



Town of Pawling Town Board

Pawling Town Hall
160 Charles Colman Blvd
Pawling, NY 12564

Regular Meeting of the Town Board

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

Wednesday, May 3, 2023
6:00PM

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 the Minutes
 - 1. April 5, 2023,
 - 2. April 12, 2023
- d) Public Hearings
 - 1. Local Law to Amend Chapter 28 of the Town Code to Authorize a Joint Ethics Board
 - 2. Local Law Adding Chapter 145 of the Town Code of the Town of Pawling Regarding Town Parks
 - 3. Local Law Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems
 - 4. Local Law Amending Chapter 199 of the Town Code of the Town of Pawling Regarding Town Parking on Dodge Road
- e) Privilege of the Floor with respect to Agenda Items only
- f) Resolutions
- g) Discussion
 - 1. Town of Pawling Website – Schmitt, Pitt, Cavaccini
- h) Town Board Items for Special Consideration & New Business
- i) Privilege of the Floor with respect to Agenda & Non-Agenda items (3 minutes)
- j) Adjournment
- k) Executive Session – Personnel

Resolutions

RESOLUTION 2023-082

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 _____, 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 \$_____.

RESOLUTION 2023-083

Escrow Release

WHEREAS, the Town of Pawling currently holds balance in escrow for several escrow accounts, and

WHEREAS, the Planning Board has confirmed in a letter dated April 17, 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 following balances in escrow and authorizes the Bookkeeper to release such funds:

1. Allyson Bennett, Squire Green Environmental Permit	\$605.00
2. Auto Zone	\$3,017.97
3. Putnam County Savings Bank	\$3,260.33
4. Peter & Christine Montelone	\$150.00
5. Utter Estate	\$3,200.22

RESOLUTION 2023-084

Adopting a Local Law to Amend Chapter 28 of the Town Code to Authorize a Joint Ethics Board

TOWN OF PAWLING LOCAL LAW NO. _____ of 2023

A LOCAL LAW TO AMEND CHAPTER 28 OF THE

TOWN CODE TO AUTHORIZE A JOINT ETHICS BOARD

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

Section 1: Chapter 28 of the Pawling Town Code regarding “Ethics, Board of” is hereby amended to authorize the Town to participate in a Joint Ethics Board, as follows: to authorize the establishment of a Joint Ethics Board, as follows:

§ 28-1 Establishment; organization; membership; appointments; terms of office; vacancies.

A. The **Joint** Board of Ethics is established pursuant to § 808 of Article 18 of the General Municipal Law ~~and shall be known as the "Town of Pawling Board of Ethics."~~ **as a Joint Board of Ethics between Pawling**

and other municipalities in accordance with a certain Intermunicipal Agreement entered into by the Town of Pawling on _____, as may be amended from time to time (the "Intermunicipal Agreement").

- B. The Board of Ethics shall consist of five members, including one member, who shall be a resident of the Town of Pawling shall be ~~to be nominated by a Nominating Committee and appointed by the Town Board. All such members of the Board of Ethics shall be electors of the Town of Pawling and shall serve without compensation. All members of the Joint Board of Ethics shall be initially appointed for terms as set forth in the Intermunicipal Agreement. Of from one to five years as determined by the Town Board. No member of the Board of Ethics shall serve an initial term the duration of which is the same as that of any other member of the Board of Ethics. The term of any Ethics Board member, after the initial convening of the Board, shall be three years.~~
- C. The Joint Board of Ethics shall designate one of its members as Chairperson ~~and another member as its Vice Chairperson at its first meeting each year.~~ in the manner described in the Intermunicipal Agreement.
- D. Vacancies on the Board of Ethics shall be filled ~~from nominations of the Nominating Committee~~ by the Town Board, which shall make the appointment for the balance of the unexpired term, or reappoint or make the appointment upon completion of a Board member's term.
- E. No members of the Board of Ethics shall be persons who are officers or employees of the Town. No Ethics Board member shall hold office concurrently in a political party or be employed or act as a lobbyist or hold elective office in any local, state or federal government. ~~No more than two members of the Ethics Board may be registered in any one political party.~~
- F. An Ethics Board member may make campaign contributions and may participate in any election campaign.
- G. Members are authorized to incur any and all expenses necessary to effectuate the purposes of the Joint Ethics Board within amounts which are appropriated by the Town Board annually.
- H. ~~One person may be selected from the Nominating Committee to serve on the Ethics Board.~~
- I. [H] A Board of Ethics member may be removed by the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of the office or violation of this chapter after written notice of the charges and an opportunity for reply.
- J. ~~The Town Clerk shall be the Clerk of the Board of Ethics, and all documents filed with the Town Clerk shall be deemed, for the purposes of this chapter, to be filings with the Board of Ethics.~~
- K. [J] The Board of Ethics, in addition to the powers and duties prescribed herein, shall have all the powers and duties as prescribed by Article 18 of the General Municipal Law.
- L. [K] No Joint Ethics Board member may serve more than eight consecutive years.

§ 28-2 Establishment of Nominating Committee; organization; membership.

- A. ~~The Nominating Committee is established and shall be known as the "Town of Pawling Board of Ethics Nominating Committee."~~
- B. ~~The Nominating Committee will be selected by the Town Board and will consist of five citizens at large. No more than two of the members of the Nominating Committee may be registered in any one political party. Members of the Nominating Committee will serve only until all current openings on the Ethics Board have been filled, and then the Nominating Committee will be disbanded until it needs to be~~

reconstituted.

~~§ 28-3 Meetings.~~

~~The Chairman, or a majority of its members, may call a meeting of the Ethics Board. The Ethics Board shall hold at least one meeting annually, in March of each year, regardless of whether there are any matters pending before the Ethics Board. Three members of the Board shall constitute a quorum, and a majority vote of the entire Board shall be required to take any action.~~

~~§ 28-4 Recommendations for revisions to Code of Ethics.~~

~~The Board of Ethics may at any time recommend to the Town Board amendments to this chapter and Chapter 27 of the Pawling Town Code. Upon its formation it will immediately undertake the responsibility to propose revisions to the Pawling Code of Ethics (Chapter 27).~~

~~§ 28-25 Rules and regulations.~~

- A. The **Joint** Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to procedures ~~subject to Town Board approval~~ and shall maintain appropriate records of its opinions and proceedings.
- B. The **Joint** Board of Ethics may adopt and amend such rules or procedures as are appropriate.

~~§ 28-[3]6 Jurisdiction; powers and duties.~~

- A. The Ethics Board may only act with respect to officers and employees of the Town: **municipalities which have entered into the Intermunicipal Agreement.**
- B. The termination of the term of office or employment of a Town officer or employee with the Town shall not affect the jurisdiction of the **Joint** Ethics Board with respect to the requirements imposed on him or her by the Town of Pawling Code of Ethics.
- C. The **Joint** Ethics Board shall have the following powers and duties:
 - (1) To prescribe, promulgate, amend and rescind rules and regulations governing its own internal organization and procedures in a manner consistent with ~~this chapter as so authorized by the Town Board.~~ the **Intermunicipal Agreement.**
 - (2) To receive complaints alleging a violation of Chapter 27 or any Code of Ethics of the Town of Pawling, local law, ordinance or resolution.
 - (3) To review, index, maintain on file, and dispose of sworn complaints alleging a violation of the Town of Pawling Code of Ethics.
 - (4) To advise and assist any local official in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former elected officials, local party officials, and local officers and employees.
 - ~~(5) To retain or hire legal counsel to advise it on any matter arising under this chapter, within amounts which are appropriated by the Town Board.~~
 - ~~(6) To prepare an annual report to the Supervisor and the Town Board recommending changes in the laws governing the conduct of local elected officials and officers and employees of the Town covered by the Town of Pawling Code of Ethics.~~
 - ~~(7)~~**(5)**To conduct hearings, recommend disciplinary action, make referrals, and initiate appropriate actions and proceedings pursuant to § 28-11.
 - ~~(8)~~**(6)**To render, index, and maintain on file advisory opinions pursuant to § 28-8.

~~(9)~~**(7)**To prepare reports and recommend changes to this chapter pursuant to § **28-12**.

~~(10)~~**(8)**To otherwise enforce and administer all of the provisions of this chapter and Chapter **27**.

~~(11)~~**(9)**To conduct any investigation necessary to carry out the provisions of this chapter. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses and compel their attendance, and require the production of any books or records which it may deem relevant or material.

D. Nothing in this section shall be construed to permit the **Joint** Ethics Board to conduct an investigation of itself or of any of its members or staff. If the **Joint** Ethics Board receives a complaint alleging that the **Joint** Ethics Board or any of its members or staff has violated any provision of the Town of Pawling Code of Ethics, or any other law, the **Joint** Ethics Board shall promptly transmit to the Town Board a copy of the complaint. The **Joint** Ethics Board may request the Dutchess County Ethics Committee to conduct an investigation of the **Joint** Ethics Board or of any of its members or staff.

§ 28-7 [4]Staff.

The **Joint** Board of Ethics shall be empowered to request support staff and assistance from the Town Board or Supervisor in furtherance of its duties and responsibilities **as they pertain to matters before the Joint Ethics Board which relate to Town of Pawling officers, officials or employees.**

§ 28-8 (5)Advisory opinions.

~~Upon written request, the **The Joint** Board of Ethics established hereunder shall render advisory opinions to officers and employees of the Town of Pawling. **municipalities which are parties to the Intermunicipal Agreement and in the manner set forth in the Intermunicipal Agreement and procedures adopted by the Joint Board of Ethics.** Such written requests may be made to any member of the Board of Ethics. Such advisory opinions shall be rendered pursuant to the written request of any officer or employee under such rules and regulations as the Board may prescribe.~~

- A. Upon the written request of any Town officer or employee, the **Joint** Ethics Board shall render a written advisory opinion with respect to the interpretation or application of Chapter **27** or of Article 18 of the General Municipal Law of the State of New York.
- B. In rendering advisory opinions, the **Joint** Ethics Board may request the advice and counsel of the attorney employed by the ~~Ethics Board~~ or, if none, the Town Attorney **municipality which is the subject of a matter before the Joint Board of Ethics.**
- C. An advisory opinion rendered by the Ethics Board, until and unless amended or revoked, shall be binding on the Ethics Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such requests shall be confidential, but the Ethics Board may publish such opinions, provided that the name of the requesting person and other identifying details shall not be included in the publication.
- ~~D. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board.~~
- E. Any person aggrieved by an advisory opinion of the **Joint** Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.
- F. ~~Any person who has submitted to the **Joint** Ethics Board a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with § 3001 of the Civil Practice Law and Rules determining the question posed in the request for the advisory opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this subsection unless:~~

- ~~(1) It shall appear by, and as an allegation in, the petition or complaint that at least six months have elapsed since the filing of the request and that the Ethics Board has failed to file any determination in the matter; and~~
- ~~(2) The action or special proceeding shall be commenced within 10 months after the submission of the request for the advisory opinion.~~

~~§ 28-9 [6]Judicial review.~~

~~Any person aggrieved by a decision of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.~~

~~§ 28-10 [7]Confidentiality of opinions.~~

~~The advisory opinions of the **Joint** Board of Ethics shall not be made public or disclosed unless required by the Freedom of Information Law (Public officers Law Article 6) or required for use in a disciplinary proceeding. Whenever a request for access to an advisory opinion herein is received, the officer, employee or appointed official who requested the opinion shall be notified of the request within 48 hours of the receipt of the request.~~

~~§ 28-11 [8]Complaints.~~

~~The procedure for receipt and investigation of complaints shall be as follows: **as set forth in the Procedures adopted by the Joint Ethics Board.**~~

- ~~A. The written complaint must be signed, must include the individual complainant's address, and set forth reasonable detail and documentation, if any, of the facts alleged to constitute the violation(s).~~
- ~~B. The written complaint shall be filed with the Board of Ethics. Upon receipt of said complaint, the Board of Ethics shall acknowledge receipt to the complainant and forward the complaint simultaneously to the officer or employee who is the subject of the complaint and the Town Attorney or other attorney employed by the Board of Ethics.~~
- ~~C. The Board of Ethics shall then conduct a preliminary analysis of the complaint and determine, in writing, whether there is probable cause for the complaint. In the event that the Board of Ethics should find no probable cause for the complaint, the complaint shall be dismissed by the Board of Ethics sua sponte. The Board of Ethics shall then notify the complainant, the officer or the employee who is the subject of the complaint and the Town Board of the disposition of the complaint.~~
- ~~D. In the event that the Board of Ethics should find probable cause for the complaint, the Board of Ethics shall forward to the Town Board a copy of its probable cause decision together with any information and documentation acquired by the Board of Ethics regarding the complaint.~~
- ~~E. The Board of Ethics shall then conduct an investigation and hearing on said complaint.~~
- ~~F. Upon the request of a majority vote of the total voting membership of the Board of Ethics, the Board may issue subpoenas to compel the attendance of necessary witnesses and the production of documents and other materials pertinent to the investigation. The Town Attorney or other attorney employed by the Board of Ethics will assist the Board in the preparation and issuance of subpoenas.~~
- ~~G. The officer or employee who is the subject of the complaint shall have the right to be represented by counsel at any required appearance before the Board of Ethics.~~
- ~~H. A copy of the transcript of the testimony of the officer or employee who is the subject of the complaint shall be provided at no cost to the officer or employee.~~
- ~~I. The Board of Ethics may require a written, sworn response from the officer or employee who is the subject of the complaint in lieu of an appearance before the Board of Ethics.~~
- ~~J. After the complaint has been filed and prior to any investigation undertaken of a complaint before the~~

Board of Ethics, no member of the Board of Ethics or any of the Board's authorized agents may communicate directly or indirectly with any party or other persons about any issue of fact or law regarding the complaint, except that:

- ~~(1) The members of the Board of Ethics may obtain legal advice from the Town Attorney or special counsel as the case may be; and~~
 - ~~(2) The members of the Board of Ethics may discuss the complaint among themselves; and~~
 - ~~(3) If any person attempts to influence a Board of Ethics member regarding the pending complaint, the Board member shall report the substance of the communication to the Board of Ethics at the next regular meeting of the Board of Ethics.~~
- ~~K. At the conclusion of its investigation and hearing on said complaint, the Board of Ethics shall then advise the complainant, the officer or the employee who is the subject of the complaint and the Town Board of the disposition of the complaint and its recommendation for action made to the Town Board. The Town Board shall take official action by public vote on such recommendation received from the Board of Ethics in regard to a complaint within 30 days of receipt and shall, immediately following the taking of such action, make it, including the recommendation of the Board of Ethics, public.~~

~~*§ 28-12 Annual reports; review of Code of Ethics.*~~

- ~~A. The Ethics Board shall prepare and submit an annual report to the Town Board, summarizing the activities of the Ethics Board, by April 15 for the previous calendar year.~~
- ~~B. The Ethics Board shall periodically review this chapter and the Ethics Board's rules, regulations, and administrative procedures and Chapter 27 to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear, enforceable, common-sense standards of conduct. At any time, the Ethics Board may recommend changes to the text or administration of this chapter and Chapter 27 to the Town Board.~~

~~*§ 28-13 Distribution of provisions; posting.*~~

- ~~A. Within 30 days after the effective date of this chapter, and thereafter as appropriate, the Ethics Board shall transmit to the Town Board and Town Clerk, in a form suitable for posting, a copy of this chapter. Within 10 days after receipt of the copy, the Town Clerk shall cause the copy to be posted conspicuously in a place designated for the posting of public notices.~~
- ~~B. Within 30 days after the effective date of this chapter, and thereafter as appropriate, the Ethics Board shall transmit to the Town Board, in a form suitable for distribution, copies of this chapter and Chapter 27 for distribution to Town officers and employees. Within 10 days after receipt of those copies, the Supervisor, or his or her designee, shall cause the copies to be distributed to every Town officer and employee and made readily available to the public. Every Town officer or employee elected or appointed thereafter shall be furnished a copy of those provisions prior to entering upon the duties of his or her position.~~
- ~~C. Failure of the Town to comply with the provisions of this section or failure of any Town officer or employee to receive a copy of the provisions of this chapter and Chapter 27 shall have no effect on the duty of compliance with this chapter and Chapter 27 or on the enforcement of their provisions.~~

~~*§ 28-14 [9] Penalties for offenses.*~~

- ~~A. Disciplinary action. Any Town officer or employee who engages in any action that violates any provision of Chapter 27 may be warned, reprimanded, suspended or removed from office or employment, or may be subject to any other sanction authorized by law or collective bargaining agreement, by the person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other~~

authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.

- B. Civil fine. Any Town officer or employee who violates any provision of Chapter **27** may be subject to a civil fine of up to \$1,500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter.
- C. Damages. Any person, whether or not a Town officer or employee, who violates any provision of Chapter **27** shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter.

§ 28-15 [10] Severability.

The provisions of this chapter are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this chapter.

§ 28-16 [11] When effective.

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of §27 of the Municipal Home Rule Law.

LOCAL LAW NO. __ OF THE YEAR 2023

A LOCAL LAW ADDING CHAPTER 145 OF THE TOWN CODE OF THE TOWN OF PAWLING
REGARDING TOWN PARKS

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

Section 1: A new Chapter 145 shall be added to the Town Code regarding “Parks” to include rules and regulations governing Town Parks, follows:

§ Chapter 145-1. Designation of parks and recreation areas; General park rules and Regulations.

A.

The Town of Pawling hereby establishes the following Town-owned properties as Official Park and Recreation Areas of the Town of Pawling:

(1)

Lakeside Park.

(2)

Edward R. Murrow Memorial Park.

(3)

Holmes Pond Park.

The following rules and regulations shall apply to all parks in the Town as well as to undeveloped recreation areas:

A. Town parks and recreation areas shall be opened for public use between sunrise and sunset unless other open hours are posted at any park.

B. Properly licensed dogs, wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and Town of Pawling and restrained by a leash or other restraint not exceeding six feet in length, may be brought into a park, except in no event shall dogs or other animals be allowed to enter any playground, ballfield, basketball court, handball court, tennis court, or other area posted as off-limits by the Town. Nothing in this subsection shall be construed to prohibit persons with disabilities from bringing service animals into a park as authorized by federal, state, or local law.

C. It shall be the duty of each dog owner or each person in possession, custody or control of a dog to remove any feces left by his/her dog on any public area in any Town park.

D. No person shall cut, deface, injure, remove or disturb any tree, shrub, building, fence, bench or any other structure, apparatus or property; or pick, cut or remove any shrub, brush or flower; or mark or write upon any building, fence, bench, signs or other structures.

E. No profane or abusive language shall be used in any Town park.

F. No persons shall sell or offer for sale any goods unless a permit to do so has been issued by the Recreation Department and a peddler's license has been issued by the Town Clerk

G. No persons shall paste, post, paint, print, nail or attach or affix by any means whatsoever any handbill, poster, notice, sign, advertisement, sticker or other printed material upon any curb, gutter, flagstone, tree, lamppost, public utility pole, public garbage bin, bus shelter, bridge, fence, barrel, box, traffic control device,

traffic stanchion, traffic sign (including pole), tree box, tree pit protection device, bench, traffic barrier, hydrant, or upon the ground; however, this section shall not apply to any handbill, poster, notice, sign, advertisement, sticker or other printed material so posted by or under the direction of the Town Board, or by or under the direction of any Town department, or pursuant to a franchise, concession or revocable consent granted by the Town Board.

- H. No alcoholic beverages shall be permitted in the park area except during activities sponsored by the Town that permit alcoholic beverages, or in accordance with a Town issued Alcohol Control Plan and permit.
- I. No smoking in any park.
- J. Betting or gambling of any type is prohibited.
- K. Organized baseball games will be permitted only on diamonds set aside for this activity. Playing catch and other similar activities are permitted in other areas of the park, provided that there is no risk of thrown or batted balls hitting other park users.
- L. Hitting golf balls is prohibited, except in designated areas
- M. No persons shall erect any recreation or play equipment in any park unless a written permit to do so has been issued by the Town.
- N. All fires, including those in grills, fire pits and fireplaces, are prohibited except for fires in grills, fire pits and fireplaces provided by the Town for that purpose in a park facility.
- O. The possession, ignition or discharge of fireworks, sparking devices or incendiary devices is prohibited.
- P. No camping without a written permit from the Town.
- Q. No firearms, air guns, bows and arrows or any dangerous weapons are permitted, except that firearms lawfully in possession, if holstered or cased, may be carried through a Town park.
- R. No hunting or trapping.
- S. Throwing or leaving refuse in or on a Town park, other than in receptacles there provided for trash, is prohibited.
- T. No unlicensed motorized vehicles, including motorcycles, motorbikes, snowmobiles, minibikes, all-terrain vehicles, etc., shall be operated or parked in a Town park area outside designated roadways or designated parking areas. Licensed motor vehicles are only permitted on drives and parking areas.
- U. No vehicles shall be operated in a Town park at a speed in excess of 15 miles per hour, unless a lower speed limit is posted.
- V. No overnight parking of motor vehicles in any park area.
- W. Privately owned boats, rafts or other artificial means of support on water shall only be allowed entry upon waters in designated areas.
- X. No swimming in any park, unless in designated areas and an season pass has been obtained through the Recreation Department.
- Y. No persons shall enter upon any ice in any park.
- Z. No entertainment or exhibition of any kind shall be given without a written permit from the Town.
- AA. No person shall throw stones or other projectiles.
- BB. No persons shall ride a horse or pony in any park.

§ 145-2. Closing of parks.

The Supervisor of Buildings & Grounds or Supervisor and Town Board may close the park facilities whenever, in their judgment, such action is deemed necessary or desirable for the protection of health or safety of persons entitled to use such facilities.

§145-3. Regulations for specific parks.

Notwithstanding §145-1 above, the following rules and regulations specific to certain parks shall be applicable. If the rule or regulation contained herein shall conflict with § 145-21 above, this section shall control:

- (1) Lakeside Park (Reserved).
- (2) Edward R. Murrow Memorial Park (Reserved).
- (3) Holmes Pond Park (Reserved).

§ 145-4. Park rental regulation.

Any request for the use of a park and recreation area shall be made pursuant to the following regulations:

- A. Request for use of park and recreation facilities may be made up to one year in advance of an event but no later than two weeks prior to the intended date of use and is subject to approval of the Recreation Director. Persons wishing to reserve Town facilities for specific use shall first apply at the Recreation Office or online on the approved application form with all requisite documentation.
- B. Applications shall be approved or denied by the Recreation Director. Denial of use may be appealed to the Town Board.
- C. The Recreation Director may set reasonable conditions upon any approval to use a Town facility.
- D. The fee for use of certain Town facilities shall be set by separate resolution of the Town Board which may be amended from time to time.
- E. Adult supervision is required for any activity involving persons less than 18 years of age. There shall be a minimum of one adult per each 10 persons less than 18 years of age.
- F. Required information for certain applications.
 - (1) All organizations, private parties in excess of 100 people, or any request that involves the serving of alcohol must provide the following documentation to the Recreation Director upon application:
 - (a) A current valid certificate of insurance naming the Town of Pawling, 160 Charles Colman Boulevard, Pawling, NY 12564, as additional insured for the date(s) applied.
 - (b) Comprehensive general liability limits of at least \$1,000,000 per occurrence/\$2,000,000 aggregate.
 - (2) The request shall not be processed unless all requisite documentation is provided at time of application.
- G. Persons applying for use of Town lands must provide a signed hold harmless agreement.
- H. The Recreation Department shall have the responsibility to resolve all scheduling conflicts involving the use of park facilities.

§ 145-5. Penalties for offenses. Any person committing an offense against any provision of this chapter, or any rule or regulation made pursuant thereto, shall, upon conviction thereof, be guilty of a violation punishable by a fine in the amount of \$_____ for each offense, or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 145-6. Enforcement.

This chapter may be enforced by any police agency having jurisdiction within the Town of Pawling.

§ 146-6. Posting of signs; presence after regular hours.

A. Signs shall be conspicuously posted at the regular entrances to Town parks to provide notice of the park hours and other restrictions established by this chapter. The failure to post signs, or the failure to include the prohibited conduct on the sign shall not be a defense against a violation of this chapter and proof of posting a sign shall not be required to establish a violation of this chapter.

B. A person who enters or remains within a park after regular hours shall be deemed to have "entered or remained unlawfully" in the park and may be prosecuted in accordance with Article 140 of the Penal Law for burglary and related offenses.

Section 2. When Effective. This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of §27 of the Municipal Home Rule Law.

**TOWN OF PAWLING LOCAL LAW NO. ___ OF THE YEAR 2023 IMPOSING A TEMPORARY TOWN-
WIDE MORATORIUM ON THE INSTALLATION OF FREESTANDING OR GROUND-MOUNTED
SOLAR ENERGY SYSTEMS**

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

SECTION 1: TITLE

This local law shall be known and cited as the Town of Pawling Local Law No. ___ of 2023 entitled “A Local Law Imposing a Temporary Town-Wide Moratorium on Installation of Freestanding or Ground-Mounted Solar Energy Systems.

SECTION 2. PURPOSE AND INTENT.

- A. The Town of Pawling Zoning Law contains no supplementary regulations or other provisions regulating the installation and approval of Freestanding or Ground- Mounted Solar Energy Systems within the Town (collectively “solar energy systems”).
- B. It is in the public interest to provide for and encourage renewal energy systems and a sustainable quality of life. It is the intention of the Town Board to amend the Zoning Law to provide for regulations for the approval of solar energy systems in the Town where appropriate and where approved.
- C. It is the intention of the Pawling Town Board in enacting this Local Law to temporarily suspend any improvements or installations for such solar energy systems, as defined in Section 4 herein, by the imposition of a temporary moratorium on such installations for a period of one-hundred eighty (180) days, if necessary. This moratorium does not apply to arrays mounted on a private residence or it's accessory building.
- D. The purpose of this temporary moratorium is to enable the Town of Pawling to adopt appropriate amendments to its Zoning Law to regulate solar energy systems within the Town.

SECTION 3. MORATORIUM PROVISIONS.

- A. The Town Board hereby finds that pending the completion of the necessary studies, meetings, hearings, environmental review and other actions necessary and incident to the proper consideration and adoption of local law amendments to the Town of Pawling Zoning Law regulating the installation of solar energy systems within the Town, reasonable measures must be taken to maintain the status quo in order to protect the public interest and ensure that proper regulations of the installation and approval of solar energy systems.
- B. During the effective period of this Local Law any extensions thereto the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department and the Zoning Administration shall not permit, accept, process, interpret, deliberate upon, decide or approve the installation of any freestanding or ground

mounted solar energy systems, including but not limited to any application for a site plan, special use permit, area variance or interpretation in connection with the permitting of a solar energy system.

C. The moratorium shall apply to all installation of such freestanding or ground-mounted solar energy systems submitted during the effective date of this local law. Any current active or pending applications submitted to the Town of Pawling Planning Board before the effective date of this Local Law may proceed with the approval process, although such process will be at the applicant's own risk as such projects may ultimately be subject to any new solar energy regulations adopted by the Town.

SECTION 4. DEFINITIONS.

A. Freestanding or Ground-Mounted Solar Energy Systems: A solar energy system that is directly installed in or on the ground and is not attached or affixed to an existing structure.

B. Private Residence: A single or multi-family dwelling unit for habitation purposes only, within which no portion of the building or grounds are used for commercial purposes.

SECTION 5. HARDSHIP PROVISION.

A. Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town of Pawling in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship that shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure.

1. Upon submission of a written application to the Town Clerk by the property owner seeking a waiver from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days' written notice in the official newspaper of the Town. Notice of said hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls.

2. At said public hearing, the property owners and any other parties wishing to present evidence with regards to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said public hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.

3. If the Town Board determines that the property owner will suffer an unnecessary hardship of the Local Law is strictly applied to a particular property, then the Town Board shall waive the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

SECTION 6. PENALTIES FOR OFFENSES.

Any person, firm, entity or corporation that shall construct, erect, enlarge or alter any building or structure, in violation of the provisions of this Local Law or shall violate any of the provisions of this Local Law shall be guilty of a violation or subject to a fine of not less than \$350.00 or more than \$1,000.00. Each day that the violation continues shall be a separate offense.

SECTION 7. CONFLICTING LAW SUPERSEDED.

All local laws, ordinances, or parts of local laws or ordinance, of the Town of Pawling that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the moratorium.

SECTION 8. SUPERSESSION OF THE TOWN LAW.

This Local Law is hereby adopted pursuant to Municipal Home Rule Law Section 10(1)(i) and Section 10(ii)(14) and Statute of Local Governments Section 10(6) of the State of New York.

SECTION 9. SEVERABILITY.

The provisions of this Local Law are separate and if any provisions, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent to the Town Board of the Town of Pawling that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempted therefrom.

SECTION 10. TERM.

This Local Law shall remain in force for a period of one-hundred eighty (180) days from its effective date. This Local Law is subject to review and renewal by the Town Board of the Town of Pawling for two (2) additional ninety (90) day extensions by Town Board Resolution.

SECTION 11. EFFECTIVE DATE.

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of §27 of the Municipal Home Rule Law.

**Adopting a Local Law Amending
Chapter 199 of the Town Code of the Town of Pawling
Regarding Town Parking on Dodge Road**

**LOCAL LAW AMENDING CHAPTER 199 OF THE TOWN CODE OF THE TOWN OF PAWLING
REGARDING TOWN PARKING ON DODGE ROAD**

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

Section 1: A Chapter 199 of the Pawling Town Code entitled “Vehicles and Traffic”, Article II regarding “Parking on Street” shall be amended to prohibit parking on Dodge Road, as follows:

§ 199-7. Restrictions. No vehicles shall be left parking or standing on the following streets. Such parking restrictions shall apply at all hours of the day and night.

Name of Road	Location
Cushman Road	Beginning at Patterson Town line 2,000 feet north
Old Route 22	Beginning at the intersection of Prospect Street running north to Route 22 South Quaker Hill Road. Beginning at the Tower Hill intersection to the Connecticut State line.
Dodge Road	Beginning at the Squires Way intersection 5,800 feet south

Section 2. When Effective. This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of §27 of the Municipal Home Rule Law.