

Monthly Town Board Meeting
August 7, 2008

The Town Board of the Town of Philipstown held their Monthly Meeting on the above date at 8:00 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:	Betty Budney	Councilwoman
	Richard Shea	Councilman
	Nancy Montgomery	Councilwoman
	Edward W. Doyle	Town Attorney

ABSENT:	William Mazzuca	Supervisor
	Barbara Scuccimarra	Councilwoman

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

REVIEW OF MINUTES

The Minutes of a Special Town Board Meeting of June 24, 2008, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of June 24, 2008, are hereby approved as presented.

The Minutes of the Public Hearing of July 10, 2008, Sections 112-1 and 112-2, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of July 10, 2008, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of July 10, 2008, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of July 10, 2008, are hereby approved as presented.

COMMITTEE REPORTS

CAC – Councilman Shea reported on the items addressed at the last CAC meeting. He noted that County Line Equities was again reviewed and the CAC has scheduled a site visit.

RECREATION – Councilwoman Montgomery announce some of the upcoming events and encourages everyone to participate. The programs are great. She also reported that the Town Board met with Adam Speidling of the Putnam County Bureau of Emergency Services last week to discuss establishing a

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shelter at the Community Center. This would be part of the Philipstown Emergency Preparedness Plan. She noted that the Community Center is a viable site.

RECYCLING - Councilwoman Budney reported that the Town Wide Cleanup is scheduled for October 4, 2008, at the Garrison Firehouse, Route 9, Garrison. Councilwoman Budney is trying to coordinate a separate container for computer monitors, televisions, etc.

PLANNING BOARD – Councilwoman Montgomery stated that she did not attend the last Planning Board Meeting as she was at the zoning law presentation. She announced that a workshop has been scheduled for the draft zoning law on September 24, 2008.

ZONING BOARD - Town Clerk Merando read the items addressed at the Zoning Board Meetings of July 14th and July 28th. She noted that Councilwoman Scuccimarra was unable to attend this evening's meeting. Councilman Shea stated that Councilwoman Scuccimarra is recovering from an accident and wishes her a speedy recovery. Also, Supervisor Mazzuca is still under the weather and will be returning as soon as possible.

HIGHWAY – Councilwoman Budney reported that the Highway Department completed the Indian Brook Road Project. There was 400' of pipe installed on Lane Gate Road and graders are in full operation on town roads. On July 5th, the Winston Lane project will begin; the road will be closed until further notice. Forty feet of pipe was installed on Old Postal Road. It was noted that the Highway Department has submitted information for a page on the town's website.

Councilman Shea reported that there has been a series of meetings regarding Old Albany Post Road. Councilman Shea met with Ron Gainer, Town Engineer, and Roger Chirico, to address some private concerns. Following this meeting, a boiler plate drawing of how a culvert should be constructed will be available to the residents impacted by the damage.

BUILDING & LAND ACQUISITION – Councilman Shea reported that he and Town Clerk Merando are continuing to seek grant funding, and have been successful. He announced that the Town has received an additional \$250,000.00 grant towards the building. Councilman Shea met with the consulting architect to provide the town with additional information that was needed to acquire the grant.

**MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF AUGUST 7, 2008**

GENERAL & PART-TOWN FUNDS

Recreation Fees – June 2008	\$ 61,071.49
Town Clerk Fees – June 2008	468.41
Justice Fees – June 2008	7,530.00
Justice Fees – June 2008	6,595.00
Town Clerk Fees – July 2008	583.43
Justice Fees – July 2008	5,965.65
Justice Fees – July 2008	6,855.00
Recreation Fees – July 2008	80,671.51
Bank Interest	1,376.57
Building Fees – July 2008	12,515.00

HIGHWAY FUND

Putnam County Sheriff's – Gas	\$ 3,727.99
Bank Interest	2,752.88

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	\$ 45.07
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CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	\$ 500.00
Bank Interest	567.68

AGENDA

1. The following Resolutions are needed to adopt a proposed local law entitled "Outdoor Furnaces."

EAF/Negative Declaration
Adopt the Local Law

RESOLUTION #159-08

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

WHEREAS, the Town Board of the Town of Philipstown has reviewed the EAF in connection with a Proposed Local Law to add a new Chapter 121 entitled "Outdoor Furnaces";

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to sign the EAF and hereby adopts a negative declaration.

ROLL CALL VOTE

Councilman Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE

Resolution adopted by unanimous vote.

RESOLUTION #160-08

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

RESOLVED, that the Town Board of the Town of Philipstown, hereby adopts a Local Law to amend the Code of the Town of Philipstown, by adding a new Chapter 121 to be entitled "Outdoor Furnace Law," which chapter provides for permits and regulations of such furnaces, and for penalties for violation of the Chapter. **(Exhibit A)**

ROLL CALL VOTE

Councilman Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE

Resolution adopted by unanimous vote.

2.The following Resolutions are needed to adopt a proposed local law entitled Building Construction and Fire Prevention.

EAF/Negative Declaration
Adopt Local Law
Adopt Fee Schedule

RESOLUTION #161-08

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

WHEREAS, the Town Board of the Town of Philipstown has reviewed the EAF in connection with a Proposed Local Law to amend the Code of the Town of Philipstown by deleting and repealing Chapter 62, thereof entitled Building Construction and Fire Prevention;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to sign the EAF and hereby adopts a negative declaration.

ROLL CALL VOTE

Councilman Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE

Resolution adopted by unanimous vote.

RESOLUTION #162-08

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

RESOLVED, that the Town Board of the Town of Philipstown, hereby adopts a Local Law to amend the Code of the Town of Philipstown, by deleting and repealing Chapter 62, thereof entitled Building Construction and Fire Prevention, and replacing same with a new Chapter 62 entitled Building Construction and Fire Prevention – Administration and Enforcement of the New York State Uniform Fire Prevention and Building Construction. **(Exhibit B)**

ROLL CALL VOTE

Councilman Shea	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE

Resolution adopted by unanimous vote.

Adopt Fee Schedule

RESOLUTION #163-08

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

RESOLVED, that the Town Board hereby adopts the following

FEE SCHEDULE:

(A) Residential

1) Building Permit

(a) Principle structure:	\$40 per 100 square feet (\$95 minimum)
(b) Renovations/Remodeling:	\$35 per 100 square feet (\$95 minimum)
(c) Decks/Porches:	\$35 per 100 square feet (\$95 minimum)

- (d) Accessory/utility buildings/garages: \$35 per 100 square feet (\$95 minimum)
- (e) Attic/basement finishing: \$35 per 100 square feet (\$95 minimum)
- (f) Swimming pools: 2.5% of pool cost (\$95 minimum)
- (g) Miscellaneous: 2.5% of project cost (\$95 minimum)

2) Previously built fee: for work commenced or completed prior to approval and issuance of a building permit, the fee shall be twice the calculated fee.

3) Renewal fee: the renewal fee shall be the same as the cost of the original building permit fee.

4) Certificate of Occupancy: \$90.00

(B)Commercial

(1)Building Permit

- (a) Usable space: \$80 per 100 square feet (\$250 minimum)
- (b) Sign: 2.5% of project cost (\$175 minimum)
- (c) Antennas/monopoles: 2.5% of project cost (\$500 minimum)
- (d) Tents/membrane structures: \$10 per 100 square feet \$95 minimum)

(2) Renewal Fee: The renewal fee shall be the same as the cost of the original building permit fee.

(3) Certificate of Occupancy: \$285

(C)Miscellaneous

(1) Municipal Searches

- (a) Without Field Inspection: \$95
- (b) With Field Inspection: \$175
- (2) Demolition: \$95 (Permit only, no Certificate of Occupancy required)
- (3) Fire Safety Inspections:

(a) Per business establishment: \$125

(b) Per school: \$300

3. Resolution setting Budget, Accepting Completed Assessment Roll for Filing with Town Clerk for Valley Lane and a portion of Brookside Drive Road Improvement, and setting the Public Hearing pursuant to Town Law 231(2) and 202(a).

RESOLUTION #164-08

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

WHEREAS, the Town has established the Valley Lane and a portion of Brookside Drive Road Improvement pursuant to Town Law Section 200, and has reviewed a proposed budget and assessment roll for said improvement for the 2009 year, and

WHEREAS, it is necessary that the Town prepare the proposed budget and assessment roll and file said assessment roll with the Town Clerk prior to September 4th before conducting the public hearing on the proposed assessment roll,

NOW, THEREFORE, be it resolved that the Town Board;

- (1) Pursuant to Town Law 231(2) and 202 (A), accepts as complete the 2009 tentative budget and tentative assessment roll attached hereto, and directs that they be filed immediately with the Town Clerk; and
- (2) Sets a public hearing on the proposed budget and assessment roll for the 4th day of September 2008, at 7:45 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York, at which time the public may be heard concerning any objections to the tentative assessment roll, and
- (3) Directs the Town Clerk to post and publish a notice of completion of the tentative assessment roll and notice of the public hearing, not more than twenty and not less than ten days before the date specified.

ROLL CALL VOTE

The votes were as follows:

Councilwoman Betty Budney	AYE
Councilwoman Montgomery	AYE
Councilman Richard Shea	AYE

Whereupon, the Resolution was declared adopted by the Town Board of the Town of Philipstown.

4. Resolution setting budget, Accepting Completed Assessment Roll for Filing with Town Clerk for the Mountain Drive Road Improvement and setting the Public Hearing pursuant to Town Law 231(2) and 202(a).

RESOLUTION #165-08

RESOLUTION offered by Councilwoman Budney, seconded by Councilwoman Montgomery;

WHEREAS, the Town has established the Mountain Drive Road Improvement pursuant to Town Law Section 200, and has reviewed a proposed budget and assessment roll for said improvement for the 2009 year, and

WHEREAS, it is necessary that the Town prepare the proposed budget and assessment roll and file said assessment roll with the Town Clerk prior to September 4th before conducting the public hearing on the proposed assessment roll,

NOW, THEREFORE, be it resolved that the Town Board;

- (4) Pursuant to Town Law 231(2) and 202 (A), accepts as complete the 2009 tentative budget and tentative assessment roll attached hereto, and directs that they be filed immediately with the Town Clerk; and
- (5) Sets a public hearing on the proposed budget and assessment roll for the 4th day of September 2008, at 7:50 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York, at which time the public may be heard concerning any objections to the tentative assessment roll, and
- (6) Directs the Town Clerk to post and publish a notice of completion of the tentative assessment roll and notice of the public hearing, not more than twenty and not less than ten days before the date specified.

ROLL CALL VOTE

The votes were as follows:

Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Richard Shea	AYE

Whereupon, the resolution was declared adopted by the Town Board of the Town of Philipstown.

5. Resolution retaining Robert Cinque in Certiorari Claims for 2008 at an hourly rate of \$125.00, plus out of pocket expenses.

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RESOLUTION #166-08

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

RESOLVED, that the Town Board hereby retains Robert Cinque to represent the Town for the 2008 Certiorari Claims at an hourly rate of \$125.00, plus out of pocket expenses.

6. Resolution retaining Robert Cinque in Article 78 Proceeding, Terio vs Town of Philipstown, at an hourly rate of \$125.00, plus out of pocket expenses.

RESOLUTION #167-08

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

RESOLVED, that the Town Board hereby retains Robert Cinque to represent the Town in the matter of Terio vs. Town of Philipstown, at the hourly rate of \$125.00, plus out of pocket expenses.

7. Resolution authorizing Town Clerk Merando to advertise for bidders to replace the Eastern Staircase of the Town Hall.

RESOLUTION #168-08

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders to replace the Eastern Staircase of the Town Hall (nunc pro tunc).

8. Resolution authorizing Town Clerk Merando to advertise for bidders for the 2008 Fall Town Wide Cleanup to be held at the Garrison Firehouse on October 4, 2008.

RESOLUTION #169-08

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for the 2008 Fall Town Wide Cleanup to be held on October 4, 2008, at the Garrison Firehouse, Route 9, Garrison, New York.

9. Resolution appointing Nat Prentice to the Aesthetics Committee.

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RESOLUTION #170-08

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

RESOLVED, that the Town Board hereby appoints Nat Prentice to serve as a member of the newly established Aesthetics Committee.

10. Dottie Gilman to address the Town Board regarding voting districts in the Village of Nelsonville.

Ms. Gilman addressed the Town Board expressing the concerns with regard to the polling location for districts 7 and 8. It was noted that the general election in November promises to be a busy event and the Nelsonville Firehouse is not an appropriate venue for these districts. The Cold Spring Methodist Church has offered their facility and Ms. Gilman has requested of the Town Board, by resolution, to support the change of venue.

Councilman Shea read the Resolution into the record.

RESOLUTION #171-08

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

WHEREAS, the Putnam County Board of Elections has notified voters of a change of polling place for Philipstown Election District 7 and Philipstown Election District 8 to the Nelsonville Firehouse, 276 Main Street, Nelsonville, NY, for the General Election on November 4, 2008, and

WHEREAS, the Philipstown Town Board is the duly elected representative body for the residents of the town, and

WHEREAS, said polling place has compromised sanitary / septic / bathroom / water / heating /air quality facilities; and

WHEREAS, said polling place is situated on Route 301/Main Street, the only east/west thoroughfare for the Village of Nelsonville and adjoining Village of Cold Spring, with said road heavily traveled throughout the day with commercial and vehicular traffic; and

WHEREAS, said polling place is less than one-half block from the Nelsonville Village Office, 258 Main Street, the polling place for Philipstown Election District 2 and Philipstown Election District 11; and

WHEREAS, said polling place has limited parking along Route 301/Main Street. Such parking is also used by the Nelsonville Village Office polling place, and

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WHEREAS, said polling place is leased to the Putnam County Sheriff who stores sensitive police equipment in this location, and

WHEREAS, the Philipstown Town Board affirms Election District 8 is the second largest and that Election District 7 is the third largest election district in the Town of Philipstown, and

WHEREAS, New York State Election law states that the purpose of said polling place shall be to encourage the broadest possible voter participation in the elections, and

WHEREAS, the Board of Trustees of Cold Spring Methodist Church has communicated a willingness to have the Cold Spring Methodist Church, 216 Main Street, Cold Spring, NY, used as a polling place on November 4, 2008, and

WHEREAS, said Town Board through its authority and by this Resolution intercedes for the registered voters of Election District 2, 7, 8 and 11, all residents of the Town of Philipstown,

NOW, THEREFORE, BE IT RESOLVED, that the Philipstown Town Board respectfully appeals the decision of said Board of Elections locating the polling place for Election Districts 7 and 8 at the Nelsonville Firehouse, conveying by this said Resolution the above stated issues and concerns, and

BE IT FURTHER RESOLVED, that the Town Board recommends the Cold Spring Methodist Church, 216 Main Street, Cold Spring, as a suitable polling place which has full handicap accessibility, and

BE IT FURTHER RESOLVED, that this shall be conveyed to Putnam County Board of Elections Commissioner Robert J. Bennett and Commissioner Anthony G. Scannapieco, Jr.; Putnam County Legislator Vincent Tamagna of District 1 Philipstown, any other parties as may be appropriate, and duly recorded in the official records of the Town of Philipstown; and

BE IT FURTHER RESOLVED, that the Philipstown Town Board respectfully requests an acknowledgement from the Putnam County Board of Elections, Commissioners Bennett and Scannapieco, of receipt of the Resolution contained herein; and

BE IT FURTHER RESOLVED, that the Town Board respectfully requests from said Commissioners, a reply on its appeal contained herein of the use of the Nelsonville Firehouse as a polling place and a reply on its recommendation for the use of the Cold Spring Methodist Church, 216 Main Street, Cold Spring, as a polling place for Philipstown Election Districts 7 and 8.

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11. Resolution authorizing Town Clerk Merando to advertise for bidders for fuel oil at the Community Center.

RESOLUTION #172-08

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for the Bulk Fuel Delivery to the Philipstown Community Center.

11 b. Resolution requesting Harold Gary, Commissioner of Putnam County Highway Department to submit to the NYSDOT an application for a traffic signal at the intersection of Route 9 and Fishkill Road.

RESOLUTION #173-08

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

RESOLVED, that the Town Board formally requests that Highway Commissioner Harold Gary submit a request to the NYSDOT asking for the following:

- 1) The installation of a traffic signal at the intersection of US Route 9 and Fishkill Road.
- 2) That the NYSDOT makes a full assessment of the current conditions at US 9 and Fishkill Road and offer advice and counsel regarding the unsafe conditions.

12.Code Enforcement Monthly Report.

Town Clerk Merando read the Monthly Report.

13. Putnam County Sheriff's Monthly Report.

Town Clerk Merando read the Monthly Report.

14. Schedule Workshops/ Meetings.

August 19, 2008	7:30 p.m.	Executive Session	Town Hall
September 17, 2008	7:30 p.m.	Natural Resource	Community Center
September 24, 2008	7:00 p.m.	Zoning Law	VFW

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

Councilwoman Budney reminded everyone that house numbers must be prominently posted, especially at the entrances of driveways.

AUDIENCE

Justine Bruno addressed the matter of Old Albany Post Road and the continued concerns. It was noted that there would be another meeting with FEMA in the near future. Councilman Shea reported that there has been no final decision with regard to Old Albany Post Road, and a formal meeting with the Town Board and the Highway Superintendent is forthcoming. Discussion continued at length.

Following a lengthy discussion, Joe Regele ultimately requested that at the August 19th meeting, the Town Board re-open negotiating the Garrison Fire Company contract.

VACANCIES

CV Park District Advisory Committee (3)
CV Water District Advisory Committee (2)
CAC (1)
Planning Board (1)

APPROVAL OF VOUCHERS

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the General Vouchers in the amount of \$169,273.36 are hereby approved as set forth in Abstract 7A and 8.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Highway Vouchers in the amount of \$68,849.23 are hereby approved as set forth in Abstract 7A and 8.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the CV Park District Vouchers in the amount of \$6,192.32 are hereby approved as set forth in Abstract 7A and 8.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Water District Vouchers in the amount of \$4,953.31 are hereby approved as presented in Abstract 8.

There being no further business to discuss, Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Monthly Town Board Meeting be closed at 9:35 p.m.

Respectfully submitted by,

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Tina M. Merando
Town Clerk