

Supervisor James Schmitt opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:00 PM March 4, 2020 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen McCarthy, DeRosa, Johnson, Councilwoman Snow and approximately 46 interested citizens.

Supervisor Schmitt announced that on the front page of the agenda, there are Rules of Public Comment and Participation regarding Pawling Town Board meetings. He said the Board has always had rules and there have been a lot of good meetings. In the recent past, there have been issues at meetings and it is not fair to people in the audience who are coming here to talk and voice their opinions on issues. Within the last few weeks, two Town Board members took classes at the Association of Towns in New York City and one of the classes that was offered was regarding this issue because it is not specific to Pawling. The objective is to run a good meeting and for everyone to be heard, and to let everyone speak and never cut anyone off. He has been more than generous with the three minute rule. He said if everyone abides by the rules, it will make a better meeting for everyone and the goal is to get things accomplished. These rules will be on the agenda moving forward. The rules are as follows:

Rules of Public Comment & Participation – Pawling Town Board Meetings

The Pawling Town Board recognizes the value of public comment on Town issues and the importance of allowing members of the public to express themselves on matters of community interest. But, for the benefit of all, and in the interest of all, the following rules of participation and public comment shall apply to all meetings as allowed by the Open Meetings Law.

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.

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.

PRESENTATION BY GARY BECK FROM Z3 CONSULTANTS/PRESENTATION ON BUILDING DEPARTMENT REVIEW

The Board entertained a presentation by Mr. Gary Beck from Z3 Consultants. Mr. Beck said he has been a Building Inspector for 22 years. He recently retired from the City of Poughkeepsie. His company specializes in building and fire code. He has worked in the towns of Milan, Red Hook and Beekman. He reviews building departments and their procedures. The company can also act as Building Inspector for towns, as he has a staff of 14 who are trained to do this work. He said policies and procedures need to be consistent. He works on streamlining the process and increasing fees. There are not a lot of people coming into these positions and it is very hard to find building inspectors and people in these types of fields. He has spent time evaluating the Town of Pawling Building Department, meeting with the staff, Supervisor Schmitt, Councilman DeRosa and the MS4 Coordinator. He found that there are no policies and procedures in place and the fee schedule is cumbersome and needed to be updated. The software is not being used to its fullest capacity. He explained the number of permits, municipal searches and other tasks performed by the Building Department, and felt he could help organize the Building Department, create policies and procedures, do inspections, searches, and update the fee schedule. He felt that the properties should be filed by address, not grid number.

Following a question and answer session between Mr. Beck and the Board, the Board agreed that using Mr. Beck's firm moving forward could be a good way to run the Building Department. The Board requested Mr. Beck provide them with a proposal for them to review and it would be discussed at next week's meeting.

PRESENTATION BY JESSICA DICKINSON/RECREATION DIRECTOR

The Board entertained a presentation by Jessica Dickinson, Recreation Director. Ms. Dickinson invited everyone to the recreation open house on Friday, March 6th from 6 PM – 8 PM. Ms. Dickinson said she wanted to discuss staffing needs as Robyn Priano, Assistant Recreation Director is expecting a baby in June and she will need extra staffing while Ms. Priano will be out. She also wanted to add additional hours for existing staff. She asked that Lori Covell be made seasonal full time, from 4/1/20 through 9/30/20 to cover while Mrs. Priano is out, but her goal is to have Ms. Covell permanently on staff full time. She explained the revenue for January and February had already exceeded 2019 and reviewed revenues on some programs with the Board. The next topic discussed was the facilities use fees for organizations. She said she had provided the Board with suggested fees for "organizations". Following discussion, it was agreed that this needed further discussion and research before any decisions were made on these fees. The next topic discussed was a new pickleball court outside, near the pavilion. Ms. Dickinson said the pickleball program has exploded and is very successful and she needs more space to expand this program. She said the total cost for the new court would be \$51,000.00 and there is \$47,000.00 in the recreation impact fee fund so she would only have to come up with the difference. She could move things around in her budget and come up with that money.

Following discussion, the Board agreed they would consider the proposal but would need to check funding and the procurement policy for potential bidding processes before deciding.

PUBLIC COMMENT ON AGENDA ITEMS

Beth Montgomery Coursen, said she was grateful for Jessica Dickinson, this is the vision she had for Lakeside Park and she would join pickleball. Ms. Coursen said regarding the new rules on public participation, she was confused about many aspects of the new policy. She did not understand why there was a limit. She saw no reason to limit comments. She said the new rule feels reactionary and punitive. This rule makes it clear this Board is not interested in meaningful public engagement and it also says that this Board is afraid of what members of the community may say. She has concerns. The Board's action of adopting a new rule behind closed doors equates to making public policy privately. Town Law section 63 allows the Board the right to create and adopt new rules for procedure of public involvement at meetings. The adoption of this new policy was done behind closed doors, there was no public notice nor opportunity for the public to weigh in. There was no public viewing of exchange between Board members and is in direct violation of the open meetings law. There are no ethics codes to watch over this Board and to enforce this type of thing. She is here and is paying close attention. It is a very frightening thing to get up and speak in public and the public should not have to be more

uncomfortable with the behaviors she has seen by the Board. She is here to give voice to those who have been intimidated.

Supervisor Schmitt said no law was adopted behind closed doors. Two Board members took classes in New York City within the last two weeks and they took a class about public meetings. They had literature they brought back from the Association of Towns with recommendations on how to run a meeting. The three-minute rule is very standard among many towns. He has given everyone an opportunity to speak and he didn't think anyone had ever been stopped from speaking. Each person giving their name and address is another very standard procedure. He couldn't disagree more that this is intimidation. He tries to run the best meeting he can run. If he or any member of the Board has ever intimidated anyone, he apologized.

Jeff Asher, resident from 34 Coulter Avenue, Pawling and President of the Pawling School Board, said this policy is good procedure. It is important to make sure everyone has an opportunity to speak but not in a way that is disrespectful. The School Board does not discuss with the public under public comment because they are not usually prepared to answer. He understood what the Board goes through and would be bringing this policy back to the School Board so they can make sure people understand the rules when they speak. Mr. Asher said regarding pickleball, they are a remarkable group of people and it is wonderful that the town now offers this program.

Harvey Matcovsky, resident of Holmes, agreed with Jeff Asher, but said disrespect is a two-way street and there has been a lot of disrespectful comments made by various Board members to various members of the community. He suggested the Board practice what they preach.

Supervisor Schmitt apologized for himself or any Board member that has ever been disrespectful to the public. It is not the way he wanted to do things.

Mark Chipkin, resident from Hurds Corner Road, thanked the Board for giving him this time. The last time he tried to speak, he wasn't able to finish what he wanted to say. Overall, the Board has been trying to accommodate people. He felt the Board should discuss a policy before it is adopted, which would build trust. Recently at a Planning Board meeting, he and other residents wanted to comment but were not allowed. He asked that the Town Board consider instructing the Planning Board to allow the same public comment rules the Town Board has at its meetings. There are actions that this new Town Board has taken in moving in the right direction, such as goals, liaisons and public comment on agenda items. He is opposed to anyone who comes up and uses profanity or name calling. There are over four hundred people who signed the petition and that number is growing. He is interested in working with the Town Board in protecting Pawling's greenways, residential zones, environmentally sensitive drinking water aquifers, historic and rural character.

Bonnie Lunt, resident from Quaker Hill Road said Jessica Dickinson's presentation was amazing. Regarding the fees for organizations, she suggested sponsorships and suggested someone reach out to the organizations to discuss this.

Rick Wilson, resident of Whaley Lake felt with the three-minute rule, the Board was trying to take the best advice they have gotten from professionals. It is a two-way street, and reasonable time frames should be kept. He hoped people could have a little more time to speak if needed.

RESOLUTIONS

The Board reviewed the resolutions and stated that the resolutions would be placed on the March 11, 2020 agenda. The Board took the following actions:

Resolution 2020079 Approval of Waiver for Transfer Station Permit

Whereas, the Town of Pawling has established new rules for the operation and use of the Pawling Transfer Station, and

Whereas, commercial vehicles are prohibited from obtaining permits to the Transfer Station without first seeking a waiver from the Town Board of the Town of Pawling, and

Whereas, recipients of a waiver are only permitted to dump household waste at the Transfer Station, therefore, be it,

Resolved, that the following individuals are hereby approved for a waiver to obtain a 2020 Transfer Station Permit by the Town Board of the Town of Pawling:

Paul Kuhn

MOTION: Councilman Johnson

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2020077
Parkinson’s Disease Awareness Month**

Whereas, Parkinson’s disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

Whereas, according to the Parkinson’s Foundation, the American Parkinson’s Disease Association and the National Institutes of Health, there are over one million Americans diagnosed with Parkinson’s disease; and

Whereas, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

Whereas, although new medicines and therapies may enhance life for some time for people with Parkinson’s, more work is needed for a cure; and

Whereas, increased education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson’s disease; and

Whereas, a multidisciplinary approach to Parkinson’s disease care includes local wellness, support, and caregiver groups; and

Whereas, April has been proclaimed as World Wide Parkinson’s Awareness Month for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson’s disease. Now, therefore, be it

Resolved, that he Town of Pawling Town Board do hereby proclaim April as Parkinson's Awareness Month in the Town of Pawling.

MOTION: Councilman Johnson

SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

BOARD MEMBER DISCUSSION

JOHNSON

Councilman Johnson said he and Councilwoman Snow met with Jessica Dickinson regarding the fees for the Recreation Department, which are complicated and he hoped there could be a reasonable solution.

MCCARTHY

Councilman McCarthy said he received the ambulance service contract with EMStar and it has been sent to the Town's Attorney for review. EMStar offered a savings of \$20,800.00 for signing a two-year contract. Once it is received back from the attorney, it can be signed. The Pawling Fire Commissioners appointed Paul Bennett last night to replace Terrell Muller, who had been on the Board for over ten years. He thanked Terrell Muller for her service as a Commissioner. Councilman McCarthy said April 4th is bulk community pickup day so people should call the highway department to let them know there are things to be picked up.

SNOW

Councilwoman Snow said she is the liaison to the Pawling Community Foundation and she had a meeting with them February 15th. They went over the plan of the great lawn and showed a sketch of what they would like to do. There will be fund raising coming up for this project and they will have a gala in November.

DEROSA

Councilman DeRosa said a group of employees/elected officials went to the Association of Towns conference in New York City and he was one of the people who went to the class regarding behavior at town meetings. Councilman DeRosa said he and Councilman McCarthy met with the Highway Superintendent regarding upgrading the wireless communications system, and there should be no more dead zones with this new technology. Councilman DeRosa said he met with Michelle Greg, who is a planner and he gave her a tour of Pawling. Ms. Greg is interested in working with the Town of Pawling in the future. He attended the Pawling Joint Sewer Commission and talked about the map, plan and report for Route 22 south, and a meeting will be set up with the engineers and Castagna representatives so that all parties will be together at the table to figure out how to move this forward.

SCHMITT

Supervisor Schmitt reminded everyone that this Friday is the open house at Lathrop, saying the building has come a long way. Last year, Senator Harkum secured a \$150,000.00 grant for Pawling which was to be utilized toward the roof on the building at Murrow Park. He has met with the architect and the issues of ADA compliancy came up. Due to that, he met with The Laberge Group and Dutchess County regarding a grant to cover the ADA compliancy and the bathrooms. If both of those things are covered by grant monies, the \$150,000.00 can be put completely toward the roof. The Town has received approximately a million and a half dollars in grant funding over the past two years.

PUBLIC COMMENT

Harvey Matcovsky felt the Board should pursue opportunities for shared services between the Village and the Town. He said Lakeside Park will be paid off in 2023 and the Board should start planning ahead as to how that money will be used once the bond is paid off.

Vinny DiMarco, resident from Holmes, thanked the Board for their transparency. He said emotions do come to the surface sometimes during public comment. The rules need to be adhered to so the meetings can be productive. He thanked the Board for all they do.

Lori Johnson, resident from 14 Little Pond Road and President of Rotary said Rotary could sponsor the organization fees because the Rotary's mission is to support the youth of Pawling.

Beth Coursen provided the Board with a history of Pawling, how we got here and why this Town is so special, saying years ago leaders recognized a formal document was needed for future development, and adopted a comprehensive plan and zoning regulations to back up the comprehensive plan. Years later, the Conservation Advisory Board urged the adoption of environmental codes to further protect our trees and water courses. The process was full of discourse, and everyone was encouraged to weigh in and there were no restrictions placed on time for input. She speaks tonight with great concern about the environment and the ability to enforce the current codes. It appears there is no Conservation Advisory Board. Is that accurate?

Supervisor Schmitt said no, he hasn't been working with one.

Ms. Coursen asked if there was an Environmental Director? She was hearing no on that also. The code requires there is a Board appointed Environmental Director in order to issue any permits for timber harvesting, for wetlands and watercourses. She is really concerned about this and there is a Town Supervisor whose full-time job is with a corporation that has a routine course of business that needs to obtain these permits, she is really concerned. She hoped that this Board will recognize the history and passion for protecting what we love.

Joe Marotta asked for an update on the status of upgrading the primary spillway at Whaley Lake. He said there needs to be communication between the Board and the Committee. The Committee needs a better understanding of the issues. He invited the Town Board to a meeting of the Committee so that information could be exchanged.

Supervisor Schmitt said the Town Attorney would give an update at the end of the meeting.

Pete Bissonette, resident of Whaley Lake offered the services of his surveying company if needed.

Nancy Tagliaferro, Town Attorney said months ago, the engineers were put on notice because the pooling level at Whaley Lake is not as high as it needs to be. The Town has been negotiating with them ever since to reach some sort of solution. She felt there was agreement but the document has not been signed yet. She received it today and circulated it to the Board. She felt it was very favorable to the Town as a whole and felt it would get the Town back to where it wanted to be without the expense and delay litigation would create. If there were any questions, she could discuss them with the Board privately because she didn't want to disclose anything until the agreement was signed.

The motion to adjourn the meeting was made by Councilman Johnson at 9:25 PM, seconded by Councilwoman Snow, motion passed unanimously.

Town Clerk