board voted on the joint ethics board. It is her understanding that a township has pulled out, being East Fishkill. She thought that happened two months ago. She did not know if anyone had detail about that correspondence.

Councilwoman Snow said this is the first she was hearing about it. She said she used to be on the emails but she hasn't been in a while. She has no idea when this happened.

Supervisor Schmitt said East Fishkill emailed in August, they had an issue with the way the IMA was going or some of the appointees as far as people being put on the boards in different municipalities. So, they said they were pulling out.

Councilwoman Pitt said she was curious if that affects what was voted on. She has read the local code and it doesn't seem like it would directly affect the local code because the code is written purposely to be vague regarding changes made to the main document of the actual foundation of the ethics board. That leaves us now with only four townships, an even number. She asked if the East Fishkill attorney was the head of the ethics board.

Supervisor Schmitt said the East Fishkill attorney was the lead attorney on this.

Councilwoman Snow said she was shocked, this is the first she was hearing of it. When this was being put together, there was room to add another town. She did not think anything needed to be changed to add another town but she would have to find out more. No one told her about this so she can't speak to this tonight until she finds out more information.

Councilwoman Pitt asked if the information could be shared with everyone. Then if changes need to be changed, the board will need to adjust.

MCCARTHY

Councilman McCarthy said he, councilman DeRosa, Bob Brill, highway superintendent and Ms. Mitchell, bookkeeper met last week pertaining to the transfer station. Fees for next year were discussed, adjusting the amount that goes into the capital fund since the roll off truck will be paid off at the end of this year. One of the other suggestions was to open the transfer station to allow anyone from the Town of Pawling to bring metal to the transfer station with no fee. They are looking at possibly trying to do some kind of an updated scanning system, maybe a bar code or license plate where the attendants could make notes in their scanner as to large loads, or people bringing in more than what is anticipated, and he hoped to have something back for the next meeting. Also, discussed was charging people for some individual items, trying to make it more

efficient and cost effective. If the town does not have a transfer station, you will find the garbage on the side of the road. Councilman McCarthy said he, councilman DeRosa, and Wendel Weber, supervisor of buildings and grounds met with Jim Clarke from Laberge pertaining to the bathrooms at Lakeside, and the pavilion should serve 150 to 200 people and he hoped the bathrooms would be open for camp next year.

SNOW

Councilwoman Snow said regarding the health insurance and the HSA card, the town funded approximately \$100,000.00 in that fund and it is now being brought down to \$48,000.00 in the 2024 budget, and she asked why. Her concern is that the town has only had the insurance for six months, so is there room to bring the funding back up to make sure the copays would be handled.

Christine Mitchell, bookkeeper said the \$100,000.00 was what the town started out with and now she is tracking it below \$50,000.00. This will fluctuate and this can be increased if necessary.

Councilwoman Snow said Rick Wilson had asked about grants the town has received regarding the town's grants, and they said since the beginning of 2022, the total secured grants was \$800,510.00. There are submitted applications pending determination in the amount of \$2,615,630.00.

DEROSA

Councilman DeRosa said regarding the pavilion at Lakeside Park, it was a very good discussion and James Clarke from Laberge had a good idea of what the town was trying to accomplish. Councilman DeRosa said he attended a meeting with supervisor Schmitt and senator Rolison at Whaley Lake to look at the drainage that comes off of Route 292, which was a very informative meeting and the senator will speak with the highway department regarding the issues with the drainage. Councilman DeRosa said he and building inspector Tom Basile conducted three interviews for a part time building inspector in the past week or two. He welcomed Jade McSpedon to the building department. Councilman DeRosa said regarding the transfer station, a lot of items were discussed. When he first came on the board twelve years ago, over 850 transfer station stickers were sold. Now we are down to below 700. We have been losing them every year. He felt it was for a number of reasons, one is the increase in price each year. The price now is \$380.00 and once it goes to \$400.00, that will reduce the number of stickers also. The board had increased the portion of the fee that goes to the capital fund, but the board has done some of the improvements now so instead of raising the sticker price, the capital fund portion will be reduced and only raise the sticker price to \$385.00. The second sticker will be increased from \$40.00 to \$60.00. The board will need to vote on these things next week. Also discussed was the amount of garbage the town brings to the transfer station, which needs to be considered. They also discussed ways to increase the use of the transfer station, one way was possibly changing the rules for the transfer station.

PUBLIC COMMENT

Harvey Matcovsky, resident of Holmes, said the board of elections has reduced the number of election districts and changed voting places, and a lot of people will end up voting at a place they are not used to. It would be helpful for the town to put up a reminder on its Facebook page regarding the election districts and voting locations. He suggested people participate in early voting.

Supervisor Schmitt said the election information was posted on the town's Facebook page.

Mr. Matcovsky supported a part time clerk for the justice court, as the town can afford it. He said the town has a bloated reserve fund, which is not used for the majority of residents.

EXECUTIVE SESSION

Supervisor Schmitt made a motion at 6:45 PM to adjourn and go into 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 councilwoman Pitt, motion passed unanimously.

The Board returned from executive session at 8:05 PM, no action was taken.

Town Clerk