

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM March 6, 2024 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, councilmen Mygan and McCarthy, Nancy Tagliaferro, town attorney and approximately 18 interested citizens.

PRESENTATION/MARK CHIPKIN/CONSERVATION ADVISORY BOARD

The Board entertained a presentation by Mark Chipkin on the Conservation Advisory Board (CAB). Mr. Chipkin said he lives at 60 Hurds Corner Road, and thanked all of the town board members for this opportunity to present information regarding how purposeful and valuable the CAB has been in the past, and how important a role it can play in the future. He thanked councilwoman Snow for initiating the revitalization of the Pawling CAB and for all of the work she has done to provide him with information that will be needed to re-form the CAB. He thanked supervisor Schmitt, councilman McCarthy and councilwoman Pitt for meeting with him and the Dutchess County Land Conservancy, as they were able to share information regarding land trusts and open space land preservation. He thanked councilman Mygan for discussing the CAB with him before this meeting. He thanked JoAnne Daley, planning board secretary and Cathy Giordano, town clerk for answering his questions and sharing their wealth of knowledge and documents regarding Pawling's town code, history and comprehensive plan. He thanked Stephanie Giordano, legislative aide for reaching out to other towns to gather information. He thanked all of the former government officials for proving relevant information. He thanked Phil DeRosa, for discussing the CAB with him. He thanked his wife Brenda, who had been a member of the CAB, for her continued support. The CAB is composed of volunteer residents who are interested in preserving Pawling's natural resources. The CAB is an advisory committee who leaves the final decisions to the town board, planning board and zoning board. Mr. Chipkin said he was part of the Pawling Nature Conservancy Management Committee for thirty five years, and they asked the CAB what impact new roads and salting would have on drinking water. The CAB was very helpful to the Hurds Corner Civic Association, which he remains president of, by helping them to recognize and have the state designate critical environmental areas (CEA) in his area and throughout Pawling. These CEA's can help the planning and zoning boards to recognize these environmentally sensitive areas. The CAB is here to be an assistant to all of the boards, giving them extra help looking over different developments. Over the past forty eight years in Pawling, he has seen the hard work of the CAB members, town board and community to help develop our comprehensive master plan to preserve Pawling's rich and unique character, and its wildlife, farm land, hunting areas and other open spaces used for outdoor recreational activities. At the same time, the CAB would review and comment on each development application. The CAB has helped maintain and preserve much of the scenic beauty and natural wonders throughout Pawling. The CAB has greater importance because of the development pressures that seem to be growing. Other towns are looking at increasing the sizes of their CAB's, which range from five to thirteen. There are so many diverse eco systems in Pawling, the CAB would play a pivotal role to help preserve them. The CAB would assist the town boards to make sure that this remains a haven for wildlife, native plants and a source of pride for its residents. The CAB can help preserve what actually attracted many residents to Pawling in the first place. Sustainable development is another thing the CAB would look at, and would work to strike a crucial balance between development and conservation. We want to make sure the CAB enhances the quality of life in Pawling, as a thriving natural environment contributes to the wellbeing of the community. The CAB would prioritize areas of open space preservation and work with land trusts and landowners to help preserve areas indicated as important in the natural resource inventory. The CAB offers suggestions to the town boards and developers regarding measures to mitigate potential impacts on wildlife from development or other activities. Environmental regulations are constantly changing and the CAB would keep up with the latest regulatory compliance. The CAB members have to be encouraged to attend classes and keep up on the laws, which should be one of the requirements. They could do community engagement and education, including workshops, as well as look for grant opportunities. The CAB will be helpful to all residents and boards. By activating and supporting a CAB in Pawling, the town board and community have taken another step of investing in the longevity and prosperity of the community. The CAB would not only ensure that the town remains a serene place, but a place we can feel proud that we made a difference preserving Pawling's natural wonders and able to happily pass on this natural beauty to future generations. One of the first tasks is to find residents interested in serving and who are interested in conservation, and are willing to attend classes to learn how to help our town boards.

He thanked the board for its time. He would be happy to help in the reformation of the CAB and join the search for candidates for the town board’s consideration.

Following discussion on the formation, training and function of a CAB, the board agreed they wanted to move forward with the re-formation of a CAB, and wanted to work together with Mr. Chipkin to accomplish it. The board thanked Mr. Chipkin for his time and work on the CAB research and said they looked forward to working with him.

MINUTES

Supervisor Schmitt made a motion to acknowledge the minutes of February 7, 2024, seconded by Councilman McCarthy, and passed unanimously.

Supervisor Schmitt made a motion to acknowledge the minutes of February 14, 2024, seconded by Councilman McCarthy, and passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS

Harvey Matcovsky, resident of Holmes, asked how Jennifer Coleman was vetted for her appointment to the planning board, and he expressed concern about a conflict of interest. He hoped there were no conflicts that would show up in the future. He also expressed concern about the treatment of a resident by the acting chairman at the planning board meeting this past Monday, as she was treated poorly and not able to express her concerns regarding 14 Lakeview Drive, Holmes.

Councilwoman Pitt said she, councilman Mygan and Aaron Cioppa, chairman of the planning board conducted the interviews for the planning board member.

Phil DeRosa, former Town of Pawling councilman, said the CAB has a lot of positive qualities, but the board has to be careful. The most important training for any of the boards is knowledge of the town’s master plan. The town has a terrific master plan and the zoning is created from the master plan. There are a lot of issues the CAB would need to address, such as erosion control and steep slopes. He said in the past, Norm Benson, planner and Kent Johnson, planning board chairman, oversaw things, but the town board needs to have a little control over things. The board should look closer at certain projects.

RESOLUTIONS

**RESOLUTION 2024-050
Setting the Date for 2024 Town Bulk Pick Up**

WHEREAS, the Town of Pawling Highway Superintendent annually holds a bulk pickup for residents, and

WHEREAS, the Pawling Highway Superintendent has suggested April 11, 2024 and April 12, 2024 as the annual bulk pickup date, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby sets the dates for the 2024 bulk pickup on Thursday, April 11, 2024 and Friday, April 12, 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”

RESOLUTION 2024-051
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. 2024017-00 to be increased by \$36,000 for reimbursable expenses for provision of additional services related to 2024 grant management. Annual compensation shall be capped at \$36,000 unless additional compensation is authorized by the Town Board.

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 2024-052
Award of Bid for Bucket Truck and Chipper Rental

WHEREAS, bids were duly advertised and noticed for Bucket Truck and Chipper rental for the Highway Department to perform tree work within the town, and

WHEREAS, the Town Clerk conducted a bid opening on February 28, 2024, and

WHEREAS, one bid was received, and the bid received was from Woodland Tree Care in the amount of \$200.00 per hour for the Bucket Truck with 70’ minimum working height with operator and one ground man and \$90.00 per hour for a 6” Chipper without operator, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approves the bid from Woodland Tree Care for the amount of \$200.00 per hour for the Bucket Truck, one operator and one ground man and \$90.00 per hour for the chipper without operator.

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 2024-053
Appointment to the Planning Board

WHEREAS, due to the appointment of Chairperson to the Planning Board, Aaron Cioppa, a vacancy has occurred, and

WHEREAS, the Town Board of the Town of Pawling advertised for the position and conducted interviews, and

WHEREAS, the Town Board of the Town of Pawling feels that Jennifer Coleman has an impressive background and is the most qualified for the position, and

NOW THEREFORE BE IT RESOLVED, Jennifer Coleman is hereby appointed to a three-year term commencing on March 1, 2024 and ending in December 31, 2026, to be compensated at the rate set within the adopted budget for each given year.

MOTION: Supervisor Schmitt

SECOND: Councilman Mygan

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman Mygan – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2024-054
Approval of Turf Tank Purchase

WHEREAS, the Supervisor of Buildings & Grounds and Recreation Director seek the approval of a customizable robotic field painter to automatically line the sports fields, and

WHEREAS, the funding for this is included in the ARPA funds, and

WHEREAS, the Turf Tank will cut down on expenses and manpower and help maintain the Great Lawn, and

WHEREAS, the cost of the Turf Tank will be an annual subscription of \$7,000 with a one-time fee of \$1,700, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby authorizes the purchase of the Turf Tank for an annual price of \$7,000 and a one-time fee of \$1,700 for a total of \$8,700.

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 2024-056
Water District No. 2 – Change Order No. 1

WHEREAS, the Town of Pawling entered into an agreement with Oram Contracting, LLC for the Water District No. 2 – Water Meter Replacement Installation contract, and

WHEREAS, the contractor after having entered four properties to replace the meters discovered that three of the four existing meter installations were such that they required replumbing beyond what would ordinarily be expected, and

WHEREAS, it has been determined that it is both fair to the contractor and in the best interest of the Town to amend the contract pricing to account for the potential need to replumb additional meters through the course of the contract, and

WHEREAS, the Change Order No. 1 provides for an additional cost of \$305.00 for installations that require replumbing, and

WHEREAS, Laberge Group has prepared Change Order No. 1 reflecting the proposed price amendments and extending the completion date and said change order has been executed by the contractor, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling approves Change Order No. 1 and hereby authorizes the Town Supervisor to execute the same.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman Mygan – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

DISCUSSION

AFFORDABLE HOUSING COMMITTEE CONSISTING OF FIVE MEMBERS

Supervisor Schmitt said Pawling started an affordable housing committee back in the early 2000’s and were collecting funds from every new lot created by subdivisions. They were going to use the money to create affordable housing within the community. He has found that they collected these funds for three or four years and then stopped collecting this fee sometime in 2006-2007. So, there is a pool of money that can only be used for some sort of affordable housing. An affordable housing committee will now be formed that will allow the town to look at the funds, where they were collected, how much exactly is there and then make a recommendation to the town board on how the monies can be spent moving forward. The town board will also need to decide if they want to continue with an affordable housing board or abolish it and go in another direction. There is approximately \$190,000.00 in the affordable housing fund and it can only be used for something related to affordable housing, and only if there is a recommendation from an affordable housing committee to the town board. So, the board is going to dig into it a little deeper and form an affordable housing committee and the town board will decide what to do going forward.

Nancy Tagliaferro said the good thing is that there is legislation in place already that governs all of that and advises the advisory board. The town board just basically needs to repopulate the affordable housing board.

PITT

Councilwoman Pitt said she has reached out to justice Irwin to set up a meeting with him regarding the town court, and to discuss the possibility of additional staffing. She asked Wendel Weber, supervisor of buildings and grounds if there was any way the flagpole could be painted at the Legion building. Councilwoman Pitt said she would be touching base with New York State regarding an update on the traffic safety study that is in progress for Pawling.

MCCARTHY

Councilman McCarthy said he sent the board updated policies for PWD #2, and he hoped the board would comment on those policies. He thanked Cathy Giordano, town clerk/water district clerk and Cheryl Knowles, deputy town clerk for meeting with him regarding the updated policies. He would like to send this out to residents as soon as possible. Councilman McCarthy said he attended the Association of Towns training, which was a very good conference. He took many classes and found them very helpful. He congratulated the new Pawling Fire Department officers, they were all sworn in Saturday night.

SCHMITT

Supervisor Schmitt agreed with councilman McCarthy, saying the Association of Towns was very informative this year. He thanked everyone who went from the Town of Pawling. He discussed many issues with many other town officials. Supervisor Schmitt said he had very exciting news, saying the Town of Pawling has received a one million dollar grant toward the Route 22 sewer district expansion. He thanked all of the elected officials who helped get these monies for Pawling. Laberge will now put this money toward the sewer project.

SNOW

Councilwoman Snow said the Association of Towns was wonderful and very informative. She went to many classes and all were very helpful. She said there are required board policies, and she would like to start a small committee to make sure all policies and procedures are in place, which she would like to be a part of. Councilwoman Snow said councilman Mygan asked about the ethics committee and she wanted to address this. In November she learned that one of the towns that had been very involved had decided to back out. So, this has been at a standstill and no cases have come to the ethics board. There are a couple of options, which the board can discuss and decide how to move forward. She will have more information next week.

MYGAN

Councilman Mygan said he asked about the ethics committee, he was interested in trying to implement a financial disclosure for Pawling for town officials, which is normally overseen by an ethics board. He thanked councilwoman Snow for the information. Once he has gathered the information on this, he would forward it to the board. He was not opposed to the possibility of having just a three person ethics board for Pawling. He said Joe Marotta from the Whaley Lake dam committee contacted him and wants to have a meeting. He would prefer to meet with Mr. Marotta and the full board. He felt the entire board should be included in what is going on. He said he was more than happy to meet with Mr. Marotta and listen to what he has to say.

Supervisor Schmitt said the full board cannot meet with Mr. Marotta. If the board wants to entertain this, multiple meetings would have to be set up with two members at a time. The problem the board runs into is that some residents at the lake are satisfied with the lake level and some are not. If an engineer or attorney is hired, it costs the district money. Supervisor Schmitt said he wanted to make sure that most residents are in favor of spending money for this. He suggested sending out a mailer to the district with a survey asking whether they want an evaluation done of the lake, and if they want the money spent out of the dam district fund. The mailing would cost money but he didn't feel anyone in the district would have an objection to it.

Councilman Mygan said he would reach out to Mr. Marotta and let him know that he and another board member would meet with him.

CDBG GRANT/ TOWN HALL BATHROOMS/ASBESTOS REMOVAL

Wendel Weber, supervisor of buildings and grounds said the town received a CDBG grant in the amount of \$175,000.00 to rehabilitate the two bathrooms at town hall. The plans are done and they are at the county to get approved. The town must get the asbestos removed from the floors in these two bathrooms. He received the documentation back from EMC, which is on the Orange County bid for doing the work. He asked for approval for the asbestos abatement so that can get done before the bid is awarded for the bathrooms. The money for the asbestos abatement would come out of the grant money.

Supervisor Schmitt made a motion to spend \$14,733.00 in the estimate from Environmental Maintenance Contractors for the asbestos abatement of the men's and women's bathrooms upstairs in town hall to be paid for out of the \$175,000.00 in grant money, seconded by councilwoman Pitt, motion passed unanimously.

PUBLIC COMMENT

Phil DeRosa, resident of Whaley Lake said regarding the alternate member for the planning board, it is an important thing, but the alternates should be committed, they need to be trained, they need to attend the meetings and they have to be paid. Regarding Whaley Lake, the Whaley Lake Dam committee was never sanctioned by the town board and is only a citizen's volunteer committee. The only committee sanctioned by the town board is the committee that he and Vinny DiMarco chaired, which created the district. The sixteen members on the citizen's committee is under 5% of the over three hundred property owners within the district. If the town is going to send out a letter to residents in the dam district, they should include an estimate of the cost of doing things like raising the level of the lake, making the spillway wider, etc. That kind of work will take NYS DEC permits and studies, which will be very costly. Studies would have to include the water leaving the dam all the way to the Hudson River.

Art Mulford, resident of Whaley Lake, vice president/secretary of Shorehaven Association, said speaking as a resident, he is not opposed to the committee, he is puzzled by some of the things they do. Many people he has spoken with are not in favor of what the committee wants to do. It's like the committee is a committee to raise the level of the lake and widen the dam. He was not sure how many supporters Mr. Marotta has. He knows a lot of people who don't want the water level raised at all and think it is fine. He felt the board needed to find out, and he felt the letter to the residents was a good idea.

Harvey Matcovsky, resident from Holmes, took deference to the statement that Mr. Marotta is pushing, he felt that was out of hand and totally incorrect. There is a committee, there are officers and they meet on a regular basis. He agreed with Mr. Mygan's suggestion that a couple of town board members meet with Mr. Marotta and a couple of his officers. The committee has a treasurer and they have had counsel representing them. The committee sent out a mailing and was authorized by close to one hundred respondents who signed off on it. Members of the committee understand lakes and have gone to courses. The first step is for the board to recognize the existence of this committee and to negotiate what can or can't be done. Mr. Matcovsky asked if he had a problem with an ongoing project, who does he call?

Supervisor Schmitt said call the building department. Tom Basile and Ken Clair are in the building department.

Mr. Matcovsky said there has been no formal statement from the board as to who the new building inspector/code enforcement officer. There is confusion as to who is running the store.

Supervisor Schmitt said it is the same staff that has been there.

Mr. Matcovsky asked who the liaison to the planning board was.

Supervisor Schmitt said there are no liaisons, everything is funneled through the supervisor's office and distributed to the board members.

Mr. Matcovsky asked if supervisor Schmitt was on top of making sure that Mr. Kearney's promises to the planning board are kept.

Supervisor Schmitt said everyone is up to speed on what is required.

Councilman Mygan said it is in the works and everyone knows about it. All of the attorneys know about it, there will not be any certificate of occupancy issued until the requirements are met.

Janet Jones, resident from Holiday Street wanted to ask that the community meeting scheduled for next Tuesday be mentioned.

Supervisor Schmitt said there will be a question and answer session and presentation from a landowner/developer on a project proposed in Dover and Pawling. They will be presenting what they are thinking about doing. The meeting is hosted by the developer, not the Town of Pawling or the Town of Dover.

Steve Martens, resident from 48 Lakeview Drive reiterated what Mr. Mulford and Mr. DeRosa said about the level of Whaley Lake, the lake looks great, it's beautiful, the height can't really be much better than it is. The lake is extremely clean, he thanked the town and said they did a great job.

Rick Wilson, resident from 64 Lakeview Drive said the Whaley Lake Dam was a "B" class dam in 2000 before it was built. In the 2006 report, it was downgraded to a "C". As it was built, it was built as a "C" class dam. According to the 1986 NYS DEC dam design requirements, with flash boards, it does not meet the requirements for a new dam at "C". The boards and the level of the lake are the jurisdiction of the town. So, the town determines the level. Now the boards are temporary and will have to be replaced at some point. To meet the "C" requirement, you would just pour two yards of concrete, with steel reinforcement, and you would have the same level you would have with the boards, and you could still manage it with the valve. You could use the technology. No one knows what the level is today.

Supervisor Schmitt said the piece will be installed so the level can be seen.

Mr. Wilson said once you get to the level the people are happy with, the town would know what the level is to the centimeter with that piece. The town could make that determination for a permanent crest spillway at whatever level they decide. They would meet the "C" requirements and could maintain and manage the lake professionally with the technology they are looking at.

Supervisor Schmitt made a motion to adjourn the meeting at 7:45 PM, seconded by councilman McCarthy, motion passed unanimously.

Town Clerk