

Weekly Town Board Meeting  
July 29, 2015

The Town Board held their Weekly Meeting on the above date at 7:35 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York 10516.

PRESENT:

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

AGENDA

**1. Resolution needed to adopt Local Law, Chapter 172** (original submitted as 175).

- SEQRA / Negative Declaration

**RESOLUTION #131-2015**

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

**WHEREAS**, the Town Board has introduced Local Law No. 2 of the year 2015 entitled a Local Law to amend Town Code Chapter 172 by amending Town Code Section 172-2 "Existing Wood-Fired Furnaces" to impose time of operation restrictions on Pre-Existing Wood-Fired Furnaces; and

**WHEREAS**, this is an action subject to SEQRA; and

**WHEREAS**, the Town Board is the sole Involved Agency, and such has caused to be prepared a Short Environmental Assessment Form; and

**WHEREAS**, the Town Board has conducted a public hearing on the proposed Local Law on July 29, 2015 and heard all persons interested in the subject matter of the same;

**NOW, THEREFORE, BE IT RESOLVED**, that after considering all of the information presented to it, including the EAF, the Town Board has determined that the adoption of the Local Law No. 2 of the year 2015 will not result in any significant adverse environmental impacts and does hereby adopt the Negative Declaration attached hereto.

- Adopt Local Law

**RESOLUTION #132-2015**

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

**WHEREAS**, the Town Board has considered the adoption of Local Law No. 2 of the year 2015 entitled a Local Law to amend Town Code Chapter 172 by amending Town Code Section 172-2 "Existing Wood-Fired Furnaces" to impose time of operation restrictions on Pre-Existing Wood-Fired Furnaces; and

**WHEREAS**, following due notice, the Town Board held a public hearing on July 29, 2015 on the proposed local law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby adopt Local Law No. 2 of the year 2015 entitled a Local Law to amend Town Code Chapter 172 by amending Town Code Section 172-2 "Existing Wood-Fired Furnaces" to impose time of operation restrictions on Pre-Existing Wood-Fired Furnaces.

**2. Resolution authorizing Supervisor Shea to sign the Filming Permit for Possible Productions, Inc. (Nunc Pro Tunc)**

**RESOLUTION #133-2015**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the Filming Permit for Possible Productions, Inc. for an event that will take place on July 23, 2015, Nunc Pro Tunc.

**3. Resolution amending SEQRA as an unlisted action correcting typos.**

**RESOLUTION #134-2015**

The following Resolution was presented by Councilman VanTassel, seconded by Councilman Flaherty;

**WHEREAS**, the Town Board had before it a proposal to pave approximately 2,600 +/- linear feet of South Mountain Pass, from a point just east of its intersection with NYS Route 9D to a point just east of High Ridge Road, in order to address long-standing roadway erosion problems caused by the road grade and to reduce ongoing maintenance cost and eliminate siltation of adjacent drainage ways; and

**WHEREAS**, this is an action subject to SEQRA; and

**WHEREAS**, on July 14, 2015 the Town Board as the sole Involved Agency assumed Lead Agency status;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

Weekly Town Board Meeting  
July 29, 2015

1. That the Town Board hereby adopts this resolution nunc pro tunc determining that the adoption of the above proposal to pave a portion of South Mountain Pass is an Unlisted Action and adopts the Negative Declaration attached hereto;

2. All other actions in the Town Board resolution adopted on July 14, 2015 remain the same.

**ROLL CALL VOTE**

Supervisor Shea	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Leonard	AYE
Councilman Flaherty	AYE

**4. Resolution approving the Proposed Dissolution Plan for the Garrison Fire Protection District and authorize Town Clerk Merando to publish said Summary in the Town's Official Paper for four weeks. (Nunc Pro Tunc)**

**RESOLUTION #135-2015**

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

**WHEREAS**, pursuant to General Municipal Law §773, the Town Board of the Town of Philipstown ("Town Board"), as the governing body of the Garrison Fire Protection District of the Town of Philipstown, a local government entity pursuant to General Municipal Law §750, may, by resolution, endorse a proposed dissolution plan for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law; and

**WHEREAS**, pursuant to Town Law §170(2), the Town Board may upon its own motion and without a petition establish fire districts; and

**WHEREAS**, the Town Board is considering the dissolution of the existing Garrison Fire Protection District of the Town of Philipstown ("Fire Protection District") and the creation of the Garrison Fire District may be in the public interest; and

**WHEREAS**, the Town Board, as the governing body of the Fire Protection District, has received and considered a Proposed Dissolution Plan for the Garrison Fire Protection District of the Town of Philipstown, for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law, a copy of which Proposed Dissolution Plan is attached to these Resolutions as Exhibit 1;

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that not later than five business days after adoption of these Resolution, a copy of the Proposed Dissolution Plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the Garrison Fire Protection District of the Town of Philipstown; and it is further

**RESOLVED**, that the Proposed Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the Garrison Fire Protection District of the Town of Philipstown where a copy thereof may be examined, shall be displayed on the website maintained by the Town of Philipstown; and it is further

**RESOLVED**, that a descriptive summary of the Proposed Dissolution Plan and a reference to the public place or places within the Garrison Fire Protection District of the Town of Philipstown where a copy of the Proposed Dissolution Plan may be examined, be published at least once each week for four (4) successive weeks in a newspaper having a general circulation within the Garrison Fire Protection District of the Town of Philipstown; and it is further

**RESOLVED**, that the Town Board of the Town of Philipstown shall convene and conduct a public hearing on August 19, 2015 at 7:00 p.m. at the Philipstown Town Hall in the Town of Philipstown for the purpose of considering the Proposed Dissolution Plan of the Garrison Fire Protection District of the Town of Philipstown and that notice thereof shall be given by the Town Clerk as required by law.

**ROLL CALL VOTE**

Supervisor Shea	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Leonard	AYE
Councilman Flaherty	AYE

The resolution was thereupon declared duly adopted.

**5. Resolution authorizing Town Clerk Merando to advertise the Public Hearing for the purpose of considering the establishment of a fire district upon the dissolution of the Garrison Fire Protection District of the Town of Philipstown. (Nunc Pro Tunc.)**

**RESOLUTION #136-2015**

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise the Public Hearing considering the establishment of a fire district upon the dissolution of the Garrison Fire Protection District to be conducted on August 19, 2015 at 7:00 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York.

**ROLL CALL VOTE**

Supervisor Shea	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Leonard	AYE
Councilman Flaherty	AYE

The resolution was thereupon declared duly adopted.

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

Supervisor Shea asked if the Town Board would approve a supporting Resolution for the Consolidated Funding Application (CFA) Grant for the Hudson Fjord Trail.

**RESOLUTION #137-2015**

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

**WHEREAS**, the Town of Philipstown is a partner with the City of Beacon, the Town of Fishkill, Village of Cold Spring, Dutchess and Putnam County, NYS Office of Parks, Recreation & Historic Preservation, NYSDOT, NYSDEC, Metro-North Railroad, Scenic Hudson, Hudson Highlands Land Trust, Open Space Institute, as well as other local organizations in the Hudson-Highlands Fjord Trail project – a proposed seven-mile multi-use trail that will transform Route 9D from a high-speed thoroughfare into a tourism/recreational parkway linking the communities of Fishkill, Beacon, Philipstown and Cold Spring; and

**WHEREAS**, this regional effort will strengthen local economies, enhance the character of the Hudson Highlands region, and create new opportunities for consolidation of services (Putnam County Trolley;) and

**WHEREAS**, the Town seeks to support the Hudson Highlands Fjord Trail project by submitting a New York State Consolidate Funding Application (CFA) for grant funding for a multi-use trail between the intersection of Route 9D and Fair Street to pedestrian bridge over the rail tracks in Little Stony Point, and additional engineering, design, and environmental assessment for the multi-use trail envisioned between Little Stony Point and the Breakneck Ridge Trailhead; and

Weekly Town Board Meeting  
July 29, 2015

**WHEREAS**, the Town has classified the proposed construction of these areas as a Type II Action according to SEQRA; and

**WHEREAS**, the Town will make a best faith effort to hire MWBE and United States Veterans as contractors for the project;

**NOW, THEREFORE BE IT RESOLVED**, that Richard Shea as the Supervisor of the Town of Philipstown is hereby authorized and directed to submit the CFA 2015 and if successful, accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 and other state entities.

Furthermore the Town of Philipstown will provide as a local match administrative assistance, accounting, account management, contract review, procurement of services and legal notice posting in kind with a projected value no to exceed \$12,500.00 and enter into and execute a project agreement with the State of New York for such financial assistance to the Town of Philipstown for the Hudson Highlands Fjord Trail.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Leonard and unanimously carried to close the Weekly Meeting at 7:45 p.m.

Respectfully submitted by,

Tina M. Merando, Town Clerk