

DATE OF MEETING: March 20, 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 Burweger to open the Public Hearing on proposed Local Law No. 1 of 2023 – Repealing Local Law No. 10 of 2022 at 7:00 PM. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

Mr. Mike Rendich, a resident of 136 East Main Street, stated he read the Local Law and wondered why the Board was repealing the local law 4 months after it was passed. Mr. David Daniels, a village attorney, responded the law was passed to clarify issues related to floor area ratio, density and the definition of a large lot. He said shortly after it was passed, the village was the subject of an Article 78 proceeding by a party that has applied for Planning Board approval which would be the third lawsuit. He said it was decided that it was not economical for the village to pursue that lawsuit because the things addressed in that law are unambiguous, but because of the dispute and the issues that were raised by that applicant, the village thought at the time that it was prudent to make those clarifications but it wasn't so important as to have the village spend umpteen dollars fighting it. Mr. Daniels said there would be more to come because they feel very comfortable with the fact that the issues that have been raised are directly inconsistent with prior applications where the interpretation that the Board put in place, clarified were the ones that everybody understood were the correct ones. He stated with this applicant as well – they have applied previously for approvals on this project where they have made it very clear that they understood exactly what the Master Plan intended and what the zoning intended and that will become very clear very soon. Mr. Rendich said to make sure he followed that Local Law 10 came about as a result... Mr. Daniels said it was not the result of litigation, it was the result of trying to clarify issues where people were claiming there were questions of interpretation. Mr. Daniels said he was involved in the Master Plan process and zoning and he understood what was happening, as did a lot of other people, but more recently, 20 years have passed, and with the passage of time people are looking at things and saying – oh, that's not what...what did this really mean. He stated when you go back to the village records and the Planning Board records it's quite clear what everyone understood it to be and things like floor area ratio being calculated based on square footage of just the footprint, as opposed to the gross floor area, which is what it says even under the current law as being the calculation, so you would calculate not just the footprint but also the second floor. He stated this applicant had taken the exact same position that the Village Board took when they clarified in their prior application, and that was consistent with the other clarifications as well where they submitted applications where they understood that buildings were supposed to be on Route 22 and not on East Main Street and East Main Street was residential. He said he hoped that answered Mr. Rendich's question. Mr. Rendich said so Local Law 10 was intended to clarify something which in retrospect didn't need clarification. Mr. Daniels said that was correct and it was nice to have it because

people raise issues and questions and there was nothing wrong with trying to put everyone's mind straight about what it should be but it wasn't worth spending umpteen dollars fighting because the village has other things going on with them and it will all become clear very soon. Mayor Taylor said they wanted to save the taxpayers money in fighting something like that. She reported the village recently received \$100,000 to begin the Comprehensive Plan review and update, so once the Board makes a selection of a consultant then they would be starting that process. She said she thought a lot of clarity would be brought to it at that time. Mr. Rendich responded ok, that was good – sounded very governmenty.

There were no further comments.

MOTION by Trustee Locascio to close the Public Hearing on proposed Local Law No. 1 of 2023 – Repealing Local Law No. 10 of 2022 at 7:06 PM. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to open the Public Hearing on proposed Local Law No. 2 of 2023 – Authorizing Municipal Cooperation Agreement for establishment of a Joint Ethics Board at 7:06 PM. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

There were no comments.

MOTION by Trustee Locascio to close the Public Hearing on proposed Local Law No. 2 of 2023 – Authorizing Municipal Cooperation Agreement for establishment of a Joint Ethics Board at 7:07 PM. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Trustee Locascio, seconded by Trustee Meyer, moved the following resolution, containing certain findings and determination under the New York State Environmental Quality Review Act ("SEQRA").

WHEREAS, the Village of Pawling Village Board ("Village Board") has introduced and is considering the enactment of a Local Law No. 1 of 2023 to repeal Local Law No. 10 of 2022; and

WHEREAS, the Village Board has prepared Part 1 of a Short Environmental Assessment Form ("EAF"), pursuant to the requirements of 6 NYCRR Part 617; and

WHEREAS, the Village has determined that enactment of this Local Law is an Unlisted Action under the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the proposed Local Law has been referred to the Dutchess County Department of Planning and Development pursuant to New York General Municipal Law §239-m; and

WHEREAS, the Village Board has thoroughly reviewed and considered the Local Law; and

WHEREAS, the Village Board duly advertised, held and closed the public hearing on the Local Law during its meeting on March 20, 2023; and

WHEREAS, the Village Board, after the close of the public hearing during the meeting on March 20, 2023, conducted its SEQRA review by (1) considering the criteria contained in subdivision (c) of 6 NYCRR §617.7 to identify any relevant areas of environmental concern, (2) thoroughly analyzing the identified relevant areas of environmental concern to determine if the action may have a significant adverse environmental impact and (3) completing Part 2 of the EAF and adopting Part 3 of the EAF, which includes a narrative articulating the reasons supporting the Village Board's SEQRA determination; and

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby determines that the enactment of Local Law No. 1 of 2023 is an Unlisted Action under SEQRA; and

BE IT FURTHER RESOLVED, that the Village Board shall serve as Lead Agency; and

BE IT FURTHER RESOLVED, that for the reasons set forth in Part 3 of the EAF, the enactment of the Local Law will result in no significant adverse impacts on the environment and, therefore, that an Environmental Impact Statement need not be prepared and a Negative Declaration therefore be issued.

The foregoing resolution was duly put to a vote which resulted as follows:

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

Trustee Locascio moved the following resolution, seconded by Trustee Burweger, to adopt the following local law:

Local Law No. 1 of the year 2023: Repeal of Local Law No. 10 of the year 2022 entitled "2022 Amendments to Chapter 98 Zoning Law" ("Local Law").

WHEREAS, at the Board of Trustees meeting held on February 21, 2023 the Local Law was introduced and the Board set the public hearing for March 20, 2023;

WHEREAS, pursuant to § 7-706 of the New York Village Law, at least ten (10) days notice of such public hearing was published in a paper of general circulation in the Village;

WHEREAS, a duly noticed public hearing was held on March 20, 2023 and interested parties were provided an opportunity to be heard;

WHEREAS, the Local Law has been referred to the Dutchess County Department of Planning and Development (DCDPD) pursuant to New York General Municipal Law § 239-m and the DCDPD has indicated that the adoption of this Local Law is a matter of local concern;

WHEREAS, the Board of Trustees has issued a Negative Declaration under SEQRA with respect to the Local Law;

WHEREAS, pursuant to § 7-706 of the New York Village Law, upon adoption of the proposed Local Law: (i) it shall be entered in the minutes of the Board of Trustees; (ii) a copy, summary or abstract thereof shall be published once in the Village's official newspaper; (iii) a copy of the Local Law shall be posted conspicuously at or near the main entrance to the office of the Village Clerk; and (iv) affidavits of the publication and posting thereof shall be filed with the Village Clerk;

NOW THEREFORE, BE IT ENACTED that the Board of Trustees of the Village of Pawling hereby adopts Local Law No. 1 of the year 2023 entitled "Repeal of Local Law No. 10 of the year 2022" with the text of such local law to be in the form attached hereto and made a part hereof as Exhibit "A".

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.

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

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

The following Resolution was proposed by Trustee Meyer, who moved its adoption, and seconded by Trustee Burweger.

WHEREAS, the Village of Pawling Board of Trustees ("Board") adopted a resolution on March 6, 2023, introducing Local Law No. 2 of 2023 and setting a public hearing; and

WHEREAS, the public hearing was duly convened and closed; and

WHEREAS, the enactment of this proposed local law is a Type II action pursuant to 6 NYCRR 617.5(c)(27) "adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list," specifically 6 NYCRR §617.5(c)(26) "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" relating to the Village

amending Chapter 26 of the Code of the Village of Pawling ("Ethics Law") to authorize a municipal cooperation agreement for the establishment of a joint ethics board;

NOW THEREFORE, BE IT RESOLVED, no further compliance with SEQRA is necessary.

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

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

Trustee Locascio moved the following resolution, seconded by Trustee Burweger, to adopt the following local law:

Local Law No. 2 for the year 2023, entitled ***"Authorizing Municipal Cooperation Agreement for Establishment of a Joint Ethics Board"*** ("Local Law")

WHEREAS, at the Board of Trustees meeting held on March 6, 2023, the Local Law was introduced and the Board set the public hearing for March 20, 2023;

WHEREAS, a duly noticed public hearing was held on March 20, 2023 and interested parties were provided an opportunity to be heard;

NOW THEREFORE, BE IT ENACTED that the Board of Trustees of the Village of Pawling hereby adopts the Local Law in the form attached hereto and made a part hereof as Exhibit "1".

Exhibit "1"

Village of Pawling Local Law No. 2 of the Year 2023

"Authorizing Municipal Cooperation Agreement for Establishment of a Joint Ethics Board"

1. Purpose and intent.

The purpose of this local law is to amend Chapter 26 of the Code of the Village of Pawling ("Village Code") to allow the Village of Pawling to enter into a Municipal Cooperation Agreement with one or more other Towns and Villages located in Dutchess County which agreement shall provide for the establishment of a Joint Board of Ethics.

The intention of this law is to improve the functioning of the Board of Ethics by expanding the pool of members to serve on such board and to promote the objectivity of the Board of Ethics.

2. Amendment of Village Code Section 26-18.

Section 26-18 is amended to add a subsection (c) which shall read as follows:

§ 26-18 (c). Notwithstanding anything contained in the Code to the contrary, pursuant to Article 5-G of the General Municipal Law, the Board is authorized from time to time to enter into a municipal cooperation agreement with one or more other Villages and/or Towns located within Dutchess County, New York ("MCA") which provides for the establishment and operation of a joint board of ethics ("JBOE"). Such MCA shall set forth the number of members of such JBOE; provided, however, that such JBOE shall consist of at least three (3) members, including at least one (1) member appointed by the Board. Such MCA may provide that such JBOE (i) shall only act with respect to officers, employees and/or agencies of the Village and other municipalities that have entered into such MCA; (ii) may authorize the JBOE to render advisory opinions to such officers, employees and/or agencies with respect to the Code and/or Article 18 of the General Municipal Law and (iii) may contain such as terms and conditions as deemed by the Board to be necessary or advisable including without limitation terms of office for such JBOE, educational requirements for such JBOE, removal of members of such JBOE, appointment of a chair of such JBOE, meeting procedures and requirements, allocation of costs and withdrawal from or termination of the MCA. To the extent that there is any inconsistency between this subsection 26-18 (c) and General Municipal Law § 808, the terms of this subsection shall control.

3. Severability, Savings Clause, Inconsistencies.

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law and Chapter 26.

In the event of any inconsistencies between this local law and other provisions of the Ethics Law or any other local law of the Village enacted prior to the effective date of this Chapter, the terms of this local law shall prevail and be controlling.

4. When effective.

This Chapter shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law.

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

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

The following Resolution was proposed by Trustee Meyer who moved its adoption, and seconded by Trustee Locascio.

WHEREAS, the Board of Trustees desires to enter into a municipal cooperation agreement with one or more of the Towns of Pawling, Beekman, East Fishkill and Dover pursuant to Article 5G of the General Municipal Law, with such municipal cooperation agreement to provide inter alia for appointment of a Joint Board of Ethics empowered to serve as the Board of Ethics for each of these municipalities;

WHEREAS, the Board of Trustees has discussed that such Joint Board of Ethics would improve the functioning of the board of ethics created pursuant to the Village's Code of Ethics (Chapter 26 of the Code of the Village of Pawling) by expanding the pool of members to serve on and promoting objectivity of such board of ethics;

NOW THEREFORE, BE IT RESOLVED as follows:

(i) The Village Board approves the municipal cooperation agreement in the form attached hereto and made a part hereof as Exhibit "A"; and

(ii) Mayor Lauri Taylor is authorized to negotiate and execute a final version of such municipal cooperation agreement, with such final version to contain terms and conditions which are consistent with the draft attached as Exhibit "A" in all material respects and to take such other actions as she deems convenient, necessary or advisable in order to effectuate the execution and implementation of the municipal cooperation agreement by the parties.

Exhibit "A"

Municipal Cooperation Agreement 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.

IN WITNESS WHEREOF, the Parties have caused this instrument to be duly executed the day and year as first above written.

TOWN OF EAST FISHKILL

Nicholas D'Alessandro
Town Supervisor

TOWN OF BEEKMAN

TOWN OF PAWLING

VILLAGE OF PAWLING

TOWN OF DOVER

Exhibit "A"

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

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

MOTION by Trustee Burweger to approve the EFC reallocation of funds for EFC Project 16741 – Umscheid Wellfield. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

Mr. Dan Stone, a village engineer, stated the Board had proposed water rates in their packages. He said they felt that rate schedule was fair and equitable in the way it collects money to pay the bills through the water supply and they recommended the Board publish the schedule on the village website so the public can see it. He stated they were also recommending that the Board schedule a hearing for a meeting in April where the Board could hear the public speak about those rates. He said he did not characterize it as an increase or a decrease – it was basically taking a system and making it fairer to all users and he hoped, on review, that everybody would agree with that.

MOTION by Trustee Locascio to set a Public Hearing on the new water rates for the April 3, 2023 Board Meeting. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to approve the Village Green and Public Assembly Events Permit for the Eastern Dutchess Road Runners Club – Summer Warmup Run to be held on April 30, 2023 from 7 am – Noon. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to approve the Village Green and Public Assembly Events Permit for Harlem Valley Car Club for Wednesday nights, 5 pm – 8 pm running April 19, 2023 – September 27, 2023. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Locascio to approve the Metro North Treasurer's Reports for January and February 2023. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to approve the minutes from February 6, 2023 and February 21, 2023. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

Mr. Dan Stone reported the Lower Baxter work commenced last week, the replacement well was being drilled that week and they expected to have it tested by the end of the week.

MOTION by Trustee Meyer to appoint Nicholas Vorolief to the position of Chairman of the Zoning Board of Appeals to fill the vacancy caused by Michael Keupp's resignation. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

The Clerk presented the Tentative Budget for fiscal year 2023-2024 to the Board of Trustees.

MOTION by Trustee Locascio to schedule the Public Hearing on the Tentative Budget for the April 3, 2023 Board Meeting. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to adjourn the meeting and go into Public Comment at 7:18 PM.
SECONDED by Trustee Locascio. There was no discussion; all were in favor and the motion carried.



Village Clerk