

Monthly Town Board Meeting
November 6, 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
	David Merandy	Councilman
	Michael Leonard	Councilman

Philipstown Depot Theatre Development Corporation Special Meeting.

Robert Bickford, representing the Philipstown Depot Theatre, explained that the special meeting was to amend the by-laws of the Philipstown Depot Theater Development Corporation and Philipstown Depot Theatre Inc., to include "Appendix A," proclaimed by the IRS, be added to the existing by-laws and that the present Article of by-laws be amended to refer to Appendix A.

RESOLUTION

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

RESOLVED, that the by-laws are amended as follows:

- (a) Article VII, Conflicts of Interest, is amended to read in its entirety as follows: "The corporation's conflict of interest policy is set forth in Appendix A."
- (b) Appendix A, Conflict of Interest Policy, is added at the end of the by-laws.

Special Meeting adjourned at 7:40 p.m., and regular monthly meeting opened.

REVIEW OF MINUTES

- **Monthly Town Board Meeting of October 2, 2014**
- **Weekly Town Board Meeting of October 8, 2014**
- **Weekly Town Board Meeting of October 15, 2014**
- **Bid Opening of October 29, 2014 – Sale of VFW**

The Minutes of the Monthly Meeting of October 2, 2014, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Monthly Town Board Meeting of October 2, 2014, are hereby approved as presented.

The Minutes of the Weekly Meeting of October 8, 2014, were reviewed.

Councilman Leonard made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Weekly Meeting of October 8, 2014, are hereby approved as presented.

The Minutes of the Weekly Meeting of October 15, 2014, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Weekly Town Board Meeting of October 15, 2014, are hereby approved as presented.

The Minutes of the Bid Opening of October 29, 2014, Sale of VFW, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Bid Opening of October 29, 2014, Sale of VFW, are hereby approved as presented.

COMMITTEE REPORTS

CAC – Councilman Leonard reported that the CB met on October 14, 2014, and the following items were reviewed: (1) David and Joanna Brenner, 530 East Mountain Road South, for installation of septic fill pad, septic system, underground service line for utilities and underwater supply well; (2) Terry and Bonnie Turner of 4 Circle Drive, for tree work, invasive species removal, use of herbicides and dyes, and wetlands mitigation, and (3) Doug Banker of 43 Kings Dock Road, modification to two (2) existing structures. The Board also held a storm water program discussion. Next meeting is scheduled for November 18th.

RECREATION – Councilman Van Tassel reported that neither he nor Councilwoman Montgomery attended the October 28th Commission meeting due to budget meetings. However, Councilman Van Tassel obtained the following report from Director of Recreation and Parks, Amber Stickle:

- Winter registration began on October 27th
 - Holiday Senior Luncheon is scheduled for November 19th
 - Philipstown town park will be closing for the season on November 30th
 - The Winter Carnival committee is working on the 2015 event, which is scheduled for February 7th. The Committee is working with the local Chamber of Commerce to promote business during the winter and they are working with local artists to create snowflake murals around town. Sponsors will display the snowflakes, which will be auctioned off during the event.
 - The Commission is looking to form a field committee after the new year to develop a plan to re-hab the town field.
 - Joel Conybear was elected Chairman, term effective November 1, 2014.
- The next meeting is scheduled for December 9th.

RECYCLING – Councilwoman Montgomery reported that she received a call from a resident who would like to attend a meeting to discuss composting and disposal of land refuse. Councilwoman Montgomery asked Town Clerk Merando if she had received any request, which Town Clerk Merando replied “no.”

PLANNING BOARD - Councilman Merandy reported that the Planning Board met on October 16, 2014 to discuss the following:

- RDR Equities, LLC regarding the withdrawal of the site plan application for 1510 Route 9, Garrison and request for return of escrow funds; Hudson Highlands Request for withdrawal of application and request for return of escrow funds;
- Gex for request for extension for realignment of property lined at 24 Humming Bird Lane, Garrison; Horton Road, LLC, (Hudson Highlands Reserve), new application for conservation subdivision on East Mountain Road North, Horton Road and Route 9, Cold Spring, and a site plan application for 201 Old Stone Road, Garrison, submission of revised EAF Part 2.
- A Public Hearing was also held for ESP’s subdivision site plan application for 3330 Route 9, Cold Spring.

Next meeting is scheduled for November 20, 2014.

ZONING – Councilman Van Tassel reported that the Zoning Board of Appeals met on October 20, 2014 to discuss the following:

- Review of completeness of application for 72 Steuben Road for a 7-foot variance for an existing shed built in 1972
- Review of completeness of application for 125 Old Albany Post Road, and request for a 5-foot side property area variance for a deck. Application deemed incomplete and a Public Hearing was scheduled.

Next meeting is scheduled for November 10, 2014.

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

BUILDING & LAND ACQUISITION – Supervisor Shea reported that he did not have a report.

JULIA L. BUTTERFIELD LIBRARY – Councilwoman Montgomery read the report submitted by the library, a copy of which is on file at the Town’s office.

TOWN OF PHILIPSTOWN

MONTHLY REPORT OF TOWN SUPERVISOR

MONIES RECEIVED AS OF NOVEMBER 6, 2014

GENERAL & PART-TOWN FUNDS

Town Justice – September 2014	\$ 8,265.00
Town Clerk Fees – September 2014	660.59
Town Clerk Fees – Dogs, September 2014	398.00
Tax Collector – Miscellaneous	1.63
Recreation Community Recycle	140.25
Justice Fees – September 2014	9,925.50
Recreation Fees – September 2014	40,962.43
Butler Law Office – Refund	455.00
Building Fee – October 2014	33,862.00

HIGHWAY FUND

State Insurance Fund	\$ 340.00
General Fund – Gas	652.98
Putnam County – Gas	519.09
Putnam County – Gas	1,419.13
Putnam County – Gas	263.12

CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	\$ 875.00
----------------	-----------

AGENDA

- 1. Lynda M. Brady, co-chair of the Westchester-Putnam Access to Health Care Coalition, to address the residents and Town Board to offer services for the Open Enrollment period.**

Councilwoman Montgomery welcomed Judy Farrell, a Cold Spring resident who is co-chairman of the Westchester-Putnam Access To Health Care Coalition, which provides information and education to the community regarding healthcare, and Lynda Brady, program manager for the Navigator Program at Maternal Infant Services Network, the Mid-Hudson's pre-natal network since 1990. Ms. Brady oversees the Navigator Program for this region and enrolls residents in health insurance through New York State Health Exchange. Ms. Brady and Ms. Farrell were here to provide information regarding open enrollment.

Monthly Town Board Meeting
November 6, 2014

Ms. Brady then gave some background information on the Affordable Care Act. She informed the Town Board that there were 585 Garrison and Cold Spring residents' zip codes enrolled, but more people on this side of the county need health insurance. Open enrollment begins again on November 15 and is only opened for three (3) months (11/15/2014 – 2/15/2015) unless extended by Washington. Ms. Brady stated that if someone did not enroll between November 15 and February 15, 2015, they will not have access to health insurance for 2015. Ms. Brady added that right now enrollment is held in Brewster and Mahopac and feels that this side of the county has been underserved in that respect. She stated that she would like to try to set up an enrollment drive on a Saturday (or couple of Saturdays), to help promote the enrollment drive and help people get enrolled. Councilwoman Montgomery stated that the Town has the space and would love to have them.

Ms. Brady added that if there were more of an appeal, they would also like to try to come to this side of the county two (2) times a month. Councilman Leonard asked if open enrollment is from November to February, coverage starts into the new year (2015). He then asked if someone signs up in February does it become effective that date? Ms. Brady replied if you sign up in February, coverage becomes effective March 1st, 2015. She then went on to explain that if anyone signs up from November 15, 2014 to December 15, 2014, January 2015 is the start date. If you sign up on December 15, 2014 to January, then coverage becomes effective February 2015. If someone enrolls during the first enrollment period, their insurance ends December 31, 2014 and they have to re-enroll.

Ms. Brady then explained the process with a Navigator (person who helps with enrollment). Supervisor Shea asked what sort of things a person should bring with them to meet with a Navigator. Ms. Brady responded that the procedure is pretty much a paperless application but they do request that enrollees, if they drive, bring their driver's license because every now and then the company's information does not match the New York marketplace's "ping" against the database. They also request that people bring their 2013 Federal Income Tax return. If an enrollee has not filed, they are then asked to bring a payroll stub.

Councilman Merandy asked about the requirements on how much a person earns. Ms. Brady replied that previously, the application was filled out on paper and they knew how much you could earn. Everything is calculated annually – you put your income in – the system literally spits out what you are eligible for. A person can be eligible for a tax break or cost-sharing reduction. Every person who needs insurance gets their own answer as to what they qualify for.

Councilman Merandy then asked how many insurance companies a person could sign up for? Ms. Brady replied that there are 19 health plans that have agreed to participate in the marketplace, but not all 19 are in every county. Available health plans that participate in Putnam County are zip code driven. She then suggested that when a person comes to enroll, they should bring their doctor's name and list of prescriptions so that the Navigator can see which health plan has a better formulary for them. She also recommended that people call their doctor and ask what health plans they accept.

Councilman Merandy asked if the coalition decides to set up something, which he thinks should be done, would it be by appointment or how would that work? Ms. Brady responded that they would promote it – design a flyer – take an ad out in the local paper. Councilman Merandy that asked how long the process takes. Ms. Brady stated that it would take about 1 hour to 1 hour 15 minutes. Councilwoman Montgomery asked if Ms. Brady was looking for just one date or a couple. Ms. Brady replied that a couple of Saturday's would be good. She also added that a community information center could be set up so that they could address a larger crowd and answer questions. Ms. Brady then stated that a couple of dates could be set up. She then left business cards and flyers for the Board to contact her. Supervisor Shea stated that the flyer will be put on the community TV and website and asked if she could supply some dates that she would be available. Councilwoman Montgomery offered to be the contact.

2. Resolution authorizing the release of escrows to RDR Equities, LLC, and Horton Road, LLC (Hudson Highlands Reserve).

Town Clerk Merando read a letter from the Philipstown Planning Board stating that the applications of RDR Equities LLC and Horton Road LLC have been completed and recommended that any funds held for processing and consultants' fees being held by the Town, be released back to the applicants. Funds held on the "old" application for Horton Road LLC, should also be released back to the applicant. Escrow monies held for the "new" application should be retained by the Town, as the new application is still being processed. The Planning Board also recommended that once payment is made to the Planning Board's counsel, those remaining funds should be released back to the applicant.

RESOLUTION #153-2014

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

RESOLVED, that the Town Board of the Town of Philipstown authorizes the release of escrows to RDR Equities, LLC, and Horton Road, LLC (Hudson Highlands Reserve) for processing and consultants' fees and for the old application for Horton Road LLC,

3. Resolution referring a proposed Local Law to amend Chapter 175, Section 175-10 "Allowable Uses," Section 175-30 "Supplementary Dimensional Regulation," and Section 175-60 "Purpose and Applicability," in regard to Wind Energy Conversion Systems to the Putnam County Division of Planning and the Philipstown Planning Board. (Roll call vote)

Supervisor Shea explained that this amendment was an effort to try to clarify the Town's position on wind conversion systems and has been spearheaded by Councilman Leonard. Councilman Leonard stated that this has been an on-going process with workshops held, discussions and working with the Town's attorneys to get the proposed language. Councilman Leonard stated that the recommended changes are included in the amended law, which he has reviewed and finds acceptable.

RESOLUTION #154-2014

WHEREAS, the Town of Philipstown enacted a moratorium on wind energy conversion systems in order to consider certain proposed changes to the Town Code; and

WHEREAS, the Town Board of the Town of Philipstown has before it a draft local law to amend certain provisions of the Town Code in regard to wind energy conversion systems, a copy of which is attached hereto; and

WHEREAS, the Town Board has cause to be prepared an Environmental Assessment Form under the State Environmental Quality Review Act ("SEQRA") for the draft local law;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movement of this resolution does hereby introduce the above local law, and
2. That the proposed local law shall be forwarded to the Putnam County Department of Planning for review and report pursuant to Town Code §175-69 (B) (1) and GML §239-m and to the Town Planning Board pursuant to Town Code §175-79 (B) (2);
3. That the Town Board does hereby authorize the Town Supervisor to sign the EAF Part I, declares itself to be Lead Agency under SEQRA for review of this action and determines that this is an Unlisted Action, and

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

The vote on the foregoing resolution was as follows:

ROLL CALL VOTE:

Councilman Leonard	Aye
Councilman Merandy	Aye
Councilwoman Montgomery	Aye
Councilman Van Tassel	Aye
Supervisor Shea	Aye

The resolution was thereupon declared duly adopted.

4. Resolution approving purchase of grader and installment lease financing for the Highway Department. (Roll call vote)

Supervisor Shea explained that this was something that was already done but the form was apparently not correct. The former resolution would need to be rescinded.

Monthly Town Board Meeting
November 6, 2014

RESOLUTION #155-2014

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

RESOLVED, that Resolution #130-2014, adopted September 4, 2014, is hereby rescinded.

RESOLUTION #156-2014

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

RESOLVED, that the Town Board of the Town of Philipstown authorizes Supervisor Richard Shea to sign the Installment Lease-Purchase Agreement between First Niagara Leasing, Inc., and Town of Philipstown for the leasing of a Volvo G930c Motor Grader; and

WHEREAS, the Town of Philipstown is purchasing a grader for the Highway Department off state-bid through the Houston-Galveston Area Council pursuant to GML §103(16); and

WHEREAS, the Town proposed to finance the purchase of the grader through an installment lease/purchase agreement; and

WHEREAS, the Town has investigated the costs of borrowing the funds for purchase of the grader as an alternative to the proposed lease/purchase agreement and, further, the Town has completed an "Evaluation of Financing Alternatives" ("EFA") Form, a copy of which is annexed hereto; and

WHEREAS, the Town has compared rates on lease/purchase agreements from at least three financing institutions (i.e., First Niagara Leasing, Inc., KS State Bank and Real Lease/M&T), and has determined that the lowest interest rate is offered by First Niagara Leasing, Inc., at 2.5%; and

WHEREAS, the Town Board finds that the proposed installment lease/purchase agreement with First Niagara Leasing, Inc., complies with the requirements of General Municipal Law §109-b;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby approves the acquisition of the grader through an Interlocal Contract for Cooperative Purchasing between the Town and the Houston-Galveston Area Council and authorizes the Supervisor to execute the contract and such other and further documents as may be necessary to effectuate it; and
2. That the Town Board hereby determines and finds that execution and delivery of the proposed installment lease/purchase agreement with First Niagara Leasing, Inc., is in the best financial interests of the Town based on due consideration of the other available acquisition and financing alternatives as set forth in the EFA form and on other administrative and management considerations with respect to the acquisition of the equipment; and

3. That the Town Board hereby approves the installment lease/purchase agreement with First Niagara Leasing, Inc., and authorizes the Supervisor to execute the said agreement and such other and further documents as may be necessary to effectuate it.

The vote on the foregoing resolution was as follows:

John Van Tassel, Councilman	voting	AYE
Nancy Montgomery, Councilwoman	voting	AYE
David Merandy, Councilman	voting	AYE
Michael Leonard, Councilman	voting	AYE
Richard Shea, Supervisor	voting	AYE

The resolution was thereupon declared duly adopted.

5. Resolution accepting the resignation of Margaret Parr, Account Clerk for the Recreation Department, effective November 14, 2014.

RESOLUTION #157-2014

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

RESOLVED, that the Town Board hereby accepts the resignation of Margaret Parr, Account Clerk for the Recreation Department effective November 14, 2014.

Supervisor Shea accepted Ms. Parr's resignation with reluctance and wished her well in her new endeavor. Town Council members thanked Ms. Parr.

6. Resolution authorizing Supervisor Shea to sign the confirmation letter for the Outreach Worker for Senior Resources for the fiscal year 2015.

RESOLUTION #158-2014

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the confirmation letter for outreach services in the amount of \$15,000 for fiscal year 2015 between the Town of Philipstown and the Putnam County office for Senior Resources.

7. Resolution authorizing Town Clerk Merando to re-advertise for bidders for the sale of the VFW Hall, 34 Kemble Avenue, Cold Spring, N.Y.

Supervisor Shea questioned if the Town Board wanted to advertise with no lower limit adding that the Board did have a starting bid. Councilman Leonard asked if the Town was allowed to have a reserve, adding that a reserve can still be had, which means the Town won't accept anything lower. Supervisor Shea responded that the Town doesn't have to accept a bid.

Town Clerk Merando informed the Board that someone actually called this afternoon (11/6/14), wanting to know about the sale being put out to bid and couldn't they make an offer before that?

RESOLUTION #159-2014

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

RESOLVED, that the Town Board authorizes Town Clerk Merando to re-advertise for bidders for the sale of the VFW Hall, 34 Kemble Avenue, Cold Spring, NY.

8. Resolution hiring Lillian Moshier as a part-time School Crossing Guard for the Garrison Union Free School.

RESOLUTION #160-2014

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

RESOLVED, that the Town Board authorizes the hiring of Lillian Moshier as a part-time School Crossing guard for the Garrison Union Free School.

9. Resolution hiring Kathleen DiBart as a part-time School Crossing guard for the Garrison Union Free School.

Town Clerk Merando explained that Ms. Moshier and Ms. DiBart were taking turns as School Crossing guard.

RESOLUTION #161-2014

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

RESOLVED, that the Town Board authorizes the hiring of Kathleen DiBart as a part-time School Crossing guard for the Garrison Union Free School.

10. Code Enforcement Monthly Report.

Town Clerk Merando read the Monthly Report.

11. Schedule Workshops/Meetings.

- Workshop – Thursday, November 13th – 7:00 P.M. – Meeting w/Kevin Donohue
re: Budget
7:30 P.M. – Meeting w/Ambulance Corps
- Adopt Final 2015 Budget (November 20, 2014)

Monthly Town Board Meeting
November 6, 2014

Any other business that may come before the Town Board.

Supervisor Shea reported that Steve Burke called re: the solar proposals for Recreation. Supervisor Shea requested that the Town Board members review the proposals and give a “thumbs up” or “thumbs down.”

Councilwoman Montgomery reported that she received a phone call from a senior informing her that another senior resident received a call from someone claiming that she did not pay her taxes and they were coming to take her home and her passport. Councilwoman Montgomery stated that she thought this has happened before and recommended that anyone receiving any such call should contact the local sheriff's office. Councilwoman Montgomery added that she will reach out to the senior involved.

Councilman Leonard thanked Philipstown Tree Service for responding to two (2) emergency tree issues involving local cemeteries.

Councilwoman Montgomery remarked on Haldane Central School's championships, adding that the cross country team was on it's way to State; girl's soccer team on their way to State Finals; girl's volley ball team going to Long Island on Saturday to play the regional championship once again. Councilwoman Montgomery stated that once again this great school has a winning team. Councilman Van Tassel added that Pop Warner will be playing for the Mid-Hudson Championship on Sunday, November 16th.

Supervisor Shea stated that the cross county team had a nice send off and that the Haldane Booster Club funded the trip and got all new uniforms for the team.

AUDIENCE

East Mountain Road South resident, Robert Juby, stated that he had a couple of things ... that he was curious about something that was said earlier about a surface road unintelligible ... on also Tree Top Road north of that. Addressing Councilman Merandy, is that what you said? Councilman Merandy replied that it was in the Plan and was not sure exactly where that was. He then added that it was down by the lower East Mountain Road, possibly Joe Frisenda's old driveway. Mr. Juby stated that he thought there was some conversation earlier that there was not going to be an entrance off of East Mountain Road North, that there was a meeting where there was talk about this – that there was not going to be an entrance off of East Mountain Road North. Councilman Merandy replied that he did not remember that – that they talked about putting some kind of lock key on it or something like that.

Planning Board member, Kim Conner, made a statement, which was unintelligible! Councilman Merandy added that it was just preliminary and that he thought that the main entrance will be off Route 9 and that would probably be where the houses are going to be built.

Mr. Juby then asked about paving the road, which was discussed at the October meeting. He stated that the local paper had stated that he had supported it, which he did, for the

health and safety. Mr. Juby stated that he didn't really ... to him the road isn't really safer again because it's paved. He then went back and listened to the tape and he didn't use the word "safety." Councilwoman Montgomery stated that the Town Board has had that issue sometimes with the paper and asked what paper it was in as it needed to be clarified. Mr. Juby responded, the PCNR. Mr. Juby went on to say that after the road was paved it ... before it was paved there were no road signs telling residents how fast they were going and now, of course, there was, so some people think you go faster. The signs are only 15 mile per hour signs, but they weren't there before. He added that the perception would be that someone who decided the sign needed to be there would assume that people will be going faster and needed to give them some instruction on going a little slower. Mr. Juby remarked that where dirt roads are, you don't see signs.

VACANCIES

Recreation (1)

CV Park District Advisory Committee (3)

CV Water District Advisory Committee (3)

APPROVAL OF VOUCHERS

Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously carried that the General Vouchers in the amount of \$87,738.96 are hereby approved as set forth in Abstracts 10A & 11.

Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the Highway Vouchers in the amount of \$34,341.33 are hereby approved as set forth in Abstracts 10A & 11.

Councilman Leonard made a motion, seconded by Councilman Merandy and unanimously carried that the CVPD Vouchers in the amount of \$3,446.78 are hereby approved as set forth in Abstracts 10A & 11.

Councilman Leonard made a motion, seconded by Councilman Merandy and unanimously carried that the CVWD Vouchers in the amount of \$16,962.84 are hereby approved as set forth in Abstracts 10A & 11.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Merandy to close the Town Board Monthly Meeting at 8:40 p.m.

Respectfully submitted by,

Joan B. Clauss
Deputy Town Clerk