

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM February 8, 2023 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, councilmen DeRosa and McCarthy, Donald Rossi, town attorney and approximately 20 interested citizens.

MINUTES

Supervisor Schmitt made a motion to accept the minutes of December 7, 2022, December 14, 2022, January 4, 2023 and January 11, 2023 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 - “AYE”

Supervisor Schmitt – “AYE”

PUBLIC COMMENT ON AGENDA ITEMS

Harvey Matcovsky, resident of Holmes complimented the town board on getting its financial house in order over the past couple of years. He was also glad to see the board hired benefit managers and made changes to the health plans. He asked if the employees were able to keep their current plan and make up the financial difference, he hoped that would be a consideration. He asked about the \$82,000 increase in building personnel.

Councilman McCarthy said that is the salary for the building inspector, it is not an increase, it is budget neutral, it was already budgeted but coded differently.

Supervisor Schmitt said the board made sure all employees and elected officials had an opportunity to meet with the provider to make sure everything is covered. The board was assured that what justice Zelazny spoke about last week is covered.

Marty Mygan, resident from One Aspen Court, asked about the grant that is on the agenda for the building by the lake. He asked if there was an expiration date on that grant. He asked if it was a matching grant.

Councilman McCarthy said the expiration date is three years and it is a matching grant up to one million dollars. The town would be reimbursed as they do certain parts of the project up to \$500,000.00.

RESOLUTIONS

**RESOLUTION 2023-046
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 20230001 through 20230143, 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 \$311,636.21.

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 2023-047

Authorization to Change Health Insurance Plan from NYSHIP Empire to NYSHIP Excelsior to Include an HRA for Full-Time Employees, Elected Officials and Retirees Not Covered Under AARP of the Town of Pawling

WHEREAS, the town board of the Town of Pawling has a fiduciary responsibility to the taxpayers as well as to the employees of the town to be good stewards of town funds, and

WHEREAS, the Town of Pawling full-time employees, elected officials, and retirees not covered under AARP currently have NYSHIP Empire Plan as the Health Insurance offered to them, and

WHEREAS, the town board of the Town of Pawling has received proposals to offer healthcare to the employees, elected officials, and retirees not covered under AARP of the town for a more affordable rate to employees and to the town, including the NYSHIP Excelsior Plan that would include a Health Reimbursement Arrangement (HRA), and

WHEREAS, the town board of the Town of Pawling intends that as long as the NYSHIP Excelsior Plan remains in existence that an HRA shall also be funded, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling does hereby authorize the following:

1. Marshall & Sterling Insurance, with their principal office at 110 Main Street, Poughkeepsie, New York, to act as the town’s health insurance administrator for NYSHIP Excelsior Plan.
2. Transfer the health insurance plan for full-time employees, elected officials and retirees not covered under AARP of the Town of Pawling from NYSHIP Empire Plan to the NYSHIP Excelsior Plan.
3. Establish a Health Reimbursement Arrangement (HRA) for the NYSHIP Excelsior Plan.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

Councilman DeRosa thanked Councilman McCarthy for all of his hard work on this. There were informational meetings with employees, many questions came up and Councilman McCarthy worked hard to get them answered. It is hard to understand when you get into healthcare, it is nerve racking, especially with people dealing with preexisting conditions. Councilman McCarthy worked to calm the fears of changing the health benefits. It is one of the main benefits to the employees here. It’s a hard decision to make but at the same token, the board has the responsibly of trying to save the tax payers money where they can, with still giving the same services to the citizens and employees. If there is a problem three months down the road, the board can always go back. He suggested once the process is initiated, and after three months, there should be meetings with the employees to field questions to see if they are happy with the plan or not.

Councilman McCarthy thanked Marshall and Sterling, all of the employees and the full board. The employees had concerns and did reach out. He asked the employees and elected officials to let the full board and Marshall and Sterling know if they have issues. If the board doesn’t know about issues, they can’t fix them. Because of HIPAA, the board can’t discuss issues with the employees, so if there are difficulties, and he is sure there will be, he is not ignorant, with thirty five plus employees, he was sure there was going to be a problem, but the board has been assured that Marshall and Sterling is going to handle, this is what they do for a living.

Councilwoman Snow said she followed up with justice Zelazny, she stated some really personal issues at the last meeting, which she did not have to state, and justice Zelazny is feeling relieved that the medications are covered, and she thanked all who made that happen.

Supervisor Schmitt said healthcare is difficult because it is always changing. It is not something the board hoped to keep looking at but the board had to because there is a potential large savings for the taxpayers. The board will keep monitoring it and they hoped it all worked out well.

Councilwoman Pitt mirrored what councilmen DeRosa and McCarthy have said and she thanked the employees for keeping an open mind during the entire process. She thanked the employees for asking questions and having conversations with representatives.

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2023-050

Authorization and Execution of Grant and Contract Between the Town of Pawling and New York State Parks, Recreation, and Historic Preservation for Lakeside Park Waterfront Improvement Project

WHEREAS, that the Town of Pawling applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) under the Environmental Protection Fund Grant for Parks, Preservation and Heritage (EPF) through the Regional Economic Development Council and Consolidated Funding Application for the purpose of funding the Lakeside Park Waterfront Improvement Project, and

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling is authorized and directed to accept these grant funds in an amount not to exceed \$500,000.00 for the project described in the grant application, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town of Pawling is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for such Lakeside Park Waterfront Improvement Project, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town of Pawling is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the town board of the Town of Pawling directs the town supervisor to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications.

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 2023-051

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:

B Fund ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Building Personnel	B.3620.10	57,330	82,000		139,330	Hire Bldg. Insp
Building Personnel	B.3620.10	139,330	4,000		143,330	Buyout
NYS Retirement	B.9010.800	30,000	12,220		42,220	
SS TAX	B.9030.800	10,725	5,085		15,810	
Med Tax	B.9035.800	2,510	1,190		3,700	
MTA Tax	B.1980.400	590	280		870	
	B.3620.400	112,500		-104,775	7,725	
Totals		352,985	104,775	-104,775	352,985	
<hr/>						
A Fund ACCOUNT DESCRIPTION	Afund EXP ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
	A.1620.200	\$4,000.00	\$64,883.25		\$64,883.25	2023 Dodge Ram For Bldgs & Grnds
Total		\$4,000.00	\$64,883.25		\$64,883.25	
<hr/>						
A Fund Rev ACCOUNT NUMBER		CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
	A.4999	\$398,000.00	\$64,883.25		\$462,883.25	Increase Appr. FB for Dodge Ram

MOTION: Supervisor Schmitt
SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

TRAILS PROPOSAL

The board entertained a trails proposal by Julian Parker, resident of Pawling. Mr. Parker proposed trails at Lakeside Park for individuals who are handicapped, so that they would also be able to enjoy nature and breath in the fresh air. He presented a slide show to the board and proposed an all access trail in the woods. The closest all access trail is in Stanford, Connecticut. If the board were to entertain this, it would show that Pawling cares about everyone, no matter what disability they have. He proposed doing this by raising donations. He said he would love to see his dream become a reality.

Following discussion, the board said they fully supported this project and would do everything they could to help Mr. Parker bring it to fruition.

BOARD DISCUSSION

PITT

Councilwoman Pitt said she had planned to go over dog control activity, and stats for the courts to show how busy the courts were, but she left her paperwork at work so she would touch on these at the next meeting.

MCCARTHY

Councilman McCarthy said the board has been trying to whittle away on all of the grants that remain open. He said lights will soon be installed at the parking lots with money left over from some budgets. He will be meeting with Laberge regarding the Lakeside Park grant. He is also working with NYS DEC regarding the roll off truck and possibly a loader.

SNOW

Councilwoman Snow said the Pawling Community Foundation has put a link on their website to the form for any organizations in Pawling looking to apply for donations. The PCF will choose which requests they will donate to. Councilwoman Snow said Chris Fisher, library director has been in contact with Robyn Wooley, recreation director and he will attend the next senior lunch to mingle with the seniors to see what their interests are at the library. At a future meeting, she wanted to make sure the board is up to date on all of the RFP's for all of the professional services the board has.

DEROSA

Councilman DeRosa said Whaley Lake doesn't have enough ice on it to ice skate or ice fish this year. The Whaley Lake water level is in good shape this winter. He attended a Dutchess County planning board meeting in Poughkeepsie today. There are some educational classes they are offering, on May 10th economic development, on May 25th parking and site circulation and on May 31st planning board overview.

HARNES ZBA TERM

Supervisor Schmitt said in resolution 49 last week appointing John Harnes to the Zoning Board of Appeals, the end date was incorrect.

Supervisor Schmitt made a motion to amend last week's resolution 49 changing the end date to 12/31/2025, seconded by Councilman DeRosa, motion passed unanimously.

SCHMITT

Supervisor Schmitt said on February 18, the shortest parade in America will take place in the Village of Pawling. He said this is a wonderful event and he urged everyone to attend. At the end of this month, the board will be going to New York City to the annual Association of Towns training, which is very productive. He said the town is working on having a soup kitchen at Lakeside Park in the new kitchen, which will be a wonderful project, plans are being finalized for this.

PUBLIC COMMENT

Jenn Panzer, resident of 8 Holiday Street for twenty five years, addressed the board regarding the Tremson project on Libby Lane. She said she prepared her statement for the February 6th planning board meeting, but only two planning board members were in attendance so the meeting had to be cancelled. She has been complaining to the town about this property since 2014, which is adjacent to her property. It became apparent that there was an unusual amount of land being cleared and an unusual amount of equipment noise. At that time, she was told the land had been sold and the new business was a landscaping company. Nine years later, without a formally approved site plan or permit, they are running a mulch treatment facility. Property on Libby Lane is zoned VRD and under the town schedule of permitted uses, a mulch treatment

facility does not conform. Somehow, they were grandfathered in and work continued. While once she couldn't see anything on Libby Lane, all that separates them now is the swamp river and a row of trees. In July, she wrote a letter stating her concerns about noise, traffic and the health of the community and environment. There was a noise study done by Tremson's engineer in early September, which stated that they are essentially within the town performance standards on the western property line. It was not comprehensive in including the northern, southern or eastern boundaries. She expressed concern for the quality of life for the surrounding properties due to the noise pollution caused by the trucks, excavators and massive tub grinder. She appreciated a person's ability to grow a business, but there is also a reasonable expectation of her to enjoy the home she has worked hard for. She believed it was the neighborly and right thing to expect reasonable working hours. The hours suggested by Tremson were 7 – 4:30 Monday through Friday and 8 – 3 on Saturday, and a work free zone on Sunday. She would prefer they not work on Saturday at all but she understood that it may be necessary, but she would like them to stop at noon on Saturday. Town engineer Ron Gainer's memo of June 30, 2022, concluded that this operation does not meet the standards outlined to be regulated by the NYS DEC mulch treatment facility guidelines, and it was deemed exempt. Who made that call and was there a formal report on those findings? Without this distinction, who will protect the environment including our wetlands and water quality. There are two village wells located on the property. Mr. Gainer also recommended an annual inspection, when will this occur and will a board member be present. She also expressed concern about the truck traffic coming to and from Libby Lane via Corbin Road and Route 22. She was told by planning board representatives that Corbin Road is a village road, and the village said the town is responsible for the road from the train tracks to Route 22. River Road is another road that is not designed to withstand increased tractor trailer traffic, the road is too narrow. Both of these roads have become a thoroughfare for tractor trailers headed north on West Dover Road. She requested a traffic study in July but did not see one in the file. She feels defeated, disappointed and sad for the community. Residents are not allowed to speak at planning board meetings. This project is far along in the process and she expressed concern that issues would not be mitigated.

Supervisor Schmitt said a couple of planning board members had family emergencies so the meeting had to be cancelled. The meeting was to be a public hearing and the public would have been able to speak, and the meeting has been rescheduled for February 21st. The planning board will be reaching out to NYS DOT and DEC and they will provide information back to the planning board before they decide on this. Mrs. Panzer's concerns are valid and the issues of traffic and noise will be addressed by the planning board. He urged Mrs. Panzer to attend the planning board public hearing on the Tremson project.

Councilman DeRosa said anything that comes up in the public hearing, the planning board has to address it and get an answer to it before it is finalized. Any concerns that come up, they have to mitigate it. All of Mrs. Panzer's concerns will be addressed by the planning board before they can vote.

Councilwoman Pitt asked if the new building inspector could put together a time line for a project such as this one. She would like to see a breakdown of the timeline from 2013 to 2023, including permits and fines that have been issued. She wanted to make sure the planning board is aware what is going on with this project

Councilwoman Snow agreed.

Sue Smith, resident from 10 Holiday Street, also expressed concern about the Tremson project, and said she wrote a letter to the planning board. She expressed concern about the impact on the great swamp, noise pollution and the environment. The trucks have become an issue with the traffic, noise and lights. Libby Lane is a private road and they seem to be allowed to do whatever they want. The part time building inspector did not have time to do the job and didn't have time to see what they were doing, that has since been rectified. The town board and planning board do not have the resources to monitor a large operation like Tremson.

Carl Oliveri, resident from Holiday Street for thirty five years, also expressed concern about the Tremson project and quality of life in the area. He played a recording of the noise created by this project.

Greg Barnard, resident from 53 West Main Street, and Town of Pawling planning board member, said he looked through the file, and there are memos that go back for many years and the applicant has been cited for many issues throughout the years. He said the town board could impose a weight limit on West Dover and River Roads to alleviate truck traffic. The neighbor's

concerns are valid, the planning board will address them. NYS DOT was notified but they did not respond. Also, he understood there was a grant for trails from the county. Is that still valid? Councilman DeRosa said that grant is still available, the town can follow up on it.

Joe Furlong, resident from 21 Corbin Road expressed concern about the large trucks traveling on Corbin Road. The trucks travelling along Corbin Road will put stress on the road and the taxpayers will pay to repair the road. He also expressed concern about the great swamp. He expressed concern about the toxic dust created by the trucks driving on Valley Drive, which is not paved. He said the trucks are very loud and he worries about the children in the neighborhood. He will attend the February 21st planning board meeting regarding Tremson, as he expressed concerns regarding that project.

Harvey Matcovsky, resident of Holmes, said he welcomed handicap access to the trails at Lakeside Park. He welcomed the idea and hoped the board could help with this project. Also, the parade is Saturday and he hoped it would be a family friendly day, and he hoped people would refrain from being political in any way. He felt the board should attend the diversity classes at the Association of Towns conference.

Supervisor Schmitt made a motion to adjourn the meeting at 7:20 PM, seconded by Councilman DeRosa, motion passed unanimously.

Town Clerk