

PUTNAM VALLEY TOWN BOARD
PRE-WORK SESSION
WEDNESDAY, JUNE 03, 2020
4:30 PM

Pledge of Allegiance
Supervisor's Comments

Discussions:

- a. District Zoning Code Changes
- b. Renewable Energy Moratorium
- c. Sale of Controlled Substances
- d. PVVFD Contract
- e. Lake Peekskill Dam

1. Parks and Recreation Refunds
2. Tax Assessor – Certiorari settlement

3. Authorize Supervisor to sign off on the letter of intent to participate in Putnam County Multi-Jurisdictional All-Hazard Mitigation Plan Update.

Adjournment

PUTNAM VALLEY TOWN BOARD
PRE-WORK SESSION
WEDNESDAY JUNE 03, 2020
4:30 PM

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

ALSO PRESENT: Town Clerk Sherry Howard
Town Counsel Robert Lusardi

SUPERVISORS COMMENTS

Supervisor Oliverio welcomed everyone to the Pre-work Session and first meeting of the month. We will be going back to meeting at Town Hall next week. We will not be allowing members of the public in unless it's a Public Hearing due to the precautions necessary per the covid-19 virus. Public input is not required by law unless it's a Public Hearing. The agenda is put out on the Friday before the meeting and if you have any questions you can call or email us and we will discuss it. This virus tends to go after the older population and right now we have it stabilized – let's keep it that way.

Pledge of Allegiance and moment of silence for our troops.

DISCUSSION: DISTRICT ZONING CODE CHANGES

Presented by Supervisor Oliverio

Supervisor Oliverio said he hopes to be able to announce the date of the Public Hearings next week. He is looking at July 8, 2020 which is the second Wednesday of the month. We would like to use the firehouse for the Public Hearings – Councilman Luongo will check to see if this date is available.

Supervisor Oliverio said the new District Zoning Code changes involve some new additions and some omissions to the current codes directly impacting our Agricultural Districts as well as enabling our Planning Board to streamline some of the decisions they have to make by making some adjustments to their codes. These changes will be on-line for the Public to review ahead of time.

DISCUSSION: RENEWABLE ENERGY MORATORIUM

Presented by Supervisor Oliverio

Supervisor Oliverio said this is only for large energy constructs like windmills on the side of mountains or solar panels that take up acres of land. We want to put a moratorium on things like that even though the State seems to be intent on controlling where these things go. We still want to be able to direct the State – nobody wants to see windmills or solar panels on the side of our mountains. We want to study where the best locations would be if someone comes in and shows an interest in doing something like this. Councilwoman Whetsel said she did some research and other Towns have a minimum requirement of 10 (ten) acres. She then spoke to our Assessor who told her that our Town has 240 parcels in Putnam Valley that have ten (10) acres or more. Councilwoman Annabi who is our liaison to the State said nothing has passed yet as to giving this power to the State -we will know more next week when they go back into session. They are looking to do this like they did with the cell towers and street lights. She went on to say that we do have some leeway with the cell towers; but we have none with the street lights. Councilwoman Annabi sent the proposed legislation to Counsel Lussardi to look at. He received it but has not had a chance to look at it yet. Counsel Lussardi said it has to do with megawatts. After it hits a certain amount of megawatts the Town will have no say at all. Supervisor Oliverio said that's why this is so important. He continued – we may not be able to stop it – but without anything on the books it is open season. This Town is too beautiful to have the landscape rearranged. Councilman Smith said we have to move into the future responsibly.

DISCUSSION: SALE OF CONTROLLED SUBSTANCES

Presented by Supervisor Oliverio

Supervisor Oliverio said all of the Board Members agree that eventually the State will pass the legalization of marijuana. This does not mean we have to allow the sale of legalized marijuana in the Town of Putnam Valley. We want to put forward a law restricting the sale of any type of controlled substance in our Town. Medicinal marijuana will be allowed by prescription – this is a different thing.

DISCUSSION PVVFD CONTRACT

Presented by Supervisor Oliverio

Supervisor Oliverio said we are looking at signing a five (5) year contract with the Putnam Valley Fire Department. It will set them and the Town financially forward in any future discussions of economy. We need to be able to anticipate our obligation to the Fire Department and it also allows the fire Department to know what they can anticipate in the future. They have our proposal – we are waiting for them to come back and then we will have a discussion. Councilman Luongo added that we have been extending all of our contracts like the CSEA, Managers, District Garbage Contracts etc.

This makes us more financially responsible and puts us ahead of the game because we can project out.

Supervisor Oliverio said he would like to request that the Town Board Members give him their consensus about being declared the lead agency on the Agricultural Zoning Code changes. You need this for SEQR and there should be a Resolution putting this forth at our next meeting if everyone agrees. The Town Board should be the Lead Agent as we are the ones who requested these changes in the Code. The Town Board Members all agreed that they should be Lead Agent.

Supervisor Oliverio asked Councilman Smith if he had an update on what is going on at the School District. Councilman Smith said the ballots for the School Budget have been mailed out to each registered voter. You should have gotten them already, or they should be arriving. There was a consideration of extending the time to have them returned because there have been some mention of issues in other Towns. Our Town has not had any issues yet. Councilman Smith added when you get your ballot you have to sign it and date the back of the oath envelope - and get it back to the School District by Tuesday, June 9th. You can also drop off your ballot at the District Office which is behind the Elementary School by 5:00 PM on June 9th. Supervisor Oliverio said you do not have to worry, everything about this process is confidential. You are only signing the envelope. They take the ballots out and separate them from the oath envelope – next they pile all the separated ballots up so no one knows how you voted. Use your right to vote.

Supervisor Oliverio said on June 11th there will be a parade for the graduating seniors which will begin at Town Park and then end at the High School where the teachers will be waiting out front to wave to the graduates. People will gather in their cars only. The State is requiring every Town to put out a graduation plan which must be self-contained – no intermingling. Councilman Smith said he will check by the next meeting to see if there is any new information.

Councilman Luongo said on Saturday initiated by one (1) of our residents - there will be a parade with fire trucks and students in cars which will go through Town and pass as many seniors homes as they can. We can't get into every road but we have quite a route planned out. We are going through Roaring Brook to Lake Peekskill. Please check Facebook for the routes and times. The end of the parade is back at the Fire House.

DISCUSSION LAKE PEEKSKILL DAM

Presented by Supervisor Oliverio

Supervisor Oliverio said this mainly concerns only the residents of Lake Peekskill. A little over a year ago an engineer named Chris Adams who knows dams did an analysis of all the dams in Town. The Roaring Brook Dam and the Wiccopee Dam were fine but the Dam in Lake Peekskill was "red-flagged".

Not that it's dangerous but it's an older dam on a lot of cement and rebar in a gully. This type of dam would no longer be able to be built because where that dam sits on the rock, over time the water will eventually creep through the bottom. Water is a very powerful agent. The dam needs to be re-bolted into the bedrock. This is a project which will cost between \$500,000.00 - \$600,000.00. Prior to the actual work this job will need specs and will have to be bid out. This is a huge venture – it will take time to complete it as well. The specs alone to prepare the bid package will cost \$75,000.00. The Town and Lake Peekskill are responsible for these costs. Yes, the Town owns the dam but it was put there for the residents of Lake Peekskill to have recreation. It would not be fair to make the whole Town pay for this project. We are looking to make this a 50/50 split between the Town and Lake Peekskill. If the dam were gone the lakes would go back to being the small pond it once was. We are only in the planning stages right now but ultimately this project has to be done. In addition, we may also need a more complete analysis of the Roaring Brook Dam. It did pass with flying colors but we may decide to dig a little deeper to make sure it is as good as the report said. That cost would be \$25,000.00 – but this is a discussion for another day. Rick White will be our engineer as he is the only one (1) in the State capable of putting together these packets.

Councilwoman Annabi asked what was going on with the pump house in Lake Peekskill. Supervisor Oliverio said we got approval from the DEP to move forward with scraping the top off and removing the wood structure and just covering it. We are in discussion with how far the underground water piping is – and how much we have to remove on that. We want to disconnect it, fill it with sand, and then leave it be. The DEP is saying we have to pull it out; but that may destroy the wetlands that are back there. The DEP said we cannot start our project until they finish the work they started on a small dam that is back there which will probably be in the fall. This project is strictly a Lake Peekskill project. We would need to go to bid on how to take down the wooden structure and cover the base with cement, seal it up, and hopefully we won't have to dig out the pipes (which seems unnecessary and a threat to the wetlands under them). Councilwoman Annabi asked if this is something our guys can do? Supervisor Oliverio said no, we don't have the equipment and this is not something we normally do. Supervisor Oliverio asked Town Attorney Lussardi if he had any updates. Town Attorney Lussardi said he had concerns about our rights to re-tap into the aqueduct should we wish to do so. We had made it clear to the City through with documents provided to them that we are not going to waive any rights with our ability to re-tap if need be. He continued by saying on the Lake Peekskill Dam contracts he would like Todd Atkinson, the Town Engineer, to assist him on reviewing those two (2) proposals for the Engineer doing the project. Also, we should have an Executive Session on these contracts. Supervisor agreed with the Town Attorney on both of his suggestions.

AMENDMENT TO THE AGENDA

Presented by Councilman Luongo

Supervisor Oliverio said the Parks and Recreation Department had originally planned to refund any money people paid towards our Town Camp. The Governor now has said Municipalities can open summer camps on June 29th. We will now be running a modified camp based on the guidelines placed on us by the Covid-19 restrictions. There will be small groups (ten (10) kids per group), shortened hours (9AM – 3 PM), and no use of the pool (there are too many surfaces being touched in a pool). We are going to remove these refunds to see if the families are still interested in signing up for the day camp. Councilwoman Annabi asked Town Attorney Lussardi if we would still be liable if a child gets sick – is there a waiver the parents could sign? Town Attorney Lussardi replied that's an issue that is right now a new development in the law. He has concerns if there are unsafe practices surrounding Covid-19 we would be liable. This is the same for the Town, County and State with all of the re-openings. This is not an easy issue because there is the possibility that a child could bring it home and infect a Grandparent. Supervisor Oliverio said we are always open for a law suit but we should try to protect ourselves. The advice of the control panel in the State said you can sue anybody for anything but you should be aware of all of the guidelines. Nothing is 100% but we will do the best we can, but, there is always an exposure risk. There will be gloves and hand sanitizer available at the site. Supervisor Oliverio believes that the State needs to be the Lead Agency on this. We do need to get people back to work and they do need the child care. Councilwoman Annabi said so is this like "attend at your own risk"? Town Attorney said there are limits to that. There is assumption of risk and waiver forms to a point. This is under development in the law and we can't know what the outcome is going to be. We have to make sure we follow the CDC guidelines at all times with strict enforcement. Enforcement becomes a problem as well. Not every adult is following the rules now and supervising children is much more difficult. Councilwoman Annabi said she just wants everyone to know that we are aware of all the challenges involved.

RESOLUTION #R20-167

RESOLVED that the Town Board ~~delete~~ from the agenda:

#1 Parks and Recreation Refunds

Seconded by Councilwoman Annabi, unanimously carried

PARKS AND RECREATION REFUNDS

- Removed from Agenda see above.

AUTHORIZE SUPERVISOR TO SIGN CERTIORARI SETTLEMENT

Presented by Councilwoman Annabi

RESOLUTION #R20-168

RESOLVED that the Town Board approve the assessment reduction for 291 Lake Drive. Town Assessor, Sheryl Luongo with the assistance of Kyle Barnett, Esq., tax certiorari counsel to the Town of Putnam Valley agreed to reduce the assessment for 83.65-2-38, 291 Lake Drive, Lake Peekskill, NY 10537 from \$203,100.00 to \$172,600.00 for a reduction amount of \$30,500.00 for the year 2019. This was confirmed in a Consent Judgement from Hon. Grossman, Supreme Court. The Town Board will need to approve this reduction if you feel it is warranted.

Seconded by Supervisor Oliverio for discussion.

Supervisor Oliverio said he has discussed this Certiorari with the Assessor at length. She said even if we appeal we would probably not win because it is a fair settlement.

The Town Board voted unanimously to approve this Resolution thus the motion is carried.

AUTHORIZE SUPERVISOR TO SIGN-OFF ON THE LETTER OF INTENT TO PARTICIPATE IN PUTNAM COUNTY MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN UPDATE

Presented by Councilwoman Whetsel

RESOLUTION #R20-169

RESOLVED that the Town Board authorize the Supervisor to sign the letter of intent to participate in Putnam County Multi-Jurisdictional All Hazard Mitigation Plan (HMP) update project. By way of this letter the Town of Putnam Valley:

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TOWN OF PUTNAM VALLEY
SAM OLIVERIO, JR.
Supervisor

TOWN BOARD MEMBERS

JAQUELINE ANNABI, *Councilwoman*
LOUIS LUONGO, *Councilman*
RALPH SMITH, *Councilman*
WENDY WHITSEL, *Councilwoman*

SUPERVISOR'S OFFICE

MARIA ANGEJICU, *Finance Director*
SUSAN MANNO, *Facilities Manager*
KAREN KROBOTII, *Supervisor's Secretary*

May 5, 2020

Robert Lipton, Deputy Commissioner
Putnam County Bureau of Emergency Services
112 Old Route 6
Carmel, NY 10512

Subject: Putnam County Multi-Jurisdictional All-Hazard Mitigation Plan Update
Authorization and Letter of Intent to Participate
Town of Putnam Valley

Dear Mr. Lipton:

This is to confirm that the Town of Putnam Valley is committed to participating in the Putnam County Multi-Jurisdictional All-Hazard Mitigation Plan (HMP) update project. By way of this letter, the Town of Putnam Valley:

1. Authorizes the Putnam County Bureau of Emergency Services – Office of Emergency Management and the Putnam County Hazard Mitigation Steering Committee ("Steering Committee"), to guide and direct this planning process, perform certain parts of the planning process, and prepare certain parts of the plan documents on our behalf.
2. Agrees to meet the minimum requirements of municipal participation (a.k.a. the Planning Partner Expectations), specifically:
 - Execute and return this "Authorization and Acknowledgement" letter to the Putnam County Bureau of Emergency Services – Office of Emergency Management, attention: Robert Lipton.
 - Identify municipal representatives to serve as the planning point of contacts (POC), below. These people will be responsible for representing their community and assuring that these participation expectations are met by their community.

- Support the Steering Committee selected to oversee the development of this plan.
 - Provide representation at municipal Planning Committee meetings (~ 3 meetings over 6-8 months, including a Kick-Off Meeting and a Mitigation Strategy Workshop).
 - Provide data and Information about your community as requested by the Steering Committee or the contract consultant, including:
 - Structure and facility inventory data
 - Identification of new development and anticipated development
 - Identification of natural hazard risk areas
 - Identification of natural hazard events and losses that have impacted your community in the last five years
 - Identification of plans, studies, reports and ordinances addressing natural hazard risk
 - Identify mitigation activity in your community in the last five years, including progress on previously identified mitigation actions.
 - Support public outreach efforts in your community which may include:
 - Providing notices of the planning project on your municipal website with links to a County project website
 - Providing notice of the planning project, the availability of Plan documents, and notice of public meetings via available local media (e.g. newsletters, flyers, email blasts, social media, etc.)
 - Advertising and supporting public meetings in your area
 - Supporting outreach to National Flood Insurance Program (NFIP) Repetitive Loss and Severe Repetitive Loss property owners in your community.
 - Assist with the identification of stakeholders within your community that should be informed and potentially involved with the planning process.
 - Completing data and information collection survey forms in a timely manner.
 - Identify specific mitigation actions to address each of the natural hazards posing significant (or high or medium) risk to your community.
 - Involve your local NFIP Floodplain Administrator in the planning process.
 - Review draft Plan sections when requested and provide comment and input as appropriate.
 - Adopt the Plan by resolution of their governing body after FEMA conditional approval.
 - Periodically provide the Steering Committee with reports of municipal staff and volunteer labor spent on the planning process.
3. Assigns the following persons to be the Points of Contact for our jurisdiction. We understand that these POCs are responsible for assuring municipal representation at municipal Planning Committee meetings, and assuring that the other minimum requirements of jurisdictional participation, as detailed in the Planning Partner Expectations above, are met.

Supervisor Oliverio said we do this every five (5) years. We have added a few new hazards this time due to the nor'easter we experienced and flooding issues we have experienced due to climate change. Sometimes over a span of time new things occur and we have to update.

Seconded by Councilman Smith unanimously carried.

Supervisor Oliverio said next week's meeting will be live. Supervisor Oliverio motioned to move into an Executive Session to discuss the contract with the Fire Department. No new business will be conducted afterward.

Supervisor Oliverio closed the meeting at 5:26 PM.

Seconded by Councilwoman Annabi, unanimously carried.

Supervisor Oliverio again thanked our Assessor for the military banners and thanked the Fire Department for participating in the military convoy.

Respectfully Submitted



Sherry Howard
Town Clerk
06-09-2020