

**Town Board Monthly Meeting
March 7, 2013 7:30 p.m.
Town Hall, 238 Main St., Cold Spring, NY**

SALUTE TO THE FLAG

REVIEW OF MINUTES

- Monthly Town Board Meeting of February 7, 2013
- Weekly Town Board Meeting of February 13, 2013
- Weekly Town Board Meeting of February 20, 2013

COMMITTEE REPORTS

- | | | | |
|---------------------------------|---------------|--------------------------------|-------------------|
| 1) CB | 2) Recreation | 3) Recycling | 4) Planning Board |
| 5) Zoning | 6) Highway | 7) Building & Land Acquisition | 8) GVFD |
| 9) Julia L. Butterfield Library | | | |

AGENDA

1. Resolution awarding the Old Albany Post Road Reconstruction Project to Bilotta Construction as low bidder.
2. Code Enforcement Monthly Report.
3. Schedule Workshops/Meetings
4. Any other business that may come before the Town Board.

AUDIENCE

VACANCIES

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

APPROVAL OF VOUCHERS

- | | | | |
|---------|---------|------|------|
| General | Highway | CVPD | CVWD |
|---------|---------|------|------|

ADJOURNMENT

Butterfield Library Report – March 2013

- The Butterfield Library's Annual Report to the community should be available in March. The report is late this year due to delays in New York State's Division of Library Development. Once our report is filed with the state the library will make it available to the community.
- The library has redesigned our website, please take a look butterfieldlibrary.org. Changes were made based on Focus Groups held in 2012.
- Libraries have experienced a large jump in use during recent years due to the recession; however they have also seen a reduction in funding with an increase in the cost of doing business. Thankfully the Friends of Butterfield Library have stepped in to fund several programs in 2013. These are programs that would have otherwise been discontinued. During the month of March the Friends will be sending out a membership appeal, please consider supporting them.
- The Library provides services to help improve reading skills. If you have a reluctant reader or someone with reading challenges, contact us we can help find services and materials to assist them.
- Attention local organizations, did you know that the Library is here to help you too? If you need meeting space or projection equipment, please contact the Library at 845-265-3040 or jbldirector@gmail.com for assistance.

Monthly Town Board Meeting
February 7, 2013

The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 7:33 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

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

REVIEW OF MINUTES

The Minutes of the Year End Meeting of December 27, 2012, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Year End Meeting of December 27, 2012, are hereby approved as presented.

The Minutes of the Philipstown Depot Theatre Development Meeting of January 3, 2013, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Philipstown Depot Theatre Development Meeting of January 3, 2013, are hereby approved as presented.

The Minutes of the Reorganization Meeting of January 3, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of the Reorganization Meeting of January 3, 2013, are hereby approved as presented.

The Minutes of Monthly Town Board Meeting of January 3, 2013, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of the Monthly Town Board Meeting of January 3, 2013, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of January 9, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of the Weekly Town Board Meeting of January 9, 2013, are hereby approved as presented.

Monthly Town Board Meeting
February 7, 2013

The Minutes of the Special Meeting of January 16, 2013, were reviewed.

Councilwoman Budney made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Special Meeting of January 16, 2013, are hereby approved as presented.

The Minutes of the Bid Opening of January 18, 2013 – Old Albany Post Road, were reviewed.

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

COMMITTEE REPORTS

CB – Councilwoman Montgomery reported that they did not meet in January and noted that it was due to the lack of agenda items. The next meeting will be next Tuesday.

RECREATION – Councilman Van Tassel was with the Vets and arrived late for the meeting. Councilman Merandy said that after a few adjustments the lease for the Depot Theatre was finally signed. He said, that there have been some complaints from the Garrison Fire Dept. with regard to storage at station #1. Both groups are working together to come up with a solution. Building and grounds – the circulation pump that heats the gym went down and needed to be repaired before the new boiler is installed, which will be an additional expense of about \$4,000. He said that they did try to get one that would work with the new system, but they could not come up with the specs. Jim Borum made a sight visit and has followed up on this and hopefully he is moving ahead with the new boilers.

Friends of Philipstown did not meet. Their spring splat is April 21 – 5k race. The spring book is out today in the PCN&R.

They have started implementing the security system at the Rec center. He said that there were two cameras installed at the time of the meeting and they should have four. He believes that there will be a total of twelve cameras. Councilman Van Tassel confirmed that there would be twelve altogether. Locks are in place on all pre-school doors and you now have to buzz in between 8:30 am and 6:00 pm Monday thru Friday. The four clerks do have access to the buzzer and can view who is at the door on the monitor. Councilman Merandy said that there was also a conversation on background checks on volunteers. Councilman Van Tassel noted that Amber has been working on developing a policy for volunteer coaches and people who work at the programs. He said that she is working with the Putnam County's Sheriff Department, as well as with another private individual (a local resource), who the Town will be utilizing.

Councilman Merandy said that the last piece of business was that the Lacrosse Director stepped down, creating a vacancy, and that they were going to wait one more week to see if anyone else would apply for that opening. They are set to start interviewing at the next meeting.

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Supervisor Shea said that it is great to have the security system up and running. Councilman Van Tassel said that the day after it was installed there was a person who came to the door that they actually turned away. Supervisor Shea thanked the Sheriff and Mike Leonard for their input on this.

RECYCLING – Councilwoman Budney reported that the Recycling Center will be closed on Saturday due to the forecast of snow and asked Town Clerk Merando to put the information on the Municipal channel, the website and WHUD radio station. She also reported that it looks like we will be taking electronics again. She will confirm once she gets more information.

PLANNING BOARD - Councilwoman Montgomery reported that they met on January 17, 2013, and there was one Public Hearing for Lyons and three agenda items that were discussed. The next Planning Board meeting will be February 21, 2013

ZONING – Councilman Van Tassel reported that there was no meeting in January. The next meeting will be Monday night, which he will be attending.

HIGHWAY – Councilwoman Budney read the January monthly report submitted by Highway Superintendent Roger Chirico. The report is on file in the Town Clerk's Office for anyone wishing to review.

BUILDING & LAND ACQUISITION – Supervisor Shea said that they are continuing talks with the veterans about the American Legion Building. It seems like they are making some progress. He will keep everyone posted.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF FEBRUARY 7, 2013**

GENERAL & PART-TOWN FUNDS

Tax Collection-Gen A partial pay	200,000.00
Justice Fee – 12/12	7,980.00
Justice Fee – 12/12	6,152.50
Rec. Recycling paper	74.30
Tax Collection – Gen A pro rata	210.38
Tax Collection – JL Butterfield Library	276,000.00
Tax Collection – Gen A partial pay	500,000.00
Putnam Co. DWI	200.00
Tax Collection-Gen A final pay	1,491,591.40
Bank Interest	59.13
Tax Collection – Gen B full pay	162,878.00
Bldg. fees - 1/13	10,528.00
Justice Fee – 1/13	5,380.20
AW Scrap	378.00

HIGHWAY FUND

Tax Collection – Hwy partial pay	300,000.00
Tax Collection – Hwy pro rata	527.94
General Fund – gas	585.25
Village of Nelsonville salt	557.05
Tax Collection – Hwy final pay	2,258,043.06
Bank Interest	204.65

CONTINENTAL VILLAGE WATER DISTRICT

Tax Collection – unpaid water	23,303.00
Bank Interest	4.16
Tax Collection – CVWD full pay	101,662.09

CONTINENTAL VILLAGE PARK DISTRICT

Tax Collection – full pay	103,391.92
Bank Interest	31.70

AGENDA

1. Resolution retaining Stephen Gaba as Counsel in the matter of Halebian vs. Town of Philipstown, et al.

Supervisor Shea said that this is with regard to a suit on a bridge at Mill Road that we really should not be a part of, but since we are, we need to defend ourselves.

RESOLUTION #49-2013

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

WHEREAS, the Town Board wishes to retain Stephen Gaba, Esq. as Counsel in the matter of Halebian vs. Town of Philipstown, et al;

NOW, THEREFORE, BE IT RESOLVED, that Stephen Gaba, Esq. is hereby retained as Counsel in the matter of Halebian vs. Town of Philipstown et al, at a rate of \$125.00 per hour, plus out-of-pocket expenses.

Councilman Merandy opposed this appointment saying that he thinks that we should distance ourselves from this law firm due to the folly going on in Cold Spring with Stephen Gaba.

2. Resolution retaining Laura Roberts and Kevin P. Irwin for prosecution of Vehicle and Traffic Law violations on behalf of the Putnam County District Attorney's Office.

Supervisor Shea said that we do this to prosecute traffic violations. He noted that in the past a lot of the tickets got dismissed because the officer did not show up and that we do get part of that revenue from the County.

RESOLUTION #50-2013

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

WHEREAS, the office of Laura Roberts serves as Town Attorney for the Town of Philipstown, which includes the prosecution of Vehicle and Traffic Law violations on behalf of the Putnam County District Attorney's office; and

WHEREAS, due to scheduling conflicts, Laura Roberts is occasionally not available to appear before the Philipstown Justice Court in connection with the Vehicle and Traffic Law violations; and

WHEREAS, Laura Roberts wishes to have Attorney Kevin P. Irwin act as an alternate prosecutor on her behalf in connection with the Vehicle and Traffic Law violations before the Philipstown Justice Court; and

WHEREAS, it is necessary to obtain the authorization of the Putnam County District Attorney for the appointment of Attorney Kevin P. Irwin to act as an alternate special prosecutor on behalf of Laura Roberts in connection with the Vehicle and Traffic Law violations and Penal Law violations before the Philipstown Justice Court; and

WHEREAS, the Town Board wishes to authorize the appointment by the Putnam County District Attorney's office of Attorney Kevin P. Irwin as an alternate special prosecutor in connection with the Vehicle and Traffic Law violations and Penal Law violations before the Philipstown Justice Court;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes the appointment of Attorney Kevin P. Irwin as an alternate special prosecutor in connection with the Vehicle and Traffic Law violations and Penal Law violations before the Philipstown Justice Court; and

BE IT FURTHER RESOLVED, that the appointment of Attorney Kevin P. Irwin as an alternate special prosecutor in connection with the Vehicle and Traffic Law violations and Penal Law violations before the Philipstown Justice court shall become effective immediately upon receipt of the authorization letter from the Putnam County District Attorney.

3. Resolution setting petty cash for the Justice Department in the amount not to exceed \$200.00.

RESOLUTION #51-2013

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

RESOLVED, that the Town Board hereby sets petty cash for the Justice Department in the amount not to exceed \$200.00.

4. Resolution setting the pay rate for Tina Landolfi as Conservation Board, Building Department, and Zoning Board of Appeals Clerk at \$16.00 per hour.

RESOLUTION #52-2013

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

RESOLVED, that the Town Board hereby sets the pay rate for Tina Landolfi as Conservation Board, Building Department, and Zoning Board of Appeals Clerk at \$16.00 per hour.

5. Discussion with regard to Craig Roffman's request for naming a road at his approved subdivision at 114 Hustis.

Town Clerk Merando read a letter from Mr. Roffman asking to put this off until next month so that he can come up with a name.

RESOLUTION #53-2013

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

RESOLVED, that the Town Board hereby tables Craig Roffman's request of naming a road at his approved subdivision at 114 Hustis Road.

6. Resolution releasing the escrow funds in the matter of Jung and Ming Wang's Planning Board Application.

Town Clerk Merando read the letter from Mike Leonard, Chairman of the Planning Board requesting the release of the escrow funds.

RESOLUTION #54-2013

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

RESOLVED, that the Town Board hereby approves the release of the escrow funds in the matter of Yung and Ming Wang's Planning Board application.

7. Resolution authorizing the release of escrow funds in the matter of Unjoo/Dong Yu's Planning Board application.

RESOLUTION #55-2013

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

RESOLVED, that the Town Board hereby authorizes the release of escrow funds in the matter of Unjoo/Dong Yu's Planning Board application..

8. Resolution adopting a technology policy.

RESOLUTION #56-2013

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

RESOLVED, that the Town Board hereby adopts a technology policy that the use of the internet is strictly for Town business and any personal use of social media/internet is prohibited.

9. Resolution authorizing Supervisor Shea to sign the affidavit of compliance with respect to Lawful Hiring of Employees with regard to the County of Putnam and the Town of Philipstown for the Outreach Worker to assist the elderly.

RESOLUTION #57-2013

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the affidavit of compliance with respect to Lawful Hiring of Employees with regard to the County of Putnam and the Town of Philipstown for the Outreach Worker to assist the elderly.

10. Resolution to re-appoint the following to the Zoning Board of Appeals for a five (5) year term:

Paula Clair	Zoning	5-year term expiring March 31, 2018
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RESOLUTION #58-2013

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

RESOLVED, that the Town Board hereby re-appoints the following to the Zoning Board of Appeals for a five (5) year term:

Paula Clair	Zoning	5-year term expiring March 31, 2018
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11. Resolution to re-appoint the following to the Philipstown Planning Board for a four (4) year term:

Michael Leonard	Planning	4-year term expiring March 31, 2017
Mary Finger	Planning	4-year term expiring March 31, 2017

RESOLUTION #59-2013

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

RESOLVED, that the Town Board hereby re-appoints the following to the Planning Board for a four (4) year term:

Michael Leonard	Planning	4-year term expiring March 31, 2017
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Supervisor Shea said that they would talk with Mary Ellen Finger with regard to her re-appointment. Dave Vickery said that Ms Finger had sent a letter via e-mail to the Town Clerk with regard to her re-appointment stating that it would be a pleasure to be on the board. Town Clerk Merando said that she had not received the letter. Supervisor Shea said that once they receive the letter, they would discuss with Ms. Finger.

12. Resolution to re-appoint the following to the Philipstown Conservation Board for a two (2) year term:

Lew Kingsley	C Board	2-year term expiring March 31,2015
Michael Leonard	C Board	2-year term expiring March 31, 2015
M. J. Martin	C Board	2-year term expiring March 31, 2015

RESOLUTION #60-2013

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

RESOLVED, that the Town Board hereby re-appoints Lew Kingsley to the Philipstown Conservation Board for a two (2) year term expiring March 31, 2015

RESOLUTION #61-2013

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

RESOLVED, that the Town Board hereby re-appoints Michael Leonard to the Philipstown Conservation Board for a two (2) year term expiring March 31, 2015

RESOLUTION #62-2013

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

RESOLVED, that the Town Board hereby re-appoints M. J. Martin to the Philipstown Conservation Board for a two (2) year term expiring March 31, 2015

13. Code Enforcement Monthly Report.

Town Clerk Merando read the Monthly Report for January, which is on file in the Town Clerks office.

Town Clerk Merando has two other items to bring before the Board.

The first is to approve the Conservation Board Annual Report for 2012. Supervisor Shea explained that this was something that we must do every year – a month-by-month report on the activity.

RESOLUTION #63-2013

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

RESOLVED, that the Town Board hereby approves the Conservation Board Annual Report for 2012.

The second item is the appointment of a Deputy Supervisor. Supervisor Shea stated that he would like to appoint Councilwoman Nancy Montgomery again. Councilwoman Montgomery replied that she would be happy to accept the appointment.

14. Schedule Workshops/Meetings.

February 13, 2013 @7:30pm - Town Attorney

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

The Board discussed the need for additional space. Supervisor Shea said that he would be getting together with the Veterans sometime next week to discuss the use of space at the American Legion. The use of the Dahlia House on a short-term basis and the possibility of having files scanned to save space was also discussed. Town Clerk Merando mentioned that the Sara Grants are available in December. This would allow the Town to have people come in to do scanning.

Town Clerk Merando brought up the fact that we have grant money available - \$25,000 and wanted to know if the Board wanted to use this money for the water tower. Supervisor Shea said that maybe we could use this money for more than one issue.

Supervisor Shea commented, "a decision needs to be made on a Town Attorney," and said that this would be discussed on Wednesday.

Supervisor Shea reported that he met today with the Fishkill Town Supervisor, Mike McKee from the Greenway and Mark Wildonger of Scenic Hudson to forward the idea of the Hudson Fjord Trail. There have been regular group meetings and it is definitely gaining momentum. He stated that the planning portion is expected to cost approximately \$45,000 and that the Town of Philipstown has a \$5,000 grant and Fishkill has an \$11,000 grant for this. Philipstown is just one part of a whole larger team – Fishkill & Beacon – and will file for a DOT grant for the entire project. He noted that there are grants available up to 12 million dollars. Libby Pataki was also at the meeting with the DOT, along with a representative from Senator Schumer's office.

Councilman Merandy asked about the unpleasant part of Fishkill referring to the potential development at the former Montfort mine and the fact that the Haldane School district line runs up there. Supervisor Shea said the he did bring that up at the meeting. It seems to be that the water line that is proposed to run down there seems to be a Village of Fishkill initiative not a Town of Fishkill initiative. Councilman Van Tassel said that Fishkill currently has a water line there that has had many problems. He knows that Fishkill has a water supply system behind Old Albany Post Road because there are hydrants there that can be tapped and have been tapped by the EMS. Councilman Merandy said someone should be pro active on changing that district so that our school district is not used in their deciding what is good for their village at our expense, because this would be catastrophic to our school system. Supervisor Shea will attend the Fishkill meeting on Monday to get some clarification.

Councilman Van Tassel attended a very lengthy meeting of the Putnam Transportation Safety Board yesterday. There was one issue that will affect Philipstown; a work project on the Taconic Parkway southbound between Peekskill Hollow Road and Bryant Pond Road. The traffic will be rerouted (approx 600 hundred cars) during the two-hour rush hour and he feels that we will get a lot more traffic on Route 9. This will start the end of June for approximately 90 days and we should be prepared for it. Supervisor Shea said that the County will be starting another construction project on Snake Hill Road when school ends, and in all likelihood, that road will be closed for two months.

AUDIENCE

An audience member, Richard ?, addressed the Board with regard to the excess salt on the roads. He understands that the Town has an obligation to salt, but this is out of hand. The Town Board agreed that it has been excessive and would look into it.

Another audience member said that he heard a comment about driveways and wanted to know if a permit was still required to put in a driveway. He said that there were a couple of driveways put in by his property that have had a negative impact on the road. Councilman Van Tassel said that a bond is required that could be held if it is not acceptable. Supervisor Shea said we have been a lot more cognizant in the last ten years of the impact of storm water off private property. Second item he wanted to discuss was on Route 9 in Westchester where "chatter marks" were installed a year or so ago. Councilman Van Tassel said that he asked the DOT when they repaved if they were going to put them in and was informed, "absolutely not" because the people along the road would complain about the noise. The third item, the light at Fishkill Road and how the traffic backs up on Route 9. Councilman Van Tassel said he would look into having the timing looked at. The fourth item was a the light at Route 403 which use to turn red when it was tripped by traffic, but now it has changed and just turns red. Councilman Van Tassel said he would also take this up with Mr. Dillman, of the DOT.

Supervisor Shea took a moment to recognize a young man in the audience. He asked if he was an Eagle Scout, The young man replied that he was just a regular Scout. Supervisor Shea asked why he was at the meeting and the young man responded that he was working on a merit badge.

Mr. Leonard addressed the Board with regard to the Route 9 light and said that the Planning Board did at least try. The owner did agree to put up a sign to control traffic during rush hours, at the southern exit.

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 Councilwoman Budney and unanimously carried that the General Vouchers in the amount of \$1,625,852.17 approved as set forth in Abstract 1A & 2

Councilwoman Budney made a motion, seconded by Councilman Merandy and unanimously carried that the Highway Vouchers in the amount of \$479,128.62 are hereby approved as set forth in Abstracts 1A & 2

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the CVPD Vouchers in the amount of \$20,490.94 are hereby approved as set forth in Abstract 1A & 2.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the CVWD Vouchers in the amount of \$23,340.56 are hereby approved as set forth in Abstracts 2.

There being no further business to discuss, Councilwoman made a motion, seconded by Councilwoman to close the Town Board Monthly Meeting at 8:45 p.m.

Respectfully submitted by,

Theresa Crawley
Deputy Town Clerk

Weekly Town Board Meeting
February 13, 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, New York.

PRESENT

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

AGENDA

1. Discussion with regard to the appointment of a Town Attorney.

Supervisor Shea commented that the Town Board had held interviews with various firms and have narrowed the appointment down to three. Supervisor Shea stated that it makes sense to him to hire Drake Loeb, as they have been representing the Town on many issue for some time. He also pointed out that it is his belief that the Town Attorney need not be present at every meeting.

Councilman Van Tassel noted for the record that both firms, Drake Loeb and Hogan & Rossi, were capable to do the job. He was very impressed during the interviews with Hogan & Rossi. Councilman Merandy interjected that he would never vote for Drake, Loeb, as he has seen how Mr. Gaba represents the Village and doesn't feel he serves in the best capacity for the community as a whole.

Councilwoman Montgomery noted for the record that she would recommend Luke Hilpert, noting that he is local and she feels strongly about hiring someone local. She also pointed out that Mr. Hilpert doesn't have enough municipal experience and she hopes that changes in the future so the Town could re-consider him for the position. She commented that she has worked with Drake, Loeb and feels they are qualified for the position.

RESOLUTION #

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

RESOLVED, that the Town Board of the Town of Philipstown hereby appoints the firm Drake, Loeb, Heller, Kennedy, Fogerty, Gaba & Rodd, PLLC, as Town Attorney to serve at the pleasure of the Town Board for general services, advice and attendance at meetings (when needed), and at the rate of \$175.00 per hour for attorney's and \$90.00 per hour for legal assistants and paralegals; and

Weekly Town Board Meeting
February 13, 2013

BE IT FURTHER RESOLVED, that Dominic Cordisco of the aforementioned firm, represent and attend Town Board Meetings when needed.

ROLL CALL VOTE

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

Resolution adopted by majority vote.

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

Councilman Merandy brought up the issue of salt. Councilwoman Montgomery reported that there was a faulty salt spreader, and that was the reason for some areas seeing inches of salt dumped. She encouraged residents to call Roger Chirico with any questions or concerns. Discussion continued at length and Supervisor Shea stated that the environment is being impacted by the large amount of salt being used by private citizens, town highway, county highway and the NYSDOT.

There being no further business to discuss, Councilman Van Tassel, seconded by Councilwoman Budney to close the Weekly Workshop at 8:20 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Weekly Town Board Meeting
February 20, 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, New York.

PRESENT

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

AGENDA

1. Resolution re-appointing Mary Ellen Finger as a member of the Planning Board.

RESOLUTION #

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

RESOLVED, that the Town Board hereby re-appoints the following to the Planning Board:

Mary Ellen Finger Planning Board 4-year term expiring March 31, 2017

2. Discussion regarding salt use throughout the Town of Philipstown.

Supervisor Shea stated that someone had attended the Monthly Meeting and expressed his concerns about salt use on town roads. Councilman Merandy stated for the record that his thought is that Mr. Chirico should respond to this issue, as there has been no defense with regard to the amount of salt used. Councilman Merandy strongly feels that an explanation would set the record straight for everyone.

Roger Chirico explained that two of the trucks were malfunctioning, leaking salt due to the chute, which led to an excessive amount of salt dispensing on East Mountain Road and Perk's Blvd. He went on to say that he couldn't make a judgment call using last year's usage, because they used a minimal amount due to the mild weather. As a matter of fact, there was an issue as to how we were going to order salt for the rest of the year, resulting in cutting back on the amount of salt ordered for this year. The town's quota is 18,000 tons, otherwise, the price increases.

Mr. Chirico explained that town roads are salted twice during a snowstorm, once in the beginning of the snowfall and again when the storm stops. The reason for salt use at the beginning of the storm is so the snow doesn't pack. When a coat

of salt is laid at the beginning, it turns to brine and it makes it soft. When it accumulates the plows can scrape it. If there was no salt treatment, it is going to pack, i.e. Route 9, as the DOT takes so long to arrive. He went on to say that is the last time that salting takes place until the end of the storm. The final plowing takes place and another salt treatment is used. The total salt usage is 88 tons for one particular storm. Highway Superintendent Chirico further explained the procedures that are used by the Highway Department during storms. His comments covered, open chutes for sand disbursement verses chutes for salt use, work sheet procedures, etc.

He then explained treatment of dirt roads; the department uses a temperature gun to properly determine what is needed on the roads. Salt, sand and calcium is then used as indicated.

He encouraged the general public to contact him directly with any questions, or concerns they may have.

Following a lengthy discussion, Mr. Chirico agreed to apply a magnesium brine to paved roads on a test area.

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

Supervisor Shea asked the Town Boards permission to call Jim Requa in to ascertain the town's vulnerability with regard to our computer system. He stated that it appears that someone got the town's e-mail list. He went on to say that he had discussed this with the Town Clerk and she is unaware how anyone could have gotten it. He said that this brings up the whole cyber security issue.

Town Clerk Merando stated that she had explained to Supervisor Shea that if the e-mail weren't blind copied, the list would be exposed to everyone. However, she stated that she had looked back to 2011 and didn't find anything that was not blind copied. She admitted that a few years ago, it did happen. Discussion continued resulting in further review of this matter.

Supervisor Shea turned the discussion to the newly appointed Town Attorney and the creation of a policy in which town personnel will have a clear understanding as to how the attorney is to be used, phone calls, etc. He stated that he would get that out this week and distribute to Town departments.

Supervisor Shea noted that he and Councilman Merandy met with Michael Lambert regarding CSEA negotiations. Councilwoman Montgomery asked if Mr. Lambert was involved in negotiations last year or is this new. Supervisor Shea responded saying that this is new. He also added that he spoke with Drake, Loeb and informed them that the Town would not be using the attorney at every Town Board meeting, but would, however, advise in a timely manner when they are needed.

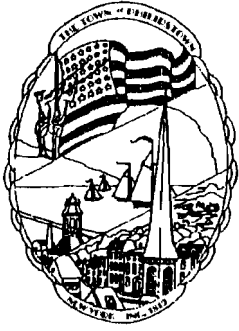
Weekly Town Board Meeting
February 20, 2013

Councilman Van Tassel reported that he attended the meeting with the Village of Cold Spring, which addressed the Emergency Action Plan for the Foundry Dam reservoir. He noted that the EOC is at the North Highland's Firehouse, and he believes it's in a risky area. However, the engineer stated that it's really outside the flood zone. They discussed draining the upper reservoir, however, they can't drain that until they can tap into the Catskill Aqueduct. Once we drain the dam, we are officially in a drought.

There being no further business to discuss, Councilwoman Montgomery, seconded by Councilwoman Budney to close the workshop at 8:30 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

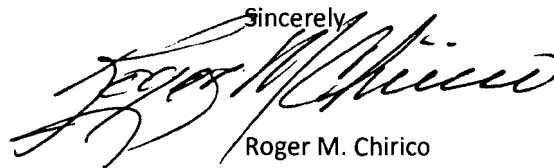
February 25, 2013

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

RE: Old Albany Post Road – Letter of Recommendation

In the last meeting with the Town Engineer, Ron Gainer, we agreed to award, at the Town Boards earliest convenience, The Old Albany Post Road Reconstruction Project to the lowest bidder, Bilotta Construction Corp 296 Purchase Street Rye, NY in the amount of \$366,250.00,

Other particulars are in the letter received from the Town Engineer, dated January 31, 2013 to the Supervisor and Town Board.

Sincerely,

Roger M. Chirico
Highway Superintendent



Town Clerk <townclerk@philipstown.com>

Old Albany Post Road Reconstruction Bids

2 messages

Ron Gainer <rjgainer@comcast.net>

Thu, Jan 31, 2013 at 1:36 PM

To: Roger Chirico <HighwayDepartment@philipstown.com>, Tina Merando <townclerk@philipstown.com>

Attached pls find my letter recommending award of the project to Bilotta Construction. I'll be dropping off the original of the letter later today to TH.

Any questions, pls call.

Ron Gainer

Ronald J. Gainer, PE, PLLC

PO Box 417

Pawling, NY 12564

(tel) 845-878-6507

(cell) 845-527-1432

rjgainer@comcast.net

 **01-31-13 bid award ltr.rjg.pdf**
290K

Town Clerk <townclerk@philipstown.com>

Thu, Jan 31, 2013 at 3:07 PM

To: Richard Shea <supervisor@philipstown.com>, Dave Merandy <DMerandy@philipstown.com>, Nancy Montgomery <NMontgomery@philipstown.com>, John VanTassel <Jvantassel@philipstown.com>


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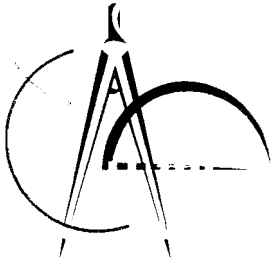
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Tina M. Merando
Town Clerk
Town of Philipstown
238 Main St.
Cold Spring, NY 10516

TEL: 845-265-3329

FAX: 845-265-3958

 **01-31-13 bid award ltr.rjg.pdf**
290K



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

January 31, 2013

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

Re: Old Albany Post Road Reconstruction Project

Dear Honorable Supervisor and Town Board Members:

On January 18, 2013 bids were opened on the above referenced project and publicly read aloud. As the Board will recall, the project entails the following major elements:

- Installation of approximately 1350 linear feet of new drainage piping and catch basins
- Partial removal of a large boulder along the edge of the roadway at Station 2+80
- Complete reconstruction and widening of the roadway, from the present pavement limits to the Upland Drive intersection, with pavement and curbs

The Town received ten (10) bids, as summarized on the enclosure. The apparent low bidder was Bilotta Construction Corp. of Rye, NY, in the amount of \$366,250.00. Their bid included a bid bond in the amount of 5% of the Bid to serve as a bid security, and a "Non-Collusive" Statement as required by the Bid Documents. It is noted that the spread between the low bid and four lowest bidder, of only 9%, suggests that these bids were very competitive and fair.

We have reviewed representative references given by the Low Bidder. All spoke highly of Bilotta's qualifications and experience, and therefore we consider the low bidder to be qualified to provide the services which the Town of Philipstown requires to accomplish by this project.

Therefore, provided that the Town Attorney finds the bid form, bid bond, and non-collusive bidding certificate to be satisfactory, we believe that Bilotta Construction's bid proposal in the total amount of \$366,250.00, may be accepted.

If the Town approves a resolution to award Bilotta Construction Corp. the project, then a formal "Notice of Award" should be issued. The "Notice of Award" should include a reminder that, as required in the Instructions to Bidders, the Performance Bond and the Payment Bond must be provided within 10 days from the notification of award or when the agreement is executed, whichever is sooner. The bidder should supply the required insurance certificate in the same time frame.

RE: Old Albany Post Road Reconstruction Project

Lastly, the Bid Bonds for the three (3) lowest bidders should be retained until a contract is executed with Bilotta Construction. Upon their submittal of acceptable bonds and insurances, and execution of an Agreement, you may then release these Bid Bonds.

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

Sincerely,

Ronald J. Gainer, P.E.

cc: Tina Merando, Town Clerk
Roger Chirico, Highway Superintendent



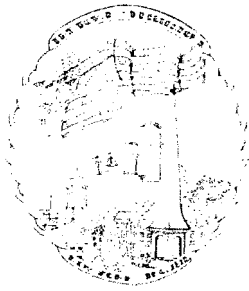
RE: Old Albany Post Road Reconstruction Project

BID RESULTS

Company	Total Bid Amount
Bilotta Construction Corp 296 Purchase Street, Rye, NY 10580	\$366,250.00
Whispering Pines Development Corp PO Box 716, Vails Gate, NY 12584	\$373,725.00
Kect Construction Corp PO Box 201, Patterson, NY 12563	\$387,100.00*
Ben Cozzi, Inc d/b/a Northern Construction 1992 Commerce Street, Yorktown Heights, NY 10598	\$398,111.18
Legacy Valve, LLC 14 Railroad Avenue, Valhalla, NY 10595	\$469,550.00
Argenio Brothers, Inc. PO Box 2068, Newburgh, NY 12550	\$482,491.00*
Sun-Up Enterprises, Inc. 151 Daley Road, Poughkeepsie, NY 12603	\$489,688.00
Yonkers Excavating Corp 553 Croton Falls Road, Carmel, NY 10512	\$578,812.00*
Ben Ciccone, Inc. 151 Daley Road, Poughkeepsie, NY 12603	\$643,800.00*
Con-Tech Construction Corp 28 Lakeview Drive, Yorktown Heights, NY 10598	\$1,231,449.77

** mathematical error in bid; corrected total shown*





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 February 2013

1. Fees Collected	<u>#7197-</u>
2. Total Number of Permits Issued	<u>9</u>
3. New One- or Two-family dwellings:	<u>-</u>
4. New Commercial/Industrial buildings:	<u>-</u>
5. New Hazardous (H) occupancies:	<u>-</u>
6. New Multi family occupancies:	<u>-</u>
7. Additions, alterations or repairs residential buildings	<u>1</u>
8. Additions, alterations or repairs commercial buildings:	<u>-</u>
9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	<u>8</u>
10. Number of Certificates of Occupancy :	<u>10</u>
11. Number of Stop Work Orders issued:	<u>1</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: _____

