

Monthly Town Board Meeting

June 7, 2018

7:30 p.m.

Town Hall

Salute to the Flag

REVIEW OF MINUTES

- Appeal Hearing – Homeland Tower of May 2, 2018
- Monthly Town Board Meeting of May 3, 2018
- Annual MS4 Stormwater Report of May 3, 2018
- Weekly Town Board Meeting of May 9, 2018

COMMITTEE REPORTS

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

AGENDA

1. Roberto Muller to provide an update regarding the progress of the Climate Smart Communities Program.
2. Resolution authorizing Roberto Muller to apply for the 2018 Consolidated Funding Grant on behalf of the Town of Philipstown.
3. Resolution authorizing Carl Frisenda, Highway Superintendent to purchase a Stainless Side Dump Body/Sander in the amount of \$33,463.18.
4. Resolution authorizing Supervisor Shea to sign the Fire Protection Agreement between the Village of Cold Spring and the Town of Philipstown.
5. Resolution authorizing Supervisor Shea to sign a letter of Occupancy of the Philipstown Depot Theatre. (Nunc Pro Tunc)
6. Introduce a Proposed Local Law imposing a Moratorium on Vape Shops.
7. Resolution appointing Judy Farrell to the Recreation Commission.
8. Schedule Workshops/Meetings

Reschedule July monthly meeting from July 5th to July 12, 2018

9. Code Enforcement Monthly Report.

May 22, 2017

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

AUDIENCE

VACANCIES

CV Water District (1)

APPROVAL OF VOUCHERS

General Highway CVPD CVWD

ADJOURNMENT

Appeal Hearing Continuation – Homeland Tower
May 2, 2018

The purpose of the continuation of the Appeal Hearing is to hear the appeal of Homeland Tower, LLC from the decision of the Conservation Board to deny the application of Homeland Tower, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless for a wetlands permit sought in connection with an application for a Special Use Permit to erect a wireless telecommunication service facility consisting of a 180-foot monopole with antennas, together with related equipment at the base thereof within a multi-carrier equipment compound.

PRESENT

Richard Shea	Supervisor
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
Michael Leonard	Councilman
Robert Flaherty	Councilman
Adam Rodd	Town Attorney

Town Clerk Merando read the Hearing Notice.

Robert D. Gaudio, Attorney representing Homeland Towers, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless addressed the Town Board stating that a meeting was held last month, since that time, he is receipt of the Zoning/Conservation Joint Meeting minutes, which denied the wetlands permit.

He went on to reiterate that there is no ground disturbance involved to the actual wetlands. The wetlands consist of a 2.2 acre area, a man made retention pond which is the site that the proposed access road will go through. The access drive is approximately 15 feet wide, base will be gravel together with underground utilities. Based on the town's wetlands code the actual access drive or the underground utilities are not considered a structure. Therefore under section 93-7, the access drive is a project that is of minor significance. All of the erosion and sediment controls that were requested by the Conservation Board and the Natural Resource Officer were added to the plans. At a site visit with the Conservation Board, Verizon re-visited the access drive to save a number of significant trees. Noting that there are two minor trees proposed to be removed as part of the installation of the access drive. He noted that there are no DEC or Army Corp of Engineers involved in this access drive, this is strictly a town controlled area.

Councilman Flaherty stated that the firehouse wanted the access road wider than 15 feet. Mr. Gaudio responded stating that they had originally proposed a 12 foot wide road, however, the fire department wanted the road wider as submitted on the plans. Councilman Van Tassel interjected that he thought the parking area at the top was to be larger. Mr. Gaudio stated that that was discussed, and changed to provide a larger area around the base of the monopole, which is not in the wetlands buffer.

Councilwoman Montgomery reference a comment made by Mr. Gaudioso stating that it is not a DEC wetland. She wanted to know if there is any wetland mapping for that area. Noting that the town doesn't have all of the wetlands mapped. She added that when there is a wetland, it is regulated. Councilman Leonard stated that it's all listed for that area, there are also state wetlands at the base of the property. Mr. Gaudioso stated that has been included in the plans.

Supervisor Shea stated that there are some issues not resolved, such as the impact to the residents and wetlands downhill of the tower. He noted the pipes, failed septic system, and a drain pipe that empties out into another detention basin.

Max Garfinkle, Natural Resource Officer suggested that the board look for alternative locations. Also, they should disclose why the alternative sites were not acceptable. He went on to say, that from a technical standpoint, these aren't DEC regulated, rather regulated under the Town Code due to the size of the wetlands. He stated that he wants to add to Mr. Gaudioso's statement that the town not only regulates the detention pond there, we also regulate the inflow to that detention pond and outflow. Based on old records that detention pond was built around the current stream, which was in the area where the septic line was proposed. Access was solely for getting access to those fields and the detention ponds were built simultaneously without permits, later to be rectified by the permitting process.

Mr. Gaudioso stated that he thinks that's an important point because it was specifically meant for access to that back part of that property. Homeland Towers are actually going over the area from the detention pond on to the outfall there, with actually two 24 inch pipes. They are not affecting the flow from the detention pond to the pipes.

Max Garfinkle commented stating that in that case, the plans that were submitted led to discussion with regard to the integrity of those plans and whether or not the improvements to the road would affect those pipes negatively. He said it would have to meet the weight capacity of emergency vehicles and construction vehicles and he doesn't believe that was discussed in the current application. That would be a concern in terms of it affecting that area. Additional construction measures would have to be put in place, which haven't been done currently. Mr. Gaudioso stated that they are not proposing any change to the pipes. They would only expand it if they had to with a plate or something to that regard. He added that throughout the record the road would meet a bearing weight. He then spoke of the alternatives, there is a very lengthy analysis on the record which addressed the feasibility of the alternatives. The alternatives were submitted to the Zoning Board and the Conservation Board that would not require wetlands, which was dismissed without much review.

Councilman Flaherty asked how far away the alternative site is as compared to the proposed site. Mr. Gaudioso replied approximately 800 feet further down the hill closer to Route 9. Councilman Flaherty asked if it's closer to Magazzino, the answer was yes down the hill due west. He also pointed out that there is a cleared area down there. Homeland Towers met with the town engineer, zoning board chairman, Mr. Rodd and

the property owner, however, that site was dismissed. Councilman Van Tassel suggested that site would require a higher elevation. Mr. Gaudioso responded stating no, the record shows that they proposed a 180 foot tower and would consider going down to 140 feet. The location at the alternative site would most likely be in the range of 160 feet, which would be lower than the original proposal and lower in the ground elevation. The base would be lower and the overall height would be lower. Councilman Flaherty asked what the elevation from that location that was proposed to the elevation that is 800 feet west. Mr. Gaudioso stated that he isn't sure, but knows that is lower. He noted that Verizon was able to get coverage based on 180 feet.

Councilman Leonard stated that when Mr. Gaudioso spoke of meeting with the Conservation Board, he didn't name any members of that board. Mr. Gaudioso responded saying that the Public Hearing was closed and left open specifically to review the alternatives on the property. When they returned for the adjourned date it was presented to both boards and was dismissed. There was a discussion with regard to alternate sites, and which board would initially review the application. Following that discussion, it was noted that an alternate site would not have required a wetlands permit. Max Garfinkle pointed out that the Conservation Board doesn't have the alternate plans on file.

Paul Eldridge address the Town Board and gave a more detailed history of that area referencing a map. He spoke of a natural water course, (noting that this map is before the detention ponds were put in) and the existing wetlands. He stated that any US Geological map clearly shows the natural water course. He expressed his displeasure with the proposed placement of the tower. He also pointed out that the access road is going to have heavy emergency vehicles traverse, as well as construction machinery and a crane, which will have a negative impact on that area. Another subject addressed were the deep hole tests that were performed, which filled up with water quickly. Buffer zones were also discussed, as Mr. Eldridge pointed out on the map. He stated that it's clearly a wetland and a major project.

Mr. Gaudioso responded to Mr. Eldridge's comments stating that there is no impact to the existing flow. Councilman Van Tassel stated that there is no foundation plans for the base of the tower. Mr. Gaudioso agreed, however, pointed out that none of that is in the buffer. He went on to say, that the Town Board nor the Conservation Board have any jurisdiction over that portion of the proposed project, it is limited to the access drive itself. Supervisor Shea had concerns about the condition of the pipe, noting that no one has been out there to study the load capacity of those pipes. He added that if this was being done as a new project, it wouldn't be acceptable. Mr. Gaudioso stated that they did submit plans showing exactly what they were going to do and there was no need to upgrade those pipes. He explained that if the board wanted to approve this, and wanted Homeland Tower to work with the Building Department, and the Natural Resource Officer to look at those issues, he sees no objections to doing that. Discussion then turned to the original placement of the test holes, which there were no permits sought during that process, and the project was abandoned. Mr. Gaudioso stated that since then permits have been obtained and there are no violations.

Appeal Hearing Continuation – Homeland Tower
May 2, 2018

Councilman Van Tassel stated that from the sounds of it, the retention pond is not working. Councilwoman Montgomery commented that the situation was mitigated, however, she doesn't feel that it has been resolved. She doesn't want to see that this project will now add to the problem. Mr. Gaudioso interjected that there is nothing in the plan that would make matters worse in this situation. He believes that a lot of what has been said might be speculation.

Robert Dee, Chairman of the Zoning Board stated at the time he attended the two balloon test, it was obvious that there was water flowing.

Councilman Van Tassel asked if Homeland Towers would be willing to locate the alternative site on the map. Mr. Gaudioso then presented a map to the Town Board indicating the alternative site. He suggested that the Town Board consult with legal counsel as he has clearer maps on the alternate site.

Councilman Van Tassel asked Mr. Eldridge how far is it from your property line to the proposed tower. Mr. Eldridge responded that from the edge of his property, it's 200 feet. Mr. Eldridge once again used a visual to note the water flow, etc.

There being no further comments, Councilman Flaherty made a motion to close the Appeal Hearing, seconded by Councilman Van Tassel at 7:50 p.m.

ROLL CALL VOTE

Supervisor Shea	voting	AYE
Councilwoman Montgomery	voting	AYE
Councilman Van Tassel	voting	AYE
Councilman Leonard	voting	AYE
Councilman Flaherty	voting	AYE

Respectfully submitted by,

Tina M. Merando
Town Clerk

The Town Board held their Monthly Meeting on the above date at 7:39 p.m., the Town Hall, 238 Main Street, Cold Spring, New York 10516.

PRESENT:

Richard Shea	Supervisor
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
Robert Flaherty	Councilman
Michael Leonard	Councilman

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

COMMITTEE REPORTS

CONSERVATION BOARD – Councilman Leonard reported that they met on April 10, 2018. There were 4 items on the agenda: 65 Steuben Road, Conservation Board found non-compliant house, Nat Prentiss – Comprehensive Plan update, Hudson Highlands review submitted a report to the Planning Board for a positive declaration. The next meeting will be on May 8, 2018.

RECREATION – Councilman Van Tassel reported that he was not able to attend the meeting. He will report next month.

PHILIPSTOWN COMMUNITY THAT CARES - Councilwoman Montgomery reported that they met last Wednesday. Judge Reitz, Putnam County Drug Court Judge, made a presentation on how the drug court works and what can be done as a community to piggy back with them. Some great ideas were shared on what the drug court is about and its effectiveness on how it has helped people. The Philipstown Town Court Justice, Camille Linson, was also present and what came out of this was that the Town Court and County Court agreed to work together so we can provide a drug court service here. Councilwoman Montgomery is hopeful that this can work. It was a great meeting which included Cove Care formerly Putnam Community and Family Services and representatives from the Putnam CTC. The next meeting will be the third (3rd) Wednesday of the month.

PLANNING BOARD – Councilman Flaherty reported that he attended the meeting on April 19, 2018. The first item on the agenda was the return of escrow to Altec Service Center/Robert Miller. Old business: Highland Reserve Route 9, James Copeland, and Surprise Lake Camp. New business: Garrison Property Holding and Alex Campbell. Other business: Lithgow Osborne. The next meeting will be on May 17, 2018.

ZONING BOARD – Councilman Van Tassel reported they met on April 23, 2018. There were three (3) Public Hearings: WHUD tower, 22 Hudson River Lane, and 28 Lane Gate

Road. Two new applications: 69 Hy-view Terrace, and 28-30 Hudson River Lane. Next meeting will be held on May 14, 2018.

HIGHWAY – Councilman Van Tassel read the report submitted by the Highway Department, which is on file in the Town Clerks office.

Supervisor Shea reported that he met with Carl Frisenda, Highway Superintendent, with regard to speed limits. Suggested speed limit signs will be put up on South Mountain Pass.

BUILDING & LAND ACQUISITION – Supervisor Shea reported that he met with Greg Wunner, Building Inspector, today to talk about the Town Hall Building and to go over any code issues with the plans. They came up with some other ideas. Justin came down today and met with Kelly Fricke, Court Clerk, to talk about what is going to happen up there in the court area. They will finalize the plans, then get together with the Village of Cold Spring and get a bid document together for this project. The windows for the town hall have to be in and they will rebid the install for those.

PUTNAM COUNTY LEGISLATOR – Legislator Scuccimarra reported that the work on the Senior Center is going to start. The bid was awarded to Key Construction Services, LLC in Poughkeepsie. So they initiated the last bit of funding. They seem to think that the work won't take as long as first thought and the space should be available to start using by the fall. She did not received much of a response with regard to the name for the center so they are going to go with "Friendship Center of Philipstown". She will be meeting with Amber Stickle and Mike Cunningham to discuss what kind of programs they should have there. Councilwoman Montgomery discussed what other programs the center could be used for.

Legislator Scuccimarra's committee, the one army in the war on addiction task force, had its second meeting. The committee includes Mike Piazza-Social Services, Joe De Marzo-Commissioner of Social Services, Sheriff Langley, Bob Tandy-DA, Krista Mc Connell-Prevention Council, Doreen Lockwood and Bruce Kelly- Community that Cares, Susan Solomon- Drug Crisis in our Backyard, Diane Russo- Cove Care. There are so many issues and they are trying to concentrate on what can be done legislatively now to get stuff done right away. They picked three (3) initiatives: 1) raising the smoking age from 18 to 21, with vaping being a major concern in the schools. 2) Zoning laws and 3) they thought about prohibiting the dispensary of medical marijuana, but that is a state initiative. Their task for the next meeting will be to come up with another initiative that they can move forward with.

With regard to the drug court, Judge Gina Capone of Putnam Valley, has also been doing a version of drug court so Legislator Scuccimarra thought that getting the three judges to sit down together to get something done would be a good start. She would really like to see this in every court.

Hazardous Waste Collection Day is this Saturday, May 5, 2018. You will need to sign up in advance by calling the Health Department at 845-808-1390.

Legislator Scuccimarra is still working on the plastic bag ban which is moving along very slowly. Supervisor Shea asked if she wanted a letter of support from the Town. She said "yes." She knows that the state is looking to do this also, but would like for Putnam County to be out there and why wait.

Lastly, launched in 2015 by Dutchess County Executive Mark Molinaro "Think Differently" is a highly successful initiative aimed at fostering a welcoming and inclusive environment for individuals with special needs. So she and Assemblyman Kevin Burns have invited him to come down to Putnam to do a presentation on "Think Differently". Working with the disabled the last few years has opened her eyes to the difficulties they have every day. The presentation will take place on May 25, 2018 at 10:30 am at the Bureau of Emergency Services.

CEMETERY COMMITTEE – Councilman Leonard reported that they met on April 10, 2018. They had a guest speaker, Tom Capanella, who offered some assistance with regard to the scouts and the mapping of the Mountain Avenue cemetery. He thanked the Highway Department for cleaning up the brush at the Cedar Street Cemetery from the storms. The committee will arrange taking down some of the dead trees at the Cedar Street cemetery. He attended the County meeting on April 11, 2018 and they are moving forward with the creation of our own 501C3. They have reviewed and finalized everything and he was asked to be one of the Trustees. The committee will probably be creating their own private funding which will not be controlled by anyone but the group itself. It is being structured so that the funds will be distributed to all six towns equally, unless a donation is requested to go to a specific cemetery. He also volunteered to host the next meeting with the County on May 24, 2018 at 6:30 pm here. They will also be putting out the flags for the Memorial Day Parade. The next meeting will be held on May 8, 2018.

BUTTERFIELD LIBRARY

Councilwoman Montgomery read the report submitted by the library;

- The library is now lending out humane animal traps, yard tools, power washers, leaf blowers, and camping and hiking equipment. All you will need is a library card.
- Friends of Butterfield will hold their annual Book Sale in May. Preview sale will take place on Friday, May 8, 2018 at 5:30 pm
- They offer weekly walk-in Tech Help. Visit between 3-5 pm on Fridays and ask for Patrick. You can also arrange a one-on-one by emailing jbldirector@gmail.com
- Learn more about the library's digital material by going to the website butterfieldlibrary.org

- Butterfield and Desmond-Fish Libraries have partnered again to bring the community Small Business Workshops. Check website for more info.
- Do you have an idea for a new library service? Contact Gillian Thorpe at jbldirector@gmail.com or 265-3040.

REVIEW OF MINUTES

Minutes of the Weekly Town Board Meeting of April 5, 2018 were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Flaherty that the Minutes of the Monthly Town Board Meeting of April 5, 2018, are hereby approved as presented.

Minutes of the Executive Session of April 11, 2018 were reviewed.

Councilman Leonard made a motion, seconded by Councilman Flaherty that the Minutes of the Executive Session of April 11, 2018, with Councilwoman Montgomery abstaining, are hereby approved as presented.

Minutes of the Public Hearing of April 11, 2018 – Cold War Veterans Exemption were reviewed.

Councilman Leonard made a motion, seconded by Councilman Flaherty that the Minutes of the Public Hearing of April, 2018 – Cold War Veterans Exemption, with Councilwoman Montgomery abstaining, are hereby approved as presented.

Minutes of the Weekly Town Board Meeting of April 11, 2018 were reviewed.

Councilman Leonard made a motion, seconded by Councilman Flaherty that the Minutes of the Weekly Town Board Meeting of April 11, 2018, with Councilwoman Montgomery abstaining, are hereby approved as presented.

Minutes of the Hearing of April 11, 2018 – Denial of Wetlands Permit were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Flaherty that the Minutes of the Hearing April 11, 2018 – Denial of Wetlands Permit, with Councilwoman Montgomery abstaining, are hereby approved as presented.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF MAY 3, 2018**

GENERAL & PART-TOWN FUNDS

Tax Coll.-Gen A Pro Rata
Tax Coll.-Gen A –Final pay
AW Scrap Metal
Rec. Fees 1/18
Justice Fees 2/18
Justice Fees 2/18
TC Fees 2/18
TC Fees 2/18-Dogs
Justice Misc-old fine
NYS CAP Justice Grant
Tax Collection – Bank Int.
AW Scrap Metal
Rec. Fees 2/18
Bank Int. 1/18 – 3/18

HIGHWAY FUND

Put Co. Gas
Put Co. Gas
Put Co. Gas
Claims Services Rd. Damage
Gen. Gas
Gen. Gas
Gen. Gas
PC Gas
PC Gas
American Forest Oil Spill
NYS CHIPS
Gen. Gas
NYS CHIPS
PC Gas
Tax Coll.-Final Pay Hwy DB
Bank Int. 1/18 – 3/18

Monthly Town Board Meeting
May 3, 2018

CONTINENTAL VILLAGE WATER DISTRICT

Bank Int. 1/18 – 3/18

CONTINENTAL VILLAGE PARK DISTRICT

Taxes Putnam Valley

Bank Int. 1/18 – 3/18

AGENDA

1. Resolution accepting the Stormwater Annual Report for the Town of Philipstown 2017-2018.

RESOLUTION #-2018

The following Resolution was presented by Councilman Flaherty, seconded by Councilwoman Montgomery, and unanimously carried:

WHEREAS, the Town of Philipstown has been identified as a Municipal Separate Storm Sewer System (MS4) under the EPA's Phase II Stormwater Regulations under the Clean Water Act of 1999; and

WHEREAS, the Phase II Program requires each MS4 to prepare an Annual Report, on the efforts the Town of Philipstown to protect and improve the water quality of our streams and waterbodies; and

WHEREAS, the public is invited to review the Annual Report and provide input; and

WHEREAS, Annual Report has been prepared in conformance with the Phase II Regulations by the Stormwater Management Officer of the Town of Philipstown; and

WHEREAS, that Annual Report must be submitted to the New York State Department of Environmental Conservation offices in Albany, New York by June 1, 2018 or as amended;

NOW, THEREFORE, BE IT RESOLVED, that the Annual Report is accepted by the Town of Philipstown Town Board and that said Annual Report is available for public review at <http://www.philipstown.com>, the Highway Department and the Philipstown Town Hall.

2. Resolution authorizing Supervisor Shea to sign the contract between the Town and Putnam County Department of Real Property for preparation of all documents needed in relation to tax collection/assessment rolls, etc.

RESOLUTION #-2018

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the contract between the Town and Putnam County Department of Real Property for preparation of all documents needed in relation to tax collection/assessment rolls, etc.

3. Michelle Smith of Hudson Highlands Land Trust to discuss the new Proposal submitted by The Chazen Companies for the Town of Philipstown's Groundwater Report update.

Michelle Smith submitted a proposal from the Chazen Companies to the Town Board for the Groundwater Report update. The proposal to update the 2007 study recommends that in addition to the basic update there should be a study on updating the depths of wells. Chazen also recommends working with the Town and various representative from the Town to identify sites where either historic land use or current land use gives cause for concern about what the impact is having on some of our water sources. The obvious is the business on route 9 and the impact that some of these activities might be having on Clove Creek and Clove Creek aquifer. So identifying sites and getting a sampling program up and running is part of the proposal. The proposal does not include the sampling costs itself, and the Town budget would not cover all of this, but they (Hudson Highlands Land Trust) have another source of money. In looking to do an expanded water study that includes things like roads, road salt, and pesticides that have an impact on the aquifer and Cold Spring water supply they applied for grant money from the state which they are pleased to say that they were awarded. They will be contracting separately with Chazen to incorporate conservation measures and to do an analysis of the Cold Spring water shed which is one of the most important parcels that need conservation or extra land use protection measures along with the Clove Creek aquifer. They would also look at some of the issues in Continental Village area.

The cost of the proposal from Chazen for Philipstown is \$10,000 which is what was budgeted and it is a fixed price.

Supervisor Shea said that they had a workshop with Chazen at which time they presented their proposals to the Town Board. He asks the Town Board to look over the document carefully because he would like to have a resolution next week authorizing the release of the funds so that they can enter into the contract with Chazen. Supervisor Shea also noted that this was already budgeted for this year.

Councilman Flaherty asked Ms. Smith whether they were looking at newer wells that have been recently drilled to see if they are deeper than those drilled 30 years ago. Ms. Smith said that basically they will be filling in the gaps because nothing has been done since 2000... 18 years.

4. Resolution authorizing the release of Escrow Funds to Altec Service Center/Robert Miller of 1380 Route 9.

Town Clerk Merando read the letter from the Planning Board dated April 19, 2018 authorizing the release the escrow funds.

RESOLUTION #-2018

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

RESOLVED, that the Town Board hereby authorizes the release of Escrow Funds to Altec Service Center/Robert Miller of 1380 Route 9 as recommended by the Philipstown Planning Board.

5. Resolution authorizing the Highway Department to bill a resident for damages done to a town road in the amount of \$450.36 which includes overtime. (Nunc Pro Tunc.)

RESOLUTION #-2018

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

RESOLVED, that the Town Board hereby authorizes the Highway Department to bill a resident for damages done to a town road in the amount of \$450.36 which includes overtime for Highway personnel.

6. Code Enforcement Monthly Report.

Town Clerk Merando read the reports submitted for Cold Spring and Philipstown which are on file in the Town Clerks office.

7. Schedule Workshops/Meetings

May 9, 2018 7:30 pm	Approve resolutions for the funds to Chazen for the water study
	LOSAP change for Continental Village
7:45 pm	Solar Panels on the Recreation Center

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

Supervisor Shea reiterated that the Hazardous Waste Collection is scheduled for Saturday. There is also a Hudson Valley Relief Urban Forest Workshop in Middletown which is an arborist class and a good program. Along the same lines there is an availability of grant funds from the DEC for urban forestry projects. That includes purchasing trees for schools. The Town did this before and planted trees all around town.

He noted that the town did receive a letter from the County with regard to the Friendship Center.

Supervisor Shea said that he would also like to discuss the proposal from Comfort Master for the work to be done in the Building Department next week at the workshop.

Councilman Flaherty had a few things:

- Ed Murphy invited the Town Board to the Memorial Day Parade.
- Reminded everyone of the Fishing Day derby on Fishkill Road this weekend.
- Congratulated "The Nest" on their 20th Anniversary.
- Thanked all those who donated blood.
- Royal Carting vouchers are available for any spring cleaning.

Councilman Van Tassel reported that Councilwoman Montgomery, Amber Stickle and he met with Brian Gerber, Red Cross area Director, who has assured them that if there is a need for a shelter in Putnam County it will be at the Recreation Center here in Philipstown. There will be two locations with one being on the east side of the County and the other here. The meeting went well and Mr. Gerber is committed to the Recreation center building and they are willing to take in pets. He also assured them that someone from the Red Cross will be here.

Councilwoman Montgomery said that she has a few things:

- Congratulated Joe Etta on his 100th birthday.
- Wanted to make note of the passing of Jean Marzollo...she was a hometown hero.

This brings her to a great idea that Danielle Pack McCarthy has and that is about acknowledging hometown heroes. Ms. Pack McCarthy's point is that the key to prevention is by connecting. Councilwoman Montgomery would like to start this program right now...maybe it can be approved at the next meeting. Supervisor Shea said he would like to discuss a little more and maybe have Danielle come to the workshop next week.

AUDIENCE

Liz Armstrong asked if the Town Board has given any thought on climate change, which appears to be real, by changing any of the zoning laws or anything else that deals with the climate change and the effects it has. Supervisor Shea said that as far as priorities go getting off fossil fuels is his first priority. A discussion ensued on what needs and/or can be done.

Janice Hogan said she is curious if any Town Board member attended any workshops with the state concerning the waterfront because the high tide is about a foot away from the top of the rocks at the foot of Main Street? Supervisor Shea said that the Town does not regulate the village water front. He thinks that agencies like Metro North would be the most concerned. The only thing we are doing here is we started a community choice aggregation program for electrical purchase.

Ms. Hogan then ask if the Town would be interested in getting some of our sales tax back from the County. She has come up with a simple idea to put some pressure on elected officials at the County level to return a portion of the sales tax to the location that created that tax. We are one of only eleven counties that do not get a portion of sales tax returned. There has been one county in the last five years that was able to make that change so there is hope for this. So ideally she would like to get together in a workshop to hear ideas from the Town Board. Supervisor Shea invited her to attend the workshop on May 16, 2018.

Legislator Scuccimarra said that she would also like to attend that workshop. The only other thing she wanted to say is about the shelter. Commissioner Claire did make an error. Everyone then agreed that they do not want to look back.

Kim Conner said that in terms of climate change; that she went to a very basic SEQRA and Planning Board training class and one of the things that she found interesting was that a guy from Rye who got up and spoke said that they do not do SEQRA because there is nothing to preserve.....everything is built out.

VACANCIES

CV Water District (AWTPO) (1)
Recreation Commission (1)

APPROVAL OF VOUCHERS

Councilman Van Tassel made a motion, seconded by Councilman Flaherty and unanimously carried that the General Vouchers in the amount of \$are hereby approved as set forth in Abstract 4A & 5.

Councilman Flaherty made a motion, seconded by Councilman Leonard and unanimously carried that the Highway Vouchers in the amount of \$ are hereby approved as set forth in Abstract 4A & 5.

Councilman Van Tassel made a motion, seconded by Councilman Leonard and unanimously carried that the CVPD Vouchers in the amount of \$are hereby approved as set forth in Abstract 5.

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried that the CVWD Vouchers in the amount of \$are hereby approved as set forth in Abstract 5.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Flaherty to close the Monthly Meeting at 9:00 p.m.

Respectfully submitted by,

Theresa Crawley
Deputy Town Clerk

Public Hearing – Annual MS4 Stormwater Report
May 3, 2018

The Town Board held their Monthly Meeting on the above date at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York 10516. The purpose of the hearing was to invite the public to review the Annual Report and provide input.

PRESENT

Richard Shea	Supervisor
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
Michael Leonard	Councilman
Robert Flaherty	Councilman

Town Clerk Merando read the Public Notice.

Supervisor Shea explained that this is a big topic in town and that it is addressed every month at the Conservation Board meetings. He noted that a lot of people have gone for training over the years. He then asked Councilman Leonard to make some brief remark on the report.

Councilman Leonard explained that MS4 is basically multiple sewer systems. There are over 600 out fall structures in the Town. For the most part this exists within Continental Village with a small portion that runs in Garrison along Route 9. The committee works with Carl Frisenda, Highway Superintendent, Max Garfinkle, Natural Resource Officer and himself. They meet frequently during the year. They are required to put out an MS4 report to Washington D.C. every year in March. Basically they have milestones/timelines they have to meet and they have to set goals to meet each year for going forward. Some of the things that the group has started are: more public outreach, putting information on the Town website, and they have attended meetings at Continental Village clubhouse with discussions on fertilizers used in the area. He said that the Town is not unique in this and it isn't just Continental Village but also other parts of the Town that are being monitored. These areas were developed many years ago when they were summer residents. Now that these properties are used all year round, obviously putting out more pollutants into the lakes, we need to take active steps to be able to fix these issues. He went on to say that this is a beautiful town but more than half of the town is steep slopes. Councilman Leonard noted that in many ways that is dangerous from the Stormwater standpoint. It is very important to be proactive. We need to know the status of flood zone areas...the areas that fill up quickly. Manitou Road is a good example of that. He feels that they have done quite a bit within the last year. Councilman Leonard said that they are looking for the public's input on this.

Councilwoman Montgomery thanked Councilman Leonard for all his work on this. Supervisor Shea thanked the Conservation Board.

Public Hearing – Annual MS4 Stormwater Report
May 3, 2018

There being no comments from the audience, Councilman Flaherty made a motion, seconded by Councilwoman Montgomery and unanimously carried to close the Public Hearing at 7:38 p.m.

Respectfully submitted by,

Theresa Crawley
Deputy Town Clerk

Weekly Town Board Meeting
May 9, 2018

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 10516.

PRESENT:

Richard Shea	Supervisor
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
Michael Leonard	Councilman
Robert Flaherty	Councilman

AGENDA:

- 1. Resolution authorizing Supervisor Shea to sign the agreement between the town and the Chazen Companies for an Addendum to the 2007 Groundwater Report.**

RESOLUTION

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the agreement between the town and the Chazen Companies for an Addendum to the 2007 Groundwater Report in the amount not to exceed \$10,000.00.

- 2. Resolution authorizing a change in the Service Awards Program for the Continental Village Department, Inc. by ratifying Entitlement Age specified in Article 6 of the Master Plan document.**

RESOLUTION

The following Resolution was presented by Councilman Leonard, seconded by Councilman Flaherty;

RESOLUTION AUTHORIZING A CHANGE IN THE SERVICE AWARDS PROGRAM FOR THE CONTINENTAL VILLAGE VOLUNTEER FIRE DEPARTMENT, INC.

WHEREAS, the Town of Philipstown and the Town of Cortlandt have previously established a Service Awards Program for the Continental Village Volunteer Fire Department, Inc. hereinafter CVVFD, on or about January 14, 2003; and

WHEREAS, in accordance with the provisions of Article 11A of New York State General Municipal Law, the resolutions of the Town of Philipstown and the Town of Cortlandt were ratified on April 1, 2003 by the voters registered to vote and residing within the fire protection districts serviced by the CVVFD; and

WHEREAS, the Service Awards Program Master Plan, so adopted and ratified as set forth above, contains the following language:

Weekly Town Board Meeting
May 9, 2018

"6.1 Entitlement Age (Retirement Age.) A Participant shall, of Entitlement Age, be entitled to receive his Accrued Benefit and at the time and form specified in Article 6 of the Mast Plan document. No benefits shall be earned after attaining the Entitlement Age";

WHEREAS, New York State volunteer firefighter Service Award Programs are governed by Article 11-A of the New York State General Municipal Law; and

WHEREAS, Section 217 of Article 11-A of the New York state General Municipal Law was amended effective October 7, 2003 to provide that an active volunteer firefighters; service award program may provide for crediting of years of active firefighting service for periods after an active volunteer firefighter has reached the Entitlement Age and is receiving a service award; and

WHEREAS, Participants who continue to serve as active firelighters of the CVVFD after having attained the Entitlement Age and having begun to be paid Service Award Program monthly payments have not been provided the opportunity to continue to earn Service Award Program credit for active volunteer firefighter service rendered after attaining the Entitlement Age; and

WHEREAS, such denial of the opportunity for active volunteer firefighters to earn Service Award Program credit is unenforceable under ADEA, the Federal Age Discrimination Employment Act; and

3. Resolution authorizing Supervisor Shea to sign a Parade Permit for the Cannon Ball Event scheduled for June 2, 2018 from 11:30 a.m. – 4:00 p.m. on Upper Station Road, Garrison and to waive the fees associated with said permit.

RESOLUTION

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the Parade Permit for the Cannon Ball event scheduled for June 2, 2018 and hereby waives the fees associated with said permit.

Town Clerk Merando was excused from the Weekly Town Board Meeting at 7:40 p.m., the Town Board then discussed Solar Panels for the Recreation Department and installation of a new heating/cooling zone in the Town's Annex.

Respectfully submitted by,

Tina M. Merando, Town Clerk

2

RESOLUTION #

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

RESOLVED, that the Town Board hereby authorizes Roberto Muller to apply for the 2018 Consolidated Funding Grant on behalf of the Town of Philipstown for Climate Smart Communities.

HUDSON RIVER TRUCK & TRAILER
 12 COMMERCE STREET EXT.
 POUGHKEEPSIE, NY 12603
 www.hudsonrivertruck.com



Sales Order

Sales Order
 WB124590
 Sales Order Date
 May 16, 2018

Voice: 845-454-7669
 Fax: 845-454-7726

Please Like us on facebook.

Page:

THIS IS NOT AN INVOICE

1

Sold To:
 Town of Philipstown H/W
 50 Fishkill Road
 Cold Spring, NY 10516

Ship To:

Phone: 845-265-3530
 Fax: 845-265-7886
 Cell:

MARCH/SEPTEMBER HOURS: MON thru FRI 8-5 OCTOBER/FEBRUARY HOUR
 Monday thru Friday 8-5 SATURDAY 8-12.

Deposits, Special Orders, and Electrical Parts are Non-Refundable. No returns after 30 days. 25% re-stocking fee. Deposit will be given a receipt number on sales order.

Customer ID	PO Number	Sales Rep Name
PHI3530	NEEDS VOUCHER	WALTER BARTON
Customer Email	Customer Resale Number	Payment Terms
	146002369W	C.O.D.

Quantity	Item	Description	Unit Price	Extension
1.00		NJPA PRICE	44,322.09	44,322.09
1.00		MONROE MODEL DTS-120-88-27,AUS,3 HOLE, 10 FT. ALL STAINLESS SIDE DUMP BODY/SANDER W/ STAINLESS LADDER, 12" SPREADER PAN, 3 COAL CHUTES, MAILHOT FRONT LIFT CYLINDER, LIGHT KIT AND FLAPS DELIVERY 160 DAYS, MID NOVEMBER MTE NJPA # 080114-MTE PHILIPSTOWN'S NJPA # 95830 CASH AND CARRY PRICE, NO INSTALLATION		
1.00		NJPA DISCOUNT EQUALS 24.5 %	10,858.91	-10,858.91

LABOR RATE \$110.00/hr with a minimum of \$65.00 TERMS CASH. UNLESS ARRANGEMENTS MADE:
 I hereby authorize the repair work herein set forth to be done by you, together with the furnishing by you of the neces and other material for such repair, and agree: that you not responsible for any delays caused by unavailability or delay availability of parts or material for any reason; you neither assume nor authorize any other person to assume for you a in connection with such repair; that you should not be responsible for loss or damage to the above vehicle, or articles in case of fire, theft or other cause beyond your control; that an express mechanics lien is hereby acknowledged on th vehicle to secure the amounts of repairs thereto; that your employees may operate the above vehicle on streets, high elsewhere for the purpose of testing and/or inspecting such vehicle. ALL VEHICLES LEFT OVER 48 HRS. AFTER RE COMPLETED WILL INCUR A \$25 PER DAY STORAGE FEE.

Subtotal 33,463.18
Sales Tax
TOTAL DUE 33,463.18

Thank you for your order!
 We accept: MASTERCARD, VISA, & DISCOVER.

Maximum credit card charge on TRAILERS \$2500.00

NYS Drivers License required with check.

Date: _____ Accepted Signature: _____

Print Name: _____

MONROE TRUCK EQUIPMENT, INC
1051 WEST 7TH. STREET
MONROE WI 53566
608-328-8127 FAX 608-328-4278

CUSTOMER: 3630950
Ship to: HUDSON RIVER TRUCK EQUIPMENT
12 COMMERCE ST EXT
WALTER
POUGHKEEPSIE NY 12603

QUOTE # 1532833TLL
DATE: 05/29/18
CUST PO # PHILIPSTOWNS
TERMS: NET 30
SALES REP: 564
QUOTED BY: TRACY

MTE NJPA# 080114-MTE
PHILIPSTOWN NJPA#

MAKE AND DESCRIPTION
PART# 00178515-B
DTS-120-88-27,3-HOLE
ALL AUS

MONROE MODEL DTS (DUMP/TIP/SPREADER)

- * Chain Conveyor Discharge System
- * Body shall be 10 feet in length
- * Body side height shall be 27"
- * Tailgate shall be 39"
- * Tailgate thickness shall be 7GA
- * The floor will be manufactured from 3/16" 201 STAINLESS STEEL
- * The front will be manufactured from 3/16" 201 STAINLESS STEEL
- * The sides will be manufactured from 3/16" 201 STAINLESS STEEL
- * Body capacity is 6-7 cubic yards
- * Body includes board pockets
- * Rear Corner post will include 3-HOLE LIGHT CUTOUTS
- * Hoist cylinder is a CS100-4-3,2.5"PISTON Mailhot, single acting
- * The tailgate is: full opening, hinged, air close
- * Tailgate is manufactured from 7ga stainless steel with a boxed perimeter of 10GA formed channels
- * Tailgate is double acting with a squared perimeter, with two horizontal braces of 10 gauge material full width of the tailgate
- * Tailgate hardware is 1" x 4" bar stock with 1-1/4" hardened pins
- * Tailgate latches are 1" flame cut, each latch is adjustable with a threaded 3/4" clevis and keeper pins
- * Tailgate latch is over center type
- * Linkage operation air cylinder is 3.5" X 6" stroke with in-cab switch for operation provided shipped loose
- * Longmembers are 31.8#/ft 12" S-beams
- * Floor hinge line is four mechanical tubes with replaceable bushings, hinge pins are 2" diameter stainless steel.
- * All hinge bushings shall be greaseable by a manifold located at side of body grease lines to be rated at minimum 2000psi
- * Side tip actuating cylinders are double acting 4" diameter with a 2"socatri plated rod.

*** CONTINUED NEXT PAGE ***

MONROE TRUCK EQUIPMENT, INC
1051 WEST 7TH. STREET
MONROE WI 53566
608-328-8127 FAX 608-328-4278

CUSTOMER: 3630950
Ship to: HUDSON RIVER TRUCK EQUIPMENT
12 COMMERCE ST EXT
WALTER
POUGHKEEPSIE NY 12603

QUOTE # 1532833TLL
DATE: 05/29/18
CUST PO # PHILIPSTOWNS
TERMS: NET 30
SALES REP: 564
QUOTED BY: TRACY

- * The conveyor floor is bolt-in replaceable made from 3/16" stainless
- * Conveyor longmembers are made from formed 3/16" stainless steel
- * The conveyor is driven by a 25:1 gearbox and a 6.3 cubic inch hydraulic motor (speed sensor in motor available as option)
- * There shall be 6 tooth cast sprockets keyed to the 1 1/2" drive and 1 1/4 idler shafts
- * Conveyor drive shaft shall have heavy duty, dust sealed self-aligning four bolt flange bearings
- * There shall be a heavy duty idler assembly that will provide adjustment for proper conveyor chain tension by use of slide rail style adjusters
- * The pintle chain has a tensile strength of 21,000 pounds per strand, with 1-1/2" x 1/4" bar flights on 4-1/2" centers
- * Bar flights are attached to every other link of the chain

- * The spinner will mount to chassis frame
- * Material will be directed onto the spinner by a formed 10GA stainless poly lined chute
- * The spinner motor is a high torque/low speed mounted above the spinner disc
- * Spinner disc is 18" diameter molded poly with six fins

UNIT WOULD SHIP IN BARE 201 STAINLESS STEEL

ALSO INCLUDED WITH THE DTS BODY, BUT NOT LISTED ABOVE:

- * 3-Coal doors (lever handle style), installed
- * Spinner/Chute Assembly
- * 24" 201SS Standard Cabshield, loose
- * Body Mounting kit, shipped loose
- * 201SS Rear Spreader Apron, shipped loose
- * SS Swing-up Ladder, specify loose

NJPA SKU		
00135347-A-SS	9' x 88"ID x 27" sides, TG 39" x5.5cu	\$36,798.33
00041405-SS	Spinner Assembly	\$1,571.43
Cabshield-2-SS	1/2 cabshield	\$710.00
00133368-B-SS	Coal Chute Door	\$3,855.00

*** CONTINUED NEXT PAGE ***

MONROE TRUCK EQUIPMENT, INC
1051 WEST 7TH. STREET
MONROE WI 53566
608-328-8127 FAX 608-328-4278

CUSTOMER: 3630950
Ship to: HUDSON RIVER TRUCK EQUIPMENT
12 COMMERCE ST EXT
WALTER
POUGHKEEPSIE NY 12603

QUOTE # 1532833TLL
DATE: 05/29/18
CUST PO # PHILIPSTOWNS
TERMS: NET 30
SALES REP: 564
QUOTED BY: TRACY

00011958-A-SS Bolt on Rear Apron	\$729.40
NON-CON LADDER KIT	\$657.93
TOTAL	\$44,322.09

PRICES ARE IN EFFECT FOR 30 DAYS.
HOSES, HYDRAULICS AND CONTROLS ARE NOT FURNISHED WITH THIS
QUOTATION **OTHER THAN** AS SPECIFIED ABOVE.
DELIVERY TIME WILL BE AS FOLLOWS:
DTS BODY ASSEMBLY AS QUOTED: 155 DAYS AFTER RECEIPT OF ORDER,
PRICES ARE F.O.B. MONROE.

Submitted By: _____
Thank you, Tracy Lange
For MONROE TRUCK EQUIPMENT, INC.

RESOLUTION #

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

RESOLVED, that the Town Board hereby approves the purchase of a Monroe Model Stainless Side Dump/Body Sander with Ladder, 12" Spreader, 3 Coal Chutes, Mailhot Front Lift Cylinder, Light Kit and Flaps to be delivered in 160 days for a total cost of \$33,463.18 for the Philipstown Highway Department.

FIRE PROTECTION AGREEMENT

THIS AGREEMENT made the 30th day of March 2018 BETWEEN:

The VILLAGE BOARD OF THE VILLAGE OF COLD SPRING, a Municipal Corporation of the State of New York, hereinafter designated "COLD SPRING"

And

The TOWN BOARD OF THE TOWN OF PHILIPSTOWN, a Municipal Corporation of the State of New York, hereinafter designated "PHILIPSTOWN"

And

The COLD SPRING FIRE COMPANY NO 1, a Volunteer Fire Company organized under the Laws of the State of New York, hereinafter the "FIRE COMPANY",

WITNESSETH:

WHEREAS, there are properties located in PHILIPSTOWN fully described in the attached Exhibit "A" and referred to on the PHILIPSTOWN real property tax bills as "Philipstown Fire No. 1" that constitutes the designated area within Philipstown to be served under this Agreement; and

WHEREAS, COLD SPRING and the FIRE COMPANY are willing to provide fire protection services to PHILIPSTOWN, for said properties, under the terms and conditions set forth herein; and

WHEREAS, by resolution dated _____, the Town Board of PHILIPSTOWN duly authorized execution of this Fire Protection Agreement; and

WHEREAS, by resolution dated _____, the Village Board of COLD SPRING duly authorized execution of this Fire Protection Agreement;

WHEREAS, the FIRE COMPANY, by its membership and its Board have consented to the terms hereof;

NOW, THEREFORE, PHILIPSTOWN does engage COLD SPRING to furnish fire protection services to PHILIPSTOWN through the FIRE COMPANY and COLD SPRING agrees to furnish such protection in the manner following, to wit:

1. **TERM:** This Agreement shall commence on the first day of January, 2018 and shall continue for a term of one (1) year.

2. **FIRE PROTECTION SERVICE:** The FIRE COMPANY shall, at all times during the term of this Agreement, be subject to call for attendance upon any fire, emergency or service call falling under the Fire Company's Standard Operating Procedures and Guidelines occurring within the areas designated within the Town of PHILIPSTOWN, when notified by alarm, telephone call, County dispatch 911 or other reliable means. Upon such call or other notification, the FIRE COMPANY shall, without delay and with all suitable apparatus, proceed diligently and in every way reasonable under the circumstances with mitigation and termination of the incident. Provided, however:

- (i) The FIRE COMPANY shall not be required to furnish any water (other than water stored in the fire truck in accordance with the Fire Company's Standard Operating Procedures and Guidelines) or hydrants, and PHILIPSTOWN shall be responsible for the maintenance of all hydrants including, but not limited to keeping all hydrants and any access to those hydrants free from ice and snow;
- (ii) The FIRE COMPANY shall respond to fire, emergency or service calls in such manner as it deems appropriate and consistent with its Standard Operating Procedures and Guidelines;
- (iii) COLD SPRING, through the FIRE COMPANY, shall not be responsible or in any way liable under this Agreement for delay or failure to reach buildings on fire because of lack of roads, impassable road conditions or other causes beyond the control of the FIRE COMPANY, nor for failure to extinguish any fire after reasonable efforts to do so; and
- (iv) The FIRE COMPANY reserves the right, and in fact has the obligation to service other municipalities; and the FIRE COMPANY'S attendance upon any fire or emergency outside of the designated area of PHILIPSTOWN shall not be deemed a violation of this Agreement. Nothing in this Agreement shall be construed as requiring the FIRE COMPANY to neglect a fire or emergency in COLD SPRING for the purposes of attending a fire or emergency in the designated area of PHILIPSTOWN.

3. INDEPENDENT CONTRACTOR:

It is understood and agreed that COLD SPRING and the FIRE COMPANY, in providing Fire Protection Service under this Agreement, are acting as independent contractors, and are not subject to any direction or control in any manner by PHILIPSTOWN except as expressly conferred by law, and formulation of and compliance with any laws, rules or regulations relating to use of fire protection apparatus and equipment shall be the responsibility of COLD SPRING and the FIRE COMPANY.

PHILIPSTOWN, by execution of this Agreement, expressly grants the FIRE COMPANY permission to open, use and secure hydrants belonging to PHILIPSTOWN or within its jurisdiction and to use the water therein for purposes of providing fire protection services under this Agreement. Members of the FIRE COMPANY, while engaged in the performance of their duties in answering, attending upon, or returning from any call provided for this by Agreement shall have the same rights, privileges, and immunities as if performing the same in the Village of Cold Spring.

4. PAYMENTS:

In consideration of furnishing fire protection services under this Agreement, PHILIPSTOWN shall pay COLD SPRING an amount equal to \$67,591.30 (Sixty Seven Thousand, Five Hundred Ninety One Dollars and 30/100). Payment to be paid in full on or before January 31st of the contract year.

Payments made under this Agreement shall be all-inclusive and shall be in full and complete satisfaction of any and all claims for compensation for provision of fire protection services, including any obligation of PHILIPSTOWN to pay COLD SPRING or the FIRE COMPANY for any loss or damage to equipment sustained in the performance of its duties hereunder. Provided, however, PHILIPSTOWN shall remain responsible for any injury, loss or damage caused, wholly or in part, by the tortuous actions or omissions of its elected officials, officers, employees and agents.

5. **INSURANCE:**

COLD SPRING shall secure and keep in effect: (a) Commercial General Liability Insurance (also known as Emergency Service Liability Coverage) with limits of no less than \$1,000,000.00, (b) Business Automobile Liability Insurance with limits of no less than \$1,000,000.00, (c) Volunteer Fireman's Benefit Coverage pursuant to Volunteer Firefighters' Benefit Law, Section 30, and (d) Workmen's Compensation Insurance, with all four of the foregoing insurance coverages to be for the protection of the public and PHILIPSTOWN, its officers, employees, agents and servants against any and all claims, actions, damages and charges of every name and nature arising from the alleged negligence, want of care or fault of COLD SPRING or the FIRE COMPANY in furnishing or operating the service hereunder, such insurance to name PHILIPSTOWN as one of the insureds, provide PHILIPSTOWN with copies of said policies in force, with applicable endorsement, and contain provisions that they may not be cancelled except on no less than thirty (30) days' notice to PHILIPSTOWN, in writing.

6. **INDEMNIFICATION:**

COLD SPRING shall indemnify and save harmless PHILIPSTOWN, its officers, employees, agents and servants against all liability, claims, loss, costs or damages on account of injury to persons or property arising as a result of the alleged negligence, want of call or fault of any nature whatsoever, of COLD SPRING or the FIRE COMPANY, their officers, members, agents, servants, licensees or sub-contractors arising from this Agreement.

PHILIPSTOWN shall indemnify, defend and hold harmless COLD SPRING and the FIRE COMPANY for any claims or damages arising from alleged negligence or other tortuous actions or omissions of PHILIPSTOWN's elected officials, officers, employees and agents.

7. **TERMINATION:**

Termination under this provision shall not give rise to any claim for loss or damages.

Notwithstanding any other provisions of this Agreement, the failure to pay the agreed upon amounts on or before the dates required or failure to provide adequate water for the purposes of this Agreement will not automatically terminate the Agreement, but will be grounds for immediate termination of the Agreement by COLD SPRING and/or the FIRE COMPANY. In the event that this Agreement is terminated for cause under this provision, COLD SPRING and/or the FIRE COMPANY may pursue such remedies as they may have against PHILIPSTOWN, provided that recovery shall be limited to amounts due or which would have become due under this Agreement, and consequential damages shall not be available.

Likewise, failure of COLD SPRING and the FIRE COMPANY to respond or otherwise comply with its obligations under the Agreement will not automatically terminate the Agreement, but will be grounds for immediate termination of the Agreement by PHILIPSTOWN. In the event that this Agreement is terminated for cause under this provision, PHILIPSTOWN may pursue remedies as it may have against COLD SPRING and/or the FIRE COMPANY, provided that recovery shall be limited to amounts paid for the term year in which the Agreement was terminated, and consequential damages shall not be available.

8. INSPECTIONS BY FIRE CHIEF:

The chief officer of the FIRE COMPANY of the Village of Cold Spring, may, under the terms of this Agreement, inspect any public building, and with the consent of the owner, any privately-owned building, located within the designated area of PHILIPSTOWN, for fire hazards, or such chief officer may delegate such power of inspection to an officer or member of such department. The term building, as used in the paragraph does not include a multiple dwelling which may be inspected by such fire officer under and pursuant to the provisions of Subdivision 4 of Section 303 of the Multiple Resident Law.

9. DISPUTE:

In the event that a dispute arises as to the performance and/or breach of provisions of this Agreement, such dispute shall be resolved through non-binding arbitration, or such other alternative dispute resolution as the parties may agree upon. In the event that the parties cannot agree on any of the foregoing methods of alternative dispute resolution, then either party shall be entitled to resort to the Court System for relief, provided, however, that efforts to pursue alternative dispute resolution shall not be a prerequisite to demanding and/or seeking a court order enforcing paragraphs #6 of this Agreement regarding provision of a defense and indemnity if a third-party commences suit against a party hereto.

10. ENTIRE AGREEMENT:

The above-written provisions constitute the entire agreement between the parties hereto and may not be amended unless done so in writing by authorized representatives of the parties.

Dated this _____ day of _____, 2018

TOWN OF PHILIPSTOWN

VILLAGE OF COLD SPRING

By: _____

By: _____

RICHARD SHEA, SUPERVISOR

DAVE MERANDY, MAYOR

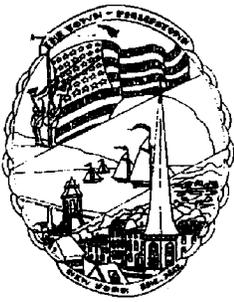
COLD SPRING FIRE COMPANY, NO. 1

BY: Matthew Stelz 3/30/18
MATTHEW STELTZ, PRESIDENT

RESOLUTION #

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the Fire Protection Agreement between the Village of Cold Spring and the Town of Philipstown for fiscal year 2018.



TOWN OF PHILIPSTOWN

238 Main St. P.O. Box 155 Cold Spring, NY 10516

RICHARD SHEA, SUPERVISOR

(845) 265-3329

TINA M. MERANDO
TOWN CLERK AND TAX COLLECTOR

NANCY MONTGOMERY, COUNCILWOMAN
JOHN VAN TASSEL, COUNCILMAN
MICHAEL LEONARD, COUNCILMAN
ROBERT FLAHERTY, COUNCILMAN

May 31, 2018

Philipstown Depot Theatre Inc.
P.O. Box 221
10 Depot Square
Garrison, NY 10524

Occupancy of the Philipstown Depot Theatre

The Town of Philipstown is the lessee under a lease from The Garrison's Landing Association Inc. of the former railroad station at Garrison now known as the Philipstown Depot Theatre (the "Depot".)

Philipstown Depot Theatre Inc., ("PDT") is a not-for-profit corporation and is a local development corporation as defined in Section 2 of the Public Authorities Law as being affiliated with, sponsored by or created by the Town. A majority of the Members of PDT, who elect its board of directors, are members of the Philipstown Town Council.

At the request of the Town, PDT hereby agrees to occupy the Depot and to operate it on behalf of the Town as a cultural resource, in cooperation with the Town Recreation Department, for the production and presentation of theatrical, musical and other events, and the Town hereby grants to PDT a license to occupy and operate the Depot for such purposes for the period of the lease and any renewals thereof.

If you agree with the foregoing, please sign and return a copy of this letter.

Very truly yours,

TOWN OF PHILIPSTOWN

By: 
Richard Shea, Supervisor

Agreed:

PHILIPSTOWN DEPOT THEATRE INC.

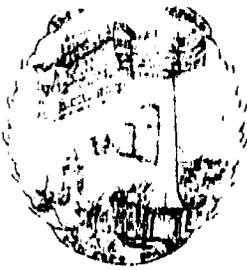
By: _____

Chairman

RESOLUTION #

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

RESOLVED, that the Town Board authorizes Supervisor Shea to sign a letter of Occupancy of the Philipstown Depot Theatre. (Nunc Pro Tunc)



Town of Philipstown

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

9

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

MONTHLY REPORT for May 2018

1. Fees Collected	<u>38,394.85</u>
2. Total Number of Permits Issued	<u>45</u>
3. New One- or Two-family dwellings:	<u>0</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>4</u>
8. Additions, alterations or repairs commercial buildings:	<u>1</u>
9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	<u>40</u>
10. Number of Certificates of Occupancy :	<u>30</u>
11. Number of Stop Work Orders issued:	<u>4</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>2</u>
17. Inspection of commercial occupancies	<u>-</u>
18. Inspection of buildings with 3 or more dwelling units:	<u>-</u>

Projects of Significance: 7 GARRISON LANDING RESTORATION
COMPLETE NEARING OPENING
GARRISON CAFE RT. 9D RE-OPENING
PIZZA & ITALIAN CUISINE



VILLAGE OF COLD SPRING

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

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

MONTHLY REPORT for MAY 2018

1. Fees Collected	\$ 1,728
2. Total Number of Permits Issued	5
3. New One- or Two-family dwellings:	1
4. New Commercial/Industrial buildings:	1
5. New Hazardous (H) occupancies:	1
6. New Multi family occupancies:	1
7. Additions, alterations or repairs residential buildings	3
8. Additions, alterations or repairs commercial buildings:	2
9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	1
10. Number of Certificates of Occupancy :	5
11. Number of Stop Work Orders Issued:	1
12. Operating permits issued	1
13. Operating permits issued hazardous materials	1
14. Operating permits Hazardous processes and activities	1
15. Permits Issued for the Use of pyrotechnic devices:	1
16. Inspection of public assembly :	1
17. Inspection of commercial occupancies	1
18. Inspection of buildings with 3 or more dwelling units:	1

Projects of Significance: _____

