

Monthly Town Board Meeting  
February 7, 2013

The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 7:33 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:	Richard Shea	Supervisor
	Betty Budney	Councilwoman
	Nancy Montgomery	Councilwoman
	John Van Tassel	Councilman
	David Merandy	Councilman

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

### **REVIEW OF MINUTES**

The Minutes of the Year End Meeting of December 27, 2012, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Year End Meeting of December 27, 2012, are hereby approved as presented.

The Minutes of the Philipstown Depot Theatre Development Meeting of January 3, 2013, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Philipstown Depot Theatre Development Meeting of January 3, 2013, are hereby approved as presented.

The Minutes of the Reorganization Meeting of January 3, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of the Reorganization Meeting of January 3, 2013, are hereby approved as presented.

The Minutes of Monthly Town Board Meeting of January 3, 2013, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of the Monthly Town Board Meeting of January 3, 2013, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of January 9, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of the Weekly Town Board Meeting of January 9, 2013, are hereby approved as presented.

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The Minutes of the Special Meeting of January 16, 2013, were reviewed.

Councilwoman Budney made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Special Meeting of January 16, 2013, are hereby approved as presented.

The Minutes of the Bid Opening of January 18, 2013 – Old Albany Post Road, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Bid Opening of January 18, 2013, are hereby approved as presented.

### **COMMITTEE REPORTS**

**CB** – Councilwoman Montgomery reported that they did not meet in January and noted that it was due to the lack of agenda items. The next meeting will be next Tuesday.

**RECREATION** – Councilman Van Tassel was with the Vets and arrived late for the meeting. Councilman Merandy said that after a few adjustments the lease for the Depot Theatre was finally signed. He said, that there have been some complaints from the Garrison Fire Dept. with regard to storage at station #1. Both groups are working together to come up with a solution. Building and grounds – the circulation pump that heats the gym went down and needed to be repaired before the new boiler is installed, which will be an additional expense of about \$4,000. He said that they did try to get one that would work with the new system, but they could not come up with the specs. Jim Borum made a sight visit and has followed up on this and hopefully he is moving ahead with the new boilers.

Friends of Philipstown did not meet. Their spring splat is April 21 – 5k race. The spring book is out today in the PCN&R.

They have started implementing the security system at the Rec center. He said that there were two cameras installed at the time of the meeting and they should have four. He believes that there will be a total of twelve cameras. Councilman Van Tassel confirmed that there would be twelve altogether. Locks are in place on all pre-school doors and you now have to buzz in between 8:30 am and 6:00 pm Monday thru Friday. The four clerks do have access to the buzzer and can view who is at the door on the monitor. Councilman Merandy said that there was also a conversation on background checks on volunteers. Councilman Van Tassel noted that Amber has been working on developing a policy for volunteer coaches and people who work at the programs. He said that she is working with the Putnam County's Sheriff Department, as well as with another private individual (a local resource), who the Town will be utilizing.

Councilman Merandy said that the last piece of business was that the Lacrosse Director stepped down, creating a vacancy, and that they were going to wait one more week to see if anyone else would apply for that opening. They are set to start interviewing at the next meeting.

Supervisor Shea said that it is great to have the security system up and running. Councilman Van Tassel said that the day after it was installed there was a person who came to the door that they actually turned away. Supervisor Shea thanked the Sheriff and Mike Leonard for their input on this.

**RECYCLING** – Councilwoman Budney reported that the Recycling Center will be closed on Saturday due to the forecast of snow and asked Town Clerk Merando to put the information on the Municipal channel, the website and WHUD radio station. She also reported that it looks like we will be taking electronics again. She will confirm once she gets more information.

**PLANNING BOARD** - Councilwoman Montgomery reported that they met on January 17, 2013, and there was one Public Hearing for Lyons and three agenda items that were discussed. The next Planning Board meeting will be February 21, 2013

**ZONING** – Councilman Van Tassel reported that there was no meeting in January. The next meeting will be Monday night, which he will be attending.

**HIGHWAY** – Councilwoman Budney read the January monthly report submitted by Highway Superintendent Roger Chirico. The report is on file in the Town Clerk's Office for anyone wishing to review.

**BUILDING & LAND ACQUISITION** – Supervisor Shea said that they are continuing talks with the veterans about the American Legion Building. It seems like they are making some progress. He will keep everyone posted.

**TOWN OF PHILIPSTOWN  
MONTHLY REPORT OF TOWN SUPERVISOR  
MONIES RECEIVED AS OF FEBRUARY 7, 2013**

**GENERAL & PART-TOWN FUNDS**

Tax Collection-Gen A partial pay	200,000.00
Justice Fee – 12/12	7,980.00
Justice Fee – 12/12	6,152.50
Rec. Recycling paper	74.30
Tax Collection – Gen A pro rata	210.38
Tax Collection – JL Butterfield Library	276,000.00
Tax Collection – Gen A partial pay	500,000.00
Putnam Co. DWI	200.00
Tax Collection-Gen A final pay	1,491,591.40
Bank Interest	59.13
Tax Collection – Gen B full pay	162,878.00
Bldg. fees - 1/13	10,528.00
Justice Fee – 1/13	5,380.20
AW Scrap	378.00

**HIGHWAY FUND**

Tax Collection – Hwy partial pay	300,000.00
Tax Collection – Hwy pro rata	527.94
General Fund – gas	585.25
Village of Nelsonville salt	557.05
Tax Collection – Hwy final pay	2,258,043.06
Bank Interest	204.65

**CONTINENTAL VILLAGE WATER DISTRICT**

Tax Collection – unpaid water	23,303.00
Bank Interest	4.16
Tax Collection – CVWD full pay	101,662.09

**CONTINENTAL VILLAGE PARK DISTRICT**

Tax Collection – full pay	103,391.92
Bank Interest	31.70

**AGENDA**

**1. Resolution retaining Stephen Gaba as Counsel in the matter of Halebian vs. Town of Philipstown, et al.**

Supervisor Shea said that this is with regard to a suit on a bridge at Mill Road that we really should not be a part of, but since we are, we need to defend ourselves.

**RESOLUTION #49-2013**

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

**WHEREAS**, the Town Board wishes to retain Stephen Gaba, Esq. as Counsel in the matter of Halebian vs. Town of Philipstown, et al;

**NOW, THEREFORE, BE IT RESOLVED**, that Stephen Gaba, Esq. is hereby retained as Counsel in the matter of Halebian vs. Town of Philipstown et al, at a rate of \$125.00 per hour, plus out-of-pocket expenses.

Councilman Merandy opposed this appointment saying that he thinks that we should distance ourselves from this law firm due to the folly going on in Cold Spring with Stephen Gaba.

**2. Resolution retaining Laura Roberts and Kevin P. Irwin for prosecution of Vehicle and Traffic Law violations on behalf of the Putnam County District Attorney's Office.**

Supervisor Shea said that we do this to prosecute traffic violations. He noted that in the past a lot of the tickets got dismissed because the officer did not show up and that we do get part of that revenue from the County.

**RESOLUTION #50-2013**

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

**WHEREAS**, the office of Laura Roberts serves as Town Attorney for the Town of Philipstown, which includes the prosecution of Vehicle and Traffic Law violations on behalf of the Putnam County District Attorney's office; and

**WHEREAS**, due to scheduling conflicts, Laura Roberts is occasionally not available to appear before the Philipstown Justice Court in connection with the Vehicle and Traffic Law violations; and

**WHEREAS**, Laura Roberts wishes to have Attorney Kevin P. Irwin act as an alternate prosecutor on her behalf in connection with the Vehicle and Traffic Law violations before the Philipstown Justice Court; and

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**WHEREAS**, it is necessary to obtain the authorization of the Putnam County District Attorney for the appointment of Attorney Kevin P. Irwin to act as an alternate special prosecutor on behalf of Laura Roberts in connection with the Vehicle and Traffic Law violations and Penal Law violations before the Philipstown Justice Court; and

**WHEREAS**, the Town Board wishes to authorize the appointment by the Putnam County District Attorney's office of Attorney Kevin P. Irwin as an alternate special prosecutor in connection with the Vehicle and Traffic Law violations and Penal Law violations before the Philipstown Justice Court;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Philipstown hereby authorizes the appointment of Attorney Kevin P. Irwin as an alternate special prosecutor in connection with the Vehicle and Traffic Law violations and Penal Law violations before the Philipstown Justice Court; and

**BE IT FURTHER RESOLVED**, that the appointment of Attorney Kevin P. Irwin as an alternate special prosecutor in connection with the Vehicle and Traffic Law violations and Penal Law violations before the Philipstown Justice court shall become effective immediately upon receipt of the authorization letter from the Putnam County District Attorney.

**3. Resolution setting petty cash for the Justice Department in the amount not to exceed \$200.00.**

**RESOLUTION #51-2013**

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

**RESOLVED**, that the Town Board hereby sets petty cash for the Justice Department in the amount not to exceed \$200.00.

**4. Resolution setting the pay rate for Tina Landolfi as Conservation Board, Building Department, and Zoning Board of Appeals Clerk at \$16.00 per hour.**

**RESOLUTION #52-2013**

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

**RESOLVED**, that the Town Board hereby sets the pay rate for Tina Landolfi as Conservation Board, Building Department, and Zoning Board of Appeals Clerk at \$16.00 per hour.

**5. Discussion with regard to Craig Roffman's request for naming a road at his approved subdivision at 114 Hustis.**

Town Clerk Merando read a letter from Mr. Roffman asking to put this off until next month so that he can come up with a name.

**RESOLUTION #53-2013**

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

**RESOLVED**, that the Town Board hereby tables Craig Roffman's request of naming a road at his approved subdivision at 114 Hustis Road.

**6. Resolution releasing the escrow funds in the matter of Jung and Ming Wang's Planning Board Application.**

Town Clerk Merando read the letter from Mike Leonard, Chairman of the Planning Board requesting the release of the escrow funds.

**RESOLUTION #54-2013**

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

**RESOLVED**, that the Town Board hereby approves the release of the escrow funds in the matter of Yung and Ming Wang's Planning Board application.

**7. Resolution authorizing the release of escrow funds in the matter of Unjoo/Dong Yu's Planning Board application.**

**RESOLUTION #55-2013**

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 escrow funds in the matter of Unjoo/Dong Yu's Planning Board application..

**8. Resolution adopting a technology policy.**

**RESOLUTION #56-2013**

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

**RESOLVED**, that the Town Board hereby adopts a technology policy that the use of the internet is strictly for Town business and any personal use of social media/internet is prohibited.

**9. Resolution authorizing Supervisor Shea to sign the affidavit of compliance with respect to Lawful Hiring of Employees with regard to the County of Putnam and the Town of Philipstown for the Outreach Worker to assist the elderly.**

**RESOLUTION #57-2013**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the affidavit of compliance with respect to Lawful Hiring of Employees with regard to the County of Putnam and the Town of Philipstown for the Outreach Worker to assist the elderly.

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

Paula Clair	Zoning	5-year term expiring March 31, 2018
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**RESOLUTION #58-2013**

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

**RESOLVED**, that the Town Board hereby re-appoints the following to the Zoning Board of Appeals for a five (5) year term:

Paula Clair	Zoning	5-year term expiring March 31, 2018
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**11. Resolution to re-appoint the following to the Philipstown Planning Board for a four (4) year term:**

Michael Leonard	Planning	4-year term expiring March 31, 2017
Mary Finger	Planning	4-year term expiring March 31, 2017

**RESOLUTION #59-2013**

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

**RESOLVED**, that the Town Board hereby re-appoints the following to the Planning Board for a four (4) year term:

Michael Leonard	Planning	4-year term expiring March 31, 2017
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Supervisor Shea said that they would talk with Mary Ellen Finger with regard to her re-appointment. Dave Vickery said that Ms Finger had sent a letter via e-mail to the Town Clerk with regard to her re-appointment stating that it would be a pleasure to be on the board. Town Clerk Merando said that she had not received the letter. Supervisor Shea said that once they receive the letter, they would discuss with Ms. Finger.



**12. 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 31,2015
Michael Leonard	C Board	2-year term expiring March 31, 2015
M. J. Martin	C Board	2-year term expiring March 31, 2015

**RESOLUTION #60-2013**

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

**RESOLVED**, that the Town Board hereby re-appoints Lew Kingsley to the Philipstown Conservation Board for a two (2) year term expiring March 31, 2015

**RESOLUTION #61-2013**

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

**RESOLVED**, that the Town Board hereby re-appoints Michael Leonard to the Philipstown Conservation Board for a two (2) year term expiring March 31, 2015

**RESOLUTION #62-2013**

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

**RESOLVED**, that the Town Board hereby re-appoints M. J. Martin to the Philipstown Conservation Board for a two (2) year term expiring March 31, 2015

**13. Code Enforcement Monthly Report.**

Town Clerk Merando read the Monthly Report for January, which is on file in the Town Clerks office.

Town Clerk Merando has two other items to bring before the Board.

The first is to approve the Conservation Board Annual Report for 2012. Supervisor Shea explained that this was something that we must do every year – a month-by-month report on the activity.

**RESOLUTION #63-2013**

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

**RESOLVED**, that the Town Board hereby approves the Conservation Board Annual Report for 2012.

The second item is the appointment of a Deputy Supervisor. Supervisor Shea stated that he would like to appoint Councilwoman Nancy Montgomery again. Councilwoman Montgomery replied that she would be happy to accept the appointment.

#### **14. Schedule Workshops/Meetings.**

February 13, 2013 @7:30pm - Town Attorney

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

The Board discussed the need for additional space. Supervisor Shea said that he would be getting together with the Veterans sometime next week to discuss the use of space at the American Legion. The use of the Dahlia House on a short-term basis and the possibility of having files scanned to save space was also discussed. Town Clerk Merando mentioned that the Sara Grants are available in December. This would allow the Town to have people come in to do scanning.

Town Clerk Merando brought up the fact that we have grant money available - \$25,000 and wanted to know if the Board wanted to use this money for the water tower. Supervisor Shea said that maybe we could use this money for more than one issue.

Supervisor Shea commented, "a decision needs to be made on a Town Attorney," and said that this would be discussed on Wednesday.

Supervisor Shea reported that he met today with the Fishkill Town Supervisor, Mike McKee from the Greenway and Mark Wildonger of Scenic Hudson to forward the idea of the Hudson Fjord Trail. There have been regular group meetings and it is definitely gaining momentum. He stated that the planning portion is expected to cost approximately \$45,000 and that the Town of Philipstown has a \$5,000 grant and Fishkill has an \$11,000 grant for this. Philipstown is just one part of a whole larger team – Fishkill & Beacon – and will file for a DOT grant for the entire project. He noted that there are grants available up to 12 million dollars. Libby Pataki was also at the meeting with the DOT, along with a representative from Senator Schumer's office.

Councilman Merandy asked about the unpleasant part of Fishkill referring to the potential development at the former Montfort mine and the fact that the Haldane School district line runs up there. Supervisor Shea said he did bring that up at the meeting. It seems to be that the water line that is proposed to run down there seems to be a Village of Fishkill initiative not a Town of Fishkill initiative. Councilman Van Tassel said that Fishkill currently has a water line there that has had many problems. He knows that Fishkill has a water supply system behind Old Albany Post Road because there are hydrants there that can be tapped and have been tapped by the EMS. Councilman Merandy said someone should be pro active on changing that district so that our school district is not used in their deciding what is good for their village at our expense, because this would be catastrophic to our school system. Supervisor Shea will attend the Fishkill meeting on Monday to get some clarification.

Councilman Van Tassel attended a very lengthy meeting of the Putnam Transportation Safety Board yesterday. There was one issue that will affect Philipstown; a work project on the Taconic Parkway southbound between Peekskill Hollow Road and Bryant Pond Road. The traffic will be rerouted (approx 600 hundred cars) during the two-hour rush hour and he feels that we will get a lot more traffic on Route 9. This will start the end of June for approximately 90 days and we should be prepared for it. Supervisor Shea said that the County will be starting another construction project on Snake Hill Road when school ends, and in all likelihood, that road will be closed for two months.

## **AUDIENCE**

An audience member, Richard ?, addressed the Board with regard to the excess salt on the roads. He understands that the Town has an obligation to salt, but this is out of hand. The Town Board agreed that it has been excessive and would look into it.

Another audience member said that he heard a comment about driveways and wanted to know if a permit was still required to put in a driveway. He said that there were a couple of driveways put in by his property that have had a negative impact on the road. Councilman Van Tassel said that a bond is required that could be held if it is not acceptable. Supervisor Shea said we have been a lot more cognizant in the last ten years of the impact of storm water off private property. Second item he wanted to discuss was on Route 9 in Westchester where "chatter marks" were installed a year or so ago. Councilman Van Tassel said that he asked the DOT when they repaved if they were going to put them in and was informed, "absolutely not" because the people along the road would complain about the noise. The third item, the light at Fishkill Road and how the traffic backs up on Route 9. Councilman Van Tassel said he would look into having the timing looked at. The fourth item was a the light at Route 403 which use to turn red when it was tripped by traffic, but now it has changed and just turns red. Councilman Van Tassel said he would also take this up with Mr. Dillman, of the DOT.

Supervisor Shea took a moment to recognize a young man in the audience. He asked if he was an Eagle Scout, The young man replied that he was just a regular Scout. Supervisor Shea asked why he was at the meeting and the young man responded that he was working on a merit badge.

Mr. Leonard addressed the Board with regard to the Route 9 light and said that the Planning Board did at least try. The owner did agree to put up a sign to control traffic during rush hours, at the southern exit.

## **VACANCIES**

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

**APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the General Vouchers in the amount of \$1,625,852.17 approved as set forth in Abstract 1A & 2

Councilwoman Budney made a motion, seconded by Councilman Merandy and unanimously carried that the Highway Vouchers in the amount of \$479,128.62 are hereby approved as set forth in Abstracts 1A & 2

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the CVPD Vouchers in the amount of \$20,490.94 are hereby approved as set forth in Abstract 1A & 2.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the CVWD Vouchers in the amount of \$23,340.56 are hereby approved as set forth in Abstracts 2.

There being no further business to discuss, Councilwoman made a motion, seconded by Councilwoman to close the Town Board Monthly Meeting at 8:45 p.m.

Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk