

Monthly Town Board Meeting  
November 1, 2012

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
John Van Tassel	Councilman
Edward W. Doyle	Town Attorney

**ABSENT:** David Merandy Councilwoman

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

**REVIEW OF MINUTES**

The Minutes of the Bid Opening of August 20, 2012, Indian Brook Road East Bank Stabilization Project, were reviewed.

Councilwoman Budney made a motion, seconded by Councilman Van Tassel, and unanimously carried that the Minutes of the Bid Opening of August 20, 2012, Indian Brook Road East Bank Stabilization Project, are hereby approved as presented.

The Minutes of the Public Hearing of September 26, 2012, Local Law to Amend the Code of the Town of Philipstown, Chapter 175-59G.4 of Chapter 175, Hearing and Public Notice, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of Public Hearing of September 26, 2012, Local Law to Amend the Code of the Town of Philipstown, Chapter 175-59G.4 of Chapter 175, Hearing and Public Notice, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of September 26, 2012, were reviewed.

Councilman Van Tassel, made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of the Weekly Town Board Meeting of September 26, 2012, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of October 4, 2012, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of the Monthly Town Board Meeting of October 4, 2012, are hereby approved as presented.

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The Minutes of the Bid Opening of October 17, 2012, for the purchase of a used truck mounted Jet/Vac for the Highway Department, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery, and unanimously carried that the Minutes of the Bid Opening of October 17, 2012, for the purchase of a used truck mounted Jet/Vac for the Highway Department, are hereby approved as presented.

## **COMMITTEE REPORTS**

**CB** – Councilwoman Montgomery reported that the Conservation Board did not meet in October and that admission dates were extended due to Hurricane Sandy.

**RECREATION** – Councilman Van Tassel reported that the Recreation Commission did not meet due to Hurricane Sandy and no date has been scheduled for the next meeting.

## **RECYCLING – NO REPORT**

**PLANNING BOARD** – Councilwoman Montgomery reported on the items covered at the October 18<sup>th</sup> meeting. A Public Hearing was held on SNK Farms, Inc., for a minor site plan amendment and special permit application for 3188 Route 9, Cold Spring and submission of revised and additional materials. The following applications were submitted: Cold Spring Fuel Corp., for a minor site plan amendment to allow installation of an 18,000-gallon propane tank at 3524 Route 9, Cold Spring; E. Polhemus Enterprises, LLC, site plan approval for Horseman's Trail, Cold Spring; Viletto Vaughn Hammond Corporation, request for second one-year extension of site plan approval for Route 9, Cold Spring, and The New Friary at Graymoor, a new submission for special use permit and site plan. Referrals to amend Chapter 175, Zoning Law Sections 175-59G.4 and 175-62 F (2) of the Code of the Town of Philipstown regarding Notice and Hearing, and referral of Local Law to amend Chapter 112, Land Development, Section 112-15, Final Plat Endorsement and Filing, Paragraph A, Expiration of Final Approval, to permit multiple extensions of time to obtain final subdivision approval. Next meeting scheduled for November 15, 2012.

**ZONING** – Councilman Van Tassel reported that he did not attend the October 15<sup>th</sup> meeting, but did receive a report. An application was received from James Gleick of 200 Long and Winding Road in Garrison, who is applying to install an 140' wind turbine on his property. This is to be discussed at the November 12<sup>th</sup> meeting. A public hearing was held on the appeal of Lausca LLC of 3166 Route 9, on a Notice of Violation dated 12/9/2011, which was issued by Code Enforcement Office Kevin Donohue, citing that no barrier was shown on the March 24, 2010 Planning Board approved Site Plan and must now be removed. The applicant was referred to the Planning Board, which completed their review and applicant is now ready to move forward with the ZBA. Next meeting is scheduled for November 12<sup>th</sup>.

**HIGHWAY** – Councilwoman Budney read the October monthly report submitted by Highway Superintendent Roger Chirico. The report is on file in the Town Clerk's Office for anyone wishing to review.

**BUILDING & LAND ACQUISITION** – Supervisor Shea reported that a few meetings had been held with the Veterans of Foreign Wars to discuss the renovation of the American Legion Hall and the Dahlia House. He added that he had a brief conversation with the former Post Commander, Terry Lahey, on how things were progressing. Supervisor Shea stated that he has called, e-mailed and sent letters to Putnam County, and anticipates that the Town Board would be sitting down with the County and the Veterans and work towards the multi-use of the property. Councilman Van Tassel suggested scheduling a workshop to layout plans. Supervisor Shea agreed but wanted to have more information flushed out before doing so. Councilwoman Montgomery stated that she was sure that the Nelsonville Village Office had an approved site plan for the property and would try to locate a copy.

**GARRISON VOLUNTEER FIRE DEPARTMENT** – Jamie Copeland reported the activity for the month of October.

**BUTTERFIELD LIBRARY** - Councilwoman Budney reported that Butterfield Library and Desmond-Fish Library would be partnering to pen a bi-weekly column for the PCNR. This column will outline the many opportunities and services available to everyone through their local library. Other events occurring or planned are: The Putnam County Reads Program, which is sharing books with friends, (this program will include all 8 libraries across Putnam County); Hosting of Focus Groups to help map the future of the library. Meetings are scheduled for November 17 and December 1<sup>st</sup>, at 10:00 a.m. Councilwoman Budney stated that the Library offers museum passes to Philipstown residents. Anyone interested should contact the Library or visit [butterfieldlibrary.org](http://butterfieldlibrary.org). Also, if anyone has an e-reader and is interested in borrowing books, they can contact the Library.

## TOWN OF PHILIPSTOWN

### MONTHLY REPORT OF TOWN SUPERVISOR

#### MONIES RECEIVED AS OF November 8, 2012

#### GENERAL & PART-TOWN FUNDS

Justice Fees – 9/12	\$ 6,164.80
Recreation Community Recycling	60.30
Justice Fees – 9/12	6,430.00
AW Scrap	571.00
Town Clerk Fees – 9/12	624.34
Town Clerk Fees – Dogs – 9/12	283.50
Recreation Fees – 9/12	55,954.70
Building Fees – 9/12	9,027.00
Building Fees – 10/12	19,125.00
Justice Fees – 10/12	7,615.00

**HIGHWAY FUND**

Putnam County Sheriff's – Gas/OFA	\$ 3,617.38
Argonaut Insurance – Jeep Damage	1,284.70
NYS FEMA	15,328.18
General Fund Bldg/Recreation – Gas	682.75
Bank Interest	238.45

**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse Fees	\$ 525.00
Bank Interest	542.58
Water Collection	11,440.00

**AGENDA**

**1. Resolution adopting Local Law**

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

**RESOLUTION #139-2012**

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

**WHEREAS**, the Town of Philipstown has reviewed the proposed Local Law to amend Town Code Chapter 112, "Land Development," Section 112-15, "Final Plat Endorsement and Filing," Paragraph "A," "Expiration of Final Approval," to permit multiple extensions of time to obtain final subdivision approval.

**NOW, THEREFORE, BE IT RESOLVED**, that this action is a Type 11 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.

**Adopt Local Law**

**RESOLUTION #140-2012**

The following Resolution was presented by Councilwoman Budney and seconded by Councilman Van Tassel.

**WHEREAS**, the Town Board of the Town of Philipstown hereby adopts Local Law #1, Chapter 112, to Amend Land Development Regulations Sections 112-15, Final Plat Endorsement and Filing, Paragraph A, Expiration of Final Approval, to permit multiple extensions of time to obtain final subdivision approval.

**ROLL CALL VOTE**

Nancy Montgomery	AYE
Betty Budney	AYE
John Van Tassel	AYE
Richard Shea	AYE

**Resolution unanimously passed.**

**2. Resolution awarding the bid for a used truck mounted Jet/Vac to Riverview Industries in the amount of \$40,000, sole bidder.**

**RESOLUTION #141-2012**

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

**RESOLVED**, that the Town Board of the Town of Philipstown, hereby awards the bid in the amount of \$40,000 for a used truck mounted Jet/Vac to Riverview Industries.

**3. Schedule Workshops/Meetings.**

- **Adopt Final 2013 Budget (suggested date: November 20, 2012)**

Supervisor Shea stated that November 20, 2012, was the date for adopting the final budget even though receipt of some budgets was lacking.

- **Schedule Public Hearing – Local Law Chapter 90 – Flooding**  
(To be discussed at November 7<sup>th</sup> workshop – 7:30 p.m.)

Supervisor Shea questioned when there would be time to schedule this Public Hearing. Town Clerk Merando stated that there was a deadline mandated by the State to get this done, but said deadline wasn't until February 1<sup>st</sup>, 2013. Town Attorney Doyle stated that he received a copy of a letter that Code Enforcement Officer, Kevin Donohue, received today from the DEC that contains a series of comments. Town Attorney Doyle suggested that a Public Hearing not be scheduled tonight in order to give him an opportunity to discuss with CEO Donohue, who may want to speak with the DEC and possibly by next Wednesday (11/7/12), any revisions needed, could be incorporated.

- **Schedule Public Hearing – Local Law Chapter 175 – Notices**
- **Conservation Board Fee Schedule**

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Councilwoman Montgomery mentioned an e-mail received from Director of Parks & Recreation, Amber Stickle, requesting that the Claudio Marzollo Community Center be allowed to open on Election Day, November 6, 2012, due to the circumstances of Hurricane Sandy.

**RESOLUTION #142-2012**

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

**WHEREAS**, the Town Board hereby approves Director of Recreation and Parks, Amber Stickle's request to remain open on a Town holiday, November 6, 2012, Election Day, for a one-time-only event.

Supervisor Shea asked for a motion to schedule a meeting to adopt the final budget on November 20, 2012.

**RESOLUTION #143-2012**

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

**RESOLVED**, that the Town Board of the Town of Philipstown, hereby authorizes the Town Clerk to schedule a meeting on Tuesday, November 20, 2012, at 7:30 p.m., to adopt the Final 2013 Budget.

Supervisor Shea asked for a motion to schedule a Public Hearing for Local Law, Chapter 175, on Tuesday, November 20, 2012, at 7:15 p.m.

**RESOLUTION #144-2012**

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

**RESOLVED**, that the Town Board of the Town of Philipstown, hereby authorizes the Town Clerk to schedule a Public Hearing on Tuesday, November 20, 2012, at 7:15 p.m., to adopt Local Law, Chapter 175.

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

Supervisor Shea gave an update on the status of Hurricane Sandy and stated that there were still a lot of people without power – approximately 700 people. He added that restoration should be completed by the weekend.

Town Clerk Merando brought up the question of waiving of building permit fees. Supervisor Shea responded that the Town would like to pass a resolution waiving the building permit fees for Philipstown residents who are in need of repairs or assistance as a result of Hurricane Sandy. This would include anchoring fuel tanks, oil tanks and propane tanks.

**RESOLUTION #145-2012**

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

**RESOLVED**, that the Town Board of the Town of Philipstown, hereby waives the fees for building permits for residents who incurred damages due to the effects of Hurricane Sandy; and

**WHEREAS**, this resolution becomes effective October 29, 2012.

**AUDIENCE**

Local resident, Liz Armstrong, asked Supervisor Shea to explain about what was involved with the flooding law. Supervisor Shea responded that there was a lot of changes with the flood plain map and flood laws that Code Enforcement Officer, Kevin Donohue, has taken an initiative on, plus there were things being passed down from New York State that were probably being driven by the large scale changes in the nature of the storms that we are experiencing. Supervisor Shea added that NY State wants to make sure they are addressing the concerns and public safety issues that are involved with these storms, which will have an impact as to where and how we build around Philipstown and where things are placed. Supervisor Shea asked Town Attorney Doyle if he had any comments. Town Attorney Doyle responded that FEMA has updated their flood insurance maps and that the Town has to update their law to incorporate the new language and the new maps. If this is not done, the citizens would no longer be able to purchase flood insurance.

Supervisor Shea suggested Ms. Armstrong speak with the Code Enforcement Officer if she had more specific questions, as he was well versed in all the flood issues and laws.

Supervisor Shea informed Garrison resident, Andy Chmar that he had met with the DEC representative regarding the Walmer Lane Bridge removal as well as the Continental Village walking pedestrian bridge. Supervisor Shea added that both permits were issued as well as a letter of consent from the Walmer Bridge property owners.

**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 Budney and unanimously carried that the General Vouchers in the amount of \$118,436.39 are hereby approved as set forth in Abstracts 10A & 11.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Highway Vouchers in the amount of \$103,703.11 are hereby approved as set forth in Abstracts 10A & 11.

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Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the CV Park District Vouchers in the amount of \$1,910.08 are hereby approved as set forth in Abstracts 10A & 11.

Councilwoman Montgomery make a motion, seconded by Councilwoman Budney and unanimously carried that the CV Water District Vouchers in the amount of \$5,103.20 are hereby approved as presented in Abstracts 10A & 11.

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

Respectfully submitted by,

Joan B. Clauss  
Deputy Town Clerk