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

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

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

Special Meeting – Philipstown Depot Theatre Development Corporation – Proposed Merger with Philipstown Depot Theatre Inc.

The meeting was called to order at 7:34 pm.

Mr. Robert Bickford said that the Philipstown Depot Theatre Development Corporation, "PDT" was established 10 years ago as a local development corporation, which replaced a regular not-for profit corporation that had been formed in 1998. Changes in State law have imposed significant financial and reporting burdens. Accordingly the Board of PDT has established a new PDT as a regular not-for-profit corporation and has adopted a Plan of Merger. After the merger, the new PDT will carry exactly the same members, directors and officers, by-laws and mode of operations, and with all of PDT's assets and liabilities.

Supervisor Shea asked if the PDT Board was unanimous in wanting to make this change and if we were in good legal standing with the State. Mr. Bickford said that yes the Board was agreeable to this change and that the State would approve this kind of merger.

RESOLUTION

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

RESOLVED, that the Plan of Merger presented to this meeting, providing for the merger of this corporation with Philipstown Depot Theatre Inc., pursuant to which Philipstown Depot Theatre Inc. will be the surviving corporation, is approved.

There being no further business to discuss, Claudio Marzollo made a motion, seconded by Councilwoman Montgomery to close the Meeting at 7:40 pm.

COMMITTEE REPORTS

CB – Councilwoman Montgomery reported that the meeting is not until next week – Tuesday, October 8, 2013. at which time the Board will be holding training with the Town Planner, Susan Jainchill and Wetlands Inspector David Klotzle.

RECREATION – Councilman Van Tassel reported that he attended the September 4, 2013 meeting, Recreation Commissioner Stickle submitted financial reports as well as the minutes from the August meeting. They discussed the boiler replacement and the oil tank removal and subsequent contamination of the soil beneath the tank. There was a discussion of future oil deliveries and the approach road to the tank. The senior luncheon was held yesterday with 80+ seniors attending. The senior exercise classes are 15+. This Sunday is the Castle to River Trail run. Volunteer are needed to assist setting up and operation. Please contact the Recreation Department @424-4618. The committee for the winter carnival met and the date has been set for February 8 at the Town Park. Many great events have been planned and hopefully there will be snow and ice-skating. Registration for the winter programs will begin on October 28, 2013. The book will be in the paper the week prior. The next meeting will be Tuesday, October 29, 2013.

Supervisor Shea said the boiler replacement project is going really well in spite of the fact that there was an oil cleanup. His thanks goes out to Councilman Merandy who speared headed the whole project. It is going as well as it could possibly go.

RECYCLING – Councilwoman Budney had nothing to report this month.

PLANNING BOARD - Councilman Merandy reported that they had a short agenda with only two items; 1) Manitou Properties site application – Public Hearing and 2) Arthur Fisher – access to property. The next meeting will be the 3rd Thursday of the month. He also wanted to remind everyone that all future Planning Board meetings would be held at the Butterfield Library.

ZONING – Councilman Van Tassel reported that he attended the October 1, 2013 meeting and there was only one item on the agenda: James Gleick for the wind turbine. After the meeting was adjourned Mr. Lim requested the meeting be reopened so that he could change his vote for the special use permit from yes to no. The meeting was reopened and the vote changed to 3-2, still in favor. The next meeting is scheduled for November 4, 2013. The Town Board briefly discussed a bond to take down the tower when it becomes obsolete.

HIGHWAY – Councilwoman Budney read the report submitted by Highway Superintendent Roger Chirico, which is on file at the Town Clerks office.

BUILDING & LAND ACQUISITION – Councilman Van Tassel said that he did speak with Ron Gainer with regard to the changes here and he is looking for an existing floor plans of the building to give to Mr. Grainer.

COUNTY LEGISLATOR REPORT - Legislator Scuccimarra said that last night was the Putnam County Budget presentation, which can be viewed on line. There is an increase of

\$2.3 million overall from the 2013 Budget that brings this years budget to \$142.9 million (73% of which goes to mandates). She went on to say that she was a little disappointed with the "Medication Take Back" because they only received 120 lbs. of medication brought in as opposed to the 900 lbs they received across the County. Flu shots – will be given at Garrison Fire Company on October 9, 2013 from 2:00 to 6:30 pm. Another interesting thing is that the IT Department has applied for a grant from NYS for \$6 million – for a communications grant. It is a straight grant not a matching grant. This grant will give the county the ability to upgrade existing radio towers, install or lease space on new towers and install a new microwave system that links our current towers while preparing for the possible evolution of a new system. This grant could come in as soon as the 1st of the year. Another item she wanted to touch on is Manitou Station Road - she scheduled a meeting with Roger Chirico, Fred Penna, Richard Othmer from the Legislature at the site on Tuesday at 9:00 am to see if we can do something because the people down there are at their wits end. She asked if anyone was interested in going to the meeting and Councilman Van Tassel responded that he would be there Tuesday at 9:00 am.

TOWN OF PHILIPSTOWN MONTHLY REPORT OF TOWN SUPERVISOR MONIES RECEIVED AS OF OCTOBER 3, 2013

Recreation Fees – 8/13	\$66,942.39
Justice Court – 8/13	\$8,445.00
NYS Per Capita Aid	\$33,820.00
Building Fees (8/13)	\$16,180.00
Bank Interest	\$87.03
P.C. VFW Rental	\$25.00

HIGHWAY FUND

Put. Co. Gas	\$2,497.02
Put. Co. Gas	\$555.25
Bank Int.	\$232.80

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest \$7.40

CONTINENTAL VILLAGE PARK DISTRICT

Bank Interest \$17.68

AGENDA

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

RESOLUTION #138-2013

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

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

2. Resolution authorizing Supervisor Shea to sign the 2012 Sponsor Authorization Form for the Service Award Program list of all 2012 active members of the Garrison Volunteer Ambulance and First Aid Squad, Inc.

RESOLUTION #139-2013

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

RESOLVED, that the Town Board hereby tables this item.

3. Resolution adopting the following Local Law No. 6 – Chapter 175, "Zoning", in order to make clarifications and technical corrections.

Town Clerk Merando said that there was a Public Hearing last Wednesday and then the law was amended at a workshop. It has now been on the Supervisor's desk for seven (7) days so it can now be adopted.

Supervisor Shea noted that there was a Public Hearing with no public comment to speak of and a discussion by the Town Board.

SEQRA – Type II

RESOLUTION #140-2013

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

RESOLVED, that this action is a Type II Action, as defined under NYCRR Part 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 617 of the Environmental Conservation Law.

• Authorize Supervisor Shea to sign the short EAF. Negative Declaration

RESOLUTION #141-2013

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the Short Environmental Assessment Form in connection with the amendment to the Town Code as described above.

• Chapter 175, "Zoning", in order to make clarifications and technical corrections. (Roll call vote)

RESOLUTION #142-2013

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

WHEREAS, the Town Board has considered the adoption of Local Law No. 6 of the year 2013 entitled: A Local Law to amend Chapter 175, "Zoning", to make clarifications and technical corrections.

NOW, THEREFORE, BE IT RESOLVED, as follows: That the Town Board does hereby adopt Local Law No. 6 of the year 2013 entitled: A Local Law to amend Chapter 175, "Zoning", to make clarifications and technical corrections, which said local law shall be effective upon publication, posting and filing in the office of the Secretary of State in Albany.

The vote on the foregoing resolution was as follows:

ROLL CALL VOTE

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

The resolution was thereupon declared duly adopted.

4. Resolution directing that a proposition be submitted at a Special Election to be held December 10, 2013, with regard to the amendment of the defined benefit service award program for the Garrison Volunteer Fire Department

Supervisor Shea had one question: "Why December 10 and not Election Day? An audience member from the GVFD responded that Election Day would be too soon and that all the fire districts in the State have their elections on this date.

Town Clerk Merando pointed out that in the resolution where it lists the workers and it says per hour fee/rate, which needs to be a changed as it now says per hour and should actually be \$125 per day.

Stan Freilich asked if there was any information available, at this point, about the amendment? His other question is, "Has there been any discussion by the Town Board about the cost of this amendment?" He is looking for details of the amendment. Town Clerk Merando noted that the information is on the website as per her response to his email. Supervisor Shea provided Mr. Freilich with his copy of the Resolution. Councilwoman Montgomery pointed out that this is one of those things that the public decides, not the Town Board.

RESOLUTION #143-2013

Councilwoman Budney offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK, IN REGARD TO THE AMENDMENT OF THE DEFINED BENEFIT SERVICE AWARD PROGRAM FOR THE GARRISON VOLUNTEER FIRE DEPARTMENT, DIRECTING THAT A PROPOSITION BE SUBMITTED AT A SPECIAL ELECTION TO BE HELD DECEMBER 10TH, 2013, DIRECTING PUBLICATION OF NOTICE OF ELECTION AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town Board has heretofore established a Defined Benefit Length of Service Award Program for the volunteer firefighters of the Garrison Volunteer Fire Department with a Monthly Benefit Amount of \$10;

and

WHEREAS, the Town Board, along with the Board of Commissioners of the North Highlands Fire District, has heretofore established and approved Defined Benefit Length of Service Award Programs for the Cold Spring, Continental Village and North Highlands Fire Departments with Monthly Benefit Amounts of \$20;

and

WHEREAS, the Town Board desires to enact an amendment to Section 9 of the Plan dated effective January 1, 1996 for said Defined Benefit Service Award Program, changing the Monthly Benefit paid at entitlement age from \$10 to \$20, subject to the approval of the voters of the Garrison Fire Protection District;

and

WHEREAS, the Town Board desires to enact an amendment to Section 9 of said Plan changing the Total Years of Service maximum from 30 years to 40 years;

and

WHEREAS, the Town Board desires to enact an amendment to said Plan allowing the continued accrual and payment of benefits beyond the entitlement age of 65, consistent

with Section 217 (n) of the General Municipal Law adopted subsequent to the heretofore established Length of Service Award for the volunteer firefighters of the Garrison Volunteer Fire Department, subject to the approval of the voters of the Garrison Fire Protection District; now therefore be it RESOLVED as follows:

"BOARD RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PHILIPSTOWN, COUNTY OF PUTNAM, NEW YORK, ADOPTED OCTOBER 3rd, 2013 AUTHORIZING THE AMENDMENT EFFECTIVE JANUARY 1, 2014 OF THAT CERTAIN RESOLUTION PASSED ON JUNE 6, 1996, BY THE TOWN BOARD, AND APPROVED BY THE ELECTORS OF THE GARRISON FIRE PROTECTION DISTRICT AT A REFERENDUM HELD ON SEPTEMBER 17, 1996, WHICH ESTABLISHED A DEFINED BENEFIT SERVICE AWARD PROGRAM FOR THE VOLUNTEER FIREFIGHTERS OF THE GARRISON VOLUNTEER FIRE DEPARTMENT: SAID AMENDMENT: (1) TO ALLOW PROGRAM PARTICIPANTS WHO CONTINUE TO BE ACTIVE VOLUNTEERS TO EARN SERVICE CREDIT AFTER ATTAINMENT OF THE ENTITLEMENT AGE OF SIXTY-FIVE (65) YEARS; (2) TO INCREASE THE MONTHLY BENEFIT FROM TEN AND 00/100 (\$10.00) DOLLARS TO TWENTY AND 00/100 (\$20.00) DOLLARS; AND (3) TO CHANGE THE MAXIMUM NUMBER OF YEARS OF SERVICE FROM THIRTY (30) TO FORTY (40); BY INCREASING THE ESTIMATED ANNUAL COST OF SUCH PROGRAM (INCLUDING ADMINSTRATIVE COSTS) FROM THIRTY-SIX THOUSAND THREE HUNDRED TWENTY-FOUR AND 00/100 (\$36,324.00) DOLLARS TO FIFTY-EIGHT THOUSAND SIX HUNDRED FORTY-SEVEN AND 00/100 (\$58,647.00) DOLLARS BASED ON THE EXISTING NUMBER OF FIREFIGHTERS: BY REDUCING THE ESTIMATED ANNUAL COST PER PARTICIPANT OF SUCH PROGRAM FROM ONE THOUSAND FIVE HUNDRED FORTY-FIVE AND 00/100 (\$1,545.00) DOLLARS TO ONE THOUSAND SIXTY-SEVEN AND 91/100 (\$1,067.91 DOLLARS, BASED ON THE EXISTING NUMBER OF FIREFIGHTERS; BY INCREASING THE ESTIMATED ANNUAL ADMINSTRATIVE FEE FROM FIVE HUNDRED SIXTY-FIVE AND 00/100 (\$565.00) DOLLARS TO ONE THOUSAND THREE HUNDRED FIFTY-SIX AND 00/100 (\$1,356.00) DOLLARS, BASED ON THE EXISTING NUMBER OF FIREFIGHTERS; STATING THE MAXIMUM MONTHLY BENEFIT SHALL BE EIGHT HUNDRED AND 00/100 (\$800.00) DOLLARS, BASED UPON AN AWARD OF TWENTY AND 00/100 (\$20.00) DOLLARS PER MONTH FOR UP TO FORTY (40) YEARS OF SERVICE BY ELIGIBLE PARTICIPANTS: STATING DEATH AND DISABILITY PAYMENTS TO BE AUTHORIZED TO COMMENCE UPON THE DATE OF AMENDMENT OF THE SERVICE AWARD PROGRAM AND REGULAR DEFINED BENEFIT AWARD PAYMENTS TO BE AUTHORIZED TO COMMENCE ONE YEAR THEREAFTER; APPROPRIATING SAID AMOUNTS THEREFOR AND STATING THAT THE FAILURE OF THE AMENDMENT TO BE APPROVED BY THE VOTERS OF THE GARRISON FIRE PROTECTION DISTRICT WILL IN NO WAY AFFECT THE PROVISIONS OF THE SERVICE AWARD PROGRAM PRESENTLY IN EFFECT,"

and be it

RESOLVED FURTHER, the Town Board hereby directs that a proposition be submitted at a Special Election to be held on December 10, 2013, open to all the voters of the Garrison

Fire Protection District to determine whether the Town of Philipstown shall amend the service award program as hereinbefore provided; and be it

RESOLVED FURTHER, an Election of the qualified voters of the Garrison Fire Protection District, shall be held at the Garrison Station Two Firehouse, located at 1616 Route 9, Garrison, New York on December 10th, 2013, at 2:00 p.m. and the polls shall remain open until 8:00 p.m. or as much longer as may be necessary to enable the voters then present to cast their votes. The vote upon the Proposition to be submitted to the qualified voters shall be by paper ballots and the Town Clerk is herby authorized and directed to make the necessary arrangements for same. The Town Clerk is hereby authorized and directed to give notice of said Election by causing a notice in substantially the form annexed hereto to be published in the Putnam County New and Recorder, a newspaper published in the Town of Philipstown, New York, and having a general circulation with the Garrison Fire Protection District and hereby designated as the official newspaper of the Town for such publications.

The following resident Town Electors, each of whom is a registered voter of the town, are hereby appointed to act as Election Inspectors and ballot Clerks at the aforesaid election:

Michele G. Clifton Karen S. Lindros Diana H. Swinburne Sue H. Tudor

Said Clerks and Inspectors shall each be paid at the rate of \$15.62 per hour for the time necessary to prepare the register and for conducting said election.

The Inspectors of Election shall meet prior to December 10th, 2013, to commence preparation of the register for the December 10th, 2013 Election. In preparing such register, the Inspectors of Election shall comply with the following procedure:

- (a) They shall adopt, use or copy from, the registration list certified and supplied by the County Board of Elections the names appearing thereon of all persons residing in the Garrison Fire Protection District and qualified to vote in such forthcoming election.
- (b) The register for the election shall include as a minimum a space for the name of the voter, his or her address within the Garrison Fire Protection District and a space for his or her signature to be signed by the voter on Election Day. The Town Clerk shall furnish the Inspectors of Election, with all necessary registration books, papers, equipment and supplies.

The adoption of the foregoing resolution was seconded by Councilman Van Tassel and duly put to a vote on roll call which resulted as follows:

ROLL CALL VOTE

Supervisor Shea AYE Councilman Merandy AYE

Councilwoman Montgomery AYE
Councilwoman Budney AYE
Councilman Van Tassel AYE

The resolution was declared adopted.

5. Resolution approving and authorizing Supervisor Shea to sign an early lease renewal for the postage meter from Pitney Bowes at a rate of \$181.43 per month for 48 months. (Current rate is \$195.00 per month)

RESOLUTION #144-2013

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

RESOLVED, that the Town Board hereby approves and authorizes Supervisor Shea to sign an early lease renewal for the postage meter from Pitney Bowes at a rate of \$181.43 per month for 48 months.

6. Resolution revoking the Bond and completing the work to the extent the funds of the Bond will cover for Hudson Way, located off Route 301.

Town Clerk Merando said that Town Attorney Cinque made the necessary changes requested. Supervisor Shea just wanted to clarify that we are bound by the amount of the bond so we will do work to the extent possible with the \$42,000. Councilman Van Tassel met with Highway Superintendent Chirico and his feeling is that with that amount of money or even less we should be able to prep, grade and pave the road up to the cul-de-sac at the crest of the hill.

RESOLUTION #145-2013

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

WHEREAS, the Town of Philipstown (the "Town") and MICHELE THORPE HOLUBAR, P.O. Box 282, Cold Spring, NY 10516, as principal, entered into an Agreement and Cash Maintenance Bond ("Agreement and Bond") on January 6, 2012, by which she is held and firmly bound unto the Town as Obligee in the sum of FORTY-TWO THOUSAND (\$42,000.00) DOLLARS LAWFUL MONEY OF THE United States, said sum having been paid to the Town of Philipstown therewith, for which payment, well and truly to be made, said principal has bound herself, her heirs, executors, administrators, successors and assigns, jointly and severally; and

WHEREAS, the Agreement and Bond was executed to secure the completion of certain improvements to a subdivision of real property located at Hudson Way, pursuant to the Planning Board having granted approval of said Subdivision by Resolution PB No. 3040, dated December 12, 2007 (the "Site Plan"); and

WHEREAS, the Code Enforcement Officer of the Town had determined that the Principal failed to complete the following improvements as required by the Site Plan, to wit: 1) Paving in accordance with approved New York State DOT road entrance permit from Route 301; 2) Paving of Hudson Way from Station 4+70 to station 9+50 as specified in the approved sub-division plat; 3) Installation of fencing around retention pond area as specified in the approved sub-division plat; and 4) Documentation from a New York State licensed engineer that all sub-division work has been completed and is in substantial compliance with the approved sub-division plat; and

WHEREAS, the Agreement and Bond provided that the Principal was to complete the improvements described in the Agreement and Bond by May 31, 2012, at which time the obligation described in the Agreement and Bond, after consent and approval of the Town of Philipstown, would become null and void, otherwise it shall remain and be in full force and effect; and

WHEREAS, by the terms of the Agreement and Bond, upon the Principal's failure to complete the aforementioned improvements, the Town may revoke the Bond and complete the work (either itself or by contract with another) and shall be reimbursed for the cost thereof directly by the bond, and for such purpose to complete or satisfactorily complete the work; consent to enter the property by the principal is hereby given;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the terms of the Bond, the Town hereby elects to revoke the Bond and complete the work to the extent the funds in the Bond will cover the cost of completing said work, and to be reimbursed for the cost thereof directly by the Bond.

The vote on the foregoing resolution was as follows:

ROLL CALL VOTE

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

The resolution was thereupon declared duly adopted.

7. Schedule Workshop/Meetings

- Schedule Budget Workshops
 October 10, 2013 7:30 pm LOSAP and Budget Workshop
- Schedule Public Hearing for the 2014 proposed budget: November 6, 2013 7:30 pm (Public Hearing may exceed estimated times)

Continental Village Park District Budget	7:30 pm
Continental Village Water District Budget	7:35 pm
General Budget	7:40 pm

8. Code Enforcement Report

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

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

Councilman Merandy asked about the Quarry Pond banks being overgrown and if we were going to make arrangements to take care of this. Councilman Van Tassel said that they would need to meet with the Garden Club to discuss. Supervisor Shea said that this is not our responsibility and he will speak with Bill Balter.

Councilwoman Montgomery said that this Saturday is Homecoming at Haldane and they are opening the new turf field. She has invited the seniors to come out at 9:00 am. Hudson Valley Hospital Center will be leading a walk on the new track and invites the community to participate. Another great event this weekend is the Castle to River run.

AUDIENCE

The Constitution Island Association handed the Town Board a statement on the new Education Center on Main Street in Cold Spring. The Education Center will be open to the public with access to exhibitions and to the Association's archives. They thanked Supervisor Shea for the Town's support.

VACANCIES

Recreation Commission (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 \$311,134.95 approved as set forth in Abstract 9A & 10.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Highway Vouchers in the amount of \$409,488.42 are hereby approved as set forth in Abstracts 9A & 10.

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the CVPD Vouchers in the amount of \$8,746.47 are hereby approved as set forth in Abstract 9A & 10.

Councilwoman Budney made a motion, seconded by Councilman Merandy and unanimously carried that the CVWD Vouchers in the amount of \$6,946.47 are hereby approved as set forth in Abstracts 9A & 10.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Merandy to close the Town Board Monthly Meeting at 8:30pm.

Respectfully submitted by,

Theresa Crawley Deputy Town Clerk