

**PUTNAM VALLEY TOWN BOARD**  
**PRE-WORK SESSION**  
**WEDNESDAY, APRIL 07, 2021**  
**5:00 PM**

**PRE-WORK SESSION AGENDA**

Pledge of Allegiance

Supervisor's Comments

1. Resolution a. Tax Cert Settlement  
    b. Waive Library Permit Fee
2. Resolve that the Town Board appoint themselves as lead agency for both the Solar Power Law and the Agricultural Code Change
3. Discussion of revision #3 of noise ordinance
4. Parks and Rec – Resolve to purchase Hurricane Stand-on Blower.
5. Resolve to adopt the Union approved Public Employer Health Emergency Plan for the Town of Putnam Valley
6. Set Public Hearing for Comcast Contract for 4/21.
7. Audit of monthly bills

**PUTNAM VALLEY TOWN BOARD**  
**PRE-WORK SESSION**  
**WEDNESDAY, APRIL 07, 2021**  
**5:00 PM**

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

**ALSO PRESENT:** Town Clerk Sherry Howard  
Town Counsel Robert Lusardi

**ABSENT:** Councilman Smith

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

**COURT TAX CERT SETTLEMENT**

Presented by Councilman Luongo

**RESOLUTION #R21-68**

**RESOLVED**, that the Town Board of the Town of Putnam Valley does hereby authorize the settlement of the tax review proceeding instituted by Martha and Henry Wong, for the tax assessment roll of 2020 for 291 Lake Drive (83.65-2-38) as shown on the attached judgement; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Putnam Valley does hereby authorize Sam Oliverio Jr., Supervisor, Kyle Barnett, Esq. of Van DeWater & Van DeWater, LLP and Sheryl Luongo Town Assessor to sign such papers as are necessary to effectuate said settlement.

Dated: April 07, 2021

Seconded by Councilwoman Whetsel, unanimously carried.

**WAIVE LIBRARY PERMIT FEE**

Presented by Councilwoman Annabi

**RESOLUTION #R21-69**

**RESOLVED**, that the Town Board authorize the Supervisor to waive the fee pertaining to the fence permit submitted to the Building Department by the Putnam Valley Free Library. The fence is going to be installed around the dumpsters in the north parking lot. Precision Fencing is the company retained to install the fence.

Seconded by Councilwoman Whetsel, unanimously carried.

**RESOLVE THAT THE TOWN INTENDS TO DECLARE ITSELF AS THE LEAD AGENCY FOR THE SOLAR POWER LAW, THE REIMBURSEMENT OF PROFESSIONAL FEES INCURRED BY THE TOWN IN CONNECTION WITH LAND USE APPLICATIONS, AND THE AGRICULTURAL CODE CHANGE**

Presented by Councilwoman Whetsel

**RESOLUTION #R21-70**

**RESOLVED**, that the Town intends to declare itself as the Lead Agency for the Solar Power Law, the Reimbursement of Professional Fees Incurred by the Town in Connection with Land Use Applications, and the Agricultural Code Change for the coordinated SEQRA evaluation.

**FURTHER RESOLVED**, that a notice of intent to declare the Town as Lead Agency be delivered to all interested and involved agencies.

Seconded by Supervisor Oliverio for discussion.

Attorney Lusardi said there are three (3) Local Laws that we are going to add. You must include the Reimbursement of Professional Fees as a separate law. Attorney Lusardi said when we made some changes to the Agricultural Law last year the Department of Agriculture had some objections claiming that the changes interfered with farms. In order to clear this up we will further amend the law in an effort to comply with their concerns. The second Local Law is a zoning law that deals with the erection of solar panels. There are three (3) categories of solar panels. The first is ones are those that are placed on the roof of a building. The second category is ground installed solar panels, and the third are commercial solar farms.

This law will impose regulations on things like set-backs etc. – also where a solar farm can be located. The third law that will be considered by the Town Board is a law that sets procedures for determination of Professional Fees Incurred by the Town in Connection with Land Use Applications. We need a better procedure for the payment of escrow fees to the Town Planner and the Town Engineer. Supervisor Oliverio added that the Solar Power Law grandfathers in anyone that already has solar panels put in legally, (pre-existing and non-conforming). We are not passing this tonight – we will be holding a Public Hearing first.

**ROLL CALL VOTE:**

COUNCILMAN SMITH	ABSENT
COUNCILMAN LUONGO	AYE
COUNCILWOMAN ANNABI	AYE
COUNCILWOMAN WHETSEL	AYE
SUPERVISOR OLIVERIO	AYE

By a vote of 4 to 0 with 1 absent the Resolution passes.

**DISCUSSION OF REVISION #3 OF NOISE ORDINANCE**

Presented by Councilman Luongo

Councilman Luongo said we have had a Public Hearing on the current revision to the Noise Law. We need to close the Public Hearing that was still open from our last meeting. Then we need to start again.

**RESOLUTION #R21-71**

**RESOLVED**, that the Town Board of the Town of Putnam Valley does hereby close the Public Hearing on the Amendments to the Noise Ordinance held on March 17, 2021 at 6:00 PM via zoom (Revision #2).

Seconded by Councilwoman Annabi, unanimously carried.

Councilman Luongo continued and said the next order of business is to pass the next resolution as follows:

**RESOLUTION #R21-72**

**RESOLVED**, that the Town Board of the Town of Putnam Valley does hereby vote to **turn down** the proposed Noise Ordinance in its current form that was presented at the Public Hearing held on March 17, 2021 via zoom. (Revision #2).

Seconded by Councilwoman Whetsel.

**ROLL CALL VOTE:**

COUNCILMAN SMITH	ABSENT
COUNCILMAN LUONGO	AYE
COUNCILWOMAN ANNABI	AYE
COUNCILWOMAN WHETSEL	AYE
SUPERVISOR OLIVERIO	AYE

By a vote of 4 to 0 with 1 absent the Resolution passes.

Supervisor Oliverio said this revision is minor. The fifteen minutes allowed in the second revision has been removed and it now says just 70 decibels instead. There is also one (1) change in the exceptions clause. Included now, along with birthday parties are nationally recognized holidays. You can have your parties but at 8:00 PM the noise must go down so your neighbors can get some sleep. Councilwoman Annabi feels there are still too many loopholes in this and would like to table it. She says this is like putting a band aid on a broken arm. Councilwoman Whetsel said maybe the Districts can decide how they want to handle noise based on lot size. Councilwoman Annabi said she brought this up before and it could be done. Councilman Luongo said the Districts can decide amongst themselves what they want to do. Supervisor Oliverio said we can leave it as it is and then let the Districts decide.

Town Attorney Lusardi said we have to be careful with regard to what a District can and can't do. These special districts – like a sewer or Lake District – is set up for particular purposes. You are the Legislative Authorities over these Districts. There might be some Constitutional questions over having different districts having different rules. You can have different zones but you should be careful when you say you can do one thing in one district but not another when it comes to general legislation. Supervisor Oliverio said we did it with the sewer district, what is the difference? Town Attorney Lusardi said the law sets up certain purposes for which a special district can be created like fire protection, sewer etc. so a District has a limited purpose and a limited function. Any regulations enacted by that district have to be geared to that particular function. Supervisor Oliverio said he does not believe they will ever come to a happy medium on this issue.

Councilwoman Annabi does not like Revision #3 and suggested that the noise amounts should possibly be set up by the amount of acreage per property. Councilman Luongo said sometimes here we are separated by mountain areas which echo's sound and it would not matter how much acreage you have. He also said the law does not mention events such as Graduation Parties etc. – so does that mean you cannot have those? Maybe we should call it "one day celebrations". Supervisor Oliverio said it is hard to define what special events are. He only wants the Troopers to have something to enforce if and when there is a noise problem.

Councilwoman Annabi said places like Kent and Carmel also have noise complaints but they have their own Police Departments who respond much quicker - so this will be very hard to enforce. She added that we should go by the already on the books "Nuisance Laws". Supervisor Oliverio said that is also hard to define, it depends on what each individual believes a nuisance is. He would like something to go forward that is enforceable.

Councilwoman Whetsel wants to still move on this. She said people need to be respectful to their neighbors. Supervisor Oliverio would still like to hold the Public Hearing to see what people think.

Supervisor Oliverio next introduced the following Resolution:

**RESOLUTION #R21-73**

**RESOLVED**, that the Town Board of the Town of Putnam Valley does hereby vote to hold a Public Hearing on an amendment to the current Noise Ordinance (Revision #3). The Public Hearing will be held on March 21, 2021 at 6:00 PM via zoom.

Seconded by Councilwoman Whetsel, unanimously carried

**PARKS AND RECREATION PURCHASE OF STAND ON BLOWER**

Presented by Councilwoman Annabi

**RESOLUTION #R21-74**

**RESOLVED**, that the Town Board authorize the Parks and Recreation Department to proceed with a trade-in transaction for a new piece of equipment for all our park facilities. Ossining Lawn Mower has agreed to give the Department \$7,000.00 for oldest mower (Kubota F3990) toward a new machine Billy Goat Hurricane Stand-on Blower at \$10,000.00 which will assist in the efficiency of maintaining the Park and Camp Facilities. The total cost will be \$3,000.00 which has been compensated for in our 2021 budget.

Seconded by Councilman Luongo, unanimously carried.

**APPROVE PUBLIC EMPLOYER HEALTH EMERGENCY PLAN FOR THE TOWN OF PUTNAM VALLEY**

Presented by Councilwoman Whetsel

**RESOLUTION #R21-75**

**RESOLVED**, that the Town Board authorize the Town Board to adopt the Union approved Public Employer Health Emergency Plan for the Town of Putnam Valley.

Seconded by Councilwoman Annabi, unanimously carried.

Supervisor Oliverio said he gave a copy of this to both the Teamsters and the CSEA and it was approved by their Representatives. This is not enforceable but a guideline to keep our employees safe.

**SET PUBIC HEARING FOR THE COMCAST CONTRACT FOR APRIL 21, 2021**

Presented by Councilman Luongo

**RESOLUTION #R21-76**

**RESOLVED**, that the Town Board authorize the Supervisor to set April 21, 2021 as the Public Hearing date for the Comcast Contract. The Public Hearing is set for 6:00 PM via zoom.

Seconded by Supervisor Oliverio for discussion.

Supervisor Oliverio said we already approved this contract, but it was accidentally signed before the Public Hearing so we have to do it again. We also need proof of the Public Hearings and postings for Comcast.

The Town Board unanimously approved the Resolution so the motion is carried.

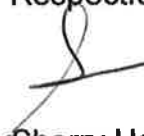
Supervisor Oliverio moved to go into Executive Session to discuss some updates on litigation matters. No actions will be conducted afterward.

Seconded by Councilwoman Annabi, unanimously passed.

Supervisor Oliverio moved to close the meeting at 5:40 PM.

Seconded by Councilwoman Annabi unanimously carried.

Respectfully Submitted



Sherry Howard  
Town Clerk  
04-13-2021