

PUTNAM VALLEY TOWN BOARD
WORK SESSION
WEDNESDAY, JANUARY 13, 2021
5:00 PM

This meeting is being held on zoom

Pledge of Allegiance

Supervisor's Comments

WORK SESSION AGENDA

1. Resolved to hold the 4 Public Hearings on 1/20/2021 via ZOOM.
2. Building Dept. – Civil Penalty
3. Discussion: Parkland entrance off Marsh Hill Road
4. Districts:
 - A. Appoint Lake Peekskill Egg Adler for 2021
 - B. Appoint Roaring Brook Egg Adler for 2021
 - C. Appoint Barger Pond Egg Adler for 2021
 - D. Authorize volunteers Lake Peekskill to participate in C-SLAP program
 - E. Appoint snow plow rider for Roaring Brook Lake
5. Assessor - Refund
6. Audit of Monthly Bills

PUTNAM VALLEY TOWN BOARD
WORK SESSION
WEDNESDAY, JANUARY 13, 2021
5:00 PM

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

ALSO PRESENT: Town Clerk Sherry Howard
Town Counsel Robert Lusardi

Pledge of Allegiance and moment of silence for our men and women in our armed forces.

RESOLVED TO HOLD FOUR (4) PUBLIC HEARINGS ON JANUARY 20, 2021 VIA ZOOM

Presented by Councilman Luongo

RESOLUTION #R21-9

RESOLVED that the Town Board hold four (4) Public Hearings on January 20, 2021 at 6:00 PM via zoom on the following proposed laws:

NOISE ORDINANCE LAW
POLITICAL SIGNAGE LAW
COMMUNITY CHOICE AGGREGATE LAW
COMCAST CONTRACT FOR ROARING BROOK

Seconded by Councilwoman Annabi, unanimously carried.

BUILDING DEPARTMENT – CIVIL PENALTY

Presented by Supervisor Oliverio

Supervisor Oliverio spoke to one (1) of the homeowners of 10 Rose Street, Putnam Valley, NY about the events that occurred in regard to them continuing with their building despite the Building Department issuing them a stop work order. She explained the situation as follows: when they went to the Zoning Board they were confused if they needed a variance or not and then they did get a variance.

Their pool is complete but the deck is not. The process was confusing to them because of covid things seem to be different. When the pool was done it couldn't be used because it was dangerous for the children without the deck. Her husband put up a small portion of the deck to make things safe for them. She did apologize to the Board. The Town Board understood that nothing was done in a malicious way, so they agreed on a \$300.00 fine, even though the fines that can be imposed can be in the thousands of dollars. Councilwoman Annabi said she feels it was an honest mistake and would like to lower the fine or forget about it completely. Upon checking with Town Attorney Lusardi who said the amount of the fine is discretionary, the remainder of the Town Board agreed on \$300.00. Supervisor Oliverio said he will speak to the Planning Department tomorrow and see what they need to do to move forward.

RESOLUTION #21-10

RESOLVED that the Town Board assess a civil penalty in the amount of \$300.00 for the violation of a stop work order in regards to the property located at 10 Rose Street, Putnam Valley, NY 10579.

Seconded by Councilman Smith

Councilman Luongo voted aye, Councilwoman Whetsel voted aye, Councilman Smith voted aye and Supervisor Oliverio voted aye.

Councilwoman Annabi voted nay, by a vote of 4 ayes and 1 nay the Resolution is carried.

DISCUSSION: PARKLAND ENTRANCE OFF OF MARSH HILL ROAD

Presented by Supervisor Oliverio

Supervisor Oliverio said somebody from the community gave him aerial photographs of Marsh Hill which is the Emerald Ridge Development built by Mr. Val Santucci. In building that, Mr. Santucci donated over 40 acres of pristine forest to the Town. The entrance to that land is located is at the end of a cul de sac at the end of Marsh Hill Road. From the photo you can clearly see the path that leads to it.

The problem is that over the years there has been some encroachment on that path and we don't have the exact survey of that area. Supervisor Oliverio wants to get a surveyor up there to mark out our pathway. Some residents who have tried to walk up to hike there have been told to leave as it is private property, but is not, it is our property. Markers may need to be put up and that path leads directly to our camp property. There is also a neighbor up there who has large dogs that chase people. Additionally, another neighbor has put up large fast growing evergreens that are also encroaching on our property. Next week Supervisor Oliverio will ask the Town Board to approve a Resolution to survey just the entrance way and have it marked out. The land was granted to us as a preserve so a road cannot be built there. You can't enforce something when you don't know what you own. Councilwoman Annabi said the lot number and the coordinates are on the photo.

If we do a survey don't we have to do it on the whole parcel not just the entrance way? Town Attorney Lusardi said you can just do a partial survey. Surveyors don't like doing that but they should just be able to stake one, two or three lines. Attorney Lusardi explained to the Town Board that there is something called "Adverse Possession" which means if you have encroached on somebody's property for ten (10) years or more you can make a claim and acquire that property. This does not affect Municipalities who have been maintaining a piece of property in a governmental capacity; meaning, it's being used in a governmental purpose. A recreation area is considered a governmental purpose. In Nelsonville there was a hiking trail which the Town owned along with some land adjacent to it. There is a principle where if you dedicate land to parkland it becomes dedicated parkland forever. It cannot be used for anything else unless overturned by the Legislature. The Open Spaces people said because hiking trails went through this piece of property the Town of Nelsonville could not sell the adjacent property either, please keep this in mind. Supervisor Oliverio said we did that by Resolution with the Camp Property. The Marsh Hill area is a place of solitude but we are not going to declare it a park. We do need to make sure the entrance is available to us, we don't want to lose it. Councilman Luongo said people just encroach all the time. Councilman Smith said we should have it staked out.

LAKE PEEKSKILL-APPOINTMENT OF EGG ADDLER

Presented by Councilwoman Annabi

RESOLUTION #R21-11

RESOLVED, that the Town Board appoint Friedel Muller-Landau as egg addler for the Lake Peekskill District for the year 2021 at a salary of \$200.00

Seconded by Councilman Luongo, unanimously carried.

ROARING BROOK LAKE-APPOINTMENT OF EGG ADDLER

Presented by Councilwoman Whetsel

RESOLUTION #R21-12

RESOLVED, that the Town Board appoint Friedel Muller-Landau as egg-addler for the Roaring Brook Lake District for the year 2021 at a salary of \$300.00

Seconded by Councilwoman Annabi, unanimously carried

BARGER POND - APPOINTMENT OF EGG ADDLER

Presented by Councilman Smith

RESOLUTION #R21-13

RESOLVED, that the Town Board appoint Friedel Muller-Landau as egg addler for Lake Barger Pond for the year 2021 at a salary of \$200.00

Seconded by Councilwoman Annabi, unanimously carried.

AUTHORIZE VOLUNTEERS OF LAKE PEEKSKILL TO PARTICIPATE IN C-SLAP PROGRAM

Presented by Councilman Luongo

RESOLUTION #R21-14

RESOLVED that the Town Board authorize the expenditure of \$420.00 for the volunteers in Lake Peekskill to participate in the New York Federation of Lakes C-Slap program (Citizens Statewide Assessment program) for 2021. \$370.00 is the fee for C-Slap participation and \$50.00 is the NYFOLA membership fee.

Councilwoman Annabi seconded the motion, unanimously carried.

APPOINT SNOW PLOW DRIVER FOR ROARING BROOK LAKE

Presented by Councilwoman Annabi

RESOLUTION #R21-15

RESOLVED that the Town Board appoint Robert Chesnut to plow the five (5) fire lanes surrounding Roaring Brook Lake in the year 2021 as listed below:

The fees for minor storms up to 6 inches of snow are \$180.00 and \$320.00 for major storms of more than 6 inches of snow. The fire lanes are –

Dam access road
Shore Lane
Moon Beach
North Beach
Spur Beach

Seconded by Councilman Smith, unanimously carried.

ASSESSOR REFUND FOR SMALL CLAIMS

Presented by Councilwoman Whetsel

RESOLUTION #R21-16

RESOLVED that the Town Board authorize the Supervisor to refund \$30.00 to Petitioner, Kenneth Glass, 174 West Shore Drive, tax map # 62.10-1-34 for a 2020 Small Claims Assessment Review Case pursuant to a Decision of Hearing Officer, Erin Noelle Guven, Esq., copy attached.

Seconded by Councilman Smith, unanimously carried.

DISCUSSION ON THE 2019 LAKE OSCAWANA SEPTIC PUMP OUT LAW

Presented by Councilwoman Annabi

Councilwoman Annabi said in October of 2019 we had a Public Hearing on the Lake Oscawana Septic Pump-out. At that time we changed the “purpose” that was stated in the law to remove the delineation naming the lake a “303d” (impaired waterway). This was passed but has not been changed and reflected in our Code Book. How do we fix this? Do we have to amend it again? Supervisor Oliverio said, can’t we just edit it since we already had the Public Hearing and passed it.

The State is removing the impaired label from many State Lakes and if they remove it from Lake Oscawana people may feel they do not have to pump out their septic systems.

Supervisor Oliverio said we want this to include the whole watershed. We need to still protect the Lake even if the State decides it is not an impaired lake. Town Attorney Lusardi asked what are the boundaries included in the law and is there a boundary map. Councilwoman Annabi said it is the entire Lake Oscawana District including the watershed. Supervisor Oliverio said the watershed is much larger than the District itself. We know who is in the District by how they are taxed. We also have a watershed map that is used by LOMAC. Councilwoman Whetsel said the NRI already has a map for this with parcels. Councilwoman will forward the NRI map to Attorney Lusardi. Attorney Lusardi said you can't amend a local law without a local law. Supervisor Oliverio said we have already done this, we voted on this, things just weren't updated. We will see where we go from here.

AUDIT OF MONTHLY BILLS

Presented by Councilman Smith

RESOLUTION #R21-17

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

<u>VOUCHER NUMBERS</u>	<u>AMOUNTS</u>
N/A	N/A

Seconded by Councilwoman Annabi, unanimously carried.

Supervisor Oliverio said next week we will be bringing up the solar permit thing. Councilman Smith said, yes, the Climate Smart Task Force is hard at work and continue to work on the clean energy communities high impact actions. The reason that they are important is they are the gateway to getting grant funding in the future. One of those high impact actions is the LED lighting the Town switched out and completed. Another one is the unified solar permit which is being finalized now. The Community Choice Aggregation which we are having a Public Hearing on next week is another thing the Committee is working on. Councilman Smith added that the Granite Mountain Trails are open now for anyone who wants to take a walk.

Councilwoman Annabi said the Town Board got an email from a constituent in the Oscawana area. There are emails going back to 2013 about a catch basin that is flooding his house at 633 Oscawana Lake Road.

According to the emails the then Supervisor told the homeowner that the Town would move ahead and take care of this problem. This has not been resolved as of yet. Town Attorney Lusardi said this should be discussed in Executive Session before any decisions are made.

Supervisor Oliverio moved to go into Executive Session to discuss this legal issue with the Town Counsel.

Seconded by Councilman Luongo, unanimously passed.

No business will be conducted afterward.

Supervisor Oliverio moved to close the meeting at 5:52 PM.

Seconded by Councilwoman Annabi, unanimously carried.

Respectfully Submitted



Sherry Howard
Town Clerk
01-08-2021