

Monthly Town Board Meeting  
August 7, 2014

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

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

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

**REVIEW OF MINUTES**

The Minutes of the Bid Opening of May 23, 2014, Manitou Station Road & Culvert, were reviewed.

Councilman Merandy made a motion, seconded by Councilman Leonard and unanimously carried that the Minutes of the Bid Opening of May 23, 2014, Manitou Station Road & Culvert, are hereby approved as presented.

The Minutes of the Bid Opening of May 28, 2014, Fjord Trail Signage, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Bid Opening of May 28, 2014, Fjord Trail Signage, are hereby approved as presented.

The Minutes of the Special Meeting of May 30, 2014, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously carried that the Minutes of the Special Meeting of May 30, 2014, are hereby approved as presented.

The Minutes of the Bid Opening of June 11, 2014, Fjord Trail Signage, were reviewed.

Councilman Merandy made a motion, seconded by Councilman Leonard and unanimously carried that the Minutes of the Bid Opening of June 11, Fjord Trail Signage, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of June 25, 2014, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of the Weekly Town Board Meeting of June 25, 2014, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of July 10, 2014, were reviewed.

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Councilman Leonard made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of the Monthly Town Board meeting of July 10, 2014, are hereby approved as presented.

The Minutes of the Special Meeting of July 25, 2014, were reviewed.  
*(Councilwoman Montgomery abstained)*

Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the Minutes of the Special Meeting of July 25, 2014, are hereby approved as presented.

The Minutes of the Special Meeting of July 31, 2014, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously carried that the Minutes of the Special Meeting of July 25, 2014, are hereby approved as presented. *(Councilman Merandy abstained)*

## **COMMITTEE REPORTS**

**CB** – Councilman Leonard reported that the Conservation Board did not meet in July because applicants were not prepared.

**RECREATION** – Councilwoman Montgomery reported that the Commission met on July 29<sup>th</sup>, at which time financials were given and accepted. The following items were discussed: summer program, installation of an A/C at the Depot Theatre; moving of items from Garrison Fire Station 1; success of the play “Fiddler,” repair of the well pump, which was broken and repaired; request to Highway to grade parking lot. Councilwoman Montgomery further reported that the “Sport Swap” room has been completed and discussion was held regarding the field soccer program. Recreation has also received many requests for senior programs. Councilwoman Montgomery stated that she was seeking permission from the Town Board to speak with Putnam County to support some senior programs.

**RECYCLING** – No report.

**PLANNING BOARD** - Councilman Leonard reported that the Planning Board met on July 22<sup>nd</sup> for three (3) public hearings. The first public hearing was for approval of a site plan for 201 Old Stone Road; the second public hearing was for approval for construction of a single-family residence on Old West Point Road West, and thirdly, Joseph Tuana’s property on Old Albany Post Road. Councilman Leonard stated that the Planning Board had adopted a Negative Declaration under SEQRA on May 17, 2007. However, the conditional approval lapsed and an application dated May 15, 2008 was filed requesting re-approval of three-lot subdivision. A public hearing was held on June 19, 2008. The July 22, 2014 public hearing is a continuation of the June 19<sup>th</sup> hearing.

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Upon completion of the public hearings, the following applications were addressed:

Tuana – 3-lot subdivision located at 992-996 Old Albany Post Road, Garrison – revised subdivision and survey of property/discussion.

Auth – site plan application for 279 Route 9, Cold Spring – submission of elevation plan, color choices and outdoor lighting/discussion of site visit.

ESP – new subdivision application and site plan revisions – 3330 Route 9, Cold Spring.

RDR Equities, LLC – site plan application for 1510 Route 9, Garrison – submission of revised landscaping and planting plans.

Councilman Leonard reported that no meeting is scheduled for August. Next meeting will be held in September.

**ZONING** – Councilman Van Tassel reported that no meeting was held in July. Next meeting is scheduled for September 8<sup>th</sup>.

**Highway** – Councilman Van Tassel read the Highway Report, which is on file in the Town Clerk’s Office.

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

**TOWN OF PHILIPSTOWN**

**MONTHLY REPORT OF TOWN SUPERVISOR**

**MONIES RECEIVED AS OF AUGUST 7, 2014**

**GENERAL & PART-TOWN FUNDS**

Recreation Community Fees – Recycle	\$ 106.20
Town Clerk Fees – 6/14	826.22
Town Clerk Fees – Dogs – 6/14	266.00
Justice Fees – 6/14	6,140.00
Justice Fees – 6/14	7,536.00
Recreation Fees – 5/14	30,591.46
Recreation Fees – 6/14	52,705.17
A. W. Scrap Metal	1,150.00
Building Fees – 7/14	13,638.00
Town Clerk Fees – 7/14	186.21
Town Clerk Fees – 7/14	443.50
Justice Fees – 7/14	4,212.00
Justice Fees – 7/14	8,408.00
Bank Interest	85.70

**HIGHWAY FUND**

Putnam County Sheriff's Gas	\$ 1,842.48
Putnam County – Gas	600.85
State Insurance Fund	306.00
Bank Interest	138.75

**CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest	\$ 2.01
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**CONTINENTAL VILLAGE PARK DISTRICT**

Bank Interest	\$ 13.31
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**AGENDA**

**1. Russell Cusick to address the Town Board with regard to Storm water.**

Mr. Cusick briefly addressed the Town's lack of overseeing storm water management in the Town of Philipstown. Mr. Cusick covered the building permits issued since 2009, claiming that the construction sites were not properly investigated for soil disturbance. Mr. Cusick then stated that only 22 storm water applications were completed in eleven years. Supervisor Shea responded that to his knowledge the Town has been in compliance, but there may have been times when sites got bigger during construction. Mr. Cusick then addressed the North Highlands Fire Company building, claiming that the 2009 construction site sits on protected wetlands and was not in compliance with DEC laws. Councilman Van Tassel stated that the engineer for the project assured the Board of Commissioners that at no point was there more than one acre of soil disturbance. Mr. Cusick offered to meet with the Town Board and discuss storm water management further.

**2. Resolution authorizing the release of escrow funds for CF Diversified Corp.**

**RESOLUTION #117-2014**

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

**RESOLVED**, that the Town Board hereby authorizes the release of escrow funds for CF Diversified Corp. (Christopher Fadden)

**3. Resolution authorizing Supervisor Shea to sign the contract between the County of Putnam and Vintage Tech, LLC to provide Electronic Waste Recycling. (Nunc Pro Tunc)**

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**RESOLUTION #118-2014**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the contract between the County of Putnam and Vintage Tech, LLC to provide Electronic Waste Recycling. (Nunc Pro Tunc)

**4. Resolution calling for a Moratorium on the Algonquin Gas Transmission, LLC until air emissions, baseline assessment and risk assessment are completed and reviewed by local government officials, et al.**

**RESOLUTION #119-2014**

The following resolution was presented by Councilman Leonard, seconded by Councilman Merandy and unanimously carried:

**RESOLVED**, that the Town Board hereby calls for a Moratorium on the Algonquin Gas Transmission, LLC, until air emissions, baseline assessment and risk assessment are completed and reviewed by local government officials, et al.

**WHEREAS**, Algonquin Gas Transmission, LLC, a wholly-owned subsidiary of Spectra Energy Partners, submitted Resource Report #9 in Docket # CP14-96-000, which does not reflect aggregate (existing and proposed) and cumulative emissions from compressor stations, metering stations, and pipelines in the entire Algonquin Incremental Market project; and

**WHEREAS**, impacts from the current AIM project infrastructure have not been fully evaluated to establish a baseline for air quality; and

**WHEREAS**, peer-reviewed scientific studies indicate that emissions from compressor stations and other shale gas infrastructure are associated with negative health impacts; and

**WHEREAS**, the current emissions will be significantly increased by the expansion of the Southeast and Stony Point compressor stations, and the region including Putnam, Rockland and Westchester counties is already considered a non-attainment zone for air quality standards according to the U.S. Environmental Protection Agency and exceeds the limits for air pollutants, such as ground level ozone; and

**WHEREAS**, the location of the AIM pipeline within close proximity to the Indian Point Nuclear Facility and 40 years of spent fuel roads, and in close proximity to a significant seismic zone, poses a risk of catastrophic damage with profound long-term impacts on the region; and

**WHEREAS**, municipalities may bear costs involved with emergency training, equipment, including up-to-date foam to extinguish fires, and first response to a pipeline, compressor or metering station event; and

**WHEREAS**, Algonquin Gas Transmission LLC and Spectra Energy Partners may not have adequate resources or insurance coverage to reimburse municipalities for costs borne by the municipality should an event occur that requires emergency response by first responders;

**NOW, THEREFORE BE IT RESOLVED**, that an independent air emissions baseline assessment be conducted in the areas directly impacted by the compressor and metering stations modifications, by an independent expert acceptable to industry, local government officials, advocates and the public, funded by industry, and that continuous emissions monitoring be conducted with transparent record keeping as stringent as possible; and be it further

**RESOLVED**, that the best mitigation technology available be required to be installed on every possible component of AIM's compressor and metering stations, including selective catalytic reduction, zero emission dehydrators, blow down prevention, vapor recovery units, and methane capturing equipment outlined by the U.S. EPA, and that there be a public hearing for the permits for each compressor station; and be it further

**RESOLVED**, that a comprehensive and transparent Health Impact Assessment (HIA), as outlined by the Centers for Disease Control and the National Academy of Sciences, be conducted by an independent entity acceptable to industry, local government officials, advocates and the public, and funded by industry; and be it further

**RESOLVED**, that Algonquin Gas Transmission, LLC and Spectra Energy Partners provide a full cost analysis and procurement of emergency supplies, equipment and training for local first response teams to respond to events related to the Algonquin Pipeline Expansion (AIM) project, including fires, explosions, leaks, spills, problems and evacuations due to blow down releases and other incidents; and be it further

**RESOLVED**, that Algonquin Transmission, LLC and Spectra Energy Partners provide proof of insurance or self-insurance represented by segregated cash reserves for all potential costs and expenses involved with maintenance and responding to emergencies and mitigating damages as a result of any incident relating to or resulting from the Algonquin Pipeline Expansion (AIM) Project; and be it further

**RESOLVED**, that a Moratorium be enacted on this project, until such air emissions baseline assessment, Health Impact Assessment (HIA), and risk assessment are completed and reviewed by industry, local government officials and advocates and the public, health impacts are fully addressed and mitigated that fully protect and preserve the health and safety of residents and evidence of acceptable levels of insurance and self-insurance represented by segregated cash reserves, as aforesaid, are presented and approved by all interested parties; and be it further

**RESOLVED**, that a copy of this Resolution be sent to the Federal Energy Regulatory Commission.

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**5. Resolution authorizing Supervisor Shea to sign the Temporary Construction & Maintenance Easements for 416 & 418 Sprout Brook Road, Garrison, New York.**

**RESOLUTION #120-2014**

The following Resolution was presented by Councilman Leonard, seconded by Councilman Merandy, and unanimously carried;

**WHEREAS**, the Town wishes to acquire a Maintenance Easement to enter the Grantor's property for purposes of performing clearing and maintenance and related work on a small portion of the Sprout Brook Stream as may be required from time to time;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign Temporary Construction & Maintenance Easements for 416 Sprout Brook Road, in the Town of Philipstown, County of Putnam, State of New York, described on the tax map of the Town as Section 83.13, Block 1, Lot 48 and fully described in the deed recorded in the Office of the County Clerk at Deed Book 1813, Page 58 and for 418 Sprout Brook Road, Section 83.13, Block 1, Lot 47 and described in the deed recorded in the Office of the County Clerk at Deed Book 16377, page 191

**6. Resolution appointing Lydia McMahon as a member of the Recreation Commission for a seven (7) year term, which will expire on September 2, 2021.**

**RESOLUTION #121-2014**

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 appoints Lydia McMahon as a member of the Recreation Commission for a seven (7) year term, which will expire on September 1, 2021.

**11. Code Enforcement Monthly Report.**

Town Clerk Merando read the Monthly Report.

**13. Schedule Workshops/Meetings.**

August 27, 2014      7:30 P.M.      Public Hearing for Continental Village Fire Dept.  
for purchase of new equipment

**13. Authorize Supervisor Shea to sign the Sponsor Authorization Form for the 2013 Garrison Volunteer Ambulance Corp. LOSAP.**

**RESOLUTION #122-2014**

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

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**RESOLVED**, that the Philipstown Town Board hereby authorizes Supervisor Shea to sign the Sponsor Authorization Form for the 2013 Length of Service Award Program for the Garrison Volunteer Ambulance Corp.

**14. Authorize Supervisor Shea to sign the Sponsor Authorization Form and approve the point listing for the 2013 Philipstown Volunteer Ambulance Corp. LOSAP.**

**RESOLUTION #123-2014**

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

**RESOLVED**, that the Philipstown Town Board hereby authorizes Supervisor Shea to sign the Sponsor Authorization Form and approves the point listing for the 2013 Length of Service Award Program for the Philipstown Volunteer Ambulance Corp.

**15. Resolution authorizing Supervisor Shea to sign the Temporary Construction & Maintenance Easements for the Indian Brook Road Culvert. (*Nunc Pro Tunc*)**

**RESOLUTION #124-2014**

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

**WHEREAS**, the Town wishes to acquire a Temporary Construction & Maintenance Easement from the Grantors for the purpose of performing culvert replacement and related work;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign a Temporary Construction & Maintenance Easement for 325 Indian Brook Road, in the Town of Philipstown, County of Putnam, State of New York, described on the tax map of the Town as Section 39-4-2 and Section 49, Block 3, Lot 74, and more fully described in the deed recorded in the Office of the County Clerk at Liber 735, Page 332.

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

Supervisor Shea remarked at the need for a generator at the communication tower at the Recycling Center, which the Town Board feels they should invest in. He feels that the County should also be involved. Supervisor Shea said that in the meantime, information will be gathered and a request for proposals will be prepared.

Supervisor Shea reported that he received notice that phases 1 and 1 for a \$100,000 grant for the Fjord project was on its way for possible approval.

Councilman Leonard reported that he attended the July 24<sup>th</sup> Senior Forum held by Assemblywoman Sandy Galef at the Cortlandt Town Hall. Items discussed were scams, fraud, voter registration, medical technology, and Medicare assistance.



Councilwoman Montgomery reported that North Highlands Fire District was awarded \$110,000 for new life-saving equipment through a fire-fighters grant.

Supervisor Shea reported that he spoke with Senator Terry Gibson re: Route 9D South. Senator Gibson informed Supervisor Shea that he would speak with the DOT and get the Town of Philipstown on a list for repairs.

## **AUDIENCE**

Garrison resident, Paula Clair, who gave a presentation on the Algonquin Pipeline at the July meeting, thanked the Town Board for passing the resolution to protect the Town from risks that are present in the Algonquin pipeline expansion. Supervisor Shea thanked Mrs. Clair for her work on this project.

Cold Spring resident, Richard Butensky addressed Cablevisions monopoly of Philipstown residents as it pertains to internet service and asked if the Town was still in the process of negotiations with Cablevisions. Supervisor Shea responded that the Town has not started negotiations yet although initial conversations were had about things the Town would like to see, but the Town does not have a lot of leverage. Supervisor Shea stated that the Town receives 5% of fees that are charged and needs to verify if the 5% is for "Triple Play." Supervisor Shea feels it is difficult since there is no competition and urged people to write to their representatives. Supervisor Shea added that he would be meeting with Cablevision and will bring up the issue of internet packaging.

Cold Spring resident, Mary Ellen Finger, addressed the Town Board about the storm water that was flooding her property coming from Knollwood Lane and the wetland above it, and stated that she wanted to reassure the Board that she has no objections to any measures that the Board takes to mitigate the problem. Supervisor Shea responded, okay. Mrs. Finger then mentioned the design that Town Engineer, Ron Gainer, had come up with over a year ago. She then added that anything that the Town was willing to do, even if it's not going to be a long term possible cure for the problem, but anything that could be done in the short term ... because she was having a real problem with all of the water running down off of Knollwood Lane and the whole mountain. Supervisor Shea responded that he didn't know if the whole mountain could be dealt with, but what comes off of Knollwood can be dealt with. Mrs. Finger stated that would help, and just anything the Board could do to help mitigate the wetland that is being drained into the storm water basin on Knollwood – that would be a big help too.

Supervisor Shea responded that he knew that the engineer came up with the design and the Town was ready to implement that. Mrs. Finger then asked if the Town could just fund Highway Superintendent Chirico's budget, which seemed to be one of his complaints – the lack of money in his budget. Supervisor Shea replied that there was money available. Mrs. Finger asked if that was for this year, in which Supervisor Shea

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responded, "yes." Mrs. Finger remarked that this would be great and asked how she would find out when that work would possible be done? Supervisor Shea informed her that he could call the engineer and speak with Highway Superintendent Chirico tomorrow. Mrs. Finger then thanked Supervisor Shea.

#### **VACANCIES**

Board of Assessment Review (1)  
CV Park District Advisory Committee (3)  
CV Water District Advisory Committee (3)

#### **APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously carried that the General Vouchers in the amount of \$79,845.50, are hereby approved as set forth in Abstracts 7A & 8.

Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried that the Highway Vouchers in the amount of \$42,563.82, are hereby approved as set forth in Abstracts 7A & 8.

Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously carried that the CVPD Vouchers in the amount of \$6,909.74, are hereby approved as set forth in Abstracts 7A & 8.

Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously carried that the CVWD Vouchers in the amount of \$9,283.96, 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 Leonard to close the Town Board Monthly Meeting at 8:53 p.m.

Respectfully submitted by,

Joan B. Clauss  
Deputy Town Clerk