

PUTNAM VALLEY TOWN BOARD
WORK SESSION MEETING
WEDNESDAY, AUGUST 11, 2021
5:00 PM

Pledge of Allegiance

TOWN BOARD WORK SESSION
MEETING AGENDA

1. Dede Farabaugh Proclamation
2. Fiorentino Conservation Easement
3. Update on Noise Ordinance
4. Resolution concerning Ambion Opt-In Program
5. Planning Board Member Appointment
6. Roaring Brook Lake Clean Up
7. Discussion – Opt Out of Allowing Cannabis Retail Dispensaries
8. Appoint Floater for Town Hall
9. Appoint Carol Sukup as a Permanent Part-time Employee
10. Increase hourly rate of Permanent Part-time Highway Assistant from \$14.00 to \$15.00 per hour.

PUTNAM VALLEY TOWN BOARD
WORK SESSION MEETING
WEDNESDAY, AUGUST 11, 2021
5:00 PM

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

ALSO PRESENT: Town Clerk Sherry Howard
Town Counsel Robert Lusardi

Supervisor Oliverio opened the Town Board Meeting at 5:00 PM and welcomed everyone to the Work Session Meeting.

Pledge of Allegiance and moment of silence for our military forces around the world.

SUPERVISOR'S COMMENTS

Supervisor Oliverio said the dates of the September Town Board Meetings are as follows:

Pre-work Session – September 8, 2021	@ 5:00 PM
Work Session - September 15, 2021	@ 5:00 PM
Regular Meeting - September 22, 2021	@ 6:00 PM

These changes have been made to accommodate the New York State rules concerning the 2022 budget.

DEDE FARABAUGH PROCLAMATION

Presented by Supervisor Oliverio

Supervisor Oliverio presented Dede Farabaugh with a Proclamation from the Town Board in honor of her great work as the Director of the Putnam Valley Free Library. Ms. Farabaugh is leaving our Library and is moving on to the Hamilton Fish Library in Garrison. Supervisor Oliverio said the Town Board feels very strongly that Ms. Farabaugh has done amazing things for our Town through the programming and exciting events happening there every day. He said she has also done so much outreach to the community and everyone knows they are welcome there. Your shoes will be hard to fill. The Town Board wishes you the best of luck and please come back to visit us.

Councilwoman Annabi said it has been great fun getting to know you and the next person has some big shoes to follow.

Councilman Luongo said you have brought many programs which were new to us and you were more than happy to listen to what people wanted.

Councilman Smith said it is a big loss to our Town. We are happy, though, that you are moving your career onward.

Councilwoman Whetsel said that you created an environment that brought our whole community together.

Ms. Farabaugh thanked everyone and said her success will always be tied to the success of the Putnam Valley Library, and she will keep in touch.

ACCEPT FIORINTINO CONSERVATION EASEMENT

Presented by Councilman Luongo

Supervisor Oliverio seconded for discussion.

RESOLUTION #21-193

CONSERVATION EASEMENT

Declaration of Conservation Easement made this _____ day of May, 2021 by and between ANNETTE FIORENTINO ("Declarant") as Grantor, residing at 33 Franklin Street, Piemont, New York 10968 and THE TOWN OF PUTNAM VALLEY ("Town"), a New York Municipal Corporation, as Grantee, with offices at 285 Oscawana Lake Road, Putnam Valley, New York 10579

WITNESSETH:

WHEREAS, the Declarant is the owner in fee of real property consisting of approximately 57.412 acres (the "Property") located in the Town of Putnam Valley, Putnam County, New York, known and designated on the Tax Map of the Town of Putnam Valley ("the Town") as 41.0-2-14

WHEREAS, the Planning Board of the Town of Putnam Valley (the "Planning Board") has approved the Subdivision Map entitled "Final Subdivision Plat prepared for ANNETTE FIORENTINO, Property Situate in TOWN OF PUTNAM VALLEY, COUNTY OF PUTNAM, STATE OF NEW YORK" prepared by Baxter Land Surveying, P.C., dated May 18, 2020, which approval has been conditioned, in part, upon the execution and recordation of certain Declarations. The Map is intended to be filed simultaneously with the recording of this Declaration; and

WHEREAS a condition of said approval is the recording of a Conservation Easement over that portion of the Property described on Schedule "A" hereto (referred to in this Document as the "Conservation Easement");

WHEREAS the Town of Putnam Valley is a "public body" qualified for holding a tax-deductible conservation easement and qualified to be the grantees of interests in real property exclusively for conservation purposes under Article 49, Title 3, of the Environmental Conservation Law of the State of New York and sec. 170 (h) of the United States Internal Revenue Code of 1986; and

WHEREAS the property is located in the Town's Ground and Surface Water Protection, Hillside Management and Wetland Watercourse Overlay districts; and

WHEREAS the property is characterized by forest habitat, wetlands, steep slopes, rocky outcroppings and natural beauty, and these qualities are of great importance to the Grantor and Grantee, the people of Putnam Valley, the State of New York and the general public; and

WHEREAS Declarant has proposed a Conservation Easement protected in perpetuity exclusively for conservation purposes to limit the property's development and further the mutual conservation purposes of the parties which will yield a significant benefit for the general public's scenic enjoyment and pursuant to the purposes of the local conservation policies by preserving and maintaining the natural

and scenic qualities of the land; and

WHEREAS reference is made to a Baseline Study of the Conservation Easement area located in Schedule B of this document which describes and outlines the physical conditions of the Conservation Easement area prior to the commencement of construction.

NOW THEREFORE, Declarant hereby declare for herself, her heirs, successors and assigns that a Conservation Easement be and is hereby conveyed to the Town of Putnam Valley over the land described in Exhibit A annexed, subject to the covenants and restrictions specified herein.

1. That no trees within the Conservation Easement shall be removed unless any such tree is dead or diseased (in the written opinion of the Town, through its Wetland Consultant or other duly appointed employee or a Certified Arborist) or presents a danger to surrounding structures, docks, walls, stairs, fences, walks, or pathways;

2. That no shrubs or other vegetation within the Conservation Easement shall be cut, pruned, or removed except for the removal of, poison ivy, poison oak, poison sumac, and herbaceous plants which appear on a list maintained by the New York State Department of Environmental Conservation entitled "non-native plants." unless any such shrub or vegetation is dead or diseased (in the

written opinion of the Town's Wetland Consultant) or presents a danger to surrounding structures, docks, walls, stairs, fences, walks or pathways;

3. That no new structures shall be erected within the Conservation Easement except for the items shown on the approved Subdivision Plat and, in each case related appurtenances; all and only to the extent such features exist, and in their approved location on the date of approval of the Subdivision Plat by the Putnam Valley Planning Board.

4. The benefit of this Conservation Easement shall run to, and be enforceable at law and in equity by, the Town, its successors and/or assigns. The Conservation Easement may be periodically inspected by the Town Code Enforcement Officer and/or Wetland Inspector on reasonable notice to the Declarant. No private right of enforcement is granted to any individual other than a duly appointed employee of the Town acting within the scope of his/her authority.

5. This Conservation Easement shall run with the land and be binding on the parties hereto, their heirs, successors and assigns, and may only be modified or rescinded by written agreement with the Putnam Valley Town Board, executed and recorded in the Office of the Putnam County Clerk.

6. Nothing in this Conservation Easement shall prohibit Declarant from maintaining landscaping, plantings and other improvements shown on the

Subdivision Plat, or from requesting Federal, State and/or local permits to engage in activities otherwise prohibited by this Conservation Easement, subject to Town Board approval in accordance with Section 5 above.

7. No self-propelled construction machinery is permitted within the Conservation Easement. Hand-held equipment is permitted.

8. The lands described in Schedule "A" and above shall forever remain undisturbed except for the above described exceptions. No construction of any kind shall take place within said area; no soil, rock or vegetation shall be disturbed or removed therefrom and the land shall not be altered in any way except as permitted as set forth above; and

9. The benefit of this Conservation Easement shall run in perpetuity to, and be enforceable at law and in equity, by the Town, its successors and/or assigns, which shall have the right to enter upon the easement premises, inspect, and to take such steps as may be necessary for conservation and erosion protection control purposes; and

10. The purpose of this Conservation Easement is to conserve the scenic character and protect the natural resources of the property and this conveyance is made as an absolute gift for the public benefit.

11. The Grantee shall have all remedies at law and in equity for the enforcement of its rights pursuant to this easement, and shall be entitled to recover its legal fees and costs from grantor in any litigation hereunder resulting in a finding or stipulation acknowledging that this easement has been violated.

12. The Grantor, her successors and assigns, reserves to herself and her successors in interest all rights with respect to the property, including without limitation to the right of exclusive use, possession and enjoyment of the property, and the right to sell, transfer, lease, mortgage or otherwise encumber the property, as owners, subject to the covenants and restrictions set forth in this Conservation Easement. Nothing herein shall be construed as a grant to the general public of any right to enter upon any part of the property, nor preclude Grantor's right to grant or deny access by third parties to the property, provided that such access is allowed in a reasonable manner and is consistent with the purposes of this Conservation Easement.

13. Nothing contained within this agreement shall be construed to impose upon the Declarant an obligation to correct or mitigate damage to the Conservation Easement area caused by actions beyond the control of the Grantor, including, but not limited to actions of unauthorized persons (trespassers) or animals or extreme weather events.

14. The easement shall run with the land and be binding on the parties hereto, their heirs, successors and assigns, and may only be modified or rescinded by written agreement between the Town, and the then current owner of the premises executed and recorded in the Office of Putnam County Clerk. Any future transfers of this Easement by the Grantee shall be made exclusively to a subsequent transferee that qualifies as an eligible Donee organization. for holding a tax-deductible conservation easement and qualified to be the grantees of interests in real property exclusively for conservation purposes under Article 49, Title 3, of the Environmental Conservation Law of the State of New York and sec. 170 (h) of the United States Internal Revenue Code of 1986.

IN WITNESS WHEREOF the parties have executed this instrument the date first above written


Annette Fiorentino

TOWN OF PUTNAM VALLEY

By: _____
Samuel Oliverio, Supervisor

Seconded by Councilman Smith, unanimously carried.

UPDATE ON NOISE ORDINANCE

Presented by Supervisor Oliverio

RESOLUTION #21- 194

RESOLVED, that the Town Board table the discussion on the update of the Noise Ordinance until the next Town Board Meeting scheduled for August 18th 2021 at 6:00 PM.

Seconded by Councilwoman Annabi, unanimously carried.

RESOLUTION IN FAVOR OF "OPT" – SOLAR ENERGY SUPPLIER (3 Resolutions)

Presented by Councilwoman Annabi

Councilwoman Annabi said first we have to pass a Resolution to send a letter to Joule, written by our Town Attorney, saying we are not going ahead with them. Town Attorney Lusardi said apparently there was never a contract with Joule. Supervisor Oliverio said we only signed a contract for the education portion. Councilwoman Annabi said what about the two (2) year contract we signed? Supervisor Oliverio said that was the education part. We never committed to the program and that educational portion was never fulfilled so it is null and void. Joule stopped because of something that is going on with the State. The actual contract that would have opted us in was never signed.

Councilwoman Annabi said she thought we signed a contract with Joule saying we could not use any other CCE for two (2) years. There may still be a contract in place. Attorney Lusardi said as far as he knows that particular contract was never signed. He further added that he negotiated that document, but learned it had never been signed. He said even if a contract was signed we don't have the obligation to go forward with it – we can cancel at any time. We have the right before a contract is entered into with an energy supplier to terminate at any time. There is a Resolution that goes with the letter-see below.

RESOLUTION #21- 195

RESOLVED, that the Town Board send the following letter to Joule Assets, Inc. 22 Edgemont Road, Katonah, New York 10536:

Dear Sirs:

Please be advised that the Town of Putnam Valley has determined not to go forward with the CCA Program implementation, and hereby terminates any further discussion with Joule with regard to a potential CCA Administration Agreement. If there is a contract that was signed we hereby terminate.

Town of Putnam Valley and signed by Supervisor Oliverio

Seconded by Councilwoman Whetsel, unanimously carried.

Presented by Councilwoman Annabi

RESOLUTION #21- 196

BE IT RESOLVED, that the Town of Putnam Valley determine not to go forward with the CCA Program implementation, and hereby terminates any further negotiations between the Town and Joule Assets in connection with a potential CCA Administration agreement.

Seconded by Councilman Luongo

<u>Town Board Member</u>	<u>In Favor</u>	<u>Opposed</u>
Councilwoman Annabi	***	
Councilman Luongo	***	
Councilman Smith	***	
Councilwoman Whetsel	***	
Supervisor Oliverio	***	

By a vote of 5 in favor and 0 opposed the above motion was approved by the Town Board.

Presented by Councilman Smith

RESOLUTION #21- 197

RESOLVED, that the Town Board support the Ambion Renewable Solar Energy Agency to provide those residents who wish to participate for a reduced electric rate as well as support of green energy via solar power.

Seconded by Councilwoman Annabi, unanimously carried.

This is an opt-in program, not an opt-out situation.

PLANNING BOARD MEMBERS APPOINTMENT

Presented by Councilwoman Whetsel

RESOLUTION #21-198

RESOLVED, that the Town Board appoint Anthony Williams as Planning Board Member to fill term to begin August 2021 and expiring on 12/31/2024.

RESOLVED, that the Town Board also appoint Mat Bruno as Planning Board Member Ad Hoc term to begin August 2021 and expiring on 12/31/2021.

Seconded by Councilman Luongo, unanimously carried

ROARING BROOK LAKE CLEAN-UP

Presented by Councilman Luongo

RESOLUTION #21-199

RESOLVED, that the Town Board approve the payment of \$3,250.00 to Landwork Contractors for the necessary clean-up work required at Roaring Brook Lake's Children's Beach. This includes the removal of a very large fallen tree, removal of unsafe playground toys and trimming of forsythia bushes along the gravel path. This will be paid for from the District Budget.

Seconded by Councilwoman Annabi, unanimously carried.

DISCUSSION TO OPT-OUT OF ALLOWING CANNABIS RETAIL DISPENSERIES

Presented by Supervisor Oliverio

Supervisor Oliverio said we have a time line we have to fulfil which is December 31, 2021 to put forward whether this Town wants to opt-in or opt-out of the Cannabis Retail Dispensary option that came out of Albany through the budget process. They have legalized marijuana, and the Towns have been given an opportunity to either allow or not allow that substance to be sold in their community. This issue is still being studied as to who will govern this and who will be in charge of this. We are taking a wait and see stance – when things are clearer we can always opt back in if we want to. Town Attorney Lusardi has drafted a local law already - we need to have a SEQR done on this and a Public Hearing. Supervisor Oliverio would like to set the Public Hearing for September 22th and vote on the law on October 20th.

Councilwoman Annabi said we are one (1) of the first Towns to have passed the T21 (the Tobacco Law), the no smoking at our Parks, and to pass a moratorium on marijuana because we knew this was coming. This does not refer to medicinal marijuana, only recreational.

Town Attorney Lusardi said we were a little too ahead of our time. We enacted a law prohibiting the sale of marijuana in the Town. Then the State subsequent to that passed a law which basically made it legal to sell it anywhere in the State. The law from the state trumps the law we enacted last year. The reason being, this is a new law at the State level with a procedure for opting out. So it is possible that the law that we passed last year could be preempted by the State law. We just need to make sure it is all done right as our law was enacted before.

RESOLUTION #21-200

RESOLVED, that the Town Board set September 22, 2021 as the Public Hearing date to opt-out of the allowing of Cannabis Retail Dispensaries in the Town of Putnam Valley. The meeting will be held at 6:00 in the Town Hall Court Room.

Seconded by Councilman Luongo, unanimously carried

Supervisor Oliverio added that this law is subject to a Permissive Referendum if enough signatures are garnered on a petition.

APPOINT ASHLEY RIVERA AS A TOWN HALL FLOATER

Presented by Councilwoman Annabi

RESOLUTION #21-201

RESOLVED, that the Town Board hire Ashley Rivera as a floater for any Town Hall Office that needs her. Her salary will be \$13.00 per hour, no benefits.

Seconded by Councilwoman Whetsel, unanimously carried.

APPOINT CAROL SUKUP AS A PERMANENT PART-TIME EMPLOYEE

Presented by Councilwoman Whetsel

RESOLUTION #21-202

RESOLVED, that the Town Board authorize the Supervisor to appoint Carol Sukup as a Permanent Part-Time Employee in the Town Clerk's Office. Salary will be \$13.00 per hour, no benefits.

Seconded by Councilman Smith, unanimously carried

INCREASE HOURLY RATE OF PERMANENT PART-TIME HIGHWAY ASSISTANT

Presented by Councilman Smith

RESOLUTION #21-203

RESOLVED, that the Town Board approve the increase in hourly rate of Permanent Part-Time Highway Assistant, Alexis D. Acevedo from \$14.00 to \$15.00 per hour.

Seconded by Supervisor Oliverio for discussion.

Supervisor Oliverio said the reason we are giving Alexis the extra dollar is because she is in training right now to take the place of our Senior Clerk in the Highway Superintendent's Office, if and when she retires, which looks like it might happen. We need a back-up up there and Alexis has agreed to train for that position as well as train for Senior Clerk. She passed the Clerk test, and now has to take and pass the Senior Clerk Test.

The Town Board voted unanimously to pass this Resolution so the Resolution is carried

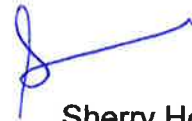
Supervisor Oliverio moved to close the meeting at 5:38 PM.

Seconded by Councilman Luongo, unanimously carried.

Supervisor Oliverio motioned to go into Executive Session to discuss a Personnel matter. No new business will be conducted after.

Seconded by Councilwoman Annabi, unanimously carried.

Respectfully Submitted



Sherry Howard
Town Clerk
08-16-2021

