

DATE OF MEETING: February 21, 2023

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Lauri Taylor
Trustee John Burweger
Trustee Jerry Locascio
Trustee Tom Meyer

The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance.

MOTION by Trustee Locascio to approve the minutes from January 17, 2023. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.

Identifier: Introducing Local Law 1 of the year 2023 entitled "Repeal of Local Law No. 10 of the year 2022" which would repeal Local Law No. 10 of the year 2022 entitled "2022 Amendments to Chapter 98 Zoning Law"

Trustee Burweger moved the following resolution, seconded by Trustee Locascio:

WHEREAS, on November 7, 2022, the Trustees adopted Local Law No. 10 of 2022 entitled "2022 Amendments to Chapter 98 Zoning Law" ("Local Law 10");

WHEREAS, Local Law No. 10 amended Chapter 98 of the Village of Pawling Zoning Code to clarify certain provision therein, including provisions related to determining maximum density and floor area ratio, determining whether a given lot is a large lot or a small lot and adding or amending certain defined terms.

WHEREAS, a legal action has been commenced seeking, inter alia a declaration that Local Law 10 is null and void;

WHEREAS, although the Village denies the allegations in such legal action, the Village desires to avoid the time and expense associated with same;

NOW, THEREFORE, it is

RESOLVED: that Village of Pawling Local Law 1 of the year 2023 entitled "Repeal of Local Law No. 10 of the year 2022" be introduced with the text of such local law to be in the form attached hereto and made a part hereof as Exhibit "A";

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice attached hereto and made a part hereof as Exhibit "B" at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Village Hall on March 6, 2023 at 7 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Village of Pawling by the Village Clerk, at least ten (10) before such hearing

RESOLVED: that such local law shall be referred to the Dutchess County Department of Planning pursuant to General Municipal Law §239m;

RESOLVED: that the Board of Trustees be designated as lead agency under SEQRA with respect to the proposed adoption of this local law;

Exhibit "A"

Village of Pawling Local Law No 1 of the Year 2023

1. The purpose of this local law is to repeal Local Law No 10 of the year 2022.
2. Local Law No 10 of the year 2022 is repealed.
3. This local law shall take effect immediately upon filing in the office of the New York State Secretary in accordance with the Municipal Home Rule Law.

Exhibit "B"

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Board of Trustees of the Village of Pawling will hold a public hearing at the Village Hall, 9 Memorial Avenue, Pawling, New York on March 20, 2023, at 7 o'clock p.m., Prevailing Time on Proposed Local Law No. 1 of the year 2023 entitled "Repeal of Local Law No. 10"

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Village of Pawling Village Hall, 9 Memorial Avenue, Pawling, New York and on the following webpage of the Village of Pawling website:

<https://www.villageofpawling.org/village-board>

On such webpage first click "**February 21, 2023**" under the green colored heading "Agendas" and then click "**February_21_2023 agenda and documentation.pdf**"

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Pawling, New York
_____, 2023
Jennifer Osborn, Village Clerk

The question of the foregoing Resolution was duly put to a vote, the Board of Trustees voting as follows:

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Absent
Trustee John Burweger	Aye
Trustee Gerald Locascio	Aye
Trustee Tom Meyer	Aye.

MOTION by Trustee Locascio to adopt a resolution Authorizing Municipal Cooperation Agreement for Establishment of a Joint Ethics Board. **SECONDED** by Trustee Burweger.

WHEREAS, by adopting Local Law No. 1 of the year 2020 the Board of Trustees enacted a revised Code of Ethics for the Village (the "Code");

WHEREAS, the Code provides that officers and employees of the Village of Pawling hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties and that the Board of Trustees ("BOT") recognizes that, in furtherance of this fundamental principle there is a need for clear and reasonable standards of ethical conduct and that the Village's Code establishes those standards;

WHEREAS, Section 26-18 of the Code establishes a board of ethics ("BOE") for the Village and authorizes the BOE to issue advisory opinions to officers and employees of the Village with respect to Article 18 of the General Municipal Law and the Code;

WHEREAS, NY GEN MUN § 119-o empowers Villages and Towns to enter into agreements for the performance among themselves or one or the other of their respective functions, powers and duties on a cooperative or contract basis subject to approval by majority vote by the municipalities governing body; ¹

WHEREAS, the BOT has discussed entering into a municipal cooperation agreement with one or more of the Towns of Pawling, Beekman, East Fishkill and Dover, with such municipal cooperation agreement to provide for appointment of a Joint Board of Ethics empowered to serve as the Board of Ethics for each of these municipalities ("Joint BOE MCA");

WHEREAS, the BOT has reviewed the proposed Joint BOE MCA in the form attached to this resolution as Exhibit "A";

WHEREAS, the Village Attorney has advised that entering into this Joint BOE MCA requires the Village to first adopt a local law pursuant to the New York Municipal Home Rule Law which permits the Village's BOE to deviate from the requirements applicable to a board of ethics appointed pursuant to General Municipal Law §808; and

WHEREAS, the BOT has discussed that such Joint Board of Ethics would improve the functioning of the BOE by expanding the pool of members to serve on such board and promoting objectivity of the BOE.

NOW, THEREFORE BE IT RESOLVED as follows:

1. the Village intends to enter into a Joint BOE MCA substantially in the form attached hereto and made a part hereof as Exhibit "A" (see attached); and

¹ The broad scope of Article 5G of the General Municipal Law is illustrated in *Thompson v Lent*, 53 A.D.2d 721, 721-22, 383 N.Y.S.2d 929, 930-31 (N.Y.A.D. 3 Dept., June 03, 1976) wherein the court made clear that a joint town/village board formed pursuant to a municipal cooperation agreement under GML 119-o could employ and discharge personnel and hear and decide disciplinary cases.

2. the Village Attorney is directed by the Board to prepare a proposed local law which upon enactment would authorize the Village to enter into a Joint BOE MCA;

3. At the next meeting of the BOT, the BOT will consider a resolution to introduce such local law and schedule a public hearing.

The question of the foregoing Resolution was duly put to a vote, the Board of Trustees voting as follows:

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Absent
Trustee John Burweger	Aye
Trustee Gerald Locascio	Aye
Trustee Thomas Meyer	Aye.

MOTION by Trustee Locascio to approve going out to bid to purchase a 2024 garbage truck with a 20 yard hopper. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.

Mr. David Daniels, a village attorney, reported everything appears to be on track for a March start date of the parking enforcement within the village.

Mr. Dan Stone, a representative of LaBella, stated they were looking to jump start the water supply facilities at Lower Baxter. He reported there is a need to install a replacement well in order to get the full yield out of the aquifer. He said a year ago the Board approved 5 inch wells which they thought would be suitable for the amount of water the village could get and pump from any given well. He stated it turned out one well is a super achiever at about 95 gpm and one well was a dog at about 5 gpm so the current plan is to not develop the dog well but install as a test well a replacement for one of the five inch wells. He stated they need to make sure EFC and DOH are comfortable with them proceeding as a professional test well installed now for future reimbursement. He stated once that is cleared and the Mayor signs off they would engage a well driller, who would be under LaBella's supervision, to make sure that the well is in the right place at the right depth and properly developed and tested to become a future water supply well for the village.

Mayor Taylor reported the village's insurance broker had suggested the Board look into purchasing cyber liability and employment practices liability insurance. Mayor Taylor said she wanted to introduce the issue to the Board and when the Clerk received more information it would be back on the agenda.

MOTION by Trustee Meyer to approve the waiver of water penalty in the amount of \$11.97 and garbage penalty in the amount of \$1.25 per reference number 08.23. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to approve the waiver of garbage penalty in the amount of \$1.25 per reference 04.23. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mr. Stone reported they were almost done with Umscheid. He said he communicated with Rooney and it was still 5-6 weeks out to get the transfer switch for the electrical system which is the last thing that needs to be installed under the Umscheid project. He stated once that is done the village would close out all the financing for the final post-closing payment request and would be able to certify that the project was completed according to the plan and the finances are according to the grant and loan the village received by May of this year. He reported that State DOH is reviewing the plan for the Lower Baxter site and if they receive any comments LaBella would respond. Mr. Stone said they were still working to complete the rates for water for the village.

MOTION by Trustee Burweger to approve payment of the EFC LT #3b bills in the amount of \$19,405.43. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to approve payment of the Metro North bills in the amount of \$2,064.46. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to close the meeting and go into Public Comment at 7:17 P.M. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to return to regular session and close to go into Executive Session for litigation at 7:22 P.M. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to close Executive Session at 7:56 P.M. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to open regular session at 7:56 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to close the meeting at 7:56 P.M. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.



Village Clerk