

PUTNAM VALLEY TOWN BOARD
PRE-WORK SESSION
WEDNESDAY, JULY 07, 2021
6:00 PM

Pledge of Allegiance
Supervisor's Comments

PUBLIC HEARINGS

SOLAR LAW – SOLAR ENERGY SYSTEMS

**REVISIONS TO THE AGRICULTURAL CODE – AGRICULTURAL DISTRICT
PROPERTIES**

**REVISION TO THE ZONING CODE – REIMBURSEMENT OF PROFESSIONAL
FEES**

PRE-WORK SESSION AGENDA

1. Lindbergh property discussion
2. Discussion Memorandum of Agreement with Hudson Highlands
3. Discussion Boy Scout Camp Sale
4. Discussion Herb Edelman's Property
5. 90 Day Extension of Senior Clerks Position
6. Update Harvester
7. Districts Seasonal Personnel – Harvester Operator
8. Seasonal Beach Monitor
9. Laborer at Lookout Manor
10. Personnel – Parks and Recreation
11. Sign contract for Geese Control in Lake Peekskill
12. Budget Transfers and Amendments

PUTNAM VALLEY TOWN BOARD
PUBLIC HEARINGS
WEDNESDAY, JULY 07, 2021
6:00 PM

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

ALSO PRESENT: Town Clerk Sherry Howard
Town Counsel Robert Lusardi

Pledge of Allegiance and moment of silent meditation for our Troops throughout the world.

Supervisor Oliverio opened the Public Hearings.

1. SOLAR LAW – SOLAR ENERGY SYSTEMS

Presented by Town Clerk Howard

Town Resident Jeanne Earle who resides at 69 Wood Street, Mahopac, New York and is President of the Wood Street Association of Putnam Valley spoke at the podium. Ms. Earle said she got concerned when she heard there would be a Public Hearing on Solar Energy Systems. She has received letters from a couple of companies stating that her property would be suitable for a solar farm. She is wondering if they are contacting her because she is close to the substation and the powerlines. She thinks they have borne enough, she does not want to see her property value go down? Allowing a solar farm on someone's property would do just that and her Association is against this. There is a property near her that is lying there vacant and she is worried that a company will come in and try to put something there. Supervisor Oliverio said the purpose of this law is to regulate where these panels can be placed. We don't want them on a ridge line, and we don't want to see any deforestation. If we had an open space we would consider that because the State is all about solar farms right now. Yorktown has been negotiating with NYSE&G to put a huge solar farm on their property which is located right behind our Middle/High School complex. They will be cutting down close to 600 trees and the State is backing that as a necessity.

Town Attorney Lusardi explained that the law is designed to address such concerns as solar energy systems on the roofs of houses, ground based solar panels, and commercial solar energy systems. If the solar panels are for a house or building you would need to only get a building permit as long as that building is otherwise compliant.

For ground based solar systems they would not be able to exceed 5000 kilowatt hours of power. These free standing solar panels would have to be placed in either the front of the house or in the rear yard and meet all the set-back requirements. In addition a site plan would have to be approved by the Planning Board. The commercial solar energy/farm systems are not allowed in any residential district. They can only be placed in the CC1 and CC2 zoning districts, which are zoned commercial. They can't exceed seven (7) acres total, and there are esthetic requirements as well.

Councilwoman Whetsel mentioned that there are also solar canopies located in other Towns in parking lots where no trees need to be cut down. They also protect your car in bad weather. Town Attorney Lusardi will look into this, if we thought about doing this some of the wording might have to be changed.

Councilman Smith said we also thought about the end of life for these solar farms under the law. They would have to hand in a plan of what they would do if the site is abandoned or not used anymore. That is all in this law as well.

Supervisor Oliverio said our School District and he met with the Yorktown Planning Board and they said the person who owns the property has the right to sell it. It's in our backyard but they will make the money from it, and get the benefit of the electricity. There is a brook back there that hits the Hollowbrook which does supply Peekskill with some of their water so they have to be careful.

Councilwoman Annabi said that she did not see anything in the proposed law that mentions grandfathering in people that already have solar panels. Attorney Lusardi said this is just an addition to the zoning law so yes people already have the benefit of the current law as long as their system was installed legally in the first place.

Hearing no other Public Comment, Supervisor Oliverio moved to close this portion of the Public Hearing; but the Public Hearing will remain open for the next two (2) weeks for comments by the public by email, phone, or letter. Please send any emails to the Clerk at showard@putnamvalley.com and she will share them with the Town Board.

2. REVISIONS TO THE AGRICULTURAL CODE – AGRICULTURAL DISTRICT PROPERTIES

Presented by Supervisor Oliverio

Supervisor Oliverio said there was some tweaking and fine tuning that had to be done on the Agricultural Code because of some concerns that the form the Agricultural Board up in Albany had on our law. They had directed us to make some changes. We have now done that to be in compliance with the ruling body of farm lands. Town Attorney Lusardi said we made some changes to our AG zoning. This is a Special District set up for protecting farms and they get certain exemptions from zoning. We had certain provisions that were set up in 1990 that regulated what you can do with your property within the County Agricultural District.

We amended the AG law in 2020 to break-out a number of those provisions and make it more straight forward. We then received a letter stating that they thought our new law was unduly restrictive of farming operations. We took the comments from that letter and this product is what we came up with to meet what the Department of Agriculture has asked that we do.

Hearing no Public Comment Supervisor Oliverio moved to close this portion of the Public Hearing; but the Public Hearing will remain open for the next two (2) for comments by the public by email, phone, or letter. Please send any emails to the Clerk at showard@putnamvalley.com and she will share them with the Town Board.

3. REVISION TO THE ZONING CODE – REIMBURSEMENT OF PROFESSIONAL FEES

Presented by Supervisor Oliverio

Town Attorney Lusardi said under our current code our Town is entitled to be reimbursed by applicants for site plan approvals and other approvals. The Planning Board has consultants, we have a Wetlands Inspector, a Town Planner and a Town Engineer. The consultants bill the Planning and Zoning Boards for their time on an hourly basis, based upon a contract which is approved by the Town Board. Whatever time they spend on a particular application reviewing it, that time gets paid by the applicant, there is an escrow fund that is set up. If it is depleted it needs to be restored. This way the Town in addition to the filing fee will also be reimbursed for what the Town has to spend for its Consultants to review a project. If it is a very large project that can be 10's of thousands of dollars. Attorney Lusardi reviewed our current law and believed it needed to be beefed up with some due process protections. There are cases that have held that unless you provide these due process restrictions the charging of a fee to an applicant before a Board might be invalid. You need to set up a system by which the fees are determined to be reasonable by an objective standard, and then there has to be a review of those fees by the Chairman of the Planning or Zoning Board for reasonableness according to those standards. The bill is then sent to the applicant who has 20 days to object to the bill and raise a concern. The applicant can then appear before the Board and argue their point. This law was modeled after the Poughkeepsie Statute and it covers all of the bases on this issue. It will help to solidify the Town's rights to be compensated for its Consultant's fees and protect those fees.

Supervisor Oliverio said it would also give an avenue for the complainant to come forward if they feel the fees are outrageous. They would be able to make a case if they needed to. Councilwoman Annabi said now the applicant can challenge the amount going into the escrow account. Supervisor Oliverio said this will keep people from suing the Town when they have an issue with the fees because right now they have nowhere to go to contest the amount they are asked to pay. Both sides are served positively by this new law. Town Attorney Lusardi said our existing law is valid but needed to be beefed up.

Resident, Christian Russo who resides at 673 Peekskill Hollow Road asked, if the applicant feels that the fees that they were charged are excessive and they go to the Planning or Zoning Board and say they are too high, who is the arbitrator that makes the decision? The Town Attorney said the Chairman of the Board makes the initial determination. That would be the person who the applicant would appeal to first. After this, if the applicant does not agree they can next go to the Town Board.

Supervisor Oliverio moved to close this portion of the Public Hearing; but the Public Hearing will remain open for the next two (2) for comments by the public by email, phone, or letter. Please send any emails to the Clerk at showard@putnamvalley.com and she will share them with the Town Board.

Supervisor Oliverio moved to adjourn the three (3) Public Hearings until July 21, 2021.

Seconded by Councilman Luongo, unanimously passed.

PUTNAM VALLEY TOWN BOARD
PRE-WORK SESSION
WEDNESDAY, JULY 07, 2021
6:00 PM

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

ALSO PRESENT: Town Clerk Sherry Howard
Town Counsel Robert Lusardi

Pledge of Allegiance and moment of silence for the men and women in our Armed Forces.

DISCUSSION OF LINDBERGH PROPERTY

Presented by Supervisor Oliverio

Councilman Luongo said the Fire Department had come up with some items that needed to be reviewed by the Planning Board. They had come up with some ideas – some that can be done and some that can't be done. There are two (2) questions left that needed an answer. The first question is there is a hump in the driveway and we need to know the length of it. If it is too short our truck can bottom out. Ms. McManus said the length of the curve is 135 feet, and it is a rather gentle slope. The other question is about the sprinkler system which you said would be New York State approved, the question is will it be a wet system or a dry system? Ms. McManus said she has not decided yet, but if it's a wet system we need to make sure there is enough water storage with a large enough tank. Councilman Luongo said if it is a wet system then a generator would be required. Ms. McManus said if a generator was required then a generator will be installed. In general she does not feel that a person would want a wet system as if you burn something your house will get soaked. She added that the approval of an ODA Road should have nothing to do with the approval of a sprinkler system. The road can be approved while we are satisfying the requirements of the Fire Department. Councilman Smith asked if the motion will include us sending questions back to the Planning Board. Town Attorney Lusardi says the Planning Board does have this but has not made a decision yet. Ms. McManus said she needs approval from the Town Board to move ahead with the Planning Board. Councilwoman Annabi is not comfortable moving ahead without the approval of the Fire Department.

Attorney Lusardi said last month the Town Board decided to wait on the approval/recommendation of the Planning Board before moving ahead with the ODA road. The Planning Board still has the application for this subdivision and he gets the sense that the Planning Board has a better handle on this thing so either you are going to waive the referral back to the Planning Board and make a decision now or you can wait for the Planning Board to respond to the request. Councilwoman Annabi believes the appropriate response is to wait for the Planning Board. Supervisor Oliverio said the Planning Board wants to wait until they hear from the Fire Chief. He does not want this delayed any more than it is. We are only in charge of the driveway not the rest of it. We don't deal with the house. Ms. McManus said she does have sketch approval for the house and has spoken to the Fire Chief and she will make sure he is satisfied. Councilwoman Annabi said she is sorry but she feels that the Planning Board has to do their due diligence before the Town Board can do theirs and they have asked us not to do it. Councilman Luongo agreed with Councilwoman Annabi.

Ms. McManus said the Planning Board has said they are comfortable with the ODA Road. Town Attorney Lusardi said the way to solve the problem is to consult with Bruce Barber the Town Planner or Todd Atkinson and see what he can tell you and deal with this next week. Due to the fact that the Fire Chief does have some concerns it put things on its head. The safest thing is to give it one (1) more week so you can get the answers you need from the Fire Department. Councilman Smith said the driveway got linked to the concerns of the Fire Department about fire safety; so when those things are satisfied we can vote on it.

DISCUSSION MEMORANDUM OF AGREEMENT WITH HUDSON HIGHLANDS

Presented by Supervisor Oliverio

Supervisor Oliverio said he sent the Town Board a whole packet that originated from both the Hudson Highlands and the County. He called the head legal person at Putnam County and asked about the Memorandum of Understanding that they made with the Hudson Highlands and they said it was a great deal for us. In their policy of open space, if land is transferred as open space it must remain as open space and available for the public. It cannot be sold unless it remains as Parkland. This piece of property is landlocked and is a greater liability because we have not maintained it. We should either give it to the Hudson Highlands or sign the Memorandum of Understanding because that land is useless to us. They already have Granite Mountain and the County just gave them a bigger parcel. They have always been good partners to us so let's give it to them. The County gave it to us let's give it to them. Town Attorney Lusardi said the way to not have any liability is to not own the property. There will be people on it hiking etc. so you would be better off donating it to the Hudson Highlands. If you sign the Memorandum of Understanding you will still be the owner and will still have the liability. Supervisor Oliverio asked Town Attorney Lusardi to create a deed and then we will donate the property to the Hudson Highlands Land Trust.

HUDSON HIGHLANDS TAX MAP #73-1-76

RESOLUTION #R21-159

RESOLVED, that the Town Board of the Town of Putnam Valley agrees to donate the 21/22 acres of property tax map # 73-1-76 that we have adjoining Granite Mountain Preserve to the Hudson Highlands Land Trust.

Seconded by Councilman Smith unanimously carried

DISCUSSION BOY SCOUT CAMP SALE

Presented by Supervisor Oliverio

Supervisor Oliverio said the Boy Scout Camp is up for sale and he mentioned to Town Attorney Lusardi that there is a covenant attached to the deed set up by Dr. Fahnestock when he donated the property to the Boy Scouts of America. The covenant states that it must remain a Conservation District and in use by a not-for-profit. He asked Attorney Lusardi if that covenant can easily be broken and purchased by a company for development as it is over 1000 acres. Councilwoman Annabi said she is fearful that someone will put up a resort or multiple homes on the property which also borders Lake Oscawana and Fahnestock Park. We need to protect Lake Oscawana but we know the Boy Scouts need to sell it because they were ordered by the court to make restitution.

Town Attorney Lusardi said he would have to research the title and look at all of the covenants. He added that there are covenants that are enforceable and covenants that are not enforceable. There is also the question of who has the standing to enforce them? He said the Town might want to speak to the State Parks People (SHPO) and see what their feelings are about this. The Attorney General may want to add it to the park as it is right in the middle of Fahnestock Park. Councilwoman Annabi said we have to make sure no matter what happens that our citizens and our lake is protected. Supervisor Oliverio said he will call the State. Attorney Lusardi said he can order a title company to do a title search. He said the people who were involved in the formation of Fahnestock were very good lawyers and knew what they were doing so there probably will be an enforceable covenant, the question may be who has the power to enforce it?

DISCUSSION HERB EDELMAN'S PROPERTY

Presented by Supervisor Oliverio

Supervisor Oliverio said Mr. Edelman owns two (2) structures in Abele Park. Mr. Edelman approached Supervisor Oliverio and said that he is 89 years old and it is difficult for him to maintain this property and pay the taxes so he would like to donate it to the Town. Supervisor Oliverio has since found out that the buildings were built in the 1920's and have been condemned because they flood out.

Mr. Edelman is aware that the buildings have to be demolished and he has hired a company to do just that, the Town will not do that. He added that if the Board would like we can accept this parcel after the buildings are demolished. Councilman Luongo said another piece of Parkland where that is located is ideal, however, that was a gas station, are the underground gas tanks still there? If all is good then this is the best piece of property that has been offered to the Town. Supervisor Oliverio said that Mr. Edelman said the gas tanks were removed when the buildings first started to flood out, but we will research it to be sure and to be safe. Councilwoman Annabi said we should discuss this again when we are sure they have been removed. Supervisor Oliverio said we would give it to the Abele Park District if they want it. Councilman Luongo said yes we need to discuss it with Abele Park.

90 DAY EXTENSION OF SENIOR CLERK'S POSITION

Presented by Councilman Luongo

RESOLUTION #R21-160

RESOLVED, that the Town Board of the Town of Putnam Valley reappoint Karen Kroboth to the position of District Clerk on another 90 day provisional basis, as the 2nd reappointment of 90 days are up. She passed the Clerk Test but needs to pass the Senior Clerk Test when it is given. Salary will be at Step 2 of the CSEA Clerk Salary which is \$42,623.00

Seconded by Councilman Smith, unanimously carried.

HIRING OF HARVESTER OPERATORS

Presented by Councilwoman Annabi

Councilwoman Annabi said the harvester will be here Tuesday July, 13th and the three (3) laborers that we hired will be trained by the company that built the harvester to use it. They will be trained for two (2) days.

RESOLUTION #R21-161

RESOLVED, that the Town Board authorize the Supervisor to appoint Brendan O'Brien to the Lake Oscawana Weed Control Harvester Crew. Brendan will receive \$23.25 per hour with no benefits when assigned as the Assistant Harvester Operator or \$20.00 per hour with no benefits when assigned as the Harvester Truck Driver. The appointment is effective July 1st, 2021 to October 1st, 2021.

Earl Smith will receive the same pay scale of \$23.25 per hour as the Assistant Harvester Operator, or \$20.00 per hour when assigned as the Harvester Truck Driver. No Benefits.

Matt Florio will receive \$25.00 per hour as the Weed Harvester Operator when confirmed that this is the salary paid to the Weed Harvester Operator in 2019, no benefits. Matt Florio will receive \$24.25 per hour as the Weed Harvester Operator if the salary paid to the Weed Harvest Operator in 2019 was \$24.25 per hour, no benefits.

Seconded by Councilman Smith, unanimously carried.

*The salary given to the Weed Harvester Operator in 2019 was \$24.25 per hour, no benefits. Matt Florio will receive this amount for the 2021 season

HIRING OF SEASONAL BEACH MONITORS

Presented by Councilwoman Whetsel

RESOLUTION #R21-162

RESOLVED, that the Town Board authorize the appointment of the following Beach Monitors for the 2021 season at the rate of \$10.25 per hour with no benefits. The appointments will begin on July 8th and end on September 6th, 2021.

- Sonya Garcia
- Christian Mendez
- Alexandra Drinovac

Seconded by Councilman Smith, unanimously carried.

HIRING OF LABORER AT LOOKOUT MANOR

Presented by Councilman Smith

RESOLUTION #R21-163

RESOLVED, that the Town Board appoint Joe Aviles as a Laborer at Lookout Manor at a rate of \$20/hour with no benefits. This appointment will be effective July 3rd to September 6th, 2021. It is expected that Joe will work 1-2 hours per week as needed.

Seconded by Councilwoman Whetsel, unanimously carried.

PARKS AND RECREATION PERSONNEL

Presented by Councilman Luongo

RESOLUTION #R21-164

RESOLVED, that the Town Board authorize the Supervisor to appoint Leland Petrash as a Part time Seasonal Lifeguard at \$13.00 per hour.

Seconded by Councilman Smith, unanimously carried

SIGN CONTRACT WITH GEESE RELIEF FOR LAKE PEEKSKILL

Presented by Supervisor Oliverio

Supervisor Oliverio said for right now Superintendent Cobb and he are going to do a little more research before they hire the dogs. They are looking into using grape juice or grape seed extract as a repellent for the geese. The dogs don't seem to be a popular choice. The concern we have is the massive and disgusting amount of goose poop on the beaches. We must stop this somehow. The extract is not harmful to humans or animals and that seems to be the way to go. They seem to congregate the most on North Beach. Councilwoman Annabi said education is the key to this.

RESOLUTION #R21- N/A

RESOLVED, that the Town Board authorize the Supervisor to sign a one year contract with Geese Relief, LLC, 15 Putnam Avenue, Greenwich, CT 06830 for the use of Geese Control Dogs at Carrara's, Singers, and North Beach at the cost of \$325.00 per week for a month to month service agreement (minimum of 2 months). The cost for egg addling is \$650.00 per season.

RESOLUTION #R21-165

RESOLVED, that the Town Board remove the above Resolution as no decision has been made as to how to minimize the geese population on the Lake Peekskill Beaches.

Seconded by Councilwoman Annabi, unanimously carried

BUDGET TRANSFERS AND AMENDMENTS

Presented by Supervisor Oliverio

RESOLUTION #R21-166

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

There were no budget transfers

Seconded by Councilman Luongo, unanimously passed.

PUBLIC COMMENT

Lake Peekskill Resident and member of the LPCA, Gordon Murray said many emails have been flying around about the dogs and people were generally aghast, and right now it is also molting season. The beach is covered with turds but he believes more research needs to be done about long term solutions. More shrubs can be planted and deer resistant barricades can be put up. There seems to have been a lack of egg addling this summer, and more education is needed for people with Lake Front property to allow the egg addlers onto their property. As far as the Boy Scout camp is concerned Mr. Murray said they are being forced to sell this so they can raise money to pay. There may be another court with a higher level of jurisdiction who says they have to get funds for this to pay the victims.

Councilwoman Annabi said both Karen and Theresa should make sure that the beach staff does sweep up. If they do it every day it will get better. Supervisor Oliverio said they will do what they can do, but it is an enormous task, but they will at least get the sand. Councilman Luongo suggested they get down there an hour earlier and clean up before people get there. Councilwoman Annabi said maybe we can hire someone to clean up the beach on a daily basis. Supervisor Oliverio said don't forget last summer during Covid no one used the beach and it gave the geese a chance to settle there with no disturbance. The babies that were born there have also returned. Councilwoman Annabi said the addler cannot go on private property, that's where the education comes in. Also, we should give flags to people who have a nest so the addler knows to go there. Supervisor Oliverio said the people who run the Geese Relief program also do egg addling.

Councilman Smith said next Tuesday, July 13th at 7:00 PM at the LPCC there will be a meeting for any further input community members might want to make on the Noise Ordinance. Councilman Smith said they will be reviewing all the letters and comments that have come to us in the past. This meeting is open to anyone who wishes to give further input.

Councilwoman Annabi asked if there was any progress on Marsh Hill. Supervisor Oliverio said yes, Tom is in the process of getting us another Surveyor. They do have the original survey, unfortunately he believes the entrance on the original survey is flawed. We will get it done and marked.

Resident Henry Lopez said currently the Town of Yorktown has laws on its books that incorporate video documentation to issue violations that holds the owners of vehicles liable no matter who is driving the vehicle for littering. He would like the Town of Putnam Valley be able to do the same thing. Supervisor Oliverio would love to see that law here.

Supervisor Oliverio said next week we are back to 5:00 PM. You can now come in to our meeting.

Resident Gordon Murray asked when the Town was going to bring back the Lake's Commission. Supervisor Oliverio said we haven't done that since last year. He added that he needs to reintroduce it at least a couple of more times this summer. We may convene a meeting in the next couple of weeks.

Councilwoman Annabi asked about an update on the situation with the Town's well? Supervisor Oliverio said Ms. Manno put out a bid. Councilman Luongo asked how a bid could have gone out when prices were discussed during a Town Board Meeting. Supervisor Oliverio said those were approximate figures the bids ask for specific amounts. Councilman Luongo said we need to have some more discussion as we have two (2) other wells on our property. We are going to run into the salt again, we may not be able to get away with it out here with the original well. Maybe we should test the other wells.

Councilwoman Annabi said last time we met we talked about doing live feed and you were going to call the Legislative Liaison about the pricing. Supervisor Oliverio said he called them and they said Anthony Arrien's proposal was good and we can go ahead with it next meeting

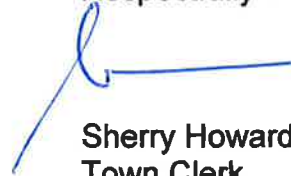
Supervisor Oliverio moved to go into Executive Session. Town Attorney Lusardi has information for the Town Board on a contractual matter. No further action will be taken.

Seconded by Councilwoman Annabi unanimously carried.

Supervisor Oliverio moved to close the meeting at 7:44 PM.

Seconded by Councilwoman Annabi unanimously carried.

Respectfully Submitted



Sherry Howard
Town Clerk
07-19-2021