

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM June 9, 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, and approximately 10 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 May 5, 2021, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Schmitt made a motion to accept the minutes of May 12, 2021, seconded by Councilman Johnson, motion passed unanimously.

## **PUBLIC COMMENT ON AGENDA ITEMS**

Christine Walters, resident of the Village of Pawling, thanked the board for initiating the code of conduct resolution to the agenda. This is not new information for the board or the community but having a written document is a good reminder at all public meetings. She supported this positive board initiative toward civility and expressed her dismay at what has been transpiring on social media and at the last board meeting directed at councilwoman Snow. She hoped that councilwoman Snow is afforded the resources and legal counsel she needs to navigate the current abusive bullying that she continues to endure, even as recent as this morning. Everyone has the right to civilly speak their mind and certainly has the right to disagree with any board member or their actions and even dislike them. She is not here to debate facts or rumors or lies or personal opinions but how long will we continue as a community to allow this community member to abuse a publicly elected official on line or otherwise before we say enough is enough. She was here to stand up for councilwoman Snow.

There were no further comments on agenda items.

## **RECREATION UPDATE/JESSICA DICKINSON**

The Board entertained a presentation by Jessica Dickinson, Recreation Director, who explained that the recreation department has made a come back and everyone is willing to get out and help. With that, she is needing extra support and help, so she would like to make a request to revisit the ask that she has made a few different times, an admin situation going from part time to full time. She wanted to put that back out there. She will be requesting that very soon. She said community weekend is coming up this weekend. She is making sure all of the offerings are up and running. She presented the board with current financials/revenues. In 2019, at this point in time, they brought in \$114,000.00, now in 2021 the revenue is \$156,000.00. Memberships have increased. She explained that a bid was put out for pickleball courts, one bid was submitted in the amount of \$82,000.00, which exceeded the amount of money she had to spend. She suggested approving the bid, excluding the fencing in order to move this project forward.

Councilman McCarthy said there was a bill for Zarecki & Associates in the amount of over \$6,000.00 for the preparation of the bid. He asked if that amount was included in these numbers.

Ms. Dickinson said no, she wasn't sure where that money was going to come from, the recreation budget or an engineering area. She said there is about \$60,000.00 in the recreation impact fee fund and she has about \$60,000.00 in the current recreation department budget for this. There will not be much impact to the taxpayer on this project.

Councilman DeRosa said that would wipe out the recreation impact fee fund, which took years to create.

Councilman Johnson said what councilman DeRosa needs to understand is that subdivisions end. It was a tremendous idea of the people who originally structured that to happen. At some point in time, we are not going to be able to look to that to keep growth.

Following discussion, supervisor Schmitt made a motion to approve \$61,500.00 for the construction of four pickleball courts as per the bid results, minus the installation of the ten foot

high fence, the installation of a four foot wide, seven foot high mesh gates and the removal of the existing ten foot high fence, seconded by Councilman Johnson, motion passed unanimously. Ms. Dickinson asked the board to keep in mind that as they crank out all of these wonderful events and programs, this is one little asset to the park. She would like to bring up for discussion once again before we get too crazy into the busy season about her administration and making a part time role into a full time role. Ms. Dickinson went over the music by the lake series dates. She again announced community weekend was this coming, with fireworks Saturday at around 9 PM.

### **FOIL APPEAL REVIEW AND DETERMINATION/LEVINE**

Randy Levine is appealing a denial of his recent FOIL request on the following grounds:

1. “Although some of the documents were produced in a redacted fashion, there was no explanation as to why they were redacted as is required by law.
2. Based on the actual record at the public hearing, it was established that there was a committee formed to review this matter, yet there is no response that indicates who selected the committee, who was on the committee and no work product or notes from that committee.
3. Moreover, there are many references to consultants in the record and yet, your production produced no work specific responses as to those consultants work product.”

Supervisor Schmitt made a motion to partially grant Mr. Levine’s appeal and partially deny it, as follows:

Regarding ground number 1, two documents were redacted as being protected by attorney-client privilege from disclosure. The Town Board should GRANT Mr. Levine's appeal insofar as two documents were redacted, and direct the Town Clerk to immediately disclose those documents in their unredacted state.

Regarding grounds numbers 2 and 3, all requested documents in the Town's possession were provided to Mr. Levine and the documents he requests do not exist. The Town Board therefore DENIES this branch of Mr. Levine’s appeal, and authorizes the Town Clerk to issue a certification, in accordance with Public Officers Law Section 89(3)(a) confirming that a diligent search for such documents has been made, and no such documents have been located.

Supervisor’s Schmitt’s motion was seconded by Councilman McCarthy.

Councilman Johnson said given the questions that were raised the night the board voted, he once again thought it wouldn’t have hurt them to wait a little bit. The other lesson the board should learn is when we are reaching out to other people while we are developing a program, process or law, we need to be more diligent with producing some type of records for that. So that if someone does request how did you get that idea, where did it come from, the documents do exist.

Councilman DeRosa said he would say yes, when there are those kinds of documents but a lot of times those discussions happen on the phone but when there are organized meetings, there should be some kind of documents.

Supervisor Schmitt said these were more of workshops where people were kicking around ideas and it wasn’t formal and there were no notes taken. Moving forward, when a committee is established, the board will put rules and guidelines in place for when they need to discuss something so when someone asks, we will have it for them.

The motion passed unanimously.

**RESOLUTIONS**

**Resolution 2021101  
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 20210525 through 20210676, 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 \$427,060.15.

**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 2021102  
Facilities Use Request**

Whereas, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the town’s own usage, and

Whereas, the recreation director will periodically receive requests for special considerations once all application and insurance requirements are met, and

Whereas, the town board sets the fees for the use of facilities, now, therefore, be it

Resolved, that the following waiver(s) have been authorized by the town board:

Thomas Kelly Johnson – Alcohol Waiver  
Alcohol Control Plan submitted and approved

**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 2021103**  
**Adopting Code of Conduct for Public Comment**

Whereas, the town board believes that public participation is essential to the governance of the Town of Pawling and wishes to encourage public comment and participation by all residents and visitors; and

Whereas, to ensure the efficient running of meetings, the town board is desirous of establishing a policy regarding conduct of those who wish to make public comment at town board meetings; and

Whereas, the board believes that such a policy will encourage respectful and important dialogue, for the benefit of the Town of Pawling and all its residents; now, therefore, be it

Resolved, the board adopts the following policy for public comment at all meetings of the Town of Pawling:

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.

Therefore, be it, Resolved, that the Pawling town board hereby adopts the Rules of Public Comment and Participation for Pawling Town Board Meetings.

Supervisor Schmitt said he would read an email that came in regarding this resolution:

Dear Supervisor Schmitt and Members of the Town Board,

Can you please read the comments below into the minutes?

My name is Mark Chipkin. I live at 60 Hurd's Corner Road. I wish to commend the Town Board for considering adopting the resolution regarding "The Rules of Public Comment and Participation for Pawling Town Board Meetings."

I feel adopting these rules regarding the Town Board Meeting will benefit the entire community for the following reasons:

- The effort of the Town Board to use ‘best practices’ developed by Town Boards to hold meetings says much about your leadership and desire to support a safe meeting where all people know they have a right to speak and be treated respectfully.
- Transparency and education improve when the Town Board posts the rules on the agendas and Pawling Government websites. Residents will now know clearly in advance about meeting behavior expectations and the possible consequences of not following the rules.
- All residents can appreciate that they will be given an equal opportunity and time to speak. We will know that you will be watching to make sure we will be treated respectfully by the Town Board and other speakers.
- I have seen Town Board meetings where there were behaviors that showed little respect for the rules. It will now be easier for the Town Board to enforce rules to prevent inappropriate behaviors as their rules will have been officially adopted and posted. In addition, the public is made aware of the strategies that may be used when an individual or group is disrespectful of these rules. To not approve these rules leads to more confusion and a lack of clear expectations.

I hope you will all support a resolution that helps to make our meetings safe and respectful for everyone and strengthens our community. Sincerely, Mark Chipkin

Supervisor Schmitt said this is on the agenda because Councilwoman Snow was attacked up here and it went on and on. When he tried to intervene, his requests were denied by the resident.

Councilwoman Snow said the first time this was discussed was last March, when she was just back from the Association of Towns. One of the workshops explained how you run town board meetings safely, effectively, respectfully. These rules were talked about but never put into a resolution due to Covid.

**MOTION ON RESOLUTION 2021103:** Supervisor Schmitt

**SECOND:** Councilwoman Snow

Councilman DeRosa felt this resolution covered a lot.

Councilman Johnson said first of all, what a shame that you need to actually pass a resolution to do this. He wanted to make sure the public knows that in no way, shape or form is he going to try to limit someone’s freedom of speech. Everyone has the right to speak. He has also been told first hand by the town’s attorney that as an elected official, you need to have thicker skin. He is not condoning what happened to Councilwoman Snow but he did not want people to feel that they can’t disagree with the board, maybe even with a loud voice. He doesn’t mind, but to personally attack someone or their family, that’s not correct. Hopefully, we never ever have to resort to any of the methodologies in this resolution. It should bring to light, coming out of Covid, and we are into public meetings, let’s get down to the business of governing this town and doing positive things like building pickleball courts and paving our roads, and not having to spend time on how people talk to each other.

Councilman McCarthy said he was fine with the way it is. He felt everyone needed to treat each other with respect, we are not limiting people’s comments. They can say whatever they want but they can say it politely and with respect.

Councilwoman Snow said she is fine with how it is written. For the record, this in no way is preventing anyone to come up to the microphone. We encourage people to come up and we can agree to disagree. But this in particular, because it was brought up over a year ago is not just reactive to last meeting, it has more to do with continuing for people to know they can come and whether there is a community member speaking, it goes both ways, a board member is not going to go back at them. Things have changed over the years, which she was glad to see, but before

she was on the board, years ago, there were some times that was not the case. She felt it did go both ways and we need to be mindful of being respectful to each other. That is really the point.

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021104  
Authorizing Renewal of Liability Insurance Policy**

Whereas, the town board requested proposals from insurance brokers in 2020 for a two year period; and

Whereas, the town board received one proposal in response from Emery & Webb (the “Proposal”) submitted by Executive Vice President Vincent Ranalli and Account Manager Beth Metzler from the Fishkill office, which proposal was accepted by the town board by resolution 2020098; and

Whereas, the premium for 2021 is now due in the amount of \$105,512.23; now, therefore, be it

Resolved, that the town board of the Town of Pawling authorizes the payment to Emery & Webb to renew its insurance policies for an annual premium cost of \$100,512.23; and be it further

Resolved, that the town supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the town attorney.

**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 2021105  
Approving Settlement of Tax Certiorari Proceeding in the Matter of the Application of  
Dutcher House Holdings LP v. The Town of Pawling Index No. 2020/51907**

Whereas, the Town of Pawling is currently a party respondent in a certain tax certiorari proceeding entitled **DUTCHER HOUSE HOLDINGS LP V. TOWN OF PAWLING, ET AL**, currently pending in the Supreme Court, State of New York, County of Dutchess, in which the total assessed valuation of premises shown on the Pawling Tax Map as grid number 6957-20-997009 as listed on the 2020 Assessment Rolls is being contested; and

Whereas, a proposed settlement of said matter has been negotiated by and among the Town Attorney, Counsel to Petitioner, and Counsel to the Pawling Central School District the terms of which are set forth in a proposed Consent Judgment, a full and complete copy of which is annexed hereto and hereby made a part hereof; and

Whereas, the Assessor of the Town of Pawling and the property owner have agreed to settle the proceeding by reducing the assessed valuation of the subject premises as follows:

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>
2020	1,525,240	1,470,240

and,

Now, Therefore, be it Resolved, that the Town Board of the Town of Pawling hereby approves and ratifies the settlement of the above described matter; and

Be it Further Resolved, that Jamie Spillane, Esq. of the Firm of Hogan & Rossi, the Pawling Town Attorney, or any other member of said Firm, is hereby authorized and directed to sign, on behalf of the Town of Pawling, said Consent Judgment in the form annexed hereto or, if hereinafter modified or amended, in such form as may be deemed satisfactory to the Town Attorney.

**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 2021106  
Acceptance of Bid, Partition Construction**

Whereas, the Town of Pawling solicited 2 bids for the reconstruction of the partition between the front offices in town hall, and

Whereas, Dalrymple Construction came in at the lowest bid for \$26,507.00, therefore, be it

Resolved, that the town board hereby approves Dalrymple Construction to complete the partition reconstruction project in the town hall front offices.

**MOTION:** Supervisor Schmitt  
**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

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

**TOWN BOARD DISCUSSION**

**HOLMES POND PAVILION**

Wendel Weber, supervisor of buildings & grounds explained that he is ready to put the pavilion in place at the Holmes Pond, he would like to start next week.

The Board agreed and said Mr. Weber should move this project forward.

## **PRO GATOR**

Supervisor Schmitt made a motion to purchase a John Deere Pro Gator in the amount of \$31,566.60 per Mr. Weber's request, seconded by Councilman Johnson, motion passed unanimously.

## **LAKESIDE PARK ENTRYWAY BID AWARD**

Wendel Weber, supervisor of buildings & grounds said the county has approved all of the drawings and everything for this project so he is ready to move forward.

Supervisor Schmitt said this project went out for a formal bid and the numbers came out a little higher than he had hoped. He and Mr. Weber met with the bookkeeper and she felt the numbers could still work going with the low bidder.

Supervisor Schmitt made a motion to accept a bid of \$95,903.00 from Land Works Excavating, Inc. per the plans that went out to bid for the Lakeside Park entrance, seconded by Councilman Johnson, motion passed unanimously.

## **DEROSA**

Councilman DeRosa said he and Mr. Weber checked the dam over this morning. The water was an inch below the weir board in the draw down chamber. In the spillway itself, the water is three quarters of an inch below the top of the steel. It is pretty much to the 705 mark. From what he is hearing from the residents, they are really happy with the height of the water level, they don't want to see it any higher. They looked at the fence and where people had access to the dam. If the fence is extended on the track side about 20 feet, people would not have access to the dam. Mr. Weber has a fence company coming to look at installing a fence. He felt there needed to be some kind of trespassing fine and he wanted to get an idea from Ms. Tagliaferro as to how to make it legal. He would like the town board to write a letter to the trail people to tell them about the problem the town is having with people having access to the dam from the trail. He suggested the trail people put signs up regarding access to the dam.

Councilman Johnson agreed, saying a fine would further insulate the town in the event someone does get hurt.

Supervisor Schmitt agreed, saying people need to respect that the dam is 18 feet high and it is dangerous.

## **PWD#2**

Councilman Johnson said for the last two to three years, he and Supervisor Schmitt have been working with the county on issues with the water district. He has been monitoring the water districts for most of the twenty years he has been on the board. When he first got involved, the place was in a tremendous state of disrepair. The board hired a new water operator and cleaned it up and got the plant properly operating. It was determined at that time which wells were producing and which ones weren't. At that time, well number 4 was producing twenty or thirty gallons per minute. Over the years, because of heavy iron, the wells close up. Eight or ten years ago, the well was hydro fracked and it did increase production of the well but it is to the point where the veins aren't drawing. That well is probably at twelve gallons per minute and well number 2 produces between one and two gallons per minute, so we are getting about fifteen gallons per minute. The wells are running as much as they can and they produce fifteen to sixteen thousand gallons per day. Over the last month and a half or two months, use of the water has gone as high as 21,000 per day. He met with the water operator, who has checked for leaks but there is no evidence of leaks. In driving around, the operator has determined that people are filling swimming pools, watering their lawns, and this is compounded by a second issue, which is that 27 meters are missing or inoperative. There are 59 users so almost 50% of the residents in the water district are being billed at a minimum rate. What we need to do is twofold. Because of the minimum number of users, you can't spend \$500,000.00 to modernize the plant. There has never been a violation on the water quality, the water quality is tremendous. Now there is a production issue we have to address because we can't afford to continue to buy water. He and the supervisor have met with Laberge, the town's grant writer/engineering group and the first thing they sent him was a preliminary engineering cost of \$50,000 for a hydrogeologist. We have limited funds and need to drill a well, we are not going to get a hydrogeologist. There are

two spots you can drill, either in the vicinity of well #4, where historically there has been great water, or behind the water plant which can be connected easily and can be connected to the generator and can also eliminate having to buy water when the power goes off. Right now, we are at the point of needing an RFP to go to bid to drill a well. His recommendation to the board is to do that in the vicinity of the water treatment plant, depending on the amounts of water that are found. Once we have a water source, we will do RFP's to connect it to the generator and a small checklist of things the department of health wants the town to do. The problem is the system that is in there is probably 30 or 40 years old and it is not manufactured any longer and would probably cost half a million dollars to upgrade. What is being done now is working. The town is trying to get grants and funding and this will determine just how much more of those other things we are able to do. He would like the board to authorize the town clerk to publish that RFP when received, provided it is approved by the engineer.

Councilwoman Snow asked if it is definite that once that well is drilled, there is definitely water that will be able to be used.

Councilman Johnson said there is no guarantee any time you drill a well.

Councilwoman Snow said until that is done, what is it costing the district for the water.

Councilman Johnson said \$500.00 to \$600.00 per load of water. He also wants to enact a mandatory water restriction, and he has had Ms. Tagliaferro draft a letter to the residents. Replacing/repairing the meters will be addressed separately and he felt there would have to be a penalty phase of that, where there would be fines if people didn't allow their meter to be repaired/replaced. Apparently, there are no records of the regulations being approved so the rules and regulations need to be amended and adopted, which will keep it fair for everyone. There has only been one increase in rates since he has been on the board, which was April 1, 2007.

Supervisor Schmitt felt the board needed to work with the grant company and get this done and get a well going. He felt getting the water meters replaced/repared should be a priority.

Councilman DeRosa said the story sounds very familiar to the Shorehaven water district, which was turned over to the Dutchess County Water Wastewater Authority. When the system was given to Dutchess County, the residents went from spending \$375.00 per year for water to \$2,500.00 once the system was turned over to the county. Shorehaven had a little over 100 residents, this district has less residents in it. So, the board needs to take this into consideration.

Councilman Johnson introduced a resolution to authorize the town attorney to prepare a letter that the clerk can send to all residents instituting a mandatory water restriction, seconded by Councilman McCarthy, motion passed unanimously.

Councilman Johnson made a motion authorizing the clerk to publish a bid for the drilling of a new well in Pawling Water District #2 based on documents prepared by the Laberge Group, seconded by Supervisor Schmitt, motion passed unanimously.

Councilman Johnson said he would get together with the town attorneys to discuss the water meters to see how this can be handled.

### **ETHICS DISCUSSION**

Councilwoman Snow said the town board tonight received Hyde Park's ethics code, which is seventeen pages. She asked the board to go through this information before the next meeting and be ready to make comments at the next meeting so that it can be discussed. There were questions as to whether Dutchess County could handle any ethics issues. She spoke to the gentleman who wrote the most recent code for Dutchess County, and he said they don't handle town ethics concerns, they want the towns to do that but they are always available to help get it completed. She said Hyde Park has had this code for ten to fifteen years and it has been consistent and it has worked well.

### **CREW BINETTE SERVICE AWARD**

Supervisor Schmitt said this month, the board is awarding the Crew Binette Service Award to Stephanie McLaughlin. He read the following proclamation:

**Crew Binette Community Service Award  
in recognition of  
Stephanie McLaughlin**

**Whereas**, Stephanie McLaughlin has exhibited exceptional community spirit and service during these challenging times, and

**Whereas**, Stephanie McLaughlin is an active volunteer with many local organizations including the Pawling Resource Center, Pawling Rotary and the Dutchess County Medical Reserve Corps during the COVID-19 pandemic when the community needed it the most, and

**Whereas**, Stephanie McLaughlin as President of the Library's Board of Trustees went above and beyond to maintain library services through the pandemic by distributing over 300 kits to local families, therefore, be it

**Resolved**, that the Town of Pawling, by its elected town board, hereby recognizes the exceptional community service displayed by **Stephanie McLaughlin** presented this 9th day of June, 2021.

Stephanie McLaughlin was present to receive the award. She said it was very special for her to receive this award because it was inspired by the kindness and generosity of Crew Binette. Crew is definitely good company to keep. She truly loves being part of all of these organizations and she loves being able to give back to this community that has done so much for her and her family. She thanked Brian Avery for nominating her and the board for selecting her, it is truly an honor.

**PUBLIC COMMENT**

Carrie Feron from 63 Willow Lake Drive thanked the board, especially Ms. Tagliaferro for alerting them that the homeowner's association in their neighborhood was about to go into bankruptcy, they reformed it and paid the back taxes. It is a success story and she is thankful to everyone who got back to her on that. The second thing is that she appreciated the board thinking about the water. It is clear to her that there is an issue. The water is highly chlorinated and it is undrinkable. Because there is so much iron in the water, it comes into the houses and they have a problem with their pipes. She asked if there was a way for the water to be softened.

Councilman Johnson said there is different technology that is evolving and he will be looking into that once the water source, meters and production of quality water are all doing well.

Joe Marotta, chairman of the Whaley Lake dam committee said the board is saying the lake is beautiful, which is not true. Just like in 2018, when he asked for a meeting with an engineer and they wouldn't arrange it, and it took a year for the board to decide that the lake was twelve inches too low. Now the board is talking about the width, the dam was 28 feet wide before, now it is 18 feet. They as a community have been gathering additional signatures and are getting more signatures. He would like the board to say who is against bringing the lake to the normal level. What is the normal level? The correct height and correct width and a concrete spillway. The board had permission to bring it to the correct height but they didn't do it. They put in two of the three tiered boards. The board won't even respond to that question. The board passed a resolution to lower the lake every October and stated that DEC required it. Yet a year before, he told the board they didn't and provided written information that DEC does not require us to lower the lake at all. If we choose to, it can be done at any time we wish. He asked if the board would rescind that resolution? He wanted answers. They are getting an independent engineer to verify as best they can to find what was the correct height and verify the width. They would like to have the spillway put back with the right height and width and in concrete so the lake doesn't have to be lowered every year. If the lake is lowered, there is erosion and sea wall damage and this could cause additional lawsuits. His questions have not been answered and he would like answers now.

Supervisor Schmitt asked if Mr. Marotta had any other questions for the board. The dam project has been completed, it has been signed off by DEC, the million dollar grant has been given to the town, the long term funding has been done and as far as the board is concerned, the

height of the water is about perfect. He was sorry Mr. Marotta did not feel that way but the board has been in communication with a lot of people as well.

Mr. Marotta said residents aren't happy with the board's position.

Supervisor Schmitt said the lake level today is about twelve inches above the concrete right now.

Mr. Marotta said the wider the spillway is, the more consistent the lake will be.

Supervisor Schmitt said during the design process when the board designed the width and height of the spillway, which predates him being on the board, that would have been the time for Mr. Marotta and his committee to speak up regarding the width and height. The dam is built and DEC and everyone else has signed off on it.

Mr. Marotta said that doesn't mean it is correct. It could be changed, it could be made perfect the way they paid for it.

Supervisor Schmitt said he did not believe this board would be making any changes to it.

Mike Kelly, resident of 63 Willow Lake Drive thanked the board for the update on the water in PWD #2. The other thing is that Mountain View Drive and Eleanor Drive are really getting very bad. He wondered if there has been any discussion about improving these roads and other roads in the area.

Supervisor Schmitt said he has been working with Jay Dickinson, Highway Superintendent and the bookkeeper to look at ways to borrow long term funding to do some more roads.

### **EXECUTIVE SESSION**

The motion to enter into Executive Session to discuss personnel matters was made by Supervisor Schmitt at 7:40 PM, seconded by Councilman Johnson, motion passed unanimously.

The Board returned from Executive Session at 8:05 PM and adjourned the meeting. No action was taken.

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Town Clerk