

**PUTNAM VALLEY TOWN BOARD**  
**PUBLIC HEARING**  
**6:00 P.M.**  
**WEDNESDAY, MAY 09, 2018**

**PROPOSED CELL TOWER AT 265 OSCAWANA LAKE ROAD**

**IMMEDIATELY FOLLOWING:**  
**PUTNAM VALLEY TOWN BOARD WORK SESSION**

1. Pledge of Allegiance
2. Presentation on the Natural Resource Inventory
3. Vote on the Residency Exemption for Building/Code Enforcement Officer and Deputy Code Enforcement Officer/Deputy Building Inspector

**PUTNAM VALLEY**  
**TOWN BOARD MEETING**  
**PUBLIC HEARING**  
**MAY 9, 2018**  
**6:00 P.M**

**PROPOSED CELL TOWER AT 265 OSCAWANA LAKE ROAD**  
**(TOWN HIGHWAY GARAGE)**

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

Also Present: Sherry Howard, Town Clerk  
Absent: William Florence, Town Attorney

Pledge of Allegiance and moment of silence for our armed forces.

**PUBLIC HEARING to DISCUSS PROPOSED CELL TOWER AT 265 OSCAWANA**  
**LAKE ROAD - (TOWN HIGHWAY GARAGE)**

Presented by Supervisor Oliverio

Supervisor Oliverio moved to open the Public Hearing at 6:03 pm.

Seconded by Councilperson Mackay, unanimously carried.

Richard France, 28 Canopus Hollow Road, went to the podium to speak. He wondered how big the tower will be. Will he be able to see it from his house? Will it decrease the value of his property? Are there health risks? He is deeply concerned.

Supervisor Oliverio introduced two (2) experts Robert Gaudioso, from Snyder and Snyder, LLP on behalf of Homeland Towers and Regional Manager, Vincent Xavier from Homeland Towers. Mr. Gaudioso said we are having a Public Hearing simply in the consideration of a proposed lease on Town Property. Any actual impact such as esthetic impacts, permits etc. would essentially be a part of the zoning process. It is designed as a 160' tower which would accommodate the Town's Emergency Service antennas and wireless carriers. It will be placed on a 3,312 square foot piece of property behind the Highway Garage.

As far as radio frequency exposure – that is actually an issue that has been federally preemptive. In 1996 the Federal Government passed the “Telecommunications Act”. They determined based on the scientific evidence that there is no impact on health because the frequencies are low based on the power they operate at. As long as an applicant has an:

- (A). FCC license and prepares a report like we did;
- (B). As long as they are within the federal limit; and
- (C). As long as they are within the guidelines that the FCC established based on the scientific consensus, then a local jurisdiction is unable to act on the site on the basis of health concerns.

This particular tower will be less than 1.5% of the allowable 100% limit that the Government permits - this is a fraction of what the Federal Government allows. We brought copies of our report which we will share with the community. He continued by saying that everything gives off radio frequencies including the lights in your rooms as well as your refrigerator. Your cell phone is held directly up against your body - so you get more radio frequency from your phone than you will get from the tower. Supervisor Oliverio asked about the aesthetics. He said at the Kent Town Hall they have disguised theirs as a pine tree. Mr. Gaudioso responded by saying that is part of the Zoning Board process as this is not subjective. These Boards are better suited to determine what would be best in making the tower more pleasing to the eye.

Mr. France said because the Tower is 160' high it is considerably higher than the surrounding trees in the area - is that taken into account as part of the Zoning Process of aesthetics? Mr. Gaudioso said it is not a building so it is narrow not bulky. They take into account real live sight lines. It is all about the angles. The facilities have to be above the tree line in order to be able to provide the necessary signal. Mr. France is not worried about the health concerns - he is worried about his property value. It will be in sight from his property. Mr. Gaudioso said they have had studies done, and in dozens of different circumstances in respect to wireless facilities, it does not seem to have that kind of negative impact on property values as some people might suspect. In this day and age a cell tower has become a ubiquitous public necessity.

Supervisor Oliverio said that originally the County wanted to place a Tower in the Town Park by the Senior Center. The Board felt that it was not appropriate because it was the Town Park and there are kids there. In case of even the slightest chance that there are any negative health effects we did not want it to affect our youngest population or our senior population. Here we are surrounded by concrete buildings, so it is a better location. This tower will benefit our Emergency Services and help with the loss of reception that happens in certain areas of Putnam Valley such as Dennytown Road.

Resident, Lisa Kroohs, noted that you did not want to put the Tower in the park near the kids and the seniors but my house and Mr. Frances' house are not concrete buildings; and we are on either side. Supervisor Oliverio responded that your houses are so far away you will not be affected by any radiation at all. At the park it would have been right alongside the Senior Center. He understands the aesthetics issue but it will be vetted by the Zoning Board and the Planning Board etc. Mr. Kroohs asked why the Town could not put the tower up on Marsh Hill Road instead. Councilperson Luongo told him that it would not work there because it would do us no good at all. It is too far away from where the reception is the poorest. Not all cell towers work for everything and for radios it is worse. It comes down to line of sight. Twenty years ago the old towers that were put in were good enough. The trees have grown taller and the towers can no longer get reception. That's why we have to go higher above the tree lines. We do have dead spots. We need these towers especially during the bad storms we have been having. It's an evil necessity. The "I've fallen and I can't get up button" is actually a cellular transmitter and that's why you can use it anywhere. That's another important reason we need this tower.

Supervisor Oliverio added that it is also easier to maintain the tower here. It will be a fenced in area and having it here will make it easier to access. When 5G technology comes out you will really need the cell tower to even watch your TV. The new technology will replace cable. Mr. Gaudioso said there will be more control over it here at Town Hall - you can secure it and keep eyes on it. This is a major concern.

Resident, Steve Ho who lives on Church Road asked how big an area one (1) tower will improve. Mr. Gaudioso said with its height it will improve a large area - but in our zoning process we will have actual propagation maps which will show exactly where it will improve and how it will work with each cell carrier. Mr. Ho doubts one tower will help the whole Town, so he expects to see them popping up all over. Mr. Gaudioso said each tower improves a certain amount of area so there will still be coverage gaps. It will not cover the whole town. Mr. Ho asked if the FCC study done only looked at the effects on humans – did it also cover birds and animals? Mr. Gaudioso said there are other Federal Rules that apply to wildlife and historic things etc. These things are looked at not in relation to the radio waves but instead how the placement of the tower might affect other things which include wildlife. The study on birds found that only certain lights can be used on the towers and additionally no guide wires should be used on towers that are 400' high or more. This tower will not be that tall so it should not affect the birds. Mr. Ho enquired if there is a revenue issue involved? Supervisor Oliverio stated that from what he has studied the Town will be getting about \$2,000.00 a month plus 35% of what a subscriber pays for renting the tower space. Every Town Supervisor he spoke to said we have gotten a very good deal. We will use that revenue for the Highway Department since it is located up there. Our ability to use the tower for our Emergency Services is free.

Attorney Florence asked what the next steps are if the Town Board approves the Cell Tower Contract? Mr. Gaudioso explained that the next step is to make an application to the Planning Board under Town Code. There is a special permit and site plan needed so there will be a Public Hearing. Mr. Ho said some communities around us have shut down these towers because they are very much against them– what make us different? Supervisor Oliverio said in the Garrison/Cold Spring area they wanted to put the tower in the middle of a cemetery. So there is historic concern there. This is a Municipal endeavor overseen by the town and it is away from homes and people. This Board feels very much in control of this - unlike some of the other Boards. Attorney Florence gave a discourse on why some of the surrounding Towns were not in favor of the proposed placement of their respective towers.

Resident, Eileen Reilly, asked how long this project will take to complete. Mr. Gaudioso said with all of the studies that need to be done, getting the proper permits, the zoning process and construction process, it should take about 5-8 months to go through the process.

Councilperson Luongo asked if the Board was going to keep the Public Hearing open. Supervisor Oliverio said yes, he would be willing to hear comments and receive e-mails over the next week.

Supervisor Oliverio closed the Public Hearing at 6:35 PM.

It was seconded by Councilperson Mackay, unanimously carried.

**PUTNAM VALLEY TOWN BOARD**  
**WORK SESSION**  
**6:38 P.M.**  
**WEDNESDAY, MAY 9, 2018**

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

Also Present: Sherry Howard, Town Clerk  
William Florence, Town Attorney

**PRESENTATION ON THE NATURAL RESOURCE INVENTORY**

Presented by Supervisor Oliverio

Mr. Glenn Sapir, resident and member of the Commission for the Conservation of the Environment spoke first. He said the Commission's first priority is to update the mapping of the Master Plan. The mapping we have is at least 11 years old and they are the basis for many important decisions made by the Town Board and other Boards. The stumbling blocks they faced were funding and expertise – until they learned about the Natural Resource Inventory. This program provided both funding and the much needed expertise. They are now working with the company that created the original mapping. These maps should educate the residents as to what we have here both historically, open lands, and environmentally. This idea of the NRI which includes scenic resources, historic sites and permissible recreation opportunities etc. has been embraced by the School District. These maps will incur no cost to the Town.

Ingrid Haeckel, who is a DEC Conservation and Use Specialist; Hudson River Estuary Program, spoke next. She said she works with Municipalities to help identify important natural areas and habitats and wildlife resources and strategies to conserve them at the local level. In 2015 we realized that many communities lacked the necessary information about their important resources; so we began to help them put together information on their geology and soils, topography, ground water, streams, wetlands, animal habitats etc. including trails, and historic sites. We are now working with 25 rural and city communities to put this information together. Ms. Haeckel related that the CCE's interest in working with the NRI led to a partnership with the Hudson Highlands Land Trust as well.

These updates will provide a foundation to help the Town Board with decision making, and to educate land owners and developers. When the Planning Board is reviewing projects it can help them with questions to ask applicants and what to look for in context with your resources. The School District also sees this as an education tool. It is an information resource for you to use. Supervisor Oliverio thanked her for all she has done, the partnership she created and is appreciative that there is no cost to the Town for all she is helping to provide.

The next presenter was Karen Doyle, Manager for Public Policy and Planning at the Hudson Highlands Land Trust in Garrison, New York. She has served on her Town's Planning Board and reiterated how important the information that they are working on can be to the Town Board and Planning Board. You had maps already that are pretty old and we have already completed our first drafts. Your Comprehensive Plan had about nine (9) maps – we are adding at least 12 more. We are also setting up with our GIS mapper an online website for public accessible areas for people to look at and explore. We will also be holding a public workshop on June 24<sup>th</sup> at the Putnam Valley Library for people who do not use apps. The School District also had some great ideas of how to include the students and their families. These resources keep your water and air clean as well as other benefits, so there is a public benefit as well. We really do want public input so please let us know if you have anything to add.

### **SCHOOL DISTRICT PRESENTATION**

Presented by Supervisor Oliverio

Ms. Figarella said she left copies of the budget presentation if anyone wants one (1) or you can find it on the website. The School Budget Vote is being held on May 15<sup>th</sup> at the Elementary School from 6 AM to 9 PM. The budget newsletter has gone out and people have confirmed they have received them. The proposed budget does carry a tax levy which is below the allowable CAP - - 2.72% is the tax levy increase for the coming year. The good news is that residents who qualify for the Tax Relief Credit will get it because we did stay under the CAP. Unfortunately we did receive a very low amount of State Aid and were given less Foundation Aid then we were told we would be given. In fact, we only received an additional \$87,000.00 this year in aid which does not come close to covering the increased pension and health care premium expenses. Regular contractual and vendor payments have also increased; so we will have to again make use of reserves. We have to be careful about how much of that we use. It is important to note that we have stayed under the Budget CAP for the last seven (7) years. The second thing on the ballot this year is for school bus financing. This has nothing to do with the new later start time. It is simply to keep up with the District's own fleet of buses. Buses cost between \$65,000.00 and \$90,000.00 depending on the size of the bus.

The Proposition is asking for the approval the District to go out and borrow the money to buy a bus - which would allow us to get a five (5) year payment plan. This is a tool to allow us to finance a bus if we need it. Supervisor Oliverio asked what the tax impact is next year if the bus proposition passes. Ms. Figarella said there is no anticipation to buy the buses. The money will stay in the account and will only be used when it is needed. When it is depleted we will have to do this all over again. Right now there is no need to buy any buses. A major expense this year is our Energy Performance Contract. It is just kicking in now. We are just purchasing what we need to do this - so our savings have not started yet – we will save money as this project goes on in the second and third years. You will be getting the money back in the long run. Lastly, there is always the possibility of a Contingency Budget. Under the Tax CAP Law the School District would have to revert to last year's tax levy amount. This would be \$971,000.00 less than what is in this year proposed budget. So those cuts could be significant and devastating – so don't be lax about coming out to vote this year.

Natalie Doherty, Assistant Superintendent of the Putnam Valley School District spoke next. She said that she works with the Special Education Department and she has heard that people thought they were cutting funding to Special Education Programs. Ms. Doherty stated that this is not the case. The shift in the numbers is because the personnel numbers were reallocated. Based on the numbers for next year two (2) Teacher Assistant positions were cut. The amount of teachers has not been cut. Other than that there are no changes. Students with disabilities in the High School will be going into General Education classes with the addition of a Special Education teacher. The evidence suggests when students with disabilities are exposed to the general curriculum with the proper supports they do better across the board; and it increases their opportunity for graduation. The State has given us more options for pathways to get these students to graduate with diplomas. Not everybody fits one (1) mold. We have created a perfect balance – it's a great hybrid. We have also begun partnerships with many community organizations such as the DEC, Parks and Recreation and the Library. We have also partnered with the County for added counseling services for our children.

Councilperson Annabi mentioned that a loop bus would be very helpful for many people especially students. The School District could help by supporting this idea. She said to Ms. Doherty that it would be the most beneficial for students who want to work or after school recreation. Ms. Doherty agreed wholeheartedly and added that there are many children for whom transportation is a problem; and this is a major issue in our community. We are working with other School Districts to get some recreation for children with disabilities and the loop bus would help there as well.



**VOTE ON THE RESIDENCY EXEMPTION FOR BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER AND DEPUTY CODE ENFORCEMENT OFFICER/DEPUTY BUILDING INSPECTOR**

Presented by Supervisor Oliverio

**RESOLUTION #R18-171**

**RESOLVED** that in the Town of Putnam Valley, Putnam County, the provisions of the NY State Consolidated Laws, Public Officer's Law Article 2, Section 3 requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he shall be chosen or within which his official functions are required to be exercised, shall not prevent the person (s) performing the functions of Building Inspector of the Town of Putnam Valley or the Code Enforcement Officer of the Town of Putnam Valley, or the Assistant/Deputy Building Inspector of the Town of Putnam Valley and/or the Assistant/Deputy Code Enforcement Officer of the Town of Putnam Valley provided that such person resides in the County in which such Town is located or an adjoining County within the State of New York.

Seconded by Councilwoman Whetsel, unanimously carried.

**ROLL CALL VOTE**

<b>COUNCILMAN LUONGO –</b>	<b>AYE</b>
<b>COUNCILMAN MACKAY -</b>	<b>AYE</b>
<b>COUNCILWOMAN ANNABI -</b>	<b>AYE</b>
<b>COUNCILWOMAN WHETSEL -</b>	<b>AYE</b>
<b>SUPERVISOR OLIVERIO –</b>	<b>AYE</b>

**MOTION CARRIED WITH 5 AYE'S and 0 NAYS**

Supervisor Oliverio said that there is a Public Hearing next week on some small necessary updates and changes to our Zoning Code to put us in compliance with our zoning ordinances. We will also be presenting the MAGMAH Awards and voting on the cell tower lease. Two (2) Eagle Scouts and the Putnam Valley Historical Society will also be recognized.

Supervisor Oliverio moved to go into Executive Session at 7:16 PM to discuss a personnel matter and an update on a contract. No further business will be conducted after the Executive Session.

Seconded by Councilperson Annabi, unanimously carried.

Respectfully submitted,

Sherry Howard  
Town Clerk  
5/15/2018