

Monthly Town Board Meeting
August 1, 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
	David Merandy	Councilman

ABSENT:	Betty Budney	Councilwoman
	John Van Tassel	Councilman

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

REVIEW OF MINUTES

The Minutes of the Weekly Town Board Meeting of June 19, 2013, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Weekly Town Board Meeting of June 19, 2013, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of July 11, 2013, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Monthly Town Board Meeting of July 11, 2013, are hereby approved as presented.

Supervisor Shea extended the Board's condolences to the entire Van Tassel family. Councilman Van Tassel's father, a long-time member of the community who was well respected, recently passed. Supervisor Shea also mentioned the passing of Mrs. Edward (Shirley) Engelbride. Supervisor Shea stated, "Our condolences go out to both families." Councilwoman Montgomery noted that both Mr. Van Tassel and Mrs. Engelbride were founding members of the North Highland Fire Dept. and was thankful for their contributions.

COMMITTEE REPORTS

CB – Councilwoman Montgomery reported that the Conservation Board did not meet in July, but the Wetland Inspector did do a site visit to Cybercon on Route, and notes on that site visit are on file in Town Hall.

RECREATION – Councilman Van Tassel was not in attendance, but Councilwoman Montgomery did have something to report on senior recreation. Recreation Supervisor Stickle did, at Supervisor Shea's request, establish an exercise class at Chestnut Ridge. There will be three classes starting in September. She hopes that the Town Board can still work with the County and talk about how the Town may be able to partner with them since this expense was not factored into the budget.

RECYCLING – NO REPORT - Councilwoman Budney was not in attendance. Supervisor Shea said that our prayers are with Betty and her family at this time also.

PLANNING BOARD - Councilman Merandy reported that he did not attend this month's meeting, but that Mike Leonard did provide a report. He thanked Gillian for making the space at the library better for them. He then read the report noting that there were two Public Hearings and four other items on the agenda. The next meeting will be held on September 19, 2013.

ZONING – Councilman Van Tassel was not in attendance.

HIGHWAY – Councilwoman Budney was not in attendance. Supervisor Shea said that he saw a lot of grading going on at Old Albany Post Road and Canopus Hollow and he is going to talk to the Highway Superintendent about getting a car counter there. He feels that there is a lot of traffic (trucks, tractor trailers) and high speeds.

BUILDING & LAND ACQUISITION – Supervisor Shea stated that this would be discussed later in the meeting.

COUNTY LEGISLATOR REPORT - Legislator Scuccimarra said she thought that it was important for her to come to the monthly meetings to talk about things going on in the County and be available for any questions the Town may have for her and for the County. With regard to the seniors, the ramp, new door and patio are finally in. She spoke with Pat Sheehy today, who will also be replacing tables and chairs. Legislator Scuccimarra said that she will speak with Pat Sheehy and the County Executive about helping with the exercise program. She said that they are also working on trying to improve the quality of the food at the nutrition center. Councilwoman Budney had a question about the electronics-recycling contract and she can report that there's still no contract because the attorney who was handling it had left. A contract should be signed soon and should have no affect on the Town.

Legislator Scuccimarra reported that she had spoke about a drug take-back program a few months ago. It was a great success on the other side of the County and they have been working with the Health Department to hold one here at the VFW in October. She would also like to see lock boxes in different areas in Philipstown where people can come in and drop off medications. Legislator Scuccimarra reported that he Sheriff has some issues with this that need to be worked out.

Legislator Scuccimarra stated that she did a site visit with Highway Superintendent Chirico to Snake Hill and added that cement was being poured this week. The progress seems to be moving along. She has a conference call scheduled with Congressman Maloney next week to see if there is any federal funding available for the project at Manitou Station Road. She added that, in talking with Superintendent Chirico, he feels that there is a cheaper way to go.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF AUGUST 1, 2013**

GENERAL & PART-TOWN FUNDS

Recreation Fees	39,889.52
Justice Court Misc.	60.00
Palisades Climb Refund	142.89
Building Fees (7/13)	14,161.00
Bank Interest	131.14

HIGHWAY FUND

Put. Co. Gas	3,487.38
Gen. Fund Gas	1,106.23
Put. Co. Gas	2,923.87
Bank Int.	242.55
Expressway Auto	71.25

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	3.04
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CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	700.00
Bank Interest	16.92

AGENDA

1. Resolution rejecting all bids for the Indian Brook Road Culvert Replacement Project. (Roll Call Vote)

Supervisor Shea said that this is a little disappointing because this has been an up hill battle. It is the opinion of both he and Superintendent Chirico that, due to the closure of Snake Hill Road, lane closures on Route 9D, and concern of residents over the traffic on Avery Road, the Garrison Volunteer Ambulance Corp. communicated that the existing road closures have caused delays in response time of emergency vehicles; (reading directly from the resolutions) “and WHEREAS, the upcoming closure of Indian Brook Road near Route 9 will further impact emergency services and their response times; NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby rejects all the bids submitted by the following bidders.”

RESOLUTION #101-2013

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

WHEREAS, on July 18, 2013, at 11:00 a.m. the Town Clerk’s Office opened the bids for the Indian Brook Road Culvert Replacement Project; and

WHEREAS, due to the closure of Snake Hill Road, lane closures on Route 9D and concern to residents over the traffic on Avery Road, the Garrison Volunteer Ambulance Corp. communicated that the existing road closures have caused delays in response time of emergency vehicles; and

WHEREAS, the upcoming closure of Indian Brook Road near Route 9 will further impact emergency services and their response times;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby rejects all the bids submitted by the following bidders:

- Catalyst Construction
- Ben Cozzi, Inc.
- Legacy Valve, LLC
- Precise Landscaping, Inc.
- Ben Ciccone, Inc.
- CMC Construction Group
- Sun Up Enterprises
- Con-Tech Construction
- McNamme Construction Corp.

ROLL CALL VOTE

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

Resolution unanimously passed.

2. Resolution authorizing Supervisor Shea to sign the proposal from Karen Parks regarding the plans for the renovations of the “Dahlia” house.

Supervisor Shea said that this is something that should be put aside until the entire Board is here. In deference to the other Board members also, this is a little more complicated than ?? vote.

RESOLUTION #102-2013

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

RESOLVED, that the Town Board tables this item until the entire Town Board is available.

3. Resolution supporting Senator Gibson’s Resolution dated May 10, 2013 calling for a Constitutional ban on new un-funded mandates from Albany. (Roll Call Vote)

Supervisor Shea stated that one of the prime examples of un-funded mandates is MS-4 that came down from the state. This was a good idea to protect wetlands and to talk about Stormwater, but there was no funding whatsoever. It put a huge burden on the Town. We spent, over the course of five years, hundreds of thousands of dollars and a lot of hours of volunteer time mapping. Good ideas need to come with commensurate funding from the state. We don’t mind sharing in that cost, but we cannot bear the entire burden of everybody’s great ideas unless there is going to be some partnering. For that reason he supports this resolution.

Councilwoman Montgomery said some mandates are necessary. Mandates sometimes protect citizens but they have created a huge burden on municipalities. The provision in this bill to insist that the state provide those monies for those mandates that get passed is a good idea.

RESOLUTION #103-2013

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

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WHEREAS, Senator Terry Gibson introduced a bill to establish a constitutional ban on new un-funded mandates, Bill #S5126; and

WHEREAS, the proposed bill would change the way Albany conducts its business and reforming mandates are critical to improving Albany's budgeting and legislative process while easing the fiscal strains on local and county governments;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Philipstown hereby supports and calls upon the State of New York to pass the proposed bill #S5126 introduced by Senator Terry Gibson; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to send a certified copy of this Resolution to the Office of New York State Senator Gibson.

ROLL CALL VOTE

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

Resolution unanimously passed.

4. Resolution authorizing Supervisor Shea to sign the acknowledgement of the Village of Cold Spring's Planning Board to assume lead agency for the coordinated review of the Butterfield Redevelopment Project.

RESOLUTION #104-2013

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the acknowledgement of the Village of Cold Spring's Planning Board to assume lead agency for the coordinated review of the Butterfield Redevelopment Project.

ROLL CALL VOTE

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

Resolution unanimously passed.

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5. Resolution accepting the 2012 Philipstown Volunteer Ambulance Corps LOSAP Point Listing.

RESOLUTION #105-2013

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to sign the 2012 Sponsor Approval Form for the Service Award Program lists of all 2012 active volunteer ambulance workers of the Philipstown Volunteer Ambulance Corps.

6. Resolution rescinding Resolution #145-2012 waiving the building permit fees for those affected by Hurricane Sandy.

Town Clerk Merando said this went into effect October 29, 2012 and was good for six month. As of July there was one resident outstanding, but they did make the deadline.

RESOLUTION #106-2013

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

RESOLVED, that the Town Board hereby rescinds Resolution #145-2012 which waived the building permit fees for those affected by Hurricane Sandy.

7. Resolution to re-appoint Brian Kenney to a 6-year term as the Town's Assessor and authorize Town Clerk Merando to notify the New York State Department of Taxation and Finance as required. (Term to expire 9/30/2019).

RESOLUTION #107-2013

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

RESOLVED, that as per New York State Real Property Tax Law §310, the Town Board hereby re-appoints Brian Kenney to serve as the Town's Assessor for a six-year term which expires September 30, 2019.

8. Resolution accepting the resignation of Vincent Cestone as Chairman of the Zoning Board of Appeals, effective July 16, 2013.

RESOLUTION #108-2013

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

RESOLVED, that the Town Board hereby accepts the resignation of Vincent Cestone as the Chairman of the Philipstown Zoning Board of Appeals effective July 16, 2013.

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9. Code Enforcement Monthly Report.

Town Clerk Merando read the report, which is on file in the Town Clerks office. Supervisor Shea congratulated Code Enforcement Officer, Kevin Donohue, on his taking another exam.

10. Schedule Workshops/Meetings.

August 7, 2013 – Weekly Workshop to discuss Dahlia House

Supervisor Shea said that it behooves the Town to come up with a plan/scenario and assist the village for a senior center because a local resident has offered a generous donation of \$500,000 for this and he would hate to see the Town miss out on that kind of opportunity.

September 5, 2013 - Public Hearings on Local Laws

6:30 pm – Misc. Zoning Amendments

6:40 pm – Timber Harvesting, Chapter 159

6:50 pm – Wetlands, Chapter 93

7:00 pm – Open Development Areas, Chapter 112

7:10 pm – Zoning – Technical Amendments

7:20 pm – Hydrofracking

RESOLUTION #109-2013

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for a series of Public Hearings on Local Laws on September 5, 2013 at 6:30pm, as listed above..

11. Any other business that may come before the Town Board.

AUDIENCE

Nat Prentice asked if any thought had been given to updating the Comprehensive Plan. He would be willing to volunteer. Supervisor Shea replied, “yes” we are supposed to and if he (Nat) wants to sit down and to discuss how we want to do that and who would get involved they can talk about it and set the stage to keep it a living document.

Mary Finger stated that she would like to make an addendum to the Comprehensive Plan. She said that It is a requirement in the Comp Plan that it needs to be updated every five years. Supervisor Shea said that it is an opportunity to specifically update alternative energy and get more defined parameters on how to proceed.

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Liz Armstrong had a quick question on the flooding problems along Upland Drive and Old Albany Post Road. She heard from some residents that the Town owned some of the parcels there. Supervisor Shea said that the town does own a number of parcels up there. They are in REM and we cannot develop or sell them. They will not be developed and are used as a buffer because of flooding and steep slopes up there.

VACANCIES

CV Park District Advisory Committee (3)
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 \$68,096.86 approved as set forth in Abstract 7A& 8

Councilwoman Montgomery made a motion, seconded by Councilman Merandy and unanimously carried that the Highway Vouchers in the amount of \$41,618.83 are hereby approved as set forth in Abstracts 7A& 8

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CVPD Vouchers in the amount of \$808.05 are hereby approved as set forth in Abstract 7A & 8.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the CVWD Vouchers in the amount of \$4,595.98 are hereby approved as set forth in Abstracts 7A & 8.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Merandy to close the Town Board Monthly Meeting at 8:30pm.

Respectfully submitted by,

Theresa Crawley
Deputy Town Clerk