

Monthly Town Board Meeting
June 4, 2009

The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 8:09 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

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

ABSENT: Betty Budney Councilwoman

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

REVIEW OF MINUTES

The Minutes of the Monthly Meeting of May 7, 2009, were reviewed.

Councilman Shea made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of May 7, 2009, are hereby approved as presented.

The Minutes of the Special Town Board Meeting of May 26, 2009, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of May 26, 2009, are hereby approved as presented.

COMMITTEE REPORTS

CAC – Councilman Shea reported that he was unable to attend the last meeting, so no report was given.

RECREATION – Councilwoman Montgomery reported that the Recreation Commission met on May 26th and financial statements for April were approved. She further reported the following:

- Theatre programs were booked for the summer.
- PPA's May 30th fund raiser brought in approximately \$12,000 to be used for fire safety issues in the building.
- Request for proposals for the roof at the Community Center were available at Town Hall and the Commission agreed to submit a memo to the Town Board regarding the bid process for the roof.
- Town Board has approved the preparation of an RFP by Stantec for the Fire Alarm System at the Community Center.

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- Recreation will co-host the 5th Annual Hudson Highlands Land Trust Family Fun Festival on Saturday June 13th.

Councilwoman Montgomery further reported that she, along with Claudio Marzollo, Amber Stickle and Richard Stewart, toured the proposed park at Quarry Pond – that a path had been cut on the outlying area of the park to create a passive walking track with the intention of installing simple exercise equipment and benches. The developer was working toward finishing the park for transfer to the Town sometime in July. She encouraged the Board to take a tour of the park.

RECYCLING – No report was submitted as Councilwoman Budney was not in attendance. Councilman Shea stated that the recycling center would only work if people cooperated. There was a serious situation whereby people were bringing garbage to the center and dumping into the recycling bins. He stated that the recycling center was for recyclables only –not garbage, and was for use by Philipstown residents only.

PLANNING BOARD - Councilwoman Montgomery reported that there was one Public Hearing and five items on the agenda for the May 21st meeting. Items discussed were Garrison Station Plaza, Lyons Realty Company, Quarry Pond Estates, Philipstown Square, and Louis Lanza. The next Planning Board meeting would be held on Jun 11, 2009, a change from their regular 3rd Thursday of the month meeting.

ZONING – Councilwoman Scuccimarra reported that at the May 18th Zoning Board Public Hearing Meeting, the following items were discussed:

- *David Lant* – Public Hearing for a Variance for a proposed porch
- *Margaret Neri* – Public Hearing for a Variance to allow an accessory apartment. Ms. Neri's application was incomplete
- *Lausca LLC* – Public Hearing for a Variance for a reduction in required front setbacks
- *Garrison Contracting* – Public Hearing for a Variance to Section 175-39 (parking within minimum setbacks)

The following items were discussed at the Regular Meeting of May 18th:

- *Dong & Unjoo Yu* – Appeal for a Variance for a proposed restaurant
- *Gregory Whyte* – Appeal for a Variance for a pre-existing covered porch

She reported that the next meeting would be held on June 8th.

HIGHWAY – In the absence of Councilwoman Budney, Councilman Shea reported on worked performed by th Philipstown Highway Department for the month of May. Highway crews removed dead trees, brush and trimmed bushes from several Town roads. Drainage improvements and basin repairs were also performed on several Town roads, i.e., Lake Surprise, Donnelly, Avery, Glenclyffe, East Mountain Road South. Two graders were in full operation and the Highway Department has spent approximately

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\$3,921.60 in manhours grading dirt roads. He reported that crews were out cleaning pipes and waterways, intersection, shoulders, gutters and sand off roadways. The Highway department has received 40 phone calls regarding road concerns/issues. A cost repair vehicle maintenance report will be submitted to the Town Board in July.

BUILDING & LAND ACQUISITION – Councilman Shea reported that a generator was installed at Garrison Landing.

GARRISON VOLUNTEER FIRE DEPARTMENT – Jamie Copeland, a representative of the GVFD, read the activity report for the month of May. Mr. Copeland further reported that the fire company’s audited financial statement for 2008 would be submitted by the end of the month. Stan Freilich, a Garrison resident, asked Mr. Copeland if any construction was taking place on the 2nd floor of the firehouse. Mr. Copeland informed Mr. Freilich that there was not.

AESTHETIC COMMITTEE – Supervisor Mazzuca reported that a mailing was sent to all businesses on Routes 9 and 9D, along with a copy of the application and guidelines. He stated that \$10,000 was budgeted to assist older businesses that go through the application process to assist in the landscaping of properties.

TOWN OF PHILIPSTOWN

MONTHLY REPORT OF TOWN SUPERVISOR

MONIES RECEIVED AS OF June 4, 2009

GENERAL & PART-TOWN FUNDS

Justice Fees – 4/09	\$ 7,438.00
Justice Fees – 4/09	7,131.50
Justice Fees – 4/09	7,509.00
Town Clerk Fees – 4/09	567.30
Recreation Fees – 4/09	40,632.90
Building Fees – 5/09	8,954.00
NYS DFY 2008 – Rev.	1,807.00
NYS DFY 2008 – Rev.	1,608.00
Association of Town Refund	80.00
Bank Interest	338.68

HIGHWAY FUND

Putnam County Sheriff's Gas	\$ 1,877.60
Haldane School Sand	1,056.32
Trident Insurance Co. Snow Plow Damage	1,000.00
Bank Interest	663.05

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	\$ 49.25
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CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	\$ 200.00
Taxes – Cortlandt	36,654.79
Bank Interest	86.82

AGENDA

- 1. Resolution needed to Adopt Local Law to amend the Zoning Map dated June 18, 2007.**
 - EAF/Negative Declaration
 - Adopt Local Law

This item could not be addressed at this time due to questions arising out of the Public Hearing. Town Clerk Merando will contact the Town Planner to confirm the Trout Spawning Stream designation.

- 2. Resolution authorizing Supervisor Mazzuca to sign the contract between Community Energy and the Town for the purchase of Wind Power.**

RESOLUTION #103-09

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

RESOLVED, that Supervisor Mazzuca is hereby authorized to sign the contract between Community Energy and the Town for the purchase of Wind Power.

- 3. Resolution authorizing Supervisor Mazzuca to sign the Parade Permit for the Philipstown Lacrosse Association and waive the fee.**

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RESOLUTION #104-09

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

RESOLVED, that Supervisor Mazzuca is hereby authorized to sign the Parade Permit for the Philipstown Lacrosse Association and waive the fee.

4. Resolution authorizing Robert Cinque to represent the Town in the Certiorari Claims at the hourly rate of \$125.00, plus out-of-pocket expenses.

Town Attorney Doyle stated that this authorization should also include small claims tax certioraris.

RESOLUTION #105-09

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

RESOLVED, that the Town Board hereby retains Robert Cinque to represent the Town for the 2009 Certiorari Claims at an hourly rate of \$125.00, plus out of pocket expenses.

5. Resolution authorizing Supervisor Mazzuca to sign the CSEA Employee Benefit Agreement.

Supervisor Mazzuca explained that this agreement was not the CSEA contract but it just explains what a covered employee is and what an eligible employee is. Attorney Doyle interjected that he thought it also addressed payments for a dental plan. Garrison resident, Stan Freilich asked if there were any changes from the prior contract. Supervisor Mazzuca responded "no," that there was just some wording that the attorney felt should be addressed.

RESOLUTION #106-09

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

RESOLVED, that Supervisor Mazzuca is hereby authorized to sign the CSEA Employee Benefit Agreement.

6. Resolution supporting the Local Government Records Management Improvement Fund and the Office of Cultural Education Account.

RESOLUTION #107-09

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

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish,

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improve or enhance records management programs in New York's 4400 local governments; and

WHEREAS, the LGRMIF has awarded 8,856 grants totaling \$176 million to improve the management of records for over half of all local governments in New York State; and

WHEREAS, the LGRMIF saves local governments at least \$5.6 million annually in storage costs by funding grant projects to identify and destroy non-permanent records; and

WHEREAS, the LGRMIF saves local governments at least \$4.8 million annually in costs to search for records; and

WHEREAS, the LGRMIF has supported the preservation of over 3 million essential records, ensuring their continued availability for citizens, teachers, genealogist, and other researchers; and

WHEREAS, the LGRMIF has vastly improved public access to millions of records in thousands of local governments through projects to scan paper records, make records available online, or arrange and index voluminous older records; and

WHEREAS, the need for the LGRMIF grants program continues to grow with requests for more money to fund increasingly complex and costly records projects; and

WHEREAS, since 1989, State Archives staff have conducted 20,000 site visits to local governments to provide hands-on records management guidance at no cost to local governments; and

WHEREAS, the LGRMIF has trained over 10,3000 local government officials to manage both paper and electric records through 130 onsite workshops and webinars given each year; and

WHEREAS, the LGRMIF has been at the forefront of technological change in local government, bringing hundreds of local governments into the Internet age in the 1900's, funding complex geographic systems projects, and supporting grants to scan and make available millions of images of local government records, and

WHEREAS, the LGRMIF and the program it supports continue to be flexible and responsive, operate at a high standard of excellence, and provide direct and significant benefit to local governments at no cost to the taxpayers; and

WHEREAS, the records needs of local governments are growing more complex and expensive, and greater support for the LGRMIF will make possible critical electronic records and disaster planning projects; and

WHEREAS, greater support for the LGRMIF will further make possible shared services programs that will save money for local governments by helping them develop cooperative and sustainable records management programs; and

WHEREAS, the LGRMIF fee has never been increased since its inception in 1989; and

WHEREAS, the Town of Philipstown has benefited from technical assistance, training, publications and 4 grants totaling \$50,000.00, from LGRMIF; and

WHEREAS, the Cultural Education Account funds most of the operations of the State Museum, Library, and Archives; and

WHEREAS, the Cultural Education Account balance is no fully depleted as a result of the severe decline in revenue and the annual and special transfers of funds to support other state purposes; and

WHEREAS, without the fee increase, the Office of Cultural Education's services to the public will be at risk, including access to the Museum's huge collection of natural history and historical artifacts, the Library's collection of genealogical books and free online access to specialized databases and electronic journals, and the Archives historical records of state and colonial government going back to the early 1600's; therefore

BE IT RESOLVED that the Town of Philipstown supports Assembly Bill A-6783, which proposes modest increases in the fees supporting the Cultural Education Account from \$15.00 to \$22.50 and the LGRMIF from \$5.00 to \$7.50 per transaction to ensure the continuation of the programs of the Office of Cultural Education and improvement of records management programs in New York's local governments through LGRMIF services and grants that increase citizen access to records, build vital information infrastructures in local government, stimulate local economics across the state, and allow our local leaders to address twenty-first century realities.

7. Resolution supporting the Collateral Source Legislation that is now before the NYS Senate and Assembly.

RESOLUTION #108-09

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

WHEREAS under current state law, public employees hurt on the job are paid twice, both times out of the taxpayers pocket for the same lost future earnings; and

WHEREAS, there is a bill proposed by the NYS Trial Lawyers Association, has now been introduced in the Legislature (S.4080-A by Senator Schneiderman / A.7504-A by M. of A. Weinstein), which, in addition to ending the unfair double recoveries against public employers, it removes an impediment to the settlement of tort actions; and

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WHEREAS, the bill would protect all parties in the lawsuit (including public employer defendants) who settle the case from then being subjected to a claim by a health benefit provider or other collateral source payor for reimbursement of monies paid to the plaintiff – unless there is a statutory right to such reimbursement, thereby encouraging settlements;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Philipstown Town Board supports these bills and urges our lawmakers to vote these into law; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Peter J. Kiernan, Counsel to the Governor; New York State Senate Majority Leader Malcolm A. Smith; New York State Assembly Speaker Sheldon Silver; Senator Elizabeth Little; Assembly Woman Janet Duprey; and Barry P. Schwartz Senior Counsel New York City Law Department.

8. Resolution authorizing Stantec Engineering to prepare the EAF in connection with the Proposed Zoning Law.

Councilman Shea explained that the long form EAF needed to be completed so that the public hearing process could begin.

RESOLUTION #109-09

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

WHEREAS under current stat law, public employees hurt on the job are paid twice, both times out of the taxpayers pocket for the same lost future earnings; and

WHEREAS, there is a bill proposed by the NYS trial Lawyers Association has now been introduced in the Legislature (S.4080-A by Senator Schneiderman / A.7504-A by M. of A. Weinstein) which, in addition to ending the unfair double recoveries against public employers, it removes an impediment to the settlement of tort actions; and

WHEREAS, the bill would protect all parties in the lawsuit (including public employer defendants) who settle the case from then being subjected to a claim by a health benefit provider or other collateral source payor for reimbursement of monies paid to the plaintiff – unless there is a statutory right to such reimbursement, thereby encouraging settlements;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Philipstown Town Board supports these bills and urges our lawmakers to vote these into law; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Peter J. Kiernan, Counsel to the Governor; New York State Senate Majority Leader Malcolm A. Smith; New York State Assembly Speaker Sheldon Silver; Senator Elizabeth Little; Assembly woman Janet Duprey; and Barry P. Schwartz Senior Counsel New York City Law Department.

9. Resolution needed requesting the NYSDOT to remove the “No Parking” signs along Route 403.

Town Clerk Merando reported that on April 7, the Town Board passed a resolution to remove the signs on Route 9D, but Councilwoman Scuccimarra had located more signs so another resolution would be required to remove those.

RESOLUTION #110-09

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

RESOLVED, that the Town Board of the Town of Philipstown hereby requests the NYSDOT to remove the “No Parking” signs along Route 403, beginning at mile marker 1021 through 1023.

10. Code Enforcement Monthly Report.

Town Clerk Merando read the Monthly Report.

11. Schedule Workshops/Meetings.

Town Clerk Merando asked if the July 2nd meeting should be changed to July 9th.

RESOLUTION #111-09

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

RESOLVED, that the Town Board Meeting of July 2, 2009 be held on July 9.

Supervisor Mazzuca reported that the contract with CFE Consulting on Stormwater was renewed and runs from June 1, 2009 through June 1, 2010. Councilman Shea wanted to encourage people to attend a Stormwater Management meeting, that there was a lot of useful information for property owners.

Meeting w/Village of Cold Spring re: Consolidation June 17th @ 7:30 p.m.
(Note: Andy Merante to confirm the date.)

Garrison resident, Russell Duchin, asked what sort of services were going to be discussed. Supervisor Mazzuca stated that the Boards would be discussing anything. One of the things the Village of Cold Spring would like to discuss was Highway. What the Town would like to talk about besides that was Code Enforcement/Building Inspector and courts. He stated that the discussion may be more of sharing equipment and services. Mr. Freilich mentioned that there had been some discussion about fire

companies discussing sharing. Supervisor Mazzuca responded that the fire companies were talking a lot.

AUDIENCE

Edgar Polhemus, a resident of Garrison, addressed the Town Board regarding the passing of a law that prohibited soil processing in Philipstown. He recapped the steps he had taken before the passing of the law and questioned the Board on how they took the matter away from the Planning Board. Councilman Shea indicated that it was unclear whether industrial or residential zoning would prevail since the property in question included a residence and that the Town did not want industrial uses on undersized lots. Councilman Shea further stated that the Town Board was also awaiting comments from Consultant, Joel Russell, who was drafting the town's new zoning code. Mr. Polhemus continued to press the fact that the matter had been taken away from the Planning Board. Supervisor Mazzuca emphatically stated that the Board did not take things away and that when the Board sees something that needs to be fixed, it is going to be fixed and that a decision was made after public input.

North Highlands resident, Ken Sapeta, addressed the Board regarding the status of a letter that he had written 9 months ago to the Highway Superintendent, with a copy to the Town Board, regarding the plowing of snow that gathers on the corner of his property and has over a period time, caused the tearing up of his property. He stated that he had not had a response and wondered if the Town was going to repair that section of lawn. Councilman Shea asked Mr. Sapeta if he had spoken to Highway Superintendent Chirico. Mr. Sapeta responded that he had not. Supervisor Mazzuca informed Mr. Sapeta that the Board would speak with Superintendent Chirico ... that if the Town did some damage, it would be repaired.

Garrison resident, Joe Regele, once again addressed the financial management of funds by the Garrison Volunteer Fire Company, i.e., the timing of reporting finances to the Town and the size of the Fire Company's cash reserves. Another area that Mr. Regele addressed was "controlling authority." He mentioned a letter written by Town Attorney Doyle in March 2009, which indicated that New York State Not for Profit Corporate Law gives the town authority over the fire company's external affairs – not internal affairs, external and internal not being defined. Mr. Regele felt that after 30 months, he had received no clear answers. Russell Dushin of Garrison, asked Supervisor Mazzuca if he could ask Town Attorney Doyle to define the town's responsibilities. Supervisor Mazzuca responded that he had no problem requesting Town Attorney Doyle to outline the town's fiduciary role. At this point, a heated discussion ensued. Stan Freilich, a resident of Garrison, asked to be heard, but Supervisor Mazzuca closed the discussion.

An audience member questioned what Collateral Source Legislation was. Attorney Doyle replied that it has to do with plaintiffs in certain actions getting double recovery against employees.

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Mr. Polhemus asked when the Board does voucher reporting, was there a dollar amount on those vouchers. Supervisor Mazzuca replied that vouchers are submitted with number of hours, materials and amount, and that three (3) Board members signatures were required on each voucher. Mr. Polhemus asked if there was a monthly sum that the Board agreed on. Supervisor Mazzuca replied, "yes," that the town's controller has that amount and that the information was available.

VACANCIES

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

APPROVAL OF VOUCHERS

Councilman Shea made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the General Vouchers in the amount of \$107,038.03 are hereby approved as set forth in Abstracts 5A and 6.

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Highway Vouchers in the amount of \$18,321.27 are hereby approved as set forth in Abstracts 5A and 6.

Councilman Shea made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Park District Vouchers in the amount of \$292,989.32 are hereby approved as set forth in Abstracts 5A and 6.

Councilman Shea make a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Water District Vouchers in the amount of \$122,431.27 are hereby approved as presented in Abstracts 5A and 6.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra to close the Town Board Monthly Meeting at 9:27 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk