

Monthly Town Board Meeting  
July 9, 2009

The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 8:04 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:	Richard Shea	Councilman
	Betty Budney	Councilwoman
	Nancy Montgomery	Councilwoman
	Barbara Scuccimarra	Councilwoman

ABSENT:	William Mazzuca	Supervisor
	Edward Doyle	Town Attorney

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

**REVIEW OF MINUTES**

The Minutes of the Monthly Meeting of June 4, 2009, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of June 4, 2009, are hereby approved as presented.

The Minutes of the Public Hearing – Amend Zoning Map, of June 4, 2009, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of June 4, 2009, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of June 17, 2009, were reviewed.

Councilwoman Scuccimarra made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of June 17, 2009, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of June 24, 2009, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of June 24, 2009, are hereby approved as presented.

## **COMMITTEE REPORTS**

**CAC** – Councilman Shea reported that the CAC had a light agenda this month.  
3 applicants,

- One for boardwalk access for elderly members, tying two buildings together,
- The Russo property down at Garrison
- Therapeutic Equestrian Center

Councilman Shea reported that Glen Watson was referred to Zoning - hearing closed. Notified that there would probably be more than 5 acres of disturbance so they will need a Stormwater Pollution Prevention Plan. There were no environmental issues.

**RECREATION** – Councilwoman Montgomery reported the following:

- Summer Fun program is in full swing at the Community Center.
- She attended the Bid opening on June 17 for the roof replacement for the Community Center. Three bids were submitted ranging in price from \$314,000 to \$487,000. Deputy Supervisor Shea met with and further discussed the low bidder's ( Precision Roofing) proposal. After careful review by The Town Board and the Recreation Commission, the Town Board awarded the bid to Precision Roofing, Inc. Tonight the Town Board will be prepared to sign the agreement and the Notice to Proceed.
- Recreation Supervisor, Amber Stickle, is accepting proposals for fall programs. Proposals should be submitted by July 17 for review and to insure they will be in the fall program guide. Please call 424-4618 for further guidelines for submitting proposals.
- Auditions for the Fall Musical, The Secret Garden, will be held the weekend of July 11<sup>th</sup> and 12<sup>th</sup> - Saturday, 2-6 and Sunday 12-6. Call to schedule an audition time.
- Music Tracks presents Laura Benjamin on Friday, July 10th at 8pm at The Philipstown Depot Theatre. Check the "philipstowndepottheatre.org" website for future shows.

**RECYCLING** – Councilwoman Budney reported that the Landfill/Recycling Center is open every Saturday from 9:00 am – 3:00 pm. The Town accepts scrap metal, electronics, monitors, etc. They also accept paper, cardboard (cereal boxes, telephone books). Also have the Co-mingle bin. She asked that people not throw in things that are not recyclable such as styrofoam, bags of garbage which contaminates the load. The contractor will not take these items.

**PLANNING BOARD** - Councilwoman Montgomery attended the June 11, 2009, meeting at the VFW in Cold Spring and reported that there were two Public Hearings:

- Quarry Pond – for an application dated May 8, 2009, for the approval of a minor

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subdivision plat showing further division of section B – Condo Lot. The applicant stated that this subdivision was required under the guidelines of the NYS Attorney General's office and does not change anything in the plans previously approved. There was a discussion about Certificate of Occupancy being granted following the completion of the first 10 units and the required DOT improvements to Route 9. The Planning Board passed a resolution approving the minor subdivision.

- Garrison Station Plaza - Application dated February 5, 2009, for approval of the site plan for the renovation of an existing three-story residential commercial building previously housing a deli/pub in the commercial section and replacing same with professional office space. The applicant is still negotiating with individuals who submitted alternative proposals for the 6.6 acres in the B-1 district at Garrison's Landing. The Public Hearing was adjourned until the July 23<sup>rd</sup> Planning Board meeting.

Philipstown Square's public hearing will be held open until the July 23<sup>rd</sup> Planning Board Meeting for a site plan approval on Route 9 in N. Highlands, The Planning Board discussed the pending comments from the Zoning Board, the CAC, as well as application fees due to the Town of Philipstown.

Louis Lanza's approved three-lot subdivision was on the agenda for discussion again. Mr. Lanza has decided, for the time being, to farm the property on Nelson Lane in Garrison instead of building. Construction of a road to the top of the property has raised many issues, including what type of permitting is required, as well as concerns over steep slopes and application fees. The Planning Board is awaiting comments from the Wetlands Inspector to continue discussion.

Unjoo/Dong Yu submitted a revised site plan application for 544 Route 9D. A variance was obtained from the Zoning Board and a public hearing was scheduled for the July 23<sup>rd</sup> Planning Board meeting.

Mr. Noe was granted a 90-day extension for his application for his property in Garrison.

The next Planning Board meeting is scheduled for July 23, 2009. Please note that this is one week later than their usual 3<sup>rd</sup> Thursday of the month meeting.

**ZONING** – Councilwoman Scuccimarra reported that the Zoning Board did not meet. The next Zoning Board meeting will be held on July 13<sup>th</sup> with a pretty full agenda.

**HIGHWAY** – Councilwoman Budney reported the following monthly account submitted by Roger Chirico:

- Highway Department has spent approximately 917 man-hours grading dirt roads at a cost of \$22,475.67. After heavy rainstorms, dirt roads had to be regarded

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- numerous times.
- Catch basins were repaired and cleared of debris and obstructions.
- Crews are out weed whacking intersections and keeping sight distance clear for motorists.
- Pipe installed on the following Town roads:
  - East Mountain South
  - Clove Brook
- Highway crews are out sweeping intersections and cutting brush
- \$10,438.00 was spent on vehicle maintenance for June
- \$13,271.00 was spent for material to maintain town roads in June.
- Highway Department received approximately 70 phone calls in June regarding road issues.

Councilman Shea met with the villages to discuss shared services, and said that the Highway Department has been leading the way with this for years. Recently, Putnam Valley had a large truck break down and Highway Superintendent Chirico sent a trailer to help. Putnam Valley Highway Superintendent, Earl Smith, sent a letter of thanks to Roger Chirico for the help they provided in this situation.

**BUILDING & LAND ACQUISITION** – Councilman Shea had nothing to report this month.

**GARRISON VOLUNTEER FIRE DEPARTMENT** – John Sivorski, representative of the GVFD, read the activity report for the month of June. Mr. Sivorski read a report from the Chief with regard to the current condition of the dirt roads. The widths of the roads are not enough for the fire trucks to get through safely. The crown or hump in the middle of the road is so extreme at points that the chains are scraping as they drive. A wider surface with lesser crowns would help. There was an event last week – a fire in Continental Village and they virtually could not get their brush truck down the road.

Mr. Sivorski would just like to mention some of the things that the volunteers do. On Fathers day they had training with NYS Rangers and North Highlands Fire Department. This was a mutual aid review on how things can be done with everyone working together. The discussion not only covered putting out the fire, but training and recapping. Yesterday (Wednesday, July 8), there was a fire in Continental Village and here again all the departments worked together. Another incident occurred on the Appalachian Trail, Fort Defiance, where someone got stuck and the volunteers had to climb up the rocks (where the trucks could not go) with all their equipment. It took two hours for four (4) Garrison Volunteer Fire Department and two (2) Putnam Valley Fire Department volunteers to reach and carry out the person who was stuck up there.

**TOWN OF PHILIPSTOWN**  
**MONTHLY REPORT OF TOWN SUPERVISOR**  
**MONIES RECEIVED AS OF July 9, 2009**

**GENERAL & PART-TOWN FUNDS**

Justice Fees – 5/09	\$11,130.00
Justice Fees – 6/09	\$12,345.00
Justice Fees – 6/09	\$12,600.00
Town Clerk Fees – 5/09	\$ 1,590.70
Recreation Fees – 4/09	\$31,604.61
Building Fees – 5/09	\$13,106.00
CTV Fees	\$25,001.00
PC Mortgage Tax	\$110,705.26
Bank Interest	\$ 306.78

**HIGHWAY FUND**

Bank Interest	\$579.68
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**CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest	\$20.96
Water Collection	\$75,000.00

**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse Fees	\$100.00
Bank Interest	\$79.04

## **AGENDA**

### **1. Honorary Resolution for Thomas Monroe, Retired Code Enforcement Officer.**

Councilman Shea presented Thomas Monroe with the Honorary Resolution.

#### **RESOLUTION #119-09**

The following Resolution was presented by Councilman Shea, seconded by Councilwoman Budney and unanimously carried:

**WHEREAS**, Thomas Monroe has retired from the Town of Philipstown and is being awarded this recognition as a testimony of loyal and dedicated service for the past twenty years: and

**WHEREAS**, Thomas Monroe not only served the Town of Philipstown, he served the entire community as a 21-year member of the Philipstown Volunteer Ambulance Corp., Chief of the Fire Prevention Bureau and a member of the Philipstown Safety Committee since 2007; and

**WHEREAS**, in June of 1989, Thomas Monroe was appointed as Code Enforcement Officer, where he worked among the people in our community and has dealt with community problems. Tom has become a positive and effective influence in Philipstown; and

**WHEREAS**, through all these various endeavors he has won the highest regard of all his associates and the admiration of citizens throughout Philipstown;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Philipstown appreciates his many years of dedicated service, and extend to Tom, his spouse, Betty, and his family, our best wishes for many years of happiness in the future.

### **2. Putnam County Legislator Tamagna to address the Town Board regarding the MTA and NYS Bridge Authority.**

Legislator Tamagna presented two resolutions to the Town Board. He reported that the first resolution was to withdraw from the Metropolitan area transportation district, which just gave us a heavy burden of the MTA. The state legislature has to approve it and chances are it will not get done, but the county wants to continue to amplify our voice. The County does not agree with the FICA wage tax, or the impact the new MTA taxes will have on the villages. On Tuesday evening, the County passed this resolution and is urging all local municipalities within the MTA region to do the same. Legislator Tamagna believes that Rockland County has started to do this. The people already pay taxes, like the mortgage taxes, which go to the MTA, and coupled with the County and

County budget, which gives close to \$2MM to support station maintenance, Legislator Tamagna stated that if the MTA cannot make do with the money they get then they need to look at their budget. We are all running on very tough times. People cannot afford this. The County is looking to trim their budget, as well as the Town. There is no reason that the MTA should not be more responsible as to how they spend money. It is just outrageous. Legislator Tamagna asked the Town Board to consider this resolution either at this meeting or at a future meeting.

The second resolution which Legislator Tamagna authored, and which he asks that the Town Board really look at, is the one requesting the Attorney General and Comptroller to review the operations of both the MTA and the NYS Bridge Authority. He went on to say what's gone on with the MTA is obvious. There is another authority out there that he was outraged over – The NYS Bridge Authority. The Bridge authority gave 14 ½% - 28% increases in salary to its management people. In this economy where people are losing their jobs they are taking public money. The people fund the Bridge Authority and they are giving this money to their managers. The CSEA put out a notice on it and this is public record. It just has to be stopped. Legislator Tamagna is asking the Attorney General and Comptroller to do a complete audit and investigation to be sure that somebody is protecting the taxpayers of the State of New York and this town.

Councilman Shea asked Legislator Tamagna if there has been a lot of feed back from the public on the MTA Tax. Legislator Tamagna responded, "yes, there had been a lot of feedback". He said that there are four legislators who represent the Hudson Valley and only Senator Leibell fought hard against this tax. Legislator Tamagna said that this new tax was passed in the middle of May, but what the MTA did was to make this retroactive back to March. The MTA is telling businesses that they have to pay these retroactive taxes. The County is not going to pay this tax, even if it is considered civil disobedience. The County will be putting monies in escrow until they get some answers from the Comptroller and/or Attorney General.

**3. Resolution authorizing Supervisor Mazzuca to sign the agreement between the Town of Philipstown and Precision Roofing, Inc., for the roof replacement at the Claudio Marzollo Community Center and the Notice to Proceed.**

Councilman Shea thanked Councilwoman Montgomery and the Recreation Commission for all their work on this project. He commented that the Recreation Center does need this roof desperately. The low bid was \$314,000.00, which includes removing the old roof, the asbestos abatement, a testing company monitoring the whole time, and some desperately needed insulation. The work will be done when the children are not in session so there will be no problem with anyone being exposed to the asbestos. This should make for a good solid roof on the building, making it much more comfortable. Councilman Shea stated that he met with the contractor and that they have a great track record, good resume and good references. This contractor has done work for the US government, military and state. There is a narrow window to have this project completed before the fall session and the contractor was confident this could be done. The last week of the summer session will be held at the North Highlands Fire

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Department Councilman Shea thanked Lake Surprise and the North Highlands Fire Department for allowing for the extra time.

**RESOLUTION #120-09**

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

**RESOLVED**, that Supervisor Mazzuca is hereby authorized to sign the agreement between the Town of Philipstown and Precision Roofing, Inc., for the roof replacement at the Claudio Marzollo Community Center in the amount of \$314,000.00.

**4. Resolution authorizing Supervisor Mazzuca to sign a letter of support for the Hudson Highlands Land Trust grant submission for the Cold Spring Waterfront Lighting Improvement Project.**

Andy Chmar addressed the Town Board and specified that this is a Greenway Grant. The Hudson River Valley National Heritage Area Grant announced a program that there are monies available - \$25.00 - \$5,000. This could be used for the Lighting Improvement program. The Village of Cold Spring has signed a similar letter today and Mr. Chmar is asking the Town Board to do the same. There is no obligation. Russell Duchin asked what kind of lighting improvements are being recommended. Mr. Chmar explained that at the waterfront they are changing the light stanchions to shielded lighting, all dark-sky compatible. There will be 30 fixtures as opposed to the 19 there now. These fixtures are much more energy-efficient, therefore more cost-effective.

**RESOLUTION #121-09**

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

**RESOLVED**, that Supervisor Mazzuca is hereby authorized to sign a letter of support for the Hudson Highlands Land Trust grant submission for the Cold Spring Waterfront Lighting Improvement Project.

**5. Resolutions authorizing the Town Board to adopt Local Law to amend the Zoning Map dated June 18, 2007.**

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

Town Clerk Merando reported that on June 4, 2009, there was a Public Hearing, which was closed, and the Town Planner revised the EAF to address the stream issue. Russell Duchin asked if the amended EAF addressed the stream designation. Councilman Shea read the amended EAF and said that in adopting this Zoning consolidation there will be no change in current circumstance. There is a business there now, the business will continue. Councilman Shea stated that the Town does not condone this business and that this was currently a subject of litigation. The Town's attorney has been consulted with and his opinion is that by doing this zoning

consolidation it will not affect our standing in court or affect the outcome of this case. The opinion of our engineer is that including the classification puts in writing the fact that there is a designated trout stream on the property. Mr. Duchin said that it is his understanding that this should be classified as a Class C stream not Class A as indicated in the EAF, according to the DEC. Councilman Shea indicated that the EAF indicates it being a Class A stream.

Mr. Duchin pointed out that at the July 8 Planning Board meeting, the applicant did not show up, but an area resident adjoining this property who spoke at the meeting had contacted the previous owner who indicated that it had been many years between the time she had operated her business and the actual transfer to the current owner. Mr. Duchin thinks this is an important issue since it raises the prospect of whether or not he has legal rights to call this a B1 district. The courts decision aside, the Town Board has not heard this information before and it might be material to consider in determining whether or not this Local Law should be adopted. Councilman Shea responded that the Town's task is to get this into one zoning and if the Town was going to put it into one zoning, then from an environmental standpoint it would be better to have it zoned as business, because if zoned as residential, and if the owner gets a variance to put a house on that site, there would be a much more intensive use of septic, water, etc. The fact that it is an auto sales dealership right now is a question for the courts. It is in court right now and should be settled in the fall. Mr. Duchin disagrees with the fact that it may have a greater impact if zoned as residential, but aside from that, there are other issues that he could obviously point to. Councilman Shea stressed that the zoning needs to be cleaned up, that this was a housekeeping issue. The Town does not condone the car lot, it is in litigation right now, but the fact that the Town has split zoning is working against the Town. There are two separate issues here and the zoning must be cleaned up.

Councilman Shea agreed to defer this issue again to check on the classification of the stream (Class C for spawning) rather than it going in as an error, and to also give Mr. Duchin time to review the EAF.

Councilwoman Scuccimarra made a motion, seconded by Councilwoman Budney and unanimously carried to table this issue until next week.

**6. Resolution authorizing Carlson Construction to prepare and paint the exterior porch with stairs at an amount not to exceed \$4,586.00 as per his proposal**

**RESOLUTION #122-09**

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

**RESOLVED**, that the Town Board authorize Carlson Construction to prepare and paint the exterior porch with stairs at an amount not to exceed \$4,586.00 as per his proposal.

**7. Resolution authorizing the Fire Prevention Bureau to purchase a Konica Minolta Copier.**

No action taken at this time. Deferred to Supervisor Mazzuca.

**8. Resolution authorizing Supervisor Mazzuca to sign the Parade Permit for the 4<sup>th</sup> Annual Hudson Highlands Greenway Triathlon and waive the fees associated with same.**

Councilman Shea said this is an annual event, a great event in the town.

Nat Prentice asked to give some info on this event. On Sunday Oct. 11, the 4<sup>th</sup> Annual Hudson Highlands Greenway Triathlon will be held and the Hudson Highland Greenway Committee is hoping that there will be 150 or more participants. Mr. Prentice expressed his thanks to the Town for considering the permit. This event will be held a couple of weeks later than in the past, which takes it out of the realm of the Hudson River Ramble. They are talking to Recreation Supervisor, Amber Stickle, about the possibility of having them come in as a co-sponsor so that they can piggyback on the one-day insurance that is required.

**RESOLUTION #123-09**

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

**RESOLVED**, that Supervisor Mazzuca is hereby authorized to sign the Parade Permit for the 4<sup>th</sup> Annual Hudson Highlands Greenway Triathlon and waive the fees associated with same.

**9. Resolution authorizing Supervisor Mazzuca to sign the NYSDOT and Metro-North Commuter Railroad and National Railroad Passenger Corp. Memorandum of Understanding.**

Councilman Shea explained that this is about high-speed rail and the monies coming nationwide for rail travel. High-speed rail will not be coming to the Philipstown area. This will affect areas north of Philipstown. One aspect that will affect Philipstown is grade crossing improvements, specifically Manitou.

**RESOLUTION #124-09**

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

**RESOLVED**, that Supervisor Mazzuca is hereby authorized to sign the NYSDOT and Metro-North Commuter Railroad and Nation Railroad Passenger Corp. Memorandum of Understanding.

**10. Resolution authorizing Supervisor Mazzuca to sign a letter of support of the 2009 Hudson River Valley Quadricentennial Implementation Grant application for Manitoga.**

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Councilman Shea stated that the Town has signed many grant applications in the past for Maniotoga and that they run a great organization. They also run a great camp down there in the summertime, so the Town needs to support them.

Legislator Tamagna expressed that this is a great grant as they are going to be able to do pod casts. This site, which is on the National Historic register, and an area of great interest nationally, will give people the ability to plug in and learn a lot more, too. By using this technology to connect people, we can also create more interest in visiting this area. The County also supports this application.

### **RESOLUTION #125-09**

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

**RESOLVED**, that Supervisor Mazzuca is hereby authorized to sign a letter of support of the 2009 Hudson River Valley Quadricentennial Implementation Grant application for Maniotoga.

### **11. Code Enforcement Monthly Report.**

Town Clerk Merando read the Monthly Report.

### **12. Schedule Workshops/Meetings.**

7/21 - 7:30 p.m. - Continental Village meeting regarding road problems on Old Albany Post Rd

### **13. Other Business.**

Councilwoman Scuccimarra, Mike Leonard, and Andy Galler attended an ELLA workshop (Environmental Leaders Learning Alliance) at Teatown Reservation. It was a wetland identification learning session where you went into the field and identified wetlands, what classification each wetland was, and learned how to read maps. She stated that one interesting thing is that the DEC has a website where you can type in an address and it will tell you the classification of the streams on your property. Anyone can look at this website to see what's on their property as far as wetlands. Councilwoman Scuccimarra has the information for anyone interested.

Councilwoman Montgomery would like to remind everyone that on July 14 at 7:00 p.m., there is a meeting at the County with regard to the Home Health Care issue to be discussed by the County Executive and the Health Committee.

Legislator Tamagna said that on the Home Health Care issue, County Executive Bondi has now decided to sell our license. If this were to go through and the RFP is approved, the successful bidder would get the license the County now has. This is the license the State Department of Health gives the County to do the work they are doing. If the County doesn't have this license through our Health Department, then the County will

not be able to do home health aide, and other health services. Legislator Tamagna stressed that this is a really important meeting. The County Executive has been invited to be there to explain what exactly it is he plans on doing. The County Executive has also been advised that we want this program to stay in tact just the way it is to provide the services the people of our County want and need.

Councilwoman Montgomery asked Legislator Tamagna when the safety committee meets. She was waiting to hear back with regard to the Route 9 light issue schedule. Legislator Tamagna said he has an update on this. The state has it on their agenda of projects. The light has been approved, but due to the backlog it will take three (3) years to install. Emma, clerk to the Commissioner of Highways, has negotiated with the State DOT to give \$100,000 in equipment. The Physical Services Committee asked the Commissioner of Finance to find \$50,000 so that the County could hire a contractor to do the work themselves. It will cost the County some money but it is still fully the states responsibility. Legislator Tamagna further commented that since they are going to give the County \$100,000 in material, let's just get this done because it is so dangerous.

## **AUDIENCE**

Anthony Stefanese, a resident of Old Albany Post Road for 40 years, addressed the Town Board with regard to the dangerous conditions on the road. He reported that the bottom of the road washes out creating a dangerous situation for the fire and medical equipment when they need to come up. Mr. Stefanese also stated that the damage to his house when the road washes out is costing him money. There are drains on the road in front of the house and when it rains, 200-300 yards of the road washes down and clogs the drain. His wife had to clean the drain herself the other day. He is concerned that his foundation will be damaged due to all this water. So far he has had between \$80,000 and \$100,000 in damage. He cannot even have a contractor in to fix his house until they fix the road. Councilman Shea asked if he had spoken with the Highway Superintendent and Mr. Stefanese said that he had, and the Highway Superintendent had a fix – to pave. If the Town does not want to pave the whole road, then at least fix the crowns and pave the gutters. Councilman Shea explained that paving a road is a major project that entails years of process. He will meet with the Highway Superintendent. on Monday (713) to discuss. This issue will be taken up at the meeting at Continental Village on July 21.

Mr. Russell Duchin asked the Town Board if the Weekly Town Board meeting minutes could be put on the website. Town Clerk Merando acknowledged that this could be done and will be done in the future.

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Mr. Tom Rolston addressed the Town Board with a point of information. Nancy Gold, of Gold Standard, in Katonah, who takes care of all the tourist promotions for Putnam and Dutchess Counties, is creating a group called "Bridge to Bridge" (not official as yet). This group will focus its efforts on making the area from Bear Mountain Bridge to the Newburgh Beacon Bridge a destination for tourists worldwide. They will focus on creating tours – 1-Day, 3-Day, 5-Day tours that would obviously bring more people and business to our area. At their last meeting they made a decision to be part of Hudson River Towns, which is a quasi-governmental group that helps towns prepare for things that have to do with federal and state government. Mr. Rolston has already urged the Village of Cold Spring to belong to Hudson River Towns. The price is only \$3,000 a year. Mr. Rolston suggests that the Town of Philipstown and the Village of Cold Spring get together and share the cost. This way the whole of Philipstown and Village of Cold Spring will be a part of the Hudson River Towns. He stated that we are the center of the Hudson Highlands and we are the only town that is not a member. He believes it would do a lot of good for the town, especially with this new tourist organization they are proposing to put together. It will really bring a lot of business here. He also said, we all agree that tourism is primary factor that brings business into Philipstown and this will be a very good way to do this. Mr. Rolston is working with Barney Malloy, executive director of Hudson River Towns, to push this through. Mayor Gallagher suggested that the Village pay \$1,000 and Philipstown pay \$2,000.

Councilwoman Montgomery asked Mr. Rolston what the Town would be getting out of joining this organization for \$3,000. It appeared to her that the Town would be just a dot on a brochure. Mr. Rolston explained that it would be expanded upon much more. Legislator Tamagna interjected that we would be able to get grant monies that the town may not otherwise be able to get if applying on its own. Mr. Rolston explained that at one meeting they had a very impressive group of area businesses and discussed forming this nucleus to create a tourist destination. What they would do is bring all these sites together at a table and make decisions on what kind of grants to apply for that would benefit all. Councilman Shea will discuss with the Mayor and see what he has to say.

Doug Budney, who lives on Hustis Road, addressed the Town Board. He stated that he is tired of fixing his driveway. There is a 40" pipe on the property next-door funneling water into his driveway and when there are heavy rains his driveway washes out. Last week it looked like the Colorado River. The water ran across the street into his neighbor's pool because of the lack of a drain along the road. He also stated that he had asked the Town from the time the drainage system was put in that this issue be addressed. His neighbor, Mr. Peterson, who was also present, has the drainage pipe run through his property and pointed out that Barrett Pond is cleaner today than his pool from all this wash out. Mr. Peterson presented the Town Board with pictures of his pool, which can be viewed at the Town Clerks office. Mr. Budney also expressed his concerns that the fire department would have problems with the road in case of an emergency. He had the Code Enforcer up there, who said he would have a town engineer look at the situation, but to date he has not heard a thing from anyone. Councilman Shea said that he would speak with Bob Emerick tomorrow and get his take on it and will also speak with Ron Gainer, the engineer. Mr. Budney also stated that he

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asked for a drainage ditch, but nothing has been done. Councilman Shea said the best thing to do right now is to arrange a field trip to visit the property. Councilman Shea said he would be in touch with the engineer the next day and would get back to them.

Joe Regele addressed the Town Board about the Garrison Volunteer Fire Department audit report and that he is questioning the Reserve Fund. Councilman Shea explained that the Town's in-house accountants are reviewing the audit. Councilman Shea stressed that with audited financial statements, things can be extrapolated that do not exactly portray a real accurate sense of cash on hand. Mr. Regele suggested there is a significant problem with semantics and stated that on page six of the report, the note says, "restricted cash represents cash in separate bank accounts that have 'self imposed' restrictions as to their use." Mr. Regele's position is why can't these reserve funds be used for operating expenses. Councilman Shea stressed that these are restricted funds. Mr. Regele stated that the fire company is supposed to rebate to the town any surplus, but at the end of year there was \$288,000. Councilman Shea stated that the rebate applies to only surpluses over the amount of \$100,000, and he again stressed that these funds were restricted, not actual cash on hand. Mr. Regele would like the town to discuss with the Fire Company to use these reserved funds for their operating expenses and not on new equipment. Councilman Shea explained that discussions with the Fire Department are ongoing and things are being done.

Russell Duchin also addressed the Town Board with regard to the GVFD finances, specifically the Reserve Funds. Mr. Duchin said that what he has learned from the language from this audit was that they aren't really reserve funds, but bank accounts that have self-imposed limitations. He said normally when municipalities want to buy a fire truck or equipment they bond it and according to local finance law there are such things as periods of probable usefulness. Mr. Duchin thinks the Town Board needs to look at the probable period. Mr. Duchin is asking the Town Board to watch how the Fire Department is spending these monies. Councilman Shea explained that the Fire Department is not spending money like kids in a candy store, there is not unlimited money going to them which they spend as they want. They have a truck reserve fund, and a replacement schedule. This is all in writing with the Town.

A member from the audience asked Councilman Shea if the GVFD services all of Philipstown. Do they cross over? Why are only Garrison residents responsible for the Garrison Fire Dept? Councilman Shea explained that they do cross over in mutual aid and all of the fire departments work interactive. Councilman Shea further explained that Garrison, North Highlands, Cold Spring and Continental Village all have separate districts/boundaries, therefore, everyone pays taxes in there specific district/boundaries. They do work together and are looking to do more cooperation. They are also planning on doing purchases together.

Councilman Shea informed Ed Polhemus that he does have a report for him on his issue the he spoke with the consultant and he's okay. The law has been crafted, it has been sent to the Planning Board and County Planning, and a public hearing will be scheduled.

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Andy Galler asked the Town Board whether or not there has been any progress on the change in designation of the CAC. Council Shea responded – yes, there has been and something should be done in September.

## **VACANCIES**

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