

Deputy supervisor/councilman James McCarthy opened the regular meeting of the town board of the Town of Pawling at 6:00 PM March 1, 2023 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, councilman DeRosa, Nancy Tagliafierro, town attorney and approximately 9 interested citizens. Supervisor Schmitt was absent.

**PUBLIC COMMENT ON AGENDA ITEMS**

Councilman McCarthy opened the meeting for public comment, and there were none.

**RESOLUTIONS**

**RESOLUTION 2023-053  
Facilities Use Request**

WHEREAS, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the town’s own usage, and

WHEREAS, the recreation director will periodically receive requests for special considerations once all applications and insurance requirements are met, and

WHEREAS, the town board of the Town of Pawling sets the fees for the use of facilities, and

NOW THEREFORE BE IT RESOLVED, that the following waiver(s) have been authorized by the town board: Ruth Dominguez – Alcohol Waiver, Alcohol Control Plan.

**MOTION:** Councilman McCarthy

**SECOND:** Councilwoman Pitt

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

**RESOLUTION 2023-054  
Facilities Use Request**

WHEREAS, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the town’s own usage, and

WHEREAS, the recreation director will periodically receive requests for special considerations once all applications and insurance requirements are met, and

WHEREAS, the town board of the Town of Pawling sets the fees for the use of facilities, and

NOW THEREFORE BE IT RESOLVED, that the following waiver(s) have been authorized by the town board: Michele Mupo – Alcohol Waiver, Alcohol Control Plan.

**MOTION:** Councilman McCarthy

**SECOND:** Councilwoman Snow

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

**RESOLUTION 2023-055**  
**Facilities Use Request**

WHEREAS, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the town’s own usage, and

WHEREAS, the recreation director will periodically receive requests for special considerations once all applications and insurance requirements are met, and

WHEREAS, the town board of the Town of Pawling sets the fees for the use of facilities, and

NOW THEREFORE BE IT RESOLVED, that the following waiver(s) have been authorized by the town board: Nancy Lawlor – Alcohol Waiver, Alcohol Control Plan.

**MOTION:** Councilman McCarthy

**SECOND:** Councilwoman Pitt

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

**RESOLUTION 2023-056**  
**Appointment of Full Time Mechanical Equipment Operator**

WHEREAS, a permanent full time Mechanical Equipment Operator (MEO) vacancy exists in the highway department, and

WHEREAS, the superintendent of highways would like to fill one permanent full time MEO position with Austin Stackhouse, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling hereby approves Austin Stackhouse to be appointed as a full time MEO in the highway department at the current MEO hourly rate of \$25.55.

**MOTION:** Councilman McCarthy

**SECOND:** Councilwoman Pitt

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

**RESOLUTION 2023-061**  
**Authorizing Pay Rate Increases for Certain Employees of the Town of Pawling for the Year 2023**

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling sees fit to increase the pay rate of certain employees, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the town board of the Town of Pawling hereby authorizes the following pay rate increases for the year 2023 and directs the bookkeeper to the supervisor to make these changes effective March 1, 2023:

Ananda Wint, secretary to the highway superintendent, increase to \$22.00 per hour.

Margaret Figueroa, secretary to the supervisor of buildings & grounds, increase to \$22.00 per hour.

Breann Scoca, clerk to building department, increase to \$22.00 per hour.

Mary Porcaro, clerk to building department, increase to \$22.00 per hour.

Craig Akin, laborer, increase to \$20.00 per hour.

Dylan Clark, laborer, increase to \$17.00 per hour.

Luke Testa, laborer, increase to \$17.00 per hour.

Jay Dickinson, laborer, increase to \$20.00 per hour.

Michael Pitts, laborer, increase to \$20.00 per hour.

Cheryl Knowles, deputy tax collector, increase to \$22.00 per hour.

**MOTION:** Councilman McCarthy

**SECOND:** Councilman DeRosa

**ROLL CALL VOTE:**

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

**RECREATION UPDATE/ROBYN PRIANO**

Robyn Priano, recreation director, gave an update on many rec programs, including disk golf, egg hunt, triathlon, summer camp, flag football, interact, pickleball, waterfront membership, etc. She said all programs are going well.

**ETHICS BOARD/COUNCILWOMAN SNOW**

Councilwoman Snow made a presentation to the board regarding the ethics board. She reviewed the intermunicipal agreement, as well as procedures for the parties of boards of ethics, which are attached to these minutes. She gave a brief history of the previous ethics board, which was dissolved. She said having an ethics board while not required, is considered best practice. This ethics board includes four towns, the Town of Pawling, Village of Pawling, Town of Dover, Town of Beekman, and Town of East Fishkill, and the other towns and the Village of Pawling have already voted on this. Only the Town of Dover and the Town of Pawling haven’t voted yet. She read the following statement from the committee:

We feel that we’ve all moved forward together. This is a well thought out effort to benefit our towns and village. It will prove to be an effective tool against ethics violations as well as a tool against using this board to weaponize unfairly against a target. We want transparency, honesty, fairness, independence for a joint ethics board. We want it to be above reproach and accusations of favoritism. We feel proud that the town and village have led the way in this endeavor. This is a great road map for our journey forward.

Councilwoman Snow said we are the first in the state to have a joint ethics board. She said she has been working on this for nine months.

**TOWN BOARD COMMENTS**

**DEROSA**

Councilman DeRosa said he and councilman McCarthy met with the new building inspector and he had some observations about the department and has come up with some suggestions. One of

the suggestions was to do an amnesty program until the end of the year to clean up some old building permits. The board can discuss this and he suggested a resolution be prepared for next week's agenda. Another concern was the violations, and the building inspector doesn't have the time to work on these violations. Councilman DeRosa suggested hiring a zoning administrator, and he asked the board to consider this. Councilman DeRosa said he attended a Shorehaven Civic Association meeting, and there were no major complaints with the lake. Councilman DeRosa said he attended the Association of Towns conference, where he attended a proposed legislation program. He went over the proposed legislation with the board, informing them of AOT's recommendations on the proposed legislation.

### **SNOW**

Councilwoman Snow said the Pawling Community Foundation now has an application and grant process whereby they are giving out money. She said the deadline is April 3<sup>rd</sup>. Councilwoman Snow said she attended the Association of Towns conference and learned a lot by attending many different classes. She did attend diversity training which she enjoyed, and she hoped to discuss implementing some of the ideas she learned.

### **PITT**

Councilwoman Pitt went over some statistics regarding the justice court and dog control officer. Regarding the justice court, she said they are very busy, as is the dog control officer.

Councilwoman Pitt said the town has a leash law and people should not allow their dogs to roam free. The dog control officer will be issuing tickets to individuals whose dogs are not leashed.

### **MCCARTHY**

Councilman McCarthy said the 2022 AUD has been approved by New York State and he thanked Christine Mitchell, bookkeeper for preparing that for the town. He said there is a zoom meeting on Monday pertaining to the grant for the Lakeside improvement, and hopefully we can begin the process of going out to bid to take "The Inn" down.

### **PUBLIC COMMENT**

Jeff Asher, resident from 34 Coulter Avenue, commended councilwoman Snow for the ethics committee and how she has put it together. He felt having multiple entities was the best way to do this. He felt that team building would help the committee to solve difficult problems. He suggested there be a way for the public to be able have a less formal way of filing a complaint, instead of filing a formal complaint, before it escalates.

Robert Hill, resident from North Quaker Hill Road asked if someone was being accused of an ethical issue but it might be a borderline criminal issue, how would that be handled. Also, does the person being accused have a chance to testify and refute what they are being charged with.

Nancy Tagliafierro, town attorney said if something was criminal in nature, it would be referred to law enforcement. There are a lot of different factors that would have to be considered.

The motion to adjourn the meeting was made by councilman McCarthy at 6:50 PM, seconded by councilman DeRosa, motion passed unanimously.

---

Town Clerk

## 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.