

Town Board Weekly Meeting

December 20, 2017 Town Hall 7:30 p.m.

AGENDA

1. Resolution accepting Open Space Institute Land Trust, Inc. and the Scenic Hudson Land Trust, Inc. land donation for property located at Route 403 and Route 9D, and Town to serve as Lead Agency, accepting the EAF and authorize Supervisor Shea to sign the same and declaring a Negative Declaration.
2. Resolution authorizing the Highway Superintendent to sign a property damage release form regarding road repairs to Philipsbrook Road.
3. Any other business that may come before the Town Board.

ADJOURNMENT

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglille, Jr.
Nicholas A. Pascale

Lisa M. Card
Alana R. Bartley
Aaron C. Fitch
Emily R. Grandolfo
Judith A. Waye

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

December 4, 2017

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

Re: Open Space Institute Conservation Easement
Our File No.: 6082-68467

Dear Board Members:

As you know, Open Space Institute Land Trust, Inc. and The Scenic Hudson Land Trust, Inc. are proposing to donate to the Town an approximate 10.77 acre parcel of vacant land located at the intersection of Route 9D and Route 403 in the Town of Philipstown. They desire to give the land to the Town for public use and enjoyment as recreational playing fields together with related improvements. The gift is proposed to be made subject to the provisions of a conservation easement which will limit the use and development of the property while protecting open space, scenic and conservation values.

The Town Board previously authorized the firm of Badey & Watson to prepare a survey of the property; and that has been completed. In addition, the Town Board has authorized the purchase of title insurance; and the title report has been received.

On October 19, 2017 the donors provided the Town with a formal offer in a letter from the two entities. The next step to be taken in order for the Town to accept the offer of the property as a public park is the completion of SEQR review.

Enclosed please find a SEQR Environmental Assessment Form and a draft resolution adopting a Negative Declaration which will permit the Town to complete the SEQR process. I am also enclosing a resolution to be adopted by the Town Board once it completes SEQR; the resolution formally accepts the offer and authorizes the Supervisor and the Town Clerk to execute such documents as will be necessary to complete the transfer of the property to the Town.

Should you have any questions in connection with my letter or the enclosed documents, please do not hesitate to contact me. Once the Town Board has completed the actions outlined above, the closing can take place shortly thereafter; I suggest that it take place at Town Hall at a time and date convenient for all parties.

Very truly yours,


JAMES R. LOEB

JRL/ef/Encs./612397
via e-mail and Federal Express



WHEREAS, the Town Board is considering the acceptance of a donation of a parcel of land from Open Space Institute Land Trust, Inc. and The Scenic Hudson Land Trust, Inc. for parkland purposes, and

WHEREAS, this is an action subject to SEQRA, and

WHEREAS, the Town Board as the sole Involved Agency assumed Lead Agency status and caused to be prepared a Short Environmental Assessment Form ("EAF"),

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby accepts the EAF, and
2. That the Supervisor is hereby authorized to sign the completed EAF, and
3. That the project is an Unlisted Action under SEQRA, and
4. That, after considering all of the information presented to it including the

EAF, the Town Board hereby adopts the Negative Declaration attached hereto.

_____ presented the foregoing resolution which was
seconded by _____,

The vote on the foregoing resolution was as follows:

Nancy Montgomery, Councilwoman, voting _____

John VanTassel, Councilman, voting _____

Robert Flaherty, Councilman, voting _____

Michael Leonard, Councilman, voting _____

Richard Shea, Supervisor, voting _____

**NEGATIVE DECLARATION
DONATION OF ROUTE 9D PARCEL
TOWN OF PHILIPSTOWN TOWN BOARD, COUNTY OF PUTNAM**

Please take notice that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of Philipstown Town Board has adopted a Negative Declaration for the project named below:

Name of Project: Donation of Route 9D Parcel
Action Type: Unlisted Action, Uncoordinated Review
Location: Town of Philipstown, County of Putnam
Location: Route 9D and Route 403
Zoning District: Rural Conservation (RC) & Scenic Protection Overlay
Tax Map Parcel: Section 71 Block 1 Lot 38

Summary of Action:

The Open Space Institute Land Trust Inc. and The Scenic Hudson Land Trust, Inc. own an approximately 10.77 acre parcel of vacant land located at the intersection of Route 9D and Route 303 in the Town of Philipstown, which they intend to donate and convey to the Town of Philipstown for public use and enjoyment for recreational purposes. At the time of the conveyance the property will be encumbered by a conservation easement held by Open Space Institute Land Trust Inc.

Reasons Supporting Negative Declaration:

Based on its consideration of the available information, the Town Board finds there would be no significant adverse environmental effects associated with accepting the donation of the Route 9D Parcel subject to a conservation easement held by Open Space Institute Land Trust Inc.

With respect to traffic patterns, traffic safety and parking, there will be limited traffic generated as a result of the donation.

With respect to water and sewer resources, the donation does create limited demand for water and sewer services. The donation does not create any grading or land disturbance, any changes to drainage patterns and runoff, and also does not potentially impact threatened and endangered species. No wetlands will be disturbed.

The donation and conservation easement encumbrance are consistent with the Town of Philipstown's Comprehensive Plan Goal #1, to "conserve Philipstown's rural, historic and river-community character". Further, Goal #1(b) encourages actions that "preserve elements that contribute to Philipstown's rural and historic character — dirt roads, stone walls, historic structures, sites and areas, significant trees, ridgelines, farmland, forests, the Hudson River shoreline and scenic viewsheds."

There will be very limited increases in solid waste generation, energy consumption, and any other public service demands. There will be an increase in available park and recreation demands, because there will be no new residential uses. No harmful cultural resource impacts are anticipated.

No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: December ____, 2017

**Agency Address: Town of Philipstown Town Board
Town Hall – 238 Main Street
Cold Spring, New York 12516
Tel.(845) 265-5200
Contact Person: Richard Shea, Supervisor**

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project: Donation of Route 9D Parcel				
Project Location (describe, and attach a location map): Intersection of Route 9D and Route 403 in the Town of Philipstown - Tax Map No. 71-1-38				
Brief Description of Proposed Action: The Open Space Institute Land Trust Inc. and The Scenic Hudson Land Trust, Inc. own an approximately 10.77 acre parcel of vacant land located at the intersection of Route 9D and Route 303 in the Town of Philipstown, which they intend to donate and convey to the Town of Philipstown for public use and enjoyment for recreational purposes. Simultaneous with receiving the conveyance, the Town of Philipstown would encumber the property with a conservation easement to be held by the Open Space Institute Land Trust Inc.				
Name of Applicant or Sponsor: Town of Philipstown		Telephone: 845-265-5200		
		E-Mail: supervisor@philipstown.com		
Address: 238 Main Street				
City/PO: Cold Spring		State: NY	Zip Code: 10516	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		10.77 acres		
b. Total acreage to be physically disturbed?		0 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input checked="" type="checkbox"/> Parkland				

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: Richard Shea, Supervisor _____ Date: _____</p> <p>Signature: _____</p>		

Resolution

WHEREAS, heretofore Open Space Institute Land Trust, Inc. and The Scenic Hudson Land Trust, Inc.(the "Donors") have offered an approximately 10.77 acre parcel of vacant land located at the intersection of Route 9D and Route 403 in the Town of Philipstown to the Town for public use and enjoyment as a public park for recreational playing fields along with a number of other designated improvements, and

WHEREAS, the property is proposed to be conveyed to the Town subject to a conservation easement which sets forth and describes the permitted uses and requirements for the protection of the listed property, and

WHEREAS, heretofore the Town has authorized the firm of Badey & Watson to prepare a survey of the property which survey has been completed and is certified to the Town, and

WHEREAS, heretofore the Town has authorized a title report to be secured so that title to the property can be insured when the Town acquires it, which said title report has been secured, reviewed and approved, and

WHEREAS, the Town Board as Lead Agency has completed the SEQR review of the proposed action set forth in this resolution and has adopted a Negative Declaration in regards to the same,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That by this resolution the Town Board of the Town of Philipstown hereby accepts the donation of the 10.77 acre parcel of land from the Donors subject to the provisions of a conservation easement held by Open Space Institute, Inc.

2. That the Town Board hereby designates the 10.77 acre parcel as a public park in the Town of Philipstown, subject to the provisions of the conservation easement and such rules and regulations as may be promulgated by the Town Board.

3. That the Supervisor and the Town Clerk be and hereby are authorized to execute such documents as may be necessary to accomplish and conclude the acceptance by the Town of the 10.77 acre parcel of land proposed to be donated to the Town.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Nancy Montgomery, Councilwoman, voting _____

John VanTassel, Councilman, voting _____

Robert Flaherty, Councilman, voting _____

Michael Leonard, Councilman, voting _____

Richard Shea, Supervisor, voting _____

sent to
Stavel
11/30/17.

PROPERTY DAMAGE RELEASE

KNOW ALL PERSONS BY THESE PRESENTS: That the undersigned, being of lawful age, for sole consideration of **TWO THOUSAND ONE HUNDRED FIFTEEN AND 28/100 (\$2115.28)**, I, **TOWN OF PHILIPSTOWN HIGHWAY DEPT.** property owner of **PHILIPSE BROOK ROAD, PHILIPSTOWN, NY** do hereby and for my heirs, executors, administrators, successors and assigns release, acquit and forever discharge **NESTLE WATERS NORTH AMERICA/READY REFRESH/POLAND SPRINGWATER** and his, her, their, or its agents, servants, successors, heirs, executors, administrators, and all other persons, firms, corporations, associations or partnerships of and from any and all property damage claims, actions, causes of actions, demands, rights, damages, costs, loss of service, expenses, and any way growing out of any and all known and unknown, foreseen and unforeseen property damage and the consequences thereof resulting from a claimed damage from vehicle accident occurring on 10/10/2017.

It is expressly warranted by me/us that no promise or inducement has been offered except as herein set forth; that this release is executed without reliance upon any statement or representation of the person or parties released, or their representatives, concerning the nature and extent, damages and/or legal liability therefore; that acceptance of the consideration set forth herein is in full accord and satisfaction of a disputed claim for which liability is expressly denied.

THE UNDERSIGNED HAS READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.

Signed, Sealed and delivered this day of _____, 20__

CAUTION! READ BEFORE SIGNING

Witness Signature: _____

Your Signature: _____

Your Signature: _____

State of _____

County of _____

On the _____ day of _____, 20, before me personally appeared _____ to be known to be the person(s) described herein, and who executed the foregoing instrument that he/she voluntarily executed the same.

My term expires, 20 . _____

NOTARY PUBLIC

CLAIM NUMBER:AUPD-0065785

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent act, which is a crime and subjects such person to criminal and civil penalties.