

**Monthly Town Board Meeting**  
**September 5, 2019      7:30 P.M.      Town Hall**

**SALUTE TO THE FLAG**

**REVIEW OF MINUTES**

- Weekly Town Board Meeting of July 3, 2019
- Weekly Town Board Meeting of July 24, 2019
- Executive Session of July 24, 2019
- Special Town Board Meeting of July 29, 2019
- Monthly Town Board Meeting of August 1, 2019
- Special Town Board Meeting of August 8, 2019

**COMMITTEE REPORTS**

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

**AGENDA**

1. Resolution authorizing Supervisor Shea to sign the agreement between Xerox and the Town for a new copier for the Building Department.
2. Resolution authorizing Supervisor Shea to sign the parade permit for the Walter Hoving Home for an event to be held September 7, 2019 and waive the fees associated with said permit.
3. Resolution re-appointing John Maasik as a member of the Recreation Commission whose term will expire September 30, 2026.
4. Resolution awarding the bid for the General Work for the Town Hall Renovation Project.
5. Resolution awarding the bid for the HVAC Work for the Town Hall Renovation Project.
6. Resolution awarding the bid for the Plumbing Work for the Town Hall Renovation Project.
7. Resolution awarding the bid for the Electrical Work for the Town Hall Renovation Project.

August 26, 2019

8. Code Enforcement Monthly Report.
9. Schedule Workshops/Meetings.
10. Any other business that may come before the Town Board.

**AUDIENCE**

**VACANCIES**

(0)

**APPROVAL OF VOUCHERS**

General Highway CVPD CVWD

**ADJOURNMENT**

Weekly Town Board Meeting  
July 3, 2019

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

**PRESENT:**

Richard Shea	Supervisor
John Van Tassel	Councilman
Michael Leonard	Councilman
Robert Flaherty	Councilman
Judith Farrell	Councilwoman

**AGENDA**

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

- 1. Resolution adopting the updated Sexual Harassment Policy for the Town of Philipstown.**

**RESOLUTION #106-2019**

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

**RESOLVED**, that the Town Board hereby tables the adoption of the Sexual Harassment Policy until the Monthly Town Board Meeting of July 11, 2019.

- 2. Resolution authorizing Supervisor Shea to sign a Filming Permit for the Penny Lane Productions for filming scheduled for July 8, 2019 at the Glynwood Farm.**

**RESOLUTION #107-2019**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the Filming Permit for the Penny Lane Productions for filming scheduled July 8, 2019 at the Glynwood Farm.

- 3. Resolution approving Part 1 of the Full Environmental Assessment Form in connection with the Town Hall alteration and renovation project.**

**RESOLUTION #108-2019**

**WHEREAS**, the Town of Philipstown is the owner of certain real property located at 238 Main Street, Cold Spring, New York 10516 which is approved by the Town of Philipstown Town Hall; and

**WHEREAS**, the Town of Philipstown is undertaking a project to make alterations and renovations to the Town Hall Building for continued use for municipal purposes; and

**WHEREAS**, the Town Hall alteration and renovation project is an action subject to review under the State Environmental Quality Review Act ("SEQRA"), and

**WHEREAS**, the Town Board has caused to be prepared Part 1 of a Full Environmental Assessment Form ("EAF") a copy of which is attached hereto;

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

1. That the Town Board hereby authorizes the Town Supervisor to sign Part 1 of the EAF;
2. That the Town Board hereby declares itself to be the only involved agency and the lead agency in SEQRA review of the project because the project is exempt from local zoning and land use approvals; and
3. That the Town Board hereby determines that the Town Hall alteration and renovation project is an Unlisted Action under SEQRA; and
4. That the Town Clerk shall mail a copy of this resolution and Part I of the FEAF to the Village Board of the Village of Cold Spring and the New York State Office of Parks, Recreation and Historic Preservation as potential interested agencies; and
5. That, as a courtesy referral under General Municipal Law §239-m, the Town Clerk shall mail a copy of this resolution, Part I of the FEAF, the advertisement for bids and the bid package to the Putnam County Planning Department.

Councilman Van Tassel presented the foregoing resolution which was seconded by Councilwoman Farrell,

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting	AYE
John VanTassel, Councilman, voting	AYE
Robert Flaherty, Councilman, voting	AYE
Michael Leonard, Councilman, voting	AYE
Richard Shea, Supervisor, voting	AYE

**4. Resolution determining Town's Exemption from the Village of Cold Spring's Local Zoning.**

**RESOLUTION #109-2019**

**WHEREAS**, the Town of Philipstown is the owner of certain real property located at 238 Main Street, Cold Spring, New York 10516 improved by the Town Hall; and

**WHEREAS**, both the Town Hall is located within the territorial boundaries of the incorporated Village of Cold Spring; and

**WHEREAS**, the Town is undertaking certain renovations to the Town Hall in order to preserve the building and make it more useful and accessible for municipal purposes, and

**WHEREAS**, in undertaking the building renovations, it is appropriate for the Town to address the issue of the applicable zoning and the necessity of obtaining land use approvals from the Village of Cold Spring; and

**WHEREAS**, in resolving conflicts between the zoning code of one municipality and the statutory authority of another municipality to perform designated public functions the appropriate analysis to be conducted is the so-called "County of Monroe Balancing Test" [See Matter of City of Rochester, 72 N.Y.2d 338 (1988)].

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

1. That the Town Board does hereby approve and adopt the annexed balancing analysis pertaining to applicability of the Village of Cold Spring Zoning Code to the Town's renovations to Town Hall; and

2. That pursuant to the said analysis it is hereby determined that the Town Hall renovation project is exempt from the provisions of the Village Code regarding zoning and land use, including Historic District Review Board approval.

Councilman Flaherty presented the foregoing resolution which was seconded by Councilwoman Farrell,

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting     AYE

John VanTassel, Councilman, voting     AYE

Robert Flaherty, Councilman, voting     AYE

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Michael Leonard, Councilman, voting AYE

Richard Shea, Supervisor, voting AYE

**Town of Philipstown:**  
**Determination Concerning the Balancing of Public Interests**  
**On The Proposed Town Hall Renovation Project.**

The Town of Philipstown owns property at 238 Main Street, Cold Spring, New York 10516 on which the Town Hall is located. The Town wishes to renovate the Town Hall building to preserve it and make it more accessible and useful for municipal purposes.

Since the Town Hall is situated within the physical boundaries of the Village of Cold Spring, it is necessary and appropriate to address the issue of whether the Town Hall renovation project is exempt from the provisions of the Village Code regarding zoning and land use, including Historic District Review Board approval.

The New York Court of Appeals has endorsed a "balancing of public interests" test to determine whether a municipal project in another municipality is exempt from the local land use regulations thereof. Under this test the nature of land use involved (particularly the extent to which it serves the public interest) is weighed against the local interests served by requiring compliance with the host municipality's local land use regulations.

In the instance of the proposed Town Hall renovations, the project is clearly being undertaken for the public interest alone. It will allow for better service of the public, including Village residents. The Village's interest in requiring compliance with its local land use regulations is not so compelling as to outweigh the public need served by the project.

The Town, in exercise of its jurisdiction as municipal subdivision of the State of New York, determines that the balancing of public interests favors the Town's renovation project, and that the same is therefore exempt from the local zoning and land use regulations of the Village of Cold Spring, including Historic District Review Board approval.

**5. Resolution appointing Ben Cheah as a member of the Recreation Commission.**

**RESOLUTION #110-2019**

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

**RESOLVED**, that the Town Board hereby appoints Ben Cheah as a member of the Recreation Commission whose term will expire September 1, 2022.

- 6. Discussion on and consideration to accept the Stipulation of Settlement in the matter of New York SMSA Limited d/b/a Verizon Wireless and Homeland Towers, LLC against the Town of Philipstown et al, authorizing Supervisor Shea to sign the agreement.**

Supervisor Shea stated that the intent of this meeting is to review the items addressed at the last meeting on this subject, noting that the changes have been incorporated in the revised Stipulation of Settlement. Supervisor Shea went on to say that Mr. Rodriguez attempted to contact Mr. Campanelli to no avail. Mr. Campanelli disagreed with Supervisor Shea stating that he never received a phone call or e-mail from Mr. Rodriguez.

Supervisor Shea reviewed the items that went into the document as follows:

- The Facility will be surrounded by a 8-foot-high cedar privacy fence.
- The Facility's security and other lighting systems will be designed, installed and maintained in such a manner (through motion detection, automatic shut-off, and projecting downward, shielding and minimum wattage) as to minimize or eliminate light pollution.
- The color of the monopine tower will be subject to the reasonable approval of the Town.
- The monopine tower will simulate a pine tree to the greatest extent that is commercially reasonable, with the length and height of the branches being consistent with the drawings attached hereto as Exhibit A.
- The vegetative screening, netting and fencing used at the Facility will be camouflaged in color for woodland environments (i.e. green, brown or black).
- The Plaintiffs will maintain during the life of the facility the cedar privacy fence, vegetative screening and other elements of the Facility to function and appear in substantially the same manner as when the certificate of compliance is issued by the Town.
- The Building Permit application shall consist of the drawings attached hereto as Exhibit A (along with any modifications or additions required herein.)
- There is still the \$20,000.00 escrow account that needs to be established to be used and distributed by the Town for the property owners for the installation of landscaping.
- Such property owners that request in writing for the installation of landscaping will execute in advance of the distribution of such funds a release of liability and waiver of claims related to the funds and the Facility (but not claims regarding any damage caused to Vineyard Road by Plaintiffs or their agents)
- The Funds must be used specifically for landscaping purposes and any unused funds that are not distributed by the later of (1) 12 months of the submission of the funds to Bleakley Platt & Schmidt, LLP.

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- The appropriate enhanced visual mitigation measures will be proposed by the Town if no one decides to take the money the Town will decide where landscaping is needed around the facility.
- They also have to post a bond to maintain the road or repair the road if it was damaged during the construction.

Supervisor Shea stated that he would encourage the homeowners association or the roads association to get them to sign on as a members.

Mr. Campanelli questioned the amendments to paragraph four. He stated that it's hard to explain on record the nature of his concerns for Vineyard Road. He believes that the word road needs to be used very loosely. He noted that the road is used for access and hardly qualifies as a road. It is not designed to accommodate any kind of a boom truck that will traverse it let alone the monthly maintenance that is required. There was some discussion with regard to the use of a boom truck for routine maintenance, at which time, Supervisor Shea stated that they will not be using that vehicle for that purpose.

Mr. Campanelli then questioned the clause that states if a property owner request funds for landscaping, in advance of the distribution of such funds, a release of liability and waiver of claims related to the funds and the Facility. He stated that this places a burden on the homeowners. Mr. Campanelli questioned the terms of the bond as he doesn't see it addressed in the stipulation. He went on at length discussing the bond and what he feels should be in the bond. He feels that the bond does little to protect the homeowners.

For the record, Mr. Campanelli stated that he disagrees with the Town Board's approval of the stipulation as written. He then addressed the risk of pursuing the litigation stating that it is his feeling that the Town will settle for a 120 foot tower. If the town loses, the tower can only be 140 feet, that's as per what Mr. Gaudioso stated on the record --that a tower of 140 feet would be sufficient for coverage. He also takes issue over the attorney fees that would be a cost to the town...it wouldn't cost the town any attorney fees under the Telecommunications Act of 1996 because it does not entitle an aggrieved party to damages or attorneys' fees. The only way they could get attorney fees is if there is any potential violation of the FOIL law. Someone in the town made a mistake with regard to FOIL. He finds it hard to believe that the settlement is being considered because of difficulty in finding replacement insurance. He respectfully submits that there is no place for that consideration in this matter. He feels that this matter should be judged on its merits of the zoning code.

Mr. Campanelli stated that he respects the work that the Town Board has done in this matter, however, it's the Town Board's job to enforce the code. He added that it was determined that this application didn't meet the requirements of the town code. He went on to say that it's not in the Town Board's purview to reverse that decision. He then turned his comments to the Town's Attorney and the lack of communication he has experienced. He also spoke of the chance of a litigation against the town could be in the future for this decision to accept the stipulation. Steve Sterling, from Lane Gate

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Road repeated the comments that Mr. Campanelli had reviewed, i.e. attorney communications, settling the lawsuit, etc. He asked the town to reject this settlement and go to court on this application. Again, Supervisor Shea touched on the risks if the town goes to court, this in response to continuing questioning of this.

Cali Gorevic stated that the balloon test was done when the leaves were on the trees and feels that another test should be conducted when the leaves have fallen. Supervisor Shea stressed that the courts set a timeline and it's not next winter. The deadline is next month. Mr. Campanelli again spoke of requesting an extension as well as the attorney's that represented the town and the lack of communication. Cali Gorevic and Supervisor Shea exchanged statements over and over again, at which time, nothing else can come out of the conversation especially with regard to Mr. Rice.

Mrs. Eldridge addressed the study that was done with regard to bats nesting and the ruling that no trees can be removed while they are nesting and that would be in October. If they can't start the work until October why can't a second balloon test be conducted after the leaves fall off?

A member of the audience stated that a landowner decided to make money by threatening 11 homeowners and a mega corporation to steam roll over our town. He also pleaded with the Town Board to get an extension for the residents to bring this matter to fruition.

Supervisor Shea recognized that there are two key issues, the attorney is not present and residents want another balloon test. Mr. Campanelli added that the bond issue is critical to his clients. The Town Board agreed to continue this discussion next week.

Councilman Van Tassel made a motion, seconded by Councilman Flaherty and unanimously carried to close the Weekly Town Board Meeting at 8:20 p.m.

Respectfully submitted by,

Tina M. Merando  
Town Clerk

Weekly Town Board Meeting  
July 24, 2019

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

**PRESENT:**

Richard Shea	Supervisor
John Van Tassel	Councilman
Michael Leonard	Councilman
Judith Farrell	Councilwoman
Adam Rodriguez	Town Attorney

**ABSENT:**

Robert Flaherty	Councilman
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Supervisor Shea opened the meeting with the Salute to the Flag.

**AGENDA**

- 1. Discussion with regard to the Town Board accepting the proposed Stipulation of Settlement in the matter of New York SMSA Limited d/b/a Verizon Wireless, and Homeland Towers, LLC., against the Town of Philipstown et al.**

It was noted that Mr. Campanelli would not be present this evening --- that this is a continuation of a discussion on the proposed cell tower on Vineyard Road. Supervisor Shea stated that barring the cell tower actually going up, everything the residents have requested has been incorporated in the Stipulation of Settlement. Supervisor Shea once again stressed that this is the best outcome for Philipstown.

Adam Rodriguez, Attorney representing the Town of Philipstown, stated that in terms of the punch list that has been requested by the residents, there is now a provision for road repair and maintenance from the private road from Route 9 to the access road that will be Homeland's/ Verizon's responsibility. The following will also be the responsibility of Homeland/Verizon: the Cedar fence that was requested has also been added to the stipulation; security lighting to minimize light pollution, and the color is to be approved by the town and will be a color that is blended to the surroundings; the tower has to simulate a pine tree to the greatest extent possible, and they are responsible for maintaining the fence and the landscape screening in the same condition as it was initially installed. In so far as the roadway is concerned, Homeland/Verizon are under obligation to maintain and repair, so they will be posting a \$40,000 bond.

Councilman Van Tassel stated that he has sat through hours and hours of Zoning Board of Appeal's and Conservation Board testimony. He also objected to the construction of another tower. He noted that Mr. Fadden does have property rights and the application did go through. He then went on to explain that under Supervisor Shea's leadership the

Town Board has stood up to the NRA and Roger Ailes, and have yet to back down. He stated that the Town Board has to make decisions on what's best for all the residents of the town. He believes that the town has come to a compromise that is the least impacting and risk to the residents.

Councilman Leonard stated that he never supported this tower. He further stated that there are incidences where some cell towers make sense, such as the one being worked on behind his residence. He understands the Federal Government coming in with studies, safety standards, etc., but when it comes to choosing where the town wants to place these towers should be the town's decision.

Councilwoman Farrell stated that she has read all the minutes of the Zoning Board and Conservation Board and listened to all the comments made to the Town Board on this subject. She went on to say that she is not happy about the tower, has read the Tele Communication Act of 1996 and has done other research. She believes that the settlement is better than what the town could have had and she doesn't believe that the town would have prevailed in court.

Cali Gorevic commented that she had thought that when the Zoning and Conservation Boards agreed to the opposition of the tower that it would not have ever reached this stage. She didn't understand why those boards didn't have the weight of decision making. She then referenced a report in the "Inside Towers" Newsletter, published on September 3, 2018, where they quoted Supervisor Shea. She continued speaking about the attorney's response to them with regard to intervening and proceeding with court hearings. She stated that she doesn't feel that the Town Board has been their friend or their representative.

Councilman Van Tassel interjected that the Vineyard Tower and the Nelsonville Tower are completely different. The town proposed the highway garage to keep the tower out of the Village of Nelsonville. It has nothing to do with Vineyard Road nor is the highway site happening. Supervisor Shea stated that the town never negotiated for seven months on behalf of Nelsonville. He also responded to Mrs. Gorivec's reference to the "Inside Towers" Newsletter, saying that they misquoted him.

A member of the audience wanted re-assurance that when the time comes and the tower needs to be removed will Homeland/Verizon be responsible for that and who will cover the cost of demolition? Supervisor Shea stated that the town controls the bonds and it's the responsibility of the tower companies to take down the towers, a responsibility that they cannot shirk. Discussion continued with regard to pursuing with the courts and why the town decided not to move forward with that.

Discussion continued at length with members of the audience putting forth questions that had been addressed already.

Mr. Rodriguez stated that the Supervisor and the Zoning Board Chair spent many hours giving their deposition and he feels they did a great job for the residents of Philipstown.

Barbara DiSilva asked for some details on this application.

**RESOLUTION #115-2019**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the Stipulation of Settlement in the matter of New York SMSA Limited d/b/a Verizon Wireless, and Homeland Towers, LLC., against the Town of Philipstown et al.

**Roll Call**

Supervisor Shea	AYE
Councilman Van Tassel	AYE
Councilman Leonard	AYE
Councilwoman Farrell	AYE
Councilman Flaherty	ABSENT

It was noted that the Attorney, Adam Rodriguez, representing the Town of Philipstown is the one to sign the Stipulation of Settlement.

**RESOLUTION #116-2019**

**WHEREAS**, New York SMSA Limited Partnership d/b/a Verizon Wireless and Homeland Towers, LLC (hereinafter collectively "Homeland Towers") applied to the Town of Philipstown for land use approvals for the construction of a cellular communications tower in the Town; and

**WHEREAS**, the said application was denied; and

**WHEREAS**, Homeland Towers commenced a lawsuit in the United States District Court for the Southern District of New York against Town claiming that the decision to deny the said land use approvals was made in error and seeking, among other items of relief, the issuance of all local approvals required for the construction of the proposed communications tower, and

**WHEREAS**, in the course of the said litigation, Homeland Towers presented a settlement proposal to the Town under which land use approvals for a cellular communications tower substantially reduced in scope and scale would be deemed approved; and

**WHEREAS**, the Town and its consultants have examined the proposed cellular communications tower and find that erection of it falls within the project analysis and SEQRA review conducted on the Homeland Tower application by the Town; and

**WHEREAS**, to avoid the uncertainty and expense of litigation, the Town and Homeland Towers have agreed to enter into a Stipulation of Settlement, a copy of which is attached hereto, under which the litigation will be terminated and the land use approvals for the substantially smaller cellular communications tower will be deemed approved by Court Order;

**NOW, THEREFORE**, it is hereby resolved as follows:

1. That the Town Board hereby approves the attached Stipulation of Settlement; and
2. That the Town Board hereby authorizes the Town's litigation counsel, Bleakley Platt & Schmidt, LLP, to execute and file the same with the Court.

Councilman Van Tassel presented the foregoing resolution which was seconded by Councilman Leonard;

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting	AYE
John VanTassel, Councilman, voting	AYE
Robert Flaherty, Councilman, voting	ABSENT
Michael Leonard, Councilman, voting	AYE
Richard Shea, Supervisor, voting	AYE

There being no further business to discuss, Councilman Van Tassel made a motion, seconded by Councilwoman Farrell and unanimously carried to close the Weekly Town Board Workshop at 8:00 p.m.

Respectfully submitted by,

Tina M. Merando  
Town Clerk

Executive Session  
July 24, 2019

The Town Board held their Weekly Meeting on the above date at the Town Hall, 238 Main Street, Cold Spring, New York 10516.

**PRESENT:**

Richard Shea	Supervisor
John Van Tassel	Councilman
Michael Leonard	Councilman
Robert Flaherty	Councilman
Adam Rodriguez	Town Attorney

**ABSENT:**

Judith Farrell                      Councilwoman

Supervisor Shea acknowledged a quorum and asked for a motion to enter into Executive Session to discuss pending litigation.

**RESOLUTION**

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

RESOLVED, that the Town Board will enter into Executive Session to discuss pending litigation.

The Town Board of the Town of Philipstown entered into Executive Session to confer with Mr. Rodriguez, attorney representing the Town of Philipstown in the matter of New York SMSA Limited /d/b/a Verizon Wireless and Homeland Towers, LLC at 9:05 p.m.

Councilman Van Tassel made a motion, seconded by Councilman Flaherty to exit Executive Session at 9:17 p.m.

Respectfully submitted by,

Tina M. Merando  
Town Clerk

Special Town Board Meeting  
July 29, 2019

The Town Board held a Special Meeting on the above date at 9:00 a.m. at the Town Hall, 238 Main Street, Cold Spring, New York 10516.

**PRESENT**

Richard Shea	Supervisor
John Van Tassel	Councilman
Robert Flaherty	Councilman

**ABSENT:**

Judith Farrell	Councilwoman
Michael Leonard	Councilman

**AGENDA**

- 1. Resolution extending the Bid Opening for the Town Hall Alterations and Renovation project from August 2, 2019 to August 9, 2019 at 2:00 pm.**

**RESOLUTION #-2019**

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

**RESOLVED**, that the due date for submission of bids on the Town Hall alterations and renovations project is hereby extended from August 2, 2019 to August 9, 2019 at 2:00 pm, by which time bids must be delivered to the Town Clerk's office.

The vote on the resolution was as follows:

**ROLL CALL VOTE**

Robert Flaherty, Councilman	voting	AYE
John Van Tassel, Councilman	voting	AYE
Richard Shea, Supervisor	voting	AYE

There being no further business to discuss, Councilman Flaherty made a motion, seconded by Councilman Van Tassel to close the Special Meeting at 9:02 am.

Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk

The Town Board held their Monthly Meeting on the above date at 7:30 p.m., at the Town Hall, 238 Main Street, Cold Spring, NY 10516

**PRESENT:** Richard Shea Supervisor  
Michael Leonard Councilman  
Robert Flaherty Councilman  
Judith Farrell Councilwoman

**ABSENT:** John Van Tassel Councilman

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

### **APPROVAL OF MINUTES**

Minutes of the Monthly Town Board Meeting of July 11, 2019.

Councilman Leonard made a motion, seconded by Councilman Flaherty that the Minutes of the Monthly Town Board Meeting of July 11, 2019 are hereby approved as presented.

Minutes of the Weekly Town Board Meeting of June 26, 2019.

Councilman Flaherty made a motion, seconded by Councilwoman Farrell that the Minutes of the Weekly Town Board Meeting of June 26, 2019 are hereby approved as presented.

Minutes of the Executive Session of June 26, 2019.

Councilman Flaherty made a motion, seconded by Councilman Leonard that the Minutes of the Executive Session of June 26, 2019 are hereby approved as presented.

**BUTTERFIELD LIBRARY** – Gillian Thorpe wanted to remind people that the library not only offers experiences in the library but also offers museum passes, park passes and that they do have hiking and camping equipment, and power washers available.

She then reported on the progress of the renovations for the Jean Marzollo Children's Room which have been slow in coming. Monteleone has accepted the contract and the work will begin in the fall. There will be two (2) glass rooms –one for teens and one for younger children. Both of which can be used for either group.

### **COMMITTEE REPORTS**

**CONSERVATION BOARD** – Councilman Leonard reported that the July report was given the last meeting. An update regarding Lake Surprise – NYS Parks & Recreation issued a violation for forestry efforts which are not permitted. They do not have a plan

for that. The wetlands inspector, Max Garfinkle, also issued a violation for Town Chapter 93 and 159.

The next meeting will be held on August 13, 2019.

**RECREATION** – Councilwoman Farrell attended the commission meeting on July 30, 2019 at which time they welcomed a new member. The meeting was preceded by a workshop with Tim Donovan to discuss potential sites for the community garden. They agreed to meet again to work on integrating the recreations departments' vision and the community garden proposal.

The summer camp is in full swing with approximately 160 children. The production of "Matilda" by the Depot Theatre for Youth has done well. Friends of Philipstown Recreation are planning the October 19, 2019 "Castle to River Run". Runners and volunteers are welcome. Volunteers are also needed for the completion of the Philipstown pavilion.

**PHILIPSTOWN COALITION THAT CARES** - Councilwoman Farrell reported that they do not meet during the summer. They will resume quarterly meetings in the fall. She reported that there has been progress on establishing a not for profit 5013C behavioral help hub for Philipstown which will eventually integrate the coalitions activity into its work.

**PLANNING BOARD** - Councilman Flaherty reported that they met on July 18, 2019. There was one item on the agenda:

- 1122 Route 9D – to construct a canopy over the gasoline pump and they are seeking a site plan to add "Accessory Use" to sell used cars.

Old business: Joan Turner's letter with her concerns with regard to the gas stations requests.

Next meeting is scheduled for August 15, 2019.

**ZONING** – Councilman Van Tassel was not in attendance. No meeting had been scheduled for July.

**HIGHWAY** – Supervisor Shea read the report for the month, which is on file in the Town Clerks office.

Councilman Leonard reported that he had several complaints with regard to Winston Lane. He would strongly recommend that people not walk that road as it is curvy and dangerous. He does have a call in to Carl Frisenda and he feels they need to take a better check on what to do.

**BUILDING & LAND ACQUISITION** – Supervisor Shea reported that they met with Munistat which is a firm that facilitates bonding. This has to do with bonding for the renovations on the Town Hall. He said that they were very helpful and would do the work necessary get this done. Supervisor Shea feels that we should be ready to move by September 1, 2019 – the court to the American Legion building on Cedar Street and the rest of the staff to the old VFW building on Kemble Ave.

Councilman Flaherty reported that the internet and phone services for the new sites have been connected and are ready.

**PC LEGISLATOR** – Legislator Montgomery reported;

- Visitors Bureau has closed up shop.
- The County is interviewing candidates for Director for the Visitors Bureau. She is concerned that there is no representative on the interview panel from our area.
- Chapter 55 “Ethics” has been signed into law but does not become effective until filed with the Secretary of State.
- WIC program has been defunded. She voted against that.

**CEMETERY COMMITTEE** – Councilman Leonard reported that the July report was given at the last meeting. There is one update and that is that he made phone calls to get estimates for ground penetration radar services. The first area they would look at is the knoll area at the Mountain Avenue cemetery so that they can confirm if there are any graves there.

The next meeting is scheduled for August 13, 2019.

**TOWN OF PHILIPSTOWN  
MONTHLY REPORT OF TOWN SUPERVISOR  
MONIES RECEIVED AS OF AUGUST 1, 2019**

**GENERAL & PART-TOWN FUNDS**

TC Fees Dogs 6/19	\$357.50
TC Fees 6/19	1,809.94
AW Scrap	443.00

**HIGHWAY**

BBVA Compass Refund	64.82
PC Gas	2,599.94
Auction Int'l Truck Parts	18,545.00
PC Gas Nozzle Damage	86.50
Gen Gas	639.58
Komatsu Rental Credit	57.00

**CONTINENTAL VILLAGE PARK DISTRICT**

**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse Rentals	525.00
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## AGENDA

### 1. Honorary Resolution for Jamie Calimano for achieving the Girl Scout Gold Award.

Supervisor Shea said that this is the highlight of the evening.

#### **PROCLAMATION #2019**

**WHEREAS**, throughout its long and distinguished history, Girl Scouts of America, the pre-eminent organization for girls, has inspired millions of girls with the highest ideals of character, conduct and patriotism; and

**WHEREAS**, Jamie Calimano was awarded the Gold Award following completing two journeys and chose a project that would benefit the community and be sustainable; and

**WHEREAS**, Jamie chose to build a run-in-shed where pastured horses can find shelter from the weather for the Topfield Equestrian Center in Cold Spring; and

**WHEREAS**, through Girl Scouting, every girl, everywhere, grows strong and gains self-esteem skills needed to take active roles in the community;

**NOW, THEREFORE, BE IT RESOLVED**, that we, the undersigned members of the Town Board and Town Officers of the Town of Philipstown, do hereby inscribe upon the minutes of the Town Records, our sincere congratulations to Jamie Calimano upon her achieving the "Gold Award" for Girl Scouting.

### 2. Resolution re-appointing Irene McGrath as a member of the Board of Assessment Review, whose term will expire September 30, 2024.

#### **RESOLUTION #118-2019**

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

**RESOLVED**, that the Town Board hereby re-appoints Irene McGrath as a member of the Board of Assessment Review whose term will expire September 30, 2024.

### 3. Resolution re-appointing Brian Kenney as the Assessor for the Town of Philipstown whose term will begin October 1, 2019 and end September 30, 2025. (ROLL CALL VOTE)

#### **RESOLUTION #119-2019**

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

**RESOLVED**, that the Town Board hereby re-appoints Brian Kenney as the Assessor for the Town of Philipstown whose term will begin October 1, 2019 and end September 30, 2025.

**ROLL CALL VOTE**

Richard Shea, Supervisor, voting	AYE
Michael Leonard, Councilman, voting	AYE
Robert Flaherty, Councilman, voting	AYE
Judith Farrell, Councilwoman, voting	AYE
John Van Tassel, Councilman	ABSENT

Resolution adopted by unanimous vote.

**4. Resolution authorizing the Justice Court to apply for a JCAP grant in the 2019-2020 grant cycle up to \$30,000.00. (ROLL CALL VOTE)**

**RESOLUTION #120-2019**

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

**RESOLVED**, that the Town Board of the Town of Philipstown hereby authorizes the Philipstown Justice Court to apply for a JCAP grant in the 2019-2020 grant cycle for up to \$30,000.00.

**ROLL CALL VOTE**

Richard Shea, Supervisor, voting	AYE
Michael Leonard, Councilman, voting	AYE
Robert Flaherty, Councilman, voting	AYE
Judith Farrell, Councilwoman, voting	AYE
John Van Tassel, Councilman	ABSENT

**5. Resolution authorizing Supervisor Shea to sign the agreement between Xerox and the Town for a new copier for the Building Department. (Nunc Pro Tunc)**

**RESOLUTION #121-2019**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the agreement between Xerox and the Town for a new copier lease for the Building Department in the amount of \$111.00 per month.

**6. Resolution adopting a Negative Declaration under SEQRA Part II and Part III for the Town Hall Alterations and Renovation project. (ROLL CALL VOTE)**

**RESOLUTION #122-2019**

**WHEREAS**, the Town Board of the Town of Philipstown has undertaken a project for alterations and renovations for the Town Hall Building located at 238 Main Street, Cold Spring, New York; and

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

**WHEREAS**, the Town Board as Lead Agency in review of the project under the State Environmental Quality Review Act ("SEQRA") has caused a Full Environmental Assessment Form ("FEAF") to be prepared; and

**WHEREAS**, the Town Board has both on its own and through its consultants, investigated and considered the potential environmental impacts of the project, in consequence of which proposed Part II and Part III portions of the FEAF have been prepared;

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

1. That the Town Board adopts the Part II and Part III portions of the FEAF prepared for the Town Hall alteration and renovation project; and
2. That after considering all of the information pertaining to the project including, without limitation, the FEAF, the Town Board hereby adopts the Negative Declaration attached hereto.

Councilman Flaherty presented the foregoing resolution which was seconded by Councilman Leonard.

The vote on the foregoing resolution was as follows:

Judith Farrell, Councilwoman, voting	AYE
Robert Flaherty, Councilman, voting	AYE
Michael Flaherty, Councilman, voting	AYE
Richard Shea, Supervisor, voting	AYE
John Van Tassel, Councilman	ABSENT

**7. Schedule Workshops/Meetings**

Nothing scheduled.

## **8. Code Enforcement Monthly**

Deputy Town Clerk Crawley read the reports submitted which are on file in the Town Clerks office.

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

Councilwoman Farrell wanted to bring an issue to the Town Board's attention and asked that Kathleen Foley be allowed to talk about it. Ms. Foley explained that she brought some photos of CBD products that are being sold at one of the stores on Main Street in Cold Spring. Her concern is that these items are packaged to look like regular candy and even more so when out of the packaging making it appealing to children. She did speak to the store owner about putting this stuff behind the counter which he seemed to agree to. Ms. Foley is asking the Town Board to take some action on a local level to address the sale of these products. She wants to see it regulated and would like the Town Board to discuss it with the Town Attorney. Supervisor Shea said that he will get together with Cold Spring Mayor Merante to discuss what can be done.

Councilman Flaherty had a phone call from a couple of people from Cablevision to address the problem at Glassbury Court. He said that he has a call scheduled with someone at Cablevision other than the sales person tomorrow and hopefully they will be able to set up a workshop. Supervisor Shea said that the service is bad throughout the Town not only at Glassbury.

Councilman Flaherty also wanted to remind everyone of the Blood Drive at the North Highland Fire House on August 2, 2019 at 2:00 pm.

Councilman Leonard also complained about the audio of Cablevision in the southern end of town.

Councilwoman Farrell had an inquiry with regard to cooling centers. She explained that Amber Stickle informed her that the County should be the ones organizing the cooling centers because our recreation center does not have air conditioning. Roberto Muller said that they received a grant from NYS for a Climate Smart study on heat waves. The grant would help to build the Town's capacity to handle extreme heat waves and to help develop a plan to establish cooling centers that actually have air conditioning. They are planning to do this by the summer of 2021.

Roberto Muller would like to schedule a workshop, possibly September 18, 2019, to discuss several topics:

- Complete street policy
- Developing a refrigerant management policy
- What to do to distribute information on a campaign to support the state in physically developing a program to help homeowners to switch over to air source heat pumps or geothermal.

He is asking that people respond to the Climate Smart survey on the website.

## **AUDIENCE**

Liz Armstrong, the Highland Current, asked the Town Board, with regard to the "Confidentiality Act" what the recourse would be. Supervisor Shea said the recourse would be to file an Article 78 to challenge the law.

Legislator Montgomery is asking the Town Board to develop a resolution that she can submit to the state with regard to the speed limit on Route 9D by the Manitou School. She stated that this issue had been addressed at the Putnam Traffic Safety Committee meeting and they agree that a school zone can be designated with a speed limit of 25 mph. Supervisor Shea asked that she provide some documentation on this.

## **VACANCIES**

(0)

## **APPROVAL OF VOUCHERS**

Councilman Flaherty made a motion, seconded by Councilwoman Farrell and unanimously carried that the General Vouchers in the amount of \$234,072.39 are hereby approved as set forth in Abstract 7A & 8.

Councilman Flaherty made a motion, seconded by Councilman Leonard and unanimously carried that the Highway Vouchers in the amount of \$31,390.14 are hereby approved as set forth in Abstract 7A & 8.

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried that the CVPD Vouchers in the amount of \$2,318.97 are hereby approved as set forth in Abstract 8.

Councilwoman Farrell made a motion, seconded by Councilman Flaherty and unanimously carried that the CVWD Vouchers in the amount of \$9,415.08 are hereby approved as set forth in Abstract 8.

There being no further business to discuss, Councilman Leonard made a motion, seconded by Councilman Flaherty to close the Monthly Meeting at 8:36 pm.

Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk

Special Town Board Meeting  
August 8, 2019

The Town Board held a Special Meeting on the above date at 9:00 a.m. at the Town Hall, 238 Main Street, Cold Spring, New York 10516.

PRESENT:

Richard Shea	Supervisor
John Van Tassel	Councilman
Robert Flaherty	Councilman
Judith Farrell	Councilwoman (arrived late)

ABSENT

Michael Leonard	Councilman
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AGENDA

- 1. Resolution rescinding Resolution of July 26, 2019 authorizing Adam Rodriguez to sign the Stipulation of Settlement in the matter of SMSA Limited d/b/a Verizon Wireless and Homeland Tower, LLC against the Town of Philipstown et al.**

**RESOLUTION**

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

**RESOLVED**, that the Town Board hereby rescinds the Resolution of July 26, 2019 authorizing Adam Rodriguez to sign the Stipulation of Settlement in the matter of SMSA Limited d/b/a Verizon Wireless and Homeland Tower, LLC against the Town of Philipstown et al.

**ROLL CALL VOTE**

Supervisor Shea	AYE
Councilman Van Tassel	AYE
Councilman Flaherty	AYE
Councilwoman Farrell	AYE
Councilman Leonard	ABSENT

The Resolution was thereupon adopted.

- 2. Resolution authorizing Adam Rodriguez to sign the revised Stipulation of Settlement in the matter of SMSA Limited d/b/a Verizon Wireless and Homeland Tower, LLC against the Town of Philipstown et al.**

**WHEREAS**, New York SMSA Limited Partnership d/b/a Verizon Wireless and Homeland Towers, LLC (hereinafter collectively "Homeland Towers") applied to the Town of Philipstown for land use approvals for the construction of a cellular communications tower in the Town; and

**WHEREAS**, the said application was denied; and

**WHEREAS**, Homeland Towers commenced a lawsuit in the United States District Court for the Southern District of New York against Town claiming that the decision to deny the said land use approvals was made in error and seeking, among other items of relief, the issuance of all local approvals required for the construction of the proposed communications tower, and

**WHEREAS**, in the course of the said litigation, Homeland Towers presented a settlement proposal to the Town under which land use approvals for a cellular communications tower substantially reduced in scope and scale would be deemed approved; and

**WHEREAS**, the Town and its consultants have examined the proposed cellular communications tower and find that erection of it falls within the project analysis and SEQRA review conducted on the Homeland Tower application by the Town; and

**WHEREAS**, to avoid the uncertainty and expense of litigation, the Town and Homeland Towers have agreed to enter into a Stipulation of Settlement, a copy of which is attached hereto, under which the litigation will be terminated and the land use approvals for the substantially smaller cellular communications tower will be deemed approved by Court Order;

**NOW, THEREFORE**, it is hereby resolved as follows:

1. That the Town Board hereby approves the attached Stipulation of Settlement; and
2. That the Town Board hereby authorizes the Town's litigation counsel, Bleakley Platt & Schmidt, LLP, to execute and file the same with the Court.

Councilman Flaherty presented the foregoing resolution which was seconded by Councilman Van Tassel,

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting	AYE
John VanTassel, Councilman, voting	AYE
Robert Flaherty, Councilman, voting	AYE

Special Town Board Meeting  
August 8, 2019

Michael Leonard, Councilman, voting ABSENT  
Richard Shea, Supervisor, voting AYE

**3. Resolution authorizing Supervisor Shea to make the 2018 Final Budgetary Transfers.**

**RESOLUTION**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to make the necessary 2018 final budgetary transfer of funds (General B Town Outside Village Fund) as follows:

B.960 Appropriations	\$24,301.00
To	
B.960 Appropriations	\$24,301.00

There being no further business to discuss, Councilman Van Tassel made a motion, seconded by Councilman Flaherty and unanimously carried to close the Special Meeting at 9:03 a.m.

Respectfully submitted by

Tina M. Merando  
Town Clerk

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**RESOLUTION**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the agreement between Xerox and the Town for a new copier for the Building Department.  
(Nunc Pro Tunc)

2

# REVISED DUE TO BRIDGE WORK

## APPLICATION FOR PARADE PERMIT

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

Walter Hoving Home, Inc. Beth Gield  
PO Box 194 424-3674  
Garrison, NY 10524

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

SAME AS ABOVE

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

Amanda Ackerman 424-3674  
P.O. Box 194  
GARRISON, NY 10524

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

September 7, 2019

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

START → 40 WALTER HOVING ROAD, SOUTH TO SNAKEHILL Rd., BRIDGE  
WEST ON SNAKEHILL RD, NORTH ON ROUTE 9D, WEST ON MAIN ST,  
WALK TO RIVER FRONT, EAST ON MAIN ST, SOUTH ON R 9D,  
PICK UP AT BACK OF OLD HOSPITAL PARKING LOT

*Changed to NORTH TO INDIAN BROOK BRIDGE*

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

125 PEOPLE

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

10 AM - 1 PM

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

WALKERS / RUNNERS WILL BE IN GROUPS OF 2-3  
AND WALK ON SHOULDER OF ROAD OR SIDEWALKS

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

START - 40 WALTER HOVING Rd, GARRISON

FINISH - BACK OF OLD HOSPITAL

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

9:30 AM at START LINE

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

EACH GROUP WILL WALK/RUN AT OWN PACE

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

N/A

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

WE WILL DISPOSE OF ALL TRASH

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

THANK YOU FOR YOUR YEARS OF SUPPORT!

Both Meeco

APPLICANT

8-11-19

DATE

**RESOLUTION**

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

**RESOLVED**, that the Town Board authorizes Supervisor Shea to sign the Parade Permit for the Walter Hoving Home for an event to be held September 7, 2019 and waive the fees associated with said permit.

**RESOLUTION**

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

**RESOLVED**, that the Town Board re-appoints John Maasik as a member of the Recreation Commission whose term will expire September 30, 2026.

4151617

Bid Opening – August 9, 2019  
Town Hall Renovation Project  
2:00 p.m.

General Work

PVS Construction	\$ 796,250.00
Siegrist & Sons	\$ 931,312.00
Giacorp Contracting	\$1,306,425.00
Construction Services	\$1,148,000.00
Transitional Builders	\$ 1,085,440.00
Vinco Builders	\$1,078,700.00

HVAC Work

S&L Plumbing	\$ 220,000.00
MH Heating & Cooling	\$ 105,000.00
ACS System Associates	\$ 447,000.00

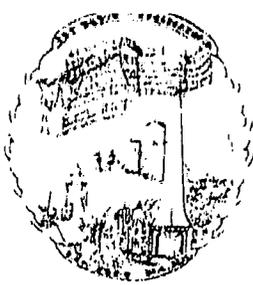
Plumbing Work

S&L Plumbing & Heating	\$ 170,000.00
Southeast Plumbing Corp.	\$ 234,396.00

Electrical Work

Black Electric, Inc.	\$ 209,000.00
RLJ Electrical Corp.	\$ 174,000.00
M.C. Superior Electrical Sys.	\$ 138,900.00

Tina M. Merando, Town Clerk



# Town of Philipstown

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

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

## MONTHLY REPORT for August

1. Fees Collected	<u>29,492.05</u>
2. Total Number of Permits Issued	<u>40</u>
3. New One- or Two-family dwellings:	<u>1</u>
4. New Commercial/Industrial buildings:	<u>-</u>
5. New Hazardous (H) occupancies:	<u>-</u>
6. New Multi family occupancies:	<u>-</u>
7. Additions, alterations or repairs residential buildings	<u>3</u>
8. Additions, alterations or repairs commercial buildings:	<u>2</u>
9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	<u>37</u>
10. Number of Certificates of Occupancy :	<u>27</u>
11. Number of Stop Work Orders issued:	<u>2</u>
12. Operating permits issued	<u>-</u>
13. Operating permits issued hazardous materials	<u>1</u>
14. Operating permits Hazardous processes and activities	<u>-</u>
15. Permits issued for the Use of pyrotechnic devices:	<u>-</u>
16. Inspection of public assembly :	<u>3</u>
17. Inspection of commercial occupancies	<u>1</u>
18. Inspection of buildings with 3 or more dwelling units:	<u>-</u>

Projects of Significance: SAVE MONEY AND ENERGY BY  
SERVICING YOUR AC FILTERS  
REGULARLY