

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM October 13, 2021 at the Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilmen McCarthy, DeRosa, Johnson, councilwoman Snow, town attorney Jamie Spillane, and approximately 8 interested citizens.

PUBLIC COMMENT ON AGENDA ITEMS

Supervisor Schmitt opened the meeting for public comment on agenda items and there were none.

PROCLAMATION IN MEMORY OF SHERIFF ADRIAN “BUTCH” ANDERSON

Supervisor Schmitt said the board has a proclamation to present to Butch Anderson’s wife Danielle Anderson, who is here tonight. He said Butch had an impact on all of us and we were all lucky to have known him and to have learned from him. He was an amazing example of leadership and what it should be. His token slogan was “treat people as you would like to be treated”. Supervisor Schmitt read the following proclamation:

Proclamation

Be it Declared, the Town Board of the Town of Pawling hereby dedicates this meeting to the memory of our friend and neighbor Sheriff Adrian “Butch” Anderson, and

Be it Further Declared, that his never-ending care and concern for others will be forever remembered by this Town and all of its residents, and

Be it Further Declared, his over 50 years of service to Dutchess County and the Town of Pawling will endlessly provide a legendary example for others to follow, and

Be it Further Declared, that the Seal and signage of the Town of Pawling shall be changed to read as follows:

Town of Pawling
The Pride of the Harlem Valley
Where we “Treat others as you would like to be treated”
- Sheriff Adrian “Butch” Anderson

And be it Resolved, that the Town of Pawling, by its elected Town Board, present this Proclamation on this 13th day of October, 2021.

Mrs. Anderson thanked the board for the proclamation.

MINUTES

Supervisor Schmitt made a motion to accept the minutes of September 1, 2021, seconded by councilwoman Snow and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Supervisor Schmitt made a motion to accept the minutes of September 8, 2021, seconded by councilman McCarthy and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Supervisor Schmitt made a motion to accept the minutes of September 27, 2021, seconded by councilman McCarthy and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

PUBLIC HEARING/ETHICS CODE

Supervisor Schmitt said the public hearing on the ethics code update was left open from last week. There were no further comments on the ethics code from the audience.

Supervisor Schmitt made a motion to close the public hearing, seconded by Councilman Johnson, motion passed unanimously.

PUBLIC HEARING/INCREASE AND IMPROVEMENTS TO WATER DISTRICT #2

Supervisor Schmitt made a motion to open the public hearing, seconded by Councilman Johnson, motion passed unanimously.

Councilman Johnson explained that the town is looking at the issuance of up to \$300,000.00 in bonds that would be drawn on as needed for the water district. This deals with everything from drilling wells, improvements in the district, meter replacement, zone valves, water quality, etc. Any time a special district borrows money, a public hearing is required.

Supervisor Schmitt said he is working with the town’s grant company to obtain grant money for this and they feel the town could get up to 60% in grant funding.

Councilman Johnson said he spoke with Ron from Laberge and the total cost of doing the grants is \$20,000.00 and this money is not recoverable.

Councilman DeRosa said there is also the possibility that the grant request could be rejected.

Councilman Johnson said he was not sure engineering improvements to the plant would be included in the plan, as this could cost up to one million dollars. The grant will identify some things that need to be done and monies from the bonds would be put toward what has been done thus far. A study is being done for new meters. They are trying to see what the signal is in the area and if this system can be used. If not, a small tower may need to be installed at the water plant. The study should be done soon.

Carrie Feron, resident of 63 Willow Lake Drive, asked for an itemized list of the costs and the money being spent.

Councilman Johnson said also what comes into play is how much can you raise someone’s fee for water use. The town has to look at what expense a district can bear on fifty nine people. Adding \$300,000.00 could raise their taxes by \$250.00. The board is trying to be considerate of that. If the board is going to go into much larger improvements, they will need to get more information into the grant. He did not think the board would spend the \$300,000.00 being borrowed.

Ms. Feron said she just wanted some sort of transparency.

Supervisor Schmitt said before any spending is done, the board would have everything out to bid, they are just trying to get the ball rolling and get the grant application done so the money can be gotten back for the district.

Mike Kelly felt that the entire plant needed to be upgraded. He asked if the town could figure out what that would cost so the residents will know what to expect in the future. He said it would be nice if everyone had a notice that there would be a public hearing.

Councilman Johnson said if the district has perfect water, that says a lot. When the engineering study is done for the grant, all of that information will be in there.

Councilman DeRosa said part of the \$300,000.00 is reimbursing the money spent by the town on the district. He agreed with Mr. Kelly, the cost of upgrading the plant needed to be estimated.

Ms. Feron asked if the \$300,000.00 covered the two repairs that happened? She asked the cost of those two repairs.

Councilman Johnson said yes. He said one repair was approximately \$4,000.00 and the other was \$5,000.00.

Ms. Feron said for the future, she asked that the town think about mailing or emailing everyone in the district the public hearing notice, in addition to putting it in the Poughkeepsie Journal, and putting something on Facebook to let the residents know what is going on.

There were no further comments and Supervisor Schmitt made a motion to close the public hearing on increasing the improvements to PWD #2, seconded by Councilman Johnson, motion passed unanimously.

CONSENT AGENDA

Resolution 2021137 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 20211185 through 20211323, 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 \$369,150.99.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2021138 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 \$14,121.20 for the period of July 1, 2021 through September 30, 2021 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: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

NON CONSENT AGENDA

**Resolution 2021140
Approval of Turbine Blower Purchase**

Whereas, the highway superintendent has requested to purchase a Buffalo Turbine Blower model BT-CPTO to adequately service the Town of Pawling, and

Whereas, the highway superintendent solicited three quotes and received two quotes for a Buffalo Turbine Blower, and

Whereas, the lowest quote came from Zimmerman Farm Service, Inc in the amount of \$5,500, therefore, be it

Resolved, that the town board hereby authorizes the highway superintendent to purchase a Buffalo Turbine Blower model BT-CPTO from Zimmerman Farm Service, Inc in the amount of \$5,500.00.

MOTION: Supervisor Schmitt

SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021141
Approval of York Rake Purchase**

Whereas, the highway superintendent has requested to purchase a York Rake to adequately service the Town of Pawling, and

Whereas, the highway superintendent solicited 3 quotes and received two quotes for a York Rake, and

Whereas, the lowest quote came from Pine Plains Tractor and Equipment in the amount of \$3,548.00, therefore, be it

Resolved, that the town board hereby authorizes the highway superintendent to purchase a York Rake from Pine Plains Tractor and Equipment in the amount of \$3,548.00.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021142
Budget Amendments for Fiscal Year 2021**

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

Whereas, normal course of business activity throughout 2021 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
	Building Equipment	A.1620.2	105,487	10,000		115,487	Lakeside Sign & Defib purchase
	Building Oil	A.1620.416	50,000		-4,000	46,000	Revised Budget
	Building Supplies	A.1620.419	12,000		-3,000	9,000	Revised Budget
	Building Maint.	A.1620.415	27,440		-3,000	24,440	Revised Budget
	Building Repairs	A.1620.426	21,000	6,000			Revised Budget
	Building Oil	A.1620.416	46,000		-6,000	40,000	Revised Budget
	Central Data Proc	A.1680.400	21,744	5,000		26,744	Revised Budget
	Central Data Proc	A.1680.200	32,240		-5,000	27,240	Revised Budget
	Street Lighting	A.5182.400	4,500	2,000		6,500	Revised Budget
	Central Data Proc	A.1680.200	27,240		-2,600	24,640	Revised Budget
	Park Equipment	A.7110.400	4,000	500		4,500	Revised Budget
	Park Permits	A.7110.450	5,900	100		6,000	Revised Budget
	Beach & Pool Cont.	A.7230.40	6,000	250		6,250	Revised Budget
	Rec Programs P/R	A.7310.1	20,988	1,250		22,238	Revised Budget
	Summer Camp Equip	A.7320.200	3,825	1,750		5,575	Revised Budget
	Beach & Pool Equip	A.7230.200	17,816		-3,250	14,566	Revised Budget
	Rec Prog Equipment	A.7310.200	64,750	15,000		79,750	Pickleball Fence
	Town Clerk	A.1410.1	127,348	3,000		130,348	Revised Budget
	Auditor	A.1320.400	8,000		-3,000	5,000	Revised Budget
	NYS Retirement	A.9010.800	143,146	7,000		150,146	Budget

Revenue						
Appropriations	A.49990	414,871	15,000		429,871	Revised Budget
Golf	A.2050	255,000	7,000		262,000	Revised Budget

B Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Plng Review & Escrow	B.8020.30	40,000	15,000		55,000	Revised Budget

Revenue						
Escrow Earned	B.2115.300	40,000	15,000		55,000	Revised Budget

DB Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION

Expenditures						
General Repairs	DB.5110.400	124550	41270		165820	
Machinery	DB.5130.20	2600	16780		19380	To increase budget for sale of

Revenue						obsolete equipment and purchase of new equipment
Minor Sales	DB.2655	0	16780		16780	
Refund of PY Exp	DB.2701	0	25000		25000	
Non Prop Tax Dist	DB.1120	420000	16270		436270	

SW2 Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION

Water Admin Cont.	SW2.8310.400	1,000	50		1,050	To adjust for funding from
Supply, Power & Pump	SW2.8320.200	0	19,500		19,500	
Supply, Power & Pump	SW2.8320.400	15,000	60,000		75,000	debt

Revenue						
Interfund Transfer from SW2 Cap Project	SW2. 5031	0	79,550		79,550	Revised Budget

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021143
Adopting Ethics Code**

Whereas, an amendment to Chapter 27 of the Town Code of the Town of Pawling entitled “Ethics” was introduced September 22, 2021 as Introductory Local Law #2 and a public hearing was scheduled for October 6, 2021, and

Whereas, on October 6, 2021 the public hearing was opened and was continued to October 13, 2021 and the public was invited to attend and be heard on the matter, therefore, be it

Resolved, that an amendment to Chapter 27 of the Town Code of the Town of Pawling entitled “Ethics” is hereby enacted by the Town Board of the Town of Pawling as Local Law #2 and be it further

Resolved, that a true copy of the amendment is attached hereto and made part of hereof.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2021144
The Increase and Improvement of Facilities of Water District No. 2 in the Town of
Pawling, Dutchess County, New York**

WHEREAS, the Town Board of the Town of Pawling, Dutchess County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of Water District No. 2, in the Town of Pawling, Dutchess County, New York, consisting of costs related to connection to a new well, including original furnishings, equipment, machinery, apparatus, appurtenances, and emergency and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$300,000; and

WHEREAS, at a meeting of said Town Board duly called and held on September 27, 2021, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Water District No. 2 in said Town at a maximum estimated cost of \$300,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Pawling, New York, in said Town, on October 13, 2021, at 6:00 o’clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Pawling, Dutchess County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Water District No. 2, in the Town of Pawling, Dutchess County, New York, consisting of costs related to connection to a new well, including original furnishings, equipment, machinery, apparatus, appurtenances, and emergency and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$300,000.

Section 2. This Order shall take effect immediately.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2021145

AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OF THE TOWN OF PAWLING, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE WATER DISTRICT NO. 2, IN THE TOWN OF PAWLING, DUTCHESS COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Water District No. 2, in the Town of Pawling, Dutchess County, New York, at a maximum estimated cost of \$300,000; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse impact on the environment; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Pawling, Dutchess County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the increase and improvement of Water District No. 2, in the Town of Pawling, Dutchess County, New York, consisting of costs related to connection to a new well, including original furnishings, equipment, machinery, apparatus, appurtenances, and emergency and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$300,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$300,000, which class of objects or purposes is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$300,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Pawling, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Water District No. 2 as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
 - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

TOWN BOARD DISCUSSION

JOHNSON

Councilman Johnson said he has been speaking with Jessica Dickinson, recreation director, and she has been giving the board monthly updates from the recreation department. He and Councilwoman Snow are the liaisons to the recreation department. He wanted to run through the highlights of key points regarding revenue and a personnel overview, given to him by Ms. Dickinson. In 2017, the recreation department brought in \$96,000.00 in rec revenue, in 2018 the rec brought in \$68,000.00 in rec revenue, summer camp programs were losing money, expense accounts were closed and other rec revenue had to be used to cover the loss. Jessica Dickinson came here in October of 2018 and improved the entire department, created revenue streams and offset expenses, at which point the board told her if this could happen, they would address salaries and additional personnel. In 2019, the rec department brought in \$327,000.00. In 2020, despite Covid, the recreation department collected over \$77,000.00 which exceeded the regular year of 2018. 2021 has seen a huge bounce back, and the recreation collected \$275,000.00 in revenue to date and anticipate continued growth. The outlook for 2022 remains on an upward trajectory, provided they have the staff supported in ways that retain and encourage continued employment, both full time and part time roles, especially hourly rate compensate consideration as addressed in previous emails. The value of staff has directly impacted morale of the department. Reducing overall payrates is not something any department head prefers or deserves. Ms. Dickinson said she anticipates a fair preliminary budget outlook with further conversation and compromise and she is prepared to speak to the board publicly regarding their department improvements and value of recreation staff. Councilman Johnson said he wholeheartedly supported Jess in what she has done and looked forward to seeing future growth, even though he won't be on the board next year, it will be fun to see and he will be involved in any way he can help. He encouraged the rest of the board to support her in any way they can.

Councilwoman Snow said it is a very different recreation department for the families and children in Pawling. She added that she does also support all of the departments and appreciated all of the departments. She felt the task for the board this budget year is to really take a look at honoring our employees who have worked here for many years, have done a really good job and being able to support them.

DEROSA

Councilman DeRosa said he was at the dam today and the lake is still pretty high. The water is about three inches over the weir boards. Councilman DeRosa said he has been meeting with Councilman McCarthy and the ambulance company and he wanted to let the public know that the ambulance is going to be a big problem during this budget time. There will be an increase of almost 100% from last year because of a merge with the ambulance company, the cost of hiring people, equipment, etc. The board is committed to make sure the town has ambulance protection as we have now, seven days per week, twenty four hours per day. It is going to be hard to be able to secure the ambulance with an 80% increase.

SNOW

Councilwoman Snow said the board is planning on using approximately \$100,000.00 from the American Rescue Plan for water district #2, and she wondered if there could be a discussion next week to talk a little about it so people understand what the funds could be used for. The money cannot be used to maintain roads but it can be used to support public health expenditures and address the negative economic impact caused by the public health emergency, replace lost public sector revenue, provide premium for essential workers, and invest in water, sewer and broadband infrastructure. We always hear about bad cell service and she wondered if these monies could be used to improve this. She felt this needed to be discussed.

SCHMITT

Supervisor Schmitt said the Hurds Corner Road project is finally beginning and will be done this year. He spoke with the county regarding the damage suffered by the storm, so he is still working on that. Supervisor Schmitt said Monday at 9 AM, there will be a ribbon cutting for the new pickleball courts and people will be able to play on them then.

AMBULANCE SERVICE

Regarding the ambulance service, it just came out that EMStar, who is the ambulance service provider for Pawling for approximately ten years were just bought out. Unfortunately, they came back to the board with an 82% increase beginning in March, and that was after negotiation with them. Multiple towns in the county are also in the same situation and he would be working with the other towns, he would not just accept an increase of that magnitude.

Councilman McCarthy said he thought the board wasn't going to talk about this publicly tonight. He spoke to Rob from EMStar again today. The quote they gave the town has now gone from over \$60,000.00 initially to \$50,000.00, and is now currently \$45,000.00 a month. Councilman McCarthy said he also reached out to Mobile Life and spoke with Scott, he said at this time they cannot take on another municipality, they are overbooked and they do not have enough help. So, the town is lucky to be working with EMStar, who the town has used for many years. They have come from \$65,000.00 down to \$45,000.00 per month. During Covid, they lost a lot of people and have had to raise their starting pay, in addition to giving hospitalization, and have even offered 401K's now. They are doing everything they can. There is a lack of EMT/paramedic issue in our country right now. Working with EMStar, they work with Pawling, Unionvale, Beekman and East Fishkill, so it allows backup. The response time in Pawling is somewhere between seven to eight minutes, which is very good, there are some towns that are waiting much longer than that. The agreement the Town of Pawling has with EMStar is when our ambulance goes out, they do have an ambulance for us on its way. A few weeks ago, during the incident at Pawling Lake Estates, there were four ambulances there within fifteen minutes, which is pretty darn good. He would not be in favor of reducing any kind of service to the public. It is something the board is going to have to work out.

Councilman Johnson said there are other providers.

Councilman McCarthy said there are not other providers. Northern Dutchess out of Dover cannot come to Pawling unless they are under mutual aid. The only other one is Mobile Life and they said they cannot provide service to Pawling. Councilman McCarthy said EMStar is offering a five year contract and it does increase each year, it starts at \$45,000.00 and five years from now it ends at \$50,000.00. The current contract is \$28,000.00 per month.

Supervisor Schmitt said he will continue to work on this.

Councilman Johnson said the town needs a way to assess new developments for the cost of ambulance service.

Supervisor Schmitt suggested an ambulance district, which would have to be researched.

PUBLIC COMMENT

Wendel Weber, supervisor of buildings and grounds said the town received a \$50,000.00 grant for a generator at the Lathrop building and he would like to purchase the generator. The cost is \$26,149.48 and with the freight and startup costs the total comes to

\$30,914.48. He wanted to get approval to purchase it, it will probably be three months out. The generator for the highway department was supposed to be delivered in November and now he has a date of March of next year.

Supervisor Schmitt made a motion to approve the purchase of a 130KW generator for the Lathrop building for the cost of \$30,914.48, seconded by Councilman Johnson, motion passed unanimously.

Wendel Weber, supervisor of buildings and grounds said regarding lowering the Whaley Lake dam for the winter, he would like to get the weir board in before the end of the month and he suggested it be lowered slowly, a couple of inches at a time, over a few weeks. He would like to let the residents know this will be happening.

Supervisor Schmitt said he would work with Mr. Weber on notifying the residents about lowering the water level.

Mr. Weber said regarding Shorehaven, they do not have the money to replace the bridge that washed out during the last storm. As soon as they can find out about money from FEMA, it would be great.

Mike Kelly, resident from 63 Willow Lake Drive, Holmes, felt the proclamation given to Mrs. Anderson was a very nice gesture. He has been in contact with Everett White and Brian Scoralick from Dutchess County Soil & Water Conservation District regarding putting a dry hydrant at Sunset Lake. This will be good for the fire department as they will have another place to draw water from. They will get a cost on that. He will keep the board updated as the project moves forward.

Brian Avery, director of the Pawling Free Library announced that Saturday, October 23rd will be the Library's next centennial event, which will be the movie Nosferatu at Lakeside Park, with live musical accompaniment. He urged everyone to attend.

EXECUTIVE SESSION

The motion to enter into Executive Session to discuss personnel matters was made by Supervisor Schmitt at 7:00 PM, seconded by Councilman Johnson, motion passed unanimously.

The Board returned from Executive Session at 8:20 PM and adjourned the meeting. No action was taken.

Town Clerk

PROPOSED ETHICS CODE

LOCAL LAW NO. __ OF THE YEAR 2021

**A LOCAL LAW AMENDING CHAPTER 27 OF
THE TOWN CODE OF
THE TOWN OF PAWLING
ENTITLED “ETHICS, CODE OF”**

BE IT ENACTED by the Town Board of the Town of Pawling, County of Dutchess, as follows:
Section 1: Chapter 27 of the Pawling Town Code regarding Ethics shall be amended to add definitions as well as provisions for recusal and abstention on voting, as follows:

§ 27-1 Purpose.

These rules shall serve as a guide for official conduct of the officers and employees of the Town of Pawling. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibitions of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 27-2 Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

INTEREST

~~A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.~~ “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.

MUNICIPAL OFFICER OR EMPLOYEE

An officer or employee of the Town of Pawling, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

RELATIVE

Relative” means a spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

§ 27-3 Standards of conduct.

Every officer or employee of the Town of Pawling shall be subject to and abide by the following standards of conduct:

- A. Gifts. He or she shall not directly or indirectly solicit any gift, or accept or receive any gift, having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him or her, in the performance of his official duties, or was intended as a reward for any official action on his part.
- B. Confidential information. He or she shall not disclose confidential information acquired by him or her in the course of his official duties or use such information to further his personal interest.
- C. Representation before one's own agency. He/she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or

any municipal agency over which he or she has jurisdiction or to which he has the power to appoint any member, officer or employee.

- D. Representation before any agency for a contingent fee. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of this municipality whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matters, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the Town Board and any officer or employee of the Town of Pawling, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such legislation.
- F. Investments in conflict with official duties. He or she shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
- G. Private employment. He or she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
- H. Future employment. He or she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Pawling in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his/her active consideration.

I. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

§ 27-4 Exceptions as to certain claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Pawling or any agency thereof on behalf of himself or herself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§27-5. Recusal and abstention.

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

§27-6. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This code's prohibition on use of a municipal position, disclosure requirements, and requirements relating to recusal and abstention, shall not apply with respect to the following matters:

(1) adoption of the municipality's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality;
or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;

(2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

§ 27-5-7 Distribution of copies of code.

The Supervisor of the Town of Pawling shall cause a copy of this code of ethics to be distributed to every officer and employee of the town within 10 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of the provisions thereof.

§ 27-6 § Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law