

Town Board Public Hearings (Budget 2014)
238 Main Street, Cold Spring, New York

November 6, 2013

Town Hall

7:30 p.m.

Public Hearings

Continental Village Park and Water District

General Preliminary Budget.

Town Board Monthly Meeting

November 7, 2013 7:30 p.m. Town Hall

SALUTE TO THE FLAG

Wall of Fame presentation from Joseph C. Etta.

APPROVAL OF MINUTES

- **Weekly Meeting of August 21, 2013**
- **Monthly Meeting of September 12, 2013**
- **Bid Opening of September 18, 2013 – New Dump Body/Plow & Sander**
- **Bid Opening of September 18, 2013 – New Cab Chassis**
- **Weekly Meeting of September 18, 2013**
- **Executive Session of September 18, 2013**
- **Public Hearing of September 25, 2013– Local Law Chapter 175/CB**
- **Public Hearing of September 25, 2013 – Chapter 159 – Timber Harvesting**
- **Public Hearing of September 25, 2013 – Chapter 93 – Wetlands**
- **Public Hearing of September 25, 2013 – Chapter 112 – Land Development**
- **Public Hearing of September 25, 2013 – Chapter 175 – Technical correction**
- **Public Hearing of September 25, 2013 – Chapter 104 – Hydrfracking**
- **Weekly Meeting of September 25, 2013**
- **Monthly Town Board Meeting of October 3, 2013**
- **Weekly Meeting of October 9, 2013**
- **Bid Opening of October 16, 2013 – Bulk Fuel Delivery**

COMMITTEE REPORTS

1) CB 2) Recreation 3) Recycling 4) Planning Board 5) Zoning
6) Highway 7) Building & Land Acquisition 8) Putnam County Legislature

AGENDA

1. Resolution awarding the 2014 F550 4X4 Chassis to West Herr New York, of 5025 Camp Road, Hamburg, NY 14075 in the amount not to exceed \$41,365.00.

2. Schedule Workshop/Meetings.

Adopt Final 2014 Budget (November 20, 2013)

3. Code Enforcement Monthly Report.

AUDIENCE

October 21, 2013

VACANCIES

- Recreation (1)
- CV Park District Advisory Committee (3)
- CV Water District Advisory Committee (3)

APPROVAL OF VOUCHERS

General	Highway	CVPD	CVWD
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ADJOURNMENT

Weekly Town Board
August 21, 2013

The Town Board of the Town of Philipstown held their Weekly Meeting on the above date at 8:20 p.m, at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

Richard Shea	Supervisor
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman
Betty Budney	Councilwoman

Following the Executive Session of this date, the Town Board held a workshop to discuss the following:

There was some discussion with regard to the Dahlia House and Councilman Merandy has drafted some drawings of the existing facility and the possible layout if renovations are completed. He pointed out that the main door would be in the back of the building, which would eliminate handicap ramps. It was noted that the bathroom would remain the same size, as it would be handicap accessible. The Town Board also expressed their desire to replace the boiler. Councilman Merandy will refine the drawings and present them to the board again.

Discussion then turned to the possible renovations to the Town Hall, which included the installation of an elevator. Councilman Van Tassel reported on this matter. Councilman Merandy will compile some additional drawings of renovations for the Town Hall.

The matter of records and their disposal was discussed. The Town Board agreed to close the Town Hall for one day so all departments could prepare records for shredding. Town Clerk Merando will coordinate having the commercial shredder on site and work with the various departments in this endeavor.

Councilman Van Tassel announced that he has compiled a flyer with regard to emergency preparedness, which he would like to distribute town wide. He will meet again with the Emergency Preparedness Committee and Putnam County Emergency Services for further review prior to public release. There was a brief discussion with regard to Hazard Mitigation and talks with the County.

Councilman Merandy suggested that the Town digitize all the documents in the Town Hall. Discussion continued regarding the Building Department files and the maps. The Town Board decided to ask Tina Landolfi to begin the work needed on the Building Department files and agreed to an additional four hours per week for that task.

Weekly Town Board
August 21, 2013

Councilman Merandy stated that a meeting is needed to discuss the boiler project with both Jim Boorom and UAP. A meeting will be scheduled as soon as possible.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney to close the Weekly Meeting at 8:53 p.m.

Respectfully submitted by,

Tina M. Merando, Town Clerk

Monthly Town Board Meeting
September 12, 2013

The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 7:30 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
David Merandy	Councilwoman
John Van Tassel	Councilman

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

REVIEW OF MINUTES

The Minutes of the Bid Opening of July 10, 2013, (Boiler @ Claudio Marzolla Community Center), were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of the Bid Opening of July 10, 2013, are hereby approved as presented.

The Minutes of the Bid Opening of July 18, 2013, (Indian Brook Road Culvert), were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Bid Opening of July 18, 2013, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of July 31, 2013, were reviewed.

Councilman Merandy made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Weekly Meeting of July 31, 2013, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of August 1, 2013, were reviewed.

Councilman Merandy made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Monthly Town Board Meeting of August 1, 2013, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of August 7, 2013, were reviewed.

Monthly Town Board Meeting
September 12, 2013

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Weekly Meeting of August 7, 2013, are hereby approved as presented.

The Minutes of the Special Town Board Meeting of August 12, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Special Town Board Meeting of August 12, 2013, are hereby approved as presented.

The Minutes of the Bid Opening of August 20, 2013, (Indian Brook Road (Albanese), were reviewed.

Councilwoman Budney made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Bid Opening of August 20, 2013, are hereby approved as presented.

The Minutes of the Special Town Board Meeting/Executive Session of August 21, 2013, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of the Special Town Board Meeting/Executive Session of August 21, 2013, are hereby approved as presented.

COMMITTEE REPORTS

CB – Councilwoman Montgomery reported that she attended the September 10th meeting at which two (2) items were discussed.

- 16 Fox Hollow Lane – Pool House/Removal and Grading of Soil – Wetlands Permit Issued
- 352 Route 403 – Revised Wetlands Permit Application– Emergency Permit Issued

Councilwoman Montgomery stated that the CB would like to schedule a training session with the Town Planner and Wetlands Inspector for their October meeting. Supervisor Shea asked the Town Board members if they were okay with this, which response was “yes.”

RECREATION – Councilman Van Tassel reported that he attended the August 17th meeting of the Recreation Commission, at which time Recreation Director, Amber Stickle presented the financial report. Councilman Van Tassel then gave a report on the current and upcoming programs and added that the Rec Director reported that work on the boiler replacement was underway.

Monthly Town Board Meeting
September 12, 2013

John Maasik, Chairman of the Recreation Commission, gave recognition to Al Zgolinski, thanking him for his services over the years. Mr. Maasik presented the idea for a Winter Carnival scheduled for February 8th and the Commission was seeking volunteers to help with the planning. Anyone interested should attend a meeting that is scheduled for September 24th @ 6:30 p.m.

Councilman Merandy questioned who was going to be doing the work on the ice skating rink, how was it to be maintained, where will it be stored, and asked about cost numbers. Mr. Maasik replied that he would get back to the Board with some numbers. He added that the Commission was looking at using mostly volunteers and possibly some help from the Recreation maintenance staff. Mr. Maasik stated that he didn't see any large numbers and was looking at some help from the fire companies and the community when it came to the water for the ice skating rink. Councilman Merandy asked if there was going to be a storage issue for this. Mr. Maasik replied that they were waiting for the dimensions to see how much space was needed. At this point, Jeff Dain, a member of the Friends of Philipstown, was introduced to give an update on the proposed pavilion.

Mr. Dain reported that a building committee was being established, which would include members of the community, i.e. Michael Monteleone and Charles Polhemus. Mr. Dain added that Mr. Maasik would also be part of the committee. The committee would be working on ideas of how the Town can help the project along. He reported that Mr. Monteleone had a conversation with the Building Inspector and some of the things to be addressed with the Board was obtaining resolutions for projects that needed to be done. There were also issues with the building plans, copies of which were sent to the Town Board members. Some of these issues pertained to heated areas, i.e., insulation of same. Mr. Dain then informed the Board that the committee was awaiting BOH information from their engineer (Patti Smith), who was presently away. He added that the committee was looking to break ground and get started very soon. Mr. Dain reported that monies raised so far were almost up to the cost of the project.

On another topic, Mr. Dain stated that the scheduled Castle-to-River Run was seeking sponsors, volunteers and runners. He stated that each one of these "Runs" raise a great amount of money – the last 2 races raised approximately \$6,000 - \$10,000 each.

RECYCLING – Councilwoman Budney reported that Putnam County was drafting an agreement to provide a responsible way to dispose of e-waste (electronics). This service would be at no cost to the community – the County would absorb the cost.

PLANNING BOARD – Councilman Merandy reported that the Planning Board did not hold a meeting in August. The next meeting is scheduled for September 19th.

ZONING – Councilman Van Tassel reported that he attended the September 9, 2013 meeting. James Gleick's request for a special use permit to install a residential wind energy conversion system on property located at 200 Long and Winding Road. Councilman Van Tassel stated that a work session was held on August 13th to review the application for completeness and set a date for a public hearing. The application was found to be complete, the Zoning Board of Appeals was declared Lead Agency, and a date for a public hearing was set for September 9th. The application was also referred to the Putnam County Department of Planning for review.

Councilman Van Tassel further reported that on September 9, 2013, the ZBA reconvened for further discussion of the application, and Acting ZBA Chairman, Robert Dee, opened the meeting with the reading of a letter from the Putnam Department of Planning approving the application. Mr. Dee provided a brief recap of the 11-month process involving the Gleick permit. Councilman Van Tassel stated that Chairman Dee recognized former Chairman Cestone, who had been asked by the applicant to recuse himself, which Mr. Cestone refused to do and will, therefore, have the ability to vote on the Gleick application. The ZBA Board then went into a public hearing, with most of the meeting attendees stating opposition to the size and location of the 152' tower. Representatives from Hudson Valley Wind Energy were given the opportunity to rebut statements. One resident did give a favorable statement. Councilman Van Tassel reported that the entire meeting is available for viewing on video tape, but minutes were not yet completed due to the length of time of the meeting. The public hearing was closed and the ZBA went into closed session with the Town Attorney, Town Engineer and Town Planner representative from AKRF. The ZBA then reconvened and no vote was taken due to the additional sound information that had been submitted that evening. Acting Chairman Dee stated that the information would be evaluated by AKRF sound engineers for a professional statement and opinion regarding decibel levels at the property perimeters.

ZBA member, William Flaherty, read a statement request that the Town Board place a moratorium on all future wind turbine applications until a clear set of guidelines could be established, adding that the Town needed to provide the ZBA with the proper tools to handle future applications.

ZBA member, Leonard Lim, read a statement defending Vincent Cestone and his years of service countering the requests of Hudson Valley Wind Energy that Mr. Cestone recuse himself.

Councilman Van Tassel ended his report by announcing that the ZBA has scheduled a special meeting for October 1st at 7:30 p.m., at the Town Hall, to review the sound analysis from AKRF. Councilman Van Tassel added that no comments will be accepted at this meeting.

HIGHWAY – Councilwoman Budney read the August report, which is on file at the Town Clerk's office for review.

Supervisor Shea stated that he was at Old Albany Post Road with the engineer and stated that the work was coming along well; that Town Engineer, Ron Gainer, was doing a great job keeping everyone informed on what was going on and providing reports.

Councilwoman Montgomery thanked the Philipstown Highway crew for their work on this project.

BUILDING & LAND ACQUISITION – Councilman Van Tassel reported that he spoke with Engineer, Ron Gainer, about meeting the week of September 26th regarding the Dahlia House and an elevator for Town Hall. Supervisor Shea stated that the windows in Town Hall should also be looked at.

GVFD – Councilman Van Tassel reported that a meeting was scheduled for September 18th with the GVFD and Attorney Mark Butler.

PUTNAM COUNTY LEGISLATOR: Legislator Scuccimarra reported that the County held a meeting to discuss the Cold Spring Post Office. Everyone in attendance agreed that the Post Office stay in Cold Spring. Communication was ongoing with the Post Office in hopes of rectifying the current problem. Councilman Merandy stated that there seems to be a misunderstanding, at least on his part, that it didn't seem clear to him that when the Butterfield property was mentioned, the Post Office was not mentioned in the plans. Legislator Scuccimarra responded that it is in the plans. Councilman Merandy again stated that it was not in the plan. Legislator Scuccimarra replied that she attended the last Planning Board meeting with the Village of Cold Spring and the Post Office was on the bottom floor of the municipal building. Councilman Merandy asked if Mr. Guillaro was open to having it there? Legislator Scuccimarra replied, "yes," and added that the plan had to be "tweaked" but Mr. Guillaro has specified an area for the Post Office. She added that this depends on... if the Post Office moves to Garrison, they would not be coming back to Cold Spring.

Councilwoman Montgomery questioned if putting the retail part of the Post Office in Cold Spring. Legislator Scuccimarra responded "yes," and added that it was her feeling that if the Post Office moves the carriers to Garrison and just leave the retail part in the village, would they be staying in Cold Spring? There was no guarantee that the retail part would stay and that concerned her.

Supervisor Shea stated that there was some discussion about a trailer behind Foodtown. Legislator Scuccimarra stated that neighbors do not want it and she didn't know if Foodtown would want it.

The next item that Legislator Scuccimarra reported on was Snake Hill Road. She stated that the planned opening of Snake Hill road was September 20th. School buses are already allowed to go through via escorts.

Legislator Scuccimarra addressed the new STAR program and mentioned different workshops that will be scheduled, and assistance from the assessors' offices. Town Clerk Merando stated that the Philipstown Town Clerk's office would also be offering assistance to residents by having them come into the office, at which point the Clerks will assist them with their filing.

Discussed next was signage on Route 9 and 301. Legislator Scuccimarra reported that some business people feel there is not enough signage, so the County is going to put up some signs. Councilwoman Montgomery requested that the Town Board have the opportunity to approve what is on the signs and asked about existing signs, whether they were obsolete or not. Legislator Scuccimarra replied that there were only two (2) signs for Cold Spring coming south and that the new signs would either be the small green or brown ones.

Legislator Scuccimarra reported that the Medication Take-Back Program was planned for Saturday, September 21st from 9:00am to 12:00pm at the American Legion building on Cedar Street. She added that she was in the process of trying to obtain lock-boxes in areas around town. However, the Sheriff has some concerns about it. Scuccimarra stated that this was very successful on the other side of the county.

Other items for discussion was the free hepatitis C screening that was being offered by the Putnam County Health Department, as well as flu shots.

Councilwoman Budney questioned Legislator Scuccimarra whether she had any information pertaining to the bridge on Mill Road and what the County was doing about it? Legislator Scuccimarra replied that the last time she spoke with the Putnam County Commissioner of Highways, she was informed that NY State wants the bridge back and thinks that they are just going to fix the road on the other side and make the present road a dead-end and take the bridge out so that you cannot go over that and then go around the other way and make a new road. Supervisor Shea addressed the monies that were expended and how the Town had already fixed the road on the other side so that emergency vehicles and fuel trucks could get in to that area. He added that the Town spent money to get to the house and the State just comes in and puts the bridge in. He wondered who would be footing the bill for this. Councilwoman Budney asked who was going to fix it because it's a town road. Legislator Scuccimarra replied that the County was going to fix it. Supervisor Shea asked Legislator Scuccimarra if she knew of any date for this and could she let the Town Board know. Legislator Scuccimarra stated that she thought it was pretty soon and would certainly inform the Board.

BUTTERFIELD LIBRARY - Gillian Thorpe reported that the library will also be offering assistance to residents re: the STAR enrollment. She then gave a report on the following items:

- 250 children signed up for the Summer Reading Program, which is on-line now.
- The Library partnered with Haldane School, acting like a liaison to allow students to go to each classroom to find out assignments for their specific classroom. Information would be obtained from teachers in advance.
- September is Library month. Ms. Thorpe urged residents to obtain a library card if they did not have one, or to renew old cards.

Ms. Thorpe asked Councilman Merandy how the Planning Board meetings were going and extended an invitation to assist any organization, local government body or non-profit organization. (**NOTE: Planning Board has been using the Butterfield Library as their venue for meetings.**) Councilman Merandy replied that it was going well. Planning Board Chairman, Michael Leonard, stated that it was a fantastic improvement over the VFW; it was very professional and thanked Ms. Thorpe for removing the one book shelf and for her assistance from the beginning. Supervisor Shea also expressed his appreciation to Ms. Thorpe.

TOWN OF PHILIPSTOWN

MONTHLY REPORT OF TOWN SUPERVISOR

MONIES RECEIVED AS OF SEPTEMBER 12, 2013

GENERAL & PART-TOWN FUNDS

Justice Court Fees – 6/13	\$ 7,752.00
Tax Collector – Penalty Interest	7,265.91
Tax Collector – Reminder Fee	116.00
Justice Fees – 7/13	8,750.00
Town Clerk Fees – Dogs – 7/13	316.00
Town Clerk Fees – 7/13	433.18
Putnam County VFW Rental	25.00
Justice Fees – 7/13	4,152.50
Justice Bail	1,300.00
Tax Collector – Bank Interest	8.70
Recreation Community Paper Recycle	45.47
Recreation Fees – 6/13	60,895.82
Recreation Fees – 7/13	106,865.05
P.C. DWI	240.00
Bank Interest	138.48
Justice Fees – 8/13	7,586.00

Monthly Town Board Meeting
September 12, 2013

Town Clerk Fees – 8/13	358.19
Town Clerk Fees – 8/13	338.00
CTV Fees	18,169.00
CTV Fees	11,492.00

HIGHWAY FUND

NYS FEMA	\$ 33,646.74
P.C. Gas	287.89
NYS DOT Refund	2,000.00
General Fund – Gas	540.59
Bank Interest	267.78

CONTINENTAL VILLAGE WATER DISTRICT

Water Collection	\$ 85,000.00
Bank Interest	1.46

CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	\$ 350.00
Bank Interest	19.57

AGENDA

1. Resolution re-appointing Michael Leonard to the Board of Assessment Review for a 5-year term, which will expire on September 30, 2018.

RESOLUTION #115-13

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Merandy and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown, hereby re-appoints Michael Leonard to the Board of Assessment Review for a 5-year term, which term will expire on September 30, 2018.

2. Resolution accepting the resignation of Al Zgolinski as a member of the Recreation Commission, effective August 11, 2013.

Town Clerk Merando read the letter of resignation submitted by Mr.Zgolinski.

RESOLUTION #116-13

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

RESOLVED, that the Town Board of the Town of Philipstown, regretfully accepts the resignation of Al Zgolinski as a member of the Recreation Commission, effective August 11, 2013.

Supervisor Shea thanked Mr. Zgolinski for his years of service and requested that Town Clerk Merando send a letter of thanks.

3. Resolution re-appointing William Mazzuca as a member of the Recreation Commission to seven-year term, which will expire on September 1, 2010.

RESOLUTION #117-13

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Montgomery and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown, hereby re-appoints William Mazzuca as a member of the Recreation Commission for a seven-year term, which term will expire on September 1, 2020.

4. Resolution re-appointing Joel Conybear as a member of the Recreation Commission to a seven-year term, which will expire on September 1, 2020.

RESOLUTION #118-13

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

RESOLVED, that the Town Board of the Town of Philipstown, hereby re-appoints Joel Conybear as a member of the Recreation Commission to seven-year term, which term will expire on September 1, 2020.

5. Resolution authorizing Supervisor Shea to draft a letter of support for the Constitution Island Education Center that will be housed on Main Street in the Village of Cold Spring. (*Nunc Pro Tunc*)

Supervisor Shea apologized to the Board members for “jumping the gun” on this. He stated that he was not misinformed, but not thoroughly informed as to the nature of this. He added that it sounded like something fairly innocent – the group needed a letter of support to open up a visitors’ center on Main Street, so he went ahead and did that, but later on, had some discussions on this because it seemed like it was more involved than he first realized. Supervisor Shea then requested that Item #5 be tabled in order to obtain the rest of the Board’s input and see if they actually wanted to support this item. He added that other things have come to light since he drafted the letter.

RESOLUTION #119-13

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Merandy and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown hereby tables Item #5 for further discussion.

6. Resolution approving the permit application for the Continental Village Volunteer Fire Department to use the Continental Village Clubhouse exempting them from Local Law #1 regarding the regulation of alcohol in a Public Place.

RESOLUTION #120-13

The following Resolution was presented by Councilman Merandy, seconded by Councilwoman Montgomery and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown, hereby approves the permit application for the Continental Village Fire Department to use the Continental Village Clubhouse, exempting them from Local Law #1 regarding the regulation of alcohol in a Public Place.

7. Resolution authorizing Town Clerk Merando to advertise for bidders for the following: "Nunc Pro Tunc."

- New Dump Body, with plow and sander
- New Cab-Chassis 4-wheel drive, dual rear wheel

RESOLUTION #121-13

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

RESOLVED, that the Town Board of the Town of Philipstown, hereby authorizes Town Clerk Merando to advertise for bidders for the following: (Nunc Pro Tunc)

- New Dump Body, with plow and sander
- New Cab-Chassis 4-wheel drive, dual rear wheel

8. Resolution re-scheduling Public Hearings for the following: "Nunc Pro Tunc."

- Miscellaneous Non-Zoning Amendments, Public Hearing September 25, 2013, @ 7:30 p.m.
- Chapter 159 Timber Harvesting, Public Hearing, September 25, 2013, @ 7:40 p.m.
- Chapter 93 Wetlands, Public Hearing, September 25, 2013, @ 7:50 p.m.
- Chapter 112 Open Area Development, Public Hearing, September 25, 2013, @ 8:00 p.m.
- Chapter 175 Technical Corrections, Public Hearing, September 25, 2013, @ 8:10 p.m.

- Chapter 104 Hydrofracking, Public Hearing, September 25, 2013, @ 8:20 p.m.

RESOLUTION #122-13

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilman Merandy and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown, hereby reschedules the Public Hearings for the following: "Nunc Pro Tunc."

- Miscellaneous Non-Zoning Amendments, Public Hearing September 25, 2013, @ 7:30 p.m.
- Chapter 159 Timber Harvesting, Public Hearing, September 25, 2013, @ 7:40 p.m.
- Chapter 93 Wetlands, Public Hearing, September 25, 2013, @ 7:50 p.m.
- Chapter 112 Open Area Development, Public Hearing, September 25, 2013, @ 8:00 p.m.
- Chapter 175 Technical Corrections, Public Hearing, September 25, 2013, @ 8:10 p.m.
- Chapter 104 Hydrofracking, Public Hearing, September 25, 2013, @ 8:20 p.m.

9. Resolution authorizing Supervisor Shea to sign the agreement between the Town and QuES&T for Asbestos Abatement Monitoring Services at the Claudio Marzollo Community Center "Nunc Pro Tunc."

Supervisor Shea explained that this was part of the boiler replacement project. Councilman Merandy stated that there was a small problem concerning who was going to take the boiler apart – the abatement group or the demo group, so the project was set back another week. A meeting was scheduled for Monday, Sept. 16th with contractor and engineer to iron this out.

RESOLUTION #123-13

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

RESOLVED, that the Town Board of the Town of Philipstown, hereby authorizes Supervisor Shea to sign the agreement between the Town and QuES&T for Asbestos Abatement Monitoring Services at the Claudio Marzollo Community Center "Nunc Pro Tunc."

10. Code Enforcement Monthly Report.

Town Clerk Merando read the Monthly Report.

11. Schedule Workshops/Meetings.

September 18, 2013 – 7:15 P.M. – Authorizing the Friends of Philipstown to construct a pavilion at Philipstown Park.

September 18, 2013 – 7:30 P.M. – Meeting w/Mark Butler and the GVFD

September 25, 2013 – Public Hearings on Six Local Laws.

OTHER BUSINESS:

Councilman Van Tassel proposed a resolution appointing Robert Dee permanent Chairman of the Zoning Board of Appeals. Supervisor Shea stated that he was all in favor of this. Councilwoman Montgomery stated that she wanted to understand this better. She added that the current chairman resigned but was still a member; that no one has... Robert Dee has stepped up to be temporary chairman and now he wants to be permanent chairman, which she thought was great. Mr. Dee thanked the Town Board for their confidence and stated that he looked forward to working with the Town.

Councilman Merandy questioned, as a formality, how it usually works when there is an open position – does the Board usually go out and advertise or just appoint someone? Supervisor Shea responded that generally, if you have an established Board it would be another Board member. You would advertise only if there was a vacancy.

RESOLUTION #124-13

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

RESOLVED, that the Town Board of the Town of Philipstown, hereby appoints Robert Dee as Chairman of the Zoning Board of Appeals.

Roll Call Vote:

Councilman Merandy	-	AYE
Councilwoman Montgomery	-	AYE
Councilwoman Budney	-	AYE
Councilman Van Tassel	-	AYE
Supervisor Shea	-	AYE

Councilman Van Tassel then spoke about placing a moratorium on wind turbines in the Town of Philipstown. Supervisor Shea stated that he would contact the Town Attorney and ask the Town Attorney to draw up language that would establish a moratorium.

Councilwoman Montgomery informed the Board that she attended a meeting with Putnam County Emergency Services to discuss the Hazard Mitigation Plan, which the County has received a grant for. Councilwoman Montgomery stated that through the County's plan, Philipstown would be helped with specific issues. She added that a point person needs to be appointed to represent Philipstown and recommended Kevin Donohue. All Board members were in agreement.

Councilman Van Tassel reported that he attended a meeting with the DOT at which a number of Philipstown items were introduced, one of which was a presentation by John Teagle along with Fred Pena about speed reduction proposed for Route 9D between Cold Spring and Beacon, and a discussion regarding the crosswalk between Route 301 and Peekskill Road, which has been improved by the DOT but won't be completed until 2014. There was also discussion about the Route 9/Hustis Road intersection – Quarry Pond regarding the paving, which is going to be re-paved, and received a note that there is no stop sign coming out of Glasbury Court. Councilman Van Tassel added that there seems to be an issue with cars coming south of Route 9 turning into Hustis Road and people passing and turning, which he feels is more of an enforcement issue. Councilman Van Tassel stated that the Sheriff and State Police will be looking into this. He stated that a request was received regarding a sign for a school bus stop on Route 9 at First Street (Post Road Mobil Park). Councilwoman Montgomery has forwarded said request to Richard Dillman. The Traffic Safety board has a school bus committee, which will review the intersection. Lastly, Councilman Van Tassel informed the Town Board that he was re-appointed to another 3-year term on the Traffic Safety Board.

Supervisor Shea then reported on the Hudson River Fjord Trail and stated that a meeting was held to go through the selection process for a planner who will draft the entire plan for the trail from the Cold Spring train station to the Beacon Train Station. Supervisor Shea stated that 2 planners will be interviewed next Thursday and 3 the following Thursday and that a plan will be developed for the entire corridor. Supervisor Shea remarked that a grant was pending, which he feels the committee will know about sometime in November. The grant is in the amount of \$1.2 million and a matching grant was also in the works from the Highland Land Trust. He added that this money would be used for the two (2) anchor parking lots – one at Breakneck Ridge and the other at Little Stony Point.

AUDIENCE

Glen Watson requested the Town Board pass a resolution waiving the recreation fees for Open Space. Mr. Watson stated that the parcel has now been

subdivided into three (3) parcels – one of which is the Recreation Center, which was given to the Town. The last piece is the Fish Mansion, which is being divided into 3 parcels. He stated that the gift to the Town should be of sufficient fulfillment with regard to the recreation facility. He added that, yes, the Town waived the \$10,000 fee that was due and the resolution from the Town Planning Board allowed for that in their conditions of approval.

Supervisor Shea informed Mr. Watson that a decision would be made next week. Councilwoman Montgomery questioned what the other parcels were going to be used for? Mr. Watson responded, saying the two (2) of the parcels will be sold for residential purposes – one (1) north – just south of the golf course and the other, pass the ravine on the Lawes(?) Lane side. The Fish Mansion is the 3rd parcel, which will be accessed by the driveway to the back by the easement that was reserved through the Recreation parcel.

Councilman Van Tassel asked if that was the driveway on the south side of the Recreation Center. Mr. Watson responded that it was the south driveway on the north side of the Recreation Center – that there was an emergency route around the south side – it was the same driveway to go...(interrupted). Supervisor Shea asked if the parcel for the Fish Mansion included the large lawn in back of the Recreation Center? Mr. Watson responded “yes,” and added that the driveway that people take to get to the Recreation Center continues down to the Fish Mansion property. Supervisor Shea stated that one thing to consider is the stipulation that the Town continue to have usage of the grass area in back of the Recreation building, which would be critical.

Councilwoman Montgomery asked if that was something that Mr. Watson could bring back for consideration? Mr. Watson replied that he could bring it back to the Open Space people but was not sure that they would have that ability as the property has already been sold and was in contract. He added that he was expecting that would be done by permission. Mr. Watson stated that being perfectly frank, if that was a 6-lot subdivision, it would generate \$20,000 worth of recreation fees that was distributed among the Town – that they have distributed 22 acres and a building, which may have some liability to it now. Mr. Watson stated that he understood that, but the Town has a very successful recreation facility, both inside and outside, and he just submitted that that is ample for that piece of property and from the demands it will make on the... the impact of the subdivision will make on the Town's recreation facilities. Mr. Watson asked the Board for its serious consideration on this request. Supervisor Shea informed Mr. Watson that the Town Board would look at his request.

Nat Prentiss mentioned that at the last Town Board meeting, there was a discussion about the possibility of getting a group together to update the Comprehensive Plan. Supervisor Shea acknowledged that interest had been expressed. A workshop session was scheduled for October 2, 2013 @ 7:30 p.m.

Monthly Town Board Meeting
September 12, 2013

Catherine Sapeta introduced herself and just wanted to thank the Town Board for supporting the Castle to River Run.

VACANCIES

Recreation Commission (1)
CV Park District Advisory Committee (3)
CV Water District Advisory Committee (3)

APPROVAL OF VOUCHERS

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the General Vouchers in the amount of \$167,725.71 are hereby approved as set forth in Abstracts 8A& 9.

Councilwoman Budney made a motion, seconded by Councilman Merandy and unanimously carried that the Highway Vouchers in the amount of \$312,010.36 are hereby approved as set forth in Abstracts 8A & 9.

Councilwoman Budney make a motion, seconded by Councilwoman Montgomery and unanimously carried that the CV Water District Vouchers in the amount of \$5,233.72 are hereby approved as presented in Abstract 9.

There being no further business to discuss, Councilwoman Budney made a motion, seconded by Councilwoman Montgomery to close the Town Board Monthly Meeting at 8:55 p.m.

Respectfully submitted by,

Joan B. Clauss
Deputy Town Clerk

BID OPENING
September 18, 2013
New Dump Body/Plow & Sander

The Town Clerk’s Office held a Bid Opening for a New Dump Body/Plow & Sander for the Highway Department, on the above date at 2:00 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

The following bids were submitted.

Hudson River Truck 12 Commerce Street Exit Poughkeepsie, NY 12603 Lucas Ferrara Sales Manager	• Dump Body w/Tarp	\$ 7,645.00
	• Electric Powered Sander	6,458.00
	• Plow	4,258.00
	• Gas Powered Sander	6,292.00
	• Motor Upgrade	500.00

Bid opening concluded at 2:02 p.m.

Respectfully submitted by,

Joan B. Clauss
Deputy Town Clerk

BID OPENING
September 18, 2013
New Cab-Chassis-4-Wheel Drive/Dual Rear Wheel Truck

The Town Clerk's Office held a Bid Opening for a New Cab – Chassis, 4 Wheel Drive, Dual Rear Wheel Truck for the Highway Department, on the above date at 2:03 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

The following bids were submitted.

West Herr New York 5025 Camp Road Hamburg, NY 14075 Michael Fleischman Commercial/Fleet Manager	• 2014 F550 4x4 Chassis	\$ 41,365.00
	• 9' Rugby Dump Body	7,107.00
	• 8' Salter S.S. Gas	7,054.00

Bid openings concluded at 2:04 p.m.

Respectfully submitted by,

Joan B. Clauss
Deputy Town Clerk

Weekly Town Board Meeting
September 18, 2013

The Town Board held their Weekly Meeting on the above date at 7:30 at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

The Town Board addressed the proposed pavilion at the Town Park. It was noted that \$140,000 has been raised out of the \$175,000 needed to complete the work. This includes a matching grant of \$25,000 from Claudio Marzollo.

It was hoped that a resolution authorizing the Friends of Philipstown permission to obtain a building permit for the project. Supervisor Shea stated that he wanted to have Bob Bickford and the Town Attorney discuss this matter before moving forward. Discussion continued with some additional detail, such as the decreased size of the building, noting that it will be a shelter and rest rooms.

Councilwoman Montgomery stated that she would contact both Mr. Bickford and Steve Gaba to expedite the process.

There being no further business to discuss, Councilman Budney made a motion, seconded by Councilman Van Tassel to close the Weekly Town Board Meeting at 7:30 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Executive Session
September 18, 2013

The Town Board entered into Executive Session on the above date at 7:34 p.m.
at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

RESOLUTION #

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

RESOLVED, that the Town Board hereby entered into Executive Session with Terence Hannigan, representing the Garrison Volunteer Fire Department President, Betsy Calhoun, and Mark Butler, Attorney representing the Town of Philipstown to discuss "Contract Negotiations"

RESOLUTION #

The following Resolution was presented by Councilman Merandy, seconded by Councilwoman Budney and unanimously carried;

RESOLVED, that the Town Board exit Executive Session at 8:45 p.m. and no other business was discussed.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Public Hearing – Chapter 175, “Zoning” to implement the re-designation of the Town’s Conservation Advisory Council as a Conservation Board.

September 25, 2013

The Town Board held a Public Hearing on the above date at 7:30 p.m. on a proposed **LOCAL LAW TO AMEND CERTAIN CHAPTERS OF THE CODE OF THE TOWN OF PHILIPSTOWN IN ORDER TO FULLY IMPLEMENT CHANGES IN CHAPTER 175, “ZONING,” AND TO IMPLEMENT THE RE-DESIGNATION OF THE TOWN’S CONSERVATION ADVISOR COUNCIL AS A CONSERVATION BOARD.**

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

Town Clerk Merando read the Public Notice.

Supervisor Shea opened the floor to comment from the public. He noted for the record that most of the purposed local laws before the Town Board are mostly of technical nature.

Mary Ellen Finger commented that Section 38-15, appointment of alternate planning board members, is a valuable tool. She stated that she had recently met an alternate planning board member from Yorktown, who attends every meeting, and if a quorum isn’t present, she participates in that meeting with voting rights.

There being no further comments from the public, Councilwoman Budney made a motion, seconded by Councilman Merandy to close the Public Hearing at 7:37 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

**Public Hearing – Chapter 159 “Timber Harvesting and Forest Management,”
in order to implement the Town’s Natural Resource and Open Space Plan.**

September 25, 2013

The Town Board held a Public Hearing on the above date at 7:40 p.m. on a proposed **LOCAL LAW TO AMEND TO AMEND CHAPTER 159 OF THE CODE OF THE TOWN OF PHILIPSTOWN, ENTITLED, “TIMBER HARVESTING AND FOREST MANAGEMENT,” IN ORDER TO IMPLEMENT THE TOWN’S NATURAL RESOURCE AND OPEN SPACE PLAN AND IT’S RE-DESIGNATION OF THE TOWN’S CONSERVATION ADVISORY COUNCIL AS A CONSERVATION BOARD.**

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

Town Clerk Merando read the Public Notice.

Supervisor Shea opened the Public Hearing stating that once again, the terminology for the Conservation Advisory Council will become the Conservation Board and the Wetlands Inspector is being replaced by Natural Resource Officer. He noted that on page 5 of the proposed local law, the acreage has been lowered to 40,000 square feet.

Mary Ellen Finger commented that under definitions, page 3, Clear Cutting still states two acres, and not the 40,000 square feet.

There being no further comments from the public, Councilman Van Tassel made a motion, seconded by Councilwoman Budney to close the Public Hearing at 7:45 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Public Hearing – Chapter 93, “Freshwater Wetlands and Watercourses,” to fully implement changes in Chapter 175

September 25, 2013

The Town Board held a Public Hearing on the above date at 7:50 p.m. on a proposed **LOCAL LAW TO AMEND CHAPTER 93, “FRESHWATER WETLANDS AND WATERCOURSES,” OF THE CODE OF THE TOWN OF PHILIPSTOWN IN ORDER TO FULLY IMPLEMENTS CHANGES IN CHAPTER 175,”ZONING,” TO IMPLEMENT THE RE-DESIGNATION OF THE TOWN’S CONSERVATION ADVISORY COUNCIL AS CONSERVATION BOARD, AND TO BRING CHAPTER 93 INTO CONSISTENCY WITH OTHER SECTIONS OF THE TOWN CODE AND THE COMPREHENSIVE PLAN.**

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

Town Clerk Merando read the Public Notice.

Supervisor Shea stated that this proposed local law is something the Town refers to often, as there are a lot of wetlands throughout the Town. Again this law addresses the designation of the Wetlands Inspector as the Natural Resource Officer. Page 6 is a major section of the law, the distinction between a major and a minor project. Page 10 of the law gives the Natural Resource Officer more leeway in making a field judgment. This is an effort to prevent someone from getting caught up in a process they don’t belong in. He noted that most of this law existed in the town code prior to this change.

Mary Ellen Finger sited page 6 addressing the last wetland’s map dated January 9, 2001, asking if there has been a revision to the map since then.

There being no further comments from the public, Councilwoman Budney made a motion, seconded by Councilwoman Montgomery to close the Public Hearing at 7:58 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Public Hearing – Chapter 112, “Land Development,” to require maintenance agreements for Open Development Area Subdivisions.

September 25, 2013

The Town Board held a Public Hearing on the above date at 8:00 p.m. on a proposed **LOCAL LAW TO AMEND CHAPTER 112 OF THE CODE OF THE TOWN OF PHILIPSTOWN, ENTITLED “LAND DEVELOPMENT,” IN ORDER TO REQUIRE MAINTENANCE AGREEMENTS FOR OPEN DEVELOPMENT AREA SUBDIVISIONS ACCESSED BY SHARED RIGHTS-OF-WAY.**

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

Town Clerk Merando read the Public Notice.

Supervisor Shea stated that this law is driven by the fact, that up until now, we have had subdivisions with no right-of-way maintenance agreement. Thus, we have private roads that fall into disrepair. Residents come before the town to complain, however, the Town has no leverage. This proposed local law will eliminate this ongoing problem.

Councilman Merandy added that he believes that the person at the end of the road suffers the most. The residents at the beginning of the road have a much easier travel way. Councilman Van Tassel also noted for the record that emergency service vehicles continue to have problems navigating these roads.

Lee Erickson asked whether or not there is wording addressing frontage owned by a particular resident? Supervisor Shea responded saying that the town is not writing the agreement, it is now a requirement, and the home/property owner would address any issue that may arise with regard to frontage.

There being no further comments from the public, Councilman Van Tassel, made a motion, seconded by Councilwoman Budney to close the Public Hearing at 8:11 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Public Hearing – Chapter 175, “Zoning,” to make clarifications and technical corrections.

September 25, 2013

The Town Board held a Public Hearing on the above date at 8:10 p.m. on a proposed **LOCAL LAW TO AMEND CHAPTER 175, “ZONING,” OF THE CODE OF THE TOWN OF PHILIPSTOWN IN ORDER TO MAKE CLARIFICATIONS AND TECHNICAL CORRECTIONS.**

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

Town Clerk Merando read the Public Notice.

Supervisor Shea stated that this law addresses lot size clarification, sections referring to agricultural structures, definitions of lot parcels and clear cutting. He noted an important aspect of this law, page 2, lot size calculation for land in more than on zoning district.

No public comment.

There being no further comments from the public, Councilwoman Montgomery, made a motion, seconded by Councilman Van Tassel to close the Public Hearing at 8:13 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Public Hearing – Adding a new Chapter 104 - Hydrofracking

September 25, 2013

The Town Board held a Public Hearing on the above date at 8:20 p.m. on a proposed **LOCAL LAW TO ADDING A NEW CHAPTER 104 TO THE PHILIPSTOWN TOWN CODE IN RELATION TO THE SALE, APPLICATION AND DISPOSAL OF WASTE ASSOCIATED WITH NATURAL GAS EXPLORATION AND EXTRACTION ACTIVITIES.**

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

Town Clerk Merando read the Public Notice.

Supervisor Shea read letter of support from Riverkeeper, which included in these minutes as Attachment "A" and Paula Clair read a letter from Grassroots Environmental Education as Attachment "B."

There being no further comments from the public, Councilwoman Montgomery, made a motion, seconded by Councilman Van Tassel to close the Public Hearing at 8:40 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk



Comments of Riverkeeper, Inc.

**To the Town of Philipstown Town Board
On Proposed Local Law No. 6 to Prohibit the Sale or Use of Natural Gas Wastes
from Hydraulic Fracturing**

September 25, 2013

Riverkeeper, Inc. ("Riverkeeper") submits the following comments in support of the proposed legislation – Local Law No. 6 – which prohibits the sale or use of natural gas wastes from hydraulic fracturing ("fracking") within the Town of Philipstown, including a ban on the spreading of this waste on roads and property within the Town and on its acceptance at wastewater treatment plants.

Riverkeeper is a member-supported watchdog organization dedicated to defending the Hudson River and its tributaries and protecting the drinking water supply of nine million New York City and Hudson Valley residents. Riverkeeper is actively involved in litigation, advocacy, and public education surrounding the issue of shale gas extraction and ancillary activities, particularly because of its potential impacts on New York State's drinking water supplies.

Riverkeeper commends the Town Board for considering legislation to protect Town residents from the dangers posed by improperly treated and re-purposed fracking waste. Similar legislation has been enacted by the Putnam County Legislature, which encouraged municipalities within the County to follow up with their own measures. The Towns of Carmel and Southeast have already done so, and we urge the Town Board to take similarly protective action for Philipstown as expeditiously as possible.

Fracking waste contains brine, heavy metals, and naturally occurring radioactive materials linked to health conditions such as cancer and birth defects. Once spread on roads, this waste can run off onto school playgrounds, residential properties, and farmland and ultimately could contaminate rivers, streams, and underground aquifers that feed local drinking water supplies. It is very difficult and expensive to remove hazardous materials from drinking water after supplies have been polluted.

Passing this legislation is critical because the sale, acceptance, and disposal of this waste are currently occurring in New York State. Such practices will continue regardless of whether high-volume fracking moves forward in New York, since waste is being produced by ongoing low-volume fracking operations upstate. Approximately 6,000 of these low-volume wells generate waste in New York with contaminants similar to those from high-volume wells in other parts of the Marcellus Shale. In addition, fracking waste that includes drill cuttings, liquid waste,

and leachate is currently being transported to New York from high-volume fracking operations in Pennsylvania.

New York State allows brine from low-volume fracking operations to be spread on roads if special permission – known as a beneficial use determination – is obtained from a regional Department of Environmental Conservation office. To maintain this permission, brine only needs to be tested for radioactivity once per year. This is completely inadequate to ensure the safety of citizens, as the radioactivity of the brine applied will vary greatly depending on the well source.

With the required permits from the state Department of Environmental Conservation and the U.S. Environmental Protection Agency, fracking waste could also be allowed to be sent to the same facilities that treat typical wastewater from our homes, even though we know this waste cannot be effectively treated by these plants. An investigative report from The New York Times showed that over a three-year period in Pennsylvania, the industry sent over a billion gallons of fracking waste to treatment plants unequipped to handle it, causing the plants to discharge the waste into Pennsylvania's waterways.

Riverkeeper fully supports Local Law Number 6 and urges the Town Board to pass it as expeditiously as possible.

Thank you for the opportunity to comment on this important issue.



GRASSROOTS

Environmental Education

Main Office: 52 Main Street • Port Washington • New York 11050 • T (516) 883-0887 • www.grassrootsinfo.org
Wainwright House, 260 Stryvesant Ave. Rye, NY 10580 • 25 Sylvan Road, Westport, CT. 06880

Memo of Support
For Local Law Adding a New Chapter 104 to the Philipstown
Town Code in Relation to the Sale, Application and Disposal of
Waste Associated with Natural Gas Exploration and Extraction
Activities.

Grassroots Environmental Education, a science-based, environmental health nonprofit organization supports the ban of the sale, application and disposal of all gas drilling waste and its constituents in the Town of Philipstown from gas exploration and extraction operations. This critically important prohibition protects the water supplies and the health and safety of residents in Philipstown.

Newly developed hydrofracking drilling technologies involve the use of hundreds of toxic chemicals and large quantities of water to extract gas from shale deposits deep underground. Much of this highly toxic mixture returns to the surface with the gas along with other contaminants including heavy metals, volatile organic compounds, brine that is 8 times saltier than sea water and high levels of radioactive materials including radium-226 and radium-228 which are known human carcinogens. Radium-226 has a half-life of 1600 years and is linked to anemia, cataracts, bone, liver and breast cancers.¹ Radon, a decay product of radium, is an extremely dangerous gas and is considered the leading cause of lung cancer in non-smokers nationwide.² Other chemicals in gas drilling waste, also known as fracking waste, are known carcinogens and endocrine disruptors.

Whether or not New York State permits high volume hydraulic fracturing, highly contaminated radioactive gas drilling waste and its constituents pose an immediate public health threat for all New Yorkers due to the ongoing acceptance of radioactive gas drilling waste byproducts from hydrofracking operations in Pennsylvania and from over 6,000 active low volume gas wells in upstate New York for road spreading applications including de-icing and dust control, and for disposal at local landfills and wastewater treatment facilities. With lax oversight from the State and absence of federal and state regulations, local governments are stepping in to protect the health and safety of their residents from these dangerous exposures. Similar legislation has been enacted in other counties and municipalities.

Naturally occurring radioactive materials (NORM) are distributed through geologic formations and exist undisturbed in nature whether at the earth's surface or below the surface. However, when naturally occurring radioactive materials are disturbed and transported by human activity to human environments they are considered technologically enhanced naturally occurring radioactive materials (TENORM) increasing potential of exposure that may result in concentration levels above background levels.³ Many of the radionuclides found in gas drilling waste and its constituents are not addressed by regulatory guidance documents and negligible information is provided in determining potential of cumulative effects of simultaneous exposure to several

¹ <http://www.atsdr.cdc.gov/toxprofiles/tb144.pdf>

² <http://www.epa.gov/radon/healthrisks.html>

³ <http://www.ncbi.nlm.nih.gov/pubmed/23552651>

radionuclides or potential human and animal health impacts from these concurrent exposures. The Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) do not have established federal regulations that directly govern TENORM waste from the oil and gas industry.⁴ The term NORM is often misused when applied to radioactive material introduced into human environments by oil and gas exploration and extraction operations. The New York State Department of Environmental Conservation (DEC) improperly classifies this hazardous radioactive gas drilling waste as NORM instead of TENORM which would require special disposal requirements of New York's low level radioactive waste law.⁵

Levels of NORM including radium and its decay product, radon, are known to be significantly higher in the Marcellus Shale than in other shale formations where shale gas exploration and extraction activities are being conducted.⁶ Levels of total radium tested in the wastewater from eleven active New York vertical gas wells averaged over 8,400 pCi/l exceeding the EPA's maximum contaminant level for drinking water by more than 1,000 fold (5pCi/l for combined radium-226 and radium-228).⁷ Radium-226 emits gamma radiation, which can travel fairly long distances through air, raising risks for cancer in communities.⁸

Highly contaminated and radioactive gas drilling waste byproducts from gas exploration and extraction operations can potentially cause irreversible damage to water, air, land, soil, and food supplies, yet, there is no safe disposal plan for the billions of gallons that are produced. Although the waste is hazardous and in fact, exceeds the legal criteria for hazardous waste classification, it is improperly categorized as "industrial waste" under federal and state laws as a result of special exemptions given to the oil and gas industry as part of the Energy Act of 2005. These exemptions eliminate tracking requirements for the handling, storage, treatment and disposal of the gas drilling waste byproducts and include the Safe Drinking Water Act, Clean Drinking Water Act, the Clean Air Act, the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the National Environmental Policy Act (NEPA) and the Toxic Release Inventory of the Emergency Planning and Community Right-to-Know Act.⁹

One method of disposal is through wastewater treatment plants, which are not designed to treat chemicals, contaminants and highly radioactive materials produced from gas drilling operations according to leading scientific experts.¹⁰ Processing hazardous radioactive wastewater from gas extraction activities through wastewater treatment facilities will increase contaminant loads of downstream surface waters. If wastewater treatment plants accept this waste, the resulting discharge into rivers and lakes of large amounts of effluent will increase contaminant levels impacting aquatic life and eventually the food chain.¹¹ High bromide levels in gas drilling waste are highly corrosive to equipment and can react during water treatment to form brominated trihalomethanes linked to bladder and colon cancers, and are associated with birth defects. Once in the drinking water supplies, trihalomethanes are difficult to eliminate.¹²

Vehicles transporting hazardous radioactive gas drilling waste increase the risk of human and animal exposure and contamination of water, air, soil and foodsheds when accidents, spills and leaks occur. Gas industry trucks hauling fracking waste byproducts have no special hazardous

⁴ <http://www.ncbi.nlm.nih.gov/pubmed/23552651>

⁵ <http://www.dec.ny.gov/regs/4351.html>

⁶ <http://pubs.usgs.gov/sir/2011/5135/>

⁷ <http://pubs.usgs.gov/sir/2011/5135/>

⁸ <http://www.atsdr.cdc.gov/toxprofiles/tb144.pdf>

⁹ http://www.catskillcitizens.org/learnmore/FS_OilGasExemptions.pdf

¹⁰ http://www.psehealthyenergy.com/data/Cuomo_ScientistsLetter_15Sep20112.pdf

¹¹ http://www.epa.gov/npdes/pubs/pretreatment_program_intro_2011.pdf

¹² <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1566350>

warning signs or emergency instructions placing first responders and residents at risk. The potential for additional risk of exposure occurs when hydrofracking brine from gas drilling operations is used for dust suppression and de-icing on roads permitted by the DEC through the use of Beneficial Use Determinations (BUDs).¹³ Spills, leaks, accidents and road spreading applications of radioactive fracking brine will expose drivers, passengers and pedestrians to dangerous pollutants while contaminating nearby surface and groundwater, residential areas, school properties and farmland. Radioactive particles may become airborne as trucks and passenger vehicles travel along roads and can be tracked on tires into driveways and garages and ultimately tracked in on shoes into homes. Rain and snowmelt carrying radioactive materials can runoff road surfaces where it can migrate onto nearby property and into streams, ponds and irrigation systems, leach into soil or seep into groundwater creating dangerous exposure pathways for human and livestock inhalation and ingestion of highly radioactive materials, and carcinogenic and endocrine disrupting chemicals. Radioactive contaminants do not dissipate. They continue to spread further.¹⁴

New York State DEC also permits disposal of radioactive drill cuttings and sludge from gas drilling sites in solid waste landfills.¹⁵ Disposal of radioactive sludge from gas drilling activities will contaminate landfills for thousands of years.¹⁶ All landfill membranes fail eventually¹⁷ and leaching or flooding could result in contamination of nearby ponds, streams or groundwater. Leachate from landfills is a frequent cause of groundwater contamination.¹⁸ Several New York landfills are permitted by the DEC to accept various types of shale gas drilling waste from Pennsylvania and to solidify non-solid wastes under solid waste landfill permits. Data released by the Pennsylvania Department of Environmental Protection (DEP) reveal that in the past two years more than 300,000 tons of gas drilling waste including wastewater and drill cuttings have been accepted from hydrofracking operations in Pennsylvania into New York landfills.¹⁹ Leachate from those landfills is accepted at wastewater treatment plants ill equipped to process radioactive materials and other gas drilling waste contaminants.

Storage of hazardous, radioactive gas drilling waste in closed containment tanks can result in groundwater and surface water contamination. Closed containment tanks often used for storage of gas drilling waste could corrode over time, resulting in leaks, and may overflow or rupture if capacity is exceeded.²⁰

“Midnight” dumping by gas contractors of toxic fracking waste on roads, in ditches and wetlands and other properties also poses a serious threat to air, water, soil, food supplies and public health.²¹

The agricultural sector is vulnerable to the dangerous pathways of exposure from the immediate threat of hazardous radioactive gas drilling waste and its constituents. There is mounting evidence of livestock illness and death from acute toxicity poisoning from harmful exposures to

¹³ <http://www.dec.ny.gov/chemical/23473.html>

¹⁴ <http://www.grassrootsinfo.org/pdf/whitereport.pdf>

¹⁵ NYS DEC Revised Draft SGEIS 2011, p.5-129

¹⁶ <http://www.epa.gov/radiation/radionuclides/radium.html>

¹⁷ US EPA Solid Waste Disposal Criteria, August 30, 1988

¹⁸ <http://www.epa.gov/osw/nonhaz/municipal/landfill.htm>

¹⁹ <https://www.paoilandgasreporting.state.pa.us/publicreports/Modules/Welcome/Agreement.aspx>

²⁰ <http://www.epa.gov/oust/fsprevnt.htm>

²¹ <http://www.alternet.org/fracking/toxic-wastewater-dumpedstreets-and-rivers-night-gas-profiteers->

gas drilling waste byproducts. Reports reveal reproductive problems in cows and higher rates of stillborn and deformed calves.²²

Presence of highly radioactive materials and other contaminants on farmland and in food products can cause irreparable damage and serious financial and emotional impacts for farming communities. Food producers' success is dependent on consumer confidence. Such confidence could be undermined, whether or not contamination takes place, when consumers learn that food is produced in a region where gas drilling waste byproducts are disposed of at wastewater treatment facilities and landfills or applied on roads as a de-icing agent or dust suppressant. The protection of the quality and safety of food production is critical to public health and the economy.

Grassroots Environmental Education supports the prohibition of the sale, application, and disposal of waste associated with gas exploration and extraction operations to protect the public health, air, water, soil, foodsheds, economy, and infrastructure of Philipstown.

²² http://www.psehealthyenergy.org/data/Bamberger_Oswald_NS22_in_press.pdf

Weekly Town Board
September 25, 2013

The Town Board held their Weekly Meeting on the above date at 8:41 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

AGENDA

1. Resolutions adopting Local Laws as follows:

- SEQRA – Type II for all Local Laws (*only one necessary for all*)

RESOLUTION

The following Resolution was presented by Councilman Merandy, seconded by Councilwoman Montgomery and unanimously carried;

WHEREAS, the Town of Philipstown has reviewed the package of six amendments to the Town Code, more fully described in Attachment A. (Attached)

NOW, THEREFORE, BE IT RESOLVED, that this action is a Type II Action, as defined under NYCRR Part 617.13d, which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 617 of the Environmental Conservation Law.

- *Authorize Supervisor Shea to sign short EAF. Negative Declaration.*

RESOLUTION

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the Short Environmental Assessment Form in connection with the six amendments to the Town Code as described in Attachment A.

- Chapter 175, "Zoning," to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board. *(Roll Call Vote)*

RESOLUTION #

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Montgomery;

WHEREAS, the Town Board has considered the adoption of Local Law No. 1 of the year 2013 entitled: A Local Law to amend certain chapters of the Code of the Town of Philipstown in order to fully implement changes in Chapter 175, "Zoning," and to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board.

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

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt Local Law No. 1 of the year 2013 entitled:, A Local Law to amend certain chapters of the Code of the Town of Philipstown in order to fully implement changes in Chapter 175, "Zoning," and to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board. which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

The vote on the foregoing resolution was as follows:

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

- Chapter 159 entitled "Timber Harvesting and Forest Management," in order to implement the Town's Natural Resource and Open Space Plan.

RESOLUTION #

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilman Van Tassel;

WHEREAS, the Town Board has considered the adoption of Local Law No. 2 of the year 2013 entitled: A Local Law to amend Chapter 159 of the Code of the Town of Philipstown, entitled, "Timber Harvesting and Forest Management," in

order to implement the Town's Natural Resource and Open Space Plan and it's re-designation of the Town's Conservation Advisory Council as a Conservation Board.

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

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt Local Law No. 2 of the year 2013 entitled: A Local Law to amend Chapter 159 of the Code of the Town of Philipstown, entitled, "Timber Harvesting and Forest Management," in order to implement the Town's Natural Resource and Open Space Plan and it's re-designation of the Town's Conservation Advisory Council as a Conservation Board which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

- Chapter 93, "Freshwater Wetlands and Watercourses" to fully implement changes in Chapter 175, "Zoning," the re-designation of the Town Conservation Advisory Council as a Conservation Board and to bring Chapter 93 into consistency with other sections of the Town Code and Comprehensive Plan. (*Roll Call Vote*)

RESOLUTION #

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilman Merandy:

WHEREAS, the Town Board has considered the adoption of Local Law No. 3 of the year 2013 entitled: A Local Law to amend Chapter 93, "Freshwater Wetlands and Watercourses," of the Code of the Town of Philipstown in order to fully implement changes in chapter 175, "Zoning," to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board, and to bring Chapter 93 into consistency with other sections of the Town Code and the Comprehensive Plan, and

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

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt Local Law No. 3 of the year 2008 entitled:, A Local Law to amend Chapter 93, "Freshwater Wetlands and Watercourses," of the Code of the Town of Philipstown in order to fully implement changes in chapter 175, "Zoning," to implement the re-designation of the Town's Conservation Advisory Council as a Conservation Board, and to bring Chapter 93 into consistency with other sections of the Town Code and the Comprehensive Plan which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

- Chapter 112, "Land Development," in order to require maintenance agreements for Open Development Area Subdivisions accessed by shared rights-of-way. (*Roll Call Vote*)

RESOLUTION #

The following Resolution was presented by Councilman Van Tassel, seconded by Councilwoman Budney;

WHEREAS, the Town Board has considered the adoption of Local Law No. 4 of the year 2013 entitled: A Local Law to amend Chapter 112 of the Code of the Town of Philipstown, entitled "Land Development," in order to require maintenance agreements for Open Development Area Subdivisions accessed by shared rights-of way, and

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

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt Local Law No. 4 of the year 2013 entitled: A Local Law to amend Chapter 112 of the Code of the Town of Philipstown, entitled "Land Development," in order to require maintenance agreements for Open Development Area Subdivisions accessed by shared rights-of way, which said

local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

- Chapter 175, "Zoning," in order to make clarifications and technical corrections.

RESOLUTION #

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

RESOLVED, that the Town Board hereby tables adopting Chapter 175, "Zoning," in order to make clarifications and technical correction.

- Chapter 104, Adding a New Chapter in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities. *(Roll Call Vote)*

RESOLUTION #

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Montgomery;

WHEREAS, the Town Board has considered the adoption of Local Law No. 5 of the year 2013 entitled: A Local Law adding a New Chapter 104 to the Philipstown Town Code in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities, and

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

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby adopt Local Law No. 5 of the year 2013 entitled: A Local Law adding a New Chapter 104 to the Philipstown Town Code in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities,, which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

2.Resolution revoking the Bond and completing the work on Hudson Way with regard to Michele Thorpe Holubar. (Property located off of Route 301)

Supervisor Shea addressed this matter as Item #1. Supervisor Shea explained that the Town has been waiting for the owner of the subdivision to complete the project. He noted that the town has been in court over this matter for 17 months, with no results. He reported that the town has a bond, which if the town revokes, the town will be responsible for completing the road.

Discussion continued at length between the Town Board and a resident of Hudson Way. Councilman Merandy inquired as to whether or not the bond amount would cover the costs. It was then determined that additional language be added to the resolution stating that if the Town elects to revoke the Bond and complete the work to the extent the funds in the bond will cover the cost of completing the work.

RESOLUTION #133-2013

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

RESOLVED, that the Town Board hereby tables acting on the revocation of the Bond in the matter of Philipstown v. Holubar until additional language is added to proposed Resolution.

3. Resolution introducing a proposed Local Law entitled: “ A Local Law establishing a six (6) month moratorium on applications for Major Wind Energy Conversion Systems within the Town of Philipstown.”

RESOLUTION #134-2013

The following Resolution was presented Councilman Merandy, seconded by Councilwoman Montgomery;

WHEREAS, the Town Board of the Town of Philipstown is considering enacting amendments and updates to the Town Code's provisions regarding regulations for Major Wind Energy Conversion Systems, and

WHEREAS, the Town Board is also considering enacting a moratorium on applications for Major Wind Energy Conversion Systems while it prepares and deliberates on the proposed amendments and updates to the Town Code, and

WHEREAS, the Town Board has a local law before it entitled: "A Local Law establishing a six (6) month moratorium on the submission and processing of applications for Major Wind Energy Conversion Systems within the Town of Philipstown," a copy of which is annexed hereto,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movement of this resolution does hereby introduce the proposed local law establishing a six month moratorium on applications for Major Wind Energy Conversion Systems within the Town of Philipstown, and
2. That the proposed local law be forwarded to the Putnam County Department of Planning and the Philipstown Planning Board for review and report.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

4. Resolution introducing a revision to "A Local Law to amend Chapter 175, "Zoning," of the Code of the Town of Philipstown in order to make clarifications and technical corrections by adding a new Section 5 to the Local Law.

Supervisor Shea introduced an amendment to the local law entitled "A Law Amending the Town Code of the Town of Philipstown to make clarifications and technical corrections to Chapter 175" to clarify one provision relating to replacement of existing mobile homes. This clarification explicitly states what was implicitly understood to be the intent of zoning law when it was originally adopted. The amendment adds a new Section 5 to the local law and renumbers all

succeeding sections accordingly. The new Section 5 of the local law reads as follows:

5. Section 175-44 of the Town Code of the Town of Philipstown is hereby amended by inserting a new subsection F, after subsection E that reads as follows:

F. Existing mobile homes in any location may be replaced by newer mobile homes in the same location.

Supervisor Shea asked if there was any comment from the Board on this amendment. Hearing none, he called for a vote on the amendment

RESOLUTION #

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

RESOLVED, that the Town Board hereby approves the amendment to a local law to amend Chapter 175, "Zoning," of the Code of the Town of Philipstown in order to make clarifications and technical corrections by adding a new Section 5 to the Local Law as described above.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

Mary Finger reported to the Town Board that there is funding available from NYSEERDA for revising Comprehensive Plans and thought that the town should pursue any funding.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried to close the Weekly Meeting at 9:17 p.m.

Respectfully submitted by,

Tina M. Merando, Town Clerk

617.20


Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Philipstown	2. PROJECT NAME Town Code Amendments
3. PROJECT LOCATION: Municipality Philipstown County Putnam	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Entire Town of Philipstown	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Package of six amendments to the Town Code, more fully described in Attachment A.	
7. AMOUNT OF LAND AFFECTED: Initially Townwide acres Ultimately Townwide acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: NA	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: NA	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Richard Shea, Town Supervisor, Town of Philipstown Date: Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?		If yes, coordinate the review process and use the FULL EAF.
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)		
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:		
NO		
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:		
NO		
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:		
NO		
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:		
NO		
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:		
NO		
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:		
NO		
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:		
NO		
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If Yes, explain briefly:
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?		
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/>	Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.
Town Board, Town of Philipstown	
Name of Lead Agency	Date
Richard Shea	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Reset

ATTACHMENT A TO SHORT ENVIRONMENTAL ASSESSMENT FORM,
TOWN OF PHILIPSTOWN, PROPOSED AMENDMENTS TO TOWN CODE

SEPTEMBER 2013

This EAF evaluates the environmental impacts of six proposed local laws, attached hereto, as follows:

1. Revision of Chapter 93, Wetlands, to expand the powers of the Conservation Board and make Chapter 93 consistent with the new zoning. By resolution of the Town Board dated May 5, 2011, the Philipstown Conservation Advisory Council was redesignated as a Conservation Board pursuant to Section 239-y of the General Municipal Law. By itself, the redesignation did not give any additional powers to this body. It simply authorized this body to be given additional powers. To exercise these powers, it was necessary to amend Chapter 93, as well as other chapters of the Town Code, to give the Conservation Board the powers that it needs to carry out the intent of the redesignation. The attached revisions to Chapter 93 make the Conservation Board the permitting agency for wetland permits under Chapter 93 and also provide for the role of Natural Resources Review Officer. This proposed local law is primarily procedural in nature and makes no material substantive changes to Chapter 93. To the extent that it provides for more thorough review of wetland permit applications by the Conservation Board, it is expected to have only beneficial environmental impacts, if any at all.
2. Amendments to various chapters of the Town Code (10, 30, 38, 62, 78, and 85) to implement provisions of the new Zoning Law passed in May, 2011 and to expand the powers of the Conservation Board, including amendments that provide for the position and authority of the Natural Resources Review Officer, appointment of alternate members of the Planning Board, procedural and definitional amendments to the building code and driveway permit chapters, definitional changes to the chapter on environmentally sensitive lands to correspond to changes already made in the zoning, repeal of the steep terrain provisions of Chapter 147 which have been incorporated into the zoning, and otherwise to make these chapters consistent with the new zoning and with the designation of the Conservation Board. These changes are technical in nature, do not change the substantive provisions of any existing chapter of the Town Code, and resolve inconsistencies between these chapters and the new Zoning Law and designation of the Conservation Board.
3. Amendments to Chapter 159, Timber Harvesting, to expand the role of the Conservation Board and to make Chapter 159 consistent with the new zoning.
4. Amendment of Chapter 112 to require recorded maintenance agreements for rights of way in Open Development Areas.
5. Technical amendments to the Zoning Law (Chapter 175) to correct minor mistakes and clarify and resolve ambiguities.
6. An amendment to the Town Code adding a new Chapter 104 to prohibit the use of waste materials from hydraulic fracturing operations throughout the Town.

Inasmuch as these Town Code amendments are technical and procedural in nature, more fully implementing previously adopted measures by the Town Board, they will have no environmental impact. In the case of amendment Number 6 (hydrofracking waste), the amendment will have only beneficial

impacts because it will protect the Town from potentially adverse environmental impacts of the use of toxic materials.

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number

Date:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Philipstown as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Six Town Code Amendments

SEQR Status:

Type 1

☐

Unlisted

☒**Conditioned Negative Declaration:**☐

Yes

☒

No

Description of Action:

Package of six Town Code amendments, described in Attachment A, dated September 2013.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Town-wide.

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

As described in Attachment A, these amendments are either technical corrections with no environmental impacts or are amendments to the Town Code adopted pursuant to the Town's 2006 Comprehensive Plan for the express purpose of protecting environmental resources, especially water resources and wetlands. These amendments also give new authority to the Town's Conservation Board to more effectively implement its powers and integrate its functions procedurally into Town permitting processes and make all relevant sections of the Town Code consistent with the Zoning Law adopted in 2011 and the Comprehensive Plan adopted in 2006. They therefore are either neutral or beneficial with respect to environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Richard Shea, Town Supervisor

Address: 238 Main Street, Cold Spring, NY 10516

Telephone Number: 845-265-5200

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

ATTACHMENT A TO NEGATIVE DECLARATION
TOWN OF PHILIPSTOWN, PROPOSED AMENDMENTS TO TOWN CODE

SEPTEMBER 2013

This Negative Declaration evaluates the environmental impacts of six proposed local laws, as follows:

1. Revision of Chapter 93, Wetlands, to expand the powers of the Conservation Board and make Chapter 93 consistent with the new zoning. By resolution of the Town Board dated May 5, 2011, the Philipstown Conservation Advisory Council was redesignated as a Conservation Board pursuant to Section 239-y of the General Municipal Law. By itself, the redesignation did not give any additional powers to this body. It simply authorized this body to be given additional powers. To exercise these powers, it was necessary to amend Chapter 93, as well as other chapters of the Town Code, to give the Conservation Board the powers that it needs to carry out the intent of the redesignation. The attached revisions to Chapter 93 make the Conservation Board the permitting agency for wetland permits under Chapter 93 and also provide for the role of Natural Resources Review Officer. This proposed local law is primarily procedural in nature and makes no material substantive changes to Chapter 93. To the extent that it provides for more thorough review of wetland permit applications by the Conservation Board, it is expected to have only beneficial environmental impacts, if any at all.
2. Amendments to various chapters of the Town Code (10, 30, 38, 62, 78, and 85) to implement provisions of the new Zoning Law passed in May, 2011 and to expand the powers of the Conservation Board, including amendments that provide for the position and authority of the Natural Resources Review Officer, appointment of alternate members of the Planning Board, procedural and definitional amendments to the building code and driveway permit chapters, definitional changes to the chapter on environmentally sensitive lands to correspond to changes already made in the zoning, repeal of the steep terrain provisions of Chapter 147 which have been incorporated into the zoning, and otherwise to make these chapters consistent with the new zoning and with the designation of the Conservation Board. These changes are technical in nature, do not change the substantive provisions of any existing chapter of the Town Code, and resolve inconsistencies between these chapters and the new Zoning Law and designation of the Conservation Board.
3. Amendments to Chapter 159, Timber Harvesting, to expand the role of the Conservation Board and to make Chapter 159 consistent with the new zoning.
4. Amendment of Chapter 112 to require recorded maintenance agreements for rights of way in Open Development Areas.
5. Technical amendments to the Zoning Law (Chapter 175) to correct minor mistakes and clarify and resolve ambiguities.
6. An amendment to the Town Code adding a new Chapter 104 to prohibit the use of waste materials from hydraulic fracturing operations throughout the Town.

Inasmuch as these Town Code amendments are technical and procedural in nature, more fully implementing previously adopted measures by the Town Board, they will have no environmental impact. In the case of amendment Number 6 (hydrofracking waste), the amendment will have only beneficial

In the case of amendment Number 6 (hydrofracking waste), the amendment will have only beneficial impacts because it will protect the Town from potentially adverse environmental impacts of the use of toxic materials.

Monthly Town Board Meeting
October 3, 2013

The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 7:30 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:	Richard Shea	Supervisor
	Betty Budney	Councilwoman
	Nancy Montgomery	Councilwoman
	David Merandy	Councilman
	John Van Tassel	Councilman

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

Special Meeting – Philipstown Depot Theatre Development Corporation – Proposed Merger with Philipstown Depot Theatre Inc.

The meeting was called to order at 7:34 pm.

Mr. Robert Bickford said that the Philipstown Depot Theatre Development Corporation, "PDT" was established 10 years ago as a local development corporation, which replaced a regular not-for profit corporation that had been formed in 1998. Changes in State law have imposed significant financial and reporting burdens. Accordingly the Board of PDT has established a new PDT as a regular not-for-profit corporation and has adopted a Plan of Merger. After the merger, the new PDT will carry exactly the same members, directors and officers, by-laws and mode of operations, and with all of PDT's assets and liabilities.

Supervisor Shea asked if the PDT Board was unanimous in wanting to make this change and if we were in good legal standing with the State. Mr. Bickford said that yes the Board was agreeable to this change and that the State would approve this kind of merger.

RESOLUTION

The following Resolution was presented by Claudio Marzollo seconded by Councilman Van Tassel and unanimously carried;

RESOLVED, that the Plan of Merger presented to this meeting, providing for the merger of this corporation with Philipstown Depot Theatre Inc., pursuant to which Philipstown Depot Theatre Inc. will be the surviving corporation, is approved.

There being no further business to discuss, Claudio Marzollo made a motion, seconded by Councilwoman Montgomery to close the Meeting at 7:40 pm.

COMMITTEE REPORTS

CB – Councilwoman Montgomery reported that the meeting is not until next week – Tuesday, October 8, 2013. at which time the Board will be holding training with the Town Planner, Susan Jainchill and Wetlands Inspector David Klotzle.

RECREATION – Councilman Van Tassel reported that he attended the September 4, 2013 meeting, Recreation Commissioner Stickle submitted financial reports as well as the minutes from the August meeting. They discussed the boiler replacement and the oil tank removal and subsequent contamination of the soil beneath the tank. There was a discussion of future oil deliveries and the approach road to the tank. The senior luncheon was held yesterday with 80+ seniors attending. The senior exercise classes are 15+. This Sunday is the Castle to River Trail run. Volunteer are needed to assist setting up and operation. Please contact the Recreation Department @424-4618. The committee for the winter carnival met and the date has been set for February 8 at the Town Park. Many great events have been planned and hopefully there will be snow and ice-skating. Registration for the winter programs will begin on October 28, 2013. The book will be in the paper the week prior. The next meeting will be Tuesday, October 29, 2013.

Supervisor Shea said the boiler replacement project is going really well in spite of the fact that there was an oil cleanup. His thanks goes out to Councilman Merandy who spearheaded the whole project. It is going as well as it could possibly go.

RECYCLING – Councilwoman Budney had nothing to report this month.

PLANNING BOARD - Councilman Merandy reported that they had a short agenda with only two items; 1) Manitou Properties site application – Public Hearing and 2) Arthur Fisher – access to property. The next meeting will be the 3rd Thursday of the month. He also wanted to remind everyone that all future Planning Board meetings would be held at the Butterfield Library.

ZONING – Councilman Van Tassel reported that he attended the October 1, 2013 meeting and there was only one item on the agenda: James Gleick for the wind turbine. After the meeting was adjourned Mr. Lim requested the meeting be reopened so that he could change his vote for the special use permit from yes to no. The meeting was reopened and the vote changed to 3-2, still in favor. The next meeting is scheduled for November 4, 2013. The Town Board briefly discussed a bond to take down the tower when it becomes obsolete.

HIGHWAY – Councilwoman Budney read the report submitted by Highway Superintendent Roger Chirico, which is on file at the Town Clerks office.

BUILDING & LAND ACQUISITION – Councilman Van Tassel said that he did speak with Ron Gainer with regard to the changes here and he is looking for an existing floor plans of the building to give to Mr. Grainer.

COUNTY LEGISLATOR REPORT - Legislator Scuccimarra said that last night was the Putnam County Budget presentation, which can be viewed on line. There is an increase of \$2.3 million overall from the 2013 Budget that brings this years budget to \$142.9 million (73% of which goes to mandates). She went on to say that she was a little disappointed with the “Medication Take Back” because they only received 120 lbs. of medication brought in as opposed to the 900 lbs they received across the County. Flu shots – will be

Monthly Town Board Meeting
October 3, 2013

given at Garrison Fire Company on October 9, 2013 from 2:00 to 6:30 pm. Another interesting thing is that the IT Department has applied for a grant from NYS for \$6 million – for a communications grant. It is a straight grant not a matching grant. This grant will give the county the ability to upgrade existing radio towers, install or lease space on new towers and install a new microwave system that links our current towers while preparing for the possible evolution of a new system. This grant could come in as soon as the 1st of the year. Another item she wanted to touch on is Manitou Station Road - she scheduled a meeting with Roger Chirico, Fred Penna, Richard Othmer from the Legislature at the site on Tuesday at 9:00 am to see if we can do something because the people down there are at their wits end. She asked if anyone was interested in going to the meeting and Councilman Van Tassel responded that he would be there Tuesday at 9:00 am.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF OCTOBER 3, 2013**

GENERAL & PART-TOWN FUNDS

Recreation Fees – 8/13	\$66,942.39
Justice Court – 8/13	\$8,445.00
NYS Per Capita Aid	\$33,820.00
Building Fees (8/13)	\$16,180.00
Bank Interest	\$87.03
P.C. VFW Rental	\$25.00

HIGHWAY FUND

Put. Co. Gas	\$2,497.02
Put. Co. Gas	\$555.25
Bank Int.	\$232.80

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	\$7.40
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CONTINENTAL VILLAGE PARK DISTRICT

Bank Interest	\$17.68
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AGENDA

- 1. Resolution authorizing Town Clerk Merando to advertise for bidders for #2 Fuel-Oil Bulk Delivery at the Claudio Marzollo Community Center.**

RESOLUTION #136-2013

The following Resolution was presented by Councilwoman Montgomery seconded by Councilman Merandy and unanimously carried;

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for #2 Fuel-Oil Bulk Delivery at the Claudio Marzollo Community Center.

- 2. Resolution authorizing Supervisor Shea to sign the 2012 Sponsor Authorization Form for the Service Award Program list of all 2012 active members of the Garrison Volunteer Ambulance and First Aid Squad, Inc.**

RESOLUTION #137-2013

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

RESOLVED, that the Town Board hereby tables this item.

- 3. Resolution adopting the following Local Law No. 6 – Chapter 175, “Zoning”, in order to make clarifications and technical corrections.**

Town Clerk Merando said that there was a Public Hearing last Wednesday and then the law was amended at a workshop. It has now been on the Supervisor’s desk for seven (7) days so it can now be adopted.

Supervisor Shea noted that there was a Public Hearing with no public comment to speak of and a discussion by the Town Board.

- SEQRA – Type II

RESOLUTION #138-2013

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Merandy and unanimously carried;

RESOLVED, that this action is a Type II Action, as defined under NYCRR Part 617.13d, which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 617 of the Environmental Conservation Law.

- Authorize Supervisor Shea to sign the short EAF. Negative Declaration

RESOLUTION #139-2013

The following Resolution was presented by Councilman Merandy, seconded by Councilwoman Montgomery and unanimously carried;

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the Short Environmental Assessment Form in connection with the amendment to the Town Code as described above.

- Chapter 175, "Zoning", in order to make clarifications and technical corrections. (Roll call vote)

RESOLUTION #140-2013

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Montgomery and unanimously carried;

WHEREAS, the Town Board has considered the adoption of Local Law No. 6 of the year 2013 entitled: A Local Law to amend Chapter 175, "Zoning", to make clarifications and technical corrections.

NOW, THEREFORE, BE IT RESOLVED, as follows: That the Town Board does hereby adopt Local Law No. 6 of the year 2013 entitled: A Local Law to amend Chapter 175, "Zoning", to make clarifications and technical corrections, which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

The vote on the foregoing resolution was as follows:

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

4. Resolution directing that a proposition be submitted at a Special Election to be held December 10, 2013, with regard to the amendment of the defined benefit service award program for the Garrison Volunteer Fire Department

Supervisor Shea had one question: "Why December 10 and not Election Day? An audience member from the GVFD responded that Election Day would be too soon and that all the fire districts in the State have their elections on this date.

Town Clerk Merando pointed out that in the resolution where it lists the workers and it says per hour fee/rate there needs to be a changed as it now says per hour and should actually be \$125 per **day**.

Stan Freilich asked if there was any information available, at this point, about the amendment? His other question is, "Has there been any discussion by the Town Board about the cost of this amendment?" He is looking for details of the amendment. Town Clerk Merando noted that the information is on the website as per her response to his e-mail. Supervisor Shea provided Mr. Freilich with his copy of the Resolution. Councilwoman Montgomery pointed out that this is one of those things that the public decides, not the Town Board.

RESOLUTION #141-2013

Councilwoman Budney offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK, IN REGARD TO THE AMENDMENT OF THE DEFINED BENEFIT SERVICE AWARD PROGRAM FOR THE GARRISON VOLUNTEER FIRE DEPARTMENT, DIRECTING THAT A PROPOSITION BE SUBMITTED AT A SPECIAL ELECTION TO BE HELD DECEMBER 10TH, 2013, DIRECTING PUBLICATION OF NOTICE OF ELECTION AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town Board has heretofore established a Defined Benefit Length of Service Award Program for the volunteer firefighters of the Garrison Volunteer Fire Department with a Monthly Benefit Amount of \$10;

and

WHEREAS, the Town Board, along with the Board of Commissioners of the North Highlands Fire District, has heretofore established and approved Defined Benefit Length of Service Award Programs for the Cold Spring, Continental Village and North Highlands Fire Departments with Monthly Benefit Amounts of \$20;

and

WHEREAS, the Town Board desires to enact an amendment to Section 9 of the Plan dated effective January 1, 1996 for said Defined Benefit Service Award Program, changing the Monthly Benefit paid at entitlement age from \$10 to \$20, subject to the approval of the voters of the Garrison Fire Protection District;

and

WHEREAS, the Town Board desires to enact an amendment to Section 9 of said Plan changing the Total Years of Service maximum from 30 years to 40 years;

and

WHEREAS, the Town Board desires to enact an amendment to said Plan allowing the continued accrual and payment of benefits beyond the entitlement age of 65, consistent with Section 217 (n) of the General Municipal Law adopted subsequent to the heretofore established Length of Service Award for the volunteer firefighters of the Garrison Volunteer Fire Department, subject to the approval of the voters of the Garrison Fire Protection District; now therefore be it RESOLVED as follows:

"BOARD RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PHILIPSTOWN, COUNTY OF PUTNAM, NEW YORK, ADOPTED OCTOBER 3rd, 2013 AUTHORIZING THE AMENDMENT EFFECTIVE JANUARY 1, 2014 OF THAT CERTAIN RESOLUTION PASSED ON JUNE 6, 1996, BY THE TOWN BOARD, AND APPROVED BY THE ELECTORS OF THE GARRISON FIRE PROTECTION DISTRICT AT A REFERENDUM HELD ON SEPTEMBER 17, 1996, WHICH ESTABLISHED A DEFINED BENEFIT SERVICE AWARD PROGRAM FOR THE VOLUNTEER FIREFIGHTERS OF THE GARRISON VOLUNTEER FIRE DEPARTMENT; SAID AMENDMENT: (1) TO ALLOW PROGRAM PARTICIPANTS WHO CONTINUE TO BE ACTIVE VOLUNTEERS TO EARN SERVICE CREDIT AFTER ATTAINMENT OF THE ENTITLEMENT AGE OF SIXTY-FIVE (65) YEARS; (2) TO INCREASE THE MONTHLY BENEFIT FROM TEN AND 00/100 (\$10.00) DOLLARS TO TWENTY AND 00/100 (\$20.00) DOLLARS; AND (3) TO CHANGE THE MAXIMUM NUMBER OF YEARS OF SERVICE FROM THIRTY (30) TO FORTY (40); BY INCREASING THE ESTIMATED ANNUAL COST OF SUCH PROGRAM (INCLUDING ADMINSTRATIVE COSTS) FROM THIRTY-SIX THOUSAND THREE HUNDRED TWENTY-FOUR AND 00/100 (\$36,324.00) DOLLARS TO FIFTY-EIGHT THOUSAND SIX HUNDRED FORTY-SEVEN AND 00/100 (\$58,647.00) DOLLARS BASED ON THE EXISTING NUMBER OF FIREFIGHTERS; BY REDUCING THE ESTIMATED ANNUAL COST PER PARTICIPANT OF SUCH PROGRAM FROM ONE THOUSAND FIVE HUNDRED FORTY-FIVE AND 00/100 (\$1,545.00) DOLLARS TO ONE THOUSAND SIXTY-SEVEN AND 91/100 (\$1,067.91 DOLLARS, BASED ON THE EXISTING NUMBER OF FIREFIGHTERS; BY INCREASING THE ESTIMATED ANNUAL ADMINSTRATIVE FEE FROM FIVE HUNDRED SIXTY-FIVE AND 00/100 (\$565.00) DOLLARS TO ONE THOUSAND THREE HUNDRED FIFTY-SIX AND 00/100 (\$1,356.00) DOLLARS, BASED ON THE EXISTING NUMBER OF FIREFIGHTERS; STATING THE MAXIMUM MONTHLY BENEFIT SHALL BE EIGHT HUNDRED AND 00/100 (\$800.00) DOLLARS, BASED UPON AN AWARD OF TWENTY AND 00/100 (\$20.00) DOLLARS PER MONTH FOR UP TO FORTY (40) YEARS OF SERVICE BY ELIGIBLE PARTICIPANTS; STATING DEATH AND DISABILITY PAYMENTS TO BE AUTHORIZED TO COMMENCE UPON THE DATE OF AMENDMENT OF THE SERVICE AWARD PROGRAM AND REGULAR DEFINED BENEFIT AWARD PAYMENTS TO BE AUTHORIZED TO COMMENCE ONE YEAR THEREAFTER; APPROPRIATING SAID AMOUNTS THEREFOR AND STATING THAT THE FAILURE OF THE AMENDMENT TO BE APPROVED BY THE VOTERS OF THE GARRISON FIRE PROTECTION DISTRICT WILL IN NO WAY AFFECT THE PROVISIONS OF THE SERVICE AWARD PROGRAM PRESENTLY IN EFFECT,"

and be it

RESOLVED FURTHER, the Town Board hereby directs that a proposition be submitted at a Special Election to be held on December 10, 2013, open to all the voters of the Garrison Fire Protection District to determine whether the Town of Philipstown shall amend the service award program as hereinbefore provided; and be it

RESOLVED FURTHER, an Election of the qualified voters of the Garrison Fire Protection District, shall be held at the Garrison Station Two Firehouse, located at 1616 Route 9, Garrison, New York on December 10th, 2013, at 2:00 p.m. and the polls shall remain open until 8:00 p.m. or as much longer as may be necessary to enable the voters then present to cast their votes. The vote upon the Proposition to be submitted to the qualified voters shall be by paper ballots and the Town Clerk is hereby authorized and directed to make the necessary arrangements for same. The Town Clerk is hereby authorized and directed to give notice of said Election by causing a notice in substantially the form annexed hereto to be published in the Putnam County New and Recorder, a newspaper published in the Town of Philipstown, New York, and having a general circulation with the Garrison Fire Protection District and hereby designated as the official newspaper of the Town for such publications.

The following resident Town Electors, each of whom is a registered voter of the town, are hereby appointed to act as Election Inspectors and ballot Clerks at the aforesaid election:

Michele G. Clifton
Karen S. Lindros
Diana H. Swinburne
Sue H. Tudor

Said Clerks and Inspectors shall each be paid at the rate of \$15.62 per hour for the time necessary to prepare the register and for conducting said election.

The Inspectors of Election shall meet prior to December 10th, 2013, to commence preparation of the register for the December 10th, 2013 Election. In preparing such register, the Inspectors of Election shall comply with the following procedure:

- (a) They shall adopt, use or copy from, the registration list certified and supplied by the County Board of Elections the names appearing thereon of all persons residing in the Garrison Fire Protection District and qualified to vote in such forthcoming election.
- (b) The register for the election shall include as a minimum a space for the name of the voter, his or her address within the Garrison Fire Protection District and a space for his or her signature to be signed by the voter on Election Day. The Town Clerk shall furnish the Inspectors of Election, with all necessary registration books, papers, equipment and supplies.

The adoption of the foregoing resolution was seconded by Councilman Van Tassel and duly put to a vote on roll call which resulted as follows:

ROLL CALL VOTE

Supervisor Shea	AYE
Councilman Merandy	AYE
Councilwoman Montgomery	AYE
Councilwoman Budney	AYE
Councilman Van Tassel	AYE

The resolution was declared adopted.

- 5. Resolution approving and authorizing Supervisor Shea to sign an early lease renewal for the postage meter from Pitney Bowes at a rate of \$181.43 per month for 48 months. (Current rate is \$195.00 per month)**

RESOLUTION #142-2013

The following Resolution was presented by Councilwoman Montgomery seconded by Councilwoman Budney and unanimously carried;

RESOLVED, that the Town Board hereby approves and authorizes Supervisor Shea to sign an early lease renewal for the postage meter from Pitney Bowes at a rate of \$181.43 per month for 48 months.

- 6. Resolution revoking the Bond and completing the work to the extent the funds of the Bond will cover for Hudson Way, located off Route 301.**

Town Clerk Merando said that Town Attorney Cinque made the necessary changes requested. Supervisor Shea just wanted to clarify that we are bound by the amount of the bond so we will do work to the extent possible with the \$42,000. Councilman Van Tassel met with Highway Superintendent Chirico and his feeling is that with that amount of money or even less we should be able to prep, grade and pave the road up to the cul-de-sac at the crest of the hill.

RESOLUTION #143-2013

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

WHEREAS, the Town of Philipstown (the "Town") and MICHELE THORPE HOLUBAR, P.O. Box 282, Cold Spring, NY 10516, as principal, entered into an Agreement and Cash Maintenance Bond ("Agreement and Bond") on January 6, 2012, by which she is held and firmly bound unto the Town as Obligee in the sum of FORTY-TWO THOUSAND (\$42,000.00) DOLLARS LAWFUL MONEY OF THE United States, said sum having been paid to the Town of Philipstown therewith, for which payment, well and truly to be made, said principal has bound herself, her heirs, executors, administrators, successors and assigns, jointly and severally; and

WHEREAS, the Agreement and Bond was executed to secure the completion of certain improvements to a subdivision of real property located at Hudson Way, pursuant to the Planning Board having granted approval of said Subdivision by Resolution PB No. 3040, dated December 12, 2007 (the "Site Plan"); and

WHEREAS, the Code Enforcement Officer of the Town had determined that the Principal failed to complete the following improvements as required by the Site Plan, to wit: 1) Paving in accordance with approved New York State DOT road entrance permit from Route 301; 2) Paving of Hudson Way from Station 4+70 to station 9+50 as specified in the approved sub-division plat; 3) Installation of fencing around retention pond area as specified in the approved sub-division plat; and 4) Documentation from a New York State licensed engineer that all sub-division work has been completed and is in substantial compliance with the approved sub-division plat; and

WHEREAS, the Agreement and Bond provided that the Principal was to complete the improvements described in the Agreement and Bond by May 31, 2012, at which time the obligation described in the Agreement and Bond, after consent and approval of the Town of Philipstown, would become null and void, otherwise it shall remain and be in full force and effect; and

WHEREAS, by the terms of the Agreement and Bond, upon the Principal's failure to complete the aforementioned improvements, the Town may revoke the Bond and complete the work (either itself or by contract with another) and shall be reimbursed for the cost thereof directly by the bond, and for such purpose to complete or satisfactorily complete the work; consent to enter the property by the principal is hereby given;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the terms of the Bond, the Town hereby elects to revoke the Bond and complete the work to the extent the funds in the Bond will cover the cost of completing said work, and to be reimbursed for the cost thereof directly by the Bond.

The vote on the foregoing resolution was as follows:

ROLL CALL VOTE

Supervisor Shea	AYE
Councilman Van Tassel	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Merandy	AYE

The resolution was thereupon declared duly adopted.

7. Schedule Workshop/Meetings

- **Schedule Budget Workshops**

October 10, 2013 7:30 pm - LOSAP and Budget Workshop

- **Schedule Public Hearing for the 2014 proposed budget:**
November 6, 2013 7:30 pm (Public Hearing may exceed estimated times)

Continental Village Park District Budget	7:30 pm
Continental Village Water District Budget	7:35 pm
General Budget	7:40 pm

8. Code Enforcement Report

Town Clerk Merando read the report submitted by Code Enforcement, which is on file in the Town Clerks office.

9. Any other business that may come before the Town Board.

Councilman Merandy asked about the Quarry Pond banks being overgrown and if we were going to make arrangements to take care of this. Councilman Van Tassel said that they would need to meet with the Garden Club to discuss. Supervisor Shea said that this is not our responsibility and he will speak with Bill Balter.

Councilwoman Montgomery said that this Saturday is Homecoming at Haldane and they are opening the new turf field. She has invited the seniors to come out at 9:00 am. Hudson Valley Hospital Center will be leading a walk on the new track and invites the community to participate. Another great event this weekend is the Castle to River run.

AUDIENCE

The Constitution Island Association handed the Town Board a statement on the new Education Center on Main Street in Cold Spring. The Education Center will be open to the public with access to exhibitions and to the Association's archives. They thanked Supervisor Shea for the Town's support.

VACANCIES

Recreation Commission (1)
CV Park District Advisory Committee (3)
CV Water District Advisory Committee (3)

APPROVAL OF VOUCHERS

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the General Vouchers in the amount of \$311,134.95 approved as set forth in Abstract 9A & 10.

Monthly Town Board Meeting
October 3, 2013

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Highway Vouchers in the amount of \$409,488.42 are hereby approved as set forth in Abstracts 9A & 10.

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the CVPD Vouchers in the amount of \$8,746.47 are hereby approved as set forth in Abstract 9A & 10.

Councilwoman Budney made a motion, seconded by Councilman Merandy and unanimously carried that the CVWD Vouchers in the amount of \$6,946.47 are hereby approved as set forth in Abstracts 9A & 10.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Merandy to close the Town Board Monthly Meeting at 8:30pm.

Respectfully submitted by,

Theresa Crawley
Deputy Town Clerk

Weekly Town Board Meeting
October 9, 2013

The Town Board held their Weekly Meeting on the above date at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring, NY.

PRESENT:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilman

AGENDA

1. Resolution approving the 2012 Sponsor Authorization Form for the Service Award Program lists of all 2012 active members of the Garrison Volunteer Ambulance and First Aid Squad, Inc.

Supervisor Shea explained that LOSAP offers an incentive for personnel on active duty for the military.

RESOLUTION #144-2013

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

RESOLVED, that the Town Board hereby approves the point listing for the Service Award program for the 2012 active members of the Garrison Volunteer Ambulance and First Aid Squad, Inc.; and

BE, IT FURTHER RESOLVED, that Penflex will confirm the military credit for Gabriel Tiffany-Miller, who is on active duty.

2. Resolution authorizing Town Clerk Merando to advertise for the auctioning of four (4) pieces of equipment located at the Highway Department. (Advertise October 16, 2013)

RESOLUTION #145-2013

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Merandy and unanimously carried;

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for the auctioning of four (4) pieces of equipment located at the Highway Department.

3. Resolution authorizing Town Clerk Merando to advertise for bidders for the 2014 Highway Materials. (Advertise October 23, 2013)

RESOLUTION #

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Montgomery and unanimously carried;

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for the 2014 Highway Materials.

4. Resolution authorizing the Friends of Philipstown Recreation, Inc. to begin the construction of the Pavilion at Philipstown's Town Park, located on Route 9D, in Garrison, NY.

Supervisor Shea confirmed that all members of the Town Board have reviewed the plans for this project. He noted that the Friends of Philipstown Recreation raised the funds to be used for the Pavilion. Supervisor Shea once again thanked Claudio and Jean Marzollo for their generous donation.

RESOLUTION #

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

WHEREAS, the "Friends of Philipstown Recreation, Inc.," was established June 10, 2013 as a 501C3 Corporation, as a not-for-profit corporation and is tax-exempt under Section 501c3 of the Internal Revenue Code; and

WHEREAS, its purposes are: (a) to provide funds, through grants, loans and otherwise, to the Town of Philipstown to assist the Town in constructing, acquiring, establishing and maintaining new and existing recreational facilities and programs for the benefit of the Town's residents: (b) from time to time, if requested by the Town, to construct, acquire, establish and maintain new and existing recreational facilities for use by the Town, through leases or otherwise, for the Town's recreational programs.; and

WHEREAS, the "Friends of Philipstown Recreation Inc.," has raised funds in the amount of \$99,543.00 with matching funds totaling \$124,543.00 for the purpose of constructing a Pavilion at the Philipstown Town Park, located on Route 9D, Garrison, New York; and

WHEREAS, the "Friends of Philipstown Recreation, Inc.," is seeking permission to obtain a building permit from the Philipstown Code Enforcement Office for the construction of the Pavilion which will be 43 X 73 feet, with bathrooms, storage and concession facilities; and

WHEREAS, the proposed Pavilion will be constructed by volunteers of the community and the "Friends of Philipstown Recreation, Inc., shall provide a comprehensive list, including names, addresses and contact numbers for all

volunteers, which will be filed with all related documents in the Code Enforcement Office under the Section, Block and Lot of said property; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board requests Friends of Philipstown Recreation Inc. to construct the facility and authorizes the Supervisor to take all actions and execute all documents that may be appropriate to assist Friends of Philipstown Recreation Inc. in doing so pursue the issuance of the building permit; and

BE IT FURTHER RESOLVED, that the Town Board hereby waives the fees associated with the aforementioned permit.

Councilwoman Montgomery reported that the Conservation Board participated in training with Susan Jainchill, which was very successful. The Conservation Board would like Susan Jainchill to draft the by-laws and policies for them. Councilwoman Montgomery asked town board members for their approval, which they agreed to. Councilman Van Tassel stated that Zoning is also interested in in-house training. Supervisor Shea noted that additional monies are going to be considered in the budget for just that purpose for all the boards.

Councilman Merandy reported on the status of the boiler, noting that they have finished removing the contaminated soil, totaling ten (10) truck loads, much more than first anticipated. As a result, the additional cost will be substantial. The DEC may require the town to remove the remote line, UAP will be able to do that work also.

Councilman Merandy also reported that he is meeting with Chris Guisti from Glassbury Courts to go over the areas that the town is responsible for lawn maintenance. It seems that the town is cutting areas that are not our responsibility. Supervisor Shea stated that they have found some clay, and it is their intention to spread it around the park area, he asked Councilman Merandy to discuss this matter with them. It was also noted that the Highway Department was going to cut down the areas around the pond. Amber Stickle will be meeting with the Garden Club to discuss future plantings.

Following a brief discussion, Councilman Van Tassel stated that he would contact the little league to see if the clay could be used on the fields.

Then discussion turned to the correspondence received by Joe Regele regarding the proposed LOSAP special election for the Garrison Volunteer Fire Department. All board members agreed that they had some concerns with regard to the hours, and limited access for potential voters and the venue. Stan Freilich's letter was also discussed, and the board suggested a meeting the GVFD to further discuss the details.

5. Budget review.

Supervisor Shea briefly reviewed the proposed budget, pointing out some glaring items that he would like the Town Board to review. One item was a possible increase for the ambulance corps, due to a change to all paid personnel.

Supervisor Shea touched on the highway budget, stating that there are some road projects that have not been completed to date, and additional paving on Lane Gate Road, Route 9 side, that would bring the paving up to the recycling center.

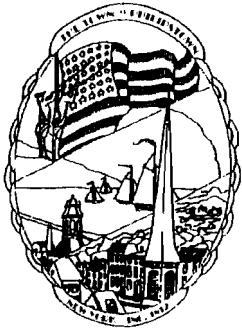
Councilwoman Budney stated that there are two additional cemeteries that need to be maintained by the town, one off of Route 301 and the other on East Mountain Road South. With that said, additional funding needs to be made available so the work can be done.

6. Adjournment.

The Weekly Workshop ended at 8:20 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk



Town of Philipstown

HIGHWAY DEPARTMENT

50 Fishkill Road

Cold Spring, New York 10516

(845) 265-3530

Fax (845) 265-7886

Roger M. Chirico

Highway Superintendent

MEMORANDUM

TO: Richard Shea, Town Supervisor
Town Board Members
Tina Merando, Town Clerk

DATE: October 21, 2013

SUBJECT: 2014 F550 4x4 CHASSIS

It is my recommendation that the award for the bid goes to West Herr New York, 5025 Camp Road, Hamburg, NY 14075 for the amount of \$41,365.00

Roger M. Chirico
Highway Superintendent



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 October 2013

	\$
1. Fees Collected	<u>18,727.</u>
2. Total Number of Permits Issued	<u>35</u>
3. New One- or Two-family dwellings:	<u>1</u>
4. New Commercial/Industrial buildings:	<u>0</u>
5. New Hazardous (H) occupancies:	<u>0</u>
6. New Multi family occupancies:	<u>0</u>
7. Additions, alterations or repairs residential buildings	<u>11</u>
8. Additions, alterations or repairs commercial buildings:	<u>0</u>
9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	<u>23</u>
10. Number of Certificates of Occupancy :	<u>21</u>
11. Number of Stop Work Orders issued:	<u>0</u>
12. Operating permits issued	<u>0</u>
13. Operating permits issued hazardous materials	<u>0</u>
14. Operating permits Hazardous processes and activities	<u>0</u>
15. Permits issued for the Use of pyrotechnic devices:	<u>0</u>
16. Inspection of public assembly :	<u>0</u>
17. Inspection of commercial occupancies	<u>0</u>
18. Inspection of buildings with 3 or more dwelling units:	<u>0</u>

Projects of Significance: _____

