

**PUTNAM VALLEY TOWN BOARD**  
**PUBLIC HEARING 6:00 P.M.**  
**6 MONTH MORATORIUM ON VAPE SHOPS**

**WEDNESDAY, DECEMBER 12, 2018**

**IMMEDIATELY FOLLOWING:**

**PUTNAM VALLEY TOWN BOARD WORK SESSION**

1. Adopt Firefighter Cancer Law
2. Final Review on Food Truck Law
3. Continued discussion on Airbnb
4. Mill Pond Water District year-end report
5. Lake Peekskill C-Slap Program
6. Barger Pond C-Slap Program
7. Roaring Brook Lake C-Slap Program
8. Discussion of newspaper

**PUTNAM VALLEY TOWN BOARD**  
**PUBLIC HEARING**  
**6:00 P.M**

**WEDNESDAY, DECEMBER 12, 2018**

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

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

Supervisor Oliverio welcomed everyone to the meeting.

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

**PUBLIC HEARING ON PROPOSING A 6 MONTH MORATORIUM ON VAPE SHOPS  
IN THE TOWN OF PUTNAM VALLEY**

Presented by Supervisor Oliverio

Supervisor Oliverio said he is asking for a six (6) month moratorium on vape shops until the Town can conduct a concentrated study to determine the best locations for them. The Town Board would not like them to be placed near a school, House of Worship or where kids can gather. There is a lot of controversy where these shops are concerned.

Councilperson Annabi asked if this includes the pop-ups. Supervisor Oliverio said it does not affect those who already have it; but you can't start selling it now. They seem to be very popular and are going up all over. Councilperson Annabi said that Juul has stopped making them with the flavors and that's huge. The fact that the County passed the E-21 will also help. Councilperson Luongo said we still don't know what it is doing to anybody; and Supervisor Oliverio said nicotine is very addictive drug and a hard habit to break.

As there was no public comment, Supervisor Oliverio moved to close the Public Hearing at 6:03 PM.

It was seconded by Councilperson Mackay and was unanimously carried.

**PUTNAM VALLEY TOWN BOARD**  
**WORK SESSION**  
**6:18 P.M.**  
**WEDNESDAY, DECEMBER 12, 2018**

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

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

**AMENDMENTS TO THE AGENDA**

Presented by Supervisor Oliverio

**RESOLUTION # R18-343**

**RESOLVED** that the Town Board **ADD** to the agenda:

- #9 – Parks and Recreation Refunds
- #10 – Parks and Recreation Personnel
- #11 – Waive fuel tank removal and installation fee for VFW Post 391
- #12 – Waive sign permit fee for Hudson Highlands Land Trust.

Seconded by Councilperson Annabi, unanimously carried

**ADOPT UNFUNDED STATE MANDATED FIRE FIGHTER CANCER LAW**

Presented by Councilperson Luongo

**RESOLUTION # R18-344**

**RESOLVED** that the Town Board authorize the Supervisor to adopt the 2018 New York State Fire Fighter Cancer Benefit Program. This is a State Law which is an Unfunded Mandate.

Councilperson Luongo said that unfortunately there are several types of cancers linked to Firefighters. Due to this, the State passed a bill which mandates that Towns provide insurance to the Firefighters to cover them if they get sick with these kinds of cancers – volunteers or paid. The insurance is for active firefighters only and the firefighters must also fall within the parameters of the law. Supervisor Oliverio said the State does not want to pay for this but the amount of cancers that firefighters have gotten since 9-11 is astronomical. The Insurance Companies have been hit hard and have asked the State for some relief. The State then went to the Towns and Counties to assist our firefighters. Councilperson Luongo said this law comes into effect 1-1-2019 and we must adopt this. In order to be covered you have to be clean going into January of 2019 and a firefighter prior. This will be an ever evolving policy with people coming on and off the list.

Supervisor Oliverio said the reason he would like to see the Town pursue a new Firehouse is because the one (1) we have now is so dangerous to our volunteer firemen and women. There are no showers, no hazmat area, no clean up area which are all things that are mandated now. That firehouse is an antique – our volunteers go into buildings and are exposed to who knows what which they then bring home on their uniforms and clothing.

Councilperson Annabi asked Attorney Florence if the law covers both volunteer and paid firemen. Attorney Florence said he suspects it covers both paid and unpaid - it says you just have to be a qualified firefighter. He added that the law hasn't been finished yet - what we have is just a summary. They just want the Resolution passed until the law is completed.

It was seconded by Councilperson Mackay.

**ROLL CALL VOTE**

Councilperson Luongo	AYE
Councilperson Mackay	AYE
Councilperson Annabi	AYE
Councilperson Whetsel	AYE
Supervisor Oliverio	AYE

The Resolution passed by a vote of 5 AYES to 0 NAYS

**FINAL REVIEW OF THE FOOD TRUCK LAW**

Presented by Councilperson Annabi

Councilperson Annabi said that we have a draft for a food truck law to establish food truck vendors in Putnam Valley. Attorney Florence did some investigation into what the surrounding areas charged for a food truck permit and he found that Peekskill charges \$200.00 for a full year and \$150.00 for a six (6) month permit. Phillipstown charges \$50.00 for a yearly fee. Supervisor Oliverio said we charge \$500.00 now for vehicles but he feels this is too high. He would like to lower the fee to \$250.00 for the yearly fee and \$200.00 for a six (6) month fee. Supervisor Oliverio would like Attorney Florence to write a separate Resolution allowing for the Town Board to be able to set up assigned locations for the trucks. He added that we have had a Public Hearing already so we can adapt this as is.

**RESOLUTION # R18-345**

**RESOLVED** that Town Board authorize the Supervisor to enact Local Law # 5 re: Food Vendors.

## Chapter 87 Food Vendors

### §87.1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **ESTABLISHED PLACE OF BUSINESS**

A permanent building or store located on a foundation in which or where the person transacts or solicits business and deals in the goods, wares, food, merchandise or services he sells during regular business hours.

#### **FOOD VENDOR**

A person or entity who sells food on any public street, sidewalk or other public place. "Food vendor" shall not include a permittee under "An Ordinance to Use City Sidewalks by Abutting Merchants for Display Purposes."<sup>(1)</sup>

### §87.2 Exemptions.

This chapter shall not apply to auctioneers conducting sales pursuant to statute or order of any court or to service clubs or nonprofit organizations, such as the Ambulance Corps, Boy and Girl Scouts and school organizations, when vending or soliciting for purposes for which these organizations are organized.

### §87.3 Prohibited acts.

It shall be unlawful for a person or entity within the Town limits of the Town of Putnam Valley to act as a food vendor without first having obtained and paid for and having in force and effect a license therefor. No person or entity shall sell, on any public place in the Town except as a permittee under this ordinance.

### §87.4 Application for license.

- A. Any person desiring to act as a food vendor within the Town of Putnam Valley shall apply for a license from the Town Clerk upon a written application to be furnished by the Town. Such application shall detail the following:
  - (1) Whether the applicant desires to act as a food vendor, itinerant vendor or solicitor.
  - (2) The kind of food the applicant desires to sell or solicit to sell.
  - (3) The name, address and age of the applicant and any assistants the applicant proposes to employ.

- (4) The name and address of the person or entity the applicant represents.
  - (5) As a food vendor, the proposed location of business.
  - (6) The number and types of vehicles to be utilized by the applicant in carrying on the business for which the license is desired.
  - (7) The length of time the applicant desires the license.
- B. The Town Clerk shall deliver a copy of this chapter to each applicant at the time of application.

### **§87.5 Issuance of license; transferability, expiration and display.**

- A. Upon the filing of the application and information as required above, the Town Clerk shall, upon her approval of such application, issue to the applicant a license, signed by the Town Clerk. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare including any criminal record during the past three (3) years.
- B. A license shall be assignable for a food vendor who may assign his or her license to assistants named on said license. Any holder of such license who permits it to be used by any other person and any person who uses such license granted to any other person, excepting food vendors as discussed above, shall each be guilty of a violation of this chapter.
- C. Whenever a license shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof under the original application may be issued by the Town Clerk upon the filing with him by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery and upon payment of a fee of \$10.
- D. All licenses shall be issued from a properly bound book with proper reference stubs kept for that purpose, numbered in the order in which they are issued, and shall state clearly whether the permittee is a food vendor, itinerant vendor or solicitor, the kind of vehicle to be used, the kind of goods, wares, food and merchandise to be sold or service to be rendered, the number of the licensee's license, the fee paid and the name and address of the licensee.
- E. Yearly licenses shall automatically expire on December 31, following the dates of issuance of such licenses.

- F. No license shall be granted to a person under 18 years of age.
- G. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection no longer exists.
- H. Every licensee and assignee of a food vendor license, while exercising his license, shall carry the license with him and shall exhibit the same at all times in the vehicle used for dispensing food.

#### **§87.6. License fees.**

The fee for a license as required hereunder shall be as scheduled below and shall not be prorated:

- A. Food vendor: \$150 per year or \$100 per six-month seasonal summer period (May 1 to October 31).

#### **§87.7. Approval of locations for food vendors.**

A food vendor must confine his business to one location during the term of his permit. Said location must be proposed on his application to the Town Clerk and noted on the permit as approved at the time of issuance. Such place may not be on public parkland, except an event permit as required of other vendors for that event. If a merchant operating an established place of business within 200 feet of said approved location noted on the permit objects to the Town Clerk that said noted location competes or interferes with said merchant's business, the Town Clerk shall so advise the food vendor, and the food vendor shall be required to choose a new approval location, which shall be so noted on an amended permit to be issued by the Town Clerk at no cost to the food vendor.

#### **§87.8. Name and address on vehicle.**

Every vehicle used by a licensed food vendor, in or about his business shall have the name of the licensee and his address plainly, distinctly and legibly painted in letters and figures at least two inches in length in a conspicuous place on the outside on one side of every vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.



**§87.9. Revocation of license.**

The Town Clerk may, at any time, for a violation of this chapter or any other ordinance or any law, revoke any license. When a license shall be revoked, no refund of an unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons therefor in writing shall be served by the Town Clerk upon the person named in the application, or by mailing the same to the address given in the application. A copy of such notice shall be filed in the office of the Town Clerk.

**§87.10. Restrictions.**

A licensed food vendor shall:

- A. Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- B. Keep the vehicle and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- C. Not blow a horn or ring a bell to attract public attention.
- D. If a food vendor or his assignee, use the approved location as determined in the Town Permit.
- E. A food vendor may not place any obstructions upon any street, sidewalk or public place which would impede the safe and orderly free flow of two-way pedestrian and vehicular traffic.
- F. Not permit any vehicle used by him to stop or remain on any crosswalk.

**§87.11. Records.**

It shall be the duty of the Town Clerk to keep records and copies of all applications, permits and fees paid under this chapter.

**§87.12. Penalties for offenses.**

- A. Every person or entity guilty of violating any provision of this chapter shall be subject to a penalty as follows:
  - (1) Warning for first offense food vendors.

(2) Maximum fine of \$250 for second and subsequent offense food vendors and for first and subsequent offense itinerant vendors, solicitors and other persons or entities found to be in violation of the provisions of this chapter.

B. Each and every day that a violation exists or continues under this chapter shall constitute a separate offense subject to penalties as stated herein.

It was seconded by Councilperson Mackay.

### **ROLL CALL VOTE**

Councilperson Luongo	AYE
Councilperson Mackay	AYE
Councilperson Annabi	AYE
Councilperson Whetsel	AYE
Supervisor Oliverio	AYE

The Resolution passed by a vote of 5 AYES to 0 NAYS

Food Truck co-owner Ted Anderson said he has had no luck contacting his landlord about keeping his food truck where it is. Supervisor Oliverio said placing it on the already approved property by the Taconic near Roaring Brook would be a great place because of all the work that is going to be done there. Councilperson Mackay said we should make sure they will not be putting their equipment and supplies there first. Mr. Anderson thanked the Town Board for all their help. He is very appreciative and feels this will work out for everyone. Councilperson Luongo added that they cannot look at private property for a location. If you use private property the property owner would have to come before the Planning Board. Supervisor Oliverio said if the private property is in a commercial district it would be easier.

A site plan would be needed for private property which would have to be paid for by the property owner. This would all have to go through the Planning Board. Councilperson Whetsel said parking and traffic is something that would have to be part of a site plan.

**CONTINUED DISCUSSION ON AIRBNB**

Presented by Supervisor Oliverio

Supervisor Oliverio said we have two (2) issues on the Airbnb. We have the law and it is good. We need to decide on the fee for the permit, and we need to finalize whether the property needs to be owner occupied. Councilperson Annabi said it cannot be owner occupied – it defeats the purpose. Supervisor Oliverio said then what we must do to cover ourselves is to make the law such so people cannot just buy up homes in Putnam Valley and rent them out as Airbnb's. When they come to apply for their permit they will have to show that they are full primary residents. They will have to show the STAR exemption is on their house. Attorney Florence said they can also show their voting record. Supervisor Oliverio said as far as cost, he would like to see it done by bedroom so that our seniors are not disenfranchised. He was thinking of \$2,000.00 per bedroom for one (1) year. It does sound like a lot but it is nothing compared to what people are making on these rentals. Councilperson Luongo said we still have to iron out parking and public access to private beaches. We can't let renters overcrowd the beaches. Supervisor Oliverio said these laws are hard to enforce. The owners looking for a permit will also have to provide proof from the County that their septic system can handle the rentals and they must show proof of adequate parking. The house will have to be inspected by the Building Department to make sure that it is up to code. This will be a long drawn out process and your permit can be revoked at any time if the law is broken. Councilperson Mackay is concerned that this will disrupt entire communities. Councilperson Annabi said this is happening anyway. Councilperson Luongo said he feels they need to spell out stiff fines. Supervisor Oliverio said right now losing the permit is the fine. He said let's review this law again. Attorney Florence said the homeowner needs to have commercial insurance not just homeowners insurance because this is a rental and the behavior of the renter needs to be covered as well. He added these rental units tend to disrupt the peace and tranquility of neighborhoods; so the Town Board must protect the neighborhoods. Supervisor Oliverio said the homeowner will also have to go through the same process every year to renew their permits. Too many things can change in a year in a home or neighborhood. Councilperson Annabi said what about the parking in Lake Peekskill? Supervisor Oliverio said most of the houses in Lake Peekskill are one or two bedroom homes and they will have to park on the street just like the homeowner does.

**ACCEPT MILL PONDS END OF YEAR REVENUE REPORT**

Presented by Councilperson Whetsel

**RESOLUTION #R18-346**

**RESOLVED** that the Town Board accept the 2018 year end Mill Pond Water District Revenue Report:

**Water Bills 10/01/2017 – 12/31/2017:** \$13,438.76

Collected: \$11,719.42

Unpaid bills to be put on 2018 tax roll: \$1,719.34

Interest and Penalties: \$34.39

Total amount to be added to 2019 tax rolls: \$1,753.73

**Water bills 1/1/2018– 10/1/2018** \$41,568.95

Collected: \$33,911.23

Unpaid bills to be put on 2019 tax roll - \$7,657.72

Interest and penalties to be collected - \$259.43

Total amount to be added to 2019 tax rolls: \$7,917.13

**TOTAL RELEVY SENT TO PUTNAM COUNTY - \$9,670.88**

Seconded by Councilperson Luongo, unanimously carried.

**AUTHORIZE C-SLAP EXPENDITURE- LAKE PEEKSKILL**

Presented by Councilperson Mackay

**RESOLUTION #R18-347**

**RESOLVED** that the Town Board authorize the expenditure of \$420.00 for the volunteers in Lake Peekskill to participate in the New York Federation of Lakes C-slap program (Citizens Statewide Assessment program) for 2019. \$370.00 covers the participation fee and \$50 covers the NYSFOLA membership fee.

Seconded by Councilperson Annabi, unanimously carried.

**AUTHORIZE C-SLAP EXPENDITURE- BARGER POND**

Presented by Councilperson Luongo

**RESOLUTION #R18-348**

**RESOLVED** that the Town Board authorize the expenditure of \$420.00 for the volunteers in Barger Pond to participate in the New York Federation of Lakes C-slap program (Citizens Statewide Assessment program) for 2019. \$370.00 covers the participation fee and \$50 covers the NYSFOLA membership fee.

Seconded by Councilperson Annabi, unanimously carried.

**AUTHORIZE C-SLAP EXPENDITURE- ROARING BROOK LAKE DISTRICT**

Presented by Councilperson Annabi

**RESOLUTION #R18-349**

**RESOLVED** that the Town Board authorize the expenditure of \$470.00 for the volunteers in Lake Peekskill to participate in the New York Federation of Lakes C-slap program (Citizens Statewide Assessment program) for 2019. \$370.00 covers the participation fee and \$100.00 covers the NYSFOLA membership fee for a medium sized association.

Seconded by Councilperson Luongo, unanimously carried.

**DISCUSSION OF NEWSPAPER**

Presented by Supervisor Oliverio

Supervisor Oliverio said we have the opportunity to pick an official newspaper as of January 1, 2019. In the past we have used the PCN&R to advertise our legal notices. This year The Examiner has come forward and has requested we consider using them at the same cost. Supervisor Oliverio has checked with the Publisher of the Examiner and he said even though it is a free newspaper they do have paid subscriptions. Supervisor Oliverio noted that they have a strictly Putnam addition and fulfill all the necessary requirements. Periodically we do get coverage from the PCN&R but we always get coverage from The Examiner. Supervisor Oliverio likes a paper that covers our Town. The other plus is that The Examiner is free and can be found all over Town. Councilperson Mackay said the PCN&R does not cover our Town or our school. Councilperson Annabi said that the County had to go with a paid paper rather than a free one.

Supervisor Oliverio said the County has two papers that they are using, one (1) being free and one (1) not. Attorney Florence said you have to prove that the newspaper you use has to be paid for and have a subscription base. Supervisor Oliverio said The Examiner does offer the possibility for a home subscription. We will decide this issue in January and until then we will do some research. Councilperson Annabi said all that matters is that we follow the law. Attorney Florence said we can always file a “home rule” request and we can frame our issue which is that our only newspaper nearby that covers our community is a free paper with subscriptions available. This way the law can be modified and we would be able to use The Examiner as a qualified newspaper.

### **PARKS AND RECREATION REFUNDS**

Presented by Councilperson Whetsel

#### **RESOLUTION # R18-350**

**RESOLVED** that the Town Board accept the Parks and Recreation Refunds as listed below:

Anne Doebler 16 Rock Hill Road Putnam Valley, NY 10579	\$50.00 Basketball refund Not attending
Denise Mallick 132 Kramers Pond Road Putnam Valley, NY 10579	\$75.00 Basketball Not attending

Seconded by Councilperson Annabi, unanimously carried.

### **PARKS AND RECREATION PERSONNEL**

Presented by Councilperson Mackay

#### **RESOLUTION # R18-351**

**RESOLVED** that Town Board accept the Parks and Recreation Personnel additions/changes as listed below:

1. Linda Cottrell, PV Children’s Center @ \$12.20 per hour.

Seconded by Councilperson Annabi, unanimously carried.

**WAIVE FUEL TANK REMOVAL AND INSTALLATION FEE FOR VFW POST 391**

Presented by Councilperson Luongo

**RESOLUTION # R18-352**

**RESOLVED** that Town Board authorize the Building Department to waive the fuel tank removal and installation fee of the new tank for the VFW Post 391.

Councilperson Annabi seconded for discussion. She asked what is going on with this. Supervisor Oliverio said the VFW has a fuel tank which is buried underground. It needs to be removed and an above ground tank needs to be put it. They have someone doing it for them at cost. The inspection is not being waived - just the fee.

Seconded by Councilperson Mackay, unanimously carried

**WAIVE THE SIGN PERMIT FEE FOR HUDSON HIGHLANDS LAND TRUST**

Presented by Councilperson Annabi

**RESOLUTION # R18-353**

**RESOLVED** that Town Board authorize the Supervisor to waive the sign permit fee for the Hudson Highlands Land Trust. The sign would serve to identify the property located at 495 Peekskill Hollow Road; and welcome guests to the Preserve which is open to the public.

Seconded by Councilperson Mackay, unanimously carried

Supervisor Oliverio told the community that the "Electronic Drop-off" is being discontinued on December 21<sup>st</sup> because the company that was doing it for the County cannot take the E waste anymore. The Counties that were accepting this waste are no longer taking them. Please get rid of your stuff by December 21<sup>st</sup>.

Town Clerk, Sherry Howard, reminded the residents that beginning January 1<sup>st</sup> you can pay your taxes on line using a check, PayPal or credit card. Paying by check is free; using a credit card or PayPal will cost an extra 2.5% interest which goes to the credit card company. This service runs from January 1<sup>st</sup> until April 30<sup>th</sup> 2019.

Supervisor Oliverio moved to go into Executive Session to discuss a personnel matter. No further business will be conducted after the Executive Session. The meeting closed at 6:54 PM.

Seconded by Councilman Mackay, unanimously carried.

Respectfully submitted,

Sherry Howard  
Town Clerk  
12/14/2018