

PUTNAM VALLEY TOWN BOARD**6:00 P.M.****WEDNESDAY, MAY 08, 2019****PUTNAM VALLEY TOWN BOARD WORK SESSION**

1. Pledge of Allegiance
2. Vote on special use permit for cell tower
3. Informational Hearing on possible regulations of transient rentals (Airbnb's)
4. Discussion regarding addition of decibel level to noise ordinance.
5. Discussion on accepting donated land.
6. Dr. Fran Wills: school vote budget on May 21, 2019
7. Discussion of Designation of our Town Camp as Parklands
8. Recreational vehicle discussion.
9. Discussion on removing prohibition on war games such as paintball.
10. Update County request for false alarm penalty
11. Appoint Supervisor Oliverio as Town Board liaison to the Lake Peekskill Youth Committee
12. Amend Resolution #R19-133 regarding temporary maintenance staff.
13. Authorize Facilities Department to excess equipment from the Assessor's Office.
14. Appoint Alexis Acevedo as the Lake Peekskill Beach Monitor
15. Appoint Marianne Forlano as Beach Monitor for Lake Peekskill.
16. Appoint Joseph Aviles as a temporary laborer for the Lookout Manor District.
17. Audit of Monthly Bills

PUTNAM VALLEY
TOWN BOARD WORK SESSION
6:00 P.M

WEDNESDAY, MAY 08, 2019

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

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

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

SUPERVISORS OPENING COMMENTS

Presented by Supervisor Oliverio

Supervisor Oliverio said we have a long agenda this evening so please bear with us.

VOTE ON SPECIAL USE PERMIT OR CELL TOWER

Presented by Supervisor Oliverio

RESOLUTION #R19-174



Town of Putnam Valley Town Board
265 Oscawana Lake Road Putnam
Valley, New York 10579 (845)526-2121 Fax
(845)526-2130
www.putnamvalley.com

RESOLUTION SPECIAL USE PERMIT-HOMELAND TOWERS, VERIZON WIRELESS AND SPRINT SPECTRUM REALTY, LLC.

Presented by:

RESOLUTION #:

May 8, 2019

**SPECIAL USE PERMIT RESOLUTION
HOMELAND TOWERS, LLC, NY SMSA LIMITED PARTNERSHIP d/b/a
VERIZON WIRELESS AND SPRINT SPECTRUM REALTY COMPANY, LLC.
265-273 OSCAWANA LAKE ROAD
TM: 72.16-1-23**

WHEREAS, Homeland Towers, LLC ("Homeland") is engaged in the business, among other things, of erecting Personal Wireless Service Facilities, including Towers (as defined in Sect. 168-9 of the Zoning Code); and

WHEREAS, Verizon Wireless and Sprint Spectrum Realty Company, LLC. are Personal Wireless Service Providers (as defined in Sect. 165-9 of the Zoning Code); and

WHEREAS, the Town Code Sect. 165-61 requires the obtainment of a Special Use Permit from the Town Board and a Site Development Plan Approval and Major Grading Permit from the Planning Board prior to issuance of a Building Permit for the construction of any tower or other Personal Wireless Service Facility; and

WHEREAS, prior to consideration of any Special Use Permit or Site Development Application an Applicant must demonstrate to the Town Board, by written documentation, that existing Personal Wireless Service Facility sites within Putnam Valley and in abutting Towns do not cannot provide adequate Personal Wireless Service coverage to the Town of Putnam

Valley, or some portion thereof (Town Code Sect. 165-61 G(2)); and

WHEREAS, the Town Board, by resolution dated February 13, 2019 and with consultation and advice of its independent Wireless Facilities Consultant, Mr. Ronald E. Graiff, P.E. found that the criteria of Code Sect. 165-61 G(2) had been met and that the existing facility sites both within the Town of Putnam Valley and in abutting Towns do not provide adequate coverage to certain portions of the Town; and

WHEREAS, following said grant of “concept approval” by the Town Board, Homeland Tower’s application was reviewed by the Planning Board for Site Development Plan and Major Grading Permit Approval for a 160 ft. tall monopole-style tower and related ground-based facilities; and

WHEREAS, pursuant to Code Sect. 165-61 (H)(5) the Applicant conducted a balloon test and installed the requisite signage; and

WHEREAS, the Planning Board, pursuant to Code Sect. 165-61 H(7), established itself as Lead Agency pursuant to Article 8 of the Environmental Conservation Law (SEQR); and

WHEREAS, the Planning Board conducted a public hearing on the Site Development Plan application and Major Grading Permit on April 8, 2019; and

WHEREAS, the Planning Board closed said public hearing on April 8, 2019 and, on April 8, 2019 adopted a resolution conditionally approving the Site Development Plan Application and Major Grading Permit, together with a “Negative Declaration” under SEQR; and

WHEREAS, amongst the Planning Board conditions of approval was the granting of a Special Use Permit by the Town Board and variances by the Town Zoning Board of Appeals; and

WHEREAS, the Town Board conducted a public hearing on the Special Use Permit Application on May 1, 2019; and

WHEREAS, the Town Board, after reviewing the evidences and testimony, finds as follows:

1. Verizon Wireless and Sprint Realty are not currently providing adequate Personal Wireless Service coverage in portions of the Town; and
2. Verizon Wireless and Sprint Realty are not able to use existing towers/facility sites either with or without the use of repeaters to provide adequate coverage throughout the Town; and
3. Homeland has agreed, and this Resolution will be contingent upon, Homeland’s written agreements to rent or lease available space for co-location on the tower where legally, technically and economically feasible, without discrimination as to any and all personal wireless service providers; and
4. The proposed facility is at a height of 160 ft. above ground level (i.e. finished grade as approved by the Planning Board), will not have an undue adverse impact on historic resources, scenic views, residential property values, natural or man-made resources; and

5. The proposed facility shall, and this Resolution is contingent upon, the facility's compliance with all applicable FCC Regulations regarding emission of electromagnetic radiation;

NOW, THEREFORE, be it

RESOLVED that the Application of Homeland for a Special Use Permit for the erection of a new Tower is hereby granted subject to the conditions herein specified; and be it further

RESOLVED that the Application of Verizon and Sprint Realty for Special Use Permits for a new personal wireless facility to be leased upon the aforesaid Tower is hereby granted, subject to the conditions as herein specified, and be it further

RESOLVED that the size, style, design and location of the Tower its ancillary support ground structures and of the Personal Wireless Service Facility shall be as set forth in the drawings approved under the Planning Board's April 8, 2019 Resolution, and as enumerated on page 8 of that Resolution; and be it further

RESOLVED that the Special Use Permits granted herein are subject to continued compliance with all standing requirements of the Town Code, to compliance with the provisions of the Planning Board's Site Development Plan and Major Grading Permit approvals, and to the following additional requirements, which shall be fulfilled prior to the issuance of a Building Permit:

1. Homeland shall provide a written commitment, binding on itself and on all of its successors-in-interest, and valid for the duration of the Tower's existence, to rent or lease available space for co-location on the tower where legally, technically and economically feasible, without discrimination as to any and all wireless service providers; and
2. Homeland shall provide complete, fully executed copy of its exiting lease/contract with Verizon and Sprint Realty from which financial terms may be physically redacted; and
3. Homeland shall provide the Town with a surety bond or other financial security as acceptable to the Town Attorney to assure that sufficient funds are available at all times to dismantle the Tower, remove and debris and restore the site to a state of acceptable to the Planning Board should Homeland fail to fulfill its obligations pursuant to Sect. 165-61M of the Code; the amount of such security shall be based upon an estimate prepared by Homeland's licensed professional engineer, verified by the Town Engineer, approved as to form by the Town Attorney and approved as to amount by the Town Board; and
4. Homeland shall obtain all required variances from the Town Zoning Board of Appeals.
5. Homeland shall maintain 3rd party personal injury and property damage insurance in the amount of at least \$1 million throughout the term of these Special Use Permits, naming the Town of Putnam Valley as additional insured. A Certificate evidencing such coverage shall be furnished annually to the Town Clerk.

Seconded by:

Dated: Putnam Valley, New York
May 8, 2019

VOTING FOR

VOTING AGAINST

Hon. Steven MacKay, Councilman
Hon. Jacqueline Annabi, Councilwoman
Hon. Wendy Whetsel, Councilwoman
Hon. Louis Luongo, Councilman
Hon. Samuel Oliverio, Jr., Supervisor

AYE
AYE

AYE
AYE

Recuse

Seconded by Councilperson Mackay, by a vote of 4 AYES and 1 Recusal the Resolution passes.

INFORMATIONAL MEETING ON POSSIBLE REGULATIONS OF TRANSIENT RENTALS (AIRBNB'S)

Presented by Supervisor Oliverio

Supervisor Oliverio said this is not a Public Hearing. This is just an informational meeting where we want to hear what the public has to say. We are asking for input from the public on this.

Resident Henry Lopez asked if these rentals are subject to sales tax. Councilperson Annabi said, yes, if we regulate them the Town would get a sales tax from the person who is renting it. We would be making money from it by having a contract with these agencies.

Resident Patty Villanova said she thinks the County would get the sales tax money. Councilperson Annabi said if the County makes the contracts before the Town with these agencies such as Airbnb or VRBO they would get the money; but if the Town makes the contracts first we would be entitled to the money from the renter.

Patty Villanova
14 West Ave.
Putnam Valley NY 10579
May 8, 2019

To: Supervisor Sam Oliverio and the Town Board

Re: Public comments on proposed Airbnb regulations

Please include my comments as part of the record of this public hearing.

Regarding the Airbnb laws and regulations that are being contemplated, I sincerely hope that Supervisor Oliverio and the town board will tread lightly and take your time before imposing any new regulations on our residents.

For reasons I will outline below, I think it would be a mistake to jump the gun and come up with new legislation for temporary rentals and home sharing at this time. Instead, we should rely on existing laws and codes that are already on the books, at least until we see what happens with the rest of the state regarding Airbnb and other platforms.

At the present time Airbnb is the subject of numerous lawsuits and court decisions not just in NY but throughout the US as well. Just a few short months ago, a Federal court dealt a blow to New York City when it ruled that certain regulations that NYC was trying to pass, violated both the First and Fourth Amendments. (Airbnb, Inc. v. City of New York, Nos. 18 Civ. 7712) Other similar lawsuits are pending that may well end up being dispositive of the very issues that Putnam Valley is trying to resolve. Given this veritable minefield of litigation, the Town should, at the very least, hire competent and experienced legal counsel to guide it in putting together any Airbnb regulations so that they will reflect current jurisprudence, settled law and not be subject to legal challenges.

It is also well to note that at this time, it is questionable just how urgent a problem Airbnb and other temporary rentals really are. As per a FOIL request I filed just a week ago, NOT ONE formal written complaint has been filed with any town agency or department regarding Airbnb or temporary rentals. Despite all the chatter on Facebook, the truth is that our town is NOT being overrun with greedy landlords and badly behaved renters. The fact is that such behavior appears to be an aberration and that whoever these people are who are using Airbnb are, the vast majority are good neighbors and tenants.

Currently, land use and buildings in Putnam Valley are regulated by the Town Code, the NY State Building Code, the plumbing and gas code, Putnam County and a host of other laws, rules and regulations. Additionally, we have civil and criminal laws that govern bad behavior that rises to the level of a nuisance or worse. In other words, if the town really needed to do something about even the anecdotal complaints, there are plenty of laws on the books already that could be used to deter unlawful activity as it relates to Airbnb and other house sharing

platforms.

One problem is that the Town seems to have a hard time enforcing some of our existing laws that might deal with the problems caused by Airbnb rentals. A perfect example is the situation at Lookout Manor Beach where scofflaw neighbors have been trespassing and using our taxpayer funded beach and parking lot for years, even though there are a number of laws that are being violated. Or how about the derelict house just across the street and down the road from town hall that looks like it's about to fall down, yet is obviously inhabited by someone, no doubt in violation of numerous Code regulations. If the current codes are not being enforced, why would it be any different if this board decides to make some new laws? We have no assurance that they will be enforced any more than the ones that exist already.

Most importantly, let's not forget the main and only real reason that people in town are using Airbnb is simply to make money! It may be hard to believe, but there are actually people in town who really need the extra income. For some of them, Airbnb is a good option that does not require a large capital investment. Done responsibly, as the vast majority of Airbnb hosts can attest, home sharing is a win/ win situation for the home owner and the municipality. Wouldn't it make sense for the town board to facilitate this service rather than trying to crush it before it's even established?

Meanwhile, generations of town officials have claimed that someday there will be a Business District at Oregon Corners that will have commercial rateables that will help ease the homeowners' tax burden. Let's be honest- we all know that is never going to happen, for many reasons that should be obvious to all.

The truth is that the majority of businesses in Putnam Valley are home based and include contractors, plumbers, electricians, carpenters, online buying and selling, care givers and other "no or low impact" activities. These businesses are not being regulated to any great degree, other than the state and county licensing requirements, which is as it should be. One of the fears I have is that if AirBnb comes to be taxed and regulated as a home based business, it would not be long before the town decided to start regulating the existing businesses that are the life blood of our town's economy.

Given the foregoing, and in light of the current Airbnb landscape, the town board members should keep their minds open to the benefits as well as the potential problems, and engage in a thorough study and due diligence before imposing any new regulations on its citizens.

Sincerely,

Patty Villanova

Lake Peekskill Resident Priscilla Keresey said Airbnb is a great idea as long as the homeowner is there. She is worried about people who just buy homes as an investment property. There are a lot of septic problems in Lake Peekskill and the roads are very narrow. People who come for a weekend will not know or care about these issues.

If it is not the homeowner's primary residence they will not know what the impact to the neighbors or the neighborhood will be. We need some regulations in place.

Councilperson Annabi said the rules we are looking at are - that the home must be your primary residence; but you don't have to be there when the renters are there. You need to be in that home for at least two (2) years; you must have your STAR Exemption on that home; you must be registered to vote in Putnam Valley; and you must prove you have had a yearly septic pump-out.

Lake Peekskill Resident Gordon Murray said but in a longer arc as he and his wife are both retired they have considered being snow birds or going away for a month and they would like to rent or exchange with a family for that time. He would like to advertise on Airbnb. Supervisor Oliverio said that is different because our code allows for rentals of 30 days or more. Less than 30 days is considered a hotel or a motel which is not allowed. Mr. Murray added that Airbnb is very responsible for blacklisting either bad owners/and/ or bad renters. The laws that are already on our books should be pressed and we should let Airbnb do what they do to keep things in line. Please remember that people have property rights. Supervisor Oliverio said if you exchange homes with someone for a period of time – we are all for that! Airbnb is a for-profit enterprise which is a different story.

Supervisor Oliverio said he got an e-mail from resident Arlene Green who expressed concern about parking in Lake Ooscawana as their roads are very narrow. She is also worried about our fragile septic systems.

Roaring Brook resident Ula Swenson said she lives in Roaring Brook Lake; she's also a real estate agent and has been the President of the Property Owners Association. She has benefitted because when some people rent in Roaring Brook Lake they sometimes buy in Roaring Brook Lake. She does have a friend though who rented and they had 15 people there for three (3) days raising hell and taxing the septic system. People in Roaring Brook do not want where they live to be a vacation community rather than a community where people live. Supervisor Oliverio said that's why they want to regulate it, so buyers will not be able to come and buy up properties for that reason, it would have to be your own home. There has to be a happy medium.

Resident Jennifer Baron who lives on Old Forge Drive said she has been a transient renter many times. She rented here many times before she became a 2nd home buyer. She comes from the City and this home which is located in Putnam Valley is not her primary residence. She thinks that Airbnb rentals increase the property value in an area based on a few articles written in the New York Times this year which attributes the increase to the greater popularity of a region. She would never buy a property that she could not Airbnb, but does not do it now. She understands that there are issues but the laws that exist now should cover that and need to be enforced.

Supervisor Oliverio said that there have been problems with renters having parties with an excessive amount of cars; to which Ms. Baron replied that could happen with the homeowner as well. Supervisor Oliverio said at least the homeowner is invested in his community and with his neighbors. Ms. Baron said at least if a high end income earner rents they will also spend money here and possibly buy a second home as well. She said high end earners would spend money in high end restaurants and shops which help boost the local economy. She would never rent an Airbnb if the homeowner was there and she has rented all over the world. Most rentals she has stayed at give you a book with the amount of parking spaces you are entitled to and exactly where you are able park.

Resident Andrea Rudkowski said she lives in Lookout Manor and is a Real Estate Agent as well. She thinks Airbnb is a great idea. She loves her Town and her neighbors and quality of life is very important. Taxes and health and safety issues are important. She feels that Airbnb needs to be regulated in case there is a problem. She has used Airbnb's around the world and if she misbehaved she would have had a problem with her Airbnb rating. She does not feel that the homeowner must be present when you are renting and it should not have to be your primary residence. There should also be a decision made about whether a renter should be allowed to use the lake if you live in a lake district. If she rents her house she would not want the renter to be able use the lake. She would not like her home inspected if she rented it; but she would like to see the renter pay a tax to the Town. That money could offset our taxes. Airbnb's would also benefit our local businesses.

Councilperson Annabi said Airbnb is very strict about who they rent to. They care about their reputation a lot. Ms. Baron said the host and the renter are both rated by Airbnb and everything is monitored.

Roaring Brook Lake Resident Pasquale said he owns a café in Brooklyn. He came up to Roaring Brook as a visitor and fell in love with the lake and he and his wife bought a house there. He stays in Brooklyn from Thursday to Sunday for his business so he Airbnb's his house the rest of the week. He does consider this place in Putnam Valley as his home. He cares about the lake and its quality; he also cares deeply about his neighbors. He is not an investor but he does it for economic necessity. He has a rental agreement contract with every tenant, with very specific requirements listed. Supervisor Oliverio asked how he would feel if we had a similar contract requirement for all Airbnb renters? You would also have to come in and get a permit so we would also know who has an Airbnb and who doesn't. Pasquale said Airbnb has gotten a bad rap recently because people are abusing the spirit of what it was originally intended for. There have been problems in communities but if you have weeds in a garden you pick them out, you don't drop napalm. There is also a positive side as well, four (4) people who have rented from me have bought houses and then used local vendors for construction etc. I'm sure we can come up with a happy medium.

Roaring Brook Lake Resident Michael Grossman said he was an Airbnb guest up here as far back as 10 years ago and also fell in love with this place and looked to buy here (which they did). They also spent a lot of money fixing up his new home using local vendors. Airbnb is a self-regulating ecosystem due to the rating system. It seems that all of the bad things that were mentioned, was just bad behavior. So regulations would really be about enforcing existing laws and codes. These transgressions could really happen with a homeowner as well. Supervisor Oliverio said we didn't know all of this was going on until the bad behavior started. That's why we would like a list of who is renting their homes and it would help us to respond more quickly because we would have a contact number for the owner. Supervisor Oliverio continued and said many of the Airbnb landlords do not live here and we have no way to police it or watch it, the Town needs to oversee this process. If a neighbor calls with a legitimate issue we could use the contact number and respond right away.

Councilperson Luongo said nothing that was said here tonight is insurmountable.

Councilperson Mackay said the bad experience he had with the Airbnb on his road and in other circumstances that have happened are happening on the weekends when there is nobody in Town Hall to call. Councilperson Whetsel said you would have to call the Sheriff. Councilperson Mackay said we may be opening a big can of worms with over regulation because the person to call would be the Sheriff's Office. Councilperson Luongo said if you own the property and have a vested interest in this Town, you know your neighbors and if they have a problem with what's going on, they will call you. Councilperson Mackay said a lot of information has come out tonight about how Airbnb works, and how the community feels about it. Supervisor Oliverio said we do need some rules and regulations to be able to have some control. How do we stop someone from buying a house who does not live here, and there is trouble in that house every weekend? Councilperson Annabi said we do have rules and regulations. They concern noise, garbage, abuse of property etc. She said we reach out to Airbnb and get that homeowner blacklisted. Resident Villanova said you cannot stop someone from buying a house. Mr. Grossman said as a member of Airbnb it has its own check and balance system. Supervisor Oliverio said he does not want multiple houses being bought for Airbnb use only. Councilperson Annabi said we do not need any more regulations than the ones we already have, and Airbnb is stricter than any power we have.

Current Roaring Brook Lake Property Owners Association President, Ina Cholst said they held a Board meeting two weeks ago. They do not agree on a lot of things but they had a unanimous vote two weeks ago about wanting to control Airbnb in their environment. There was an article in the "New Yorker" two (2) months ago about what a large corporation Airbnb has become and how they change the character of neighborhoods and communities. Towns are changing from what made them charming to being overrun with renters.

There have been some charges of racism against Airbnb in their vetting process, and we also don't want to give a private for-profit huge corporation so much power over regulations in our Town. At Roaring Brook Lake we are doing enormous things to preserve our lake which takes community effort from people who live there and care about it. The Roaring Brook Property Association members feel strongly that the permit fees should be costly to cover any costs incurred by the Town. Right now there are no short term rentals legally allowed in Town and it is going on anyway. They also agree there should be a one (1) acre minimum which is better for the Lake Communities. There should be a meaningful fine for people who rent without a permit. As a Lake Association Board, they don't consider in a lake community that annual pumping is enough. Their systems are aging and were put in when the code was different than now. Some homes have cess pools or seepage tanks.

Supervisor Oliverio said short term rentals are illegal in Putnam Valley now under our code. We are not enforcing that right now because we are waiting to see what the Board decides to do with regulations, fees etc. Rentals of 30 days or more are legal here now under our laws. We want to be fair and equitable to everyone. He said he has also seen communities change when there are too many Airbnb's in an area.

Roaring Brook Resident Lynne Bernstein said while homeowners in Town do have property rights so do their neighbors, it works both ways. She does not believe in relying on Airbnb for the vetting process as there are many other ways for someone to find a short term tenant. She feels the property owner should be on-site when the home is being rented because otherwise there is no accountability. They also need to be full time permanent residents before they should be allowed to rent. The fabric of the neighborhood does get degraded when you have people coming and going. She has also experienced some trespassing from transient renters, and each home that is rented should be fully code compliant with the current codes. This is all to protect the neighbors. Please look at the codes for accessory apartments, you will find a lot of help in there especially the section for septic systems and not allowing outside boats on the lake. Renters would now need beach tags and boat tags so there will now be more of an expense. We don't want people from the city coming up for the day, using the beach for a day trip and then leaving because they now know there is no one watching. Ms. Bernstein would like some of the permit use fees to go to the Lake to offset some of the additional costs of tags and hiring monitors to keep track of the beach tags and parking tags.

Resident Patty Villanova asked if Supervisor Oliverio believed in the sanctity of private property rights. Supervisor Oliverio said of course he does. Ms. Villanova said if somebody comes in and wants to buy a house you can't tell them what to do with it. Supervisor Oliverio said he is not trying to stop them, he is just trying to regulate it. Ms. Villanova continued we have tons of regulations on our books and we still have the same problems in Lookout Manor every year.

She has been to the Sheriff many times and nothing gets done, so the existing laws are not being enforced. She also said in all the years she has lived here the worst bad behavior came not from renters but from the people who live here. We need to enforce the laws that we have and we should not over regulate, that is a slippery slope. Supervisor Oliverio said there should at least be smoke and CO2 alarms in these homes and the septic system should have a once yearly pump-out especially around a lake district.

Supervisor Oliverio said the agenda is long and he would like to close the meeting. Councilperson Luongo said you can still send your comments in to the Supervisor and the Town Board via e-mail until next Wednesday.

A two (2) minute break was taken at 7:24 PM

DR. FRAN WILLS: PRESENTATION ABOUT SCHOOL BUDGET VOTE

Presented by Supervisor Oliverio

School Superintendent Fran Wills said the school district is now culminating their activities since it is the end of the school year. Tonight there is an Open House at the Elementary School and on Monday night they are having an old fashioned spelling bee. On May 29th there is an art show and band concert at the High School. The High School graduation is on June 21st. Tomorrow at the Elementary School there is a Revolutionary War Reenactment. Supervisor Oliverio thanked Dr. Wills for bringing back the trip to Washington DC, it is a great tradition.

School District CFO Jill Figarella said the school budget vote is being held on May 21st at the Putnam Valley Elementary School from 6 AM to 9 PM. People are becoming more complacent about coming out to vote. It is an important thing you get to do as your voice will be heard. There are absentee ballots available. The budget this year is very conservative, it is under 1%, the actual number is .75% increase. One of the reasons we were able to keep it so low is because there are a number of people retiring from the community. In addition there have been some changes in pension rates, but health insurance costs went up as they always do. The tax CAP itself came in a little over 2% but we stayed under it by a small percentage. The budget will be mailed to every resident and it is also on-line now for everyone to look at. She said the STAR program has changed and there are new rules and guidelines we have to follow now. The Town Assessor will make a presentation about it next week and will explain it all. The information is also on the School District's website. Supervisor Oliverio said it sounds good that you have stayed under the CAP.

Supervisor Oliverio asked if Ms. Figarella could talk about the School Board election. Ms. Figarella said there are three (3) people running for two (2) open seats. Dr. Wills said the PTA has not scheduled a "Meet the Candidates Night", and we are hoping an outside agency comes through and sponsors such an event. The three (3) candidates who are running are Tom Sawyer, Jeanine Rufo and Janette Yetter.

AMENDMENTS TO THE AGENDA

Presented by Supervisor Oliverio

RESOLUTION #R19-175

RESOLVED that the Town Board amend the agenda to ADD the following:

ADD:

16A – Town Generator: Change Order #2

Seconded by Councilperson Annabi, unanimously carried.

DISCUSSION REGARDING ADDITION OF DECIBEL LEVEL TO NOISE ORDINANCE

Presented by Supervisor Oliverio

Supervisor Oliverio said Councilperson Annabi brought up some good points about this subject before the meeting got started as to whether the noise levels they are talking about were outdoor versus indoor levels, we need to gather some more information. He would like to postpone this discussion for a future meeting. Councilperson Annabi added that she gave the Clerk a chart denoting different common indoor and outdoor sound levels which everyone can look at.

DISCUSSION ON ACCEPTING DONATED LAND

Presented by Supervisor Oliverio

Supervisor Oliverio said we do have a couple of local families that want to donate a few parcels of land in Lake Peekskill, Pudding Street and Roaring Brook. We have to discuss this to see if we want to continue to take donated land from people or not, we would need to set a policy. We know that when we do this it removes the property from our tax rolls. Then what do we do with it? It's usually a useless piece of property with no connections to roadways, which is why people want to get rid of them in the first place. Councilperson Luongo said if the parcels are useless to us why would we want them?

These particular properties are not buildable lots, one is landlocked, and the other two are small and wet. Councilperson Whetsel said they might be more of an advantage to one (1) of the adjacent properties. Councilperson Annabi said if we take these properties the burden of those losing those taxes are put on everyone else.

Councilperson Luongo said we have taken vacant land for drainage purposes and for when they proved to be of use to the Town.

Supervisor Oliverio said he will call the families and tell them we are putting a hold on taking land right now. If we can use it for some reason, we would take it if it had some benefit.

DESIGNATION OF OUR TOWN CAMP AS PARKLANDS VOTE TO BE HELD MAY 15TH

Presented by Councilperson Luongo

Councilperson Luongo read the following to be voted on at next week's meeting:

Resolved: that the Town of Putnam Valley hereby declares and makes known that the recent acquisition of the 161 acres of land from the Catholic Charities Organization of Greater NY known as the upper camp and/or hill camp is to be classified, utilized and forever kept as parklands (Parks, Public) as described in section 165-9 of the Putnam Valley Code.

Supervisor Oliverio said we will vote on this next week. The reason that this is so important is because we just became aware of a grant that we can be reimbursed 60% of the 1.9 million through a Parklands Grant, but it is only good for one (1) year since the time of the purchase. We also couldn't use the parklands funds for the camp property until we have the designation either.

DISCUSSION ON RESCINDING LOCAL LAW 165-27J – RECREATIONAL VEHICLE BAN

Presented by Supervisor Oliverio

Supervisor Oliverio said Councilperson Annabi made him aware of a lawsuit that happened right after this law was made. The law was written in 2009 (to keep RV's et.al. from being parked all over the place) and was challenged in 2010, they took us to court by saying the law was unconstitutional and we won that challenge. If we alter this rule we open up that whole can of worms. We have a law which is fair and being enforced. Supervisor Oliverio thanked Councilperson Annabi for the information and put this subject to rest. The rest of the Town Board agreed so this subject is now closed. The current law stands.

DISCUSSION REMOVING PROHIBITION ON WAR GAMES SUCH AS PAINTBALL

Presented by Councilperson Annabi

Councilperson Annabi said this is a discussion about paintball and air soft shell. She said right now we don't allow this. We have a lot of acreage to do this and it is being done all around us in other Town's. It is very popular. Councilperson Mackay agreed with Councilperson Annabi but objects to the terminology used - "war games". It is an extremely negative term and we should not use it. Call it paintball which is what it is. Supervisor Oliverio said please understand this does not include firearms or bows and arrows. Councilperson Annabi said this is strictly about paintball and soft shell (air soft).

UPDATE COUNTY'S REQUEST FOR FALSE ALARM PENALTY FEE

Presented by Supervisor Oliverio

Supervisor Oliverio said the Town Board asked him to call the County on their request about the false alarm penalty fees. Supervisor Oliverio said he informed them that we already have this but wanted to know who gets the money. Councilperson Annabi said the County wants the money. Councilperson Luongo said this is something that we also have to look at because of the structure of our code. There are things included in there that shouldn't be and things not in there that should be. Councilperson Annabi said if there is an alarm goes off it goes to the Sheriff's Office in the County – and they respond. Supervisor Oliverio is concerned because many homes are owned by senior citizens and if they burn something like toast and their alarm goes off they may not be able to afford the penalty. Councilperson Annabi agreed with that point. Supervisor Oliverio said he told the County that we are handling this internally, so we are done with this topic for now.

APPOINT SAM OLIVERIO AS TOWN BOARD LIAISON TO THE LAKE PEEKSKILL YOUTH COMMITTEE

Presented by Councilperson Annabi

RESOLUTION # R19-176

RESOLVED that Sam Oliverio Jr. be appointed as Town Board Liaison to the Lake Peekskill Youth Committee for the calendar year 2019.

Seconded by Councilperson Mackay, unanimously carried

AMEND RESOLUTION #R19-133 REGARDING TEMPORARY MAINTENANCE STAFF

Presented by Councilperson Whetsel

RESOLUTION # R19-177

RESOLVED that the Putnam Valley Town Board amend Resolution #R19-133 to say:

RESOLVED that the Town Board authorize the Supervisor to appoint Frank Cassidy as Temporary Maintenance Staff to cover for Doug Montarulli, Maintenance Worker, whenever Doug is away from the office during the calendar year 2019. His rate of pay will be \$15.00 per hour, with no benefits. This will include work on the Sewer District Sewer system, at the same rate of \$15.00 during regular business hours. For work on the sewer system outside regular hours, Frank will be compensated at \$22.50 per hour.

Seconded by Councilperson Annabi seconded for discussion.

Councilperson Annabi said this is just a change from \$22.00 to \$22.50 per hour. We approved him before but his salary was just misstated.

Seconded by Councilperson Annabi, unanimously carried.

AUTHORIZE THE FACILITIES DEPARTMENT TO EXCESS EQUIPMENT FROM THE ASSESSOR'S OFFICE

Presented by Councilperson Mackay

RESOLUTION # R19-178

RESOLVED that the Putnam Valley Town Board authorize the Facilities Department to excess the following equipment from the Assessor's Office, this equipment is old and of no monetary value.



13

Town of Putnam Valley

To: Putnam Valley Town Board
From: Susan L. Manno
Date: April 16, 2019
Subject: Authorize Excess Equipment

SJM

I formally request that the Putnam Valley Town Board authorize the Facilities Department to excess the following equipment from the Assessors' Office, this equipment is old and of no monetary value.

- (1) HP. Computer Keyboard
Serial #BC2AB0FVBWTNXG
- (2) HP. Computer Monitor
Serial #3CQ7220172
- (3) HP. Computer Monitor
Serial #CNC9002QNH6
- (4) Dell Computer Monitor
Serial #KR05R1084760228CAK66

Supervisor Oliverio said that if anyone wants this equipment they may have it. Councilperson Annabi thought that it was not allowed due to what might be on the computer; but Supervisor Oliverio said these are only monitors and keyboards – there are no hard drives.

Seconded by Councilperson Luongo, unanimously carried

APPOINT ALEXIS ACEVEDO AS THE LAKE PEEKSKILL BEACH MONITOR FOR THE 2019 SEASON

Presented by Councilperson Luongo

RESOLUTION # R19-179

RESOLVED that the Putnam Valley Town Board appoint Alexis Acevedo as the Lake Peekskill Beach Monitor for the 2019 season at a salary of \$2,000.00 with no benefits. The job will start on June 29th and end September 3rd.

Seconded by Councilperson Annabi, unanimously carried

APPOINT MARIANNE FORLANO AS A BEACH MONITOR FOR THE LAKE PEEKSKILL DISTRICT FOR THE 2019 SEASON

Presented by Councilperson Annabi

RESOLUTION # R19-180

RESOLVED that the Putnam Valley Town Board appoint Marianne Forlano as a Beach Monitor for the Lake Peekskill District for the 2019 season, at the rate of \$9.75 per hour with no benefits.

Seconded by Councilperson Luongo, unanimously carried

APPOINT JOSEPH AVILES AS A TEMPORARY, SEASONAL LABORER FOR THE LOOKOUT MANOR DISTRICT

Presented by Councilperson Whetsel

RESOLUTION # R19-181

RESOLVED that the Putnam Valley Town Board appoint Joseph Aviles as a temporary, seasonal laborer for the Lookout Manor District for the 2019 season at the rate of \$20.00 per hour. The position will begin immediately and end September 6, 2019. This position involves no more than one hour of work per day.

Seconded by Councilperson Luongo, unanimously carried

TOWN GENERATOR: CHANGE ORDER #2

Presented by Councilperson Mackay

RESOLUTION # R19-182

RESOLVED that the Putnam Valley Town Board authorize the Supervisor to sign Change Order #2 on the Town Hall Generator Project in the amount of \$550.00. The Change Order was required because in the initial plans there was to be existing conduit all the way to the panel; this was not the case when the electrician went to make this connection. The initial cost was \$395.00 which the Town has been given a credit. The cost to pull the new cable will be an additional \$550.00. This was not included in the original bid price. The amount of this Change Order has not been included in the original project budget so funding will need to be supplied from the General Fund.

Supervisor Oliverio said the reason for the change order is because they started to run a wire where part of the conduit exists and it stopped midway through the wall. They saw the conduit and thought it was long enough but it wasn't.

Seconded by Councilperson Whetsel, unanimously carried

AUDIT OF MONTHLY BILLS

Presented by Supervisor Oliverio

RESOLUTION # R19-183

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

VOUCHER NUMBERS

AMOUNTS

No Bills this Meeting

Seconded by Councilperson Luongo, unanimously carried

Supervisor Oliverio said in lieu of an Executive Session he would like to talk about some zoning changes; but there are contractual matters connected to this because there could be a cost. We have outdated zoning codes which need to be brought up to form. Bruce Barber listed some codes which he thinks are necessary to change for consistency purposes. There are some contradictory codes that need to be gotten rid of. We need to clean it up, it hasn't been revised since the 1990's.

There are some very restrictive ordinances that we may want to loosen up.

Supervisor Oliverio said that Bruce Barber mentioned that one of the reasons building might not be as moving as quickly as we'd like is because we are still expensive compared to other Towns and some of our codes are very restrictive. Please take a look at the list and let's see what changes we can make. Councilperson Annabi asked about the LaBerge Group, that we asked to look at Oregon Corners and work with the County. Supervisor Oliverio said they did and the County refused to consider them as an entity. The LaBerge Group has been looking for grants for us (they are ones who found the 60% refund grant on the parklands; we could be reimbursed). They can't do anything at Oregon Corners until they see what the County does. We still have contact with them.

Supervisor Oliverio reminded everyone that beginning in June the first two (2) Town Board Meetings will begin at 5:00 PM, and the regular meeting (3rd Wednesday of the month) will continue to start at 6:00 PM.

Supervisor Oliverio moved to close the meeting at 8:04 PM.

Seconded by Councilman Mackay, unanimously carried.

Respectfully submitted,

Sherry Howard
Town Clerk
05/15/2019