

PUTNAM VALLEY TOWN BOARD
PUBLIC HEARING
6:00 P.M.
WEDNESDAY, NOVEMBER 07, 2018

FIRE DEPARTMENT AND TOWN/HIGHWAY/DISTRICT BUDGET 2019
AND BREAKING THE TAX CAP

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

Also Present: Sherry Howard, Town Clerk
Maria Angelico, Director of Finance
William Florence, Town Attorney

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

SUPERVISOR'S OPENING COMMENTS

Supervisor Oliverio welcomed everyone to the meeting. He said that Town Hall will be closed on November 12, 2018 for Veteran's Day. The Veteran's Day ceremony is being held on Sunday, November 11th at 11:00 AM. Veteran's Day is always celebrated on the 11th month of the year, the 11th day of the month on the 11th hour.

PUBLIC HEARING ON 2019 FIRE DEPARTMENT

Presented by Supervisor Oliverio

The Town Board met and Supervisor Oliverio put forward the 2019 Fire Department Budget. He said the Fire Department Budget is \$1,444,000.00, which is a 7.24% increase. He asked for any public input on this.

Seeing that there were no comments, Supervisor Oliverio moved to close the meeting at 6.03 PM. It was seconded by Councilperson Mackay, unanimously carried.

PUBLIC HEARING ON 2019 TOWN/HIGHWAY/DISTRICT BUDGET AND BREAKING THE TAX CAP

Presented by Supervisor Oliverio

Supervisor Oliverio put forward the 2019 Town/Highway/District Budget.

Seconded by Councilperson Annabi, unanimously carried.

Supervisor Oliverio said if we wanted to play with our budget we have our Town General Fund which does not include the Highway Department, Fire Department or the Lake Districts. If we took these out (and just funded the Town) we would have a minus 1.52% change, some Towns do this, but it is not full transparency. When we add back the Highway Department portion of the budget, (because we had such a rough winter) the budget is a little bit higher this year. In addition the Fire Department and District budgets are also a little higher because of their needs. When you mix that all together we are looking at a 2.84% tax impact increase which is .84% over the Tax CAP. The Tax CAP is ridiculous because we have union agreements, medical insurance, and the price of oil; gasoline, salt etc. have also gone up. We are down to the bone with our staff and there are no more cuts that can be made. It's amazing that we got the budget down as low as it is. Supervisor Oliverio asked for any public comment. There was none.

Supervisor Oliverio closed the Public Hearing at 6:07 PM.

Seconded by Councilperson Mackay, unanimously carried.

Supervisor Oliverio said next week we will be adopting the State mandated Resolution allowing us to break the Tax CAP. Municipalities do not have to vote on breaking the CAP as School Districts do, the five (5) Town Board members are the only ones who need to vote on the Town Budgets. If the Schools broke the CAP there would be no rebate, but the School District is staying below the Tax Cap again this year. Councilperson Luongo thanked the Town Department Managers, Ms. Angelico and the Town Board for all working together to get this done.

PUTNAM VALLEY TOWN BOARD
PUBLIC HEARING
6:00 P.M.
WEDNESDAY, NOVEMBER 07, 2018

FIRE DEPARTMENT AND TOWN/HIGHWAY/DISTRICT BUDGETS FOR 2019
IMMEDIATELY FOLLOWING:

PUTNAM VALLEY TOWN BOARD
WORK SESSION
AGENDA
WEDNESDAY, NOVEMBER 07, 2018

1. Pledge of Allegiance
2. Propose a 6 month moratorium on all vape shops until the Town can conduct a concentrated study on the appropriate locations. Set a hearing date for this proposal.
3. Accept the resignation of Nicole Prontelli
4. Hire Fred Finger as temporary Building Inspector effective 10/29/18 at \$26.00 per hour with no benefits
5. Discuss camp vote results
6. Update from Counsel on Food Truck Law and Snow Districts
7. Update on Airbnb regulations
8. Horton Hollow Road update.
9. Appoint Anthony Williams as ad hoc member of the Planning Committee effective immediately for the remainder of the year until 12/31/18.
10. Discuss National Resource Inventory. Vote to approve will be 11/14/2018
11. Audit of monthly bills

PUTNAM VALLEY TOWN BOARD
WORK SESSION
7:00 PM
WEDNESDAY, NOVEMBER 07, 2018

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

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

PROPOSE A SIX (6) MONTH MORATORIUM ON ALL VAPE SHOPS UNTIL THE TOWN CAN CONDUCT A CONCENTRATED STUDY ON THE APPROPRIATE LOCATIONS FOR SUCH SHOPS. SET HEARING DATE.

Presented by Councilperson Luongo

Supervisor Oliverio said we have looked at other Towns in our County who have instituted some regulations on where a vape shop can go. We want to make sure any vape shops that come in are not near such places as churches or schools. We are taking a six (6) month moratorium on allowing any vape shops to come in. we will have a Public Hearing on this on December 12, 2019. Supervisor Oliverio said up on Bryant Pond Road near the Mobil on the Run would be a good place. This is not a moratorium on anything that already exists. Councilperson Annabi said the gas station on Bryant Pond Road already has a pop-up vape shop in it.

RESOLUTION # R18-307

RESOLVED that the Town Board set a six (6) month moratorium on all vape shops until the Town can conduct a concentrated study on the appropriate locations for such shops. A Public Hearing date of December 12, 2018 is set for this proposal.

Seconded by Councilperson Annabi, unanimously carried

ACCEPT THE RESIGNATION OF NICOLE PRONTELLI EFFECTIVE, 2018

Presented by Councilperson Annabi

RESOLUTION # R18-308

RESOLVED that the Town Board authorize the Supervisor to accept resignation of Nicole Prontelli from the position of Clerk to the Building Department effective September 7, 2018.

Councilperson Annabi said Nicole was a pleasure to work with and was an asset. This resignation is accepted with great regret by the entire Town Board.

Seconded by Councilperson Mackay, unanimously carried

HIRE FRED FINGER AS TEMPORARY BUILDING INSPECTOR

Presented by Councilperson Whetsel

RESOLUTION # R18-309

RESOLVED that the Town Board hire Fred Finger as temporary Building Inspector effective 10/29/2018 at \$26.00 per hour with no benefits.

Seconded by Councilperson Luongo, unanimously carried

DISCUSS CAMP VOTE RESULTS

Presented by Councilperson Mackay

Councilperson Mackay announced that the camp passed and now we will move ahead. This is a positive for the community. He thanked Frank DiMarco and Phil Keating for their work. Councilperson Whetsel said it is a benefit for our community, and gives us both children and adults a place to meet. Supervisor Oliverio said we are now in communication with the Bond Committee. He added our park was set up piece by piece and we will handle the camp property the same way.

UPDATE FROM COUNSEL ON FOOD TRUCK LAW AND SNOW DISTRICTS

Presented by Councilperson Mackay

Town Attorney Florence has an important engagement and is currently on his way to the meeting so this issue will be discussed when he arrives. Councilperson Mackay said he would like the Town to keep pursuing the snow district issue. Supervisor Oliverio said this will not be a big deal; it will be a "home rule issue". Councilperson Mackay told the residents that the way the law is written the Putnam Valley Highway Department is not allowed to plow or maintain private roads. It would benefit the people that live on these roads to form a snow and maintenance district - which they have been pursuing for a number of months. Right now the road block is that this has to be set up by "Home Rule". We will send a letter to Albany, and petition them to allow us to do this by "Home Rule" like we have done with other things.

Supervisor Oliverio said our Town Council has put together a law on allowing food trucks in the Town of Putnam Valley. We will discuss this when Attorney Florence gets here.

UPDATE ON AIRBNB REGULATIONS

Presented by Supervisor Oliverio

Supervisor Oliverio said we have a law that we have modeled after the one they use in Monroe. We are hoping by next month it will all be put together. It will be \$3,000.00 per bedroom, and will require a Special Use Permit which will have to put before the Planning Board and the Town Board. This will need to be done yearly. They will need approval from the Department of Health that their septic system can handle it. There will be no more than two (2) people allowed per bedroom. There is no way to stop this but at least it can be regulated, and fines can be given to those who break the law. Their permit can also be revoked if needed. Councilperson Mackay said that people that live around the lakes will suffer the most if we don't do this the right way.

HORTON HOLLOW ROAD UPDATE

Presented by Supervisor Oliverio

Supervisor Oliverio said that the Town Board all received the write up from Bruce Barber and Todd. The next step is that they have an appointment with the DEC for advice in pursuit of the paving. The next step they will do is the schematic, then the full engineering plans; and finally we will go out to bid. Horton Hollow Road Resident, Ken Kuritzky said that one (1) of two (2) State regulated DEC wetlands on Horton Hollow Road is located on the front of his property; and he has been complaining about the drainage that the town had altered. Due to this encroachment he could not get a clear title to his property. Last year he had the Wetlands Inspector, Town Engineer and others go out to his property and nobody noticed or put it into their report – this is not acceptable. That is State regulated wetlands, which they also did not notate - they should have gotten state permits for that as they should for any wetlands alteration. Supervisor Oliverio said that to his understanding the report that they had written was an overview and the next step is to get the DEC to tell them what can be done. Councilperson Mackay said that if you go to the DEC website you can pull this entire report up. It also shows what rare plants and animals exist on Horton Hollow Road - there was no talk of salamanders only rare bats are mentioned. Supervisor Oliverio said let them have the meeting and when they come back we will pursue it. Mr. Kuritzky said that when the Highway Department came they extended another 80 feet and put another catch basin into my property on top of the 300 feet of pipe and four (4) other catch basins (equaling five (5) catch basins) that are already there. They have to get DEC permission before they do anything there. Councilperson Annabi said she was told by the Highway Department Superintendent that the water is being drained onto town property so we did not need DEC permission and he is very thorough. He will be at the next Town Board meeting and he can explain what was done. There is a Town easement there, so he will clear this up. Supervisor Oliverio said if a mistake was made we will not make any more, and we will make whatever corrections need to be made. Supervisor Oliverio said he thought the piece of land by the bridge was owned by the Town. He also thought Mr. Kuritzky's driveway (which was being washed out) was fixed by putting in the drainage. Mr. Kuritzky also mentioned that the Highway Department came and cleaned out all of the catch basins and less than one (1) month later they were full again. Supervisor Oliverio said this is a big project because there is a lot of ledge especially at the south end. To recap: Bruce and Todd will meet with the DEC, then we will hire a surveyor, present the plans, and go out to bid (it's not just resurfacing a road - it's reconstructing a road). It is moving along and there has been some progress.

APPOINT ANTHONY WILLIAMS AS AD HOC MEMBER OF THE PLANNING BOARD EFFECTIVE IMMEDIATELY UNTIL 12/31/18

Presented by Councilperson Luongo

Supervisor Oliverio said the Planning Board has been interviewing other individuals and this appointment may not last into the New Year. This is only through the end of December of this year. We will discuss in Executive Session some plans for next year.

RESOLUTION # R18-310

RESOLVED that the Town Board appoint Anthony Williams as ad hoc member of the Planning Board effective immediately for the remainder of the year until 12/31/2018.

Seconded by Councilperson Mackay, unanimously carried

DISCUSS NATIONAL RESOURCE INVENTORY. VOTE TO APPROVE WILL BE 11/14/18.

Presented by Councilperson Whetsel

Councilperson Whetsel said the NRI finished up the mapping and presented it to the Town. This can always be updated in the future. With the NRI comes a Local Law to adopt the finished local mapping which then becomes available to the Planning and Zoning Boards in any decisions they make moving forward. Supervisor Oliverio said the Planning and Zoning Boards do support this and the maps are great for the community. He would like to move on this; but Councilperson Annabi said the Town Board did not receive their packets on the law and the accompanying information. Supervisor Oliverio said they will table this until next week.

RESOLUTION # R18-311

RESOLVED that the Town Board table the vote to set a date for the Public Hearing on the Local Law to adopt the NRI until the November 14, 2018 Town Board meeting.

Seconded by Supervisor Oliverio, unanimously carried

AMENDMENTS TO THE AGENDA

Presented by Supervisor Oliverio

RESOLUTION # R18-312

RESOLVED that the Town Board authorize the Supervisor to **add** the following resolutions to the agenda:

#10A – Sexual Harassment Policy

#10B – Hire David Anderson as Laborer, Step 1 for Lake Peekskill, effective 11/13/18.

#10C – Hire Jason Cobb to Highway as Laborer Step 1 effective 11/21/18.

Seconded by Councilperson Luongo for discussion.

Councilperson Luongo asked about paperwork given to the Town Board members by Sue Manno pertaining to our Volunteer Firefighters and mandatory insurance protection for them concerning certain cancers which are common to Firefighters. It would cost the Town \$150.00 per eligible member. There is a list of eligible members; but this will be a living document which will be amended every year with members to be added and dropped. Supervisor Oliverio said that as this is a New York State mandate it does not need a Public Hearing. Town Attorney Florence arrived at the meeting at this time and said this does need a Public Hearing for transparency as tax dollars are used to fund these state unfunded mandated insurance premiums. Supervisor Oliverio said the money for next year will come out of our General Fund and the year after that we will put it in the budget. There is no confirmed cost yet. Since we are waiting to put it in the budget until 2020 we can have the Public Hearing about this next year

The amendments to the agenda were seconded by Councilperson Mackay, unanimously carried.

SEXUAL HARASSEMENT POLICY

Presented by Councilperson Luongo

RESOLUTION # R18-313

RESOLVED that the Town Board adopt the Town of Putnam Valley Sexual Harassment Prevention Policy. The State of New York has mandated all employers to adopt, post and distribute to all employees a Sexual Harassment Prevention Policy. The Towns' Policy has been modeled by the New York State Department of Labor. Training for Town Staff will begin November 2018. Attached is the policy and complaint form.

Seconded by Councilperson Mackay, unanimously carried

HIRE DAVID ANDERSON AS HIGHWAY LABORER STEP 1 FOR LAKE PEEKSKILL EFFECTIVE 11/13/18

Presented by Councilperson Annabi

RESOLUTION # R18-314

RESOLVED that the Town Board appoint David Anderson as a Laborer for Lake Peekskill on Step 1 of the contractual Local #456 International Brotherhood of Teamsters Union Pay Scale effective 11/13/2018. He will be moving from Lake Peekskill part-time Laborer to full- time Lake Peekskill Laborer

Seconded by Councilperson Luongo, unanimously carried

HIRE JASON COBB TO HIGHWAY AS LABORER STEP 1 EFFECTIVE 11/21/2018

Presented by Councilperson Whetsel

RESOLUTION # R18-315

RESOLVED that the Town Board transfer Jason Cobb from Parks and Rec. to the Highway Department as a Laborer effective November 21, 2018. He will be on Step 1 of the International Teamsters Contract Schedule at a starting salary of \$27.93 per hour.

Seconded by Councilperson Annabi, unanimously carried

AUDIT OF MONTHLY BILLS

Presented by Councilperson Mackay

RESOLUTION #R18-316

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

<u>VOUCHER NUMBERS</u>	<u>AMOUNTS</u>
24677 – 24971	754,401.45
24947 – 25008	7,356.84

Seconded by Councilperson Luongo, unanimously carried.

Town Attorney Florence gave an update on what is happening with the food truck issue. Attorney Florence said he has written a proposal of what will be §87 of the Town Code if the Town Board agrees. He gave the Town Board a copy of what he wrote and presented a summary. He held that the new code establishes you can have a place of business that will be a vehicle which will have a regulated location. This is for anybody that is going to sell food to the public - that is not a restaurant. We do have to exempt auctioneers. The Town Board will establish a fee, and the food truck vendors would have to purchase a yearly license from the Town Clerk. The Town Board would also have to establish a location that can be used for this purpose. You cannot put locations in the Local Town Law because they could change over time. There will be a mandatory application and the Board of Health will need to authorize them to sell the food. You may transfer the license but the person they transfer to must also be acceptable. Proof of Insurance is essential as well. Councilperson Annabi said do they have to be Veteran in the County? Supervisor Oliverio said you do not have to be a Veteran to have a food truck in the County; but Veteran's do get preference, and exemption from some fees. If the food truck violates the rules set forth in the new law there will be consequences. This will be discussed next month.

Councilperson Mackay asked Attorney Florence to discuss the agenda item of snow districts. Attorney Florence said he will draw up a Resolution that the Town Board will pass which will be an application for "Home Rule" consideration by our State Senator and our Representative. He will prepare that over the next week or so.

Supervisor Oliverio moved to go into an Executive Session at 7:01 PM to discuss a personnel matter. No new business will be conducted afterward.

Seconded by Councilperson Annabi, unanimously carried.

fully submitted,

Respect

Sherry Howard
Town Clerk
11/13/2018