

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM July 13, 2022 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, Councilmen DeRosa and McCarthy, Nancy Tagliaferro, town attorney and 25 interested citizens.

PUBLIC COMMENT ON AGENDA ITEMS

Christine Mitchell, town bookkeeper said the board is appointing a new legislative aide this evening. She wanted to take a minute to say how wonderful Jessica Peterson has been for all of the years she has worked with her. She did a lot for the town and the board, she is dedicated and smart and she will be missed. She congratulated Jessica for her new job as building inspector in the Town of Beekman.

Mark Delbalzo, town resident and representing the Pawling Soccer Club, said he looked forward to the presentation about the great lawn project. He is looking forward to having their season at Lakeside Park.

Marty Mygan, resident from One Aspen Court, said Jessica Peterson did a great job. In regards to the legislative aide, he asked if it was a full time job, and asked if the gentleman being appointed would have a set schedule here. He also asked how many candidates were interviewed and if he could get a list of those candidates.

Supervisor Schmitt answered it is a full time job and he would have a set schedule. Approximately five people were interviewed and Mr. Mygan could get a list if he would like.

PAWLING COMMUNITY FOUNDATION

Mr. Ryan McGrath, chairman of the Pawling Community Foundation, Robyn Bellamy, vice chair, John Rickert, treasurer and Ed Lynn, secretary were present representing PCF. Mr. McGrath presented the town board with a letter of donation and a check in the amount of \$100,000.00 to be used exclusively for the great lawn project at Lakeside Park. This brings the PCF total contribution to the great lawn project to around \$260,000.00. Trinity Pawling donated the soil and the expense to transport the soil onto the property. They have invested approximately \$11,000.00 into the engineering and design plans, which the town can leverage as this project goes out for bid. The donation was made possible by the generosity of the Pawling residents, local businesses and local organizations, which we are profoundly grateful for. This was done under the campaign of “One Community One Park”. The great lawn project will benefit residents and visitors for years to come and they look forward to working with the town in the future on additional projects.

MINUTES

Supervisor Schmitt made a motion to accept the minutes of June 1, 2022, seconded by councilwoman Snow and passed with the following roll call vote:

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “ABSTAINED”

Councilman McCarthy – “ABSTAINED”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

MINUTES

Supervisor Schmitt made a motion to accept the minutes of June 8, 2022, seconded by councilman McCarthy and passed with the following roll call vote:

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

RESOLUTIONS

Resolution 2022127 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 20220363 through 20220549, 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 \$389,151.89.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2022128 Appointment of Assistant Recreation Director

Whereas, a vacancy currently exists for the assistant recreation director position, and

Whereas, interviews and much deliberation have been conducted, and

Whereas, Danielle Petriccone has an impressive background with 19 years of experience in the recreation field, therefore be it

Resolved, that the Town of Pawling hereby appoints Danielle Petriccone as assistant recreation director at a salary of \$49,000 per year effective June 26, 2022.

MOTION: Supervisor Schmitt

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2022129
Escrow Release – Parrino

Whereas, the Town of Pawling currently holds \$275.00 balance in escrow for Steve Parrino, and,

Whereas, the planning board secretary has confirmed in a letter dated June 14, 2022 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 \$275.00 balance in escrow to Steve Parrino and authorizes the bookkeeper to release such funds.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2022130

Authorizing the Implementation and Funding in the First Instance 100% of the Federal Aide [and State “Marchiselli” Program Aid] eligible costs, of a Transportation Federal Aid Project, and Appropriating Funds Therefore

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

Whereas, the Town of Pawling desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction work; now, therefore, be it

Resolved, the Pawling town board, duly convened does hereby

Resolved, that the Pawling town board hereby approves the above-subject project; and it is hereby further

Resolved, that the Pawling town board hereby authorizes the Town of Pawling to pay in the first instance 100% of the federal and non-federal share of the cost of construction work for the Project or portions thereof; and it is further

Resolved, that the sum of **\$449,950** is hereby appropriated from fund balance and made available to cover the cost of participation in the above phase of the Project; and it is further

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

Resolved, that the Pawling town supervisor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Pawling with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for

the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

Resolved, that in addition to the town supervisor, the following municipal titles: highway superintendent and town bookkeeper also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

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

Resolved, this Resolution shall take effect immediately.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2022131
Appointment of Legislative Aide**

Whereas, a vacancy currently exists for the legislative aide position, and

Whereas, interviews and deliberation have been conducted, and

Whereas, Joseph Cavaccini has excellent experience, and

Whereas, Joseph Cavaccini has been chosen to take on the role, therefore be it

Resolved, that the Town of Pawling hereby appoints Joseph Cavaccini as legislative aide at a salary of \$49,000 per year effective August 1, 2022.

MOTION: Supervisor Schmitt

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2022132
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 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:

OBSOLETE EQUIPMENT 2022		
DESCRIPTION		SERIAL NO.
Toro Sand Pro		6073417
Genmax generator		NPR07773
Cannon copier F243000		ZEZ39688
Scag 61" SM-61V		D8900029
Scag 61" SM-61V		
Scag 48" SW48A-14KA		7090466
John Deere Trailer		22Utility
Cushman TD 1500 Top Dresser		
GE electric stove		MS2796800
Toro Greensmower 3020		
Frigidaire A/C CPA093DUI		KK21837986
Tohatsu 6 hp outboard		014077XD
Little Wonder blower		E12 2521392
Red Max trimmer		BC-2300
Agri-Fab Leaf vacuum		1.50318E+12
2017 Chevy 2500HD		1GCHK24K97E603031
Farmall Tractor 140		351687-R8
Frigidaire A/C CPA093DUI		KK21830576

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2022133

To Apply for Funding 2022 Consolidated Funding Application (CFA) Environmental Protection Fund (EPF) Grant Program for Parks, Preservation and Heritage NYS Office of Parks, Recreation & Historic Preservation (OPRHP) “Lakeside Park Waterfront Improvements Project”

Whereas, the Town of Pawling, after due consideration, has determined that it is desirable and in the public interest to undertake the necessary activities for the submittal of a grant application under the 2022 OPRHP Environmental Protection Fund (EPF) Grant Program for funding towards the

“Lakeside Park Waterfront Improvements Project”; and

Whereas, the Environmental Protection Fund (EPF) Grant Program grant request will not exceed the maximum request of \$500,000 *(or \$750,000 if the total project costs exceed \$4,000,000)* of eligible project costs to complete the project; and

Whereas, the town board is hereby committed to identifying municipal or other leveraged funds to provide a local cash match of at least fifty percent (50%) of the total project cost under the OPRHP Environmental Protection Fund (EPF) Grant Program; and now, therefore, be it

Resolved, that the town board authorizes and directs the town supervisor to submit an application to the NYS OPRHP Environmental Protection Fund (EPF) Grant Program for the “Lakeside Park Waterfront Improvements Project” and to execute all documents necessary for the implementation of this work relating to the financial and/or administrative processes of the grant program; and be it further

Resolved, upon notice of award by the State, the treasurer of the Town of Pawling is hereby authorized and directed to establish a capital account in an amount which represents the local share of the project not grant funded; and be it further

Resolved, to the extent all or any actions hereby authorized have been executed and/or performed by the supervisor, all are hereby ratified and confirmed and this resolution take effect immediately.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2022134
Appointment of Motor Equipment Operator**

Whereas, a full time Motor Equipment Operator (MEO) vacancy exists in the highway department, and

Whereas, Cyle Hernandez has interviewed with the highway superintendent and was deemed duly qualified, and

Whereas, the highway superintendent would like to fill one MEO position with Cyle Hernandez, therefore, be it

Resolved, that the town board approves Cyle Hernandez to be appointed as a full time Motor Equipment Operator in the highway department at the current MEO hourly rate of \$24.99.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2022135

Authorizing the Supervisor to Sign the FBS Parking Enforcement Services Agreement and Participation Agreement with All Paid

Whereas, the Town of Pawling town board is in receipt of a certain FBS Parking Enforcement Management Services Agreement and Participation Agreement with All Paid from the Village of Pawling to assist the Town of Pawling justice in serving and processing parking violations in the Village of Pawling (hereinafter collectively referred to as the “Agreements”), in the form annexed hereto and authorized herein by reference; and

Whereas, pursuant to General Municipal Law §5-b the town board is authorized to enter into an agreement to accept credit card payments;

Whereas, the agreements will not result in any cost to the Town of Pawling;

NOW, THEREFORE, BE IT RESOLVED, the town board of the Town of Pawling hereby agrees to enter into the Agreements; 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: Councilwoman Snow

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2022136
Appointment of Bookkeeping Clerk

Whereas, a vacancy currently exists for the bookkeeping clerk position due to unforeseen circumstances position, and

Whereas, Robert Half Talent Solutions was utilized due to the short notice and need for experienced assistance, and

Whereas, Robert Half has provided a temporary clerk, therefore be it

Resolved, that the Town of Pawling hereby approves an hourly rate of \$37.00 per hour to be paid to Robert Half Talent Solutions.

MOTION: Supervisor Schmitt
SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2022137
Budget Amendments for Fiscal Year 2022

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

Whereas, normal course of business activity throughout 2022 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:

A FUND						
ACCOUNT	ACCOUNT	CURRENT			REVISED	
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Revenues						
Int & Penalties on Taxes	A.1090	23,000		-3,900	19,100	Adj to Actual
Parkland Dep. Rev	A.2001.300	0	5,000		5,000	Adj to Actual
Refuse & Garbage Chgs	A.2130	280,000		-10,000	270,000	Adj Estimate
Recycling Revenue	A.2651	6,000	3,000		9,000	Adj Estimate
ARPA Funds Designated	A.4089	0	104,000		104,000	TB ARPA Uses
		309,000	112,000	-13,900	407,100	
Expenditures						
Town Board Pers Svcs	A.1010.100	49,675	5,200		54,875	Meeting Asst.
Contingency	A.1910.400	23,000		-23,000	-23,000	Adj Estimate
Auditor	A.1320.400	25,000		-6,100	-6,100	Adj Estimate
Budget Cont.	A.1340.400	28,700	18,000		46,700	Contract Staff
Bldg Maint. Contract	A.1620.415	28,000	3,500		31,500	Adj Estimate
Park Maint	A.7110.415	22,000		-3,500	18,500	Adj Estimate
Beach & Pool Cont.	A.7230.400	4,000	3,000		7,000	Adj Estimate
Beach Equip	A.7230.200	20,500		-3,000	17,500	Adj Estimate
Golf Course Supplies	A.7250.437	4,000		-2,000	2,000	Adj Estimate
Golf Chemicals	A.7250.438	15,000	2,000		17,000	Adj Estimate
APRA Transfers	A.9950.90	0	104,000		104,000	TB ARPA Uses
		219,875	135,700	-37,600	269,975	
DB Fund						
ACCOUNT	ACCOUNT	CURRENT			REVISED	
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Revenues						
Chips Funding	DB.3501	144690	107910		252600	Adj to actual
ACCOUNT	ACCOUNT	CURRENT			REVISED	
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Expenditures Roads	DB.5112.200	400000	107910		507910	Adj to actual
WL Fund						
ACCOUNT	ACCOUNT	CURRENT			REVISED	
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Serial Bond Principal	WL.9710.6	0	132785		132785	ADJ BAN
Serial Bond Int.	WL.9710.70	0	52360		52360	to
BAN Principal	WL.9730.60	132785		-132785	0	Serial Bond
Ban Interest	WL.9730.70	52360		-52360	0	Payments
Small Wtrshd Cont.	WL.8740.400	5920	2000		7920	Adj Estimate
Unallocated Ins.	WL.1910.400	2000		-2000	0	Adj Estimate
		193065	187145	-187145	193065	

B Fund						
ACCOUNT	ACCOUNT	CURRENT			REVISED	
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Revenue						
Bldg & Alt Permits	B.2555	210000	88705		298705	
Appropriated Fund Bal	B4999	88705		-88705	0	
		298705	88705	-88705	298705	

MOTION: Supervisor Schmitt

SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2022138
Billing for Pawling Water District #2**

Whereas, Pawling water district #2 bills need to be approved by the Pawling town board, and

Whereas, the bills have been prepared and submitted in the amount of \$14,033.60 for the period of April 1, 2022 through June 30, 2022 by the water district clerk, now therefore, be it

Resolved, that the Pawling town board hereby accepts the billing as recommended for Pawling Water District #2.

MOTION: Supervisor Schmitt

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

TOWN BOARD DISCUSSION

GREAT LAWN PROJECT BID

Supervisor Schmitt said he and Councilman McCarthy have put together a scope of work for this project and the town attorney has been working on the bid documents. The project will go out to bid soon, with a start date right after Labor Day, hoping it would be completed within four to six weeks.

Supervisor Schmitt said he would meet with Mr. Delbalzo on alternative fields for the soccer club while this project is under construction.

MEETING WITH PARK OFFICIAL REGARDING PARK IMPROVEMENTS

Councilman McCarthy said he and Wendel Weber, supervisor of buildings and grounds met with a NYS Parks representative at Lakeside Park. The representative agreed that a grant for the inn is something that is possible, so the town is applying for the grant. The building is not safe and it needs to be removed, the grant is up to one million dollars and it is a 50/50 co share. He would have more information on what work would be done and costs next week.

PITT

Councilwoman Pitt thanked JoAnne Daley and the highway department for her help with the town wide cleanup day. Regarding dog control, three dogs were abandoned on Akindale Road a few weeks ago and they are at the Roosevelt Vet. One dog has been adopted and the other two are up for adoption. The transition to the State court officers from town constables has been a smooth transition. She is excited about the great lawn project. Since January, she felt the board was getting things done, and the board could not do that without the help of all of the town's employees who are extremely dedicated and available at all times.

MCCARTHY

Councilman McCarthy said he wished the new legislative aide a lot of luck, and he hoped everyone would support him. He thanked Jessica Peterson for all of the help she gave him over the past five years.

SCHMITT

Supervisor Schmitt said this past week the Pawling Triathlon was held and it was successful, he thanked Robyn Woolley, recreation director for her work on that. He said the block party in the Village of Pawling this past Saturday was a really nice event.

SNOW

Councilwoman Snow said on June 27th, she attended a NYSEG forum at the Beekman town hall, the next forum will be on October 19th. If you have questions about your NYSEG bill or need help, you can go to their website or contact Dillon Miyashii at 585-484-2231. NYSEG is working on payment plans and emergency gas relief, and are talking about installing new smart meters with accurate reporting. The Pawling girl scouts and boy scouts have received a learn, work, play grant in the amount of \$20,000.00 which will help with the scout cabin. There is a new suicide and crisis hotline beginning July 16, the new number is 988. Rotary is partnering with the school and resource center for a stuff the bus event on July 23rd at Hannaford's from 9 AM to 1 PM, which supports the Pawling Resource Center. They need volunteers to unload once the event is over. She said the bridge was destroyed at Whaley Lake by hurricane Ida. From the beginning, the residents could not get monies to repair the bridge from the state or county. She has reached out to senator Harckham, and she has been working with Jen Castellano, aide to the senator, and she has set up a meeting with senators Schumer, Maloney and Harckham to discuss this. There might be some infrastructure grants to help them. Councilwoman Snow said the ASPCA has been given site plan approval. She asked if there has been discussion about a payment in lieu of taxes (PILOT) program.

Supervisor Schmitt said no, there has been no discussion regarding a PILOT program with the ASPCA. He said they wouldn't come to the town board to discuss a PILOT program until they had site plan approval.

DEROSA

Councilman DeRosa thanked Robyn Priano, recreation director for the fine job she did with the Triathlon, he was amazed at the stamina of the participants. The golf course is doing well and in great shape. On July 1st, an employee appreciation lunch was held at Lakeside Park and he congratulated the employees for working with the residents and town board members as well as they do. Regarding the Route 22 sewer extension project, the second map, plan and report has been received by the board and he felt it was time to discuss this with the public. The board should decide if they are going to go forward with this.

Supervisor Schmitt said the town did make it through the first round of funding for that project.

RECREATION DIRECTOR UPDATE

Robyn Priano, recreation director gave a report on recreation programs, including community day, senior lunch, triathlon, summer camp/summer camp scholarships, the waterfront, swim lessons and music by the lake. She said all programs are going well.

PUBLIC COMMENT

Joe Marotta, resident from 1680 Route 292 and chairman of the Whaley Lake Dam Committee, said there are two beaver dams which are at two dangerous intersections, the town might want to take a look at those. Mr. Marotta said the old dam had a pond level of 705.8 feet in elevation, the new dam was built at 704.8 elevation. This error was documented in emails between the engineers and construction company and has been acknowledged by the town itself to be an error. There is also a problem with the width, the old spillway was twenty eight feet wide, the new spillway is eighteen and a half feet wide, with a radius of nineteen feet, a very minimal curve. The new dam is operating like a clogged drain, its small size contributes to spikes in the water level. There is a problem with the dam. He asked the board what the problem with widening the spillway was. The answer is to, as promised, bring the lake back to the same way it was, which means the right height and width. The residents have tried to discuss this with the board, and do not want to be adversarial.

Councilwoman Pitt said she would have to wrap her head around what Mr. Marotta was saying and would need assistance from an engineer, and she would need to look at it.

Councilman McCarthy said he would need to talk to an engineer.

Supervisor Schmitt said none of the board members are engineers. This was done before most of the board members were here. This is a design that went through many engineers and many agency approvals and the board members cannot speak about it.

Mr. Marotta asked why the board isn't speaking to engineers about the people who get flooded and widening the dam. This is not a costly fix and there are grant monies available. They want to work together with the town but now they are being ignored. The residents paid for the dam to be correct and maintenance free and that's what it should be.

Nancy Tagliafierro, town attorney said this has been discussed before, those discussions were not productive. Has anything changed since then? She did not know if the board was aware that there are problems occurring there. If there is something new since this was last discussed, the board would consider it.

Mr. Marotta said we have gone over the height, there are some cracks in the temporary boards and now they are seeing that the width is having problems. He suggested looking at the height and width and correcting it. Obviously, something went wrong for the lake to be a foot low, which the town acknowledged. There has been an adversarial relationship since this started.

Ms. Tagliafierro said to be fair, the engineering was done before any of these people were on the town board.

Councilman DeRosa said he was the head of the citizen's committee during the construction of the dam. There was concern that the lake was low and the dam was built low and the adjustments were made with the weir boards. The Ida storm was well over the one hundred year storm category and because two weir boards were in there, those houses in the channel flooded. He felt history was needed to understand how to regulate the dam.

Mr. Marotta said he did not understand why the board wouldn't consider fixing the issues that now exist.

Councilwoman Snow said sometimes it is not such a bad idea to revisit things.

Pete Bisonnette said there is no question, there is an error in design. He is an engineer and he has built many things. This project should have been bonded and there was a private insurance policy taken out by the residents. These things should pay for the correction of this error in design. The residents paid for a maintenance free dam and that's what they should have. There are a lot of mistakes that are happening that the board is not aware of.

Mr. Robert Hill made a presentation regarding Hiller Brook, including photos, saying the Pawling draft comprehensive plan indicated Hiller Brook as a major surface watercourse in Pawling. He works for a major bridge building firm and has built bridges all over the world. He

had some of his people here to look at the bridge and they had some suggestions to cut the cost by one third, it would not mess up how the stream flows and there would be no maintenance. He urged the board to protect the waterfall and he hoped the board enjoyed the pictures.

Mr. Marc Ayala, attorney from the firm of Boies, Schiller and Flexner representing Randy Levine said Mr. Levine sent two letters to the board dated April 5, 2022 and April 20, 2022 in reference to Kirby Hill Farm and the special permits that have been issued to the farm. Mr. Levine has not yet received a response from the board to these letters and he wanted to know when he should expect a response to those letters.

Ms. Tagliafierro asked if they were FOIL requests. She said she was not the FOIL officer. When the town receives a FOIL request, they provide documents, not answers to questions.

Mr. Ayala asked if it was the board's position that there won't be answers.

Ms. Tagliafierro said that is her position, as the person to whom the letters were addressed.

Mr. Ayala said to clarify, there will be no response forthcoming, other than the FOIL response.

Ms. Tagliafierro said Mr. Ayala can clarify her response, he will not put words in her mouth, that is her response.

Mr. Ayala said the explanation that response is that she only provides FOIL responses to letters.

Ms. Tagliafierro said she is not in a deposition and she does not have to answer questions like that.

Mr. Ayala said since they have not received a response with respect to these letters, they wanted to know who is making the decision as to whether to issue these special permits, the building department or town board.

Ms. Tagliafierro said the procedure under town code is that the planning board issues those permits. She does not work with the planning board so she had no knowledge of these permits.

Harvey Matcovsky, resident of Holmes, said he was here to talk about The Woods at Castagna Park. The planning board and town board received a letter from the school superintendent some months ago regarding the financial impact on every tax payer and the sponsor has ignored that. He said a PILOT program must be discussed with the ASPCA also. Projects are being approved that are costing tax payers money. The Woods will have an impact on the school that will be substantial and the community can't afford it. It is the obligation of the town board to sit down with the sponsor and talk about changing the nature of the project.

Christine Mitchell, town bookkeeper said the potential new sewer district will impact the tax cap, and she asked the board to keep her informed with this. There was an item that was pulled from the agenda regarding time sheets. She thanked all of the departments that have been going out of their way to make things easier for the finance office. She emails people who are late with their time sheets and when payroll is done, it is accurate. She is also the budget officer and we are coming into the budget cycle. She is open and forthcoming with the budget. She appreciates team work and she asked board members to contact her if they have any questions at all. She asked the board to differentiate between the important issues and the not so important, time consuming issues, she would greatly appreciate it.

Alfred Greve, resident from 1705 Route 292 and Whaley Lake, said following up on what Mr. Marotta said, flooding on the lakefront properties are not the only difficulties that come from spikes in lake elevation and the residents intend to make the board aware of difficulties resulting from spikes in the water level. The residents have concern about water quality of the lake, certain kinds of algae polluting the lake, will the town board be showing leadership on the issue of flow into the lake and septic systems that may not be up to code.

Supervisor Schmitt said septic systems would fall under the health department, Mr. Greve can contact them.

Councilman DeRosa said there was a water quality report done in the 1990's with the New York State Federation of Lakes that showed the water flow changed ninety seven percent. The study was done for five years. That was the last time he knows of that the water quality was tested. When the marina was open to the public, the health department tested the water but since that has been closed to the public, he does not believe they test any more.

Phil Panzer, resident from Holiday Street, expressed concern about a project called the Tremson project, which is in the planning process. The project is located on Libby Lane, it is a mulch processing plant. He was concerned about noise pollution and increased traffic and he was also concerned that the town would not notify enough residents about the project. There are two schools within a mile of this project. He was of the understanding that only residents within three hundred feet of the property line would be notified. He did not feel enough people were aware of what will be going on at this property, as it will affect real estate values.

Councilman DeRosa said the town code would have to be changed, now it only requires people within three hundred feet be notified.

EXECUTIVE SESSION

The motion to enter into executive session was made by supervisor Schmitt at 7:55 PM to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension or removal of a particular person or corporation, seconded by councilman DeRosa, motion passed unanimously.

The Board returned from Executive Session at 8:43 PM and adjourned the meeting. No action was taken.

Town Clerk