

Monthly Town Board Meeting  
June 6, 2013

The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 7:30 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

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

ABSENT:	Betty Budney	Councilwoman
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Supervisor Shea opened the meeting with a Salute to the Flag.

### **REVIEW OF MINUTES**

The Minutes of the Weekly Town Board Meeting of April 10, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Weekly Town Board Meeting of April 10, 2013, are hereby approved as presented.

The Minutes of the Bid Opening (Town Wide Cleanup) of April 24, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Bid Opening (Town Wide Cleanup) of April 24, 2013, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of April 24, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Weekly Town Board Meeting of April 24, 2013, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of May 2, 2013, were reviewed.

Councilman Merandy made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of the Monthly Town Board Meeting of May 2, 2013, are hereby approved as presented.

The Minutes of the Bid Opening (Old Albany Post Road) of May 17, 2013, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Merandy to accept the minutes of the Bid Opening (Old Albany Post Road) of May 17, 2013. Councilwoman Montgomery noted that she was not in attendance and could not vote on accepting the minutes. She asked why the Board was not being informed when there was a bid opening. Town Clerk Merando explained that this had never been done. The only notification was that which goes in the newspaper.

The question of the acceptance of the Minutes of the Bid Opening (Old Albany Post Road) of May 17, 2013 was duly put to a vote on roll call, which resulted as follows:

Richard Shea	Voting	AYE
Betty Budney	Voting	ABSENT
Nancy Montgomery	Voting	NAY
John Van Tassel	Voting	AYE
David Merandy	Voting	AYE

The minutes were thereupon declared accepted.

**COMMITTEE REPORTS**

**CB** – Councilwoman Montgomery reported that the Conservation Advisory Board met on May 14, 2013. There were three items on the agenda: Doug Banker, for a tree mitigation plan; David Baker, who was granted a wetlands permit, and Indian Brook LLC, to install a driveway and obtain a wetlands permit. There will be no meeting in June due to the fact there are no agenda items.

**RECREATION** – Councilman Van Tassel attended the Recreation Commission meeting on May 28, 2013. The April minutes were read. Amber Stickle also submitted up-to-date financial statements, which are available to review. The Commission discussed the May workshop with the Town Board in reference to capital projects at the Rec facility. The Commission plans to propose the resurfacing of the main field, along with a well and irrigation system, and would also like to do a minor patch and filling at the water tower field. The Commission also discussed the boiler replacement with the planned asbestos abatement and passed a unanimous resolution to oppose the abatement being done during program hours. The Friends of Philipstown Rec Group has finalized plans for the pavilion at the Town Park and, with projected donations, hope to break ground this fall. The pavilion will have bathrooms, a storage area, a kitchen, concession area, and a covered picnic area. The Commission plans on attending the July Town Board meeting for a major announcement on this project. The Depot Theatre advised that all the costumes held at the Garrison Station #1 Fire House have been moved. The Theater Benefit dinner was held on Friday, May 31, 2013, with 130 people attending. This was a kickoff for “The Looking Swell Campaign” to upgrade and improve the Depot Theatre. The goal of the campaign is to raise \$200,000 for repair on the HVA system, generator hook up and several other projects. The summer recreation children’s play “To Kill a Mockingbird,” will have auditions on June 8, 9, 15, 16, 22 and 23. The next meeting will be held on June 25, 2013, at 7:30 pm.

**RECYCLING** – NO REPORT - Councilwoman Budney was not in attendance.

**PLANNING BOARD** - Councilman Merandy reported that this months meeting was a trial run at a new venue at the Butterfield Library. He thanked Gillian Thorpe. Everything went

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well and they plan to continue holding future meetings there. The items on the agenda included; Garrison Properties, Mountain Trace Subdivision, Open Space conservancy, Arthur Fischer, and several Local Laws that were submitted to the Board - no action taken.

**ZONING** – Councilman Van Tassel attended the May 13, 2013, meeting with a continuation of a Public Hearing for a proposed wind turbine. A continuation of the Public Hearing will be held on June 10, 2013.

**HIGHWAY** – In Councilwoman Budney’s absence Councilman Van Tassel read the May report, which is on file at the Town Clerks office for review.

**BUILDING & LAND ACQUISITION** –. Supervisor Shea said that they are continuing to look at the building infrastructure to determine what is going to stay, what might go, what might have to be changed around to make better use of. Supervisor Shea and Councilwoman Montgomery met with the County today (6/6/2013), to discuss how the County can get involved with getting space for the seniors.

**JLB LIBRARY** - Councilwoman Montgomery read the Library report. In support of the NYS summer reading program; all Haldane classes, K-5th grades, to discuss summer reading, have visited the library. The Library received a \$700 grant to support the summer reading program. As a result, this year the library will offer additional programs. The library is only able to offer one camp program this summer, which is free and open to all Philipstown residents. Registration opens June 10. If you need computer help just come in or call the library. Think of the Library as an open computer lab. There is access to Indy Flicks. The library is also here to help local organizations with space for meetings or projection equipment. Please contact them at 265-3040 or [jbldirector@gmail.com](mailto:jbldirector@gmail.com)

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**TOWN OF PHILIPSTOWN  
MONTHLY REPORT OF TOWN SUPERVISOR  
MONIES RECEIVED AS OF JUNE 6, 2013**

**GENERAL & PART-TOWN FUNDS**

Town Clerk Fee 4/13 (dogs)	364.50
Town Clerk Fee 4/13	353.15
Justice Fees 4/13	11,693.00
Recreation Community Recycling	85.20
Bank Interest	177.72
Justice Fees 4/13	7,030.00
NYS DFY (2012)	1,980.00

**HIGHWAY FUND**

Put. Co. Gas	402.26
Bank Int.	316.78

**CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest	8.72
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**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse Fees	1,400.00
Town of Cortlandt Taxes	38,015.00
Bank Interest	18.42

**AGENDA**

**1. Roberto Muller to discuss the proposed resolution calling for the emergency evacuation zone around Indian Point to be extended from 10 to 50 miles.**

Mr. Muller addressed the Town Board noting that he grew up in Cold Spring and still lives here. He works and volunteers for Hudson River Sloop Clearwater in Beacon and Indian Point Safe Energy Coalition. Mr. Muller stated that his appearance tonight was to speak about the resolution calling for the extended evacuation zone. He added that he was in Japan from April to July 2011, at which time he met many people who had actually evacuated and moved to other parts of Japan after the Fukushima accident. He learned about their experiences with nuclear power and could not help but get engaged and started studying this. What he wanted to start off with tonight was how the municipalities in Fukushima have dealt with this situation. Last Sunday, a Councilwoman from a Village in Fukushima was in Philipstown and she described the process of evacuating. She emphasized the lack of support, generally, from the higher levels of government, and how she and the municipality had to make decisions that they did not feel they were qualified to make, but had to step up and do. They were eventually evacuated and later found out that there was more radiation in the city they were evacuated to than what was in their own (original) town. This was due to the winds changing. The way radiation moves is not systematic or entirely calculable. The higher authorities made decisions on the evacuation based on calculations made on computer programs that were very sophisticated and even then fell short of actually protecting people. What she recounted was feeling frustration, knowing that she was not able to make decisions as a representative of her community impart, because she was not able to access some of this data, so lost trust in higher government in the last few years. The levels of decision-making are so complex that many municipalities have felt overwhelmed and somewhat abandoned in this process of trying to respond to an accident.

Getting to the resolution, Mr. Muller wanted to highlight how this relates to Philipstown near Indian Point by describing evacuation preparedness and some of the reasons behind proposing to expand the zone from 10 miles to 50 miles. He proceeded to read the resolution making comments on the following: the lack of communication of information as being negligent to the public health and safety of the citizens, contamination of water supply and food that extends beyond the risk of the 10 miles, that people will not evacuate on their own free will...that they will not act independently, evacuation routes, spent fuel storage to dry cask, and the two fault lines in the area.

Essentially what he is asking is that the Town adopts this resolution as a message of support saying that we, as a municipality, are concerned. This would have no effect on legislation and there is nothing binding about it. Specifically, it is about raising our voices through our representation to say that we are concerned about the long-term preparation for an accident.

Supervisor Shea asked Mr. Muller how many people lived in the 50-mile radius. Mr. Muller responded 17-20 million (which includes NYC). Councilman Van Tassel stated that he is

not questioning anything Mr. Muller has said and that he certainly is looking to secure the safety of the community, without a doubt, but he does not see how extending the radius will improve the safety so he would like to take more time to review it further. He asked, "How do you feel extending the radius from 10 miles to 50 miles is going to improve our safety here? Isn't it going to complicate the evacuation more? 17 million people trying to get out of this area at one time is pretty much impossible". Mr. Muller replied that he presented to the Village of Cold Spring Board a couple of weeks ago and the Mayor said that essentially he did not want to vote for the resolution because if you expand from 10 miles to 50 miles, you put that many more people in the way of the folks from Cold Spring. Mr. Muller said that he does understand the rationale, but thinks it is a very offensive statement, because putting our community over our neighbors is unrealistic, selfish and not practical.

A discussion ensued about the spent fuel pools and moving to dry casks, the cost of which would more than likely be passed on to us, the taxpayers.

Councilwoman Montgomery said that she appreciates his initiative to help us by taking a very complicated issue and presented it in a way that we can understand better. She thinks this is paramount to how we have to move forward now. She said, "By adopting this resolution we will be sending a message and this is a first step in protecting our citizens and opening a dialogue." Her opinion is that she still feels that this is not going to work and feels very vulnerable, and that is with her having more understanding than the general public has. She appreciates Mr. Muller's information and his concise presentation, which will help us understand it better. She then said that she would be more than thrilled to move forward with this right now.

Councilman Merandy stated that one of the things when you hear an evacuation plan is that you think of the immediate response, but he thinks that you do have to acknowledge that radiation is not just going to stop at a certain point. He doesn't actually see how an evacuation plan can work, but does think it is worth sending the resolution.

Legislator Scuccimarra said that the County has already passed a resolution similar to this. The County's concern was predominantly the dry casking. She can't imagine that if anything happens that people at the 20-mile limit aren't going to want to go somewhere and it is better to have a plan regardless. Councilman Van Tassel remarked that he doesn't think that there is a physical plan that we could come up with to move 17 million people. Supervisor Shea said this would be discussed further at a workshop.

## **2. Anthony Ruggiero and Megan Taylor to discuss Economic Development opportunities.**

Town Clerk Merando reported that Anthony Ruggiero and Megan Taylor were not able to make the meeting tonight.

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- 3. Resolution authorizing Supervisor Shea to sign the parade permit for the Philipstown Lacrosse Association for the Youth event scheduled for June 2, 2013 (nunc pro tunc).**

**RESOLUTION #86-2013**

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

**RESOLVED**, that the Town Board authorizes Supervisor Shea to sign the parade permit for the Philipstown Lacrosse Association for the Youth event scheduled for June 2, 2013 (nunc pro tunc).

- 4. Resolution waiving the building permit fee for the Garrison Volunteer Fire Company to remove an interior wall on Upper Station Road.**

**RESOLUTION #87-2013**

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

**RESOLVED**, that the Town Board hereby waives the building permit fee for the Garrison Volunteer Fire Company to remove an interior wall on Upper Station Road.

- 5. Resolution adopting the Hazard Communication Program Policy for the Town of Philipstown as per New York State Department of Labor.**

Town Clerk Merando explained that the NYS Department of Labor came in to do an inspection at the Town Hall two weeks ago and reviewed the Town's policies. However, the policy in place did not contain the language that PESH required. The inspector provided a template, which is being followed.

**RESOLUTION #88-2013**

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

**RESOLVED**, that the Town Board hereby adopts the Hazard Communication Program Policy for the Town of Philipstown as per New York State Department of Labor.

**6. Code Enforcement Monthly Report**

Town Clerk Merando read the Monthly Report.

Town Clerk Merando announced that there were two items that were not on the agenda;

**Item #1** - Planning Board Clerk responsibilities – Councilwoman Montgomery explained that the Planning Board Clerk responsibilities were developed with the new Zoning Codes to tighten things up administratively. Councilman Van Tassel

reported that a meeting was held with Town Clerk Merando, Ann Gallagher and Tina Landolfi, with regards to their positions as it has become very evident that there is a major space issue. One suggestion was to use the Dahlia House as an office for the Building Department and Assessors. Councilman Van Tassel stated that he would like to schedule a workshop or meet with the Town Board at the Dahlia House to come up with a plan to utilize that space. The other suggestion was for the purchase of a large-scale scanner so that files and maps can be scanned. Town Clerk Merando also came up with the suggestion to get a mobile shredder to come in to dispose of records/files already scanned. Supervisor Shea asked Town Clerk Merando to get the cost of that. Councilwoman Montgomery stated that the Town has to be careful with what is disposed of legally and that the Town could recruit the Department of State's help with this because there are guidelines/laws that have to be followed. Councilman Van Tassel asked Town Clerk Merando about grants. She responded that we could apply for one every year. Councilwoman Montgomery then asked if we had a retention and disposal schedule. Town Clerk Merando said that we do and each department was given a copy so they would know what to do. Supervisor Shea suggested further discussion on this item.

**RESOLUTION #89-2013**

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

**RESOLVED**, that the Town Board hereby adopts the Planning Board Clerk responsibilities.

Supervisor Shea asked that the record show that no one was opposed to the resolution

**Item #2** - Release of the escrow of E. Polhemus Enterprise, LLC - Town Clerk Merando read a letter from Planning Board Chairman, Michael Leonard, requesting the release of escrow funds.

**RESOLUTION #90-2013**

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

**RESOLVED**, that the Town Board hereby releases the escrow funds of E. Polhemus Enterprise, LLC.

**7. Schedule Workshops/Meetings.**

Workshop – June 12, 2013 7:30pm to discuss various items – records, buildings, boiler,

Supervisor Shea read a request to change the Monthly Town Board meeting from July 4<sup>th</sup> to July 11<sup>th</sup>.



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**RESOLUTION #91-2013**

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

**RESOLVED**, that the Town Board hereby changes the date of the July Monthly Town Board meeting from July 4<sup>th</sup> to July 11, 2013.

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

Supervisor Shea reported that he and Councilwoman Montgomery met today (6/6/2013), with representatives from the Nutrition Program for seniors, the County, and Legislator Scuccimarra, to discuss how the quality of food that is being served to seniors can be improved. Supervisor Shea stated that the Town wanted to try to tap into some of the resources we have in the County, and talk about space at Chestnut Ridge for an exercise program to be held there once or twice a week. Supervisor Shea stated that the Town Board will continue to meet with Legislator Scuccimarra and the County just to keep making progress by taking small steps for the seniors in Town. Councilwoman Montgomery said that the Town Board should think outside the box- like the offer from Gillian Thorpe to utilize the library to have some programs at Chestnut Ridge (computer classes, fine arts workshop, etc.). Supervisor Shea added that space requirements were also discussed.

Supervisor Shea has been meeting regularly with Scenic Hudson with regard to the Hudson River Fjord Trail, and a meeting was held at Winter Hill with the citizens group that is supporting the idea. He reported further that the request for proposals for the engineering portion of the trail will be released and that feasibility has been established and the request for proposal for the planning of the entire trail will also be released. They have established the feasibility and will go further and release the request for a proposal for the planning of the entire trail. Scenic Hudson estimates that the budget will be around \$175,000 and believe they have that money. They do have some graphics and two proposed groups, which they met with, at the site. Legislator Scuccimarra requested that Bill Donner come before the Economic Development at the County on Monday night to talk about this to the Legislature.

Councilman Van Tassel reported that he, Councilwoman Montgomery, Amber Stickle, Kevin Donohue and Mayor Falloon (Emergency Preparedness Committee, got together the other night and briefly discussed the local emergency coordination center and how they could improve it. He added that the center is now digitalized so that anyone can program it. They also discussed the shelter provisions at the Rec center (although we are not an official shelter), and noted that there is a budget this year of \$1,000 to purchase some air mattresses and blankets so people could be better housed, should it be necessary. An outreach program is planned and all Fire Departments have been asked for a formal statement as to what their plan will be during the next emergency. They would also like to circulate a newsletter to keep people abreast if there is a problem on what to do and where they can go. They will be looking to the Fire Departments for some assistance with staffing of the emergency operations center along with volunteers from the

community. Councilwoman Montgomery said that we have done fairly well during the last few emergencies but we do have to develop a solid plan. She noted that Kevin Donohue had tried to get grant money for this, but the County received those monies. They are hoping to collaborate with the County since they do have all the reins for emergency management. She said that we do our best with what we have on no budget. What she learned at FEMA is that it is a whole community approach. Councilman Van Tassel stated that there was also a discussion about a CERT team, which is civilians who would be willing to go out and assist with communications, transportation, etc. It was agreed that the Town needs to do more planning on their end.

## **AUDIENCE**

Paul Clair came to urge the Town Board to adopt Putnam County's law prohibiting frack waste on all county routes, wastewater treatment plants, and real property to the Town of Philipstown. The County has a penalty of \$25,000 and or 30 days in jail for each offense. For Philipstown to do this all that needs to be done is substitute the word Philipstown for the word County in the County law. Westchester County lawyers and Rockland County lawyers have vetted this law. Rockland County has just passed a duplicate of the Westchester law, which covers all roads, water treatment plants and all real property. Ms. Clair added that although Putnam County's law does protect us to some extent, we are less protected then our neighbors, because some towns in the county have objected, on the basis of home rule, to pass the Westchester County law. So it would be up to each town in Putnam to protect its people. Ms. Claire feels that this is a critical public health issue and she hopes that the Board would consider, without delay, taking steps to adopt this law. Supervisor Shea stated that a public the Board was on the verge of adopting the law she presented several months ago. Ms. Clair replied that the problem with that law was that it does not have penalties. Supervisor Shea remarked that a Public Hearing has not yet been held to incorporate this change. He added that the Town Board could pass the law and then modify it.

Margaret Krachy asked the Board to consider allowing Verizon FIOS into the area so that people have choices. She understands that the contract we have now with Cablevision ends in October this year and this would be a good time to explore other vendors. Supervisor Shea said they will start negotiating a new contract soon.

Bob Juby wanted to give the Town Board an update on the road and culverts (E. Mountain Road S.). He presented a drive to the Board with pictures from the last few days. The town crew was there cleaning the culverts. He doesn't understand why the road was graded when it is not necessary. Mr. Juby asked about getting together with the Town Board and Councilman Van Tassel said that they would do that.

Joe Regele addressed the Town Board stating the he was here exactly a year ago as a follow-up on the fields and Town Park, at which time, he responded to questions and made presentations. The way it was left was that some one was going to get back to him in two weeks, but he has never heard another word from anyone. Then last week he read in the paper that there had been a meeting. He was not the only one interested in this project

and he put a lot of his own time and money into this. Mr. Regele stated that it would be polite for one to respond to him that something was going on. He added that it was a little discouraging after all the work he did to read this in the paper. Councilman Merandy stated that this was discussed at the Recreation meetings, which are open to all and asked, "Aren't you the one who stopped all the progress?" Councilman Merandy added that Mr. Regele was involved in this as heavily as he was and if it wasn't for Mr. Regele's actions the Town would probably have reconditioned fields by now. Councilwoman Montgomery informed Mr. Regele that he should keep an eye on the website because the workshops are posted on the website. Supervisor Shea stated that this was unintentional and would like to move on.

Mr. Regele then went on to the Garrison Volunteer Fire Company. From what he read in the paper, the Garrison Volunteer Fire Company was going to purchase a new truck and do work on the bathroom. Supervisor Shea said that there is not going to be any work on the bathroom as that is not in the budget. Mr. Regele asked if there was going to be another truck purchased. Supervisor Shea informed Mr. Regele that in all likelihood they will be purchasing a new truck for the chief and that he, personally, as the Supervisor, disagrees with having three chiefs' trucks. They did have a discussion and there were some mitigating factors. Councilman Van Tassel said that this is not an apparatus, but a \$40,000 truck and the agreement was that it would be a discussion with the 2014 budget. The down payment would be made from this year's budget – a line item for the purchase of 5 additional SCVA packs that the current chief elected not to purchase. Mr. Regele again repeated that the fact is that the Garrison Volunteer Fire Company does not close out their budget and they are the only group that does not close out their budget for year-end. Therefore, we do not know how much they have spent. Mr. Regele added that providing jobs to high school students in the community would be a better way to spend monies that are left over from this budget. Mr. Regele would personally like to see the Garrison Volunteer Fire Company submit their year-end figures in the fall like all the other departments do. Councilman Van Tassel replied that he would facilitate a meeting with Mr. Regele, the Fire Company Board, the Chief and the Town Board.

Stan Freilich hadn't planned on saying anything, but he feels he had to say something and that is, that from his perspective, the fact that the budget of the Garrison Volunteer Fire Company went down 28% a couple of years ago - the Board had the final say on it - but it is really due to Joe Regele raising all these issues for years. Supervisor Shea stated that he wanted to rebut that. He said, "Joe had made some salient points, absolutely and he did bring up some issues that needed to be addressed, but the initiative was taken by me, the Chief Budget Officer, not by Joe." Supervisor Shea gave Mr. Regele credit for bringing up issues. Mr. Freilich said that he has been here when the Garrison Volunteer Fire Company has come and presented a list of expenditures, and has never seen them present a budget. Mr. Freilich would like to see when the Garrison Volunteer Fire Company comes in the fall that they present a real budget before talking about next year.

## **VACANCIES**

CV Park District Advisory Committee (3)

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CV Water District Advisory Committee (3)

**APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the General Vouchers in the amount of \$58,294.52 approved as set forth in Abstract 5A& 6

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Highway Vouchers in the amount of \$72,199.20 are hereby approved as set forth in Abstracts 5A& 6

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CVPD Vouchers in the amount of \$3,191.71 are hereby approved as set forth in Abstract 6

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the CVWD Vouchers in the amount of \$16,414.08 are hereby approved as set forth in Abstracts 6

There being no further business to discuss, Councilwoman Budney made a motion, seconded by Councilman Van Tassel to close the Town Board Monthly Meeting at 9:30pm.

Respectfully submitted by,

Theresa Crawley  
Deputy Town Clerk