

Monthly Town Board Meeting  
October 2, 2014

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

PRESENT:	Richard Shea	Supervisor
	Nancy Montgomery	Councilwoman
	John Van Tassel	Councilman
	Michael Leonard	Councilman

ABSENT:	Dave Merandy	Councilman
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Boy Scout Troop #437 opened the meeting with the Salute to the Flag.

### **REVIEW OF MINUTES**

The Public Hearing of August 27, 2014 – Continental Village Fire Department Lease/Purchase were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Leonard and unanimously carried, that the Minutes of the Public Hearing of August 27, 2014, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of August 27, 2014, were reviewed.

Councilman Leonard made a motion, seconded by Councilwoman Montgomery and unanimously carried, that the Minutes of the Weekly Town Board Meeting of August 27, 2014, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of September 4, 2014, were reviewed. (Councilwoman Montgomery abstained)

Councilman Van Tassel made a motion, seconded by Councilman Leonard and unanimously carried, that the Minutes of the Monthly Town Board Meeting of September 4, 2014, are hereby approved as presented.

The Minutes of a Special Town Board Meeting of September 17, 2014, were reviewed. (Councilwoman Montgomery abstained)

Councilman Leonard made a motion, seconded by Councilman Van Tassel, and unanimously carried, that the Minutes of a Special Town Board Meeting of September 17, 2014, are hereby approved as presented.

### **COMMITTEE REPORTS**

**CB** – Councilman Leonard reported that before the September 9, 2014 meeting the Board had a site visit earlier that day and there were two applications on the agenda:

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Arditi - 200 Avery Road for a leak in the spillway of a pond on the property, and Burstein - Lane Gate Road with regard to an addition. The next meeting will be held on October 14, 2014.

**RECREATION** – Councilman Van Tassel reported that the Commission met on September 23, 2014. The winter book will be out on October 22, 2014 and registration will open on October 27, 2014 for residents and November 3, 2014 for non-residents. The department is always in search of new program ideas, so if you have activities, please send your proposal to Amber@philipstownrecreation.com. There was a Senior Luncheon on October 1, 2014 with about 80 people attending. The next Senior Luncheon will be held on November 19, 2014. The pavilion at Philipstown Park has officially broken ground and the septic system has been installed and the foundation has been poured. The “Castle to River Run,” which was scheduled for October 6, has been cancelled due to administrative reasons. Look for an announcement on the Spring Race by the end of the year. The Winter Carnival will be held on February 7, 2015. The committee has been planning the event and plans to hold a meeting with the Chamber of Commerce to see how to extend the event to Main Street. Volunteers are needed. The ice rink needs to be set up in October and there is a real need for volunteers. Interested persons should contact Amber. The sidewalk at the back of the building was torn up and a ramp was installed. There was a discussion as to what the next steps would be for the fields at Philipstown Park. It was the general consensus that something needs to be done to improve the quality. The Commission is going to form a committee to come up with a potential plan. The next meeting will be held on October 28, 2014, at 7:30 pm.

**RECYCLING** – Councilwoman Montgomery reported that there was nothing new on recycling.

**PLANNING BOARD** - Councilman Leonard reported that they met on September 18, 2014. There were four applications: 279 Route 9, Wood – 316 Old West Road, Scanga Realty – Blue Devil Lane, Burstein – 52 Lane Gate Road. The next meeting will be held on October 16, 2014.

**ZONING** – Councilman Van Tassel reported that the ZBA met on September 8, 2014. There was one item on the agenda: Estvanik - 125 Old Albany Post Road. The next meeting will be held on October 20, 2014.

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

**BUILDING & LAND ACQUISITION** – Supervisor Shea said they would be talking about the sale of the VFW building later in the meeting.

**PUTNAM COUNTY LEGISLATOR** – Legislator Scuccimarra reported that last night was the County Budget Address for the proposed Budget for 2015. The budget

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comes up to \$145.4 million dollars, which is a net increase of \$2.5 million over 2014 (an increase of 1.75%). Legislator Scuccimarra stated that, unfortunately there is \$103.3 millions dollars of state and federal unfunded mandates (71% of the County's budget) and the County needs to get Senator Gibson and Congressman Maloney to really fight for mandate reform. The County will spend the next couple of weeks going over the budget to see what can be cut.

Legislator Scuccimarra said that the County is continuing the war on drug addiction. She noted that heroin arrests have increased 300% since 2012. The Sheriffs Department has classified Philipstown as zone 2 and has assigned two more sheriffs to patrol and an investigator for this side of the County.

The Butterfield Physical Services meeting, which was held in Cold Spring, was very successful. She felt it was very important for the Legislators to come over to see what the drive is like and to understand why we need the services here. She thanked Supervisor Shea who concurred that the meeting was a success.

Medication Take Back Day was successful this year. Participation was double last year.

Legislator Scuccimarra had a conversation with Councilwoman Montgomery about the complaints from residents on the Garrison Post Office. She stopped by and spoke with the postmaster to discuss what they are planning to do with regard to the lighting, the air conditioner, three trucks a day, the parking lot and grading of the road next door. She asked Councilwoman Montgomery to follow up with Neal Fitzpatrick in Newburgh. Supervisor Shea said it would be good to get a schedule.

On a nice note, Legislator Scuccimarra mentioned the Putnam County Service Network Awards, a program from Cornell Cooperative Extension, which gives out awards every year to people who give back to the community in some way. Something that really hit home was the Youth Award. There were two young people nominated; Beatrice Copeland and Steven Casement, who was the winner. Legislator Scuccimarra congratulated him on his award.

**TOWN OF PHILIPSTOWN  
MONTHLY REPORT OF TOWN SUPERVISOR  
MONIES RECEIVED AS OF OCTOBER 2, 2014**

**GENERAL & PART-TOWN FUNDS**

Justice Fees – 8/14	6,451.00
Justice Fees – 8/14	7,238.50
T.C. Fees – 8/14	421.95
T.C. Fees Dogs – 8/14	307.00
Rec. Fees – 8/14	80,043.44
Rec. Community Recycle	71.55
Bldg. Fees – 9/14	11,693.00
NYS Per Capita Aid	33,820.00
Rec. Community Recycle	88.35
AW Scrap Metal	632.00
AW Scrap Metal	529.00
Safeguard Cks Refund	235.16
Bank Interest	67.83

**HIGHWAY FUND**

P.C. Gas	678.27
P.C. Gas	2,039.51
St. Ins. Fund T. Bouchard	340.00
Gen Fund Gas	652.98
P.C. Gas	519.09
Bank Interest	120.67

**CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest	1.15
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**CONTINENTAL VILLAGE PARK DISTRICT**

Bank Interest	11.28
Clubhouse Fees	875.00

**AGENDA**

**1. Resolution authorizing Town Clerk Merando to advertise for bidders for #2 Fuel Oil-Bulk Delivery at the Claudio Marzollo Community Center.**

Town Clerk Merando stated that she spoke with Amber Stickle, Director of Recreation & Parks, and she expressed that she would like this advertising to take place now for all of 2015 since she is not sure how much oil they will use, but would like to be able to call whenever it might be necessary.

**RESOLUTION #138-2014**

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for #2 Fuel Oil-Bulk Delivery for 2015 at the Claudio Marzollo Community Center.

**2. Resolution appointing a liaison to the RUPCO – Green Jobs Green New York Partnership Pact.**

Supervisor Shea nominated Councilwoman Montgomery who accepted.

**RESOLUTION #139-2014**

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

**RESOLVED**, that the Town Board hereby appoints Councilwoman Montgomery to serve as the liaison to RUPCO – Green Jobs Green New York Partnership Pact.

**3. Resolution authorizing Supervisor Shea to sign the amendment to the Agreement for Special Prosecutor Services for the Town of Philipstown Courts.**

Town Clerk Merando said that Prosecutor Falcon has been doing this and the only change to the agreement is the law office address.

**RESOLUTION #140-2014**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the Amendment to the Agreement for Special Prosecutorial Services for the Town of Philipstown Courts.

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**4. Resolution directing Roger Chirico, Highway Superintendent, to remove the “NO THROUGH TRAFFIC-LOCAL TRAFFIC ONLY” signs from Old Albany Post Road. (see Resolution #88-1998)**

Supervisor Shea believes this warrants a broader discussion. He would like to include the Highway Superintendent at a workshop on a Wednesday.

**RESOLUTION #141-2014**

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

**RESOLVED**, that the Town Board hereby tables item #4 for further discussion with Highway Superintendent Chirico.

**5. Discussion regarding the paving of a portion of East Mountain Road.**

Supervisor Shea said that this was discussed at the Town Board meeting last month. He went on to say that there are two sections of road that are paved to a certain point - East Mountain Road North and East Mountain Road South, and in between there is a stretch of dirt road just over a ½ mile. It is a perennial challenge, as are a lot of roads, and this one in particular to maintain - one specific reason being the orientation of the road. Residents along this stretch of road have voiced their concerns with regard to health and safety issues. Supervisor Shea said that this is something that needs to be addressed. He has had discussions with the engineer and Highway Superintendent about this specific stretch with regard to the costs to maintain the road and in his opinion, he feels pretty confident that it should be paved.

Councilman Van Tassel agreed that due to the health and safety factors he supports paving this road.

Councilwoman Montgomery said that she grew up on a dirt road and loves them, but her decision to pave is based on the fact that 12 out of 14 residents have asked to have this section of the road paved.

Councilman Leonard said that the health concerns are paramount, and agreed with the fact that our society is based on the majority rules.

Supervisor Shea said he knows that there is a lot of suspicion out there, but it is unfounded because over the last 13 years the Town has only paved about a ½ mile of road. There are no statistical records that would indicate that this Board has done anything but preserve dirt roads. He said, “This is our intention...we do intend to follow the Comp Plan.”

Legislator Scuccimarra agreed that this is a tough issue and the health and safety of the residents are paramount before anything else and therefore it has to be done. She went on to say that it does not mean that we want to pave everything.

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Terry Zaleski of the Old Road Society appreciated that at last months meeting the Town Board allowed the residents the opportunity to have their voices heard. One thing he knows is that the Town Board has certainly given consideration to what they had to say and there has been a good bit of interaction between the Board, the Highway Department and the Engineer.

Mr. Juby said that he understands that the road has to be paved for good reason. His only concern is the statement made about the school bus and fire trucks.

Mr. Matthew McGinley, E. Mountain Road North, said that he has lived on the road for the past 11 years and has personally had vehicle problems. Therefore, appreciates the help to pave that portion of the road.

Mrs. Lusk thanked the Town Board for their help in resolving this issue. Mr. Lusk also thanked the Town Board for the decision to pave the road.

**RESOLUTION #142-2014**

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

**WHEREAS**, on August 12, 2014 residents of East Mountain Road South petitioned the town to approve paving of a that section of the road beginning at 616 East Mountain Road South; and

**WHEREAS**, on September 4, 2014, the Town Board heard comments for/against the proposed paving at a public meeting;

**NOW, THEREFORE, BE IT RESOLVED**, that following public comments on this matter, and in the best interest of the residents who reside on that portion of East Mountain Road South, the Town Board hereby directs Roger Chirico, Highway Superintendent to pave approximately 2,000 feet of the roadway beginning at 616 East Mountain Road South.

**6. Resolution accepting the proposal from Stantec for the initial site survey and preparation of Base Map for Manitou Station Road.**

Town Clerk Merando said that the total cost for the survey would be \$9,300. Supervisor Shea said that this is part of a larger effort to address the issues down on Manitou Station Road. The Town Board has approved the expenditure for a project of \$58,300, which is in the Town's budget. The survey needs to be done so they can move toward addressing the issues there.

**RESOLUTION #143-2014**

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

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**RESOLVED**, that the Town Board hereby accepts the proposal from Stantec Consulting Services, Inc., for the initial site survey and preparation of Base Map for Manitou Station Road.

**7. Resolution authorizing the Justice Court to apply for a 2014-2015 Justice Court Assistance Program Grant.**

Supervisor Shea said that Rosemary Bernasconi, Court Clerk, along with Annette Flaherty, have been working on this. This grant is for improvements to the Courtroom, seating, and improvements to the office. He applauds their efforts on taking the initiative on this.

**RESOLUTION #144-2014**

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

**RESOLVED**, that the Town Board hereby authorizes the Justice Court to apply for a 2014-2015 Justice Court Assistance Program Grant.

**8. Resolution authorizing Supervisor Shea to sign the Filming Permit for HSI Production. (Nunc Pro Tunc)**

**RESOLUTION #145-2014**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the Filming Permit for HSI Production. (Nunc Pro Tunc)

**9. Resolution needed to proceed with the financing of One (1) New 2014 Tanker/Pumper Truck for Garrison Volunteer Fire Department.**

- **SEQRA**
- **Authorization Resolution**

Supervisor Shea said that the Town Board realizes that the Garrison Volunteer Department needs a new tanker...the old one is 21 years old and is not road worthy or up to modern standards. One issue that came up is that the Fire Company entered into a contract before discussions were had with the Town. The Board would strongly advise that in the future the Fire Company adhere to the contract.

Councilman Van Tassel supports the purchase of a new tanker truck.

Councilwoman Montgomery believes it is unfortunate that the Fire Company did not follow procedure.



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Councilman Leonard thinks that following procedures is very important and part of the process is that the Town Board should have been involved in discussions.

Mr. Rodney Tudor, member of the Fire Company, addressed the Town Board with regard to the tanker and said that in no way were they trying to deceive the Town. He thought that the notification given in February was enough for their moving forward.

**RESOLUTION #146-2014**

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

**WHEREAS**, the Garrison Volunteer Fire Company, Inc. has proposed to enter into a lease-purchase agreement in order to finance One (1) 3,000 Gallon Tanker with pump on a Freightliner Chassis, to be located at the Garrison Volunteer Company, Inc.

**NOW, THEREFORE, BE IT RESOLVED**, that this action is a Type II Action, as defined under NYCRR Pat 617.13d, which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 627 of the Environmental Conservation Law.

**RESOLUTION #147-2014**

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

**WHEREAS**, the Garrison Volunteer Fire Company, Inc. conducted a Public Hearing on May 21, 2014 at 7:30 p.m., at the Town Hall, Town of Philipstown, 238 Main Street, Cold Spring, New York, in connection with entering into an Agreement in order to finance equipment consisting of one (1) 3,000 Gallon Tanker with pump on a Freightliner Chassis, which hearing was held pursuant to Internal Revenue Code Section 147(f); and

**WHEREAS**, said Section 147 (f) requires approval of such financing by the Town, which approval does not in any way constitute any financial involvement or obligation of the Town;

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor is hereby authorized to sign the Section 147(f) Approval and Written Agreement, presented by the Garrison Volunteer Fire Company, Inc., in connection with the foregoing financing.

**10. Code Enforcement Monthly Report**

Town Clerk Merando read the report submitted by the Code Enforcement Officer, Kevin Donohue, copy of which is on file in the Town Clerk's Office.

**11. Schedule Workshops/Meetings.**



**RESOLUTION #149-2014**

**WHEREAS**, the Town of Philipstown owns certain real property located at 34 Kemble Avenue, Cold Spring, New York, identified on the Tax Map as Section 48.12, Block 2, Lot 58 and informally known as the "VFW Hall," and

**WHEREAS**, it appears that the said property has become surplus and may be sold at public sale; and

**WHEREAS**, arrangements are being made to free the said property from any existing lease interests in it, so that it may be sold free-and-clear of the same; and

**WHEREAS**, the Town Board has before it a proposed "Notice of Sale" and "Bid Form and Term Sheet" for the said proposed sale;

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

1. That the Town Board hereby declares the VFW to be surplus and available for sale to the public;
2. That the Town Board hereby approves the attached Notice of Sale and Bid Form and Term Sheet; and
3. That the Town Board hereby directs the Town Clerk to publish and post the Notice of Sale and to make the Bid Form and Term Sheet available to the public at her office and to open the sealed bids in accordance with the provisions of the Notice of Sale.

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

The vote on the foregoing was as follows:

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

The resolution was thereupon declared duly adopted.

Supervisor Shea noted that a portion of the proceeds of the sale would go to the Veterans for them to use as they wish.

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Supervisor Shea attended a meeting on the Highland Fjord Trail master plan. The Highland Land Trust was gracious enough to hold the meeting with the DEC, NYS Parks, the DOT and consultant. Mr. Andy Chmar confirmed that there will be another public presentation on October 23, 2014, from 7:00 to 9:00 pm, for the proposed master plan. The final presentation for the Fjord Trail, which will run from the Cold Spring train station to the Beacon station, will be given by the consultants, RBA. The public is strongly encouraged to attend. Supervisor Shea stated that the CFA application for improvements at the Breakneck Ridge station and the trailhead is pending, and he is anticipating news on funding for signage/way finding and a multi modal grant for the sidewalk. All the agencies involved are receptive and are optimistic on the idea.

Councilman Van Tassel announced that a new 10kw generator has been installed at the landfill/recycling center. The generator will enable Emergency Services and the Highway Department to utilize the repeater and transmission tower during a power failure. He thanked Roger Chirico and the Highway Department for the all the work they have done there at the site.

Councilman Leonard reported that he is working with Councilwoman Montgomery, the liaison for Stormwater Management, and has contacted Continental Village Superintendent, Michael Phelan, to set up a meeting to be held on November 20, 2014 at 8:00 pm. He also worked with David Klotzle, the Wetlands Inspector. He said the Conservation Board would actually set up the agenda for the meeting at their October meeting for Stormwater. Councilman Leonard wanted to stress that this meeting is open to the entire town. He also mentioned that he dealt with a "stop work order" issue on Howland Drive. To follow-up on the cemetery issue, he spoke with Haldane with regard to the fence, which they had agreed to fix in June, but had some problems on their end and it had to be delayed. They will now have it done this month. The Town needs to keep and maintain these barriers out of respect for the cemeteries.

Councilwoman Montgomery has been attending the MTA monthly board meetings in Manhattan to follow-up on their progress on safety measures they are attempting to implement. It has been a difficult thing for her to do, but she feels it is necessary on behalf of the community and her family. She can tell us that the new Metro North President is working hard to ensure the safety of the trains, but feels that the MTA Board is sometimes standing in his way. She will continue her work to make every effort to communicate with the MTA what she sees as necessary to implement the safety measures.

Councilwoman Montgomery wanted to mention the loss of a very special person in the community, Mary Jo Knapp. She asks that Mary Jo's family and Betty Budney's family be kept in the public's thoughts. Supervisor Shea stated that he was remiss in not mentioning this earlier.

### **AUDIENCE**

David Lang from Howland Road attended the meeting tonight with some of his neighbors to bring up an issue that was mentioned earlier by Councilman Leonard, with regard to a

'stop work order'. He thanked the Town Board for working so quickly. He and his neighbors are here seeking advice from the Town Board to understand what the next step to a 'stop work order' would be. He asked whether there are penalties or can a bond be requested before any more work is done? Supervisor Shea replied that the Wetlands Inspector has been out there and is keeping a close watch on the situation. Until the Wetland Inspector makes a final assessment as to whether there are wetlands on the property, no further work will be done there. Mr. Lang wanted to know how to keep up with the progress of the status of this property. Councilwoman Montgomery offered to take his contact information and be the contact person. As soon as there is any new information she would be in contact with them. Councilman Leonard said this issue will also be on the agenda of the Conservation Board and they will look at this very seriously.

Andy Chmar asked if there would be a Townwide Cleanup this year or if it could be budgeted for spring of next year. Supervisor Shea said he has his doubts for this year, but budgeting for next year could be a possibility for the spring. Mr. Chmar asked about the wind turbine moratorium, which is about to expire, and whether draft legislation had been reached. Supervisor Shea said that they are close.

### **VACANCIES**

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

### **APPROVAL OF VOUCHERS**

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the General Vouchers in the amount of \$87,411.03 are hereby approved as set forth in Abstract 9A & 10

Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously carried that the Highway Vouchers in the amount of \$47,935.50 are hereby approved as set forth in Abstract 9A & 10.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CVPD Vouchers in the amount of \$2,015.41 are hereby approved as set forth in Abstract 9A & 10.

Councilman Leonard made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CVWD Vouchers in the amount of \$5,313.71 are hereby approved as set forth in Abstract 10.

There being no further business to discuss, Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery to close the Town Board Monthly Meeting at 9:10 pm.

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Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk