

**Town Board Monthly Meeting**  
**September 3, 2020      7:30 p.m.**

**SALUTE TO THE FLAG**

**APPROVAL OF MINUTES**

- Monthly Town Board Meeting - August 13, 2020
- Bid Opening - August 19, 2020
- Special Meeting of the Philipstown Depot Theater Inc. – August 13, 2020

**COMMITTEE REPORTS**

- 1) Conservation Board    2) Recreation   3) The Philipstown Hub   4) Planning Board  
5) Zoning    6) Highway   7) Building & Land Acquisition    8) Cemetery Committee  
9) Putnam County Legislator

**AGENDA**

- 1. Resolution approving the purchase and lease-purchase agreement of a 2020 International HX 620 Truck for the Philipstown Highway Department.**
- 2. A letter from Town Engineer Ronald Gainer with his recommendation for awarding the bid to Land Works Excavating Inc. in the amount of \$74,600.00 for the Highway Department Avery Road Culvert Repair Project.**
- 3. Resolution approving the Return of Escrow for Joseph Pell Lombardi TM#16.11-1-9.**
- 4. Resolution authorizing Highway Superintendent Carl Frisenda to proceed with the paving project on East Mountain Road.**
- 5. Resolution immediately terminating the Inter-Municipal Agreement with the Village of Cold Spring for Building Inspection/Code-Enforcement services and waiving the 60-day notice, with the stipulation that the Village of Cold Spring**

**pays the Town of Philipstown for 10 weeks of service provided by the Town of Philipstown Building Department from June 1, 2020 – August 7, 2020.**

**6. Philipstown Climate Smart Program Update with Coordinator Roberto Muller.**

**7. Resolution adopting Energy Benchmarking Policy for Municipal Buildings.**

**8. Schedule Workshops/Meetings.**

- **Monthly Town Board Meeting – October 1, 2020**

**9. Code Enforcement Monthly Report.**

**10. Any other business that may come before the Town Board.**

#### **AUDIENCE**

**VACANCIES - 0**

#### **APPROVAL OF VOUCHERS**

**General      Highway      CVPD      CVWD**

#### **ADJOURNMENT**

The Town Board Monthly Meeting on the above date at 7:33 p.m., via Zoom.

<b>PRESENT:</b>	Richard Shea	Supervisor
	John Van Tassel	Councilman
	Michael Leonard	Councilman
	Robert Flaherty	Councilman
	Judith Farrell	Councilwoman

Supervisor Shea opened the meeting with the Salute to the Flag.

### **APPROVAL OF MINUTES**

Minutes of the Monthly Town Board meeting of July 9, 2020.

Councilman Leonard made a motion, seconded by Councilman Van Tassel, that the Minutes of the Monthly Town Board meeting are hereby approved as presented.

Minutes of the Public Hearing for the Proposed LL#1-2020.

Councilman Flaherty made a motion, seconded by Councilwoman Farrell, that the Minutes of the Public Hearing-LL#1-2020 are hereby approved as presented.

### **COMMITTEE REPORTS**

**CONSERVATION BOARD** – Councilman Leonard reported that met on July 14 & August 11, 2020 with the following items on the agenda:

- HHLT – estuary program water quality flow
- 16 Ox yoke Road
- 246 Hudson River Lane – shore line, stone wall

He thanked Bob Repetto and Andy Galler for attending the Head Water Stream given by the DEC. This will count for 6 hours of training.

The next meeting is scheduled for September 8, 2020 via Zoom.

**RECREATION** – Councilwoman Farrell reported that there was no meeting in July. She did report that there was a drive-in show on July 31 which was very successful and sold out. She thanked all the volunteers who made it happen.

The next meeting is scheduled for August 25, 2020.

**PHILIPSTOWN HUB** – Councilwoman Farrell reported that they had an overdose prevention training which had good participation.

Danielle Pack-McCarthy reported that the Hub had Narcan Training with 30 people attending. She hopes to make these a regular part of their program. She also wanted to note that August 31 is International Awareness Day. Names can be posted in remembrance of those whom have been lost. She is asking people to help spread the word especially at this time. Contact:

Danielle	845-260-1001
The Hub	845-809-5050

Councilman Van Tassel noted that the drug drop-off box is available at the Town Hall. Call for appointment 845-265-3329.

**PLANNING BOARD** - Councilman Flaherty reported that they met on July 16, 2020 with the following on the agenda:

- Two (2) Public Hearings – CSR International warehouse – traffic, landscaping Lake Valhalla – subdivision – three parcels
- 385 Indian Brook Road – escrow
- 120 Skyline Drive – color approval

The next meeting is scheduled for August 20, 2020.

**ZONING BOARD** – Councilman Van Tassel reported that he had two meeting to report on; July 13 & August 10, 2020. The following items were on those agendas:

- Dennis Clark & Denise Grillo –
- Ryan Maxwell – variances for one family home
- 699 Old Albany Post Road – variance for one family home

The next meeting is scheduled for via Zoom on September 14, 2020.

**HIGHWAY** – Councilman Van Tassel reported that he did not have the monthly report. Councilman Van Tassel thanked the Highway Department for all their efforts in cleaning up the roads as quickly as they did after the storm. He said that during the emergency that he was constantly in touch with Central Hudson's Robin Moore, who was very helpful. He said that they did not open the emergency coordination center because they were not expecting that much damage. He also noted that the Central Hudson representative should be here in Philipstown not in Carmel where they are now located. It would be much more effective.

**BUILDING & LAND ACQUISITION** – Supervisor Shea reported the work on the Town Hall was moving ahead with the elevator and stairs now in. He had a talk with the

contractor as things were not going as quickly as they wanted. They are still looking to be in by October.

Councilman Van Tassel met with several engineering firms for the Highway Garage project. It was basically a kickoff meeting. The final specs are being put together and they hope be able to get the bid out shortly. Supervisor Shea said they hope to get the project started by this fall.

**CEMETERY COMMITTEE** – Councilman Leonard reported that they did not meet. They did have a site visit on July 22, 2020 at the Village cemeteries. The stone mason assured them that the structural issues at the North Highlands cemetery have been resolved so they will go back to the work needed in the Village cemeteries. Councilman Leonard reported they spent time at the General Morris crypt and decided to give up on doing the exact replica for the fencing on top, they will use the same material used on the gate.

The next meeting has not been scheduled as yet.

**PC LEGISLATOR** – Legislator Montgomery was not in attendance.

**TOWN OF PHILIPSTOWN  
MONTHLY REPORT OF TOWN SUPERVISOR  
MONIES RECEIVED AS OF AUGUST 13, 2020**

**GENERAL & PART-TOWN FUNDS**

Bldg Fees 5/20  
P.C Mortgage Tax  
TC Fees 5/20  
TC Fees 5/20  
Justice Fees 3/20  
Justice Fees 5/20  
Justice Fees 5/20

**HIGHWAY**

Auto Plus Refund  
Village of CS  
Village of CS  
Gen. Gas

**CONTINENTAL VILLAGE PARK DISTRICT**

**CONTINENTAL VILLAGE PARK DISTRICT**

## **AGENDA**

- 1. Resolution approving the Garrison Volunteer Ambulance Corps 2019 Sponsor Approval Form for the Length of Service Award Program.**

### **RESOLUTION #-2020**

The following Resolution was presented by Councilman Van Tassel, seconded by Councilwoman Farrell and unanimously carried;

**RESOLVED**, that the Town Board hereby approves the Garrison Volunteer Ambulance Corps 2019 Sponsor Approval Form for the Length of Service Award Program.

- 2. Resolution adopting the new Retention and Disposition Schedule for New York Local Government Records (LGS-1).**

### **RESOLUTION #-2020**

The following Resolution was presented by Councilman Van Tassel, seconded by Councilwoman Farrell and unanimously carried;

**RESOLVED**, that the Town Board of the Town of Philipstown hereby adopts the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

- 3. Resolution authorizing the release of the Cash Performance Bond for Indian Brook, LLC (Glenn Ferdico) as recommended by the Philipstown Planning Board.**

### **RESOLUTION #-2020**

The following Resolution was presented by Councilman Flaherty, seconded by Councilman Van Tassel and unanimously carried;

**RESOLVED**, that the Town Board hereby approves the return of the Cash Performance Bond for Indian Brook, LLC (Glenn Ferdico), 385 Indian Brook Rd (TM#49.-4-51.1 & 49.-4-56), as approved by the Planning Board.

- 4. Resolution authorizing Supervisor Shea to sign a filming permit for AP Studios, Inc., event to begin July 23<sup>rd</sup> through July 24, 2020 at 40 High Ridge Road, Garrison, New York. (Nunc Pro Tunc)**

**RESOLUTION #-2020**

The following Resolution was presented by Councilwoman Farrell, seconded by Councilman Flaherty and unanimously carried;

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign a filming permit for AP Studios, Inc., event to begin July 23<sup>rd</sup> through July 24, 2020 at 40 High Ridge Road, Garrison, New York. (Nunc Pro Tunc)

- 5. Resolution adopting Local Law #1-2020, "The Town of Philipstown Temporary Moratorium on New Land Use Development on Properties Located on Upland Drive, Ridge Road and Cliffside Court". (Roll Call Vote)**

**RESOLUTION #-2020**

**WHEREAS**, heretofore the Town Board has considered the adoption of a local law entitled: "A Local Law establishing a six (6) month moratorium on the submission and processing of applications for Land Use Approvals for new land use development on properties located on Upland Drive, Ridge Road and Cliffside Court within the Town of Philipstown"; and

**WHEREAS**, following due notice the Town Board held a public hearing on the proposed local law;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. That the Town Board determines that the adoption of this local law is a Type II Action under SEQRA; and
2. That the Town Board does hereby adopt the above local law which said local law shall be effective immediately; and
3. The said local law shall be published, posted and filed in the office of the Secretary of State in Albany as required by applicable law.

Councilman Van Tassel presented the foregoing resolution which was seconded by Councilman Leonard.

Judith Farrell, Councilwoman	voting	Aye
John Van Tassel, Councilman	voting	Aye
Robert Flaherty, Councilman	voting	Aye
Michael Leonard, Councilman	voting	Aye
Richard Shea, Supervisor	voting	Aye



**6. Resolution approving the following 1 change order, as amended, for the Town Hall Renovation Project in the amount of \$7,650.00.**

**1) Cabinetry changes & additions (Trinity Woodworks) (PVS Construction)**

**RESOLUTION #-2020**

The following Resolution was presented by Councilman Flaherty, seconded by Councilwoman Farrell and unanimously carried;

**RESOLVED**, that the Town Board hereby approves the following one (1) proposed change order, as amended, for the Town Hall renovations in the total amount of \$7,650.00

**1) Cabinetry changes & additions (Trinity Woodworks) (PVS Construction)**

**7. Resolution approving the draft License Agreement and authorizing Supervisor Shea to sign the Lease Agreement and any documents necessary for recording it, for the New Leaf Restoration Community Garden. (Roll Call Vote)**

**WHEREAS**, New Leaf Restoration has requested approval from the Town to establish and operate a community garden on one-half acre of the Town-owned property located on Route 9D and Route 403 in the Town of Philipstown; and

**WHEREAS**, the Town has before it a draft License Agreement under which New Leaf Restoration would be allowed to establish and operate the proposed community garden on the Town's property; and

**WHEREAS**, the establishment and operation of a community garden constitutes a Type II action under SEQRA.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

- 1) That the Town Board of the Town of Philipstown approves the draft License Agreement; and
- 2) That the Town Supervisor is hereby authorized to sign the License Agreement and any documents necessary for recording it and carrying out its terms.

Councilwoman Farrell presented the foregoing resolution which was seconded by Councilman Flaherty.

The vote on the foregoing resolution was as follows:

Judith Farrell, Councilwoman	voting	Aye
John Van Tassel, Councilman	voting	Aye
Robert Flaherty, Councilman	voting	Aye
Michael Leonard, Councilman	voting	Aye
Richard Shea, Supervisor	voting	Aye

#### **8. Schedule Workshops/Meetings.**

- Monthly Town Board Meeting September 3, 2020 7:30pm
- Workshop – East Mountain Road Paving – August 19, 2020 at 7:30pm at the Recreation Center.

#### **9. Code Enforcement Monthly Reports.**

Town Clerk Percacciolo read the reports submitted which are on file in the Town Clerks office.

Supervisor Shea announced that the Village of Cold Spring is pulling out of the Agreement for Code Enforcement Officer.

#### **10. Any other business that may come before the Town Board.**

Councilman Van Tassel was contacted by the Continental Village Fire Department about the Westchester County's radio contract which needs to be discussed.

Councilwoman Farrell reminded everyone how important it is for them to complete the Census which ends September 30, 2020. Supervisor Shea added that this is how congressional seats are apportioned and monies are allocated to the communities.

#### **AUDIENCE**

Nat Prentice gave an update on the Comprehensive Plan Update. He said that they will have something to turn over to the Board by the end of the year. He asked for the Town Boards help with some gaps in their understanding of what the residents want and need. They have a final survey which is on the website and home page. Their hope is that the Town could help further to generate responses by putting it out there.

#### **VACANCIES**

(0)

## **APPROVAL OF VOUCHERS**

Councilman Flaherty made a motion, seconded by Councilman Van Tassel and unanimously carried that the General Vouchers in the amount of \$200,172.70 are hereby approved as set forth in Abstract 7A & 8

Councilman Van Tassel made a motion, seconded by Councilman Flaherty and unanimously carried that the Highway Vouchers in the amount of \$47,825.69 are hereby approved as set forth in Abstract 7A & 8

Councilman Leonard made a motion, seconded by Councilwoman Farrell and unanimously carried that the CVPD Vouchers in the amount of \$7,361.84 are hereby approved as set forth in Abstract 8.

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried that the CVWD Vouchers in the amount of \$19,192.63 are hereby approved as set forth in Abstract 8.

There being no further business to discuss, Councilwoman Farrell made a motion, seconded by Councilman Flaherty to close the Monthly Meeting at 8:25pm.

Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk

Bid Opening  
August 19, 2020

The Town Clerk's Office held a Bid opening for the Avery Road Culvert Repair Project at the Town Hall, 34 Kemble Ave, Cold Spring, N.Y. 10516, on the above date at 11:00 a.m.

The bid results are as follows:

BIDDER	BID AMOUNT	NON COLLUSION FORM ENCLOSED	BID BOND
Con-Tech Construction Technology, Inc.	base: \$141,862.00 alt:	YES	5% of Bid Amount
Land Works Excavating Inc.	base: \$74,600.00 alt:	YES	5% of Bid Amount *Check Included*

Respectfully submitted by,

Tara K. Percacciolo  
Town Clerk

**SPECIAL MEETING**

Supervisor Shea called the meeting to order at 7:30 pm.

Presence of a quorum was established.

**RESOLUTION # -2020**

The following Resolution was presented by Claudio Marzollo, seconded by Councilwoman Farrell and unanimously carried;

**RESOLVED**, that the following person(s) are elected directors of the corporation, each to serve for a term of three years; Peter Weed.

There being no further business to discuss, Councilman Flaherty made a motion, seconded by Councilman Van Tassel to close the meeting at 7:33 pm.

Respectfully submitted by,

Tara Percacciolo  
Town Clerk

## **MEMORANDUM**

September 3, 2020

**TO:** Philipstown Town Board Members

**FROM:** Carl Frisenda

**SUBJECT:** Work performed by the Philipstown Highway Department for the month of August

- Tropical Storm Isaias wreaked havoc on many of the town's roads. Damage from wind, downed trees and power lines was severe, especially on East Mountain Road S, Old Albany Post Rd., and South Mountain Pass. Much of the crew's work was delayed by the wait for utility workers (CH) to determine 100% that downed wires were not live. Clearing and chipping brush continued for several days after the storm in order to clean up the roads.
- The permit from DEC has been received for the Avery Road Bridge/Culvert Replacement Project. Bids went out for the job and the bid will be awarded tonight.
- Pipe and basin installation work has been finished on East Mountain Rd. North in preparation for road paving in September. We are now waiting on the contractor.
- Meetings continue on the new Highway Building. We are moving forward with a team of engineers, consultants, and other vendors who will be working on the project. They are discussing roles, responsibilities, drawings and coordination between each other.
- The Highway Department received approximately 50 calls in August.
- Roughly \$7,228.00 was spent on vehicle maintenance and repairs for the month of August.

**Above monthly account submitted by:  
Carl Frisenda, Highway Superintendent**

**RESOLUTION #-2020**

The following Resolution was presented by \_\_\_\_\_, seconded by \_\_\_\_\_ and unanimously carried;

**RESOLVED**, that the Town Board hereby approves the purchase of a 2020 International HX 620 Truck and to finance the purchase through a four (4) year lease-purchase agreement with KS State Bank at the estimated cost of \$143,752.40, exclusive of the financing cost.

## Evaluation of Financing Alternatives Conducted Pursuant To 2 NYCRR §39.2

The Town of Philipstown proposes to purchase a 2020 International HX 620 Truck and to finance the purchase through a four (4) year lease-purchase agreement with KS State Bank. Prior to approving the said lease-purchase agreement, the Town solicited financing alternatives and performed the evaluation listed below:

(1) The estimated cost of a 2020 International HX 620 Truck, exclusive of the financing cost, is \$143,752.40;

(2) The 2020 International HX 620 Truck could be financed through borrowing under the Local Finance Law. The Town's investigation disclosed that financing for the purchase available through M & T Bank.

(3) The estimated financing cost of the 2020 International HX 620 Truck if financed for 4 years through borrowing at the best interest available would be at 4.33% for a total financing cost of \$15,561.16

(4) The financing costs on the lease-purchase agreement for 4 years @ 2.870 % would be \$6,157.72

(5) The total cost of the 2020 International HX 620 Truck under the lease is \$149,910.12, as opposed to the cost of borrowing for it which would be \$159,313.16

(6) The proposed lease-purchase agreement appears to be preferable to borrowing based on due consideration of the other available acquisition and financing alternatives, other administrative and management considerations with respect to the acquisition of the 2020 International HX 620 Truck and the successful timely utilization of such installment purchase/lease financing by the Town and other municipalities with respect to other equipment financings. The financing alternatives for the purchase of the a 2020 International HX 620 Truck are: (1) lease/installment purchase financing pursuant to GML §109-b; (2) borrowing pursuant to the Local Finance Law; (3) the creation and funding over time of a capital reserve fund or (4) appropriation of over \$143,752.40 for the purchase in the upcoming annual budget. Alternative number "3" would not meet time constraints on the purchase and alternative number "4" is impractical and prohibited by budgetary constraints such as the 2% tax cap. Alternative number "2" could be undertaken if the Town complies with the requirements of the Local Finance Law, but the overall cost does not offer any advantage over alternative number "1" and, in fact, could prove less cost-effective in the end. Therefore, it appears that it is in the best interests of the Town to finance the acquisition of the 2020 International HX 620 Truck through the proposed lease/installment purchase agreement with KS State Bank



Christina Ummel <cummel@ksstate.bank>  
To: "Highway Department," <highwaydepartment@philipstown.com>

Here is the 4 year principal & interest breakdown:

Payment	Interest	Principal
37,477.53	0.00	37,477.53
37,477.53	3,050.09	34,427.44
37,477.53	2,062.02	35,415.51
37,477.53	1,045.61	36,431.92
149,910.12	6,157.72	143,752.40

Here is the 5 year principal and interest breakdown:

Payment	Interest	Principal
30,400.09	0.00	30,400.09
30,400.09	3,253.21	27,146.88
30,400.09	2,474.10	27,925.99
30,400.09	1,672.62	28,727.47
30,400.09	848.12	29,551.97
152,000.45	8,248.05	143,752.40



Baystone Government Finance

August 19, 2020

## FORMAL PROPOSAL

OBLIGOR: TOWN OF PHILIPSTOWN

- ✓ This is a finance/ownership contract. No residual value.
- ✓ Fixed interest rate for the four (4) year, and five (5) year terms.

EQUIPMENT: NEW TRUCK

### OPTION 1

Acquisition Cost:	\$143,752.40	Term:	Four (4) years	First Payment Due:	At Closing
Down Payment:	\$ 0.00	Payment Mode:	Annual in Advance	Payment Amount 1-4:	\$37,477.53
Trade In:	\$ 0.00	Interest Rate:	2.870%		
Principal Balance:	\$143,752.40	Rate Factor:	0.260709		

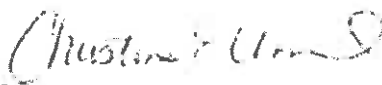
### OPTION 2

Acquisition Cost:	\$143,752.40	Term:	Five (5) years	First Payment Due:	At Closing
Down Payment:	\$ 0.00	Payment Mode:	Annual in Advance	Payment Amount 1-5:	\$30,400.09
Trade In:	\$ 0.00	Interest Rate:	2.870%		
Principal Balance:	\$143,752.40	Rate Factor:	0.211475		

- This is a proposal only and is not a commitment to finance. This proposal is subject to credit review and approval and proper execution of mutually acceptable documentation.
- Failure to consummate this transaction once credit approval is granted and the documents are drafted and delivered to Obligor will result in a documentation fee being assessed to the Obligor.
- This transaction must be credit approved, all documents properly executed and returned to Baystone Government Finance and the transaction funded on ALL proposals on or before September 18, 2020. If funding does not occur within that time-frame, or there is a change of circumstance which adversely affects the expectations, rights, or security of Obligor or its assignees, then Obligor or its assignees reserve the right to adjust and determine a new interest rate factor and payment amount, or withdraw this proposal in its entirety.
- This transaction must be designated as tax-exempt under Section 103 of the Internal Revenue Code of 1986 as amended.
- **OBLIGOR'S TOTAL AMOUNT OF TAX-EXEMPT DEBT TO BE ISSUED IN THIS CALENDAR YEAR WILL NOT EXCEED THE \$10,000,000 LIMIT, OR THE INTEREST RATE IS SUBJECT TO CHANGE.**
- Neither KS StateBank nor Baystone Government Finance is acting as an advisor to the municipal entity/obligated person and neither owes a fiduciary duty pursuant to Section 15B of the Exchange Act of 1934

BAYSTONE GOVERNMENT FINANCE

TOWN OF PHILIPSTOWN

  
Christina Ummel ~ cummel@ksstate.bank  
Assistant Vice President

Signature

Title

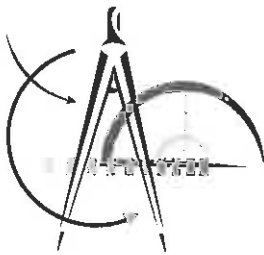
Date

1010 Westloop Place, Manhattan, KS 66502  
800.752.3562 ~ Fax: 785.537.4806

**RESOLUTION #-2020**

The following Resolution was presented by \_\_\_\_\_, seconded by \_\_\_\_\_ and unanimously carried;

**RESOLVED**, that the Town Board hereby awards the bid for the Highway Department Avery Road Culvert Repair Project in the amount of \$74,600.00 to Land Works Excavating Inc.



**RONALD J. GAINER, P.E., PLLC**  
31 Baldwin Road, Patterson, NY 12563  
Mailing Address: PO Box 417, Pawling, NY 12564  
office 845-878-6507 cell 845-527-1432

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August 21, 2020

Mr. Richard Shea, Supervisor, and Town Board  
Town of Philipstown  
238 Main Street  
PO Box 155  
Cold Spring, New York 10516

**RE: Avery Road Culvert Repair Project**

Dear Honorable Supervisor and Town Board Members:

At the August 19, 2020 Bid Opening on the above noted project the Town received two (2) bids, as follows:

<b>Bid Items</b>	<b>Land Works Excavating Inc. Pawling, NY</b>	<b>Con-tech Construction Technology Yorktown Heights, NY</b>
"Original Repair Scope	<b>\$59,600.00</b>	<b>\$111,862.00</b>
"Addendum No. 1" Undermining Repairs	<b>\$15,000.00</b>	<b>\$30,000.00</b>
<b>Bid Totals</b>	<b>\$74,600.00</b>	<b>\$141,862.00</b>

As noted above, the apparent low bidder is Land Works Excavating Inc. of Pawling, NY. The original project scope included repairs to the culvert, including surface preparation and painting of all exposed steel members, guiderail and abutment crack repairs, and repair of deteriorated/spalled concrete along the edges of the concrete support slab. However, during the recent "Pre-Bid" site meeting with prospective bidders, undermining of the concrete abutments was evident which was not apparent when the project was first inspected last Summer and the project was included in the Highway Department's 2020 Capital Budget.

Land Works bid amount for the original project scope came in under the \$60,000 budget established for the work. Unfortunately, the additional concrete work necessary to address the undermining discovered caused the overall project to exceed the Town's budget. Nevertheless, the Highway Superintendent has identified a \$15,000 item in his budget for paving repairs planned along South Mountain Pass which can't be accomplished this year, and which he plans to re-allocate to this project in order to allow it to proceed.

**RE: Avery Road Culvert Repair Project**

Land Works Excavating Inc. has submitted a cashier's check in the amount of 5% of the bid tendered to serve as a bid security, and also provided the "Non-Collusive Bidding Certificate" as required by the Bid Documents. Representative references given by the Low Bidder have been reviewed and they come highly recommended. Further, they have appropriate qualifications/experience in the types of work required for this project. Lastly, in the past they have performed various other municipal projects for the Town. Therefore, we consider the low bidder to be qualified to provide the services which the Town of Philipstown is seeking to accomplish.

Therefore, provided that the Town Attorney finds the bid form, bid security, and non-collusive bidding certificate for the low bidder to be satisfactory, we believe that Land Works Excavating Inc.'s bid proposal in the total bid amount of \$74,600.00 may be accepted.

If the Town approves a resolution to award Land Works Excavating Inc. the project, then a formal "Notice of Award" should be issued to them. The "Notice of Award" should include a reminder that, as required in the *Instructions to Bidders*, the Performance and Payment Bonds must be provided within 10 days from the notification of award. The bidder should supply the required insurance certificate in the same time frame.

Lastly, the Bid Bonds for the next lowest bidder should be retained until a contract is executed with Land Works Excavating Inc. Upon their execution of an Agreement, you may then release both Bid Bonds.

I trust that this is adequate for your needs. If you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,



Ronald J. Gainer, P.E.

cc: Carl Frisenda, Highway Superintendent  
Tara Percacciolo, Town Clerk  
Stephen Gaba, Esq.



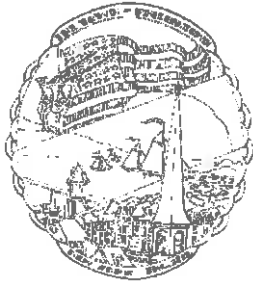
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**Ronald J. Gainer, P.E., PLLC**

**RESOLUTION #-2020**

The following Resolution was presented by \_\_\_\_\_, seconded by \_\_\_\_\_ and unanimously carried;

**RESOLVED**, that the Town Board hereby approves the return of Escrow for Joseph Pell Lombardi.



# Town of Philipstown

## Planning Board

238 Main Street, PO Box 155  
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

### MEMORANDUM

August 24, 2020

ATTN: RICHARD SHEA  
Town Board of Town of Philipstown  
238 Main Street  
P. O. Box 155  
Cold Spring, New York 10516

**Re: Release of funds for Joseph Pell Lombardi**

**TM# 16.11-1-9**

Dear Supervisor Shea:

At the August 20, 2020 Town Planning Board meeting a motion was made by Peter Lewis to okay the return of the escrow to Joseph Pell Lombardi and Dennis Gagnon seconded the motion. The motion carried unanimously.

I am requesting that any remaining escrow funds for processing and consultants' fees being held by the Town should be released back to the applicant at this time.

Very truly yours.

Kelly MacIntyre  
Zoning/Planning Secretary

## RESOLUTION #-2020

The following Resolution was presented by \_\_\_\_\_, seconded by \_\_\_\_\_ and unanimously carried;

WHEREAS, the Town Board has before it a proposal to pave approximately 1100 +/- linear feet of East Mountain Road, in order to address roadway erosion problems and to reduce ongoing maintenance costs; and

WHEREAS, the Town has determined that it is in the best interest of the Town to proceed with the proposed paving work;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby approves the said paving of approximately 1100 +/- linear feet of East Mountain Road; and
2. That the Town Highway Superintendent is requested and directed to make arrangements for the paving work to be completed expeditiously; and
3. That the Town Supervisor is authorized to execute any documents necessary for completion of the project.

\_\_\_\_\_ presented the foregoing resolution which was seconded by \_\_\_\_\_.

The vote on the foregoing resolution was as follows:

Judith Farrell, Councilwoman, voting \_\_\_\_\_

John VanTassel, Councilman, voting \_\_\_\_\_

Robert Flaherty, Councilman, voting \_\_\_\_\_

Michael Leonard, Councilman, voting \_\_\_\_\_

Richard Shea, Supervisor, voting \_\_\_\_\_



**RESOLUTION #-2020**

The following Resolution was presented by \_\_\_\_\_, seconded by \_\_\_\_\_ and unanimously carried;

**RESOLVED**, that the Town Board hereby immediately terminates the Inter-Municipal Agreement with the Village of Cold Spring for Building Inspection/Code Enforcement services and waives the 60 day notice with the stipulation that the Village of Cold Spring pays the Town of Philipstown for 10 weeks of service provided by the Town of Philipstown Building Department from June 1, 2020 – August 7, 2020.



## VILLAGE OF COLD SPRING

85 MAIN STREET, COLD SPRING, NY 10516  
TEL: (845) 265-3611 FAX: (845) 265-1002  
WEB: WWW.COLDSPRINGNY.GOV

**DAVE MERANDY, MAYOR**  
**MARIE EARLY, TRUSTEE**  
**LYNN MILLER, TRUSTEE**  
**FRANCES MURPHY, TRUSTEE**  
**STEVE VOLOTO, TRUSTEE**

**JEFF VIDAKOVICH, CLERK/TREASURER**  
**MICHELLE ASCOLILLO, ACCOUNTANT**  
**LARRY BURKE, OFFICER-IN-CHARGE**  
**MATTHEW KROOG, WATER SUPERINTENDENT**  
**ROBERT DOWNEY, HIGHWAY DEPT CREW CHIEF**

August 18, 2020

Supervisor Richard Shea  
Town of Philipstown  
34 Kemble Avenue  
Cold Spring, NY 10516

Dear Richard:

This letter serves as notification that the Village of Cold Spring no longer requires the services of the Town's Building Inspector/Code Enforcement Officer and is withdrawing from the Inter-Municipal Agreement. The Village has hired a Code Enforcement Officer to assume the responsibilities and it is our belief that the residents and property owners will benefit by having a person dedicated solely to the needs of the Village.

Although the IMA states that either party may break the agreement by giving 60-day notice, the actions Greg Wunner has taken (i.e., refusal to meet with the new Building Inspector to review status of open permits or arrange to close out near completed projects such as the Butterfield Condo units, and returning all files to the Village) are clear indications of his unwillingness to work with the Village for one more day let alone 60. In light of this we are asking the Town Board to waive the 60-day notice and terminate the IMA immediately. In consideration to an immediate termination of the IMA the Village of Cold Spring will pay the Town of Philipstown for the 10 weeks of service provided by your Building Department from June 1, 2020 – August 7, 2020.

I want to thank Greg and his staff for their efforts over the last three years. I also want to thank you and the Town Board for partnering with the Village on this endeavor.

Sincerely,

Dave Merandy, Mayor



**RESOLUTION NO. \_\_\_\_\_ of 2020**

**PHILIPSTOWN RESOLUTION TO ADOPT ENERGY BENCHMARKING POLICY  
FOR MUNICIPAL BUILDINGS**

The following Resolution was presented by \_\_\_\_\_, seconded by \_\_\_\_\_ and unanimously carried;

**WHEREAS**, buildings are the single largest user of energy in the State of New York, and the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS**, the Town of Philipstown's municipal buildings, according to its 2016 Government Operations Greenhouse Gas Emissions Inventory, account for 45% of total emissions from government operations; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Philipstown is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Town of Philipstown desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Philipstown; and

**WHEREAS**, the Town of Philipstown desires to establish a policy to guide the Town's Climate Smart Communities Coordinator or equivalent staff person in conducting such Building Energy Benchmarking;

**NOW THEREFORE, BE IT RESOLVED**, that the Town of Philipstown hereby adopts the Energy Benchmarking Policy attached hereto as Exhibit A, and that said exhibit is approved and adopted.

Attachments: Exhibit A

## **EXHIBIT A:**

This Energy Benchmarking Policy was adopted as part of Resolution No. \_\_\_\_\_  
by the Town of Philipstown on \_\_\_\_\_.

### **ENERGY BENCHMARKING POLICY**

#### **1. DEFINITIONS**

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the Climate Smart Communities Coordinator.

(D) "Covered Municipal Building" shall mean a building or facility that is owned, rented or occupied by the Town of Philipstown.

(E) "Department" shall mean the Climate Smart Communities program.

(F) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(G) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(H) "Energy Use Intensity (EUI)" shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(I) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(J) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(K) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(L) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 1 of this policy.

(2) The Philipstown Town Council may exempt a particular Covered Municipal Building from the benchmarking requirement if the Town Council and Commissioner jointly determine that it has characteristics that make benchmarking impractical.

## **3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1, 2021, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

## **4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than June 1, 2021 and by June 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

- (ii) The building address, primary use type, and gross floor area; and
- (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
- (iv) A comparison of the annual summary statistics (as required by Section 4(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

## **5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

## **6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

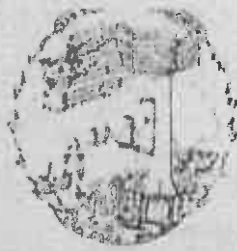
(3) No later than June 1 of 2021, and by June 1 of each year thereafter, the Chief Enforcement Officer shall submit a report to the Town of Philipstown including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner and Town Council jointly determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

## **7. EFFECTIVE DATE**

This policy shall be effective immediately upon adoption.

## **8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.



# Town of Philipstown

Code Enforcement Office  
238 Main Street, PO Box 155  
Cold Spring, NY 10516

Office (845) 265-5202 Fax (845) 265-2687

## MONTHLY REPORT for August 2020

1. Fees Collected	24150.75
2. Total Number of Permits Issued	35
3. New One- or Two-family dwellings:	1
4. New Commercial/Industrial buildings:	-
5. New Hazardous (H) occupancies:	-
6. New Multi family occupancies:	-
7. Additions, alterations or repairs residential buildings	4
8. Additions, alterations or repairs commercial buildings:	-
9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	31
10. Number of Certificates of Occupancy:	21
11. Number of Stop Work Orders issued:	1
12. Operating permits issued	-
13. Operating permits issued hazardous materials	-
14. Operating permits Hazardous processes and activities	-
15. Permits issued for the Use of pyrotechnic devices:	-
16. Inspection of public assembly:	2
17. Inspection of commercial occupancies	2
18. Inspection of buildings with 3 or more dwelling units:	-

Projects of Significance: SEPTEMBER IS A GOOD TIME  
TO SERVICE YOUR HEATING  
APPLIANCE AND CLEAN YOUR  
CHIMNEY FOR THE COMING  
COLDER WEATHER