

August 14, 2012  
August 28, 2012  
August 29, 2012  
August 30, 2012

## **Town Board Monthly Meeting**

**September 6, 2012      7:30 p.m.      Town Hall**

### **SALUTE TO THE FLAG**

### **APPROVAL OF MINUTES**

- **Monthly Town Board Meeting of August 2, 2012**
- **Bid Opening of August 20, 2012 – Frazier Road Culvert**
- **Public Hearing of August 22, 2012 – Valley Lane Road Improvement**
- **Weekly Town Board Meeting of August 22, 2012**

### **COMMITTEE REPORTS**

1) CAC      2) Recreation      3) Recycling      4) Planning Board      5) Zoning  
6) Highway      7) Building & Land Acquisition      8) GVFD

### **AGENDA**

1. Board of Assessment Review appointment.
2. Resolution authorizing the Town Clerk to advertise for bidders for Bulk Fuel Oil at the Claudio Marzollo Community Center.
3. Resolution authorizing Supervisor Shea to sign the contract between the Town and Judith Mayle for legal services for fiscal year 2013.
4. Schedule Workshop/Meetings
  - Public Hearing to amend Local Law, Chapter 175-59 G.4 "Hearing & Public Notices."
5. Discussion with regard to the Village of Cold Spring Planning Board's intention to be Lead Agency in the matter of Elmesco A.T.I., Inc.
6. Resolution authorizing Supervisor Shea to sign the consent form in the matter of Haldane Central School District serving as Lead Agency for a Capital Improvement Project for upgrades to existing athletic facility on Craigside Drive.
7. Resolution awarding the bid for the Indian Brook Road East Bank Stabilization Project to Ben Ciccone, Inc. of Poughkeepsie, New York in the amount of \$94,200.00.

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8. Resolution awarding the bid for the Frazier Road Culvert Replacement Project to Con-tech Construction Technology of Yorktown Heights, New York in the amount of \$397,376.36.

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

## **AUDIENCE**

## **VACANCIES**

CV Park District Advisory Committee (3)  
CV Water District Advisory Committee (2)

## **APPROVAL OF VOUCHERS**

General      Highway      CVPD      CVWD

## **ADJOURNMENT**

Monthly Town Board Meeting  
August 2, 2012

The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 7:30 p.m., at the Continental Village Fire House, 12 Spy Pond Road, Garrison, New York.

PRESENT:	Richard Shea	Supervisor
	Betty Budney	Councilwoman
	Nancy Montgomery	Councilwoman
	John Van Tassel	Councilman
	David Merandy	Councilman
	Edward W. Doyle	Town Attorney

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

## **REVIEW OF MINUTES**

The Minutes of the Monthly Town Board Meeting of July 12, 2012, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of the Monthly Town Board Meeting of July 12, 2012, are hereby approved as presented.

## **COMMITTEE REPORTS**

**CB** – Councilwoman Montgomery said that she had already given her report at the July meeting. She noted that there will not be a meeting in August.

**RECREATION** –Councilman Van Tassel reported that he and Councilman Merandy attended the July 31<sup>st</sup> Recreation Commission meeting. Amber Stickler presented the financial report that is available at the Town Clerks office. She reported that July was the biggest month in the history of the Recreation Dept. The fall book came out yesterday and was included in the PCNR. The Friends of Philipstown Recreation will be hosting the “Castle to River Run” on Sunday October 7, 2012. To register for the event, please go to [www.active.com](http://www.active.com) or call the Recreation Department at (845)424-4618. There was continued discussion on several projects – the fields issue, boiler replacement and security. The next meeting will be on August 28, at the Recreation Dept.

**RECYCLING** – Councilwoman Budney had nothing to report this month. She reminded everyone that the Recycling Center is open every Saturday from 9:00 am to 3:00 pm. They accept recyclables and electronics.

**PLANNING BOARD** - Councilwoman Montgomery reported that the July meeting was postponed due to the storm/power outage. It was postponed to August 16, 2012. There was one site visit to SNK Farms with the Town Engineer and Town Planner.

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**ZONING** – Councilman Van Tassel reported on the last meeting at the July Town Board Meeting. Traditionally there is no meeting in August. The next meeting will be on Monday, September 10, 2012.

**HIGHWAY** – Councilwoman Budney read the monthly report submitted by Highway Superintendent Roger Chirico. The report is on file in the Town Clerk's Office for anyone wishing to review. She also wanted to say that scrap metal and white goods are accepted at the landfill. Supervisor Shea said that in the last week the Town has received over \$300,000 in FEMA Funding making the to-date amount \$450,000. He said, "We have a long way to go since we filed for \$1.9 million". Regarding Knollwood Lane he contacted the Highway Superintendent who is going to see what can be done to eliminate the runoff problem and noted that there were prior designs for a retention pond on file but had never been installed (Supervisor Shea said that was on a former plan, but not on the approved plan). The Highway Superintendent spoke with the Wetland Inspector and a retention pond can be installed, but more tests must be done. If the Town decides to go that way then he would have to come up with a cost estimate and arrange a meeting with the Wetland Inspector to go over any procedures that he may be concerned with. Supervisor Shea said that he thinks that they will go with this. Councilwoman Montgomery was wondering if the owner of the adjacent property would provide (inaudible). Supervisor Shea also would like to reach out to John Scanga to see if there is anything that could be done jointly and that would benefit both.

**BUILDING & LAND ACQUISITION** – Nothing to report.

**GVFD** – No report. Jamie Copeland was not in attendance.

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**TOWN OF PHILIPSTOWN  
MONTHLY REPORT OF TOWN SUPERVISOR  
MONIES RECEIVED AS OF AUGUST 2, 2012**

**GENERAL & PART-TOWN FUNDS**

Justice Fees – 4/12  
Justice Fees – 4/12  
Recreation Fee – 4/12  
NYS Grant Shared Services Study  
T.C. Fees – 4/12  
T.C. Fees – 4/12  
AW Scrap Metal  
Bldg. Fees – 4/12  
Bldg. Fees – 5/12  
Hudson Baylor  
Interest

**HIGHWAY FUND**

Gen. Fund Gas  
P. C. Gas  
P. C. Gas  
Haldane School Sand/Salt  
Bank Interest

**CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest

**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse  
Interest

## AGENDA

### 1. Representatives from Central Hudson to discuss tree cutting in the Town of Philipstown.

Supervisor Shea introduced Michael Gallucci of Central Hudson who was there to give a presentation on their tree cutting policy.

Mr. Gallucci, Director of Line Clearance, explained how they operate with regard to maintaining trees around lines. In order to trim, clear and remove they prioritize by substations based on reliability data (outages, frequency and duration). They use this data to develop a plan and the work is done in four (4) year cycles. This work is done for several reasons: the safety of the employees, the public, emergency responders, and for reliable service to their customers. Their main goal is to supply reliable electric service and they know that 40% of the outages are tree related. In order to improve the service they have to maintain their corridors (right of ways/easements). They have been sensitive to homeowners in this area and over time they have allowed some give and take. With the current storm frequency and the types of storms they have had more work to maintain these corridors.

Mr. John Maserjian, Director of Media Relations, talked about the investment they have made in tree trimming, and the results they have seen so far. He noted that they have actually tripled the investment made annually in tree trimming as opposed to 10 years ago. It has been a significant step up in what they are doing and the reason for that is because they have seen very positive results. The State Public Service Commission sets reliability standards, which they are required to meet, and the program they have in place will meet these standards. If they fail to meet these standards, in the frequency and duration of the outages, they are subject to some pretty hefty fines. So the State is trying to provide the incentive for the utilities to make sure that the work that they do is effective. Central Hudson is following best practices that other utilities have established. The 10-foot clearance on the side of the lines does balance reliability with esthetics.

An audience member asked what he meant by 10 feet – 10 feet on each side? Mr. Gallucci said yes 10 feet on each side. She asked about the clearing on Route 403 and Cat Rock Road. They were not sure what was being done there, but would look into it.

Barbara Scuccimarra, former Councilwoman, said that it seems like there is an extraordinary amount of trees being taken down this year – why is it different from any other year? Mr. Peter McFarland, Arborist, responded that the trees taken down were fast-growing deciduous trees like oaks, not slower growing evergreens. He said, “for the most part they work from the spec’s and they are trying very hard to be consistent”.

Joyce Blum, a resident of South Mountain Pass, said that Central Hudson has never done clearing like what was being done on South Mountain Pass in the past. Every tree in the area was literally cut down to the ground and that is why she stepped in to stop it. She wanted to

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know why they were "clear-cutting" and said that the Town Supervisor was her witness as was Mr. McFarland. Mr. McFarland explained that they were cutting to the specs, which were tall growing species underneath the primary wires on the right of way. They had not "clear-cut".

Supervisor Shea, at this point, said that this discussion was starting to go in circles. He said that what he heard from the representatives is that they are trying to establish a more natural looking corridor and stated that yes; in the beginning it will no doubt look stark.

Another resident, Betsy Calhoun, had a question on values (with regard to the manicured lawn and unimproved area) and said that everyone's values are different. She would also strongly ask that Central Hudson consider putting the lines underground as they do future work. Mr. Gallucci responded that they do not look at it as value vs. value, but as a corridor. So if someone has a manicured lawn they try to work with the customer to directionally get the tree to grow away from the line and they will work with them to do that. In an unimproved area they do selective timber harvest. He then went on to note the enormous cost to both the utility and the customer to bury all of the cables in this area. Mr. Maserjian offered a figure of \$10,000 a year per customer and all the land would have to be cleared.

Central Hudson's representative offered different ways the residents are notified of the tree cutting plans. Mr. McFarland said that they go door-to-door and leave notification and/or door hangers. Councilman Merandy suggested that Central Hudson should work on a better notification system.

## **2. Presentation from the American Red Cross with regard to emergency preparedness.**

Ariel Ortiz, a volunteer for the American Red Cross, offered a presentation on how to be prepared for a natural disaster or other emergency. She asked, "what disaster or other emergencies happen in this area?" - the responses were; hurricanes, flooding, snow storms, earthquakes and fires (especially during dry summers). Ms Ortiz then asked who present was ready for such emergencies. She showed her "go bag" that she keeps in her car. Each person should have their own "go bag" either in their car or near the door in the house. The "go bag" should contain:

- water (3 days worth for emergency bag – 2 weeks for sheltering at home)
- non-perishable food items (same amounts as water)
- battery-powered or crank radio
- extra batteries
- first aid kit
- medications
- multi-purpose tool
- sanitation and personal hygiene items
- copies of important documents (medication list, proof of address, deed/lease to home, passports, birth certificates, insurance policies)
- cell phone with charger
- family and emergency contact info
- extra cash
- blanket

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- map of area

Ms. Ortiz explained why emergency preparation is critical, and how to go about doing it. She said that it is also important to have a plan for where the family will meet in the event of an emergency and to make sure everyone knows how to get there.

For more information you can online at "Redcross.org"

**3. Resolution re-appointing John Maasik to serve as a member of the Recreation Commission to a 7 year term which will expire September 1, 2019.**

Supervisor Shea said we are fortunate to have John Maasik as a member

**RESOLUTION #110-2012**

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

**RESOLVED**, that the Town Board hereby re-appoints John Maasik to serve as a member of the Recreation Commission for a 7 year term which will expire September 1, 2019.

**4. Code Enforcement Monthly Report.**

Town Clerk Merando read the monthly reports for July, which are on file in the Town Clerk's office for review.

**5. Schedule Workshops/Meetings.**

- Resolution setting Budget, Accepting Completed Assessment Roll for filing with Town Clerk for Valley Lane and a portion of Brookside Drive road improvement and setting the Public Hearing pursuant to Town Law 231(2) and 202(a). Roll call Vote.

**RESOLUTION #111-2012**

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

**RESOLVED**, that the Town Board hereby sets Budget, Accepting Completed Assessment Roll for filing with Town Clerk for Valley Lane and a portion of Brookside Drive Road Improvement and sets a Public Hearing pursuant to Town Law 231 (2) and 202(a) for August 22, 2012 at 7:30pm. Roll Call Vote.

Supervisor Richard Shea	Aye
Councilwoman Montgomery	Aye
Councilwoman Budney	Aye
Councilman Van Tassel	Aye
Councilman Merandy	Aye

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**6. Resolution authorizing Town Clerk Merando to advertise for bidders for the Indian Brook Road East Bank Stabilization Project. (Nunc Pro Tunc)**

**RESOLUTION #112-2012**

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for the Indian Brook Road East Bank Stabilization Project. (Nunc Pro Tunc)

**7. Resolution authorizing Town Clerk Merando to advertise for bidders for the Frazier Road Culvert Replacement Project. (Nunc Pro Tunc)**

Supervisor Shea thanked the Highway Department for the incredible job they have done with FEMA on these projects. He pointed out how much Maureen Etta has stepped up.

**RESOLUTION #113-2012**

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for the Frazier Road Culvert Replacement Project. (Nunc Pro Tunc)

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

Town Clerk Merando had one item to add to the agenda and that is for Philipstown Volunteer Ambulance Corp. LOSAP. She noted that this was due back in May, but was only received yesterday. She noted that it is important to do this and get it out. Supervisor Shea asked Councilman Van Tassel if he had a chance to review and he said that he had.

**RESOLUTION #114-2012**

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

**RESOLVED**, that the Town Board hereby approves the 2011 Sponsor Approval Form for the Service Award Program lists of all 2011 active volunteer ambulance workers of the Philipstown Volunteer Ambulance

**RESOLUTION #115-2012**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the 2011 Sponsor Approval Form for the Philipstown Volunteer Ambulance Corp. Length of Service Award Program.

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Supervisor Shea wanted to make sure everyone knew about the work at the Garrison Metro North Train Station and that sections of it will be closed. He suggested the Cortlandt train station be used as an alternate.

Councilwoman Montgomery forwarded some information to Attorney Doyle and Joel Russell about what other municipalities are doing with regard to zoning with regard to hydro-fracking. She feels we should protect ourselves with something in the zoning code or a law and has asked them to look at the information.

Supervisor Shea said that a resident had complained, at last months meeting, about shrubs and trees blocking signs on Route 9 and he wanted to report that the DOT has taken care of that issue.

Councilwoman Budney announced that the Bicentennial Book was finished and now on sale for \$80.00. It can be picked up at the County Office, 40 Gleneida Avenue, Carmel. If you have any questions you can call 845-808-1158 x 49342.

Supervisor Shea said that he and Councilwoman Montgomery attended the Jr. Firefighters graduation ceremony at the Chalet. Councilwoman Montgomery said it was a great program and that they were celebrating their 10<sup>th</sup> anniversary.

## AUDIENCE

An audience member asked what was being done about the Old Albany Post Road drainage problem. Supervisor Shea suggested that she contact Roger Chirico and also reported that paving is on schedule for the fall.

Continental Village Fire Department President Renan Lisiecki asked the Town to consider a multi-year contract - three years as opposed to the one-year contract they have now - to save time. Supervisor Shea replied that he does understand their request and the Board would definitely talk about that.

Mr. Dave Vickery had a very short presentation with regard to the Knollwood Lane drainage problem. Supervisor Shea said that this had already been discussed earlier in the meeting and that he directed the Highway Superintendent to go out to assess the site and take a look at the retention pond design to see if it is sufficient. He asked the Wetland Inspector to go out to see if there has to be a wetlands permit issued on behalf of the town for the town to do the work and for the Highway Superintendent to ascertain whether the work can be done in house or if it is something we have to contract out.

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**VACANCIES**

CV Park District Advisory Committee (3)  
CV Water District Advisory Committee (2)

**APPROVAL OF VOUCHERS**

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the General Vouchers in the amount of \$60,361.71 are hereby approved as set forth in Abstracts 7A & 8

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Highway Vouchers in the amount of \$308,719.99 are hereby approved as set forth in Abstracts 7A & 8

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CVPD Vouchers in the amount of \$617.47 are hereby approved as set forth in Abstract 7A & 8.

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the CVWD Vouchers in the amount of \$11,730.55 are hereby approved as set forth in Abstracts 7A & 8

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney to close the Town Board Monthly Meeting at 9:20 p.m.

Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk

## BID OPENING

August 20, 2012

The Town Clerk's Office held a Bid Opening on the above date at 10:30 a.m., at the Town Hall, 238 Main Street, Cold Spring, New York, for the Frazier Road Culvert Replacement..

The following bids were submitted:

<b><u>Ben Cozzi, Inc. d/b/a Northern Construction</u></b>	<b><u>Proposal</u></b>
	\$441,875.00
<b><u>Con Tech Construction Technology</u></b>	<b><u>Proposal</u></b>
	\$397,376.36
<b><u>Ben Ciccone, Inc.</u></b>	<b><u>Proposal</u></b>
	\$418,485.00

Bid Opening closed at 10:37 a.m.

Respectfully submitted,

Joan B. Clauss  
Deputy Town Clerk

Public Hearing – Proposed 2013 Budget for Valley Lane / Brookside Drive  
August 22, 2012

The Town Board of the Town of Philipstown held a Public Hearing on the above date at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring. The purpose of the Public Hearing was to hear comments for/against the Proposed 2013 Budget for the Valley Lane and a Portion of Brookside Drive Road Improvement.

**PRESENT**

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

**ABSENT**

Richard Shea	Supervisor
Edward Doyle	Town Attorney

Deputy Town Clerk Clauss read the Public Notice.

Deputy Supervisor Montgomery explained that this meeting is required each year.

PCN&R Reporter, Annie Chestnut, was interested in knowing how this assessment/budget came about. Councilwoman Budney explained that years ago, the residents petitioned the Town Board to make Valley Lane and a portion of Brookside Drive Road a Town road.

There being no further comments from the audience Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the Public Hearing be closed at 7:34p.m.

Respectfully submitted by,

Joan B. Clauss  
Deputy Town Clerk

Weekly Town Board Meeting  
August 22, 2012

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:**

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

**ABSENT:** Richard Shea Supervisor

**AGENDA**

- 1. Resolution accepting the 2013 Assessment Roll and proposed budget for Valley Lane and a Portion of Brookside Drive and directing Town Clerk Merando to file a copy with the Putnam County Real Property Services and Assessor, Brian Kenney, for inclusion in the 2013 Town and County Tax Roll.**

**RESOLUTION #2012**

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

**WHEREAS**, the Town Board held a Public Hearing August 22, 2012, to hear comments for/against the 2013 Proposed Budget for the Valley Lane and Portion of Brookside Drive Road improvement; and

**WHEREAS**, following said Public Hearing, the Town Board is prepared to accept the 2013 Assessment Roll;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby directs Town Clerk Merando to file with the Putnam County Real Property Services, and Assessor, Brian Kenney, said Assessment Roll for inclusion in the 2013 Town and County Property Tax Roll.

**Roll Call Vote**

Councilman Merandy	AYE
Councilwoman Budney	AYE
Councilman Van Tassel	AYE
Deputy Supervisor Montgomery	AYE

Weekly Town Board Meeting  
August 22, 2012

**2. Resolution authorizing Supervisor Shea to sign the Winston Lane Roadway Reconstruction Project change in contract price, net increase \$9,152.38**

**RESOLUTION #2012**

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

**WHEREAS**, the Town Board hereby authorizes Supervisor Shea to sign the Winston Lane Roadway Reconstruction Project change in contract price, net increase \$9,152.38.

**Roll Call Vote**

Councilman Merandy	AYE
Councilwoman Budney	AYE
Councilman Van Tassel	AYE
Deputy Supervisor Montgomery	AYE

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

Deputy Supervisor Montgomery stated that a resolution was needed authorizing Berger Engineering to perform engineering services for the replacement of a sanitary sewer outfall pipe from the sewage treatment plant located at the Garrison Institute. Deputy Supervisor Montgomery added that the sewer line in question had broken in several locations and was leaking water. She stated that the engineering services would include preparation of bid documents, supervision of bids and inspection of work done.

**RESOLUTION #2012**

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

**WHEREAS**, the Town Board hereby authorizes Berger Engineering to perform the initial engineering work for the Garrison Institute Sewer Outfall in the amount not to exceed \$9,200.00

**Roll Call Vote**

Councilman Van Tassel	AYE
Councilman Merandy	AYE
Councilwoman Budney	AYE
Deputy Supervisor Montgomery	AYE

**Weekly Town Board Meeting  
August 22, 2012**

There being no further business to discuss, Councilwoman Budney made a motion, seconded by Councilman Merandy to close the Town Board Weekly Meeting at 7:47p.m.

Respectfully submitted by,

**Joan B. Clauss  
Deputy Town Clerk**



Town Clerk <[townclerk@philipstown.com](mailto:townclerk@philipstown.com)>

## Fuel Oil Bid

1 message

**Amber Stickle** <[amber@philipstownrecreation.com](mailto:amber@philipstownrecreation.com)>  
To: Town Clerk <[townclerk@philipstown.com](mailto:townclerk@philipstown.com)>

Fri, Aug 24, 2012 at 3:31 PM

Good Afternoon Tina,  
Please find the attached memo regarding the fuel oil bid.

Also, I will be off next week. Please feel free to contact me on my cell if necessary - 845.380.9780.

Thanks so much!  
Amber

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Amber Stickle  
Director of Recreation and Parks  
Philipstown Recreation Department  
Local: 107 Glenclyffe Drive, Garrison, NY 10524  
Mail: PO Box 155, Cold Spring, NY 10516  
Phone: 845-424-4618  
Fax: 845-424-4686

 **Fuel Oil Bid 2012.pdf**  
58K

## **Philipstown Recreation Department**

### **Memorandum**

To: Richard Shea, Town Supervisor  
CC: Town Board  
From: Amber Stickle, Recreation Supervisor  
Date: August 24, 2012  
Re: Number #2 Fuel Oil Bid

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With the end of summer quickly approaching, we will need to get a bulk fuel oil delivery in the early fall. I am asking that the Town Board to issue a bid for the annual number 2 fuel oil delivery. Please keep in mind that company must be able to deliver to a 4" fuel pipe line.

Thank you.

**RESOLUTION**

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for bulk fuel oil delivery at the Claudio Marzollo Community Center.

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# THOMAS, DROHAN, WAXMAN, PETIGROW & MAYLE, LLP

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SCARSDALE, NEW YORK 10583  
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TELECOPIER (914) 472-1840

August 17, 2012

## FIRST-CLASS MAIL

Mr. Richard Shea  
Supervisor  
Town of Philipstown  
238 Main Street  
Cold Spring, NY 10516

*Re: Legal Fees - 2013*

Dear Mr. Shea:

We are writing to you regarding the continuation of legal services for fiscal year 2013. Due to the continuing difficulty municipalities are experiencing in financing budgets, our firm has again elected to freeze our rates at the levels in effect since 2009. Therefore, we will continue to charge the Town of Philipstown at the rate of \$200.00 per hour for attorneys and \$95.00 per hour for paralegal services for the period of January 1 through December 31, 2013.

I have enclosed a duplicate copy of this agreement with a signature line. If it is acceptable to you, I would appreciate your executing it and returning it to me. It will constitute an agreement between the Town and my office.

Sincerely,

Judith Crelin Mayle

JCM/al  
Enclosure

## ACCEPTED AND AGREED TO:

By: \_\_\_\_\_  
Richard Shea, Supervisor

Dated: \_\_\_\_\_

**RESOLUTION #**

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

**RESOLVED**, that the Town Board of the Town of Philipstown hereby authorizes Supervisor Shea to sign the agreement between the Town and Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, to provide legal services at the rate of \$200.00 per hour for attorneys, and \$95.00 per hour for paralegal services for the period of January 1 through December 31, 2013.

## PUBLIC NOTICE

**NOTICE IS HEREBY GIVEN**, that a Public Hearing will be held by the Town Board of the Town of Philipstown at the Town Hall, 238 Main Street, Cold Spring, New York, on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_ p.m. in the evening of that day upon the question of a Local Law to amend the Code of the Town of Philipstown, Chapter 175 –59 G. 4. of Chapter 175 regarding Hearing and Public Notices.

All persons interested will be heard at the time, date and place specified above.

A complete copy of the proposed Local Law is on file in the Town Clerk's Office, Town of Philipstown, Town Hall, 238 Main Street, Cold Spring, New York where it may be examined during the Town Office Hours.

DATED: \_\_\_\_\_

By Order of the Town Board of the Town of Philipstown

Tina M. Merando  
Town Clerk



[www.putnamcountyny.com](http://www.putnamcountyny.com)

**Putnam County Department of Planning,  
Development & Public Transportation**

841 Fair Street  
Carmel, NY 10512

**John J. Lynch**  
*Commissioner*

**Phone:** (845) 878-3480  
**Fax:** (845) 878-6721

**SECTION 239 CASE REFERRAL**

Case Received: **6-21-12**

Report Required: **7-21-12**

Completed: **7/11/12**

Application Name: **Local Law Amendment - Chapter  
175-59 G.4 "Hearing & Public Notices"** Referral #: **12-PC-49**

TOWN: Carmel:  Philipstown:  VILLAGE: Brewster:

Kent:  Putnam Valley:  Cold Spring:

Patterson:  Southeast:  Nelsonville:

Referred by: PB:  ZBA:  Town Board:  Historic District Review Board:

Location of Project: **Town of Philipstown**

Present Zone:  Tax Map #:

Type of action: Variance:  Zoning Ordinance:  Master Plan:

Subdivision:  Special Use Permit:  Subdivision Regulations:

Site Plan:  Rezoning:  Certificate of Appropriateness:

Zoning Amendment:

**DECISION BY COUNTY:**

Approved as Submitted:  Modification:  Disapproved:

Basis for Decision Other than Approval:

\_\_\_\_\_  
\_\_\_\_\_

Reviewed by: *John J. Lynch*  
(Signature)

John J. Lynch, Commissioner  
(Title)

**received**  
7-16-12

# Local Law Filing

---

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County    City    Town    Village  
(Select one.)

of Philipstown

Local Law No. \_\_\_\_\_ of the year 20<sup>12</sup> \_\_\_\_\_

A local law to amend Zoning Law Section 175-59 G.4. of Chapter 175 of the Code of the Town of  
(Insert Title)  
Philipstown regarding Hearing and Public Notice.

Be it enacted by the Town Board  
(Name of Legislative Body) of the

County    City    Town    Village  
(Select one.)

of Philipstown as follows:

---

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## SECTION 1. AUTHORITY

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law Section 10, the Town Law, and in accordance with the Zoning Law of the Town of Philipstown, New York, Section 175-69, entitled "Amendments."

## SECTION 2.

Chapter 175 of the Code of the Town of Philipstown is hereby amended by deleting the existing text of Section 175-59 G. 4. and inserting the following new text in it's place:

### G. Hearing and Public Notices

[ Subdivision 1-3: No Change ]

4. At least five days prior to the date of the hearing of appeals, the Zoning Board of Appeals shall publish notice of such hearing in the official newspaper, mail notice thereof to the Planning Board, and send notice by first class mail to all property owners within 200 feet of the property upon which the appeal is taken. The cost of publishing and mailing such notices shall be borne by the appellant.

[ Subdivision 5-7: No Change]

## SECTION 3: VALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudicated invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Philipstown hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

## SECTION 4: REPEAL

All ordinances, local laws and parts thereof that are inconsistent with this Local Law are hereby repealed.

## SECTION 5: EFFECTIVE DATE

This Local Law shall take effect immediately after its adoption by the Town Board and upon filing in the Office of the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2012 of the (County)(City)(Town)(Village) of Philipstown Town Board  
(Name of Legislative Body) on 20\_\_\_\_\_, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
(Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_\_, and was (approved)(not approved)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted  
(Elective Chief Executive Officer\*)  
on 20\_\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
(Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_\_, and was (approved)(not approved)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_\_.  
(Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
(Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_\_, and was (approved)(not approved)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_\_, in accordance with the applicable provisions of law.

---

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK

COUNTY OF Putnam

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature  
Town Attorney  
Title

County  
City of Philipstown  
Town  
Village

Date: \_\_\_\_\_

**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Town of Philipstown	2. PROJECT NAME Local Law to Amend Section 175-59 G.4.of Chapter 175
3. PROJECT LOCATION: Municipality Philipstown County Putnam	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) entire township	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: A local law to amend Zoning Law Section 175-59 G.4. of Chapter 175 of the Code of the Town of Philipstown regarding Hearing and Public Notice.	
7. AMOUNT OF LAND AFFECTED: Initially n/a acres      Ultimately n/a acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE  
 Applicant/sponsor name: Richard Shea      Date: \_\_\_\_\_

Signature: \_\_\_\_\_

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

**Reset**

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?	If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN <b>ANY</b> ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: NO	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: NO	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: NO	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: NO	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: NO	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: NO	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: NO	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, explain briefly:	

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.   |
| <input checked="" type="checkbox"/> | Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination. |

Town of Philipstown

Name of Lead Agency Richard Shea	Date
Print or Type Name of Responsible Officer in Lead Agency	Supervisor
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

**Reset**



**Village of Cold Spring**  
**85 Main Street, Cold Spring, NY**  
**10516**  
**Tel: (845) 265-3611 Fax: (845) 265-**  
**1002**  
**Web: [www.coldspringny.gov](http://www.coldspringny.gov)**

**SETH J. GALLAGHER, MAYOR**  
**mayor@coldspringny.gov**  
**BRUCE CAMPBELL, TRUSTEE**  
**trustee.campbell@coldspringny.gov**  
**J. RALPH FALLOON, TRUSTEE**  
**trustee.falloon@coldspringny.gov**  
**CHARLES HUSTIS III, TRUSTEE**  
**chustisvcs@hotmail.com**  
**trustee.hustis@coldspringny.gov**  
**AIRINHOS SERRADAS, TRUSTEE**  
**A.SERRADASVCS@GMAIL.COM**

**MARY SAARI, CLERK/TREASURER**  
**vcsclerk@bestweb.net**  
**ELLEN MAGEEAN, ACCOUNTANT**  
**STEPHEN J. GABA, ATTORNEY**  
**WILLIAM BUJARSKI, BUILDING INSPECTOR**  
**building@coldspringny.gov**  
**KIMBERLY DESOCIO, FIRE INSPECTOR**  
**Fire@coldspringny.gov**  
**CODE ENFORCEMENT Tel: (845) 265-3964**

August 9, 2012

Town Clerk  
 Town of Philipstown  
 238 Main Street / P.O. Box 155  
 Cold Spring, NY 10516

**Re:** Lead Agency Declaration for the proposed  
 Redevelopment of a Gasoline Service Station to Convenience Store  
 With Drive Up Window and Gas Dispensing Pumps  
 33 Chestnut Street (AKA: US Route 9D), Village of Cold Spring, Town of Philipstown,  
 Putnam County, N.Y.

**Applicant: Elmesco A.T.I. Inc.**

Dear Agency Administrator:

Pursuant to 6NYCRR Part 617, Section 617.6(b)(3)(i), the Village of Cold Spring Planning Board hereby requests to be named as Lead Agency for the coordinated SEQRA review of the above referenced SEORA unlisted project. You are being notified of this request because your agency has been identified as an involved agency. We have enclosed the short environmental assessment form and a set of drawings dated July 14, 2012 for your review.

Per the regulations, please notify Mr. Joseph Barbaro, Chairman of the Village of Cold Spring Planning Board within 30 days of the date of this letter if you have any objection to the Village of Cold Spring Planning Board acting as Lead Agency for review of this action. If we do not receive a written objection from your office, we will assume that your agency has no objection to this designation of lead agency, and our determination of significance will be made soon thereafter.

Any questions regarding the SEQRA review of this project may be addressed to the Village of Cold Spring Planning Board, Mr. Joseph Barbaro, Chairman and copied to the Applicant's consultant for this project,  
 Mr. Ron Lezott, GK&A Architects P.C. 31 Ames Ave., Rutherford, N.J. 07070 (Ph: 201-896-0333).

Very truly yours,

Mr. Joseph Barbaro  
 Planning Board Chairman  
 Village of Cold Spring

**received**  
 8/17/12 JBC

# ELMESCO CITGO, INC.

33 CHESTNUT ST., RT. 9D COLD SPRING, NY 10516  
(845) 265-9699

8/16/12

To whom it may concern,

These forms were inadvertently left out of my EAF packets. I am sorry for any inconvenience. If there are any questions please do not hesitate to call me on my cell @ 914 - 475 - 0929

Sincerely

Kenneth B. Elmes Pres

**Appendix C****State Environmental Quality Review**

# **SHORT ENVIRONMENTAL ASSESSMENT FORM**

**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR Ken Elmes	2. PROJECT NAME, Dunkin Donuts <i>ELMCO, Inc.</i>
3. PROJECT LOCATION: Municipality Village of Cold Spring                          County Putnam	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Existing Citgo Station 33 Chestnut Street Village of Cold Spring	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Conversion of a 3-bay service station into a Dunkin Donuts w/ drive thru and convenience. Minor site work will be performed to delineate parking spaces, drive thru lanes and addition of a menu board. The impervious coverage and building SF will not change.	
7. AMOUNT OF LAND AFFECTED: Initially <u>.397</u> acres                          Ultimately <u>.397</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: Site is located along street which primarily consists of commercial/retail uses (Foodtown, Deli, Printers, etc). Residential exists next door and across the street but it is not zoned as such.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: Local site plan and building permit approval will be required in addition to a certificate of appropriateness from the local <u>Historical review board</u> . <i>Historic District Board</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals: The Site received site plan approval and permits from the Village in 1997 for the replacement of the UG tanks, Pumps and New overhead canopies.	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Ronald Lezott</u> Date: <u>2/18/12</u> Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the  
Coastal Assessment Form before proceeding with this assessment

OVER

1

Reset

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?	If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <b>No problem THAT CANNOT BE mitigated</b>	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <b>No</b>	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <b>No</b>	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <b>No</b>	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <b>No</b>	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <b>No</b>	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: <b>No</b>	

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes  No If Yes, explain briefly:

**THE PLANNING BOARD AND THE APPLICANT WILL mitigate ANY environmental CONTROVERSY.**

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

VILLAGE OF CEDAR SPRINGS PLANNING BOARD

8/14/12

Name of Lead Agency

Joseph BARBARO

Print or Type Name of Responsible Officer in Lead Agency

John J. Dan

Signature of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

John J. Dan

Signature of Preparer (if different from responsible officer)

**RESOLUTION**

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

**RESOLVED**, that the Town Board has no objections to the notification of the Village of Cold Spring Planning Board intentions to become Lead Agency for the proposed re-development of a Gasoline Service Station to a Convenience Store with a Drive Up Window and Gas Dispensing Pumps Located at 33 Chestnut Street, Cold Spring, New York, applicant Elmesco A.T.I., Inc.



62  
Clark Patterson Lee

DESIGN PROFESSIONALS

August 15, 2012

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

Dear Supervisor Shea:

The Haldane Central School District (District) is proposing a public referendum for a Capital Improvements Project that will involve upgrades to its existing athletic facility on the school campus located on Craigside Drive in the Village of Cold Spring. As part of the proposed project, the existing grass playfield will be replaced with a synthetic surface playfield and perimeter running track installed. Additionally, other related site improvements will be made in coordination with the playfield upgrades including a retaining wall, new scoreboard and bleacher system, fencing improvements, and vehicular (maintenance and emergency) and pedestrian access improvements. The existing stormwater management system will also be modified. In addition, interior locker room reconstruction within the High School is included.

As a Capital Project, an environmental review of the Proposed Action must be done in accordance with regulations associated with State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law (ECL) and outlined in Part 617 of the implementing regulations. The Haldane Central School District recommends that it should be designated as the Lead Agency for the co-ordinated environmental review of the Proposed Action. Notification is being sent to all involved / interested agencies, with involved agencies being asked to consent to the District serving as Lead Agency for this Proposed Action.

The attached Environmental Assessment Form (EAF) has been prepared for the Project. This EAF further details the Proposed Action and presents information on the current environmental setting Site.

As a potentially Involved or Interested Agency, it is requested that you fill out the attached form either consenting or not consenting to the Haldane Central School District serving as Lead Agency for the Environmental Review. Please return the attached form by September 17, 2012. If your response is not received, it will be interpreted as consent to the District serving as Lead Agency for this Proposed Action. You will continue to be notified of SEQRA determinations and copies of all environmental documents will be made available to you. Should you have any questions, please call me at (800) 274-9000, or the District at 845-265-9254.

Very truly yours,  
Clark Patterson Lee

  
Norm Gardner  
Principal Associate

Enclosures

8/17/12  
Reid  
cc + Clark

205 St. Paul Street  
Suite 500  
Rochester, NY 14604  
clarkpatterson.com  
800.274.9000 TEL  
585.232.5836 FAX

Haldane Central School District  
Putnam County, New York  
Proposed 2012 Capital Project

Seth J. Gallagher, Village Mayor  
Village of Cold Spring

---

Proposed Lead Agency: **Haldane Central School District**  
Name of Action/Project: **Proposed 2012 Capital Project**

---

RESPONSE TO REQUEST THAT THE ABOVE NAMED AGENCY SERVE AS LEAD AGENCY REGARDING THE ABOVE ACTION

On behalf of \_\_\_\_\_ as an Involved / Interested Agency  
**(CIRCLE ONE)**, I acknowledge receipt of the Lead Agency notice in this matter.

The above named Involved Agency hereby (Please check one)

CONSENTS that the above named agency serve as Lead Agency in this application, and requests that the undersigned continue to be notified of SEQRA determinations, proceedings and hearings in this matter.

DOES NOT CONSENT to the above named agency serving as Lead Agency in this application and wishes that \_\_\_\_\_ serve as Lead Agency. To contest lead agency designation, the undersigned intends to follow the procedures outlined in 6NYCRR 617.6(e).

DATED: \_\_\_\_\_

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print)

**Please return U.S. Mail on or Before September 17, 2012:**

Haldane Central School District  
c/o Clark Patterson Lee  
Attn: Norm Gardner  
205 St. Paul Street  
Rochester, NY 14604

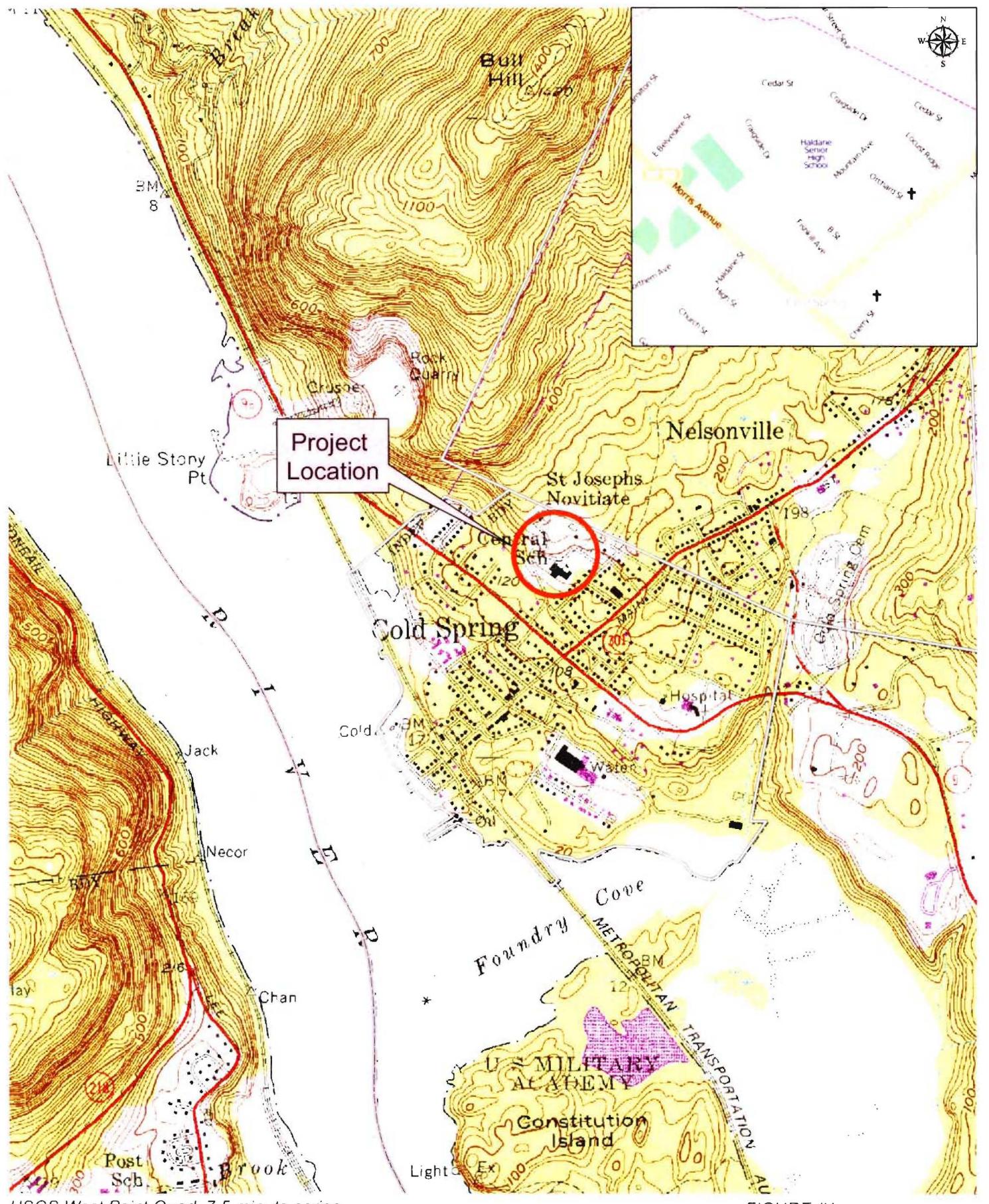


FIGURE #1

DATE:	07/26/12
DRAWN:	JWS
CHECKED:	NEG
SCALE:	1"=1,500'
PROJ. #:	12534.00

### Project Location Map

Haldane CSD Proposed 2012 Capital Project  
Village of Cold Spring, Putnam County, New York



Clark Patterson Lee  
DESIGN PROFESSIONALS

**Haldane Central School District  
2012 Capital Project  
Involved / Interested Agency List**

**Involved Agencies**

1. Haldane Central School District  
Attn: Dr. Mark Villanti, Ed.D., Superintendent  
15 Craigside Drive  
Cold Spring, NY 10516
2. NYS Education Department  
Attn: Carl Thurnau, Office of Facilities Planning  
89 Washington Street  
Albany, NY 12234

**Interested Agencies**

3. NYS Department of Environmental Conservation - Region 3  
Division of Environmental Permits  
Attn: Daniel Whitehead  
21 South Putt Corners Road  
New Paltz, NY 12561-1696
4. NYS Department of Transportation - Region 8  
Attn: William Gorton, P.E., Acting Regional Director  
Eleanor Roosevelt State Office Building  
4 Burnett Boulevard  
Poughkeepsie, NY 12603
5. NYS Division for Historic Preservation  
NYS Office of Parks, Recreation & Historic Preservation  
Attn: Ruth Pierpont, Deputy Commissioner  
Peebles Island State Park  
P.O. Box 189  
Waterford, NY 12188-0189
6. Putnam County Department of Planning/Development  
Attn: John J. Lynch, Commissioner  
Putnam County Transit Facility  
841 Fair Street  
Carmel, NY 10512
7. Village of Cold Spring  
Attn: Seth J. Gallagher, Village Mayor  
85 Main Street  
Cold Spring, NY 10516
8. Town of Philipstown  
Attn: Richard Shea, Supervisor  
238 Main Street  
P.O. Box 155  
Cold Spring, NY 10516

*Part 1 Environmental Assessment Form*

**Haldane CSD Proposed  
2012 Capital Project**

15 Craigside Drive  
Cold Spring, NY

August 14, 2012

*Prepared for:*  
Haldane Central School District  
15 Craigside Drive  
Cold Spring, NY 10516

**PART 1 - PROJECT INFORMATION**  
**Prepared by Project Sponsor**

**NOTICE:** This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

<b>NAME OF ACTION</b> Proposed 2012 Capital Project		
<b>LOCATION OF ACTION</b> 15 Craigside Drive, Cold Spring, NY 10516		
<b>NAME OF APPLICANT/SPONSOR</b> Haldane Central School District	<b>BUSINESS TELEPHONE</b> 845-265-9254	
<b>ADDRESS</b> 15 Craigside Drive		
CITY/PO Cold Spring	STATE NY	ZIP CODE 10516
<b>NAME OF OWNER (if different)</b> Same as above	<b>BUSINESS TELEPHONE</b>	
<b>ADDRESS</b>		
CITY/PO	STATE	ZIP CODE
<b>DESCRIPTION OF ACTION</b> Haldane Central School District is proposing a public referendum in November 2012 for a capital project that will involve various athletic facility improvements on their existing school campus located on Craigside Drive in the Village of Cold Spring. As part of the proposed project, the existing grass playfield will be replaced with a synthetic surface playfield and perimeter running track; the track will be integrated with the synthetic surface field. Additionally, other related site improvements will be made in coordination with the playfield upgrades including retaining walls, installation of a new scoreboard and bleacher system, fencing improvements, and vehicular (maintenance and emergency) and pedestrian access improvements from the school parking area and State Route 9D. The existing stormwater management system will also be upgraded. Other work proposed as part of the capital project includes interior locker room reconstruction within the High School building.		

#### A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban  Industrial  Commercial  Residential  Rural (non-farm)  
 Forest  Agricultural  Other: Existing school grounds
2. Total acreage of project area: 35.1 +/- acres

APPROXIMATE ACREAGE	PRESENTLY	COMPLETION
Meadow or Brushland (Non-Agricultural)	acres	acres
Forested	6.2 acres	6.1 acres
Agricultural (includes orchards, cropland, pasture, etc.)	acres	acres
Wetland (freshwater or tidal per Articles 24, 25 of ECL)	acres	acres
Water Surface Area	acres	acres
Unvegetated (rock, earth fill, gravel)	acres	acres
Roads, buildings and other paved surfaces	9.0 acres	11.1 acres

Other (Indicate type: maintained lawn)

18.9 acres

16.9 acres

3. What is predominant soil type(s) on project site: Udorthents
- a. Soil drainage:  Well drained 100%  Moderately well drained        %  
 Poorly drained        %
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 0 acres (see 1 NYCRR 370)
4. Are there bedrock outcroppings on project site?  Yes  No
- a. What is depth to bedrock? 0-10 ft
5. Approximate percentage of proposed project site with slopes:  
 0-10% 20 %  10-15% 70 %  >15% 10 %
6. Is project substantially contiguous to or contain a building site, or district, listed on the State or National Registers of Historic Places?  Yes  No<sup>1</sup>
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No<sup>2</sup>
8. What is the depth of the water table? 6+ ft
9. Is site located over a primary, principal, or sole source aquifer?  Yes  No<sup>3</sup>
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
According to NYS DEC Natural Heritage  
Identify each species: None
12. Are there any unique or unusual land forms on the project site? (i.e. cliffs, dunes, or other geological formations)  Yes  No
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  Yes  No  
If yes, explain: Area contains sports fields utilized by the District and Community.
14. Does the present site include scenic views known to be important to the community? Views of the Hudson River Valley  Yes  No
15. Streams within or contiguous to the project area: None  
a. Name of Stream and name of River to which it is tributary: N/A
16. Lakes, ponds, wetland areas within or contiguous to project area:  
a. Name: None  
b. Size (in acres): \_\_\_\_\_
17. Is the site served by existing public utilities?  
a. If Yes, does sufficient capacity exist to allow connection?  
b. If Yes, will improvements be necessary to allow connection?  Yes  No  
 Yes  No  
 Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No  
 Yes  No
20. Has the site ever been used for the disposal of solid or hazardous waste?  Yes  No

## B. PROJECT DESCRIPTION

1. Physical dimensions and scale of project (fill in dimensions as appropriate):
  - a. Total contiguous acreage owned or controlled by project sponsor 35.1+/- acres
  - b. Project acreage to be developed: 2.0 acres initially; 2.0 acres ultimately.
  - c. Project acreage to remain undeveloped: 19.2 acres.
  - d. Length of project in miles: N/A (if appropriate).
  - e. If the project is an expansion, indicate percent of expansion proposed: N/A %.
  - f. Number of off-street parking spaces existing: 130, proposed: 130
  - g. Maximum vehicular trips generated per hour: N/A
  - h. If residential, number and type of housing units: N/A

One Family	Two Family	Multiple Family	Condominium
Initially _____	_____	_____	_____
Ultimately _____	_____	_____	_____
- i. Dimensions (in feet) of largest proposed structure: 0 ft height; 0 ft width; 0 ft length
- j. Linear feet of frontage along a public thoroughfare project will occupy is: 430 +/- ft
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 3,200 cu yds.
3. Will disturbed areas be reclaimed?
 

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

  - a. If Yes, for what intended purpose is site being reclaimed? Lawn and grass
  - b. Will topsoil be stockpiled for reclamation?
  - c. Will upper subsoil be stockpiled for reclamation?
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.1 acres
5. Will any mature forest (over 100 years old) or other locally important vegetation be removed from site?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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6. If single-phase project, anticipated period of construction: 4 months (including demolition).
7. If multi-phased: \_\_\_\_\_ months
  - a. Total number of phases anticipated: \_\_\_\_\_ (number).
  - b. Anticipated date of commencement of Phase One: \_\_\_\_\_
  - c. Approximate completion date of final phase: \_\_\_\_\_
  - d. Is phase one functionally dependent on subsequent phases?
 

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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8. Will blasting occur during construction?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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9. Number of jobs generated - during construction: 12; After project is complete: 0
10. Number of jobs eliminated by this project: 0
11. Will project require relocation of any projects or facilities?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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If Yes, explain: \_\_\_\_\_
12. Is surface liquid waste disposal involved?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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  - a. If Yes, indicate type of waste (sewage, industrial, etc.) and qty: \_\_\_\_\_  
Name of water body into which effluent will be discharged: \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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14. Will surface area of an existing body of water increase or decrease by proposal?  
If Yes, explain: Stormwater pond size will increase

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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15. Is project or any portion of project located in a 100-year floodplain?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <sup>4</sup>
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16. Will project generate solid waste? \_\_\_\_\_
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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a. If Yes, what is the amount per month? _____ tons	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. If Yes, will an existing solid waste facility be used?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
c. If Yes, give name: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
d. Will any wastes not go into a sewage disposal system or a sanitary landfill?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
17. Will project involve the disposal of solid waste?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
a. If Yes, what is the anticipated rate of disposal? _____ tons/month	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. If Yes, what is the anticipated site life? _____ years	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
18. Will project use herbicides and pesticides?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
19. Will project routinely produce odors (more than one hour per day)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
20. Will project produce operating noise exceeding the local ambient noise levels?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
21. Will project result in an increase in energy use? If Yes, indicate type(s): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
22. If water supply is from wells, indicate pumping capacity: <u>N/A</u> gallons/minute		
23. Total anticipated water usage per day: <u>N/A</u>		
24. Does project involve Local, State or Federal funding? If Yes, explain: <u>State Education Department</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
25. Approvals Required:	Type	Submittal Date
Municipal Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____
Municipal Planning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____
Municipal Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	_____
<u>NYSED</u>	Approval	
<u>NYSDEC</u>	<u>General Permit GP-0-10-001</u>	
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____
Other Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____
_____	_____	_____
_____	_____	_____

#### C. ZONING AND PLANNING INFORMATION

1. Does proposed action involve a planning or zoning decision?  
Indicate decision required:  Zoning amendment  Zoning variance  
 Special use permit  Subdivision  Site plan  New/revision of master plan  
 Resource management plan  Other: \_\_\_\_\_
2. What is the zoning classification(s) of the site? Within the R-1 (Residential) district, but exempt from local zoning.
3. What is the maximum potential development of the site if developed as permitted by the present zoning? N/A
4. What is the proposed zoning of the site? No change
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  N/A  Yes  No
7. What are the predominant land uses and zoning classifications within one-quarter mile?  
Land uses: residential, community services  
Zoning: Residential
8. Is the proposed action compatible with adjoining/surrounding land uses within a quarter mile?  Yes  No
9. If the proposed action is a subdivision of land, how many lots are proposed? N/A  
What is the minimum lot size proposed? \_\_\_\_\_
10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No
11. Will proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  
a. If Yes, is existing capacity sufficient to handle projected demand?  Yes  No  
 Yes  No
12. Will proposed action result in the generation of traffic significantly above present levels?  
a. If yes, is the existing road network adequate to handle the additional traffic?  Yes  No  
 Yes  No

#### D. INFORMATION DETAILS

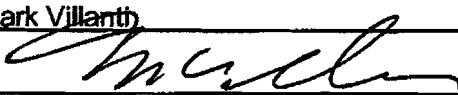
Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

#### E. VERIFICATION

I certify that the information provided here is true to the best of my knowledge.

Applicant/Sponsor Name: Haldane Central School District

Name: Dr. Mark Villanith

Signature: 

Title: Superintendent

Date: 5/14/12

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment. Attach form to this document.

## **SOURCES/ADDITIONAL INFORMATION**

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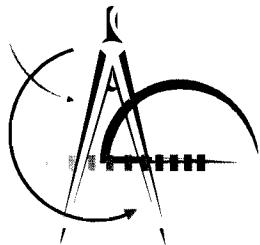
- <sup>1</sup> According to online mapping and historic resource databases found on the NYS Historic Preservation website, the Cold Spring Historic District (90NR02385) is located less than a quarter mile from the school district campus.
- <sup>2</sup> Data reviewed on the National Park Service National Natural Landmarks Program online mapping database (<http://www.nature.nps.gov/nnl/state.cfm?State=NY>)
- <sup>3</sup> Information verified using primary, principal, and sole source GIS data from the NYS GIS Clearinghouse, Cornell University and USGS.
- <sup>4</sup> According to the latest FEMA floodplain mapping for the Village of Cold Spring, effective March 15, 1984, community panel 360670 0001 B shows the site as Zone C, an area of minimal flooding.

**RESOLUTION**

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

**RESOLVED**, that the Town Board has no objections to Haldane Central School District intentions to become Lead Agency for the proposed 2012 Capital Project proposing a public referendum for that will involve upgrades to its existing athletic facility on the school campus located on Craigside Drive, Cold Spring;

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the consent form for this matter.



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**RONALD J. GAINER, P.E., PLLC**

31 Baldwin Road, Patterson, NY 12563

Mailing Address: PO Box 417, Pawling, NY 12564

office 845-878-6507

cell 845-527-1432

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August 28, 2012

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

Re: Indian Brook Road East Bank Stabilization Project

Dear Honorable Supervisor and Town Board Members:

On August 20 the Town received four (4) bids on the above noted project, as follows:

<b>Ben Cozzi, Inc. Yorktown Heights, NY</b>	<b>Ben Ciccone, Inc. Poughkeepsie, NY</b>	<b>Lisikatos Construction Fishkill, NY</b>	<b>Con-tech Construction Technology Yorktown Heights, NY</b>
Total Bid Price	\$159,700.00	\$94,200.00	\$139,600.00

As noted above, the apparent low bidder was Ben Ciccone, Inc of Poughkeepsie, NY. Further, the low bid is well below the estimated project amount of the FEMA Project Worksheet (PW) developed for the work, which will form the basis for the Federal reimbursements to be obtained.

Ben Ciccone, Inc. has submitted a bid bond in the amount of 5% of the bid tendered, as required by the Bid Documents, to serve as a bid security. We have reviewed representative references given by the Low Bidder, which includes a similar project recently completed for the Town of Philipstown. We therefore we consider the low bidder to be qualified to provide the services which the Town of Philipstown is seeking to accomplish.

Therefore, provided that the Town Attorney finds the bid form, bid bond, and non-collusive bidding certificate to be satisfactory, we believe that Ben Ciccone's bid proposal in the total amount of \$94,200.00, may be accepted.

Town of Philipstown  
August 28, 2012  
Page 2

**RE: Indian Brook Road East Bank Stabilization Project**

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

Lastly, the Bid Bonds for all three bidders should be retained until a contract is executed with Ben Ciccone, Inc. Upon their submittal of acceptable bonds and insurances, and execution of an Agreement, you may then release these Bid Bonds.

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

Sincerely,



Ronald J. Gainer, P.E.

cc: Roger Chirico, Highway Superintendent



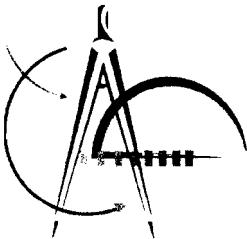
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*Ronald J. Gainer, P.E., PLLC*

**RESOLUTION**

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

**RESOLVED**, that the Town Board hereby awards the bid for the Indian Brook Road East Bank Stabilization Project to Ben Ciccone, Inc., 151 Daley Road, Poughkeepsie in the amount not to exceed \$94,200.00.



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

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August 29, 2012

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

Re: Frazier Road Culvert Replacement Project

Dear Honorable Supervisor and Town Board Members:

On August 20 the Town received three (3) bids on the above noted project, as follows:

Ben Cozzi, Inc. Yorktown Heights, NY	Ben Ciccone, Inc. Poughkeepsie, NY	Con-tech Construction Technology Yorktown Heights, NY
Total Bid Price	\$441,875.00	\$418,485.00

As noted above, the apparent low bidder was Con-tech Construction Technology of Yorktown Heights, NY. The spread between the low and high Bids, being only 11%, indicates that all bids were competitive. However, the low bid is significantly higher than the estimated project amount on the FEMA Project Worksheet (PW) developed for the work.

Therefore, we have been in communications with Mr. Ken Carlson of the NYS Department of Homeland Security (NYSDHS), which oversees the administration of these "*Hurricane Irene*" reimbursement projects at the State level, to make him aware of this discrepancy. Mr. Carlson has advised that provided the scope of the project as bid was similar to that estimated on the approved PW, which it is, since the project value is what FEMA terms a "*Large Project*" the Town will be reimbursed on the basis of all costs actually expended. So this discrepancy between the low bid and the PW value should not present a problem. He is prepared to meet with Town officials to further discuss this in detail, should you seek to have the benefit of his guidance on the matter before proceeding.

Town of Philipstown

August 29, 2012

Page 2

**RE: Frazier Road Culvert Replacement Project**

Con-tech Construction Technology has submitted a bid bond in the amount of 5% of the bid tendered, as required by the Bid Documents, to serve as a bid security. Both the Town Highway Superintendent's office and I have reviewed representative references given by the Low Bidder. We therefore we consider the low bidder to be qualified to provide the services which the Town of Philipstown is seeking to accomplish.

Therefore, provided that the Town Attorney finds the bid form, bid bond, and non-collusive bidding certificate to be satisfactory, and necessary assurances are provided by NYSDHS we believe that Con-tech's bid proposal in the total amount of \$397,376.36, may be accepted.

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

Lastly, the Bid Bonds for the three bidders should be retained until a contract is executed with Con-tech Construction Technology. Upon their submittal of acceptable bonds and insurances, and execution of an Agreement, you may then release these Bid Bonds.

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

Sincerely,



Ronald J. Gainer, P.E.

cc: Roger Chirico, Highway Superintendent



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**Ronald J. Gainer, P.E., PLLC**

**RESOLUTION**

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

**RESOLVED**, that the Town Board hereby awards the bid for the Frazier Road Culvert Replacement Project to Con-tech Construction Technology, Inc of 28 Lakeview Drive, Yorktown Heights, in the amount not to exceed \$397,376.36.