

Deputy Supervisor/Councilman James McCarthy opened the workshop meeting of the town board of the Town of Pawling at 6:00 PM April 6, 2022 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilmen DeRosa, councilwomen Snow and Musella Pitt, Nancy Tagliafierro, town attorney and approximately 10 interested citizens. Supervisor Schmitt was absent.

PUBLIC COMMENT ON AGENDA ITEMS

Mr. Robert Hill, resident of Pawling, said regarding resolution 2022090, “Accepting Quotes for Appraisals for Dewey Lane Culvert Replacement Project”, at the last several meetings, this was discussed and the board agreed to work together with him on the Dewey Lane Bridge and not pursue the taking of his land. Tomorrow morning, he is meeting with the town attorney, councilman McCarthy and supervisor Schmitt to discuss this. He asked that the board vote no on resolution on the agenda tonight, resolution 2022090 because if passed, the board would not be working in good faith. He asked that the board either postpone the resolution or vote no on it.

Councilman McCarthy said the board is not adopting this resolution tonight, it is on the agenda for the board to discuss.

Ms. Tagliafierro said if the resolution is necessary, it will be on the agenda next week, if not, it will come off the agenda.

RESOLUTIONS

The Board reviewed the resolutions and agreed they would be acted upon at next week’s meeting.

The board took the following actions:

Resolution 2022087 Approval of Retroactive Pay for Deputy Tax Collector

Whereas, the Pawling town board approved resolution 2022082 on March 19, 2022 granting an additional \$1.13 per hour for the deputy tax collector, and

Whereas, resolution 2022082 states this increase is for a maximum of 250 hours, and

Whereas, those 250 hours retroactively include time worked January 1, 2022 through March 19, 2022, therefore, be it

Resolved, that the town board hereby approves retroactive pay for the deputy tax collector in the amount of \$1.13 per hour for hours worked January 1, 2022 through March 19, 2022.

MOTION: Councilman McCarthy

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

Resolution 2022088 Appointment - Interim Recreation Director

Whereas, a vacancy exists in the position of recreation director, and

Whereas, the Town of Pawling is going through the process of filling said vacancy through the civil service list, and

Whereas, while the town is going through the civil service process an interim recreation director is needed, and

Whereas, longtime assistant recreation director Robyn Priano is eminently qualified to lead the recreation department, therefore, be it

Resolved, that Robyn Priano is hereby appointed Interim recreation director at a salary of \$60,000 retroactive to April 1, 2022.

MOTION: Councilman McCarthy

SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

Resolution 2022091

Authorization for the Submission of a Community Project Funding Grant Application to Proceed with the Route 22 South Sanitary Sewer Expansion Project

WHEREAS, the United States House of Representatives and United States Senate has opened a call for applications for the FY 2023 Community Project Funding program; and

WHEREAS, the Community Project Funding program provides an opportunity for high priority wastewater infrastructure public welfare projects to compete for federal appropriations; and

WHEREAS, the lack of municipal sanitary sewer service along the Route 22 corridor in Pawling has been identified as a primary cause of economic stagnation and a significant impediment to economic growth because it severely limits the interest in both residential and commercial development due to the difficulty, delays, and expense associated with the installation and ongoing maintenance of on-site septic wastewater treatment and disposal systems; and

WHEREAS, the impediment to future residential and commercial development along this important thoroughfare is further exacerbated by the heightened cost of on-site wastewater treatment and disposal due to environmental restrictions and regulations associated with the corridor’s location within the New York City East of Hudson Watershed, an environmentally sensitive and protected area; and

WHEREAS, the lack of municipal sanitary sewer service has been demonstrated to have hampered retail rental and contributed to a high vacancy rate in commercial rental properties along the thoroughfare that would otherwise be appealing as it provide the requisite location and traffic volume to support prospective tenants; and

WHEREAS, both local and regional planning documents, including the Town of Pawling Comprehensive Plan and the Dutchess County Hudson River Valley Greenway Compact, support the development of “much needed sewer systems” as a fundamental component of “smart growth” residential and commercial development recommended in “priority growth centers” such as the Route 22 corridor as a key means of attracting sustainable development, fostering economic growth, and mitigating or reversing negative environmental impact; and

WHEREAS, the disproportionate tax burden which has been shouldered by residential taxpayers for years due a small and stagnant commercial tax base would be offset and eased by attracting sustainable development within this designated “smart growth” area through the provision of municipal sanitary sewer service; and

WHEREAS, the Preliminary Opinion of Cost for a Septic Tank Effluent Pump System (STEP) serving proposed Sewer District # 4 is projected to be \$2,930,000; therefore

NOW BE IT RESOLVED, that the Town Supervisor is hereby authorized to undertake all actions to execute and file an application for federal assistance through Community Project Funding via Congressman Delgado, Senator Schumer and/or Senator Gillibrand to proceed with the Route 22 South Sanitary Sewer Expansion Project to bolster the economic health of the Town of Pawling while reducing the tax burden on its residents and improving their quality of life.

MOTION: Councilman McCarthy

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

SIMMONS PROPOSED ZONE CHANGE

Mr. Tim Curtiss, attorney was present representing Mr. Simmons. He presented a map and explained that this property is 2.88 acres located on 57 Buhleier Lane. He said there is a procedure in the town’s zoning for a zone change. The first step is to come before the town board. The town board then refers the project to the planning board, and the planning board makes their recommendation to the town board, who would then schedule a public hearing. This is under chapter 215-53 in the town zoning code. He explained that Mr. Simmons owns a 2.88 acre parcel on 57 Buhleier Road, which is off of South Quaker Hill Road. There is a house on one acre and the second acre is between their house and their neighbor’s house. It is a one acre lot and conforms to the residential zone. It was residential when they purchased it seven or eight years ago and the zoning was apparently change on the Route 22 corridor, where 2000 feet from Route 22 everything became commercial, so this lot is now zoned commercial. They would like to turn the one acre lot back to a residential lot. Mr. Simmons needs a house on one level and they would like to build a new house on the one acre lot and would sell the existing house. He went to the planning board, they are aware of it. Buhleier Road is a private road and this would not change the character of the neighborhood and would conform to the existing one acre zone.

Councilman DeRosa asked why the applicant doesn’t apply for a variance, which he felt would be faster than a zone change.

Mr. Curtiss said he was going to go for a variance but because it requires a legislative change, only the town board can make that change.

Ms. Tagliafierro said in order to get a use variance, they would have to prove they could not get a decent financial return on their property. The plan is to subdivide the property and the plan will be fully vetted by the planning board, one way or another, after they make their recommendation to the town board whether or not they agree with the zone change.

Mr. Curtiss said they would not be able to show economic hardship because they could sell the lot.

Councilman DeRosa said all of the houses on that road that are now commercial and should be changed to residential. This was an oversight when the zoning was changed.

Councilwoman Snow asked when and why the zoning was changed.

Mr. Curtiss said he did not know when this was changed but his understanding is that it was changed to gain a larger commercial zone along Route 22.

Councilwoman Pitt asked if it was possible for any of the parcels to have access to Route 22. Could they get an easement in the future?

Mr. Curtiss said no, there are no easements to any of the parcels. Mr. Curtiss said he thought it would be difficult to get an easement because they would have to go through other properties to get an easement. They have access to South Quaker Hill Road.

Councilman DeRosa said he did not feel the terrain would lend itself to easements to Route 22.

Councilwoman Snow asked about setting a precedent with this zone change.

Ms. Tagliafierro said the code says how you have to examine and if the request to change is consistent with the other uses in the neighborhood, then that is the question.

Councilwoman Pitt said she understood that there is no access to Route 22 but that doesn't mean those properties can't remain commercial. People can gain access by going up South Quaker Hill Road.

Mr. Curtiss said the problem is that no one could develop these as commercial properties because of the access problems and because they are only one acre lots. And they are located on a private road that is maintained by the homeowners.

PRESENTATION BY WENDEL WEBER (SUPERVISOR OF BUILDINGS & GROUNDS)

Wendel Weber, supervisor of buildings & grounds said he sent the board an email regarding the NYSEG incentive program for the highway garage. He said if the board is in favor of it, he would like to get it started. This program would change everything to LED, which would save approximately \$2,000.00 per year. He also asked that the truck resolution, resolution 2022089 be passed tonight so he can order the truck, so he doesn't lose the truck. Mr. Weber said he also sent the board information on two propane tanks for the generators, the cost is approximately \$18,000.00.

Following discussion, the board adopted resolution 2022089:

Resolution 2022089 Approval of Truck Purchase

Whereas, the supervisor of buildings & grounds has requested to purchase a 2023 Chevrolet Silverado 3500HD with a 2023 Duramag Smooth Side Dumpbody, and

Whereas, the funding for this equipment is included in the 2022 Town of Pawling budget, and

Whereas, the supervisor of buildings & grounds requests approval to order said 2023 Chevrolet Silverado 3500HD with a 2023 Duramag Smooth Side Dumpbody on New York State Mini-bid 1379OGS23166 for \$43,649.93 and \$15,050.25 respectively therefore, be it

Resolved, that the town board hereby authorizes the supervisor of buildings & grounds to purchase a 2023 Chevrolet Silverado 3500HD with a 2023 Duramag Smooth Side Dumpbody on New York State Mini-bid 1379OGS23166 for \$43,649.93 and \$15,050.25 respectively.

MOTION: Councilman McCarthy

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

LED LIGHTS FOR HIGHWAY GARAGE

Councilman McCarthy made a motion to approve \$7,250.00 to convert to LED lights for the highway garage, seconded by Councilman DeRosa, motion passed unanimously.

PROPANE TANKS FOR GENERATORS

Councilman McCarthy made a motion to accept the two bids for the transfer station and highway garage in the amount of \$18,000.00, seconded by Councilman DeRosa, motion passed unanimously.

DEROSA

Councilman DeRosa said letters will go out to residents letting them know there will be a special meeting regarding the Route 22 south sewer district on April 20, 2022. Regarding PWD #2, the RFP for the new well is completed and will be going out soon. He said with the help of Cathy Giordano, town clerk and Cheryl Knowles, deputy town clerk, the email system to notify residents in the water district will be used, he thanked them for doing that. A questionnaire will be sent out with the billing for residents to update their information so they can be contacted. Included in the billing will be an update on the district. He said interviews were done for help in the building department and hopefully someone can be hired next week. The shed will be put in at the dam in the next couple of weeks.

SNOW

Councilwoman Snow said there are two candidates for the media assistant and hopefully once interviews are done, they can be trained and all meetings could be streamed by the first meeting in May. Regarding the ethics committee, an email is going out to the supervisors of Beekman, East Fishkill and the Village of Pawling to see when the first meeting can be scheduled, hopefully next week. The Pawling Community Foundation was tasked years ago with working on the great lawn at Lakeside Park and they are ready to begin that project. They wondered if there were any questions from the board. The PCF wants to come to next week's meeting and they would be prepared to answer any questions.

Councilman DeRosa said he would like to look at the map and elevations, therefore he has no questions at this time. He said if the project will be phased, he would like to see how the phasing would be done. He asked if there was a plan to use other fields while this work is being done.

Councilwoman Pitt said she would like to see the map, grading and overall plan. She asked if the field is a regulation size field and can be utilized by all ages and all levels. Does this field fit in to what the board has in mind for the remainder of the great lawn? She would like to see the project completed all as one.

Councilwoman Snow said they have made use of other fields now, so there are other fields available to them. She suggested having the PCF come next week to answer questions. She thought Mr. Apap sent a map to everyone.

Councilman McCarthy said there was a map that was handed out but it did not have grades on it. He believed the field is a twelve and fourteen youth and under for soccer. It is not big enough for Lacrosse. Supervisor Schmitt sent an email to Mr. Apap on March 1st and has not received a response. Councilman McCarthy said he sent an email to Ryan McGrath and Katie Berlandi to set up a meeting and he hasn't heard any more about it. He will send the email from supervisor Schmitt out again to the PCF and town board so they can answer questions. The proposed field they sent on the drawing is a little bit less than a third of the current field.

Councilwoman Snow said if they come to the meeting, maybe they could answer questions and be given direction by the board how to proceed.

Councilman McCarthy said it was his understanding that this project would begin in September.

Councilwoman Snow agreed, saying if this was discussed now, it would give the fall teams time to find other fields and make those arrangements.

Councilwoman Pitt said she wanted to stress if there was a way to be able to expand the size of the field, options should be explored and if additional funds are needed for that, options should be explored. She would want to get it right the first time it is done. If additional finances are needed from the town level, the town would need to explore it.

Councilwoman Snow said she would take the questions back to the PCF and ask if they could respond to the board by next week.

PITT

Councilwoman Pitt said there have been some changes in the town's constabulary program. We have lost several constables due to either resignation or deciding they want to retire. She is in

the process of rebuilding the constabulary program, and there are a few options. She said other peace officers that are currently working in other courts and certified to do so through DCJS can be hired. There are also options to use certified state court officers, who are already employed by the state and highly trained. The other option is calling in the Dutchess County Sheriff's office. The goal is to keep it with our own employees of the town and have our constables here at court. That is what she has been working on.

MCCARTHY

AMBULANCE DISTRICT UPDATE

Councilman McCarthy said he and Councilwoman Pitt had a meeting with Laberge, Ms. Tagliafierro and an attorney from Laberge regarding forming an ambulance district for the town of Pawling to try to spread out the cost to every building in the Town of Pawling. The moral of the story is that we are not able to do that. You cannot charge a fire district tax to not for profit facilities.

Nancy Tagliafierro, town attorney said the hope was that we were going to form the ambulance district and assess and tax all of the properties in the town. They found that properties that are exempt from paying real property taxes are also exempt from ad valorem taxes for ambulance districts pursuant to real property tax law section 490.

Councilman McCarthy said so the board tried to do this but it failed for right now.

Councilman DeRosa said the reason the board was exploring this was because the cost of the ambulance district went up over 100% from last year to this year. The board was looking for other ways to pay for it.

Councilman McCarthy reminded residents there is a burn ban until May 15th for everyone. No one should be burning now.

SPECIAL MEETING

Councilman McCarthy made a motion to ask the town clerk to advertise a special meeting on April 20, 2022 regarding the Route 22 sewer district south for the residents that will be in that district, seconded by Councilwoman Snow, motion passed unanimously.

Councilman McCarthy said the coach of the Mizzentop Day School asked if he could use the golf course for four students on Thursdays only.

Councilman McCarthy made a motion to allow the Mizzentop Day School the use of the golf course for four Students on Thursdays as we do with the Town of Pawling school district and Trinity Pawling School, seconded by Councilman DeRosa, motion passed unanimously.

ARPA FUNDS

Councilman McCarthy said regarding the ARPA funds, the board has been talking about this and has to come up with a plan by the end of this month of what the town would like to do with this money. He said Mr. Weber gave the board a proposal this morning, which needs to be looked at. He would like to earmark some of the money for the town hall repairs and security. There is currently \$200,000.00 for this year and once that money is earmarked, the town will probably get approximately another \$300,000.00. The board does have to come up with a plan by the end of the month as to what will be done with the initial payment.

Councilman DeRosa agreed, saying he wanted to use part of the money for the asbestos abatement in the town hall basement.

Councilwoman Pitt agreed with the asbestos abatement project.

Councilwoman Snow felt the money could be used for roads but she didn't realize how expensive that is. She would like to see some of the money used for roads. She agreed with the asbestos abatement project but suggested community input on what the money could be used for because the money is supposed to be used for things that affect the whole community. She initially thought of broadband but that is a very expensive item.

Councilwoman Pitt said the board has been discussing the fees for the use of fields at Lakeside Park. It seems the fees have increased drastically this year and we are losing some of the local teams and they have to practice elsewhere because they cannot afford the fees within our town. She wanted to let everyone know that the board is looking at the fee schedule.

Councilwoman Snow said she and Councilman McCarthy discussed this issue with Robyn Priano, interim recreation director and she is doing research on this and having conversations with local coaches. The board feels strongly that residents should be able to play at the town's fields and not have to go outside town where they are getting to play on fields cheaper.

Councilman DeRosa said the salary structures for the park and golf course are very low and they are having a hard time hiring people. He felt the board needed to consider raising those salaries.

Councilman McCarthy said they also spoke with Mrs. Priano about the salaries and she is working on that.

PUBLIC COMMENT

Giovanna and Aaron Cioppa, Carl Cinquamani, Trish McLoughlin and Amy Mazzoitti, residents of Shorehaven were present. They asked to talk about the bridge on Lakeview Drive that was wiped out during Hurricane Ida. They have been speaking with supervisor Schmitt and he suggested they come and address the board regarding the town helping them through a grant process to obtain monies to rebuild the bridge. The bridge grants access to emergency services, garbage collection and access to one of the beaches. It also protects a main utility water line, which is governed by the Dutchess County Water Wastewater Authority. They asked that the town to help them apply for the grant, and in this process, they would be a sub applicant to the Town of Pawling. They cannot apply because they are a homeowners association. This is a competitive grant and they would help in any way they could. Instead of it being 75% funding, she was told it will go up to 90% funding. They have met with supervisor Schmitt and county executive Marcus Molinaro when the hurricane first happened, and various options were discussed. They have researched other options, but none of them worked out. They met with supervisor Schmitt and Gary Beck last week on site. Mr. Beck discussed a way to fix the bridge and they were supposed to receive bids today but no bids were received. This grant seems to be an option and the town has to apply for the grant for them. The deadline is May 4th at 10 AM. Because they are an HOA, they are not eligible for public funds. They asked for the town to file for the grant for them.

Councilman DeRosa said Jessica Peterson has contacted them by email and they are supposed to get back to her by the end of this week.

Councilman McCarthy asked if the grant is 90/10%, who will pay the 10%?

Mr. Cioppa said they budget approximately \$23,000.00 for road work, so they have that money. The range is from \$50,000.00 to \$100,000.00 to fix the bridge.

The group thanked the town board for their time and for listening to them.

Harvey Matcovsky, resident of Holmes, suggested the group from Holmes contact Senator Sue Serino for help with the bridge. He thanked the board for trying to get everyone to pay their fair share with the ambulance district. If they wanted to be good citizens, they should pay their fair share.

The motion to adjourn was made by Councilman McCarthy at 7:15 PM, seconded by Councilman DeRosa, motion passed unanimously.

Town Clerk