

Monthly Town Board Meeting
September 2, 2010

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:

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
Barbara Scuccimarra	Councilwoman
John Van Tassel	Councilman
Edward W. Doyle	Town Attorney

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

REVIEW OF MINUTES

The Minutes of the Monthly Meeting of August 5, 2010, were reviewed.

Councilwoman Budney made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of August 5, 2010, are hereby approved as presented.

The Minutes of the Bid Opening of August 25, 2010, were reviewed.

Councilwoman Scuccimarra made a motion, seconded by Councilwoman Budney and unanimously carried that the Bid Opening Minutes of August 25, 2010, are hereby approved as presented.

COMMITTEE REPORTS

CAC – Councilwoman Scuccimarra reported that three (3) items were on the agenda. The first was Ralph & Robin Arditi of 200 Avery Road, Garrison, regarding the construction of a garage in a wetlands buffer. The CAC had questions about the drainage and requested a plan that addresses this matter.

The second item was Orbert Wood, regarding the reconstruction and extension of a driveway in a wetlands buffer. Permit was granted.

Third item was a discussion about drainage on William Villetto's property.

Next meeting will be held on September 21st.

RECREATION – Councilwoman Montgomery reported the Recreation Commission met on Tuesday, August 31, at which time Recreation Supervisor, Amber Stickle, reported that Recreation has exceeded income for the summer

Monthly Town Board Meeting
September 2, 2010

and that Recreation was going to thank the staff, especially Susan Richardson, and all the kids that worked this summer for making it a really successful summer camp. Councilwoman Montgomery thanked the Highland County Club for opening their doors generously.

Councilwoman Montgomery reported that the after school programs were full; pre-school was full; Little Teeter Soccer was full. Terms of the lease with the Garrison Volunteer Fire Department for use of the old fire house would be discussed later on this evening.

Councilwoman Montgomery stated that Recreation was moving forward with the lighting in the gym and is working on the bid package for the ceiling.

RECYCLING – Councilwoman Budney stated that the only thing she wanted to say was to ask people to please not put tarps in the co-mingle or scrap metal piles. This causes problems when the Town takes the recyclables to the vendor. Otherwise, everything seemed to be running smoothly. Councilwoman Budney further reported that a few weeks ago, she spent a half a day working at the Recycling Center.

PLANNING BOARD - Councilwoman Montgomery reported that the Planning Board did not meet in the month of August, but that a site inspection would be done on the 12th of September at the Villetto property on Route 9. Next meeting is scheduled for September 16th.

ZONING – Councilman Van Tassel reported that the Zoning Board of Appeals did not meet in the month of August. Next meeting is scheduled for September 15th.

HIGHWAY – Councilwoman Budney read the monthly report prepared by Highway Superintendent Chirico. A complete copy of this report is on file in the Town Clerk's Office. Supervisor Shea thanked Highway Superintendent Roger Chirico for the great work completed on the culvert on Philipsebrook Road. Supervisor Shea added that this was a big savings to the town and that other Highway Departments do not do these kinds of projects. Councilman Van Tassel stated that he looked at the project one morning which involved a lot of work done on the entire road – that the Highway Department practically rebuilt the entire road.

Councilwoman Montgomery added that the Highway Department was fixing the parking lot at the field at Philipstown Park and expressed her thanks to the Highway Department for saving the Town money.

BUILDING & LAND ACQUISITION – Supervisor Shea had no report.

GARRISON VOLUNTEER FIRE DEPARTMENT – Jamie Copeland read the activity report for the month of August. He then reported on upcoming events for the month of September and part of October:

- Primary Day on September 14th;
- Flu clinics on September 15th and October 15th
- Spaghetti Dinner, September 25th
- Fire Prevention Week – October 4th thru October 9th
- Fire Drill re-scheduled with mutual aid partners at Graymoor on October 13th

BUTTERFIELD LIBRARY - Jillian Thorpe reported that the Battle of the Books team was going to the regional championship on September 11th. On October 30th, the Friends of the Library would be hosting their Annual Autumn Reception, which is a fundraiser, along with a celebration of the library's 85th birthday. She further reported that the library will be awarding the Badey & Watson, Mary Rice Volunteer Award, and bidding was now open for a walkway project and repair of the front steps. Lastly, Ms. Thorpe reported that the library has handed out over 116 library cards to-date.

TOWN OF PHILIPSTOWN

MONTHLY REPORT OF TOWN SUPERVISOR

MONIES RECEIVED AS OF SEPTEMBER 2, 2010

GENERAL & PART-TOWN FUNDS

Justice Fees, 7/10	\$ 4,385.00
Justice Fees, 7/10	5,879.50
Recreation Fees, 7/10	68,894.75
Tax Collection – Miscellaneous	.37
Tax Collection Fees	136.00
Tax Collection – Bank Interest	7.48
Bank Interest	267.88

HIGHWAY FUND

Putnam County Sheriffs – Gas	\$ 1,022.64
General Fund Check – Gas	414.05
Bank Interest	\$ 375.39

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	\$ 15.43
---------------	----------

CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	\$	400.00
Bank Interest		38.07

AGENDA

1A. Resolution Authorizing Supervisor Shea to Sign the Lease for Theater Use of the Garrison Fire Department's Old Fire Station.

Recreation Commission member, Claudio Marzollo, who was involved with retaining the old fire station, expressed his thanks to Jamie Copeland and John Svirsky for their help in securing the lease, as well as Councilwoman Montgomery and Councilman Van Tassel for their assistance. Mr. Marzollo stated that the GVFD was very public-spirited in making the space available. Councilman Van Tassel expressed his thanks to Claudio and the GVFD for all the hard work involved in securing this lease. Mr. Marzollo and Mr. Copeland have agreed to share the annual rental, which is \$1.00/yr.

RESOLUTION #138-10

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

RESOLVED, that the Town Board authorizes Supervisor Shea to sign the Lease for Theater Use of the Garrison Fire Department's Old Fire Station.

1. Resolution needed to adopt the 2010 Assessment rolls for the following:

Valley Lane and a portion of Brookside Drive Road Improvement.

RESOLUTION #139-10

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

RESOLUTION SETTING BUDGET, ACCEPTING COMPLETED ASSESSMENT ROLL FOR FILING WITH TOWN CLERK, AND SETTING PUBLIC HEARING PURSUANT TO TOWN LAW 231(2) AND 202(A)

WHEREAS, the Town has established the Valley Lane and portion of Brookside Drive Road Improvements pursuant to Town Law Section 231(2) and 202(A), and has reviewed a proposed budget and assessment roll for said improvement for the 2011 year, and

NOW, THEREFORE; be it resolved that the Town Board, pursuant to Town Law 231(2) and 202(A), accepts as complete the 2011 tentative budget

Monthly Town Board Meeting
September 2, 2010

and tentative assessment roll attached hereto, and directs that they be filed immediately with the Town Clerk.

The votes were as follows:

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

2. Resolution hiring Annette Flaherty as a part-time Justice Clerk, 20 hours per week at the rate of \$15.00 per hour, effective August 23, 2010. (Nunc Pro Tunc)

Supervisor Shea informed the public that the Justice Court has been overburdened in the clerk's department for quite some time and that a Justice Court audit mandated separate duties.

RESOLUTION #140-10

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

RESOLVED, that the Town Board hereby approves the hiring of Annette Flaherty as Part-time Justice Clerk, 20 hours per week, at the rate of \$15.00 per hour, effective August 23, 2010.

3. Resolution authorizing Supervisor Shea to sign the contract between CSEA Employee Benefit Fund and the Town of Philipstown for a Dental Plan.

Supervisor Shea explained that this was part of the negotiations with the CSEA to bring down the costs of the dental plan for the civil service workers. CSEA has agreed to go to a lesser plan due to Councilwoman Budney's negotiations.

RESOLUTION #141-10

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes Supervisor Shea to sign the CSEA Employee Benefit Fund for the Town of Philipstown's Dental Plan.

4. Resolution authorizing Supervisor Shea to sign the contract between Pitney Bowes and the Town of Philipstown for the lease of a postage meter

Deputy Town Clerk Clauss informed the Town Board that Town Clerk Merando was instrumental in getting the monthly lease reduced by \$50.00 monthly through negotiations. Supervisor Shea informed the public that there was some thought of going to postage but that was not going to work. Councilwoman Scuccimarra pointed out that this was only one of the things that the Town Clerk's office has done to save the town money, i.e., bulk ordering, negotiations for machines, etc.

RESOLUTION #142-10

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes Supervisor Shea to sign the contract between Pitney Bowes and the Town of Philipstown for the lease of a postage meter.

5. Resolution needed re-appointing the following to the Board of Assessment Review for a five (5) year term to expire September 30, 2015.

Jamie Adams
Michael Leonard
Dorothy Gilman

RESOLUTION #143-10

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

RESOLVED, that the Town Board of the Town of Philipstown hereby tables the re-appointing of the following to the Board of Assessment Review:

Jamie Adams
Michael Leonard
Dorothy Gilman

6. Award bid for a bulk fuel delivery at the Claudio Marzollo Community Center.

RESOLUTION #144-10

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 awards the bid for #2 Fuel Oil – Bulk Delivery at the Claudio Marzollo Community Center to County Petroleum Products, Inc., at the bid price of \$2.1495/Gal.

7. Resolution approving and endorsing an application under the 2010 Greenway Communities Grant.

Supervisor Shea reported that he and Town Clerk Merando worked on the Greenway Community Grant (as they do every year), applying for a grant. He stated that in the past the Town has been successful and was hoping the same was true for this year. The Town was applying for a \$10,000 grant – small town grant, which can be used for a variety of purposes.

RESOLUTION #145-10

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

WHEREAS, the **Town of Philipstown** is applying to the Hudson River Valley Greenway for a grant under the 2010 **Greenway Communities Grant** for assistance in the preparation of environmental review documents for adoption of local laws related to the new zoning and entry as a Greenway Compact Community to be located in the **Town of Philipstown**.

WHEREAS, the grant application requires the applicant municipality to obtain the “approval/endorsement of the governing body of the municipalities in which the project will be located;”

NOW, THEREFORE, be it resolved that the governing board of the Town of Philipstown hereby does approve and endorse the application for a grant under the 2010 Greenway Communities Grant, for a project known as **Community Planning** and located within this community.

8. Resolution referring a proposed Local Law to amend the Code of the Town of Philipstown by adding a new Chapter 131 to be entitled “Putnam County Pathways,” which provides for the adoption of said Greenway Planning Program as land use policies, principles and guides in the Zoning Law and Land Development Regulations to the Putnam County Division of Planning and the Philipstown Planning Board.

Supervisor Shea reported that this was discussed at length at the last Town Board meeting and was something that will support the new zoning. It is also available at Town Hall if anyone would like a copy. He added that the document contains many templates on how to conduct certain things; the Philipstown Comprehensive Plan was included and this document would allow the Town to apply for funds that would not be available without it being adopted. He stated that there were several advantages to it - one being that the Attorney General of the State of New York will defend Article 78 challenges to the new zoning that will save taxpayers money in the event that happens. This does have a lot of benefits. He stated further that the document does have a short form environmental assessment form with it. This is a referral to the Putnam County

Planning and local Planning Boards as part of the process, who have 60 days to review it. Supervisor Shea remarked that he was hopeful that the local Planning Board turns this around quickly; it was pretty straight-forward; there are not a lot of controversial items in the Putnam Pathways document; it has some real common sense things, much of which are already in the Comprehensive Plan or in the new zoning. He added that this does not have the force of law – these are recommendations that the Planning Board can look at. It comes with information – it comes with support.

RESOLUTION #146-10

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

RESOLVED, that the Town of Philipstown refer a proposed Local Law to amend the Code of the Town of Philipstown by adding a new Chapter 131 to be entitled “Putnam County Pathways,” which provides for the adoption of said Greenway Planning Program as land use policies, principles and guides in the Zoning Law and Land Development Regulations to the Putnam County Division of Planning and the Philipstown Planning Board for review.

9. Resolution retaining Drake, Loeb, Heller, Kenney, Gogerty, Gaba & Rodd to represent the Town in the matter of Terio v. Gary M. Ritchie, Assessor, Robert Emerick, Code Administrator.

Supervisor Shea stated that this was a perennial issue in the Town, takes up time, needless attorney fees; it’s an insurance issue, and has been a nagging problem. Town Attorney Doyle added that so far the insurance company was picking up the defense and that Adam Rodd of Drake, Loeb would be defending the Town in the first action and would also be defending the Town in this one. Attorney Doyle added that the insurance company has reserved their ultimate decision as to whether there is insurance coverage. So far, there has been no final decision

RESOLUTION #147-10

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

RESOLVED, that the Town Board of the Town of Philipstown hereby retains Steve Gaba, and/or Adam Rodd, of Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd, PLLC to represent the Town in the matter of Terio v. Gary M. Ritchie, Assessor , Robert Emerick, Code Administrator at the rate of \$185.00 per hour, plus out-of-pocket expenses “in the event the Town’s insurance does not provide for said defense and payment”.

9a. Resolution authorizing Robert Cinque to sign the amended stipulation re: Ant-Ant Corp. vs. Town of Philipstown on the Town’s behalf.

Supervisor Shea explained that this was a legal proceeding involving the Village of Cold Spring and Town of Philipstown with regard to the Foundry Dam property and reservoir, and there was some questions as to the existence of the "Old Road," which wasn't Town property. The Town did not have any vested interest in the "Old Road." It was the Village of Cold Spring that would have had claim to it. Supervisor Shea added that the Village of Cold Spring has worked out an agreement to gain access to the dam by a more direct route and assumed there were some stipulations in the addendum regarding how that will be funded. Supervisor Shea stated that he was not interested in continuing this because he did not feel there was any place to go from here, plus it will cost the Town money and felt that the Town would not come out a winner.

Town Attorney Doyle asked that corrections on the Resolution be made, i.e., last paragraph, word *current* should be *currently*, and date of **September 2, 2010** should be **September __, 2010**.

RESOLUTION #148-10

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes Robert Cinque to sign the amended stipulation re: Ant-Ant Corp. vs. Town of Philipstown on the Town's behalf.

10. Code Enforcement Monthly Report.

Deputy Town Clerk Clauss read the Monthly Report.

11. Schedule Workshops/Meetings.

Tuesday, September 7th – 7:00 P.M. – Interview candidates for
Code Enforcement Officer

Supervisor Shea requested Deputy Town Clerk Clauss to arrange a meeting with Assessor Brian Kenney for 6:30 P.M. on Tuesday, September 7.

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

Councilman Van Tassel reported that a letter was sent out requesting a detailed copy of budgets of all service groups in order to start the process of financial evaluation of the agencies involved. Councilwoman Montgomery stated that a letter was received announcing that the grant was received, but no monies have been received as yet.

Monthly Town Board Meeting
September 2, 2010

Councilman Van Tassel further reported that the Emergency Services Consolidation Pilot Group met on August 10th to begin the process of evaluating the feasibility of a town-wide emergency services district. The group will be chaired by Ralph Falloon. It was determined that the first step to begin the process of evaluating the feasibility of a town-wide district would be to evaluate the budgets. The Town Board has requested copies of the budgets, which will be turned over to the Pilot Group, who in turn will format them in a similar manner so they can evaluate them. Another meeting is scheduled for September.

Supervisor Shea expressed his thanks to Councilman Van Tassel and Councilwoman Montgomery for their work on this project. He stated that it was important to know that the Town is making the best use of taxpayers money, which are large sums. When all added up, the amount is in excess of \$2 million.

Councilman Van Tassel commented on the recent fire at Plumbush and complimented the Emergency Services groups from Philipstown and surrounding area for the excellent job that was done in controlling the fire.

Deputy Town Clerk Clauss reported that Town Clerk Merando has arranged for a presentation on the Freedom of Information Law on October 14th at 7:30 p.m. at the VFW Hall.

Councilman Van Tassel reported on the red light on Fishkill Road and Route 9. He stated that the application has been approved by the State of New York Regional DOT, and they were awaiting the reading of the bid documents. Once opened, the bid will be awarded and work will be schedule. No time frame for beginning work was set.

AUDIENCE

Lee Erickson of Garrison, asked about the progress on the stop sign at the Claudio Marzollo Community Center. Councilwoman Montgomery reported that the Recreation Center was not the common facilities manager and that she contacted the Garrison Institute regarding the road and the stop sign. She added that billing for this type of work is usually shared by the Recreation Center and the Institute. Councilwoman Montgomery stated that Highway Superintendent Chirico has been very generous in the past in repairing the road and that she would ask him to cut the tree down that is blocking the stop sign.

East Mountain Road North Resident, Steve Loria, addressed the Town Board regarding Robert Jordan's application for a permit to build on a Class II wetland property (545 East Mountain Road North). Mr. Loria stated that several neighbors hired an engineer to look at the engineering and that the review shows significant discrepancies in the plan and reports referenced in the NYSDEC Wetlands Disturbance Permit submitted by the applicant. He added that as noted in the report, the discrepancies were significant to the degree that they

misrepresent the magnitude of the proposed driveway and the disturbance that will result if the wetland driveway crossing is constructed in compliance with the NYSDEC permit conditions and criteria. Comments regarding the suitability of the proposed driveway design are also offered, as are concerns with both personal and public safety issues. He further stated that the actual effect of the wetlands to be taken is approximately .2 acres, an amount larger than indicated in maps submitted for the permit and therefore, the Army Corp. of Engineers requires a permit for wetland disturbance exceeding .1 acres. Mr. Loria stated that the NYSDEC freshwater wetlands disturbance permit was granted and he pointed out that at least 15 ft. of the crossing was on his property. Other safety issues were addressed.

Supervisor Shea stated that in conversations with the Wetlands Inspector, they have been taking their time on this situation – almost 4 years – no one is rushing to do anything, but he knew that they were waiting to present a functional analysis of the wetlands – that the applicant do a functional analysis, which he feels will be presented by the applicant at the next CAC meeting. Supervisor Shea felt that all T's will be crossed and I's dotted before any permits are issued.

Supervisor Shea remarked that it seemed like the Town gets a lot of driveways and it would be great if people could share driveways as was done in the past, which has been successful. Supervisor Shea stated that applications are pending for sharing, which makes a lot of sense.

Mr. Loria stated that there is a potential alternative to the Jordan situation and would like the applicant to work out that alternative. Mr. Loria felt it was a very reasonable and inexpensive alternative. He requested that the Town Board ask Mr. Jordan to consider the alternative.

Garrison resident and Board of Assessment Review Chairman, Jamie Adams, submitted a letter in support of the re-appointments of Dorothy Gilman and Michael Leonard to the Board of Assessment Review, as well as re-appointment of himself. Supervisor Shea informed Mr. Adams that this item was tabled for a later date.

VACANCIES

Recreation Commission (1)
CV Park District Advisory Committee (3)
CV Water District Advisory Committee (2)

APPROVAL OF VOUCHERS

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the General Vouchers in the amount of \$111,942.08 are hereby approved as set forth in Abstracts 8A & 9.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Highway Vouchers in the amount of \$79,453.45 are hereby approved as set forth in Abstract 8A & 9.

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Park District Vouchers in the amount of \$4,970.45 are hereby approved as set forth in Abstracts 8A & 9.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Water District Vouchers in the amount of \$4,706.84 are hereby approved as presented in Abstracts 8A & 9.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra to close the Town Board Monthly Meeting at 8:56 p.m.

Respectfully submitted by,

Joan B. Clauss
Deputy Town Clerk