

DATE OF MEETING: September 6, 2022

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Lauri Taylor  
Trustee Dan Peters  
Trustee John Burweger – via phone  
Trustee Tom Meyer

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

Mayor Taylor said the Board was revisiting the Public Hearings that were left open for the Peddlers and Soliciting Law and the Parades, Public Assembly and Public Use Law. She stated due to all of the comments that were received at the last meeting and multiple emails regarding the laws, the Board decided they would withdraw both of the laws to be able to work with all of the comments, redraft them and hopefully re-propose them at a later date when all of the comments are incorporated. She said the Board would re-introduce them and go through the process again.

Ms. Carol Compton, a resident of 5 Spruce Street, said in the spirit of cooperation between our village officials and the citizens of Pawling she supports the attached detailed suggestions for the meeting and she said this was already sent to the Board but that was yesterday so she did not presume that everybody had time to catch up with their holiday mail. She said these do not address 3 following concerns that she has. She said she does not believe transparency regarding receiving a permit is achieved by whether a permit or not is granted as was suggested by the village attorney. She stated in her opinion transparency is achieved if a request for a permit, discussion and a decision are done during the public portion of a Board meeting and the person or entity applying for the permit has an opportunity to be told when that will be discussed so that they have the option of attending the meeting and if there needs to be any clarification instead of there being no permit allowed that person can perhaps provide some clarification and the permit can go ahead or maybe they cannot provide enough information and that becomes

made clear and the fact that no permit can possibly be issued under what has the information that has been provided becomes clear. She said that was the end of that. She stated that would be her definition of transparency. Ms. Compton said number 2 – she still questioned whether Chapter 59 is necessary at all, to wit, several years ago there was a nationwide candle light vigil throughout the country against the Afghanistan War. She stated she looked for a place to attend and there was nothing surrounding Pawling so she and a few people in the remaining four days that were left to prepare made up a flyer, distributed it and they invited people to gather by the American flag. She said no roads were obstructed – no sidewalks were obstructed and she was very surprised to see 120 people show up. She said they had – they said the Pledge of Allegiance, had a moment of silence for all those who were killed or harmed in the war, they sang patriotic songs and they dispersed in quiet conversation. She stated there was no problem, no law, it was a peaceful assembly. Ms. Compton said number 3 – at the last meeting a Pawling citizen and taxpayer asked twice what the genesis of Chapter 59 was. She stated he never received an answer. She said she does not say the next part facetiously – she really just wondered if the fact that in the month of June three gatherings were held in the gazebo area – one for Black Lives Matter, not because black lives are more important than anybody else's life but because they happen to be the ones that are being targeted now in our country. She said secondly there was a gathering to demonstrate people's concern about Pro-Choice in response to the Supreme Court decision. She stated thirdly there was a gathering to support National Gun Awareness Weekend – not pro-gun, not anti-gun just gun awareness. She said she maintains that those gatherings would be less threatening or offensive, she didn't know if that applies, to our village officials than is implied by having to enact Chapter 59. She thanked the Board for listening. She asked that this be made part of the written public record which she presumed they had because it was emailed to the Board yesterday.

Mr. Tom Rose, a resident of Sunset Avenue, thanked the Board for its reconsideration of the two proposals and he eagerly awaits their findings on the next round.

Mr. Larry Bruberger, a resident of 1 Birch Hill Road in the Town of Pawling, stated he emphasized town because even though he does not reside in the village the proposed law would affect him or anybody else that comes into the village for any purpose and he comes into the village a lot – he shops in the stores, goes to the restaurants – his wife and he like to come there. He said the proposed law makes it feel less welcoming. He said he wanted to add his endorsement to the statements made previously by Tom Rose and by Steve Goldberg and that were given to the Board because he thought they made excellent proposals for improving the proposed law but even with their excellent proposals, even if the Board were to adopt every single one of them, he still thought it was potentially harmful because what it seems to do...he would just focus on two..for the sake of brevity, and he appreciated the Board withdrawing it, he wanted to focus on two things that make it so potentially harmful. He said one was paragraph A in Section 59.3 where it says “except as otherwise expressly provided herein, no person shall hold or engage in a parade or public assembly without procuring an assembly permit from the village” – he said that may look innocuous on its face but the trouble with it is that when you take that together with all the other specific requirements, application deadlines, information that has to be provided, discretionary authority to reject or accept applications on various stated and not specifically stated grounds – what that amounts to is that the default position of the village on the issue of holding an assembly is that its forbidden. He stated that turns the social presumption of right of assembly on its head, it is essentially troublesome and he would submit that if they were going to adopt the local law that they could cut out that paragraph A or substitute something else for it because that presumption against the right of assembly is just...it feels wrong, it feels unconstitutional even if no court has adjudicated that specific provision yet. Mr. Bruberger said the other thing, only one other point he wanted to comment

on, that was Section 59.11 where it imposes some rather severe penalties that could be applied to minor technical errors in submitting applications and essentially burdens activities ancillary to the exercise of first amendment rights with severe penalties. He stated the penalties are grossly disproportionate to any possible harm that could come from a technical error in a permit application or even holding an assembly without a permit. He said it was analogous to swatting a mosquito with a sledge hammer. He stated he was grateful the Board withdrew it and were reconsidering and he hoped that whatever comes after the deliberations would be much better than what they have there.

Mr. Steve Goldberg, a resident of Oak Shadow Lane, said he would like to clarify with the Board that this was the public hearing on Chapter 59 versus 58A if that was ok. The Mayor responded affirmatively. Mr. Goldberg said he wanted to make sure so they don't get lost. He thanked the Board for keeping the public hearing open and providing the opportunity for continued input which obviously he holds dear. He stated he had some comments and to quote his good friend, Dan Stone, "I'll be brief". He said what he wanted to tell the Board was, tonight and this was why he was such a stickler about the Public Hearing, we heard concerns that may or may not be fair about the fair application of the law. He said they also heard concerns about, not the constitutionality but the fundamental righteousness that makes restriction of public assembly a default position versus the encouragement of public assembly as a constitutional right. He said those were important things and he urged the Board to consider that no matter how they recraft the proposed law and chapter those concerns would probably not go away and so he urged the Board to take serious consideration to not entertain Chapter 59, although there are no problems with Chapter 58A. He said in addition to that should the Board, in order to avoid, again, this kind of communal regurgitation that this law, should you reintroduce the law, which again he urged the Board not to do, he would like to point several of the important points in the memo that was sent by him and endorsed by members of the community. He said firstly the memo

made a variety of suggestions to increase the number of participants and reflect the larger community in which we live – it considers that we are part of town of 8,000 with highly invested communities like Fishkill and Wingdale quite close by. He said he thinks it is important because you see the composition of the people here in the room are not just villagers and this is a place where the village is part of the town and these are people who have an interest. Mr. Goldberg said similarly they had made suggestions regarding deadlines in order to work more realistically with the standing calendar of a small municipal government, especially our government, there certainly are parts of the bill that are unworkable in regards to the Board's standing schedule. He said secondly the memo addresses the consideration of exceptions which they may have been well intended may create a framework for rejection of advocacy groups on both sides of the ideological and political spectrum - he said the Board heard one example from Carol that evening. He stated what we have to understand is that many organizations, from Blue Lives Matter to Black Lives Matter, or from the American Pistol and Rifle Association which promotes gun ownership to the James Brady Campaign which promotes gun restrictions, could be excluded and even if the Board leaves the exception framework in the proposed law they have suggested some alternatives that he urged the Board to pay attention to, to ensure that those groups are included. He stated they also suggested that the law provides a mechanism to tie rejection based on safety concerns to the elected and appointed officials in this county whose primary responsibility is ensuring that that very safety is in order, in order to protect the Board from accusations – fair or unfair of moral hazard. He said, again, this would extend to the Board's participation in the process in general – this rule is a real opening for the Board to lose the public trust versus maintainment of the public trust, and he wanted to make it clear that he does not think for a moment that was the Board's intention. He stated in a similar effort they were suggesting a group of linguistic changes that the attorneys take seriously that removes the village government from making decisions without factual support. He urged the Board to take terms like “exigent circumstances” which the attorneys in the room know can be interpreted in

many different ways to definitive language like “declared state of emergency” which is unambiguous. He said they suggested avoiding concepts like “conflicting adequate sanitary conditions” and especially “anticipated application” as any attorney will tell you these are simply landmines no matter where folks stand on an issue it is the honeypot of litigation. He said, finally, they are humbly suggesting the Board removes the terms and conditions which make counter protest difficult if not impossible and he would like to remind the Board that democracy when practiced can be messy that is for sure but the alternative is unthinkable to the people that have been giving them feedback. He stated, again, they urge the Board to publish the law if they choose to revise it early and consistently with the Open Meetings Law and if not please consider removing and withdrawing the proposal permanently. He thanked the Board.

Mr. Marty Migan, a resident of 1 Aspen Court, said he was opposed to the new proposed law regarding regulation of public assembly – Chapter 59. He stated in his opinion it is not needed – it is a solution to a problem that does not exist. He said he encouraged the Board to drop the proposed law altogether because there is no reason to limit free speech in Pawling by way of public assembly in such an extreme manner.

There was no further public comment.

**MOTION** by Trustee Peters to close the Public Hearing on proposed local law for the year 2022 to repeal Chapter 58-A of the Village of Pawling entitled “Peddling and Soliciting” and enact a new Chapter 58-A entitled “Peddling and Soliciting” at 7:19 P.M. **SECONDED** by Trustee Meyer. There was no discussion all present were in favor and the motion carried.

***Identifier: Resolutions to Close Public Hearing and withdraw proposed Local Law for the year 2022 to repeal Chapter 58-A of the Code of the Village of Pawling entitled “Peddling and Soliciting” and enact a new Chapter 58-A entitled “Peddling and Soliciting”***

Trustee Peters moved the following resolutions, seconded by Trustee Meyer:

**RESOLVED:** that the public hearing on the proposed Local Law for the year 2022 to repeal Chapter 58-A of the Code of the Village of Pawling entitled “Peddling and Soliciting” and enact a new Chapter 58-A entitled “Peddling and Soliciting” (“proposed local law”) be closed;

RESOLVED: that the resolution to introduce the proposed local law is hereby withdrawn;

RESOLVED: that no vote shall be taken by the Board to enact the proposed local law without the Board's approval of a resolution to introduce such local law and the scheduling and holding of a new public hearing on notice as required by law;

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

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye (via phone)
Trustee Gerald Locascio	Absent
Trustee Tom Meyer	Aye.

**MOTION** by Trustee Peters to close the Public Hearing on proposed local law for the year 2022 to adopt Chapter 59 of the Code of the Village of Pawling entitled "Parades, Public Assemblies and Use of Public Areas at 7:19 P.M. **SECONDED** by Trustee Meyer. There was no discussion; all present were in favor and the motion carried.

***Identifier: Resolutions to Close Public Hearing and withdraw proposed Local Law No to adopt Chapter 59 of the Code of the Village of Pawling entitled "Parades, Public Assemblies and Use of Public Areas"***

Trustee Peters moved the following resolutions, seconded by Trustee Meyer:

RESOLVED: that the public hearing on the proposed local law to enact Chapter 59 entitled "Parades, Public Assemblies and Use of Public Areas" ("proposed local law") be closed; and

RESOLVED: that the resolution to introduce the proposed local law is hereby withdrawn;

RESOLVED: that no vote shall be taken by the Board to enact the proposed local law without the Board's approval of a resolution to introduce such local law and the scheduling and holding of a new public hearing on notice as required by law;

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

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye (via phone)
Trustee Gerald Locascio	Absent
Trustee Tom Meyer	Aye.

**MOTION** by Trustee Peters to approve the minutes from August 1, 2022. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.

Mr. James McEleney, a village attorney, went over the introduction of a local law for the year 2022 to amend Chapter 92 of the Code of the Village of Pawling entitled "Parking" to add new provisions regarding fines for violations regarding parking, stopping or standing.

***Identifier: Local Law for the year 2022 to amend Chapter 92 of the Code of the Village of Pawling entitled "Parking" to add new provisions regarding fines for violations regarding parking, stopping or standing.***

Trustee Peters moved the following resolution, seconded by Trustee Meyer, to introduce and set a date for the public hearing on the following proposed local law:

Local Law for the year 2022 to amend Chapter 92 of the Code of the Village of Pawling entitled "Parking" to add new provisions regarding fines for violations regarding parking, stopping or standing ("Local Law")

#### Purpose

The purpose of this Local Law is to adopt a new schedule of fines for violations of Chapter 92 relating to parking, standing and stopping.

1. § 92-1 is amended to add the following defined terms:

"TICKET" means any appearance ticket, summons, information or other accusatory instrument giving notice of a violation of any provision of this Chapter 92 which has been issued by a Sheriff, Deputy Sheriff, other police officer or any other official public servant authorized by state law or local law enacted pursuant to the provisions of the municipal home rule law to issue the same, including without limitation an officer or employee of the Village having responsibility for enforcement of the provisions of this Chapter relating to parking, stopping or standing.

2. §92-25 is amended to read as follows:

#### §92-25 Penalties:

- A. Article VII is amended to add Schedule XII as §92-49.
- B. Every person convicted of a traffic infraction for a violation of any provision of this chapter 92 which is specified in §92-49 Schedule XII shall be punished by a fine as specified in such Schedule XII.
- C. Failure to either pay, appear in Court or answer any Ticket within thirty (30) days of date of issue will result in said fine being doubled; failure to pay, appear or answer within sixty (60) days of such date of issue shall result in fine being doubled again; and failure to pay appear or answer such Ticket within ninety (90) days shall result in an additional fine of twenty dollars (\$20.00).
- D. Every person convicted of a traffic infraction for a violation of any provision of this chapter which is not specified in §92-49 Schedule XII and which is also not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment; for a second such conviction within eighteen (18) months thereafter, such person shall



be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than forty-five (45) days, or by both such fine and imprisonment; and upon a third or subsequent conviction within eighteen (18) months after the first conviction, such person shall be punished by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

# §92-49 SCHEDULE XII

Section	Description	Fine	NYS Surcharge	Amount due after day 30	Amount due after day 60	Amount due after day 90
92-13	Parking Outside Designated Space	\$35.00	\$0.00	\$70.00	\$105.00	\$125.00
92-14	Overnight Parking (Nov 15 - April 1)	\$75.00	\$0.00	\$150.00	\$225.00	\$245.00
92-15	No Parking Zone	\$35.00	\$0.00	\$70.00	\$105.00	\$125.00
92-15B	Fire Zone	\$150.00	\$0.00	\$300.00	\$450.00	\$470.00
92-15C	Double Parked	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-15D	Blocking Hydrant	\$150.00	\$0.00	\$300.00	\$450.00	\$470.00
92-15E	Blocking Driveway	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-15F	Parked Against Traffic	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-15G	Parked On Sidewalk	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-15H	Parked In Crosswalk	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-16	No Parking certain days/hours	\$35.00	\$0.00	\$70.00	\$105.00	\$125.00
92-17	Parking Overtime	\$35.00	\$0.00	\$70.00	\$105.00	\$125.00
92-18	No standing	\$45.00	\$0.00	\$90.00	\$135.00	\$155.00
92-19	No stopping	\$45.00	\$0.00	\$90.00	\$135.00	\$155.00
92-20	Angle Parking Violation	\$45.00	\$0.00	\$90.00	\$135.00	\$155.00
92-20B	Parked in Handicapped zone	\$250.00	\$30.00	\$530.00	\$780.00	\$800.00
92-20.1	Permit Parking Only Violation	\$75.00	\$0.00	\$150.00	\$225.00	\$245.00
92-20.2	Meter Parking Violation	\$75.00	\$0.00	\$150.00	\$225.00	\$245.00
92-20.3	Park in space covered w/ snow	\$35.00	\$0.00	\$70.00	\$105.00	\$125.00
92-20.4	Parking in Loading zone	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-20.5	Merchant Permit Parking only violation	\$75.00	\$0.00	\$150.00	\$225.00	\$245.00

*Please Note: Penalties are applied for failure to pay, appear or answer and are assessed at thirty day intervals*

*Please Note: Parked in Handicapped Zone has the required NYS Surcharge*

3. When effective. In accord with Municipal Home Rule Law §27(3), this Local Law shall be effective as of the date that it is filed with the Secretary of State.

Pursuant to the Municipal Home Rule Law of the State of New York, it is necessary to hold a public hearing upon this proposed local law.

WHEREAS, Trustee Peters has introduced the following proposed local law for the Village of Pawling: Local Law for the year 2022 to amend Chapter 92 of the Code of the Village of Pawling entitled "Parking" to add new provisions regarding fines for violations regarding parking, stopping or standing

BE IT RESOLVED, that a public hearing be held in relation to the proposed Local Law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest shall have an opportunity to be heard, to be held at the Village Hall on September 19, 2022 at 7 o'clock p.m., and that notice of said hearing 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 and that such notice shall be in the following form:

#### 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 September 19, 2022, at 7 o'clock p.m., on proposed local law identified as:

Local Law for the year 2022 to amend Chapter 92 of the Code of the Village of Pawling entitled "Parking" to add new provisions regarding fines for violations regarding parking, stopping or standing

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, during normal business hours on all business days between the date of this notice and the date of the public hearing.

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  
September 6, 2022  
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	Aye
Trustee John Burweger	Aye (via phone)

Trustee Gerald Locascio  
Trustee Tom Meyer

Absent  
Aye.

Mr. Dan Stone, a village engineer, recommended that the Board adopt the Bond Resolution Authorizing the Construction of New Wells In and For the Village of Pawling at a Total Maximum Estimated Cost of \$2,334,000 and Authorizing the Issuance of \$2,334,000 Bonds of Said Village to Pay Costs Thereof. Mr. Goldberg said there was no super majority and the Board could not take the motion up. Mr. Stone said the resolution was a critical part of the application process and needed to be adopted before September 9<sup>th</sup> therefore he recommended that the Board hold a special meeting on September 7<sup>th</sup> when Mr. Burweger was present in order to adopt the Bond Resolution. Mr. Goldberg stated OML said the Board needs 24 hours posting time to schedule a special meeting. The Board asked the Clerk to look into the issue while they continued the meeting.

**MOTION** by Trustee Peters to approve the Professional Services Proposal and Agreement from LaBella Associates for Lower Baxter site. **SECONDED** by Trustee Meyer. There was no discussion, all present were in favor and the motion carried.

Trustee Peters asked the Board to approve an additional \$2,500 for the Corbin Road paving project due to the fluctuation in asphalt costs.

**MOTION** by Trustee Peters to approve the additional \$2,500 for the Corbin Road paving project. **SECONDED** by Trustee Meyer. There was no discussion; all present were in favor and the motion carried.

Trustee Burweger went over proposals received for tree work within the village that would be funded through ARPA funding. He stated there were 2 trees that needed to be removed on Memorial Avenue and 20 trees that need trimming. He said he received 2 estimates for the work and the low bid proposal was with Woodland Tree Care in the amount of \$6,000.

**MOTION** by Trustee Burweger to proceed with Woodland Tree Care, who came in with the low bid, for the tree work discussed in the amount of \$6,000. **SECONDED** by Mayor Taylor. There was no discussion; all present were in favor and the motion carried.

**MOTION** by Trustee Peters to approve the Public Assembly Permit for the Pawling Resource Center for the Annual Walkathon scheduled for October 15, 2022. **SECONDED** by Trustee Meyer. There was no discussion; all present were in favor and the motion carried.

Mr. Dan Stone reported Roehrs successfully placed three pipes under the wetlands consistent with the permits. He said the DEC came out and inspected the fencing and was pleased with the worksite and protection the fencing afforded. He said the village received 3 bids for the last contract at Umscheid – Eventus in the amount of \$542,100, wellfield installation in the amount of \$493,450 and American Well Pump in the amount of \$208,291. He said LaBella is recommending that the Board accept the bid from American to perform the work.

**MOTION** by Trustee Peters to accept the bid from American Pump. **SECONDED** by Trustee Meyer. There was no discussion; all present were in favor and the motion carried.

Mr. Stone said LaBella would be meeting with Dutchess County Department of Behavioral and Community Health to review the 60% submittal plans for the Lower Baxter site. He reported the WIIA grant has to be submitted by the 9<sup>th</sup> and the village has a preliminary score of about 90

points which is an excellent score to qualify the village for grants and loans. He said LaBella would be making a recommendation to redo an Income Survey in the later fall which if successful would qualify the village for 0% interest.

The Clerk stated she was unable to speak with bond counsel but found an opinion from the Department of State on Open Government that she thought would allow the Board to call the Special Meeting for the next day.

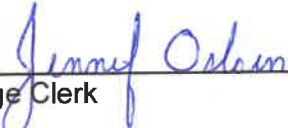
**MOTION** by Trustee Peters to set the Special Meeting for 4:30 on September 7, 2022 for the purpose of approving the Bond Resolution. **SECONDED** by Trustee Meyer. There was no discussion; all present were in favor and the motion carried.

**MOTION** by Trustee Peters to approve payment of the August bills in the amount of \$312,672.68. **SECONDED** by Trustee Meyer. There was no discussion; all present were in favor and the motion carried.

**MOTION** by Trustee Meyer to approve payment of EFC Pay Request No. 11 in the amount of \$49,104.78. **SECONDED** by Trustee Peters. There was no discussion; all present were in favor and the motion carried.

**MOTION** by Trustee Meyer to approve payment of EFC Pay Request No. 12 in the amount of \$43,493.32. **SECONDED** by Trustee Peters. There was no discussion; all present were in favor and the motion carried.

**MOTION** by Trustee Meyer to close the meeting and go into Public Comment at 7:36 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

  
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Village Clerk