

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
	Betty Budney	Councilwoman
	Nancy Montgomery	Councilwoman
	David Merandy	Councilman
	John Van Tassel	Councilman
	Edward W. Doyle	Town Attorney

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

### **REVIEW OF MINUTES**

The Minutes of the Monthly Meeting of June 7, 2012, were reviewed.

Councilwoman Budney made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of June 7, 2012, are hereby approved as presented.

The Minutes of the June 13, 2012, Weekly Meeting, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of the June 13, 2012, Weekly Meeting, are hereby approved as presented.

The Minutes of the Bid Opening of June 20, 2012 (Hydraulic Hammer), were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of the Bid Opening of June 20, 2012, are hereby approved as presented.

The Minutes of the June 27, 2012, Weekly Meeting, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of the June 27, 2012, Weekly Meeting, are hereby approved as presented.

## **COMMITTEE REPORTS**

**CAC** – Councilman Van Tassel reported that he attended the June 12<sup>th</sup> meeting in place of Councilwoman Montgomery. Councilman Van Tassel reported on the applications submitted by Garrison Golf Club, Nick & Julie Scanga, Bridget Freed, Suzanne Miles, and Daniel & Shiela Donnelly. Councilwoman Montgomery added a report on wetland permits for Garrison Golf Club, 365 South Mountain Pass, 98 Philipse Brook Road, 94 Frazier Road, and 316 Old West Point Road. The next meeting is scheduled for August 14<sup>th</sup>.

**RECREATION** – No report

**RECYCLING** – Councilwoman Budney had no report, but asked that residents not park up against the gate at the landfill before 9:00 A.M. on Saturdays.

**PLANNING BOARD** - Councilwoman Montgomery reported that the Planning Board met on June 28<sup>th</sup>. Two (2) requests for extensions were granted. Other items covered were applications submitted by Wang & Ming Wang of Jaycox Road, Evelyn Gex of 24 Hummingbird Lane, Entergy (3 Horsemens Trail), SNK Farms of 3188 Route 9, Cold Spring, Dominic and Debra Santucci's application regarding Canopus Hollow/Sprout Brook Road, County Line Equities, and Philipstown Square.

**ZONING** – Councilman Van Tassel reported on the items addressed at the June 11, 2012, meeting. Items addressed were Lyons Realty Company's application for a proposed Soil Mine. Councilman Van Tassel reported that this application had been removed.

**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.

**BUILDING & LAND ACQUISITION** – No report.

**GVFD** – No report.

**JULIA L. BUTTERFIELD LIBRARY** – No report.

**TOWN OF PHILIPSTOWN**  
**MONTHLY REPORT OF TOWN SUPERVISOR**  
**MONIES RECEIVED AS OF JULY 12, 2012**

**GENERAL & PART-TOWN FUNDS**

Tax Collector Interest	\$ 242.79
Tax Collector Penalty Interest	15,997.43
Tax Collector Miscellaneous	4.08
Tax Collector Reminder Fees	96.00
C.T.V. Fees	18,010.00
Justice Fees – May 2012	9,605.00
Town Clerk Fees – May 2012	406.68
Town Clerk Fees – Dogs – May 2012	321.50
Justice Fees – May 2012	5,905.00
C.T.V. Fees	11,471.00
Recreation Fees – May 2012	40,808.77
Building Fees – June 2012	12,812.00
Justice Fees – June 2012	11,070.00
Town Clerk Fees – June 2012	984.09
Town Clerk Fees – Dogs – June 2012	294.00
Bank Interest	219.71

**HIGHWAY FUND**

General Fund – Gas	\$ 347.58
Putnam County Check – Gas	2,920.35
NYS FEMA	8,939.58
NYS FEMA	6,296.82
NYS FEMA	1,542.42
NYS FEMA	5,289.30
Putnam County Gas	2,905.42
Bank Interest	537.28

**CONTINENTAL VILLAGE WATER DISTRICT**

Water Collection	\$ 75,000
bank Interest	5.74

**CONTINENTAL VILLAGE PARK DISTRICT**

Taxes – Putnam Valley	\$11,742.00
Bank Interest	26.35

## **AGENDA**

### **1. Paula Clair to discuss concerns about Hydraulic Fracturing.**

Garrison resident, Paula Clair, gave a presentation on the extracting of natural gas via hydraulic fracturing, pointing out the many negatives attached to this process. Ms. Clair requested that the Town Board consider anti-fracking legislation. Upon completion of the presentation, Mrs. Clair then presented Beacon Councilwoman Pasti, who informed the Board that the City of Beacon had created a fracking ordinance as they were concerned with hydrofracking because of their waste treatment plant and the possibility of sludge and disposal of waste products. Councilwoman Pasti added that the documentation that Mrs. Clair presented to the board included a copy of the ordinance prepared by the attorneys for the City of Beacon.

Supervisor Shea stated that a letter had already been sent to the DEC and the Governor stating the Board's concerns about hydrofracking. Supervisor Shea also stated that a workshop would be set up to discuss possible legislation.

### **2. Dan Valentine will make a presentation on the forming of a town-wide rope rescue team.**

Dan Valentine, of the Cold Spring Fire Company, presented details on what a "Rope Rescue Team" was. He reported that 48 members from six (6) agencies were interested in volunteering for this team; that eight (8) had already received advanced training and 28 had minimum basic level training. Mr. Valentine stated that the cost of establishing a Rope Rescue Team was approximately \$20,000, which they would pursue through funding from grants and donations.

Mr. Valentine thanked the Town Board for their support 10 years ago for the establishment of the Junior Fire Academy program, which will be celebrating its 10<sup>th</sup> Anniversary on July 28<sup>th</sup>. Mr. Valentine extended an invitation to the Board to attend the celebration. Councilman Van Tassel expressed his thanks to Dan Valentine for organizing the program.

### **3. Resolution finding that the June 5, 2012 training session qualifies as two hours of required training for the Philipstown Planning Board. (Roll Call Vote)**

#### **RESOLUTION #103-2012**

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

WHEREAS, pursuant to the Town of Philipstown Code, §48-1, "all Planning Board and Zoning Board of Appeals members shall be required to complete at least four hours of suitable training per year."

WHEREAS, pursuant to the Town of Philipstown Code, §48-2.A. " The authority to determine suitable training is hereby delegated from the Town Board to the Planning and Zoning Board Chairs who shall note annually in Board minutes the selected training."

WHEREAS, pursuant to the Town of Philipstown Code §48-2.B. "The training requirement may be satisfied by educational activities substantially devoted to planning, zoning, or other land use issues, such as: attending conferences, seminars or workshops; participating in on-line training or tutorials; attending college courses; reading journal articles or books; or any other educational activities considered acceptable by the respective Board Chair. Training may be offered by a municipality, regional or county planning office or commission, county, regional or state planning federation, state agency, statewide municipal association, college or university or other similar entity."

WHEREAS, pursuant to Town Law §271.7-a (a) Training and attendance requirements, "Each member of the planning board shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Such training shall be approved by the Town Board and may include, but not be limited to, training providing by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training."

WHEREAS, at the request of the Planning Board Chairperson, AKRF, Inc., conducted two hours of training on June 5, 2012, for the Philipstown Planning Board members (attendance list attached), covering the following topics:

- The Role of the Planning Board
- Municipal Review of Subdivision and Site Plan Applications and Special Use Permits
- Application Review Process
- Intent, process, and terminology of the State Environmental Quality Review Act (SEQRA)

IT IS HEREBY RESOLVED, that the Town Board of the Town of Philipstown finds that the abovementioned June 5, 2012 training session qualifies as two hours of required Planning Board training for 2012.

#### **ROLL CALL VOTE**

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

Resolution unanimously passed.

**4. Resolution authorizing Supervisor Shea to sign the Grant Disbursement Agreement between the New York State dormitory Authority and the Town in the amount of \$200,000.00 for replacement of windows and doors at the Town Hall and a new boiler system at the Claudio Marzollo Community Center.**

**RESOLUTION #104-2012**

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 Grant Disbursement Agreement between the New York State Dormitory Authority and the Town for the following projects, the replacement of Windows and Doors at the Town Hall and Upgrades to the Boiler System at the Claudio Marzollo Community Center. Funding source is New York State Economic Development Assistance Program in the amount of \$200,000.00.

**5. Resolution authorizing Supervisor Shea to sign a 36-month agreement between Cornerstone telephone Company and the Town for phone services.**

Town Clerk Merando stated that the Town's agreement with Cornerstone began in 2004 and since that time, the pricing has been consistent for 7 years, plus, the Town is getting a \$300.00 credit.

**RESOLUTION #105-2012**

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 36 month agreement between the Town and Cornerstone Telephone Company to provide telephone services in the amount indicated in the proposal with a one time credit of \$300.00.

**6. Resolution authorizing Supervisor Shea to sign the filming permit for Half a Yogurt Productions, LLC, on June 27, 2012, from 6:00 a.m. – 8:00 p.m., to film a second season episode for "Girls." (Nunc Pro Tunc)**

**RESOLUTION #106-2012**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the filming permit for Half a Yogurt Productions, LLC to film a second season episode for "Girls" for the fee of \$700.00 payable to the Town of Philipstown, **Nunc Pro Tunc**.

Before proceeding with the agenda, Supervisor Shea presented a last-minute addition of a resolution regarding a Scenic Hudson grant application for State Park funding for a portion of the Hudson River Fjord Trail for the portion that is supposed to pass through Cold Spring. Councilman Merandy expressed his concern about the last-minute addition citing the communication policies and practices that were decided on at a recent Town Board workshop.

Councilman Merandy questioned why he was just now looking at the resolution that should have been included in the electronic packet that is distributed prior to the meeting and questioned whether what had been decided no longer applied and if the rules could be broken at will. Town Clerk Merando and Supervisor Shea explained that the resolution had only been received a few days earlier and had a July 16<sup>th</sup> approval deadline. Town Clerk Merando also stated that according to the Public Offers Law, items may be added, but we are required to have all the documentation available for the audience.

**RESOLUTION #107-2012**

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

**RESOLVED**, that the Town Board of the Town of Philipstown hereby authorizes and directs Supervisor Richard Shea to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provision of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$37,820, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Philipstown for the Hudson Fjord Hike/Bike Trail and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

**RESOLUTION #108-2012**

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

**WHEREAS**, the Town of Philipstown has reviewed the project "Hudson Fjord Hike/Bike Trail located at Washburn Trailhead parking lot (across from 3011 Route 9D/Little Stony Point) to pave existing dirt parking lot with porous pavement affecting 0.3 acres.

**NOW, THEREFORE, BE IT RESOLVED**, that this action is a Type II Action, as defined under NYCRR Part 617.13d, which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 617 of the Environmental Conservation Law.

**RESOLUTION #109-2012**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the Short Environmental Assessment Form in connection with the Hudson Fjord Hike/Bike Trail project.

**7. Code Enforcement Monthly Report.**

Town Clerk Merando read the Monthly Report.

**8. Schedule Workshops/Meetings.**

The following workshop was scheduled:

Wednesday, July 18 <sup>th</sup> – 7:30 P.M.	-Hydrofracking (Paula Clair) -Knollwood Lane (David Vickery)
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**9. Any other business that may come before the Town Board.**

Councilwoman Montgomery reminded the Board that the August regular monthly meeting would be held at the Continental Village Fire House. Councilman Van Tassel stated that a representative from the American Red Cross, will be doing a presentation/demonstration on preparing yourself for a natural disaster. Councilwoman Montgomery stated that she will speak with Recreation Supervisor Stickle about providing the Rec bus to transport people to the Continental Village Fire House. Councilwoman Montgomery stated that she would get a message out to the senior groups.

Supervisor Shea informed the Board and audience that residents on Route 9 had expressed concern about overgrowth on the signs. Supervisor Shea stated that he sent a letter to the DOT and they have responded already and cleared the overgrowth.

Supervisor Shea also reported that he met with residents at Glassbury Court, who expressed concern over the brush on Horton Road and the wild flower bed at the park. Supervisor Shea stated that he sent a letter back to the group informing them that he spoke with Recreation Supervisor Stickle and Highway Superintendent Chirico.

Supervisor Shea stated that he received a letter from three (3) individuals regarding the Lyons' Soil Mining. Supervisor Shea recognized the Lyons family for having (inaudible) concerns; for being responsive to a community issue; and for giving up a lot of their lively hood. Supervisor Shea remarked that he wanted to go on record that at certain points the Lyons family was treated pretty unfairly. He added that they will be looking at alternate uses for the property. Supervisor Shea stated that the personal attacks were awful and felt that people should be a little more civil in the future.

Councilman Van Tassel stated that the Town Board and the Zoning Board was attacked basically about limiting the amount of people in the room (Town Hall) for the Lyons Soil Mining hearing. He added that the ZBA and Town Board had no intentions of eliminating anyone from the meeting or preventing anyone from coming to the meeting; that the space rule for the room had to be kept. Councilman Van Tassel stated that if the Z BA and Town Board knew ahead of time that there was going to be a massive crowd, a different venue would have been found.



## AUDIENCE

Ellen Dinerman of East Mountain Road South, stated that she lived across the road from the site of the soil mining property and asked what the next step was to ban mining in Philipstown. Supervisor Shea informed Mrs. Dinerman that there was a meeting next Wednesday evening (7/18/12), and this topic could be discussed in an informal way. Supervisor Shea added that it will definitely go through a process if it is going to become a law; it will go through the same process as any local law, if it gets to that.

Mrs. Dinerman asked how a citizen goes about encouraging that process? Supervisor Shea replied that the Town Board has already received her letter; that so far, only three (3) people have been heard from along those lines. If people are interested, they should come to a public meeting, write the Town Board or e-mail the Town Board members.

Town Clerk Merando asked to make a statement regarding the add-on to the agenda, as she didn't want the public to get the wrong impression from the earlier statements. Town Clerk Merando stated that the Public Officers Law states that once the packet is posted on the website, no changes can be made. However, a change can be added due to time constraints, as long as she had the hard copy and documentation to back it up, it was fine – that the Town Board was not violating any laws.

Jay Vitale, Director of Guidance Aurora, presented a report on how the organization was doing. To date, the organization has given away over 50 bicycles and has reached out pass Putnam County to such areas as Poughkeepsie, Westchester, Ohio, Arizona and Connecticut. Mr. Vitale stated that Guidance Aurora was also associated with and contributed to Lance Armstrong's "Live Strong Program." Mr. Vitale then read some letters from children and the Sisters of the Assumption in East Harlem. He also stated that a gentleman from Ohio has requested info on how Mr. Vitale was running the program. Mr. Vitale thanked the Town Board for all their help and pointed out Ryan Allen, who saved the bicycles that were dropped off at the Philipstown Recycling Center.

Annie Chestnut of the Putnam County News asked for an update regarding the athletic field on Route 9D. Supervisor Shea stated the engineer should be completing the work (RFPs) within the next month.

David Vickery of Horsemen's Trail asked if any progress had been made regarding his problem with the Knollwood Lane property. Supervisor Shea responded that he sent out a request to the Board for comments on what restrictions they would like to see on the property if it goes up for sale. Supervisor Shea stated that the Board did hear from some neighbors, which slowed the process down a little. There were some concerns raised about how the property would be used. Supervisor Shea remarked that he would urge the Board to think more seriously about this – about what contingencies they would like to see. Councilwoman Montgomery remarked that about finding the original development of Knollwood Lane and the covenants held with the Town. Councilman Van Tassel asked Mr. Vickery just what he planned on doing with this property? Mr. Vickery responded, "if the property could be done with the program that was originally meant for it and the water run-off could be restricted, the flow

could be controlled according to what should be done, then his request would be met – there is nothing to be done. He added, if the Town determines that it is Town property and the cost of doing said work would be prohibitive – don't see it happening in the future – and you could turn that property over to someone who would be willing to do that work – I don't know of anyone in the world who would be willing to other than me because I'm the only one complaining. Then what we would do is simply take the property, and do some ground work – maybe some rice paddies and farm it. Then there would be no complaints.”

Supervisor Shea stated that the Knollwood Lane situation would become part of the July 18<sup>th</sup> workshop.

An audience member questioned how much was spent on controlling the dust on roads. Supervisor Shea responded that one of the reasons for making it a priority was for health reasons – people who have lung conditions, such as asthmatics, etc. The intensity of the dust covered the houses. Wetting the roads hardens the road. Councilwoman Budney stated that she could contact Highway Superintendent Chirico to find out the cost or, the audience member could call herself.

#### **VACANCIES**

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

Supervisor Shea stated that the Town Board was planning on going to Continental Village and apologized to Mike Phelan regarding the walking bridge washout, which is an important component and would be discussed.

#### **APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel, and unanimously carried that the General Vouchers in the amount of \$130,723.81, are hereby approved as set forth in Abstracts 6A & 7.

Councilwoman Budney made a motion, seconded by Councilman Van Tassel, and unanimously carried that the Highway Vouchers in the amount of \$40,030.32, are hereby approved as set forth in Abstract 7.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney, and unanimously carried that the CVPD Vouchers in the amount of \$8,289.22, are hereby approved as set forth in Abstract 7.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery, and unanimously carried that the CVWD Vouchers in the amount of \$3,888.54, are hereby approved as set forth in Abstract 7.

Monthly Town Board Meeting  
July 12, 2012

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney, to close the Town Board Monthly Meeting at 9:12 p.m.

Respectfully submitted by,

Joan B. Clauss  
Deputy Town Clerk