

**PUTNAM VALLEY TOWN BOARD
REGULAR TOWN BOARD MEETING
6:00 PM
WEDNESDAY, SEPTEMBER 21, 2016**

1. Pledge of Allegiance
2. Supervisor's Opening Comments
3. Departmental Reports
4. County Legislator's Report
5. Approval of Town Board Minutes
6. Continue Discussion on Towing Law tabled from 9/14 meeting
7. Presentation of 2017 Budget from Town Clerk
8. Adopt Lake Peekskill Septic Law as amended
9. Continue discussion final draft of Permit/Zoning Changes
10. Adopt fines as stated in Local Law 165-91.2
11. Amend Resolution 16-287 to reflect the settlement with both Pine Farm and Ralph Adorno
12. Adopt the wording revisions to the Code of Ethics

DEPARTMENTS

13. Building Department Report
 - A. Report for August
14. Parks & Recreation
 - A. Refunds
 - B. Personnel Changes
15. Districts
 - A. Lake Peekskill Lake Lowering
 - B. Roaring Brook Lake Lowering
16. Budget Transfers & Amendments
17. Public Comment
18. Audit of Monthly Bills

**PUTNAM VALLEY TOWN BOARD
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6:00 PM
WEDNESDAY, SEPTEMBER 21, 2016**

PRESENT: Supervisor Oliverio
Councilwoman Annabi
Councilwoman Whetsel
Councilman Mackay
Councilman Luongo

ALSO PRESENT: Town Clerk Sherry Howard

ABSENT: Town Counsel Bill Florence

Pledge of Allegiance

Supervisor Oliverio opened the meeting at 6:00 p.m.

Supervisor Oliverio said that the Public Hearing about the unsafe structure at 192 Tanglewylde Road in Lake Peekskill was supposed to be at 6:00 PM; but it was advertised at the County for 8:00 PM. This part of the meeting will now convene at 8:00 PM. The posted time at the County takes precedence.

DEPARTMENTAL REPORTS

Presented by Councilwoman Annabi

The first Department Report is from Fire Department Chief Shawn Keeler.

Chief Keeler reported on the Fire Department's month of 2016 calls:

10 Motor vehicle accidents

1 Wires down

1 Structure fire

7 Automatic alarms

4 Smoke Investigations

1 Mutual Aid

1 CO Detector

1 Propane call

4 EMS assists

30 for the month - 284 year to date. Sadly, this is 35 more than last year. The Department has spent 517 hours at drills and work details. There were 429 personnel hours spent at those calls.

Don't forget the Fire Departments 70th Anniversary Parade will be on October 1st. There will be about 23 Police and Fire Departments marching. Oscawana Lake Road will be closed between Church Road and the Town Park from about 2-4 PM on that day. Please avoid this area at that time, use an alternate route. Please come and watch the parade. The best place to view it is at the Putnam Valley Elementary School. If you want you can also come down and watch the trophies being given out around 5-5:30 in the Town Park. On October 16th the Fire Department will be holding its annual Fire Prevention Open House from 12-4 PM. There will be a lot of demonstrations and we may even set a car on fire.

94 days to Christmas!

Larry Cobb, Highway Superintendent, came to the podium next. He said that much of the paving that they are doing on various roads has almost been completed. This all went well, but if you come upon the guys paving, please be patient. The mowers are out and will continue cutting the grass. In the Roaring Brook area the new bucket truck, which is working extremely well, took down numerous trees. The vacuum truck is also out working.

Councilman Mackay asked about the steel plate in the road on Church Road. It's been there for four (4) years. Superintendent Cobb said the County plans to fix it but it takes a while. This is a County issue. Many residents have asked about it. He did speak to John Tully from the County about it.

Kathleen McLaughlin, from the Putnam Valley Free Library spoke next. She said that there is only one (1) story time now which takes place at 10:15 AM on Wednesdays. This is for children from infant to five (5) years old. There is a craft afterwards. There is no advanced sign up. Please check the library's facebook page for all the details. The Putnam Valley Historical Society is now holding their lectures at the Library. The next one (1) will be on Saturday, October 8th at 10:00 AM. It will be on the history of Camp Smith. The one (1) after that will be on the history of Bannerman's Island. In addition, every Friday evening in October there will be a 7:00 PM "fright night" movie. On Wednesday, October 26th there will be the annual Halloween Party with costumes, crafts and snacks. This is for children of school age. Lastly, on November 19th the library is holding a craft fair from 10:00 AM – 4:00 PM. The Library provides a table at of cost of \$10.00 and a space must be reserved in advance. Someone has kindly donated a 100 greatest recordings of all time collection to the library. Sadly, there is no room for it – it is available for free to anyone who would like it. It has been kept in great shape. There are many free books available on the second floor of the library as well. Please come and look.

Councilwoman Whetsel mentioned the Putnam Valley.com website. If you are planning an event or would like to know what's going on in Town you should go on this website. The webmaster will post any Town event you are having. It is available to all groups in Putnam Valley. You can post your event and you can also see what's already out there - if you are looking for something to do. This is a great asset to the community so please take advantage of it. People need to be aware of that this because there is so many wonderful things to do going on here and you should be aware of them.

Councilwoman Annabi reminded the resident to sign up for Putnam Valley alerts. You can get the messages on your phone or in your email. Go to Putnam Valley.com and click on the red button if you want to be contacted. You will be told where the warming stations are, what roads are closed or where ice will be available. Also, Putnam Valley has a heating co-op where you can get a discounted price on heating oil. With winter coming it's important to know this, please sign up.

AMENDMENTS TO THE AGENDA

Presented by Supervisor Oliverio

RESOLUTION #R 16-302

RESOLVED, that the Town Board amend the agenda to reflect the following:

#5A - We passed a resolution at the last meeting about Bruce Barber continuing to help us with the new codes – that was not necessary so we need to correct this erroneous resolution.

#5 B – Resolution to extend the moratorium on the development of cemeteries.

#12 A- Highway Supervisor Larry Cobb requests the Town Board create a resolution that states there is a 5 ton weight limit for all vehicles on Tinker Hill Road, except for local deliveries and emergency vehicles, effective immediately.

17A – To accept the District Garbage bid.

Delete # 6 – Towing Law – this is going to be eliminated not tabled, we need to gather more information.

Seconded by Councilwoman Annabi, unanimously carried.

SUPERVISOR'S OPENING COMMENTS

Presented by Supervisor Oliverio

Supervisor Oliverio stated that last year when he ran for office he promised to stay under the tax cap. He had not served on the Town Board since the 1990's and was unaware how impossible that task is. He said ignorance is no defense, but the tax cap this year is 1.068 percent and his machinations of how the Town budget process works was sorely lacking. He then apologized to the community and Councilwoman Annabi as he told the constituency when he ran that he would stay under the tax cap and now finds that impossible to do. He now regrets making that statement when he ran. He and the Town's Chief Financial Officer Maria Angelico were able to get the increase to 1.7% - until the end of August. Then at the beginning of September our allocated insurance went up \$20,190.00. Next, the State, Workmen's Compensation went up \$101,000.00, and then our Health Insurance went up \$130,000.00 unexpectedly. These are the State Bid prices which is the lowest amount that we can get to cover our Town. These alone came to a 2% increase. In addition, the Fire Department came before him with the information that the current building they are using is so far out of code and the trucks do not even fit into the bays. The State could come in at any moment and close it down. It doesn't have a shower or a hazardous waste room. Improving the current building would cost 3-4 million dollars with no room to expand. He has decided that the new building will go ahead and it will be at a cost of around six (6) million

dollars. Fire Service must be available for people to be able to get homeowners insurance. We sign a contract with the Fire Department every year. He called other Departments in the area and they cannot cover Putnam Valley for various reasons. Supervisor Oliverio feels very strongly about the new Fire House. With all of this in mind the tax increase we are looking at is 4.5%. They are still trying to bring this down and there will be a Public Hearing, but this is what we are facing. He apologized again and added that there are no Town Hall Employees to cut as we are bare bones as it is. This is a tentative budget. In addition Supervisor Oliverio acknowledged how hard the Town Board has worked this year and in the past to keep the tax increases as low as they have been. We have a lot of work ahead of us.

COUNTY LEGISLATOR'S REPORT

County Legislator Gouldman was unable to attend the Town Board Meeting.

County Legislator Barbara Scuccimara spoke about the County Budget which will be presented on October 6th. Mandates strangle the County. That day there will be a business expo at 5:30 PM, and then the budget will be presented at 7:00 PM. It is reserved seating. Last week was the grand opening of Tilly Foster Farm. This facility that used to be largely unused now hosts a multifaceted amount of programs such as the Northern Westchester BOCES culinary program. Next they hope to move into environmental and veterinary science. There may even be a possible partnership with the Cooperative Extension. There is even the possibility of putting an early intervention program in there. Councilman Mackay thanked her, the legislature and Mary Ellen O'Dell and acknowledged the benefit of sharing services. County Legislator Scuccimara then spoke about the Health Committee Meeting she attended which focused on the number one (1) drug problem we are facing which is heroin use. The Sheriff is partnering with Connecticut and the Bronx to widen the net and find out where these drugs are coming from as we need to work with other agencies to combat this epidemic. Drug Crisis in our Backyard, which is a wonderful organization, is holding a ribbon cutting on September 22 at 16 Fair Street in Carmel for the opening of their new offices.

The medication boxes are working well but please don't put syringes or liquids in them. They have been a great success so far in all locations. It's flu season and the County Health Department is having flu clinics. The next one is October 17th at the Garrison Fire Dept., it's free to seniors you just have to show proof of residency, otherwise it's \$25.00.

Saturday October 1st is hazardous waste day at the Putnam County Health Department from 9 AM – 12:00 PM.

The Fireball Run is from September 30 – October 2nd – it is a run through the County. For more information please go on the tourism website.

APPROVAL OF TOWN BOARD MINUTES

Presented by Councilwoman Annabi

RESOLUTION #R 16-303

RESOLVED, that the Town Board approve the minutes of August 10, August 17, and September 7, 2016.

Seconded by Councilman Mackay, unanimously carried.

SCHOOL REPORT

Presented by Councilman Mackay

Councilman Mackay read a letter from Fran Wills. It read – on Tuesday evening at 7:00 PM at the High School there will be a movie shown entitled, How to Succeed. The movie focuses on the skills that are required to be successful in a global technologically driven economy. It looks at how we learn best and how we can increase our opportunities. This will be helpful for students with planning their futures.

This past Tuesday morning there was a meeting of the Putnam County Community that Cares committee. There were many key community members there who put their heads together to try to develop new strategies to combat alcohol and opiate abuse. The next meeting is on November 15th at 2:30 PM at the High School Library. Alcohol abuse in youth is the biggest problem right now. Heroin is killing our kids but addiction starts with alcohol. Councilman Mackay stressed to parents to know where your kids are and who they are with. Please call the Sheriff or Officer Pitt if you know of a party going on so there will be no more tragedies. We all need to do our part. At the Putnam Hospital Cancer Pavilion on October 28th from 8:30 AM – 3:00 PM they will be holding the Third Annual Substance Abuse Prevention Conference, please attend. Go on the Putnam Coalition that Cares Facebook page and get involved. The kids will be coming home for Thanksgiving soon and that is the worst time for them and alcohol. Please don't forget that there is a social hosting law and you will be responsible if the kids in your home are drinking. The law here is enforced. Councilwoman Annabi said that Joe DeMarzo wants to come and talk about the Social Hosting Law.

Supervisor Oliverio said that there is a Putnam Valley Networking Meeting on September 28th at Char Restaurant from 6-8:30 PM. This is sponsored by the Putnam Valley Business Network which is like our Chamber of Commerce. Councilwoman Annabi added that a lot of our businesses are homebased. Tickets can be purchased on line at Putnam valley business network.com through PayPal; it is \$40.00 per ticket for this experience.

ERRONEOUS MOTION MADE AT LAST MEETING RE: BRUCE BARBER

Presented by Supervisor Oliverio

Supervisor Oliverio said that Bruce Barber will be helping with our code changes. At the last meeting a motion was passed which allowed Mr. Barber to continue giving us the changes. **This was not necessary as no motion was needed. That motion is null and void.**

RESOLUTION REGARDING MORATORIUM ON DEVELOPMENT OF CEMETERIES

Presented by Councilman Luongo

RESOLUTION # R16-304

RESOLVED that the Town Board authorize the Supervisor to extend the moratorium on the development of cemeteries until December 31, 2016 to complete the study and definition process. Resolution may be continued at a later date if necessary.

Councilman Luongo seconded for discussion.

Supervisor Oliverio said that they hit a snag in defining it which was brought to our attention by Todd Atkinson. Councilman Luongo asked if that is enough time or should we go a little longer? Supervisor Oliverio they had only asked for an extension until the end of the year. Councilman Mackay asked if they could come back and extend it later if necessary. Supervisor Oliverio said yes and added, "Resolution may be continued at a later date if necessary." (see above).

Seconded by Councilman Mackay.

Councilwoman Whetsel recused herself, so by a vote of 4 to 0 the Resolution passed.

CONTINUE DISCUSSION OF TOWING LAW TABLED FROM SEPTEMBER 14TH MEETING

Presented by Supervisor Oliverio

This discussion will be postponed until further notice. More information will be gathered before this topic will be brought up again.

PRESENTATION OF 2017 TENTATIVE BUDGET FROM THE TOWN CLERK

Presented by Supervisor Oliverio

RESOLUTION # R16-305

RESOLVED that Town Board authorize the Supervisor to accept the 2017 tentative budget from the Town Clerk.

Not seconded – will be redone at the 10/05/2016 meeting.

ENACT LAKE PEEKSKILL SEPTIC PUMP OUT LAW AS AMENDED

Presented by Councilwoman Whetsel

RESOLUTION #R 16-306

RESOLVED, that the Town Board authorize the Supervisor to enact the Lake Peekskill Improvement District Septic Tank Pump Out Law, Chapter 91-A of our Town Code, for the purpose of protecting all water bodies within the Lake Peekskill District in the Town of Putnam Valley from migrating and otherwise invading the body of water from septic systems matter. This law will be enacted January 1 of 2017, involving the pumping of septic tanks within the Lake Peekskill Improvement District once every 5 (five) years.

Supervisor Oliverio said that two (2) changes were made in the law - 1. The words “Improvement District” was added; and 2. The words “jail sentences” were removed.

Seconded by Councilman Mackay, unanimously carried

CONTINUE DISCUSSION FINAL DRAFT OF PERMIT/ZONING CHANGES

Presented by Supervisor Oliverio

Supervisor Oliverio said that we are continuing the studying on these permit/zoning changes. We should be given a tentative final draft by next week. If it looks good we can set a Public Hearing for October 5th. We also have to do a SEQUA process and declare ourselves the lead agency.

ENACT FINES AS STATED IN LOCAL LAW 165-91.2

Presented by Councilman Luongo

RESOLUTION # R16-307

RESOLVED that the Town Board authorize the Supervisor to amend the law and enact fines as stated in Local Law 165-91.2 which increases the fines for violations as they relate to Subdivisions C and D of the Town Code (Zoning), to take effect January 1st of 2017.

Councilwoman Annabi pointed out that under Section C. there is a warning given before any fines are imposed. This is not the case under Section D, where there is no warning mentioned before a fine is given. She would like that changed to be uniform – a warning should be granted in both sections. Supervisor Oliverio said that should carry over, but it can be put there. Councilman Luongo said being that we raised the fines we need to look at our permit fees. He thinks some of the building permit fees are not in line. He knows that will be another project. Another Public Hearing may be needed to change the verbiage on this law; so this item will now be tabled until the next meeting.

Supervisor Oliverio made a motion to table this agenda item until the October 5th meeting.

Seconded by Councilman Mackay, unanimously carried

AMEND RESOLUTION 16-287 TO REFLECT THE SETTLEMENT WITH BOTH PINE BROOK FARM AND RALPH ADORNO

Presented by Councilman Mackay

RESOLUTION # R16-308

RESOLVED that the Town Board authorize the Supervisor to supersede **Resolution 16-287** with this current Resolution to reflect the Town of Putnam Valley's settlement with both Pine Brook Farm and with Mr. Ralph Adorno for the sum of \$15,000.00. This will result in a new resolution being submitted to Mr. Adorno's attorney, containing the same terms and penalty but applicable to both Pine Brook Farm and Mr. Ralph Adorno.

Seconded by Councilwoman Annabi, unanimously carried

ADOPT THE WORDING REVISIONS TO THE CODE OF ETHICS

Presented by Councilwoman Whetsel

RESOLUTION # R16-309

RESOLVED that the Town Board authorize the Supervisor to adopt the wording revisions to The Town of Putnam Valley's code of ethics.

Seconded by Councilman Mackay, unanimously carried

Local Law No. 5 of 2016

10

Revision of Code of Ethics

Be it enacted by the Town Board of the Town of Putnam Valley as follows:

Section 1. Title.

This Law shall be known as "The Code of Ethics of the Town of Putnam Valley."

Section 2. Revision of Existing Code.

Chapter 17 of the Code of the Town of Putnam Valley is hereby revised as follows.

Section 3. Adoption of Ethics Code of the Town of Putnam Valley.

Chapter 17 "the Code of Ethics," of the Code of the Town of Putnam Valley is hereby revised to read as follows:

Chapter 17 CODE OF ETHICS

§17- 01 Purpose

The proper operation of a town government requires that its officers and employees be independent, impartial, and accountable to the people: that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; that public officers and employees observe in their official acts the highest standards of ethics and discharge faithfully the duties of their public office regardless of personal consideration. All officers and employees shall conduct themselves in a professional and respectable manner towards the public and one another. Realizing what is legal is not necessarily ethical, it is the policy of the Town of Putnam Valley and the purpose of this chapter to establish standards and guidelines for ethical conduct of officers and employees. Though assurance of such conduct will continue to rest primarily on personal integrity and community vigilance, the establishment of standards is another step toward providing the highest caliber of public administration for the town and ensuring that government decisions are arrived at impartially and free of conflict of interest; thereby increasing confidence in public officials. It is also the purpose of this chapter to protect officials and employees from unwarranted accusations that impugn their integrity by distinguishing material conflicts of interest from those that are inconsequential, recognizing that for local government to attract and hold competent and public servants, public service must not require a complete divesting of all proprietary interests. In recognition of these goals, there is hereby established a Code of Ethics for all officers and employees of the Town of Putnam Valley, hereinafter referred to as the "Town." In the event of any conflict or inconsistency between the provisions of this code and provisions of Article 18 of the General Municipal Law, this code shall prevail, except that nothing in this code shall authorize conduct otherwise prohibited by Article 18 the General Municipal Law.

§17- 02 Definitions

When used in this chapter, and unless otherwise expressly stated or unless the context otherwise requires, the following terms shall have the meanings indicated throughout:

Appear – Communicate in any form, including, personally, through another person, by letter, by telephone, or otherwise.

Chief Fiscal Officer – The Town Supervisor or other officer possessing similar fiscal powers and duties.

Confidential Information – Information in any format that is either: (i) prohibited by federal or state law from disclosure to the public; or (ii) prohibited from disclosure by local law, ordinance, or resolution of the municipality, and exempt from mandatory disclosure under the New York State Freedom of Information Law (“FOIL”) and the New York State Open Meetings Law.

Contract – Any claim, account or demand against or agreement with the Town of Putnam Valley, expressed or implied, including the designation of a depository of public funds and the designation of an official newspaper.

Interest – A pecuniary or material benefit accruing to an officer or employee as the result of a contract, or a business or professional transaction with the Town. For the purposes of this chapter, an officer or employee shall be deemed to have interest in the affairs of:

1. His or her spouse, in-law, domestic partner, co-habitant, child, stepchild, sibling, parent and grandparent;
2. A firm, partnership, or association of which such officer or employee is an owner, member, officer, director or employee; and
3. A corporation, of which 5% or more is owned or controlled directly or indirectly by such officer or employee or his or her spouse, in-law, domestic partner, co-habitant, child, stepchild, sibling, parent and grandparent.

Officer or Employee – An officer or employee of the Town of Putnam Valley, whether paid or unpaid, including members of any administrative board, commission, contract employees, or other agency thereof. No person shall be deemed to be an officer or employee solely by reason of being a volunteer firefighter, volunteer ambulance corps member or emergency management volunteer.

§17- 03 Ethical Standards of Conduct

- A. Appearance of Impropriety. Officers and employees of the Town of Putnam Valley, by their conduct, shall avoid any appearance of impropriety.
- B. Interest in Contract. No officer or employee shall have an interest, direct or indirect, in any contract with the Town when such officer or employee, individually or as a member of a board, has the power or duty to:
- (1) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
 - (2) audit bills or claims under the contract; or
 - (3) appoint an officer or employee who has any of the powers or duties set forth above.
- C. Preparation Assistance. No officer or employee who in his or her official position influences decisions relating to the approval of plans and specifications for public or private construction, or who is charged with the responsibility of inspections of such construction or who is charged with the responsibility of recommending that such facilities be approved or accepted by the Town, or its agency, shall estimate the cost of such jobs for contractors or suppliers or engage in the survey, design or layout of the plans for such public or private facilities for or on behalf of such contractors or suppliers.
- D. Private interest. A town officer or employee shall not use his or her official position, office, or town property or resources (e.g. official letterhead), nor take or fail to take any official action in a manner which

he or she knows or has reason to know may result in a personal or financial benefit, or otherwise further the private interest of:

- a) the town officer or employee;
- b) his or her outside employer or business;
- c) his or her spouse, in-law, domestic partner, co-habitant, significant other, child, stepchild, sibling, parent or grandparent;
- d) his or her customer or client.

E. Political Interest. No Town Board Member or other elected official may use his or her authority over town property, resources or personnel to further or inhibit the political interests of any candidate for public office. No other town officer or employee may use his or her official position, office, or authority over town property, personnel or resources (e.g. official letterhead), nor take or fail to take any official action, to further or inhibit the political interests of any candidate for public office.

F. Disclosure of interest

1. Any officer or employee who has, will have or later acquires an interest, direct or indirect, in any actual or proposed contract with or matter before the Town or any of its Agencies, Boards or Commissions shall promptly disclose in writing to the Town Board, the Supervisor, and the Board of Ethics, the nature and extent of such interest. Such written disclosure shall be made part of and shall be set forth in the official record of the proceedings of such body.
2. Disclosure in certain applications. Every application, petition or request submitted to any legislative, administrative, advisory board, commission, official, committee member, or employee of the Town, pursuant to the provision of any ordinance, local law, rule or regulation of the Town, shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of the Town or the County of Putnam in the application, petition or request being made to the extent known to such applicant.
3. Any officer or employee of the Town of Putnam Valley must comply with any and all other disclosure requirements contained in other provisions of State or Town Law.
4. Any officer or employee of the Town of Putnam Valley who also serves in any other town or county position shall disclose that information in writing to the respective Agency, Board, or Commission, the Town Board, and to the Board of Ethics.
5. Disclosure of Campaign Contributions. Any officer or employee who individually or whose duly constituted campaign committee has, in the most recent election cycle, received contributions of \$250.00 or more from a firm or person with an interest in any matter before an Agency, Board, or Commission of the Town shall promptly disclose in writing to the respective Agency, Board or Commission, the Town Board, and to the Board of Ethics, the date, amount, and recipient of such contribution. Such written disclosure shall be made part of and shall be set forth in the official record of the proceedings of such body.
6. Disclosure of interest in pending legislation. Any officer or employee of the Town who has a private interest in any proposed legislation pending before the Town Board shall publicly disclose in writing on the official records of the Town Board the nature and extent of such private interest.

G. Recusal

1. Officers and employees shall recuse themselves from participation in discussions, deliberations, or voting in any matter in which they have an actual or potential interest prohibited by this code.
2. Officers and employees shall recuse themselves in matters involving individuals or applicants who contributed, or whose principals contributed \$250.00 or more to individuals, or their duly constituted campaign committee of said officer or employee during the most recent campaign cycle as defined in the New York State Elections Law.

H. Gifts and Favors

1. No officer or employee of the Town shall accept gifts or favors (including advertising items), whether in the form of services, loans, goods or promises or in any other form, having an aggregate value of more than \$75.00 in any twelve month period, from any person, firm or corporation which he or she knows is interested directly or indirectly in business or professional dealings with the Town.
 2. Gifts between co-workers shall be limited to those of nominal value.
 3. Supervisors shall discourage gifts from their subordinate employees.
 4. If an officer or employee receives a non-perishable gift in violation of this Code, he or she shall return it.
 5. If an officer or employee receives a perishable gift in violation of this Code, he or she shall notify the Board of Ethics, contribute the perishable gift to a charitable organization within the town, and shall disclose in writing to the donor the disposition of the gift.
- I. Outside Employment. No officer or employee of the Town shall have outside employment or investments that create a conflict with his or her official duties.
- J. Disclosure of confidential information. No officer or employee of the Town shall disclose confidential information concerning the property, government, or affairs of the Town, or its citizens, or any other confidential information of an official or unofficial character, except when permitted or required by law, nor shall he or she use such information to advance his or her private financial interests or those of others.

K. Future Employment.

1. No person who has served as an officer or an employee of the Town shall, within a period of one (1) year after the termination of such service or employment, appear on behalf of any person, firm, corporation or association in relation to any case, proceeding, or application involving Town matters or Town law before the Board, Agency, Committee, Commission or Department of the Town on which he or she served or was employed.
2. No person who has served as an officer or an employee of the Town shall at any time after the termination of such service or employment appear before any Board or Agency of the Town on behalf of any person, firm, corporation or association in relation to any case, proceeding, or application with respect to that in

which the former officer or employee was directly concerned, or in which he or she personally participated during the period of his or her service of employment, or which was under his or her active consideration.

3. The Board of Ethics is hereby authorized to grant waivers of the restrictions set forth in this paragraph "K", where strict enforcement would result in undue hardship, or where the granting of a waiver would advance rather than frustrate the public interest.
4. No person who has served on the Town Board, the Planning Board, the Zoning Board of Appeals or the Board of Assessment Review shall, within a period of one (1) year after the termination of such service, appear before any Board, Committee, Commission, Department or Agency of the Town on behalf of any person, firm, corporation or association in relation to any case, proceeding, or application involving Town matters or Town law.

L. Exceptions. The provisions of §17-3, sub-section A, B, C, D, F, G, H, I, J, of this chapter shall not apply to:

1. the purchase by the Town of real property or an interest therein, provided that the purchase and the consideration therefore are approved by order of the Supreme Court upon petition of the Town Board;
2. the acquisition of real property, or an interest therein, through condemnation proceedings according to law;
3. a contract for emergency services in the Town of Putnam Valley;
4. a contract in which an officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this subsection shall in no event authorize a renewal of any such contract.

§17-04 Contracts Void

Any contract entered into by or with the Town in which there is an interest prohibited by this chapter shall, at the option of the Town, be null, void and wholly unenforceable, unless it is void pursuant to Article 18 of the General Municipal Law.

§17-05 Town Board of Ethics

A. Establishment. The Town Board of the Town of Putnam Valley hereby establishes a Board of Ethics, which shall be non-partisan, independent, and comprised of five members. The Town Board shall appoint the members of such Board, and shall appropriate moneys annually for its operation and other services in connection therewith. The members of such Board shall receive no salary or compensation for their services as members of such Board. No member of the Ethics Board shall hold any other Town office or be an employee of the Town. The members of the Ethics Board commencing a review or investigation of a matter pursuant to this section shall conclude such review or investigation notwithstanding the expiration of their terms or the appointment of new members.

B. Terms of Office

1. Upon adoption of this Code of Ethics, the initial members shall be designated by the Town Board to serve for terms of one (1), two (2), three (3), four (4), and five (5) years respectively. Thereafter, the members shall serve for terms of five (5) years.
2. In the event of one or more recusals, the Ethics Board may replace the same number of recused Board members by inviting former Ethics Board members to participate in their absence.
3. The Board of Ethics each year shall elect from its membership its Chair and Secretary and shall promulgate its own rules and regulations as to its forms and procedures, and shall maintain proper records of its opinions and proceedings. Reasonable and necessary expenses shall be reimbursed as a Town charge.

C. Advisory Opinion

1. The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and, upon written request, shall render advisory opinions to the officers and employees of the Town with respect to Article 18 of the General Municipal Law.
2. Upon written request, the Board shall render advisory opinions to officers and employees with respect to this Code.
3. To the extent permitted by law, the identity of the officer or employee seeking advice, and the nature of the inquiry shall be and remain confidential.
4. No officer or employee shall hold two or more offices or positions of Town employment unless the Town Board has first requested and received advice from the Board of Ethics that the offices or positions are compatible.

D. Complaints

1. In addition to the other powers and duties granted to the Board of Ethics, the Board shall have the authority to receive written complaints alleging violation of this Code and to initiate complaints on its own motion and to investigate such complaints.
2. An officer or employee under investigation by the Board of Ethics shall be afforded written notice of the investigation and the copy of the complaint on which it is based, and an opportunity to be heard. In the course of its investigations, the Board of Ethics may take testimony under oath.
3. The Board shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings.
4. At the conclusion of its investigation, the Board of Ethics shall render a written opinion stating the allegations, its findings, conclusions and recommendations. A copy of the opinion shall be furnished to the complainant, the subject officer or employee, and the Town Board.

§17-06. Distribution of the Code of Ethics

1. The Supervisor of the Town of Putnam Valley shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Putnam Valley. Each officer and employee elected or appointed on and after the effective date of this chapter shall be furnished such copy before entering upon the duties of his or her office or employment. The Town Records Officer shall keep on file a signed statement that the Code of Ethics was received. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with this chapter or with the enforcement of the provisions thereof.
2. The Town Board, in consultation with the Board of Ethics, shall conduct periodic ethics training programs for all officers and employees of the Town, and for the public.

§17-07. Penalties

The Town Board may impose any or all of the following penalties for violations of this chapter:

1. In addition to any penalty contained in this section or any other provision of law, any violation of the provisions of this Code of Ethics shall constitute cause for warning, reprimand, suspension or removal from office or employment or, such other disciplinary action as the Town Board may consider advisable after any hearing required pursuant to law currently in effect.
2. In addition to any other penalty contained in this section or in any other section of law, the Town Board, at the request of the Ethics Board, may assess a civil penalty up to one thousand dollars (\$1,000) for any violation of this Code of Ethics.
3. If a person has directly or indirectly gained money, property, or other advantage as a result of a violation of any provision of this chapter, the Town Board may, upon the recommendation of the Ethics Board, and in addition to any penalty contained in this section or in any other section of law, assess a civil penalty equal to the gain or profit obtained from such violation.

§17-08. Conflict with General Municipal Law

In the event that any provision of this chapter shall conflict with the provisions of Article 18 of the General Municipal Law of the State of New York, the provisions of this code shall prevail except that nothing in this code shall authorize conduct otherwise prohibited by the *General Municipal Law*. Pursuant to authority in the New York State Constitution and Municipal Home Rule Law this code supersedes all inconsistent provisions of Article 18 of the General Municipal Law of the State of New York, except that nothing in this chapter shall authorize conduct otherwise prohibited by Article 18 of the General Municipal Law.

§17-09. Conflict with Town Code

In the event that any provision of this chapter shall conflict or be inconsistent with any other provisions of the Town Code, the provisions of this chapter shall prevail.

Section 4. Statement of Authority and Supersession

- A. The Town Board adopts this Local Law pursuant to authority in the New York State Constitution, Article IX, Section 2; section 10 of the New York Municipal Home Rule Law; section 10 of the Statute of Local Governments; and the relevant provisions of the Town Law of the State of New York and the laws of the Town of Putnam Valley.
- B. This local law shall take precedence over and shall be considered controlling over contrary laws, ordinances and provisions. Pursuant to authority under sections 10 and 22 of the Municipal Home Rule Law, it is the intent of the Town Board to supersede, and the instant local law hereby supersedes, inconsistent provisions of New York State Law, except that nothing in the instant local law shall authorize conduct otherwise prohibited by Article 18 of the General Municipal Law. In particular and without limitation, it is the intent of the Town Board to supersede, and the instant local law hereby supersedes, any inconsistent provision of subdivision 1 of section 808 of the General Municipal Law relating to the composition of the Board of Ethics

Section 5. Severability

Should any section, sub-section, paragraph, sub-paragraph, sentence, clause, phrase, or other portion of this Local Law be declared invalid by a court of competent jurisdiction such action shall not be construed to invalidate the remaining portion of this Local Law.

Section 6. Effective Date and Applicability.

This Local Law shall take effect immediately upon filing by the Town with the Secretary of State of the State of New York, and shall govern conduct on or subsequent to the date thereof.

RESOLUTION TO CREATE A 5 TON WEIGHT ON TINKER HILL ROAD

Presented by Councilman Mackay

RESOLUTION # R-16-310

RESOLVED that the Town Board authorize the Supervisor to enact a five (5) ton weight limit for all vehicles on Tinker Hill, except for delivery and emergency vehicles, **effective immediately.**

Councilman Mackay said that this is the result of an accident where a garbage truck lost its brakes coming down Tinker Hill, went across the road and down the embankment on the other side. This could have been much more serious than it was. The Highway Superintendent will put out the signs tomorrow.

Seconded by Councilman Mackay, unanimously carried

BUILDING DEPARTMENT REPORT

Presented by Councilwoman Annabi

RESOLUTION #R 16-311

RESOLVED, that the Town Board accept the August 2016 Building Department Report.

Seconded by Councilman Mackay, unanimously carried

PARKS & RECREATION REFUNDS

Presented by Councilman Mackay

RESOLUTION #R 16-312

RESOLVED, that the Town Board approve the following refunds:

Jenn Funes	\$381.00
36 Sawmill Road	PVCC
New Fairfield, CT 06812	No longer moving to PV
Antlin Corp.	\$35.00
Amici Pizza	Volleyball
1099 N. Division Street	Overpayment
Peekskill, NY 10566	

Seconded by Councilwoman Annabi, unanimously carried.

PARKS & RECREATION PERSONNEL

Presented by Councilman Mackay

RESOLUTION #R 16-313

RESOLVED, that the Town Board approve the following additions/changes to personnel:

1. Edward Lent, Recreation Assistant, @ \$15.00 per hour.
2. Vickie McDonald, PVCC non-supervisory pay rate @\$13.70 per hour.
3. Caudina Hurray, Recreation Assistant @ 12.00 per hour.

Seconded by Councilwoman Annabi, unanimously carried

LAKE PEEKSKILL LAKE LOWERING

Presented by Councilman Luongo

RESOLUTION #R 16-314

RESOLVED, that the Town Board authorize the Lake Peekskill District Employees to commence lowering Lake Peekskill by six feet beginning October 15, 2016.

Seconded by Councilwoman Annabi, unanimously carried

ROARING BROOK LAKE LOWERING

Presented by Councilman Luongo

RESOLUTION #R 16-315

RESOLVED, that the Town Board authorize the Roaring Brook Lake Dam Custodian to begin lowering the lake by four feet beginning November 15, 2016.

Seconded by Councilman Mackay, unanimously carried

AWARD DISTRICT GARBAGE BID

Presented by Councilwoman Whetsel

RESOLUTION #R16-316

RESOLVED that the Town Board accept the lowest bid for the collection and disposal of residential garbage and recyclables from the Districts within the town of Putnam Valley from AAA Carting & Rubbish Removal, 480 Furnace Dock Road, Cortlandt Manor, New York.

The bid was \$147,919.28 for the year 2017, \$151,500.00 for 2018 and \$154,500.00 for 2019. The bid prices now include providing a 96 gallon trash can for each residence. The Supervisor will sign a three (3) year contract for the bid prices listed above.

The bid opening minutes are attached.

Seconded by Councilman Mackay, unanimously carried

DISTRICT GARBAGE BREAKDOWN OF BID RESULTS			
CITY CARTING	ONE YEAR	2ND YEAR	3RD YEAR
ABELE PARK	29,700.00	29,700.00	30,591.00
BROOKDALE	9108	9108	9376
GLENMAR	9900	9900	10,197.00
HILLTOP	24,948.00	24,948.00	25,696.00
LOOKOUT	44,748.00	44,748.00	46,090.00
RBL	114,444.00	114,444.00	117,877.00
WILDWOOD	30,492.00	30,492.00	31,406.00
	263,340.00	263,340.00	271,233.00
AAA CARTING & RUBBISH REMOVAL			
	ONE YEAR	2ND YEAR	3RD YEAR
ABELE PARK	16,707.75	17,000.00	17,500.00
BROOKDALE	5,123.71	5,250.00	5,500.00
GLENMAR	5,568.25	5,750.00	6,000.00
HILLTOP	14,034.51	15,000.00	15,500.00
LOOKOUT	24,950.24	25,500.00	26,000.00
RBL	64,380.53	65,000.00	65,500.00
WILDWOOD	17,153.29	18,000.00	18,500.00
	147,919.28	151,500.00	154,500.00



BID OPENING FOR DISTRICT GARBAGE
September 19, 2016
2:00 PM

Bid Opening for: The collection and disposal of residential garbage and recyclables from various Districts within the Town of Putnam Valley

Present: Sherry Howard, Town Clerk
Judith Travis, District Clerk
Representative from AAA Carting
Representative from City Carting

The Town Clerk called the bid opening to order at 2:00 p.m.

Two sealed bids were received and read as follows:

1. City Carting, Inc.
PO Box 17250
Stamford, CT 06907

Check in the amount of \$1000.00 enclosed
Non-collusion affidavits signed
Certificates of Insurance enclosed

Lump Sum total per year =	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
	\$263,340.00	\$263,340.00	\$271,233.00

Please see attached spreadsheet for the bid per District.

2. AAA Carting & Rubbish Removal, Inc.
480 Furnace Dock Road
Cortlandt Manor, NY 10567

Check in the amount of \$1000. enclosed
Non-collusion affidavit signed and enclosed.

Lump sum total per year =	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
	\$147,919.28	\$151,500.00	\$154,500.00

Please see attached spreadsheet for the bid per District.

Respectfully submitted,



Judith Travis
District Clerk
9/4/2013

BUDGET TRANSFERS & AMENDMENTS


Presented by Supervisor Oliverio

RESOLUTION #R 16-317

RESOLVED, that the Town Board approve the following budget transfers and amendments as submitted by Finance Director Angelico:

Seconded by Councilwoman Annabi, unanimously carried.

TOWN OF PUTNAM VALLEY

TO. TOWN BOARD
FROM. MARIA ANGELICO 
SUBJECT. BUDGET TRANSFERS
DATE. SEPTEMBER 16, 2016

Hereby request your approval of the attached Budget Amendments and Transfers through September 16, 2016.

Date Prepared: 09/16/2016 01:16 PM

TOWN OF PUTNAM VALLEY
Budget Adjustment Form

GLR4150 1.0
Page 1 of 1

Year: 2016 Period: 9 Trans Type: B1 - Transfer Status: Posted
 Trans No: 111450 Trans Date: 09/16/2016 User Ref: MANGELICO
 Requested: Approved: Created by: MANGELICO 09/16/2016
 Description: BUDGET TRANSFERS THROUGH 9/16/2016 Account # Order: Yes
 Print Parent Account: No

Account No.	Account Description	Amount
A.1010.400	TOWN BOARD.PLANNING/LEGAL CONSULTING	1,100.00
A.1010.424	TOWN BOARD.CONTRACTUAL	-1,100.00
A.1355.424	ASSESSMENT.CONTRACTUAL	250.00
A.1420.400	LAW.SPECIAL LEGAL COUNSEL	7,500.00
A.1660.410	CENTRAL SERVICE.PRINTING & ADV	-250.00
A.1990.400	CONTINGENT ACCOUNT	-7,500.00
A.1990.400	CONTINGENT ACCOUNT	-400.00
A.1990.400	CONTINGENT ACCOUNT	-245.58
A.1990.400	CONTINGENT ACCOUNT	-1,062.00
A.3310.200	SIGNS.TRAFFIC SIGNS	400.00
A.3620.412	INSPECTORS.BANK FEES (CREDIT CARD)	200.00
A.3620.424	INSPECTORS.CONTRACTUAL	-200.00
A.7022.200	CAMP.EQUIPMENT	100.00
A.7022.400	CAMP.SUPPLIES	6,600.00
A.7310.200	CHILDRENS CENTER.EQUIPMENT	-600.00
A.7310.400	CHILDRENS CENTER.CONTRACTUAL	-6,100.00
A.7989.400	COMMITTEE FOR THE ARTS	245.58
A.9010.800	STATE RETIREMENT	-2,000.00
A.9040.800	WORKERS COMPENSATION	2,000.00
A.9710.600	BOND.PRINCIPAL	5,000.00
A.9710.700	BOND.INTEREST	-3,938.00
Total Amount:		<u>0.00</u>

AUDIT OF MONTHLY BILLS

Presented by Supervisor Oliverio

RESOLUTION #R 16-318

RESOLVED, that the Town Board approve the following bills, after audit, being paid:

Seconded by Councilwoman Annabi, unanimously carried.

<u>VOUCHER NUMBERS</u>	<u>AMOUNTS</u>
16333-16552	52,099.82
16267-16509	97,076.44
16385-16569	98,753.56
16596-16890	69,372.13

PUBLIC COMMENT

Resident, Israel Moljo, a resident of Floradan Estates, spoke at the podium. He discussed the many homes that are abandoned and in foreclosure around his home. There are three surrounding his home on every side. One home in particular is abandoned, in deplorable shape and animals have moved into it. Supervisor Oliverio said that our attorney, Bob Lussardi, is already in court on that one house; and the problem they are having is the bank claims it has no knowledge of it. That's okay we are going to tear it down anyway. It is scheduled for removal in early spring and then the bank will put that lot up for sale. The other two houses will be next. He added that the Town has many houses like this and eventually they will all be ripped down. Councilman Mackay said that it does take time as you have to track down which bank owns each house; but this is an unsafe structure. We put each house out to bid to get it demolished. Once that's done the County reimburses us, and then they go after the bank or owner to get themselves repaid by placing a lien. The County can also sell the lots afterward. Mr. Moljo is upset because he cannot even sit on his deck due to the smell and the view.

Councilman Louis Luongo said that the Fire Department's 70th anniversary parade is being held on October 1, 2016. He added that Oscawana Lake Road will be closed for a little while to get the parade and all the vehicles through as quickly as they can in order to keep everyone safe. The parade starts at 2:00 PM. They are expecting quite a crowd. They only have a parade once every five (5) years. The reviewing stand will be in the Town Park. The house at 2 Williams Street looks fabulous. They cleared some of the property and grass has been planted. The Lake Peekskill Post Office also looks great. Everyone should do a little cleaning around their property.

The Fire Department is holding its annual Halloween Party on October 29th at 7:00 PM. The cost is \$35.00 per person. It is being held at the Firehouse. The AM Band will be playing. There is dinner and an open bar. There will also be prizes awarded for the best costume. If you are interested please call Councilman Luongo at 845-528-9148.

Supervisor Oliverio asked Fire Department Member Mitzi Eagens to discuss the preliminary plans for the new firehouse at the meeting on October 19th. He said he could and then went up to the podium to introduce the subject. He explained how much it is needed. The current firehouse has many violations. They have been working on the plans for seven (7) years. They have done all sorts of cuts to make this a cost effective and efficient building. It is being planned with foresight to any future needs by making sure it is big enough. It should serve the Town for 80 years. They considered adding an addition to the current Fire House but that would cost quite a lot of money and would not meet their needs. They went around looking at other firehouses to see what they need and what would not work. One way they are able to save a lot of money with this building is that they do not have to comply with the prevailing wage rules. Mr. Eagens added that when the budget for the new building runs out, they will stop spending. He is unsure if the upstairs will be able to be completed by the time the new firehouse opens – because they may run out of funds. They are going to take whatever they can from the other building to save money as well. Fire Department Member Ed McCarthy came up and said that the Fire Department as it stands currently has no showers to wash off the carcinogens the Fireman get covered with at some of the fires they respond to. Also, there is nowhere to wash their gear so they have to bring this clothing home to their families. There are many health and safety issues that this new building will solve. Mr. Eagens said this new firehouse will have hazmat showers for the gear and equipment. There will also be training potential at this new building instead of them always having to travel. The bays will now be large enough to accommodate the trucks. There will be a sprinkler system in the building as well as bunk rooms in case they need to sleep at the firehouse during any emergency situation i.e. Hurricane Sandy. The Town has a very active department, with at least 100 active members. Councilwoman Annabi said that they do more than fight fires; they are very active in our community and are always there to help. She said that they are the only Town entity that we can rely on and the new building is a no brainer. Supervisor Oliverio said that without a Fire Department you cannot get homeowners insurance. He believes it is time to move ahead with this. This is the only Department getting new recruits. He is sure there will be push back and that's okay. We need a roundabout projection of the cost for the meeting on October 19th. Fire Department Member, Mr. Tansey, said that we have the second lowest mil rate in the County. With the new building our mil rate will only go up from .70 to .90. He added that the Fire Department is in good financial shape so that should help the interest rate they get. Supervisor Oliverio said that the Board is thinking of giving the Fire Department a 15-20 year contract versus the current one (1) year contract. Mr. Tansey said that this will also help keep the interest rate low. A multi-year contract would really help. It's much cheaper to have a volunteer Fire Department versus a paid one.

Supervisor Oliverio moved to go into executive session at 7:14 PM to discuss personnel matters with the Public Hearing commencing at 8:00 PM.

Seconded by Councilman Mackay, unanimously carried.

Respectfully submitted,

Sherry Howard
Deputy Town Clerk
9-22-2016

**PUTNAM VALLEY TOWN BOARD
PUBLIC HEARING
8:00 P.M.
WEDNESDAY, AUGUST 21, 2016**

Public Hearing on Unsafe and Dangerous Structure

PRESENT: Supervisor Oliverio
Councilwoman Annabi
Councilwoman Whetsel
Councilman Mackay
Councilman Luongo

ALSO PRESENT: Town Clerk Sherry Howard
Town Counsel Bill Florence

Supervisor Oliverio opened the Public Hearing at 8:00 PM

This Public Hearing is on the unsafe structure located at 192 Tanglewylde Road, Putnam Valley, New York 10537. Tax parcels # 83.50-1-10 and 83.50-1-14 facing demolition by order of the Town of Putnam Valley.

Supervisor Oliverio asked if there were any Public Comment on the unsafe structure located at 192 Tanglewylde Road. There were none. Councilman Luongo asked the Supervisor to clarify, and give the public a little background. Supervisor Oliverio said that at the beginning of the year the Town Board said that they were going to get rid of the many “zombie” homes in Putnam Valley that are blighting our neighborhoods. This one is a burned out structure and it is the first one we are going after. The process is very involved. We have to find out who owns it, we need to see if it is in foreclosure; and then we have to have our attorney file the necessary legal paperwork. Then the Public Hearing must be done. We had to get the Building Inspector and the Town Engineer’s report to make sure it is an unsafe structure. Now we will put out to bid the demolition of that structure. We are not playing games with these structures anymore. People want to have pride in their neighborhood. It’s a long process, and keep in mind the tax payer does not have to pay for this.

Supervisor Oliverio moved to close the Public Hearing at 8:03 PM.
Seconded by Councilman Mackay, unanimously carried.