

DATE OF MEETING: October 5, 2020
PLACE OF MEETING: Village Hall, Pawling, New York
MEMBERS PRESENT: Mayor Robert Liffland
Trustee Dan Peters
Trustee Earl Slocum
Trustee John Burweger
Trustee Lauri Taylor

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

Dan Stone, a representative from The Chazen Companies, gave a summary on the water supply and the Emergency Response Plan. He explained that the plan was endorsed by the Dutchess County Department of Health and was sent on to the State Health Department for review. Mr. Stone explained that part of the plan was contemplating hooking up one well on the Umscheid parcel. He said in order to bring the well on line they had put together prices from different contractors and vendors to accomplish the hook up. There was discussion on how to fund the temporary hook up. The Board discussed the cost of trucking in water versus the cost of the temporary hookup.

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

WHEREAS, Dan Stone spoke with Mr. Stefanik of the Bureau of Water Supply Protection ("BWSP") on Friday October 2 regarding the ERP; and

WHEREAS, Mr. Stefanik told Dan Stone that the BWSP had not been notified that Dan Stone was the Village's designated representative to discuss matters about the ERP with New York State Department of Health ("NYSDOH") personnel; and

WHEREAS, Mr. Stefanik could only discuss comments in a general way and that a formal response would therefore be provided to the Village in writing; and

WHEREAS, it is in the Village's interest to have the ERP approved at the earliest possible time; and

NOW, THEREFORE, it is:

RESOLVED: that Dan Stone is designated by the Village of Pawling to act as its representative to discuss matters relating to the ERP with any New York State or Dutchess County agencies, officials and/or representatives, including without limitation, the NYSDOH.

Nothing contained in this resolution shall be construed limit the authority of any Village official to communicate with the NYSDOH or other governmental agencies, officials and/or representatives.

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

Mayor Robert Liffland	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Lauri Taylor	Aye
Trustee Earl Slocum	Aye.

The resolution was adopted.

MOTION by Trustee Peters to authorize Trustee John Burweger to negotiate pricing and delivery times on the two items on the Chazen proposal for the pipe and the pump and the approval after finding out the timeline from the Health Department to move forward with the purchase of the two items. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Taylor to sign the proposed letter sent in an email dated September 24, 2020 to the DEC. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Trustee Burweger said he asked the attorney to draw up a draft Code of Ethics for the Board to review to replace what is currently in the code.

Identifier: Introducing Local Law Amending Chapter 26 of the Village Code, Entitled “Ethics, Code Of” by repealing Chapter 26 And Replacing It With A Revised Code of Ethics”

Trustee Peters moved the following resolution, seconded by Trustee Taylor, to introduce the following proposed local law, to be known as Village of Pawling Proposed Local Law No. 1 of 2020, entitled “A Local Law Repealing Chapter 26 of the Code of the Village of Pawling, entitled “Code, Ethics Of”, and replacing it with a revised Code of Ethics”, and to set a date for the public hearing on the said local law:

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a code of ethics, and

WHEREAS, a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

NOW THEREFORE, BE IT ENACTED that the Board of Trustees of the Village of Pawling hereby adopts an updated code of ethics to be read as follows:

Code of Ethics of the Village of Pawling

Section 26-1. Purpose.

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. The Board of Trustees of the Village of Pawling recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 26-2. Definitions.

(a) "Board" means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

(b) "Code" means this code of ethics.

(c) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

(d) "Municipality" means the Village of Pawling. The word "municipal" refers to the municipality.

(e) "Municipal officer or employee" means a paid or unpaid officer or employee of the Village of Pawling, including, but not limited to, the members of any municipal board.

(f) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

Section 26-3. Applicability.

This code of ethics applies to the officers and employees of Village of Pawling, and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, Article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Village of Pawling.

Section 26-4. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 26-5. Disclosure of interest in legislation and other matters.

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position.

In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

Section 26-6. Recusal and abstention.

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it and attending any regular or executive session with respect to such matter, when a reasonable person would perceive that such decision or action could confer a direct or indirect financial or material benefit or detriment on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest or such action or decision involves any other private interest of such officer or employee that a reasonable person would perceive to compromise his or her ability to make impartial judgments or take discretionary actions in the best interests of the Village of Pawling.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in the Mayor individually, then the power or duty shall be exercised or performed by the Deputy Mayor; provided, however, if the Deputy Mayor is also prohibited from acting pursuant to this Code or applicable law, then such power or duty shall be performed by the remaining members of the Board of Trustees.

(3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 26-7. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This code's prohibition on use of a municipal position (section 26-4), disclosure requirements (section 26-5), and requirements relating to recusal and abstention (section 26-6), shall not apply with respect to the following matters:

(1) adoption of the municipality's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality;
or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 26-6 of this code;

(2) which comes before a municipal officer when the officer would be prohibited from acting by section 26-6 of this code and the matter cannot be lawfully delegated to another person.

Section 26-8. Investments in conflict with official duties.

(a) No municipal officer or employee may acquire the following investments:

(1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 26-6 of this code; or

(2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

(1) real property located within the municipality and used as his or her personal residence;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 26-9. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

(a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 26-6 of this code;

(b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;

(c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or

(d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Section 26-10. Future employment.

(a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

(b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

(c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

Section 26-11. Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

(a) representing himself or herself, or his or her spouse or minor children before the municipality; or

(b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 26-12. Use of municipal resources

(a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of municipal resources authorized by law or municipal policy;

(2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule. (c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 26-13. Interests in Contracts.

(a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

Section 26-14. Nepotism.

Except as otherwise required by law:

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

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

Section 26-15. Political Solicitations.

(a) No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Section 26-16. Confidential Information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such

information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

Section 26-17. Gifts.

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value using commercially reasonable valuation standards. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift,
including: (1) gifts made to the municipality;

(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;

(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 26-18. Board of Ethics.

(a) There is hereby established a board of ethics for the municipality. The board of ethics shall consist of three (3) members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such board of ethics shall be appointed by the Board of Trustees of the Village of Pawling, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the board of ethics.

(b) The board of ethics shall render advisory opinions to the officers and employees of the Village of Pawling with respect to article 18 of the General Municipal Law and this Code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Board of Trustees.

Section 26-19. Posting and distribution.

(a) The Mayor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.

(b) The Mayor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Village of Pawling

(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Village Clerk who must maintain such acknowledgments as a public record.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal

officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 26-20. Whistleblower protection.

A. No Village officer, employee or board member shall retaliate against any Village officer, employee or board member or other person acting in good faith for, notwithstanding any other provision of this chapter, submitting a complaint to the Board of Ethics; reporting alleged waste, inefficiency, corruption, criminal activity or conflicts of interest to any federal, state or county regulatory or investigative authority, as expressly permitted by federal, state or county law; or providing information to the Board of Ethics or to a federal, state or county regulatory or investigative authority; or acting or refusing to act as required by this chapter and Article 18 of the General Municipal Law. No action protected by this section shall be considered a violation of this chapter.

B. Any Village officer, employee or board member who violates this section has committed a violation of this chapter.

C. In resolving a complaint that a Village officer, employee or board member has violated this section, the Board of Ethics may, among other things, recommend that a retaliatory personnel or regulatory action be reversed.

Section 26-21. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Section 26-22. Effective date.

This Code shall take effect immediately upon filing with the New York State Department 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 this proposed local law for the Village of Pawling, to be known as Village of Pawling Proposed Local Law No. 1 of 2020, entitled "Proposed Local Law No. 1 of 2020, entitled "A Local Law Amending Chapter 26 of the Code of the Village of Pawling, entitled "Code, Ethics Of", by repealing Chapter 26 and replacing it with a revised Code of Ethics."

BE IT RESOLVED, that a public hearing be held in relation to the proposed updated Code of Ethics 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 November 2, 2020 at 7 o'clock p.m., Prevailing Time, 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 November 2, 2020, at 7 o'clock p.m., Prevailling Time on Proposed Local Law No. 1 of 2020, entitled "A Local Law Amending Chapter 26 of the Code of the Village of Pawling, entitled "Code, Ethics Of", by repealing Chapter 26 and replacing it with a revised Code of Ethics"; and

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
October 7, 2020
Jennifer Osborn, Village Clerk

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

Mayor Robert Liffland	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Lauri Taylor	Aye
Trustee Earl Slocum	Aye

The resolution was approved.

There was discussion on a complaint received regarding skateboarding within the village. It was decided to hold off on getting signs and ask the Sheriff's Department to do some public relations and speak with the skateboarders.

Trustee Slocum went over parking issues on Oak Street, Arch Street and Henry Street.

MOTION by Trustee Slocum to place signs on Oak Street and Arch Street stating the parking regulations on those streets (no parking on the north side). **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Slocum to clean up and utilize the 7 parking spots for public parking on Henry Street contingent on Mr. Joseph Zarecki's response to the village attorney's inquiry regarding the ownership. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve a resolution that the court records have been duly examined and that the fines therein collected have been turned over to the proper officials of the village as required by law. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to consent to the Pawling Central School District Board of Education serving as lead agency for the School Improvements Project. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve the minutes from August 20, 2020 and August 25, 2020. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve payment of the September bills in the amount of \$130,575.94. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Trustee Taylor stated that the investigator needed an additional \$7,400.00 to continue his investigation.

MOTION by Trustee Taylor to approve the additional \$7,400.00 to finish the investigation. **SECONDED** by Trustee Burweger. The vote was:

Trustee Slocum	Aye
Trustee Burweger	Aye
Trustee Taylor	Aye
Trustee Peters	Recused
Mayor Liffland	Nay.

The motion passed.

Trustee Taylor said she felt uncomfortable with the Laberge Group and how things were progressing with the Interim Consolidation Study. She said the Board has not seen the agreement, has no information on where they are at, has not received the link to the website and that it was not joint effort. She said she heard there was a Steering Committee being formed and she didn't know why because the vote had not happened yet. She said it should be a joint effort because it is a consolidation, not a dissolution and the Village Board should be involved in who is on the Steering Committee. There was discussion regarding the consolidation. Mr. David Daniels, a village attorney, said he would share the Board's concerns with Laberge.

MOTION by Trustee Taylor to close the meeting at 8:06 P.M and go into Public Comment. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

Village Clerk