

TOWN OF WASHINGTON
TOWN BOARD MINUTES
September 8, 2022

The Town Board of the Town of Washington held their regular meeting on September 8, 2022, at the Washington Town Hall, 10 Reservoir Dr., Millbrook, NY 12545. The meeting was opened at 6:00 PM by Deputy Supervisor Robert Audia with the following present: Councilmen Michael Murphy and Joseph Rochfort, Councilwoman Leslie Heaney, Highway Superintendent Joseph Spagnola, Bookkeeper Lois Petrone, Recreation Director appointee Danielle Szalewicz and Attorney for the Town Jeff Battistoni, Board of Ethics Committee Members: Elizabeth Shequine, Laura Allen and Pamela Scott. Town Clerk Alex participated via Zoom due to an extenuating family situation. Supervisor Ciferri was absent.

Deputy Supervisor Audia opened the meeting with the Pledge of Allegiance.

Deputy Supervisor Audia advised that Fire Chief Ted Bownas has received a letter from County Executive Marcus Molinaro advising that the Millbrook Fire Department has been awarded two hundred thousand dollars through the 2022 Municipal Investment Grant Program for the following project: construction of a training facility. The grant term will be October first till September thirtieth, 2024. It's a reimbursement program. All project expenses must be made within the term of the grant and are subject to the county's procurement policies.

Deputy Supervisor Audia said we still have the Tedesco house over on the property next to the Transfer Station which we were planning to tear down. We've been postponing it because of Covid, and the fact that to remediate, to get rid of this dilapidated, abandoned house. We need to remediate any contaminants that are inside of it. We don't think there's much, if any might be some ceiling tiles, or some floor tiles. The fire department, because they use the property to practice retrieving people out of cars and things like that, and their jaws of life. They offered to pay half of the haulage fee which was about \$4,500.00 at the time. We have postponed this project because of the remediation and cost to the taxpayers. The fire department has now offered to pay the cost of deconstruction and remediation. Chief Bownas stated they would leave the foundation of the Tedesco house and build a fire training facility in that location.

The next agenda item, I'm really proud to say we have offered the full-time position of Recreation Director to Danielle Sczalewicz.

On a motion made by Councilman Murphy and seconded by Councilwoman Heaney, the Town Board appointed Danielle Szalewicz to the position of Recreation Director. This is a 40-hour week position, with a salary of \$. The position is effective September 21, 2022. The vote was as follows:

Supervisor Ciferri	Absent
Deputy Supervisor Audia	Aye
Councilman Murphy	Aye
Councilman Rochfort	Aye
Councilwoman Heaney	Aye

Councilman Murphy said to Danielle that the Board is excited to have you as an employee. Councilman Murphy explained to the public we had an unexpected opening. We advertised the position and Daniel responded. Ms. Szalewicz has extensive background and has worked previously for the Town as Camp Director. Prior to her accepting this position, she has been assistant recreation director for Pleasant Valley, which she held for two years. We went through not only an interview by the Town Board, but we also went through an interview process with the Recreation Board. Everybody came to agree she is very qualified and in fact, she's very well known in the community, because she's also running the day care center at Lyall. Welcome Danielle, we can't wait for you to start. Ms. Szalewicz said she appreciates the kind words and looks forward to working with everyone.

Deputy Supervisor Audia requested that Attorney Battistoni handle the next item on the agenda, which is to introduce Local Law number 2 of 2022, related to an updated Code of Ethics. Attorney Battistoni said he prepared a resolution of introduction which has been circulated to the Town Board. You don't have to read this into the record. This is a type two action under SEQR, so you don't have anything there. Tonight, someone will move the adoption of the resolution. Someone will have to move the second motion within the body of the resolution, where you're scheduling a public hearing for next month's meeting, Thursday, October 13, 2022.

Members of the Board of Ethics were present to answer any questions anyone might have.

RESOLUTION OF INTRODUCTION

Councilperson Murphy, seconded by Councilperson Rochfort, introduced the following proposed local law, to be known as Local Law No. 2 of 2022 of the Town of Washington, New York entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, ADOPTING AN UPDATED CODE OF ETHICS.

WHEREAS, the Town of Washington Town Board adopted an updated Code of Ethics by Resolution in 2012; and

WHEREAS, the Town of Washington Board of Ethics has diligently studied that Code of Ethics, applicable state law, samples of a Code of Ethics, and actual Codes of Ethics adopted by other municipalities and has prepared a further updated Code of Ethics which the Town Board now intends to adopt by local law; and

WHEREAS, because this further update to the Code of Ethics expands upon what is provided in New York State General Municipal Law, the adoption of this further update to the Code of Ethics is

authorized by the New York State Municipal Home Rule Law and therefore must be adopted as a local law as opposed to simply by a Resolution; and

WHEREAS, the Town Board classifies this action as a Type II action pursuant to 6 NYCRR 617.5(c)(26) and hereby directs that the matter be referred to the Dutchess County Department of Planning and Development for comment, if necessary; and

WHEREAS, the Town Board hereby waives a verbatim reading of this Resolution of Introduction and directs that a complete copy of this Resolution be included in the Minutes of the meeting prepared by the Town Clerk, as well as posted on the website of the Town; and

WHEREAS, The Town Board intends that the current version of the Code of Ethics now in effect shall remain in effect unless and until the adoption of this proposed local law and its actual effective date following filing with the New York State Secretary of State;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

BE IT ENACTED by the Town Board of the Town of Washington as follows:

Section 1. Legislation

The following shall be added as a new Chapter 34 to the Town Code.

Code of Ethics of the Town of Washington

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 resolved that the Town Board of the Town of Washington hereby amends and restates its code of ethics to read as follows:

Code of Ethics of the Town of Washington

Section 1. Purpose.

Officers and employees of the Town of Washington 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 Town Board 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 by amending and restating the code of ethics previously adopted by the Town of Washington on June 14, 2012.

Section 2. Definitions.

(a) “Board” means the governing board of the Town of Washington and any Town of Washington administrative board (e.g., planning board, zoning board of appeals, board of assessment review, board of ethics, conservation advisory commission, comprehensive plan review committee), commission, or other agency or body comprised of two or more municipal officers or employees.

(b) “Code” or code of ethics means this code of ethics.

(c) “Confidential information” is defined in Section 17.

(d) “Exercise of discretion” means any action or decision that requires the use of judgment. For example, awarding professional service contracts or voting to approve or deny applications for zoning variances require the exercise of discretion. As another example, the issuance of a hunting or fishing license does not require the exercise of discretion.

(e) “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, domestic partner, 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.

(f) "Municipality" means the Town of Washington. The word "municipal" refers to the municipality.

(g) "Municipal officer or employee" means a paid or unpaid officer or employee of the Town of Washington, including, but not limited to, the members of any elected or appointed municipal board.

(h) "Relative" means a spouse, domestic partner, 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.

(i) "Town" means Town of Washington.

(j) "Town Board" means the Town Board of the Town of Washington.

Section 3. Applicability.

This code of ethics applies to all municipal officers and employees 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 Town of Washington.

Section 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, a customer or client, or any private organization in which he or she is deemed to have an interest.

Section 5. Disclosure of interest in legislation and any other matter requiring the exercise of

discretion.

(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, a customer or client, 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 and recuse himself or herself as required by section 6.

(b) The disclosure and recusal shall be made when the matter requiring disclosure and recusal 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) Disclosures made pursuant to this section 5 shall be made in writing on the form set forth as Schedule A hereto and shall be promptly filed with the board of ethics. In the case of a person serving in an elective office, the disclosures shall also 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.

Section 6. Recusal.

(a) In addition to the disclosure requirements set forth in section 5, 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/or voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, a customer or client, or any private organization in which he or she is deemed to have an interest. In the case of any such recusal by a member of the Town Board or other municipal board, such recusal shall be made publicly at a meeting of the municipal board and be included in the minutes of the meeting, but the specific reason for the recusal need not be disclosed at such meeting.

(b) In the event that this section 6 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 a municipal officer individually, then the power or duty shall

be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function; or

(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 7. Prohibition inapplicable; disclosure and recusal not required.

This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal (section 6), shall not apply with respect to the adoption of the municipality's annual budget or any matter that does not require the exercise of discretion.

Section 8. Investments in conflict with official duties.

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

(1) investments that can be reasonably expected to require more than sporadic recusal under section 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 or retaining any other investments, specifically including but not limited to the following assets:

(1) real property located within the municipality and exclusively 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 9. Appearance of impropriety.

All municipal officers and employees should refrain from conduct that creates an appearance of impropriety, which means giving the reasonable impression that he or she will exercise or perform his or her official duties on the basis of family, private business, or social relationships, or any consideration other than the welfare of the Town of Washington.

Section 10. Private employment or services 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 or other enterprise, including the rendition of any business, commercial, professional, or other types of services, when the employment or services:

- (a) can be reasonably expected to require more than sporadic recusal pursuant to section 6 of this code;
- (b) can be reasonably expected to require disclosure or use of confidential information (as defined in this code of ethics) 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 11. Future employment or services.

- (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 six months 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 has served.

(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 12. 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 13. 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, real estate, facilities, 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 written 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 14. Interests in contracts and related disclosures.

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

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

- (c) Violations of this section 14 and related provisions of the General Municipal Law may result in nullification of the applicable contract and misdemeanor penalties, as provided by sections 804 and 805 of the General Municipal Law.

Section 15. 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 16. Political solicitations.

- (a) No municipal officer or employee shall directly or indirectly 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 17. 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. For purposes of this code of ethics, confidential information means any nonpublic information acquired in the course of exercising or performing official duties that is not required by law to be disclosed to the public.

Section 18. 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, determined by the retail cost of the item or a comparable item. 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 19. Cooperation and avoiding obstruction.

All municipal officers and employees have a duty to uphold the standards set forth in this code of ethics. Obstruction of, or failure to reasonably cooperate with, any inquiry or investigation by the board of ethics shall be a violation of this code of ethics.

Section 20. Penalties.

- (a) Any municipal officer or employee who engages in any action that violates any provision of this code of ethics may be warned, reprimanded, suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the Town Board or other appointing authority or 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 code of ethics or in any other provision of law. In its discretion, the board of ethics may make recommendations regarding the matter to the Town Board or other authority or person or body authorized by law to impose disciplinary action or refer the matter to the appropriate prosecutor.
- (b) Any municipal officer or employee who violates any provision of this code of ethics may be subject to a civil fine of up to \$500 for each violation. Such civil fine may be imposed by the Town Board after a finding of a violation by the Town Board and shall be payable to the Town of Washington.
- (c) Any resident, officer, or employee of the Town of Washington or the Town Board may initiate an action or special proceeding, as appropriate, in the court of appropriate jurisdiction for injunctive relief to enjoin a municipal officer or employee of the Town of Washington from violating this code of ethics or to compel an officer or employee of the Town of Washington to comply with the provisions of this code of ethics. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.

Section 21. Board of ethics.

- (a) There is hereby established a board of ethics for the municipality. The board of ethics shall consist of five 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. All members must be residents of the Town. The members of such board of ethics shall be appointed by the Town Board for three-year terms and receive no salary or compensation for their services as members of the board of ethics. Consecutive service on the board of ethics shall not exceed three full terms.
- (b) No member of the board of ethics shall hold office in a political party or act as a lobbyist.
- (c) When a vacancy occurs in the membership of the board of ethics, the vacancy shall, within 60 days, be filled for the unexpired portion of the term in the same manner as the original appointment. Any person appointed to fill a vacancy on the board of ethics shall meet the qualifications set forth in this section.

(d) A member of the board of ethics may be removed from office in the same manner in which he or she was appointed, after written notice and opportunity for reply. Grounds for removal shall be failure to meet the qualifications set forth in this section, substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this code of ethics.

(e) The board of ethics shall elect a chair from among its members. A majority of the board of ethics shall be required for such board to take any action. The chair or a majority of the board of ethics may call a meeting of such board.

(f) The Town attorney shall serve as counsel to the board of ethics, except in any matter where the board of ethics or such attorney determines that he or she is unable to serve due to a conflict of interest or lack of subject matter expertise. In such event, the board of ethics may retain separate counsel of its choosing at Town expense.

Section 22. Board of ethics: jurisdiction, powers, and duties.

(a) The board of ethics may act only with respect to officers and employees of the Town of Washington. The termination of a municipal officer or employee's term of office or employment with the Town of Washington shall not affect the jurisdiction of the board of ethics with respect to the requirements imposed on him or her by this code of ethics while in office.

(b) The board of ethics shall possess, exercise, and enjoy all the rights, powers, and privileges necessary and proper to the administration of this code of ethics, including but not limited to the following powers and duties:

(1) To prescribe and promulgate rules and regulations governing its own internal organization and procedures, including the conduct of investigations and hearings, in a manner consistent with this code of ethics;

(2) To review and maintain disclosure statements filed with the board of ethics pursuant to section 5 and section 14;

(3) Make recommendations to the Town Board as provided in section 20;

(4) To review and dispose of complaints and to conduct related investigations and hearings pursuant to section 23; and

(5) To provide training and education to Town of Washington officers and employees on Article 18 of the General Municipal Law and this code of ethics, and to make information concerning Article 18 of the General Municipal Law and this code of ethics available to the public and to persons

interested in doing business with the Town of Washington.

- (c) The board of ethics shall render advisory opinions to the officers and employees of the Town of Washington with respect to article 18 of the General Municipal Law and this code of ethics. 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.
- (d) In addition, the board of ethics may make recommendations to the Town Board with respect to the drafting and adoption of a code of ethics, or amendments thereto. It is anticipated that the entire code of ethics shall be reviewed by the board of ethics for potential revisions at least once every five years. The board of ethics may also make other recommendations to the Town Board in support of the goals of this code of ethics.

Section 23. Complaints, investigations, and hearings.

- (a) The board of ethics may accept from the general public, any of its own members, or any municipal officer or employee a complaint of an actual or potential conflict of interest or an actual or potential code of ethics violation involving any municipal officer or employee. Complaints must be made in writing. Complaints should remain confidential with the board of ethics to the extent permitted by law, but such complaints may nonetheless be disclosed if there has been a finding of a violation of this code of ethics. In addition, complaints may be disclosed to the Town Board and others who the board of ethics determines, in its discretion, have a need to know the disclosed information.
- (b) Upon receipt of a complaint by any person alleging a violation of this code of ethics, or upon determining on its own initiative that a violation of this code of ethics is occurring or may have occurred, the board of ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this code of ethics. In conducting any such investigation, the board of ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance, and require the production of any books or records which it may deem relevant and material.
- (c) Nothing in this section shall be construed to permit the board of ethics to conduct an investigation of itself or of any of its members. If the board of ethics receives a written complaint alleging that such board or any of its members has violated any provision of this code of ethics, or any other law, the board of ethics shall promptly transmit to the Town Board a copy of such complaint.

Section 24. Public records.

- (a) The only records of the board of ethics which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York or by some other State or Federal law or regulation.
- (b) No meeting or proceeding of the board of ethics concerning misconduct, non-feasance, or neglect in office by a Town of Washington officer or employee shall be open to the public, except upon the request

of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other State or Federal law or regulation.

Section 25. Posting and distribution; annual certification.

(a) The Town Supervisor must promptly cause a copy of this code, a copy of any amendment to this code, and a copy of New York State General Municipal Law, Sections 800-809 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 Town Supervisor 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 Town of Washington.

(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must, in writing, acknowledge such receipt and truthfully certify that to the best of his or her knowledge, he or she is in compliance with the code of ethics. In addition, once each calendar year, every municipal officer or employee shall truthfully certify in writing that to the best of his or her knowledge, he or she is in compliance with this code of ethics. Such acknowledgments and certifications must be filed with the Town Clerk who must maintain such records as public records.

(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. Effective date.

This code takes effect on the date of adoption by the Town Board.

SCHEDULE A

TOWN OF WASHINGTON CODE OF ETHICS DISCLOSURE FORM

Name:

Position with the Town of Washington:

Description of the matter: _

Description of the conflict of interest:

Section 2. Authority

This local law is enacted by the Town Board of the Town of Washington pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law §10.

Section 3. Effect

This local law shall take effect immediately upon filing with the New York State Secretary of State.

AND BE IT FURTHER RESOLVED that pursuant to the Municipal Home Rule Law of the State of New York, a public hearing shall be held in relation to the proposed local law as set forth in the form of the notice, hereinafter provided, at which hearing persons interested shall have an opportunity to be heard, to be held at the Town Hall, 10 Reservoir Drive, Millbrook, New York, on October 13, 2022, at 6:00 o'clock, p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Washington, by the Town 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 Town Board of the Town of Washington will hold a public hearing at the Town Hall, 10 Reservoir Drive, Millbrook, New York on October 13, 2022 at 6:00 o'clock, p.m., on Local Law No. 2 of the Year 2022, entitled A LOCAL LAW OF THE TOWN OF WASHINGTON, DUTCHESS COUNTY, NEW YORK, ADOPTING AN UPDATED CODE OF ETHICS, a copy of which is on file with the Town Clerk and which is available on the Town website.

TAKE FURTHER NOTICE, that all persons interested shall have an opportunity to be heard on said proposal at the time and place aforesaid.

TAKE FURTHER NOTICE, that a copy of the aforesaid proposed local law will be available for examination at the office of the Town Clerk of the Town of Washington, at the Town Hall, 10 Reservoir

Drive, Millbrook, New York 12524 between the hours of 9:00 a.m. and 12:30 p.m., and 1:30 p.m. and 3:00 p.m on all business days between the date of this notice and the date of the public hearing, as well as available on the Town website

DATED: Millbrook, New York
September 8, 2022

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

Supervisor Ciferri	Absent
Councilman Audia	Aye
Councilwoman Heaney	Aye
Councilman Murphy	Aye
Councilman Rochfort	Aye

DATED: Millbrook, New York
September 8, 2022

MARY ALEX, Town Clerk
Town of Washington

The Board thanked the members of the Code of Ethics for a wonderful job and all of their efforts. They said it was a cooperative effort. The Town Board mentioned we're very lucky to have some of the best citizens and we're well aware of that.

Deputy Supervisor Audia said the next item is to offer a revised resolution in the matter of the Stallion Park to include the omitted, revised agricultural exemption. Assessor Lisa Evangelista is present and can speak about the matter.

Ms. Evangelista said the previous resolution provided in regard to Stallion Park V. the Town of Washington did not include the revised exemption amounts, based on the settlement between the two parties. You want agricultural exemption revision in the settlement.

Based on the advice of Assessor Lisa Evangelista, a motion was offered for the following Resolution by Councilman Murphy and seconded by Councilwoman Heaney

RESOLUTION
Tax Certiorari Proceedings Settlement Stallion Park LLC

WHEREAS, tax certiorari proceedings have been filed against the Town of

Washington by Stallion Park, LLC a/k/a Double D. Ranch and Land Company, LLC in regard to the assessments on upon certain property located in the Town of Washington and designated as Tax Grid Nos. 6966-00-422349-0000 (5-33 Stallion Park Way).

WHEREAS, it is desired to settle the 2021 and 2022 proceedings.

NOW, THEREFORE, be it resolved, that the Town Board of the Town of Washington authorizes Kyle W. Barnett, Esq., of the law firm of Van DeWater & Van DeWater, LLP, 85 Civic Center Plaza, Poughkeepsie, New York 12601 to negotiate a settlement whereby the 2021 and 2022 assessments will be settled in accordance with the attached proposed amended consent judgment and summarized as follows:

Parcel 6966-00-422349-0000 (5-33 Stallion Park way):

Assessment	Original Assessment	Reduced Assessment	Original Ag Exemption	Revised Ag Assessment	Amount of Reduction in Taxable Value
2021	\$2,000,000	\$1,525,000	\$993,920	\$683,920	\$165,000
2022	\$2,000,000	\$1,525,000	\$997,590	\$687,590	\$165,000

and Kyle W. Barnett, Esq is authorized to sign such documents as are necessary to effectuate the settlement. The Petitioner has agreed to waive all town ad valorem refunds for both years under review.

The vote was as follows:

Supervisor Ciferri	Absent
Deputy Supervisor Audia	Aye
Councilman Murphy	Aye
Councilman Rochfort	Aye
Councilwoman Heaney	Aye

Highway Superintendent Spagnola provide a report on the Highway Department to the Board. The drainage study has been completed in the field. The test borings have been delayed. Highway Superintendent Spagnola does not know when the Drainage Report will be available to the Board for review. He can provide names and phone numbers if someone wishes to contact the engineers.

Highway Superintendent Spagnola reported that one of the new trucks was delivered on Wednesday and we have the title. The second should be here on Monday. They'll need to be fitted for the plow and sander.

We'll start grading next week. We lost our water truck this year to age. It carried 8,000 pounds of water, so we refitted one of the dump trucks to carry the water tank

At the request of Highway Superintendent Spagnola, a motion was made by Councilman Rochfort and seconded by Councilwoman Heaney for the Highway Superintendent to solicit bids for Highway Materials. The vote was as follows:

Supervisor Ciferri	Absent
Deputy Supervisor Audia	Aye
Councilman Murphy	Aye
Councilman Rochfort	Aye
Councilwoman Heaney	Aye

Highway Superintendent Spagnola broached the subject of hiring one or two part time employees rather than a fulltime employee to replace someone in the Highway Department. He's doing research on the numbers of hours they can work and the hourly wages. Next year he will have to hire two fulltime people to replace two that we expect to retire. He asked the Board to consider the idea for it to be discussed at a later date.

Councilwoman Heaney noted that at last month's meeting, Mayor Collopy discussed the Village's consideration of allowing Town residents to hook up septic to the Village system. He asked if we wanted to include any provisions in their resolution that relate to the town. Following that meeting, Councilwoman Heaney, Highway Superintendent Spagnola, Supervisor Ciferri, Mayor Collopy and Trustee Constantino met to talk about the proposal. They discussed which properties which would be eligible. Where and what kind of issues do we foresee. We have not come to a total resolution we're still waiting for information from the Building Inspector and Town Attorney. We did come to the conclusion that if someone does want to hook up to septic. They're going to have to bore under the road as opposed to chopping through the road. Some of the infrastructure is in place under the road. The resident will pay fees for the hookup and service and would apply through the Town Building department and would be required to ensure there aren't any other utilities before they start digging.

Councilwoman Heaney said the village is having a meeting next Thursday night, and they'd like to pass the resolution at that time. My question was, can we put broad language about the resident requiring approvals before we've actually determined the process? She expressed that this is very generous of the Village.

The Board further discussed the requirements that would be needed. A motion was offered by Councilwoman Heaney and seconded by Councilman Murphy to allow the town's attorney to provide language to the village for their resolution to allow a of Washington resident to connect to the Village Sewer. The vote was as follows:

Supervisor Ciferri	Absent
Deputy Supervisor Audia	Aye
Councilman Murphy	Aye

Councilman Rochfort Aye
 Councilwoman Heaney Aye

Attorney Battistoni will provide a draft and circulate it to everybody.

Bookkeeper Petrone provided the Bookkeepers monthly report. Revenue and Expense reports were provided to the Town Board. The Bank reconciliations will be available next month, as the bank statements were just received from the bank. I renewed the sam.com account for ARPA funding.

On the recommendation of Bookkeeper Petrone, a motion was made by Councilman Rochfort and seconded by Councilwoman Heaney to accept the following budget revisions as presented:

Account	Description	Amount
A.1110.0400.000	Justice Court CE Expense	3,000.00
A.0000.1000.000	Fund Balance - Unappropriated	-3,000.00
Note: Amendment to the Budget using 2021's Fund Balance as \$3000.00 was appropriated in 2021 for the 2018 & 2019 court audit which was not performed in 2021		
Account	Description	Amount
DB.0000.3960.000	State Aide Emergency Disaster Relief	41,789.96
DB.5110.0401.0000	General Repairs CE	41,789.96
Note: Amendment to the budget increasing the Revenue and Expense lines by the Emergency Disaster Relief for the storm named "IDA"		
Account	Description	Amount
A.0000.2089.0412	Rec/Swimming Revenue	6,973.00
A.7310.0111.0100	Rec/Swimming Salary	6,973.00
Note: Amendment to the budget increasing by the Revenue received and increasing the Expenses lines. Had not been budgeted for 2022		
A.7110.0400	Park & Pool CE	12,420.00
A.7020.0110	Asst Rec Director PS	-6,920.00
A.7110.0100	Pool Lifeguard Salary	-2,000.00
A.7110.0200	Pool Improvements Equipment	-2,500.00
A.7110.0111	Park & Pool Concession PS	-1,000.00
Note: Amendment to the budget transferring budget lines to the Park & Pool CE line due to unexpected expenses.		

The vote was as follows:

Supervisor Ciferri Absent
 Deputy Supervisor Audia Aye
 Councilman Murphy Aye
 Councilman Rochfort Aye
 Councilwoman Heaney Aye

Bookkeeper Petrone advised that she has started the budget process for 2023. Budget requests are due from the department heads next week. Health insurance rates and the retirement invoice have been received and will be brought into the budget figures.

Bookkeeper Petrone said as the Board is aware she has been reviewing bookkeeping software programs. One that other Towns in Dutchess County have switched to is call Enhanced which is Windows based. Other communities have found it to be less expensive than KVS. The concern is how do we migrate the information from KVS to our records. The Board recommended that the Bookkeeper purchase the Enhanced program using the ARPA funding.

A motion was made by Councilman Murphy and seconded by Councilman Audia the Town Board approved the Town's purchase of the Enhanced Fund Accounting Suite Software.

- \$4,700.00: General Ledger, Accounts Payable, Financial Reporting, Bank Reconciliation, Cash Management, Budget Preparation & Security
- \$1,895.00: Payroll
- \$300.00: G/L Analysis & Prep
- \$450.00: Training (6 hours @ \$75 per hour)
- \$1,100.00: Enhanced Support Plan Unlimited Phone Support and all software updates (annual)
- Total \$8,445.00

The vote was as follows:

Supervisor Ciferri	Absent
Deputy Supervisor Audia	Aye
Councilman Murphy	Aye
Councilman Rochfort	Aye
Councilwoman Heaney	Aye

On a motion made by Councilman Rochfort and seconded by Councilwoman Heaney, the Town Board scheduled a special meeting for Monday, October 3, 2022, 5:30 PM, for the Town Board to receive the Tentative Budget; and

Budget workshop meetings were scheduled for Monday, October 17, October 24 and Tuesday, November 1 (if needed) at 5:30 PM.

The vote was as follows:

Supervisor Ciferri	Absent
Deputy Supervisor Audia	Aye
Councilman Murphy	Aye
Councilman Rochfort	Aye
Councilwoman Heaney	Aye

Town Clerk Alex advised that the monthly report has been provided by Building Inspector Finley. Monthly reports will be forthcoming from the Town Clerk and Justice Court Clerk after the bank statements are received.

Town Clerk Alex said that the Minutes from July 14, July 25, August 11 and August 29 have been distributed to the Town Board and are posted to Town website.

The Town Board has received the written report and recommendations from Tiffany Zezula from Pace University. Town Clerk Alex said she will be collaborating with Councilperson Heaney on moving ahead with recommendations and establishing a committee to put the recommendations into place. Councilwoman Heaney said you should have all received the recommendations from Pace. There are some areas that will need additional collaboration and we're working on getting a committee together to identify some of the more in-depth recommendations.

Town Clerk Alex advised that Attorney Wilson has completed her review of the work performed by General Code. Town Clerk Alex now has to take Attorney Wilson's information and place it in the format General Code requires.

Town Clerk Alex said that the Town Board will probably want to enter into a Memo of Understanding or Contract with the fire department regarding the training facility being housed at the Town property located at 715 Route 343. Once Chief Bownas provides the town with additional information, Attorney Battistoni should work with the Town Board to draft a mutually agreeable document. The Board concurred.

Deputy Supervisor Audia said he would like the Board to come to an agreement on the location of the charging stations for electric vehicles. At a previous meeting, he had suggested that four parking spots be located on the east side of the Town Hall, in front of the building in the area between the two large trees. The cost to the town, which will be shared with the Village of Millbrook is the site preparation. We need about thirty-six feet to have space for four vehicles with two charging stations. This will allow for twelve feet on each side between the parking spaces and the trees. It will allow space for snow to be stored. The spots will not be dedicated for EV charging. Livingston is going to pay for everything including the electricity hook up. They will not come for a site visit until we do a resolution. but they said they don't care where the power is coming from. There is an expected five-year agreement with Livingston and at the end of five years they'll ask us if we want to take it over. Livingston will receive all revenue over the next five years. The Board discussed the plan and that Trustee Constantino said she would ask the Millbrook Business Association to assist with the costs, as they are the entity that has requested the charging stations. We would like the MBA to pay for landscaping and some extra signage that they might put around the village. We would request that Highway Superintendent Spagnola work with Village DRW representative Colocola on plans. An official resolution should be detailed however Attorney Battistoni suggested that the agreement needs some additional information. The Board asked Attorney Battistoni to contact the person at Livingston to discuss the changes. In speaking with other municipal officials, the towns do not have many users, but the chargers will be available for the public. People with electric cars have chargers at their homes. The site will appear as a location with charging stations for people that need a charger while traveling.

Deputy Supervisor Audia said that he has called several plumbing companies trying to get somebody to do service plumbing for us, and nobody wants to do a municipal work. As a municipality, prevailing wage is required on all jobs. We may need to go to bid. I found one person who is a sole

proprietor but he doesn't do any emergency work. We'll look towards the Association of Towns for recommendations on how to proceed.

In another building matter, Deputy Supervisor Audia said there is a leak in the roof of the Town Hall, which was discovered during a recent heavy rain event. The roof has been there as long as Mary Alex has been Town Clerk. We need to have someone go on the roof to investigate. The Board agreed that Councilman Audia should have a roof assessment done to determine the scope of work.

There are two other building concerns. The town hall experienced damage from a red squirrel. Councilman Audia is concerned that there may be damage to the electrical system. The wooden handicap ramp has been looked at by construction people. The recommendation is to replace it, not to repair it. So, we're going to need to go to bid for a new ramp, considering upgrades such as stainless-steel connectors and material with traction. The biggest problem is the salt material that is placed during the winter. A ballpark cost is about \$25,000.

Councilman Murphy reported that things are going well with Recreation. He said you have to give accolades to the Recreation Commission. They've all stepped up to very high levels, particularly Jason Zmudowski who took over the soccer program, and has been steering that along with several other individuals who have taken on little pieces of the program. Soccer begins this Saturday, September 10th. The Board has worked to increase participation rates. They have hustled under the emergency conditions. The fields are prepared, the food concession is ready. We have to thank the Millbrook Goff & Tennis Club for sending a crew up to move the nets and put them in place.

Ted Ialongo, park caretaker, has been working hard and doing an excellent job. We've got the playground areas up there looking really nice, so that the public coming up to view the soccer will also see a nice facility.

Change can be good as it opens up your opportunities. The Rec Commission has offered suggestions and Danielle knows what their vision is. We'll have to work those ideas into the budget over the next couple of years. We've looked at salaries for the waterfront people and will be putting them in the budget. We'll be looking at offering certifications when the kids are home on vacation and high school kids are local. We can get Red Cross first aid. Councilman Murphy said he spoke with the lifeguards and people at the different camp levels for input on our park and camp programs. We have a great staff and encouraged them to come back. We've got a good nucleus to start from.

Danielle Szalewicz will begin on September 21. Councilman Murphy will give her a walk around of the facilities and would like to introduce her to the community, too.

Councilman Murphy said he will be organizing the task force of professionals to complete a walk around of the park to discuss facility needs, upgrades or enhancements. We'd like to do this soon before the park is closed up for the season. We'd like to put together a five-year long-range plan. Other local towns are embarking on similar projects and we can glean from them fundraising and grant opportunities. Some of the items which have been discussed for improvements are enhanced lighting, keeping the park open for longer hours for access to the playgrounds, fields and picnic areas. It's almost a capital campaign on a small level.

Councilman Audia offered his kudos to Councilman Murphy for all his work at the Town Park. He took care of cleaning out the kitchen after there was a power outage, he's been hands on with the

staff and doing a terrific job. He took care of cleaning out all the refrigerators and freezers after a power outage. Councilman Murphy said people recognize him and were very comfortable with me, being up there. The building still needs to be cleaned and sanitized before winter.

Councilman Rochfort discussed the Comprehensive Plan Report. He reminded the Board that there's provisions for Phase Two in Nan's original agreement. If we're all in agreement to have her continue helping us adopt the recommendations for the existing comprehensive plan. He recommended that the Board make a decision on continuing with her services, and get scheduled on her calendar sooner rather than later. Councilman Audia said he would like to see the Washington Hollow area extended through Orvis and the formula in Mabbettsville changed with this update. Councilman Rochfort advised he received a refreshed proposal for Phase Two. An option was added which would allow the Town to add the Hospitality portion as an addendum, rather than fully incorporating it into the 2015 plan. This reduces the update option from \$10,000.00 to \$5,000.00. After some discussion, the Board requested a meeting with Ms. Stolzenburg to discuss the options going in to Phase Two. Councilman Rochfort said he would circulate the email with the options to everyone.

Councilwoman Heaney advised that the Zoning Board of Appeals met on August 16th with three applications. A family wants to put in a garage. There's a thirty-foot setback required there. They're requesting twenty-four feet from the point of the property lines, because it's the only place where the garage could be located, they can't move it anywhere else because of septic. They had a Public Hearing. There was no public comment. The neighbors did off for a letter saying that they're absolutely fine with the garage and six other neighboring owners, provided it was just used for garage or workshop, and not for any residential purposes. The ZBA approved the variance to twenty-five and a half feet of the side yard, provided that the owner provides a notarized letter to Chairman Paris, stating that it's for a garage/workshop and not residential purposes.

the second application was for someone who had a permit back in the day to add a new porch to their house. They started construction, and they stopped, and the permit expired. It's been too long for them to reopen the permit. In doing so they realize that it's non-conforming. They need a special permit and an area variance. They were granted a variance on the front yard setback from the ZBA, but it was referred to the Planning Board for the Special Use Permit.

The third application was from a family looking to add a deck to their house and need a setback variance for fourteen feet. There's no public comment on the application. The property also is non-conforming and it's very straightforward. It was approved.

Councilwoman Heaney reported that the Planning Board met on Tuesday night with several applications before them. The first was the Wolf Clark application, which I had mentioned to you all before they first came to the Planning Board back in June. At our last meeting I had mentioned that they couldn't make a determination, because Steve Marino had covid, and so he couldn't go to the meeting. The question was their addition that they're putting out. They're trying to connect to structures would be in the Wetlands buffer, but it currently already is in the Wetlands buffer. It's not conforming already. Consultant Marino advised the Planning Board what they're doing is actually beneficial. It's not actually wetlands there it's a water body. It does connect with wetlands because they are moving the structure nine feet further away from the buffer, and they have a very extensive landscape plan to create a more

natural environment leading up to this water body. It's actually better from the environment what they have there. They did open it for a public hearing, some were complimenting their efforts and their plans. It's all very positive. With the CAC there was a lot of talk about balancing the property owner's rights and the Wetlands law. I want to talk about the spirit of the Wetlands law, that this project was very much in the spirit of it. The Wetlands permit was approved on the condition that Steve Marino get the final approval on the species list. They still have to go before the ZBA for variance approval on another structure on that property.

The second application was called Apollo Field. It's for a special use permit for an addition. The owner of that property actually withdrew their application. They want to go back to the drawing board.

The third application was for an accessory structure. They already have a permit. They have a permit to build the structure, but they don't have a permit to put in the kitchen in a bathroom so they had to come back for an accessory use. This is really just a workshop meeting for this applicant, and they have referred it for public hearing at the October meeting.

Another application was for a lot line adjustment to have a straighter line. It's a very simple application and a Type 2 action under SEQR.

The last was the Palinka's site plan for the front porch. They went to the ZBA for a special permit. They've just referred it to a public hearing in October.

Last night the CAC met. Chairperson Schneible opened a discussion about the National Resource Inventory. We'll continue to kind of work on that and update Nan's maps. They've no update yet on the Climate Smart Community (CSC) which is the climate smart Communities initiative. The Village has its own committee, and they're actually moving forward and beginning their work. Tiffany Zezula from Pace referred me to a person that does free trainings for towns and how to create a CSC. I pass that along to the CAC, so that they can get that group together and get some guidance like we did with Pace. There's a real direction and guidelines for how they should move forward. CAC member Schuman provided some updates on his impressions from the Planning Board meeting on Tuesday night. He talked about the Wolf Clark application and his interpretation of the Wetlands buffer.

On a motion made by Councilman Rochfort and seconded by Councilman Murphy, the Board accepted the following claims as presented:

A Fund:	\$30,465.45
B Fund:	\$12,147.98
DB Fund:	\$135,795.23
H Fund:	\$53.96
Total	\$178,462.62

The vote was as follows:

Supervisor Ciferri	Absent
Deputy Supervisor Audia	Aye
Councilman Murphy	Aye
Councilman Rochfort	Aye
Councilwoman Heaney	Aye

There being no other business, on a motion made by Councilman Rochfort and seconded by Councilwoman Meaney, the meeting was closed at 7:52 PM. The vote was as follows:

Supervisor Ciferri	Absent
Deputy Supervisor Audia	Aye
Councilman Murphy	Aye
Councilman Rochfort	Aye
Councilwoman Heaney	Aye

Mary Alex, Town Clerk