



TOWN OF PUTNAM VALLEY

Town Board Meeting

May 15th, 2024

Town Hall

6 PM

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### AGENDA

#### Meeting called to Order

#### Pledge of Allegiance

1. Public Hearing: Proposed Towing Law
2. Vote on Proposed Occupancy Tax Law
3. Introduce Proposed Law on Ground Mount Commercial Solar Energy Systems
4. Introduce Amendment to Law on Incentive Zoning
5. Community Reports
6. Supervisor's Comments
7. Legislative Reports
8. Approval of Minutes
9. Districts:
  - a. Approve Release of Deposit Funds
  - b. Approve Leave of Absence from and Appointment to the RBL Preservation Committee
10. Facilities:
  - a. Ratify Optimum Agreement for Town Hall
  - b. Ratify Optimum Agreement for Community Media
11. Highway:
  - a. Approve Hiring New Laborer
  - b. Accept Retirement of Employee
12. Parks & Recreation:
  - a. Approve May 2024 Refunds
  - b. Approve Changes in Personnel
  - c. Approve 2024 Lifeguards
  - d. Approve Sunset Series Coordinator
13. Public Comment (Three-Minute Limit Per Person)
14. Audit of Monthly Bills
15. Budget Transfers and Amendments
16. Daily Fee Report: Summary April 1, 2024 – April 30, 2024

#### Adjournment

**Next Town Board Meeting: Work Session, Wednesday June 12<sup>th</sup>, 2024, 5 PM**

## CHAPTER 121

### TOWING LIST

#### **§120-1. Declaration of purpose.**

It is hereby declared and found that it is of vital importance to the traveling public that disabled vehicles be removed from the highways as promptly as possible; that delay in removal results in traffic congestion and may cause additional accidents; that the towing of disabled motor vehicles from the highways of the Town of Putnam Valley is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public against traffic problems and confusion at the scene of accidents, fraud and excessive rates and similar abuses. To serve these ends, the Town Board establishes a towing list to be made available for use by responding police agencies.

#### **§120-2. Establishment of policy**

- A. It is the intent of the Town Board of the Town of Putnam Valley to establish a fair and uniform policy for towing of vehicles from accident scenes consistent with statutory and decisional law. The following issues have been taken into consideration in the development of this policy:
  - 1. The needs of the public.
  - 2. The needs of the towing industry
  - 3. The needs of responding police agencies.
- B. Towing companies participating in the Town towing program must demonstrate that they can give prompt, safe and professional service.
- C. This chapter also establishes appropriate administrative procedures to deal with those companies who do not meet the standards set forth herein.

#### **§120-3. Criteria for tow companies.**

The Town Board requires that any towing company which applies for a position on the Town towing list must meet the following standards:

- A. All towing companies must maintain minimum insurance coverage as follows and must provide evidence of such insurance (except as to worker's compensation) in the name of the listed towing company naming the Town of Putnam Valley as additional insured:
  - (1) Light duty:
    - (a) General auto liability: \$2,000,000 each occurrence, which may be met through excess or umbrella coverage.
    - (b) On-hook direct primary: \$100,000 each occurrence.

- (c) Garage keepers: \$300,000 each occurrence.
  - (d) Workers' compensation: NYS requirements.
- (2) Heavy duty:
  - (a) General auto liability: \$4,000,000 each occurrence, which may be met through excess or umbrella coverage.
  - (b) On-hook direct primary: \$500,000 each occurrence.
  - (c) Garage keepers: \$1,000,000 each occurrence.
  - (d) Workers' compensation: NYS requirements.
- B. All towing companies in the form of a limited liability partnership, limited liability company, corporation or other form of organization must provide evidence of good standing with the NYS Department of State to confirm that the listed company is the same as the one identified in the license and insurance and to avoid duplication of listings.
  - (1) Each towing company, including any DBA or assumed name under which they appear, may submit only one application for the list.
  - (2) Each application must include the company's USDOT and/or NYSDOT number.
- C. All towing companies must maintain a valid inspection and registration for each of their tow vehicles. The companies must provide the following to the Town of Putnam Valley:
  - (1) A list of all tow vehicles to be used within the Town.
  - (2) A list of all drivers who will be operating said vehicles, with driver's license ID numbers.
- D. All towing companies must own, lease or sublease either a lighted, fenced and locked or indoor locked vehicle storage facility in which to store towed vehicles out of public access. Such storage facility shall be in compliance with applicable zoning and building code requirements and shall be located within the municipal boundaries of the Town of Putnam Valley.
  - (1) All records required by this chapter must be maintained at said location.
  - (2) All towing companies shall have staff at the vehicle storage facility to provide for vehicle redemption at least between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.
  - (3) An inventory list for the cars on site shall be maintained.
- E. All towing companies must maintain adequate equipment to perform the required towing tasks. Each driver shall maintain a valid operator's license for the class of vehicle being driven to and from the tow scene.

- (1) Towing companies must have the following equipment:
    - (a) All trucks and equipment will adhere to all applicable NYSDOT and USDOT regulations.
    - (b) Each truck is to be equipped with:
      - [1] A broom.
      - [2] A shovel.
      - [3] Speedi dry or equivalent oil-absorbent product.
  - (2) All towing companies must have their vehicles marked in compliance with NYSDOT and/or USDOT regulations. (See 17 NYCRR § 820.1 and 49 CFR Part 390.)
  - (3) Towing companies must have at least one tow truck with a gross vehicle weight of 10,000 pounds or one flat bed with a gross vehicle weight of 15,000 pounds.
- F. All towing companies must comply with the twenty-minute response time to the scene of the tow after receiving the request for service. The twenty minutes runs from the initial call from the responding police agency to the tow company, regardless of whether voice contact is made.
- G. All towing companies must make their facilities and equipment available for scheduled inspections on two weeks' notice. These inspections will be made to ensure that each company maintains the required Department of Motor Vehicles (DMV) registration, vehicle registrations, vehicle inspections and vehicle insurance. The Town reserves the right to conduct inspections at any time of any tow trucks, insurance documentation and operator's license used by any company on the list.
- H. Towing companies on the list must apply for and receive a sticker from the Town of Putnam Valley, which must be displayed on the tow vehicle by all companies on the list.
- I. All tow truck drivers must maintain a valid license with the necessary and required tow endorsement, and proper classification for the vehicle being driven to and from the scene with proper endorsement, e.g., air brake if applicable. For the heavy duty list each tow truck driver must maintain a valid CDL- A license and any additional required endorsements for the vehicle being towed including tankers, hazardous materials, doubles and triples, etc.
- J. The towing company shall remove any debris at the scene from the vehicle being towed, including glass. Debris shall not include hazardous materials which require manifested disposal pursuant to DEC guidelines.

#### **§120-4. Application process.**

- A. All applications (initial and renewal) to be placed on the tow list shall be submitted in writing to the Town of Putnam Valley, on forms provided by the Town Clerk.

B. Applications shall contain the following information:

- (1) Application fee and/or renewal fee, in the amounts established from time to time by resolution of the Town Board;
- (2) A description of the vehicles owned by the towing company, including manufacturer, model and model year and the DOT registration number;
- (3) Proof of the required insurance;
- (4) Place and location of the storage yard and contact phone number, including after-hours contact information.

C. Grounds for rejecting an application, whether original or renewal, is:

- (1) Material false statements or misrepresentations;
- (2) Conviction of a felony in connection with the operation of a motor vehicle of any tow truck operator;
- (3) Conviction of a felony in connection with the operation of a towing business of the company's owner or principal;
- (4) Conviction of a felony involving fraud or corruption of the company's owner or principal;
- (5) Failure to meet the criteria outlined in § 120-3.

D. Tow companies are under a continued duty to consistently maintain and meet the requirements outlined in § 120-4 (B) and (C). They are under an affirmative duty to report any changes in status, specifically as they pertain to § 120-4 (B) and (C). To the extent a company falls out of compliance with said requirements, the company must report the same to the Town Clerk within 10 days of discovery of the failure to meet the requirements.

**§120-5. Procedure for suspension from tow list.**

A. A tow truck operator may be suspended from the tow list for the following reasons:

- (1) Failure to respond to three calls within a three-week period, absent reasonable cause;
- (2) Lapse of registration of tow vehicles;
- (3) Lapse of inspection sticker; or
- (4) Lapse of required insurance coverage.

B. Notice of suspension may be served either personally or by overnight delivery at the tow operator's place of business as set forth on the application. Suspension without notice shall not be enforceable.

C. In the event of suspension, tow truck operator may appeal the suspension and/or removal to

the Town Board within 20 days thereafter.

- D. Upon the determination that the tow truck operator failed to respond to three calls within a three-week period, absent reasonable cause, may result in suspension from the tow list for a period of up to four weeks.
- E. In the event of lapse of registration, insurance coverage, inspection sticker or loss of license, the company shall be immediately suspended and the suspension shall continue until the requirements are brought into compliance or otherwise cured.
- F. To the extent a company suspended from the list, and the list has 15 companies on it at the time of suspension, the company's position will not be filled until latter of when the twenty-day appeal period has run or the appeal has been dismissed.
- G. A company suspended due to a lapse of registration, insurance coverage, inspection sticker or loss of license may present evidence that the defect has been cured within the twenty-day window and, if the Board determines the defect has been cured, the Board shall reinstate the company.

**§120-6. Annual inspections.**

- A. The Town shall conduct annual inspections of the towing companies' facilities as identified on the application.
- B. Such inspection shall be scheduled at least two weeks in advance with a notice in writing served by facsimile, email or personal delivery.
- C. Inspections shall verify:
  - (1) If the company is a repair shop or body shop, that it has a valid DMV registration for such shop;
  - (2) For each towing vehicle, a valid registration, a valid inspection sticker and valid insurance coverage;
  - (3) Determine the adequacy of the storage area used by the company.
- D. The results of these inspections shall be in writing and placed on file in the tow truck operator's file maintained by the Town Clerk.
- E. Reinspection shall occur within two weeks to insure that any noted deficiencies have been corrected; follow-up inspections shall also be placed on file as stated above.
- F. Within 45 days of the scheduled inspection, the inspector shall submit a memorandum to the Town Board listing all facilities inspected, the results of the inspection and any reinspection.

**§120-7. Operational guidelines.**

- A. Towing companies are expected to:
  - (1) Be available 24 hours a day, seven days a week

- (2) Be willing to respond to any type of tow call, whether it be a collision, disabled vehicle, impound, etc.
- B. Vehicle owners or representatives must be able to retrieve their vehicles Monday through Friday during normal business hours. The towing company may charge up to \$50 for an after-hours release at the vehicle owner's request.
- C. Towing companies must provide one permanent day and/or night phone number. Absent mitigating circumstances, towing companies will not contact the Town and/or responding police agencies and attempt to leave phone numbers of on-call tow truck operators.
- D. Towing companies and their personnel must comply with all applicable rules and regulations of Federal Motor Carrier Safety Law as well as the New York State Vehicle and Traffic Law and the Town of Putnam Valley Code.
- E. Towing companies must comply with General Business Law §§ 399-x and 399-xx requirements as they pertain to forms of payment that must be accepted by tow companies.

**§120-8. Rates and charges.**

- A. Towing companies shall maintain records of all charges for tows dispatched pursuant to this chapter and such records shall be available for review by the Town upon request.
- B. The Town Board shall establish by resolution a schedule of maximum rates and charges permitted to be charged by towing companies for tows dispatched pursuant to this chapter, subject to annual review. Charges in excess of such authorized rates are prohibited and constitute grounds for removal pursuant to §§120-9 and 120-10.

**§120-9. Prohibited acts.**

- A. No tow truck operator or company shall respond to the scene of any motor vehicle accident within the Town of Putnam Valley unless a specific request for the services of such tow truck operator has been requested by the person in charge of a disabled vehicle, a police officer or other emergency personnel. It shall be an affirmative defense that the tow truck operator was justified in arriving at the scene of the motor vehicle accident when he or she was not specifically requested to be there when his or her presence was required as an emergency measure to avoid an imminent public or private injury.
- B. No tow truck operator or company shall charge fees in excess of the maximum authorized rates set by Town Board resolution, pursuant to § 120-8 (B).
- C. All tow truck operators and companies must comply with all rules outlined in this local law. Violation of any provision of this local law may be deemed a punishable offense.
- D. All tow companies must comply with their affirmative duty to report their own noncompliance as outlined in §120-4 (D), to the extent they knew or should have known of the noncompliance.

**§120-10. Penalties for offenses outlined in §120-9.**

The penalties will be set from time to time by Town Board resolution.



**RESOLUTION ADOPTING LOCAL LAW NO. \_\_\_\_ OF 2024 ENTITLED "TAXATION OF HOTEL ROOM OCCUPANCY"**

WHEREAS, a local law was introduced to be known as Local Law No. \_\_\_\_ of 2024, entitled "TAXATION OF HOTEL ROOM OCCUPANCY;" and

WHEREAS, a public hearing in relation to said local law was held on April 17, 2024 and closed on May 14, 2024; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, the Town Board classified this action as a Type II Action for purposes of the State Environmental Quality Review Act (SEQRA), requiring no further environmental review; and

WHEREAS, the said local law has been on the desks of the members of the Town Board of the Town of Putnam Valley for at least seven (7) days, exclusive of Sunday.

NOW, THEREFORE, BE IT RESOLVED, that the local law annexed hereto is hereby enacted; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

Dated: \_\_\_\_\_

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Motion passes/ fails: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

|                                      | AYE   | NAY   | ABSTAIN |
|--------------------------------------|-------|-------|---------|
| PRESENT/ABSENT Councilwoman Howard   | _____ | _____ | _____   |
| PRESENT/ABSENT Councilwoman Tompkins | _____ | _____ | _____   |
| PRESENT/ABSENT Councilman Russo      | _____ | _____ | _____   |
| PRESENT/ABSENT Councilman Luongo     | _____ | _____ | _____   |
| PRESENT/ABSENT Supervisor Annabi     | _____ | _____ | _____   |

\_\_\_\_\_  
TOWN CLERK

ARTICLE IX  
**Taxation of Hotel Room Occupancy**

**§ 108-35. Title.**

This article shall be known as the "Town of Putnam Valley Hotel Room Occupancy Tax Law."

**§ 108-36. Definitions.**

For purposes of this article, the following definitions shall apply:

**EFFECTIVE DATE** — The date on which the local law enacting this article is filed with the Secretary of State.

**HOSTING COMPANY** — An internet, application, technology, and/or similarly based service through which a third party desiring to offer lodging (a "host") and a third party desiring to book lodging (a "guest") for one or more nights have the opportunity to communicate, negotiate, and consummate a booking transaction for transient lodging accommodations pursuant to a direct agreement between a host and guest to which the hosting company is not a party but still facilitates and is entitled to receive payments for rent on behalf of or for the host. Merely publishing an advertisement for transient accommodations does not make the publisher a hosting company.

**HOTEL or MOTEL** — Any facility consisting of rentable units and providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed-and-breakfast" and "tourist" facilities.

**OCCUPANCY** — The use or possession, or the right to the use or possession, of any room in a hotel.

**OCCUPANT** — A natural person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement or otherwise.

**OPERATOR** — Any person operating a hotel or motel in the Town of Putnam Valley, including, but not limited to, an owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel and entitled to be paid the rent.

**PERMANENT RESIDENT** — Any natural person occupying any room or rooms in a hotel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

**PERSON** — An individual, partnership, society, association, joint-stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of the foregoing.

**RENT** — The per diem rental rate or charge received for occupancy of each room, valued in money, whether received in money or otherwise, for the occupancy of a room in a hotel for any

period of time.

RETURN — Any return filed or required to be filed as herein provided.

ROOM — Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

SUPERVISOR — The Town Supervisor of the Town of Putnam Valley.

TOURIST FACILITY — Building, structure of other facility, which may ordinarily or originally be occupied for residential dwelling purposes, that contains or comprises a transient lodging rentable unit, including, but not limited to, "short term" or "vacation rental," or a location that is otherwise made available for transient lodging accommodation for rent directly by the owner or through an agent, operator or hosting company.

#### **§ 108-37. Imposition of tax.**

On and after the effective date of this article, there is hereby imposed and there shall be paid a tax of 2% upon the rent for every occupancy of a room or rooms in a hotel or motel in this Town, except that the tax shall not be imposed upon a permanent resident, or as otherwise provided herein.

#### **§ 108-38. Exempt organizations.**

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this article.

- A. The state of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the state;
- B. The United States of America, insofar as it is immune from taxation;
- C. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation; provided, however, that nothing in this subsection shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this section;
- D. A permanent resident of a hotel or motel.

#### **§ 108-39. Territorial limits.**

The tax imposed by this article shall apply only within the territorial limits of the Town of Putnam Valley.

#### **§ 108-40. Registration.**

- A. Within 10 days after the effective date of this article or, in the case of operators commencing

business after such effective date, within three days after such commencement or opening, every operator shall file with the Supervisor a certificate of registration in a form prescribed by the Town Board. A hosting company may file a certificate of registration on behalf of multiple operators.

- B. The Supervisor shall, within five days after such registration, issue without charge to each operator of hosting company a certificate of authority empowering such operator to collect the tax from the occupant and a duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificate of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificate shall be non-assignable and nontransferable and shall be surrendered immediately to the Supervisor upon the cessation of business at the hotel named or upon its sale or transfer.

**§ 108-41. Administration and collection.**

- A. The tax imposed by this article shall be administered and collected by the Supervisor, or such other Town employee as he/she may designate, by such means and in such manner as are other taxes which are now collected and administered or as otherwise provided by this article.
- B. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charges made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the Town, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this article, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he/she may have in the event of nonpayment of the rent by the occupant; provided, however, that the Supervisor or employees or agents duly designated by him/her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.
- C. Notwithstanding anything to contrary, the Town may enter into a voluntary collection agreement with any hosting company that provides such agreement, which designates the hosting company as solely responsible and liable for collecting and remitting the applicable tax to the Town (the collector) for booking transactions completed through the respective hosting company for hotels located within the Town; and the host or operator of the hotel who is not the collector hosting company shall not be responsible for collecting and remitting the tax to the Town on any transaction for which it has received confirmation that the hosting company has collected the aforementioned tax and remitted it back to the Town pursuant to a voluntary collection agreement; otherwise, operators or hosts of hotels and motels shall be liable for the collection and remittance of the tax if no such voluntary collection agreement between a hosting company and the Town has been executed. For the sole purposes of tax registration, collection, and remittance under this article, a hosting company that enters into

a voluntary collections agreement with the Town pursuant to this section shall assume and be limited to the duties of hotel/motel operator for only those booking transactions completed through the respective hosting company and pursuant to the terms of an executed voluntary collection agreement, through which the hosting company shall collect and remit to the Town its respective portion of the tax.

- D. The Supervisor may, whenever he/she deems it necessary for the proper enforcement of this article, provide by regulation that the occupant shall file returns and pay directly to the Supervisor the tax imposed at such times as returns are required to be filed and payment made over by the operator.
- E. The tax imposed by this article shall be paid upon any occupancy on and after the effective date of this article, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the effective date of this article. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Supervisor may, by regulation, provide for credit and/or refund of the amount of such tax upon application therefor as provided in § 166-40 of this article.
- F. For the purpose of the proper administration of this article and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or occupant. Where an occupant claims exemption from the tax under the provisions of § 166-31 of this article, the rent shall be deemed taxable hereunder unless:
  - (1) The operator shall receive from the occupant claiming such exemption a copy of a New York state sales tax exemption certificate; or
  - (2) Unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant, is its agent, representative, or employee, together with a certificate executed by the occupant that the occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association.

#### **§ 108-42. Records to be kept.**

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Supervisor may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Supervisor or his/her duly authorized agent or employee and shall be preserved for a period of three years, except that the Supervisor may consent to their destruction within that period or may require that they be kept together.

#### **§ 108-43. Returns.**

- A. Every operator shall file with the Supervisor or his designee a return of occupancy and of

rents and of the taxes payable thereon for the three-month periods ending the last day of March, June, September and December on and after the effective date of this article. Such returns shall be filed within 20 days from the expiration of the period covered thereby. A hosting company may file a return on behalf of multiple participating host operators. The Town Board may permit or require returns to be made for other periods upon such dates as it may specify. If the Town Board deems it necessary in order to ensure the payment of the tax imposed by this article, it may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as it may specify.

- B. The forms of return shall be prescribed by the Town Board and shall contain such information as it may deem necessary for the proper administration of this article. The Supervisor may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.
- C. If a return required by this article is not filed, or if a return is incorrectly filed or is insufficient on its face, the Supervisor shall take such steps as he/she deems necessary to enforce the filing of such return or of a corrected return.

#### **§ 108-44. Payment of tax.**

At the time of filing a return of occupancy and of rents each operator shall pay to the Supervisor or his authorized designee the taxes imposed by this article upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this article even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the Supervisor on the date prescribed herein for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and taxes due thereon. A host company may make a voluntary payment on behalf of multiple participating host operators. Where the Supervisor in his/her discretion deems it necessary to protect revenues to be obtained under this article, he/she may require any operator required to collect the tax imposed by this article to file with him/her a bond, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as the Supervisor may find to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Supervisor determines that an operator is to file such bonds, he/she shall give notice to such operator to that effect, specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless, within such five days, the operator shall request, in writing, a hearing before the Supervisor at which the necessity, propriety and amount of the bond shall be determined by the Supervisor. Such determination shall be final and shall be complied with within 15 days after the giving of notices thereof. In lieu of such bond, securities approved by the Supervisor or cash in such amount as he/she may prescribe may be deposited with him/her, which shall be kept in the custody of the Supervisor, who may at any time, without notice of the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him/her at public or private sale without notice to the depositor thereof.

#### **§ 108-45. Determination of tax.**

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within 30 days after the giving of the notice of such final determination; provided, however, that any such proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

- A. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or
- B. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

#### **§ 108-46. Disposition of revenues.**

All revenue resulting from the imposition of the tax under this article shall be paid into the treasury of the Town and shall be credited to and deposited in the general fund of the Town. Such revenues may be used for any lawful purpose.

#### **§ 108-47. Refunds.**

- A. In the manner provided in this section, the Supervisor shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Supervisor for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Supervisor, he/she shall state his/her reason therefor, in writing. Such application may be made by the occupant, operator, host company or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Supervisor, provided that the application is made within one year of the payment to the operator, but no actual refund of moneys shall be made to such operator until it shall first establish to the satisfaction of the Supervisor, under such regulations as the Supervisor may prescribe, that it has repaid to the occupant, or other person who has actually paid the tax, the amount for which the application for refund is made. The Supervisor may, in lieu of any refund required to be made, allow credit therefor on payments due or to become due from the applicant.
- B. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Supervisor, and such Supervisor shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that such proceeding is instituted within 30 days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that

an undertaking is filed with the Supervisor in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

- C. A person shall not be entitled to a revision, refund or credit of a tax, interest or penalty which had been determined to be due pursuant to the provisions of § 108-50 of this article where it has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail itself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Supervisor made pursuant to § 108-50 of this article unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Supervisor after a hearing or on his/her own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

#### **§ 108-48. Reserves.**

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him/her on his/her application for refund, the Supervisor shall have the option of crediting future tax payments to meet the cost of any settlements or judgments or, at his/her option, may, in the first instance, set up appropriate reserves to meet any decision adverse to the Town.

#### **§ 108-49. Remedies exclusive.**

The remedies provided by § 108-45 and § 108-47 of this article shall be the exclusive remedies available to any person for the review of tax liability imposed by this article, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he/she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Supervisor prior to the institution of such suit and posts a bond for costs as provided in § 108-44 of this article.

#### **§ 108-50. Penalties and interest.**

- A. Any person failing to file a return or to pay or pay over any tax to the Supervisor within the time required by this article shall be subject to a penalty of 5% of the amount of tax due plus interest at the rate of 1% of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this article. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this article.
- B. Any operator or occupant and any officer of an operator or occupant failing to file a return required by this article, or filing or causing to be filed or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information,



testimony or statement required or authorized by this article which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to § 166-37 of this article, or failing to file a registration certificate and such data in connection therewith as the Supervisor may by regulation or otherwise require, or failing to display or surrender the certificate of authority as required by this article or assigning or transferring such certificate of authority; and any operator or any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed or willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator or willfully failing or refusing to collect such tax from the occupant; any operator or any officer of a corporate operator who shall refer cause reference to be made to this tax in a form or manner other than that required by this article, and any such person or operator failing to keep records required by this article, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishable by a fine of up to \$1,000, imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this article and penalties and interest thereon and subject to the fines and imprisonment herein authorized.

- C. The certificate of the Supervisor to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this article shall be presumptive evidence thereof.

#### **§ 108-51. Returns to be confidential.**

It shall be unlawful, except in accordance with proper judicial order or as otherwise provided to the fullest extent permitted by law, for the Supervisor or employee or designee of the Supervisor to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this article. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Supervisor in an action or proceeding under the provisions of this article or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his/her duly authorized representative of a certified copy of any return filed in connection with his/her tax nor to prohibit the publication of statistics so classified to prevent the identification of particular returns and items thereof or the inspection by the Town Attorney or other legal representatives of the Town or by the District Attorney of any county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter, until the Supervisor permits them to be destroyed.

#### **§ 108-52. Notices and limitations of time.**

- A. Any notice authorized or required under the provisions of this article may be given to the

person to whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him/her pursuant to the provisions of this article or in any application made by him/her or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to who addressed. Any period of time which is determined according to the provisions of this article by the giving of notice shall commence five days after the date of mailing of such notice.

- B. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the Town to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this article. However, except in the case of a willfully false, fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.
- C. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

#### **§ 108-53. Proceedings to recover tax.**

Whenever any operator, any officer of a corporate operator, any occupant, or other person fails to collect and pay over any tax and/or penalty or interest as imposed by this article, the Town Attorney shall, at the request of the Town Board, bring or cause to be brought an action to enforce the payment of the same on behalf of the Town in any court of the State of New York or of any other state or of the United States. If, however, the Supervisor believes that any such operator, officer, occupant, or other person is about to cease business, leave the state, or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, such tax or penalty may be declared to be immediately due and payable, and the Supervisor may issue a warrant immediately.

#### **§ 108-54. General powers of Supervisor.**

In addition to the powers granted in this article, the Supervisor is hereby authorized and empowered to:

- A. Extend for cause shown, the time of filing any return for a period not exceeding 30 days; and for cause shown, to remit penalties, but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;
- B. Request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or Treasury Department relative to any person, notwithstanding any other provision of this article;
- C. Delegate functions hereunder to any employee of the Town;

- D. Enter into intermunicipal agreements on behalf of the Town for the performance of functions by another governmental entity;
- E. Enter into agreements with hosting companies for the reporting, collection and remittance of the tax provided for herein on behalf of participating hosts;
- F. Prescribe methods for confirming the rents for occupancy and to confirm the accuracy of information on the taxable and nontaxable rents;
- G. Require any operator within the Town, if it is determined that adequate records are not being maintained, to keep detailed records of the nature and type of hotel maintained; nature and type of service rendered; number of rooms available and occupied; daily leases, occupancy contracts or arrangements; rents received, charged, and accrued; the names and addresses of the occupants; whether or not any occupancy is claimed to be subject to the tax imposed by this article; and to furnish such information at the request of the Supervisor;
- H. Impose as a penalty upon any operator within the Town any necessary costs of auditing services generated by discrepancies discovered upon audit, in the records of the operator; and
- I. Make, adopt, and amend such other rules and regulations appropriate to the carrying out of this article and the purposes thereof as may be approved by the Town of Putnam Valley Town Board.

**§ 108-55. Administration of oaths; compelling testimony.**

- A. The Supervisor or employees or agent(s) duly designated and authorized shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this article. The Supervisor shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of the duties hereunder in the enforcement of this article, and to examine them in relation thereto. The Supervisor shall also have the power to issue commissions for the examination of witnesses who are out of the state, unable to attend, or who are excused from attendance.
- B. A Supreme Court Justice, either in court or in chambers, shall have the power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and documents called for by the subpoena of the Supervisor under this article.
- C. Any subpoenaed person who refuses to testify or produce books or records, or who testifies falsely in any material matter pending before the Supervisor under this article shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.
- D. The officers who serve the summons or subpoena of the Supervisor and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein provided otherwise. Such officers shall be Town of Putnam Valley police officers, or any officers or employees of the Town designated by the Supervisor to serve such process.

**§ 108-56. Accounting and reporting of tax.**

From time to time, but no less than quarterly each year, the Supervisor shall provide a report to the Town Board, for its audit and review, of all actions taken pursuant to this article. The Supervisor's report shall contain a list of all certificates of registration filed or issued to any operator in the Town or hosting company, and for each operator shall state the returns filed for all operators and hosting companies; the returns that have not been timely filed by any operator or hosting company; the amount of tax determined to be payable by any operator or hosting company; the tax paid and collected from any operator or hosting company; any tax that may be due and owing or past due from any operator or hosting company, and any enforcement action taken to collect any tax due under this article.

**RESOLUTION 5:15 - #\_\_\_\_ OF 2024**

WHEREAS, the Town of Putnam Valley Town Board hereby proposes that a Town Zoning Code local law amendment be made to Town Code Chapter 165, entitled "Zoning," specifically to §§165-111(D) relating to siting of ground mount commercial solar energy systems; and

WHEREAS, the proposed amendments are annexed hereto as Exhibit A and incorporated herein as if recited verbatim, and the Town Board does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, this action to amend the Zoning Law is a Type I Action under the New York State Environmental Quality Review Act (SEQRA), and a Full Environmental Assessment Form (FEAF) is attached hereto; and

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Putnam County Department of Planning, Development and Public Transportation for review and recommendation; and

WHEREAS, the amendments require a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency and will conduct the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and

2. The Town Board hereby sets a public hearing on the proposed amendments for June 19, 2024, at 6:00pm, or as soon thereafter as the matter may come to be heard, in the Town Hall, 265 Oscawana Lake Road, Putnam Valley, New York; and
3. The Town Board refers this matter to the Putnam County Department of Planning, Development and Public Transportation for a recommendation pursuant to GML §239-m; and
4. The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GML §239-nn.

Dated: \_\_\_\_\_

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Motion passes/ fails: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

|                                      | AYE   | NAY   | ABSTAIN |
|--------------------------------------|-------|-------|---------|
| PRESENT/ABSENT Councilwoman Howard   | _____ | _____ | _____   |
| PRESENT/ABSENT Councilman Luongo     | _____ | _____ | _____   |
| PRESENT/ABSENT Councilwoman Tompkins | _____ | _____ | _____   |
| PRESENT/ABSENT Councilman Russo      | _____ | _____ | _____   |
| PRESENT/ABSENT Supervisor Annabi     | _____ | _____ | _____   |

**Town of Putnam Valley Local Law No. \_\_\_\_ of 2024**

**A Local Law Amending the Town of Putnam Valley Zoning Law Relating to Ground Mount Commercial Solar Energy Systems**

BE IT ENACTED, by the Town Board of the Town of Putnam Valley, Putnam County, New York, as follows:

**Part 1. Title**

This Local Law shall be known as the “A Local Law Amending the Town of Putnam Valley Zoning Law Relating to Ground Mount Commercial Solar Energy Systems.”

**Part 2. Enactment**

This Local Law is adopted and enacted pursuant to the authority and power granted by §10 of the Municipal Home Rule Law of the State of New York.

**Part 3. Amendment of the Zoning Law**

The Town of Putnam Valley Zoning Law is amended as follows:

*Replace*

Section 165-111(D) “Solar Energy Systems”: Commercial solar energy systems. Due to the potential negative impacts to neighborhood character and to other environmental resources from commercial activity related to energy generation, supply and transmission in residential zones, commercial solar energy systems are strictly prohibited in all residential and CD and PD Zoning Districts in the Town. Ground mount commercial solar energy systems shall not be permitted in any zoning district or area of the town with the exception of installations constructed above existing or approved impervious surfaces or remediated contaminated sites as defined by the New York State Department of Environmental Conservation (NYSDEC). A commercial solar energy system shall be permitted only as a special permit use in Commercial Zoning Districts. Commercial Building-Integrated Photovoltaic Systems shall be subject to the following requirements (in addition to the requirements for a special permit application and site plan review).

**Part 4. Severability**

The invalidity of any part or provision (e.g., word, section, clause, paragraph, sentence) of this Local Law shall not affect the validity of any other part of this Law which can be given effect in the absence of the invalid part or provision.

**Part 6. Supersession**

This Local Law is intended to supersede any provisions of the Town Law, the laws of the Town of Putnam Valley, and the New York State General Municipal Law which are inconsistent with the provisions of this Local Law.

**Part 7. Effective Date**

This Local Law shall take effect immediately upon the filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically, Article 3, Section 27 of the New York State Municipal Home Rule Law.



**RESOLUTION 5:15 - #\_\_\_\_ OF 2024**

WHEREAS, the Town of Putnam Valley Town Board hereby proposes that certain Town Code local law amendments be made to the Town Code, specifically, to repeal, in its entirety, Article XXIII (§§165-103 through 110), entitled "Incentive Zoning"; and

WHEREAS, the proposed amendment is annexed hereto as Exhibit A and incorporated herein as if recited verbatim and the Town Board does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, this action to amend the Town Code is a Type II Action under the New York State Environmental Quality Review Act (SEQRA) requiring no further environmental review; and

WHEREAS, the amendment requires a public hearing.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby sets a public hearing on the proposed amendments for June 19, 2024, at 6:00pm, or as soon thereafter as the matter may come to be heard, in the Town Hall, 265 Oscawana Lake Road, Putnam Valley, New York; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post and provide notice of the public hearing as required by law.

Dated: \_\_\_\_\_

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

Motion passes/ fails: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

|                |                       | AYE   | NAY   | ABSTAIN |
|----------------|-----------------------|-------|-------|---------|
| PRESENT/ABSENT | Councilwoman Howard   | _____ | _____ | _____   |
| PRESENT/ABSENT | Councilwoman Tompkins | _____ | _____ | _____   |
| PRESENT/ABSENT | Councilman Russo      | _____ | _____ | _____   |
| PRESENT/ABSENT | Councilman Luongo     | _____ | _____ | _____   |
| PRESENT/ABSENT | Supervisor Annabi     | _____ | _____ | _____   |

**Town of Putnam Valley Local Law No. \_\_\_\_ of 2024**

**A Local Law Repealing Article XXIII of the Town of Putnam Valley Town Code Relating to Incentive Zoning**

BE IT ENACTED, by the Town Board of the Town of Putnam Valley, Putnam County, New York, as follows:

**Part 1. Title**

This Local Law shall be known as the “A Local Law Repealing Article XXIII of the Town of Putnam Valley Town Code Relating to Incentive Zoning.”

**Part 2. Purpose**

The purpose of this local law is to repeal Local Law #9 of 2010, which authorized the Town Board to grant incentives to the private sector engaged in the land development process.

**Part 3. Enactment**

This Local Law is adopted and enacted pursuant to the authority and power granted by §10 of the Municipal Home Rule Law of the State of New York.

**Part 4. Amendment of the Town Code**

The Town of Putnam Valley Code Article XXIII, §§165-103 through 110 is amended as follows:  
*Repealed in its entirety.*

**Part 5. Severability**

The invalidity of any part or provision (e.g., word, section, clause, paragraph, sentence) of this Local Law shall not affect the validity of any other part of this Law which can be given effect in the absence of the invalid part or provision.

**Part 6. Effective Date**

This Local Law shall take effect immediately upon the filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically, Article 3, Section 27 of the New York State Municipal Home Rule Law.

8

May 10, 2024

To: Town Board  
From: Kathy Diomedede  
Interim Town Clerk  
Subject: Approval of Minutes – April 2024

I respectfully request the Putnam Valley Town Board authorize the Supervisor to accept the Town Board meeting minutes for April 10, 2024 and April 17, 2024.

Thank-you,

Kathy Diomedede  
Interim Town Clerk

9a

TOWN OF PUTNAM VALLEY  
DISTRICTS

**To:** Town Board Members

**From:** Karen Kroboth – District Clerk

KK

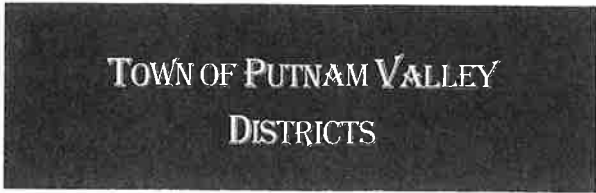
**Date:** 5/1/2024

**Re:** Release of deposit funds

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I formally request that the Town Board release the bond of \$4,240.00 to Mike's Blue Wheel Service, 225 Wood St, Mahopac, NY 10541 for the demolition of the Wildwood Knolls water tank and shed. The job is complete.

96



**To:** Putnam Valley Town Board  
**From:** Karen Kroboth, District Clerk  
**Date:** 5/1/2024  
**Re:** RBL Preservation Committee

A handwritten signature in ink, appearing to be "K. Kroboth", is written over the "From:" line.

---

I formally request the Town Board accept Andrew Brown's request for a temporary leave of absence from the RBL Preservation Committee, effective immediately.

I also request that Abbey O'Brien be appointed to fill Andrew's vacancy on the RBL Preservation Committee until Andrew's return or until his term expires, whichever comes first.

10a



To: Putnam Valley Town Board

From: Margaret DiRubba

Date: May 6, 2024

Subject: OPTIMUM a/c 07803-277473-01-  
Town Hall

I formally request that the Putnam Valley Town Board ratify an increase of the Town's Internet upload speed and change over to Fiber for Optimum a/c 07803-277473-01. The purpose of this change over is for increased outbound bandwidth to accommodate long-term cloud based data archiving. Cost will decrease from \$214.95/month to \$150.00/month for 2 years.



To: Putnam Valley Town Board

From: Margaret DiRubba

Date: May 6, 2024

Subject: OPTIMUM a/c 07803-586977-01-  
Community Media

I formally request that the Putnam Valley Town Board ratify an increase of the Town's upload speed and change over to Fiber for Optimum a/c 07803-586977-01-. The purpose of this increase and change over is for new bandwidth upgrade to improve customer experience when viewing slides & video located in-house. Also to improve the remote upload & download of files while remotely programming & transferring files to/from the system. Cost will decrease from \$219.95/month to \$150.00/month for 2 years.



Shawn Keeler  
Highway Superintendent  
SKEELER@PUTNAMVALLEY.COM

David Conklin  
General Foreman

Margaret Bradley  
Senior Clerk Typist

Sarah Caporale  
Part time Clerk

265 Oscawana Lake Road  
Putnam Valley, NY 10579

(845) 526-3333 phone  
(845) 526-4729 fax

Hours of operation:  
7:00 AM - 3:30 PM

1/10

## Town of Putnam Valley Highway Department

### MEMORANDUM

TO:           Jacquie Annabi  
              Members of the Town Board

FROM:       Shawn M. Keeler

DATE:       May 8, 2024

RE:          New Laborer

Please appoint Trevor McGee of 59 Brookdale Rd., Putnam Valley NY 10579 as a full time laborer at the probationary rate of \$32.11 per hour, effective June 3, 2024. He will be replacing Keith Haviland, who will be retiring on May 31<sup>st</sup>.

Sincerely,

Shawn M. Keeler

116

Joseph K. Haviland  
10 Mill Pond Road  
Putnam Valley, NY 10579  
May 14, 2024

Shawn Keeler  
Highway Superintendent  
Company Name  
265 Oscawana Lake Road  
Putnam Valley, NY 10579

Dear Mr. Keeler,

I am writing to inform you of my decision to retire from my job with the Putnam Valley Highway Department, with my last effective workday of May 31<sup>st</sup>, 2024.

It has been an honor and a privilege to serve the Putnam Valley community for 33 years. I have enjoyed working alongside my colleagues and contributing to the growth and development of our town.

I will do my best to ensure a smooth transition of my responsibilities before my departure. Please let me know if there are any specific tasks or projects that require attention during this transition period.

Thank you for your support and guidance throughout my tenure. I will cherish the memories and friendships I have made here.

Sincerely,

Joseph K. Haviland  
Operator



12a

To: Town Board  
From: Frank DiMarco, Parks and Recreation Director  
Subject: Parks and Recreation Refunds  
Date: May refunds 2024

Obed Noguera  
95 Lake Drive  
Lake Peekskill, NY 10537

\$500.00  
LPCC  
Deposit refund

Livia Ordonez  
5 Peekskill Hollow Turnpike  
Cortlandt Manor, NY 10537

\$500.00  
LPCC  
Deposit refund

Michelle Scherb  
238 Maple Road  
Mahopac, NY 10541

\$156.10  
PV Day Camp  
refund for overpayment

Veronica O'Connor  
627 Peekskill Hollow Road  
Putnam Valley, NY 10579

\$500.00  
LPCC  
Deposit refund

126

From: Frank DiMarco, Parks and Recreation  
Subject: Personnel  
Date: May 1, 2024

Please approve the following additions/changes to personnel.

1. Catherine Montaldo, PV Children's Center, @ \$15.70 hr.

12c

To: Town Board  
Date: May 7, 2024  
From: Frank DiMarco, Parks and Recreation  
Re: Lifeguard Salaries

**Request for approval of the 2024 Lifeguard pay scale.**

**The following is a list of potential lifeguards for the 2024 season. Lifeguards will be selected pending verification of required certifications and availability.**

**Per hour salary based on number of seasons employed as a lifeguard. Starting 2024 salary is \$17.00 hr. with Jr. Guards at \$16.00 hr.**

- |                         |                          |
|-------------------------|--------------------------|
| 1. Rachel Berdecia      | @\$17.25 hr.             |
| 2. Dakota Bourgie       | @\$16.00 hr. Jr, LG      |
| 3. Charles Broas        | @\$17.25 hr. weekend sub |
| 4. Eliana Broccolo      | @\$17.00 hr. sub         |
| 5. Maggie Caputo        | @\$17.00 hr.             |
| 6. James Carlsen        | @\$17.25 hr.             |
| 7. Isabella Coletti     | @\$16.00 hr. Jr. LG      |
| 8. Logan Dalton         | @ \$17.00 hr.            |
| 9. Juilia Dimichele     | @ \$16.00 hr. Jr. LG     |
| 10. Nicholas Dimichele  | @\$17.25 hr.             |
| 11. Jaiden Donohue      | @\$17.00 hr.             |
| 12. Olivia Downes       | @\$17.00 hr.             |
| 13. Alec Dreessen       | @ \$17.00 hr.            |
| 14. Jonathan Duraes     | @ \$17.00 hr.            |
| 15. Andrew Figueroa     | @ \$17.00 hr.            |
| 17. Theodore Gannon     | @\$17.25 hr.             |
| 18. Chloe Goessl        | @ \$16.00 hr. Jr. LG     |
| 19. Sophie Goessl       | @ \$16.00 hr. Jr. LG     |
| 20. Christian Gundersen | @\$17.00 hr.             |
| 21. Leah Harman         | @\$16.00 hr. Jr. LG      |
| 22. Allison John        | @\$16.00 hr. Jr. LG      |
| 23. Madison Keeler      | @\$17.00 hr.             |
| 24. Patrick Keeley      | @\$17.00 hr.             |
| 25. Abigail Lowder      | @\$18.25 hr.             |
| 26. James Mazzarisi     | @\$18.75 hr.             |
| 27. Kate Mulqueen       | @ \$16.00 hr. Jr. LG     |
| 28. Amanda Orlando      | @\$18.75 hr. weekend sub |
| 29. Jessica Parubi      | @\$16.00 hr. Jr. LG      |
| 30. Noah Patafio        | @\$17.25 hr.             |
| 31. Leland Petrash      | @\$17.50 hr.             |
| 32. Gabriella Randazzo  | @\$17.50 hr.             |
| 33. Sophia Randazzo     | @\$17.00 hr.             |
| 34. James Russo         | @\$18.50 hr.             |
| 35. Tim Sainz           | @\$19.50 hr.             |
| 36. Maria Smit          | @\$17.25 hr.             |
| 37. Hudson Sperrazza    | @\$17.50 hr.             |

38. Parker Sperrazza  
39. Jaden Teshar

@\$17.50 hr. weekend sub  
@\$17.25 hr.

**Day Camp Lifeguards:**

1. Victoria Deluca  
2. Amanda Orlando  
3. Parker Sperrazza  
4. Charlie Broas  
5. Hudson Sperrazza

@ \$20.50 hr.  
@ \$19.75 hr.  
@ \$18.50.hr.  
@ \$18.00 hr.  
@ \$18.00 hr. Sub

Water Safety Instructor/Lifeguard Mgmt.

12d

## Parks and Recreation

# Memo

**To:** Town Board  
**From:** Frank DiMarco  
**CC:** Elaine McGinty  
**Date:** 5/10/2024  
**Re:** Sunset Series Administrator

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Town Board Members,

The Parks and Recreation Department and its commission recommend you accept the personnel additions for the 2023 Concert Series.

Sherry Howard – Sunset Series Coordinator/ Advertising Coordinator @ \$4,200 for the season

Please be advised that this has been accounted for in the accepted 2024 budget.

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**Town of Putnam Valley**

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**TO:** Town Board  
**FROM:** Maria Angelico   
**SUBJECT:** Budget Transfers and Amendments  
**DATE:** May 15, 2024

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Hereby request your approval of the attached Budget Transfers and Amendments for Year-To-Date May 2024.



## TOWN OF PUTNAM VALLEY

## Budget Adjustment Form

Year: 2024 Period: 5 Trans Type: B1 - Transfer Status: Posted  
Trans No: 119093 Trans Date: 05/14/2024 User Ref: MANGELICO  
Requested: Approved: Created by: MANGELICO 05/14/2024  
Description: MAY 15 YTD BUDGET TRANSFERS Account # Order: Yes  
Print Parent Account: No

| Account No.   | Account Description           | Amount    |
|---------------|-------------------------------|-----------|
| A.1420.400    | LAW.SPECIAL LEGAL COUNSEL     | 3,002.65  |
| A.1440.411    | MS4.COUNTY CONTRACT           | 27.71     |
| A.1620.200    | BUILDINGS.EQUIPMENT           | 569.98    |
| A.1620.400    | BUILDINGS.CONTRACTUAL         | -569.98   |
| A.1990.400    | CONTINGENT ACCOUNT            | -3,002.65 |
| A.1990.400    | CONTINGENT ACCOUNT            | -27.71    |
| A.1990.400    | CONTINGENT ACCOUNT            | -1,347.16 |
| A.3310.200    | SIGNS.TRAFFIC SIGNS           | 1,347.16  |
| A.5010.424    | HIGHWAY SUPT.CONTRACTUAL      | 17.98     |
| A.5132.400    | GARAGE.CONTRACTUAL            | -17.98    |
| A.7110.200    | PARKS.EQUIPMENT               | 1,615.67  |
| A.7110.400    | PARKS.CONTRACTUAL             | -1,615.67 |
| A.7310.200    | CHILDRENS CENTER.EQUIPMENT    | 1,025.98  |
| A.7310.400    | CHILDRENS CENTER.CONTRACTUAL  | -1,025.98 |
| SM01.1640.210 | GARAGE.TIRES                  | 191.00    |
| SM01.1640.220 | GARAGE.TOOLS AND EQUIPMENT    | -191.00   |
| SM05.1630.400 | ADMIN & CLERICAL.EXPENSE      | -17.15    |
| SM05.7180.400 | BEACH.SUPPLIES                | 17.15     |
| SM06.7180.410 | BEACH.TAGS & PARKING STICKERS | 329.00    |
| SM06.7180.471 | BEACH.MAINTENANCE AND REPAIRS | -329.00   |
| SM07.7180.200 | BEACH.EQUIPMENT               | 561.61    |
| SM07.7180.210 | BEACH IMPROVEMENTS            | -561.61   |
| SM07.7180.400 | BEACH.SUPPLIES                | 22.25     |
| SM07.7180.410 | BEACH.TAGS & PARKING STICKERS | -22.25    |
| SM08.7180.200 | BEACH.EQUIPMENT               | -51.00    |
| SM08.7180.400 | BEACH.SUPPLIES                | 51.00     |
| SM10.7180.400 | BEACH.SUPPLIES                | 8.00      |
| SM10.7180.471 | BEACH.MAINTENANCE AND REPAIRS | -8.00     |
| Total Amount: |                               | 0.00      |

## TOWN OF PUTNAM VALLEY

## Budget Adjustment Form

Year: 2024 Period: 5 Trans Type: B2 - Amend Status: Posted  
Trans No: 119094 Trans Date: 05/14/2024 User Ref: MANGELICO  
Requested: Approved: Created by: MANGELICO 05/14/2024  
Description: MAY 15 2024 YTD BUDGET AMENDMENTS Account # Order: Yes  
Print Parent Account: No

| Account No.   | Account Description                       | Amount    |
|---------------|-------------------------------------------|-----------|
| A.1010.416    | TOWN BOARD.DEVELOPMENT PROJECTS           | 20,075.00 |
| A.1930.400    | JUDGMENTS & CLAIMS                        | 8,536.61  |
| A.1950.400    | TAXES & ASSESSMENTS ON PROPERTY           | 1,372.58  |
| A.3620.424    | INSPECTORS.CONTRACTUAL                    | 6,310.86  |
| A.6326.400    | ECONOMIC OPPORTUNITY PROGRAMS.CONTRACTUAL | 1,950.00  |
| A.7550.400    | TOWN DAY.EXPENSES                         | 1,400.00  |
| SM01.1640.471 | GARAGE.GAS, OIL, AND GREASE               | 12,921.30 |
| SM08.7180.210 | BEACH.IMPROVEMENTS                        | 7,461.44  |
| SM11.9730.600 | BOND ANTICIPATION NOTES.PRINCIPAL         | 5,000.00  |
| Total Amount: |                                           | 65,027.79 |

5/10/2024

**TOWN OF PUTNAM VALLEY**  
**OFFICE OF BUILDING & ZONING**  
 265 Oscawana Lake Road  
**Daily Fee Report - Summary**

From: 4/1/2024

To: 4/4/2024

| Fee Type                     | Count     | Amount            |
|------------------------------|-----------|-------------------|
| CW                           | 1         | \$75.00           |
| DECK                         | 1         | \$641.00          |
| ELECTRIC APP/SWIS            | 1         | \$40.00           |
| GAS/PROPANE                  | 1         | \$75.00           |
| HVAC                         | 1         | \$150.00          |
| MI                           | 2         | \$150.00          |
| OIL TANK                     | 1         | \$125.00          |
| PERM                         | 3         | \$275.00          |
| <b>Total Fees Collected:</b> | <b>11</b> | <b>\$1,531.00</b> |
| <b>Check</b>                 | <b>11</b> | <b>\$1,531.00</b> |

New System \$15,927.00

Old System 1,531.00

Total \$17,458.00

## Town of Putnam Valley

M5 Standard Fee Report Paid Only

From 04/05/2024 To 04/30/2024

Count by Type

|                     |    |             |
|---------------------|----|-------------|
| ADDITION/ALTERATION | 2  | \$7,234.00  |
| ADDITIONAL FEE      | 1  | \$75.00     |
| C/W                 | 1  | \$75.00     |
| DECK                | 1  | \$463.00    |
| DEM/C               | 1  | \$0.00      |
| ELECTRI APP/NY ELEC | 3  | \$120.00    |
| ELECTRIC APP/SWIS   | 9  | \$360.00    |
| FENCE/WALL          | 2  | \$150.00    |
| GAS/PROPANE         | 1  | \$75.00     |
| GENERATOR PERMIT    | 1  | \$75.00     |
| H/VAC               | 5  | \$675.00    |
| MI                  | 4  | \$1,345.00  |
| OIL TANK            | 2  | \$250.00    |
| PERMIT FEE          | 5  | \$375.00    |
| PL                  | 2  | \$180.00    |
| RENEWAL             | 7  | \$1,775.00  |
| SEARCH              | 9  | \$1,800.00  |
| WETADM              | 4  | \$200.00    |
| WETL                | 4  | \$400.00    |
| WT/S                | 3  | \$300.00    |
|                     | 67 | \$15,927.00 |

*New Computer System*

Town of Putnam Valley

M5 Standard Fee Report Paid Only  
From 04/05/2024 To 04/30/2024

Fee Counts by Pay Type

|             |    |             |
|-------------|----|-------------|
| 0000        | 1  | \$0.00      |
| Cash        | 4  | \$2,925.00  |
| Check       | 60 | \$12,852.00 |
| Money Order | 2  | \$150.00    |
| Total:      | 67 | \$15,927.00 |

## FEE TYPES

|                            |                                                  |
|----------------------------|--------------------------------------------------|
| ADDITION/ALTERATION        | Permits for Additions/Alterations                |
| BLASTING                   | Permits to Blast                                 |
| CW                         | Commence Work Permit                             |
| CREDIT CARD FEE            | Credit Card Fee charged for usage of credit card |
| DEM/R                      | Demolition/Residential                           |
| ELECTRIC APP/NY ELECTRICAL | Electric application/NY Electrical               |
| ELECTRIC APP/SWISS         | Electric application/Swis                        |
| FENCE/WALL                 | Permit for Fence/Wall                            |
| GAS/PROPANE                | Permit for Propane Gas Installation              |
| GENERATOR PERMIT           | Generator Installation                           |
| HVAC                       | Heating, Vent., A/C Permit                       |
| IN GROUND POOL             | Permit for In Ground Pool                        |
| MG                         | Minor Grading Permit                             |
| MI                         | Miscellaneous Building Permit                    |
| OPERATING PERMIT           | Operating Permits /Commercial                    |
| PERM                       | Building Permits                                 |
| PERNC                      | New Construction Permits                         |
| PL                         | Plumbing Permits                                 |
| RE                         | Renewal Building Permits                         |
| RHCS                       | Rock Hammer Crush Shatter Rock Permit            |
| RU                         | Spec. Use Renewal                                |
| SEARC                      | Municipal Search                                 |
| TENT                       | Tent Permit                                      |
| TREE                       | Tree Permit                                      |
| WETADM                     | Wetland Administrative Fee                       |
| WETL                       | Wetland Permit Application Fee                   |
| WT/S                       | Wetland Screening                                |