

July 31, 2015  
August 6, 2015  
August 9, 2015

**Monthly Town Board Meeting**  
**August 13, 2015                      7:30 P.M.      Town Hall**

**SALUTE TO THE FLAG**

**REVIEW OF MINUTES**

- Public Hearing of July 9, 2015 – Chapter 89 – Mass Gatherings
- Monthly Town Board Meeting of July 9, 2015
- Weekly Town Board Meeting of July 14, 2015
- Public Hearing of July 29, 2015 – Wood-Fired Furnaces
- Weekly Town Board Meeting of July 29, 2015

**COMMITTEE REPORTS**

1. Conservation Board    2. Recreation    3. Recycling    4. Planning Board
5. Zoning    6. Highway    7. Building & Land Acquisition    8. Butterfield Library
9. County Legislator's Report

**AGENDA**

1. Honorary Resolution for Marlene Bowman.
2. Discussion regarding the purchase of a new vehicle for Kevin Donohue, Code Enforcement Officer.
3. Discussion with regard to allowing the Town Clerk's Office to distribute KI, Potassium Iodide tablets.
4. Resolution adopting the "Great Healthy Yard Project."
5. Resolution authorizing Supervisor Shea to sign the contract with Putnam County Office for Senior Resources for the Outreach Worker in the amount of \$15,000.00.
6. Resolution authorizing the transfer of funds.
7. Code Enforcement Monthly Report.
8. Schedule Workshops/Meetings.
9. Any other business that may come before the Town Board.

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## **AUDIENCE**

### **VACANCIES**

Board of Assessment Review (1)  
CV Park District Advisory Committee (3)  
CV Water District Advisory Committee (3)

### **APPROVAL OF VOUCHERS**

General      Highway      CVPD      CVWD

## **ADJOURNMENT**

Public Hearing – Town Code Chapter 89 “Filming”  
July 9, 2015

The Town Board held a Public Hearing to hear public comments for/against a proposed Local Law to amend Town Code, Chapter 89 “Filming” by changing the title of the Chapter to “Filming, Events and Mass Gatherings” and amending the provisions of the Chapter to provide for regulation of events and mass gatherings on the above date at 7:15 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
William Flaherty	Councilman

Town Clerk Merando read the Public Notice.

Supervisor Shea stated that this law was put together to help people and organizations; that was the genesis of this. He said the Town does not currently have a mechanism for institutional uses to host large or medium scale events. The Town has had requests this year for permits but it does not have a specific permit that would relate to these types of events (i.e. an organization wanting to host a wedding.) These are fee-based events but it would also include non-fee based events. This law is intended to assist these organizations and individuals who want to have a fee based event on their property. It would also ensure public safety and sanitation. Supervisor Shea stressed that this is not an attempt to over burden people or put more regulation on local institutions – not for profit. The Board recognizes that when they put one of these laws together and then have a Public Hearing that they are going to get comments. Most of the time the Board goes back and includes some of those comments into the law, changing the law to get a better law. The Board also receives comments from the Planning Board and from the Building Department. He said that tonight is the opportunity to hear public comment and he does not want people to start off with the perception that this is some sort of overreach by government. The intent of this law is to try to assist and he would like to get to that point. It seems obvious at this point that they will not be adopting the law tonight. The Board will go back to the drawing board and will work with the Town Attorney to come up with another law. It will be at least another 60 days, at which time the Board will come back and hold another Public Hearing and hopefully find that balance where everyone is comfortable. Supervisor Shea asked Town Attorney Stephen Gaba if he had anything to add. Mr. Gaba said that he thinks that was a pretty fair summary. He said that there are some provisions of the law that are starting points more than determinations, such as the 100 person threshold for the event permit or the 250 person threshold for the mass gathering permit. He said that those are just bare estimates as to what would be good starting points in terms of thresholds for requiring permits and that the same is true of the violations to

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holding these events without a permit. The fees are an approximation of what would be an appropriate penalty. Nothing is written in stone. Mr. Gaba stated that this is why we hold Public Hearings.

Mr. Tim Greco asked how this would affect his church if they had an event at which there were 250 people. Would he need to get a permit? Supervisor Shea said “No” that is not the intent of this law. He said that he thinks we need to redefine the fee based vs. non-fee based. It certainly is not the intent to lay a heavy hand on any religious institution or not for profit. The intent is to try and regulate uses that may have a fairly significant impact in a residential neighborhood. Also, again the genesis is to try to assist these users. The Town does not currently have a mechanism to give out permits for large-scale events. Mr. Greco presented another scenario where he might be over the limit - would someone come onto to his property and say listen you are over the limit? Supervisor Shea said all this is open to discussion and he would like to receive written comments so that they do not get lost in the shuffle. Mr. Greco said that in either scenario he is against this law.

Councilwoman Montgomery asked Town Attorney Gaba “wouldn’t mass gatherings in the church be covered by the very nature of the law regarding churches in our zoning? Town Attorney Gaba responded that if the church has site plan approval the gathering would be fully exempt. He went on to say that some churches are so old that they do not have site plan approval. Mr. Greco said that the church has been there since 1831.

Mr. Michael Liguori of Hogan & Rossi, attorney-representing neighbors of Boscobel said that he has reviewed Chapter 89 and has identified a number of items that they feel are deficient about the code. Three in particular;

- The measurement of noise – need to set criteria for what is permitted, what is not permitted.
- Meaningful criteria for the issuance of permits.
- Method of Enforcement – on call zoning enforcement officer, hiring a policeman or state trooper, and penalties that exceed the cost of the permit.

Supervisor Shea said that Town Code 175.40C that deals with noise currently could be referenced along with Mr. Liguori’s comments.

Mr. William Gunning addressed the Board and his question was about Section 89.3 which states that” no person shall film” and it does not say commercial filming. He asked, “What if I want to film a graduation at Haldane”. Town Attorney Gaba responded that there is a law on the books on “Filming” which defines the word Filming – filming by the owner for his own use. Mr. Gaba noted that only certain sections of the law are being amended. Mr. Gunning said that is

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not what this amendment says though. Supervisor Shea said that we could make it more specific.

Evelyn Waters, a commercial producer, shoots commercial around the country. She has her scouts look for locations that are film friendly. When they book shoots on private property the contact is with the property owner not with the town. They avoid areas where there is more work (i.e. paper work, permits) involved so she asks that the Town be as film friendly as possible.

Grace Wilke thinks that the confusion with these mass gatherings is “what is a yes and what is a no”. Her concern is both...can you have the garden club party, can you have your own parties. She understands that it can be expanded, but it would be helpful if parameters were published in the paper so people could understand.

Lee Erickson asked if there is a limit to how many people you could have at an event once you take a fee based permit out? Supervisor Shea said that number has not been established yet and so far have not run into an issue where there is an event with 500 hundred people. Councilman Van Tassel said that this would make someone who is looking to have a very large party to come in to speak with Kevin to make sure that this will be a safe event. Mr. Erickson asked what does the fee cover, what does the fee get him? Supervisor Shea said that it would get them a guarantee that somebody has reviewed the safety protocol.... fire safety, egress and parking. Mr. Erickson asked if this would put the EMS, Fire Department on standby? Councilman Van Tassel said that this would be having a piece of equipment on location.

Joe Regele said he thinks that it would be wise for the Town Board to set some parameters for fees, as he would hate to think what the Fire Dept. would charge him.

Craig Waters thanked the Board for the clarification he has received the past few days. He does have a few more questions; 1) When it comes to fund raisers does that qualify as a fee event? Supervisor Shea responded that this is a good point and it is something that the Board still has to work on. They do not want to discourage fund raising. 2) Has there been a significant event in the past with regard to safety? Supervisor Shea said that safety is one of the aspects, but again it goes back to trying to assist people in holding large events while making sure that these events are safe. Councilwoman Montgomery interjected that they are not foreseeing fire apparatus at every party that this is really geared for organizations that have a structure that presently does not meet code due to historic value. Mr. Waters asked if he understood correctly that this would be a relatively small number of events that would require this apparatus. Is that right? Supervisor Shea said, “Yes”.

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Keith Anderson’s question is if one fire company is at one location, like on July 4, and there are three parties does the Town have enough fire engines to cover all the events? Councilman Van Tassel responded that part of the law does say that the “local” fire department should handle the event but he feels that it should say the “jurisdictional” fire department. What he would say is that the chief of that department would make the decision whether they could cover it or if they should go for mutual aid. This will have to be worked out. Mr. Anderson said that he wasn’t aware that we had this problem before and said that this would be sapping resources if there were several things going on at the same time. Councilwoman Montgomery said that we are not talking about places that are not zoned for these uses. This law would apply to properties that are not zoned for such uses. Supervisor Shea said that when a use comes in they go through a lengthy process before the Planning Board for a site plan and there are conditions that are attached to that site plan which has a known number of people that can be in that location. This law is to facilitate events not to try to discourage them. Mr. Anderson had one other thing about this and that goes to the arbitrary and capricious side of things. He wanted to know if the number of people goes beyond the 250 mark would he have to have a site plan? Town Attorney Gaba stated that he did not have to have a site plan for a one-time event. The last item he wanted to bring up was what the Town Board would require or not require with regard to filming. It is not very specific. Town Attorney Gaba answered that this information is in the law that is presently on the books.

Steve Smith asked about Boscobel - Shakespeare and the Candlelight Tour and whether the Fire Company would need to put a truck there every night? Supervisor Shea said that this amendment only applies to those buildings that do not have site plan approval. It would be for historic buildings that do not currently meet that occupational load and do not have site plan approval. Boscobel has site plan approval. Councilwoman Montgomery said all of those properties have approval for this. The Town is trying to help those properties that do not have this approval and want to have a one-time event.

Dave Vickery had a couple of comments and suggestions that he hopes will be helpful; one being the higher threshold is a good thing, next one is his concerns and observations of not to over regulate. There has been mention of non-conforming and non-compliance and that is an enforcement issue that does not have to be re-legislated. The other suggestion he has with regard to excess noise is a threshold of two or three types of these events that are held regularly should require the permit. It seems to him that by giving out these permits there is more responsibility to the Town with regard to liability. Supervisor Shea said that you are damned if you do and you are damned if you don’t. He agrees that it is about striking a balance.

Joann Brown knows that the essence of this discussion is a positive thing but the harder she listens the harder she finds it to understand. She is a member of the Philipstown Garden Club and she is just hoping that a fee based activity/non fee

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base activity – Boscobel, a private home that may have 100-150 people in it they would definitely want to do the right thing so she is hoping that this becomes very clear. She also wanted to toss another hat into the ring and that is ambulance services and whether they have been thought about.

Kim Conner wanted to ask when this law is re-written if there is going to be a threshold for these events. She asked, if she is going to have two events a year and some one else has one every weekend is there a point at which it is necessary to get a site plan because it is a recurring thing. Supervisor Shea said that we have seen this in the Town. Ms. Conner asked that there be a distinction between a fee paying event where you are renting a place to hold the event or a fee paying event where people coming to the event pay to come to the event. They have a lot of Democratic events where people are not required to pay but do. She would like to have this defined. Supervisor Shea said that this might come down to a for-profit venture vs. a not-for-profit venture. The last thing she would ask is that there be a threshold so that we don't have a Woodstock.

Lee Erickson asked if there is a fine schedule for some one who has a party without a permit. Town Attorney Gaba said that there is a fine/penalty of \$1,000 per offense and/or imprisonment not exceeding 15 days. The Town is also allowed to maintain a civil action for injunctive relief and civil penalty not to exceed \$2,500.

Mary Finger asked if there was going to be a final draft released to the public ahead of time. Supervisor Shea said yes that this is a legal requirement.

Councilwoman Montgomery said now that they heard both sides, for and against, she has faith that it will be re written so that we can accommodate bringing back such businesses that have left our area.

There being no additional comments from the public, Councilman Flaherty made a motion, seconded by Councilman Leonard to close the Public Hearing at 8:07 p.m.

Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk

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The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 8:10 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

<b>PRESENT:</b>	Richard Shea	Supervisor
	Nancy Montgomery	Councilwoman
	John Van Tassel	Councilman
	Michael Leonard	Councilman
	Robert Flaherty	Councilman

**Salute to the Flag**

**REVIEW OF MINUTES**

The Minutes of the Bid Opening-4 Wheel Drive Pickup of May 20, 2015, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously carried, that the Minutes of the Bid Opening-4 Wheel Drive Pickup of May 20, 2015, are hereby approved as presented.

The Minutes of the Public Hearing-Cablevision Franchise of May 27, 2015, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried, that the Minutes of the Public Hearing-Cablevision Franchise of May 27, 2015, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of May 27, 2015, were reviewed.

Councilman Leonard made a motion, seconded by Councilwoman Montgomery and unanimously carried, that the Minutes of the Weekly Town Board Meeting of May 27, 2015, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of June 4, 2015, were reviewed.

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried, that the Minutes of the Monthly Town Board Meeting of June 4, 2015, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of June 10, 2015, were reviewed.

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Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried, that the Minutes of the Weekly Town Board Meeting of June 10, 2015, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of June 17, 2015, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Leonard and unanimously carried, that the Minutes of the Weekly Town Board Meeting of June 17, 2015, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of June 24, 2015, were reviewed.

Councilman Flaherty made a motion, seconded by Councilwoman Montgomery and unanimously carried, that the Minutes of the Weekly Town Board Meeting of June 24, 2015, are hereby approved as presented.

### **COMMITTEE REPORTS**

**CB** – Councilman Leonard reported that he attended the meeting on June 9, 2015. There were two site visits early in the day; White and Barker. There were two items on the agenda; White and Barker. Also discussed was Stormwater issues, which occurs every month, on the Anderson property off of Route 403. Herbicide treatments used by people were also discussed. The next meeting is next Tuesday July 14, 2015.

**RECREATION** – Councilman Van Tassel did not have a report this month.

**RECYCLING** – Councilwoman Montgomery said that the county is renewing the contract with Vintage Tech. She believes that the issues she had with them will be resolved. They need to get on a schedule for picking up the container.

**PLANNING BOARD** - Councilman Flaherty attended the meeting on June 16, 2015. There were three items on the agenda; Scanga Woodworking, Grasso application and Garrison Cafe (Vista 44 Ltd.) Next meeting will be held on July 30, 2015.

**ZONING** – Councilman Van Tassel reported that they have not met yet. The next meeting will be July 13, 2015 at the Butterfield Library.

**HIGHWAY** – Councilman Van Tassel read the report submitted by Roger Chirico, Highway Superintendent that is on file at the Town Clerks office.

**BUILDING & LAND ACQUISITION** – Supervisor Shea reported that the closing on the VFW took place. Next move is to decide how to spend the monies on the Town Hall and the Dahlia house behind the Town Hall Building.

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**BUTTERFIELD LIBRARY-** Councilwoman Montgomery read the report submitted.

**PUTNAM COUNTY LEGISLATOR** – Legislator Scuccimarra reported that at the Protective Services Meeting last night the big discussion was the Haldane school and their request for a school resource officer vs. a special patrol officer. She does believe that in meeting with the sheriff and the County Executive that the resource officer is the way to go. Hopefully that is the line they will take. Councilwoman Montgomery asked who would be paying for this. Legislator Scuccimarra stated that it would be a 50/50 split.

She reported that the trolley is changing its route. It will now be a hikers trolley from 8:00 am to 8:00 pm and will run to Breakneck and Mt. Beacon. It will continue to do the Garrison loop as well. The cost will be \$1.00 for seniors and \$2.00 for others. Hopefully it will alleviate some of the safety problems that we are presently seeing on Route 9D.

She went on to say, yes Fishkill Road is a preliminary surface. They are doing some more work by the Highway Department and once that is completed they will put the topcoat on and noted that it takes about a week to settle.

Legislator Scuccimarra understands that Councilwoman Montgomery has applied for something through the Consolidated Funding grant. The deadline is here but they are still writing the grant and if the Town wants to get in on any of that it will have to do it right away. Her suggestion; Cold Spring and Nelsonville are applying for street lighting. If the town would get in on that it would be a plus. The more villages and/or towns that get in on one idea the better it looks on the application. Barbara Barosa and the Planning Board are still writing the grant and if you could get something to her she would include it.

At the July ? they passed the very first Putnam County Hazard Mitigation Plan. It is very fitting tonight that she invited Anthony Sutton, Commissioner of the Bureau of Emergency Services for Putnam County. Supervisor Shea welcomed Mr. Sutton. Mr. Sutton introduced himself. He is new and still getting acclimated in the office, but is only a phone call away. Councilman Van Tassel said that they would like to set up a meeting to get together with him.

## **AGENDA**

### **1. Presentation from Karen Ertl, Conservation Chairperson for the Philipstown Garden Club to discuss "How Green is My Town."**

Karen Ertl said that the Philipstown Garden Club is a chapter of the Garden Club of America so it is natural that they outreach and try to do things to protect the environment. It seems that now is an opportune time because it is about as we grow and become more suburban. In November the Garden Club asked themselves "How Green is my Town". They conducted interviews, in person and by telephone, with various government officials of the Town. The questions that were asked were designed to reflect the community's efforts to address sustainable development and provide policy makers with strategies to help implement program solutions. She wanted to commend the Town Board because their findings indicate that the Town of Philipstown has been responsive to community environmental concerns and that they should be commended for the completion of the monumental task of mapping land use in Philipstown. The Town has also demonstrated leadership by publicly supporting regional solidarity on state energy issues. However, previously collected information is decentralized and there is no evidence that they could find a plan to utilize this information to create a comprehensive plan for future sustainable growth. So the Philipstown Garden Club would, respectfully, like to recommend the following;

- That the Town of Philipstown adopt a written comprehensive environmental policy, which would focus future efforts in addressing and planning for environmental concerns.
- That good practices in energy efficiency, cleaning, construction, land management, transportation, water conservation, recycling of environmental toxins and communications be outlined in a written policy.
- Centralize the decision making process by establishing either an officer or director of environmental affairs.
- Request the Town of Philipstown to join 135 other communities in New York State to become part of the New York State Department of Environmental Conservation Partnership called Climate Smart Community. These communities have pledged to explore environmentally sound methodologies, which support the reduction of green house gases while providing for sustainable growth.

Westchester and Dutchess are already members. If adopted the Town of Philipstown would be the first town in Putnam County.

Supervisor Shea thanked Ms. Ertl for her presentation and said that the Town Board really values the input of the citizenry and how much they respect the environment. The Town does have a Comprehensive Plan that addresses many aspects of the environment. He said that this is a great initiative and the Board looks forward to working with her.

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Supervisor Shea introduced Amy Kacala whom he worked with on the Fjord Trail. Ms. Kacala said that Rita Shaheen would start off the presentation. Ms. Shaheen is the Director of Parks of Scenic Hudson and she just wanted take a few minutes to let everyone know some of the things happening in the Town of Philipstown that Scenic Hudson is involved in. Basically they like to connect people to the Hudson River. She talked about the West Point Foundry, which was recently upgraded. More work is going on to put the cupola back on the 1865 office building. They have free tours the first Saturday of each month. The other park she wanted to mention is Foundry Dock Park, which is historically connected to the West Point Foundry. Today it is a very active park with kayaking and summer concerts on Thursday from 6:00 pm to 8:00 pm.

Amy Kacala discussed the progress on the Fjord Trail, which will go from Cold Spring to Beacon. The master plan will be available on the project website. The design is all done for the sidewalk along Fair Street to Stony Point and construction will start this summer.

Supervisor Shea said that this is the biggest collaboration in the Hudson Valley between public and private institutions, the DOT, Metro North, State Parks, DEC, two Counties, three Municipalities, Scenic Hudson, and Hudson Highlands Land Trust. Some day it will be a real pleasure and joy to walk from Cold Spring to Beacon along the river, not on 9D. This will connect people back to the river, which is not available now in many areas.

**2. Resolution setting a Public Hearing for consideration of forming a fire district in the existing Garrison Fire Protection District of the Town of Philipstown.**

Supervisor Shea said this is something that has been talked about for many months, years now. This is a resolution for consideration to set a public hearing to form a fire district. He is pleased to see all the people from the fire company here and their support of this. He is looking forward to further discussion.

A discussion ensued on the date for the Public Hearing. Mr. Regele asked what the rush was to get it done by the end of the year. He believes it needs to be done in a more leisurely fashion so that there could be a more considered action. Councilman Van Tassel said that he does not feel that it is being rushed. His thought is that he feels it should be up and running by January 2016. Supervisor Shea said that there is a desire by the Town Board and the Fire Department to get this done and there have been many years of discussion. He does not want to see it go on for another year. Mr. Regele feels that this is a very serious decision and does not feel that it should be rushed into. Supervisor Shea does not think that there is an issue with considering this and that nothing is written in stone. Depending on the outcome of the Public Hearing it may or may not go forward at that time. Councilman Leonard said that he does not see any reason not to go forward with the Public Hearing. Councilwoman Montgomery is not in favor of having the Public Hearing in August. Councilman Van Tassel said that the Public Hearing should be held on August 19, 2015. Councilman Flaherty said he agreed with that and said that it is just a Public Hearing, not like they were making a decision. Councilwoman Montgomery said people are very disenfranchised when there is a known lull with summer vacations. It is a very critical issue and it is not that she is not in favor of pursuing and considering this. It's

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just that she wants to give the public the most opportunity to be a part of it. Councilman Leonard said that there is still the ability for someone to talk at a Town meeting and he agrees with Supervisor Shea that the written comments are very good. A workshop could still be had in September, if necessary. Supervisor Shea believes that we should proceed with the mindset that this is the beginning not the end. Mr. Regele believes it is wrong to rush this thing forward to a conclusion that disenfranchises everybody in Garrison. Supervisor Shea said there are a lot of milestones that we have to hit and a lot of work to be done and if we are looking with an eye toward getting it done then the Public Hearing should not be put off. He is going to publicly say that he does support the formation of the district brought to us by the Garrison Fire District. There are a lot of positives in doing it and he understands that there are a lot of issues to discuss. This is not a forgone conclusion. The Board will hold the Public Hearing and go from there.

Councilwoman Montgomery said that for the benefit of the public – why not have two public hearings? Supervisor Shea said we could have the Public Hearing and not close it...it could be extended.

The Board agreed to set the Public Hearing for August 19, 2015 at 7:00 pm.

**RESOLUTION #-2015**

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

**WHEREAS**, Town Law §170(2) authorizes a Town Board to establish in the whole or a portion of such town a fire district for the purposes stated in such law provided all of the territory in such fire district shall be contiguous; and

**WHEREAS**, it appears to the Town Board of the Town of Philipstown that the consideration of the formation of a fire district in the area now comprising the Garrison Fire Protection District within the Town of Philipstown may be in the public interest, and a public hearing on the formation of a fire district should be held for such purposes, pursuant to Town Law §171;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Town Board of the Town of Philipstown shall convene and conduct a Public Hearing on August 19, 2015 at 7:00 p.m. at the Philipstown Town Hall in the Town of Philipstown for the purpose of considering the establishment of a fire district and that notice thereof be given by the Town Clerk as required by law.

**ROLL CALL VOTE**

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

Councilman Flaherty                      AYE

The resolution was thereupon declared duly adopted.

**3. Resolution for Consideration of the Dissolution of the Garrison Fire Protection District of the Town of Philipstown.**

Supervisor Shea said when considering forming a district they have to consider dissolving the Fire Protection District.

Mr. Regele said what immediately springs to mind is a huge issue in terms of budget, and transitional budgets. The biggest problem with the budget is that every year they never really know how much money is on hand at the fire company. So in order to dissolve one entity and let it morph into a second entity you would need to have a closing statement. You need to have a really accurate closing statement. Then it begs the question if that closing statement could be prepared in order to facilitate something the fire company wants why isn't that information available at budget time? Year after year we want to know what the financial position is and it is too difficult to ascertain. Now we are going to get to a situation where legally this is not the way to go from A to B without that kind of closing statement. How is that going to be provided if we have never seen one before? Supervisor Shea said that by the very nature of the process we will have to do that....we will have to have that. All of this in not insurmountable – it is attainable.

**RESOLUTION #-2015**

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

**WHEREAS**, pursuant to General Municipal Law §773, the Town Board of the Town of Philipstown ("Town Board"), as the governing body of the Garrison Fire Protection District of the Town of Philipstown, a local government entity pursuant to General Municipal Law §750, may, by resolution, endorse a proposed dissolution plan for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law; and

**WHEREAS**, pursuant to Town Law §170(2), the Town Board may upon its own motion and without a petition establish fire districts; and

**WHEREAS**, the Town Board is considering the dissolution of the existing Garrison Fire Protection District of the Town of Philipstown ("Fire Protection District") and the creation of the Garrison Fire District may be in the public interest; and

**WHEREAS**, the Town Board, as the governing body of the Fire Protection District, has received and considered a Proposed Dissolution Plan for the Garrison Fire Protection District of the Town of Philipstown, for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law, a copy of which Proposed Dissolution Plan is attached to these Resolutions as Exhibit 1;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that not later than five business days after adoption of these Resolutions, a copy of the Proposed Dissolution Plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the Garrison Fire Protection District of the Town of Philipstown; and it is further

**RESOLVED**, that the Proposed Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the Garrison Fire Protection District of the Town of Philipstown where a copy thereof may be examined, shall be displayed on the website maintained by the Town of Philipstown; and it is further

**RESOLVED**, that a descriptive summary of the Proposed Dissolution Plan and a reference to the public place or places within the Garrison Fire Protection District of the Town of Philipstown where a copy of the Proposed Dissolution Plan may be examined, be published at least once each week for four (4) successive weeks in a newspaper having a general circulation within the Garrison Fire Protection District of the Town of Philipstown; and it is further

**RESOLVED**, that the Town Board of the Town of Philipstown shall convene and conduct a Public Hearing on August 19, 2015 at 7:30 p.m. at the Philipstown Town Hall in the Town of Philipstown for the purpose of considering the Proposed Dissolution Plan of the Garrison Fire Protection District of the Town of Philipstown and that notice thereof shall be given by the Town Clerk as required by law.

#### **ROLL CALL VOTE**

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

The resolution was thereupon declared duly adopted.

Mr. Regele asked if these resolutions generate a referendum? Or is this just the Boards decision. Supervisor Shea said that there is no referendum. Councilman Van Tassel said that these questions should be directed to Mark ?.

#### **4. Resolution authorizing Supervisor Shea to sign a letter of support for Manitoga's 2015 NYS Consolidated Funding Application.**

##### **RESOLUTION #-2015**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign a Letter of Support for Manitoga's 2015 NYS Consolidated Funding.

**5. Resolution adopting the revision to the 2015 Fee Schedule as submitted by Kevin Donohue, Code Enforcement Officer.**

**RESOLUTION #-2015**

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

**RESOLVED**, that the Town Board hereby revises the Fee Schedule for the Town of Philipstown for "Tenant Space Fire Inspections." and

**BE IT FURTHER RESOLVED**, that the revision adjusts the "application of the fee" to the actual work performed by the office as submitted by Kevin Donohue, Code Enforcement Officer.

**6. Resolution needed to adopt Local Law, Chapter 89.**

- **SEQRA/Negative Declaration**
- **Adopt Local Law**

**RESOLUTION #-2015**

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

**RESOLVED**, that the Town Board does hereby table this item for further discussion.

**7. Resolution authorizing Supervisor Shea to sign the Filming Permit for Possible Productions, Inc. for filming on June 16, 2015. (Nunc Pro Tunc)**

**RESOLUTION #-2015**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the Filming Permit for Possible Productions, Inc. to film "The Affair – Season 2" at The Chalet, 3250 Route 9D and 501 Lane Gate Road on Monday, June 16, 2015.

**8. Resolution to adopt the Hazard Mitigation Plan.**

Supervisor Shea said that this was alluded to earlier. The hazard mitigation plan for the County has been put forth and we need to adopt it. This will avail the County to resources and sources of funding that they did not formally have. He thanked Kevin Donohue for doing the work on this. He also thanked Maureen Etta and Susan Downey at the Highway

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Department for all the work they do with regard to the funding during/after natural disasters.

**RESOLUTION #-2015**

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

The Town Board of the Town of Philipstown with offices located at 238 Main Street, Cold Spring, New York;

**WHEREAS**, Putnam County, with the assistance from the Town of Philipstown, has gathered information and prepared the Putnam County Natural Hazard Mitigation Plan; and

**WHEREAS**, the Putnam County Natural Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000 for Natural Hazards only; and

**WHEREAS**, the Town of Philipstown is a local unit of government and relied on Putnam County to afford the citizens an opportunity to commend and provide input to the Putnam County Hazard Mitigation Plan for the Town of Philipstown; and

**WHEREAS**, the Town of Philipstown has reviewed the Putnam County Hazard Mitigation Plan and affirms that the Plan will be updated no less than every five years;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board that the Town of Philipstown adopts the Putnam County Natural Hazard Mitigation Plan as the Town of Philipstown Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan for the Town.

**ADOPTED** this 9<sup>th</sup> day of July 2015 at the meeting of the Town Board.

**9. Resolution authorizing Supervisor Shea to sign the Letter of Intent for the Putnam County Youth Bureau funding for the year 2016.**

Town Clerk Merando explained that this is a new procedure where we inform the County of the cost and then they do a reimbursement. We get about \$3,000 (Youth Services and Youth Recreation) for the year.

**RESOLUTION #-2015**

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

**RESOLVED**, that the Town Board authorizes Supervisor Shea to sign the Letter of Intent for the Putnam County Youth Bureau funding for the year 2016.

**10. Resolution to raise monies to construct a Betty Budney Memorial.**

Supervisor Shea stated that there has been discussion on this and we do need to have a resolution in order to raise the money. He said that there could not be a better cause at this point as Betty Budney was the First Lady of Philipstown. She had a huge influence on all those she served with and the Town Board does want an appropriate memorial placed on the grounds of the Town Hall in her memory.

**RESOLUTION #-2015**

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

**WHEREAS**, Betty Budney, a lifelong resident of the Town of Philipstown and Village of Cold Spring, passed away on March 2, 2015; and

**WHEREAS**, throughout her life, Betty Budney distinguished herself as a member of the community and a public servant by, among other things, serving as the Town of Philipstown's first Councilwoman and as a Deputy Town Supervisor, as well as serving as President of the Cold Spring Lions Club and providing distinguished volunteer service and civic commitment to Philipstown; and

**WHEREAS**, it is appropriate and fitting that a memorial to Betty Budney be erected in recognition of her many years of exemplary civil and community service;

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. **THAT** the Town of Philipstown shall undertake to erect a memorial to Betty Budney consisting of a memorial bench placed on the front western side of the Town Hall along with stone pavers; and
2. **THAT** the Town shall raise funds for the memorial primarily by soliciting private donations and holding such fund-raising events as the Town Board may hereafter determine, including without limitation, allowing purchase of engraved space on the pavers in the memorial for appropriate name designation of donors and personal memorial messages; and
3. **THAT**, if necessary, after completing the said fund-raising efforts, the Town shall pay any remaining costs of the memorial from funds in the Town's annual budget; and
4. **THAT** the Town Board is authorized to solicit quotes from local suppliers to determine the costs involved with the project and the appropriate procedure for awarding contracts for labor and/or materials; and
5. **THAT** this action is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published in The Putnam County News &

Recorder, a newspaper having a general circulation within said Town and hereby designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice of Adoption, which said Notice is attached hereto and made a part of this resolution; and

6. **THAT** the Town Clerk is hereby authorized and directed to post on the sign board of the Town maintained pursuant to the Town Law, and on the website maintained by the Town, said Notice of Adoption.

Dated: June 9, 2015

The vote on the foregoing resolution was as follows:

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

**11. Resolution authorizing Supervisor Shea to sign a letter to Governor Cuomo requesting the expansion of Solar Energy use in New York State.**

Supervisor Shea said that this is a great initiative that comes with federal incentives, which are disappearing. He went on to say, to grow industry you need these incentives and in November he believes that these incentives will be dropped. Then noted that there has been 3-fold growth in New York of solar energy in the last three years. The Town would like to do anything it can do to support this.

**RESOLUTION #-2015**

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 a letter to Governor Cuomo requesting the expansion of Solar Energy use in New York State.

**12. Resolution scheduling a Public Hearing on a proposed Local Law to amend the Town Code Chapter 175 by amending Town Code Section 175-5 "Existing Wood-**

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**Fired Furnaces” to impose time of operation restrictions on pre-existing wood-fire furnaces. (suggested date July 29, 2015)**

**RESOLUTION #-2015**

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

**RESOLVED**, that the Town Board of the Town of Philipstown will conduct a Public Hearing on July 29, 2015 at 7:00pm at the Town Hall, 238 Main Street, Cold Spring, New York to hear comments for/against a proposed Local Law to amend the Town Code Chapter 175 by amending Town Code Section 175-5 “Existing Wood-Fired Furnaces” to impose time of operation restrictions on pre-existing wood-fire furnaces.

**13. Resolution authorizing Supervisor Shea to sign a Letter of Intent for the Consolidated Fund Grant being written by Putnam County.**

Councilwoman Montgomery wrote the letter. She said that it is a confusing process, and that lighting mentioned earlier by Legislator Scuccimarra was not in line for what the Town would need.

**RESOLUTION #-2015**

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

**RESOLVED**, that the Town Board authorizes Supervisor Shea to sign a Letter of Intent for the Town of Philipstown to participate in Putnam County’s CFA Application

**WHEREAS**, the Town of Philipstown intends to collaborate and participate in Putnam County’s New York State 2015 Consolidated Funding Application.

**BE IT RESOLVED** that the Town Board of Philipstown authorizes Supervisor Shea to sign the Letter of Intent to submit to Putnam County to participate in the CFA grant application.

**14. Resolution creating a policy for resolutions and their distribution via-mail.**

Town Clerk Merando suggested that a policy should be written for e-mails and she asked the Board to allow her to write such a policy.

**RESOLUTION #-2015**

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

**RESOLVED**, that the Town Board authorizes the Town Clerk to electronically submit all resolutions to the department in which the resolution pertains to at the time it is passed.

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**BE IT RESOLVED** that the Town Board of Philipstown authorizes Town Clerk Merando to draft an e-mail policy.

**15. Code Enforcement Monthly Report.**

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

**16. Schedule workshops/meetings.**

July 14, 2015 – 7:30pm	Workshop on So. Mountain Pass @Recreation Center
July 29, 2015 – 7:30pm	Public Hearing – Wood-Fired Furnaces
Aug. 19, 2015 – 7:00pm	Public Hearing – Forming a Fire District - Garrison
Aug. 19, 2015 – 7:30pm	Public Hearing – Dissolution of Garrison Fire Protection District

**17. Any other business that may come before the Town Board.**

Councilman Flaherty had a couple of things to bring to the attention of the Board: 1) he met with Wayne Stephens of Lane Gate Road who has some concerns with the Recycling Center. He feels that the dirt is coming close to his property. Superintendent Chirico said that he will move some of the piles and this should alleviate the problem for the time being. Superintendent Chirico's concern is for a few years from now. Councilman Flaherty said he will follow up on this issue. 2) He met with Rich Nairn with regard to the overflow of Quarry Pond. The concern is in regard to the drainage. Supervisor Shea said that the Wetland Inspector has been out there and there is a report from Tim Miller Associate and their contention is that there has never been excess flow on that sight. 3) One other item- he attended a Village of Cold Spring meeting at which time he was asked about the possibility of sharing expenses for the Village of Cold Spring's 4<sup>th</sup> of July celebration. Supervisor Shea said it is something the Town should consider.

**AUDIENCE**

Theresa Orlandi addressed the Town Board with regard to the drainage project on So. Mountain Pass. Her questions are: 1) was there an environmental impact study done prior to the start of the project? Supervisor Shea said that it is a SEQRA process, which has been submitted by the Engineers. 2) Have any traffic studies been conducted? Supervisor Shea said not to his knowledge. She could check with the Highway Superintendent. 3) the widening of So. Mountain Pass that was pointed out to them on the walk, was that part of the original plan? Supervisor Shea said he did not have the plan in front of him and the Engineer was not here tonight so he could not accurately answer this since he is not even sure where she was talking about. Ms. Orlandi said that she would be looking for solid answers of these questions on Tuesday. She went on to say that going back to the safety issue - she has three comments; safety is a primary concern, she was really alarmed to hear that parts of the path were going to be widened, and that a traffic study is imperative.

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imperative. She would like the Town Board to go on public record to guarantee the safety to drivers, pedestrians, hikers, cyclists and horseback riders with the proposed paving.

Bob Juby's had a question about a section of East Mountain Road N. and whether the Town was going to continue paving? Supervisor Shea said that, at the time, they thought they might continue, but what they did there was a pretty good compromise and everyone seems to be happy with it so he would like to let sleeping dogs lie.

Ed Polhemus said that he hopes that the Town Board can stay strong on the work of the project on South Mountain Pass. He said that there hasn't been a road in Philipstown that there hasn't been much controversy over when it came to paving. When all is said and done it was the best thing that happened.

Lee Erickson asked about seasonal speed bumps on his road and whether it is something he should approach Roger Chirico about. Supervisor Shea said yes that would be the person he should discuss it with. Mr. Erickson then said he would like to applaud the Town Board for the paving and it is something that he encourages. He said for the safety of the environment, health, the people who live on the road and emergency services, who respond to the houses on the road in all kinds of weather this section should be paved and properly maintained...this is his opinion.

A resident (did not identify himself) who has lived here for almost his entire life on dirt roads wanted to express his opposition to this project. He is troubled to know that the Town is moving forward without trying alternatives. He would like to have a discussion on Tuesday and not rush into judgment immediately after. Councilman Van Tassel said what happens if there is a downpour and the road washes down onto Route 9D along with \$350,000? The resident stated that this could happen tomorrow, too.

Bob Juby had another comment with regard to steep slope roads – he had asked the Town a couple of years ago to take care of a section of road where there was damage and not once since it was paved has there been a problem.

Joyce Blum said that the drains that were installed on So. Mountain Pass are for paved roads so this was a foregone conclusion.

**VACANCIES**

- Board of Assessment Review (1)
- CV Park District Advisory Committee (3)
- CV Water District (1)
- CV Water District Advisory Committee (3)

**APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilman Flaherty and unanimously carried that the General Vouchers in the amount of \$203,531.71 are hereby approved as set forth in Abstract 6A & 7.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the Highway Vouchers in the amount of \$42,639.62 are hereby approved as set forth in Abstract 6A & 7.

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried that the CVPD Vouchers in the amount of \$9,663.49 are hereby approved as set forth in Abstract 6A & 7.

Councilman Flaherty made a motion, seconded by Councilman Leonard and unanimously carried that the CVWD Vouchers in the amount of \$9,367.58 are hereby approved as set forth in Abstract 6A & 7.

There being no further business to discuss, Councilman made a motion, seconded by Councilman to close the Town Board Monthly Meeting at pm.

Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk

Weekly Town Board Meeting  
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The Town Board of the Town of Philipstown held their Weekly Meeting on the above date at 7:30 p.m. at the Claudio Marzollo Community Center, Garrison, New York.

PRESENT

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

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

AGENDA

**1. Resolution authorizing Town Clerk Merando to advertise a vacancy in the Justice Department.**

**RESOLUTION #**

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise a vacancy for a Court Clerk for the Town of Philipstown's Justice Court.

**2. Resolution authorizing Supervisor Shea to sign the negative declaration with regard to the South Mountain Pass paving project.**

Christine Tomm Addona, Attorney representing Old Road Society of Philipstown asked to address the Town Board. She submitted a letter from Silverberg, Zalntis, LLP, and reviewed some of the concerns with the proposed paving project. She noted that prior to this meeting a FOIL request was submitted, however, they weren't able to get a lot of information due to the timing. Based on that information, the letter outlines SEQRA procedures.

She went on to say that the Town Board should not take any action making the SEQRA determination or voting on the proposed paving. She stated that this is an unlisted action under SEQRA and the board has a draft negative declaration. She added that before the Town Board can adopt a negative declaration, you have to identify the areas that are of environmental concern, and whether or not they are going to have a significant impact on the environment. The board then has to issue a determination with supporting documents. It is the Old Road Society's position, that for various reasons, most notably, the lack of a traffic study, makes it impossible for this Town Board to make a determination. This isn't average paving, this isn't an average roadway, it's a narrow two way road

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that is one way for cars to fit in many directions. The proposed paving will create additional speeds by which cars can travel. However, the town won't be able to widen the roadway to be wide enough for two cars in all directions. There are other unique criteria that apply to this roadway. For example, it is part of the Appalachian Trail, so addition to vehicular traffic, you also have horseback riders as well as pedestrians who access the road. There is no real indication that any of those circumstances have been considered.

She continued by stating that in a letter from one of the town's advisors, because it is a small portion of the road that is going to be paved, that it is not going to increase traffic. Since traffic is going to come off of Route 9D, there is an indication that if someone sees a paved road, instead of a dirt road, they are more inclined to turn onto that road. That has not been taken into consideration either. The Department of Transportation has not been consulted as to this proposal. Another issue that hasn't been addressed is drainage; the original drainage that was recently installed was when this road was a dirt road. Now, the proposal is that of a paved road, the EAF suggest that the new drainage will be used to accommodate the increased runoff due to the impervious surfaces. These are issues that should, at the very least be considered as part of the SEQRA review before a determination is made. She noted that it doesn't appear from the records in her possession that they have been.

There is also an issue of the cost of maintaining a dirt road versus a paved road. It's a general statement, yet no numbers. Thus, without this information, the Town Board can't make a determination on this matter. All that is being stated is that there will be an increased cost, without providing variables. In addition, only twelve hundred feet of drainage has been installed and the proposed paved portion is 2600 feet. She asked if that could accommodate the increased impervious surface? This is another issue that hasn't been addressed, making it nearly impossible for this town board to make a decision that there are no significant impacts on the environment. She acknowledged that she may not have seen everything, only reviewing the documents she received based on the FOIL request.

She then addressed the wetlands that are in close proximity to the project. She asked if this is something that requires a permit issued from the Town of Philipstown, the Department of Conservation or even the Army Corps of Engineers? There are no indications in the EAF as to what those wetlands are or the relationship to this paved area. There is a series of long-standing issues that the Old Road Society feels needs to be addressed prior to adopting a negative declaration. Primarily, the belief is that it comes back to traffic, due to all the hazards that could be created and in order to determine that there's not going to be an impact on traffic. She strongly stated that a traffic study has to be completed. How do you know the speed or number of vehicles using the roadway currently? And how do you know how that's going to change unless there is a traffic study. To make these conclusions seems to be a little

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premature, and they recommend that the town engage in a traffic study in order to assure that it's making the right decision. Until SEQRA is complete, the rules are that you can't take action on the underlining application.

Another issue under SEQRA that was noticed in our review is that the implementation of the drainage, first the original 600 feet of piping, and then the second one of 600 feet along with the paving, are now in a domino effect. This all appears to be part of another bigger, long-term project. If that is the case, then SEQRA needs to incorporate all the different aspects. The current SEQRA doesn't include the drainage that was incorporated. There are no documents that she has seen, that SEQRA was ever completed with regard to the drainage. She wants to make sure that this isn't a segmented review under SEQRA. All of the issues noted, should be considered together.

She then pointed out the amount of concerned citizens who have turned out this evening who are really interested in this project, and haven't had enough time to process this.

Supervisor Shea stated for the record that Ms. Addona has just arrived, and the Town Board has been going through a process, weeks of process. Regardless of what work has been completed at that site, the town has experienced issues. He thanked Ms. Addona for her comments, however, " this isn't the first night this matter has been discussed or reviewed."

Andy Galler then addressed the Town Board stating that every year or so he reviews the town code with regard to Wetlands. In reviewing Chapter 93, this proposed project is not an exempted activity. The drainage that was done was not an exempted activity, there has not been a wetland consultation with the town's Wetlands Inspector, nor was it brought before the Conservation Board. He stated that he objects to having a negative declaration acted on. In addition to that, the Department of Environmental Conservation should have been called. He added that because Coppermine Creek runs into the Hudson River, which is a tidal estuary, it may very well fall under the Army Corps of Engineers. With that being said, he believes that there was no due diligence on the part of the Town Board.

Nick Angel commented on the proposed project saying that this board has invited this controversy, however, it's not too late to adopt a more careful, professional approach and take the emotion out of this. His feeling is that the Highway Department wants to pave roads. They maintain the dirt roads with a very expensive and outdated manner. He stated the board has stumbled on this matter procedurally. He stated that the board has not done a good job, nor provided accurate information. There has been a lack of disclosure and inaccurate disclosure. Procedurally, a radical change was made for South Mountain Pass, pointing out that this past fall's budget did not indicate this project. He referenced the cost for the drainage and paving of South Mountain

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Pass. He also feels that the majority of the board was committed to paving, prior to the public hearing, on the grounds that the town had to pave in order to preserve the investment for the drainage. He also cited that a poll of the residents in favor of the paving was not considered. Mr. Angel expressed his outrage with regard to the Town Board considering other options of maintaining dirt roads, which some residents have offered to bear the cost of.

Sandy Saunders submitted a photo of Old Albany Post Road and spoke of the history of dirt roads in this area. He then verbally challenged the merits of the Town Board. Supervisor Shea interjected angrily that comments of that caliber would not be accepted. There was cross talk between the Supervisor and Mr. Saunders. Mr. Saunders then spoke of the SEQRA process and the regulations pertaining to segmentation.

Terence Zaleski thanked the Town Board for giving the public a chance to participate in this process. He stated that he doesn't understand that in order to protect the investment of 1200 feet of drainage, the town is proposing paving 2400 to 2600 feet of paving. He believes that the issue of segmentation should be addressed. Another concern he has with this process was that there was a pre-judgment with regard to the project and the final outcome. The Town Board has stated that this has been discussed for several years; it is his opinion that this project was just put on the table. He then went on to give a brief history of other projects that previous boards thought was a good idea, and it wasn't until public participation did they realize it wasn't for the betterment of this community. Mr. Zaleski asked the Town Board to revisit this project, as it is early summer and there is plenty of time before the plant on Route 9 closes down.

A resident from Old Albany Post Road expressed her consensus with everyone who has spoken. She pointed out the beauty of this community and the passion in which the audience has for the rural character of dirt roads. She also requested that the Town Board safeguard the spirit of this town, which they have entrusted to you to do.

Theresa Orlandi, resident of Coppermine Road, stated that as a resident for eight year, she agrees that South Mountain Pass is a difficult road to traverse and a nightmare to maintain. She understands that some work needs to be done, however, she is not convinced that paving is the way to proceed. Safety should be a priority, and with the proposed paving, motor vehicles are going to speed. She stated that when they walked the road with the engineer, he pointed out portions of the road where it was widened to accommodate room for two cars. These portions of the road go directly into the areas that are single lane around blind hills and curves. She believes this mix is going to end badly.

Ms. Orlandi asked the Town Board if they could guarantee that her children won't be injured if the road is paved and cars are traveling at a higher rate of speed. She also noted that there is zero enforcement. She stated that the legacy of the

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town is at stake. She believes that a traffic study is warranted before the board can act on a negative declaration and paving.

Carl Dushin concurred with Ms. Orlandi, adding that there is a dirt road etiquette that locals observe, however, many traveling the road are not aware of. He acknowledged that the town has placed digital signs announcing that the "road is closed" and then witnessed a pick up truck ignoring the signage and using the road anyway. He then asked if the Town Board knew the depth of the proposed paving? Supervisor Shea responded saying that the Town Board is here to listen, this is not a question and answer meeting.

Leona Dushin stated that horses have the right of way over cars, and that law is still in effect, thereby, giving the residents the right to be on the road with their horses. She pointed out that many farms use the road for that purpose. When speaking with Roger Chirico he stated that the proposed work is "already a done deal, don't think you can do anything about it."

Supervisor Shea strongly stated that the audience should refrain from putting words in peoples' mouths. This is complete speculation; he also wanted to take a moment to address Sandy Saunders' reckless, and inflammatory comments about speculating and asserting that the Town Board would have some sort of financial consideration, under the table money. This is outrageous – Mr. Saunders' then interrupted – shouting. Supervisor Shea continued saying that this is dangerous, reckless, and slanderous. Mr. Saunders again shouted. Supervisor Shea cautioned Mr. Saunders that he didn't have the floor, and had the opportunity to speak earlier. Mr. Saunders's once again interrupted. Supervisor Shea asked him to be seated or be removed from the room. Supervisor Shea acknowledged how disrespectful Mr. Saunders behavior is. He continued by saying that the accusation that this Town Board would ever accept anything for doing anything is absurd. "Anyone who knows anyone on this board would find that absurd, I find it insulting, I think it's a reckless statement and I think your way out of line."

Dr. Marlena Vega addressed the Town Board stating that she finds it very offensive when someone tries to take a position when other people don't agree with it. There is a lot of emotion and history regarding this subject, but to start accusing people of doing things underhanded takes away the democratic process. She is saddened by the course of this meeting. The audience booed her for her comments.

Kevin Amter resident of Coppermine Road read a quote from Supervisor Shea that appeared in the newspaper on June 13, 2014. In short, the Supervisor stated "you can't pave paradise."

Supervisor Shea responded saying that was a statement regarding Old Albany Post Road, we're not tearing anything down, we are talking about paving a road.

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Olivia Flanagan, Theresa Orlandi's daughter read a short statement as to why she doesn't want to see that portion of the road paved.

Blair Hartley, past member of the Garrison Ambulance Corp spoke of dirt vs paved and it was his experience that they have never been called to a personal injury auto accident on South Mountain Pass or any other dirt road.

Glenn Lebwohl-Steiner stated that the Town Board, Roger Chirico and Town Clerk Merando work very hard for the Town of Philipstown. She expressed her concerns with regard to the process that took place regarding this project. She talked about community and the fact that the residents should not be making false accusations, finger pointing or derogating each other. Nor is acting in a way that is not consistent with the culture that we want for our town. She did point out that many people felt as though they were blind-sided. She offered that everyone back up and try to maintain relationships while repairing the roads. At this point, Supervisor Shea asked who has been excluded from these discussions? Ms. Steiner replied stating, lots of people, then referencing the budget process and the amount allocated for South Mountain Pass. Councilman Van Tassel stated that if the Town Board had talked about this during the budget in 2014 and agreed upon it, he asked if everyone would still be in attendance tonight. The general consensus was YES. Roger Chirico, Highway Superintendent clarified the monies that were involved, including Multi Model. He also noted that the Highway Department turned over \$104,000 to the Town last year, which he couldn't use due to the amount of FEMA work that needed to be done as a result of Hurricanes. Those monies were used in areas that needed repair and to save monies for the taxpayers. At this point, Terence Zaleski repeatedly interrupted, cross talk between the Supervisor and Mr. Zaleski ensued. Supervisor Shea asked at what point would the people in the audience say, okay, we had enough process now we are on board with it?

Supervisor Shea stated that the Town Board has seen the alternatives for dirt road maintenance, and they don't mind discussing it, however, they are not willing to take a chance on an experimental approach on that side of the Pass. Also, the town's engineer doesn't have a lot of faith in that particular approach, nor can anyone point to an example of it anywhere on the ground. Ms. Steiner thanked the Town Board for all the meetings that have been held to discuss this project.

Supervisor Shea stated that he doesn't know at which point everyone would think that this project is worthy. This is an incredibly steep grade, 15%, the town brings materials in and it winds up in the stream. The town now travels to Columbia or Orange County to get materials for maintenance. He noted that this is not an expanded project, it is one segment of road, just over a 1/3 of a mile. Ms. Steiner then asked why this hasn't been discussed in the budget. Supervisor Shea responded saying that it was in the budget in the past, and pulled out due

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to FEMA projects that had to be completed. When grants and CHIPS monies become available, the town acts on it, not always according to plan. Agree or disagree, the merits of the project need to be addressed with a long-term resolve. He also pointed out that FEMA will not continually fund the same areas.

Ms. Steiner's final question was "when did the town know that they were getting the money and when did you let the public know?" Supervisor Shea stated that the town has been discussing this project for three months now.

Terence Zaleski then spoke about conversations that he has had with a CHIP regional representative, he said there was no rush regarding the Multi Model money. Supervisor Shea interjected that it isn't pork money, it's taxpayers money coming back to the taxpayer. Mr. Zaleski said this was not a project that was recommended in 2008. Shouting ensued and cross talk made it impossible to transcribe. Mr. Zaleski said that this money came available in 2008 and has been re-appropriated by the state legislature routinely each year thereafter. In December of last year that Multi Model money was not in the budget. He reiterated that no paving project was mentioned during that process. The Old Road Society notified the community through e-mail that no paving was slated for 2015.

Councilwoman Montgomery interjected stating that if we put this off until this year's budget process, we will be here again this time next year doing this all over again. She stated that she voted against the paving, as the residents weren't fully vetted, now, months later, we are here again talking about the same thing. Both sides have been heard thoroughly. Councilwoman Montgomery asked Mr. Zaleski to let her continue speaking, as he has had the opportunity to speak. We have heard both sides with great arguments. This board, especially Richard has given this a great amount of time and has consulted with individuals with great expertise on this matter. Roger and Ron have spent years on this project as has every other expert that has been consulted through the years. She has addressed the grade of this road and the need to pave it. With that being said here I am, after listening to all of you, reviewing all of the heartfelt letters and taking all of this into consideration, it's time to bring it to a vote. She stated that the alternative plan that Mr. Angell presented was very interesting and she was willing to give it a shot. After reviewing the plan at Mr. Angell's house and reviewing it at length she feels if the purpose of this alternative is really to preserve the aesthetic value of this road, throw it away. This alternative destroys the aesthetic value of this road, we would be better off paving. In her opinion, the alternative plan would possibly preserve some of the drainage, but it's not preserving the quality that residents of the Pass have set out to preserve. She stated that she has sat at Coppermine Creek, the creek at Old Albany Post Road and Indian Brook and watched the run off that are in our creeks, and it was then she decided how she was going to vote. She believes that everyone has had ample time, and this matter has been exhausted, therefore she asked that this be brought to a vote.

Weekly Town Board Meeting  
July 14, 2015

Robert Juby stated that he has attended meetings for approximately three years and has experienced a positive response from the Town Board and Roger with many concerns that he had. He agrees with many of the comments made this evening with regard to paving South Mountain Pass. He referenced the most recent paving project on East Mountain Road due to dust problems, pointing out that even though Mr. Zaleski disagreed in the beginning, with very little fanfare came to support the project. He commented that no one has attended any meetings until it has come down to the last minute. Finally, he agrees with the fact that once it is paved from Route 9D, the tendency to use that road will increase.

Another resident added that based on comments from both Christine Tomm Addona and Andy Galler, there may be some legal issues to consider, such as the SEQRA, Negative Declaration.

Joe Flanagan, resident of Coppermine Road, spoke of runoff, citing that it is organic material that winds up at the base of the streams that doesn't trickle down to the Hudson River. The proposal is to lay asphalt, which is a petrol chemical laden with toxins, thus poisoning the stream and at least 80 wells. Supervisor Shea interrupted asking if Mr. Flanagan was a scientist? Mr. Flanagan responded saying that he is a real estate developer who has cleaned up brown fields. Mr. Flanagan then asked why the Town Board hasn't considered these toxins.

Joyce Blum spoke of the trails, and the beauty of the area. She asked the cost of the paving. Roger Chirico responded stating that the cost would be \$117,000 of CHIP funds. He went on to explain that he couldn't support an alternative plan without seeing it first hand. He refuses to spend taxpayer dollars on an unproven method. He noted for the record that dirt roads take chemicals 12 months a year as compared to paved roads, which are treated only during the winter months. Conversations continued between Roger Chirico, Ms. Blum and the Supervisor, for some time, addressing a new engineer consult, cost and postponing the vote.

A resident of Old Albany Post Road suspects that there is a way that dirt roads could be protected here in Philipstown and that needs to be looked at. She pleaded to postpone the vote.

Alex Clifton then took the floor and stated that the Supervisor's choice of hearing comments from him before Ed Polhemus is because Mr. Polhemus supports the Town Board. He quickly apologized for that comment. He passionately requested the Town Board not to move forward with the project, as it is extremely unpopular in this community. Councilman Van Tassel stated that comment should be "it's unpopular with the people in this room." Mr. Clifton reported that he had gone door to door and his findings were that most of those supported his point of view on this matter. Again, Multi Model monies were questioned, all of

Weekly Town Board Meeting  
July 14, 2015

which have been addressed. Roger Chirico explained and tried to answer the questions put forth.

Ed Polhemus expressed his support for the paving project for many reasons, such as water raging down the hill during storms and the damage done. He acknowledged the special character of South Mountain Pass. He then gave a brief history of the road.

Councilman Leonard stated that one thing he would ask everyone to take a look at is looking at this issue from the Town Board's standpoint. Everyone on the board are not people from out of town, they all have experience and feelings for this town. He has personally spoken with many people about this project, which he stated is the biggest project undertaken since he became a member of the Town Board. He briefly explained that the SEQRA process is involved, and it covers a lot of areas and one has to keep an open mind and listen to the experts. He is comfortable with this process, and he is well rounded on the subject. The Town Board is obligated to make a decision on this for the entire town. The town is most definitely spending a lot more of taxpayer's dollars in this area. With all that said, the actions that are going to be taken this evening are better for the environment, not harmful. He added that the Town Board has a responsibility to all the residents of the town, and be mindful of the costs involved with maintaining this road.

Councilman Van Tassel concurred with the comments set forth by Councilwoman Montgomery and Councilman Leonard. He referenced East Mountain Road North, which was dirt. The town saw that continually wash out in the exact manner as South Mountain Pass. Mr. Flanagan interrupted and some unhealthy comment ensued, at which time Supervisor Shea put an end to his badgering. Councilman Van Tassel asked Mr. Galler if the runoff from pavement would be an improvement? Mr. Galler responded that he couldn't answer that, because what should have happened is the town, as the permitting authority, should have approached the Conservation Board. He would assume that the Conservation Board might have said that a habitat assessment needs to be completed, and a construction narrative would have been provided along with protections. Mr. Galler answered stating that at best, he believes it's 50/50 impact on the environment.

Councilwoman Montgomery stated that she is going to vote to preserve this dirt road by paving it. This will also preserve the quality of our streams. She has consulted with the town's Wetlands Inspector who stated that this grade of road should to be a paved surface. She went on to say that she is sorry if everyone here tonight feels blind sided, but she appreciates the leadership of this board in giving the public the opportunity to vet their concerns. She again stated that she is prepared to take a vote.

Weekly Town Board Meeting  
July 14, 2015

Councilman Flaherty pointed out that he is new on the board, but the board is dealing with a problem that has existed for a very long time. He spent a lot of time at the site, and feels a lot of time has been spent getting feed back from the whole community for or against this project. He doesn't feel that anyone has been blind sided as the board has reviewed this for over three months. He stated that like it or not, respect the decision of the Town Board.

**2. Resolution authorizing Supervisor Shea to sign the negative declaration with regard to the South Mountain Pass paving project.**

**RESOLUTION #**

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

**WHEREAS**, the Town Board has before it a proposal to pave approximately 2,600 +/- linear feet of South Mountain Pass, from a point just east of its intersection with NYS Route 9D to a point just east of High Ridge Road, in order to address long-standing roadway erosion problems caused by the road grade and to reduce ongoing maintenance costs and eliminate siltation of the adjacent drainage ways; and

**WHEREAS**, this is an action subject to SEQRA; and

**WHEREAS**, the Town Board as the sole Involved Agency assumes Lead Agency status and, as such, has caused to be prepared a Short Environmental Assessment Form ("EAF"), conferred with its consultants and the Highway Department and taken a hard look at potential environmental impacts;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. That the Supervisor is hereby authorized to sign the EAF; and
2. That after considering all of the information presented to it, including the EAF, the Town Board determines that the adoption of this local law is an Unlisted Action and adopts the Negative Declaration attached hereto.

**ROLL CALL VOTE**

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

The resolution was thereupon declared duly adopted.

**3. Resolution authorizing Highway Superintendent Chirico to proceed with the paving project on South Mountain Pass.**

**RESOLUTION #**

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

**WHEREAS**, the Town Board has before it a proposal to pave approximately 2,600 +/- linear feet of South Mountain Pass, from a point just east of its intersection NYS Route 9D to a point just east of High Ridge Road, in order to address a long-standing roadway erosion problems caused by the road grade and to reduce ongoing maintenance costs and eliminate siltation of adjacent drainage ways; and

**WHEREAS**, the pavement is to be provided pursuant to the competitive bid awarded earlier this year by the Town for asphalt delivered and laid in place; and

**WHEREAS**, the Town has determined that it is in the best interest of the Town to proceed with the proposed paving work;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. That the Town Board approves the said paving of approximately 2,600 +/- linear feet of South Mountain Pass; and
2. That the Town Highway Superintendent is requested and directed to make arrangements for the paving work to be accomplished expeditiously; and
3. That the Town Supervisor is authorized to execute any documents necessary for completion of the project.

**ROLL CALL VOTE**

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

The resolution was thereupon declared duly adopted.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously to close the Weekly Town Board Meeting at 9:25 p.m.

Respectfully submitted by,

Weekly Town Board Meeting  
July 14, 2015

Tina M. Merando  
Town Clerk

Public Hearing – Wood-Fired Furnaces  
July 29, 2015

The Town Board held a Public Hearing on the above date at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York. The purpose of the Public Hearing was to hear comments for/against a proposed Local Law to amend Town Code Chapter 175 by amending Town Code Section 175-5 “Existing Wood-Fired Furnaces” to impose time of operation restrictions on pre-existing Wood-Fired Furnaces.

**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 emphasized that wood-fired furnaces cannot be operated out of season, wintertime is one thing, as people are trying to save money on heating bills. These devices put out a lot of smoke and are not appropriate in certain areas. The law now reads the device needs to be 500 feet away from the nearest residence. Pre-existing furnaces now have to comply with all the provisions of the law. This law is to shorten the allowable time for their uses and everyone is subject to these provisions, whether or not they are pre-existing or a new installation. Councilwoman Montgomery stated that she has received numerous calls from residents who are affected by this problem in the early spring.

Two residents residing in Continental Village thanked the Town Board for their efforts, as they have had some problems with a neighbor who operates an outdoor furnace. He asked how this laws changes things? Supervisor Shea responded saying that prior to this amendment, pre-existing furnaces didn't fall under the law, it didn't matter if you had a permit or not. Supervisor Shea noted for the record that everyone is subject to air-quality issues.

There being no further comments from the public, Councilman Leonard made a motion, seconded by Councilman Flaherty to close the Public Hearing at 7:35 p.m.

Respectfully submitted by,

Tina M. Merando, Town Clerk

Weekly Town Board Meeting  
July 29, 2015

The Town Board held their Weekly Meeting on the above date at 7:35 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 needed to adopt Local Law, Chapter 172** (original submitted as 175).

- SEQRA / Negative Declaration

**RESOLUTION #**

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

**WHEREAS**, the Town Board has introduced Local Law No. 2 of the year 2015 entitled a Local Law to amend Town Code Chapter 172 by amending Town Code Section 172-2 "Existing Wood-Fired Furnaces" to impose time of operation restrictions on Pre-Existing Wood-Fired Furnaces; and

**WHEREAS**, this is an action subject to SEQRA; and

**WHEREAS**, the Town Board is the sole Involved Agency, and such has caused to be prepared a Short Environmental Assessment Form; and

**WHEREAS**, the Town Board has conducted a public hearing on the proposed Local Law on July 29, 2015 and heard all persons interested in the subject matter of the same;

**NOW, THEREFORE, BE IT RESOLVED**, that after considering all of the information presented to it, including the EAF, the Town Board has determined that the adoption of the Local Law No. 2 of the year 2015 will not result in any significant adverse environmental impacts and does hereby adopt the Negative Declaration attached hereto.

- Adopt Local Law

**RESOLUTION #**

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

**WHEREAS**, the Town Board has considered the adoption of Local Law No. 2 of the year 2015 entitled a Local Law to amend Town Code Chapter 172 by amending Town Code Section 172-2 "Existing Wood-Fired Furnaces" to impose time of operation restrictions on Pre-Existing Wood-Fired Furnaces; and

**WHEREAS**, following due notice, the Town Board held a public hearing on July 29, 2015 on the proposed local law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby adopt Local Law No. 2 of the year 2015 entitled a Local Law to amend Town Code Chapter 172 by amending Town Code Section 172-2 "Existing Wood-Fired Furnaces" to impose time of operation restrictions on Pre-Existing Wood-Fired Furnaces.

**2. Resolution authorizing Supervisor Shea to sign the Filming Permit for Possible Productions, Inc. (Nunc Pro Tunc)**

**RESOLUTION**

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 Filming Permit for Possible Productions, Inc. for an event that will take place on July 23, 2015, Nunc Pro Tunc.

**3. Resolution amending SEQRA as an unlisted action correcting typos.**

**RESOLUTION #**

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

**WHEREAS**, the Town Board had before it a proposal to pave approximately 2,600 +/- linear feet of South Mountain Pass, from a point just east of its intersection with NYS Route 9D to a point just east of High Ridge Road, in order to address long-standing roadway erosion problems caused by the road grade and to reduce ongoing maintenance cost and eliminate siltation of adjacent drainage ways; and

**WHEREAS**, this is an action subject to SEQRA; and

**WHEREAS**, on July 14, 2015 the Town Board as the sole Involved Agency assumed Lead Agency status;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. That the Town Board hereby adopts this resolution nunc pro tunc determining that the adoption of the above proposal to pave a portion of South Mountain Pass is an Unlisted Action and adopts the Negative Declaration attached hereto;

2. All other actions in the Town Board resolution adopted on July 14, 2015 remain the same.

**ROLL CALL VOTE**

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

**4. Resolution approving the Proposed Dissolution Plan for the Garrison Fire Protection District and authorize Town Clerk Merando to publish said Summary in the Town’s Official Paper for four weeks. (Nunc Pro Tunc)**

**RESOLUTION #**

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

**WHEREAS**, pursuant to General Municipal Law §773, the Town Board of the Town of Philipstown (“Town Board”), as the governing body of the Garrison Fire Protection District of the Town of Philipstown, a local government entity pursuant to General Municipal Law §750, may, by resolution, endorse a proposed dissolution plan for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law; and

**WHEREAS**, pursuant to Town Law §170(2), the Town Board may upon its own motion and without a petition establish fire districts; and

**WHEREAS**, the Town Board is considering the dissolution of the existing Garrison Fire Protection District of the Town of Philipstown (“Fire Protection District”) and the creation of the Garrison Fire District may be in the public interest; and

**WHEREAS**, the Town Board, as the governing body of the Fire Protection District, has received and considered a Proposed Dissolution Plan for the Garrison Fire Protection District of the Town of Philipstown, for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law, a copy of which Proposed Dissolution Plan is attached to these Resolutions as Exhibit 1;

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that not later than five business days after adoption of these Resolution, a copy of the Proposed Dissolution Plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the Garrison Fire Protection District of the Town of Philipstown; and it is further

**RESOLVED**, that the Proposed Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the Garrison Fire Protection District of the Town of Philipstown where a copy thereof may be examined, shall be displayed on the website maintained by the Town of Philipstown; and it is further

**RESOLVED**, that a descriptive summary of the Proposed Dissolution Plan and a reference to the public place or places within the Garrison Fire Protection District of the Town of Philipstown where a copy of the Proposed Dissolution Plan may be examined, be published at least once each week for four (4) successive weeks in a newspaper having a general circulation within the Garrison Fire Protection District of the Town of Philipstown; and it is further

**RESOLVED**, that the Town Board of the Town of Philipstown shall convene and conduct a public hearing on August 19, 2015 at 7:00 p.m. at the Philipstown Town Hall in the Town of Philipstown for the purpose of considering the Proposed Dissolution Plan of the Garrison Fire Protection District of the Town of Philipstown and that notice thereof shall be given by the Town Clerk as required by law.

**ROLL CALL VOTE**

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

The resolution was thereupon declared duly adopted.

**5. Resolution authorizing Town Clerk Merando to advertise the Public Hearing for the purpose of considering the establishment of a fire district upon the dissolution of the Garrison Fire Protection District of the Town of Philipstown. (Nunc Pro Tunc.)**

**RESOLUTION**

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise the Public Hearing considering the establishment of a fire district upon the dissolution of the Garrison Fire Protection District to be conducted on August 19, 2015 at 7:00 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York.

**ROLL CALL VOTE**

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

The resolution was thereupon declared duly adopted.

**6. Any other business that may come before the Town Board.**

Supervisor Shea asked if the Town Board would approve a supporting Resolution for the Consolidated Funding Application (CFA) Grant for the Hudson Fjord Trail.

**RESOLUTION**

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

**WHEREAS**, the Town of Philipstown is a partner with the City of Beacon, the Town of Fishkill, Village of Cold Spring, Dutchess and Putnam County, NYS Office of Parks, Recreation & Historic Preservation, NYSDOT, NYSDEC, Metro-North Railroad, Scenic Hudson, Hudson Highlands Land Trust, Open Space Institute, as well as other local organizations in the Hudson-Highlands Fjord Trail project – a proposed seven-mile multi-use trail that will transform Route 9D from a high-speed thoroughfare into a tourism/recreational parkway linking the communities of Fishkill, Beacon, Philipstown and Cold Spring; and

**WHEREAS**, this regional effort will strengthen local economies, enhance the character of the Hudson Highlands region, and create new opportunities for consolidation of services (Putnam County Trolley;) and

**WHEREAS**, the Town seeks to support the Hudson Highlands Fjord Trail project by submitting a New York State Consolidate Funding Application (CFA) for grant funding for a multi-use trail between the intersection of Route 9D and Fair Street to pedestrian bridge over the rail tracks in Little Stony Point, and additional engineering, design, and environmental assessment for the multi-use trail envisioned between Little Stony Point and the Breakneck Ridge Trailhead; and

Weekly Town Board Meeting  
July 29, 2015

**WHEREAS**, the Town has classified the proposed construction of these areas as a Type II Action according to SEQRA; and

**WHEREAS**, the Town will make a best faith effort to hire MWBE and United States Veterans as contractors for the project;

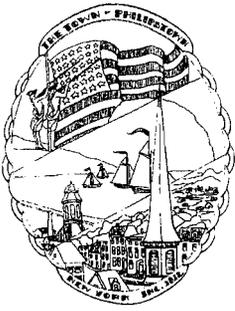
**NOW, THEREFORE BE IT RESOLVED**, that Richard Shea as the Supervisor of the Town of Philipstown is hereby authorized and directed to submit the CFA 2015 and if successful, accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 and other state entities.

Furthermore the Town of Philipstown will provide as a local match administrative assistance, accounting, account management, contract review, procurement of services and legal notice posting in kind with a projected value no to exceed \$12,500.00 and enter into and execute a project agreement with the State of New York for such financial assistance to the Town of Philipstown for the Hudson Highlands Fjord Trail.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously carried to close the Weekly Meeting at 7:45 p.m.

Respectfully submitted by,

Tina M. Merando, Town Clerk



# 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

**WHEREAS**, on behalf of the Town of Philipstown, we wish to extend our sincere condolences over the passing of Marlene Bowman; and

**WHEREAS**, Marlene's death leaves our community with a deep feeling of sorrow for the loss of such an honored and respected citizen; and

**WHEREAS**, Marlene served this community as Philipstown Court Clerk since 1982 and retire on March 23, 2007; and

**WHEREAS**, Marlene earned the respect, admiration and high regard of all with whom she came into contact, and our community has sustained a great loss in her death; and

**WHEREAS**, Marlene was a shining example of a person who demonstrated how much she cared for her community;

**NOW, THEREFORE, BE IT RESOLVED**, in recognition of Marlene's contributions to our community and its citizens, we hereby express our deep appreciation for her service to our community and extend to her family our sincere sympathy upon her passing.

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Richard Shea, Supervisor

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Nancy Montgomery, Councilwoman

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John Van Tassel, Councilman

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Michael Leonard, Councilman

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Robert Flaherty, Councilman

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Tina M. Merando, Town Clerk

Dated: August 13, 2015  
Cold Spring, N.Y.



**PUTNAM COUNTY  
BUREAU OF EMERGENCY SERVICES**



3

Anthony W. Sutton  
Acting Commissioner

MaryEllen Odell  
County Executive

Robert A. Lipton  
Deputy Commissioner

Robert Cuomo, Director  
Emergency Medical Services

July 2015

Dear Town Supervisor/Village Mayor,

You may be aware that parts of Putnam County lie within the 10 mile Emergency Planning Zone (EPZ) surrounding the Indian Point Nuclear Power Plants in Buchanan (Westchester County). As part of our commitment to Radiological Emergency Preparedness, the Putnam County Bureau of Emergency Services has made Potassium Iodide, also known as "KI", available to residents throughout the areas in the EPZ. Potassium Iodide is a simple salt available in both tablet and liquid form. It is made available by the Nuclear Regulatory Commission and is distributed through the County. It can also be purchased over-the-counter without a prescription. It is meant to be taken during a power plant accident and it works by blocking the thyroid gland's ability to absorb radiation.

The County would like to expand the availability of KI to residents by making it available in the Town Halls of the Putnam communities located in the designated Emergency Planning Zone. The County would list these additional locations in our literature so residents can pick it up during their routine trips around the community in which they reside. The Town Hall would be given a box containing the pre-packaged KI and informational sheets together with the County of Putnam Agreement and Release of Liability form. A picture of what would be sent to you is enclosed. Please note the liability form would be completed by the recipient of the KI and periodically this office would collect them from you. This method of distribution has been successful in other areas and does not result in significant traffic.

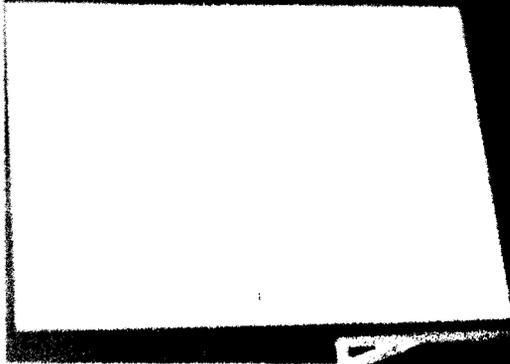
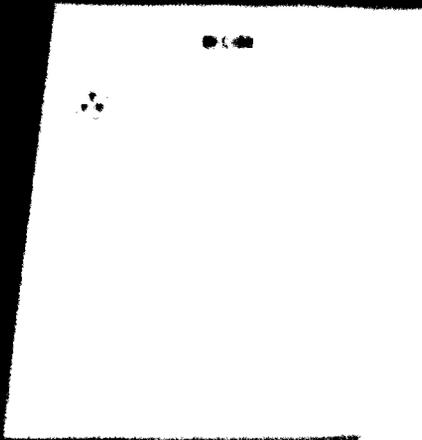
We would like to make the KI available in your Town/Village Hall. Please call me if you would like to participate in this program. I would be happy to answer any questions and address any concerns you may have. I can be reached at the Putnam County Bureau of Emergency Services at (845) 808- 4000 ext. 41102 or email [anthony.sutton@putnamcountyny.gov](mailto:anthony.sutton@putnamcountyny.gov) Thank you for assisting us in keeping our residents safe.

Sincerely yours,

Anthony W. Sutton, Acting Commissioner

AWS/cc  
Enclosures

*Rec'd 7/27/15*



COUNTY OF TARRANT  
 COUNTY CLERK  
 1000 WEST 10TH STREET  
 FORT WORTH, TEXAS 76102  
 TEL: 817.516.2000  
 FAX: 817.516.2001  
 WWW.COUNTYCLERK.TARRANTCOUNTY.TX

NOTICE OF PUBLIC HEARING  
 AND NOTICE OF INTENT TO GRANT  
 A ZONING VARIANCE TO  
 1000 WEST 10TH STREET  
 FORT WORTH, TEXAS 76102

THE BOARD OF ZONING ADJUSTMENTS  
 HAS SET FOR THE HEARING OF THE  
 BOARD OF ZONING ADJUSTMENTS  
 ON THE MATTER OF GRANTING A  
 ZONING VARIANCE TO  
 1000 WEST 10TH STREET  
 FORT WORTH, TEXAS 76102  
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 1000 WEST 10TH STREET  
 FORT WORTH, TEXAS 76102

THE HEARING WILL BE HELD AT  
 THE BOARD OF ZONING ADJUSTMENTS  
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 FORT WORTH, TEXAS 76102  
 ON THE MATTER OF GRANTING A  
 ZONING VARIANCE TO  
 1000 WEST 10TH STREET  
 FORT WORTH, TEXAS 76102



**WHEREAS**, the chemicals that we use on our yards and put down our drains migrate into both our surface and groundwater; and

**WHEREAS**, many of these chemicals are harmful to our health, with new evidence showing that even at very small amounts they cause an increase in the population of a number of significant diseases; and

**WHEREAS**, preventing these chemicals from entering the water helps the Town meet its environmental goals and objectives, especially protection water quality and meeting MS4 compliance; and

**WHEREAS**, water is a shared resource and getting as many people as possible to understand the problem and take this simple action is the way to make the biggest improvement in water quality; and

**WHEREAS**, the Great Healthy Yard project educates people about how the chemicals we put on our yards and gardens wash into our drinking water; explains how these chemicals are harmful, and how even at very small amounts they cause an increase in population of a number of significant diseases; and provides us a way to move forward together and make a big change by educating a large number of people to change their behavior; and

**WHEREAS**, the Great Healthy Yard Project is an educational tool both for the Town to educate residents, and for residents to educate their neighbors who share their watershed; and

**WHEREAS**, participation of individuals in the Great Healthy Yard Project is entirely voluntary; and

**WHEREAS**, there is no cost entailed to the Town of Philipstown in supporting the Great Healthy Yard Project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Philipstown hereby endorses the Great Healthy Yard Project and is committed to promoting its success.



MARYELLEN ODELL  
County Executive

PATRICIA SHEEHY  
Director

August 1, 2015

Town of Philipstown  
Richard Shea, Town Supervisor  
238 Main St., P.O. Box 155  
Cold Spring, NY 10516

Dear Supervisor Shea,

The Putnam County Office for Senior Resources is currently renewing our agreement with you in regards to our partnership for outreach services in your town.

We have previously negotiated the amount of \$15,000 for the Town of Philipstown. As in the past, you will continue to receive a bill for the above amount at the end of the year.

Please sign, notarize and return both copies of this letter, as well as, additional documents to us by October 1, 2015. If you have any question please feel free to call me at (845) 808-1700.

Thank you again for your continued support in helping us facilitate to the needs of the senior population of Putnam County.

Sincerely,

Doreen Crane  
Coordinator of Services

\_\_\_\_\_ Date \_\_\_\_\_  
Richard Shea, Town Supervisor

\_\_\_\_\_  
Notary Public

DC:mgh

RESOLUTION

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the contract between the Town of Philipstown and the Putnam County Office for Senior Resources for the Outreach Worker in a amount not to exceed \$15,000.00

**RESOLUTION**

The following Resolution was presented by \_\_\_\_\_ seconded by \_\_\_\_\_  
and unanimously carried;

**RESOLVED**, that the General Townwide Funds to transfer funds to cover over expenditures for the year

**BE IT RESOLVED**, that the following transfer of funds be made FROM

Appropriations

TO

Appropriations

**CERTIFICATION**

I, **Tina M. Merando**, the duly qualified and acting Town Clerk of the Town of Philipstown, Putnam County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of a Regular Meeting of the Town Board of the Town of Philipstown, held on \_\_\_\_\_, and that the Resolution set forth herein is a true and correct copy of the Resolution of the Town Board of said Town adopted at said meeting.

**I FURTHER CERTIFY** that pursuant to section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the said Town, this \_\_\_\_\_<sup>h</sup> day of \_\_\_\_\_.

\_\_\_\_\_  
Tina M. Merando  
TOWN CLERK

(seal)

A true copy of this Resolution was filed in the Office of the Town Clerk on \_\_\_\_\_.

\_\_\_\_\_  
Tina M. Merando  
TOWN CLERK



# 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 July 2015

1. Fees Collected	<u>10,293-</u>
2. Total Number of Permits Issued	<u>22</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>3</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>20</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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_