

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM May 3, 2023 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, councilmen DeRosa and McCarthy, Nancy Tagliaferro, town attorney and approximately 20 interested citizens.

## **MINUTES**

Supervisor Schmitt made a motion to acknowledge the minutes of April 5, 2023, seconded by Councilman McCarthy motion passed unanimously.

Supervisor Schmitt made a motion to acknowledge the minutes of April 12, 2023, seconded by Councilman McCarthy motion passed unanimously.

## **PUBLIC HEARINGS**

### **Local Law to Amend Chapter 28 of the Town Code to Authorize a Joint Ethics Board**

Supervisor Schmitt made a motion to open the public hearing, seconded by Councilwoman Snow, motion passed unanimously.

Marty Mygan, resident from One Aspen Court, expressed concern regarding the proposed ethics law because any complaint filed is to be sent to the town clerk, who logs it in and then to the town attorney, who determines whether it goes forward or not. In other towns, the complaints are sent directly to the ethics committee, not a town employee or town attorney, which he felt was a better way to do it. Everything is supposed to be confidential and he felt people making a complaint would feel more comfortable if the complaint did not go through different parts of the town but directly to the committee. He felt the town board should not be involved until it goes to the committee. He asked the board not to vote on this tonight and asked that they leave the public hearing open.

Nancy Tagliaferro, town attorney said her understanding is that she is not reviewing the complaint as to the substance, she is just there to make sure that the complaint relates to the general municipal law or the town code, and that's it. She felt if there was something not sufficient about the complaint, then it wouldn't go outside of town.

Mr. Mygan asked if there was a financial disclosure for elected or appointed officials in Pawling. He suggested this be done in Pawling.

Ms. Tagliaferro felt part of the purpose of an ethics board is to review annually financial disclosures from town officials, and we don't have a board here. She wasn't sure if that would be a function of the ethics board in the intermunicipal agreement.

Harvey Matcovsky, resident of Holmes, concurred with Mr. Mygan and suggested that this hearing should be held open. He stated that notice of the amended law that will be voted on was not published on the town website until this morning, which violates the open meetings law, which requires twenty four hour notice. There were some amendments in the law and residents should have had more time to review those. He felt there should be a by-partisan nominating committee to make a suggestion to the board as to who would be on the ethics committee.

Ms. Tagliaferro said if she is reading it correctly, there will not be a nominating committee, the town board will appoint one representative, that's what the law says. There is no longer going to be a nominating committee, this was decided by the joint intermunicipal agreement, which many towns are part of.

Mr. Matcovsky said he did not agree, he felt there should be a by-partisan nominating committee. He felt the hearing should be held open for further comments and no decision should be made.

Ms. Tagliaferro said the notice was published in the newspaper, according to the law and laid on the desk of the town board members at least ten days before the public hearing was published in the town's official newspaper. Whether or not it had to be on the website, she wasn't sure because there was no internet when the law was made.

Helen Grosso, resident from Tracy Road, asked about the procedures adopted by the joint ethics board and if that was a separate document. She asked that the public hearing be left open because people did not have a chance to look it over and understand.

Councilwoman Snow said yes, that was voted on about two months ago.

Janet Jones, resident from Holiday Street, said the agenda was posted less than eight hours before four public hearings, and that was a lot of information to try to absorb, especially for those who are working during the day. The short notice was hard on anyone who was trying to participate and understand what was happening.

Supervisor Schmitt asked if the board was okay with leaving the public hearing open until next week.

The Board agreed they would leave the public hearing open until next week.

### **Local Law Adding Chapter 145 of the Town Code of the Town of Pawling Regarding Town Parks**

Supervisor Schmitt made a motion to open the public hearing, seconded by Councilwoman Pitt, motion passed unanimously.

Janet Jones, resident from Holiday Street, asked if there would be anything regarding disc golf in the rules and regulations, she didn't see it in there but a lot of residents are very concerned about use of the park with disc golf, and getting hit in the head with a Frisbee. Would walking in the park be restricted during certain times when disc golf is being played? There is also concern that the discs go into the water, which is also a problem. She said her dog could catch the discs at any time.

Supervisor Schmitt said he did not think so, he was never made aware there would be any restrictions or that it would impede anyone walking. He suggested Robyn Priano, recreation director come to the next meeting and give a presentation on disc golf.

Councilman DeRosa suggested signs could be put up for disc golf, since it is a new thing.

Councilwoman Snow said she also had some concerns and had questions regarding disc golf.

Jenn Panzer, resident from Holiday Street, asked if we have ever surveyed the community about the park. Perhaps it is something that should be considered, after all, it is our money that is paying for this park so we should be able to have a say in its priorities. She expressed concern about the disc golf course, which she had never heard of. In the past, the community was offered a choice. She felt the community should be involved in the process and we should make sure everyone is aware of what is going on there and give them an opportunity to be involved. She felt the community should have known that disc golf was going to be in the middle of the walking trail. It is disruptive and there is an entire park, this could have been put in a different location. She felt it was a conflict of interest. She said the fisherman would like a dock to fish, a real dock. She picks up hooks all along the roads, which is unsafe for kids and dogs.

Supervisor Schmitt said before the board takes on things, they do make sure they talk about them at meetings and get a lot of views. Mrs. Priano does email blasts, which gets to hundreds of people and she has done surveys through the email.

Mrs. Panzer said she has never seen a survey, so she hoped the town would consider doing a survey of the entire community, not just people who use the recreation department.

Preeti Govindarajan, resident of Pawling, said she agreed with all of the previous comments. She uses the park 365 days per year. The team that takes care of the park does a fantastic job. It is a great place and there are a lot of good things happening there. But all of a sudden disc golf has started and she has two complaints, one is about the fisherman and they leave the hooks all over, which is not good for pets or people. Also, marijuana cigarettes are left on the ground, which are eaten by dogs and it makes them sick. Regarding disc golf, while people were

playing, her dog got loose to chase the Frisbee and she could not control the dog. This happens all of the time with dogs chasing Frisbees. Also, she has heard that there is money involved in disc golf and she wasn't sure where the money was going. She asked the board to look into these issues.

Marty Mygan, resident from One Aspen Court, said regarding the rules of the park, he was at the park a couple of weeks ago and in the field over by Dodge Road, the entrance was all torn up and there was a lot of broken windows in one of the buildings and it looked like there were remnants of a giant bon fire and litter all over the place. He asked what is being done about this. He asked how the park is monitored.

Supervisor Schmitt said there are times when kids show up there and he has been working with law enforcement on how to get this under control. This is one of the reasons the board is passing these rules and regulations, in order to have rules to enforce. He said there are many cameras throughout the park and law enforcement does unscheduled patrols of the parks.

Supervisor Schmitt made a motion to close the public hearing on the Local Law Adding Chapter 145 of the Town Code of the Town of Pawling Regarding Town Parks, seconded by councilman McCarthy, motion passed unanimously.

### **Local Law Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems**

Supervisor Schmitt made a motion to open the public hearing for a Local Law Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems, seconded by Councilman McCarthy, motion passed unanimously.

Bob Hill, resident from North Quaker Hill Road, said the board should consider different architectural ideas if people bring them forward.

Helen Grosso, resident from Tracy Road, said she believed this proposed moratorium was for to give the board time to decide on language, and she asked who would be on the committee to decide the language.

Supervisor Schmitt said this has not been discussed yet. The board just needs to get the moratorium passed first.

Mrs. Grosso said she had an issue regarding the language because the board didn't want to make this so encompassing that a private resident couldn't put something up. She agreed with the moratorium but felt the language was too vague, and could affect a string of lights she would propose to put up in her backyard. Mrs. Grosso asked that some language be added so the definition is clear.

Councilman DeRosa said there have been some proposals for solar farms in town and the town has no protection, so this is why the board is moving forward with this. It is not to stop a residential home from putting a solar panel on their roof to operate their private residence.

Ms. Tagliafierro said this is just a clarification, it is not a substantive change to the law.

Councilman McCarthy said there is a hardship provision in the law, so residents could ask for a waiver if needed.

Supervisor Schmitt made a motion to close the public hearing and start the process to impose up to a six month temporary town wide moratorium on the installation of free standing or ground mounted solar energy systems, seconded by councilman DeRosa and passed with the following roll call vote:

### **ROLL CALL VOTE:**

Councilwoman Pitt – “NAY”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Local Law Amending Chapter 199 of the Town Code of the Town of Pawling Regarding Town Parking on Dodge Road**

Supervisor Schmitt made a motion to open the public hearing on a Local Law Amending Chapter 199 of the Town Code of the Town of Pawling Regarding Town Parking on Dodge Road, seconded by councilwoman Pitt, motion passed unanimously.

There were no comments from the audience.

Supervisor Schmitt made a motion to close the public hearing on Local Law Amending Chapter 199 of the Town Code of the Town of Pawling Regarding Town Parking on Dodge Road, seconded by councilwoman Pitt, motion passed unanimously.

**PUBLIC COMMENT ON AGENDA ITEMS**

Supervisor Schmitt opened the meeting for public comment on agenda items, 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 2023-085**

**Adopting a Local Law Adding Chapter 145 of the Town Code of the Town of Pawling Regarding Town Parks**

LOCAL LAW NO. 1 OF THE YEAR 2023

A LOCAL LAW ADDING CHAPTER 145 OF THE TOWN CODE OF THE TOWN OF PAWLING REGARDING TOWN PARKS

BE IT ENACTED by the Town Board of the Town of Pawling, County of Dutchess, as follows:

Section 1: A new Chapter 145 shall be added to the Town Code regarding “Parks” to include rules and regulations governing Town Parks, follows:

§ Chapter 145-1. Designation of parks and recreation areas; General park rules and Regulations.

A.

The Town of Pawling hereby establishes the following Town-owned properties as Official Park and Recreation Areas of the Town of Pawling:

(1)

Lakeside Park.

(2)

Edward R. Murrow Memorial Park.

(3)

Holmes Pond Park.

The following rules and regulations shall apply to all parks in the Town as well as to undeveloped recreation areas:

- A. Town parks and recreation areas shall be opened for public use between sunrise and sunset unless other open hours are posted at any park.
- B. Properly licensed dogs, wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and Town of Pawling and restrained by a leash or other restraint not exceeding six feet in length, may be brought into a park, except in no event shall dogs or other animals be allowed to enter any playground, ballfield, basketball court, handball court, tennis court, or other area posted as off-limits by the Town. Nothing in this subsection shall be construed to prohibit persons with disabilities from bringing service animals into a park as authorized by federal, state, or local law.
- C. It shall be the duty of each dog owner or each person in possession, custody or control of a dog to remove any feces left by his/her dog on any public area in any Town park.
- D. No person shall cut, deface, injure, remove or disturb any tree, shrub, building, fence, bench or any other structure, apparatus or property; or pick, cut or remove any shrub, brush or flower; or mark or write upon any building, fence, bench, signs or other structures.
- E. No profane or abusive language shall be used in any Town park.
- F. No persons shall sell or offer for sale any goods unless a permit to do so has been issued by the Recreation Department and a peddler's license has been issued by the Town Clerk
- G. No persons shall paste, post, paint, print, nail or attach or affix by any means whatsoever any handbill, poster, notice, sign, advertisement, sticker or other printed material upon any curb, gutter, flagstone, tree, lamppost, public utility pole, public garbage bin, bus shelter, bridge, fence, barrel, box, traffic control device, traffic stanchion, traffic sign (including pole), tree box, tree pit protection device, bench, traffic barrier, hydrant, or upon the ground; however, this section shall not apply to any handbill, poster, notice, sign, advertisement, sticker or other printed material so posted by or under the direction of the Town Board, or by or under the direction of any Town department, or pursuant to a franchise, concession or revocable consent granted by the Town Board.
- H. No alcoholic beverages shall be permitted in the park area except during activities sponsored by the Town that permit alcoholic beverages, or in accordance with a Town issued Alcohol Control Plan and permit.
- I. No smoking in any park.
- J. Betting or gambling of any type is prohibited.
- K. Organized baseball games will be permitted only on diamonds set aside for this activity. Playing catch and other similar activities are permitted in other areas of the park, provided that there is no risk of thrown or batted balls hitting other park users.
- L. Hitting golf balls is prohibited, except in designated areas
- M. No persons shall erect any recreation or play equipment in any park unless a written permit to do so has been issued by the Town.
- N. All fires, including those in grills, fire pits and fireplaces, are prohibited except for fires in grills, fire pits and fireplaces provided by the Town for that purpose in a park facility.
- O. The possession, ignition or discharge of fireworks, sparking devices or incendiary devices is prohibited.
- P. No camping without a written permit from the Town.
- Q. No firearms, air guns, bows and arrows or any dangerous weapons are permitted, except that firearms lawfully in possession, if holstered or cased, may be carried through a Town park.
- R. No hunting or trapping.
- S. Throwing or leaving refuse in or on a Town park, other than in receptacles there provided for trash, is prohibited.
- T. No unlicensed motorized vehicles, including motorcycles, motorbikes, snowmobiles, minibikes, all-terrain vehicles, etc., shall be operated or parked in a Town park area outside designated roadways or designated parking areas. Licensed motor vehicles are only permitted on drives and parking areas.
- U. No vehicles shall be operated in a Town park at a speed in excess of 15 miles per hour, unless a lower speed limit is posted.

- V. No overnight parking of motor vehicles in any park area.
- W. Privately owned boats, rafts or other artificial means of support on water shall only be allowed entry upon waters in designated areas.
- X. No swimming in any park, unless in designated areas and a season pass has been obtained through the Recreation Department.
- Y. No persons shall enter upon any ice in any park.
- Z. No entertainment or exhibition of any kind shall be given without a written permit from the Town.
- AA. No person shall throw stones or other projectiles.
- BB. No persons shall ride a horse or pony in any park.

§ 145-2. Closing of parks.

The Supervisor of Buildings & Grounds or Supervisor and Town Board may close the park facilities whenever, in their judgment, such action is deemed necessary or desirable for the protection of health or safety of persons entitled to use such facilities.

§145-3. Regulations for specific parks.

Notwithstanding §145-1 above, the following rules and regulations specific to certain parks shall be applicable. If the rule or regulation contained herein shall conflict with § 145-21 above, this section shall control:

- (1) Lakeside Park (Reserved).
- (2) Edward R. Murrow Memorial Park (Reserved).
- (3) Holmes Pond Park (Reserved).

§ 145-4. Park rental regulation.

Any request for the use of a park and recreation area shall be made pursuant to the following regulations:

- A. Request for use of park and recreation facilities may be made up to one year in advance of an event but no later than two weeks prior to the intended date of use and is subject to approval of the Recreation Director. Persons wishing to reserve Town facilities for specific use shall first apply at the Recreation Office or online on the approved application form with all requisite documentation.
- B. Applications shall be approved or denied by the Recreation Director. Denial of use may be appealed to the Town Board.
- C. The Recreation Director may set reasonable conditions upon any approval to use a Town facility.
- D. The fee for use of certain Town facilities shall be set by separate resolution of the Town Board which may be amended from time to time.
- E. Adult supervision is required for any activity involving persons less than 18 years of age. There shall be a minimum of one adult per each 10 persons less than 18 years of age.
- F. Required information for certain applications.
  - (1) All organizations, private parties in excess of 100 people, or any request that involves the serving of alcohol must provide the following documentation to the Recreation Director upon application:
    - (a) A current valid certificate of insurance naming the Town of Pawling, 160 Charles Colman Boulevard, Pawling, NY 12564, as additional insured for the date(s) applied.
    - (b) Comprehensive general liability limits of at least \$1,000,000 per occurrence/\$2,000,000 aggregate.
  - (2) The request shall not be processed unless all requisite documentation is provided at time of application.
- G. Persons applying for use of Town lands must provide a signed hold harmless agreement.
- H. The Recreation Department shall have the responsibility to resolve all scheduling conflicts

involving the use of park facilities.

§ 145-5. Penalties for offenses. Any person committing an offense against any provision of this chapter, or any rule or regulation made pursuant thereto, shall, upon conviction thereof, be guilty of a violation punishable by a fine in the amount of \$\_\_\_\_\_ for each offense, or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 145-6. Enforcement.

This chapter may be enforced by any police agency having jurisdiction within the Town of Pawling.

§ 146-6. Posting of signs; presence after regular hours.

A. Signs shall be conspicuously posted at the regular entrances to Town parks to provide notice of the park hours and other restrictions established by this chapter. The failure to post signs, or the failure to include the prohibited conduct on the sign shall not be a defense against a violation of this chapter and proof of posting a sign shall not be required to establish a violation of this chapter.

B. A person who enters or remains within a park after regular hours shall be deemed to have "entered or remained unlawfully" in the park and may be prosecuted in accordance with Article 140 of the Penal Law for burglary and related offenses.

Section 2. When Effective. This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of §27 of the Municipal Home Rule Law.

**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 2023-086**

**Adopting a Local Law Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding and Ground-Mounted Solar Energy Systems**

TOWN OF PAWLING LOCAL LAW NO. 2 OF THE YEAR 2023 IMPOSING A TEMPORARY TOWN-WIDE MORATORIUM ON THE INSTALLATION OF FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEMS

BE IT ENACTED by the Town Board of the Town of Pawling as follows:

SECTION 1: TITLE

This local law shall be known and cited as the Town of Pawling Local Law No. \_\_\_\_ of 2023 entitled “A Local Law Imposing a Temporary Town-Wide Moratorium on Installation of Freestanding or Ground-Mounted Solar Energy Systems.

SECTION 2. PURPOSE AND INTENT.

A. The Town of Pawling Zoning Law contains no supplementary regulations or other provisions regulating the installation and approval of Freestanding or Ground- Mounted Solar Energy Systems within the Town (collectively “solar energy systems”).

B. It is in the public interest to provide for and encourage renewal energy systems and a sustainable quality of life. It is the intention of the Town Board to amend the Zoning Law to provide for regulations for the approval of solar energy systems in the Town where appropriate and where approved.

C. It is the intention of the Pawling Town Board in enacting this Local Law to temporarily suspend any improvements or installations for such solar energy systems, as defined in Section 4 herein, by the imposition of a temporary moratorium on such installations for a period of one-hundred eighty (180) days, if necessary. This moratorium does not apply to arrays mounted on a private residence or its accessory building.

D. The purpose of this temporary moratorium is to enable the Town of Pawling to adopt appropriate amendments to its Zoning Law to regulate solar energy systems within the Town.

### SECTION 3. MORATORIUM PROVISIONS.

A. The Town Board hereby finds that pending the completion of the necessary studies, meetings, hearings, environmental review and other actions necessary and incident to the proper consideration and adoption of local law amendments to the Town of Pawling Zoning Law regulating the installation of solar energy systems within the Town, reasonable measures must be taken to maintain the status quo in order to protect the public interest and ensure that proper regulations of the installation and approval of solar energy systems.

B. During the effective period of this Local Law any extensions thereto the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department and the Zoning Administration shall not permit, accept, process, interpret, deliberate upon, decide or approve the installation of any freestanding or ground mounted solar energy systems, including but not limited to any application for a site plan, special use permit, area variance or interpretation in connection with the permitting of a solar energy system.

C. The moratorium shall apply to all installation of such freestanding or ground-mounted solar energy systems submitted during the effective date of this local law. Any current active or pending applications submitted to the Town of Pawling Planning Board before the effective date of this Local Law may proceed with the approval process, although such process will be at the applicant's own risk as such projects may ultimately be subject to any new solar energy regulations adopted by the Town.

### SECTION 4. DEFINITIONS.

A. Freestanding or Ground-Mounted Solar Energy Systems: A solar energy system that is directly installed in or on the ground and is not attached or affixed to an existing structure.

B. Private Residence: A single or multi-family dwelling unit for habitation purposes only, within which no portion of the building or grounds are used for commercial purposes.

### SECTION 5. HARDSHIP PROVISION.

A. Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town of Pawling in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship that shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure.



1. Upon submission of a written application to the Town Clerk by the property owner seeking a waiver from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days' written notice in the official newspaper of the Town. Notice of said hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls.

2. At said public hearing, the property owners and any other parties wishing to present evidence with regards to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said public hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.

3. If the Town Board determines that the property owner will suffer an unnecessary hardship of the Local Law is strictly applied to a particular property, then the Town Board shall waive the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

#### SECTION 6. PENALTIES FOR OFFENSES.

Any person, firm, entity or corporation that shall construct, erect, enlarge or alter any building or structure, in violation of the provisions of this Local Law or shall violate any of the provisions of this Local Law shall be guilty of a violation or subject to a fine of not less than \$350.00 or more than

\$1,000.00. Each day that the violation continues shall be a separate offense.

#### SECTION 7. CONFLICTING LAW SUPERSEDED.

All local laws, ordinances, or parts of local laws or ordinance, of the Town of Pawling that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the moratorium.

#### SECTION 8. SUPERSESSION OF THE TOWN LAW.

This Local Law is hereby adopted pursuant to Municipal Home Rule Law Section 10(1)(i) and Section 10(ii)(14) and Statute of Local Governments Section 10(6) of the State of New York.

#### SECTION 9. SEVERABILITY.

The provisions of this Local Law are separate and if any provisions, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent to the Town Board of the Town of Pawling that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempted therefrom.

#### SECTION 10. TERM.

This Local Law shall remain in force for a period of one-hundred eighty (180) days from its effective date. This Local Law is subject to review and renewal by the Town Board of the Town of Pawling for two (2) additional ninety (90) day extensions by Town Board Resolution.

SECTION 11. EFFECTIVE DATE.

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of §27 of the Municipal Home Rule Law.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman DeRosa

**ROLL CALL VOTE:**

Councilwoman Pitt – “NAY”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**RESOLUTION 2023-087**

**Adopting a Local Law Amending Chapter 199 of the Town Code of the Town of Pawling Regarding Town Parking on Dodge Road**

TOWN OF PAWLING LOCAL LAW 3 AMENDING CHAPTER 199 OF THE TOWN CODE OF THE TOWN OF PAWLING REGARDING TOWN PARKING ON DODGE ROAD

BE IT ENACTED by the Town Board of the Town of Pawling, County of Dutchess, as follows:

Section 1: A Chapter 199 of the Pawling Town Code entitled “Vehicles and Traffic”, Article II regarding “Parking on Street” shall be amended to prohibit parking on Dodge Road, as follows:

§ 199-7. Restrictions. No vehicles shall be left parking or standing on the following streets. Such parking

restrictions shall apply at all hours of the day and night.

Name of Road	Location
Cushman Road	Beginning at Patterson Town line 2,000 feet north
Old Route 22	Beginning at the intersection of Prospect Street running north to Route 22 South Quaker Hill Road. Beginning at the Tower Hill intersection to the Connecticut State line.

**Dodge Road Beginning at the Squires Way intersection 5,800 feet south**

Section 2. When Effective. This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of §27 of the Municipal Home Rule Law.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilwoman Pitt

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

## **DISCUSSION**

### **TOWN OF PAWLING WEBSITE**

The Board entertained a presentation by Joey Cavaccini, legislative aide regarding the town website. Mr. Cavaccini explained that a few months ago, the town clerk's office was notified the current website provider, Edmunds, that the town would be faced with a \$10,000.00 bill, which would be to do daily backups on the current website. There would be no further improvements or any other security. He and the town clerk had a meeting with Edmunds and found that they were trying to phase out of municipal websites. That discussion spurred a discussion to find a new website vendor. He reached out to other website companies and other agencies to see how to come up with a new website for the Town of Pawling. He contacted Dutchess County Government, OCIS, who have provided websites for a number of other municipalities in the county. He passed along the other municipality's websites to the town board for their review. He has met with DC OCIS on a number of occasions. They offer a more up to date website which would be more user friendly, with the capability to send out email and text messages. The new website would also be ADA compliant. DC OCIS would meet with Town of Pawling representatives to go over what is currently on the website and, should the board decide to move forward, it should be done by the end of the year. The cost would be a \$16,600.00 one-time cost and \$4,500.00 annually, which would allow 24/7 access to OCIS to handle software issues, and on-site training for employees. This will be a shared service and a great partnership. The text and email notifications are included in the cost.

### **TOWN BOARD**

#### **PITT**

Councilwoman Pitt said she appreciated the work done on the town website and looked forward to moving forward on it. Regarding dogs at Lakeside Park that are off their leash, there is a leash law in place and people should have their dog on a leash. The dog warden will be issuing tickets to those folks who do not have their dog on a leash.

#### **MCCARTHY**

Councilman McCarthy said the town has opened up the old roadway on West Dover Road. This roadway will be used mostly for the buildings and grounds department and special events once the pavilion is constructed, it will be used to ease traffic at the main entrance. It will also free up more parking. It will not be open all of the time, and there will be a gate which will be closed when the road is closed. This Saturday is the annual fireman's sportsman dinner, which is the biggest fundraiser for the fire department.

#### **SNOW**

Councilwoman Snow said May is mental health awareness month. There is a stabilization center in Poughkeepsie that is open 27/7, 365 days per year, phone number is 845-485-9700 and the three digit number 988 also providing 27/7, 365 day support. She encouraged people looking for help to utilize these resources. On April 22<sup>nd</sup>, she attended the scout spaghetti dinner at the fire house and in speaking to a parent of an eagle scout, she suggested that the eagle scouts present what they have done to the town board at a meeting. This past Saturday, she attended a ceremony at the John Kane house announcing the banners honoring veterans. She thanked the Lions Club for spearheading these banners. She said in the Town of Beekman, they have a conservation advisory council and she would like to have that back in Pawling, as well as a disaster and emergency committee. She would like to have discussion and get those going for new business.

#### **DEROSA**

Councilman DeRosa said he received the inspection report from NYS DEC on the Whaley Lake dam which was done last month, and there are no deficiencies reported and it was noted that the dam is well maintained. The dam has one weir board in place now, which was put in a month

ago. If two weir boards were left in, the water may have been too high. The board received an email from a resident concerned about the lake level now in the channel way between the aisles, which is a problem the board needs to look into. The board has to prepare for the summer season and make sure the lake level is not too low. Regarding water district #2, the board has to make a decision on the meters and valves. The board received a new map from Laberge, and the board originally thought they would have to put twelve valves in the road system, the board of health said seven would be sufficient. The board of health regulations does not require valves because this is an old system, although it would be better. The board was hoping the water operator could install the valves because Bob Brill, highway superintendent will be blacktopping the road this month. So the board must decide to go to a lesser number of valves or not to install the valves at all. The meters are a separate issue and there needs to be approval from the board. Then the board could go ahead with the RFP. The estimate from Laberge for the RFP to purchase and install the meters was \$17,000.00. The existing meter system becomes obsolete in October. There is funding for these projects from the bonding that was done for the district, which would cover the cost of both of these issues.

Supervisor Schmitt said the board can discuss further at next week's meeting.

### **SCHMITT**

Supervisor Schmitt said this week is national municipal clerk week, and he thanked Cheryl Knowles, deputy town clerk for attending tonight's meeting and all of the clerks, department heads and boards because they are the ones who keep everything going. It is also national business week and everyone should support small businesses. Supervisor Schmitt said May 20<sup>th</sup> will be community day and there will be more information on that next week.

### **PUBLIC COMMENT**

Helen Grosso, resident from Tracy Road, asked how disc golf worked and if they paid the town to use the park. She asked what was happening with the proposed sewer district and what the status was with the fee increase affecting the district.

Supervisor Schmitt said the disc golf players pay a fee to the recreation department. Regarding the sewer district, the increase in fees could have a negative impact on the potential new district and the entire process may have to be started over again. The board hopes to have more information on this soon.

Janet Jones, resident from Holiday Street, asked if the fees for disc golf were for the discs. Will there be rules for disc golf?

Supervisor Schmitt said Robyn Priano, recreation director would make a presentation next week.

Jenn Panzer, resident of Holiday Street, said regarding Tremson Wood Products, she asked if there was an update on Corbin Road. She asked for a response from the planning board lawyer and he said the applicant does not have to respond to comments made.

Councilman DeRosa said if the applicant doesn't respond, the planning board does not have to approve the project.

Mrs. Panzer said they are still operating every day. The fact that they don't have approvals has not impeded their business. This is very frustrating because nothing is being done.

Supervisor Schmitt said they are allowed to operate because of a ruling from the previous town attorney and previous building inspector, which predates this board.

Mrs. Panzer asked the planning board attorney about that also, and now there is a gigantic mulch operation in a residential area. There are fifty homes surrounding this. She bought a noise meter and the sound was between 60 and 80 decibels all day long on Saturday. She asked if things aren't happening in a way she felt they should be, who does she go to? Who does she complain to?

Ms. Tagliafierro said Mrs. Panzer is in the right place, and the town board can take this into consideration when the planning board members come up for reappointment.

Councilwoman Snow asked if the town board could change something that is grandfathered.

Supervisor Schmitt said he thought this happened in 2015, it can't be turned around now, all the town board can make them do is go through the planning process, which they are. The town board has to abide by that until they complete the process before the planning board.

Mrs. Panzer said the scope of the business was supposed to remain as it was, and she has provided photos to show that the scope of the business has changed. Nothing is happening or solved, how long can this go on? The applicant has no vested interest in this community and don't care about the people who live there. Who is fighting for her, her neighbors, her home value, and her livelihood?

Supervisor Schmitt said they are before the planning board, which is where they need to be. He believed another noise study and traffic study was requested from Tremson.

Councilman DeRosa said the planning board can put restrictions on the applicant when they grant the approval.

Mrs. Panzer said if the planning board members do whatever they want and make decisions about her life, she is paying attention. She asked about an update on Corbin Road.

Bob Brill, highway superintendent said he met with the village, and they said it is a state intersection and it extends fifty feet down Corbin Road and the village takes over from there.

Councilwoman Pitt said it is up to NYS DOT to determine whether or not an intersection is safe. They haven't looked at this intersection since 1960.

Mrs. Panzer said the town has now opened an entrance right across from Holiday Street. She expressed concern that this new road will access West Dover Road, which is heavily travelled. Will there be any signage to let people know there is an entrance.

Councilman McCarthy said there was no recommendation from the county to put any signs up. He did not know if the town can put up signs because it is a county road. He would look into it.

Janet Jones, resident from Holiday Street, said during the Triathlon, residents on Holiday are trapped and they can't get out. With the new entrance, this will make it worse. She is also frustrated with Tremson, as they are allowed to do whatever they want and there is no motivation for them to get this resolved.

Supervisor Schmitt said the new entrance will be used mainly for uses at the new pavilion.

Supervisor Schmitt made a motion to adjourn the meeting at 8:03 PM, seconded by councilwoman Snow, motion passed unanimously.

Supervisor Schmitt made a motion to enter executive session to discuss personnel matters, seconded by councilman DeRosa, motion passed unanimously.

The Board returned from executive session at 8:52 PM, no action was taken.

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Deputy Town Clerk