

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM September 4, 2024 at the Pawling town hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwoman Snow, councilmen Mygan and McCarthy, Nancy Tagliaferro, town attorney, and approximately 15 interested citizens were present. Councilwoman Pitt was absent.

**MINUTES**

Supervisor Schmitt made a motion to acknowledge the minutes of August 14, 2024, seconded by Councilman Mygan, and passed with a majority vote, as councilwoman Pitt was absent.

**PUBLIC HEARING/CONTINUED PUBLIC HEARING ON PROPOSAL TO ESTABLISH SEWER DISTRICT NO. 4**

Supervisor Schmitt said this is the public hearing, which was left open at last week’s meeting, for the proposal and establishment of sewer district number 4. He asked if there were any comments from the audience.

Harvey Matcovsky, resident of Holmes, reiterated his concerns from the last meeting, namely Hannaford being included in the sewer district, that businesses may go bankrupt and it would take years for the town to get the money back, doing a budget anticipating problems collecting fees and he hoped there would be a realistic budget prepared.

There were no further comments from the audience and Supervisor Schmitt made a motion to close the public hearing on the establishment of sewer district number 4, seconded by councilman McCarthy, motion passed unanimously.

**RESOLUTIONS**

**RESOLUTION 2024-119  
Approval of YouTube Equipment and Services**

WHEREAS, the Town Board of the Town of Pawling is seeking to improve the livestream capabilities and services of the monthly Town Board meetings, and

WHEREAS, the Town Board of the Town of Pawling received a proposal to migrate from Facebook livestream to YouTube livestream services, and

WHEREAS, the cost of the migration is \$1,957.00 for network, video and audio equipment, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approves the migration from Facebook livestream to YouTube in the amount of \$1,957.00.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilwoman Snow

**ROLL CALL VOTE:**

Councilwoman Pitt – “ABSENT”

Councilman Mygan – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**RESOLUTION 2024-121  
Appointment of Associate Member to the Conservation Advisory Board**

WHEREAS, pursuant to General Municipal Law §239x, the Town is authorized to create and appoint members to a Conservation Advisory Board, which is an advisory board whose purpose it is to advise in the development, management and protection of the Town’s natural resources, and

WHEREAS, by resolution dated August 8, 1967, the Town Board created the Conservation Advisory Council and appointed nine (9) members, and

WHEREAS, by Local Law #2 of the year 1977, the name of the Conservation Advisory Board, and

WHEREAS, due to a lack of members, the Conservation Advisory Board has been dormant for several years, and the Town Board now wishes to reinstate the Conservation Advisory Board to assist the various boards in the management and protection of natural resources within the Town of Pawling, and

WHEREAS, the Town Board wishes to create an associate membership category to allow interested citizens to participate, as non-voting members, in Conservation Advisory Board business. Associate members will attend meetings, become educated in environmental matters and Conservation Advisory Board activities, participate in the discussion and implementation of Board proposals, and potentially provide the Board with qualified individuals to replace departing members, and

WHEREAS, town resident Mark Chipkin has been instrumental in the Town Board's efforts to revive the Conservation Advisory Board and has offered to act as an Associate Member.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby authorizes the Legislative Aide to advertise for applicants for members of the Conservation Advisory Board, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board hereby appoints Mark Chipkin as an Associate Member of the Conservation Advisory Board for a term to commence immediately upon the adoption of this Resolution for a 2 year term.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

Councilwoman Pitt – “ABSENT”

Councilman Mygan – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**RESOLUTION 2024-122**

**Establishing a Capital Budget for Paving at Lakeside Park and Town Hall**

WHEREAS, the Town of Pawling wishes to perform capital improvements to Town lands including improving the parking lots at Lakeside Park and Town Hall, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling adopts the following capital budget to complete the Lakeside Park and Town Hall parking lot paving project:

<b>Park &amp; Town Hall Paving</b>								
<b>Capital Project</b>								
Description	Account	Budget Amount	Actual Total	Sep-24	Oct-24	24-Nov		
<b>Revenue</b>								
NYS Crest Grant (Pav & Parking)	H.3097	\$14,000	\$0					
NYS SAM Grant (ADABTHR &PAV)	H.3097	\$4,000	\$0					
ARPA Funds	H.5031	\$50,000	\$0					
Hoffman Funds	H.5031	\$25,000	\$0					
Rec Development Funds	H.5031	\$40,000	\$0					
Recreation Rev & Approp Adj	H.5031	\$38,000	\$0					
Appropriated Fund Balance (A Fund)	H.5031	\$85,000	\$0					
Bond # 1 (Bldg Imp in H)		\$30,000	\$0					
Bond #2 (Bldg Imp2 in H)		\$34,000	\$0					
	TOTAL	\$320,000	\$0	0	0	0		0
<b>Expenditures</b>								
Paving Project	H.7110.2	\$320,000	\$0					
	TOTAL	\$320,000	\$0	0	0	0	0	0
<b>Callanan Industries, Inc. Paving Quotes</b>								
<b>NYS Contract (or better)</b>								
Town Hall		58,768.75						
Lakeside Rec Area		252,405.00						
	Total	<u>311,173.75</u>						
<b>Town Highway to haul millings</b>								

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilwoman Snow

**ROLL CALL VOTE:**

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

**RESOLUTION 2024-123**  
**Budget Amendments for Fiscal Year 2024**

WHEREAS, a request for Budget Amendments has been received from the bookkeeper, and

WHEREAS, normal course of business activity throughout 2024 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	PAVING PROJECT								
ACCOUNT	ACCOUNT	CURRENT			REVISED				
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREAS	BUDGET	DESCRIPTION			
<b>Expenditures</b>									
Teen Center Equipment	A.7145.2	1,500		-1,000	500	Funds used for paving Lakeside Rec			
Beach & Pool Equipment	A.7230.2	5,500		-5,500	0	Funds used for paving Lakeside Rec			
Celebrations	A.7550.4	7,000		-4,000	3,000	Funds used for paving Lakeside Rec			
Tansfer to Capital Projects Fun	A.9950.9	0	188,000		188,000	Funds moved for paving project			
		14,000	188,000	-10,500	191,500	Lakeside & Town Hall			
<b>Revenues</b>									
Other Recreation Programs	A.2001	75,000	25,000		100,000	Increase for paving Lakeside Rec			
Triathlon	A.2091	22,000	2,500		24,500	Increase for paving Lakeside Rec			
Fund Balance	A.4999	157,590	150,000		307,590	\$40kRecDev \$25KHoffman \$85K Unapp			
		254,590	177,500	0	432,090	Transfer for Paving Lakeside & Town Hall			

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

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

**RESOLUTION 2024-124**  
**A RESOLUTION APPROVING THE ESTABLISHMENT OF SEWER DISTRICT #4**  
**PURSUANT TO SECTIONS 209-D OF THE TOWN LAW SUBJECT TO PERMISSIVE**  
**REFERENDUM**

WHEREAS, at the request of the Town Board of the Town of Pawling, Dutchess County, New York (the "Town"), Ronald J. Laberge of Laberge Group, a competent engineer duly licensed by the State of New York (the "Engineer") has prepared an Map, Plan and Report dated July , 2024 (the "MPR"), and such MPR has been filed in the office of the Town Clerk of the Town of Pawling and submitted to the Town Board; and

WHEREAS, the MPR provides for the creation of a new sewer district to be known as Sewer District #4, to include the property described at Exhibit A attached hereto, generally described as being within a portion of the Town of Pawling, south of the Village of Pawling along the commercial corridor of Route 22, for the purpose of providing sewer service to serve 48 parcels in the Town; and

WHEREAS, the proposed improvements as further described in the MPR generally include the construction and equipping of a collection system of approximately 7,500 LF utilizing a septic tank effluent pump ("STEP") system and connection to the Village of Pawling Sewer System; and

WHEREAS, the maximum amount proposed to be expended for the proposed improvements described in the MPR is 3,050,000; and

WHEREAS, the plan of financing set forth in the MPR indicates that the Town is has been designate to receive a \$1,000,000 CPF grant to fund part of the project with the issuance of its obligations pursuant to the Local Finance Law to pay the balance of costs of the improvements; and

WHEREAS, the proposed plan of financing is expected to result in a total annual cost of \$3,505 to the typical Sewer District No. 4 property assumed to be assessed capital costs based on 1 EDU, that being the median of all properties in the proposed District, for the first year in which operation, maintenance, debt service and other charges and expenses are to be paid, and the MPR includes a detailed explanation of how such estimated annual cost was computed; and

WHEREAS, the proposed method of apportioning the costs of construction and improvement of Sewer District #4 is to assess the costs entirely against the lands benefitted thereby, being the entire area of the Sewer District #4; and to assess, levy and collect costs from the several lots or parcels within such benefitted. area in just proportion to the amount of benefit which the improvement shall confer upon such lots or parcels, based on the number of EDUs as described in the MPR; and

WHEREAS, the MPR is on file in the Town Clerk's Office and is available for public inspection; and

WHEREAS, pursuant to Section 209-d of Town Law, the Town Board may authorize establishment of a sewer district only after it hears evidence given at a public hearing held in the manner prescribed in Section 209-c of Town Law and determines that it is the public interest to authorize such creation; and

WHEREAS, the Town Board has heretofore declared its intent to be the lead agency, pursuant to the State Environmental Quality Review Act and prepared a long Environmental Assessment Form, all of which was circulated by the Town Clerk to interested and involved agencies as required by law;

WHEREAS, the Town Board adopted a resolution on July 17, 2024, providing for a hearing to be held on August 14, 2024 at 6:00 p.m. regarding the establishment of the proposed Sewer District; and

WHEREAS, notice of such public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting has been duly presented to said Town Board; and

WHEREAS, such public hearing was duly held on August 14, 2024, and continued to September 4, 2024, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said MPR and the evidence given at said public hearing; and

WHEREAS, the Town Board as lead agency has declared the proposed project to be an unlisted action pursuant to the State Environmental Quality Review Act, the implementation of which, as proposed, the Town Board has determined will not result in any significant environmental effects, or the action avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Board of the Town of Pawling, Dutchess County, New York (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

Section I. Upon the evidence given at the public hearing referred to above, it is hereby found and determined as follows:

The notice of hearing was published and posted as required by law and was otherwise sufficient;

All the property and property owners within the proposed additional Sewer District # 4 are benefitted thereby;

All the property and property owners benefitted are included within the limits of said proposed Sewer District #4.

The establishment of the proposed Sewer District # 4 is in the public interest.

Section 2. The Town Board does hereby approve the establishment of Town of Pawling Sewer District #4, the boundaries of which shall be as described in Exhibit A attached hereto and hereby made a part hereof; and for such other action on the part of the Town Board with relation thereto as may be required by law, all as more fully described in the MPR.

Section 3. The maximum amount proposed to be expended for the construction of the Sewer District Improvements referred to herein is \$3,050,000, which is planned to be financed by the CPF Grant and the issuance of serial bonds of said Town, and the costs of said Sewer District Improvements, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of special benefit assessments upon the several lots and parcels of and within Sewer District #4, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same based on the number of EDUs as described in the MPR.

Section 4. The Engineer shall prepare plans and specifications and make a careful estimate of the expense for said Sewer District Improvements and, with the assistance of the Town's attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as practicable.

Section 5. The Town Clerk is hereby authorized and directed to file a certified copy of this resolution, in duplicate, in the office of the State Department of Audit and Control, at Albany, New York, in the manner and form prescribed by law within ten (10) days after adoption hereof.

Section 6. This resolution shall take effect thirty days after adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the owners of taxable property situate in Sewer District #4, as shown on the latest completed assessment roll of said Town, in number equal to at least five percent of the total number of such owners, or by one hundred of such owners, whichever is the lesser, protesting against this resolution and requesting that the matter be submitted to the owners of taxable real property situate in said Sewer District #1 at a referendum in the manner provided by the Town Law.

Section 7. The Town Clerk is hereby authorized and directed to cause to be published at least once in the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to the Town Law, not less than ten (10) days following the date hereof, a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subject to a permissive referendum.

Section 8. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution and order to be duly recorded in the office of the Clerk of Dutchess County within ten (10) days after the effective date hereof,

## **EXHIBIT A**

Description of Boundaries of proposed Sewer District #1 Exhibit A-1: Map of Parcels

Exhibit A-2: Tax Map Numbers for Parcels

Exhibit A

District Boundary Description  
Proposed Sewer District No. 4

The following is intended to describe the boundary of the proposed Sewer District No. 4 in the Town of Pawling, Dutchess County, New York as shown on the map entitled "Sewer District No.4- District Boundary Map" prepared by Laberge Group and dated May 24, 2022.

Beginning at the northwest corner of Parcel 257503;

Thence easterly and then southerly along the northern and eastern boundary of the said parcel to the westerly boundary of Old Route 22;

Thence easterly, across NYS Route 22 to the west corner of Parcel 422473;

Thence southerly along the westerly boundary of Parcel 422473 to the southwest corner of said parcel;

Thence easterly, along the southern boundary of Parcel 422473 to the northeast corner of Parcel 440439;

Thence southeasterly and southwesterly along the northeasterly and southeasterly boundary of Parcel 440439 to the south corner of said parcel;

Thence southerly along the easterly boundary of NYS Route 22 to the northwest corner of Parcel 552214;

Thence easterly along the northerly boundary of Parcel 552214 to the northeast corner of Parcel 552214;

Thence southerly along the easterly boundary of Parcels 552214 and 561152 to the southeast corner of Parcel 561152;

Thence westerly along the south boundary of Parcel 561152 to its intersection with the northward extension of the west boundary of Parcel 565087;

Thence southerly, across Akindale Road to the northwest corner of Parcel 565087, and continuing southerly to the northerly boundary of parcel 552035;

Thence easterly, southerly, and westerly along the northerly, easterly and southerly boundary of Parcel 552035, continuing westerly along the southerly boundary of Parcel 514017 to the intersection of the northward extension of the easterly boundary of Parcel 496996;

Thence south to the northeast corner of Parcel 496996;

Thence south along the easterly boundary of Parcel 496996 to the northerly boundary of Parcel 496975;

Thence east along said northerly boundary and the northerly boundary of Parcel 522966 to the easterly boundary of Parcel 522966;

Thence south and west along the easterly and southerly boundary of Parcel 522996 to the intersection of the northward extension of the easterly boundary of Parcel 503941;

Thence south to the southeast corner of Parcel 503941, and west along the southerly boundary of said parcel to the northeast corner of Parcel 492920;

Thence south along the easterly boundary of Parcel 492920 to the northerly boundary of Parcel 494892;

Thence northeast along said boundary to the easterly boundary of said parcel;

Thence southerly along the easterly boundary of Parcel 494892 and Parcel 487867 to the northerly boundary of Parcel 514867;

Thence easterly and southerly along the north and east boundary of Parcel 514867;

Thence continuing south along the extension of the east boundary of Parcel 514867 to the southerly boundary of Maggie Lane;

Thence west along said southerly boundary to the east boundary of Parcel 477834;

Thence south along said boundary to the northerly boundary of Parcel 486785;

Thence south, east, and south, along the east, northerly, and easterly boundaries of Parcel 486785 to the northerly boundary of Parcel 471743;

Thence east, south, west, and south along the northerly, easterly, southerly, and easterly boundaries of Parcel 471743 to the northeasterly corner of Parcel 451714;

Thence southerly along the easterly boundary of said parcel to the northerly boundary of Parcel 458682;

Thence easterly and southerly along the northerly and easterly boundary of Parcel 458682 to its intersection with the southerly boundary of the Town of Pawling;

Thence westerly along said boundary to the westerly highway boundary of NYS Route 22;

Thence northerly along said highway boundary to the southerly boundary of Parcel 371702;

Thence westerly along the southerly boundary of Parcel 371702 to the westerly boundary of Parcel 371702;

Thence northerly along said boundary, and the westerly boundary of Parcel 440895, to the northwest corner of said parcel;

Thence northerly through Parcel 198874 to the southwesterly corner of Parcel 434282;

Thence easterly along the southerly boundary of Parcel 434282 to the westerly highway boundary of NYS Route 22;

Thence north along said highway boundary to the easternmost corner of Parcel 410418;

Thence southwest along the southeasterly boundary of said Parcel, and crossing Old Route 22 to the easterly corner of Parcel 394393, and the westerly highway boundary of Old Route 22;

Thence northerly along said highway boundary to the north boundary of Parcel 372436;

Thence westerly along said boundary, in part, and the south boundary of Parcel 257503, and northerly along the westerly boundary of said parcel to the Point of Beginning.

Excepting Parcel 485936.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman McCarthy

**ROLL CALL VOTE:**

Councilwoman Pitt – “ABSENT”

Councilman Mygan – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**DISCUSSION**

1. Setting Calendar Dates for 2025 Budget

a) October 2, 2024 – 2025 Budget Presentation

b) November 6, 2024 – 2025 Budget Public Hearing

c) November 13, 2024 – Adoption of 2025 Budget



## **MCCARTHY**

Councilman McCarthy said there has been a delay on the boathouse project because there was a hold up getting the steel. They should be moving forward within the next two to three weeks.

## **SNOW**

Councilwoman Snow asked if there is money for a planner now, to help the board to understand certain projects before the town. She expressed concern that the board needed guidance regarding these projects. She asked that the entire board be on any and all emails regarding hiring a planner.

Christine Mitchell, bookkeeper said there is ample money in the “B” fund, but she would need an amount of money to work with.

Supervisor Schmitt said he understood that a planner was needed, and there will be conversations moving forward.

Councilwoman Snow asked that the supervisor’s budget comes to the full board together, all at the same time. She also wanted to discuss training for the town board, which is not required, and the board would need to pass a resolution to require training.

## **MYGAN**

Councilman Mygan said he has signed up for some accounting classes. He said regarding the financial disclosure, the board has received it and he would like the board to review it, and discuss it at some point. Councilman Mygan said regarding the employee handbook, there were things that were taken out that he would like to have put back, which is the employment of relatives. He also wanted to talk about the town’s website, saying there are a lot of documents that used to be on the previous website that are not now. He wondered if any presentation that is made could be placed on the website so that people watching on line could follow along.

Supervisor Schmitt said he would check into the website situation.

## **SCHMITT**

Supervisor Schmitt thanked Senator Harckham for helping get the town funding for the gazebo for the seniors. He also reported that Julian is working on the all access trail and it is moving along, and due to a donation, concrete instead of wood is being proposed.

The motion to adjourn was made by supervisor Schmitt at 7:10 PM, seconded by councilwoman Snow, motion passed unanimously.

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Town Clerk