

PUTNAM VALLEY TOWN BOARD
TOWN BOARD MEETING
WEDNESDAY, MARCH 18, 2020
6:00 PM

Pledge of Allegiance

1. Departmental Reports
2. Supervisor's Comments
3. Legislative Reports
4. School Report
5. Approval of minutes

Facilities

6. Amend Resolution #R20-121
7. Parks and Recreation:
 - A. Approval of the landscape bid for fertilizer, for Town Park etc.
 - B. Staff Additions/Changes
 - C. Refunds
8. Building and Zoning:
 - A. Daily Fee Report for January 2020
9. Acceptance of the Climate Smart Pledge
10. Public Comment
11. Audit of monthly bills
12. Budget Transfers and Amendments

PUTNAM VALLEY TOWN BOARD
TOWN BOARD MEETING
WEDNESDAY MARCH 18, 2020
6:00 PM

PRESENT: Supervisor Oliverio
Councilman Luongo
Councilwoman Annabi
Councilman Smith
Councilwoman Whetsel

ALSO PRESENT: Town Clerk Sherry Howard
Town Counsel Robert Lusardi

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

DEPARTMENTAL REPORTS

Presented by Councilwoman Annabi

Supervisor Oliverio read a statement from Dede Farabaugh, Director of the Putnam Valley Free Library. In short the statement relayed that due to the COVID-19 virus the library is closed until the end of March. No penalties will be charged for overdue books, videos etc. You can access all of the library's digital content on-line. You can even sign up for a library card on our website. Please stay safe.

SUPERVISOR'S COMMENTS

Presented by Supervisor Oliverio

Supervisor Oliverio said these are trying times. Please keep in mind that due to the Governor's mandate the Town Hall staff is just a skeleton crew and you must make an appointment to see someone. We can always scan documents to you, or respond by phone. If you have a question or would like to make an appointment please call (845) 526-2121. This is everywhere including schools, bars, restaurants, stores – these are surreal times. It is restricted usage much like the Great Depression and WW II. We will survive this as we did the Spanish Flu. In addition, the first two (2) meetings of the month may be cancelled, we are discussing that. Make sure you are practicing social distancing, washing your hands well, and please stay safe.

DEPARTMENTAL REPORTS CONTINUED

Councilwoman Whetsel read a statement from the CCE:

I am speaking today on behalf of the Commission for the Conservation of the Environment, often referred to as the CCE, who could not attend tonight's meeting. Please visit the CCE on our Facebook Page for environmental tips.

Go to Facebook and paste in Putnam Valley Commission for the Conservation of the Environment - CCE.

Because we have the opportunity to work with many NY environmental organizations such as the NYSDEC, NYC DEP, Cornell Cooperative Extension, Hudsonia, The Hudson Highlands Land Trust, and others, we have wonderful information on how to protect and enhance our environment.

Recent articles, postings and videos, offer information on the Amphibian Migrations and Road Crossings, Ten Activities You Can Do Outdoors with Kids, view a Beaver literally chewing down a tree on Barger Pond, Cornell Cooperative Extension's upcoming Seedling Sale, and promotion of the Putnam's Pollinator Pathway, the HHLT initiative of the Green Corridors Plan to mention a few.

Again, please visit us and share. Working together we can keep our environment beautiful and safe.

Supervisor Oliverio said the Highway Department, Fire Department and the Ambulance Corp are consumed with many other important things right now and do not have time to give a report.

COUNTY LEGISLATOR REPORT

Presented by Supervisor Oliverio

Supervisor Oliverio said tonight our Legislators are meeting at the County. There is a lot of information coming out of the County right now. A State of Emergency has been declared. Please go to PutnamcountyNY.gov to see all of the information you need.

SCHOOL REPORT

Presented by Supervisor Oliverio

Supervisor Oliverio said school is closed and we don't know for how long – they may not reopen at all this year. Councilwoman Annabi said there will be no graduation ceremonies or proms. In Albany they are discussing the situation with the Regents and AP exams. She added that this does not change the hard work and dedication these students put in and we are very proud of them.

ACCEPT TOWN BOARD MINUTES

Presented by Councilman Luongo

RESOLUTION #R20-128

RESOLVED that the Town Board authorize the Supervisor to approve the minutes from the February 12th, February 19th, and March 4th, 2020 Town Board Meetings.

Seconded by Councilwoman Annabi, unanimously carried

AMEND RESOLUTION #R20-121

Presented by Councilwoman Annabi

RESOLUTION #R20-129

RESOLVED that the Putnam Valley Town Board amend Resolution #R20-121 to reflect the corrected price of the seven (7) Dell Vostro laptop computers @\$629.00 each and seven (7) Notebook Cases at \$19.99 for a total of \$4,542.93; this expenditure was not budgeted and will need to be taken from the General Fund.

Seconded by Councilman Smith, unanimously carried

APPROVAL OF FERTILIZER BID FOR THE TOWN PARK

Presented by Supervisor Oliverio

Councilwoman Whetsel seconded for discussion.

Councilwoman Whetsel said she recently got some information about the toxic chemicals used in fertilizer. She would like to do some research on what is in the chemicals being used and maybe try to use a greener method. The areas around the lakes have been contaminated due to the use of fertilizers; so she hesitates to jump in and say okay. Supervisor Oliverio said he knows that in Putnam County you cannot use phosphates or nitrogen based fertilizers.

Councilwoman Annabi said we have had this discussion before and McKinney is a green company. They know the fertilizer is going onto the fields where kids play so they are very sympathetic to that. Councilwoman Whetsel said she wishes they would just come in here briefly and say what exactly is in the chemicals they use. Supervisor Oliverio said they are on a time line with baseball season etc. Councilwoman Annabi said on the second page of the contract it states that McKinney will be supplying labels and product ingredients to the Parks and Recreation Department and she can ask Frank DiMarco to see it.

RESOLUTION #R20-130

RESOLVED that the Putnam Valley Town Board authorize the Supervisor to award the annual turf care bid to McKinney Landscaping Corporation and allow the Town Supervisor to sign the contract in the amount of \$6,125.00 for the Town Park and the Rotary Field on Sunset Hill Road. McKinney Landscaping Corporation was the lowest bidder of those who responded. Proposals are attached.

Seconded by Councilwoman Annabi, Councilwoman Whetsel voted Nay – By a vote of 4 ayes to 1 nay the Resolution passes.

Councilman Smith also said he was interested in knowing what chemicals are being used and would do some research.

PARKS AND RECREATION REFUNDS

Presented by Councilman Smith

RESOLUTION #R20-131

RESOLVED, that the Town Board approve the following Parks and Recreation refunds:

To: Town Board
From: Frank DiMarco, Parks and Recreation Director
Subject: Parks and Recreation Refunds
Date: February 20, 2020

Patricia Cumbal 75 Lee Avenue Putnam Valley, NY 10579	\$500.00 LPCC deposit refund
Louis Peduto 26 Kramers Pond Road Putnam Valley, NY 10579	\$100.00 Sports refund Head Coach
Diane O'Rourke 14 Bel Lago Drive Putnam Valley, NY 10579	\$105.00 Sports refund unable to attend wrestling
Bedri Rexhepi 31 Quincy Road Putnam Valley, NY 10579	\$75.00 Programs refund program cancelled
Brenda Tompkins 21 Harper Street Lake Peekskill, NY 10537	\$120.00 PVCC after camp does not need Tuesday pm's

Seconded by Councilman Luongo, unanimously carried.

PARKS AND RECREATION PERSONNEL

Presented by Councilman Luongo

RESOLUTION #R20-132

RESOLVED, that the Town Board approve the following Parks and Recreation Personnel:

1. Stephanie Monaghan, Rec Ass't @ \$11.80 per hour.
2. Megan Stephens, Rec. Ass't, @ \$11.80 per hour.

Seconded by Councilwoman Annabi, unanimously carried.

BUILDING DEPARTMENT REPORT- FEBUARY 2020

Presented by Councilwoman Annabi

RESOLUTION #R20-133

RESOLVED, that the Town Board accept the Building Department daily fee report and summary for the month of February 2020, for filing with the Town Clerk.

Seconded by Councilman Smith, unanimously carried.

ACCEPTANCE OF THE CLIMATE SMART PLEDGE

Presented by Councilman Smith

Councilman Smith said we are accepting the same Pledge as the County used. We will now be open to all the grants and advantages that the Pledge allows us. We can now move our Town forward.

RESOLUTION #R20-134

RESOLVED, that the Town Board approve the Climate Smart Community Pledge.

WHEREAS, Putnam Valley believes that climate change has impacted our local and global environments; and

WHEREAS, the effects of climate change has increased the need for actions that will protect our infrastructure, economy, farms and ecological communities, including native fish and wildlife populations, reduce the spread of invasive species, protect drinking water supplies and recreational opportunities, and reduce potential threats to the health and well-being of our citizens; and

WHEREAS, Putnam Valley believes that our response to climate change provides us with an unprecedented opportunity to save money and to build livable, energy – independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, Putnam Valley believes the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, Putnam Valley believes that even with a reduction in emissions today, communities would still be required to adapt to the effects of climate change for decades to come; therefore now be it

RESOLVED, that Putnam Valley, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities Pledge, which comprises the following 10 elements:

1. Build a climate-smart community
2. Inventory emissions, set goals, and plan for climate action.
3. Decrease energy use.

4. Shift to clean, renewable energy.
5. Use climate-smart materials management.
6. Implement climate-smart land use.
7. Enhance community resilience to climate change.
8. Support a green innovation economy.
9. Inform and inspire the public.
10. Engage in an evolving process of climate action.

Seconded by Councilman Luongo, unanimously carried.

Supervisor Oliverio thanked Councilman Smith and Councilwoman Whetsel for bringing this to us. It's a great thing.

AUDIT OF MONTHLY BILLS

Presented by Councilwoman Whetsel

RESOLUTION #R20-135

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

<u>VOUCHER NUMBERS</u>	<u>AMOUNTS</u>
3402-30619	\$107,508.21

Seconded by Councilman Luongo, unanimously carried.

BUDGET TRANSFERS AND AMENDMENTS

Presented by Councilman Luongo

RESOLUTION #R20-136

RESOLVED, that the Town Board approve the following budget transfers:

Seconded by Councilwoman Annabi, unanimously carried.

PUBLIC COMMENT

Presented by Supervisor Oliverio

Resident Mike Busman read the following:

Statement at PV Town Board Meeting – March 18, 2020
MJ Busman

Good evening. I'd first like to thank you Sam and the entire Board for your service to the town of PV and its residents. Second, I'd like to thank you for the opportunity to address the Board on a matter of importance to all residents of PV – that of the intent by the County Highway Commissioner to lift the weight restrictions on large trucks passing along PHR on their way to somewhere else.

As background and to refresh everyone's memory, at the Feb 19th meeting of this Board, on the subject of lifting the weight restrictions on PHR, Sam, you said, and I quote:

"I can tell you this, that the town will use every, every, resource possible to stop this if it occurs. Right now it has not occurred, it is in the talking phase, but talking usually leads to action, so the town is on notice of this."

You are right, talking usually leads to action.

You then turned to Town Attorney, Bob Lusardi who described the standards contained in the Green Book, the set of truck and highway safety standards written by the American Society of State Highway and Traffic Officials (ASHTO), that advises local governments on truck and highway safety, and his conversation with Town Engineer, Todd Atkinson, who told him, referencing PHR:

"There's no question that that highway does not meet the truck safety standards."

Mr. Lusardi also reminded us that the county legislature enacted a law declaring PHR to be a historic highway which prohibits widening or alteration of the road.

And given that designation AND the fact that PHR does not meet ASHTO standards for truck safety, Mr. Lusardi explained that should the Commissioner nonetheless decide to lift the weight restriction, the town could legally challenge that action under an Article 78 proceeding indicating that decision to be arbitrary, capricious and unreasonable.

Mr. Lusardi also outlined actions under the State Environmental Quality Review Act, as another means of challenging the Highway Commissioner's purely discretionary act. I say "purely discretionary" because no one has outlined any benefit to the residents of PV that might in any way offset the significant downside to our residents – in the damage that heavy thru trucking would do

Statement at PV Town Board Meeting – March 18, 2020

MJ Busman

PHR, as well as the increased risk to PV drivers, joggers, walkers, and bike riders along this road.

With this as background, I'd like to refer to a memorandum from Commissioner Pena to County Executive Odell, dated February 21, 2020. I believe that memo, should be a serious concern for this Board and for PV residents.

First, Commissioner Pena completely ignores that fact that the county has designated PHR a historic road. That's an inconvenient fact since the historic designation comes with limitation on how that road can be changed. It also ignores the likelihood that PHR fails to meet trucking/highway safety standards established by ASHTO – as Mr. Atkinson told Mr. Lusardi.

Second, Mr. Pena describes PHR as an “arterial road.” To be more precise, it is a “rural minor arterial road.” In distinction from Routes 9, 9D, and 6 which are designated as “principal arterial road.”

Now, interestingly, in addition to PHR, route 301 is designated by NY DOT, as a minor arterial road. Route 301. Is it just me, or do others here see a big distinction in the design and in the safe load capacity between 301 and PHR? Are they in any way comparable?

According to the NY Dept of Transportation's Functional Classification of a minor arterial road, one of its key attributes is that the road is designed to provide for (and I quote) **relatively high overall travel speeds, with minimum interference to through movement.**

Well, 301 seems to meet that criteria. But does PHR? I would argue it does not. Not by a long shot. The characteristics and design of PHR line up more closely with Dennytown Road which is designated as a rural minor collector road. Neither of these rural roadways should be open to heavy trucking though-traffic.

Such traffic belongs on Routes 9, 9D, and 6 where they can move safely. And the only comparison between those routes and PHR is that they generally run North-South. That fact makes PHR a very convenient alternative to those principal arterial roads for commercial trucking companies looking for a short-cut. There is no benefit and a great deal of downside to the residents of PV who this Board represents.

Statement at PV Town Board Meeting – March 18, 2020
MJ Busman

And this is the crux: reopening PHR to heavy trucking recreates the shortcut sought by outside commercial trucking interests that have no concern about the impact on PHR and PV's residents.

Commissioner Pena also asserts in his memorandum that lifting the weight limits on PHR is a matter of safety, since it will draw the trucking off local roads that are less suitable for heavy traffic. This is a "red herring" designed to distract PV residents. Heavy traffic on local side roads should not be permitted any more than such traffic should be allowed to endanger local traffic on PHR. In short, Dennytown Road shouldn't be a North-South shortcut off route 301 any more than should PHR.

That leads me to my question to this Board. In the February 19 meeting, Sam, you said,

"This Board will take every action possible to oppose this, going all the way through the courts and beyond. We've worked so hard to get PHR off that truck route status and to regress now would be just a disaster."

I couldn't agree more. Therefore, on behalf of the residents of PV I make two requests. As you said Sam, talking leads to action:

First, will you petition the NY Dept of Transportation to reclassify PHR from "rural minor artery," to the more appropriate classification of "rural minor collector?"

And second, will you send an open letter, published in the local papers, to Executive Odell and Commissioner Pena, challenging Mr. Pena's failure to consider PHR's historic status, and his implicit assertion that its classification makes it as suitable for heavy trucking as minor artery, route 301, and principal arteries routes 9, 9D, and 6, -- reasserting this Board's public position that any action to lift the weight restriction now or in the future will be vigorously opposed by PV as arbitrary, capricious, and dangerous, providing NO BENEFIT to the residents of PV? And will you commit to do so before the next meeting of the Board?

Supervisor Oliverio said we have a stay of three (3) years now – but what you are asking is reasonable and pursuable.

Supervisor Oliverio asked Town Attorney Lusardi can we move on making Peekskill Hollow Road a Rural Collector Route. Supervisor Oliverio said he wrote a letter to the County stating that Peekskill Hollow Road is designated a Historical Road.

Councilwoman Annabi read parts of the following e-mail out loud into the minutes. It was written by resident Susan Kimble who lives in Floradan Estates.

Letter to Putnam Valley Town Board Regarding Nuisance Burning Law
March 18, 2020

My name is Susan Kimble. I live in Floradan Estates where homes are located in close proximity to one another. We have a neighbor who is constantly having an open burn in a fire pit. This occurs almost on a daily basis and lasts sometimes for 7-8 hrs. a day. The fire is often left unattended. A video of an unattended fire shooting embers higher than a six ft. fence in the pitch darkness was sent to Sam Oliverio. The neighbors in the surrounding properties are being affected by the smoke. One neighbor in particular has an auto-immune disease. The smoke affects her health. She states in an email to Sam, "smoke is not just a nuisance to me, but a serious health issue. My immune system is already compromised which resulted in Dysautonomia, (a nervous system disorder) inflammatory bowel disease, and multiple chemical sensitivity. I have trouble processing and clearing toxins from my body. So breathing any smoke or chemicals causes a reaction in my lungs, where once it gets triggered, they get irritated and burn for hours. Along with this immune reaction, comes nausea and a general unwell feeling. Sometimes diarrhea and other autoimmune symptoms. By the way, the fact that it is "just smoke" from wood does not make it non-toxic at all". She politely went over there to speak to this neighbor (wearing a surgical mask no less) and asked them to please stop because it is affecting her health. They did not. Another neighbor has to close his windows because of the smoke. So on a beautiful day he has to keep his windows closed. I cannot enjoy my backyard because the smoke makes me cough and my lungs burn. And another neighbor can't enjoy her gardening because of the smoke. I know Sam received several complaints about this neighbor. I fell asleep one summer evening with the windows open. I awoke the next morning with a hacking cough and my chest burning. I realize people like to enjoy a fire. No one would have an issue with an occasional fire in a backyard. But when the occurrence of a fire is almost on a daily basis for 7-8 hrs. even during the daylight hours, that's when it becomes an issue and a nuisance.

Burning wood produces air pollutants including carbon monoxide, hydrocarbons, formaldehyde, and tiny particles known as particulate matter, which can be deeply inhaled into your lungs. Breathing wood smoke can increase cardiovascular problems such as angina, irritate lungs and eyes, trigger headaches and worsen respiratory diseases such as asthma, emphysema, and bronchitis. Wood smoke is especially harmful to babies, children, pregnant women and their unborn child, and the elderly, not to mention contributing to greenhouse gases. (Isn't Putnam Valley trying to become a climate smart community?) And as a Respiratory Therapist I have witnessed the consequences of inhaling smoke and other chemicals.

I know Putnam Valley has always had a great Town Board who cares about the health, safety, and enjoyment of one's property. I know this because of the ordinances already in the town code:

SMOKING- the Town Board finds that a potential health hazard exists from smoking on town property.

ALCOHOLIC BEVERAGES- It is the purpose of this chapter to protect the public interest, welfare, health and safety within the town of Putnam Valley by prohibiting consumption of alcoholic beverages in public places.

DOGS- to promote the public health, safety, and welfare of its people by enforcing regulations and restrictions.

LITTERING AND DUMPING- the intent of this chapter is to safeguard the health, safety, and welfare of the inhabitants of Putnam Valley to protect preserve and maintain property values, to minimize nuisances, to protect against health hazards.

NOISE- noise levels are a detriment to the public health, comfort, convenience, safety and welfare of its citizens. Every person is entitled to an environment in which disturbing, excessive or offense noise is not a detriment to his or her life, health, or enjoyment of property.

The internet is inundated with testimonials from people whose health is being affected by wood burning smoke. They either had to move, or be trapped in their homes.

Since there is no ordinance in the Putnam Valley Town Code, as of now, nothing can be done. People can burn 24/7. So damn the neighbors, damn the people with health conditions, damn the babies, children and pregnant women, damn the elderly, and damn anyone who doesn't like it. How is this right? Our society and our communities have evolved. Laws need to be changed or amended. Remember when smoking indoors was acceptable, driving a car without a seat belt? And the list goes on. No one is talking about wood burning stoves, or an occasional fire. Wood burning stoves are a necessity in heating a home. An occasional fire is to be enjoyed. What I am talking about is a situation that I just described. What I am asking of this Town Board is to place a nuisance burning law in the Town Code. So please, as in other town ordinances, protect the health, safety, and enjoyment of property of its residents. Thank you.

Respectfully...

Supervisor Oliverio said he sent out the Building Inspector, our Zoning Code Officer, and our rotating Building Inspector to check on this situation. They all said it is a legal fire pit and they are only burning logs. The family said they enjoy it and sometimes they even cook their meals there. The only way to fix this is to pass a law outlawing back yard fire pits and we can't change a law for the benefit of one (1) person. That would have a devastating domino effect. Councilwoman Annabi said Ms. Kimble is saying that they are burning branches and leaves in it which is illegal. Supervisor Oliverio said every time they have inspected it, it has only been large logs. Councilman Luongo said even with the burning ban we have now, fire pits using natural wood are exempt from that. It can't be leaves though. The reason for the burning ban is because the amount of smoke an open burn creates disturbs migrating birds; and also the fact that this is the driest time of the year. Councilman Smith said should we have increased vigilance in this area because the pictures he saw showed building materials being burned. Councilwoman Annabi said she was told the Code Enforcement Officer was not allowed on the property; but the rotating building Inspector said that he was on the property and it is a legal fire. Councilwoman Whetsel asked if we could pass something that says if a neighbor has a health issue exacerbated by smoke burning could be limited? Supervisor Oliverio said this sounds like we would be targeting one (1) person. He believes that this is a civil matter. Councilwoman Whetsel said if you have asthma or COPD this could be harmful and why should one (1) person's rights supersede another's? Town Attorney Lusardi said in the law there two causes of action that one (1) neighbor can bring against another. One (1) is a nuisance where you use your property in a way that disturbs the way a neighbor uses theirs.

The other is trespass, where the smoke and burning embers would be trespassing onto the neighbor's property. Both of those are applicable to circumstances where somebody is burning persistently and intensely. Under our Zoning Code we can point to our General Performance Standards which applies to noise, light, smoke and so forth. Under the code you cannot have a use which causes dust, smoke, and fumes to travel across onto the neighbor's property, it's not the fire pit itself. It has to be a use that is not unreasonable. That neighbor could attain an attorney to take care of this.

Councilman Luongo said about the Corona Virus that people might not be aware of, he came across the first place today that would not accept cash. Cash is very dirty. This could hurt a lot of people. He added that you can order a lot of things on line, like toilet paper. Please leave groceries and things you really don't need for others, don't hoard. The wipes that we use to kill germs have to be left on surfaces for four (4) minutes to work. Be kind to one another, we are all we've got to get through this.

Councilwoman Annabi reminded everyone to complete the Census. You probably already got your code in the mail, so now go on- line and complete it. You need to be entered into the system, this is how we are able to receive money from the State for our CHIPS fund, school funding etc. The Census is anonymous they are basically going by your zip code. It is a basic questionnaire.

Councilman Smith said the Putnam Valley Food Pantry remains open. The Grace Methodist Church has changed its distribution method. You now line up at the High School and you proceed down where they will come outside with a bag of food for you.

Supervisor Oliverio moved to go into Executive Session at 6:47 PM to talk about a contractual matter concerning the Fire House. No business will be conducted afterward. We are not sure if we will be having the first two (2) meetings of the month – it depends on what the Governor says about public meetings. Councilwoman Annabi added that you can always contact us by e-mail – our addresses are on our website. Supervisor Oliverio said you can call him at Town Hall or contact him on Facebook.

Supervisor Oliverio closed the meeting at 6:47 PM.

Seconded by Councilman Luongo, unanimously carried.

Respectfully Submitted

Sherry Howard
Town Clerk
03-20-2020