

Supervisor James Schmitt opened the regular meeting of the Town Board of the Town of Pawling at 7:00 PM December 11, 2019 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, McCarthy, DeRosa, McGrath and approximately 15 interested citizens.

PUBLIC HEARING/PROPOSED LOCAL LAW “FARM USES; NEW YORK STATE AGRICULTURAL DISTRICTS”

Supervisor Schmitt made a motion to open the public hearing on the proposed Local Law “Farm Uses; New York State Agricultural Districts” seconded by Councilman Johnson.

Councilman Johnson said he has spoken to many people who were not able to come tonight and make comments. He suggested the public hearing be left open until January.

Councilman McCarthy agreed, saying the public hearing should be left open. There are minor suggestions that need to be addressed.

Supervisor Schmitt said he was in favor of leaving the public hearing open as well.

Councilman DeRosa also agreed that the public hearing should be left open.

The motion passed unanimously.

Supervisor Schmitt asked for comments from the audience regarding the local law and there were none.

MINUTES

Supervisor Schmitt made a motion to accept the minutes of November 6, 2019, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Schmitt made a motion to accept the minutes of November 13, 2019, seconded by Councilman Johnson, motion passed unanimously.

RESOLUTIONS

**Resolution 2019135
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 20191505 through 20191625, now therefore, be it

Resolved, that the Pawling Town Board 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 \$768,554.05.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

Resolution 2019136
Ingersoll Automotive Fee Waiver

Whereas, Ingersoll Automotive is local business, and

Whereas, Ingersoll Automotive is requesting to waive the \$400 application fee for site plan renewal, and

Whereas, in a letter dated November 19, 2019 the Planning Board states that there will be minimal activity and any engineering fees will be paid from the Ingersoll Automotive's escrow account and therefore agree to the waiver request, be it

Resolved, the Town Board hereby authorizes the waiver of the \$400 site plan renewal application fee for Ingersoll Automotive.

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE” Councilman McGrath “AYE”
Supervisor Schmitt – “AYE”

Resolution 2019142
2020 Highway Material Bid

Whereas, the Superintendent of Highways has requested bids on various highway materials for the year 2020, and,

Whereas, the list of highway materials has been advertised in the Poughkeepsie Journal and was noticed to be opened on November 1, 2019 at 11:15am, and,

Whereas, the bids for material have been reviewed and approved by the Highway Superintendent for purchase in 2020, now, therefore, be it

Resolved, that the Town Board hereby approves the material bid from the tabulated sheet provided by the Town Clerk.

MOTION: Councilman Johnson
SECOND: Supervisor Schmitt

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE” Councilman McGrath “AYE”
Supervisor Schmitt – “AYE”

Resolution 2019143 **Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore – Hurds Corner Road Paving and Drainage**

WHEREAS, a Project for the Hurds Corner Road Paving and Drainage in the Town of Pawling, Dutchess County, PIN 8762.36 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Pawling desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidentals work.

NOW, THEREFORE, the Pawling Town Board, duly convened does hereby

RESOLVE, that the Pawling Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Pawling Town Board hereby authorizes the Town of Pawling to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of-way incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$450,000** is hereby appropriated from the Capital Project Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Pawling Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

RESOLVED, that the Pawling Town Supervisor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Pawling with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor, the following municipal titles: Highway Superintendent, Town Engineer, Town Bookkeeper are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – "AYE"

Councilman DeRosa – "AYE"

Councilman McCarthy – "AYE"

Councilman McGrath "AYE"

Supervisor Schmitt – "AYE"

Resolution 2019144
Medical Insurance for Retirees

Whereas, Section 800-9 and further updates of the Town of Pawling Employee Handbook makes available health insurance for retirees who meet specific criteria, and

Whereas, the health insurance plan currently covering Medicare-eligible retirees is the NYSHIP Empire Plan, and

Whereas, the Pawling Town Board has found an AARP health insurance plan for Medicare-eligible retirees that has excellent coverage at a lower rate, and

Whereas, the Pawling Town Board arranged an informational meeting for all Medicare-eligible retirees to thoroughly explain the new AARP health insurance plan, and

Whereas, the Pawling Town Board is confident that the new AARP Plan will be a benefit to both Medicare-eligible retirees and the Town, and

Whereas, the Pawling Town Board will give at least 90 days' notice to all Medicare-eligible retirees being switched from the current NYSHIP health insurance plan to AARP, therefore, be it

Resolved, that the Pawling Town Board hereby approves that all Medicare-eligible retirees continue their health insurance coverage in retirement on the AARP plan.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

Resolution 2019145
Budget Amendments for Fiscal Year 2019

Whereas, a request for Budget Amendments has been received from the Budget Officer, and

Whereas, normal course of business activity throughout 2019 has prompted the Budget Officer to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting business as usual; and

Whereas, the Budget Officer has requested the following budget amendments:

A Fund

Increase in Revenue Line **A.2390.000** (Share of Joint Activity) by \$3,238.00

Increase in Expense Line A.1220.100 (Supervisor PS) by	\$3,000.00
Increase in Expense Line A.9030.800 (Social Security) by	\$ 186.00
Increase in Expense Line A.9035.800 (Medicare) by	\$ 44.00
Increase in Expense Line A.1980.400 (MTA Tax) by	<u>\$ 8.00</u>
	\$3,238.00

Increase in Expense Line A.1440.400 (Engineer CE) by	\$ 2,500.00
Increase in Expense Line A.5010.400 (Supt. Of Highways CE) by	\$ 100.00
Increase in Expense Line A.7020.400 (Rec Dept. – Admin) by	\$ 500.00
Increase in Expense Line A.7320.400 (Youth Programs-Camp) by	\$ 4,500.00

Increase in Expense Line **A.9060.800** (Health Ins.) by \$ 1,230.00
 \$8,830.00

Decrease in Expense Line **A.1990.400** (Contingency) by \$ 2,430.00
Decrease in Expense Line **A.7020.400** (Unemployment Ins.) by \$ 6,400.00
 \$8,830.00
Decrease in Expense Line **A.8160.100** (Refuse & Garbage PS) by \$ 500.00
Increase in Expense Line **A.8160.106** (Refuse & Garbage PS-OT) by \$ 500.00
 Net \$ 00.00

B Fund

Increase in Expense Line **B.3620.400** (Building Dept. CE) by \$ 250.00
Increase in Expense Line **B.9010.800** (State Retirement) by \$ 323.00
Decrease in Expense Line **B.9060.800** (Health Ins.) by \$ 573.00
 Net \$ 0.00

DB Fund

Increase in Revenue Line **DB.3501.000** (State Aid /CHIPS) by \$ 70,000

Increase in Expense Line **DB.5112.200** (Permanent Improvements EQ) by \$189,400
Decrease in Expense Line **DB.5112.400** (Permanent Improvements CE) by \$119,400
 Net \$ 70,000

Decrease in Expense Line **DB.5110.100** (General Repairs PS) by \$11,000.00
Increase in Expense Line **DB.5140.100** (Brush & Weeds PS) by \$ 6,200.00
Increase in Expense Line **DB.5140.106** (Brush & Weeds PS-OT) by \$ 800.00
Increase in Expense Line **DB.5142.106** (Snow Removal PS-OT) by \$ 4,000.00
 Net \$ 0.00

Water District #1

Increase in Revenue Line **SW1.4999.000** (Appropriated Fund Balance) by \$13,500.00
Decrease in Expense Line **SW1.8310.400** (Water Admin CE) by \$ 1,500.00
Increase in Expense Line **SW1.8320.400** (Source of Supply CE) by \$15,000.00
 Net \$ 0.00

Water District #2

Increase in Revenue Line **SW2.4999.000** (Appropriated Fund Balance) by \$16,125.00

Increase in Expense Line **SW2.8310.400** (Water Admin CE) by \$ 1,200.00
Increase in Expense Line **SW2.8320.400** (Source of Supply CE) by \$11,000.00
Increase in Expense Line **SW2.8330.400** (Purification CE) by \$ 2,000.00
Increase in Expense Line **SW2.9730.400** (BAN Interest) by \$ 1,925.00
 \$16,125.00

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman McGrath “AYE”

Supervisor Schmitt – “AYE”

BOARD MEMBER DISCUSSION

JOHNSON

Councilman Johnson congratulated the Board for a successful, productive year. There were a lot of good interactive conversations and public discussion and the Board got a tremendous amount

accomplished. He said he appreciated Councilman McGrath's energy and said there are still things he could do to stay involved. He thanked Councilman DeRosa and McCarthy for all of the work they do and he felt the positive momentum could be continued.

MCCARTHY

Councilman McCarthy said regarding the transfer station permits for 2020, the first permit cost will be \$355.00, the second permit cost will be \$25.00. The second permit will be a different color. The permits will go on sale on December 18th. If it is a commercial registration, individuals will have to submit a waiver request to the Town Board to obtain a permit. In the new year, if there is a holiday on a Monday, the transfer station will be open on the Tuesday following. If the Town is closed, the transfer station is closed. He also asked that all old permits be removed from the vehicle. Councilman McCarthy thanked the department heads and employees because they make the Board's job easier. He wished Councilman McGrath all the best.

MCGRATH

Councilman McGrath thanked Board members, saying this has been an amazing year and a great learning experience that he will carry with him for the rest of his life. Just to see the ins and outs of how Pawling operates was a wonderful thing and a lot of people never get to see that. He knows Board members work hard behind the scenes and that's all anyone can ask as taxpayers.

DEROSA

Councilman DeRosa said he was at a meeting on the sewer expansion with Supervisor Schmitt the other day. The Laberge Group has the draft map, plan and report ready, and it was discussed. There are a lot of questions but it is moving in the right direction. He said regarding the proposed special events local law, there is a noticing requirement to neighbors and he asked the Board what the threshold number should be when the neighbors should be noticed.

Following discussion, the Board agreed to again review the proposed special events local law and discuss this in January.

Councilman DeRosa said he attended a class on battery storage, which is becoming a problem in other towns. Regarding the Whaley Lake Dam, he was there today with Vinny DiMarco and the water is two and a half inches lower than when the draw down began. With the storms, the lake has gone up. The ice is pretty much off the lake so there is plenty of time to get the water down before it will be a problem. Councilman DeRosa thanked the Board, the employees, Cathy Giordano, Town Clerk and the heads of the departments for all they do. He thanked Councilman McGrath for his work and giving him faith in the younger generation.

SCHMITT

Supervisor Schmitt thanked Councilman McGrath for his work. These positions are not just two meetings a month and there is a big workload. It takes a toll on social life, family life and community life. Supervisor Schmitt applauded Councilman McGrath for getting involved and he hoped he finds a way to stay involved. Supervisor Schmitt thanked Andrew Forman, Town Bookkeeper for his service. Mr. Forman is moving on to bigger and better things and Supervisor Schmitt was sad to see him go, and wished him well in his new career. Supervisor Schmitt said 2019 was a good year and a tremendous amount got done and many different departments were improved. He likes the position more every day and he hoped to continue for a long time. He is excited for next year and working with Coleen Snow. Regarding the sewer line, he and Councilman DeRosa met with the Laberge Group and the map, plan and report is drafted but still being tweaked. It will be 17,000 feet of line from the Patterson line to the treatment plant. He is waiting on numbers and how it will affect the businesses and how it will be funded. There are some preliminary projections but the numbers also need to be tweaked. The process is moving along and will continue in 2020. He thanked the Board for their work and support.

PUBLIC COMMENT

Vinny DiMarco thanked the Board and Town Clerk for all of their work because they all work very hard. People don't realize that there is much more going on behind the scenes than just the meetings. He was looking forward to a good year in 2020.

Joe Marotta, Chairman of the Whaley Lake Committee, said they didn't have such a great year at Whaley Lake this year, the water was low and the weeds were there. He asked if there were any lawsuits that have been filed.

Town Attorney Nancy Tagliafierro said nothing has been filed.

Mr. Marotta said it was agreed that the Committee would be able to participate in the meetings with the engineers. Where does that stand?

Supervisor Schmitt said an engineer hasn't been chosen yet but there is NYS DEC involvement.

Mr. Marotta asked why the Committee would be excluded from knowing who the engineering firms are.

Ms. Tagliafierro said there hasn't been a meeting with an engineer. She said all communication is going through the attorneys because of potential litigation and everyone is being very cautious right now.

Mr. Marotta said they were promised that they were going to be able to learn how to open the valve and lower the water level and they were not included when that happened.

Councilman Johnson said from a safety standpoint, no one should be there when the valve is opened. He said the Buildings & Grounds Department will be handling this from now on.

Councilman DeRosa said no promises were made. For safety reasons, and per the Emergency Access Plan, there are only certain people who can control the valve and water level.

Supervisor Schmitt said the Board has worked hard for the Whaley Lake community. It doesn't help the process when the Committee reaches out to other entities. The Board has ideas from engineers and feedback from attorneys but nothing has been decided.

Mr. Marotta said they would like to be part of the project and scope of work.

Councilman Johnson said the first thing the Board has to work through is if they will be working with the original engineer. Once the Board has definite information, then it can be more of a public discussion.

The motion to adjourn was made by Councilman Johnson at 7:45 PM, seconded by Councilman DeRosa, motion passed unanimously.

Town Clerk