

Deputy supervisor/councilman James McCarthy opened the regular meeting of the town board of the Town of Pawling at 6:00 PM May 10, 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 20 interested citizens. Supervisor Schmitt was absent.

PUBLIC HEARINGS

Local Law to Amend Chapter 28 of the Town Code regarding the Ethics Board

Councilman McCarthy said the public hearing was left open regarding the ethics board at last week's meeting.

Councilman McCarthy made a motion to reopen the meeting, seconded by councilman DeRosa, motion passed unanimously.

Helen Grosso, resident from Tracy Road, said she is confused about what the big picture is on this. So is this a public hearing to authorize the ethics board.

Councilwoman Snow said any time the town law is changed, there has to be a public hearing. This public hearing is adding the IMA to the ethics law, that's what the public hearing is for. She said the procedures for the ethics board have already been approved by the board at an earlier meeting.

Ms. Tagliafierro said the board is not changing the code of ethics, it is a separate chapter in the town code. The board is changing the section of the code that authorizes the ethics board and gives rules for the ethics board because the board is changing the composition of the ethics board to match the terms of the intermunicipal agreement. It is a separate section of the town code. She said the board is taking out a lot of language.

Councilwoman Snow said the procedures and the way in which the new ethics board is going to work, that was voted on at a previous meeting.

Mrs. Grosso said each town has its own code of ethics and procedures, including the process by which complaints are received, going to the town clerk and then the town attorney, and then the ethics board.

Ms. Tagliafierro said she would be reviewing the complaint for form, not substance.

Councilwoman Snow said the town clerk would be verifying that the name and address of the person is in the town. Then it goes to the attorney to make sure it is something related to form not substance. Other towns included in the IMA have had an ethics board for many years and they felt that this process worked well.

Councilwoman Pitt asked if the Town of Pawling could do something differently.

Councilwoman Snow said anything is possible, it would be up the towns included in the IMA.

Mrs. Grosso said the towns all have different ethics codes, so the complaints would be based on each town's code, which could be confusing. She said she looked forward to more information on the procedures.

Councilwoman Snow said each ethics board member would have all of the town's codes.

Mrs. Tagliafierro said substantively, the codes are very similar and based on town law section 800.

Steve Goldberg, resident from Oak Shadow Lane, said he wanted to clear the air on this. He read all of the codes of all of the municipalities involved in the IMA, and they are the same in every language and in ever thing they cover. They deal with conflicts of interest that are clear and obvious. The only difference is one of the municipalities has a section on confidential information, which is not enforceable because of free speech. The business of the complaint going to the clerk or not, is a red herring. In the places it goes to the ethics committee as well as to the clerk, there is no difference from the places that have those forms and the form

immediately goes to the attorney. There is no actual change in chapter 28 that affects process or the boundaries or the scope of the current ethical code. While he still had a lot of problems with this, he wanted to clear up those things.

Marty Mygan, resident from One Aspen Court, said the purpose of financial disclosure in local government for public officials is because it enables the public to evaluate potential conflicts of interest, deters corruption and increases public confidence in government, which is ultimately what we all want. In a small town, there could potentially be more conflicts of interest. As for the ethics committee, what Mr. Goldberg said is accurate, generally the complaint would go to the ethics board and then the town clerk, town attorney and the town board as well. But the ethics committee controls the flow of the paperwork. Regarding confidentiality, he hoped these board members would hold confidence. He hoped the board would consider putting the financial disclosure in as part of the ethics code.

Mr. Goldberg said obviously the ethics board needs to be confidential and secure. One of these municipalities has an unenforceable item in their code regarding confidentiality. With regards to financial disclosure, he supported everything Mr. Mygan said, except that is not mandatory.

Councilman McCarthy made a motion to close the public hearing, seconded by councilwoman Snow, motion passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS

Barbara Porzio, resident from Cunningham Lane, said regarding the ARPA funds, she asked the board to explain what these funds are, how much the town was granted and what they plan to utilize. The Covid emergency ends as of May 11th and some of the items existed before the grant monies became available.

Councilman McCarthy said the town received two payments from the government, each was close to \$300,000.00. The board has allocated the first \$300,000.00 for different projects. There is a listing in the resolution this evening of what some of the monies are being used for. After that resolution is adopted, there will be a balance of approximately \$35,000.00. Some of the money was used for the great lawn, taking down The Inn, water district #2, and repairs on different town buildings. The board has tried to make sure they used the monies to benefit the residents of Pawling.

Ms. Tagliafierro said ARPA stands for the American Rescue Plan Act. It is money that was given to municipalities to help them recoup some of the losses they sustained dealing with the Covid crisis. There are strict criteria what the funds can be used for. The town was required to give the government an idea of what they would use the money for and it has to be used within a certain amount of time or they lose it.

RESOLUTIONS

RESOLUTION 2023-082 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 20230425 through 20230592, 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 \$606,318.26.

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 2023-088
Approval of Truck Purchase**

WHEREAS, the Town Board of the Town of Pawling had previously financed a Bond in 2022, and

WHEREAS, a portion of this bond is dedicated to the purchase of a new International Dump Truck with plow, plow wing, and salt spreader for the Highway Department, and

WHEREAS, the Superintendent of Highways Robert Brill has requested to purchase a 2023 International Dump Truck with plow, plow wing, and salt spreader, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby authorizes the Superintendent of Highways to purchase and acceptance of delivery of said 2023 International Dump Truck with plow, plow wing, and salt spreader for \$282,316.90 to be funded by the 2022 Bond.

MOTION: Councilman McCarthy

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

**RESOLUTION 2023-089
Approval of Use of ARPA Funds for Various Town Improvements**

WHEREAS, the Town of Pawling received a partial payment of American Rescue Plan Act (ARPA) funds from the Federal Government, and

WHEREAS, ARPA funds may be used on IT improvements, infrastructure improvements such as capital improvements to the Town of Pawling, and

WHEREAS, the Town Board plans to use the funds to complete a variety of projects throughout the Town of Pawling, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approves the use of \$18,600.00 of ARPA funds to fully fund the following projects:

- 1. Town of Pawling Website Shared Service with Dutchess County \$16,600.00
- 2. The Great Lawn Fertilizer \$2,000.00

MOTION: Councilman McCarthy

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

RESOLUTION 2023-090

Authorizing the Town Supervisor to Sign Contract between the Town of Pawling and Dutchess County

WHEREAS, the Town of Pawling is seeking to develop a new Town website using ARPA funds, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the Town Supervisor to sign the Shared Service Agreement to design, develop, and host a new Town website.

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 2023-091

Adoption of Amendment to the Inter-Municipal Agreement Between the Town of Pawling and the Village of Pawling for the Pawling Joint Sewer Commission

WHEREAS, the Town of Pawling and the Village of Pawling intend to amend the Inter-Municipal Agreement (IMA) between the Town of Pawling and the Village of Pawling for the Pawling Joint Sewer Commission to allow for an additional Commissioner from the Town of Pawling and one alternate Commissioner from the Town of Pawling, and

WHEREAS, on March 6, 2023, the Village of Pawling Mayor and Board of Trustees voted to amend the IMA, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling adopts the amendment made by the Village of Pawling Mayor and Board of Trustees on March 6, 2023 to:

1. Provide for a second Commissioner to be appointed by the Town of Pawling and one alternate Commissioner.
2. Authorize the Town Supervisor to execute this agreement.

MOTION: Councilman McCarthy

SECOND: Councilwoman Pitt

Councilwoman Pitt said she would like to see the amended IMA before voting on this.

ROLL CALL VOTE:

Councilwoman Pitt – “NAY”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “ABSENT”

RESOLUTION 2023-092

Appointment of to the Pawling Joint Sewer Commission

WHEREAS, a vacancy exists on the Pawling Joint Sewer Commission, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby confirms the Town Supervisor’s appointment of Phil DeRosa to serve as a Commissioner on the Pawling Joint Sewer Commission.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling hereby confirms the Town Supervisor’s appointment of James McCarthy to serve as an Alternate Commissioner on the Pawling Joint Sewer Commission.

MOTION: Councilman McCarthy
SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilwoman Pitt – “NAY” Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
Supervisor Schmitt – “ABSENT”

RESOLUTION 2023-093
Awarding Bid for Lakeside Park Demolition and Removal Project

WHEREAS, on April 12, 2023, the Town Board authorized, by motion, the commencement of the Lakeside Park Demolition and Removal Project, including the preparation of a specifications by Laberge Group, Engineer to the Town, and

WHEREAS, the project was duly let out to bid and bids were received; and

WHEREAS, the following bids were received:

Company	Amount
1. AMaxx, Inc.	\$674,948.00

2. Dan’s Hauling & Demo, Inc.	\$383,500.00
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3. Jackson Demolition	\$420,000.00
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WHEREAS, per Laberge Group, Engineer to the Town, it has been determined lowest qualified bidder is Dan’s Hauling & Demolition, Inc. with a bid in the amount of \$383,500; and

WHEREAS, Dan’s Hauling & Demo, Inc. have offered a credit per truckload for legal, alternate disposal of tested, clean concrete based upon truckload volume as follows:

Triaxle Dump Truck: \$3,500.00 Steel Dump Trailer: \$4,500.00; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town of Pawling hereby awards the bid for the Lakeside Park Demolition and Removal Project to Dan’s Hauling & Demo, Inc., located at PO Box 409, Wynantskill, NY 12198 in the bid amount of \$383,500 contingent upon execution of a concurrent change order (Change Order No. 1) regarding the credit for alternate disposal of clean concrete.
3. In accordance with the bid specifications, the Town Board hereby authorizes the Supervisor to execute the contract documents, including a concurrent Change Order for the clean concrete credit, the Notice of Award and Notice to Proceed and forward a copy to Laberge Group and Dan’s Hauling & Demo, Inc., after the Attorney to the Town has confirmed that Dan’s Hauling & Demo, Inc., has duly executed the contract documents, has supplied the necessary Performance Bond, Payment Bond and provided insurance certificates all as otherwise required by the bid specifications.

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 2023-094

Awarding Bid for Lakeside Park Demolition and Removal Project – Air Monitoring

WHEREAS, on April 12, 2023, the Town Board authorized, by motion, the commencement of the Lakeside Park Demolition and Removal Project, which requires the Town procure the services of an air monitoring firm to perform air monitoring and related services throughout the Project:

WHEREAS, proposals were solicited and four (4) proposals were received; and

Company	Est. Cost for 21 Days
1. Paradigm Environmental Services	\$11,175.00
2. Quest Environmental	\$11,510.00
3. Niche Analysis	\$14,175.00
4. Environmental Maintenance	\$22,850.00

WHEREAS, per Laberge Group, Engineer to the Town, it has been determined that the lowest proposal is that of Paradigm Environmental Services with a proposal of \$11,175.00 plus testing fees; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town of Pawling hereby awards the air monitoring and related services for the Lakeside Park Demolition and Removal Project to Paradigm Environmental Services, located at 790 Watervliet-Shaker Road, Latham, New York 12110 per their proposal submitted dated April 27th, 2023.
3. The Town Board hereby authorizes the Supervisor to execute the required documents, and forward a copy to Laberge Group and Paradigm Environmental Services, after the Attorney to the Town has confirmed that Paradigm Environmental Services, has duly executed the required documents and has supplied the necessary insurance certificates.

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 2023-095

Budget Amendments for Fiscal Year 2023

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

WHEREAS, normal course of business activity throughout 2023 has prompted the bookkeeper to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting business as usual, and

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

A Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
Golf Course Clubhouse	A.7260.2	0	25,000		25,000	Windows, A/C, Slider, Siding Project
Health Insurance	A.9060.8	646,385		-25,000	621,385	
Grant Administration	A.1440.41	30,000	30,000		60,000	Revised Estimate
Contingent Account	A.1990.4	11,835		-11,835	0	
Health Insurance	A.9060.8	621,385		-18,165	603,220	
Municipal Dues	A.1920.4	1,250	100		1,350	Revised Estimate
Central Printing	A.1610.4	8,500		-100	8,400	
Park.Equip.Parts	A.7110.4	3,000	1,000		4,000	Revised Estimate
Park. Maint Contracts	A.7110.415	24,000		-1,000	23,000	
Golf Course. Other	A.7250.439	2,500	1,000		3,500	Revised Estimate
Golf Course. Fuel Oil	A.7250.416	4,000		-1,000	3,000	
Transfers to Capital Projects	A.9950.9	0	200,000		200,000	ARPA Funds for Captial Projects
Health Insurance	A.9060.8	603,220		-20,000	583,220	Revised Estimate
NYSERS	A.9010.8	154,730		-20,000	134,730	Revised Estimate
		<u>2,110,805</u>	<u>257,100</u>	<u>-97,100</u>	<u>2,270,805</u>	

A Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Revenue						
Federal Funds Used	A.4089	0	200,000		200,000	Revenue Recognized for ARPA \$ Used
Mortgage Tax	A.3005	300,000		-100000	200,000	Revised Estimate
Other Recreation	A.2001	65,000	10,000		75,000	Revised Estimate
Interest	A.2401	6,600	30,000		36,600	Revised Estimate
Facility Use	A.2001.103	30,000	20,000		50,000	Revised Estimate
		<u>401,600</u>	<u>260,000</u>	<u>-100000</u>	<u>561,600</u>	

B Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
Unemployment	B.9050.8	0	6,500		6,500	Revised Estimate

B Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Revenues						
Building Permits	B.2555	210000	6500		216500	Revised Estimate

DB Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
Unemployment	DB.9050.8	0	3,500		3,500	Revised Estimate
Health Insurance	DB.9060.8	297,130		-3,500	293,630	
		<u>297,130</u>	<u>3,500</u>	<u>-3,500</u>	<u>297,130</u>	

WL Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Serial Bond	WL.9710.6	143,575	10		143,585	Revised Estimate
Watershed Contractual	WL.8740.4	10,000		-10	9,990	
		<u>153,575</u>	<u>10</u>	<u>-10</u>	<u>153,575</u>	

MOTION: Councilman McCarthy

SECOND: Councilwoman Pitt

ROLL CALL VOTE:

Councilwoman Pitt – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilwoman Snow - “AYE”

RESOLUTION 2023-086
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.

Councilman McCarthy made a motion to table resolution 2023-086 until the June meeting and until there is a full board and to give us to get any answers the board may have from Ms. Tagliaferro, seconded by councilman DeRosa, motion passed unanimously.

**RESOLUTION 2023-084
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

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 Department Update – Priano

The board entertained a presentation by Robyn Priano, recreation director regarding disc golf. She explained that disc golf has had significant growth over the past couple of years. She said disc golf is growing for a variety of reasons, including it is an ages game meaning people of all ages can play, and it can be played as a family activity. It requires low maintenance and attracts people to the park, builds relationships with the schools and serves as an additional source of revenue. With regards to the Lakeside Park disc golf course, a survey was sent out back in December of 2022 to anyone who has a household account on pawlingrec.com, which went out to 2,740 different household accounts. 409 people took the survey regarding whether or not they would be in favor of a disc golf course at Lakeside Park and 87.16% said yes, they would. They have added signage, such as “caution flying discs” signs, rules have been posted and more signage is in the works as we progress. Pedestrians always have the right of way in the park, and disc golfers need to check their surroundings before playing, as well as course etiquette for disc

golfers. The golf course is on town property and therefore town rules apply. The fee is \$15.00 for residents, \$20.00 for non-residents. Revenue will be generated from tournaments, sponsors, league play and special events. She said the town should be proud that people want to come to Lakeside Park and spend their time there. She informed the board of upcoming events. She encouraged everyone to reach out to her with any questions/concerns.

The board thanked Mrs. Priano for her presentation.

MS4 Presentation – Daley

The Board entertained a presentation by JoAnne Daley, MS4 Coordinator regarding the MS4 Annual Report. She said she would have the report signed and sent to NYS DEC by the end of this week. She said the new permit is on its way, it appears it will be out by January 2024. She gave the board the budget and notice of intent for the new permit. She would go over the costs and increases for each department with the bookkeeper. This is an unfunded mandate. The entire permit will be completely restructured and is very heavy on administration, documentation, updating and prioritizing on a monthly basis. Every municipal facility will need a management program and will need to be looked at periodically every year. We do not have the existing software. The new permit will pass in some form but hopefully it will be pulled back somewhat.

Councilman McCarthy said the estimated costs are for year one for our town, \$131,920.00, year two \$127,380.00, year three \$175,033.00, year four \$226,265.00, year five \$427,160.00, which the town will have to figure out how to budget for.

Mrs. Daley said this comes from the United States Environmental Protection Agency and we are one of the towns that are included in the unfunded mandates. She said there are additional grant monies that are coming out, which the town could apply for.

Following discussion, the board thanked Mrs. Daley for the presentation and for her work on MS4.

TOWN BOARD DISCUSSION

PITT

Councilwoman Pitt said she anticipated a resolution next month to forward our speed limit to the state next month so they can begin their study.

SNOW

Councilwoman Snow said she attended a ribbon cutting on Saturday for the Mizzenotop Day School, they bought the Peale Center building which they had rented for many years. They also celebrated their 25th anniversary. The library book sale is going on and people should attend and they need volunteers. She wanted to see a conservation advisory board come back to fruition as well as a disaster and emergency preparedness committee. She would talk more about these in June.

DEROSA

Councilman DeRosa said he attended the FROGS event on Sunday to recognize the Gordon Douglas preserve, which was 194 acres dedicated to Gordon Douglas. Mr. Douglas worked tirelessly to protect the environment. This morning, he attended a press conference with congressman Mike Lawler on the Route 22 sewer district. Congressman Lawler is trying to get funding from the federal government for fifteen towns in the amount of fifty six million dollars. He is waiting to get approval from other politicians to move forward with this funding. The board received complaints on short term rentals from different residents. There are approximately twenty Airbnb's now. The building inspector's office will be sending letters to these people to renew their permits. He said a lot of the complaints come under the homeowner's associations and the town has nothing to do with it, but this is something that has to be worked on more. Regarding the RFP for the meters for PWD #2, a motion is needed to authorize the supervisor to enter into an agreement to begin the process with Laberge. Time is running short and this needs to get done.

Councilman McCarthy said Ron Laberge is working on this and the board should be hearing from him soon.

Councilman DeRosa made a motion to have the supervisor sign an agreement with Laberge for

an RFP for PWD #2 meters and installation for an amount up to \$20,000.00, seconded by councilwoman Pitt, motion passed unanimously.

MCCARTHY

Councilman McCarthy said the taking down of The Inn would begin within the next seven to ten days and should be done hopefully by the end of May.

PUBLIC COMMENT

Steve Goldberg said the IMA amendment for the PJSC has not been signed by the town so he did not believe another person could be appointed to the commission. He said it feels like the village is still running the show verses this being a true intermunicipal agreement since it has been over two months.

Councilwoman Pitt said she hasn't seen the amended IMA, which is why she didn't want to vote tonight.

Joel Glucksman, resident from 61 Dutchess Drive, said he wanted to bring existing Airbnb's to the board's attention in a residential zone area, especially areas as sensitive as Whaley Lake or Lake Dutchess. The rules for Airbnb's come from the town board and the homeowners association has absolutely no control over what goes on in that area. The board has received letters on a property with large new construction that has been advertised as five bedrooms available on a property, which is doubtful with three. That permit is up for renewal and should receive close attention. He asked the board to review the Airbnb rules. Other townships no longer permit Airbnb's, and other towns do not allow them in sensitive areas. If the rules are allowed to stay as they are, it could make a mockery of a residential area.

Councilman DeRosa suggested the homeowners association change their rules to address Airbnb's.

Mr. Glucksman said the homeowners association does not have the powers councilman DeRosa suggests.

Councilwoman Snow said the law says if there are any violations and the regulations are not followed in the short term rental permit, the permit may be revoked by the building inspector subject to penalties of chapter 11.

Councilman DeRosa said this needs to be looked at to see if there are violations. A zoning administrator could enforce this if the town had one.

Paul Chazen, resident from 82 Lake Drive on Dutchess Lake, said he sent the ad for this specific house to the board in an email. He said the homeowners association basically has no input whatsoever, no rules. The purpose of the homeowners association is to maintain the lake and the roads. As far as conduct, there are no rules. As far as Airbnb's, there was one rental on all of Dutchess Lake, now there are four. The specific one they are here to complain about is on a small strip of land that is surrounded by water on three sides, and has been known to have septic problems. Having ten occupants in this space, the septic is in danger. He wondered if the building department did an inspection before issuing a permit.

Councilman DeRosa said yes, they did do an inspection before the permit was issued.

Mr. Chazen said if the town had looked at this situation a little closer, they would have seen that the new owner converted a three bedroom into a five bedroom.

Councilwoman Pitt felt possibly the building department needed to do another inspection on this property.

Councilman McCarthy said the building inspector is looking into this and he should be given a few days to look into it.

Helen Grosso, resident from Tracy Road, asked about the speed limit.

Councilwoman Pitt said the board is going to do its best to establish a town wide speed limit. Instead of the town hiring an engineer to do the studies, the state will do that for us.

Mrs. Grosso said one of the issues with the PJSC is that the stipends are substantial, and there needs to be some clarity. Regarding the public hearing on the solar moratorium, the Town of Dover just passed a moratorium on approval and installation of certain public utility infrastructure and facility installations for a period of six months. She wondered if the Town of Pawling should be looking at the bigger picture and a wide scope.

Jennifer Panzer, resident from Holiday Street, said she sent the board a letter on Monday regarding disc golf. Her concern is that permanent structures are being put in the park without public input and public discussion.

Councilman McCarthy said this is a recreation program and a survey was done and the board agreed with it.

Mrs. Panzer said there needs to be more signs and no one sees a concern about a walking path going through this course? In other courses she has looked up, she hasn't seen that.

Councilman McCarthy said this is a work in progress and it is all still new. He felt the park was large enough for this and he hoped people could respect each other and work together.

Mrs. Panzer said if she is walking or riding her bike, she now has to be watching out for discs flying at her head.

Mrs. Priano said she put a sign up today.

Mrs. Panzer asked about liability of someone gets hit in the head with a disc.

Councilman McCarthy said it would come under the town's insurance policy and there was no additional cost for that.

Mrs. Panzer said there are benches near all of the baskets.

Councilman McCarthy said this is a work in progress, it is not perfect now.

Mrs. Panzer asked about fees and who would be monitoring it.

Mrs. Priano said staff would monitor when in the office.

Mrs. Panzer expressed concern about the new road and vehicles driving through, with no policing of it. There are some real issues at the park.

Janet Jones, resident from Holiday Street, said she wanted to share how important Lakeside Park is to her, she loves the park. She loved the section that has now become a golf course, which was the peaceful part, where you could sit on a bench and not be concerned about something happening. The discs are not Frisbees, they are discs and are meant to go forty to seventy miles per hour. They are hard and they go fast. Lakeside is not her peaceful spot anymore. Something very precious to some people has been taken away. People now have to watch for flying discs and dogs are chasing discs, which is dangerous.

Andrew Lynch Maguire, resident from 65 Herd and Tanner Road, praised Pawling recreation for installing the disc golf course. People playing disc golf are human beings and are here to cohabitate in the park, and he has not had a negative experience. It is a beautiful course and he thanked the town for letting it happen.

Wendel Weber, supervisor of buildings & grounds, said he is looking at new park lights and he had an example for everyone to see. These would be going around the half mile loop in the front of the park.

Robert Mirro, resident from Lake Dutchess, asked about Airbnb's and said the homeowners association is a voluntary association and not tied to their deeds. So, people do not have to adhere to it. He asked that the town set some standards residents must follow so the lake is not polluted and the environment is protected.

Councilwoman Pitt said the board hears the residents and understands their concerns on this matter.

The motion to adjourn the meeting was made by councilman McCarthy at 7:52 PM, seconded by councilman DeRosa, motion passed unanimously.

Deputy Town Clerk