

Monthly Town Board Meeting  
May 5, 2011

The Town Board 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

**APPROVAL OF MINUTES**

The Minutes of the Public Hearing of April 6, 2011, Garrison Volunteer Fire Lease/Purchase, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of the Public Hearing of April 6, 2011, Garrison Volunteer Fire Lease/Purchase, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of April 7, 2011, were reviewed.

Councilwoman Scuccimarra made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of the Monthly Town Board Meeting of April 7, 2011, are hereby approved as presented.

**COMMITTEE REPORTS**

**CAC** – Councilwoman Scuccimarra reported on the items addressed at the meeting. The next meeting will be held May 10, 2011

**Recreation** – Councilwoman Montgomery reported that the Recreation Commission has not met yet this month. The meeting is scheduled for next week. She noted that the Senior Luncheon went very well and they had a very large turnout.

**Recycling** - Councilwoman Budney reminded everyone about the Spring Townwide Cleanup scheduled for May 14 at the Garrison Fire House from 8:00 am to 2:00 pm, Philipstown residents only. Proof of residency required. She read the rules and regulations of what can and cannot be taken.

**Planning Board** – Councilwoman Montgomery did not attend the meeting this month due to Holy Thursday. Ann McGrath (Ann Gallagher), Planning Board

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secretary, informed her of the items discussed; the return of eight escrow accounts, and two sub-lot divisions.

**Zoning** – Councilman Van Tassel reported that the Zoning Board of Appeals had not yet met – that the next meeting is scheduled for May 9, 2011.

**Highway** - Councilwoman Budney read the monthly report submitted by Highway Superintendent Roger Chirico. The report is on file in the Town Clerk's Office for anyone wishing to review. Supervisor Shea said that they had a meeting recently with FEMA about funding that the Town had received and then was withdrawn. He has been working for a year and a half trying to get the money back. With the help of Senator Schumer, who interceded on our behalf, got us back to the table and it now looks like we will get the money (\$135,000.00).

**Building & Land Acquisition** - No report.

**GVFD** – Jamie Copeland, President of the Garrison Fire Department, read the report for the month of April. He also noted that they would be having a Blood Drive on Friday May 6, 2011 from 2:00pm – 8:00pm.

Town Clerk Merando announced a special meeting of the Friends of Philipstown Recreation and introduced Claudio Marzollo.

**Special Meeting - Friends of Philipstown Recreation, Inc.**

1. The meeting was called to order.
2. Quorum Present
3. Resolution needed nominating Allison Jacobi Director of the corporation.

**RESOLUTION #118-2011**

The following Resolution was presented by Claudio Marzollo, seconded by Councilwoman Montgomery and unanimously carried:

**RESOLVED**, that Allison Jacobi is hereby elected as a Director of the corporation, which term will expire at the Annual Meeting 2012.

4. Amendment of By-Laws.

**RESOLUTION #119-2011**

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

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**RESOLVED**, that Article V of the By-Laws is amended to delete each reference of "President" and to substitute "Executive Director" in its place.

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra to close the Special Meeting of the Friends of Philipstown Recreation, Inc., at 8:15 p.m.

**TOWN OF PHILIPSTOWN**

**MONTHLY REPORT OF TOWN SUPERVISOR**

**MONIES RECEIVED AS OF May 5, 2011**

**GENERAL & PART-TOWN FUNDS**

T.C. Fees 3/11	\$ 545.23
Justice Fees 3/11	11,585.00
T.C. Fees 3/11 Dogs	358.00
Rec. Fees 3/11	60,726.23
Bank Interest	371.79
Justice Fees 4/11	9,385.00
Justice Fees 4/11	6,991.00
Bldg. Fees 4/11	10,153.00

**HIGHWAY FUND**

Village of Nelsonville/salt	\$ 192.12
NYS Chips	13,641.78
P.C. gas/Sheriffs	1,700.52
P.C. – gas	520.37
P.C. truck damage	1,000.00
Gen.Fund Ck – gas	240.08
CV Fire – gas	28.93
Bank Interest	556.87

**CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest	\$ 36.03
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**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse	\$ 355.00
Bank Interest	45.09
Taxes, Town of Cortlandt	21,720.00

## **AGENDA**

- 1. Resolution accepting the resignation of Rita Geraty from the Board of Assessment Review and authorize the Town Clerk to send a letter of appreciation.**

Town Clerk Merando read Rita Geraty's letter of resignation. Supervisor Shea thanked her for her service for the BAR and regretfully accepted her resignation.

### **RESOLUTION #120-2011**

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

**RESOLVED**, that the Town Board of the Town of Philipstown hereby accepts the resignation of Rita Geraty as a member of the Board of Assessment Review, effective April 11, 2011, and authorizes Town Clerk Merando to send a letter of appreciation.

- 2. Resolution authorizing Town Clerk Merando to advertise for a vacancy (Rita Geraty) on the Board of Assessment Review, which term will expire on September 30, 2011**

### **RESOLUTION #121-2011**

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise for a vacancy on the Board of Assessment Review, which term will expire on September 30, 2011.

- 3. The following Resolutions are needed to adopt a proposed Local Law amending Chapter 175 of the Code of the Town of Philipstown, "Zoning" by repealing the existing Chapter 175 and replacing it with a new Chapter 175.**

Supervisor Shea asked that before they go on with the zoning that they present a special resolution that the Town Clerk has prepared, in honor of Phil Vartanian, and asked that Councilwoman Montgomery read the resolution and present it to his wife.

### **RESOLUTION #122-2011**

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

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**RESOLVED**, that the Town Board hereby adopts the honorary resolution for Phil Vartanian.

Town Clerk Merando continued reading the Resolution to adopt a proposed Local Law amending Chapter 175 of the Code of the Town of Philipstown, "Zoning" by repealing the existing Chapter 175 and replacing it with a new Chapter 175.

- a) Adopt Negative Declaration (Roll Call Vote)
- b) Adopt Local Law (Roll Call Vote)

### **Negative Declaration**

#### **RESOLUTION #123-2011**

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

**WHEREAS**, the Town Board of the Town of Philipstown has proposed to adopt a Local Law entitled "A Local Law Amending Chapter 175 of the Code of the Town of Philipstown, "Zoning," by Repealing the Existing Chapter 175 and Replacing it with a new Chapter 175; and

**WHEREAS**, the Town Board adopted a Resolution declaring its intention to act as Lead Agency for purposes of State Environmental Quality Review Act ("SEQRA") and determined that the enactment of the proposed zoning revision is a Type I action under SEQRA; and

**WHEREAS**, the Town Board has received and reviewed a Long-Form Environmental Assessment Form describing the potential environmental impacts of said local law, dated November 23, 2010; and

**WHEREAS**, the Town Board reviewed the Environmental Assessment Form in detail on February 16, 2011, finding that there would be no significant adverse environmental impacts resulting from adopting said local law, and directed its consultant to prepare a Negative Declaration; and

**WHEREAS**, the Town Board has reviewed and approved the attached Negative Declaration.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

The Town Board of the Town Board Philipstown hereby adopts the attached Negative Declaration, dated March 30, 2011.

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The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Richard Shea	Voting	Aye
Betty Budney	Voting	Aye
Barbara Scuccimarra	Voting	Aye
Nancy Montgomery	Voting	Aye
John Van Tassel	Voting	Aye

The Resolution was thereupon adopted.

DATED: May 5, 2011

A resolution of the Town Board of the Town of Philipstown adopting Local Law Number 1 of 2011, known as "A Local Law Amending Chapter 175 of the Code of the Town of Philipstown, "Zoning" by Repealing the Existing Chapter 175 and Replacing it with a new Chapter 175."

**RESOLUTION #124-2011**

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

**WHEREAS**, on March 9, 2006 the Town Board adopted a new Comprehensive Plan for the Town of Philipstown; and

**WHEREAS**, the Town Board determined that it would be beneficial for the Town to revise the current Zoning Law in its entirety in order to implement the recommendations of the Comprehensive Plan and to make the Zoning Law consistent with the Town's current goals; and

**WHEREAS**, the Town Board appointed a Zoning Advisory Committee to make recommendations for changes to the Zoning Law; and

**WHEREAS**, the Zoning Advisory Committee prepared a draft zoning law revision and submitted it to the Town Board in May of 2008, and the draft zoning law has been the subject of numerous public meetings and revisions since that time; and

**WHEREAS**, the Town Board adopted a Resolution declaring its intention to act as Lead Agency for purposes of State Environmental Quality Review Act ("SEQRA") and determined that the enactment of the proposed zoning revision is a Type I action under SEQRA; and

**WHEREAS**, the Town Board subsequently held numerous workshop meetings and made several revisions and redrafts of the proposed Zoning Law, including a revision that was circulated for public review and public hearing dated November 23, 2010; and

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**WHEREAS**, the Town Board has been holding public forums, reviewing, revising, and receiving public input on this proposed local law and previous versions thereof for a period of three years; and

**WHEREAS**, the Town Board referred this proposed local Law to the Town of Philipstown Planning Board as required by Section 175-91B of the Philipstown Zoning Law, and received a favorable report thereon dated January 27, 2011; and

**WHEREAS**, the Town Board referred this proposed Local Law to the Putnam County Department of Planning, Development, and Public Transportation, as required by Section 239-m of the General Municipal Law, and received a recommendation of approval from John J. Lynch, Commissioner, by letter dated December 22, 2010; and

**WHEREAS**, the Town Board held a public hearing on the proposed local law on February 9 and 16, 2011; and

**WHEREAS**, subsequent to such public hearing the Town Board made minor adjustments to the text and map of the proposed Zoning Law in response to oral and written comments thereon, none of which are substantial changes; and

**WHEREAS**, the Town Board has reviewed Long Environmental Assessment Form for the proposed local law, as required for SEQRA review; and

**WHEREAS**, the Town Board, immediately prior to the adoption of this Resolution, has adopted a Negative Declaration under the State Environmental Quality Review Act ("SEQRA"), finding that there will be no significant adverse environmental impacts from adopting this Local Law.

**NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY RESOLVED**, that the Town Board hereby adopts as Local Law Number 1 of the Year 2011, the local law dated April 4, 2011 entitled "A Local Law Amending Chapter 175 of the Code of the Town of Philipstown, "Zoning," by repealing the Existing Chapter 175 and Replacing it with a new Chapter 175" and it is further,

**RESOLVED**, that this local law shall be entered into the minutes of this Town Board meeting and filed in the Office of the New York State Secretary of State, and shall take effect on May 31, 2011.

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The questions of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Richard Shea	Voting	Aye
Betty Budney	Voting	Aye
Nancy Montgomery	Voting	Aye
Barbara Scuccimarra	Voting	Aye
John Van Tassel	Voting	Aye

The Resolution was thereupon adopted.

DATED: May 5, 2011

Attorney Doyle asked Joel Russell whether he wanted to make a suggestion for a change. Mr. Russell said that there was not a specific reference as to which version of the Zoning law is being adopted tonight. Therefore he would like to suggest that in the paragraph that begins with "Now therefore" on the third line after the words "the local law" that the following words be inserted, dated April 4, 2011, so that there is a clear reference to which version is being adopted.

Councilwoman Scuccimarra thanked the members of the Advisory Committee that worked so hard on the basic structure of this document.

Supervisor Shea seconded that and thanked everyone in Philipstown; Comprehensive Plan Special Board, CAC, Planning Board, and the Town Board. He also thanked our Town Attorney Edward Doyle, who kept us in line and Joel Russell, Consultant, who has the patience of a saint, and all the people of Philipstown. He said that we have taken a big step forward protecting our natural systems.

Councilman Van Tassel thanked the Town Board, especially Supervisor Shea, for the learning experience.

Councilwoman Montgomery said this document paints a clear picture how a community can work together and invest in itself.

Supervisor Shea thanked Town Clerk Merando for all her work in keeping track of all the documentation.

**4. The following resolutions are needed to re-designate the Philipstown Conservation Advisory Council as a Conservation Board.**

- a) Review EAF
- b) Adopt Negative Declaration (Roll Call Vote)
- c) Resolution designating the Philipstown Conservation Advisory Council as a Conservation Board (Roll Call Vote)



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Adopt Negative Declaration (Roll Call Vote)

**RESOLUTION #125-2011**

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

**RESOLVED**, that the Town Board hereby adopts the Negative Declaration

The questions of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Richard Shea	Voting	Aye
Betty Budney	Voting	Aye
Nancy Montgomery	Voting	Aye
Barbara Scuccimarra	Voting	Aye
John Van Tassel	Voting	Aye

The Resolution was thereupon adopted.

DATED: May 5, 2011

Designating the Philipstown Conservation Advisory Council as a Conservation Board.

**RESOLUTION #126-2011**

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

**WHEREAS**, the Town Board of the Town of Philipstown accepted and approved an Open Space Index on January 8, 2009; and

**WHEREAS**, under Section 239-y of the General Municipal Law, the Town Board is authorized, upon acceptance and approval of an Open Space Index by the Town Board, to redesignate by resolution the Town's Conservation advisory Council as a Conservation Board; and

**WHEREAS**, the Town Board wishes to redesignate the Town's Conservation Advisory Council as a Conservation Board with all the inherent powers granted to a Conservation Board under GML Section 239-y, reserving the right to confer additional powers on the Conservation Board in the future as authorized by said Section 239-y; and

**WHEREAS**, the Town Board has determined that adoption of this Resolution is an unlisted action under the State Environmental Quality Review Act (SEQRA),

will not involve any other agencies for purposes of compliance with the provisions of SEQRA, and will not have an adverse impact on the environment, as stated in the accompanying EAF and Negative Declaration;

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The Town Board of the Town of Philipstown hereby re-designates the Philipstown Conservation Advisory Council as a Conservation Board, effective immediately.
2. As provided in GML Section 239-y, the Conservation Board shall review each application received by the Town Board, the Building Department, the Zoning Board of Appeals, the Planning Board, or by any other administrative body, which seeks approval for the use or development of any open area listed in the Open Space Index. The Conservation Board shall submit a written report to the referral body within forty-five days of receipt of such application. Such report shall evaluate the proposed use or development of the open area in terms of the open area planning objectives of the municipality and shall include the effect of such use or development on the Open Space Index. The report shall make recommendations as to the most appropriate use or development of the open area and may include preferable alternative use proposals consistent with open areas conservation. A Copy of every Conservation Board report shall be filed with the Town Board.
3. As further provided in GML Section 239-y, the Conservation Board shall:
  - a. Make available for public inspection at the office of the Conservation Board copies of all such reports of the Conservation Board.
  - b. Notify the New York State Department of Environmental Conservation of its creation within thirty-days of the adoption of this resolution by the Town Board; and
  - c. Perform any other duties assigned to it by resolution of the Town Board.
4. Town Board hereby assigns to the Conservation Board the duties enumerated in Local Law Number 1 of 2011, as provided in Sections 175-20 (Conservation Analysis of Subdivisions), 175-36B (Slope Restrictions), 175-62 (Special Permits), and 175-66 (Site Plans).

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5. Town Board hereby assigns to the Conservation Board all functions and responsibilities heretofore granted to the Conservation Advisory Council.
6. The Town Board hereby declares its intention to assign responsibility for granting wetlands permits under Chapter 93 of the Town Code to the Conservation Board, which shall take effect upon adoption of an amendment to said Chapter 93 transferring wetland permitting authority to the Conservation Board.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Richard Shea	Voting	AYE
Betty Budney	Voting	AYE
Barbara Scuccimarra	Voting	AYE
Nancy Montgomery	Voting	AYE
John Van Tassel	Voting	AYE

The Resolution was thereupon adopted.

DATED: May 5, 2011

**5. Release of Escrow Funds.**

Town Clerk Merando read the letter from the Planning Board for the release of the escrow funds.

**RESOLUTION #127-2011**

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

**RESOLVED**, that the Town Board hereby authorizes the release of Escrow Funds to the following applicants:

- Wassil
- Lyons
- Noe
- Garrison Properties II
- River Home, LLC
- Dylan Leiner
- Vamco
- Lanza
- Kaiser

**6. Resolution authorizing the sale of real property located adjacent to Town Hall in and for the Town of Philipstown.**

Supervisor Shea stated that the Town has an opportunity to take space at the former Butterfield property and the current owner has expressed an interest in having government offices there. He feels it is a good opportunity if we can dispose of this property and get a favorable lease over there. The senior issue is something that he, as well as the Town Board, is keenly interested in. It can also be a multi purpose space. Supervisor Shea said the proceeds of the sale could be used to invest in the Butterfield property for the seniors.

**RESOLUTION #128-2011**

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 Supervisor Shea to sign the contract between Putnam County Real Property Tax Services and the Town for all required documents in connection with real property located adjacent to the Town Hall in and for the Town of Philipstown.

Town Attorney Doyle asked, "This is subject to permissive referendum?" Supervisor Shea said yes and will be advertised in the paper. Town Attorney Doyle said that there should be a roll call vote on that.

Richard Shea	Voting	Aye
Betty Budney	Voting	Aye
Nancy Montgomery	Voting	Aye
Barbara Scuccimarra	Voting	Aye
John Van Tassel	Voting	Aye

**7. Code Enforcement Monthly report.**

Town Clerk Merando read the Code Enforcement Monthly report for April.

**8. Schedule Workshops/Meetings.**

Interview for the Planning Board – Wednesday, May 11, 2011 @7:30pm

**9. Any other Business that may come before the Town Board.**

Councilwoman Budney stated that the American Cancer Society's Relay for Life will be held at Mayors Park on June 4, 2011, and it is not too late to sign up to walk and get sponsors. There will be a breakfast at Our Lady of Loretto Church at 9:30 am for survivors of cancer. Councilwoman Montgomery noted that there is a lot of entertainment scheduled. Councilwoman Budney also wanted to

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remind everyone of the Toxic cleanup Saturday, May 21, 2011 at Fahnestock Park. You must call the Putnam County Health Dept. to register.

## **AUDIENCE**

Andy Merante asked Supervisor Shea if they could expedite the interview of a new member for the Planning Board since they have a meeting coming up and two members recused themselves, so they will only have four and do not have a quorum.

An audience member, addressed the Board with regard to the new Zoning. He thanked all who participated in getting this done and noted that adequate supervision of this new law is important.

Councilman Van Tassel said that another month has gone by and still no response with regard to the light on Route 9 and Fishkill Road.

## **VACANCIES**

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

## **APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney unanimously carried that the General Vouchers in the amount of \$191,765.60 are hereby approved as set forth in Abstracts 4A & 5

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Highway Vouchers in the amount of \$50,658.21 are hereby approved as set forth in Abstract 4A & 5.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the CV Park District Vouchers in the amount of \$471,074.22 are hereby approved as set forth in Abstracts 4A & 5.

Councilwoman Budney a make a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Water District Vouchers in the amount of \$2,900.03 are hereby approved as presented in Abstracts 4A & 5.

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**ADJOURNMENT**

There being no further business to discuss, Councilwoman Budney made a motion, seconded by Councilwoman Montgomery to close the Monthly Meeting at 8:55 p.m.

Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk