

DATE OF MEETING: March 6, 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.

Identifier: Introducing Local Law No. 2 of the year 2023 entitled "Authorizing Municipal Cooperation Agreement for Establishment of a Joint Ethics Board"

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

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;

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 such resolution as Exhibit "A";

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;

WHEREAS, the Village Attorney has advised that New York Municipal Home Rule Law authorizes the Village to adopt a local 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;

NOW, THEREFORE, it is

RESOLVED: that Village of Pawling Local Law No. 2 of the year 2023 entitled ***"Authorizing Municipal Cooperation Agreement for Establishment of a Joint Ethics Board"*** be introduced with the text of such local law to be in the form attached hereto and made a part hereof as Exhibit "1";

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 "2" at which hearing parties in interest and citizens shall have an opportunity to be heard at the Village Hall on March 20, 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 five (5) days before such hearing;

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

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

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.

Exhibit "2"

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.2 of the year 2023 entitled "Authorizing Municipal Cooperation Agreement for Establishment of a Joint Ethics Board"

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 “**March 20, 2023**” under the green colored heading “Agendas” and then click “**March_20_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

Mr. Daniels, a village attorney, explained the Board was waiting for the referral from Dutchess County Planning as required by law before holding the Public Hearing on the proposed Local Law repealing Local Law No. 10 of 2022.

MOTION by Trustee Burweger to hold a Public Hearing on a proposed Local Law repealing Local Law No. 10 of 2022 on March 20, 2023. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.

Identifier: Resolution authorizing the sale of real property located at 90 Tracy Road, in Pawling, NY

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

WHEREAS, the Village of Pawling is the owner of a certain real property located at 90 Tracy Road, in the Town of Pawling, County of Dutchess, State of New York, which is comprised of approximately 7.7 acres and is listed on the tax map of the Town of Pawling as parcel #134089-7057-00-119824 (“90 Tracy Property”);

WHEREAS, the Board of Trustees approved and accepted an offer to sell the 90 Tracy Property to George Apap (“Buyer”) for the sum of \$150,000.00 pursuant to a resolution passed by the Board of Trustees at a meeting held on December 19, 2022; and

WHEREAS, the Village has entered into a contract of sale between the Village and the Buyer dated January 25, 2023 to effectuate the sale between the parties (the “Transaction”).

NOW THEREFORE, BE IT RESOLVED as follows:

The Mayor, or in the absence of or at the direction of the Mayor, the Deputy Mayor are each severally authorized and empowered to:

- (i) Execute and deliver a deed on behalf of the Village to effectuate the Transaction pursuant to the contract of sale; and to execute such other and further documents and instruments as the Mayor or Deputy Mayor, as the case may be, determines to be necessary, advisable or advantageous in order to effectuate the Transaction, all on such terms, conditions, stipulations and agreements, as he or she shall, in his or her unfettered discretion, approve;

and his or her execution thereof shall be conclusive evidence of his or her approval thereof, and his or her authority to execute and deliver such documents; and further;

- (ii) to take such other actions as she or he, as the case may be, deems convenient, necessary or advisable in order to effectuate the Transaction.

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 Locascio to amend the IMA between the Village and Town of Pawling for the Pawling Joint Sewer Commission to provide for a second Commissioner to be appointed by the town and to authorize the Mayor to execute that agreement when prepared subject to the town's approval and to add that the town could have an alternate member. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Trustee Locascio reported the village received 2 bids for the purchase of a 2024 garbage truck. The bids were:

Kenworth - \$249,880.00 &
Freightliner - \$211,362.

He said they both have the same Legacy Loadmaster on the back

MOTION by Trustee Locascio to purchase the 2024 Freightliner in the amount of \$211,362.16. **SECONDED** by Mayor Taylor. There was no discussion; all were in favor and the motion carried.

Mayor Taylor said the Income Survey was mailed out approximately 2 weeks ago and the reason for the survey was for the village to qualify for certain grants and also to receive 0% interest loans. She said for the people who did not receive the mailing there would be a team of people going out next weekend and knocking on doors to get as many surveys filled out as possible.

Mayor Taylor reported Deputy Mayor Dan Peters tendered his resignation so the Board was taking letters of interest. Mayor Taylor publicly thanked him for his many years of service and for all the efforts he made for the village and the Sewer Commission. She said they would be tough shoes to fill but the Board was looking for anyone with an interest in serving on the Village Board. Mayor Taylor said to send letters of interest to the Village Clerk. Trustee Locascio said he would be missed. The Board was in agreement.

Ms. Betsy Montgomery, President of the Pawling Farmer's Market, gave a presentation on the 2023 Farmer's Market.

MOTION by Trustee Burweger to approve the Village Green and Public Assembly Events Permit for the Pawling Farmer's Market Saturdays, June 17, 2023 – October 7, 2023, 9 AM – 1 PM. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.

Mr. Dan Stone, a representative of LaBella, reported that work on Lower Baxter continued. He said they were in the process of preparing responses to comments on the plan submittal to the State Health Department that would go in by mid-March. Mr. Stone said as part of the engineering service contract they would be working on installing a replacement to well BG4 so it would be large enough in diameter to take a pump capable of 95 gallons a minute which would happen by the first of April. He said they were still waiting on the transfer switch to come in for the Umscheid project and once it came in it would be installed and the village could close out all of the work for that project.

MOTION by Trustee Meyer to approve payment of the February bills in the amount of \$140,233.95. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Locascio to approve payment of the Metro North bills in the amount of \$255.75. **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 7:16 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Meyer to return to regular session and go into Executive Session for litigation at 7:18 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to close Executive Session at 7:53 P.M. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to go into regular session at 7:53 P.M. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to close the meeting at 7:54 P.M. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.


Village Clerk