

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM May 12, 2021 at the Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen McCarthy, Johnson, DeRosa, Councilwoman Snow, town attorney Nancy Tagliaferro, town attorney Jamie Spillane and approximately 12 citizens. Due to Covid 19 restrictions, there was a limited capacity of 12 persons maximum allowed in the building. Social distancing and masks were required. Registration to attend the meeting was required.

MINUTES

Supervisor Schmitt made a motion to accept the minutes of April 7, 2021, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Schmitt made a motion to accept the minutes of April 14, 2021, seconded by Councilman Johnson, motion passed unanimously.

MS4 REPORT/JOANNE DALEY

JoAnne Daley presented the board with the MS4/annual stormwater management program report. The report includes the records of the six minimum things the town has to do on a yearly basis. Obviously, due to Covid 19, we didn't do public participation or education and that has been noted with NYS DEC. The things covered were that the CEO continued inspections of construction sites and keeping records, the buildings & grounds department continued maintenance of records of the golf course and turf management plan, and the highway department kept the operations clean and provided records for the good housekeeping program so they are all up to date. The partnership with the East of Hudson has continued for the retrofit program and projects were done. The town also worked with the Dutchess County MS4 coordination committee and worked on projects included in the retrofit program. Moving forward into next year, the town will pick up public education and participation and begin events again. She and the supervisor have been working with the Laberge Group to do a three year phased MS4 grant. The first phase will be to obtain software so the second year the entire infrastructure of the town can be put into the system.

The Board commended Mrs. Daley for her work on the MS4 program, and thanked her for her work.

PUBLIC HEARING/AG LAW

Supervisor Schmitt said the public hearing is still open for the Ag Law.

Mr. Randy Levine, resident of 826 Old Quaker Hill Road, Pawling, said his office sent some documents to Ms. Giordano and he would like them entered in to the public record, as he would like entered into the public record the original FOIL request he made to the town, the response by the town attorney and the entire production that was made. He would also like entered into the record a letter dated April 10, 2021 to him by Ms. Spillane of Hogan & Rossi. He was here a couple of weeks ago and he was assured by Supervisor Schmitt, as well as Councilman DeRosa that everything would be public. He submitted a FOIL request and got a response and it is obvious not everything was made public. There are consultant reports in the board's own emails from people like Laberge, there were no environmental findings, impact statements, there is nothing except basically emails between everybody. The whole premise according to Hogan & Rossi for this whole matter was that the Dept. of Agriculture was threatening an enforcement action, it is right in the letter, if the town didn't revise its entire agricultural regulations. The State Dept. of Agriculture's own documentation, and he has confirmed it with them, is that there is no enforcement action so that was a false premise that was told to all of the citizens of Pawling. The reason for the town redoing the Ag law has nothing to do with enforcement action at all, it had to do with one regulation they said, and he could read the opinion from the agricultural department, they said don't enforce the piggery regulation, but work with us to make it reasonable, and they did. The NYS DEC came in and it was worked out. That is a false premise for moving forward. Secondly, which is very important, is for no reason at all, the State Dept. of Agriculture wouldn't even comment, these agricultural regulations go way beyond even what the State requires. The State only governs agricultural districts, the Pawling zoning code never covered agricultural districts. Now all of a sudden, with no reason why, no explanation, no documents, it is covering every single district in the Town of Pawling. Why? We just need to know why? We need to see who made the decision, why it took place, why is it good, why is it

bad, why is it not. There is nothing in this file, zero, despite the fact that we know that there have been experts, there have been people you consulted with, people you talked to, zero is in this file. Moreover, you changed the rules under the State regulation, there were strict eligibility requirements in order to override zoning and do things to qualify as commercial farming, and you've changed that and made it private farming and we don't know why, we don't know who did it, we don't know who suggested it, there is nothing in the file that says so. With all due respect, that can lead to a lot of things like commercialization hiding behind these regs that upset other zoning laws. Residential areas become commercial areas. Private farming means people who bought their property, paid a lot of money for quiet enjoyment, all of a sudden, they are dealing with farming odors, smells, vibrations, noises. We need to know why/how does this benefit the town, how does it benefit its residents. We don't understand why. There are a lot of people who, in your own emails, are involved in this, town board member McCarthy, and Mr. Brehm, who are in agricultural districts, does this benefit them, does it not? There are no disclosures, we haven't seen anything. He has been in public office, he discloses everything, that is the way it needs to be, transparency. So, there is nothing but questions and all he is asking for here, he is not even against this, he has to be in a position that he has information as a taxpayer to make that decision. All he has seen here is basically are false reasons for doing it, changing the rules with no explanation as to why, no expert testimony, no final environmental impact statement. We are in the watershed, we have the great swamp, and have seen no DEC opinion as to anything. The point is this all was happening during Covid. This is something that can affect Pawling for fifty years. People need a chance for their opinion, to talk about it and so forth. He felt the board should keep the public hearing open, do the right thing, there is no urgency, what is the rush, hold workshops. He wants to be proven wrong and he wanted to support this. Let people understand what this is about. Give them your reasoning. To try and rush this through because the board thinks they know better than everyone else, they know better than that. He asked that the public hearing be kept open, it is not ripe for a vote.

Harvey Matcovsky, resident of Holmes, NY said on April 14th, he attended a town board meeting there was a public hearing on piggeries. He had no idea what that was. He listened to a presentation by Randy Levine that asked for a delay until he could get more information through a FOIL request. Subsequently, Mr. Levine published documents that indicated that there was more behind this law than just piggeries on a Quaker Hill Farm. Living on environmentally sensitive Whaley Lake in Holmes, he became concerned that changes in ag regulations could potentially damage the lake. The bottom line is there seems to be many questions that need to be answered before the town board enacts the law. Number one, has the SEQRA process been fully followed. Number two, will the change in the language between commercial farms and private farms encourage environmentally unsound development on the land west of the lake causing dangerous runoff. Number three, correspondence between the town attorney and two town officials with large land holdings prompts further investigation as to the motives of the town officials. Fourth and last, since this is only the second well publicized hearing on the subject, why rush to see the new regs enforced and ruled on until interested parties can further investigate. He thanked the board for their patience.

Kevin Moruzin, resident of 58 Gristmill Lane, Pawling said he submitted an email to the board yesterday and asked that it be added to the record. He is reiterating what he just heard from Mr. Levine and Matcovsky. He didn't understand what the rush was and said he would like to understand more about how this affects the town, who it affects, who it benefits and what are the risks. Mr. Moruzin's email is as follows:

As residents of the Town of Pawling my wife, Janet Dunn and I are requesting the following from our elected Town officials:

The vote on the currently-proposed agricultural revisions must be immediately postponed due to a number of very significant reasons which have the potential to negatively impact our collective health, safety and welfare. Before any vote on this matter (other than to postpone a vote) we request that more time be allowed for concerned citizens to adequately review and process ALL the information relating to this matter that has been made or should have been made public. Before any vote on this matter is taken, town residents need significantly more time than is currently provided by the Town Board to determine how these new revisions will impact us. Town of Pawling residents will need:

- more time AND additional information to ascertain how these changes will impact Whaley Lake area.

- more time AND additional information to ascertain how these changes will impact landowners in Holmes.
- more time to allow residents to consult with our own environmental and other experts to help us determine the specifics as to how these revisions will potentially impact our environment.
- more time to determine how much this process has cost taxpayers thus far as well as information regarding why these proposed revisions were not made public at an earlier stage when concerned citizens would have had more input regarding these revisions.
- more time and additional materials to review those materials in order to ascertain who initiated these proceedings, why they were initiated, who on the Town Board and Planning Board will potentially benefit from these provisions
- to understand why these proposals were not been made public until only a very short time before a vote was to be taken.

To summarize, the residents of the Town of Pawling deserve open, honest and transparent communication from our government officials on this matter and every matter affecting the town we live in. There are numerous important questions which the residents of the town of Pawling deserve to ask and have answered about these regulations before a vote should take place. Thus far, it appears that town officials have not provided open, honest and transparent communication on this topic; I do hope and expect that will change starting tomorrow.

We hereby request that you immediately take measures to postpone this vote for all of the above reasons as well as additional reasons which will be disclosed in public at future Town Board meetings.

Thank you very much. My wife and I look forward to hear more about the proposed Agricultural Regulations at tomorrow's Town Board Meeting.

Regards,
Kevin Moruzin and Janet Dunn
 58 Gristmill Lane
 Pawling, NY 12564

Roberto Mignone, resident of 149 Lowell Thomas Drive, Pawling, said he is reminded of a phrase he has heard for years, slow is smooth and smooth is fast. This is a case where it seems that people are asking for more information and transparency. Normally in a small town like this, to get the consensus you need people all to feel like they have been part of the process. There doesn't seem to be that type of consensus built up because information isn't readily available. In some of these decisions, there can be very mutually agreed upon easy decisions with that type of transparency where people don't have to worry about what they don't know. It seems that particularly in this case, with transparency you can bring consensus together to a decision that avoids future arguments, fights, fights between neighbors and possibly litigation. Where slow is smooth and smooth is fast if we are all brought on board. We simply haven't had the time or chance to be brought on board on that front with information. That is where these issues come up, where people are just not sure and they worry and conflict arises. It seems to be more and more of an issue right now in a world where information is so readily and easily available everywhere, but it doesn't seem to be available in this town in this process, or in a lot of small towns. He asked the board please to take this opportunity to make this a moment where we can set a process of sharing information in a way that people feel the decision is something they are a part of. It seems like we don't feel like everyone in the town is agreed upon this decision because they don't know. Mr. Levine could turn out to be the biggest supporter once he knows. That is why he asks for more time and a thorough process but much more importantly a transparent process.

Mindy Franklin Levine, resident of 826 Old Quaker Hill Road, said she agreed with everything that has been said thus far but had a few things to add. Her husband submitted a FOIL request. This is what they received, amongst many other redacted documents in response to the FOIL request. She showed the board and audience the redacted documents. They received many documents that were redacted. She has a little bit of experience with redacted documents coming out of the Dept. of Justice, she redacted a few herself. These were not so officially redacted so they had a forensic investigator look at this and it was quite easy to see what was redacted. It was disturbing to her that many of the things that were redacted actually mentioned their name, the Levine's, including something Mr. McCarthy said about the Levine's. It is odd to her, as

someone who has experience with redacted documents, what was the reasoning behind some of these redactions. She thought it was highly inappropriate that they received redacted documents from Hogan & Rossi, from Nancy Tagliaferro, from Jamie Spillane, from all of you that have these big black lines that go through them, this is highly inappropriate. These are not personnel matters, they are not matters that should be redacted. This is not information that should be redacted, in fact this is information that should remain in the hands of every single Pawling citizen. She is here tonight before the town board as a Jew, she knew that might make some people here uncomfortable, but she is here as a Jew. She is very proud of Mr. Matcovsky for coming here this evening and for speaking despite the fact that he was strongly discouraged from doing so by a sitting town board member. She has seen the materials, she has seen the exchanges and she is greatly disturbed that a Jewish cultural tradition was diminished and disparaged by a sitting town board member. She would like a public apology. This is incredibly pertinent to the ag law. This is a man who wanted to speak out about the ag law. The supervisor has told her many times he is all for transparency. She has screen shots where he was discouraged from doing so and there were references that were made that were highly inappropriate, that she bought this man a Jewish meal, as she did for a number of seniors, and that the meal was being used to sway this man to come into agreement with her. Not only that, there was reference to Yankee tickets and she wanted to go on the record with this. Harvey Matcovsky prefaces every email to her with, I would never ask for tickets for myself, I would never do such a thing and you know it. He has asked for used equipment for the recreation center, for the school, for this or for that.

Supervisor Schmitt felt this was getting off topic and this had nothing to do with the ag law. He did not want personal attacks on the board. He is not aware of any of this at this moment. Whatever is going on here right now is not about this public hearing at this moment. He said he would have to have a meeting with Mr. Matcovsky, Mrs. Levine and anyone else who would like to meet.

Mrs. Levine felt the way in which he was discouraged are impeachable offenses, and she wanted that acknowledged for the record.

Supervisor Schmitt said he understood Mrs. Levine's concern and would be happy to schedule a meeting.

Councilwoman Snow said this was really taken out of context, she received a text from Mr. Matcovsky yesterday and the text stated that this board was using her and they were going to discourage her. This had nothing to do with Jews, there was nothing said to him about Jews. He has been advised, even by his own superintendent that he is not allowed to take gifts and she had no idea that is what it was. She was trying to help him by saying he could not accept gifts, she told him to be careful of receiving gifts in any form, which was solely to help him out. She is a former board member and Mr. Matcovsky knows this. The fact that honestly this story got so distorted, is really upsetting to her. She did not accuse him or Mrs. Levine of anything. That is her response.

Mrs. Levine asked if Councilwoman Snow would be apologizing to Mr. Matcovsky.

Supervisor Schmitt said this is not a conversation for a town board meeting.

Jamie Spillane, town attorney said she wanted to give some general information about agricultural districts, because she thought there might be some confusion on what the agricultural district is. The agricultural and markets law provides for county wide agricultural districts. These are areas of land are specifically designated for agricultural use by the town, parcel owners' proposition the county and apply to the county to be included in the ag district. The county decides what parcels will be accepted, if they meet the State wide regulations pursuant to ag and markets law. When we talk about agricultural, we are talking about agricultural districts, we are talking about State wide districts that the county facilitates, the county decides what parcels are in it. The local law that is being proposed does not change the county ag district, it does not include properties that were not in the ag district into the ag district suddenly because of this local law. Property owners would still have to apply to the county as they did previously. This local law does not add any zoning district, nor does it change what is permitted in any zoning district. What this local law does, and this local law was prompted by the decision of ag and markets and the letter the town received from ag and markets, saying that if the town did not come into compliance, that ag and markets may commence enforcement proceedings. The ag and markets department can order a town to comply with the regulations and if they do such an order and the town does not comply, there are penalties, and those penalties are financial and they are daily. That is what the starting point was for this local law. However, when you are doing a local law, you don't just cross something out and not take a look at all of the provisions pertaining to that subject matter. So, a committee was formed in 2019, so this has not been rushed, this has been going on for over three years, the committee was formed in 2019 to take a

look at our local law and determined what changes should be made while still staying in line with the State regulations. The only outright change to the local law is that the removal of the outright ban on piggeries was made. So, we looked at the local law, we had a statement that said piggeries were banned and we removed that. Then we started to take a look at farms not within the ag district and said in the local law as it previously stood, there wasn't much oversight of farms as they were existing. When farms are not within an ag district, the town is able to regulate what is done, the setbacks, the number of animals on the farm, the acreage the farm has to have for those numbers of animals. So, this local law proposed that the number of animals that are permitted on personal use farms, not farms within an ag district, is based upon the size of the animals within one grazing acre. So previously, it just said within one acre, that acre could have had a house on it, or only 25 square feet of grazable area. We've all seen those farms where people have a number of horses on their property and they have seventeen acres and they have enough horses for seventeen acres but they don't actually have grazing acres. So, this will regulate that and ensure that these properties actually have the grazing space for the number of animals they have. In addition, it provides setbacks for those farms that are not in an ag district. And as far as properties that are in the ag district, this provides as much regulation as the town can do while still being in compliance with the State regulations. So, it provides for an expedited site plan process. And it provides for notice to future property owners that their property abuts a property in an agricultural district so that in the future, new owners to the area will suddenly realize that they are next to an agricultural property, where the town is limited on what they can regulate. As she previously said, this local law does not permit farming, whether personal or commercial in any district it wasn't previously permitted in. It only provides for the regulation as far as the town can do of those farms within an agricultural district and for the minimum oversight that we can provide for properties that are within the ag district. As far as SEQRA is concerned, when a local law amending a zoning regulation is adopted, the town has to comply with the SEQRA regulations. A local law amendment is a type I action, and an environmental assessment form has to be completed, and one was completed by Laberge. That is the only document that was completed by Laberge and the only oversight they had within this process. Copies of that document were submitted with the FOIL request and copies of that document are available for anyone who wants to review it. So SEQRA has been fully complied with and a finding of a negative declaration should be made because adoption of this local law in and of itself does not have an impact on the environment. Any property owners that apply for site plan approval or subdivision approval or any other processes that are regulated by SEQRA will still have to make their applications and those applications will be reviewed in compliance with the SEQRA regulations. At this time, she wanted to once again reiterate that this process has been ongoing on since 2018. The town was directed to come into compliance, which is what we have been doing. The likely reason we have not seen an order from Ag & Markets is because we have been working with them this whole time in order to ensure compliance with the regulations going forward. All documents pertaining to this matter have been disclosed, and the town is not going to permit any uses in any districts that weren't previously permitted based upon this local law.

Supervisor Schmitt asked Ms. Spillane to clarify one more thing, this is the third public hearing we are having on the ag law.

Ms. Spillane said this is the fourth public hearing.

Supervisor Schmitt said they have all been noticed properly every time, the same way.

Ms. Spillane said yes. The reason the town did not hold public hearings in early 2020 was because of Covid. The public hearing was opened in December 2019, prior to the Covid pandemic hitting the United States. The public hearing was opened for two meetings, December 4 and December 11, 2020. At that time, in February or March is when we started to see restrictions. That is why it wasn't until recently that we reopened the public hearing, to give the opportunity for the public to appear and comment on these matters.

Supervisor Schmitt asked if this has anything to do with special use permits, short term rentals or things of that nature involved in this ag law.

Ms. Spillane said no. When the committee was meeting on this, there were public hearings being held on those local laws. In some of the documentation, there was reference to public hearings held on those matters. This is not related to those matters in any way, other than scheduling.

Councilman Johnson said he has been at all of the public hearings and the explanation and discussion tonight has been the most clarifying. He personally is not ready to close the public hearing. He would like to keep it open until the first meeting in June, allow some of the other concerns that arose to be answered, allow some things to settle down a little bit. He personally would like to see some of the emails. He thanked Ms. Spillane, saying her explanation cleared it up in much simpler language. He is not a planning/zoning person, so when

he starts reading these ag laws and all of the different things, and listening to what people are commenting and saying, it raises a lot of questions and she clarified a lot of them for him. He felt it was in the town's best interest to let this settle until the first meeting in June. It has been a long time. It is never good when things linger and linger, although it hasn't exactly been a smooth landing strip, it has been a bumpy road all the way along. He didn't think it was going to hurt to wait another three weeks.

Councilwoman Snow said because she was not on the board when this first started in 2018-2019, she had a few questions to clarify for herself. She asked if this would affect the current zoning on Route 22 north?

Ms. Spillane said no.

Councilwoman Snow asked if this current law would have an effect on the great swamp and the Housatonic Valley Watershed?

Ms. Spillane said no, this new law doesn't permit farming anywhere that it was not previously permitted.

Councilwoman Snow asked if the current law would affect Whaley Lake?

Ms. Spillane said no, it doesn't permit farming anywhere it wasn't previously permitted, it just provides for more oversight to the extent that the town can do that.

Councilman DeRosa said to address the question about Whaley Lake, he lives on the west side of Whaley Lake and the Town of Pawling property along Route 292 doesn't go that far, most of it is developed already. His property is on the border of the Town of Beekman. There is very little property in the area of the draw down for Whaley Lake. He would be more concerned with the septic systems on Whaley Lake and the 150-175 year old houses that have been there that have been rebuilt than any farming that will take place with the change of these rules. In the rules, it suggests any farmers deal with the suggestions of the East of Hudson farming program, which helps protect the waterways and he thought that was incorporated into the proposed town law also.

Ms. Spillane said it is included.

Mr. Levine said when you are the town attorney, and you are representing all of the taxpayers, you have an obligation to be accurate and represent everyone, not just the town board. He is going to read what the Dept. of Agriculture said, and he will read it to everybody watching, and you tell me if they are threatening enforcement, which was the basis for everything. "The department requests that the town confirm within 20 days that it will not administer the piggery ban as applied to Kirby Hill Farm, a farm operation located within the county adopted, state certified agricultural district, that gives them jurisdiction. The department is willing to work with the town to review reasonable conditions relating to location, setbacks, agriculture activities consistent with Kirby Hill Farms WFP if steps to comply are not taken, the department may take appropriate action to enforce the provisions of AM305A1". That is not an enforcement action, that is not talking about doing away with the entire town agricultural code and changing it. The basic premise that you've told us is not correct basically on the decision that they have said is the foundation for moving forward. Secondly, he was quite dumbfounded because counsel just came up here and told us that there was a committee that was put into effect that did all of this work. The FOIL document has no reference to committees, there are no committee reports, there is nothing, zero. Don't you think we as the public are entitled to see the work that is the basis for this going forward. The tax payers aren't allowed to see the committee but have to live with the regulations, that doesn't pass the smell test to him. The town was the lead agency in SEQRA. What that means is that the town itself said we don't think there is a negative declaration, what that means in real words is that we think it is okay, we don't think there will be any environmental impact. With all due respect to counsel, and he has seen the application, which is incomplete, he hasn't seen any writings or anything from Laberge, but in the same piggery decision, the NYS DEC issued a letter that said that because these lands are on protected waterways and are significant, extra precautions have to be done before not only the farming is there but extra farming. With all due respect to Councilman DeRosa, he agreed that it was wonderful that we cooperate with all of these people and it is part of the regulations but it is not in the file. All they are asking, and he thanked Councilman Johnson, is for the board to be transparent and to tell the truth and let the people of Pawling see all of the evidence and make their own decision. He has an open mind. What he doesn't have an open mind about is that people think he is stupid and incapable of making his own decision, incapable of analyzing data. The way every taxpayer here has been treated, that is the only presumption. He thanked the board for their time, and asked that they be given time, take all of the information they have, not only this, what is in the planning department, put it on the website and make it available. If there is a cost to it, let him know, he will contribute to doing it, that is how important it is to paying for that cost, and let the public decide, there is no rush to so.

Supervisor Schmitt asked the date of the letter Mr. Levine read from.
Mr. Levine said July 12, 2019.

Marty Mygan, resident of Holmes, said he doesn't have any skin in the game but tonight was the most informative he has seen. He has asked questions of people on the board and off the board about these regs and he hasn't gotten a real clear answer, other than what he has heard from counsel tonight, that's the first time. He agreed with Councilman Johnson, this presentation should have been done a few weeks ago. In his opinion, he felt the board should vote on this in a few weeks. He could not understand why this was happening until tonight. There used to be a problem with town board members yelling at people who came up to speak and counsel shouldn't be doing that either.

Supervisor Schmitt said this process has been going on since 2018, this is the fourth public hearing. He is sorry that people didn't know about the prior public hearings but they were noticed, the same way this one was and you all made it here. We notice our public hearings properly and by the law every single time. He took offense because we worked very hard on this and people are saying this hasn't been a transparent process. This has been the most transparent process. Four public hearings is exactly that, four public hearings. None of them were held during Covid. The board has provided all of the information and unfortunately a lot of misinformation has been put out there by some residents in the community. The reality is, if you read the law, this is a much more restrictive law than was on the books prior. He grew up in Pawling and remembers properties having five horses in their front yard that was a quarter of an acre. Now you are limited to a grazing acre for a large farm animal. He remembers seeing cows and sheep in streams and in ponds and they are not allowed to enter the waterways now. This is a very restrictive ag law and he felt it was a great ag law, it is environmentally friendly and it works with the farmers, but it also puts very strict rules in place to make sure the waterways and grazing land is protected. These are all things that have been addressed and they have been addressed through four public hearings. He is sorry that Councilman Johnson thinks this should be prolonged but he firmly disagrees. He felt the board has made everything available, it has been on the website, the planning board minutes have been on the website. Everything that has been discussed has been on the website and social media for everyone to follow. He didn't know what another public hearing would do.

Mr. Levine said with all due respect, you just said the decision was based on a committee and he knows nothing about a committee.

Supervisor Schmitt said no one said the decision was based on a committee, what he said was a committee worked with the board. We form committees to work on everything we do.

Mr. Levine said you have to show the people what the basis of your decision was. So, at the end of the day, make your decision, just understand if you are going to cut the hearing short, for the record, as a citizen and an interested party here in Pawling, he guaranteed that if you are closing the record, he did not feel reasons were given, the FOIL request wasn't complete and we will see where it goes from here.

Mrs. Levine said what is the down side to waiting so all of the people who emailed during the last couple of weeks can get the information they need.

Supervisor Schmitt said the information is already available to them. The down side would be a fifth public hearing with the same exact questions asked again.

Mrs. Levine asked how tabling this negatively effects the town board, so the citizens can understand these regs.

Supervisor Schmitt said the down side is that the board is a part time board that works very hard and have accomplished a lot in the last four years and want to accomplish a lot more moving forward. This ag law started in 2018 and has now had four public hearings. It is a lot of time and he did not feel there were any other answers out there that could be given.

Mrs. Levine said she is showing great respect to Supervisor Schmitt. Most people have not been able to read the redacted documents, those aren't answers, that is an incomplete file.

Mr. Levine said he couldn't disagree more with the town attorney. He didn't see any statements of fact or legal opinions from Ms. Spillane with the firm's name on it saying all of those things. It is mind boggling to him as someone who has served in government for many years, that reaching a decision on something of this magnitude, he felt everything that took place should be disclosed. The fact that a public hearing is being held is immaterial, the question is what is the information the public has to rely on. There is nothing and he has a million questions on the law, he hasn't made a decision whether he is for it or against it. He wants to see everything. Just because supervisor Schmitt said this is the greatest agricultural law doesn't make it so. He wanted everything out in the public.

Supervisor Schmitt said everything had been put out in the public and asked Mr. Levine if he had an actual problem with the ag law being proposed tonight.

Mr. Levine said he had a lot of questions, he is not for it or against it. He wanted to see more information. He would love to see the committee reports, he would love to talk to the people on the committee and wanted to hear what they had to say. He wanted to see everything. He said he did not have enough information to make an informed decision. Most people in this town don't have enough information. He has not heard one reason why this had to be voted on right now.

Supervisor Schmitt said he would respectfully disagree. He would state for the record that he thought people hated seeing government take forever to get anything done. One of the reasons he got involved in local government was because he was tired of seeing things not ever get done. The board has had four public hearings since 2018, we are in 2021. The board has answered every question at every public hearing.

Mr. Levine said the board can do what they want, and he would go from there.

Supervisor Schmitt said the board did not have any public hearings during Covid and did everything they could to keep the public involved. He did not see the benefit in a fifth public hearing.

Mr. Levine said he did not believe there was any rush, he did not think there was any prejudice by waiting and giving people more information to make a decision. If the town board disagrees, the town board can make a decision and see where we go.

Mr. Mourzin said he keeps hearing over and over how we have had enough hearings, which is great if all of the information that is available was shared. What he has heard from Mr. Levine and others is that that transparency, the work product that led to this great reg is not available and has not all been shared.

Supervisor Schmitt said the town's attorney has just said it was shared. He asked if Mr. Mourzin if he had an actual problem with the ag law?

Mr. Mourzin said he did not know until he saw all of the work product. He said he has read the law, he can't say he is an expert at it but he does have some experience in making sure that when a decision is made, it is made based on all of the facts. Unless you are telling Mr. Levine that he is mistaken, that he did not get all of the information he has requested, if so, tell him that.

Supervisor Schmitt said counsel said he received everything.

Mr. Mourzin said the question needs to be answered regarding the committee that worked on this. Any committee he has ever been a part of, there is work product, there is documentation. Where is it, share it. That is one example. The other problem he has is he does not know what he does not know. The only way that can happen is if all information that had to do with this is made public and shared with the public. If that is done, we can have a whole lot less hearings because people will be informed.

Councilman DeRosa asked Ms. Spillane if the board had two public hearings?

Ms. Spillane said the public hearing was not closed out on any of those dates, so it was continued. The matter has been before the board on other dates when it has been discussed to set the public hearing and things of that nature.

Councilman DeRosa said he served as chairman of the implementation committee, which was instituted in the last master plan. They did keep some records of discussions but they were very informal records of just discussion and topics. He wasn't part of this committee. Since the supervisor took over, the implementation committee isn't working. They created close to ten different zoning changes and regulations and when they did look at a zoning question because there was a problem that came up, they did, as the attorney said, look into the whole regulation and how even a simple change would affect the whole regulation. The master plan process, and he has been involved in three of them, they never looked at the ag laws, never did an in depth study of that. He felt it was time to look at the ag laws in their entirety and bring them up to current standards. He apologized if there was some information Mr. Levine hasn't gotten, but he felt the committee did an excellent job putting this together, and it had some excellent people who were very knowledgeable and spent the time to put it together.

Mr. Levine said he agreed with everything Councilman DeRosa said but he didn't even know who was on the committee.

Supervisor Schmitt felt everyone had been given sufficient time this evening.

Supervisor Schmitt made a motion to close the public hearing, seconded by Councilman McCarthy, and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “NAY”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

PUBLIC COMMENT ON AGENDA ITEMS

Supervisor Schmitt opened the meeting for public comment on agenda items and there were none.

CONSENT AGENDA

**Resolution 2021084
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 20210383 through 20210523, 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 \$605,398.65.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021085
Phone System Purchase**

Whereas, the current Town of Pawling phone system is no longer supported by the technology present on site, and

Whereas, the Town of Pawling is currently serviced by Superior Telephone and Sullivan Data/Logically who have assessed the situation and provided a plan, and

Whereas, Superior Telephone provided a proposal for \$10,908.82 on NYS pricing to upgrade the system with an NEC 9100 which will fully support the phone system, and

Whereas, this purchase will be budget neutral, therefore, be it

Resolved, that the town board hereby approves the purchase of an NEC 9100 phone system on NYS pricing for \$10,908.82.

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
 Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
 Supervisor Schmitt – “AYE”

**Resolution 2021086
 Obsolete Equipment**

Whereas, the Town of Pawling purchases equipment that is for general use of a department or town wide, and

Whereas, each piece of equipment has a useful life expectancy, and

Whereas, the equipment becomes obsolete but may contain value, and

Whereas, the supervisor of buildings & grounds has deemed this equipment to be no longer useful to the buildings & grounds department and it be put out to auction or to salvage to recover any value it may hold, therefore, be it

Resolved, that the equipment is hereby approved by the town board of the Town of Pawling to be sent to auction to receive the highest bid price, and be it further

Resolved, that any equipment on auction not claimed shall be disposed of under the guidance of New York State Town Law:

DESCRIPTION	SERIAL NO.
Stihl FS 110R trimmer	502213833
Stihl FS90 trimmer	284453937
Stihl trimmer	256086744
Echo CS-5000 saw	25592
Echo PB-200 blower	9134497
Stihl hand blower	42297010606
Stihl 311Y saw	11200210810
Dolmar PB500R blower	65832
John Deere E gator	W0E4X2E011201
Scag STHM-23LV	9220097
John Deere gator 4X2	V004X2X050869
John Deere E gator	W0E4X2E001233
Leslie Organ Speaker	H66380
Leslie Organ Speaker Model 142	H66373
Hammond organ C3	59414
2008 Chevy 2500 HD Pickup	IGCHK24K28E18935
John Deere backhoe	W00080X007182
Tohatsu 6 hp Outboard motor	052593AX
Bikes, misc.	
Big Texas Trailer	VIN#16VAX141752A69943

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021087
Approval of 2022 Ford F-250 Super Cab Pickup Truck 4x4 Purchase**

Whereas, the supervisor of buildings & grounds has requested to purchase a 2022 Ford F-250 Super Cab 4x4 Pickup Truck in order to adequately maintain town grounds, and

Whereas, the need for such equipment is supported by Capital Projects Bond Resolution 2021057, and

Whereas, the supervisor of buildings & grounds requests approval to order the 2022 Ford F-250 on NYS OGS contract # PC8923 for \$31,843.33, therefore, be it

Resolved, that the town board hereby authorizes the supervisor of buildings & grounds to purchase a Ford F-250 Super Cab 4x4 pickup truck on NYS OGS contract #PC8923 for \$31,843.33.

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021089
Approval of John Deere Backhoe Attachment Purchase**

Whereas, the supervisor of buildings & grounds has requested to purchase a backhoe attachment for a John Deere Compact Tractor in order to adequately maintain town grounds, and

Whereas, the need for such equipment is supported by Capital Projects Bond Resolution 2021057 and will pair with the compact tractor purchased in resolution 2021073, and

Whereas, the supervisor of buildings & grounds requests approval to order a new Backhoe Attachment for a John Deere Compact Utility Tractor on Sourcewell # 062117-DAC for \$7,762.12, therefore, be it

Resolved, that the town board hereby authorizes the supervisor of buildings & grounds to purchase a Backhoe Attachment for a John Deere on Sourcewell bid # 062117-DAC for \$7,762.12.

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021090
Escrow Release – KAC Realty**

Whereas, the Town of Pawling currently holds \$2,203.64 balance in escrow for KAC Realty, and,

Whereas, the planning board secretary has confirmed in a letter dated April 19, 2021 that there are no outstanding bills and that there will be no future bills for review, and,

Whereas, the planning board has recommended to the town board that these funds be released, therefore, be it

Resolved, that the Town of Pawling hereby releases the \$2,203.64 balance in escrow and authorizes the bookkeeper to release such funds.

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021091
Escrow Release – Chung**

Whereas, the Town of Pawling currently holds \$5,000.00 balance in escrow for Anne Chung, and,

Whereas, the planning board secretary has confirmed in a letter dated April 19, 2021 that there are no outstanding bills and that there will be no future bills for review, and,

Whereas, the planning board has recommended to the town board that these funds be released, therefore, be it

Resolved, that the Town of Pawling hereby releases the \$5,000.00 balance in escrow and authorizes the bookkeeper to release such funds.

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

NON CONSENT AGENDA

**Resolution 2021093
Bid Acceptance – Lions Building roof at Murrow Park**

Whereas, the Town of Pawling received a SAM Grant in 2019 for \$150,000 to replace the roof and remedy structural issues for the Lion’s Building at Murrow Park, and

Whereas, bids were solicited for the roof replacement, and

Whereas, the lowest bidder was Holt’s Custom Building LLC at \$100,217.20, and

Whereas, the bids were reviewed by Town Engineer Joe Zarecki and deemed acceptable, therefore, be it

Resolved, that the town board hereby accepts the bid from Holt’s Customer Building LLC for \$100,217.20 to replace the roof on the Lion’s Building at Murrow Park.

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

**Resolution 2021094
Approval of Fireworks Purchase for Community Weekend**

Whereas, it has been a tradition to present fireworks for Pawling community events, and

Whereas, 3 price quotes were obtained from fireworks providers, and

Whereas, Legion Fireworks came in at the lowest price for \$6,000, and

Whereas, the town has used Legion Fireworks in the past and has been happy with their services, therefore, be it

Resolved, that the town board hereby approves the purchase of fireworks for Pawling community weekend from Legion Fireworks at the price of \$6,000.

MOTION: Supervisor Schmitt
SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

Resolution 2021095
Budget Amendments for Fiscal Year 2021

Whereas, a request for budget amendments has been received from the bookkeeper, and

Whereas, a staffing change 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; therefore, be it

Resolved, that the bookkeeper has requested the following budget amendments:

Description		Account	Gross	27 P/R	18 payrolls	Breakdown
Annual			44,571	1,650.78	29,714	
Longevity			2000	PD		
3/5 Recreation		A.7020.1				\$17,828
2/5 HWY		A5010.1				\$11,886
Retirement	0.161	A.9010.8				\$4,784
Soc. Sec.	0.062	A.9030.8				\$1,842
Medicare	0.0145	A.9035.8				\$431
NTA Tax	0.0034	A.1980.4				\$101
Health Ins	1074.87	A.9060.8				\$8,599
			TOTAL Needed			\$45,471

Increase Appropriated Fund Balance \$45,471 A.4999

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2021096
Approving the Capital Project Budget for the Lions Building Roof at Murrow Park

Whereas, a capital project budget for the initial financing of the Lion’s Building Roof at Murrow Park was developed by the bookkeeper, and

Whereas, the Town of Pawling has been awarded a \$150,000 grant from the Dormitory Authority of the State of New York (DASNY) to be put towards this project, therefore, be it

Resolved, that the Pawling town board hereby approves the following capital project budget for the initial financing of the Lion’s Building Roof at Murrow Park:

Engineering	H2. 1440.4	\$8,000	
Bldg Improvements	H2.1620.2	\$142,000	
NYS Aip Cap Impmts	H2.3097		\$150,000

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2021097

Approving Capital Project Budget for Equipment and Building Improvements

Whereas, a Capital Project Budget for equipment and building improvements was developed by the Bookkeeper, and

Whereas, funds will be provided through bonding which closed on May 4, 2021, therefore, be it

Resolved, the Pawling Town Board hereby approves the following Capital Project Budget for equipment and building improvements:

Description	Account	Amount	Amount
Equipment Purchases			
Equipment	HT.1620.2	479,000	
Serial Bond	HT.5710		479,000
Building Improvements			
Building Improvements	H.1620.2	521,000	
Serial Bond	H.5710		521,000

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2021098

Lead Agency Designation Town of Pawling, Dutchess County, NY Farm Uses; New York State Agricultural Districts Chapter 215 Zoning – Local Law No. ___ - 2021

WHEREAS, The Town of Pawling Town Board (hereafter “Town Board”) desires to consider and adopt Local Law ___, (the “Action”) amending Chapter 215 (Zoning) of the Town of Pawling Town Code as follows:

- 1) Revision to Section 215-3, with the addition of the following new terms and associated definitions: “Agricultural District,” “Agricultural Practices,” “Farm,” and “Personal Farm Use.”
- 2) Revision to Section 215-3, revising the definition of existing term “Farm Use; Customary Farm Occupation.”
- 3) Revision to Section 215-3, with the removal of the existing term and definition for “Animal Husbandry.”
- 4) Insertion of a new Section 215-17.3 “Farm Uses; New York State Agricultural Districts.”

WHEREAS, the Town Board is directly undertaking the Action and as the only involved agency, desires to serve as Lead Agency for the environmental review of the Action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.6; and

WHEREAS, the Town Board, as Lead Agency, has identified and intends to classify this Action as a Type 1 Action pursuant to 6 NYCRR § 617.4 of the Regulations and the Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for review of the Action; and

NOW, THEREFORE, BE IT

RESOLVED, pursuant to the applicable standards of 6 NYCRR § 617, the Town of Pawling Town Board concludes that it is the appropriate agency to serve as, and declares itself Lead Agency for the environmental review of the Action.

RESOLVED, pursuant to the applicable standards of 6 NYCRR § 617, the Town of Pawling Town Board, as Lead Agency classifies the Action as a Type 1 Action.

RESOLVED, that this resolution shall take effect immediately.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “NAY”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2021099

Negative Declaration Town of Pawling, Dutchess County, NY Farm Uses; New York State Agricultural Districts Chapter 2015 Zoning – Local Law No. 1 - 2021

WHEREAS, The Town of Pawling Town Board (hereafter “Town Board”) desires to consider and adopt Local Law 1, (the “Action”) amending Chapter 215 (Zoning) of the Town of Pawling Town Code as follows:

- 5) Revision to Section 215-3, with the addition of the following new terms and associated definitions: “Agricultural District,” “Agricultural Practices,” “Farm,” and “Personal Farm Use.”
- 6) Revision to Section 215-3, revising the definition of existing term “Farm Use; Customary Farm Occupation.”
- 7) Revision to Section 215-3, with the removal of the existing term and definition for “Animal Husbandry.”
- 8) Insertion of a new Section 215-17.3 “Farm Uses; New York State Agricultural Districts.”

WHEREAS, the Town Board previously declared itself as Lead Agency and classified the Action a Type 1 Action pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617; and

WHEREAS, the Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for the environmental review of the Action; and

WHEREAS, The Town Board, as Lead Agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

- 1) The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.
- 2) The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts, in the nature of residential or commercial development, but such impacts are not currently ascertainable and will not be ascertainable until site-specific proposals are received, at which time they will be subject to legislative or administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals

NOW, THEREFORE, BE IT RESOLVED, that the Town of Pawling Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;
3. The Action does not involve the impairment of any designated critical environmental area;
4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;
5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;
6. The Action will not result in a major change in the use of either the quantity or type of energy;
7. The Action will not create a hazard to human health;
8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;
9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action;
10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences;
11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;
12. The Action does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Pawling Town Board, acting as Lead Agency, has examined the impacts which may be reasonably anticipated from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Pawling Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

MOTION: Supervisor Schmitt

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “NAY”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021100
Adopting Local Law No. 1-2021**

WHEREAS, a local law to amend Pawling Town Code Chapter 215, entitled “Zoning”, regarding Agricultural Uses and properties within Agricultural Districts within the Town of Pawling was introduced as Introductory Local Law # ____ of the year 2019 before the Town Board of the Town of Pawling on October 2, 2019 and a public hearing was Scheduled for December 4, 2019; and

WHEREAS, on December 4, 2019, the public hearing was continued to December 11, 2019; and

WHEREAS, following public hearing on the matter, changes were proposed to Introductory Local Law # _____ of the year 2019 and the updated amendment was introduced by _____ as Introductory Local Law # ____ of the year 2021 on March 3, 2021; and

WHEREAS, the public hearing was opened on April 14, 2021 and continued to May 12, 2021 and the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law # ____ of 2021 is hereby enacted by the Town Board of the Town of Pawling as Local Law #1 of 2021 of the Town of Pawling, and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “NAY”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

TOWN BOARD DISCUSSION

DEROSA

Councilman DeRosa said the golf course looks really good, the guys are doing a great job. The Whaley Lake Dam spillway is clean, and the water level is where it should be.

SNOW

Councilwoman Snow said regarding the Pawling Resource Center, she wanted to acknowledge two eighth grade students, Ava Aiello and Izzy Salandra for their project called “giving goodies”, where they baked and raised funds, and gave a check to the Pawling Resource Center. She thanked them for their kindness and work within the community. Councilwoman Snow said May is mental health month and Dutchess County has a 24/7 mental health crisis service. It’s a call, text or help line, which is toll free. They also have a walk in stabilization center in Poughkeepsie for anyone in crisis. She said for everyone who had been texting her during the meeting, she is fine, thank you.

MCCARTHY

Councilman McCarthy congratulated the fire district/department for their new ladder truck. The truck will be here within the next four to six weeks, and will be in service shortly thereafter. He thanked everyone who worked on the ag law. It has been a long time coming and he appreciated all of the board’s opinions. We did make it much safer for our community in a lot of ways and our animals by allowing the committee to form three groups, small, medium and large, which is based on the size and weight of an animal. Just to clarify, with the small animals, you can have thirty animals on an acre, and an acre is a little over the size of a football field, roughly 45,000 square feet. Medium sized animals, you can have four animals on an acre of pasture, a large animal is one animal per acre. We also clarified that you have to have proper fencing and proper housing for the animals. Animals really need a shed more in the summer time because of the flies and the heat. The committee took a lot of things into consideration and he wanted to thank the committee for that.

JOHNSON

Councilman Johnson said he met with the Laberge Group over at PWD #2 on Friday, toured the facility, and showed them the different wells. Laberge drafted a letter in response to the Dept. of Health because they are after the town to get another water source there. It has always been a delicate balance with 52 users in the district. The district has been carefully managed and the board has tried not to burden the residents but the time has come to drill another well. Within the next month or so he would expect to have another bid package prepared to get it out to bid. Councilman Johnson said he wanted to thank Councilman McCarthy for all of his work on the ag law. The fact that he voted no is no disrespect to him. Quite honestly what changed his mind was when he saw a lot of emails he was not copied on, different things, different comments by other boards, things he felt should have been shared with everyone on this board and they weren’t. He asked Councilman McCarthy if the law made things stricter and better for animals, and he told him and he takes him at his word and he believes that. He asked Councilman McCarthy not to take any offense personally.

Councilman McCarthy said none taken, thank you.

Councilman Johnson said he would like to congratulate his lovely wife Lori for putting up with him for thirty seven years today.

Councilman McCarthy said on May 18th, his wife will have put up with him for thirty years.

MUNICIPAL CLERK PROCLAMATION

Supervisor Schmitt said he wanted to read a proclamation he had for our clerks, Cathy Giordano and Cheryl Knowles, who do such a good job in our clerk’s department, for the 52nd annual municipal clerk’s week.

Proclamation

52nd ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
May 2 - May 8, 2021

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, be it Resolved, that the Town of Pawling Town Board hereby recognize the week of May 2 through May 8, 2021, as Professional Municipal Clerks Week, and further extend appreciation to our Town Clerk Cathy Giordano and Deputy Town Clerk Cheryl Knowles and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

The Board presented flowers to Cathy Giordano, town clerk and for Cheryl Knowles, deputy town clerk and thanked them for their service.

Cathy Giordano, town clerk said I would like to recognize my deputy Cheryl Knowles for the exemplary job she does. Thank you, town board, for recognizing the town clerk's office for all of the important work we are responsible for. I would also like to thank County Executive Marcus Molinaro and Dutchess County Clerk Brad Kendall for their wonderful proclamations regarding municipal clerk's week, as well as Senator Sue Serino for her lovely note to me regarding municipal clerk's week. I would like to congratulate all of my fellow clerks. I am honored to serve the Pawling community, and look forward to continuing to serve for many years to come!

CREW BINETTE SERVICE AWARD

Supervisor Schmitt said last week, the board honored Ed Beauchamp as their monthly community service award nominee for all of his years of service working with music by the lake program at Lakeside Park and really making it something amazing. He read the following proclamation:

Crew Binette Community Service Award in recognition of Ed Beauchamp

Whereas, Ed Beauchamp is an active and engaged member of the Pawling community, and

Whereas, Ed Beauchamp has put his heart and soul into producing Music by the Lake since 2012, and

Whereas, Music by the Lake has been a favorite Pawling tradition for many years and Ed Beauchamp selflessly volunteered to put on an amazing and treasured event year after year, and

Whereas, Ed Beauchamp has been a member of the Pawling Chamber of Commerce since 2016 and has been deeply involved in planning and organizing many events and programs that benefit the Pawling community, therefore, be it

Resolved, that the Town of Pawling, by its elected Town Board, hereby recognizes the exceptional community service displayed by **Ed Beauchamp** presented this 12th day of May, 2021.

Mr. Beauchamp said when I took over Music by The Lake in 2012, my goal was to present concerts featuring top-notch, professional level bands, for the enjoyment of the residents of Pawling. After 8 seasons and 35 concerts, I'm proud to say I achieved that goal, and much more. It was hard work, but it was a labor of love. It's sad to think that these concerts are now over. That was not my decision. But as I look back over the years, I'm gratified that these shows brought so much enjoyment. I'm constantly being told how much these concerts meant to people, and I'm grateful for their support. There are a few people I'd like to acknowledge. First, the Town Constables who were always present at the shows and gave me peace of mind concerning security, especially considering the sizes of the crowds. The Constables always acted professionally and we never had a serious incident at any of the shows. Next, I'd like to recognize Wendel Weber and his crew for the preparation of the pavilion and the auditorium for the concerts. Wendel went out of his way to provide whatever support I needed, and I thank him for that. Councilman Phil DeRosa regularly attended the concerts and always took the opportunity to inform the audience that I was producing the shows as a volunteer and to thank me for my work. Thank you, Phil, that was much appreciated. Finally, thanks to my long-suffering wife Cathy, who supported me throughout this venture, keeping me sane when I was off the rails trying to predict the weather, and making sure I ate enough on concert days. She never complained about the amount of time I was spending on Music by The Lake, and always had a kind word when I needed one. Thank you all for this recognition.

The Board thanked Mr. Beauchamp for his work on the music by the lake program.

PUBLIC COMMENT

Supervisor Schmitt opened the meeting for public comment, there was none.

Supervisor Schmitt made the motion to adjourn at 7:20 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk

**A LOCAL LAW ESTABLISHING AMENDING CHAPTER 215 (ZONING)
OF THE TOWN CODE OF
THE TOWN OF PAWLING
ENTITLED “FARM USES; NEW YORK STATE AGRICULTURAL DISTRICTS”**

BE IT ENACTED by the Town Board of the Town of Pawling, County of Dutchess, as follows:

Section 1: Section 215-3 of the Zoning Code of the Town of Pawling is hereby amended with the insertion of the new definitions for “Agricultural District”, “Agricultural Practices”, “Farm” and “Personal Use Farm” to be read as follows:

AGRICULTURAL DISTRICT- A New York State Agricultural District as defined in Article 25-AA of the New York State Agriculture and Markets Law.

AGRICULTURAL PRACTICES- Includes all practices necessary for the on-farm production, preparation and marketing of agricultural products.

FARM—A farm operation as such term is defined in the Agricultural and Markets Law Section 301 (11), as may be amended from time, including, without limitation, livestock, dairy, poultry, fur-bearing animal, aquaculture, fruit, vegetable and field crop farms, plantations, orchards, nurseries, greenhouses or other similar operations.

PERSONAL FARM USE— The keeping, grazing, feeding and care of animals other than household pets and the production of crops for personal use. These requirements shall not apply to a Farm Use/Customary Farm Occupation within an Agricultural District.

- A. The minimum lot size shall be one grazing acre for each large animal, including horses, ponies, cattle or other similar sized animals which are kept, grazed, fed and cared for on the property.
- B. The minimum lot size shall be one grazing acre for every four (4) sheep, goats, pigs or other similar sized animals which are kept, grazed, fed and cared for on the property.
- C. The minimum lot size for keeping, grazing, feeding and caring for small animals shall be one acre. No more than 30 small animals per acre may be kept, grazed, fed or cared for. Small animals include poultry, rabbits and other similarly sized animals.
- D. Adequate fencing must be installed and maintained to contain the livestock within the property.
- E. Permanent housing, three or four sided, shall be provided for all animals that require permanent housing based on current best standards and practices for proper care and welfare of animals. There shall be no storage of supplies for livestock outside of permanent buildings. The minimum floor space for animal housing and storage shall conform to the current best standards and practices for proper care and welfare of animals. The Planning Department may be contacted for a list of organizations that may provide guidance on the best standards and practices.
- F. The owner must demonstrate to the Town that adequate open space and facilities, used for the proper care of such animals, are available and that the maintenance of such animals will not interfere with the reasonable use and enjoyment of the property of others.
- G. Manure shall be stored in an environmentally safe area. The manure storage area shall be screened so that it will not be unsightly.
- H. It shall be unlawful for any owner of livestock in the Town of Pawling to allow such livestock to constitute a nuisance to any other person.

Section 2: Chapter 215-3 of the Zoning Code of the Town of Pawling is hereby amended for the definition of “Farm Use; Customary Farm Occupation” to be read as follows:

FARM USE; CUSTOMARY FARM OCCUPATION - The use of a parcel of land, either as a principal or accessory use, for the purpose of producing agricultural, horticultural, floricultural, vegetable and fruit products of the soil, livestock and meats, poultry, eggs, dairy products, nuts, honey, wool and hides for profit. A garden accessory to a residential use shall not be deemed a "farm" or "farm use." A "customary farm occupation" shall be the conducting of usual farm activities and shall include the processing and retail sale of the products of the farm and those products as part of a “farm operation” as such term is defined in the Agricultural and Markets Law Section 301(11), as same may be amended from time to time, including a roadside stand as defined in this chapter. Farm equipment and materials shall not be stored in required yards except for those Farm Uses and Customary Farm Occupations within an Agricultural District.

Section 3: Chapter 215-3 of the Zoning Code of the Town of Pawling is hereby amended for the definition of “Animal Husbandry” to be removed.

Section 4: Chapter 215 (Zoning) of the Code of the Town of Pawling is hereby amended with the insertion of a new section 215-17.3 to read as follows:

§ 215-17.3 Farm Uses; New York State Agricultural Districts.

A. Purpose.

1. The Town Board recognizes agriculture as an essential and integral industry in the community that enhances the economic base, stabilizes the tax base, and perpetuates the rural character of the Town of Pawling. The Town Board further declares that it shall be the policy of Pawling to encourage agriculture and foster understanding by all residents of the necessary day-to-day practices associated with farm uses so as to encourage cooperation with those practices.
2. Farming reinforces the special quality of life enjoyed by citizens, provides the visual benefit of open space and generates economic benefits and social well-being within the community. Therefore, the Town of Pawling emphasizes to residents that this town encourages its agriculture and requests residents to be understanding of the necessary day-to-day operations.
3. For the purpose of reducing future conflicts between farmers and non-farmers, it is necessary for notice to be given to future neighbors about the nature of agricultural practices. The following notice shall be included in building permits and on plats of subdivisions, site plans, and special permits submitted for approval pursuant to Town Law § 276:

"This property may border a farm operation, as defined in Article 25-AA of the Agriculture and Markets Law. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibration."

4. The Town Board recognizes that in exercising its powers to enact local laws, ordinances, rules or regulations that apply to farm uses in a New York State certified agricultural district, these laws are necessary to protect the public health and safety, and are not intended to conflict with the purposes of Article 25-AA of the Agriculture and Markets Law of the State of New York, as the same may be amended from time to time.

B. Personal Farm Uses and Farm Use/Customary Farm Occupation: Parcels Not Included in the New York State Agricultural District.

1. The following guidelines and standards apply to Personal Farm Uses and Farm Use/Customary Farm Occupations outside of the Agricultural District. Guidelines are recommended practices and are preceded by "should," while standards are required and are preceded by "shall":

- a. Building setbacks. Buildings or structures for permitted fowl or livestock should be located not less than 100 feet from any lot line, except where the farm use precedes the residential use, and shall not be located within 200 feet of the nearest neighboring residential structure.
 - b. Manure storage. The storage of manure or odor-producing substances:
 - (i) shall be located at least 100 feet from any lot line, stream or other water body, and accordance with all applicable Department of Conservation requirements, as the same may be amended from time to time;
 - (ii) shall be located at least 200 feet from the nearest neighboring residential structure or well providing a source of potable water; and
 - (iii) shall be in a container or containment area;
 - c. The minimum lot size shall be one grazing acre for each large animal, including horses, ponies, and cattle or other similar sized animals which are kept, grazed, fed and cared for on the property
 - d. The minimum lot size shall be one grazing acre for each four (4) sheep, goats, pigs or other similar sized animals which are kept, grazed, fed and cared for on the property; and
 - e. The minimum lot size for keeping, grazing, feeding and caring for small animals shall be one acre. No more than thirty (30) small animals per acre may be kept, grazed, fed or cared for. Small animals include poultry, rabbits and other similarly sized animals.
 - f. All applicable requirements of the Dutchess County Board of Health shall be complied with, as the same may be amended from time to time.
- C. Buffers to agriculture required. The policy of the Town of Pawling is to encourage agriculture, so wherever agricultural uses and proposed nonagricultural uses adjoin, the applicant for the nonagricultural use shall provide buffers to reduce the exposure of these abutting uses to odors, noise, and other potential nuisances associated with the farm use. Said buffer strips may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features and, when required, shall be no less than 100 feet in width and may be required up to a width of 300 feet, depending upon the type of adjoining agriculture or farm use, the topography and the proposed design and planting of such buffer. It shall be the responsibility of the applicant, subject to approval by the Planning Board, to provide an effective buffer that will reasonably protect adjacent residential living areas from agricultural practices and to protect the agricultural use from nuisance complaints and nuisance lawsuits, from their non-farm neighbors, as a result of normal farm uses.
- D. Farm Use and Customary Farm Occupations in a New York State Agricultural District.
1. The following provisions shall apply to land and buildings for farm use in an Agricultural District consistent with Article 25-AA of the Agriculture and Markets Law of the State of New York, as the same may be amended from time to time:
 - (a) There shall be no height limits on agricultural structures, including but not limited to barns, silos, grain bins, and fences, as well as equipment related to such structures, as long as they are being used in a manner that is part of the farm use.
 - (b) There shall be no lot line setback restrictions on agricultural structures, except setbacks from lots that are either not within the agricultural district or lots that have existing residential uses. This setback requirement shall not apply to preexisting nonconforming structures.
 - (c) Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming, are classified as Type 2 actions under SEQRA.

(d) The following expedited site plan approval from the Planning Board shall be required for Farm Uses consistent with Article 25-AA of the Agriculture and Markets Law of the State of New York:

(i) The applicant shall submit a sketch of the parcel on a location map (such as a copy of a survey or a tax map) showing the boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. On this map, show the existing features of the site, including land and water areas, water and/or sewer systems and the approximate location of all existing structures on or within 200 feet of the site.

(ii) The sketch should show the proposed location and arrangement of buildings and uses on the site, including access and egress, parking and circulation.

(iii) The sketch should show any proposed buildings or structures, including the exterior dimensions and elevations of the front, side and rear views. Include copies of any available plans or drawings prepared by a professional or of the manufacturer of such buildings or structures.

(iv) Provide a description of the project and a narrative of the intended use of the proposed building(s), including any proposed changes in the existing topography and natural features of the parcel to accommodate the proposed changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.

(v) The site plan application shall be referred to the Dutchess County Department of Planning and Development prior to site plan approval. The Planning Board may conduct a public hearing on the proposed site plan, depending upon the nature of the application and the degree of public interest.

(vi) All applicable requirements of the Dutchess County Board of Health shall be complied with, as the same may be amended from time to time.

E. Parcels within 500 feet of a Farm Use/Customary Farm Occupation

1. The following guidelines and standards apply to parcels within 500 feet of a farm use/customary farm occupation for which a subdivision, site plan, special use permit, zoning variance or zoning amendment approval is required from the Town of Pawling.

(a) New development requires deeded declarations. All deeds of new residential units within 500 feet of a farm use shall contain references to notes that shall be placed on the subdivision plat and/or site plans relative to the benefits of agriculture to the Town of Pawling as well as to the potential hazards and nuisances associated with agriculture (such as noise, odors, hazardous chemical use, etc.) to which residents of the dwelling unit(s) willingly subject themselves.

(b) Agricultural data statement required. An agricultural data statement shall be required for any application for a subdivision, special permit, site plan, area or use variance, or zoning amendment approval by the Town Board, Planning Board, or Zoning Board of Appeals that would occur on property within an agricultural district containing a farm use, or on property with boundaries within 500 feet of a farm use located in an agricultural district. The reviewing board shall evaluate and consider the agricultural data statement and any comments thereon by owners or operators of farm uses potentially affected by such application in its review of the possible impacts of the proposed project upon the functioning of farm uses within the agricultural district.

Section 5: This local law is intended to replace and supplement Chapter 101 of the Pawling Town Code entitled "Farming".

Section 6: Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Pawling hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 7: Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.