

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM August 9, 2023 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, councilman McCarthy, Nancy Tagliafierro, town attorney, Brendan Liberati, town attorney and approximately 20 interested citizens. Councilman DeRosa was absent.

MINUTES

Supervisor Schmitt made a motion to acknowledge the minutes of July 12, 2023, seconded by Councilwoman Snow motion passed with the following roll call vote:

MOTION: Supervisor Schmitt
SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilwoman Pitt – “AYE” Councilman DeRosa – “ABSENT”
Councilman McCarthy – “ABSTAINED” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

PUBLIC COMMENT ON AGENDA ITEMS

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

RESOLUTIONS

**RESOLUTION 2023-124
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 20230903 through 20231061, 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 \$456,055.95.

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE” Councilman DeRosa – “ABSENT”
Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

**RESOLUTION 2023-125
Approval to Set Final Date for Payment of Water District No. 2 Bills**

WHEREAS, the Town of Pawling is in receipt of a letter from the County of Dutchess Department of Finance advising that the due date for 2023 re-levies is November 3, 2023; and

WHEREAS, although the Town previously accepted payments for Water District #2 until November 15th of each calendar year, in order to comply with the County’s date for re-levy of

unpaid water bills, the Town Clerk’s office has requested the following changes to the calendar for Water District #2;

- i) Presentation of bills for Water District #2 to the Town Board shall be the first Board Meeting in October of each calendar year;
- ii) The last date to pay bills for Water District #2 shall be changed to October 27th of each calendar year; and
- iii) The Town Clerk shall forward the re-levy list to the Dutchess County Department of finance no later than November 3 of each calendar year;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves the revised schedule for payment and re-levy of bills for Water District #2 as set forth hereinabove.

MOTION: Supervisor Schmitt

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “ABSENT”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2023-126
Appointment of Temporary Laborer

NOW THEREFORE BE IT RESOLVED, that Jonathon McGarey is hereby retroactively appointed as a temporary laborer to the Department of Buildings and Grounds with a start date of June 28, 2023 at an hourly rate of \$18.00.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “ABSENT”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2023-127
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: The Pawling Republican Party – Alcohol Waiver, Alcohol Control Plan.

MOTION: Supervisor Schmitt

SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “ABSENT”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2023-128

Authorizing an Application to the Hudson River Valley Greenway for Funding Phase 1 of a New Town Smart Growth Comprehensive Plan

WHEREAS, the Town of Pawling is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Planning Grant Program as a Compact Community for a project entitled Town of Pawling Housing Assessment & Strategy Report to be located in the Town of Pawling,

NOW THEREFORE BE IT RESOLVED that the governing board of the Town of Pawling hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Planning Grant Program, as a Compact Community, for a project known as Town of Pawling Housing Assessment & Strategy Report and located within this community.

MOTION: Supervisor Schmitt

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “ABSENT”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2023-129

Approval of Truck Purchase

WHEREAS, the Supervisor of Highways Robert Brill has requested to purchase a 2025 International HV 507 4x4 with a Monroe Stainless Steel Dump/Sand Salt Combination body including a snow plow and wing plow; and

WHEREAS, Section 103(16) of the General Municipal Law exempts from competitive bidding purchase contracts for apparatus, materials, equipment and supplies, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district; and

WHEREAS, in accordance with the Town’s Procurement Policy and the General Municipal Law, the Town Board wishes to authorize the Highway Department to purchase the Truck consistent with the above referenced proposal;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Pawling hereby authorizes the Superintendent of Highways to purchase and acceptance of delivery of said 2025 International HV 507 4x4 with Monroe Stainless Steel Dump/Sand Salt Combination body including snow plow and wing plow for pursuant to Onondaga Contract #8996 for a sum not to exceed \$310,388.53.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

Councilman McCarthy said the truck is a 4x6, not a 4x4 and that needs to be changed.

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “ABSENT”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**RESOLUTION 2023-130
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:

A Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
Summer Camp Wages	A.7320.100	70,000	27,000		97,000	Revised Budget
Celebrations	A.7550.400	7,000		-7,000	0	Revised Budget
Golf Course -Fertilizer	7250.438	15,000	1,200		16,200	Revised Budget
Golf Course -Electric	7250.417	4,000		-1200	2,800	Revised Budget
Beach & Pool Contractual	A.7230.4	5,000	1000		6,000	Revised Budget
Beach & Pool Equip	A.7230.2	5,000		-1,000	4,000	Revised Budget
Summer Camp Contractual	A.7320.4	20,000	3,000		23,000	Revised Budget
Beach & Pool Equipment	A.7230.2	5,000		-3,000	2,000	Revised Budget
Fiscal Agent Fees	A.1380.4	4,050	8,350		12,400	Increase for bonding cost
Auditor	A.1320.4	30,000		-8,350	21,650	Revised Budget
					0	
					0	
					0	
					0	
		165,050	40,550	-20,550	185,050	

A Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Revenue						
Summer Camp	A.2001.101	175000	20000		195000	Revised Budget
					0	
		428,100	20,000	0	468,100	

B Fund

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditure						
Building Contractual	B.3620.400	8,775	3,000		11,775	Revised Budget
		<u>8,775</u>	<u>3,000</u>	<u>0</u>	<u>11,775</u>	

B Fund

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Revenue						
Building Permits	B.2555	217,550	3,000		220,550	Revised Budget
		<u>217,550</u>	<u>3,000</u>	<u>0</u>	<u>220,550</u>	

DB Fund

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditure						
General Repairs OT	DB.5110.106	10,000	10,000		20,000	Revised Budget
Snow OT	DB.5142.106	50,000		-10,000	40,000	Revised Budget
		<u>60,000</u>	<u>10,000</u>	<u>-10,000</u>	<u>60,000</u>	

MOTION: Supervisor Schmitt
SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE” Councilman DeRosa – “ABSENT”
Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

DISCUSSION

PITT

Councilwoman Pitt said it would be nice to see the town’s historical markers spruced up, they are faded and not legible. She said she would reach out to Bob Reilly, town historian about that.

MCCARTHY

Councilman McCarthy said “The Inn” is down and there will be meetings with the health department regarding the septic system. He thanked all the residents that came out to the fireman’s carnival.

SCHMITT

Supervisor Schmitt said there is a family, a mother and her fifteen children, calling themselves “fifteen feet up”, who started in Georgia and are hiking all the way to Maine on the Appalachian Trail. They will be at Lakeside Park tomorrow, and if anyone wants to meet them, they are welcome to come meet the family. Supervisor Schmitt said the paving of the roads in PWD #2 will begin in September.

SNOW

Councilwoman Snow said she would like to reinstate the Conservation Advisory Board that was here maybe ten years ago. She has researched this and everything is in place to reinstate it. It was her understanding that there were no other community members interested in serving on this committee, which is why it doesn't exist now. She asked that community members send a note to the board letting them know if they are interested.

Councilwoman Pitt suggested seeing resumes and experience of individuals before the board decides to move forward with this.

PUBLIC COMMENT

Kenneth Stenger, attorney representing Mr. & Mrs. Elghanayan who live near the Dewey Lane Bridge, said they have retained him to offer the town whatever help he can be to get that issue resolved. He has read the minutes of the past year and he understood there was an ongoing conversation with a neighbor. He has spoken with Ms. Spillane, town attorney and he has walked the land. He has a fairly good idea of the steps that need to be taken to get this done and he has been directed by his client to do anything he can to help get this done, and get the bridge fixed.

Joe Marotta, Whaley Lake Committee, said several weeks ago he spoke with Craig Lipinski of Fuss & O'Neill Engineering, who signed the non-disclosure agreement with the Town of Pawling for Fuss & O'Neill. He explained that he had the email that explained that the lake is a foot too short. Mr. Marotta told Mr. Lipinski that the correction has caused flooding and it also requires workers of the town to go out there and put boards on and take them off and it is extremely hazardous. Mr. Lipinski seemed very concerned. Pro bono work was discussed because this is not a good look for his company, and Mr. Lipinski said if he heard the same concerns from the town, he would look to help. Mr. Marotta said he spoke with Mr. Lipinski today and apparently, he was told that Mr. Marotta was not allowed to talk to him per James Schmitt. He felt a very valuable opportunity was being lost here. It is very easy to shut down communication but to get some free engineering would be productive to moving forward in the future. Mr. Lipinski said the communication line should come from Mr. Schmitt and he would then tell Mr. Marotta what the communication was about. He asked supervisor Schmitt if he would be able to do that.

Supervisor Schmitt asked Mr. Marotta to send the board an email with his requests.

Mr. Marotta said he would do that. He read a portion of the non-disclosure agreement, which stated as follows:

“Whereas town officials reviewed historically recorded Whaley Lake pooling levels and are of the opinion that the pooling level of Whaley Lake appears to be approximately one foot lower than historic pooling levels”.

Mr. Marotta said this is a legal document that the town signed stating where the pooling level should be. So, we keep playing this game of what the water level should be at every meeting. He hoped this puts that to an end. The new game will be called when the music stops you will lose your seat. He asked how many names are required to remove a liaison from the lake.

William Pardy, resident from 66 Lakeview Drive, said the weir boards are a joke. They had a dam that was a specific height. He is tired of hearing the pooling levels because that is a variable. The spillway was twenty eight feet wide and we had a height of the spillway, which is not the pooling height. He assumed that whoever laid the dam out measured the height of the original spillway. He proposed making the spillway wider and put the height of the spillway at whatever the old dam was.

Russell Smith, resident from 1544 Route 292 thanked supervisor Schmitt for coming to his house and looking at the lake and seeing the effect that it has on their homes. He and some of his neighbors, as far as they are concerned, the lake is a little on the high side. They are dramatically effected by the level of the lake. It can't go any higher. Their homes get flooded and they are asking the board to take this into consideration when talking about water levels. This is a devastation to them, their homes get ruined.

Stephen Martens, resident from 48 Lakeview Drive, said he has lived there for about seventeen years and he agreed with this gentleman one hundred percent, it is all of the houses that are adjacent to the island. You can look at all of their steps and porches and you can establish the water levels right away. It is about four inches too high right now. It will fluctuate and never hold a perfect, common height, it will move six to eight inches either way.

Rick Wilson, resident from 64 Lakeview Drive, said part of the problems with the pooling and flooding is that it was never engineered properly. If the board had spoken with an engineer with the problems they have and the documentation they have, they would understand that the width of the spillway would determine the height. That is right in Zarecki's 2000 and 2006 reports. The town has a 704.8 spillway that was built eighteen feet wide and now you have risen eight inches. That spillway wasn't designed for that eight inches and it has a bigger effect than anyone realizes. He suggested the town have an engineer assess the documentation the town has and the difference that eight inches or twelve inches makes to a spillway built at eighteen feet instead of twenty eight. He suggested the town have the three entities who built this look at this and see what can be done.

May Smith, resident from 1544 Route 292, said she has lived here all of her life and her house has never changed. The level of the lake now, if there is a terrible storm, it will back up into her living room. If the level is kept down, it can sustain having some rain come into it. It should be put back the way it was. She has lived here more than fifty years, and before the dam was changed, she never had a problem and now it has happened twice. If the water level is kept down, it can withstand a heavy rainfall.

Helen Grosso, resident from 14 Tracy Road, said the conservation advisory board was substantial and extraordinary. The names on it were professionals and highly accomplished environmental experts and engineers. They played a big role and her feeling is that it did not go quietly. New York State wants you to have these kinds of boards and they encourage it.

Paul Malichuk, resident from 70 Lakeview Drive said the lake is now too low. The 705.7 is the height the dam should be. If the spillway is not wide enough, they will get flooded because the spillway is inadequate. The spillway has to be wider. The only time residents who spoke got flooded before was when the spillway was clogged. He hoped the board would save the lake.

Art Mulford, resident from 42 Lakeview Drive, said he has been on the lake for sixty three years and he can only attest to what he sees with his own eyes. When he goes down to the water, it is pretty much where it was the past four to six decades. He did not understand why residents are saying different things. He hoped the board had the answers. He felt the water level was fine from his point of view, but these questions about the dam need to be addressed, at least as far as having someone look into these problems and having an engineer say if this is something that happened because this was a five hundred year rain, or if it is something that we have to worry about. He felt the dam did hold up but it didn't let the water out as quickly as would be optimal. The puzzle is why different people who live close to each other are saying that the water is at different levels, it doesn't make sense and he hoped someone would look into that.

The motion to adjourn was made by supervisor Schmitt at 6:40 PM, seconded by councilman McCarthy, motion passed unanimously.

Town Clerk