

**PUTNAM VALLEY TOWN BOARD  
PUBLIC HEARING  
6:00 P.M.  
WEDNESDAY, AUGUST 17, 2016**

Regarding increase of fines, Subdivisions C&D of Town Code

**LOCAL LAW 165-91.2 Subdivisions C and D/2016**

A LOCAL LAW to amend Chapter 165-91.2 Subdivisions C and D of the Town Code (Zoning) by increasing fines for violations.

BE IT ENACTED by the Town Board of the Town of Putnam Valley as follows: C.

Penalties for violation of the Uniform Code.

- (1) Any person, having been served with a compliance order under Subsection A above, who fails to comply with such order within time specified therein, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, and any other person who shall knowingly violate any provision of the Uniform Code or of any lawful order of the Town, shall be punishable by a fine of \$1,000.00 per day of violation for first offense.
  - (a) A fine of not less than \$2,000.00, but no more than \$3,000.00 per day of violation for second offense.
  - (b) A fine of \$3,000.00 per day of violation for third offense.
  - (c) In the event the offense is one of adding fill to land, in addition to the above, an additional fee of \$50.00 per yard of unlawfully added fill as determined by the Code Enforcement Officer.

D. Penalties for violations of this chapter not constituting violations of the Uniform Code.

- (1) AnV owner, lessee, tenant, occupant, architect, builder or agent of any of them; any person who violates or is accessory to the violation of any provision of this chapter; who owns, occupies or uses any building, structure or premises which is in violation of any provision of this chapter; who fails to comply with any of the requirements thereof; or who erects, constructs, alters, enlarges, converts, moves or maintains any building, structure or land in violation of any provision of this chapter not constituting a violation of the Uniform Code shall constitute a violation of law and shall be punishable by:
  - (a) A fine not exceeding \$1,000. For a first offense;
  - (b) A fine not less than \$1,000. Nor more than \$2,000.00 for a second offense (where both offenses have occurred within a period of five (5) years);
  - (c) A fine not less than \$2,000.00 nor more than \$3,000.00 for a third or subsequent offense.

**PUTNAM VALLEY TOWN BOARD  
PUBLIC HEARING  
6:00 P.M.  
WEDNESDAY, AUGUST 17, 2016**

**Regarding increase of fines, Subdivisions C&D of Town Code**

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

**ALSO PRESENT:** Town Clerk, Sherry Howard  
Town Counsel, William Florence

**ABSENT:** Councilman Luongo

Supervisor Oliverio opened the meeting at 6:00 p.m.

This Public Hearing is being held in regard to the increase of fines in subdivisions C & D of the Town Code. Supervisor Oliverio believes that it has gone on long enough in this Town that people scoff in the face of our codes because our current fine of \$500.00 is not a large enough deterrent. In concurrence with discussions by the Town Board; they feel that an initial fine for a first offense should be \$1,000.00, a fine of \$2,000.00 for a secondary offense; and a third time fine of \$3,000.00 will keep people from breaking the codes and apologizing later. Those days are over. A \$50.00 per yard fine for unlawfully added fill will also be levied as determined by the Code Enforcement Officer. We will levy as greater fine as we can if you are going to ignore our codes.

Resident, Patty Villanova came up to the podium to speak. She feels that the new fines are three times higher than the current fines and are onerous. These are penalties for violating the uniform code. She then asked the Town Board to define what the uniform code is. Supervisor Oliverio explained that it is the New York State Code Book used by our Town, these are the building codes. Council Florence added that these are our building construction codes with all the subspecialties included. Ms. Villanova said that words have meaning and this is a slippery slope -as the fines as written are not separated out by offense – rather, you can be fined the same amount for a major offense as well as something as minute as hanging wallpaper or draperies incorrectly. She believes there is potential for abuse. This is a blanket law. Mr. Quaglietta is not an attorney. Supervisor Oliverio disagreed and said that the likeliness of this happening is slim to none. There has been no abuse in the past and that will not change. Ms. Villanova responded by saying you don't know that, and you don't know what can happen in the future. Supervisor Oliverio said that the violator would have to go before the Planning or Zoning Board first and the issue/s are usually solved before it actually gets to the Town Board. The Town Board is the last step in this process; and the fines only apply to those who flagrantly disobey our laws.

Supervisor asked Ms. Villanova why she is suddenly concerned now by this. He said that the law is exactly the same as it stands now; only the penalties have increased. Ms. Villanova responded that she had never paid that much attention to the current law until the fines increased so greatly, which is what caught her attention - and then she did some research. Supervisor Oliverio said that the Town did not create the code this comes from the State. Ms. Villanova is aware of that. Supervisor Oliverio added that these penalties are only for those who thumb their nose at our current law and say sorry later. It is for people who will not comply after coming before the Planning or Zoning Board; not for those who doing innocently. Ms. Villanova suggested that they pick out the onerous things and make the punishment fit the crime. Tom Carano spoke and used Cimarron Ranch as an example as to why the penalties need to change. He said that the man who ran the Ranch used the property for much illegal dumping and because of the measly fines that we could levy he continued to do so. This is what we are trying to prevent using our legal system.

Supervisor Oliverio asked the audience if there were other comments. There were none.

Supervisor Oliverio moved to close the Public Hearing at 6:13.

Seconded by Councilman Mackay, unanimously carried

**PUTNAM VALLEY TOWN BOARD  
REGULAR MEETING  
6:00 P.M.  
WEDNESDAY, AUGUST 17, 2016**

1. Pledge of Allegiance
2. Departmental Reports
3. Supervisor's Opening Comments
4. Certificates of Appreciation: Fowler, Pederson
5. County Legislator's Report
6. School District Report: Dr. Wills
7. Accept Unsafe Structure Report from Building Inspector
8. Set Public Hearing for Sept. 21, unsafe structures
9. Adopt Article 1, Septic Pump-Out Law for Roaring Brook Lake
10. Set Public Hearing for Sept 14, 2016 – Lake Peekskill Pump-Out Law
11. Award Steven Bruno parcel number 62.15-1-53 in exchange for removing water tower, pump house and water pipes.
12. Waive fees for applications or permits regarding removal of items from parcel number 62.15-1-53.

**DEPARTMENTS**

**13. Building Department**

14. Building Department Report for July

**15. Parks & Recreation**

- A. Refunds
- B. Personnel

16. Public Comments
17. Budget Transfers & Amendments
18. Audit of Monthly Bills

**PUTNAM VALLEY TOWN BOARD  
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6:00 P.M.  
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**PRESENT:** Supervisor Oliverio  
Councilwoman Annabi  
Councilwoman Whetsel  
Councilman Mackay

**ALSO PRESENT:** Town Clerk, Sherry Howard  
Town Counsel, William Florence

**ABSENT:** Councilman Luongo

Supervisor Oliverio opened the meeting at 6:14 p.m.

Pledge of Allegiance

**DEPARTMENTAL REPORTS**

Presented by Councilwoman Annabi

Councilwoman Annabi introduced President, Ellen Hayes, Dan Vera, Vice President, Eileen Reilly, Rae Etherington, and Henry and Julie Boyd representing our new Putnam Valley Business Network. Ms. Hayes said that we are dedicated hard working individuals who are here to help promote your businesses and grow your clientele. She added that there are a lot of services in Town and many are home based. We have a newly developed website which features a calendar of events. There is a drop menu of business category. Supervisor Oliverio said in the 1990's then Supervisor Carmelo Santos started the PVER'S Corp which morphed into a business organization which at the time was considered our Chamber of Commerce. These people at the podium now have brought this idea back and it is now known as the Putnam Valley Business Network. Their mission statement is to support local Putnam Valley business and its surrounding areas. She reads on Facebook that people feel that we don't have local businesses these people are seeking referrals for all types of services. At their general meetings there will be speakers to help you learn to promote and grow your business. Mark your calendars for Sept 28 at Char Steakhouse from 6:00 – 8:30 PM there will be plenty of chances for networking opportunities so come and meet your local business owners. We are working with other Chambers in the County. Remember to shop local first. If you have any questions please contact Ms. Hayes at [www.pvbusinessnetwork.org](http://www.pvbusinessnetwork.org).

Larry Cobb, Highway Superintendent, sends his regrets because he cannot make it tonight.

Shawn Keeler, Fire Department Chief was also unable to be here tonight.

Kathleen McLaughlin, from the Putnam Valley Free Library reminded everyone that on Saturday they are hold a program called Countdown to America's Eclipse with Joe Rao. The eclipse will take place in August of 2017. NASA also has a website that you can also follow at [www.greatamericaneclipse.com](http://www.greatamericaneclipse.com). It's a once in a lifetime event. If you are interested please register; the program is free and is being held in the Community Room. Story Time is being held again at 10:15 AM and Toddler Time at 11:00 AM is returning this Wednesday - also in the Community Room. The summer reading Olympics program is holding its closing ceremony on Saturday, August 27<sup>th</sup> from 12 – 2 PM. No registration is required. Bridge update – the plans are still before the Planning Board, and then there will be a Public Hearing. The Library has a Facebook page so you can keep up on all the news pertaining to the Library. If you are going to use the Library to make a turn - please slow down, children are in the parking lot; and please don't block the bridge. Any Kindergartners who took out a book and have not returned them; please do so.

### **SUPERVISOR'S OPENING COMMENTS**

Presented by Supervisor Oliverio

Reminder: The medication take back box is here in Town Hall. There has been over 100 lbs. of medication removed from it and it has been emptied four times already.

The Email Alert is on the webpage. Please register and you will get all kinds of alerts whether they pertain to a closing of Town Hall or a bad weather alert - please sign up. About 300 families have already signed up.

Town Day is Sept 17<sup>th</sup>. There are 15 vendors so far. All not for profit groups are welcome. There is a pie baking contest this year, as well please sign up. It will be a lot of fun.

Friday at 6:00 PM, there is an important Public Hearing taking place at the High School with all the information you will need to know about the Pudding Street Overpass. They do have the money. Supervisor Oliverio said thank you Senator Serino for listening to the community. At the Public Hearing you can ask questions, see all the plans; all the information you need will be available. Please pack the house and let Albany how important this is and that we are committed to this project. Supervisor Oliverio asked Dr. Wills if she could please get this taped to get it on the local channels. She said she could do that. Councilman Mackay reminded everyone that school is starting – please watch out for school buses. Lastly, anyone who is confused about what they have read and heard in the papers – the Town's Audit was fine what you are reading about has to do with the school districts audit.

**CERTIFICATES OF APPRECIATION: FOWLER, SAINZ AND PEDERSEN**

Presented by Councilwoman Annabi

Two Certificates of Appreciation were given to two lifeguards; Bryce Fowler and Timothy Sainz for actions that saved lives. Councilwoman Annabi said that Mr. Fowler saved a young child who had fallen off the dock in Lake Peekskill. She added that no one is ever prepared for that.

Councilman Mackay read the proclamation that was presented to Mr. Sainz saved two young sisters from drowning - also in Lake Peekskill on July 4<sup>th</sup>. Congratulations to the two of them. This doesn't happen to every lifeguard and it is never anticipated - this is a tribute to these young men and their training. We are very proud.

Councilwoman Whetsel gave a Proclamation of Appreciation to Ethan Pedersen for completing his Boy Scout Eagle Scout Project. He built a stone patio and an alter as a place to go for meditation and prayer. Thank you for your community service. Supervisor Oliverio said that we have a very high rate of Eagle Scouts and Gold Project award winners in our Town. They represent only 1% of 1% of people your age have this honor, which shows the effort and initiative this takes. Thank you this is a badge of honor and we applaud you.

**LEGISLATORS REPORT**

Presented by Supervisor Oliverio

County Legislator Gouldman commented on the cell tower proposition by the County at the last meeting. He said that we heard Anthony Sutton from the County speak at the last meeting about the cell tower proposal to be possibly placed on Senior Center property in the Town Park. After this discussion he asked the County to move the cell tower to another location if possible. This topic will be discussed on Tuesday, August 23<sup>rd</sup> at 5:45 PM at the County Office Building located at 40 Gleneida Avenue in Carmel. Please pack the house and let them know your opinions.

The paving of Oscawana Lake Road should be finished between October and November. North of Tinker Hill Road will find that the pot holes will be paved this season. If you have any questions please call me at 845-808-1029 or email at [William.Gouldman.putnamcountyny.gov](mailto:William.Gouldman.putnamcountyny.gov).

**AMENDMENTS TO THE AGENDA**

**RESOLUTION #R16-273**

**RESOLVED**, that the Town Board amend the agenda to add the following:

**ADD:**

#12A – Resolution to allow Princeton Hydro to utilize a gas powered boat on Roaring Brook Lake for the purpose of a plant sampling study.

#12B- Approve minutes of June 15, July 6, July 13, July 20 and August 3rd.

#15 – Public Comment

Seconded by Councilwoman Annabi, unanimously carried.

**SCHOOL DISTRICT REPORT**

Presented by Supervisor Oliverio

Dr. Wills the Superintendent from the Putnam Valley School District said that on August 31, 2016 they are having a Superintendent's Conference Day which will be a shared event with the Haldane School District. They will be having a speaker come. School starts on September 1, 2016. At the High School there is an orientation and a Freshman Foundation Program. It is important for the community to know that the School District ran many special programs during the summer such as a special readiness programs for Elementary School children called Kinder Camp. The parents were very appreciative. There are also special programs for teachers as well i.e. training for the use of problem based learning. There is also an achievement center for student support. Another important subject we will teach our children is to be aware of cyber security and hacking. Lastly, on September 10<sup>th</sup> there will be a special event in the evening. A former student, Sarah Sperling, wrote and filmed a documentary as a remembrance of September 11<sup>th</sup>. This will be shown as a way to bring the community together.

Jill Figarella, Treasurer of the Putnam Valley School District spoke about the State Audit. First she said that the new School Tax bills are being mailed out and the STAR program will be different now. Rather than the STAR money being removed from your tax bill immediately it will now be sent to you in the form of a check in September from the New York State Department of Tax. This change is for both the basic and enhanced STAR. Please look at their website for more information; it is [www.tax.gov/STAR](http://www.tax.gov/STAR) or call 518-457-2036. You have to pay your taxes in full and then you will get a refund. If you already have STAR there is no change - this is only for new home owners and for names that are changed on a deed. Also, residents now have the ability to pay their school taxes on line by check for convenience. Ms. Figarella said that there are rumors going around about the State Audit. The Office of the State Comptroller did a financial conditions report in schools all across the State. Yes the school does have a fund balance but it is for a good reason. The report is hard to understand if you are a lay person. One reason is that if the school district goes out for borrowings and bonds having this balance are good for our rating which keeps our interest rates down. Right now our Moody's rate is AA. The

School District would also like to make a reduction in the 2016-2017 tax levy as they did this year. All of this information is going to be on our website. The reserves that we have are not in excess.

Natalie Doherty, Assistant Superintendent for Special Education for the Putnam Valley District, said that the special programs the School District offers prepare students, and these programs are never discussed. There is also an array of unfunded mandates from the State which cannot be predicted from year to year. People should speak out about the unfunded mandates. She emphasized that the Putnam Valley School District is vigilant. We need to remain competitive and innovative. Real Estate values are closely tied to the quality of schools.

Councilman Mackay said that the Town Board gives out awards and proclamations on a monthly basis. This can be attributed to a combination of exceptional parenting and exceptional schooling. The School District should be proud of these children as well.

**ACCEPT UNSAFE STRUCTURE REPORT FROM BUILDING INSPECTOR**

Presented by Councilwoman Annabi

Supervisor Oliverio said that the Town Board made a pledge to get rid of these zombie homes. Councilwoman Annabi said that this house suffered a structure fire and now it is a dangerous place. The homeowner was notified and there will be a Public Hearing before it goes any further. Supervisor Oliverio asked for a roll call vote. Councilwoman Annabi added that the Town is made whole by the County for any cost incurred in demolishing this house.

**RESOLUTION #R16-274**

**RESOLVED**, that the Putnam Valley Town Board accept the unsafe and dangerous structure report for the building located at 192 Tanglewylde Road, Putnam Valley, New York 10579 – Tax Parcels: 83.50-1-10 and 83.50-1-14.

**ROLL CALL**

Councilman Luongo- Absent  
Councilman Mackay- Aye  
Councilwoman Whetsel- Aye  
Councilwoman Annabi- Aye  
Supervisor Oliverio- Aye

Seconded by Councilman Mackay

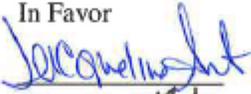
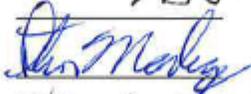
Motion carried with four Ayes.

Resolution Re: Unsafe and Dangerous Structure Located at 192 Tanglewylde Road, Putnam Valley, New York – Tax Parcels: 83.50-1-10 and 83.50-1-14

The Code Enforcement Officer of the Town of Putnam Valley having presented his Investigation and Report regarding 192 Tanglewylde Road, Putnam Valley, New York dated August 16, 2016 (a copy of which is annexed hereto); and said report having indicated that the structure on the Premises is unsafe, unstable and in danger of collapse. Furthermore, the open structure and debris on the property present tripping and falling hazards and other dangers from loose boards, metal, and other debris on the property. The burned out structure is accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; and is or may become a place of rodent infestation and otherwise presents a danger to the health, safety, morals and general welfare of the public, and is unfit for the purposes for which it may lawfully be used; and the said Investigation and Report having come before this Board for consideration at a meeting held on August 17, 2016; and due deliberation having been had thereon,

BE IT RESOLVED, that it is the opinion of the Town Board that the Investigation and Report of the Code Enforcement Officer hereinabove referenced warrants that the Premises located at 192 Tanglewylde Road, Putnam Valley, New York, Tax Maps: 83.50-1-10 and 83.50-1-14 is unsafe and dangerous, and that it requires demolition, removal of debris, and backfilling; and

BE IT FURTHER RESOLVED that a Notice as provided by Town Code Section 66-6, 66-7, and 66-8 be duly filed and served in the form annexed hereto.

<u>Town Board Member</u>	In Favor	Opposed
Jacqueline Annabi		_____
Louie Luongo	Absent	_____
Steven Mackay		_____
Wendy Whetsel		_____
Supervisor, Sam Oliverio		_____

By the vote of 4 in favor and 0 opposed the above motion was ✓ approved/     disapproved by the Town Board.

Dated: August 17, 2016

  
Sherry Howard, Town Clerk

Notice of Unsafe and Dangerous Structure at 192 Tanglewylde Road, Putnam Valley, New York

Tax Parcels: 83.50-1-10 and 83.50-1-14

That by Resolution of the Town Board of the Town of Putnam Valley at a Public Meeting of the Town Board of the Town of Putnam Valley held on the 17<sup>th</sup> day of August, 2016, it having been determined that in the opinion of the Town Board the structure located at 192 Tanglewylde Road, Putnam Valley, New York, Tax Maps: 83.50-1-10 and 83.50-1-14 is unsafe and in danger of collapse for the reasons outlined in the Investigation and Report of the Code Enforcement Officer dated August 16, 2016.

The main structure on the property is a residence, which was the subject of a major fire on or about 2/16/2015-2/18/2015. The fire caused extensive damage to the structure causing the roof and much of the sidewalls of the structure to collapse. What remains of the structure is entirely unstable and in danger of collapse. Furthermore, the open structure and debris on the property present tripping and falling hazards and other dangers from loose boards, metal, and other debris on the property. The burned out structure is accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; and is or may become a place of rodent infestation. The structure is also a danger to the health, safety, morals and general welfare of the public, and is entirely unfit for the purposes for which it may lawfully be used, namely a single family residence.

It is therefore,

ORDERED, that the structure on the property shall be demolished, the debris removed from the site, and the foundation backfilled with soil and the disturbed areas seeded to prevent erosion and sedimentation in the Lake Peekskill Watershed, and it is further

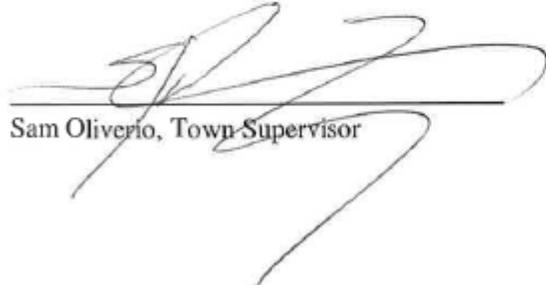
ORDERED, that the demolition and removal of such building and debris and backfilling shall commence within thirty (30) days of the service of this Notice and shall be completed within sixty (60) days thereafter, unless for good cause shown such time shall be extended by the Code Enforcement Officer.

A hearing has been scheduled for September 21, 2016 at <sup>6:30</sup>~~8:00~~ p.m. at the Town Hall located at 265 Oscawana Lake Road, Putnam Valley, New York 10579 at which hearing any interested party can be heard with regard to the building located at 192 Tanglewylde Road, Town of Putnam Valley, New York, and/or to contest this Notice and the directives contained herein.

In the event of a failure or refusal to comply with the above Order to secure or demolish and remove the subject structure, the Town Board will provide for its demolition and removal, and the removal of all debris and backfilling thereof and will assess all expenses thereof against

the land on which it is located and may institute a special proceeding to collect the costs of demolition, including legal expenses.

Dated: August 18, 2016



Sam Oliverio, Town Supervisor

Investigation and Report of the Code Enforcement Officer Regarding  
192 Tanglewylde Road, Putnam Valley, New York

I, Richard Quaglietta, Code Enforcement Officer of the Town of Putnam Valley submit this Investigation and Report with respect to a structure located at 192 Tanglewylde Road, Putnam Valley, New York, tax parcel 83.50-1-10 and 83.50-1-14. The owner of the above-mentioned property according to the records of the Putnam County Clerk is Maria Elena Barahona. Ms. Barahona acquired the subject property from Enrique Jadan by deed dated October 25, 2011 and recorded November 16, 2011 in Liber 1886 Page 362 in the Putnam County Clerk's Office. I have conducted an inspection of the property on 192 Tanglewylde Road, Putnam Valley, New York. The property is located in a densely developed residential neighborhood in the Lake Peekskill area of Putnam Valley. The main structure on the property is a residence, which was the subject of a major fire on or about 2/16/2015-2/18/2015. The fire caused extensive damage to the structure causing the roof and much of the sidewalls of the structure to collapse. What remains of the structure is entirely unstable and in danger of collapse. Furthermore, the open structure and debris on the property present tripping and falling hazards and other dangers from loose boards, metal, and other debris on the property. The burned out structure is accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; and is or may become a place of rodent infestation. The structure is also a danger to the health, safety, morals and general welfare of the public, and is entirely unfit for the purposes for which it may lawfully be used, namely a single family residence. A compliance order directing compliance with applicable code requirements was served on the owner of the property in accordance with Section 165-91.2 of the Town Code prior to this report and is annexed hereto. Recent photographs of the structure in question are also annexed hereto.

It is my recommendation that the building be demolished, the debris removed from the site, the foundation backfilled with soil, and the disturbed areas be seeded to prevent erosion and sedimentation in the Lake Peekskill Watershed. The subject building is, in my opinion, beyond repair and demolition is the only viable remedy for the above conditions.

Dated: August 16, 2016



Richard Quaglietta, Code Enforcement Officer

Maria E. Barahona  
192 Tanglewylde Road  
Lake Peekskill, New York 10537

Maria E. Barahona  
P.O. Box 201  
Amawalk, New York 10541

RE: 192 Tanglewylde Road  
TM#s 83.50-1-10 and 83.50-1-14

### **COMPLIANCE ORDER**

**PLEASE TAKE NOTICE** that pursuant to Section 165-91.2 of the Town Code, you are hereby ordered to remedy the following condition(s) and/or activity(ies) found to exist in, on or about the building, structure, or premises referenced above that are in violation of the New York State Uniform Building and Fire Prevention Code, the New York State Property Maintenance Code, Town Code Chapter 165 and/or any other provisions of the Town Code and New York State Building Codes, or any certificates or approvals issued thereunder:

The specific code sections being violated are as follows:

#### **New York State Property Maintenance Code**

##### **Section 107 – Unsafe Structures and Equipment**

**107.1 General.** When a structure or equipment is found to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

**107.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing maximum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**107 1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is hazard to life, health, property or safety of the public or occupants of the premises or structure.

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**107 1.3 Structure unfit of human occupancy.** A structure is unfit for human occupancy whenever such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

#### **Section 301.3 – Vacant Structure and Land**

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect public health or safety.

#### **Section 302 – Exterior Property Areas**

**302.1 Sanitation.** All exterior property and property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**302.4 Weeds.** All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

**302.5 Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

#### **Section 304 – Exterior Structure**

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors and window frames, cornices, porches, trim balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. In addition to requirements of this code, 40 CFR 745 (titled "Lead-based Paint Poisoning Prevention in Certain Residential

Structures”), a regulation issued and enforced by the Federal Environmental Protection Agency, applies to certain activities in buildings that may contain lead-based paint, including renovations performed for compensation in “target housing” and “child-occupied facilities,” “abatement” of lead-based paint hazards and other “lead-based paint hazards and other “lead-based paint activities” (as those terms are defined in 40 CFR Part 745). All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.4 Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**304.6 Exterior walls.** All exterior walls shall be free from holes, free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.11 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.15 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Lock on means of egress doors shall be in accordance with Section 703.3.

**304.16 Basement hatchway.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

#### **Section 305 – Interior Structure**

**305.2 Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. In addition to requirements of this code, 40 CFR 745 (titled “Lead-based Paint Poisoning Prevention in Certain Residential Structures”), a regulation issued and enforced by the Federal Environmental Protection, Agency, applies to certain activities in buildings that may contain lead-based paint, including renovations performed for compensation in “target housing” and “child-occupied facilities,” “abatement” of lead based paints hazards and other “lead-based paint activities” (as those terms are defined in 40 CFR Part 745). Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**305.4 Stairs and walking surfaces.** Every stair, Ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**305.5 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**305.6 Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs. Headers or tracks as intended by manufacturer of the attached hardware.

**306.1 – General and 306.1.1 et seq. Unsafe Conditions.** Where any of the following conditions caused the component or system to be beyond its safe limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the New York State Building Code as required for existing buildings.

#### **Section 307 – Rubbish and Garbage**

**307.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

**307.1.1 Dry vegetation, combustible waster and refuse.** Combustible waste, refuse and large quantities of dry vegetation which by reason of their proximity to buildings or structures would constitutes a fire hazard or contribute to the spread of fire shall be removed.

**307.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish I approved containers.

**307.3 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage container.

The specific conditions/activity on the property that is violating the above provisions is/are as follows:

1. The structure on the property was destroyed by fire beyond charring; the roof has caved in, the walls are in danger of collapse, the foundation is damaged beyond repair and not capable of supporting all nominal loads; structural members have evidence of deterioration and are not capable of supporting all nominal loads and load effects; roofing or roofing components have defects that admit rain, are collapsed and are incapable of supporting all nominal loads and resisting all load effects; the flooring and flooring components are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects; there is debris on the property and open tripping and falling hazards which cause a blighting problem and adversely affect the public health and safety.
2. The structure is unsafe and in danger of collapse. What remains of the structure is entirely unstable. The burned out structure is accessible to and an object of attraction to minors under 18 years of age and vagrants and other trespassers, and is or may become a place of rodent infestation. The structure is also a danger to the health, safety, morals and general welfare of the public and is entirely unfit for the purposes for which it may lawfully be used.
3. The structure must be demolished and all debris removed from the property, the foundation backfilled and sufficient erosion control measures employed.

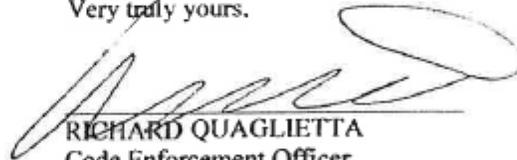
**PLEASE TAKE FURTHER NOTICE** that you are hereby directed to remedy the above condition(s) and/or activity(ies) so as to achieve compliance with the above referenced Code provisions. You must achieve compliance with the applicable Code provisions within seven (7) days of the date this Order was served upon you. In the event that this Order was served upon you via certified mail, the date of mailing shall serve as the date of service.

**AN ACTION OR PROCEEDING TO COMPEL COMPLIANCE MAY BE INSTITUTED IF COMPLIANCE IS NOT ACHIEVED WITHIN THE SPECIFIED PERIOD OF TIME**

**(INCLUDING, BUT NOT LIMITED TO, DEMOLITION UNDER TOWN CODE SECTION 66, THE IMPOSITION OF FINES AND/OR CIVIL PENALTIES HEREUNDER).**

Dated: August 5, 2016

Very truly yours.



RICHARD QUAGLIETTA  
Code Enforcement Officer

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF PUTNAM

-----X  
TOWN OF PUTNAM VALLEY,

AFFIDAVIT OF MAILING

Plaintiff,  
-against-

MARIA E. BARAHONA,

Defendant.

-----X

STATE OF NEW YORK    )  
                                  : SS.:  
COUNTY OF PUTNAM    )

Lillian Mead, being duly sworn deposes and says:

FIRST:                    I am an employee of the firm of DANIELS,  
PORCO AND LUSARDI, LLP, am not a party to this action, am over the age of 18 years  
and reside at Pawling, New York.

SECOND:                 That on the 5<sup>th</sup> day of August, 2016 deponent  
served a true copy of the COMPLIANCE ORDER in connection with the above  
captioned matter upon:

Maria Barahona  
P.O. Box 201  
Amawalk, New York 10501

VIA CERTIFIED MAIL RRR NO.  
9590 9403 0731 5196 5880 66  
7015 1730 0002 2593 2096

Maria Barahona  
192 Tanglewylde Road  
Lake Peekskill, New York 10537

VIA CERTIFIED MAIL RRR NO.  
9590 9403 0731 5196 5880 59  
7015 1730 0002 2593 2102

by mailing same regular mail and by *certified mail/return receipt requested* in a sealed  
envelope, properly addressed, with postage prepaid thereon and by depositing same in an  
official depository under the exclusive care and custody of the United States Postal  
Service, within the State of New York.

Lillian Mead  
LILLIAN MEAD

Sworn to before me this  
5<sup>th</sup> day of August, 2016

Anne Marie Young  
Notary Public

Anne Marie Young  
Notary Public, State of New York  
No. 01Y06165498  
Qualified in Putnam County  
Commission Expires May 7, 2019

2019













**SET PUBLIC HEARING FOR SEPTEMBER 21, 2016 FOR UNSAFE STRUCTURES**

Presented by Councilman Mackay

**RESOLUTION #R16-275**

**RESOLVED**, that the Town Board authorize the Supervisor to set a Public Hearing for September 21, 2016 for unsafe structures.

Supervisor Oliverio said that we are going to be doing this and there is a house in Floradan Estates that is next. If you own one of these houses sell it or you may be next. These Zombie homes are in our crosshairs.

Seconded by Councilwoman Annabi, unanimously carried

**ADOPT ARTICLE 1 SEPTIC PUMP OUT LAW FOR ROARING BROOK LAKE**

Presented by Councilman Mackay

**RESOLUTION #R16-276**

**RESOLVED**, that the Town Board authorize the Supervisor to adopt Article 1 Septic Tank Pump Out law for Roaring Brook Lake.

Councilwoman Annabi asked if a homeowner would be penalized for not getting their septic pumped if they did not receive a letter as specified in §91-4. Property owner notification. A. Supervisor Oliverio said no, they would not be penalized. Council Florence said the statute doesn't start until you get the letter. Councilwoman Whetsel wondered what happens if the home is only a vacation home. Council Florence said if they get noticed the rule is the rule. We need to know from the tax assessor where the notice should go. Supervisor Oliverio said that this will take effect on January 1, 2017.

**ROLL CALL VOTE:**

Councilman Luongo- Absent  
Councilman Mackay- Aye  
Councilwoman Whetsel- Aye  
Councilwoman Annabi- Aye  
Supervisor Oliverio- Aye

Seconded by Councilman Mackay

Motion carried with four Ayes.

## **Chapter 91. SEPTIC SYSTEMS – ROARING BROOK LAKE DISTRICT**

### **Article I. Septic Tank Pump Out**

#### **§ 91-1. Purpose.**

For the purpose of protecting all water bodies within the Roaring Brook Lake District in the Town of Putnam Valley from migrating and otherwise invading the body of water from septic systems matter.

#### **§ 91-2. Definitions.**

As used herein, the following terms shall have the following meanings:

##### **WATER BODY**

Any water body within the Roaring Brook Lake District.

##### **LOT**

A parcel of land bearing a designation on the Town of Putnam Valley Tax Map.

##### **SEPTIC SYSTEM**

A system for the collection, treatment and subsurface disposal of wastewater.

##### **DISTRICT**

The Roaring Brook Lake District.

#### **§ 91-3. Pump-out requirements.**

- A. *The owner of each lot within the District which lot contains a private system(s), shall cause the system(s) to be pumped cleaned and inspected by a licensed septic contractor [in a manner sufficient to enable the inspector to furnish the information required in this Article within the time periods as set forth hereunder and at least every five years:*

*(1) The obligations for initial system pumping and cleaning shall be:*

*(a) Within 60 months of the adoption of this ARTICLE;*

*(b) Failure to identify all lots to which this article shall apply shall suspend the application of this article until such time as the owners of said lots shall have received written notice of this article's adoption.*

**§ 91-4. Property owner notification.**

- A. Within 60 days following this article's adoption, the Town Board shall identify each lot to which this article will apply on the date of its adoption and shall, in writing, notify the owner of each such lot of this article's adoption.
- B. The Town Board's failure to identify or to timely identify all lots to which this article applies or shall hereafter apply shall not exempt said lots from this article's requirements but shall suspend the application of this article to said omitted lots [and toll the running of compliance time period(s)] until such time as the owners of said lots shall have received written notice of this article's adoption.

**§ 91-5. Compliance confirmation.**

- A. Upon completion of a septic system pump-out and inspection, each lot owner shall, within 30 days following such pump-out, provide the Town Code Enforcement Officer ("CEO" hereafter) with a paid receipt from the septic contractor, which receipt shall state:
  - (1) The lot owner's name;
  - (2) The street address and Tax Map designation of the lot;
  - (3) The pump-out date; and
  - (4) The contractor/inspector's report of any observed functional irregularities and/or deficiencies in the system and his/her recommendations, if any, for additional maintenance and/or remediation.
- B. Duplicate copies of the receipt(s) specified under Subsection A above shall be maintained on site by the lot owner and shall be exhibited to the Town Code Enforcement Officer upon request.

**§ 91-6. Penalties for offenses.**

Violations of the chapter shall be deemed a violation under the New York State Penal Law, punishable for a first offense by a fine of up to \$500. For a second and any subsequent offense(s), a fine of up to \$1,500 may be imposed.

**SET PUBLIC HEARING FOR SEPTEMBER 14, 2016 FOR LAKE PEEKSKILL PUMP –  
OUT LAW**

Presented by Councilwoman Whetsel

**RESOLUTION #R16-277**

**RESOLVED**, that the Town Board set a Public Hearing for September 14, 2016 for a Lake Peekskill septic pump out law at 6:00 PM.

Seconded by Councilman Mackay, unanimously carried

**AWARD STEVEN BRUNO PARCEL NUMBER 62.15-1-53 IN EXCHANGE FOR  
REMOVING WATER TOWER, PUMP HOUSE AND WATER PIPES**

Presented by Councilwoman Annabi

**RESOLUTION #R16-278**

**RESOLVED**, that the Town of Putnam Valley award Steven Bruno the town property identified as parcel number 62.15-1-53 in exchange for removing the water tower, pump house, and water pipes running through the adjacent property.

Council Florence said we have a potential for risk to our Town due to an abandoned water tower that is surrounded by private property. That person, Steven Bruno, was the only bidder that responded to the Town's bid. His bid was that he will take it down in exchange for the land; this is a bargain to us. The value of the land to us is minimal because it is landlocked. He also has to take down piping across the property along with the tower which is another risk potential. From the perspective of a reasonable bargain the Town has done well on this and it serves the Town's interest most particularly. Supervisor Oliverio added that this tower used to serve Wildwood Knolls but has been abandoned for many years. It is a good deal for the Town.

Seconded by Councilman Mackay, unanimously carried

**WAIVE FEES FOR APPLICATIONS OR PERMITS REGARDING REMOVAL OF ITEMS  
FROM PARCEL NUMBER 62.15-1-53**

Presented by Councilwoman Annabi

**RESOLUTION #R16-279**

**RESOLVED**, that the Town of Putnam Valley waives fees for applications or permits pertaining to the removal of the water tower, pump house and water pipes located on parcel 62.15-1-53.

Mr. Carano asked if the Town required an insurance bond. Council Florence said no an insurance bond was not asked for, but that until the work is done the property will not belong to him. When we deliver the deed all promises must have been fulfilled. This property is 4/10 of an acre.

Seconded by Councilman Mackay, unanimously carried

**RESOLUTION TO ALLOW PRINCETON HYDRO TO UTILIZE A GAS POWERED BOAT  
ON ROARING BROOK LAKE FOR THE PURPOSE OF A PLANT SAMPLING STUDY**

Presented by Councilman Mackay

**RESOLUTION #R16-280**

**RESOLVED**, that the Town Board authorize the Supervisor to allow Princeton Hydro to utilize a gas powered boat on Roaring Brook Lake for the purpose of a plant sampling study.

Seconded by Councilwoman Annabi, unanimously carried

**APPROVAL OF TOWN BOARD MINUTES**

Presented by Councilman Mackay

**RESOLUTION #R16-281**

**RESOLVED**, that the Town Board approve the minutes of June 15, July 6, July 13, July 20 and August 3, 2016.

Seconded by Councilman Mackay, unanimously carried.

**BUILDING DEPARTMENT REPORT**

Presented by Councilwoman Annabi

**RESOLUTION #R16-282**

**RESOLVED**, that the Town Board accept the July 2016 Building Department Report.

Seconded by Councilman Mackay, unanimously carried

**PARKS & RECREATION REFUNDS**

Presented by Councilman Whetsel

**RESOLUTION #R16-283**

**RESOLVED**, that the Town Board approve the following refunds:

Christine Engeleit 41 Birch Brook Road Cortlandt Manor, NY 10567	\$63.00 After camp care Withdrawal
Daniel Turner 11 Watson Way Cortlandt Manor, NY 10567	\$150.00 Wrestling Camp Unable to attend
Carlos Farez 68 Cayuga Drive Putnam Valley, NY 10579	\$150.00 Intramurals Withdrawn from camp
Janice Spennato 21 Cedar Ledges Putnam Valley, NY 10579	\$150.00 Cheerleading Camp Medical Withdrawal
Tina Kurtenbach 21 White Hill Road Cortlandt Manor, NY 10567	\$300.00 Cheerleading Camp Withdrawn
Maureen Duppel 12 Agnes Place Lake Peekskill, NY 10537	\$150.00 Cheerleading Camp Withdrawn
Janice Spennato 21 Cedar Ledges Putnam Valley, NY 10579	\$720.00 Day Camp refund Medical Withdrawal

Seconded by Councilwoman Annabi, unanimously carried.

**PARKS & RECREATION PERSONNEL**

Presented by Councilwoman Whetsel

**RESOLUTION #R16-284**

**RESOLVED**, that the Town Board approve the following additions/changes to personnel:

1. Samantha Cavallo for PV Day Camp Substitute Specialist @ \$8.75 per hour.
2. Brittany Case for PV Day Camp Substitute Counselor @ \$7.68 per hour.
3. Brianna Venditti for PVCC Childcare Provider, @ \$9.00 per hour.
4. Patricia Singer, for PVCC Childcare Provider, @ \$9.00 per hour.
5. Julie Frey, for PVCC Childcare Provider, @ \$9.00 per hour.
6. Marc Orlando, for PVCC Childcare Provider, @ \$9.00 per hour.
7. Caitlin Vasquez, for PVCC Childcare Provider, @ \$9.00 per hour.
8. Vincent Ricci, for PVCC change rate of pay from \$8.50hr. to \$9.00 hr. turned 18 years old.

Seconded by Councilman Mackay, unanimously carried

**BUDGET TRANSFERS AND AMENDMENTS**

Presented by Supervisor Oliverio

**RESOLUTION #R16-285**

**RESOLVED**, that the Town Board approve the following budget transfers and amendments as submitted by Finance Director Angelico:

The Town Board found that there were no budget transfers and amendments as Ms. Angelico will be submitting them for the September meeting.

Seconded by Councilman Mackay, unanimously carried.

**PUBLIC COMMENT**

Presented by Supervisor Oliverio

Pricilla Keresey, President of the Putnam Valley Free Library spoke and invited everyone to an informational meeting on October 13, 2016 at 7:00 PM, at the Library about the upcoming Library Referendum. It will be filmed and shown on the Library's website. The signatures have been gathered for the Chapter 414, and handed into the Town Clerk. We need 356 signatures which is 10% of the amount of people that voted in the last Gubernatorial Election. We received close to 500 signatures.

Councilwoman Annabi announced an event on Friday at the Tompkins Corners Cultural Center which will be a spooky camp fire, and don't forget their Farmer's Market on Fridays. Town Day needs volunteers!

**AUDIT OF MONTHLY BILLS**

Presented by Supervisor Oliverio

**RESOLUTION #R16-286**

**RESOLVED**, that the Town Board approve the following bills, after audit, being paid:

<b><u>VOUCHER NUMBERS</u></b>	<b><u>AMOUNTS</u></b>
15864 – 16266	134,549.55
16160 – 16264	36,942.27
16241 – 16265	281,450.91

Seconded by Councilwoman Annabi, unanimously carried.

Supervisor Oliverio motioned to go into Executive Session for three issues; one involving a contractual matter with the Town's Mangers contract, another concerning litigation concerning property and the last checking of resumes for the Planning Board . No new business will be conducted afterward.

Supervisor Oliverio motioned to close the meeting at 7:28 PM.

Seconded by Councilwoman Annabi, unanimously carried.

Respectfully Submitted,

Sherry Howard  
Town Clerk 08-17-2016