



Town of Pawling Town Board

Pawling Town Hall
160 Charles Colman Blvd
Pawling, NY 12564

Regular Meeting of the Town Board

*Meeting will be broadcast live on the
Town of Pawling Facebook page*

Wednesday, September 4th, 2024
6:00PM

James Schmitt, Supervisor
James McCarthy, Deputy Supervisor / Councilman
Martin Mygan, Councilman
Coleen Snow, Councilwoman
Corinne Musella-Pitt, Councilwoman

Cathy Giordano, Town Clerk

RULES FOR PUBLIC COMMENT:

1. Each presentation to the Board made by an individual shall be limited to three (3) minutes in duration, unless extended by agreement by the Town Supervisor/ designee
2. Comments should be directed to the Board. Comments should be made in a respectful manner to the Board and from the Board to the community.

The Town Supervisor or designee may:

- a. Interrupt, warn, or terminate an individual's comment when the comment is personally directed, abusive or obscene.
- b. Request that any individual leave the meeting when that individual fails to observe reasonable decorum.
- c. Call for a recess or an adjournment to another time.

The intent of these rules are:

1. To allow members of the public a fair and adequate opportunity to be heard.
2. To assure that the regular agenda of the Town Board is completed; and
3. To recognize the nature of the Board and community's time and to use that time effectively.

Meeting Agenda

- a) Roll Call of the Town Board
- b) Pledge of Allegiance
- c) Acknowledgment of the Minutes
 - 1. August 14, 2024
- d) Public Hearing: Continued Public Hearing on Proposal to Establish Sewer District No. 4
- e) Privilege of the Floor with respect to Agenda Items only
- f) Resolutions
- g) 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
- h) Town Board Items for Special Consideration & New Business
- i) Privilege of the Floor with respect to Agenda & Non-Agenda items (3 minutes)
- j) Adjournment

Resolutions

RESOLUTION 2024-117

Payment of Bills for the Town of Pawling

WHEREAS, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for Town of Pawling 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 20241042-20241205, 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 \$665,372.40.

RESOLUTION 2024-118

Authorizing Intermunicipal Agreement for Snow Removal and Ice Control Services

WHEREAS, the Town of Pawling intends to enter into an Intermunicipal Agreement between Dutchess County and the Town of Pawling for the Provision of Snow Removal and Ice Control Services of 25.0 miles of road for a one-year period commencing on November 1, 2024 and expiring on September 30, 2025, and

WHEREAS, this Agreement may be extended for additional periods of one year each, for two years, upon such terms and conditions as the parties may agree, and

WHEREAS, Dutchess County will pay the Town of Pawling Five Thousand Nine Hundred Dollars (\$5,900) per mile for the Snow Removal and Ice Control of 25.0 miles of Dutchess County highways, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the Supervisor to execute this agreement, as noted herein of the Intermunicipal Agreement for the Provision of Snow Removal and Ice Control Services.

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.

RESOLUTION 2024-120

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: Pawling Community Foundation – Alcohol Waiver, Alcohol Control Plan.

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.

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:

Park & Town Hall Paving									
Capital Project									
Description	Account	Budget Amount	Actual Total	Sep-24	Oct-24	24-Nov			
Revenue									
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
Expenditures									
Paving Project	H.7110.2	\$320,000	\$0						
	TOTAL	\$320,000	\$0	0	0	0	0	0	0
Callanan Industries, Inc. Paving Quotes									
NYS Contract (or better)									
Town Hall		58,768.75							
Lakeside Rec Area		252,405.00							
	Total	311,173.75							
Town Highway to haul millings									

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			
Expenditures									
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			
Transfer 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			
Revenues									
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			

**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 benefited thereby;

All the property and property owners benefited 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