

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM April 5, 2023 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, councilmen DeRosa and McCarthy, Nancy Tagliafierro, town attorney, Brendan Liberati, town attorney and approximately 10 interested citizens.

MINUTES

Supervisor Schmitt made a motion to acknowledge the minutes of March 1, 2023, 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 - “AYE”
Supervisor Schmitt – “AYE”

Supervisor Schmitt made a motion to acknowledge the minutes of March 8, 2023, 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 - “AYE”
Supervisor Schmitt – “AYE”

PUBLIC COMMENT ON AGENDA ITEMS

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

RESOLUTIONS

RESOLUTION 2023-071

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: Mike Cunningham - PHS 1960 class reunion – Alcohol Waiver, Alcohol Control Plan.

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 2023-073

Escrow Release

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

WHEREAS, the Planning Board has confirmed in letters dated March 20, 2023, and April 4, 2023 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. Todd Mitchell | \$250.00 |
| 2. Clancy Moving and Storage/Armagh Storage Group LLC | \$2,384.80 |
| 3. Anne Chung | \$150.00 |
| 4. Advance Auto Parts | \$1,214.77 |
| 5. 12 Point Realty | \$3,885.35 |
| 6. Boniello Land & Realty | \$4,405.00 |

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2023-074

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

WHEREAS, a permanent full time Clerk vacancy exists in the Finance Department, and

WHEREAS, the Bookkeeper to the Supervisor Christine Mitchell would like to fill one permanent full time Clerk position with Pamela Filippone, and

NOW THEREFORE BE IT RESOLVED, Pamela Filippone shall serve provisionally as a full time Clerk until a list from Dutchess County Civil Service is generated, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling hereby approves Pamela Filippone to be provisionally appointed as a full time Clerk in the Finance Department at the hourly rate of \$23.49 effective March 20, 2023.

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 2023-075

Appointment of Temporary Justice Court Clerk

WHEREAS, due to a leave of absence in the position of the Justice Court Clerk due to unforeseen circumstances, there is a need to staff the Justice Court office, and

WHEREAS, Justices Terrance Wansley and Gayle Zelazny have identified Antonia M. Carey to serve as a temporary part-time Justice Court Clerk, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approves Antonia M. Carey to serve as a temporary part-time Justice Court Clerk at \$25.00 per hour effective March 27, 2023.

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 2023-076

Acceptance of the 2021 and 2022 Pawling Town Justice Court Annual Audit Reports

WHEREAS, the Town of Pawling Justice Court has filed the Justice Court Annual Audit Report for the calendar year 2021 and for 2022, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby accept the 2021 and 2022 Pawling Town Justice Court Annual Audit Reports.

NOW THEREFORE BE IT FURTHER RESOLVED, that report is available for inspection at 160 Charles Colman Boulevard, Village of Pawling, NY during regular business hours: Monday through from Friday 8:30 a.m. to 4:00 p.m.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

DISCUSSION

DUTCHESS COUNTY HUMAN RIGHTS COMMISSION PRESENTATION

The Board entertained a presentation by the Dutchess County Human Rights Commission. Present representing the Commission were Jenna Ray, Gwen Higgins and Onaje Benjamin. They explained when the Dutchess County commission was formed, in 1984, and who is currently on the commission, saying county executive Marc Molianro and the county legislature reestablished the commission in 2016. They explained that the Commission wanted to work with the town and discuss issues and assist the town any way they could. They are engaging with youth in many different ways. They are collaborating with the Dutchess County Youth Council. They are looking for volunteers in Dutchess County. Their mission is defending human rights, bridging differences and embracing diversity. Their purpose is to foster mutual respect and understanding amongst all racial, religious and ethnic groups. They would like to educate the county’s communities on issues and studies of human rights. They would also like to address any discriminatory practices as well as tension and conflict that may arise from those practices, and of course work towards a resolution for those kinds of events. They organize and participate in activities and events to build good will and alliances to foster mutual respect and

understanding amongst all groups, which is one of their core goals. They develop programs to enhance inclusion and embrace diversity. They also act as a bridge to other resources. The commission does not have any enforcement authority. They explained the training they offer. They are looking to develop a stronger presence and develop stronger relationships with elected officials. They want to act as a resource to encourage dialogue and bridge conflict, and facilitate information exchange between county and local municipalities regarding human rights. They requested that someone from the town be appointed liaison to the commission. Anyone is welcome to reach out to the commission. They thanked the board for its time and said there is a lot of information on their website and everyone should check it out.

The board thanked Ms. Ray, Ms. Higgins and Mr. Benjamin for their presentation.

REQUEST FOR PROPOSALS – LAKESIDE PARK “INN” DEMOLITION

Councilman McCarthy said the bid packet is ready and needs to be sent to the town clerk, which will be done tomorrow.

Councilman McCarthy made a motion for the town clerk to advertise the bid, bid opening to be held on April 24, 2023 at 10:00 AM, seconded by Councilwoman Pitt, motion passed unanimously.

PAWLING JOINT SEWER COMMISSION

Councilman DeRosa said there are a couple of topics the town board needs to discuss, one of which is the fee increase for the sewer rates, which eventually the town board will have to approve. The increase in rates raises the expense for people in the proposed Pawling sewer district #4 over \$70,000.00. He asked Ms. Tagliaferro if this increase would trigger a new map, plan and report. He understood there was a formula for the fee and he wondered if this fee would exceed the cap the attorney general would allow.

Ms. Tagliaferro said it is a good question and she would have to get back to the board with an answer on that.

Supervisor Schmitt said this is a substantial increase that the town board wasn't aware of until a few weeks ago. He is working to find out what the proper process is. The town board was ready to adopt the district but this is an issue because the rates are substantially different than what was anticipated.

Councilman DeRosa expressed concern that the process for the proposed Pawling sewer district #4 would need to be started over from the beginning due to this increase.

Supervisor Schmitt said there is a sewer commission meeting next Thursday and he felt all town board members should attend. He said the town board received the proposed rate sheet but he felt it needed to be set up the same as the current rate sheet so it could be compared.

Councilwoman Snow suggested a joint meeting with the town board and sewer commission in order to discuss this.

Councilman DeRosa said the village approved the expansion of the sewer commission to add another member from the town board. He felt the town board should move forward with this and add the member so there would be two members from the town board on the sewer commission.

Councilman McCarthy said the village said they would add another town board member to the sewer commission but they said there is no funding for that position.

Supervisor Schmitt said the rate increase has not been approved yet. He suggested Dan Stone, engineer from LaBella, engineers for the PJSC, be invited to the next town board meeting to discuss the proposed rate increase, the board agreed.

Councilman McCarthy said Ron Laberge from The Laberge Group is trying to contact Mr. Stone so that they could calculate the rates for the proposed sewer district #4 in order to let the residents in the proposed district know what the rates would be.

Following discussion, the board agreed that these issues would need to be discussed further with the Village and worked out.

REQUEST FOR PROPOSALS – WATER DISTRICT #2 WATER METERS

Councilman DeRosa said there are approximately 57 water meters in the district and approximately 27 aren't functioning, which needs to be corrected. The town board needs to authorize Laberge to prepare an RFP for water meters so this project can be put out to bid. The

estimated cost for this project is approximately \$80,000 to \$90,000. The board needs to decide on the type of meter. He felt that since the district is small, the same meters as are currently used could be purchased. Regarding the isolation valves, Bob Brill, highway superintendent, will be blacktopping the roads in the water district so the isolation valve project should be done before the blacktop is done or the blacktop would need to be dug up to replace the isolation valves. He said fire protection would also need to be discussed in this development. He asked Ms. Tagliafierro if the isolation valve project would need to go out to bid.

Ms. Tagliafierro said the town should go out to bid for the isolation valve project and the water meter project but she would check into it to see if the current water operator could do the work on the isolation valves without going out to bid.

Following further discussion, it was agreed that this would be discussed again next week.

SETTING A PUBLIC HEARING ON MORATORIUM ON SOLAR FARMS

Councilman McCarthy said he would like to set a public hearing for the first meeting in May to discuss a moratorium on solar farms, not residential, just commercial type solar farms. The town has nothing on the books and the planning board supports this moratorium.

Councilman DeRosa suggested that certain sizes of arrays of solar panels in residential areas be included in the moratorium.

Councilwoman Pitt said she disagreed with including residential in the moratorium, she believed it should be commercial property only. If folks want to have something on their residential land that provides what they need for their home, they should be allowed to have it.

Councilwoman Snow agreed.

Following discussion, it was agreed that the board would consider options and decide on this before the public hearing.

SETTING A PUBLIC HEARING ON AMENDMENT TO THE TOWN CODE ON THE ETHICS BOARD

Councilwoman Snow said she would like to set a public hearing for May 3rd about the ethics board section of town code.

Councilman McCarthy made a motion to set a public hearing for the solar moratorium and ethics board for May 3, 2023, seconded by supervisor Schmitt, motion passed unanimously.

PURCHASE OF BACKHOE

Supervisor Schmitt made a motion to approve the purchase of a backhoe, seconded by Councilman DeRosa, motion passed unanimously.

PUBLIC COMMENT

Pete Bissonette, resident from 1606 Route 292 said the Whaley Lake Dam was supposed to be a concrete, maintenance free dam and it is not. The dam was built a foot lower than it should have been. Every year, maintenance needs to be done on the dam, which was never the case with the previous dam. Is it ever going to be repaired and made to be what it should have been or is it going to stay the way it is. There is a problem with the weeds. He understood that there was a non-disclosure agreement but there is insurance in place and that should pay for the repair of the dam, because there was an error in the design. They are not getting help from the town board with this.

Following discussion, Supervisor Schmitt said the dam is operating pretty well the way it is. He believed the dam project is done and closed. The lower funding was locked in and the town received a million dollars in grant money back from NYS DEC toward the debt.

Robert Hill, resident from North Quaker Hill Road, submitted a letter of concerns to the board regarding the Dewey Lane Bridge and an easement over his property to continue the rebuilding of the bridge. The documents sent to him were labeled acquisition, and the drawings he received from town attorney Jamie Spillane over the weekend along with the easement documents were essentially the same as last year's plans. He was of the understanding that the board would work with him on this so that there would be no acquisition of his property. He asked that the board return to the agreement that they had with him.

Following discussion, Supervisor Schmitt said the town's attorneys have tried to keep Mr. Hill in the loop all along, He said he would speak with the town's attorney's and have them again reach out to Mr. Hill again to discuss this further. The town is moving forward with the project and there is a timeline that needs to be followed or grant money could be pulled back.

Supervisor Schmitt wanted to thank county executive Bill O'Neill for the \$100,000 grant awarded to the town for handicap accessible bathrooms for town hall.

Supervisor Schmitt made a motion to adjourn the meeting at 7:55 PM, seconded by councilwoman Pitt, motion passed unanimously.

Town Clerk