

PUTNAM VALLEY TOWN BOARD
TOWN BOARD MEETING
WEDNESDAY, AUGUST 26, 2020
5:00 PM

Pledge of Allegiance

1. Departmental Reports
 2. Supervisor's Comments
 3. Legislative Reports
 4. School Report

 5. Declaration of SEQR findings.
 6. Resolved to approve District Zoning Code Changes
 7. Resolved to approve Solar Energy Moratorium
 8. Resolved to approve the Restriction of the Sale on Controlled Substances
 9. Resolved to approve the PVVFD 5 year contract
 10. Districts
 11. Highway – approval of driveway opening permit

 12. Parks and Recreation
 - a. Refunds

 13. Building and Zoning:
 - a. Daily Fee Report for July 2020

 14. Resolve to amend the PVVFD LOSAP
 15. Approval of new CCE member

 16. Approval of minutes

 17. Audit of monthly bills

 18. Budget Transfers and Amendments
- Discussions: Wake boats on Lake Oscawana
Air BNB's

PUTNAM VALLEY TOWN BOARD
TOWN BOARD MEETING
WEDNESDAY AUGUST 26, 2020
5:00 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

Councilwoman Annabi read the following Putnam Valley Free Library Report –

PV Library Director

12:02 PM
(25
minutes
ago)

to me

Hi Jackie,

My update for the library is below:

The Putnam Valley Library is here to help!

Curbside Pickup, which we've been doing since June, is available 5 days a week! Monday, Tuesday, Wednesday, Friday and Saturdays.

Visit our website---Putnam Valley Library.org---- or call the library 845-528-3242 for assistance.

The Children's Floor and Computers are available by appointment. Call the library or email us at staff@putnamvalleylibrary.org for an appointment

We have select hours for drop-in adult browsing: hours change by the week, so please visit our website: putnamvalleylibrary.org

To address food insecurity in Putnam Valley, we have several programs:

Every Thursday, 10AM-12 in our community room, we distribution FRESH food for families in partnership with Food Bank of the Hudson Valley. Items such as milk, eggs, cheese, bread, produce & more. First-come, first serve.

Every Saturday, we distribute fresh produce from our library garden. Please call or email the library to register for a basket.

Our food pantry on the library front porch is available 24/7 to anyone in need. Thank you to everyone who's helped us keep the pantry stocked this year!

Councilwoman Annabi then read the following report from the Putnam Valley Fire Chiefs:

Sherry Howard

From: Jacqueline Annabi <annabipvtb@gmail.com>
Sent: Wednesday, August 26, 2020 12:28 PM
To: Sherry Howard
Subject: Fwd: Wednesday 8/26 meeting

----- Forwarded message -----

From: lwc224 <lwc224@optonline.net>
Date: Wcd, Aug 26, 2020 at 11:44 AM
Subject: Re: Wednesday 8/26 meeting
To: Jacqueline Annabi <annabipvtb@gmail.com>, <lwc224@optonline.net>

FROM THE PUTNAM VALLEY FIRE CHIEFS.

With Hurricane season here please use caution when driving around town when there are downed powerlines assume they are all live DONT TOUCH OR TRY TO REMOVE ANY WIRES.

GENERATOR SAFETY TIPS.

Operate it outdoors in an area with plenty of ventilation.

Do not plug a generator into the wall to avoid back feed. ...

Turn the generator on before plugging appliances to it. ...

Generators pose electrical risks, especially when operated in wet conditions. ...

Be sure the generator is turned off and cool before fueling it.

STAY SAFE AND DONT HESITATE TO CALL 911 I. THE EVENT OF AN EMERGENCY.

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STAY SAFE AND DONT HESITATE TO CALL 911 I. THE EVENT OF AN EMERGENCY.

Councilwoman Annabi said that Parks and Recreation Director, Frank DiMarco, wished to publically thank his staff for the outstanding response to the difficult times we are in. Camp was very successful and received many compliments for both safety and the activities done throughout the season. The park, limited programs and all aspects of the department were conducted with the utmost professionalism and pride

COUNTY LEGISLATOR REPORT

Presented by Councilwoman Annabi

Councilwoman Annabi read County Legislator Goldman's report which is as follows:

Legislator Bill Gouldman is not able to be here today so he requested I give his report.

He hopes that everyone is staying safe and enjoying their summer during these trying times.

** At the most recent Audit Committee meeting on August 24th, the PFK O'Connor Davis firm presented a "Glowing" audit of Putnam County's fiscal standing. They said that the financial health of the county is very strong and is one of the best in the lower Hudson Valley. The legislature has done a good job holding down spending and maintaining vital programs for the residents of Putnam County.

** We are all hoping for a smooth re-opening of schools. Bill would like to remind everyone that school will be opening soon, he wish all the students a successful year. Lets get back to basics and remember road safety. These are our children, our neighbors children and the future of our community. Please keep them safe.

** As you all know the Mill Street Bridge has been closed. I have been told that the work has been delayed approximately 3 weeks due to the cleanup after Hurricane Isaias and necessary additional work found after the bridge was removed.

** Legislator Gouldman would like to thank Supervisor Oliverio. A few weeks ago he informed him that there was a large sink hole next to the Bridge at Oregon Corners.

They fixed it promptly before something major occurred.

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Sam also reached out to him this past week about an exposed rock on Oscawana Lake Road. Bill has reached out to the County Highway Department. He doesn't have an answer for that yet.

** On September 19th Putnam County is having a Free Rabies Vaccine Clinic from the hours of 10am – 12pm at the Veterans Memorial Park (Upper Level) 201 Gipsy Trail Road, Carmel, NY. For more information call the Department of Health at 845-808-1390 ext 43160.

** During the summer Bill has had several suggestions to change the traffic light at Putnam Valley High School to a flashing yellow light. He would like to thank the residents for that suggestion. It seemed to work very well. The light will be turned back to a regular traffic light when school begins.

** Legislature Gouldman is interested in your concerns. There is help out there, for whatever you may be going through. If you have an issue, please give him a call at 845-808-1020. He will make every effort to assist you.

SUPERVISOR'S COMMENTS

Presented by Supervisor Oliverio

Supervisor Oliverio thanked the Emergency Services and our Highway Crew for their response during our tropical storm. It knocked us out of power for up to six (6) days and some people only recently got their cable back. NYSE&G responded quickly but had a little trouble with some of our more narrow roads.

Supervisor Oliverio wished Councilman Luongo a happy birthday.

Supervisor Oliverio said please look at the Hazard Mitigation Survey on our website. You can indicate there if you think there are any hazards in Putnam Valley. This is done every six (6) years – it helps the County find and fix any hazards they can.

The Town Board will only be holding two (2) meetings in September. A Work Session on September 16th at 5:00 PM live in Town Hall and the Regular Town Board Meeting on September 23rd at 6:00 PM also in Town Hall.

SCHOOL REPORT

Presented by Councilman Smith

Councilman Smith said he spoke to Dr. Luft who said if anyone has questions or is not clear about what is happening with school please check their website. If you still have questions please call the School District for any information. They have been thinking about and preparing how to get the kids back to school since last March. They are in constant contact with the Health Department, State Government and Doctors. Safety is a priority. This will be a partnership and a challenge, it will not be business as usual, there will have to be safety precautions taken at home and at school.

DECLARATION OF SEQRA FINDINGS

Presented by Councilperson Luongo

RESOLUTION #R20-227

RESOLVED that the Town of Putnam Valley Town Board accept the findings of the State Environmental Quality Review Act. The proposed actions will not have a significant environmental impact.

Town Planner and Wetlands Consultant Bruce Barber explained what the above Resolution means. Mr. Barber said the SEQRA process is a review process which takes a look at a proposed action to see if there will be any significant environmental impacts. In this case, the Town Board has been declared the Lead Agency.

The process began with the Town Board having a discussion about the action of amending some of the Town Codes back in February. The Board determined at that time there were indeed some amendments in the code that they wished to make. In this case there are some Town Code amendments, and included in that there is the marijuana law, the large scale moratorium and the Fire Department Contract. Mr. Barber will only be speaking about the first two (2). The first thing that has to be considered is what level of action it is such as a Type I or a Type II that is being proposed. When there is a zoning change that is going to impact greater than 25 acres in any specific zone then that is automatically classified by New York State as a Type I action.

Mr. Barber said the changes are basically as follows: The Board is considering removing the existing RA (Residential Agricultural Zoning District), and maintaining in full force the Agricultural Floating District. This is being done because the Board wants to maintain and even encourage farming; but there was some concern about the environmental process in review by the Planning Board of large scale farming activities occurring outside of the Agricultural District. The second consideration in the code that the Town Board looked at is to allow the Planning Board to waive certain site plan requirements or development approval plan requirements which is very similar (if not identical) to the language of the activities of the Zoning Board of Appeals. This gives them the ability to streamline certain review processes that might be very cumbersome to property owners where it is a relatively small project; but, the homeowner would have to expend a significant amount of money to do certain surveys that the Planning Board felt wasn't warranted. This has to be determined by a super majority vote of the Planning Board (4-1 or greater).

The Marijuana Law is a new section within the Zoning Code which prohibits the sale or distribution of marijuana within the Town of Putnam Valley with the exception of medicinal marijuana. Lastly there is a small change within the vehicle and traffic section of the code which is the prohibiting of parking Recreational Vehicles on the street.

When these Type I actions were considered by the Town Board back in June, they circulated their intent to be Lead Agency to all interested parties. There was then a 30 day period for the bodies to respond. With no objections received back, the Town declared themselves Lead Agency in July. Next, many discussions and modifications took place with language and text, and then a second supplemental EAF was created in July.

Mr. Barber said as there is now a Part II EAF which was circulated to the Board - we will go over now. He added that when they are finished reviewing the Part II EAF the Board will have to make a decision as to whether or not they feel there are or are not substantial adverse environmental impacts associated with the action. If there are then you would have to do something called a Positive Declaration of Impacts, and if you feel there are not any substantial adverse environmental impacts then you would issue a Negative Declaration of Impacts.

Mr. Barber said the Part II EAF that was issued is ten (10) pages long and is basically just an expansion of the Part I EAF. It had 18 different components to consider as part of the Environmental Review (which are listed below):

1. Impact on Land
2. Impact on Geological Features
3. Impacts on Surface Water
4. Impact on Ground Water
5. Impact on Flooding
6. Impacts on Air
7. Impact on Plants and Animals
8. Impact on Agricultural Resources
9. Impact on Aesthetic Resources
10. Impact on Historical and Archeological Resources
11. Impact on open space and recreation
12. Impact on Critical Environmental Areas
13. Impact on Transportation
14. Impact on Energy
15. Impact on Noise, Odor and Light
16. Impact on Human Health
17. Consistency with Community Plans
18. Consistency with Community Character

Upon reading the 18 categories Mr. Barber asked the Town Board if they felt that there would be any significant or adverse negative environmental impacts regarding the new Zoning Code changes to which Supervisor Oliverio said no, there would not be.

Mr. Barber continued and said the next step is to determine environmental significance and based on that determination you have the opportunity to indicate if there was a significant adverse environmental impact, (which you just said there wasn't). If there was - that would go toward a positive declaration. Supervisor Oliverio said to the community: Mr. Barber has led us through this process in depth at a couple of our meetings and has given us much to read. We are going over this for your edification but we have already reviewed this and have determined that the environmental impact is negligible.

Mr. Barber said then the next thing we need to look at is the Draft of the Negative Declaration Notice of Determination of Non-Significance which is dated August 26, 2020 and is four (4) pages long. This gives a brief description of the actions as we have discussed. Page one (1) gives us the specific revisions listed at the bottom of the page. On page two (2) it lists the overall effects of the proposed code revisions and supporting texts under SEQRA. Page three (3) states and describes that the proposed code changes that purports with the current Town Code and the Town's Comprehensive Plan.

Councilwoman Annabi seconded the Resolution.

ROLL CALL VOTE:	AYE	NAY	ABSENT
Councilman Smith	1		
Councilman Luongo	1		
Councilwoman Annabi	1		
Councilwoman Whetsel	1		
Supervisor Oliverio	1		

By a vote of 5 ayes, the Resolution is carried.

**RESOLVE TO APPROVE DISTRICT ZONING CODE CHANGES/CLOSING
FURTHER ACCEPTANCE OF WRITTEN STATEMENT TO BE ADDED TO RECORD**

Presented by Councilwoman Annabi

Supervisor Oliverio said there is one (1) aspect of this that concerns some individuals in Town and I would like to give an explanation to those who are worried about one (1) specific area of these new code changes. We have received about 26 written comments about this; but will now close the acceptance of any further written comments.

Presented by Supervisor Oliverio

RESOLUTION #R-228

RESOLVED that the Town Supervisor now closes the period following the Public Hearings on August 19, 2020 where written comments were accepted and added to the minutes as part of the Public Hearing process.

Seconded by Councilwoman Annabi, unanimously carried

Supervisor Oliverio addressed the historical content of the CCE's involvement as per the Zoning Code changes being voted on tonight. He said the one (1) concern that people are having is in one (1) part of the agricultural changes. This is the very simple changing of the word "shall" to the word "may". The original wording which exists now states that –"The Planning Board **shall** contact the CCE..." – when adopted the change in the code will state – "The Planning Board **may** contact the CCE when a tree law or a tree permitting process is brought before them. Supervisor Oliverio said in 1974 the CCE was created, 30 years later in 2003 there was a plethora of subdivisions going up on every piece of available farm land in the valley. The County had put together a deforesting plan for septic systems. The Contractor had to clear cut for an original septic field and also required a back-up field in case the first failed. This was a big uproar. The Supervisor at the time, Carmelo Santos, passed a tree law and assigned some oversight to the CCE through the word "shall". Now 20 years later the subdivisions are no longer a threat with the increased regulations governing our wetlands, slopes and ledge areas as well as the up-zoning, in many parts of the Town.

Subdivisions are long gone, for example the HYH Project and Living Springs would have added an additional 180 homes to our Town; but because of our tough environmental ordinances, the HYH property is now a State Park and Living Springs is a DEC controlled hot spot under their oversight. The County, since that time, has allowed new technology around septic systems to take place to where the newest septic systems require no more than 10 feet of field now. Things change and the use of Agencies change. Supervisor Oliverio said the CCE had existed only on paper for the last few years until he came in and brought it back to life. He believes it should be used for what was the original concept in 1974, "a committee to oversee the environmental issues in this Town. Currently they should guide the Town on environmental projects like the wonderful one (1) they just completed entitled The National Resource Inventory which will help this Town for decades to come. The second part of what I asked the CCE to follow up on would be a map of critical zones. Take a look at the Town of Putnam Valley and tell us where building should never take place. The education of young people would also be a great place for the CCE. The CCE is a grand agency to look at green energy for the future. We don't need the CCE to look at minor building issues, we have enough agencies for that. We don't want to hold up homeowners who need to add an addition or build a shed. The CCE does not need to add their input into these minute concerns.

Supervisor Oliverio said let's say the Planning Board gets a tree permit in front of them because the homeowner wants to put up a shed. The Planning Board can see there are not a lot of trees on the property with this law, by a super majority vote, the Planning Board can say you don't need a permit for this. The Planning Board can say you don't need a tree plan for this, you don't need to delay this process any longer. In making that the decision, (under the new law we are passing), the CCE must be notified. There is usually a member of the CCE at most of the Planning Board meetings anyway. There should not be automatic oversight by the CCE. Town Codes are created and recreated all the time. This can always be changed back if needed, it is a living document. In addition, this Board is not anti-environmental at all, the CCE is going to exist, there has been much misinformation being shared.

Councilwoman Whetsel said she does not believe that the CCE should have oversight over any of these projects but (being defined as advisory), if we are going to be in the process of creating a Critical Environmental Area (CEA), there may be a project coming up that seems to be falling into a CEA and we may not have finished with this area yet. She continued and said, the CCE is educated daily by the DEC, Ansonia, the Hudson Highlands Land Trust, and there are webinars that go on every single week putting us up to date on streams, coverts etc. We would like to pass this information to the Planning Board, this is just a matter of communication, we don't want to tell people what to do, and we just want to be part of the planning process. We don't want to feel left out of the process, we are learning about new environmental issues every day. Supervisor Oliverio said the CCE will never be left out of the process. We have a representative at every meeting, there just has to be a new focus, changing "shall" to "may" will not leave the committee out. Councilman Smith said he has attended the CCE meetings and tree cutting is not their only work.

He added, Eileen Reilly who is the head of the CCE attends the Planning Board meetings and she does a great job. He fully endorses the CCE and this process has shone a light on other issues which is the good thing about conflict. Councilman Luongo thinks the CCE is necessary, and Eileen Reilly keeps everybody up to date. Councilman Luongo said we do need oversight, but this streamlining is necessary. Councilwoman Annabi said she respects the CCE and it is a hardworking committee, you are an advisory committee and your opinions are always taken seriously. You will never be disbanded.

Town Attorney Lusardi asked if we had any objections from the Putnam County Planning Department on this. Supervisor Oliverio said no we do not.

RESOLUTION #R20-229

WHEREAS, the Resolution, as set forth below, has been submitted to the Town Board to adopt Local Law Number 2-2020 (a copy of which is annexed hereto), to amend the Zoning Code regarding site plan submissions, AG District provisions, removing the RA District and parking regulations for recreation vehicles; and changes to the tree cutting ordinance and;

WHEREAS, a copy of the proposed Local Law 2-2020 in final form was delivered to the desk of each of the Town Board Members at least ten (10) days prior to the date hereof; and

WHEREAS, Public Hearing was duly noticed and held on August 19, 2020; and

WHEREAS, the verbal portion of the Public Hearing was conducted and closed on August 19, 2020; and the written Public Comment was held open until 3:00 on August 26th; and no written comments having been obtained during the period, the Public Hearing was closed; and

WHEREAS, a Long Form Environmental Assessment was completed and reviewed by the Town Board in connection with the proposed Resolution; and

WHEREAS, negative declaration was issued by the Town Board as annexed hereto;
NOW

BE IT RESOLVED, that Local Law number 2-2020 be and hereby is enacted

Seconded by Supervisor Oliverio, unanimously carried

ROLL CALL VOTE:	AYE	NAY	ABSENT
Councilman Smith	1		
Councilman Luongo	1		
Councilwoman Annabi	1		
Councilwoman Whetsel	1		
Supervisor Oliverio	1		

By a vote of 5 ayes, the law is enacted.

RESOLVED TO APPROVE SOLAR ENERGY MORATORIUM

Presented by Councilwoman Whetsel

RESOLUTION #R20-230

WHEREAS, the Resolution, as set forth below, has been submitted to the Town Board to adopt Local Law 3-2020 (a copy of which is annexed hereto), to enact a Temporary Land Use Moratorium prohibiting large scale solar installations, large scale battery energy storage system installations, and large scale wind energy conversion systems within the Town of Putnam Valley;

WHEREAS, a copy of the proposed Local Law 3-2020 in final form was delivered to the desk of each of the Town Board Members at least ten (10) days prior to the date hereof; and

WHEREAS, Public Hearing was duly noticed and held on August 19, 2020; and

WHEREAS, the verbal portion of the Public Hearing was conducted and closed on August 19, 2020; and the written Public Comment was held open until 3:00 on August 26th; and no written comments having been obtained during the period, the Public Hearing was closed; and

WHEREAS, the proposed Moratorium Law is a Type II action under SEQRA: NOW BE IT RESOLVED, that Local Law number 3-2020 be and hereby is enacted.

Seconded by Councilwoman Annabi

ROLL CALL VOTE:	AYE	NAY	ABSENT
Councilman Smith	1		
Councilman Luongo	1		
Councilwoman Annabi	1		
Councilwoman Whetsel	1		
Supervisor Oliverio	1		

By a vote of 5 ayes, the law is enacted.

RESOLVED TO APPROVE THE RESTRICTIONS OF THE SALE ON CONTROLLED SUBSTANCES

Presented by Councilman Smith

RESOLUTION #R20-231

WHEREAS, the Resolution, as set forth below, has been submitted to the Town Board to adopt Local Law number 3-2020 adding section 165-65.1 to the Town Code prohibiting the sale and distribution on non-medical marijuana in the Town of Putnam Valley (a copy of which Local Law 3-2020 is annexed hereto); and

WHEREAS, a copy of the proposed Local Law 2-2020 in final form was delivered to the desk of each of the Town Board Members at least ten (10) days prior to the date hereof; and

WHEREAS, Public Hearing was duly noticed and held on August 19, 2020; and

WHEREAS, the verbal portion of the Public Hearing was conducted and closed on August 19, 2020; and the written Public Comment was held open until 3:00 on August 26th; and no written comments having been obtained during the period, the Public Hearing was closed; and

WHEREAS, a Long Form Environmental Assessment was completed and reviewed by the Town Board in connection with the proposed Resolution; and

WHEREAS, negative declaration was issued by the Town Board as annexed hereto;
NOW

BE IT RESOLVED that Local Law number 3-2020 be and hereby is enacted to add section 165-65.1 to the Town Code, prohibiting the sale and distribution on non-medical marijuana in the Town of Putnam Valley.

Seconded by Councilwoman Annabi

ROLL CALL VOTE:	AYE	NAY	ABSENT
Councilperson Luongo	1		
Councilperson Mackay	1		
Councilperson Annabi	1		
Councilperson Whetsel	1		
Supervisor Oliverio	1		

By a vote of 5 ayes the law is enacted.

Dear Putnam Valley Town Board and Supervisor Oliverio,

After hearing Sam voice the Board's concerns about potential future legalization of medicinal and recreational cannabis sales in NYS Putnam Valley. I thought I'd share my perspective with you before you vote and pass a decision on this matter. I have sent you all a comprehensive presentation via We Transfer from a pharmacist about cannabis, with a focus on medicinal use and benefits for your reference and education. You can see the country has wrestled with cannabis legislation back to 1937.

The main fear appears to be the change to the community. The frequent out of town visitation, proximity to schools, loitering, and potential crime via product diversion or disease transmission during this time of unchecked COVID. Yet many doctors and surgeons in this town and nearby catchment zip codes are referring patients to medicinal dispensaries for they have begun to see the benefits of cannabis therapy. Westchester & Orange counties are reaping the rewards.

I believe that proper oversight and regulations would lend to effective business practices while maintaining the safety of the community. I believe that because of stringent environmental regulations to preserve wetlands, our lakes / streams, and open space, we need to look outside the box to see how we can invigorate our town center and boost the economy and create jobs. We stand to lose significant tax revenue if other towns and villages nearby decide to allow dispensaries to open if NYS passes legislation. I can see towns like Cold Spring/Phillipstown, Carmel or Mahopac reap the rewards while our town lags behind in improvements that our government officials have promised to bring to revitalize PV.

A dispensary may attract more businesses to stay open, or entice more businesses to open up such as coffee shops, cafes, and other eateries. The tax benefits may be significant to help our town before COVID, and even more so now that budgets are slashed everywhere.

As of now, I don't believe that any pharmacist can easily dispense medicinal cannabis unless they are operating from a dedicated dispensary. Vireo Health, based out of White Plains, already delivers to Putnam Valley. Has any of the town board members visited any dispensaries to see how operations are run to make informed decisions? Have you contacted the municipalities, business improvement committees, religious leaders & school administrators, which host current dispensaries, and asked about their perspectives and tax revenue?

Theory Wellness in Massachusetts is a great example site for you to contact or visit, and I believe one of the stops for Governor Cuomo to make or have made to see how a clean, efficient dispensary is run in populated towns where recreational sales is permitted in that state. Curaleaf, just over the bridge in

Newburgh, is the nation's largest multi-state operator and a fellow resident in this town would be happy to arrange a site visit there so you can be more informed.

If you enact legislation to control the hours of operation, how transactions occur (appt. only, pre-order, drive-thru pick up or deliveries for recreational only, etc.), you could balance significant tax revenue that this community could use with some of the residual concerns about clientele and community.

Place a police sub-station next door, place it close to Town Hall away from the schools, it doesn't matter. People will abide by the law peacefully versus commit crimes such as illegal trafficking or diversion to obtain the myriad of health benefits that cannabis can provide- when purchased legally and without fear of harm and repercussion. I just urge you to do your due diligence as an elected official representing our town and communities. Thank you for your time and consideration.

Sincerely,

Sam Lee

Supervisor Oliverio's response to Mr. Lee's letter is that no amount of money is worth the health and safety of our residents. In places where this is legal there have been many more accidents, domestic violence, and crashes reported. We are a community of schools and churches and it doesn't belong here. Councilwoman Annabi said this does not stop pharmacies from selling medicinal marijuana - this just stops pop-up stores from coming here.

RESOLVED TO APPROVE THE PVVFD FIVE (5) YEAR CONTRACT

Presented by Councilwoman Annabi

Supervisor Oliverio said all agencies this year have been asked to come in at 0% because with Covid-19 there are a lot of people out of work and a lot of people have missed work. We are hoping to have a 0% tax increase this year. Councilman Luongo said this year 2020 the Fire Department had a 0% increase as well.

The Resolution was seconded by Councilman Smith for discussion. Councilman Smith said this contract is a good bit of progress for getting our Firehouse built. This is at the point where we could ask various places for a timeline of what they are up to for the public. Timelines are meant to be amended if needed. These companies know how long each piece takes to be completed. Supervisor Oliverio asked Councilman Luongo is a timeline available? Councilman Luongo said not now, but when it is he will share it.

RESOLUTION #R20-232

WHEREAS, the Resolution, as set forth below, has been submitted to the Town Board to enter into a Five (5) Year Contract with the Putnam Valley Volunteer Fire Department (a copy of which is annexed hereto); and

WHEREAS, a copy of the proposed contract was delivered to each of the Town Board Members at least ten (10) days prior to the date hereof; and

WHEREAS, Public Hearing was duly noticed and held on August 19, 2020; and

WHEREAS, the verbal portion of the Public Hearing was conducted and closed on August 19, 2020; and the written Public Comment was held open until 3:00 on August 26th; and no written comments having been obtained during the period, the Public Hearing was closed; and

WHEREAS, a Long Form Environmental Assessment was completed and reviewed by the Town Planning Board in connection with the Firehouse Site Plan Application; and

WHEREAS, negative declaration was issued by the Town Planning Board, as Lead Agency, at its August 19th meeting; NOW

BE IT RESOLVED that the Town of Putnam Valley enter into a Five (5) year contract with the Putnam Valley Volunteer Fire Department for fire protection and emergency services in accordance with the draft Contract Agreement annexed hereto: and it is further

RESOLVED, that the Supervisor be and hereby is authorized to execute the Contract with the Putnam Valley Volunteer Fire Department.

ROLL CALL VOTE:	AYE	NAY	RECUSAL
Councilman Smith	1		
Councilman Luongo			1
Councilwoman Annabi	1		
Councilwoman Whetsel	1		
Supervisor Oliverio	1		

By a vote of 4 ayes, and 1 recusal the PVVFD 5 year contract is passed.

5

TOWN OF PUTNAM VALLEY CONTRACT WITH PUTNAM VALLEY

VOLUNTEER FIRE DEPARTMENT FOR THE YEARS 2020-2025

AGREEMENT made this day of , effective as of January 1, 2021 and ending December 31, 2025, by and between the Town of Putnam Valley, a municipal corporation being a political subdivision of the State of New York, having its principal office in the Town of Putnam Valley, Putnam County, New York, on behalf of the Putnam Valley Fire Protection District, hereinafter called the "TOWN" and the Putnam Valley Volunteer Fire Department, Inc., a duly incorporated volunteer Fire Department, a not for profit corporation consisting of residents of the said Town of Putnam Valley, with its principal offices in the Town of Putnam Valley, Putnam County, New York, hereinafter called the "FIRE DEPARTMENT."

WITNESSETH:

WHEREAS, the TOWN, in order to protect the lives and property of the people of the Town of Putnam Valley and provide for their personal safety, has heretofore in accordance with law, duly established a fire protection district encompassing the entire Town, known as the PUTNAM VALLEY FIRE PROTECTION DISTRICT; AND

WHEREAS, the FIRE DEPARTMENT warrants and represents that it has sufficient trained personnel and equipment to adequately protect said fire district; and

WHEREAS, fire protection coverage by the FIRE DEPARTMENT is to encompass all of the Town of Putnam Valley; and

WHEREAS, the Town wishes to contract with the FIRE DEPARTMENT for the furnishing of fire protection to said district for the period of time from January 1, 2021 through December 31, 2025; and

WHEREAS, the FIRE DEPARTMENT pursuant to Town Law 184 has provided the following to the TOWN prior to commencement of negotiations on this Agreement:

(1) the FIRE DEPARTMENT's most recent annual report of directors pursuant to section five hundred nineteen of the not-for-profit corporation law;

(2) the FIRE DEPARTMENT's most recent verified certificate pursuant to subdivision (f) of section fourteen hundred two of the not-for-profit corporation law;

(3) the FIRE DEPARTMENT's most recent internal revenue service form 990;

(4) the FIRE DEPARTMENT's most recent annual report pursuant to section thirty-a of the general municipal law; and

WHEREAS, a public hearing was held at the Town Hall on _____, after due publication of notices of such hearing; and such hearing having been called for the purpose of aiding in the determination of whether or not a contract should be made between the said TOWN and the FIRE DEPARTMENT for further fire protection; and

WHEREAS, after such meeting of the Town Board of the Town of Putnam Valley on _____, the TOWN, by Resolution # _____ (a copy of which is annexed), duly authorized this Agreement with the FIRE DEPARTMENT for fire protection to said Fire Protection District upon the terms and provisions herein set forth; and

WHEREAS, this Agreement has been duly authorized by the governing board of the FIRE DEPARTMENT pursuant to Resolution # _____ (a copy of which is annexed)

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed between the parties hereto as follows:

1. The FIRE DEPARTMENT agrees to furnish fire protection and other services as set forth in EXHIBIT A annexed hereinafter referred to cumulatively as "Fire Protection" to the entire

Town of Putnam Valley for a period of five (5) years beginning January 1, 2021 and up to and including December 31, 2025. Said Fire Protection is to be furnished by the FIRE DEPARTMENT to the TOWN and to all of its inhabitants and others within the area described herein upon the terms and conditions set forth herein.

2. The FIRE DEPARTMENT shall, at all times during the life and term of this Agreement, be subject to and shall respond to calls for attendance at any and all fires and other occurrences covered under this Agreement occurring in the area as outlined in this agreement.

3. When notified by alarm or in any other manner from any person within the district of a fire or other covered occurrence within the district, said FIRE DEPARTMENT shall respond and attend upon the fire or other occurrence without delay with its apparatus and with suitable and appropriate personnel and equipment.

4. The FIRE DEPARTMENT agrees to furnish suitable apparatus and appliances for the furnishing of Fire Protection in such Fire Protection District and when notified by alarm or in any other manner, of a fire within said Fire District, the FIRE DEPARTMENT will respond and attend upon the fire, or other occurrence without delay with suitable apparatus and appliances and that the members of the FIRE DEPARTMENT shall proceed diligently and in every way reasonably suggested to extinguish the fire and to save life and property in connection therewith.

5. It is further understood and agreed that the FIRE DEPARTMENT shall provide mutual aid when requested; however, except for such mutual aid obligations, the FIRE DEPARTMENT shall not provide Fire Protection services to any other municipality, fire protection district, fire district, fire department, or any other public or private party.

6. The FIRE DEPARTMENT further agrees to maintain and operate two (2) or more fire engines at the main firehouse at 12 Canopus Hollow Road, adjoining the Town Hall in Putnam Valley; and further agrees to maintain and operate one additional fire engine at the firehouse located at Tompkins Corners in the Town of Putnam Valley. At such time as the main firehouse shall be located at the proposed new

firehouse located at #_113D Oscawana Lake Road tax map number 72.20-1-7.12, or elsewhere, the FIRE DEPARTMENT shall maintain the fire engines and other equipment presently maintained at the firehouse adjoining Town Hall in the new firehouse.

7. At such time as the proposed new firehouse is completed and ready for occupancy, the term of the existing Lease between the TOWN and the FIRE DEPARTMENT for the Firehouse adjoining the Town Hall, at the option of the TOWN, shall terminate, and the FIRE DEPARTMENT shall promptly vacate such premises and turn same over to the TOWN in the manner and condition provided in the said Lease.

8. The TOWN shall provide and pay for Workers' Compensation Volunteer Firemen's Benefits and offer Length of Service Award Program (LOSAP) service credits for the benefit of Fire Department personnel.

9. The FIRE DEPARTMENT agrees that it will obtain and maintain in force throughout the term of this contract adequate and suitable public liability, bodily injury, death, and property damage insurance policies, including automobile, for the benefit and protection of the said FIRE DEPARTMENT. Such policies shall also name the TOWN as an additional insured, and a certificate(s) of insurance, suitably endorsed, shall be delivered to the Supervisor of the Town of Putnam Valley upon the signing of this Agreement, and upon each renewal of said policy, and shall remain in the custody of the Town Clerk. Such insurance shall be in the sum of at least \$5,000,000 combined single limit and \$5,000,000 for a multiple accident. Thirty days cancellation notice to the Town shall be required on said policies, and such policies shall remain in full force and effect throughout the Term of this Agreement.

10. Upon execution of this agreement and submission of certificate of insurance, the TOWN agrees to pay the FIRE DEPARTMENT the following amounts, (which include increases of 1.25% in year two (2), 1.50% in year three (3), and 2% increases in years four (4) and five (5)), as follows:

- a. Year 2021 total of \$1,259,000 - payment of \$314,750 (25%) on February 1, 2021 and

payment of \$944,250. (75%) on March 15, 2021;

b. Year 2022 total of \$1,274,737.50 -payment of \$318,684.50 (25%) on February 1, 2022 and payment of \$956,053.00 (75%) on March 15, 2022;

c. Year 2023 total of \$1,293,858.56 -payment of \$323,464.56 (25%) on February 1, 2023 and payment of \$970,394.00 - 75 (75%) on March 15, 2023;

d. Year 2024 total of \$1,319,736.00 -payment of \$329,934.00 (25%) on February 1, 2024 and payment of \$989,802.00 (75%) on March 15, 2024; and

e. Year 2025 total of \$1,346,130.00 – payment of \$336,532.50 (25%) on February 1, 2025 and payment of \$1,009,597.50 (75%) on March 15, 2025.

11. In the event that, at any time after the execution of this Agreement, or during the term of this Agreement, the FIRE DEPARTMENT receives a grant, gift, donation, or bequest for the construction of the new firehouse in excess of \$50,000.00 in any given year, then the proceeds of such grant shall be applied to the payment of the bond/mortgage/building loan taken out, or to be taken out, by the FIRE DEPARTMENT to construct the firehouse; and the payment by the Town for Fire Protection under this Agreement shall be reduced by the same dollar amount that the monthly principal and/or interest payment on such bond/mortgage/building loan is reduced or, if applied, would otherwise be reduced by the dollar amount of the said grant, gift, donation or bequest.

12. At the expiration of this Agreement the TOWN shall have the option to renew this Agreement for an additional five (5) year term upon reasonable terms and conditions.

13. In the event that an unforeseeable new and not previously existing unfunded mandate is/are enacted and becomes effective during the term of this Agreement by OSHA, PESH, NFPS, Office of Fire Prevention or any other governing body that individually or in total result in a verifiable increase in operating costs of the FIRE DEPARTMENT the existing operating costs, and satisfactory proof of such increase is provided to the TOWN; then and in that event half of such increased operating expenses shall be

paid by the Town to the extent they apply to the remaining term of this Agreement subsequent to such increase in operating expenses (and shall be prorated if necessary). In the event of a dispute over the provisions of this Agreement, the dispute shall be resolved by Arbitration. However, despite such dispute, the FIRE DEPARTMENT shall continue to provide Fire Protection to the TOWN until such dispute is resolved at the then existing rate.

14. The TOWN and the FIRE DEPARTMENT shall comply with all applicable laws and regulations in carrying out their duties under this Agreement. Each and every provision of law and clause required by law to be inserted into this Agreement shall be deemed to be inserted into this Agreement. If any such provision is not inserted through mistake or otherwise, then upon application of either party, this Agreement shall be amended to make such insertion.

15. This Agreement shall constitute the entire agreement of the parties related to its subject matter, and shall supersede any previous oral or written understandings. Furthermore, it may only be amended by a written agreement signed by the parties.

16. The use of one gender in this Agreement shall include all others, and the use of the singular shall include the plural and vice versa.

17. All notices and communications required under this Agreement shall be accomplished by the actual delivery to the parties' addresses set forth above. Notices to the Town shall be directed to the Supervisor, and to the Fire Protection District shall be directed to the President of the FIRE DEPARTMENT.

18. This Agreement may not be assigned without the consent of the other party.

19. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement, and their trustees, receivers, successors, and assigns.

20. No rule of construction shall be applied to construe any ambiguities in this Agreement against the draftsperson.

21. This Agreement shall be governed by the laws of the State of New York.

22. If any provision of this Agreement is determined to be invalid or unenforceable, that shall not

affect the validity or enforceability of the remaining portions of this Agreement.

23. This Agreement may be executed in multiple counterparts, and the counterparts, when combined, shall form and constitute a complete agreement. The parties further agree that facsimile signatures shall be acceptable to bind the parties.

TOWN OF PUTNAM VALLEY

PUTNAM VALLEY FIRE DEPARTMENT

EXHIBIT A
DESCRIPTION OF SERVICES

Extinguishment of fires in the District; attending to flooded buildings; attending to automobile accidents, and traffic management at motor vehicle accidents and closures of State and Local highways in the District; mutual aid to other fire companies in the area according to custom and practice; inspections of buildings and properties in the fire protection district for the purposes specified in and as authorized by sections eight hundred seven-a and eight hundred seven-b of the education law, subdivision four of section three hundred three of the multiple residence law, and section one hundred eighty-nine of the town law; and such other services as have been previously provided by the Company to the District.

HIGHWAY – JULY DRIVEWAY OPENING PERMIT

Presented by Councilman Luongo

RESOLUTION #R20-233

RESOLVED that the Putnam Valley Town Board authorize the Highway Department to give a driveway opening permit to Mr. O. Perez, 44 Ridgecrest Road, Lake Peekskill, NY 10537. The property location is 55 Ridgecrest Road, Lake Peekskill, NY 10537 in the amount of \$200.00. The tax map number for the property is 83.56-1-7.

Seconded by Councilwoman Annabi unanimously carried

PARKS AND RECREATION REFUNDS

Presented by Councilwoman Whetsel

RESOLUTION #R20-234

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: July 26, 2020

Don Kastik 34 Hillview Circle Poughkeepsie, NY 12603	\$225.00 Sports refund Men's spring softball
Logan Goldstein 3058 Farmwalk Road Yorktown Heights, NY 10598	\$225.00 Sports refund Men's spring softball
Shirley Murphy 5 Melnick Place Lake Peekskill, NY 10537	\$500.00 LPCC Refund deposit
Carol Stanzione 701 Sprout Brook Road Putnam Valley, NY 10579	\$400.00 Park usage Pavilion refund deposit and fee
Kelly Cartenuto 49 Johnson Street Lake Peckskill, NY 10537	\$120.00 Day Camp Refund for no power for 3 days
Tara Platt 70 Oakridge Drive Putnam Valley, NY 10579	\$240.00 Day Camp Refund for no power for 3 days
Amy Trezza 9 Pembroke Court Putnam Valley, NY 10579	\$120.00 Day Camp Refund for no power for 3 days
Kirstin Perry 38 Chippewa Road Putnam Valley, NY 10579	\$96.00 Programs Lego Engineering didn't run
Annamaria Cross 56 Cimarron Road Putnam Valley, NY 10579	\$40.00 Sports Yoga program didn't run
Jennifer Flynn 46 Luigi Road Putnam Valley, NY 10579	\$50.00 Sports Yoga program refund

Joanne Marsh 338 Peckskill Hollow Road Putnam Valley, NY 10579	\$45.00 Sports Yoga program refund
Patricia Longhitano 160 Wiccopee Road Putnam Valley, NY 10579	\$80.00 Sports Yoga program refund
Tanya Broccolo 2 Birch Hill Road Putnam Valley, NY 10579	\$120.00 PV Day Camp Refund for no power 3 days
Jennifer Lantz 28 Irma Drive Putnam Valley, NY 10579	\$240.00 PV Day Camp Refund for no power 3 days

Seconded by Councilman Smith unanimously carried.

BUILDING DEPARTMENT REPORT- JULY 2020

Presented by Councilman Smith

RESOLUTION #R20-235

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

Seconded by Councilwoman Whetsel, unanimously carried.

**RESOLVE TO AMEND THE PUTNAM VALLEY VOLUNTEER FIRE DEPARTMENT'S
LOSAP**

Presented by Councilwoman Annabi

RESOLUTION #R20-236

RESOLVED, that the Town Board authorize the Supervisor as Administrator of the Length of Service Awards Program (LOSAP), to amend the Putnam Valley Volunteer Fire Department's LOSAP program pursuant to Governor Cuomo's Executive Order 8251B, a copy of which is attached as follows: Provide five (5) additional points per month, prorated for periods of less than one (1) month, to all active duty fire department members for each month during the state disaster emergency.

Councilwoman Annabi said this amendment to LOSAP is due to the Covid-19 virus. The Governor passed additional hazard points back in March. This will end when Covid ends.

Seconded by Councilman Smith, unanimously carried.

APPROVE NEW CCE MEMBER

Presented by Councilman Luongo

RESOLUTION #R20-237

RESOLVED, that the Town Board appoint Anthony Proetta Jr. as an ad hoc member of the Commission for the Conservation of the Environment for a term of 9/1/2020 to 12/31/2020.

Seconded by Supervisor Oliverio, unanimously carried.

Councilwoman Whetsel said Friedel Mueller-Landau has left the CCE and she will get a resignation letter from him so the Town Board can accept his resignation.

RESOLVED TO ALLOW N.E.A.R. TO OPERATE MOTORIZED VEHICLE

Presented by Councilwoman Whetsel

RESOLUTION #R20-238

RESOLVED, that the Town Board allow N.E.A.R. to operate a motorized craft for one (1) day during the week of 9/21/2020 in order to proceed with their fish survey.

Supervisor Oliverio said the Organization doing the lake study at Roaring Brook Lake need to finish their fish survey and they need a motorized boat for the day.

Seconded by Councilwoman Whetsel, unanimously carried.

ACCEPT TOWN BOARD MINUTES

Presented by Councilman Smith

RESOLUTION #R20-239

RESOLVED that the Town Board authorize the Supervisor to approve the minutes from the July 8, and the July 15, 2020 Town Board Meetings.

Seconded by Councilwoman Annabi, unanimously carried

RESCHEDULE SEPTEMBER TOWN BOARD MEETINGS

Presented by Councilman Luongo

RESOLUTION #R20-240

RESOLVED that the Town Board cancel the Town Board Pre-Work Session scheduled for September 2, 2020 and the Town Work Session scheduled for September 9, 2020.

BE IT ALSO RESOLVED to change the September 16th, 2020 meeting from a Regular Town Board Meeting to a Work Session at 5:00 PM and add a Regular Town Board Meeting on September 23rd, 2020 at 6:00 PM.

Seconded by Councilman Smith, unanimously carried.

AUDIT OF MONTHLY BILLS

Presented by Councilwoman Annabi

RESOLUTION #R20-241

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

<u>VOUCHER NUMBERS</u>	<u>AMOUNTS</u>
31274-32206	119,265.73
31931-32096	48,679.12
31949-32211	61,116.18

Seconded by Councilwoman Whetsel, unanimously carried.

BUDGET TRANSFERS AND AMENDMENTS

Presented by Councilwoman Whetsel

RESOLUTION #R20-242

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

Seconded by Councilman Smith, unanimously carried.

**DISCUSSION ON WAKE BOATS ON LAKE OSCAWANA AND DISCUSSION ON AIR
BNB'S**

Presented by Supervisor Oliverio

Supervisor Oliverio said these will be forth coming discussions. He has written to other Towns to see how they handle it. He was told today that in Colorado they have a very strict Airbnb ordinance. He asked them for a copy of it. Councilwoman Annabi said we should look at the ordinances of Towns closer to us. Supervisor Oliverio said he was interested in the Colorado law because they were sued by Airbnb and Colorado won. He asked the Town Board to talk to residents and other Towns to get an idea of what people think and what other Towns have done about these two (2) issues. Councilwoman Annabi said pertaining to wake boats we have received quite a few letters. The boats only go about 11 miles per hour but create large waves. Councilwoman believes this is Covid-19 as Lake Oscawana had every homeowner was home and on the lake. These wake boats have been around for the last few years. This is not something that is new. Supervisor Oliverio agreed with Councilwoman Annabi.

Supervisor Oliverio moved to go into Executive Session at 6:10 PM to discuss a Personnel Issue. No new business will be discussed afterward.

Seconded by Councilman Luongo, unanimously carried.

Supervisor Oliverio moved to adjourn the Town Board meeting at 6:12 PM.

Seconded by Councilwoman Annabi, unanimously carried.

Respectfully Submitted



Sherry Howard
Town Clerk
09-09-2020

