

**PUTNAM VALLEY TOWN BOARD
6:00 P.M.
WEDNESDAY, MARCH 6, 2019**

**PUTNAM VALLEY TOWN BOARD PRE WORK SESSION
AGENDA**

1. Pledge of Allegiance
2. Appoint Ray Gambichler back up sewer custodian
3. Amend Resolution #R19-99 appointing Daniel Gibbs as bulk-drop-off attendant
4. Continued discussion of Airbnb
5. Discussion Banning Recreational Marijuana Stores
6. Update Horton Hollow Road
7. Update Snow Districts

PUTNAM VALLEY TOWN BOARD
WORK SESSION MEETING
6:00 P.M
WEDNESDAY, MARCH 6, 2019

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.

SUPERVISORS OPENING COMMENTS

Presented by Supervisor Oliverio

Supervisor Oliverio welcomed everyone to the Special Town Board pre-work session meeting. The regular meeting is the 3rd Wednesday of the month.

APPOINT RAY GAMBICHLER BACK-UP SEWER CUSTODIAN

Presented by Supervisor Oliverio

This appointment was removed from the agenda. There is still some discussion that needs to be done.

AMEND RESOLUTION #R19-99 APPOINTING DANIEL GIBBS AS BULK DROP-OFF ATTENDANT

Presented by Councilperson Luongo

RESOLVED that the Town Board amend Resolution #R19-99 to include the rate of pay of \$20.00. The Town Board authorizes the Supervisor to appoint Daniel Gibbs as Bulk Drop-Off Attendant, seasonal employee April 27, June 15, August 17 and October 19th, 2019. Hours of operation are from 8:45 to 11:45 AM

Seconded by Councilperson Mackay, unanimously passed.

AMENDMENTS TO THE AGENDA

Presented by Supervisor Oliverio

RESOLUTION # R19-118

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

- #8 – Appoint Sheryl Luongo Tax Assessor
- #9 – Budget Transfers and Amendments
- #10 – Discuss letter from the Town Board to the Governor.

Seconded by Councilperson Mackay, unanimously carried

CONTINUED DISCUSSION OF AIRBNB

Presented by Supervisor Oliverio

Supervisor Oliverio said he would like to have this set and ready to go by the summer season – this would be by the end June. We need to go over the abbreviated plan we have already spoken about. We need to settle the fees and how we want it applicable to the Lake Districts. Councilperson Mackay feels it should not be allowed at all in the Lake Districts. There is no way to keep up with these Airbnb's and how are we going to enforce whatever regulations we make?

Supervisor Oliverio asked Attorney Florence if there is a way, without facing a law suit, that we could outlaw them period. Attorney Florence said we would face a law suit - so we need to say yes but we could make the requirements very difficult. Councilperson Annabi did not agree with that and said that people will just do it behind our backs.

Councilperson Luongo said there are many smaller factors to consider along with the big picture such as excessive parking and excessive pressure on septic systems so it must be regulated. Supervisor Oliverio added that the one (1) thing we all agree upon is that the home must be owner occupied – it has to be their primary home. It can't be that they live somewhere else and just rent here. Councilperson Annabi asked how the amount of cars, septic issues etc. are any different than the owner just having a party. Renters of Airbnb's usually only rent for a one or two days – they are not usually long term. Attorney Florence said the difference between renters and the homeowner just having a party is the fact that renters are strangers. They are not friends or relatives of the homeowner and the neighbors won't know who they are talking to if there is a problem. A neighborhood is not necessarily bound by anything, but the people that live there generally try to get along – a renter would not necessarily care about that. You can lose your sense of neighborhood.

Councilperson Annabi said if you cause a problem that gets reported to Airbnb you get black marked and you can never rent again – which people do not want. Councilperson Mackay said he is not buying that. Attorney Florence said if we are going to have rules they must be enforced. If we have an enforcer they must work on Saturdays and Sundays to be effective. The circle is this - Permission – regulation - enforcement - cost –oversight.

Supervisor Oliverio said right now there are Airbnb's going on but we are toothless when it comes to do anything because we have no current regulations. Councilperson Mackay said there should be enough money built into the fees to accommodate a person who is able to enforce the laws we set forward. They will respond to any complaints made. Attorney Florence said the level of enforcement you need to take care of this should be a retired or former police officer who is trained and deputized to do this. They would be familiar with people's rights and how to handle and defuse various situations. Behavior is a significant part of this. If you are going to do this you need to weave a complete context for this topic. Councilperson Luongo said that whatever infraction there is should go against the homeowner. Supervisor Oliverio said please look at this and make suggestions so we can move ahead; we will continue with this at our April 3rd meeting.

DISCUSSION BANNING RECREATIONAL MARIJUANA STORES

Presented by Councilperson Mackay

Councilperson Mackay said we should look at a long term moratorium on selling medical and recreational marijuana in the anticipation that the Governor and the State Legislature are going to approve this as a revenue source. Supervisor Oliverio and Councilperson Mackay said this is not a judgement - it is just seeing what the schools are up against with vaping, drugs and alcohol. This is just a positive step that we need to take and we need to move forward quickly on this. It would give us the time to see if there is an appropriate location to put something like this if it did come up. Medical marijuana does work and helps with various issues but it is the kids that are the concern.

Attorney Florence said the use of marijuana leads to violence which leads to more lawlessness. He thinks this is an extreme authorization of behavior which up until now has been a violation of the law. People who have studied these patterns of behavior say the use of marijuana does lead to violence which leads to other things.

Supervisor Oliverio said we want to be proactive and get ahead of this. If we don't put this on the books we will have no defense if it comes legal. Once they say it is legal they will never be able to reverse it.

We will need a Public Hearing on this. Councilperson Whetsel says the moratorium gives us a chance to get feedback from other areas that have allowed it. Councilperson Mackay said there is also new research about the increased strength of what is out there now and its effect on adolescent brains.

UPDATE HORTON HOLLOW ROAD

Presented by Supervisor Oliverio

Supervisor Oliverio said you have in your packet information provided us by the State about the road. There is also a letter from the DEC explaining that once they get the perspective of exactly what we want to do on Horton Hollow Road, they can get a better vision of what permits are necessary; and what type of actions we need to take or can't take; and they will guide us. Supervisor Oliverio continued and said when he heard about this letter he went to the company, Badey and Watson that did the original surveys and the meets and bounds of the development on Horton Hollow Road. He asked them to put forward a proposal on doing what the DEC is requiring - a topographic overview of the whole area and a breakdown of where the road is going to go and how it's going to go so the DEC will have something in hand to work with. The cost is a little over \$26,000.00 and it may run a little bit more - that's just to do this one thing. We said to the community that we are going to move this along - but we have to go step by step as was described by both our Wetlands Inspector and Engineer. Supervisor Oliverio would like to put it on the agenda for the regular meeting and either approve or not approve this contract. The reason we are going with Badey and Watson is because they have all the information from the original creation of the development. Although it will still involve a lot of surveying.

Councilperson Annabi asked didn't the Commission for the Conservation of the Environment and the NRI just do that whole study. Couldn't we use some of the information they acquired? Supervisor Oliverio said that they could but for the DEC you would need information from a licensed Engineer. Attorney Florence said in order to do a road improvement you need different levels of information. This won't be a scenic view but rather an historic view. Some of the things we need such as wetlands would be on there. It's a perfect example of how those maps will help the community and this project; but we will need more. It's good for background not for specificity.

Councilperson Annabi said the original survey is like 30 years old and much has changed. We will probably have to start from scratch again anyway, so wouldn't it behoove us to go out to bid and try to get a lower price? Attorney Florence said the original survey will show us where the road bed is located not where it migrated to. It will show the lines of the front yards as well, and they will mark that on the roadway. Supervisor Oliverio said it will also show where the driveways are. Supervisor Oliverio said they have a lot of stuff already.

They will be able to integrate the new with the old. He added in speaking with Todd, Bob Lusardi and Tommy Patterson they think if we go out to bid it will be double the price because any new company they will be coming in cold with no knowledge of the area.

Councilperson Luongo asked where the \$26,000.00 will be coming from. Supervisor Oliverio said it will have to come from the General Fund. The big project which is the paving and drainage will run us about \$5,000.00 a foot. With the length of the road this will be a two (2) million dollar project. It will have to be a bond issue and a referendum. We promised we would look into this and this is the first step. There is a point where we say we can either afford it or we can't. This will be on the agenda for approval. Attorney Florence said you need to say in your resolution that you are not going out to bid because this is the best deal for the Town.

UPDATE SNOW DISTRICTS

Presented by Supervisor Oliverio

Supervisor Oliverio call Assemblyman Byrne and he is introducing the bill that we need. Assemblyman Byrne said he should have no problem passing that. When that happens we will see what the Districts want.

APPOINT SHERYL LUONGO AS TOWN ASSESSOR

Presented by Councilperson Mackay

RESOLUTION #R19-119

RESOLVED that the Town Board authorize the Supervisor to sign a six (6) year managerial contract for the Town Assessor position with Sheryl Luongo effective 10/1/2019. Wages to be determined by the Town of Putnam Valley's Manager Contract.

Seconded by Supervisor Oliverio.

Councilperson Luongo recused himself.

By a vote of 4 to 0 the Resolution is carried.

BUDGET TRANSFERS

Presented by Councilperson Whetsel

RESOLUTION #R19-120

RESOLVED, that the Town Board approve the budget amendments and transfers for the fiscal year ending 12/31/18, resulting from the audit.

Seconded by Councilperson Annabi, unanimously carried

DISCUSS LETTER FROM TOWN TO GOVERNOR

Presented by Councilperson Luongo

Councilperson Luongo said he just got a letter from the State legislature saying they would like to eliminate the payment of Medicare Part B coinsurance to the Ambulance Corp. Supervisor Oliverio said, so when a senior gets picked up by an ambulance they can no longer go to Medicare for support and for payment. Councilman Luongo added that if a senior cannot pay they will get turned over to collections. He said the other side of that is billing accounts for extra money for what the ambulance does. The Ambulance Corp. needs the money to remain viable - so there is a large ripple effect with this. Supervisor Oliverio said we will send a letter to the Governor, Legislators, and Assemblyman saying this cannot happen – this is just ludicrous! Our seniors would be paying extra for a life-saving transport. Councilperson Annabi added that if this goes through the Town would have to give money to the Ambulance Corp. money to stay afloat. Additionally, the Governor has defunded the Vets to Vets Program, and they are also trying to defund the AIM (aid and incentive for municipalities) program. She announced to the Veterans of our community that we do have a local VFW; and the Putnam County Veteran's Services are also still available- please call 845-808-1620 if you need help. The local VFW is open on Thursday nights – please stop in.

RESOLUTION #R19-121

RESOLVED, that the Town Board approve the Supervisor to write letters to the Governor, State Senator Serino, and Assemblyman Byrne to protest two (2) distinct budget cuts that the Governor is proposing. (1).The loss of AIM program; and (2) the elimination of the Medicaid payments for Medicare Part B Coinsurance for Ambulance Services. This letter will be from the Supervisor and the entire Town Board.

Seconded by Councilperson Annabi, unanimously carried

Supervisor Oliverio moved to go into Executive Session to discuss a contractual matter. No further business will be conducted after the Executive Session. The meeting closed at 7:46 PM.

Seconded by Councilman Mackay, unanimously carried.

Respectfully submitted,

Sherry Howard
Town Clerk
3/07/2019