



**Town of Pawling Town Board**

Pawling Town Hall  
160 Charles Colman Blvd  
Pawling, NY 12564

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**Regular Meeting of the Town Board**

*Meeting will be broadcast live on the  
Town of Pawling Facebook page*

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**Wednesday, March 8, 2023  
6:00PM**

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**★ Happy 235<sup>th</sup> Birthday Pawling ★**  
March 7, 2023

James Schmitt, Supervisor  
James McCarthy, Deputy Supervisor / Councilman  
Phil DeRosa, Councilman  
Coleen Snow, Councilwoman  
Corinne Musella-Pitt, Councilwoman

Cathy Giordano, Town Clerk

## **RULES FOR 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.

### **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.

# Meeting Agenda

- a) Roll Call of the Town Board
- b) Pledge of Allegiance
- c) Acknowledgment of Minutes
  - a. February 1, 2023
  - b. February 8, 2023
- d) Privilege of the Floor with respect to Agenda Items only
- e) Resolutions
- f) Discussion
- g) Town Board Items for Special Consideration & New Business
- h) Privilege of the Floor with respect to Agenda & Non-Agenda items (3 minutes)
- i) Adjournment
- j) Executive Session *-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.*

# Resolutions

## **RESOLUTION 2023-052**

## **Payment of Bills for the Town of Pawling**

WHEREAS, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for 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 20230144-20230282, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling 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 \$ \$1,865,961.84.

## **RESOLUTION 2023-057**

## **Setting 2023 Rates for Dutcher Golf Course**

WHEREAS, the Town of Pawling owns and operates one of the oldest municipal golf courses in the nation, known as the Dutcher Golf Course, and

WHEREAS, in order to maintain and operate the facility the Town of Pawling charges fees for various uses at the Dutcher Golf Course, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby adopt the following rates for 2023 as recommended by the Golf Course Manager:

### **Green Fees - 9 Holes /18 Holes**

### **Cart Fees (Per Person)**

#### **Weekdays:**

9 Holes \$11.00 (non-member) \$10.00 Member

**Regular:** Resident: \$16 / \$20. Non-Resident: \$19 / \$22.

18 Holes \$17.00 (non-member) 16.00 member

**Under 18:** Resident: \$15 / \$17. Non-Resident: \$17 / \$19.

**Pull Carts:** \$2.00

#### **Weekend & Holidays:**

**Regular:** Resident: \$20 / \$22. Non-Resident: \$21 / \$24.

**Under 18:** Resident: \$16/ \$18. Non-Resident: \$18 / \$20.

## **RESOLUTION 2023-058**

## **Establishing a Capital Budget for Town Hall Parking Lot Lighting Project**

WHEREAS, the Town of Pawling wishes to perform capital improvements to Town lands including improving the parking lot lighting at the Town Hall, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling adopts the following capital budget to complete the Town Hall Parking Lot project:

<u>Capital Projects Fund</u>	<u>Account</u>	<u>Amount</u>	<u>Amount</u>
Lighting Expenditures	H.1620.23	\$10,100.00	
NYS Crest Grant	H.3097		\$10,100.00
		<u>\$10,100.00</u>	<u>\$10,100.00</u>

**RESOLUTION 2023-059**

**Authorization of Inter-Fund Loan**

WHEREAS, the Town Board of the Town of Pawling from time to time authorizes loans from funds to fund the initial cost of a project prior to grant funding being received, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the following inter-fund loan:

1. \$10,100.00 from Hoffman Trust (A Fund) to Capital Projects (H) for the Town Hall Parking Lot Lighting project.
2. This loan shall be paid in full with an interest rate of 2.28% per annum.

**RESOLUTION 2023-060**

**Authorization of Inter-Fund Loan**

WHEREAS, the Town Board of the Town of Pawling from time to time authorizes loans from funds to fund the initial cost of a project prior to grant funding being received, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the following inter-fund loan:

1. \$40,000.00 from Hoffman Trust (A Fund) to Capital Projects (H Fund) for the Hurds Corner Road Project.
2. This loan shall be paid in full with an interest rate of 2.28% per annum.

**RESOLUTION 2023-062**

**Authorization for the Submission of  
Congressionally Directed Spending and Community Project  
Funding Request Applications to Proceed With  
The Route 22 Sanitary Sewer District NO. 4 Expansion Project**

WHEREAS, the United States House of Representatives and United States Senate has opened a call for applications for the FY2024 Congressionally Directed Spending (CDS) and Community Project Funding (CPF) programs, which provide 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 the Town of 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 provides 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 \$2,708,500, and

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized to undertake all actions to execute and file applications for federal assistance through Congressionally Directed Spending (CDS) and Community Project Funding (CPF) requests to Senator Charles Schumer, Senator Kirsten Gillibrand and Congressman Michael Lawler to proceed with the Route 22 South Sanitary Sewer District No. 4 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.

**RESOLUTION 2023-064**

**Establishing Temporary Building Permit Fee Amnesty Period**

WHEREAS, the Town Board of the Town of Pawling has identified a considerable number of past due Town building permits and is looking to motivate property owners to close out past due permits and improve the efficiency of the building department, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling establishes a temporary building permit fee amnesty period as set forth in this resolution:

1. The Temporary Building Permit Fee Amnesty Period shall exist starting on April 1, 2023 through December 31, 2023 for properties with past due building permits.
2. The Building Inspector and Clerks of the Building Department are directed to notify all known residents with past due Town building permits with two mailings via U.S. Mail one in April 2023 and one in August 2023.
3. The Town Board of the Town of Pawling does hereby authorize flexibility on application fees for past due building permits. During the Temporary Building Permit Fee Amnesty Period, effective April 1, 2023 through December 31, 2023 application fees may be reduced or waived at the discretion of the Building Inspector. The Temporary Building Permit Fee Amnesty shall include fees pertaining to the renewal of the expired permit, final inspection and the appropriate closing of the permit only. Any additional fees that may arise during the course of the final inspection and any additional actions necessary to appropriately close the permit, as required per the Town of Pawling and New York State are not included under this Amnesty.

**RESOLUTION 2023-065****Escrow Release – Sprint/T-Mobile Pyramid Network Services**

WHEREAS, the Town of Pawling currently holds \$3,030.96 balance in escrow for Sprint/T-Mobile Pyramid Network Services, and

WHEREAS, the Planning Board has confirmed in a letter dated February 21, 2023 that there are no outstanding bills and that there will be no future bills for review and recommended that these funds be released, and

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling hereby releases the \$3,030.96 balance in escrow to Sprint/T-Mobile Pyramid Network Services and authorizes the Bookkeeper to release such funds.

**RESOLUTION 2023-066****Escrow Release – Anna Lindstrom – 4 Dodge Road**

WHEREAS, the Town of Pawling currently holds \$596.66 balance in escrow for Anna Lindstrom – 4 Dodge Road, Pawling, NY, and

WHEREAS, the Planning Board has confirmed in a letter dated February 6, 2023 that there are no outstanding bills and that there will be no future bills for review and recommended that these funds be released, and

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling hereby releases the \$596.66 balance in escrow to Anna Lindstrom – 4 Dodge Road and authorizes the Bookkeeper to release such funds.

**RESOLUTION 2023-067****Budget Amendments for Fiscal Year 2023**

WHEREAS, a request for Budget Amendments has been received from the Bookkeeper, and

WHEREAS, normal course of business activity throughout 2023 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, and

NOW THEREFORE BE IT RESOLVED, that the Bookkeeper has requested the following budget amendments:

<b>A Fund</b>						
<b>ACCOUNT DESCRIPTION</b>	<b>ACCOUNT NUMBER</b>	<b>CURRENT BUDGET</b>	<b>INCREASE</b>	<b>DECREASE</b>	<b>REVISED BUDGET</b>	<b>DESCRIPTION</b>
Grant Writing Exp.	A.1440.410	0	<b>30,000</b>		30,000	To establish a separate line
					0	for grant writing & administration
Contingent Acct	A.1990.400	60,000		<b>-30,000</b>	30,000	
					0	
BLDGS & GRNDS	A.1620.1	258,920	<b>12,565</b>		271,485	To adj wage lines for
HWY Admin	A.5010.1	104,655	<b>2,550</b>		107,205	wage increases effective 3/1/23
Parks	A.7110.1	104,935	<b>3,050</b>		107,985	
					0	
Contingent Acct	A.1990.400	30,000		<b>-18,165</b>	11,835	v
					0	
					0	
					0	
		<b>558,510</b>	<b>48,165</b>	<b>-48,165</b>	<b>558,510</b>	

**RESOLUTION 2023-063**

**Authorization of Intermunicipal Agreement and  
Establishment of Joint Ethics Board between the Town of Pawling  
and the Towns of East Fishkill, Beekman, Dover, and the Village of  
Pawling**

WHEREAS, the Town of Pawling formerly had an independent Ethics Board per Chapter 28 of the Town of Pawling Town Code, and

WHEREAS, the Town Board of the Town of Pawling has identified a shared service solution to offer a five municipality Joint Ethics Board, and

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Pawling authorizes the Town Supervisor to sign an Intermunicipal Agreement between the Town of Pawling and the Towns of East Fishkill, Beekman, Dover, and the Village of Pawling for the purposes of establishing a Joint Ethics Board, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Joint Ethics Board shall be constituted per the language as stated in the Intermunicipal Agreement:

**INTERMUNICIPAL AGREEMENT**

**THIS INTERMUNICIPAL AGREEMENT (“IMA”)** made as of the \_\_\_ day of February, 2023 by, between, and among the **Town of East Fishkill**, a municipal corporation with an address of 330 Route 376, Hopewell Junction, New York 12533; the **Town of Beekman**, a municipal corporation with an address of 4 Main Street, Poughquag, New York 12570; the **Town of Pawling**, a municipal corporation with an address of 160 Charles Colman Boulevard, Pawling, New York 12564; the **Village of Pawling**, a municipal corporation with an address of 9 Memorial Avenue, Pawling, New York 12564; and the **Town of Dover**, a municipal corporation with an address of 126 East Duncan Hill Road, Dover Plains, New York 12522. The Town of East Fishkill, the Town of Beekman, the Town of Pawling, the Village of Pawling, and the Town of Dover are collectively referred to hereinafter as the **“Parties”**.

**WITNESSETH**

**WHEREAS**, the Parties are all municipal corporations with a history of intermunicipal cooperation; and

**WHEREAS**, each of the Parties have enacted Local Laws governing ethics; and

**WHEREAS**, the General Municipal Law allows communities to act jointly on various issues; and

**WHEREAS**, the Parties have many civic-minded members of their communities who participate in various organizations; and

**WHEREAS**, to handle ethics issues more objectively, a Joint Ethics Board is desired so that unbiased members of various communities can issue advisory opinions as to ethical inquiries;

**NOW, THEREFORE**, in consideration of ten dollars (\$10) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows:

1. **Composition of Joint Ethics Board.** A Joint Ethics Board shall be formed consisting of five members. One member shall be a resident of and appointed by the Town Board of the Town of East Fishkill. One member shall be a resident of and appointed by the Town Board of the Town of Beekman. One member shall be a resident of and appointed by the Town Board of the Town of Pawling. One member shall be a resident of and appointed by the Board of Trustees of the Village of Pawling. One member shall be a resident of and appointed by the Town Board of the Town of Dover. An alternate shall also be appointed by the community which provides the Chair of the Joint Ethics Board.

2. **Term of Office.** Each member shall be appointed to a term of one year, and the Parties agree to appoint a member to the Joint Ethics Board during each municipal corporation’s reorganizational meeting.



3. **Education.** Each member of the Joint Ethics Board shall be required to take a course each year in ethics offered by the Association of Towns, Association of Mayors, or another similar organization within one year of appointment.
4. **Removal.** A member can be removed for truancy or for other just cause for reasons presented by a participating municipality's attorney. To remove a member of the Ethics Board, at least three (3) of the Parties' legislative bodies must vote in favor of a resolution removing the member. A Party's member can also be removed by a majority vote of the legislative body that appointed that member.
5. **Chair of the Joint Ethics Board.** The member appointed by the Town of East Fishkill shall be the first Chair of the Joint Ethics Board. The second year, the Chair shall be the member appointed by the Town of Beekman. The third year, the Chair shall be the member appointed by the Town of Pawling. The fourth year, the Chair shall be the member appointed by the Village of Pawling. The fifth year, the Chair shall be the member appointed by the Town of Dover. The selection of the Chair shall continue in this order. The Vice Chair shall be the member who is to be the Chairperson during the following year.
6. **Meetings.** The Board shall meet annually and upon request of one of the Parties.
7. **Location of Meetings.** All meetings shall take place in the community that has requested the meeting.
8. **Quorum.** No meeting can take place without a quorum of the Joint Ethics Board (i.e. at least three members present).
9. **Advisory Opinions.** After receiving an inquiry from a member of one of the participating communities, the Joint Ethics Board shall conduct a hearing and review all submitted documentation. Each Party shall adopt its own ethics code and the standard for each hearing shall be based on the Code of the municipality that received the complaint. All complaints reviewed by the Board shall be received in writing. Anonymous complaints will not be reviewed. An advisory opinion shall be issued in writing by the attorney from the community from which the complaint originated within one month of the hearing.
10. **Costs.** 100% of the costs shall be borne by the municipality that the complaint originated from.
11. **Withdrawal from the IMA.** A Party may withdraw from this IMA by a majority vote of its legislative body upon three (3) months' notice to the other Parties. Withdrawal shall take place 30 days after the vote, unless the Ethics Board is conducting a review for the municipality that wishes to withdraw. In this case, the Ethics Board shall conclude the open matter before the municipality may withdraw. Any Party may also withdraw at the end of the term of this Agreement.
12. **Governing Law.** This Agreement and the rights and duties of the Parties hereunder shall be governed by and shall be construed, enforced and performed in accordance with the laws of the State of New York. Venue for any legal proceeding shall be the Supreme Court in Dutchess County. All meetings shall be held in conformance with Robert's Rules of Order. For procedures on advisory opinions and complaints, see the addendum annexed hereto as Exhibit "A".
13. **Severability.** If any term or provision of this Agreement or the application thereof to any persons or circumstances shall, to any extent be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
14. **No Modification.** This Agreement may not be effectively amended, changed, modified, altered or terminated unless such an amendment, change, modification, alteration or termination is in writing, intended for such purpose, and executed by all Parties hereto.
15. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument. The Parties agree that a scanned or electronically reproduced copy or image of this Agreement bearing the signatures of the Parties hereto shall be deemed an original and may be introduced or submitted in any action or proceeding as competent evidence of the execution, terms and existence of this Agreement notwithstanding the failure or inability to produce or tender an original, executed counterpart of this Agreement and without the requirement that the unavailability of such original, executed counterpart of this Agreement first be proven.
16. **Joint Workproduct.** This Agreement shall be considered the workproduct of all Parties hereto, and, therefore, no rule of strict construction shall be applied against any Party.
17. **Authorization to Sign.** All signatories are legally authorized to sign on behalf of the respective legal entity that he or she signs for.

18. **Term.** This Agreement shall be effective for three (3) years, and shall renew automatically unless terminated by a majority of the Parties to this agreement.

19. **Entire Agreement.** This Agreement constitutes the entire agreement of the Parties regarding the subject matter of this Agreement and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are hereby merged herein.

20. **IN WITNESS WHEREOF,** the Parties have caused this instrument to be duly executed the day and year as first above written.

## **Exhibit "A"**

### **PROCEDURES FOR THE PARTIES' BOARDS OF ETHICS**

#### **ADVISORY OPINIONS**

1. Pursuant to the Parties' Codes, the Joint Ethics Board shall render advisory opinions to Town/Village officers, employees, professionals, consultants and agencies with regard to the Code of Ethics and Article 18 of the General Municipal Law.
2. All requests for advisory opinions shall be submitted to the Chairman of the Board of Ethics and the Board's Attorney.
3. All requests for advisory opinions must be in writing and signed by the Town/Village officer, employee, professional, consultant and agency requesting the advisory opinion.
4. Such advisory opinion will be rendered if practicable, within thirty (30) days after the written request. The thirty (30) day time period may be extended an additional thirty (30) days at the Board's discretion. Thereafter, if deemed necessary by the Board, the time period may be extended by an additional thirty (30) days upon notification to the Town/Village Board that a particular matter is under investigation and an additional extension of time to render an advisory opinion is required. In any event the Board shall render its opinion, in writing, no later than one hundred (100) days from the date of receipt of the written request.
5. Unless specifically requested by the individual or party requesting an advisory opinion, such opinions shall not be made public or disclosed, unless required by the Freedom of Information Law, pursuant to a Judicial Subpoena, or required in a disciplinary proceeding involving an officer or employee.

#### **COMPLAINTS**

1. Pursuant to the Town/Village Code, the Board of Ethics shall have the power and duty to conduct investigations upon receipt of a sworn complaint by any citizen alleging a violation of the Code of Ethics or of Article 18 of the Municipal Law, or upon its own determination that such a violation may exist to the Parties' Clerk.
2. All complaints alleging a violation of the Code of Ethics or Article 18 of the General Municipal Law, must be made in writing and include the signed name and address of the complainant. All complaints must be sworn or affirmed as true under the penalty of perjury.
3. (a) Upon receipt of a complaint, the Board of Ethics in conjunction with the Attorney shall make an initial determination to determine whether upon its face, the complaint alleges a violation of the Town Code of Ethics or Article 18 of the General Municipal Law.  
  
(b) If a determination is made that a violation of the Code of Ethics is not alleged by the complainant, the Attorney shall notify the complainant of its determination in writing.  
  
(c) If a determination is made that a violation of the Code of Ethics is alleged by complainant, the Board shall notify in writing, the person against whom the complaint is made, the nature of the complaint and the provision of the Code allegedly violated.

(d) The officer or employee charged with the violation shall have fifteen (15) days from the receipt of notice of the alleged violation to respond in writing to the Board of Ethics' notice of alleged violation. The fifteen (15) calendar days' time period may be extended an additional fifteen (15) calendar days at the Board of Ethic's discretion. The response shall either admit the violation or state facts supporting a denial of the charges.

(e) If a charge is denied, the Board of Ethics shall either dismiss the charge, if the facts presented so warrant, or conduct a hearing or investigation.

(f) A fact hearing shall consist of sworn testimony, affidavits and documentary evidence that the Board of Ethics may allow. The person charged shall be allowed to be represented by legal counsel and allowed to present evidence and to confront evidence presented against the person. The strict rules of evidence under the laws of the State of New York shall not apply to the hearing. The Board may direct a hearing be recorded and transcribed.

(g) Such hearing shall be confidential to the extent that the confidentiality of such hearing does not violate the New York Public Officers Law and Open Meetings Law.

4. Upon completion of any investigation and/or hearing, the Board of Ethics shall render to the Town/Village Board a written confidential report of its findings, opinions or recommendations, which report shall be provided to the subject of the investigations. Such a decision shall be rendered, if practicable, within thirty (30) days of the completion of the investigation and/or hearing. No determination may be made based solely upon hearsay evidence. The complainant will be advised when a determination has been forwarded to the Town/Village Board, but the results shall remain confidential to the extent allowed by law.

5. Consistent with the Town/Village Code, with respect to all complaints and investigations and other related deliberations and findings, the Board of Ethics shall hold such matters in confidence and meet in closed executive sessions to the fullest extent allowable by applicable law.