

Monthly Town Board Meeting  
November 3, 2016

The Town Board held their Monthly Meeting on the above date at 7:30 p.m., the Town Hall, 238 Main Street, Cold Spring, New York 10516.

**PRESENT:**

Richard Shea	Supervisor
John Van Tassel	Councilman
Michael Leonard	Councilman
Robert Flaherty	Councilman
Nancy Montgomery	Councilwoman

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

**REVIEW OF MINUTES**

Bid Opening of October 5, 2016 – East Mountain Drainage were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Flaherty that the Minutes of the Bid Opening of October 5, 2016 – East Mountain Drainage, are hereby approved as presented.

Public Hearing of October 6, 2016 – Vehicles & Traffic Local Law, were reviewed.

Councilman Leonard made a motion, seconded by Councilman Flaherty that the Minutes of the Public Hearing – Vehicles & Traffic Local Law of October 6, 2016, are hereby approved as presented.

Minutes of the Monthly Town Board Meeting of October 6, 2016, were reviewed.

Councilman Flaherty made a motion, seconded by Councilman Leonard that the Minutes of the Monthly Town Board Meeting of October 6, 2016, are hereby approved as presented.

Minutes of the Weekly Town Board Meeting of October 12, 2016, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Leonard that the Minutes of the Weekly Town Board Meeting of October 12, 2016, are hereby approved as presented.

Minutes of the Weekly Town Board Meeting of October 19, 2016, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Flaherty that the Minutes of the Weekly Town Board Meeting of October 19 2016, are hereby approved as presented.

Minutes of the Bid Opening – 2017 Highway Material Bids of October 26, 2016, were reviewed.

Councilman Leonard made a motion, seconded by Councilwoman Montgomery that the Minutes of the Bid Opening – 2017 Highway Material Bids of October 26, 2016, are hereby approved as presented.

## **COMMITTEE REPORTS**

**CONSERVATION BOARD** – Councilman Leonard reported that they met on October 17, 2016. The topics of discussion were some follow ups, restoration of the cemetery and the following: 54 Lyons Road, a referral from the Planning Board - 117 Roundhill Road, two (2) properties in Continental Village, and the Banker application. Councilman Leonard reminded everyone that it is important to keep in mind when cutting down trees and the effect it has on the Stormwater situation. The Board also appointed the Natural Resources Officer – Max Garfinkle. The next meeting will be held on November 7, 2016.

**RECREATION** – Councilman Van Tassel read the report submitted by Amber. The winter program opened on October 31 to residents and November 7 for nonresidents. The Thanksgiving senior luncheon is scheduled for November 16, 2016. The Putnam County Spelling Bee is ongoing at the Depot Theatre. The Recreation Commission solicited three (3) bids for the gym floor project for which they received one from S & S Hardwood Flooring. They are also looking for assistance to rid the town park of mold. They will meet the 2016 projected income by the end of October. Bill Mazzuca was named Chairman of the Commission, Joel Conybear as Vice Chair, Lydia Mc Mahon as Secretary and Phil Cotennec as treasurer. Next meeting is scheduled for December 13, 2016 at 7:30 pm.

**RECYCLING** – Councilwoman Montgomery reported that there was nothing new and that so far everything is running smoothly.

**PLANNING BOARD** – Councilman Flaherty reported that they met on October 24, 2016. There was a Public Hearing and a site visit, no comments. They discussed some old business: Philipstown Sq. (Grano restaurant), Griffins Landscaping, Hudson Highlands Reserve and Olspan. The next meeting will be on November 17, 2016 at 7:30 pm.

**ZONING BOARD** – Councilman Van Tassel reported that they met on October 24, 2016. There were three (3) Public Hearings – Christopher and Maria Marrison, Ezra and Carrie Firestone, and Stephen Flavin and three (3) applications – Sorensen, Callander and Craft. Next meeting is scheduled for November 19, 2016.

**HIGHWAY** – Councilman Van Tassel did not receive a report from Highway this month.

**BUILDING & LAND ACQUISITION** – Supervisor Shea discussed the Dahlia House renovations and the Washburn Parking lot project.

**PUTNAM COUNTY LEGISLATOR** – Legislator Scuccimarra was not in attendance as she had a previous commitment.

**BUTTERFIELD LIBRARY** – Councilwoman Montgomery no report received.

**CEMETERY COMMITTEE** – Councilman Leonard reported that the committee met on October 17, 2016. They are discussing private funding for the work that needs to be done as the County has cut the cemetery funds to the Towns. They are presently setting up grids at the Mountain Avenue cemetery. Work on the Mountain Avenue cemetery will start in the spring. There was a discussion with the stone mason to start phase 2. The commission met with Putnam Valley and learned that they use their Highway Department equipment to help with work at the cemeteries. He talked to Putnam County cemetery committee who has cut the funds for the cemeteries in the county and will meet in Brewster on the 14<sup>th</sup> of December to discuss. The next meeting is scheduled for November 7, 2016.

**TOWN OF PHILIPSTOWN  
MONTHLY REPORT OF TOWN SUPERVISOR  
MONIES RECEIVED AS OF NOVEMBER 3, 2016**

**GENERAL & PART-TOWN FUNDS**

Bldg. Fees 9/30	\$27,130.46
NYS Per Capita Aid	33,820.00
Village of CS Inspections	275.00
Put. Co. DWI	260.00
Bldg. Fees 10/16	17,493.40
Rec. Fees 9/16	65,489.34
Bldg. Fees 10/16	17,493.40

**HIGHWAY FUND**

Put. Co. Gas	\$1,831.75
Put. Co. Gas	1,614.78
Put. Co. Gas	326.11
Gen Fund Gas	398.63
Gen Fund Gas	220.06
Gen Fund Gas	259.50

**CONTINENTAL VILLAGE WATER DISTRICT**

Water Collections	\$13,060.00
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**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse Fees	\$350.00
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## **AGENDA**

### **1. Residents of Indian Brook Road to address the Town Board with regard to parking along the roadway.**

Several residents of Indian Brook Road were in attendance to ask the Town Board for help with the traffic problems on the road. Mr. Frank Riback explained what some of the problems were; the danger of near misses where someone could be injured, garbage and people being rude. The residents cannot, at times, get in or out of their driveways. There are fourteen (14) no parking signs there now but they do not pay attention to them. He noted that there was a park ranger there a few years ago which did seem to help. The residents are at a loss, at this point, as to what else can be done so they are asking the Town for help.

Another resident said that she investigated the number of tickets given out between the months of May and October and found out from the sheriff that 111 tickets were issued, She said that there could have been many more, but the sheriff is busy. The sheriff's also towed 106 cars. One issue is how rude the people are when the residents ask them to move when they are blocking the road. They also park on the top of the hill and climb over the fence to come down and this is causing erosion. It is a very terrible situation and they are hoping that something can be done.

Mr. Jerry Albanese said that there is a huge issue here because there are times that the residents cannot get through to their homes; they have to turn around and go back out to Route 9. He feels that NYS Parks needs to step up and help by putting up signs for "no swimming." They have contacted Parks and were informed that signs were put up there, but they are torn down. He said, what needs to be done is to put up a durable metal sign and enforce it. He went on to state that this is a major issue and he understands it is a difficult situation for everyone who lives there. He did admit that the Sheriff's Department has towed vehicles and given out numerous tickets, but that does not seem to deter people. He is not sure what anyone can do, but something has to be done before there is a tragedy.

Supervisor Shea introduced Linda Cooper and Evan Thomson of NYS Parks and Recreation for the Taconic Region. Ms. Cooper spoke about how to manage the overuse of the parks. She said that they do not know if they need to develop a parking area, whether to try and stop the influx or increase enforcement. The Parks Department does not have many police officers on the Taconic region force and they are grateful for the passage of the parking rules and signs from the Town. Ms. Cooper does not think there is an easy solution to this. She said that it is really hard for Parks as they do not want to stop access, but they do want to teach an environmental ethic. And do want to work with the community to achieve a solution.

Supervisor Shea asked if there is a way to partner and put up some money to have an extra patrol and/or someone here more frequently. Ms. Cooper said that they do not have the extra staff during the regular year, but if they could identify another source of funds, other than the state budget, they could have more enforcement.

Supervisor Shea said that the Town may be able to establish a fund to get the sheriff to come there specifically to help control the parking situation. Maybe a sticker for parking at the Audubon Society so that if the car had no sticker they could be ticketed or towed.

Councilwoman Montgomery asked Ms. Cooper whether these were originally (when the state took over the property) passive parks. Ms. Cooper stated that this became park land in the 80's and this situation started with social media. She said they will work to address the issues. They are using the National Parks Service models and trying to determine how to apply them here. In the short term they have to look at how to make sure emergency vehicles have access. This is the most critical thing.

Councilman Van Tassel said that they need to get together with the sheriff's as they may have an opinion on how to control the traffic and maybe step up the patrols a little more. If the message gets out that you will get towed maybe it will resonate through the town.

Councilwoman Montgomery said she sees an opportunity to apply for the next round of consolidated funding and petition for the state parks grant department for more personnel.

A resident went on to mention the fact that the town could become liable in the event of an accident. Swimming is allowed down there and there is no lifeguard and therefore should not be allowed. Another resident is concerned about the plants that have disappeared because of the number of people.

Bill O'Neill noted that he does not live on Indian Brook Road, however from the prospective of one who does not live there he thinks there are hazardous issues that needs to be addressed. Occasionally he drives through there and has had to back up 500 ft. to get out. So it is not just an issue for the residents, but for anyone. He said that he has visited many park lands in the states and there are parks you cannot go into. He questioned whether fines could be increased from maybe \$250 to \$1,000. This might provide sufficient incentive so that social media will broadcast if there were a real financial hit.

Supervisor Shea said that the Town will follow up with Parks. The thing he would say as far as what the town can do is that they have pretty much done everything they can. The Board can talk about putting up some money to get an additional patrol from the sheriff but it is tough to rationalize since we have so little discretionary funding. This should be addressed by NYS.

- 2. Resolution authorizing Supervisor Shea to sign all documents with regard to the \$50,000.00 grant for the replacement of the Windows in the Town Hall and authorize Town Clerk Merando to serve as an authorized officer.**

Supervisor Shea thank Town Clerk Merando for her work on this grant.

**RESOLUTION #165-2016**

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

**WHEREAS**, the Town of Philipstown has been awarded a grant in the amount of \$50,000.00 from New York State, Project ID# 8230 for the replacement of the windows at the Town Hall;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign all documents with regard to said grant; and

**BE IT FURTHER RESOLVED** that the Town Board hereby authorizes Town Clerk Merando to serve as an authorized officer for the Town of Philipstown to co-sign.

- 3. Lead Agency/SEQRA Resolution with regard to the \$50,000.00 grant.**

**RESOLUTION #166-2016**

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

**WHEREAS**, the Town of Philipstown is the owner of certain real property located at 238 Main Street, Cold Spring, New York 10516 improved by a structure known as the Town Hall; and

**WHEREAS**, the Town Board has caused to be prepared a Short Environmental Assessment Form ("EAF"); and

**WHEREAS**, Type II Actions are not subject to SEQRA review; and

**WHEREAS**, maintenance and repair not substantially changing an existing structure is a Type II action exempt from SEQRA review; and

**WHEREAS**, the replacement of windows at Town Hall is considered maintenance and repair not substantially changing the existing structure and facility.

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

1. That the Supervisor is hereby authorized to sign the EAF; and
2. That the project is declared a Type II Action under SEQRA; and
3. That the Town will not be required to perform further SEQRA review.

The vote on the foregoing resolution was as follows:

Nancy Montgomery, Councilwoman, voting	AYE
John Van Tassel, Councilman, voting	AYE
Michael Leonard, Councilman, voting	AYE
Robert Flaherty, Councilman, voting	AYE
Richard Shea, Supervisor, voting	AYE

**4. Resolution determining Town's exemption from Local Zoning.**

**RESOLUTION #167-2016**

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

**WHEREAS**, the Town of Philipstown is the owner of certain real property located at 238 Main Street, Cold Spring, New York 10516 improved by a structure known as the Town Hall; and

**WHEREAS**, the Town is undertaking certain renovations to Town Hall in the form of replacing the Town Hall's windows; and

**WHEREAS**, it is appropriate to consider whether the renovations are subject to local land development and zoning regulations; and

**WHEREAS**, in making the said determination the appropriate analysis to be conducted is the so-called "County of Monroe Balancing Test" [See Matter of City Rochester, 72 N.Y.2d 338 (1988)]; and

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

1. That the Town Board does hereby approve and adopt the annexed balancing analysis pertaining to the applicability of local zoning and land use regulations; and

2. That pursuant to the said analysis it is hereby determined that the Town Hall window replacement project is exempt from local zoning and land use regulations.

The vote on the foregoing resolution was as follows:

Nancy Montgomery, Councilwoman, voting	AYE
John Van Tassel, Councilman, voting	AYE
Michael Leonard, Councilman, voting	AYE
Robert Flaherty, Councilman, voting	AYE
Richard Shea, Supervisor, voting	AYE



**5. Resolution awarding the 2017 Highway Material Bids.**

**RESOLUTION #168-2016**

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

**RESOLVED**, that the Town Board hereby accepts the recommendations of the Highway Superintendent for the Material Bids for fiscal year 2017.

**5A. Resolution awarding the bid for the repair of the gym floor at Philipstown Recreation.**

Town Clerk Merando read the letter from Amber Stickle with regard to the repairs for the gym floor.

**RESOLUTION #169-2016**

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

**RESOLVED**, that the Town Board hereby accepts the recommendations of the Recreation Department for the repair of the gym floor at a cost of \$24,500 with any additional repairs not to exceed \$3,000.00.

**6. Code Enforcement Monthly Report.**

Town Clerk Merando read the report which is on file in the Town Clerks office.

Supervisor Shea thanked Greg. Explained that Greg has developed some great programs; getting a new program for the computers where you can bring up any parcel in the Town at the touch of the fingertip. Also when they move into the annex there will be a computer terminal available for real estate agents to use. He has also been taking a look of the fee schedule. We realize that we are not even covering our costs and are so far behind any other community. It will good to look at this.

**7. Schedule Workshops/Meeting.**

November 9, 2016	Public Hearings –	7:30 pm 7:35 pm 7:45 pm
	Annex	8:00 pm
November 16, 2016	Adoption of Final Budget	7:30pm

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

Supervisor Shea said that the Washburn Parking lot project was in the final stages. Our grant money and commitment to that will soon end and state parks will take over from there.

Councilman Flaherty reported that approximately \$3,300 was collected for the Betty Budney Memorial. The bricks and bench have been ordered.

Councilwoman Montgomery did not attend the Philipstown Cares Coalition meeting this month. She did meet with Putnam Community & Family Services and wanted to talk about their role in the community. They had run programs in the past that were not used and she hopes to bring them back. She is also working with the National Council on Alcohol and Other Drug Dependencies and wanted to get the word out about what they do. They do work with the CTC coalition with technical assistance and promote awareness about prescription drugs and heroin addiction.

**AUDIENCE**

**VACANCIES**

Conservation Board (1)

**RESOLUTION #170-2016**

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise for the position on the Conservation Board.

**APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the General Vouchers in the amount of \$162,115.51 are hereby approved as set forth in Abstract 10A & 11.

Councilwoman Montgomery made a motion, seconded by Councilman Flaherty and unanimously carried that the Highway Vouchers in the amount of \$194,512.50 are hereby approved as set forth in Abstract 10A & 11.

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried that the CVPD Vouchers in the amount of \$951.98 are hereby approved as set forth in Abstract 11.

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Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CVWD Vouchers in the amount of \$20,054.55 are hereby approved as set forth in Abstract 11.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Flaherty to close the Monthly Meeting at 8:55 p.m.

Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk