

PUTNAM VALLEY TOWN BOARD
PRE-WORK SESSION MEETING
WEDNESDAY, SEPTEMBER 08, 2021
5:00 PM

Pledge of Allegiance

TOWN BOARD PRE-WORK SESSION
MEETING AGENDA

1. Proclamation for Charlie Uchetel – Eagle Scout
2. SEQR for the Marijuana Law
3. Update on the Noise Ordinance
4. Highway – Transfer Employee
5. Highway – Add New Laborer

PUTNAM VALLEY TOWN BOARD
PRE-WORK SESSION MEETING
WEDNESDAY, SEPTEMBER 08, 2021
5:00 PM

PRESENT: Supervisor Oliverio
Councilwoman Annabi
Councilwoman Whetsel
Councilman Smith

ALSO PRESENT: Town Clerk Sherry Howard
Town Counsel Robert Lusardi

ABSENT: Councilman Luongo

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

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

SUPERVISORS COMMENTS

Supervisor Oliverio said this Saturday is the 20th anniversary of 9/11. The Fire Department is holding a ceremony at the Town Park at 6:00 PM at the Memorial in commemoration of this event. Our young people who were not born at the time should go and learn about that horrendous and cowardly act perpetrated against our Country so it is never forgotten.

PROCLAMATION FOR CHARLIE UCHETEL – EAGLE SCOUT

Presented by Supervisor Oliverio

Supervisor Oliverio said there was a slight mix up in the time that was given to the family so we will do this at a later time or date.

SEQR FOR THE MARIJUANA LAW - DISCUSSION

Presented by Supervisor Oliverio

Supervisor Oliverio asked Town Attorney Lusardi to explain what this is about. Town Attorney Lusardi said the Legislature passed a law allowing the sale of marijuana pretty much anywhere in the State for recreational purposes. The State Statute gives local Municipalities the option to opt-out of that law. Putnam Valley has until the end of the year to pass a local law that opts-out of this Marijuana Law. That law is subject to a Permissive Referendum if someone files a petition on the law. If no petition is filed within 45 days after the law is enacted, it will become the law and will be filed with the Secretary of State. This only applies to recreational marijuana, not medicinal marijuana. We did pass a moratorium on the sale of marijuana a year or two (2) ago, but we have to pass this law because the new State Statute negates what we had already passed. Supervisor Oliverio said and we have to pass this SEQR to make sure our new law does not affect the environment or community. The Public Hearing for this is being held on September 22, 2021 at 6:00 PM.

Supervisor Oliverio said if you want to petition for a Permissive Referendum you need a lot of signatures. Town Clerk Howard said you need about 450 – 500 signatures because the amount has to be 10% of the number of people who voted in the last Gubernatorial Election.

AMENDMENT TO THE AGENDA

Presented by Supervisor Oliverio

RESOLUTION #21-212

RESOLVED that the Town Board **ADD** the following item to the agenda

- # 4 Appoint Floaters for Town Hall effective 8/9/2021.
- # 5 Confirm the contract with Glen Baisley our Web Master.

Seconded by Councilwoman Annabi, unanimously carried.

UPDATE NOISE ORDINANCE

Presented by Councilman Smith

Councilman Smith gave an update on what has been done so far towards a new Noise Ordinance. He said we have a Noise Law on the books which was enacted in 1999 and was revised in 2014. We have had several months of discussions and revisions which did not pass muster, then Supervisor Oliverio asked if he (Councilman Smith) would discuss this topic to update the law to make it more enforceable and legally strong.

This has led to many meetings with the Sheriff and our Legal Counsel. There was a survey put on social media by Agnes Powe, which had over 200 responses. There was a community meeting held in Lake Peekskill. The committee read over all of the letters, emails, and comments sent to the Town Board. They also read a 277 page treatise on Noise Laws.

The concentration was on the legal strength of the Ordinance and our Town Counsel said that although our current law is not terrible there are certain parts of it that don't pass certain legal tests. To be specific there were two (2) major cases that Attorney Lusardi brought to the committee. One (1) was a Poughkeepsie case that was found to be unconstitutional; and one (1) in 2016 that was upheld due to something called the "double trigger" concept. The law that was upheld had no decibels in place, and additionally, the Sheriff was also not in favor of using decibel readings in the new law. The committee came up with a new amended law that would be stronger in court if ever needed. Town Clerk Howard said this new proposed law has been put on the website if anyone would like to see it.

Presented by Supervisor Oliverio

RESOLUTION #21-213

RESOLVED, that the Town Board set a Public Hearing for September 22, 2021 at 6:00 PM in the Town Hall Court Room to hear public comment on the new proposed Noise Ordinance.

Seconded by Councilwoman Annabi for discussion.

Councilwoman Annabi said she thinks they are working on this backwards. She said she spoke to the Sheriff yesterday and the problem is that we don't know if the current Noise Law is enforceable because it has never been challenged. It has not been brought to the courts. She said from what she understands people have been calling Town Hall and not the Sheriff's Department when they have a noise complaint, and the Building Inspector should not be the one (1) who responds. Supervisor Oliverio said that Deputies have responded quite a few times to noise complaints and have spoken to many people's neighbors. He added that they were told that the Sheriff's Deputies cannot take complaints because our law is not specific enough. Councilman Smith said the Sheriff told him that he was not in favor of decibels. Councilman Smith went on to say that Sheriff Langley has seen the new revisions and gave them the okay. Additionally, it was the New York State Court of Appeals that struck down some cases and opined that the 2016 case was okay and that is what we went by.

Councilwoman Annabi asked Councilman Smith if he directly asked the Sheriff if the current law we have on the books was enforceable by the Sheriff's Department. Supervisor Oliverio answered and said yes he did when he was first revising the ordinance and the Sheriff said there was not enough substance to it.

This was a year ago, maybe he changed his mind by now. Councilman Smith said he thinks the process is that if Law Enforcement sites someone for illegal activity then it moves to the court. If the court says something does not stand up then enforcement will not be strong enough - they work together. Town Attorney Lusardi the old law was not bad but it did not have the standards and criteria for the termination of unlawful disturbance and it does not have the double trigger. The law does need to be updated.

Councilman Smith said laws like this come into effect when people haven't been neighborly. They should be a rare occurrence. That's what these ordinances and laws are meant to deal with. Councilwoman Annabi said this will all only be helpful if the complainant follows through with the actual complaint. That is the biggest problem, it is not the enforcement. Our Sheriff's Department is doing their job. Supervisor Oliverio said on all the cases he has been involved with, the Sheriff's Department came and told the people to quiet down, but added they can't enforce the law that is on your books right now because it's too broad and too subjective, and then they leave. Supervisor Oliverio said we are trying to find a happy medium that everybody is okay with. The public may not want this.

Councilwoman Annabi said the problem that she has with this law and the one (1) on the books is that our Code Enforcement Officer is being put in the middle of this. Supervisor Oliverio said he has never been called. Councilwoman Annabi said that is a good thing because we can't put a Town Employee at risk of enforcing something that he is not trained for. She said that is currently in our law, and in the new one (1) and it has to be removed. Supervisor Oliverio was in agreement but Town Attorney Lusardi did not agree. Attorney Lusardi stated that there are circumstances where the Code Enforcement Officer is the appropriate person to issue a summons. An example would be at a work site, or at a construction job that violates the law. He added that there are times the Police don't respond, and ensuring that option is worth having. He agrees that the right party to respond is the Police and the Building Inspector should not be the primary respondent; but if it is close to zoning and building codes situations he may be the better choice. Councilwoman Annabi said what we are talking about is domestic harassment like someone bothering their neighbor and the Town's Code Enforcer is not trained for that and may be putting himself and the Town at risk. Town Attorney Lusardi said that may be the case but we should have that option. He also added that it was said someone cannot be prosecuted unless a complainant files a statement, that is largely true; but if a Police Officer himself witnesses the breaking of a law he himself can file the charges.

Councilwoman Annabi seconded for discussion. By a vote of 4 ayes, 0 nays and 1 absent, the Resolution is passed.

APPOINT FLOATERS FOR TOWN HALL

Presented by Councilwoman Annabi

RESOLUTION #21-214

RESOLVED, that the Town Board appoint Margaret DiRubba as a floater for Town Hall at \$13.00 per hour, no benefits, effective August 9, 2021.

RESOLVED, that the Town Board appoint Nancy Taus as a floater for Town Hall at \$13.00 per hour, no benefits, effective August 9, 2021.

RESOLVED, that the Town Board appoint Abby O'Brien as a floater for Town Hall at \$13.00 per hour, no benefits, effective August 9, 2021.

Seconded by Councilman Smith unanimously carried

SIGN CONTRACT WITH GLEN BAISLEY FOR TOWN WEBSITE UPDATE

Presented by Councilwoman Whetsel

RESOLUTION #21-215

RESOLVED, that the Town Board sign a contract with our Webmaster Glen Baisley to create a new website for the Town of Putnam Valley.

Seconded by Councilwoman Annabi for discussion.

Councilwoman Annabi said our current website is difficult to navigate. The biggest issue is to bring it up to code for the ADA. The Town got some money from the Federal Government to cover this so it will not affect the taxpayer or the Town's budget.

Councilwoman Annabi seconded for discussion. By a vote of 4 ayes, 0 nays and 1 absent, the Resolution is passed.

SET PUBLIC HEARING DATE FOR PROPOSED NOISE ORDINANCE

Presented by Councilman Smith

RESOLUTION #21-216

RESOLVED, that the Town Board set a Public Hearing for September 22, 2021 at 6:00 PM in the Town Hall Court Room to hear public comment on the new proposed Noise Ordinance.

Seconded by Councilwoman Whetsel, unanimously carried

HIGHWAY – TRANSFER EMPLOYEE

Presented by Councilwoman Annabi

RESOLUTION #21-217

RESOLVED, that Highway Employee Jeremy Whalen will be transferring from the Highway Department to the Lake Peekskill Improvement District. He will move into the Driver's Position to replace John D'Alessio at the rate of \$35.28 per hour.

Seconded by Councilman Smith, unanimously carried

HIGHWAY – HIRE NEW LABORER

Presented by Councilwoman Annabi

RESOLUTION #21-218

RESOLVED, that Nicholas Mignano will be a new full time laborer in the Highway Department as of September 7, 2021, at a rate of \$29.23 per hour. He replaces Jeremy Whalen.

Seconded by Councilman Smith, unanimously carried

Supervisor Oliverio said we are waiting for Charlie Uchetel and the Scouts to arrive so we can honor him for his Eagle Scout Project. The Town Board will go into Executive Session to discuss multiple contractual items until he arrives. No new business will be conducted after.

Seconded by Councilwoman Annabi, unanimously carried

Councilwoman Annabi announced that Saturday September 11th is the 20th anniversary of that terrible day. The Fire Department will be holding a memorial ceremony at the Town Park at 6:00 PM.

Councilwoman Annabi also said that on Saturday in the Town Hall Court Room will be the final District Budget Meetings at 9:00 AM.

Councilwoman Annabi announced that on Saturday September 11th and Sunday, September 12th the German American Club will be holding its Oktoberfest.

The Town Board went into Executive Session.

At 5:45 PM the Boy Scouts arrived at Town Hall. Supervisor Oliverio went to the podium along with new Eagle Scout Charlie Uchetel. Supervisor Oliverio presented Mr. Uchetel with a Certificate of Appreciation from the Town Board. Supervisor said you are a role model for your peers, and you are at the highest level that you could ever be. To be an Eagle Scout, which is the highest level one can reach in Scouting, is met by only 1% of 1% of the eligible population, very few attain that honor and level of achievement. There is nothing greater than being a member of the Scouts. The good works that you do will live forever. This is a point of pride and professionalism, it is worth its weight in gold. Supervisor Oliverio also thanked Mr. Uchetel's family for their hard work and support. Scout Leader Dave Uchetel (Charlie's Father) thanked the Town for their support of Boy and Girl Scouting. Councilwoman Annabi asked Charlie what his project was, he said he rebuilt the steps at the Grace United Methodist Church which were destroyed by the storm we had. Councilwoman Annabi congratulated him and reiterated how difficult becoming an Eagle Scout is. She said Putnam Valley puts out many Eagle Scouts and we should be proud.

Councilman Smith said well done and thanks to the Uchetel's for the commemorative wooden nickel that they gave out.

Councilwoman Whetsel said to Charlie, "Your talent and what you do is God's gift to you, what you do with it is your gift to God." So thank you for all the energy and effort that you poured forth to serve the community.

Councilman Luongo (by zoom) said, congratulations, being an Eagle Scout means so much to you, and it means so much to the community. As a community we get to see what you and the other Eagle Scouts have done for us as we drive around our Town. The 9/11 Memorial in our Park is another Eagle Scout Project done by Frank Rush IV.

Supervisor Oliverio said they will reconvene their Executive Session and no new business or actions will be conducted afterward.

Councilwoman Annabi seconded the motion, unanimously carried

Supervisor Oliverio closed the meeting at 6:00 PM.

Councilwoman Annabi seconded the motion, unanimously carried



Respectfully Submitted

Sherry Howard
Town Clerk
09-15-2021