



Town of Pawling Town Board

Pawling Town Hall
160 Charles Colman Blvd
Pawling, NY 12564

Regular Meeting of the Town Board

*Meeting will be broadcast live on the
Town of Pawling Facebook page*

Wednesday, May 10, 2023
6:00PM

James Schmitt, Supervisor
James McCarthy, Deputy Supervisor / Councilman
Phil DeRosa, Councilman
Coleen Snow, Councilwoman
Corinne Musella-Pitt, Councilwoman

Cathy Giordano, Town Clerk

RULES FOR PUBLIC COMMENT:

1. Each presentation to the Board made by an individual shall be limited to three (3) minutes in duration, unless extended by agreement by the Town Supervisor/ designee
2. Comments should be directed to the Board. Comments should be made in a respectful manner to the Board and from the Board to the community.

The Town Supervisor or designee may:

- a. Interrupt, warn, or terminate an individual's comment when the comment is personally directed, abusive or obscene.
- b. Request that any individual leave the meeting when that individual fails to observe reasonable decorum.
- c. Call for a recess or an adjournment to another time.

The intent of these rules are:

1. To allow members of the public a fair and adequate opportunity to be heard.
2. To assure that the regular agenda of the Town Board is completed; and
3. To recognize the nature of the Board and community's time and to use that time effectively.

Meeting Agenda

- a) Roll Call of the Town Board
- b) Pledge of Allegiance
- c) Public Hearings
 - 1. Local Law to Amend Chapter 28 of the Town Code regarding the Ethics Board
- d) Privilege of the Floor with respect to Agenda Items only
- e) Resolutions
- f) Discussion
 - 1. Recreation Department Update - Priano
 - 2. MS4 Presentation - Daley
- g) Town Board Items for Special Consideration & New Business
- h) Privilege of the Floor with respect to Agenda & Non-Agenda items (3 minutes)
- i) Adjournment

Resolutions

RESOLUTION 2023-082

Payment of Bills for the Town of Pawling

WHEREAS, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for and has offered them for review, and

WHEREAS, the vouchers have been approved in accordance with the Town of Pawling policy, and

WHEREAS, the vouchers have been numbered 20230425-20230592, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper and hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$606,318.26.

RESOLUTION 2023-088

Approval of Truck Purchase

WHEREAS, the Town Board of the Town of Pawling had previously financed a Bond in 2022, and

WHEREAS, a portion of this bond is dedicated to the purchase of a new International Dump Truck with plow, plow wing, and salt spreader for the Highway Department, and

WHEREAS, the Superintendent of Highways Robert Brill has requested to purchase a 2023 International Dump Truck with plow, plow wing, and salt spreader, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby authorizes the Superintendent of Highways to purchase and acceptance of delivery of said 2023 International Dump Truck with plow, plow wing, and salt spreader for \$282,316.90 to be funded by the 2022 Bond.

RESOLUTION 2023-089

Approval of Use of ARPA Funds for Various Town Improvements

WHEREAS, the Town of Pawling received a partial payment of American Rescue Plan Act (ARPA) funds from the Federal Government, and

WHEREAS, ARPA funds may be used on IT improvements, infrastructure improvements such as capital improvements to the Town of Pawling, and

WHEREAS, the Town Board plans to use the funds to complete a variety of projects throughout the Town of Pawling, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby approves the use of \$18,600.00 of ARPA funds to fully fund the following projects:

- | | |
|--|-------------|
| 1. Town of Pawling Website Shared Service with Dutchess County | \$16,600.00 |
| 2. The Great Lawn Fertilizer | \$2,000.00 |

RESOLUTION 2023-090

Authorizing the Town Supervisor to Sign Contract between the Town of Pawling and Dutchess County

WHEREAS, the Town of Pawling is seeking to develop a new Town website using ARPA funds, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the Town Supervisor to sign the Shared Service Agreement to design, develop, and host a new Town website.

RESOLUTION 2023-091

**Adoption of Amendment to the
Inter-Municipal Agreement Between the Town of Pawling and the
Village of Pawling for the Pawling Joint Sewer Commission**

WHEREAS, the Town of Pawling and the Village of Pawling intend to amend the Inter-Municipal Agreement (IMA) between the Town of Pawling and the Village of Pawling for the Pawling Joint Sewer Commission to allow for an additional Commissioner from the Town of Pawling and one alternate Commissioner from the Town of Pawling, and

WHEREAS, on March 6, 2023, the Village of Pawling Mayor and Board of Trustees voted to amend the IMA, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling adopts the amendment made by the Village of Pawling Mayor and Board of Trustees on March 6, 2023 to:

1. Provide for a second Commissioner to be appointed by the Town of Pawling and one alternate Commissioner.
2. Authorize the Town Supervisor to execute this agreement.

RESOLUTION 2023-092

**Appointment of to the Pawling Joint
Sewer Commission**

WHEREAS, a vacancy exists on the Pawling Joint Sewer Commission, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby confirms the Town Supervisor’s appointment of Phil DeRosa to serve as a Commissioner on the Pawling Joint Sewer Commission.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling hereby confirms the Town Supervisor’s appointment of James McCarthy to serve as an Alternate Commissioner on the Pawling Joint Sewer Commission.

RESOLUTION 2023-093

**Awarding Bid for Lakeside Park Demolition and
Removal Project**

WHEREAS, on April 12, 2023, the Town Board authorized, by motion, the commencement of the Lakeside Park Demolition and Removal Project, including the preparation of a specifications by Laberge Group, Engineer to the Town, and

WHEREAS, the project was duly let out to bid and bids were received; and

WHEREAS, the following bids were received:

Company	Amount
1. AMaxx, Inc.	\$674,948.00
2. Dan’s Hauling & Demo, Inc.	\$383,500.00
3. Jackson Demolition	\$420,000.00

WHEREAS, per Laberge Group, Engineer to the Town, it has been determined lowest qualified bidder is Dan’s Hauling & Demolition, Inc. with a bid in the amount of \$383,500; and

WHEREAS, Dan’s Hauling & Demo, Inc. have offered a credit per truckload for legal, alternate disposal of tested, clean concrete based upon truckload volume as follows:

Triaxle Dump Truck: \$3,500.00 Steel Dump Trailer: \$4,500.00; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town of Pawling hereby awards the bid for the Lakeside Park Demolition and Removal Project to Dan’s Hauling & Demo, Inc., located at PO Box 409, Wynantskill, NY 12198 in the bid amount of \$383,500 contingent upon execution of a concurrent change order (Change Order No. 1) regarding the credit for alternate disposal of clean concrete.
3. In accordance with the bid specifications, the Town Board hereby authorizes the Supervisor to execute the contract documents, including a concurrent Change Order for the clean concrete credit, the Notice of Award and Notice to Proceed and forward a copy to Laberge Group and Dan’s Hauling & Demo, Inc., after the Attorney to the Town has confirmed that Dan’s Hauling & Demo, Inc., has duly executed the contract documents, has supplied the necessary Performance Bond, Payment Bond and provided insurance certificates all as otherwise required by the bid specifications.

RESOLUTION 2023-094

Awarding Bid for Lakeside Park Demolition and Removal Project – Air Monitoring

WHEREAS, on April 12, 2023, the Town Board authorized, by motion, the commencement of the Lakeside Park Demolition and Removal Project, which requires the Town procure the services of an air monitoring firm to perform air monitoring and related services throughout the Project:

WHEREAS, proposals were solicited and four (4) proposals were received; and

Company	Est. Cost for 21 Days
1. Paradigm Environmental Services	\$11,175.00
2. Quest Environmental	\$11,510.00
3. Niche Analysis	\$14,175.00
4. Environmental Maintenance	\$22,850.00

WHEREAS, per Laberge Group, Engineer to the Town, it has been determined that the lowest proposal is that of Paradigm Environmental Services with a proposal of \$11,175.00 plus testing fees; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town of Pawling hereby awards the air monitoring and related services for the Lakeside Park Demolition and Removal Project to Paradigm Environmental Services, located at 790 Watervliet-Shaker Road, Latham, New York 12110 per their proposal submitted dated April 27th, 2023.
3. The Town Board hereby authorizes the Supervisor to execute the required documents, and forward a copy to Laberge Group and Paradigm Environmental Services, after the Attorney to the Town has confirmed

that Paradigm Environmental Services, has duly executed the required documents and has supplied the necessary insurance certificates.

RESOLUTION 2023-095

Budget Amendments for Fiscal Year 2023

WHEREAS, a request for Budget Amendments has been received from the Bookkeeper, and

WHEREAS, normal course of business activity throughout 2023 has prompted the Bookkeeper to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting business as usual, and

NOW THEREFORE BE IT RESOLVED, that the Bookkeeper has requested the following budget amendments:

A Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
Golf Course Clubhouse	A.7260.2	0	25,000		25,000	Windows, A/C, Slider, Siding Project
Health Insurance	A.9060.8	646,385		-25,000	621,385	
Grant Administration	A.1440.41	30,000	30,000		60,000	Revised Estimate
Contingent Account	A.1990.4	11,835		-11,835	0	
Health Insurance	A.9060.8	621,385		-18,165	603,220	
Municipal Dues	A.1920.4	1,250	100		1,350	Revised Estimate
Central Printing	A.1610.4	8,500		-100	8,400	
Park.Equip.Parts	A.7110.4	3,000	1,000		4,000	Revised Estimate
Park. Maint Contracts	A.7110.415	24,000		-1,000	23,000	
Golf Course. Other	A.7250.439	2,500	1,000		3,500	Revised Estimate
Golf Course. Fuel Oil	A.7250.416	4,000		-1,000	3,000	
Transfers to Capital Projects	A.9950.9	0	200,000		200,000	ARPA Funds for Captial Projects
Health Insurance	A.9060.8	603,220		-20,000	583,220	Revised Estimate
NYSERS	A.9010.8	154,730		-20,000	134,730	Revised Estimate
		<u>2,110,805</u>	<u>257,100</u>	<u>-97,100</u>	<u>2,270,805</u>	

A Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Revenue						
Federal Funds Used	A.4089	0	200,000		200,000	Revenue Recognized for ARPA \$ Used
Mortgage Tax	A.3005	300,000		-100,000	200,000	Revised Estimate
Other Recreation	A.2001	65,000	10,000		75,000	Revised Estimate
Interest	A.2401	6,600	30,000		36,600	Revised Estimate
Facility Use	A.2001.103	30,000	20,000		50,000	Revised Estimate
		<u>401,600</u>	<u>260,000</u>	<u>-100,000</u>	<u>561,600</u>	

B Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Expenditures						
Unemployment	B.9050.8	0	6,500		6,500	Revised Estimate

B Fund						
ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION
Revenues						

Building Permits	B.2555	210000	6500		216500	Revised Estimate
DB Fund						
ACCOUNT	ACCOUNT	CURRENT			REVISED	
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Expenditures						
Unemployment	DB.9050.8	0	3,500		3,500	Revised Estimate
Health Insurance	DB.9060.8	297,130		-3,500	293,630	
		297,130	3,500	-3,500	297,130	
WL Fund						
ACCOUNT	ACCOUNT	CURRENT			REVISED	
DESCRIPTION	NUMBER	BUDGET	INCREASE	DECREASE	BUDGET	DESCRIPTION
Serial Bond	WL.9710.6	143,575	10		143,585	Revised Estimate
Watershed Contractual	WL.8740.4	10,000		-10	9,990	
		153,575	10	-10	153,575	

RESOLUTION 2023-084

Escrow Release

WHEREAS, the Town of Pawling currently holds balance in escrow for several escrow accounts, and
 WHEREAS, the Planning Board has confirmed in a letter dated April 17, 2023 that there are no outstanding bills and that there will be no future bills for review and recommended that these funds be released, and
 NOW THEREFORE BE IT RESOLVED, that the Town of Pawling hereby releases the following balances in escrow and authorizes the Bookkeeper to release such funds:

- 1. Allyson Bennett, Squire Green Environmental Permit \$605.00
- 2. Auto Zone \$3,017.97
- 3. Putnam County Savings Bank \$3,260.33
- 4. Peter & Christine Montelone \$150.00
- 5. Utter Estate \$3,200.22

RESOLUTION 2023-086

Adopting a Local Law to Amend Chapter 28 of the Town Code to Authorize a Joint Ethics Board

TOWN OF PAWLING LOCAL LAW NO. _____ of 2023
 A LOCAL LAW TO AMEND CHAPTER 28 OF THE
 TOWN CODE TO AUTHORIZE A JOINT ETHICS BOARD

BE IT ENACTED by the Town Board of the Town of Pawling, County of Dutchess, as follows:

Section 1: Chapter 28 of the Pawling Town Code regarding “Ethics, Board of” is hereby amended to authorize the Town to participate in a Joint Ethics Board, as follows: to authorize the establishment of a Joint Ethics Board, as follows:

§ 28-1 Establishment; organization; membership; appointments; terms of office; vacancies.

A. The **Joint** Board of Ethics is established pursuant to § 808 of Article 18 of the General Municipal Law and shall be known as the “Town of Pawling Board of Ethics.” as a Joint Board of Ethics between Pawling and other municipalities in accordance with a certain Intermunicipal Agreement entered into by the Town of Pawling on _____, as may be amended from time to time (the “Intermunicipal

Agreement”.

- B. The Board of Ethics shall consist of five members, including one member, who shall be a resident of the Town of Pawling shall be ~~to be nominated by a Nominating Committee and appointed by the Town Board. All such members of the Board of Ethics shall be electors of the Town of Pawling and shall serve without compensation. All members of the Joint Board of Ethics shall be initially appointed for terms as set forth in the Intermunicipal Agreement. Of from one to five years as determined by the Town Board. No member of the Board of Ethics shall serve an initial term the duration of which is the same as that of any other member of the Board of Ethics. The term of any Ethics Board member, after the initial convening of the Board, shall be three years.~~
- C. The Joint Board of Ethics shall designate one of its members as Chairperson ~~and another member as its Vice Chairperson at its first meeting each year.~~ in the manner described in the Intermunicipal Agreement.
- D. Vacancies on the Board of Ethics shall be filled ~~from nominations of the Nominating Committee by the Town Board, which shall make the appointment for the balance of the unexpired term, or reappoint or make the appointment upon completion of a Board member's term.~~
- E. No members of the Board of Ethics shall be persons who are officers or employees of the Town. No Ethics Board member shall hold office concurrently in a political party or be employed or act as a lobbyist or hold elective office in any local, state or federal government. ~~No more than two members of the Ethics Board may be registered in any one political party.~~
- F. An Ethics Board member may make campaign contributions and may participate in any election campaign.
- G. Members are authorized to incur any and all expenses necessary to effectuate the purposes of the Joint Ethics Board within amounts which are appropriated by the Town Board annually.
- H. ~~One person may be selected from the Nominating Committee to serve on the Ethics Board.~~
- I.[H] A Board of Ethics member may be removed by the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of the office or violation of this chapter after written notice of the charges and an opportunity for reply.
- J. ~~The Town Clerk shall be the Clerk of the Board of Ethics, and all documents filed with the Town Clerk shall be deemed, for the purposes of this chapter, to be filings with the Board of Ethics.~~
- K.[J]The Board of Ethics, in addition to the powers and duties prescribed herein, shall have all the powers and duties as prescribed by Article 18 of the General Municipal Law.
- L.[K]No Joint Ethics Board member may serve more than eight consecutive years.

~~§ 28-2 Establishment of Nominating Committee; organization; membership.~~

- A. ~~The Nominating Committee is established and shall be known as the "Town of Pawling Board of Ethics Nominating Committee."~~
- B. ~~The Nominating Committee will be selected by the Town Board and will consist of five citizens at large. No more than two of the members of the Nominating Committee may be registered in any one political party. Members of the Nominating Committee will serve only until all current openings on the Ethics Board have been filled, and then the Nominating Committee will be disbanded until it needs to be reconstituted.~~

~~§ 28-3 Meetings.~~

~~The Chairman, or a majority of its members, may call a meeting of the Ethics Board. The Ethics Board shall hold at least one meeting annually, in March of each year, regardless of whether there are any matters pending before the Ethics Board. Three members of the Board shall constitute a quorum, and a majority vote of the entire Board shall be required to take any action.~~

~~§ 28-4 Recommendations for revisions to Code of Ethics.~~

~~The Board of Ethics may at any time recommend to the Town Board amendments to this chapter and Chapter 27 of the Pawling Town Code. Upon its formation it will immediately undertake the responsibility to propose revisions to the Pawling Code of Ethics (Chapter 27).~~

~~§ 28-25 Rules and regulations.~~

- A. The **Joint** Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to procedures ~~subject to Town Board approval~~ and shall maintain appropriate records of its opinions and proceedings.
- B. The **Joint** Board of Ethics may adopt and amend such rules or procedures as are appropriate.

~~§ 28-[3]6 Jurisdiction; powers and duties.~~

- A. The Ethics Board may only act with respect to officers and employees of the ~~Town.~~ **municipalities which have entered into the Intermunicipal Agreement.**
- B. The termination of the term of office or employment of a Town officer or employee with the Town shall not affect the jurisdiction of the **Joint** Ethics Board with respect to the requirements imposed on him or her by the Town of Pawling Code of Ethics.
- C. The **Joint** Ethics Board shall have the following powers and duties:
 - (1) To prescribe, promulgate, amend and rescind rules and regulations governing its own internal organization and procedures in a manner consistent with ~~this chapter as so authorized by the Town Board.~~ the **Intermunicipal Agreement.**
 - (2) To receive complaints alleging a violation of Chapter 27 or any Code of Ethics of the Town of Pawling, local law, ordinance or resolution.
 - (3) To review, index, maintain on file, and dispose of sworn complaints alleging a violation of the Town of Pawling Code of Ethics.
 - (4) To advise and assist any local official in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former elected officials, local party officials, and local officers and employees.
 - ~~(5) To retain or hire legal counsel to advise it on any matter arising under this chapter, within amounts which are appropriated by the Town Board.~~
 - ~~(6) To prepare an annual report to the Supervisor and the Town Board recommending changes in the laws governing the conduct of local elected officials and officers and employees of the Town covered by the Town of Pawling Code of Ethics.~~
 - ~~(7)~~**(5)**To conduct hearings, recommend disciplinary action, make referrals, and initiate appropriate actions and proceedings pursuant to § 28-11.
 - ~~(8)~~**(6)**To render, index, and maintain on file advisory opinions pursuant to § 28-8.
 - ~~(9)~~**(7)**To prepare reports and recommend changes to this chapter pursuant to § 28-12.

(10)(8) To otherwise enforce and administer all of the provisions of this chapter and Chapter 27.

(11)(9) To conduct any investigation necessary to carry out the provisions of this chapter. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses and compel their attendance, and require the production of any books or records which it may deem relevant or material.

D. Nothing in this section shall be construed to permit the **Joint** Ethics Board to conduct an investigation of itself or of any of its members or staff. If the **Joint** Ethics Board receives a complaint alleging that the **Joint** Ethics Board or any of its members or staff has violated any provision of the Town of Pawling Code of Ethics, or any other law, the **Joint** Ethics Board shall promptly transmit to the Town Board a copy of the complaint. The **Joint** Ethics Board may request the Dutchess County Ethics Committee to conduct an investigation of the **Joint** Ethics Board or of any of its members or staff.

§ 28-7 [4] Staff.

The **Joint** Board of Ethics shall be empowered to request support staff and assistance from the Town Board or Supervisor in furtherance of its duties and responsibilities **as they pertain to matters before the Joint Ethics Board which relate to Town of Pawling officers, officials or employees.**

§ 28-8 (5) Advisory opinions.

~~Upon written request, the **The Joint** Board of Ethics established hereunder shall render advisory opinions to officers and employees of the Town of Pawling. **municipalities which are parties to the Intermunicipal Agreement and in the manner set forth in the Intermunicipal Agreement and procedures adopted by the Joint Board of Ethics.** Such written requests may be made to any member of the Board of Ethics. Such advisory opinions shall be rendered pursuant to the written request of any officer or employee under such rules and regulations as the Board may prescribe.~~

- A. Upon the written request of any Town officer or employee, the **Joint** Ethics Board shall render a written advisory opinion with respect to the interpretation or application of Chapter 27 or of Article 18 of the General Municipal Law of the State of New York.
 - B. In rendering advisory opinions, the **Joint** Ethics Board may request the advice and counsel of the attorney employed by the Ethics Board or, if none, the Town Attorney **municipality which is the subject of a matter before the Joint Board of Ethics.**
 - C. An advisory opinion rendered by the Ethics Board, until and unless amended or revoked, shall be binding on the Ethics Board in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such requests shall be confidential, but the Ethics Board may publish such opinions, provided that the name of the requesting person and other identifying details shall not be included in the publication.
 - ~~D. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board.~~
 - E. Any person aggrieved by an advisory opinion of the **Joint** Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.
 - F. ~~Any person who has submitted to the **Joint** Ethics Board a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the advisory opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with § 3001 of the Civil Practice Law and Rules determining the question posed in the request for the advisory opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this subsection unless:~~
- (1) ~~It shall appear by, and as an allegation in, the petition or complaint that at least six months have elapsed since the filing of the request and that the Ethics Board has failed to file any determination in the matter;~~

and

~~(2) The action or special proceeding shall be commenced within 10 months after the submission of the request for the advisory opinion.~~

~~§ 28-9~~ [6] *Judicial review.*

Any person aggrieved by a decision of the Ethics Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

~~§ 28-10~~ [7] *Confidentiality of opinions.*

The advisory opinions of the **Joint** Board of Ethics shall not be made public or disclosed unless required by the Freedom of Information Law (Public officers Law Article 6) or required for use in a disciplinary proceeding. Whenever a request for access to an advisory opinion herein is received, the officer, employee or appointed official who requested the opinion shall be notified of the request within 48 hours of the receipt of the request.

~~§ 28-11~~ [8] *Complaints.*

The procedure for receipt and investigation of complaints shall be as follows: **as set forth in the Procedures adopted by the Joint Ethics Board.**

- ~~A. The written complaint must be signed, must include the individual complainant's address, and set forth reasonable detail and documentation, if any, of the facts alleged to constitute the violation(s).~~
- ~~B. The written complaint shall be filed with the Board of Ethics. Upon receipt of said complaint, the Board of Ethics shall acknowledge receipt to the complainant and forward the complaint simultaneously to the officer or employee who is the subject of the complaint and the Town Attorney or other attorney employed by the Board of Ethics.~~
- ~~C. The Board of Ethics shall then conduct a preliminary analysis of the complaint and determine, in writing, whether there is probable cause for the complaint. In the event that the Board of Ethics should find no probable cause for the complaint, the complaint shall be dismissed by the Board of Ethics sua sponte. The Board of Ethics shall then notify the complainant, the officer or the employee who is the subject of the complaint and the Town Board of the disposition of the complaint.~~
- ~~D. In the event that the Board of Ethics should find probable cause for the complaint, the Board of Ethics shall forward to the Town Board a copy of its probable cause decision together with any information and documentation acquired by the Board of Ethics regarding the complaint.~~
- ~~E. The Board of Ethics shall then conduct an investigation and hearing on said complaint.~~
- ~~F. Upon the request of a majority vote of the total voting membership of the Board of Ethics, the Board may issue subpoenas to compel the attendance of necessary witnesses and the production of documents and other materials pertinent to the investigation. The Town Attorney or other attorney employed by the Board of Ethics will assist the Board in the preparation and issuance of subpoenas.~~
- ~~G. The officer or employee who is the subject of the complaint shall have the right to be represented by counsel at any required appearance before the Board of Ethics.~~
- ~~H. A copy of the transcript of the testimony of the officer or employee who is the subject of the complaint shall be provided at no cost to the officer or employee.~~
- ~~I. The Board of Ethics may require a written, sworn response from the officer or employee who is the subject of the complaint in lieu of an appearance before the Board of Ethics.~~
- ~~J. After the complaint has been filed and prior to any investigation undertaken of a complaint before the Board of Ethics, no member of the Board of Ethics or any of the Board's authorized agents may communicate directly or indirectly with any party or other persons about any issue of fact or law regarding~~

the complaint, except that:

- ~~(1) The members of the Board of Ethics may obtain legal advice from the Town Attorney or special counsel as the case may be; and~~
 - ~~(2) The members of the Board of Ethics may discuss the complaint among themselves; and~~
 - ~~(3) If any person attempts to influence a Board of Ethics member regarding the pending complaint, the Board member shall report the substance of the communication to the Board of Ethics at the next regular meeting of the Board of Ethics.~~
- ~~K. At the conclusion of its investigation and hearing on said complaint, the Board of Ethics shall then advise the complainant, the officer or the employee who is the subject of the complaint and the Town Board of the disposition of the complaint and its recommendation for action made to the Town Board. The Town Board shall take official action by public vote on such recommendation received from the Board of Ethics in regard to a complaint within 30 days of receipt and shall, immediately following the taking of such action, make it, including the recommendation of the Board of Ethics, public.~~

~~*§ 28-12 Annual reports; review of Code of Ethics.*~~

- ~~A. The Ethics Board shall prepare and submit an annual report to the Town Board, summarizing the activities of the Ethics Board, by April 15 for the previous calendar year.~~
- ~~B. The Ethics Board shall periodically review this chapter and the Ethics Board's rules, regulations, and administrative procedures and Chapter 27 to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear, enforceable, common-sense standards of conduct. At any time, the Ethics Board may recommend changes to the text or administration of this chapter and Chapter 27 to the Town Board.~~

~~*§ 28-13 Distribution of provisions; posting.*~~

- ~~A. Within 30 days after the effective date of this chapter, and thereafter as appropriate, the Ethics Board shall transmit to the Town Board and Town Clerk, in a form suitable for posting, a copy of this chapter. Within 10 days after receipt of the copy, the Town Clerk shall cause the copy to be posted conspicuously in a place designated for the posting of public notices.~~
- ~~B. Within 30 days after the effective date of this chapter, and thereafter as appropriate, the Ethics Board shall transmit to the Town Board, in a form suitable for distribution, copies of this chapter and Chapter 27 for distribution to Town officers and employees. Within 10 days after receipt of those copies, the Supervisor, or his or her designee, shall cause the copies to be distributed to every Town officer and employee and made readily available to the public. Every Town officer or employee elected or appointed thereafter shall be furnished a copy of those provisions prior to entering upon the duties of his or her position.~~
- ~~C. Failure of the Town to comply with the provisions of this section or failure of any Town officer or employee to receive a copy of the provisions of this chapter and Chapter 27 shall have no effect on the duty of compliance with this chapter and Chapter 27 or on the enforcement of their provisions.~~

~~*§ 28-14 [9] Penalties for offenses.*~~

- ~~A. Disciplinary action. Any Town officer or employee who engages in any action that violates any provision of Chapter 27 may be warned, reprimanded, suspended or removed from office or employment, or may be subject to any other sanction authorized by law or collective bargaining agreement, by the person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.~~

- B. Civil fine. Any Town officer or employee who violates any provision of Chapter **27** may be subject to a civil fine of up to \$1,500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter.
- C. Damages. Any person, whether or not a Town officer or employee, who violates any provision of Chapter **27** shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter.

§ 28-15 [10] Severability.

The provisions of this chapter are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this chapter.

§ 28-16 [11] When effective.

This Local Law shall take effect upon its adoption and filing with the Secretary of State in accordance with the provisions of §27 of the Municipal Home Rule Law.