

Monthly Town Board Meeting  
September 3, 2009

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.

<b>PRESENT:</b>	William Mazzuca	Supervisor
	Richard Shea	Councilman
	Betty Budney	Councilwoman
	Nancy Montgomery	Councilwoman
	Barbara Scuccimarra	Councilwoman
	Edward Doyle	Town Attorney

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

Supervisor Mazzuca addressed the audience with regard to the proposed Zoning changes explaining that this item is not on the agenda this evening. He noted that the Town has not even started the Public Hearing process. Supervisor Mazzuca stated that it would be difficult to have a detailed lengthy discussion tonight since nothing has been started, and noted that the Town Board just received the final draft in the last few weeks themselves. He told the audience the Town Board would like to set up a Workshop in the next few weeks. Anyone interested could come and sit down with the Town Board and Consultant, Joel Russel, to ask questions. Supervisor Mazzuca reiterated that this is just the beginning of the process and that it is a very good thing for the town that so many people are interested in this proposal.

Supervisor Mazzuca said that he looks forward to the input from the public and stated that he cannot recall one single law that was proposed by the Town Board that, during the Public Hearing process, was not changed/alterd in some way due to the input from the public. He asked the audience to keep in mind that this is a proposed law subject to change, and stated that the Town Board is not looking to shut anyone out tonight. The Town Board, at the end of the meeting, will set up a date for a Workshop with Joel Russell in attendance. Supervisor Mazzuca asked the audience to please review the proposal between now and the workshop.

## **COMMITTEE REPORTS**

**CAC** – Councilman Shea reported that he was on vacation and had nothing to report.

**RECREATION** – Councilwoman Montgomery reported that the commission did not meet in August. She did want to take this opportunity to thank the North Highland Fire Dept. and the Surprise Lake camp for hosting the last week of camp. It was a huge success; the kids had a great time. Councilwoman Montgomery commented that this is a great example of how the Town can work together with the different organizations. She thanked the counselors at the camp and the staff at the Recreation Department.

Councilwoman Montgomery also reported that the roof at the Community Center was close to being complete. Only one add on – the chimney cap. Councilman Shea reported that the roof project is on time and on budget, with no damage to the building.

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He stated that the contractor was really cautious and is now just doing the finishing touches.

Supervisor Mazzuca wanted to remind everyone that there is still a vacancy on the commission.

**PLANNING BOARD** - Councilwoman Montgomery attended the August 20, 2009, meeting and reported that there were two Public Hearings:

- Garrison Station Plaza – 7 Garrison Landing
- Mary Ellen Finger – final subdivision plat – phase one – 3 Horseman’s Trail in the North Highlands

The Garrison Station Plaza is pursuing their February 5<sup>th</sup> application to renovate their building at Garrison Landing to change the use to professional office space and apartments. The first hearing raised public concern regarding it’s proposed use and the impact on the community. Historical significance, design of the building, and septic repairs were also discussed. Two subsequent Public Hearings were adjourned at the owner’s request due to continued negotiations on the building use. The negotiations are ongoing and the owners have asked that the Public Hearings be closed in order to start the project before winter. Councilwoman Montgomery stated that for the owners to proceed with basic structural renovations the Public Hearing phase must be closed and the Planning Board must issue a resolution in favor of the proposal. The Planning Board’s attorney advised the Board that they had the option to keep the Public Hearing open for further comments, or if they were comfortable, they could close the Public Hearing. Councilwoman Montgomery commented that the Planning Board should consider that this is a building that contributes to a historic district and that the review process reflect the guidelines for its significance and use in the district. There were no further comments and the Public Hearing phase was closed.

Mary Ellen Finger received preliminary approval for a 5-lot subdivision in March. Dr. Finger is currently seeking approval to phase the project. The final subdivision plat of phase 1 was considered at the Public Hearing. A neighbor raised concerns about existing uncovered cisterns, wetland, and irrigation pipes from the property. The Planning Board’s comments included the fact that the property was originally presented to them as a residential subdivision in an industrial zone. Their concern for approving phase 1 for residential use meant that phase 2 could possibly result in the property being used as industrial. The owner’s representative advised the Planning Board that industrial use was not the intention of the sub-division, and while it could potentially be sold for such, any industrial use would have to come before the Planning Board for review. The property owner, Dr. Finger, also spoke about her intentions and hopes for the property that included agricultural use and education. The Planning Board commented on the time limit for phasing the project and asked that their attorney provide clarification. The Public Hearing phase of this application has been closed. The applicant will submit Health Department approval and plans to address the technical issues on the property raised by the Town’s Engineer. A resolution will be

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prepared for the September 17<sup>th</sup> meeting. Councilwoman Montgomery did a site walk of the property with the Town Engineer, Wetlands Inspector, Building Inspector and the owner, to address the neighbors' concerns, which will be addressed in the Wetlands Inspector's report.

Last item, Lisa & Lloyd Zeiderman applying for a two-lot subdivision on Avery Road, Garrison, NY. The property now contains a house and barn. The plan is to divide the property so that the house is on one lot and the barn and addition is on the second lot. The Planning Board will conduct a site visit on September 13<sup>th</sup> and a Public Hearing is scheduled for September 17<sup>th</sup>.

The next Planning Board meeting is scheduled for September 17, 2009.

**ZONING** – Councilwoman Scuccimarra reported that the Zoning Board did not meet in August. The next Zoning Board meeting will be held on September 14, 2009.

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

- Highway Department has installed a 25-foot culvert on Foundry Dam Rd.  
Cost of project: Approx. \$30,164.00
- Due to storm water run-off onto yards, curbing had to be installed on the follow town roads.
  - Perks
  - Perks & Sons
  - Knollwood
  - Morris
  - Aqueduct
- The following roads have been blacktopped
  - Foundry Dam Rd.
  - Section of Morris
  - Section of Aqueduct
- The following roads are to be resurfaced. Completion of these roads will hinge on asphalt pricing.
  - Mountain Drive (Continental Village)
  - Clove Brook (North Highlands)
  - Valley Lane (Continental Village)
- Highway patched the following town roads:
  - Perks Blvd.
  - Fox Road
  - Horton Road
  - Hustis Road
  - Ferris Road
- \$22,375.00 was spent on vehicle maintenance for August
- \$8,591.28 was spent for material to maintain town roads in August.
- Highway Department received approximately 56 phone calls in August

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- regarding road issues and concerns.
- Highway personnel have been called out 2 times before or after work regarding downed trees.
- Roads and intersections are being mowed and cleared of obstructions.

Supervisor Mazzuca said that over the last several days there have been conversations with Putnam County and the DOT about the proposed traffic signal on Route 9 and Fishkill Road. The flurries of phone calls were started due to some concerns from a letter from the DOT, which was in response to the Town's resolution. In the next to last sentence it said that, to date, they had not received a highway work permit from Putnam County. The Town was told a month ago that the light was going to be installed some time in October or November. The work permit is necessary before the work can be started. However, Supervisor Mazzuca was told that once the work permit is submitted, that it generally does not take long to get the project going. Supervisor Mazzuca said the other thing that was a little disconcerting is that as of today, the County still does not have the funding for the project, which is approximately \$55,000. If the State were to do the installation, the State has informed us, and reiterated this today, that there will be a 5-7 year wait before the traffic signal would be installed. Fortunately, the County has stepped in to do this project and provide the funding. However, we will continue to check with the County and try to put them in the position to get this done. Supervisor Mazzuca said, "I don't have to tell you about the serious accidents up in that area," and along those lines, if anyone wants to write a letter to the Town Board to be forwarded to Putnam County or the State DOT, they were certainly welcome to do that.

An audience member addressed the Town Board stating that cars are being rear-ended in this area. A 10-foot shoulder is needed to help alleviate some of the problems. This way cars can slow down to make the turn. He feels that the County can do this tomorrow as an easy quick fix. They need to move the railing back to make room for a turn lane. Supervisor Mazzuca said that when he spoke with DOT today, they had not accepted this intersection as yet. Before accepting it, they would force the County to put a turn lane at that site.

**BUILDING & LAND ACQUISITION** – Councilman Shea reported the following:

- The Recreation roof is 95% finished
- There was a little water found at the VFW and Habitat for Revival was called to come in and cut back brush on the bank and rake out the alleyway to help drainage.
- The side steps on the Town Hall are finished and now painted, so the entire Town Hall exterior has been taken care of and the emergency exit is back in use.

**GARRISON VOLUNTEER FIRE DEPARTMENT** – Jamie Copeland, representative of the GVFD, read the activity report for the month of August stating that it was a light month.

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Eight automatic alarms, one good intent call from across the river – a control burn, one mutual aid to a possible structure fire in Nelsonville, two personal injury automobile accidents, one power line down, three smoke investigations.

There is an event being put on by the GVFD and Graymoor on Sept. 11 at the Memorial Garden. There will be a bagpipe player, a speaker, Rev. PJ Webber, from Ladder Co. 7. They lost three of their members on September 11<sup>th</sup>. Rev. Webber was also chaplain for the NY Yankees. All are welcome and there will be some refreshments served after. The service starts at 8:00 pm.

## **TOWN OF PHILIPSTOWN**

### **MONTHLY REPORT OF TOWN SUPERVISOR**

#### **MONIES RECEIVED AS OF SEPTEMBER 3, 2009**

##### **GENERAL & PART-TOWN FUNDS**

Justice Fees – 7/09	\$ 7,315.00
Justice Fees – 7/09	\$ 8,650.00
Town Clerk Fees – 7/09	\$ 663.14
Recreation Fees – 7/09	\$ 82,271.46
Bank Interest	\$ 208.99
Building Fees – 8/09	\$ 11,031.00
CTV Fees	\$ 16,302.00

##### **HIGHWAY FUND**

Bank Interest	\$ 644.67
Gen Fund Ck Bld Sept. Gas	\$ 175.76

##### **CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest	\$ 20.96
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##### **CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse Fees	\$ 200.00
Bank Interest	\$ 58.18

**AGENDA**

**1. Resolution approving the increase of \$85,225 to complete the improvements to the Garrison Landing Water District.**

Town Clerk Merando read the resolution to approve the increase, which has two parts to be passed by roll call. The first being the Public Interest Order and then the actual Bond Resolution.

Supervisor Mazzuca stated that this was subject to a Public Hearing at 7:30 pm, September 3, 2009.

**RESOLUTION #150-09**

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

At a regular meeting of the Town Board of the Town of Philipstown, Putnam County, New York, held at 238 Main Street, in Cold Spring, New York in said Town, on September 3, 2009, at 8:00 o'clock p.m., prevailing time.

**PRESENT:**

William Mazzuca, Supervisor

Richard Shea, Councilman

Betty Budney, Councilwoman

Nancy Montgomery, Councilwoman

Barbara Scuccimarra, Councilwoman

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In the Matter	:	
of	:	
The Increase and Improvement of Facilities of	:	<b>PUBLIC INTEREST ORDER</b>
Garrison Landing Water District in the Town	:	
of Philipstown, Putnam County, New York	:	
	:	

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WHEREAS, the Town Board of the Town of Philipstown, Putnam County, New York, has duly caused to be prepared a map, plan and report including an estimate of

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cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Garrison Landing Water District in the Town of Philipstown, Putnam County, New York, consisting of the drilling and testing of two rock wells for said Water District, as well as original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith; and

WHEREAS, at a meeting of said Town Board duly called and held on August 18, 2009, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Garrison Landing Water District in said Town at a revised maximum estimated cost of \$160,225, being an increase of \$85,225 over that previously authorized, and to hear all persons interested in the subject thereof concerning the same at 238 Main Street, in Cold Spring, New York, in said Town, on September 3, 2009 at 8:00 o'clock p.m., prevailing time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

WHEREAS, said capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which, it has been determined, the implementation of such capital project, as proposed, will not result in any significant environmental effects; NOW THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Philipstown, Putnam County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Garrison Landing Water District in the Town of Philipstown, Putnam County, New York, consisting of the drilling and testing of two rock wells for said Water District, as well as original furnishings, equipment, machinery,

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apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a revised maximum estimated cost of \$160,225.

Section 2. This order shall take effect immediately.

The question of the adoption of the forgoing order was duly put to a vote on roll, which resulted as follows:

William Mazzuca, Supervisor	VOTING	AYE
Richard Shea, Councilman	VOTING	AYE
Betty Budney, Councilwoman	VOTING	AYE
Nancy Montgomery, Councilwoman	VOTING	AYE
Barbara Scuccimarra, Councilwoman	VOTING	AYE

The order was thereupon declared duly adopted.

\* \* \* \* \*

The second part being the Bond Resolution, which was also part of the Public Hearing.

**RESOLUTION #151-09**

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

**BOND RESOLUTION DATED SEPTEMBER 3, 2009**

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$85,225 SERIAL BONDS OF THE TOWN OF PHILIPSTOWN, PUTNAM, COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF GARRISON LANDING WATER DISTRICT, IN THE TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which, it has been determined, will not have a significant effect on the environment; and

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly

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an Order dated of even date herewith, said Town Board has determined it to be in the public interest to improve the facilities of Garrison Landing Water District, in the Town of Philipstown, Putnam County, New York, at a revised maximum estimated cost of \$160,225; and

WHEREAS, it is now desired to provide additional funding for such capital project over the \$75,000 previously authorized; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Philipstown, Putnam County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Garrison Landing Water District in the Town of Philipstown, Putnam County, New York, consisting of the drilling and testing of two rock wells for said Water District, as well as original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at a revised maximum estimated cost of \$160,225, there are hereby authorized to be issued an additional \$85,225 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of such specific object or purpose is as follows:

- 1) By the issuance of \$75,000 serial bonds previously authorized pursuant to a bond resolution dated January 6, 2005; and
- 2) By the issuance of \$85,225 serial bonds authorized to be issued therefor pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of the first bond anticipation note issued therefor. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the

issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and content, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Philipstown, Putnam County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from assessments on property within said Garrison Landing Water District in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidations with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in

addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents, as may be prescribed by said Supervisor consistent with provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is  
not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of  
this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a

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long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

William Mazzuca, Supervisor	VOTING	Aye
Richard Shea, Councilman	VOTING	Aye
Betty Budney, Councilwoman	VOTING	Aye
Nancy Montgomery, Councilwoman	VOTING	Aye
Barbara Scuccimarra, Councilwoman	VOTING	Aye

The resolution was thereupon declared duly adopted.

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**2. Resolution to adopt the 2010 Assessment rolls for the Valley Lane and a portion of Brookside Drive (roll call vote).**

Supervisor Mazzuca stated that this also was a subject of a Public Hearing at 7:45pm, September 3, 2009.

**RESOLUTION #152-09**

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Shea;

**WHEREAS**, the Town Board held a Public Hearing September 3, 2009, to hear comments for/against the 2010 Proposed Budget for the Valley Lane and Portion of Brookside Drive Road improvement; and

**WHEREAS**, following said Public Hearing, the Town Board is prepared to accept the 2009 Assessment Roll;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby directs Town Clerk Merando to file with George Michaud, Putnam County Real Property Services, and Gary Ritchie, Chairman, Board of Assessors, said Assessment Roll for inclusion in the 2010 Town and County Property Tax Roll.

**Roll Call Vote**

Supervisor Mazzuca	AYE
Councilman Shea	AYE
Councilwoman Budney	AYE

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Councilwoman Montgomery                    AYE  
Councilwoman Scuccimarra                    AYE

**3. Discussion with regard to a Freedom of Information appeal submitted by Vincent R. Terio dated August 28, 2009, and September 1, 2009.**

Town Clerk Merando stated that there were two appeals requested by Mr. Terio:

1. To the first appeal, Mr. Bob Emmerick has replied to Mr. Terio's appeal in a letter dated August 31, 2009, which stated that the application had not been denied or approved due to the fact that the form was altered. A blank form needs to be properly filled out and returned. Upon receipt of the application it will be processed.
2. To the second appeal, Town Clerk Merando responded by letter dated August 31, 2009, to Mr. Terio's request denying his request because he had already been given those files in 2008, and there have not been any changes since that time.

Mr. Terio addressed the Town Board stating that the sole issue here tonight was to discuss the 4 parcels, which he does not own in title or otherwise, and has been fighting against for the last ten years. He is requesting that these 4 parcels be taken off the tax map. Supervisor Mazzuca told Mr. Terio that he would look into this situation again, and that he wants Mr. Terio to understand before he leaves tonight, that he does not hold out a lot of hope for the administrative relief Mr. Terio is looking for since that was a decision of the County and the Board has gone through before and, every time this has been looked into, Mr. Terio was wrong. It will be reviewed again and Mr. Terio will receive an answer.

Town Attorney Doyle brought up the fact that this was on the agenda tonight to hear the appeal and there are two decisions in front of the Town Board, one by Bob Emmerick and one by Town Clerk Merando. Unless the Town Board has heard anything to change their minds it may be appropriate to adopt resolutions affirming the decisions to conclude the appeal.

Supervisor Mazzuca asked the Town Board to make a motion on the two Freedom of Information Appeals for Bob Emmerick's and Town Clerk Merando's denial.

**RESOLUTION #153-09**

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

**RESOLVED**, that the Town Board hereby denies the FOIL request dated August 13, 2009, from Vincent Terio as all the documents requested are in the possession of Mr. Terio;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby directs Town Clerk Merando to send a letter of denial to Mr. Vincent Terio

**4. Resolution authorizing Town Clerk Merando to post a disclaimer on the Town's website.**

Town Clerk Merando thanked Kim Conner for all her help with the website and also expressed the need for the disclaimer.

**RESOLUTION #154-09**

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

**RESOLVED**, that Town Clerk Merando is hereby authorized to post a Disclaimer on the Town's website.

**5. Resolutions confirming the Town of Philipstown's commitment for a Round 8 Water Quality Improvement Protection Fund grant, which was approved in 2007.**

Councilman Shea commented that this seems outdated because the things in the Inter-municipal Agreement have already been accomplished by the Town. The six (6) minimum control measures under the MS4 law have already been met and the Town had Stormwater meetings. He does not see anything about the commitment of money. The County never attended any of our Stormwater meetings. He stated that he is not against partnering with the County, but wants to know what the Town was receiving for \$3,200. Councilwoman Scuccimarra suggested meeting with Laurie Taylor to find out exactly what they have to offer. Councilman Shea agreed.

**6. Resolution authorizing Supervisor Mazzuca to sign the Donation Agreement with regard to the Gift of Philipse Brook Gorge from OSI.**

Town Attorney Doyle said the OSI has offered to give the gorge, which adjoins the Town Park. It will be done in a couple of steps. The 1<sup>st</sup> step is to say yes to accept the gift. OSI will then put a conservation easement on it. At that point they will give the property to the Town.

**RESOLUTION #155-09**

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried;

**RESOLVED**, that the Town Board of Philipstown hereby authorizes Supervisor Mazzuca to accept the gift of the Philipse Brook Gorge from OSI.

**7. Town Board to discuss Title Insurance limits and costs with regard to the Philipse Brook Gorge.**

Town Attorney Doyle received some quotes for Title Insurance. He stated that the Town has a title report and should have some form of Title Insurance insuring the town's title to this property and that it is contiguous to the Town Park. The minimum quote he received was \$342.00 for \$35,000 of title insurance. As to how much title insurance to purchase, the Board should take into consideration the fact that this property does not support any existing buildings and is being given to the Town. The Town Board agreed that the minimum was acceptable.

**RESOLUTION #156-09**

Councilman Shea made a motion, seconded by Councilwoman Scuccimarra and unanimously carried;

**RESOLVED**, that the Town Board of Philipstown agrees to go forward with the minimum Title Insurance for the Philipse Brook Gorge in the amount of \$342.00 for \$35,000 coverage.

**8. Resolution appointing Kim Olert as Clerk to the Highway Superintendent effective September 3, 2009.**

**RESOLUTION #157-09**

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 appoints Kim Olert to serve as a full-time clerk to the Highway Superintendent, effective September 3, 2009.

**9. Award Bid for a bulk fuel delivery at the Claudio Marzollo Community Center.**

Town Clerk Merando reported that there was only one bid submitted. That bid was from Downey Oil. The bid result: \$2.7055/Gal.

**RESOLUTION #158-09**

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

**RESOLVED**, that the Town Board of Philipstown awards the bid to Downey Oil Co., for bulk fuel at the Claudio Marzollo Community Center, at a cost not to exceed that set forth in the bid.

**10. Resolution referring a proposed local law to amend the Code of the Town of Philipstown, Chapter 175 thereof entitled Zoning, to change Section 175-32H- Accessory Buildings in Residence Districts to the Putnam County Division of Planning and the Philipstown Planning Board.**

Attorney Doyle stated that he amended the local law that has been proposed to include R-80 and R-120 districts accessory buildings under 150 sq. ft.

**RESOLUTION #159-09**

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

**RESOLVED**, that the proposed Local Law to amend the Code of the Town of Philipstown, Chapter 175 thereof entitled Zoning, to change Section 175-32H Accessory Buildings in Residence Districts is hereby referred to the Planning Board and the Putnam County Division of Planning for their review and comment.

**11. Resolution authorizing Supervisor Mazzuca to sign filming permit for NNY Productions, Inc.**

**RESOLUTION #160-09**

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

**RESOLVED**, that Supervisor Mazzuca is hereby authorized to sign the filming permit for NNY Productions, Inc.

**12. Resolution authorizing Supervisor Mazzuca to draft a letter of support for a grant submission by St. Mary-in-the-Highlands Church.**

**RESOLUTION #161-09**

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

**RESOLVED**, that Supervisor Mazzuca is hereby authorized to draft a letter of support for a grant submission by St. Mary-in-the-Highlands Church.

**13. Code Enforcement Monthly Report**

Town Clerk Merando read the monthly Code Enforcement Report.

**14. Schedule Workshops/Meetings**

1 - Workshop on the proposed Zoning changes scheduled for September 15, 2009, @7:30pm at the North Highlands Fire Dept.

2 - Supervisor Mazzuca mentioned that the Commissioner of Elections has contacted the Town to sit down to discuss the changing of the polling places after the Primary.

3 - Town Clerk Merando announced that Putnam County wants to come over to demonstrate the new voting machines for the Town Board. She will set up a date.

4 - Councilwoman Montgomery wants to do a walk-through of the Quarry Pond park on September 14<sup>th</sup> at 9:30am.

5 - Supervisor advised all departments to submit Budgets by September 21, 2009.

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

Councilman Shea met with Computel, a consultant. This company looks at all the utilities to see where they can save the Town money. He stated that if they can't, you do not have to pay anything. The Village of Cold Spring is looking into doing this and if the Town and the Village do this together there would be a savings on the rate. The consultant will take 40%, but there are no out-of-pocket expenses involved. This percentage is a one-shot payment. Councilman Shea said that he did not see any downside to this, and this could be another way to save money.

### **AUDIENCE**

An audience member asked the Town Board how the Zoning Workshop would be run? He asked if it will be an open workshop or would there be some structure. Supervisor Mazzuca explained that usually the Town Board would ask Consultant, Joel Russell, to make a presentation, ask some questions, and then it would be opened to the public for comment. Another question asked was whether this would be submitted to the Planning Board before the workshop. Supervisor Mazzuca explained that the process is a long one. It may require another workshop, then Public Hearings, then submittals to the Planning Board. If there are significant changes, then the Public Hearing' process will have to be held all over again. This will probably not take place until 2010.

Another audience member asked if the workshop would be video taped for the public who could not attend. Supervisor Mazzuca confirmed that it could be done.

Joe Regele addressed the Town Board on the issue of budget workshops. He is requesting that there be a public budget workshop to discuss the GVFD 2010 budget. Supervisor Mazzuca said that Jamie Copeland could not speak for the GVFD board at this meeting. However, he would like to reiterate that members of the Philipstown Town Board have ongoing open budget discussions with the Garrison Fire Board about their contract for 2010. Supervisor Mazzuca stated that the Town Board is not going to re-open the negotiations for the 2010 contract; this was a three-year contract. Mr. Regele's complaint is that the GVFD has too much money on hand and that the public should be involved as to how that is spent.

An audience member asked the Town Board if the roof at the Recreation Department was a standard roof option or was a green roof considered? Councilman Shea replied that it would have been astronomically expensive due to the surface area. There are too many trees around the building. The replacement is EPDM Firestone rubber. Councilman Shea stated that if we want to get green down there, the thing to do is replace the boiler.

Mr. Weinpahl sent a letter dated August 31, 2009, to the Supervisor with regard to the DeVito lawsuit. His impression from the papers submitted by the attorney, who has been hired to defend the Town on the lawsuit, appears to be nonchalant. Supervisor Mazzuca said there was a reason for that and one of the reasons was DeVito had contracted to have a tree specialist come in. Supervisor Mazzuca, after discussions with the Mayor of Cold Spring and the Water Commission, provided the Town's attorney with an explanation why the road was in that condition, but how if things continue the way they are, the Village would not have access. The Attorney was glad to get that information and will respond in part to the survey that was submitted by DeVito. Mr. asked whether the Town is determined to put up a fight in this case. Supervisor Mazzuca said that the Town is still there and paying the Attorney to continue the fight.

## **VACANCIES**

Recreation Commission ( 1 )  
CV Park District Advisory Committee ( 3 )  
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 \$ are hereby approved as set forth in Abstracts 5A and 6.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Highway Vouchers in the amount of \$ are hereby approved as set forth in Abstracts 5A and 6.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CV Park District Vouchers in the amount of \$ 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 \$ 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 9:30 p.m.

Respectfully submitted by,

Tina M. Merando  
Town Clerk