

The Town Board held their Monthly Meeting on the above date at 7:30 p.m., at the CV Firehouse, 12 Spy Pond Rd., Garrison, NY 10524.

PRESENT:

Richard Shea	Supervisor
John Van Tassel	Councilman
Michael Leonard	Councilman
Robert Flaherty	Councilman
Nancy Montgomery	Councilwoman

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

REVIEW OF MINUTES

Minutes of a Special Town Board Meeting of July 28, 2016, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Leonard with Councilman Flaherty abstaining, that the Minutes of the Special Town Board Meeting of July 28, 2016, are hereby approved as presented.

Minutes of the Monthly Town Board Meeting of August 4, 2016, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery that the Minutes of the Monthly Town Board Meeting of August 4, 2016, are hereby approved as presented.

Minutes of Special Town Board Meeting of August 26, 2016, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Flaherty that the Minutes of a Special Town Board Meeting of August 26, 2016, are hereby approved as presented.

COMMITTEE REPORTS

Supervisor Shea announced that they would skip the Committee Reports due to the long presentation given on the Lakeland School tax apportionment.

CONSERVATION BOARD – Councilman Leonard

RECREATION – Councilman Van Tassel

RECYCLING – Councilwoman Montgomery

PLANNING BOARD – Councilman Flaherty

ZONING BOARD – Councilman Van Tassel

HIGHWAY – Councilman Van Tassel

BUILDING & LAND ACQUISITION – Supervisor Shea

Monthly Town Board Meeting
September 8, 2016

PUTNAM COUNTY LEGISLATOR – Legislator Scuccimarra

CEMETERY COMMITTEE – Councilman Leonard

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF SEPTEMBER 8, 2016**

GENERAL & PART-TOWN FUNDS

Rec. Fees 6/16	\$97,370.70
PC NYS DFY	1,982.00
Bldg. fees 8/16	12,877.00
Rec. Fees 7/16	91,330.17
NYS Parks & Rec Washburn Fjord	10,209.87
AW Scrap	98.00
AW Scrap	207.00
AW Scrap	139.00

HIGHWAY FUND

P.C. Gen. Fund Gas	\$1,899.28
Gen. Fund Gas	688.82

CONTINENTAL VILLAGE WATER DISTRICT

Metered Sales	\$90,000.00
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CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	\$350.00
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AGENDA

1. Presentation by John Wolham, Director of New York State Real Property Tax Services.

Supervisor Shea said that he hoped that this presentation would provide clarity and give the community a chance to ask questions and get some answers. He introduced Assemblywoman Sandy Galef, a representative from Senator Sue Serino's office, Town Assessor Brian Kenney, John Wolham from NYS, and a representative from Lakeland CSD. He announced that there were some handouts at the back of the room.

Supervisor Shea then turned the meeting over to John Wolham, Regional Director, Southern Region NYS Department of Taxation and Finance. Mr. Wolham went over the definition of the Assessing Unit, Taxing Jurisdiction, Tax Apportionment, Equalization Rate, Budget and Levy. He then explained Budget vs. Levy - that there are two additional factors besides the levy that determine the property taxes – Levy/Taxable Assessed = Tax rate.

The Lakeland CSD has six (6) segments in the district: Carmel, Philipstown, Putnam Valley, Cortlandt, Somers and Yorktown. All of the towns are assessed at different levels of value. This means the taxable value of each town's roll cannot directly be used to distribute the levy – the equalization rate must be used to bring each Town's taxable assessed value to full value so the distribution will be fair between each segment.

New York State Law requires "Assessment Standard" (RPTL 305) that all real property in each assessing unit shall be assessed at a uniform percentage of value.

- "Value" being defined as "market value" – the most probable sale price, in a competitive and open market, between a willing and knowledgeable buyer and seller, made without duress to each party.
- Tax bills must display the municipality's uniform percentage and the parcel's market value.
- Valuation Date (RPTL 301)
- Taxable Status Date (RPTL 302)

Mr. Wolham explained "Reassessment" - a systematic review of all assessed parcels to assure that all assessments are at a stated uniform percentage of values and that all

assessments are reset to current market value based on the applicable valuation and taxable status dates. He said that “reassessments” provide multiple benefits and regular reassessment at market value is the only way to ensure that all taxpayers pay only their fair share.

Several audience members expressed their concerns about the high tax rates and the frustrations associated with getting reductions.

Brian Kenney, Town Assessor addressed the audience explaining that we have a highly budgeted school district. He said that equalization does work and frankly he thinks that you could have a revaluation every week and you are still going to have a high tax rates. The reason for this is that there are three school districts in such a small town. He believes that the best way to rectify this situation is by consolidating the school districts.

The representative from Senator Sue Serino’s office announced that there is a bill going around the Senate that will freeze school taxes for seniors at the age of 70. She said that this is something that is going to happen.

Several more audience members expressed their frustrations with how they are unfairly taxed in the Lakeland School District. They are asking for laws to be changed to help them out. They feel the Town needs to do something – put together some kind of plan to reduce taxes.

Assemblywoman Galef talked about consolidating the school districts. She noted that it had been tried before but did not get approved. She would be glad to present a bill in the Assembly, but she does not feel that it would be approved by other state representatives since it only affects this area. She further discussed the tax cap and a reassessment.

Supervisor Shea said that these are tough discussions, but important discussions. He said that the Town will take another look at a reevaluation, but he did not feel that this would be a magic bullet. More needs to be done through legislation. The Town will continue to work on this. He thanked the audience for all their input.

2. Resolution amending the Town’s Schedule of Traffic Regulations to impose a “no parking” regulation sign on both sides of Indian Brook Road between Beverly Warren Road and Moog Road. (Roll call vote)

Supervisor Shea said that we need to codify this to make it official.

RESOLUTION #138-2016

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

WHEREAS, the Town of Philipstown maintains a Schedule of Traffic Regulations for all Town roadways on file in the Office of the Town Clerk pursuant to Town of Philipstown Local Law Number 4 of 1987; and

WHEREAS, the Town Board wishes to amend the Town's Schedule of Traffic Regulations to impose a "no parking" regulation on both sides of Indian Brook Road between Beverly Warren Road and Moog Road,

WHEREAS, the installation of traffic control devices on existing streets, roads and highways constitutes a Type II Action under SEQRA;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby amend the Town's Schedule of Traffic Regulations to impose a "no parking" regulation on both sides of Indian Brook Road between Beverly Warren Road and Moog Road; and
2. That the Town Clerk is requested and directed to note the said amendment on the Schedule of Traffic Regulations for all Town roadways on file in her office; and
3. That the Town Highway Superintendent is requested and directed to post appropriate signage on Indian Brook Road forthwith.

The vote on the foregoing resolution was as follows:

Nancy Montgomery, Councilwoman, voting	AYE
John Van Tassel, Councilman, voting	AYE
Robert Flaherty, Councilman, voting	AYE
Michael Leonard, Councilman, voting	AYE
Richard Shea, Supervisor, voting	AYE

3. Resolution scheduling a Public Hearing on a proposed Local Law to amend Town Code Chapter 163 "Vehicles and Traffic" to codify the existing Town Vehicle and Traffic Law and to permit the addition of further traffic regulations by resolution. (Roll Call Vote)

Town Clerk Merando said that this does not have to be referred and that we can schedule the Public Hearing tonight. Supervisor Shea agreed to have the Public Hearing before the next Town Board meeting on October 6, 2016 at 7:30 pm.

RESOLUTION #139-2016

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

WHEREAS, the Town Board of the Town of Philipstown has a local law before it entitled: "A Local Law to Amend Town Code Chapter 163 ' Vehicles and Traffic,' and

WHEREAS, in order to take action on the proposed local law it is necessary to introduce it and schedule a public hearing upon it,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the attached proposed local law, and
2. That a public hearing on the proposed local law be set for October 6, 2016 at 7:30 p.m. and that due notice of the same is directed to be given by publication and posting; and

The vote on the foregoing resolution was as follows:

Michael Leonard, Councilman, voting	AYE
Robert Flaherty, Councilman, voting	AYE
John Van Tassel, Councilman, voting	AYE
Nancy Montgomery, Councilwoman, voting	AYE
Richard Shea, Supervisor, voting	AYE

4. Resolution awarding the Washburn Parking Lot Project to Land Works Excavating, Inc. (Roll call vote)

Supervisor Shea explained that this is to move forward with the work at Washburn Parking lot which is part of the Fjord Trail. Work will probably start in about a week.

RESOLUTION #140-2016

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

WHEREAS, the Town Board has advertised for bids for the construction of the Washburn Parking Lot on New York State Route 9D ("the parking lot"), and

WHEREAS, the Town has received bids from three contractors for the parking lot, and

WHEREAS, the Engineer for the Town, Ronald J. Gainer, P.E. has reviewed the bids and by a letter to the Town dated August 25, 2016 has advised the Board that Land Works Excavating Inc. was the low bidder in the amount of \$105,000.00 and that after reviewing the submittal he has determined that the low bidder is qualified to provide the services that the Town is seeking,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town hereby accepts the bid of Land Works Excavating Inc. in the amount of \$105,000.00 for the Washburn Parking Lot project, and
2. That a formal "Notice of Award" shall be issued to initiate the ten day period as required in the instructions to bidders to provide the Performance Bond and the Payment Bond, as well as the required insurance.

The vote on the foregoing resolution was as follows:

Nancy Montgomery, Councilwoman, voting	AYE
John Van Tassel, Councilman, voting	AYE
Michael Leonard, Councilman, voting	AYE
Robert Flaherty, Councilman, voting	AYE
Richard Shea, Supervisor, voting	AYE

5. Resolution authorizing Supervisor Shea to sign the request that the Village of Nelsonville's Planning Board serve as Lead Agency regarding a 3-lot subdivision on the Cedar Street Spur. (Nunc Pro Tunc)

RESOLUTION #141-2016

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the response to a request that the Village of Nelsonville's Planning Board serve as Lead Agency regarding a 3 lot subdivision on Cedar Street Spur.

6. Resolution authorizing Supervisor Shea to sign the filming permit CP Movie, Inc. for Monday September 12, 2016.

RESOLUTION #142-2016

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the filming permit for CP Movie, Inc. for a project named "Going Places", location Breakneck Tunnel near 3250 NY-9D on Monday, September 12, 2016 from 7:00 am until 7:00 pm

7. Resolution amending the return of a Completion Bond for Carol Fisher from \$15,890.41 to \$15,000.00.

Town Clerk Merando explained that the original resolution amount included interest and the auditors wanted to see only the base amount.

RESOLUTION #143-2016

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

WHEREAS, on August 4, 2016, the Town Board authorized the return of the Completion Bond in the amount of \$15,890.41;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the return of a Completion Bond to Carol Fisher (HJF Trucking) in the amended amount of \$15,000.00

8. Resolution authorizing Town Clerk Merando to advertise for the Wetlands Inspector vacancy.

Supervisor Shea said that the Board has spoken with Max Garfinkel, who is on the Conservation Board now, and he seems eminently qualified, but the Board would still like to talk to other people.

RESOLUTION #144-2016

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for a Wetlands Inspector.

9. Resolution accepting the plans for the East Mountain Road South Drainage Project.

Town Clerk Merando read the letter from the Highway Superintendent. Supervisor Shea said that this work needs to be done since this is residual damage from Hurricane Irene.

RESOLUTION #145-2016

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

RESOLVED, that the Town Board hereby accepts the plans submitted for the East Mountain Road South Drainage Project as prepared by Ron Gainer and approved by Carl Frisenda, Highway Superintendent.

10. Type II SEQRA review for the East Mountain Road South Drainage Project.

RESOLUTION #146-2016

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

WHEREAS, the Town Board of the Town of Philipstown has reviewed the East Mountain Road South Drainage Project;

NOW, THEREFORE, BE IT RESOLVED, that this action is a Type II Action, as defined under NYCRR Part 617.13d, which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 617 of the Environmental Conservation Law.

11. Resolution authorizing Supervisor Shea to sign an agreement with Highlands Architecture PLLC for architectural services in connection with the renovation and addition to the Town Hall Annex (Dahlia House) in an amount not to exceed \$9,000.

RESOLUTION #147-2016

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the agreement between the Town of Philipstown and Highlands Architecture, PLLC for architectural services in connection with the renovation and addition to the Town Hall Annex (Dahlia House) in an amount not to exceed \$9,000.

12. Resolution authorizing the use of AKRF Planners to conduct wetland inspections in the interim until the vacancy for the position is filled, at the rate of pay not to exceed that set forth in the 2016 budget.

RESOLUTION #148-2016

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

RESOLVED, that the Town Board hereby authorizes the use of AKRF Planners to conduct wetland inspections in the interim until the vacancy for that position is filled, at the rate of pay not to exceed that set forth in the 2016 budget.

13. Resolution authorizing Town Clerk Merando to advertise for bidders for the Fair Street Sidewalk Improvements. (Nunc Pro Tunc)

RESOLUTION #149-2016

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

RESOLVED, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for the Fair Street Sidewalk Improvements. (Nunc Pro Tunc)

13A. Resolution supporting the Town of Philipstown Justice Court to submit an application to the Justice Court Assistance Program Grant for Courtroom enhancements totaling \$7,569.65.

RESOLUTION #150-2016

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

RESOLVED, that the Town Board hereby supports that the Town of Philipstown Justice Court submit an application to the Justice Court Assistance Program Grant for Courtroom enhancements totaling \$7,569.65.

14. Code Enforcement Monthly Report.

Town Clerk Merando read the report which is on file in the Town Clerks office.

15. Schedule Workshops/Meeting.

September, 14, 2016	7:30 pm	Workshop – ESP
October 6, 2016	7:30 pm	Public Hearing –Local Law “Vehicles & Traffic” Monthly Town Board Meeting

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

Supervisor Shea thanked Assemblywoman Galef and the representative from Senator Serino’s office for coming out for this important issue.

AUDIENCE

VACANCIES

Wetlands Inspector (1)

APPROVAL OF VOUCHERS

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried that the General Vouchers in the amount of \$155,500.50 are hereby approved as set forth in Abstract 8A & 9.

Monthly Town Board Meeting
September 8, 2016

Councilman Flaherty made a motion, seconded by Councilman Leonard and unanimously carried that the Highway Vouchers in the amount of \$140,185.55 are hereby approved as set forth in Abstract 8A & 9

Councilman Leonard made a motion, seconded by Councilwoman Montgomery and unanimously carried that the CVPD Vouchers in the amount of \$7,965.38 are hereby approved as set forth in Abstract 8A & 9.

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried that the CVWD Vouchers in the amount of \$14,296.49 are hereby approved as set forth in Abstract 9

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Leonard to close the Monthly Meeting at 10:00 p.m.

Respectfully submitted by,

Theresa Crawley
Deputy Town Clerk