

PUTNAM VALLEY TOWN BOARD
WORK SESSION MEETING
5:00 P.M.
WEDNESDAY, OCTOBER 02, 2019

Pledge of Allegiance

PUBLIC HEARINGS

1. Expansion of septic pump-out law
2. De-icer law

PUTNAM VALLEY TOWN BOARD WORK SESSION AGENDA

3. Presentation of Town Budget by Sherry Howard, Town Clerk
4. Discussion of rescinding Town Law prohibiting paint ball gun games and activities within the Town of Putnam Valley
5. Schedule of 2020 Preliminary Budget Meetings

PUTNAM VALLEY
TOWN BOARD WORK SESSION
5:00 PM

WEDNESDAY, OCTOBER 02, 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 in honor of our men and women in the armed forces.

Supervisor Oliverio said on Tuesday, October 15th at 6:00 PM at the Fire House there will be a meeting about the Pudding Street Overpass held by the New York State Department of Transportation. They will come down and give a preconstruction overview to the project.

PUBLIC HEARING FOR AN EXTENSION OF SEPTIC PUMP-OUT AREA IN THE LAKE OSCAWANA DISTRICT

Supervisor Oliverio opened up the Public Hearing at 6:02 PM.
Seconded by Councilperson Annabi; unanimously carried.

Councilperson Annabi said we had one (1) letter pertaining to the septic pump-out from Kathleen McLaughlin. There were changes that she is asking that we correct prior to accepting the new law. We need change the term "impaired water body" (303d) to be included in part of the new septic pump out. Since 303d (impaired water body) is going to be a term that New York State no longer considers Lake Oscawana to be. We still want to make sure that everything in the watershed and everything in the Oscawana Lake District are still in a pump-out area. They would like the term "impaired water body" (303d) removed from the septic pump-out law for Lake Oscawana. Kathleen is asking for the Septic Tank Pump-out for Protection of Impaired and Other Water Bodies. Proposal for Public Hearing to Amend Section 90.1 to remove the words: Article 1 Septic Tank Pump out for Protection of Impaired and Other Water Bodies.

Councilperson Annabi said to Counsel Florence that he should remove anything in the Septic Pump-Out Law for Lake Oscawana with the term “impaired and other waterbodies” – the word *waterbodies* will remain but *impaired* and *other* needs to be removed. Anything with the term *impaired* or *303d* must also be removed. The law should state - Lake Oscawana District and those within the watershed must be part of the septic pump-out in Lake Oscawana. Supervisor Oliverio said it should read “This articles purpose is to protect from further degradation those waterbodies in the Lake Oscawana Watershed and the Lake Oscawana District”. Also, in Section 90-3 the Law should now read, “The owner of each lot within the Lake Oscawana District and Watershed (remove the other stuff) which contains one (1) or more septic systems...

Supervisor Oliverio said this amended law will include anyone who pays taxes in Lake Oscawana or who lives in the Lake Oscawana watershed – this will include such places a little further north like the scout camp. Counsel Florence said he understands what is needed to have the law amended correctly.

Resident John Kircher asked what outer areas are included in the law. Supervisor Oliverio said they want to make sure no pollutants get into the lake. There are areas quite far on Oscawana Heights road that are within the designated watershed. Counsel Florence said it is not about the surface water - its water that migrates from any area into that body of water. Mr. Kircher asked if there was any science on this which states which way the water goes. Councilperson Annabi said New York State and the Board of Health requires this septic pump-out law for residents. Councilperson Whetsel added that if you put anything toxic that goes through the surface it goes into an aquifer and the aquifers are connected. Mr. Kircher asked which way do the aquifers go. Supervisor Oliverio said that’s the unknown and what the concern of the Lake Oscawana Management Advisor Committee and also LOCA is that we don’t know about deep seeded underground aquifers and flows of water. Even if you live on the other side of the mountain you don’t always know if the water will wind up in the lake when you flush your toilet. Anyone who pays District Taxes will be covered under this law. If you are not in the District or Watershed it will not pertain to you; only those who benefit from the Lake. Mr. Kircher said you are doing this without the benefit of science. Supervisor Oliverio said they are honoring the wishes of both of the Lakes representative groups - LOMAC and LOCA. They are the voice of the Lake Oscawana area. Your concerns are duly noted and will be part of the record.

Hearing no other Public Comment Supervisor Oliverio closed the Public Hearing at 6:12 PM. Seconded by Councilperson Mackay, unanimously carried.

Councilperson Luongo said we will be accepting e-mails and such on this subject until we vote. We will do this for all Public Hearings – we will accept emails etc. so we can let resident’s voices be heard - because not everyone can make it to the meetings.

PUBLIC HEARING FOR BUBBLER/DE-ICER LAW

Supervisor Oliverio opened up the Public Hearing at 6:13 PM.
Seconded by Councilperson Mackay; unanimously carried.

Councilperson Annabi explained what this Public Hearing is about. She said a de-icer/bubbler is used in Lake Oscawana to keep ice away from people's sea walls and docks. Councilperson Annabi believes that a set of guidelines is better suited for the Town than an actual law. Some residents are against a bubbler law. Supervisor Oliverio would like to see it as a law but would like to remove the permitting process. Councilperson Annabi said if we are not going to require permits - than having guidelines is more important and makes more sense.

Lake Oscawana resident Stacey Tompkins spoke. Ms. Thompson has a de-icer and uses it properly. She said there is no reason to keep passing more and more laws. She knows that there are safety concerns but we are using it right and people need to be properly educated. On the flip side people who are using the lake need to be careful especially when you are putting heavy items like a car or a quad out there - those are things that should not be on the lake to begin with. Things should be respected on both sides. Councilperson Annabi said there are guidelines for having boats in Lake Oscawana we should do the same thing for this. Supervisor Oliverio said how can we enforce this if we don't make this a statute? The area around a dock will thin with the use of a de-icer so signs and reflectors are necessary. Supervisor Oliverio said Councilperson Annabi should go back to LOMAC and ask their opinion. He added that we do not have to pass anything tonight. He added that he would like to see Lake Oscawana ban motorized vehicles on the Lake in the wintertime; or limit it to daylight hours when you can still see. Ms. Tompkins said there is a big difference between the weight of a snow mobile versus a car.

Councilperson Annabi asked Attorney Florence what the e-mail he received from LOMAC regarding the de-icer said. Counsel Florence said LOMAC would like a broader affected area – instead of five (5) feet they wanted ten (10). Councilperson Annabi reiterated that guidelines are then a better solution over a law.

Town Clerk Sherry Howard read excerpts from three (3) letters received from residents. The letters are printed below in their entirety.

Sherry Howard

From: Jacqueline Annabi
Sent: Monday, September 30, 2019 9:24 AM
To:
Cc:
Subject: Re: De-icer meeting Oct 2nd

Hi Mike,

Thank you for your letter. It will be read as part of the public hearing on 10/2.
Have a great day.

Jacqueline Annabi
Town of Putnam Valley
Councilwoman

On Sep 30, 2019, at 8:30 AM,

Dear Jacqueline and Sam,
I've owned my house on the Lake Oscawana since 1992, I cannot attend the meeting on October 2nd, i hope my letter can be read aloud in my absence.
thank you!
mike

It is very important that home-owners on the lake shore take personal responsibility if they use a de-icer to protect their lake fronts and docks.

My family has been on the lake for almost 30 years, and for many years, we had thousands of dollars of damage caused by ice to our floating dock and gangplank, and a deck that abuts the lake, ice rising causes damage, as well as the very forceful ice flows in the spring as the ice moves.

We started using the de-icer (which cost us \$700) about 5 years ago and have not had damage since. Some years the water is very high and the chance of damage is much greater (especially to cantilevered docks like some of my neighbors have).

The de-icer is not a bubbler or aerator, it is an 1/2 HP prop that is about 4' below the surface and is directed towards the dock and shore line and keeps them free of ice. The water is **not** forced towards the lake where people are enjoying the ice. We have the smallest de-icer made by Kasco Marine.

We have a thermostat switch which only turns on the prop at below freezing temperatures. But that said, changing wind direction can push water on top of ice and melt an area that is larger than 5 feet. The limit of 5 feet around a homeowner's property is a very small distance not to mention probably impossible to control and is unreasonable and unnecessary, given the very large expanse of the lake.

We have two large 3' x 5' THIN ICE signs, facing north and south, with lights on timers on our docks. Anyone can see these signs more than 100' away, a 5' limit on open water is overly cautious and impossible due to natural occurrences.

Homeowners protecting their property from the ice should not be forced to get permits, this idea is more bureaucracy, generated by a careless accident that was not even caused by the use of a de-icer. De-icers are the tool of responsible home-owners. It is outrageous that the responsibility, to avoid accidents, is falling entirely on homeowners. Motorized vehicles on the lake at night should be regulated, if not outright banned. The loud noise of these machines on otherwise tranquil winter days and nights is a great disturbance to a very large number of people, for the amusement of very few.

Lake Mahopac has recommendations on the use of de-icers on the town website, Putnam Valley should do the same, but not micro-manage home-owners who are simply protecting their own lake fronts.

Sherry Howard

From: Jacqueline Annabi
Sent: Wednesday, September 18, 2019 3:49 PM
To: ...
Subject: Fwd: PLEASE READ AT TOWN HEARING OCT. 2nd RE: BUBBLER/AERATION SYSTEMS

FYI

Jacqueline Annabi
Town of Putnam Valley
Councilwoman

Begin forwarded message:

From: Robert Mann
Date: September 18, 2019 at 2:12:17 PM EDT
To:
Cc:
Subject: PLEASE READ AT TOWN HEARING OCT. 2nd RE: BUBBLER/AERATION SYSTEMS

Dear Jackie,

Since I will be unable to attend the October 2nd public hearing on Bubblers/Aeration Systems for Lake Oscawana I would be grateful if you could present my letter as a concerned lakefront property owner, one who has lived here for over 60 years, and who wishes to have a voice in this matter.

In 2017 I constructed a new dock to replace my old dock that had been destroyed by the ice. In my cove when the lake freezes the ice is extremely destructive especially when pushed by wind and currents. My new dock is composed of aluminum and plastic components, all are completely inert and environmentally friendly for the lake, a criteria I specifically searched for when researching for a replacement. Based on the size and configuration of the replacement dock that the town approved the option of a floating dock was not financially feasible for me. My stationary dock is supported by aluminum poles that would bend and snap like matchsticks if subjected to ice build up.

Following last winter's accident on the lake of my neighbor and childhood friend I immediately placed a large, reflective, "DANGER THIN ICE" sign on my dock and strung orange safety cones approximately 100 feet around my lakefront property to clearly identify the area of caution. I utilize a de-icer which is a simple 1/2 horsepower electric driven propeller, the smallest model on the market. When I am at my property I can turn the de-icer on and off to regulate the amount of open water around my dock. I am not at the lake full time now so I plan to instal remote control devices to be able to both view the ice forming around my dock and control the de-icer to regulate it accordingly. BUT, I have some concerns specific to my situation and on this matter in general.

As a lakefront property owner I am not opposed to the responsible use of de-icers whereby the amount of open water around one's dock or seawall is kept to the smallest possible area however I believe that a 5 foot perimeter may be nearly impossible to insure. In my cove along the northeast coastline there are constant winds and currents which contribute to the movement of ice. Sometimes the ice actually recedes and literally pulls away from the shoreline. I have watched the amount of open water around my dock change suddenly and drastically in a matter of minutes due to certain weather conditions. I can not be held accountable for what is the by-product of Mother Nature and of no fault of my de-icer. Furthermore there is a stream that runs into the lake alongside my property. This stream runs all year round and can often create areas of open water and thin ice that extend into my lakefront area.

And one further note relevant to this topic that should be included in this discussion are the natural springs that further contribute to areas of thin & weak ice. Anyone who has grown up on the lake is well aware of these springs and the hazards they can create. They are easy to spot during daylight but nearly impossible to view at night.

In conclusion, as a lakefront property owner I do advocate for responsible use of de-icers along with reasonable measures of safety put in place to protect individuals accessing the frozen lake. However, it is imperative that equal responsibility be enforced on the part of those that access the frozen lake. If in fact the use of heavy equipment such as quads, cars & trucks is illegal, especially at night, then those laws should be enforced to protect those individuals from harming themselves and from creating an incident within the riparian rights of a responsible lakefront property owner.

Robert Mann

Sherry Howard

From: John Powers
Sent: Monday, September 30, 2019 8:06 PM
To: Jacqueline Annabi
Cc:
Subject: re: October 2nd meeting

Thank you Jacqueline.

Sent from my iPhone

On Sep 30, 2019, at 6:52 PM, Jacqueline Annabi wrote:

Thank you John and Jennifer,

Your letter will be part of public record for the public hearing.

Have a great evening.

Jacqueline Annabi
Town of Putnam Valley
Councilwoman

On Sep 30, 2019, at 6:02 PM, John Powers wrote:

Dear Sam and Anna,

Unfortunately Jennifer and I are unable to attend tomorrow's meeting on de-icers, but would like the chance to contribute to the discussion. I have reworked emails I sent Kathleen McLaughlin and Sam last winter. While we would have preferred to be there ourselves, please read this letter aloud at the meeting:

We are aware that others have been on the lake for decades, Jenny and I are relatively new to the lake, and are writing, not from long experience, but from recent experience.

We have a large fixed wooden dock. It is 40 to 50 years old. Because of the exceptionally heavy rains in the summer and fall of 2018, the water level of the lake was at least 18" higher than the preceding three years. This meant that the front edge of our dock was actually submerged under an inch or two of water. So while we are new on the lake, we had enough experience to know that the lake being that high was extraordinary and dangerous. The danger was that the ice would be another foot and a half higher than the level water, meaning that it would lift the dock upwards from below, damaging or even destroying it.

We take the safety of our neighbors very seriously, and are more than happy to do whatever we can to keep everyone safe - because we want to be safe ourselves: We enjoy being out on the ice too.

Hearing no other Public Comment Supervisor Oliverio closed the Public Hearing at 6:25 PM. Seconded by Councilperson Mackay, unanimously carried.

PRESENTATION OF TOWN BUDGET BY SHERRY HOWARD, TOWN CLERK

Presented by Supervisor Oliverio

Town Clerk, Sherry Howard handed each Town Board Member a 2020 Tentative Budget. Supervisor Oliverio said our Webmaster will put this budget on the website tomorrow for everyone to see.

Supervisor Oliverio said when he first looked at the budget with our CFO Maria Angelico, he believed they would be able to come in with a number at around the 3% mark; but then they received notification from the Retirement System, our Insurance Companies, Medical Insurance and Workmen's Comp that they were all going up which increased that 3% to 5.42% and that's where our budget is now. This is the first meeting where the Board is discussing it; and it is our job to get it to near the CAP which is 2.0%. When you have these increases it is difficult to maneuver your budget. If the Board needs to discuss the budget we can add meetings to the calendar including October 23rd and October 30th. The Public Hearing will be set at the meeting on October 16th.

Councilperson Luongo said there are 24 new unfunded State Mandates going into effect next year – not all of them will affect us. Supervisor Oliverio said that we do not have a lot of business in our Town and we are the most rural Town in Putnam County. The tax burden falls on each and every one of us including the members of this Board. Ms. Angelico said for us to get to 2.2% \$350,000.00 would have to be cut from the budget. Supervisor Oliverio said he increased the revenues across the Board because he thought they were coming in a little low.

Councilperson Annabi began by asking about line A1310.100 located on page 3. She said we have a Managers Contract that is still in place. Ms. Angelico said yes but stipends were included for additional responsibilities. Supervisor Oliverio said they were added because Ms. Angelico and Ms. Manno were given added responsibilities and if you look at the salaries of other Towns, they are underpaid. Councilperson Annabi said we should wait until the Manager's Contract ends before we give out stipends because we have had other Managers asking for increases and stipends and we couldn't give them anything because we have a Manager's Contract. This will open up a can of worms because we said no to everyone else over the last two (2) years. They will then come back and ask for what we said no to. Supervisor Oliverio said in April he presented a stipend increase for all the managers but was told to wait until budget time to do it. Please just review it. He feels that our Town Employees and our Managers are underpaid. We could not run Town Hall the way we do without them.

Councilperson Luongo said the amount of money we are paying anybody is very much below scale but we do have a contract and if we do for one (1), we will have to do for all. Supervisor Oliverio said that is not true if we do a stipend instead of a raise. Ms. Manno asked what happens when a Manager takes on additional responsibilities not listed in their job description. Councilperson Annabi said she would check with Counsel on that, but she believes (that just as when a similar situation happened with a couple of Union Employees) the rest of the seven (7) Managers would have to get together and say they all want a stipend or increase their rate. Ms. Angelico said that not every Manager took on additional responsibilities. Councilperson Annabi said not everyone in the Union did either when we did it for those two (2) Union Employees. At that time we needed the Union Management to agree to give the two (2) employees those stipends. If we do this without the other Managers permission we are breaking the contract. Councilperson Annabi asked Attorney Florence for his opinion. He said the contract can be amended. Councilperson Mackay said how can Managers have extra duties? Supervisor Oliverio said they are still Civil Servants with County Job Descriptions.

Councilperson Whetsel said we should look for big numbers instead of \$1,000.00 here and there which will not help much – we need some chunks. If there are things that are one (1) time big purchases we could buy them out of the General Fund which would bring down the percentage. For instance under Highway on page 13 DA 5130.200 Machinery Equipment. Last year the budget line was \$0. In 2017 the line was budgeted at \$13,110.00; this year it is tentatively budgeted for \$35,000.00. Ms. Angelico said that in the past it was budgeted at \$40,000.00. This is the line Highway Superintendent Cobb uses as a reserve to cover any of the equipment he might need to buy. Some years it is not significant and some years it is. Last year we reduced it to \$30,000.00 in an effort to come in under the tax cap. That sometimes handicaps his ability to replace what he needs to replace that is not a big ticket item such as a truck. Councilperson Whetsel replied she noticed right now he has only used \$5,500.00. Ms. Angelico said that is because he has not spent it yet but the bills will be coming in. She added that the Town Board should not forget that the Highway Fund gave us money last year. The Highway Fund is exactly where it needs to be. The last couple of years we have taken out of Highway to buoy up the budget to stay under the tax cap rule. Now we have to level out. The biggest pieces are going to be in the Town General Fund and Districts – and there are still items in the Districts that are under negotiation.

Councilperson Annabi asked about line item # 1620.411 located on page 5 which is Building Water Expense – she noted that it went up from \$18,000.00 to \$21,000.00. Supervisor Oliverio and Ms. Manno said this covers the water that goes to the effected people's homes, water testing, the hydrologist and the water delivery. Councilperson Annabi asked about installing the previously discussed reverse osmosis system to take permanent care of these residents' water problems. Councilperson Annabi said she recalled that a system like that would have cost us less than \$100,000.00 which could come from the General Fund.

She added that we probably have spent that much on water delivery in the last four (4) years. Ms. Manno said she was contacted today by Poland Spring. They told her that are now partnering with another company to provide a new reverse osmosis system. She will make an appointment to talk to them. This new system can work up to 1000 feet on many faucets at one (1) time. Supervisor Oliverio said we cannot use the General Fund to cover the water delivery etc. expenses to effected residents because it is not a one (1) time thing.

Councilperson Whetsel said if we move forward with the solar panels it will save money on our electricity. We are waiting to hear from DAZNY on moving forward with putting solar panels on the dog shelter. Also, on page 6 budget line item which is entitled "Data Processing Equipment" has \$20,000.00 in it. If this is a one (1) time purchase can we use the General Fund? Ms. Manno said this is for the yearly licensing of software that we use to run certain programs on the computer. So we are not actually buying any equipment. This is cost of doing business in the 21st century.

Councilperson Annabi said the Board of Ethics has an increased cost budgeted of \$1,500.00. What is the increase for? Supervisor Oliverio said that is for the monthly rental fee they pay to hold their meetings at the Lake Peekskill Community Center. It is also to cover any supplies they need. This is on page 6. Councilperson Annabi asked about budget line #1620.420 – which is telephone expenses. She asked Ms. Manno if this is for our new telephone system and noted that this is a 34% increase. Ms. Manno said she does not know how to budget for this item as this system is new. This is a cloud based system – there is no real equipment. Ms. Angelico said if you look at this year we are already at \$13,200.00 and we still have three (3) more months to go in the year. Councilman Luongo said so we are really going to be slightly over budget this year.

Councilperson Annabi said the next item is on page 7, line item #'s 3620.110 and 3620.130. Is this a 45% increase because we added Freddy Finger as a part time hourly employee and because it includes the Building Inspector's salary who is full time? Ms. Angelico said yes also the Building Inspector's raise is only what is stated in the Manager's Contract. Councilperson Annabi said she noticed that the Ambulance Corps and the Library are both at a 5% increase. Supervisor Oliverio said yes that is correct He added that if the 414 passes then the library will not appear in our budget. Councilperson Annabi said right now our biggest culprit is the garbage numbers. Our district garbage bid came out astronomical and we are requesting a lower number. Supervisor Oliverio said we are negotiating and we should be alright. The bid we received was quite high so we are renegotiating. Councilperson Annabi said we may have to drop the Garbage Districts if these numbers stand - which would save us \$200,000.00. Supervisor Oliverio said we would not be dissolving any Districts but we would be removing that one (1) component from the Improvement Districts – everything else would remain the same. This is only if the bid does not come down. The residents would then have to hire a private hauler to remove their garbage.

Councilperson Luongo asked when we will begin to get money from the cell tower. Supervisor Oliverio said we have already received one small (1) stipend – they are breaking rock right now. They will have the tower up by the end of October and we begin to receive money by the beginning of December. We don't have it here as revenue line because we don't have exact numbers but at minimum we should get around \$24,000.00.

Councilperson Annabi asked if the Fire Department was getting an increase this year. Supervisor Oliverio said no they are not, as that was the contractual agreement we had with them. Supervisor Oliverio said this is the first discussion we've had about the budget – this is a difficult process for a small town without a real Business District.

DISCUSSION ON RESCINDING TOWN LAW PROHIBITING PAINT BALL GAMES AND ACTIVITIES WITHIN THE TOWN OF PUTNAM VALLEY

Presented by Supervisor Oliverio

Supervisor Oliverio said now that we have the camp we have been offered the chance to do paint ball up there as a revenue producer for the Town. Paint Ball is considered a "war game" which is illegal according to our books. Supervisor Oliverio would like the Board to consider repealing this law so we can have corporations go there. Both Councilperson Mackay and Councilperson Luongo were in agreement to rescind the law and allow paint ball games. Councilperson Annabi is also for it, in fact is she the person who brought it up. She said it is very successful in other towns and we have lots of open isolated land up at the camp. She suggested that someone may want to buy some of that open vacant land and make that into a permanent paint ball business that would bring the Town some tax revenue.

SCHEDULE OF PRELIMINARY BUDGET MEETINGS

Presented by Supervisor Oliverio

Supervisor Oliverio said the schedule is posted on our website. We will set the Public Hearing for November 6th.

Supervisor Oliverio moved to go into an Executive Session at 6:10 PM. No new business will occur after the Executive Session.

Seconded by Councilperson Mackay unanimously carried.

Respectfully submitted,

Sherry Howard
Town Clerk
10/16/2019