

Monthly Town Board Meeting
February 5, 2015

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
	John Van Tassel	Councilman
	Michael Leonard	Councilman
	Dave Merandy	Councilman
ABSENT:	Nancy Montgomery	Councilwoman

Boy Scout Troop #137 opened the meeting with the Salute to the Flag.

COMMITTEE REPORTS

CB – Councilman Leonard reported that the meeting was held on January 13, 2015 and had 3 applications on the agenda: Towles, Banker, and Horton Road LLC. There was also a Stormwater discussion to bring the Board's attention to certain things (i.e. sewer treatment plants). Eric Lind announced that he will step down as Chairman, but would stay on the Board. He would like to go and attend some training and the training would not allow him to continue as Chairman. Councilman Leonard is asking the Town Board to have a discussion with the Conservation Board for a recommendation for a new Chairman.

RECREATION – Councilman Van Tassel reported that he attended the February 3, 2015 meeting. The Recreation Director Amber Stickle gave the final 2014 Financial Report. She reported that they received 99% of their projected revenues and dispensed 98% of their projected expenditures. The Financial Report is available through the Town Clerks office. The Spring Book is out today and sign ups start Monday. You can call 424-4618 for more info. The Senior Luncheon will be held on Wednesday, February 11, 2015 featuring Italian food. The Winter Carnival starts on Friday night and will continue all day Saturday. There are a lot of big events this month at the Depot Theatre.

RECYCLING – Councilwoman Montgomery was not in attendance. No report given.

PLANNING BOARD - Councilman Merandy reported that he attended the meeting on January 15, 2015, which was a two (2) part informational workshop. The first part was a presentation from AKRF. The second part was a presentation from Hudson Highlands.

ZONING – Councilman Van Tassel reported that he attended the January 12, 2015 meeting. The meeting minutes of the prior meeting were read and approved. The first item was a discussion to repair a home at 28 Hudson Rive Lane, which was damaged during Hurricane Sandy. The next item was a review of a resolution for

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Joseph Estvanik and the third was a review for completeness for 72 Steuben Road. The next meeting will be February 9, 2015 at 7:30 pm.

HIGHWAY – Councilman Van Tassel did not receive a report from the Highway Department. He did have a discussion with the Highway Superintendent about people plowing their snow into the town road. This is very dangerous and costly to the Town. He said “If you are forced to push the snow across the road (which you are not supposed to do) make sure that you leave the road as clean as it was before your plowing”. This has been an ongoing problem.

BUILDING & LAND ACQUISITION – Supervisor Shea said that there was nothing to report.

PUTNAM COUNTY LEGISLATOR – Legislator Scuccimarra reported the Sheriff and Investigator Schrimmek, after an extensive investigation over the last two months, have made a substantial drug bust of a group that was distributing large amounts of heroin in the area. She believes that because we have had the extra investigators on this side of the County it helped lead to the arrest of these individuals. Councilman Merandy asked where this was...Cold Spring? Legislator Scuccimarra responded that it was in Putnam Valley. Legislator Scuccimarra said “Remember if you see anything or hear anything suspicious call 225-drug even if you don’t think it is very important”. You can also go on the Putnam County website “Putnam Cares” for more information.

The last time she was here she talked about the trucks going up Canopus Road and has since worked with Roger Chirico and Aaron Cobb of Putnam Valley extensively. They are now in the process of putting signs on the Philipstown’s side and the Putnam Valley side to keep the trucks off this road.

She attended a NYSAT Conference in Albany County and spent time with Dan McCoy of Albany County. Now that she has been appointed Chair of Health and Environmental one of the first meetings she is going to have is on oil trains, which will be held next Wednesday. Paul Gallay, Riverkeeper, has been invited to do a presentation at this meeting. Legislator Scuccimarra said that the tracks on the other side of the river are in terrible condition and she thinks in light of the tragedies we have had on the train tracks that this should be a good meeting. She is hoping that Putnam County will join forces with other counties in the area to send a resolution to the Governor.

The Rules Committee will meet on Thursday with polystyrene on the agenda. She was hoping that the Town Board would send a letter of support for that resolution so the we can ban polystyrene and styrofoam in the County buildings for now and then, hopefully, within the next year for the entire County.

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Legislator Scuccimarra will hold a workshop next Tuesday at 11:00 am at the Butterfield Library with Lisa Johnson of Real Property to answer questions about tax bills. Town Clerk Merando will join them at the workshop.

Legislator Scuccimarra introduced Acting Commissioner Bob Lipton who will answer any questions the Town Board or audience may have. Councilman Van Tassel stated that it is unfortunate that Councilwoman Montgomery was not in attendance tonight as she had requested to sit down with him with regard to a calling number. Mr. Lipton said that the County has made it a routine to make a conference call, on the County level, every time there is a storm to discuss what they are going to do on the County level. Being that the last storm was a blizzard the Deputy County Executive thought it would be a good idea to have a Municipality phone call to make sure they are okay. The line they use to make these conference calls could only make a max of 23 numbers, which they did not know at the time. They used another number, but did lose a few calls. They will be better prepared the next time. Councilman Van Tassel said that Councilwoman Montgomery would like to sit down with him, the County Executive and Legislator Scuccimarra to establish some guidelines as to how the operation works. Mr. Lipton said that is a great idea and should be done as soon as possible with the weather patterns this winter. Councilman Van Tassel wanted to bring up the fact that the Town has a local emergency center, which has worked well. One problem the Town has is that the Central Hudson contact is in Putnam County's EOC facility and all the customers are in the Town of Philipstown. He said that the Town has approached them to be a part of our emergency operation center so we would have direct access. Mr. Lipton said that they would all get together to discuss this to make things work better in the future.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF FEBRUARY 5, 2015**

GENERAL & PART-TOWN FUNDS

T.C. Fees – 12/14	343.14
T.C. Dog Fees – 12/14	575.00
Justice Fees – 12/14	10,475.00
Justice Fees – 12/14	5,651.00
Tax Coll. Gen A Partial Pay	300,000.00
P.C. Ck Cemetery	942.50
AW Scrap	303.00
Rec. Community Recycle	66.75
Tax Coll. Gen A Partial Pay	300,000.00
Tax Coll. Gen B Full Pay	240,580.45
Tax Coll. NHFD Full Pay	730,587.63
Bldg. Fees 1/15	11,534.00
Tax Coll. CS Fire Full Pay	64,424.93
Tax Coll. GV Fire Full Pay	604,701.59
Bank Interest	20.95

HIGHWAY FUND

Tax Coll. Hwy Partial Pay	200,000.00
General Fund Ck	288.49
NYS Fema	137,748.44
NYS Fema	41,919.59
P.C. Gas	1,677.87
P.C. Gas	418.54
Bank Interest	47.53

CONTINENTAL VILLAGE WATER DISTRICT

Tax Coll. Unpaid Water	27,960.00
Tax Coll. Full Pay	100,017.27
Bank Interest	1.76

CONTINENTAL VILLAGE PARK DISTRICT

Bank Interest	5.79
Clubhouse Fees	525.00
Tax Coll. Full Pay	98,840.00

AGENDA

- 1. Resolution authorizing Town Clerk Merando to advertise an opening on the Philipstown Planning Board.**

RESOLUTION #53-2015

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for an opening on the Philipstown Planning Board.

- 2. Resolution to re-appoint the following to the Philipstown Zoning Board of Appeals for a five (5) year term:**

Vincent Cestone	Zoning	5-year term expiring March 31, 2020
William Flaherty	Zoning	5-year term expiring March 31, 2020

RESOLUTION #54-2015

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

RESOLVED, that the Town Board hereby re-appoints Vincent Cestone to serve as a member of the Zoning Board of Appeals to a five (5) year term which will expire on March 31, 2020.

RESOLUTION #55-2015

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

RESOLVED, that the Town Board hereby re-appoints William Flaherty to serve as a member of the Zoning Board of Appeals to a five (5) year term which will expire on March 31, 2020.

- 3. Resolution to re-appoint the following to the Philipstown Planning Board for a four (4) year term:**

Kim Conner	Planning	4-year term expiring March 31, 2019
David Hardy	Planning	4-year term expiring March 31, 2019

RESOLUTION #56-2015

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

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RESOLVED, that the Town Board hereby re-appoints Kim Conner to serve as a member of the Philipstown Planning Board for a four (4) year term which will expire on March 31, 2019.

RESOLUTION #57-2015

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

RESOLVED, that the Town Board hereby re-appoints David Hardy to serve as a member of the Philipstown Planning Board for a four (4) year term which will expire on March 31, 2019.

4. Resolution to re-appoint the following to the Philipstown Conservation Board for a two (2) year term:

Lew Kingsley	C. Board	2-year term expiring March 3, 2017
Max Garfinkle	C. Board	2-year term expiring March 3, 2017
M.J. Martin	C. Board	2-year term expiring March 3, 2017

RESOLUTION #58-2015

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

RESOLVED, that the Town Board hereby re-appoints Lew Kingsley to serve as a member of the Conservation Board for a two (2) year term which will expire on March 3, 2017.

RESOLUTION #59-2015

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

RESOLVED, that the Town Board hereby re-appoints Max Garfinkle to serve as a member of the Conservation Board for a two (2) year term which will expire on March 3, 2017.

RESOLUTION #60-2015

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

RESOLVED, that the Town Board hereby re-appoints M. J. Martin to serve as a member of the Conservation Board for a two (2) year term which will expire on March 3, 2017.

5. Discussion on the ESP petition to re-zone property located at 3322 Route 9, Cold Spring, NY. (Owners Bruce & Donna Kehr)

Glen Watson, representing the Kehr's addressed the Town Board to ask to move forward with their petition. He said that they met with Supervisor Shea two years ago, at which

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time they were advised to deal with the Planning Board and it was determined that there was no way to make the property conform without some kind of zoning change. They came back in August 2013 with a petition and met again with Supervisor Shea where he reiterated that they would have to go through the Planning Board process. They prepared a subdivision plan, made an application to the Planning Board, had a public hearing and the public hearing was closed. The petition calls for a change of the zoning of the back property from residential to commercial, but they added certain items to the site plan that would be improved if the zoning does get changed. It was noted that they added additional setbacks to the residential property beyond what is required in the zoning and are seeking, offered a conservation easement, agreed with the neighbors to join in on their maintenance agreement for Stephanie Lane, and made some improvements/corrections which were requested. They will also use the old driveway as requested by a neighbor. There is a letter from Mr. Gaba, on behalf of the Planning Board, who made a couple of suggestions; one that they work out the terms of a conservation easement to restrict building on that back property and suggested that there be some kind of escrow account or fund so that the conservation easement could be enforced.

Supervisor Shea said that the one comment he heard was with regard to the easement to really clearly denote in the field in some physical way the property that would be under the easement so that there is not an encroachment. Mr. Watson said that this is actually on the site plan; there is a chain link fence along the entire back of the front part of the property that segregates the developed area from what would be in the easement. Supervisor Shea said that he does hope that they can come to some accommodation here. He is aware that this has been an issue for a long time. He knows that there are valid concerns with the neighbors but also appreciates working with Don to lay them all out clearly and address each one. Supervisor Shea went on to note that the Board will not be making any decision tonight but did want to hear from the rest of the Board publicly.

Councilman Van Tassel said that he thinks that the fence will go a long way to eliminate (inaudible) and he thinks from past experience the property seems to increase. He was not aware of the fence.

Councilman Merandy stated that firstly after hearing Andy Chmar's presentation on conservation easements he does not feel that this parcel falls under that. He does not think it meets the standard. Second, there has been a history of disregard of the neighbor's rights and the town building code. Now that they would like to have this change made they made the effort to move forward. Would they have made this move if it weren't for this change they want? Councilman Merandy does not feel really confident this is an easement and second that they would comply with the codes and laws after this is completed. Mr. Watson responded to Councilman Merandy stating that there are two kinds of conservation easements; one being for maintaining green and open spaces and another conservation agreement for regulatory affect. So he disagrees with Councilman Merandy that the conservation easement can't be used to assist in regulatory enforcement. Mr. Watson said that he firmly argues that the complaints are on past issues. Councilman Merandy said that he does not want to punish them on past issues but it doesn't seem that he should feel really confident that things moving ahead would change because they

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haven't until this point. He thinks they punished themselves. Mr. Watson said that there is another side to this. There were other things that got in the way, for example the new zoning law.

Councilman Leonard 's concerns are more with future zoning changes, not just the Kehrs, but also every owner thereafter. His opinion is that any zoning changes must be approached carefully and diligently, to ensure it is maintained and enforced. He supports the fencing idea and would also suggest a "do not enter" sign. Mr. Chmar suggested that using cement columns would be better as they would last longer.

Another meeting on this was scheduled for February 11, 2015. This will allow time for the Town Board to go over the plans again. Supervisor Shea said that he would like to go over terms with the Town Attorney on how to remedy violations and the stipulations of what is and what is not in any easement to be determined.

6. Discussion with regard to the Garrison Fire Department and the possible formation of a fire district.

Mr. Joe Regele thought that this was a Town driven item. He said that there has been a lot of conversation about the formation of a fire district; the boards have mentioned it on a number of occasions. He was under the assumption that it had been an ongoing discussion. He had the time to pull out the report issued in 2011 that the Town paid \$10 – 15,000 for. Supervisor Shea interjected that this was paid for by a grant. Mr. Regele pointed out the prime directive from this professionally written grant was that to consolidate the fire districts to have a single Townwide fire district. He would like to make sure that if there is going to be a discussion this is the time to bring all the emergency services together. He believes that everything in Philipstown is vulcanized whether it is the Fish Library, the Butterfield Library, the Cold Spring Village Highway Department, the Town Highway Department all these interest groups and not enough people working together. He is looking to this Board to provide some leadership and strike out and say maybe we can pull this together. Mr. Regele urges the Town Board to take a broader look at this. Supervisor Shea said that these are initial discussions and that his belief is that the fire and emergency services should lead the discussions on this. He has had a meeting with an attorney and we do not even know what the mechanism will be but when the meetings take place they will be Public Hearings.

7. Code Enforcement Monthly Report.

Town Clerk Merando read the Monthly Report submitted by Kevin Donohue.

8. Resolution to appoint Cecily Hall as the Recreation Center's Recreation Leader.

Supervisor reported that there were two highly qualified candidates and it was a difficult decision. The Commission felt strongly about one of the candidates and he feels comfortable going with the Commission's recommendation.

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RESOLUTION #61-2015

The following Resolution was presented by Councilman Van Tassel, seconded by Councilwoman Leonard with Councilman Merandy abstaining was unanimously carried;

RESOLVED, that the Town Board hereby approves hiring Cecily Hall as the Recreation Center's Recreation Leader.

9. Schedule Meetings/Workshops.

February 11, 2015 @ 7:30 pm Workshop – ESP

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

Councilman Van Tassel reported that the Town of Philipstown would host a NYS Preparedness Presentation. This course is provided by the Governor's initiative. It will give an introduction on responding to disasters (manmade or natural). The course will cover the tasks that need to be done to prepare, respond and recover from such an event. It will teach you and your family how to sustain and assist your neighbors. It will also give you information regarding collecting needed emergency supplies for the famous "Go Bag". Additional information will be provided as available. The date is Saturday March 14, 2015 at 1:00 pm at the Recreation Center.

Councilman Merandy wanted to mention the Winter Festival, which is this weekend.

AUDIENCE

Andy Chmar had a question about Recreation activities that are presently being held at the VFW center "will an announcement be made with regard to a change in the venue since the building has been sold?" Supervisor Shea said that individuals would be notified.

VACANCIES

Board of Assessment Review (1)
CV Park District Advisory Committee (3)
CV Water District Advisory Committee (4)

APPROVAL OF VOUCHERS

Councilwoman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the General Vouchers in the amount of \$1,032,310.73 are hereby approved as set forth in Abstract 2

Councilman Leonard made a motion, seconded by Councilman Merandy and unanimously carried that the Highway Vouchers in the amount of \$100,263.60 are hereby approved as set forth in Abstract 2.

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Councilman Merandy made a motion, seconded by Councilman Van Tassel and unanimously carried that the CVPD Vouchers in the amount of \$2,274.53 are hereby approved as set forth in Abstract 2.

Councilman Leonard made a motion, seconded by Councilman Merandy and unanimously carried that the CVWD Vouchers in the amount of \$12,867.88 are hereby approved as set forth in Abstract 2.

There being no further business to discuss, Councilman Leonard made a motion, seconded by Councilman Merandy to close the Town Board Monthly Meeting at 9:05 pm.

Respectfully submitted by,

Theresa Crawley
Deputy Town Clerk