

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM May 1, 2024 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, councilmen Mygan and McCarthy, Jamie Spillane, town attorney, and approximately 22 interested citizens.

MINUTES

Supervisor Schmitt made a motion to acknowledge the minutes of April 17, 2024, seconded by Councilwoman Snow, and passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS

Harvey Matcovsky, resident of Holmes, said he hoped the proceeds from the selling of the property, which is on the agenda for this evening, would go into the fund balance for the Whaley Lake Dam account.

Supervisor Schmitt said yes, the proceeds from the sale of the property would be placed in that account. He said the purpose of the sale of the property is to give the owner a driveway with better site lines because it is very difficult getting out of that property.

Mr. Matcovsky said the board is adding an option on the health insurance. He asked if this was for non union workers under age 65. He asked what the savings would be.

Councilman McCarthy said he did not bring the information on savings tonight. It will be a savings overall compared to what the future is going to be for the Town of Pawling. The current health insurance plan the town has is the Excelsior plan which is being discontinued at the end of this year, and the town will be going back to the Empire plan for those who want to stay with NYSHIP, and that rate is \$43,000.00 for a family rate. The reason this plan is being offered is because it has four tiers, so it allows people like he and his wife to choose a different tier as opposed to being grouped into a family. It also allows an employee and child at a different tier at a different rate, where NYSHIP doesn't offer that. NYSHIP offers two plans only, single or family. So, it is a savings for the town on those two because of their ability to cover two people only, instead of a family. No employee is being forced to switch over, it is just an option the board is looking at and the town board will vote on whether or not they want to allow another option for the employees to look at. It is for all employees, union, non union and retirees. He handed out flyers yesterday with information to employees who were at an unrelated required training. The board can ask the union if they would accept their members to switch to MVP.

Mr. Matcovsky said all full time employees should have access to healthcare, but he did not understand why retirees under 65 families and dependents are covered.

RESOLUTIONS

RESOLUTION 2024-072

Acceptance of the 2023 Pawling Town Justice Court Annual Audit Reports

WHEREAS, the Unified Court Act requires that Town Justices annually provide their court records and docks to their respective town auditing boards, and

WHEREAS, such records then are to be examined or audited by the Town Board members, and

WHEREAS, the Town Supervisor received the Annual Audit Report from Justice Wansley and Justice Zelazny for calendar year 2023 on April 10, 2024 and made said reports available to the Town Board members, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby accept the 2023 Pawling Town Justice Court Annual Audit Reports.

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

MOTION: Supervisor Schmitt

SECOND: Councilwoman Snow

ROLL CALL VOTE:

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

**RESOLUTION 2024-073
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: Amy Foster – Alcohol Waiver, Alcohol Control Plan.

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 2024-075
Approval of Garage Door Purchase for Highway Garage**

WHEREAS, the Superintendent of Highways Robert Brill has requested to purchase 2 new garage (R-Value) doors with openers and a set of 2” vertical uprights, and

WHEREAS, Robert Brill has received the following quotes:

- 1. Bill Reynolds Garage Doors \$13,580.00
- 2. Dutchess Overhead Door \$17,584.00

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby authorizes the Highway Superintendent to accept the quote from Bill Reynolds Garage Doors in the amount of \$13,580.00.

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 2024-078
Waiver of Fee for the Pawling Fire Department

WHEREAS, at the April 15, 2024 Planning Board meeting, members of the Planning Board reviewed and discussed the Pawling Fire Department signage application, and

WHEREAS, the Pawling Fire Department is instrumental to communicate important messages that keep the public informed on life safety rules, emergency alerts and events in the community, and

WHEREAS, the Planning Board recommends to the Town Board to waive the \$75.00 signage application for the Pawling Fire Department, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby waives the \$75.00 signage application fee for the Pawling Fire Department.

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 2024-079
Authorizing the Sale of Unneeded Town Property

WHEREAS, the Town of Pawling is the owner of a parcel of vacant land at 1902 Route 292 in Pawling, New York, consisting of 18.66 acres (the “Property”), including the Town’s access way to the Whaley Lake Dam, and bearing Tax Map Number 134089-6857-00-446371-0000, and

WHEREAS, Mark and Patricia Belair own the parcel at 1904 Route 292 which adjoins the Property, and by Resolution #2022170, the Town Board approved the sale to the Belairs of a .78 portion of the Property to be merged with 1904 Route 292 to improve their access to Route 292 for \$25,000 subject to (i) permissive referendum; (ii) the Belairs receipt of a lot line change from the Town Planning Board; and (iii) a restriction on development of the Property, and

WHEREAS, the Town Board wishes to clarify that the restriction on development shall exclude accessory uses in relation to the single family residence at 1904 Route 292, including without limitation, a driveway, parking area, and garage subject to the Town Zoning ordinance, and

WHEREAS, the Belairs have obtained the requisite Planning Board approval and no petition for referendum was received following the adoption of Resolution #2022170.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling affirms its approval of the sale of .78 acres of the Property to the Belairs with the stipulation that there shall be a deed restriction on development on the Property as a separate building lot. The construction of accessory buildings and structures in relation to the single family residence use at 1904 Route 292, including, without limitation, a driveway, parking area, and/or garage, are not restricted subject to the Town of Pawling Zoning Ordinance.

Supervisor Schmitt said to this resolution would be added that the proceeds of this sale would go directly to the Whaley Lake Dam district fund balance.

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 2024-080

Authorization of Additional Healthcare Option

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

WHEREAS, the Town of Pawling full-time employees, elected officials, and retirees under 65 years old currently have NYSHIP Excelsior Plan as the Health Insurance offered to them, and

WHEREAS, the Town Board of the Town of Pawling has received an alternate option to offer healthcare coverage to the employees, elected officials and retirees under 65 years old of the Town for a more affordable rate to employees and to the Town to include the MVP EPO Silver Plan, and

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

1. Marshall & Sterling Insurance, with their principal office at 110 Main Street, Poughkeepsie, New York, to act as the Town’s Health Insurance Administrator for MVP EPO Silver Plan.
2. Transfer the Health Insurance Plan for full-time employees, elected officials and retirees under 65 years old of the Town of Pawling from NYSHIP Excelsior to MVP EPO Silver Plan should they choose to do so by June 1, 2024.
3. Establish a Health Reimbursement Arrangement (HRA) for the deductible for the MVP EPO Silver Plan.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

Councilman McCarthy said this is just an option, it is not replacing NYSHIP. It is for employees to look at and see if they want it. It will save the town money. This option is the one that is closest to the NYSHIP plan. Employees received the information on this plan yesterday.

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman Mygan – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTION 2024-083

Proclaiming May as Mental Health Month

WHEREAS, mental health is essential to the wellbeing and the vitality of our families, businesses, and communities, and

WHEREAS, mental health conditions are real and prevalent in our nation with 1 out of 5 Americans and 1 out of 6 children affected by mental illness each year, and

WHEREAS, more people die from suicide in the United States than from traffic accidents and an estimated 22 veterans die from suicide each day, and

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help, and

WHEREAS with effective treatment those individuals with mental health conditions can recover and lead full, productive lives, and

WHEREAS, education, compassion, and awareness about mental illness can change negative attitudes and behaviors toward people with mental illness, and

WHEREAS, each business, school, government agency, law enforcement agency, healthcare provider, organization and citizen share the responsibility to promote mental wellness and support prevention efforts, and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Pawling do hereby proclaim the month of May 2024 ad Mental Health Awareness Month, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling calls upon its citizens, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma, and discrimination, and promoting appropriate and accessible services for all individuals.

MOTION: Supervisor Schmitt
SECOND: Councilwoman Snow

ROLL CALL VOTE:

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

TOWN BOARD DISCUSSION

GOLF COURSE AMBASSADORS FOR DUTCHER GOLF COURSE

Supervisor Schmitt said in order to keep costs down on staffing at the golf course, the ambassador program would allow volunteers to patrol the course, and in return, they would get free rounds of golf. This would hopefully cut down on vandalism. He hoped Shawn Cunningham would be at the next meeting go give the board more details.

EMPLOYEE HANDBOOK

Councilwoman Snow said under the notice of vacancies, she was glad promoting from within was added. She said exit interviews were taken out, and she felt they were helpful and would like that to be added back in. She asked if someone takes the buyout and they leave, are they supposed to pay it back, she asked what the policy was on that.

Supervisor Schmitt said that is a process that was not followed, so the date has been changed for the buyout so that is not an issue anymore.

Councilman Mygan asked why employment of relatives was taken out.

Supervisor Schmitt said he did not have the handbook with him this evening, but he would get councilman Mygan an answer on that.

Councilman Mygan said he feels the health insurance buyout is high and he wasn't sure why there is \$75.00 allowed in the handbook for a gift. He felt it was too much, it should be \$10.00 or \$20.00. He also felt the exit interview should be put back in.

Supervisor Schmitt said \$75.00 is the New York State standard.

Councilman Mygan said regarding the Medicare Part B reimbursement, he felt there should be a cap put on this number. Also, the town is opting to pay for the retiree and their spouse, he wasn't sure the spouse should be paid for or maybe a lower cap can be put on the spouse. He asked if retirees under 65 pay anything toward their insurance.

Councilman McCarthy said if someone's spouse isn't 65, they have to stay on NYSHIP and NYSHIP has a plan for Medicare plus one. Anyone who is retired and their spouses are 65

and they are 65, they automatically get switched over to AARP. Councilman McCarthy said this has been a ten year ongoing project. He said most of the changes are things that are mandatory.

Councilwoman Pitt said she appreciated the work that has been done. She spent a few hours going through it and she would write her notes down and send them to the board.

PITT

Councilwoman Pitt said regarding alternate planning and zoning board members, councilman Mygan had a conversation via Zoom with chairman Cioppa and chairwoman Miller and the conversation is still ongoing. She hoped there could be a resolution next week to take the next step on this. Regarding the town court, she felt the board was at the stage where they could move ahead with a part time position for the court. When there were substitute clerks working for the town last year, they were at a pay rate of \$25.00 per hour, part time would be 17.5 hours per week, and she hoped to get someone with experience hired. She felt there should be a range of pay between \$22.00 to \$25.00 per hour offered, based on experience.

Councilman McCarthy thanked Karyn Freder, court clerk for speaking with him this past week. Ms. Freder pointed out that they are planning on having the part time clerk do court, which he was not aware of. He felt a part time clerk would be another asset to help out. He agreed with advertising a range of pay.

Councilwoman Snow said she was glad this came up, it is very different from what happened a month ago, and she is glad there is movement on this. She also spoke with Ms. Freder, and she would like to suggest that the judges and the clerk do the interviewing for this position. She felt that was important because this is someone for their department and they know what the job is. Then they can present the person or top two people to the board.

Councilman Mygan agreed.

Supervisor Schmitt said this would be added to next week's agenda.

MCCARTHY

Councilman McCarthy thanked all of the residents in PWD #2, they have all contacted the contractor to install new meters. The project is almost complete, hopefully within the next two weeks it will be done. The contractor also replaced two curb boxes, and hopefully this project will be done soon. He said he and supervisor Schmitt met with Mark Chipkin regarding the Conservation Advisory Board (CAB) and they will send the board the information on guidelines submitted by Mr. Chipkin. He hoped the board could begin advertising by end of summer. He also learned that the board can appoint two youths, which he felt would be a huge asset. He suggested the school could help the town find young people to serve on the CAB. He said this coming Saturday is the Pawling Fire Department's fund raiser, the sportsman dinner, and he urged residents to attend.

SNOW

Councilwoman Snow asked if there was an update on the PJSC. She understood there have been meetings, but she was concerned because she felt the town needed to have representation on that board. The town board discussed having an alternate member, and she is interested in being an alternate. She hoped there would be some representation for the next PJSC meeting.

Supervisor Schmitt said he and councilman McCarthy met with the mayor and deputy mayor last week, so they are still working on this. He thanked the mayor and trustees for being here tonight.

MYGAN

Councilman Mygan asked what the current and proposed pay was for the PJSC.

Supervisor Schmitt said this is still something that is being discussed and he was sure it would be figured out very soon.

Councilman Mygan said he met with Joe Marotta and Whaley Lake Dam District residents a couple of weeks ago. Over the years, there have been a lot of residents' concerns. He said the dam district is interested in having a permanent dam at a certain height instead of the

weir boards that were put in. He wondered if anyone had ever considered having an engineer calculate the width of the spillway.

Supervisor Schmitt said that calculation was done and had to be approved by NYS DEC. He said a lot of things come into play with this. Some residents want the lake higher, some want it lower. All of the calculations were done by engineers and submitted to NYS DEC and they approved it.

Councilman Mygan said one of the things he got from the meeting is that these residents aren't going anywhere, so the board needs to figure out some way to resolve this.

Supervisor Schmitt said he didn't know where the board goes from here. What has been discussed in the past, which he believed was a good starting point, was to send out some kind of certified mail to that district and encourage a lot of feedback from the residents. He didn't want to waste district money if everyone is not in agreement to go ahead with engineers and calculations. He felt there were a lot of really smart people who worked on this, and it went through a lot of different approvals. He felt a mailing was the best way to go now.

Councilman Mygan said regarding financial disclosure, he got some documents from the Town of Fishkill who amended their code to include financial disclosure. He sent it out to the board and he would like their feedback on this. He felt it would promote more trust in our local government. The only problem he could see is that the Town of Pawling does not have an ethics committee, and they would oversee the financial disclosure, so that will have to be discussed.

Supervisor Schmitt felt it was a great idea and he looked forward to feedback from the board.

PUBLIC COMMENT

Harvey Matcovsky, resident of Holmes said the Whaley Lake Dam is a very complicated situation, and he felt it was about time that the town board met separately with the residents. As far as the insurance goes, the town has the ability to let spouses pay half. Regarding the building department, he expressed concern that the town has had four different building inspectors and code enforcement people in the last three plus years, and he wasn't sure why, but that is ridiculous. There is a situation he has heard about going on regarding special use permits, and there is no explanation as to how these special permits are permitted. A previous building inspector was arrested on a felony eavesdropping charge. And recently, an employee has made an accusation under the whistleblower's act to the town supervisor. He hoped that if these accusations were true, he would strongly suggest the supervisor consider resigning.

Glenn Carey said regarding councilman Mygan's suggestion of providing employees a comparison chart, that is common practice and the town's agent can put that together for the town. It would be much easier for employees to decide if they had a comparison. He said residents are having trouble hearing the meeting on Facebook, and this should be corrected. Regarding health insurance, he felt strongly that employees who have worked in the town for many years and have retired as employees should be entitled to the health insurance benefit they were promised when they took the job and fulfilled their responsibility. He did not agree that if you retire at 62 when you have fulfilled your years of service, you should have your health insurance adversely impacted because you are not 65. He did not agree with that. He felt there was legitimacy in looking at spouses and Medicare premium payments. There is a habit of claiming that town board members are full time employees and he strongly disagreed with that, the majority of the board has full time jobs of their own, and this is somewhat of a community service. He felt we needed to be mindful of the cost that is associated with the health insurance and benefits that go to town board members. It would be helpful if he could have a summary of insurance costs over the last three years and the upcoming changes. Regarding posting the position for the court, a range of pay must be advertised. He said he did not think the \$75.00 for a gift that is stated in the Employee Handbook was unreasonable, he felt it was reasonable. Mr. Carey asked about the reserved parking spaces in front of town hall. It was his understanding that those spots are for court. He wondered if they could be moved to the other side of the building, so residents could park in those spots close to the building.

Supervisor Schmitt said he would look into it.

Justice Kevin Irwin said today is national law day, it was 66 years ago that president Eisenhower declared it law day, which is very important because this country follows the fundamentals as written by our forefathers. He was very pleased to see that the board appears to agree on a clerk for the court, and he wanted to make a record of what that agreement exactly is. So, the board is talking about 17.5 hours with a salary range of \$22.00 to \$25.00 per hour, is that correct?

Supervisor Schmitt said yes, that is correct and it will be in a resolution for next week's meeting.

Justice Irwin said it was his understanding that he, Ms. Freder and justice Zelazny will be doing the choosing on this.

Supervisor Schmitt said yes, they would be doing the vetting on this.

Justice Irwin thanked the board, saying he appreciated everyone's hard work.

Alicia Nace, Pawling Middle School teacher, thanked supervisor Schmitt and Stephanie Giordano, legislative aide for entertaining twenty middle schoolers today. It was a great experience. The clothing drive is this Sunday, which is a fundraiser, she urged everyone to donate.

Joe Furlong, resident from 21 Corbin Road, asked when the sewer would be coming to his location. He also suggested a conflict of interest board, and a vetting board. Regarding the dog park at Lakeside Park, no one using the dog park is from Pawling, they are all from other towns and there is no fee to use the dog park. He felt this was an insurance issue.

Supervisor Schmitt said he wasn't sure about the sewer going to Corbin Road and suggested Mr. Furlong attend the sewer commission meeting next week.

Robert Colon, resident from 53 Akindale Road, referenced a newspaper article that was published today. There were strong accusations from the lady threatening to sue for \$250,000.00, and the last building inspector is also suing. He did not know how legally with these accusations, how resolutions could be voted on, and he suggested the possibility of a leave of absence for some board members. He felt if these accusations were proven, it would cost taxpayers more money. How could the board be beneficial with all of these accusations? There is a massive lack of transparency. He suggested a Facebook meeting for the entire town so questions could be asked and hopefully answered. There is a lack of trust, which he felt residents expect from the board.

Supervisor Schmitt said the board can't comment on any ongoing litigation. He did not know of any lawsuits the town has paid out on in this board's tenure.

Supervisor Schmitt made a motion to adjourn the meeting at 7:25 PM, seconded by councilman McCarthy, motion passed unanimously.

Town Clerk