

Monthly Town Board Meeting
April 8, 2010

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:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Barbara Scuccimarra	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
Edward W. Doyle	Town Attorney

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

REVIEW OF MINUTES

The Minutes of the Monthly Town Board Meeting of March 4, 2010, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes are hereby approved as presented.

The Minutes of March 31, 2010, Bid Opening, were reviewed.

Councilwoman Scuccimarra made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes are hereby approved as presented.

COMMITTEE REPORTS

CAC - Councilwoman Scuccimarra reported that the CAC met on March 9, 2010, with six (6) items before them. The CACs next scheduled meeting will be April 13, 2010.

Recreation – Councilwoman Montgomery reported that the summer booklet would be coming out on April 19th; there would be a new teen travel camp, possibly with swimming at the Highland County Club and a separate kindergarten camp would also be established. She reported further that the efforts of the volunteers to remove the ceiling tiles at the Community Center gym was a huge success and thanked all the volunteers on behalf of the Town Board and the Recreation Commission. Other items that the Recreation Commission would be discussing were the field conditions at the Park and other needs for the gym. The Commission will meet on April 27th to prioritize these projects.

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Recycling – Councilwoman Budney reported on the Spring Bulk/Tire Cleanup being held on Saturday, April 24th (sponsored by the Directors of the Hudson Highlands Land Trust).

Planning Board - Councilwoman Montgomery reported that the Planning Board held public hearings with regard to Scanga Realty and Elizabeth Todd Healy; special use need permit for Winter Hill. Site visit scheduled for March 27th. Application of Juan Montoya scheduled for a public hearing on April 15th; Osborn application scheduled for site visit on April 15th.

Zoning – Councilman Van Tassel reported that the Zoning Board held 3 public hearings on March 8th. The next Zoning Board meeting is scheduled for April 15th.

Highway – Councilwoman Budney read the monthly report prepared by Highway Superintendent Chirico. Some items discussed were cutting and chipping of trees, limbs and brush left over from recent storms; grading of dirt roads and installation of pipe on Hiram road. The highway department spent \$8,386.00 in man hours grading dirt roads and \$3,046.50 for vehicle maintenance and repairs. There were 88 phone calls regarding road issues and concerns. A complete copy of this report is on file in the Town Clerk's Office.

Building & Land Acquisition – Supervisor Shea stated that there was no report for this month.

GVFD – Councilwoman Scuccimarra presented the activity report in the absence of a representative from the GVFD.

TOWN OF PHILIPSTOWN

MONTHLY REPORT OF TOWN SUPERVISOR

MONIES RECEIVED AS OF April 8, 2010

GENERAL & PART-TOWN FUNDS

Building Fees – 2/10	\$ 6,743.00
Cable T. V. Fees	16,753.00
Justice Fees – 2/10	7,885.00
Justice Fees – 2/10	5,300.00
All Scrap	320.00
Verizon Refund	1.07
Town Clerk Fees – 1/20	660.23

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Tax Collection – Miscellaneous Interest	46.76
Town Clerk Fees – 2/10	537.43
Town Clerk Fees – 2/10	30.00
Recreation Fees – 2/10	22,422.49
C.T.V. Fees	9,911.00
NYS Cap Justice Grant	1,670.38
Bank Interest	452.58
Building Fees – 3/10	15,871.00
Justice Fees – 3/10	8,375.00
Justice Fees – 3/10	6,255.00
AW Scrap	625.00

HIGHWAY FUND

North Highlands Fire District (Gas)	\$ 124.96
Putnam County Sheriff's Department (Gas)	1,233.17
General Fund Check	263.81
Trident Insurance – Truck Damage	2,172.43
Bank Interest	484.84
Putnam County Sheriff's Department – Gas	336.87
Putnam County Sheriff's Department – Gas	918.17

CONTINENTAL VILLAGE WATER DISTRICT

Bank Int.	\$ 40.85
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CONTINENTAL VILLAGE PARK DISTRICT

Bank Int.	\$ 46.50
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AGENDA

1. Resolutions needed to Adopt Local Law.

- **SEQRA / Negative Declaration**
- **Adopt Local Law**

RESOLUTION #78-10

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

WHEREAS, the Town Board of the Town of Philipstown has reviewed the EAF in connection with a Proposed Local Law to amend the Chapter 175 thereof

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entitled Zoning, to change Section 175-32H – Accessory Buildings in Residence Districts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to sign the EAF and hereby adopts a negative declaration.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Scuccimarra	AYE
Councilwoman Budney	AYE
Councilman Van Tassel	AYE
Councilwoman Montgomery	AYE

The resolution was thereupon declared duly adopted.

RESOLUTION #79-10

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

SECTION 1. Purpose. The Town Board has determined that it would be helpful to allow certain accessory buildings in all residence Districts to extend up to but no closer than 5 feet from any side or rear property line, without any excessively disproportionate adverse impacts.

SECTION 2. Chapter 175 of the Code of the Town of Philipstown, Section 175-32, Subdivision H, is hereby amended to read as follows:

H. Accessory buildings in residence districts. In Residence R-10, R-20 and R-40 Districts, an unattached accessory building or structure not exceeding 15 feet in height and 150 square feet in floor area may extend up to but no closer than 5 feet from any property line, and may extend up to but no closer than 60 feet from any street line. Said building shall be permitted in addition to a conforming garage.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts Local Law, Chapter 175 of the Code of the Town of Philipstown, Section 175-32, Subdivision H.

ROLL CALL VOTE

Supervisor Shea	AYE
Councilwoman Scuccimarra	AYE
Councilwoman Budney	AYE
Councilman Van Tassel	AYE
Councilwoman Montgomery	AYE

The resolution was thereupon declared duly adopted.

2. Resolution authorizing a donation of \$300.00 to the Nelsonville Fish and Fur Clubs Annual “Kids Fishing Day” on May 2, 2010.

RESOLUTION #80-10

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

RESOLVED, that the Town Board hereby authorizes a donation in the amount of \$300.00 to the Nelsonville Fish and Fur Club for this years “Kids Fishing Day” scheduled for May 2, 2010.

3. Resolution hiring Walter Guzman for the full-time Park Maintenance position at the Recreation Department

Town Clerk Merando read a letter dated March 19, 2010, from Recreation Supervisor, Amber Stickle, recommending the hiring of Mr. Guzman.

RESOLUTION #81-10

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

RESOLVED, that the Town Board of the Town of Philipstown hereby approves the hiring of Walter Guzman for the full-time Park Maintenance position at the Recreation Department, effective May 3, 2010.

4. Resolution authorizing Supervisor Shea to sign a two (2) year contract with Cornerstone Telephone Company. (Nunc Pro Tunc)

RESOLUTION #82-10

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign a two (2) year contract with Cornerstone Telephone Company. (Nunc Pro Tunc)

5. Resolution authorizing Supervisor Shea to draft a letter of support for the Putnam County Housing Corporation’s re-application for an additional \$225,000 for the Putnam Home Improvement Program. (Nunc Pro Tunc)

RESOLUTION #83-10

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

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RESOLVED, that the Town Board hereby authorizes Supervisor Shea to draft a letter of support for the Putnam County Housing Corporation's re-application for an additional \$225,000 for the Putnam Home Improvement Program. (Nunc Pro Tunc)

6. Resolution authorizing Supervisor Shea to sign the contract between the Putnam County Tax Service Agency and the Town to prepare all tax related documents for 2010.

RESOLUTION #84-10

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the contract between the Putnam County Tax Service Agency and the Town to prepare all tax related documents for 2010.

7. Resolution releasing the escrow funds for Lloyd Zeiderman.

Town Clerk Merando requested the tabling of this item as it had not been addressed by the Planning Board.

RESOLUTION #85-10

The following Resolution was offered by, Councilman Van Tassel, seconded by Councilwoman Scuccimarra and unanimously carried;

RESOLVED, that the Town Board hereby tables the Resolution releasing the escrow funds for Lloyd Zeiderman.

8. Resolution authorizing Supervisor Shea to sign the Parade Permit for the Walter Hoving Home, Inc., for a walk scheduled for June 26, 2010, and waive the fees associated with said permit.

RESOLUTION #86-10

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the Parade Permit for the Walter Hoving Home, Inc., for a walk scheduled for June 26, 2010, and waive the fees associated with said permit.

9. Resolution approving the use of one (1) room at the Dahlia house for an Emergency Operation Center.

Councilman Van Tassel reported that a meeting was held on March 24th with the Putnam County Bureau of Emergency Services. He stated that during the

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February 25th storm, the Town was not prepared to handle a natural disaster. Though there is an Emergency Service Center located in the County, he feels the solution would be a local emergency operating center; there is a need for control and monitoring information phone calls and resources. He reported that though the Town was looking for funds, they do have space in the Dahlia house to operate in small scale. The other concern is being cut off from the County Emergency Services. In that case, the Town would be able to maintain themselves. He stated that this was just in the beginning stage.

RESOLUTION #87-10

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

RESOLVED, that the Town Board hereby approves the use of one (1) room at the Dahlia House for an Emergency Operation Center.

10. Resolution authorizing Supervisor Shea to sign the agreement between the Town and the Valuation Advisory Group, Inc., for fixed assets reporting requirements.

RESOLUTION #88-10

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the agreement between the Town and the Valuation Advisory Group, Inc., for fixed assets reporting requirements.

11. Resolution authorizing Supervisor Shea to sign the agreement between the town and Danziger & Markhoff to perform GASB #45 – relating to employee’s health benefit program.

RESOLUTION #89-10

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the agreement between the town and Danziger & Markhoff to perform GASB #45 – relating to employee’s health benefit program.

12. Resolution retaining Adam Rodd to represent the Town in the matter of Garrison Contracting vs. the Town of Philipstown at an hourly rate not to exceed \$175.00 per hour, plus out-of-pocket expenses.

RESOLUTION #90-10

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

RESOLVED, that the Town Board hereby authorizes the retention of Adam Rodd to represent the Town in the matter of Garrison Contracting vs. the Town of Philipstown at an hourly rate not to exceed \$175.00 per hour, plus out-of-pocket expenses.

13. Resolution awarding the bid for the Town-wide Bulk/Tire Cleanup to be held on April 24, 2010, at the Garrison Firehouse.

RESOLUTION #91-10

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

RESOLVED, that the Town Board hereby awards the bid to CRP Sanitation for the Town-wide Bulk/Tire Cleanup to be held on April 24, 2010, at the Garrison Firehouse.

14. Code Enforcement Monthly Report

Town Clerk Merando read the monthly report for March 2010. Supervisor Shea requested that Town Clerk Merando check with Code Enforcement Emerick regarding antennas and fees.

15. Resolution naming the new town park at Quarry Pond.

Councilwoman Montgomery reported that the new park would be opening in the spring and there was a need to name the park so that signage could be completed. She suggested "North Highlands Park of Philipstown." Supervisor Shea jokingly suggested "Puppy Pals" and Town Clerk Merando recommended "Mani's Park."

RESOLUTION #92-10

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

RESOLVED, that the Town Board hereby names the town park at Quarry Pond, "North Highlands Park of Philipstown."

16. Resolution adopting the Town Park Rules.

After a review of the rules, it was decided to remove Rule #7, "No dogs allowed," as there was a need to go through the park to get to the Dog Park. Supervisor Shea also recommended adding "No Fire Arms." A member of the audience questioned the park opening hour because of early morning exercise in the

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summer. He suggested opening 1½ hour before sunrise and ½ hour after dusk. Recreation Supervisor, Amber Stickle, stated that the Park was a locked park and would be difficult to have someone there to open it earlier. Town Attorney Doyle suggested that the gate would be unlocked from the hours of whatever. Ms. Stickle stated that she had concerns about people being in the park at night, with her biggest concern being teenagers partying. Town Attorney Doyle replied that he didn't feel anyone was proposing to be in the park at night. Ms. Stickle replied that it was her feeling that this needed to be made clear. Town Attorney Doyle replied that all they were talking about was allowing pedestrians access to the park for exercise from ½ hour before sunrise to ½ hour after and then the rule could say "the gate will be unlocked from between 8:00 a.m. and 6:00 p.m." He added that this has nothing to do with people being in the park at night. Town Attorney Doyle stated further that maybe this issue should be taken offline, discussed and added next month. Ms. Stickle felt that this would just delay the signage being made and added that she was fine with it being open as long as the Town Board was.

Councilman Van Tassel suggested, "parking only during 8:00 a.m. to....."
Councilwoman Montgomery stated that it should be made clear that the park closed at dusk - - unlocked at 8:00 a.m. and park closed at dusk. Town Attorney Doyle asked if that was the rule at the Philipstown Park? Ms. Stickle replied that the Philipstown Park had set hours making it possible to monitor the water and when people were going in and out.

Supervisor Shea recommended, "pedestrian hours are ½ hour prior to sunrise to dusk," "Gate is unlocked from 8:00 a.m. to dusk." Legislator Tamagna stated that most of New York City parks state that the parks are open from dawn to dusk with parking available after 8:00 a.m.

Councilwoman Montgomery suggested adopting "opened from dawn to dusk with parking available after 8:00 a.m. Councilwoman Budney asked about ATVs and/or motorcycles. It was decided to add "No Unregistered Vehicles."

RESOLUTION #93-10

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

RESOLVED, that the Town Board hereby adopts the Town Park Rules with recommended changes/additions as noted.

RESOLUTION #94-10

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

RESOLVED, that the Town Board hereby adopts the Dog Park Rules.

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18. Resolution scheduling a Public Hearing for a proposed local law repealing Section 175-6 of the Town Code of the Town of Philipstown.

Town Clerk Merando reported that the EAF and County Planning Board Approval were received. However, no response was received from the Philipstown Planning Board, but the required 60-days had elapsed. Supervisor Shea stated that he could not see the Philipstown Planning Board having an issue with this. He then informed the public that this particular law was in regard to the pending zoning and if, currently, the public hearing process were started, it would institute a building moratorium, which the Town Board would not want to happen. The Board wanted business to continue as usual. The suggested date for the Public Hearing was May 6, 2010, at 7:30 P.M.

RESOLUTION #95-10

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

RESOLVED, that a Public Hearing for a proposed Local Law repealing Section 175-6 of the Town Code of the Town of Philipstown is hereby scheduled for May 6, 2010, at 7:30 P.M.

19. Schedule Workshop/Meetings

Supervisor Shea thanked the Town Board members for the way they conducted themselves at the workshop for the proposed new zoning. He stated that there was in excess of 200+ people in attendance; that there were a lot of good suggestions brought up.

Councilwoman Scuccimarra suggested inviting people to contact the Town Hall and set up a time to come in and review the maps and address questions. Supervisor Shea stated that he would like to hold off scheduling any workshops until all letters from the public regarding the proposed zoning are received and reviewed.

Supervisor Shea informed the public that on Wednesday, April 14th, County Executive Bondi would be holding a Town Meeting with the public on shared services. Legislator Tamagna gave a synopsis of what the meeting entailed.

Legislator Tamagna also expressed his gratitude to the Town, the Highway Department, the fire departments and emergency services for their great cooperation and collaboration during the storms in February and March.

Supervisor Shea reminded Councilwoman Budney that on Thursday, April 15th, they would be meeting with the CSEA to wind up the Highway Department negotiations on the workers' contract. He also stated that Cablevision would be

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meeting with the Village on the 20th of April, as there have been several concerns about cablevision services.

Supervisor Shea reported that on May 6th a Public Hearing would be held on the Zoning Modification.

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

Councilwoman Budney reported that the Cold Spring Lions Club would be holding their "Shredder Day" on April 17th, from 9:00 – 12:00 at the Nest Childcare Center.

Councilwoman Scuccimarra gave a report from the Butterfield Library. The library received a grant for \$5,000 for improvement to their computer system.

Councilman Van Tassel reported that the letter to the NYS Department of Transportation requesting the speed reduction at the intersection of Route 9 was sent out. He added that another letter regarding the 9D corridor was also in the process of being drafted.

AUDIENCE

Audience member asked about the traffic light on Route 9. Supervisor Shea reported that there was no additional information from his previous report. Legislator Tamagna stated that this was caught up in the bureaucracy of government. Because sidewalks were not yet installed, the County had requested a pedestrian-type traffic signal that would allow pedestrians to cross Route 9. The Highway Facility Department informed Legislator Tamagna that the DOT would not allow the upgraded Traffic Signal System because there were no walkways even though there is a plan, and because the County or Town doesn't have money to implement that, the DOT will give us the lesser of the signals. The Legislators have been going back and forth with the County and fighting with the DOT on this and at the end of the day, there is a safety issue and we will end up with the lesser light. Someday when the sidewalks are installed, the County and Town will have to go through a whole retrofit of change and waste more State money. Legislator Tamagna stated that this was the most frustrating thing that he has ever gone through.

An audience member brought up the fact when taking driver education in High School the instructor stated that, "every intersection has a sidewalk." The argument with the State doesn't make any sense because there is a lawful right to cross Route 9 on foot. The crosswalk is required by law. So they're saying it is unsafe but felt it didn't make a difference. Legislator Tamagna replied that it did make a difference and it was all common sense, but sometimes when you get to that level of government, again, they're up there and they don't listen to what is said down here. Tamagna stated that there were times when cars were on the

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lawns sideways of the trailer homes on Route 9, and when he spoke to the DOT about slowing down traffic, their response was that they were not charged with slowing down traffic – their charge was to move traffic through.

Joseph Regele of Garrison, once again addressed the Garrison Volunteer Fire Company's financial practices and requested a workshop with the Town Board and the GVFC. Mr. Regele questioned the purchasing of major equipment in 2010 and requested there be no commitments for purchases in 2011. He also suggested that the \$700,00 paid to GVFC by the Town be made in installments not a lump sum.

Supervisor Shea stated that the Town was entering into a new round of negotiations with GVFC. He added that he had sent a letter requesting the fire company hold off on any major expenditure and was confident that they would honor that request. Supervisor Shea informed Mr. Regele that this workshop would probably answer a lot of the concerns/questions he has raised.

A workshop with Garrison Volunteer Fire Department was scheduled for April 28th, 2010, at 7:30 P.M.

Nat Prentiss commented on Supervisor's Shea's responsiveness in responding to peoples concerns to the zoning and asked when the informal workshop process becomes a more formal public hearing process? Supervisor Shea responded that requirements need to be met before the public hearing process. Once the document is finalized, it will be referred to the local Planning Board and Putnam County Planning, then a Public Hearing can be scheduled. Both boards have 60 days to comment. It is a 2-month process. It would also go to our Town Attorney. Then a public hearing will be scheduled. Supervisor Shea stated that he imagined there would be more than one round of Public Hearings – he wanted to keep it open as long as the Board feels it is necessary. If changes are substantive, it again has to be referred to the planning boards through the same process. Supervisor Shea was hoping that it would be fine-tuned enough when it was time to go to the Public Hearings. Supervisor Shea stated he felt it would be sometime in September.

VACANCIES

CV Park District Advisory Committee (3)
CV Water District Advisory Committee (2)

APPROVAL OF VOUCHERS

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the General Vouchers in the amount of \$88,845.85 are hereby approved as set forth in Abstracts 3A & 4.

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Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Highway Vouchers in the amount of \$57,550.95 are hereby approved as set forth in Abstract 3A & 4.

Councilwoman Scuccimarra made a motion, seconded by Councilman Van Tassel and unanimously carried that the CV Park District Vouchers in the amount of \$2,893.62 are hereby approved as set forth in Abstracts 3A & 4.

Councilwoman Montgomery make a motion, seconded by Councilwoman Budney and unanimously carried that the CV Water District Vouchers in the amount of \$7,219.14 are hereby approved as presented in Abstracts 3A & 4.

ADJOURNMENT

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel to close the Town Board Monthly Meeting at 9:25 p.m.

Respectfully submitted by,

Joan B. Clauss
Deputy Town Clerk