

Monthly Town Board Meeting  
November 3, 2011

The Town Board held their Monthly Meeting on the above date at 8:00 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York.

**PRESENT:**

Richard Shea	Supervisor
Betty Budney	Councilwoman
Barbara Scuccimarra	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
Edward W. Doyle	Town Attorney

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

**APPROVAL OF MINUTES**

The Minutes of the Public Hearing of September 7, 2011, Ridgeline, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of September 7, 2011, are hereby approved as presented.

The Minutes of the Weekly Workshop of September 7, 2011, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of the Weekly Town Board Workshop are hereby approved as presented.

The Minutes of the Special town Board Meeting of September 14, 2011, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of the Special Town Board Meeting of September 14, 2011, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of October 6, 2011, were reviewed.

Councilwoman Budney made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of the Monthly Town Board Meeting of October 6, 2011, are hereby approved as presented.

The Minutes of the Bid Opening of October 19, 2011, Bulk Fuel, were reviewed.

Councilwoman Scuccimarra made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of the Bid Opening of October 19, 2011, Bulk Fuel, are hereby approved as presented.

## Monthly Town Board Meeting

November 3, 2011

The Minutes of the Weekly Town Board Meeting of October 26, 2011, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Weekly Town Board Meeting of October 26, 2011, are hereby approved as presented.

The Minutes of the Bid Opening of October 26, 2011, Highway Material Bids, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Bid Opening of October 26, 2011, Highway Material Bids, are hereby approved as presented.

## COMMITTEE REPORTS

**Conservation Board** - Councilwoman Scuccimarra reported that the Town Board was at a meeting in Continental Village and was unable to attend the CB Meeting. The Conservation Board will meet again on November 8, 2011. Michael Leonard, member of the CB, reported that there was discussion with regard to storm damage (Irene).

**Recreation** - Councilwoman Montgomery reported that she was in attendance at a meeting in the Village of Cold Spring regarding Butterfield Hospital. She stated that she had received a report from Amber and reviewed the items.

**Recycling** – Councilwoman Budney stated that she closed the Recycling Center at 2:00 p.m. due to the weather. There was nothing else to report.

**Planning Board** – Councilwoman Montgomery reported on the items addressed at the October 20<sup>th</sup> Planning Board Meeting. The next meeting will be held on December 8, 2011.

**Zoning** – Councilman Van Tassel reported that he did not attend the meeting, however, did get a report from the Zoning Board. He then reviewed the items addressed. The next Zoning Board Meeting will be held on November 21, 2011.

**Highway** - Councilwoman Budney read the Highway Report submitted by Highway Superintendent, Roger Chirico. The report is on file in the Town Clerk's Office for review. Supervisor Shea interjected that he and Kevin Donohue also attended the FEMA kick off meeting. He noted that there are two separate lines with FEMA to make sure that the Town covers all funds, not only for the roads, but also for infrastructure. FEMA was also on site today, Kevin Donohue and the Town Engineer conducted site visits that weren't road related, for example, stream remediation, damage to the Recreation water facility and damage to the roof at the Town Hall.

**Building & Land Acquisition** – Supervisor Shea reported that the Town Board did attend the meeting at the Village of Cold Spring, where developer Paul Galaro debuted his vision for development at the Butterfield site. He noted that the town has committed to a space of 4,000 square feet. He stated that he has had several discussion with the County Executive

Monthly Town Board Meeting

November 3, 2011

with regard to the County committing to space at this site to have some much needed services on this side of the county.

**GVFD** – Jamie Copeland stated that the Garrison Volunteer Fire Company does not take out political ads. The Company is not aligned and non-political, strictly a volunteer fire company. He also noted that first and foremost is that the public understands that the Fire Company’s interest is serving them in their time of need. He proceeded to report on activities for the month of October.

**Julia L. Butterfield Library** – Councilwoman Scuccimarra read the report from the Julia L. Butterfield Library, which is on file in the Town Clerk’s Office for review.

## **TOWN OF PHILIPSTOWN**

### **MONTHLY REPORT OF TOWN SUPERVISOR**

#### **MONIES RECEIVED AS OF NOVEMBER 3, 2011**

#### **GENERAL & PART-TOWN FUNDS**

Tax Collection Penalty Interest	\$ 8,566.09
Tax Collection - Miscellaneous	240.32
Tax Collection – Reminder Fees	134.00
Tax Collection – Bank Interest	10.26
Town Clerk Fees - 9/11	493.92
Town Clerk Fees – Dogs – 9/11	321.50
Town Justice Fees – 9/11	3,445.00
Town Justice Fees – 9/11	10,211.75
Hudson Baylor	202.25
Rec. Fees - 9/11	66,679.88
Bank Interest	121.93
Building Fees – 10/11	13,531.00

#### **HIGHWAY FUND**

General Fund Ck – Gas	\$ 696.16
P.C. Sheriffs Gas	703.05
P.C. Sheriffs Gas	1,510.34
P.C. Sheriffs – Gas	726.95
General Fund Ck – Gas	866.81
C.V. Fire – Gas	190.06
NYS Multi Modal	3,519.54
Bank Interest	251.24

Monthly Town Board Meeting  
November 3, 2011

**CONTINENTAL VILLAGE WATER DISTRICT**

Water Collection	\$13,160.00
Bank Interest	1.33

**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse Fees	\$ 300.00
Bank Interest	22.48

**AGENDA**

**1. Emergency Services to respond to the RFG Report and present a Resolution /Action Plan.**

Alex Morales of the Continental Village Volunteer Fire Company presented the Fire Service Safety Resolutions, a copy of which is filed in the office of the Town Clerk for public inspection.

Councilman Van Tassel thanked the committee that worked on this and Joe Hines. He noted that the four fire companies coming together with this plan is a huge step in the right direction. He suggested that quarterly meetings should be scheduled to insure that the cooperation would continue.

Councilwoman Montgomery stated that she agrees with Councilman Van Tassel that the town should meet with the fire companies on a regular basis. Supervisor Shea acknowledged that this holds true for the Town Board.

**2. Resolution supporting St. Basil's grant application to New York State Office of Parks, Recreation and Historic Preservation. (Nunc Pro Tunc)**

**RESOLUTION #202-2011**

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

**WHEREAS**, the Greek Orthodox Ladies Philoptochos Society, Inc. is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at St. Basil Academy, 79 Saint Basil Road, Garrison, NY 10524, a site located within the territorial jurisdiction of the Town Board of the Town of Philipstown; and

**WHEREAS**, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

**NOW, THEREFORE**, be it resolved by this August body that the Town Board of the Town of Philipstown hereby does approve and endorse the application of the Greek Orthodox Ladies

Monthly Town Board Meeting

November 3, 2011

Philoptochos Society, Inc. for a grant under the Environmental Protection Fund for a park project known as the Restoration of the Ruppert Main and located within this community.

**3. Resolution authorizing Supervisor Shea to sign the filming permit for a Wedding Portfolio. (Nunc Pro Tunc)**

**RESOLUTION #203-2011**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the Filming Permit for a Wedding Portfolio for photographing on the Cornish Estate and Hudson Highlands State Park, and waive the fees associated with the same.

**4. Resolution awarding the Bulk Fuel delivery for the Recreation Department to Downey Oil, sole bidder.**

**RESOLUTION #204-2011**

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

**RESOLVED**, that the Town Board hereby awards the Bulk Fuel delivery for the Recreation Department to Downey Oil, sole bidder.

**5. Resolution releasing the Escrow Funds to Elizabeth Todd Healy for her subdivision.**

**RESOLUTION #205-2011**

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 approves the release of any remaining escrow funds in the matter of Elizabeth Todd Healy Application.

**6. Resolution authorizing Supervisor Shea to sign a letter of support for Open Space Institute for a grant to renovate the facilities at Canopus Beach.**

**RESOLUTION #206-2011**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign a letter of support for Open Space Institute for a grant to renovate the facilities at Canopus Beach.

**7. Resolution authorizing Supervisor Shea to sign a letter of support for Little Stony Point Citizens Association for a grant to improve the park equipment shed and trail improvements.**

Monthly Town Board Meeting

November 3, 2011

**RESOLUTION #207-2011**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign a letter of support for Little Stony Point Citizens Association for a grant to improve the park equipment shed and trail improvements.

**8. Resolution establishing a policy under which old, abandoned applications to the Planning Board are dismissed.**

Supervisor Shea stated that this matter has come up several times, where someone submits an application and sometime during the process they fall off the radar and the application sits for one or more years. Under the current law, the applicant can come back to the Planning Board and start off where they left off. This Resolution would prevent that from happening. Due to member changes, zoning changes, or the familiarity of the project, it makes sense that there should be a mechanism to re-apply for a project.

David Vickery asked if this would be a notice of thirty days after the Resolution or immediate? Supervisor Shea responded saying thirty days. He pointed out that the language states "that the Planning Board may deem." The Planning Board will review circumstances, send a notice to the applicant along with two letters in writing, including one certified mail.

Councilman Van Tassel asked Mr. Merante if there are a lot of cases currently opened? Mr. Merante responded saying that there are cases that have been opened for a long time, which are grand fathered in. He noted that after the thirty-day period any applications that go on for a year or more with no activity would be effected.

Joe Giachinta asked if this applies to an approved site plan, and the applicant doesn't come in for their building permit. Supervisor Shea stated that an approved site plan isn't affected by this.

**RESOLUTION #208-2011**

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilwoman Scuccimarra;

**WHEREAS**, pursuant to Town Law Article 16 and the provisions of the Code of the Town of Philipstown, the Town Planning Board processes various applications for land use and approvals; and

**WHEREAS**, from time-to-time applicants fail to diligently pursue applications, abandoning their applications for periods of one (1) year or longer; and

**WHEREAS**, such delinquent or abandoned applications delay and are detrimental to operation of the land use approval system established by law;

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

Monthly Town Board Meeting

November 3, 2011

That henceforth the following policy and procedure shall apply to all applications for land use approvals submitted to the Planning Board of the Town of Philipstown:

1. The Planning Board may deem any land use approval application upon which there has been no activity for a period of at least one (1) year to have been abandoned and discontinued by the applicant;
2. The Planning Board shall not adopt a resolution deeming an application abandoned unless the Planning Board has first given written notice to the applicant by both certified mail and regular mail that, unless the applicant resumes active pursuit of the application within thirty (30) days, the Planning Board will deem the application abandoned and will discontinue review of it, and following such notice the applicant fails to resume active pursuit of the application;
3. Upon adoption by the Planning Board of a resolution deeming a land use approval application to have been abandoned, any surplus funds held in escrow for payment of consultants' review fees will be refunded to the applicant; and
4. Following adoption of a resolution deeming an application abandoned, a new application and payment of all application fees required by the Town Code shall be required before the

Planning Board will consider any subsequent application for land use approvals for the subject property.

The vote on the foregoing resolution was as follows:

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

Resolution unanimously passed.

### **9. Schedule Workshop/Meetings**

- Budget Workshop with Highway November 15, 2011 @ 7:30 p.m.
- Adopt Final 2012 Budget November 18, 2011 @ 7:00 p.m.

Supervisor Shea then reported on the meeting the Town Board held in Continental Village with regard to the Lakeland School Tax issue and the disparity of the amount residents are paying. He and Assemblywoman Sandy Galef followed up with a conference call with the Department of Taxation and Finance. It is a complex issue and the state has a lot of data that they are going to forward to the town. It is hoped that another meeting can be schedule

in Continental Village with members of the state to get a better understanding. The residents would be a lot happier if things were more equitable.

Monthly Town Board Meeting

November 3, 2011

Supervisor Shea also announced that the former Guinnan's site would once again be opened as a tavern.

Supervisor Shea announced that the town has been notified that it would receive \$301,000 in mortgage tax rebate instead of the anticipated \$250,000.

#### **10. Code Enforcement Monthly Report.**

Town Clerk Merando read the Code Enforcement Monthly Report.

Councilwoman Scuccimarra announced that on October 19, 2011, she attended a Stormwater Seminar, which will fulfill some of the requirements for the Town's Stormwater Program.

Councilman Van Tassel announced that the Fields Committee would be meeting here at the Town Hall on November 9, 2011, at 7:30 a.m.

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

#### **AUDIENCE**

Joe Giachinta stated that there is a message board on Route 9 stating that night work will begin; he asked what work was being done. Supervisor Shea stated that the DOT would begin paving Route 9 from Route 301 south. Supervisor Shea stated that the town would like to have a rumble strip included in the paving project. Mr. Giachinta noted that each year, the NYSDOT does less and less maintenance, no brush or grass cuttings and no tree trimming. He believes that the chaos on Route 9 during the snowstorm was due to the lack of that maintenance. He asked that the Town Board communicate with the DOT to address some of the problems with their road maintenance, noting that he pays highway taxes, and its getting old.

Councilman Van Tassel noted that many people spent the night in their cars. He was told that the DOT abandoned Route 9 to take care of Route 84, where it was like a parking lot.

Supervisor Shea reported on the status of Snake Hill Road, which will be one lane only, and that won't happen for at least a month. No time frame has been established for the permanent repair. Central Hudson said that as of tonight, 95% to 98% of Philipstown is back in service. Cablevision is still struggling to get everyone on line. Supervisor Shea encouraged residents to contact the Town Hall if you are experiencing any problems and if it is a life-threatening emergency, call 911. Supervisor Shea stated that he is in contact with HUD to insure that the senior complex has emergency plans in place, as it could be catastrophic for seniors to go without electricity.

Steve Rosario asked the status of potholes on Phillipse Brook Road and Frasier Road Bridge. Supervisor Shea stated that both areas received a lot of damage and those areas must have a permanent fix, so this doesn't continue to be affected so dramatically.



Monthly Town Board Meeting

November 3, 2011

Councilwoman Budney noted that all the sediment deposits in the streams need to be addressed.

Joe Hines addressed the Town Board complimenting the Town and the Fire Companies, and stated that he is available to draft recommendations for the future if the Town Board so desires. Supervisor Shea stated the he would welcome any recommendations that Mr. Hines could provide.

A resident thanked the Town Board for the new zoning law, however, she knows that for many years other people have worked on zoning and wishes to acknowledge them for their efforts.

**VACANCIES**

- Board of Assessment Review (1)
- Recreation Commission (2)
- CV Park District Advisory Committee (3)
- CV Water District Advisory Committee (2)

**APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the General Vouchers in the amount of \$40,863.21 are hereby approved as set forth in Abstracts 10A & 11

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Highway Vouchers in the amount of \$75,795.24 are hereby approved as set forth in Abstracts 10A & 11.

Councilwoman Scuccimarra made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CV Park District Vouchers in the amount of \$5,445.86 are hereby approved as set forth in Abstract 11.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Water District Vouchers in the amount of \$6,515.89 are hereby approved as presented in Abstract 11.

**ADJOURNMENT**

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney to close the Monthly Meeting at 9:15 p.m.

Respectfully submitted by,

Tina M. Merando  
Town Clerk