

Monthly Town Board Meeting
July 11, 2013 **7:30 P.M.** **Town Hall**

SALUTE TO THE FLAG

REVIEW OF MINUTES

- Monthly Meeting of June 6, 2013
- Weekly Workshop of June 12, 2013

COMMITTEE REPORTS

1. Conservation Board
2. Recreation
3. Recycling
4. Planning Board
5. Zoning Report
6. Highway
7. Building & Land Acquisition
8. JLB Library
9. Continental Village and Garrison Fire joint training report

AGENDA

1. Linda Bull, Regional Advisory Officer from New York State Archives to address the town's record retention program.
2. Dianne K. Olsen, Senior Extension Educator, from Cornell Cooperative Extension to discuss the Hudson River Estuary Flooding Project.
3. Mr. & Mrs. Norris to discuss a proposed street name on a common driveway.
4. Resolution for the adoption of Uniform Notices of Claim Act and authorize Supervisor Shea to sign the Certificate of Designation.
5. Resolution authorizing Supervisor Shea to sign the Parade Permit for the Walter Hoving Home and waive the fees associated with the same.
6. Resolution authorizing Supervisor Shea to sign the agreement between the Town and Ben Ciccone, Inc. for the Old Albany Post Road Reconstruction Project.
7. Friends of Philipstown to discuss the pavilion at Philipstown Park.
8. Code Enforcement Monthly Report.
9. Schedule Workshops/Meetings.
10. Any other business that may come before the Town Board.

AUDIENCE

VACANCIES

CV Park District Advisory Committee (3)

CV Water District Advisory Committee (3)

APPROVAL OF VOUCHERS

General Highway CVPD CVWD

ADJOURNMENT

Monthly Town Board Meeting
June 6, 2013

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

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

ABSENT: Betty Budney Councilwoman

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

REVIEW OF MINUTES

The Minutes of the Weekly Town Board Meeting of April 10, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Weekly Town Board Meeting of April 10, 2013, are hereby approved as presented.

The Minutes of the Bid Opening (Town Wide Cleanup) of April 24, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Bid Opening (Town Wide Cleanup) of April 24, 2013, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of April 24, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Weekly Town Board Meeting of April 24, 2013, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of May 2, 2013, were reviewed.

Councilman Merandy made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Monthly Town Board Meeting of May 2, 2013, are hereby approved as presented.

The Minutes of the Bid Opening (Old Albany Post Road) of May 17, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Merandy to accept the minutes of the Bid Opening (Old Albany Post Road) of May 17, 2013. Councilwoman Montgomery noted that she was not in attendance and could not vote on accepting the minutes. She asked why the Board was not being informed when there was a bid opening. Town Clerk Merando explained that this had never been done. The only notification was that which goes in the newspaper.

The question of the acceptance of the Minutes of the Bid Opening (Old Albany Post Road) of May 17, 2013 was duly put to a vote on roll call, which resulted as follows:

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|------------------|--------|--------|
| Richard Shea | Voting | AYE |
| Betty Budney | Voting | ABSENT |
| Nancy Montgomery | Voting | NAY |
| John Van Tassel | Voting | AYE |
| David Merandy | Voting | AYE |

The minutes were thereupon declared accepted.

COMMITTEE REPORTS

CB – Councilwoman Montgomery reported that the Conservation Advisory Board met on May 14, 2013. There were three items on the agenda: Doug Banker, for a tree mitigation plan; David Baker, who was granted a wetlands permit, and Indian Brook LLC, to install a driveway and obtain a wetlands permit. There will be no meeting in June due to the fact there are no agenda items.

RECREATION – Councilman Van Tassel attended the Recreation Commission meeting on May 28, 2013. The April minutes were read. Amber Stickle also submitted up-to-date financial statements, which are available to review. The Commission discussed the May workshop with the Town Board in reference to capital projects at the Rec facility. The Commission plans to propose the resurfacing of the main field, along with a well and irrigation system, and would also like to do a minor patch and filling at the water tower field. The Commission also discussed the boiler replacement with the planned asbestos abatement and passed a unanimous resolution to oppose the abatement being done during program hours. The Friends of Philipstown Rec Group has finalized plans for the pavilion at the Town Park and, with projected donations, hope to break ground this fall. The pavilion will have bathrooms, a storage area, a kitchen, concession area, and a covered picnic area. The Commission plans on attending the July Town Board meeting for a major announcement on this project. The Depot Theatre advised that all the costumes held at the Garrison Station #1 Fire House have been moved. The Theater Benefit dinner was held on Friday, May 31, 2013, with 130 people attending. This was a kickoff for “The Looking Swell Campaign” to upgrade and improve the Depot Theatre. The goal of the campaign is to raise \$200,000 for repair on the HVA system, generator hook up and several other projects. The summer recreation children’s play “To Kill a Mockingbird,” will have auditions on June 8, 9, 15, 16, 22 and 23. The next meeting will be held on June 25, 2013, at 7:30 pm.

RECYCLING – NO REPORT - Councilwoman Budney was not in attendance.

PLANNING BOARD - Councilman Merandy reported that this month's meeting was a trial run at a new venue at the Butterfield Library. He thanked Gillian Thorpe. Everything went

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well and they plan to continue holding future meetings there. The items on the agenda included; Garrison Properties, Mountain Trace Subdivision, Open Space conservancy, Arthur Fischer, and several Local Laws that were submitted to the Board - no action taken.

ZONING – Councilman Van Tassel attended the May 13, 2013, meeting with a continuation of a Public Hearing for a proposed wind turbine. A continuation of the Public Hearing will be held on June 10, 2013.

HIGHWAY – In Councilwoman Budney's absence Councilman Van Tassel read the May report, which is on file at the Town Clerks office for review.

BUILDING & LAND ACQUISITION –. Supervisor Shea said that they are continuing to look at the building infrastructure to determine what is going to stay, what might go, what might have to be changed around to make better use of. Supervisor Shea and Councilwoman Montgomery met with the County today (6/6/2013), to discuss how the County can get involved with getting space for the seniors.

JLB LIBRARY - Councilwoman Montgomery read the Library report. In support of the NYS summer reading program, the library has been visited by all Haldane classes, K-5th grades, to discuss summer reading. The Library received a \$700 grant to support the summer reading program. As a result, this year the library will offer additional programs. The library is only able to offer one camp program this summer, which is free and open to all Philipstown residents. Registration opens June 10. If you need computer help just come in or call the library. Think of the Library as an open computer lab. There is access to Indy Flicks. The library is also here to help local organizations with space for meetings or projection equipment. Please contact them at 265-3040 or jbldirector@gmail.com

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF JUNE 6, 2013**

GENERAL & PART-TOWN FUNDS

Town Clerk Fee 2/13
Town Clerk Fee 2/13
Justice Fees 2/13
Recreation Fees 2/13
Bank Interest

HIGHWAY FUND

General Fund – gas
Put. Co. Gas
NYS CHIPS
Bank Int.

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest

CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees
Bank Interest

AGENDA

- 1. Roberto Muller to discuss the proposed resolution calling for the emergency evacuation zone around Indian Point to be extended from 10 to 50 miles.**

Mr. Muller addressed the Town Board noting that he grew up in Cold Spring and still lives here. He works and volunteers for Hudson River Sloop Clearwater in Beacon and Indian Point Safe Energy Coalition. Mr. Muller stated that his appearance tonight was to speak about the resolution calling for the extended evacuation zone. He added that he was in Japan from April to July 2011, at which time he met many people who had actually evacuated and moved to other parts of Japan after the Fukushima accident. He learned about their experiences with nuclear power and could not help but get engaged and started studying this. What he wanted to start off with tonight was how the municipalities in Fukushima have dealt with this situation. Last Sunday, a Councilwoman from a Village

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in Fukushima was in Philipstown and she described the process of evacuating. She emphasized the lack of support, generally, from the higher levels of government, and how she and the municipality had to make decisions that they did not feel they were qualified to make, but had to step up and do. They were eventually evacuated and later found out that there was more radiation in the city they were evacuated to than what was in their own (original) town. This was due to the winds changing. The way radiation moves is not systematic or entirely calculable. The higher authorities made decisions on the evacuation based on calculations made on computer programs that were very sophisticated and even then fell short of actually protecting people. What she recounted was feeling frustration, knowing that she was not able to make decisions as a representative of her community impart, because she was not able to access some of this data, so lost trust in higher government in the last few years. The levels of decision-making are so complex that many municipalities have felt overwhelmed and somewhat abandoned in this process of trying to respond to an accident.

Getting to the resolution, Mr. Muller wanted to highlight how this relates to Philipstown near Indian Point by describing evacuation preparedness and some of the reasons behind proposing to expand the zone from 10 miles to 50 miles. He proceeded to read the resolution making comments on the following: the lack of communication of information as being negligent to the public health and safety of the citizens, contamination of water supply and food that extends beyond the risk of the 10 miles, that people will not evacuate on their own free will...that they will not act independently, evacuation routes, spent fuel storage to dry cask, and the two fault lines in the area.

Essentially what he is asking is that the Town adopts this resolution as a message of support saying that we, as a municipality, are concerned. This would have no effect on legislation and there is nothing binding about it. Specifically, it is about raising our voices through our representation to say that we are concerned about the long-term preparation for an accident.

Supervisor Shea asked Mr. Muller how many people lived in the 50-mile radius. Mr. Muller responded 17-20 million (which includes NYC). Councilman Van Tassel stated that he is not questioning anything Mr. Muller has said and that he certainly is looking to secure the safety of the community, without a doubt, but he does not see how extending the radius will improve the safety so he would like to take more time to review it further. He asked, "How do you feel extending the radius from 10 miles to 50 miles is going to improve our safety here? Isn't it going to complicate the evacuation more? 17 million people trying to get out of this area at one time is pretty much impossible". Mr. Muller replied that he presented to the Village of Cold Spring Board a couple of weeks ago and the Mayor said that essentially he did not want to vote for the resolution because if you expand from 10 miles to 50 miles, you put that many more people in the way of the folks from Cold Spring. Mr. Muller said that he does understand the rationale, but thinks it is a very offensive statement, because putting our community over our neighbors is unrealistic, selfish and not practical.

A discussion ensued about the spent fuel pools and moving to dry casks, the cost of which would more than likely be passed on to us, the taxpayers.

Councilwoman Montgomery said that she appreciates his initiative to help us by taking a very complicated issue and presented it in a way that we can understand better. She thinks this is paramount to how we have to move forward now. She said, "By adopting this resolution we will be sending a message and this is a first step in protecting our citizens and opening a dialogue." Her opinion is that she still feels that this is not going to work and feels very vulnerable, and that is with her having more understanding than the general public has. She appreciates Mr. Muller's information and his concise presentation, which will help us understand it better. She then said that she would be more than thrilled to move forward with this right now.

Councilman Merandy stated that one of the things when you hear an evacuation plan is that you think of the immediate response, but he thinks that you do have to acknowledge that radiation is not just going to stop at a certain point. He doesn't actually see how an evacuation plan can work, but does think it is worth sending the resolution.

Legislator Scuccimarra said that the County has already passed a resolution similar to this. The County's concern was predominantly the dry casking. She can't imagine that if anything happens that people at the 20-mile limit aren't going to want to go somewhere and it is better to have a plan regardless. Councilman Van Tassel remarked that he doesn't think that there is a physical plan that we could come up with to move 17 million people. Supervisor Shea said this would be discussed further at a workshop.

2. Anthony Ruggerio and Megan Taylor to discuss Economic Development opportunities.

Town Clerk Merando reported that Anthony Ruggerio and Megan Taylor were not able to make the meeting tonight.

3. Resolution authorizing Supervisor Shea to sign the parade permit for the Philipstown Lacrosse Association for the Youth event scheduled for June 2, 2013 (nunc pro tunc).

RESOLUTION #86-2013

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

RESOLVED, that the Town Board authorizes Supervisor Shea to sign the parade permit for the Philipstown Lacrosse Association for the Youth event scheduled for June 2, 2013 (nunc pro tunc).

4. Resolution waiving the building permit fee for the Garrison Volunteer Fire Company to remove an interior wall on Upper Station Road.

RESOLUTION #87-2013

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

RESOLVED, that the Town Board hereby waives the building permit fee for the Garrison Volunteer Fire Company to remove an interior wall on Upper Station Road.

5. Resolution adopting the Hazard Communication Program Policy for the Town of Philipstown as per New York State Department of Labor.

Town Clerk Merando explained that the NYS Department of Labor came in to do an inspection at the Town Hall two weeks ago and reviewed the Town's policies. However, the policy in place did not contain the language that PESH required. The inspector provided a template which is being followed.

RESOLUTION #88-2013

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

RESOLVED, that the Town Board hereby adopts the Hazard Communication Program Policy for the Town of Philipstown as per New York State Department of Labor.

6. Code Enforcement Monthly Report

Town Clerk Merando read the Monthly Report.

Town Clerk Merando announced that there were two items that were not on the agenda;

Item #1 - Planning Board Clerk responsibilities – Councilwoman Montgomery explained that the Planning Board Clerk responsibilities were developed with the new Zoning Codes to tighten things up administratively. Councilman Van Tassel reported that a meeting was held with Town Clerk Merando, Ann Gallagher and Tina Landolfi, with regards to their positions as it has become very evident that there is a major space issue. One suggestion was to use the Dahlia House as an office for the Building Department and Assessors. Councilman Van Tassel stated that he would like to schedule a workshop or meet with the Town Board at the Dahlia House to come up with a plan to utilize that space. The other suggestion was for the purchase of a large-scale scanner so that files and maps can be scanned. Town Clerk Merando also came up with the suggestion to get a mobile shredder to come in to dispose of records/files already scanned. Supervisor Shea asked Town Clerk Merando to get the cost of that. Councilwoman Montgomery stated that the Town has to be careful with what is disposed of legally and that the Town could recruit the Department of State's help with this because there are guidelines/laws that have to be followed. Councilman Van Tassel asked Town Clerk Merando about grants. She responded that we could apply for one every year. Councilwoman Montgomery then asked if we had a retention and disposal

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schedule. Town Clerk Merando said that we do and each department was given a copy so they would know what to do. Supervisor Shea suggested further discussion on this item.

RESOLUTION #89-2013

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

RESOLVED, that the Town Board hereby adopts the Planning Board Clerk responsibilities.

Supervisor Shea asked that the record show that no one was opposed to the resolution

Item #2 - Release of the escrow of E. Polhemus Enterprise, LLC - Town Clerk Merando read a letter from Planning Board Chairman, Michael Leonard, requesting the release of escrow funds.

RESOLUTION #90-2013

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

RESOLVED, that the Town Board hereby releases the escrow funds of E. Polhemus Enterprise, LLC.

7. Schedule Workshops/Meetings.

Workshop – June 12, 2013 7:30pm to discuss various items – records, buildings, boiler,

Supervisor Shea read a request to change the Monthly Town Board meeting from July 4th to July 11th.

RESOLUTION #91-2013

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

RESOLVED, that the Town Board hereby changes the date of the July Monthly Town Board meeting from July 4th to July 11, 2013.

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

Supervisor Shea reported that he and Councilwoman Montgomery met today (6/6/2013), with representatives from the Nutrition Program for seniors, the County, and Legislator Scuccimarra, to discuss how the quality of food that is being served to seniors can be improved. Supervisor Shea stated that the Town wanted to try to tap into some of the

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resources we have in the County, and talk about space at Chestnut Ridge for an exercise program to be held there once or twice a week. Supervisor Shea stated that the Town Board will continue to meet with Legislator Scuccimarra and the County just to keep making progress by taking small steps for the seniors in Town. Councilwoman Montgomery said that the Town Board should think outside the box- like the offer from Gillian Thorpe to utilize the library to have some programs at Chestnut Ridge (computer classes, fine arts workshop, etc.). Supervisor Shea added that space requirements were also discussed.

Supervisor Shea has been meeting regularly with Scenic Hudson with regard to the Hudson River Fjord Trail, and a meeting was held at Winter Hill with the citizens group that is supporting the idea. He reported further that the request for proposals for the engineering portion of the trail will be released and that feasibility has been established and the request for proposal for the planning of the entire trail will also be released. They have established the feasibility and will go further and release the request for a proposal for the planning of the entire trail. Scenic Hudson estimates that the budget will be around \$175,000 and believe they have that money. They do have some graphics and two proposed groups, which they met with, at the site. Legislator Scuccimarra requested that Bill Donner come before the Economic Development at the County on Monday night to talk about this to the Legislature.

Councilman Van Tassel reported that he, Councilwoman Montgomery, Amber Stickle, Kevin Donohue and Mayor Falloon (Emergency Preparedness Committee, got together the other night and briefly discussed the local emergency coordination center and how they could improve it. He added that the center is now digitalized so that anyone can program it. They also discussed the shelter provisions at the Rec center (although we are not an official shelter), and noted that there is a budget this year of \$1,000 to purchase some air mattresses and blankets so people could be better housed, should it be necessary. An outreach program is planned and all Fire Departments have been asked for a formal statement as to what their plan will be during the next emergency. They would also like to circulate a newsletter to keep people abreast if there is a problem on what to do and where they can go. They will be looking to the Fire Departments for some assistance with staffing of the emergency operations center along with volunteers from the community. Councilwoman Montgomery said that we have done fairly well during the last few emergencies but we do have to develop a solid plan. She noted that Kevin Donohue had tried to get grant money for this, but the County received those monies. They are hoping to collaborate with the County since they do have all the reins for emergency management. She said that we do our best with what we have on no budget. What she learned at FEMA is that it is a whole community approach. Councilman Van Tassel stated that there was also a discussion about a CERT team, which is civilians who would be willing to go out and assist with communications, transportation, etc. It was agreed that the Town needs to do more planning on their end.

AUDIENCE

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Paul Clair came to urge the Town Board to adopt Putnam County's law prohibiting frack waste on all county routes, wastewater treatment plants, and real property to the Town of Philipstown. The County has a penalty of \$25,000 and or 30 days in jail for each offense. For Philipstown to do this all that needs to be done is substitute the word Philipstown for the word County in the County law. Westchester County lawyers and Rockland County lawyers have vetted this law. Rockland County has just passed a duplicate of the Westchester law, which covers all roads, water treatment plants and all real property. Ms. Clair added that although Putnam County's law does protect us to some extent, we are less protected then our neighbors, because some towns in the county have objected, on the basis of home rule, to pass the Westchester County law. So it would be up to each town in Putnam to protect its people. Ms. Claire feels that this is a critical public health issue and she hopes that the Board would consider, without delay, taking steps to adopt this law. Supervisor Shea stated that a public the Board was on the verge of adopting the law she presented several months ago. Ms. Clair replied that the problem with that law was that it does not have penalties. Supervisor Shea remarked that a Public Hearing has not yet been held to incorporate this change. He added that the Town Board could pass the law and then modify it.

Margaret Krachy asked the Board to consider allowing Verizon FIOS into the area so that people have choices. She understands that the contract we have now with Cablevision ends in October this year and this would be a good time to explore other vendors. Supervisor Shea said they will start negotiating a new contract soon.

Bob Juby wanted to give the Town Board an update on the road and culverts (E. Mountain Road S.). He presented a drive to the Board with pictures from the last few days. The town crew was there cleaning the culverts. He doesn't understand why the road was graded when it is not necessary. Mr. Juby asked about getting together with the Town Board and Councilman Van Tassel said that they would do that.

Joe Regele addressed the Town Board stating the he was here exactly a year ago as a follow-up on the fields and Town Park, at which time, he responded to questions and made presentations. The way it was left was that some one was going to get back to him in two weeks, but he has never heard another word from anyone. Then last week he read in the paper that there had been a meeting. He was not the only one interested in this project and he put a lot of his own time and money into this. Mr. Regele stated that it would be polite for one to respond to him that something was going on. He added that it was a little discouraging after all the work he did to read this in the paper. Councilman Merandy stated that this was discussed at the Recreation meetings, which are open to all and asked, "Aren't you the one who stopped all the progress?" Councilman Merandy added that Mr. Regele was involved in this as heavily as he was and if it wasn't for Mr. Regele's actions the Town would probably have reconditioned fields by now. Councilwoman Montgomery informed Mr. Regele that he should keep an eye on the website because the workshops are posted on the website. Supervisor Shea stated that this was unintentional and would like to move on.

Mr. Regele then went on to the Garrison Volunteer Fire Company. From what he read in the paper, the Garrison Volunteer Fire Company was going to purchase a new truck and do work on the bathroom. Supervisor Shea said that there is not going to be any work on the bathroom as that is not in the budget. Mr. Regele asked if there was going to be another truck purchased. Supervisor Shea informed Mr. Regele that in all likelihood they will be purchasing a new truck for the chief and that he, personally, as the Supervisor, disagrees with having three chief's trucks. They did have a discussion and there were some mitigating factors. Councilman Van Tassel said that this is not an apparatus, but a \$40,000 truck and the agreement was that it would be a discussion with the 2014 budget. The down payment would be made from this year's budget – a line item for the purchase of 5 additional SCVA packs that the current chief elected not to purchase. Mr. Regele again repeated that the fact is that the Garrison Volunteer Fire Company does not close out their budget and they are the only group that does not close out their budget for year-end. Therefore, we do not know how much they have spent. Mr. Regele added that providing jobs to high school students in the community would be a better way to spend monies that are left over from this budget. Mr. Regele would personally like to see the Garrison Volunteer Fire Company submit their year-end figures in the fall like all the other departments do. Councilman Van Tassel replied that he would facilitate a meeting with Mr. Regele, the Fire Company Board, the Chief and the Town Board.

Stan Freilich hadn't planned on saying anything, but he feels he had to say something and that is, that from his perspective, the fact that the budget of the Garrison Volunteer Fire Company went down 28% a couple of years ago - the Board had the final say on it - but it is really due to Joe Regele raising all these issues for years. Supervisor Shea stated that he wanted to rebut that. He said, "Joe had made some salient points, absolutely and he did bring up some issues that needed to be addressed, but the initiative was taken by me, the Chief Budget Officer, not by Joe." Supervisor Shea gave Mr. Regele credit for bringing up issues. Mr. Freilich said that he has been here when the Garrison Volunteer Fire Company has come and presented a list of expenditures, and has never seen them present a budget. Mr. Freilich would like to see when the Garrison Volunteer Fire Company comes in the fall that they present a real budget before talking about next year.

VACANCIES

CV Park District Advisory Committee (3)
CV Water District Advisory Committee (3)

APPROVAL OF VOUCHERS

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the General Vouchers in the amount of \$58,294.52 approved as set forth in Abstract 5A& 6

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Highway Vouchers in the amount of \$72,199.20 are hereby approved as set forth in Abstracts 5A& 6

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Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CVPD Vouchers in the amount of \$3,191.71 are hereby approved as set forth in Abstract 6

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the CVWD Vouchers in the amount of \$16,414.08 are hereby approved as set forth in Abstracts 6

There being no further business to discuss, Councilwoman Budney made a motion, seconded by Councilman Van Tassel to close the Town Board Monthly Meeting at 9:30pm.

Respectfully submitted by,

Theresa Crawley
Deputy Town Clerk

Weekly Town Board Meeting
June 12, 2013

The Town Board of the Town of Philipstown 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:

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

ABSENT: Betty Budney Councilwoman

AGENDA

1. Resolution authorizing Town Clerk Merando to advertise for bidders for the boiler replacement at the Claudio Marzollo Community Center, 107 Glenclyffe, Garrison, New York.

Supervisor Shea noted that he and Councilman Merandy had a discussion with regard to the abatement portion of the project. He stated that the abatement is going to be rolled into the demolition, and it is addressed in the bid specifications. He went on to say that there would be site meetings as the project moves forward, therefore, the Town will attach the Quest Report to the specifications.

RESOLUTION #

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for the boiler replacement at the Claudio Marzollo Community Center, 107 Glenclyffe, Garrison, New York.

2. Discussion with regard to the proposed resolution calling for the emergency evacuation zone around Indian Point to be extended from 10 to 50 miles.

RESOLUTION #

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

WHEREAS, the nuclear disaster of Fukushima has resulted in widespread dispersal of radioactive material in the air, land and water, and President Obama of the United States and Nuclear Regulatory Commissioner Jaczko called for the evacuation of all Americans within a 50 mile radius of the stricken plants; and

WHEREAS, radiological contamination from Fukushima has extended 140 miles to Tokyo reservoirs, and the Indian Point Nuclear Power Plants are situated within twenty miles of the New Croton and Kensico Reservoirs in Westchester County and the various reservoirs located in Putnam County serving various communities as well as New York City with drinking water; and

WHEREAS, the New York State Emergency Evacuation Plans were thoroughly evaluated by former FEMA director and evacuation expert James Lee Witt and found to be inadequate to protect the public from radiological exposure; and that evacuation plan flaws and deficiencies remain unresolved; and

WHEREAS, the spent fuel rods at both Indian Point reactors are stored in warehouse-type buildings with commercially available steel roofs, have no independent electricity or cooling systems and are not constructed with the same containment capabilities and back-up systems used to protect the reactors; and

WHEREAS, new techniques and advances in seismology have disclosed additional information about the two fault lines near Indian Point and plant construction standards fall far below potential earthquake magnitude;

NOW, therefore, be it RESOLVED that the Town of Philipstown Town Board for the protection of its citizens and the Town's surrounding citizens, calls for the emergency evacuation zone around Indian Point to be extended from 10 to 50 miles; and be it further

RESOLVED, that the flaws and deficiencies identified in the James Lee Witt report be remedied; and be it further

RESOLVED, that full containment, as well as independent back-up electricity and cooling for the spent fuel pools be established and spent fuel rods be moved as quickly as possible into hardened dry cask storage which is more secure than the spent fuel pools, and be it further

RESOLVED, that the new seismological data be taken into consideration and infrastructure upgraded accordingly for the continued operation of Indian Point, including its spent fuel storage facilities; and be it further

RESOLVED, that these Resolutions be transmitted to Governor Andrew Cuomo of the State of New York, Commissioner Jerome M. Hauser, New York State Division of Homeland Security and Emergency Planning, and to Commissioner MacFarlane, Chair, Nuclear Regulatory Commission.

ROLL CALL VOTE

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| Supervisor Richard Shea | AYE |
| Councilwoman Montgomery | AYE |
| Councilwoman Budney | ABSENT |

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| Councilman Van Tassel | NAY |
| Councilman Merandy | AYE |

Resolution adopted by majority vote.

3. Discussion with regard to town buildings and records management.

Supervisor Shea began the discussion stating that there is potential use for the Dahlia House. Councilman Van Tassel interjected that the supervisor's office and comptroller could easily be moved to that facility. Other ideas sprang up, with no decision being made other than something should be done with that building. There was also discussion regarding the installation of an elevator, which Councilman Van Tassel will follow up on.

Councilwoman Montgomery then addressed records and additional space if storing them off-site. Town Clerk Merando stated that building department files are permanent records and that office accesses them on a continued basis. Following a brief exchange of ideas, Supervisor Shea suggested that we might want to consider an archival project to protect historic records.

Councilman Merandy turned the conversation to digitizing records, which could be done, but it was noted that the maps in the building department are too large to scan with the equipment currently on hand. Town Clerk Merando suggested that the Town Board invite Linda Bull from New York State Archives to the next Town Board meeting to answer any questions with regard to this matter.

Town Clerk Merando also noted that the Town Clerk files in the Dahlia House have been scanned and can be discarded. Following some discussion, the town may hire a shredding truck for the files that can be disposed of. A site visit of the Dahlia House will be scheduled so the Town Board can evaluate the possibilities for that space. A brief discussion incurred regarding the possible sale of the VFW.

It was also noted that Chestnut Ridge has agreed to let the Town conduct an exercise class at their facility, all details will be forthcoming. Supervisor Shea then discussed potential senior programs that the Town may offer, now and in the future.

There being no further business to discuss, Councilman Merandy, seconded by Councilwoman Montgomery to close the Weekly Workshop at 8:30 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk

Butterfield Library Report – July

- To keep children's minds sharp and help them adjust to tougher education standards, consistent summer reading is imperative, education and government officials say. Therefore, the Butterfield Library is taking part in a statewide summer initiative to engage children through books, crafts, performances, canine reading pals and story time. Over 200 children have already registered for this program.
- The Library has received a grant to support the Haldane Required Reading program. To assist families with these assignments, the Library has posted help on their webpage, butterfieldlibrary.org. Look for programs and book groups throughout the summer to help student return to school prepared.
- The Library is only able to offer one camp session this summer. The program is free, and open to Philipstown residents.
- Need computer help? Just come in or call to schedule an appointment. Think of the Library as an open Computer Lab.
- The Library's shed arrived last week. The shed will be used for storage and will be the home of our future collection of tools. The Library plans on building a small collection of useful tools for loan to the public.
- 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.

Philipstown Fire Services Joint Training Report

This report details joint training events at the four Philipstown fire companies for the first six months of 2013.

All four fire companies hold regular training at least once a month, and they do vehicle checks and cleanup weekly, during which informal training often occurs. The list below includes only joint training events that occur in addition to the regular training schedule.

This list is compiled from my notes and is not necessarily exhaustive. I may have inadvertently omitted some training events that did in fact have members from two or more companies. Also, Cold Spring (CSFC) and North Highlands (NHFD) have really slowed down on their blog reports so I'm probably missing a number of events from them. Finally, the Philipstown Rope Rescue team has formed, composed of members of all four fire companies (and EMS as well), and as they train separately and don't keep a blog or calendar that I can find, I've omitted their training sessions. So this list probably omits quite a few events.

- Jan 27 **Joint Training** at Spy Pond. GVFC and CVFD did a joint Ice Rescue drill on Spy Pond.
- Feb 03 **Joint Training** at GVFC. GVFC and CVFD trained on vehicle extrication, removing a dummy victim from a donated scrap automobile in the GVFC parking lot.
- Feb 26 **Joint Training** at GVFC. GVFC and CVFD drilled on forcible entry techniques using the GVFC door simulator. Firefighters were able to practice opening a locked door using two firefighters and a set of irons.
- Mar 26 **Joint Training** at Sprout Brook Road. GVFC and CVFD ran a joint tanker shuttle drill. CVFD 14-2-1 and 14-2-2 drafted from portable pools dropped from CVFD's and GVFC's tankers, and fed water to deck guns and each other. GVFC 15-2-1 went to a draft site on Roa Hook Road and set up a draft to fill the tankers.
- Apr 04 & 06** **Joint Training** at the MTA Croton-Harmon Station. GVFC, CVFD, and other Putnam County firefighters trained at the MTA station for train fires. This was a two-day event, part classroom instruction, part hands-on training including a train fire simulated with smoke machines in which firefighters performed search and rescue in full gear.
- Apr 09 **Joint Training** at CVFD. GVFC and CVFD trained on the use of foam. CVFD's 14-2-2 received water from 3 portable pumps that were drafting from Spy Pond, then fed to Garrison's 15-2-2, which fed a portable deck gun and a 2" hand line. Foam was flowed from both the portable deck gun and the hand line. Firefighters from both companies then took turns attacking a bonfire constructed from damaged floating dock sections donated by the Garrison Yacht Club.

- May 07 **Joint Training** at CVFD. GVFC and CVFD practiced extrication and firefighting techniques on a donated RV, using extrication tools to remove the driver and passenger doors. The RV then was set on fire and teams of firefighters took turns knocking it down.
- May 28 **Joint Training** at CVFD for anti-harassment. A class on harassment issues was held at CVFD, with GVFC, CVFD, and other fire companies participating.
- Jun 11 **Joint Training** at CSFC. GVFC and CSFC practiced forcible entry at CSFC.

Submitted June 14, 2013 by Michael Del Monte on behalf of the Philipstown fire

companies. 

3

May 14, 2013

By Fax Transmission / 845-265-3958 and Regular Mail
Supervisor Richard Shea
Town of Philipstown
238 Main Street
Cold Spring, NY 10516

RE: 112 Hustis Road, Cold Spring, New York

Dear Supervisor Shea:

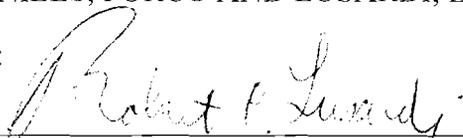
Please be advised that this firm represents Lee Norris and Carmen Norris who reside at 112 Hustis Road, Cold Spring, New York. It has come to our attention that Mr. Craig Roffman, the President of East Mountain Holdings, has petitioned the Town Board to be granted the right to give a street name to the common driveway utilized by the Norrises and three other lots in the East Mountain Holdings subdivision. The Norrises are the owners of one half of the right of way and object to allowing Mr. Roffman the right to name the private driveway. We would request an opportunity to be heard in this matter at the next Town Board meeting.

Your attention in this regard is greatly appreciated.

Very truly yours,

DANIELS, PORCO AND LUSARDI, LLP

BY:


Robert C. Lusardi, Esq.

RCL/aes

Cc: Carmen and Lee Norris

*Rec'd 5/15/13
TB
10*

**DRAKE LOEB HELLER
KENNEDY GOGERTY
GABA & RODD_{PLLC}
ATTORNEYS AT LAW**

555 Hudson Valley Avenue, Ste. 100
New Windsor, New York 12553

Phone: 845-561-0550
Fax: 845-561-1235
www.drakeloeb.com

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

Nicholas A. Pascale
Benjamin M. Wilkinson
Sebastian Lemos
Hunter D. Raines
Taylor M. Palmer

*LL.M. in Taxation

July 2, 2013

ATTN: SUPERVISOR RICHARD SHEA
Town of Philipstown Town Board
Town Hall
238 Main Street
Cold Spring, NY 10516

Re: State Legislature's Adoption of Uniform Notices of Claim Act
Our File No.: 6082 - 65500

Dear Supervisor Shea and Town Board Members:

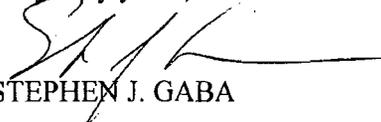
I am writing to advise you of a change in New York State Law regarding the filing of notices of claim. That is, under New York State law a person who wishes to bring a lawsuit against the Town generally must first serve a "Notice of Claim" pursuant to General Municipal Law §50-e on the Town. But, effective June 15, 2013, the New York State Legislature enacted the "Uniform Notice of Claim Act," under which claimants may serve the Town with a notice of claim by serving it upon the Office of the Secretary of State in Albany. If a claimant serves the Secretary of State, the Secretary is required to forward a copy of the notice of claim to the Town via certified mail return receipt requested.

Importantly, the new law provides that persons serving a notice of claim through the Secretary of State must pay a fee of \$250.00. The filing fee is to be divided equally between the Secretary of State and the Town. However, under the law the Town will not receive its share of the filing fees unless the Town Board adopts a resolution designating the Secretary of State as its agent for service of notices of claim by July 14, 2013.

I have prepared and enclose herewith a resolution which designates the Secretary of State as the person to receive notices of claim served upon the Town, along with a certificate which must be filed with it (*please note that you need to fill in the vendor ID on the certificate*). It is my recommendation that the Town Board adopt the resolution at its next meeting or, in any event, prior to July 14th.

If you have any questions or comments feel free to contact me.

Very truly yours,


STEPHEN J. GABA

Writer's Direct
Phone: 845-458-7310
Fax: 845-458-7311
sgaba@drakeloeb.com

SJG/ev/308136
Enclosures

Resolution No. - 13

WHEREAS, under the "Uniform Notice of Claim Act" (General Municipal Law §53) towns are required to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim, and

WHEREAS, the "Uniform Notice of Claim Act" requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the Town's agent, and

WHEREAS, pursuant to General Municipal Law, §50-e(1), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That pursuant to the Uniform Notice of Claim Act the New York Secretary of State is the Town of Philipstown's agent for service of notices of claim;
2. That the Town Board designates Tina M. Merando, in her capacity as the Town Clerk, to receive notices by mail from the Secretary of State at Town of Philipstown Town Hall, 238 Main Street, Cold Spring, New York 10516; and
3. That the Town Board hereby directs the Town Clerk to file the required certificate, a copy of which is attached, with the Secretary of State informing the Secretary of the Town's designation and the applicable time limitation for filing a notice of claim with the Town.

_____ presented the foregoing resolution which was
seconded by _____,

The vote on the foregoing resolution was as follows:

David Merandy, Councilman, voting _____

John VanTassel, Councilman, voting _____

Betty Budney, Councilwoman, voting _____

Nancy Montgomery, Councilwoman, voting _____

Richard Shea, Supervisor, voting _____

CERTIFICATE OF DESIGNATION FOR SERVICE OF NOTICE OF CLAIM
(Pursuant to Section 53 of the General Municipal Law)

Public Corporation Name

The Name of the Corporation: Town of Philipstown

County

The Principal location of the public corporation is in the county of:
County: Putnam

Address to Transmit Notice of Claim

The name, post office address and email address of an officer, person or designee, nominee or other agent-in-fact to which the Secretary of the State shall transmit a copy of any Notice of Claim serving the Secretary of State as the public corporation's agent is:

Name: Tina M. Merando, Town Clerk
Address1: Town of Philipstown Town Hall
Address2: 238 Main Street
City: Cold Spring State: N.Y. Postal Code: 10516
Email Address: townclerk@philipstown.com
Confirm Email Address: townclerk@philipstown.com

The time limit for service of a Notice of Claim upon the public corporation is: 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate.

Statutory Provisions

Any statutory provisions uniquely pertaining to the public corporation and the commencement of an action or proceeding against it are as follows: GML §50-e; Town Law §65

Vendor ID

The New York State Vendor Identification Number (Vendor ID) for the public corporation is:
Vendor ID: _____

Note: Public corporations that do not have a Vendor ID issues by the Office of the State Comptroller will be contacted regarding issuance of a Vendor ID when fees for service of Notice of Claim are available for distribution. The public corporation will not receive distributions of its share of fees for service of Notices of Claim until it has been assigned a Vendor ID.

Remittance Address

Distributions to the public corporation for its share of fees or service for Notice of Claim will be sent to the following Remittance Address:

Name: Tina M. Merando, Town Clerk
Address1: Town of Philipstown Town Hall
Address2: 238 Main Street
City: Cold Spring State: N.Y. Postal Code: 10516

Note: The Remittance Address for public corporations with a Vendor ID must match the public corporation's Remittance Address in the New York State Vendor Management System. If the Remittance Address provided does not match the address on file in the New York State Vendor Management System, the public corporation's share of fees cannot be distributed. To update the public corporations Remittance Address on file in the New York State Vendor Management System the public corporation must access and update its vendor record at www.osc.state.ny.us.

Designation

Signature

Authorization: By Checking this box I affirm that the statements contained herein are true to the best of my knowledge, that I am authorized to sign this Certificate of Designation for Service of Notice of Claim, that my name below constitutes my signature.

Signer: _____
Richard Shea

Title of Signer: TOWN SUPERVISOR

APPLICATION FOR PARADE PERMIT

1. The name, address and telephone number of the person seeking to conduct such parade.

Walter Hoving Home Beth Greco
Po Box 194 424-3674
Garrison Ny 10524

2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

same as above

3. The name, address and telephone number of the person who will be the Parade Chair and who will be responsible for its conduct.

Beth Greco 424-3674
same as above

4. The date when the parade is to be conducted.

July 27, 2013

5. The route to be traveled, the starting point and the termination point (attach map if appropriate).

Start -> Rt Walter Hoving Road, South to Snakehill, West on Snakehill,
North on Rt 9D, West on Main St., walk to river front, east on
Main St, South on Rt 9D, Pick up at back of old hospital
parking lot

6. The approximate number of persons who, and animals and vehicles, which will constitute such parade; the type of animals and description of the vehicles.

100 people

7. The hours when such parade will start and terminate.

10 AM - 1 PM

8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

Walkers will be in groups of 2-3 and walk on shoulder of
road or sidewalks

9. The location by streets of any assembly areas for such parade.

Start - 40 Walter Hwy, Ed, Garrison

Finish - back of old hospital

10. The time at which units of the parade will begin to assemble at any such assembly area or areas.

9:30 am at Start line

11. The interval of space to be maintained between units of such parade.

each group will walk at own pace

12. If the parade is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Town Clerk a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf. Person other than applicant proposing to hold parade (attach authorization.)

n/a

13. The arrangements to be made for any sanitary facilities and for collection and disposal of any garbage, refuse or waste from the parade route or area at the conclusion of the parade.

We will dispose of all trash

14. Any additional information which the Supervisor shall find reasonably necessary to determine whether a permit should be issued.

Thank you for your years of support!

Beth Greco

APPLICANT

6/13/13

DATE

AGREEMENT

THIS AGREEMENT, made this 12th day of July, by and between The Town of Philipstown, Cold Spring, New York, hereinafter called "OWNER" and Ben Ciccone, Inc., doing business as a corporation, hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The "PROJECT" means the **Old Albany Post Road Reconstruction Project** described in the CONTRACT DOCUMENTS.

2. The "WORK" shall be in accord with and as required by the CONTRACT DOCUMENTS.

3. The CONTRACTOR will commence the WORK within 10 calendar days after the date of the NOTICE TO PROCEED and will complete the same within 60 calendar days unless the period for completion is extended in accord with the CONTRACT DOCUMENTS.

4. The CONTRACTOR agrees to perform all of the WORK and comply with the terms therein

for the sum of \$ 538,100.00 or as shown in the BID schedule.

5. The term "CONTRACT DOCUMENTS" means and includes the following:

- (A) ADVERTISEMENT FOR BIDS
- (B) INFORMATION FOR BIDDERS
- (C) BID
- (D) BID BOND
- (E) NOTICE OF AWARD
- (F) PAYMENT BOND
- (G) PERFORMANCE BOND
- (H) AGREEMENT
- (I) NOTICE TO PROCEED
- (J) APPLICATION FOR PAYMENT
- (K) CHANGE ORDER

-
- (L) GENERAL CONDITIONS
 - (M) SUPPLEMENTAL GENERAL CONDITIONS
 - (N) DRAWINGS prepared by **Badey & Watson Surveyors & Engineers, PC.** dated **October 24, 2012.**
 - (O) SPECIFICATIONS prepared or issued by **Ronald J. Gainer, PE, PLLC** dated **April 2013.**
 - (P) ADDENDA
 - No. _____, dated _____, 20
 - No. _____, dated _____, 20
 - No. _____, dated _____, 20

6. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions such amounts as required by the CONTRACT DOCUMENTS.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

8. The CONTRACTOR agrees to bind every subcontractor by the terms of the Contract Documents, provided that the Contract documents shall not be construed as creating any contractual relationship between the OWNER and any Subcontractor.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement _____ in quadruplicate _____ each of which shall be deemed an original on the date first above written.

OWNER: Town of Philipstown
Cold Spring, New York

BY _____

Name: Richard Shea
(Please Type)

Title: Supervisor (SEAL)

ATTEST:

Name _____
(Please Type)

Title _____

CONTRACTOR

BY _____

Name _____
(Please Type)

Address _____

_____ (SEAL)

ATTEST:

Name _____
(Please Type)

Title: _____

Friends of Philipstown Recreation

Memorandum

To: Tina Merando, Town Clerk

From: Amber Stickle, Executive Director, Friends of Philipstown Recreation

Date: July 3, 2013

Re: Park Pavilion

The Friends of Philipstown Recreation would like to be added to the July Town Board meeting agenda to discuss the pavilion at Philipstown Park.

Please let me know if you have any questions.

Thank you,

Amber Stickle



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 June 2013

| | |
|--|----------------|
| 1. Fees Collected | <u>14,166.</u> |
| 2. Total Number of Permits Issued | <u>26</u> |
| 3. New One- or Two-family dwellings: | <u>1</u> |
| 4. New Commercial/Industrial buildings: | <u>1</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>5</u> |
| 8. Additions, alterations or repairs commercial buildings: | <u>0</u> |
| 9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.) | <u>19</u> |
| 10. Number of Certificates of Occupancy : | <u>24</u> |
| 11. Number of Stop Work Orders issued: | <u>0</u> |
| 12. Operating permits issued | <u>0</u> |
| 13. Operating permits issued hazardous materials | <u>0</u> |
| 14. Operating permits Hazardous processes and activities | <u>0</u> |
| 15. Permits issued for the Use of pyrotechnic devices: | <u>0</u> |
| 16. Inspection of public assembly : | <u>0</u> |
| 17. Inspection of commercial occupancies | <u>0</u> |
| 18. Inspection of buildings with 3 or more dwelling units: | <u>0</u> |

Projects of Significance: 4 Housing Violation Notices
