

**Monthly Town Board Meeting
February 5, 2009**

The Town Board of the Town of Philipstown 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

William Mazzuca	Supervisor
Betty Budney	Councilwoman
Richard Shea	Councilman
Barbara Scuccimarra	Councilwoman
Nancy Montgomery	Councilwoman
Edward W. Doyle	Town Attorney

Supervisor Mazzuca opened the meeting with the salute to the flag.

COMMITTEE REPORTS

CAC - Councilman Shea reported that the CAC had their kickoff meeting and discussed setting goals.

RECREATION - Councilwoman Montgomery announced that the Recreation Website is now up. She also noted for the record that the Recreation Department hasn't lost their license to operate the pre-school; the morning and afternoon classes are still running. Due to an interpretation of the day care guidelines, those children who attend programs in the morning cannot attend afternoon programs.

RECYCLING – Councilwoman Budney reported that this year the Town will not be having any town-wide cleanups. She reminded everyone that extra things could be brought to the landfill, such as electronics, air conditioners, co-mingles, etc. Councilman Shea interjected that the Town is increasing the days that the landfill will be open, from one Saturday a month to every Saturday.

PLANNING BOARD – Councilwoman Montgomery reviewed the applications addressed at the Planning Board Meeting.

ZONING BOARD – Councilwoman Scuccimarra reviewed the applications addressed at the Zoning Board Meeting.

HIGHWAY - Councilwoman Budney reported that due to recent snow storms, the Highway Department has been out plowing, sanding and salting town roads. To date, the Highway Department has used approximately 1600 tons of salt and 3,500 tons of sand. Highway Superintendent, Roger Chirico, would like to ask the residents of Philipstown for their patience during these winter storms. Due to recent budget cutbacks the Highway Department is working with 13 men and

**Monthly Town Board Meeting
February 5, 2009**

is responsible for maintaining 70 miles of town roads. Councilwoman Budney asked that if anyone notices a storm drain that is clogged or in need of repair please call 845-265-3530.

BUILDING & LAND ACQUISITION – Councilman Shea reported that he had a discussion with Amber Stickle regarding the replacement of the roof at the Community Center, which would probably be slated for this year. A review of the boiler system at the department would also have to be addressed.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF FEBRUARY 5, 2009**

GENERAL & PART-TOWN FUNDS

AW Scrap	293.00
AW Scrap	256.00
M & T Credit	109.66
Tax Collection General B- Full Pay	273,274.00
Tax Collection General A- Partial Pay	150,000.00
Tax Collection CVFP	251,829.17
Tax Collection CS Fire	51,187.99
Tax Collection NHFD	695,844.25
Tax Collection GVFD	743,694.80
Tax Collection Butterfield Library	276,000.00
Justice Fees 1-09	7,084.00
Justice Fees 1-09	8,690.50
Building Fees – 1-09	3,734.00

HIGHWAY FUND

General Fund Ck. – Gas	104.02
Putnam County Sheriffs – Gas	943.24
Putnam County Sheriffs – Gas	1,804.17
Tax Collection Partial Pay	150,000.00

CONTINENTAL VILLAGE WATER DISTRICT

Tax Collection – Unpaid Water	21,528.00
Tax Collection – Full Pay	165,854.10

**Monthly Town Board Meeting
February 5, 2009**

CONTINENTAL VILLAGE PARK DISTRICT

Tax Collection – Full Pay

94,502.85

AGENDA

1. Resolution needed approving the 2008 points listing for the Philipstown Volunteer Ambulance Corp for their LOSAP program as presented.

RESOLUTION #59-2009

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

RESOLVED, that the Town Board of the Town of Philipstown hereby approves the 2008 points listing for the Philipstown Ambulance Corp for their LOSAP program as presented.

2. Resolution retaining Robert Cinque to represent the Town of Philipstown in the matter of Ant-Ant Corporation at a rate not to exceed \$125.00 per hour, plus out-of-pocket expenses. (nunc pro tunc)

RESOLUTION #60-2009

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

RESOLVED, that the Town Board hereby retains Robert Cinque to represent the Town of Philipstown in the matter of Ant-Ant Corporation at a rate not to exceed \$125.00 per hours, plus out-of-pocket expenses.

3. Resolution needed for the following re-appointments:

Michael Gibbons	Planning Board	term to expire March 31, 2013
Pat Sexton	Planning Board	term to expire March 31, 2013
Lew Kingsley	CAC	term to expire March 3, 2011
Michael Leonard	CAC	term to expire March 3, 2011
M. J. Martin	CAC	term to expire March 3, 2011

RESOLUTION #61-2009

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

RESOLVED, that the Town Board hereby re-appoints Michael Gibbons to serve as a member of the Planning Board whose term will expire March 31, 2013.

**Monthly Town Board Meeting
February 5, 2009**

RESOLUTION #62-2009

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

RESOLVED, that the Town Board hereby re-appoints Pat Sexton to serve as a member of the Planning Board whose term will expire March 31, 2013.

RESOLUTION #63-2009

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

RESOLVED, that the Town Board hereby re-appoints Lew Kingsley to serve as a member of the CAC whose term will expire March 3, 2011.

RESOLUTION #64-2009

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

RESOLVED, that the Town Board hereby re-appoints Michael Leonard to serve as a member of the CAC whose term will expire March 3, 2011.

RESOLUTION #65-2009

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

RESOLVED, that the Town Board hereby re-appoints M.J. Martin to serve as a member of the CAC whose term will expire March 3, 2011.

4.Resolution authorizing Supervisor Mazzuca to sign the lease agreement between Hoffman International and the Town for a 2009 Case Loader.

RESOLUTION #66-2009

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes the purchase of a 2009 Case Loader from Hoffman International, Inc., 300 South Randolphville Road, Piscataway, New Jersey for a total lease price of \$130,297.11; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes Supervisor Mazzuca to sign the lease agreement with CCNH Capital.

**Monthly Town Board Meeting
February 5, 2009**

5. Resolution authorizing the reimbursement of \$2,550.00 to Justice Stephen Tomann for services incurred in connection with retaining special counsel for advice in his official capacity as Town Justice.

RESOLUTION #67-2009

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

RESOLVED, that Town Justice Stephen J. Tomann be reimbursed \$2,550.00 for service incurred in connection with retaining special counsel for advice in his official capacity as Town Justice.

6. West Point will begin blasting February 9, 2009 – announcement.

Supervisor Mazzuca announced that West Point would be begin blasting on February 9, 2009.

7. Discussion on Garrison Contracting.

Councilman Shea stated that there have been several conversations with the Code Enforcement Officer and the general feeling is that the lot is split into two different zoning districts. It has a history of always being a business; it's a substandard lot. He noted that even if it's re-zoned, even if he continues with the traditional use, it has no bathrooms. There was never a site plan approval for a car dealership. It could be used as office space. If there were anything else he would want to do, he would have to come before the Planning Board for a site plan approval. Councilman Shea stated that he trusts that the Planning Board would address any concerns if this site is put in a business zone. Whether it's business or residential, a septic is not possible. He won't be able to run the type of business that has multiple employees. He noted that it would be better to get this matter resolved rather than having it drag on or going to court. Councilman Shea suggested it be left for the Planning Board to oversee.

Andy Merante, Chair of the Planning Board, stated that Councilman Shea summed it up and added that the site is zoned in a very difficult spot. The site is right across the street from the Stadium, another parcel the Planning Board is reviewing.

Councilman Shea noted that the entire lot is in the wetland buffer. He went on to say that traditionally there has been something there and he did just purchase it, so there is some potential for use.

Supervisor Mazzuca asked Andy Merante if the owner was before the Planning Board at this time for a car lot? Mr. Merante responded saying "yes." Supervisor Mazzuca stated that the Town Board has discussed prohibiting used car lots on Route 9 and 9D.

**Monthly Town Board Meeting
February 5, 2009**

Town Attorney Doyle explained that in order to re-zone the property, the Town needs a map and a description of the area. It would have to be re-zoned in effect, to one of the adjoining districts, which he believes is B2 or R80. Town Attorney Doyle asked who is going to do the map, the applicant or the town. Supervisor Mazzuca asked if the property owner has put an official request to the Town Board to re-zone. He knows that he has verbalized it, but doesn't recall an official request. Councilman Shea interjected that the town has a formal request from the Code Enforcement Officer. Town Attorney Doyle reminded everyone that the Town Board could re-zone on his or her own motion. Supervisor Mazzuca stated that the problem is, that when the map was done, it was done in error. He believes that the Town has an obligation to correct it.

Following the discussion, the Town Board directed Town Attorney Doyle to contact Robert Cinque and request of him to contact the property owner's attorney and see if they have a map and the description.

RESOLUTION #68-2009

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

RESOLVED, that the Town Board hereby directs Town Attorney Doyle to contact Robert Cinque to speak with the opposing counsel and find out what surveying and description they have in their possession; and

BE IT FURTHER RESOLVED, if the opposing counsel indicates that they do not have the materials that is needed, Town Attorney Doyle shall contact Badey & Watson to get the necessary mapping and prepare a Local Law to change the zoning for Garrison Contracting to B2.

8. Resolutions setting the 2009 hourly rate for part-time stenographers and part-time clerks as follows:

RESOLUTION #69-2009

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

RESOLVED, that the following 2009 column represents the hourly pay rates for part-time stenographers and part-time clerks

NAME	BOARD	2008	2009
Tina Landolfi	Conservation Advisory Committee	\$14.00	\$15.00
Ann Gallagher	Planning Board	\$19.00	\$20.00
Kim Shewmaker	Zoning Board	\$17.00	\$18.00
Tina Landolfi	Building Department	\$12.00	\$13.00

**Monthly Town Board Meeting
February 5, 2009**

Sandy Falloon	Part-time Justice Clerk	\$13.00	\$14.00
Kim Olert	Part-time Highway Clerk	\$13.00	\$14.00
Anne DiStefano	Part-time Assessor's Clerk	\$10.00	\$11.00

9. Code Enforcement Monthly Report.

Town Clerk Merando read the Monthly Report.

10. Schedule Workshops/Meetings.

February 25, 2009 at 7:30 p.m. – Community Center – New Zoning Law

Councilwoman Scuccimarra reported that she had attended a Fiscal Vision meeting in Carmel. This is a panel of people who are searching out ways to save taxpayers dollars. She briefly explained that they review the consolidation of services, etc.

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

Supervisor Mazzuca stated that Governor Paterson has proposed to abolish the Hudson River Valley Greenway in his budget and fold it into the Department of State. As a member of the Greenway, Supervisor Mazzuca stated that the Town Board has sent a resolution to the Governor requesting that he reconsider that decision. He pointed out that many municipalities and elected officials have done the same.

Supervisor Mazzuca reported that a Continental Village resident lodged a complaint to the Health Department, citing that on occasion, when the CV Fire Department fills their tanker their water becomes dirty. Mr. Ralph Bassignani, Superintendent of the CV Water District, further explained the fire department is at the dead end of the water system. Therefore, the one or two homes before the firehouse experience dirty water, which is normal for the end of any system. Mr. Bassignani stated that they have searched for remedies and, quite frankly, there are none. Supervisor Mazzuca stated that they would move forward to schedule a meeting between the CVWD, CVFD, Department of Health and the Town Board.

Michael Phelan discussed the funding for the Cortlandt Lake Dam Rehabilitation Project, noting that the town should bond the full amount of the town's portion regardless of the DEC grant of \$651,000. He further explained that the grant monies would come back to the towns once the project is started, and in order to enter a contract, the funding must be in place. He submitted the breakdown of funding for each town and reviewed the amounts. This breakdown is on file in the Town Clerk's Office for public review. He also noted that each town would procure their own funding. Town Attorney Doyle stated, with the Town Board's approval, he can contact Bond Counsel to further this matter along. Once the

**Monthly Town Board Meeting
February 5, 2009**

grant money is received, the Town can then pay down the bond. Mr. Phelan also noted that the bid has been awarded to the contractor and wants assurances from the town that the project is slated to move forward.

Supervisor Mazzuca stated that another item to be addressed was the release of escrow in the matter of the Crane Subdivision.

RESOLUTION #70-2009

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

RESOLVED, that the Town Board hereby authorizes the release of the escrow deposit in the matter of Crane Subdivision.

AUDIENCE

Andy Chmar also discussed the uncertain future for the NYS Greenway and briefly touched on the EPF funds and their importance to Philipstown. He asked that the Town Board adopt a resolution in support of the New York State Environmental Protection Fund.

Joe Regele addressed the Town Board with regard to the Garrison Fire House and their recent alleged purchases. Mr. Regele debated this issue with the Town Board at length, at which time Supervisor Mazzuca noted for the record that this matter would not be discussed again.

VACANCIES

CV Park District Advisory Committee (3)
CV Water District Advisory Committee (2)
Recreation Commission (1)

APPROVAL OF VOUCHERS

Councilwoman Montgomery made a motion, seconded by Councilman Shea and unanimously carried that the General Vouchers in the amount of \$129,989.10 are hereby approved as set forth in Abstract 1A & 2.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Highway Vouchers in the amount of \$241,920.96 are hereby approved as set forth in Abstract 1A & 2.

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Park District Vouchers in the amount of \$8,988.38 are hereby approved as set forth in Abstract 1A & 2.

**Monthly Town Board Meeting
February 5, 2009**

Councilwoman Budney made a motion, seconded by Councilman Shea and unanimously carried that the CV Water District Vouchers in the amount of \$16,922.11 are hereby approved as presented in Abstract 1A & 2.

ADJOURNMENT

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Shea and unanimously carried that the Monthly Town Board Meeting be closed at 9:25 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk