

Supervisor James Schmitt opened the regular meeting of the town board of the Town of Pawling at 6:00 PM January 15, 2025 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were councilwomen Snow and Pitt, councilmen Mygan and McCarthy, Nancy Tagliaferro, town attorney and approximately 20 interested citizens.

MINUTES

Supervisor Schmitt made a motion to acknowledge the minutes of December 4, 2024, seconded by Councilman Mygan, and passed unanimously.

Supervisor Schmitt made a motion to acknowledge the minutes of December 11, 2024, seconded by councilwoman Snow, passed with a majority vote, as councilman McCarthy was absent.

PUBLIC COMMENT ON AGENDA ITEMS

Robyn Priano, recreation director, expressed concern regarding resolution 2024-135 entitled “amendment to handbook regarding nepotism”. She explained her many concerns to the board and asked for clarification on a number of items in the resolution.

Regarding resolution 2024-135, many residents and camp employees spoke, agreeing with Mrs. Priano, and expressed concern about some items in the proposed nepotism addition to the handbook.

Supervisor Schmitt said this would be further discussed later in the meeting.

Terry Stewart, resident of Pawling and an employee of the town for 32 years, and Ed Hauser, resident of the town and employee of the town since 1978, spoke about resolution 2024-163 entitled “Amendment to Handbook Regarding Medicare Part B Reimbursement”, expressing concern about this resolution, and the town taking a benefit away from past and current employees, suggesting not providing this benefit to new employees coming in. He said people didn’t make a lot of money working for the town but worked for the benefits. They asked the board to consider this very carefully.

Cathy Giordano, town clerk, said as a 40 year employee of the Town of Pawling, she agreed with Mr. Stewart and Mr. Hauser, asking the board to not pass this resolution.

RESOLUTIONS

**RESOLUTION 2025-044
Payment of Bills for the Town of Pawling**

WHEREAS, the Town of Pawling bookkeeper has reviewed and prepared the vouchers for Town of Pawling 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 20241655 through 20241784, 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 \$594,399.49.

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE” Councilman Mygan – “AYE”
Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

RESOLUTION 2025-045
Amendment to Handbook Regarding Health Insurance Buy-Out Payment

WHEREAS, the Town Board wishes to amend the Town of Pawling Employee Handbook regarding the health insurance buy-out payment, and

NOW THEREFORE BE IT RESOLVED, that the following shall be amended in section 700-8 of the Town of Pawling Employee Handbook,

Payment of the buy-out will be made in the last pay period of December of each year the employee exercises this option.

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE” Councilman Mygan – “AYE”
 Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
 Supervisor Schmitt – “AYE”

RESOLUTION 2025-046
Budget Amendments for Fiscal Year 2025

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

WHEREAS, normal course of business activity throughout 2025 has prompted the bookkeeper to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting businesses usual, and

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

ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
Before/After Care Wages	A.7330.1	0	38,000		38,000	To create separate accounts
Before/After Care Contractual	A.7330.4	0	2,500		2,500	for Before/After Care Program
Other Recreation Wages	A.7310.1	45,000		-38,000	7,000	
Other Recreation Contractual	A.7310.4	29,500		-2,500	27,000	
Park, Maint Contactual	A.7110.415	34,000	7,000		41,000	Turf Tank annual rental
MVP HRA	A.9089.815	0	51,150		51,150	To create budget for the HRA
Health Insurance	A.9060.8	751,810		-58,150	693,660	
		860,310	98,650	-98,650	860,310	
Revenue						
Before/After Care Revenue	A.2001.107	0	70,000		70,000	To create separate accounts
Other Recreation	A.2001	100,000		-70,000	30,000	for Before/After Care Program
		100,000	70,000	-70,000	100,000	
B Fund						
Expenditures						
MVP HRA	B.9089.815	0	18,600		18,600	To create budget for the HRA
Health Insurance	B.9060.8	132,835		-18,600	114,235	
		132,835	18,600	-18,600	132,835	

MOTION: Supervisor Schmitt
SECOND: Councilman Mygan

ROLL CALL VOTE:

Councilwoman Pitt – “AYE” Councilman Mygan – “AYE”
Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

RESOLUTION 2025-047
Billing for Pawling Water District No. 2

WHEREAS, Pawling Water District No. 2 bills need to be approved by the Pawling Town Board, and

WHEREAS, the bills have been prepared and submitted in the amount of \$14,139.45 for the period of October 1, 2024 through December 31, 2024 by the Clerk to the Water District, Catherine Giordano, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby accepts the billing as recommended for Pawling Water District No.2.

MOTION: Supervisor Schmitt
SECOND: Councilman McCarthy

ROLL CALL VOTE:

Councilwoman Pitt – “AYE” Councilman Mygan – “AYE”
Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

RESOLUTION 2025-048
Authorizing Shared Services Agreement with Dutchess County Sign Shop

WHEREAS, the Town of Pawling intends to enter into an agreement between Dutchess County Department of Works that operate a Sign Shop that provides a wide variety of services including the manufacture of highway signs, and

WHEREAS, Dutchess County agrees to provide these services to the Town of Pawling under this shared services agreement, and

WHEREAS, the pricing for services are:

MUTCD Compliant Road Signs	\$0.09 per sq. in. of finished sign face
Building Signs	\$0.10 per sq. in of finished sign face
Stickers and adhesive lettering	qty less than 100 units per design - \$1.00 each qty 100 or more units per design – \$0.75 each
Highway Detour signs	\$0.10 per sq. in. of finished sign face

WHEREAS, this agreement shall be effective January 1, 2025 and shall terminate on December 31, 2025, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the Supervisor to execute this agreement, as noted herein of the Shared Services Agreement.

MOTION: Supervisor Schmitt
SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilwoman Pitt – “AYE” Councilman Mygan – “AYE”
Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

RESOLUTION 2025-049
Payment of Health Insurance Premium for Tax Collector

WHEREAS, the Town provides health insurance plans for its employees and pays a portion of the cost of the premiums; and

WHEREAS, Barbara Tyson, Tax Collector, is currently eligible for Medicare; and

WHEREAS, rather than enroll in one of the employer sponsored health insurance plans, Ms. Tyson would like to enroll in AARP UHC Medicare Supplement Plan F and AARP UHC Medicare RX Preferred PDP and contribute 30% of the monthly premium of \$468.25 and is requesting that the Town contribute 70% of those premiums on her behalf in lieu of the Town sponsored health insurance plans; and

WHEREAS, the Town’s Health Insurance Broker, Steve Murphy, advises that the above referenced Medicare plans provide excellent coverage for Medicare eligible active employees or elected officials and would represent a cost savings to both the Town and to Ms. Tyson;

NOW THEREFORE, BE IT RESOLVED, that the Town will contribute 70% of the premium for Ms. Tyson’s Medicare Supplement of the monthly premium and Ms. Tyson will contribute 30% of the monthly premium of \$468.25 as set forth above in lieu of enrolling in one of the Town authorized health insurance plans.

MOTION: Supervisor Schmitt
SECOND: Councilwoman Snow

ROLL CALL VOTE:

Councilwoman Pitt – “AYE” Councilman Mygan – “AYE”
Councilman McCarthy – “AYE” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

RESOLUTION 2025-050
Approval of Laberge Contract Addendum

WHEREAS, the Town of Pawling has been successful in securing a wide variety of grants over the past years, and

WHEREAS, the Town of Pawling is required to provide grant management and administration of each grant which includes, but is not limited to summary reports, drawdown requests, coordination with local, state and federal officials and program staff, and other duties as may be required to manage and closeout program funding, and

WHEREAS, the Town of Pawling has a General Services contract with Laberge Group as well as an annual Grant Writing Contract, and

WHEREAS, to continue services with the Laberge Group a Contract Addendum must be reviewed and executed, and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes and directs the Town Supervisor to execute contract addendum No. 2025008-00 to be increased by \$42,000 for grant management services.

Following discussion by the board, resolution 2025-050 was tabled until the next meeting.

RESOLUTION 2025-051
Approval of Laberge Contract Addendum

WHEREAS, the Town of Pawling has been successful in securing a wide variety of grants over the past years, and

WHEREAS, the Town of Pawling is required to provide grant management and administration of each grant which includes, but is not limited to summary reports, drawdown requests, coordination with local, state and federal officials and program staff, and other duties as may be required to manage and closeout program funding, and

WHEREAS, the Town of Pawling has a General Services contract with Laberge Group as well as an annual Grant Writing Contract, and

WHEREAS, to continue services with the Laberge Group a Contract Addendum must be reviewed and executed, and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes and directs the Town Supervisor to execute contract addendum No. 2022094-06 to be increased by \$38,000 for grant management and administration expenses.

Following discussion by the board, resolution 2025-051 was tabled until the next meeting.

RESOLUTION 2024-135
Amendment to Handbook Regarding Nepotism

WHEREAS, the Town Board wishes to amend the Town of Pawling Employee Handbook to prohibit nepotism;

NOW THEREFORE, BE IT RESOLVED that the following shall be added as Section 311 of the Town of Pawling Employee Handbook, but shall not be applicable to any current employee as of the date of this Resolution, and shall only apply to new employees:

311. Employment of Relatives.

Except as otherwise required by law:

(1) No municipal officer or employee, either individually or as a member of a board, may participate in any decision whether to appoint, hire, promote, discipline or discharge a relative for any position for or within the Town of Pawling.

(2) No municipal officer or employee may directly supervise a relative in the performance of the relative's official powers or duties.

(3) Nothing contained herein shall prevent those town officers and town employees who, as of the effective date of this code of ethics currently serve the town, from continuing to do so. Those persons shall be grandfathered in. Additionally, for such grandfathered individuals, the performance review, job duties or assignments and awards of overtime are subject to annual review by the Director of Human Resources, and in the event, problems are identified they may be referred to the Town Board.

(4) . When a relative of a Town Officer or employee is considered for seasonal or other employment with the Town, the hiring will be forwarded to the Human Resources Department/Pawling Town Board for final review and approval to assure compliance with the Town's current hiring guidelines.

"Relative" shall mean a spouse, child, stepchild, parent, stepparent, brother, brother-in-law, sister, sister-in-law, stepbrother, stepsister, father-in-law, mother-in-law, or legal guardian of any of said persons.

Following lengthy discussion, councilman Mygan made a motion to withdraw resolution 2024-135 entitled "Amendment to Handbook Regarding Nepotism", seconded by supervisor Schmitt, motion passed unanimously.

RESOLUTION 2024-163

Amendment to Handbook Regarding Medicare Part B Reimbursement

WHEREAS, the Town Board wishes to amend the Town of Pawling Employee Handbook to include a price cap on Medicare Part B reimbursement for eligible retirees;

NOW THEREFORE BE IT RESOLVED, that the following shall be added in section 700-9 of the Town of Pawling Employee Handbook,

700. Medicare Part B Reimbursement

The Town will reimburse an eligible retiree annually (employee and spouse) for the cost of the Medicare Part B premium for up to \$3,500 for both.

MOTION: Supervisor Schmitt

SECOND: Councilwoman Snow

Following discussion by the board, resolution 2024-163 was tabled.

Nancy Tagliaferro, town attorney, said resolution 2024-167 was not necessary and replaced with resolution 2025-052.

RESOLUTION 2025-052

Local Law Amendment for Board of Ethics

WHEREAS, a local law to amend Town Code Chapter 28 entitled "Board of Ethics", to remove references to a joint Board of Ethics and to add rules and regulations for board appointments was introduced as Introductory Local Law # ____ (the "Local Law") of the year 2024 before the Town Board of the Town of Pawling on _____; and

WHEREAS, the public hearing was opened on December 11, 2024 and the public was invited to attend and be heard on the matter and continued on January 8, 2025;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law # ____ of 2024 is hereby enacted by the Town Board of the Town of Pawling as Local Law _____ of 2025 of the Town of Pawling, and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

LOCAL LAW NO. __ OF THE YEAR 2024

A LOCAL LAW AMENDING CHAPTER 28 OF THE TOWN CODE OF THE TOWN OF PAWLING ENTITLED "BOARD OF ETHICS " TO RE-ESTABLISH A TOWN BOARD OF ETHICS

BE IT ENACTED by the Town Board of the Town of Pawling, County of Dutchess, as follows: Section 1: Chapter 28 of the Town Code regarding "Board of Ethics" shall be amended to read as follows:

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

- A. The 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."
- B. The Board of Ethics shall consist of five members, shall be appointed by the Town Board and shall serve without compensation.
- C. Members shall be residents of the Town of Pawling and shall serve without compensation for two-year terms, except that initially two (2) members shall be appointed for two (2) years, and three (3) members shall be appointed for one year.
- D. No Ethics Board member may serve more than six consecutive years.
- E. The Board of Ethics shall designate one of its members as Chairperson.
- F. Vacancies on the Board of Ethics shall be filled 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.
- G. 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.

H. An Ethics Board member may make campaign contributions and may participate in any election campaign.

I. 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.

J. 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.

K. 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.

§ 28-2. Duties of the Board of Ethics.

A. The Board of Ethics shall render to the Town Board written advisory opinions with respect to the interpretation and application of this chapter or of Article 18 of the General Municipal Law. Such opinions shall be rendered at the written request of the Town Board or of an official or employee who wishes such opinion on his own actions or situation. The Town Board shall refer written, documented and sworn complaints to the Board of Ethics. Opinions of the Board of Ethics shall be solely for the guidance of the official or employee involved, the Town Board and the Town Attorney.

B. The Board of Ethics shall adopt, amend and rescind such rules and regulations to govern its procedure as it deems appropriate, subject to the approval of the Town Board.

C. The Board of Ethics may make recommendations to the Town Board with respect to amendments to or administration of this Code of Ethics.

D. Advisory opinions. The Board of Ethics shall render advisory opinions to Town officers, employees, professional consultants and agencies with respect to this Code of Ethics and the provisions of Article 18 of the General Municipal Law. Such advisory opinions shall be rendered pursuant to written request under such rules and regulations as the Board of Ethics may deem advisable and with the advice of the Town's attorney. The Board of Ethics shall be bound by any such opinion, until amended or revoked, in any subsequent proceeding concerning the person who requested the opinion, where such person in good faith relied on the opinion, unless material facts were omitted or misstated in the request.

E. Investigations. In addition to all powers provided for in Article 18 of the General Municipal Law, the Board of Ethics shall have the power and duty to conduct investigations upon the receipt of a sworn complaint by any citizen alleging a violation of this Code of Ethics or of Article 18 of the General Municipal Law, or upon its own determination that such a violation may exist, under such rules and regulations as the Board of Ethics may deem advisable. Pursuant to this power and duty, the Board of Ethics may administer oaths or affirmations and subpoena witnesses and documents. Upon the completion of any investigation, the Board of Ethics shall render to the Town Board a written confidential report of its findings, opinions and recommendations, which report shall be provided to the subject to the investigation. Any penalties or other subsequent action taken shall be by authorized bodies in accordance with applicable procedures. If the Board of Ethics determines, pursuant to this provision, that any action, including any approval or transaction, by any Town officer, employee, professional consultant or agency was undertaken in violation of any of the provisions of this Code of Ethics or in violation of Article 18 of the General Municipal Law, such action shall be voidable.

F. Confidentiality. With respect to all complaints and investigations and all related deliberations and findings, the Board of Ethics shall hold all such matters in confidence and meet in closed executive session to the fullest extent allowable by applicable law.

G. Voidable transactions. If the Town Board of Ethics concludes in a written opinion rendered pursuant to § 28-E that any action, including any approval or transaction, by any Town officer, employee or agency was undertaken in violation of any of the provisions of this Code of Ethics, such action shall be subject to nullification by resolution of the Town Board.

H. The Board of Ethics shall have only such other powers and duties prescribed by § 808 of the General Municipal Law.

Section 2. Severability.

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this local law shall remain in full force and effect.

Section . Effective Date.

This local law shall take effect immediately upon the filing with the Secretary of State.

Following discussion by the board, it was agreed that there would be continued discussion on an ethics board and they would continue to work on it.

Following discussion regarding resolution 2025-052, the board agreed to continue to discuss the ethics board amendment and revisit at some point in the future.

TOWN BOARD DISCUSSION

MYGAN

Councilman Mygan said there is going to be a meeting regarding Starkdale Park, which he would like to be included in. He would like to be involved in this project. He said also, there are two grants for revising the master plan and he would like to be involved in that process also.

MASTER PLAN

Councilman McCarthy said supervisor Schmitt has asked he and councilwoman Pitt to start the process of updating the master plan. A meeting was held with himself, two representatives from Laberge, Stephanie Giordano, legislative aide, and Lisa Melville from the State of New York to go over the grants. The key thing the town has to do is to get a committee of a minimum of seven to nine people to move through this process. The town has around \$90,000.00 to accomplish this, and in order to stay within the budget, the committee will have to prioritize the items looked at in the master plan review. He suggested the town board make a recommendation to the supervisor who they think should be on the committee. This is all new information, and he just sent out the email to the board today, therefore this needs further discussion. Also, this process will require multiple public hearings.

Following discussion, it was agreed that this would be discussed further and the board would move this forward.

SNOW

Councilwoman Snow discussed appointments, alternates and payment for town board members appointed to the PJSC. Following lengthy discussion, it was agreed that this would be further discussed with the PJSC. She stated she hoped there would be some resolution to it.

MCCARTHY

Councilman McCarthy said for the board's information, the last time the PJSC rates were raised was in 2020. Councilman McCarthy went over the fees being recouped by Laberge for many different grants. He said the West Main Street Culvert project, and the Dewey Lane Bridge project are moving forward. He congratulated the Pawling Fire Department and wished all of the new officer's good luck, and chief White for his fourteen years of service as chief.

PITT

Councilwoman Pitt said the Town of Pawling has been notified by NYS DOT that the town wide speed limit for Pawling is now 30 miles per hour. There was no cost to the Town of Pawling because NYS DOT accomplished the speed study. The town will now have to work on getting the signage installed.

EXECUTIVE SESSION

Supervisor Schmitt made a motion to adjourn at 8:05 PM and enter executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension or removal of a particular person or corporation, seconded by councilman McCarthy, motion carried unanimously.

The Board returned from executive session at 8:50 PM. No action was taken.

Town Clerk