

Weekly Town Board Meeting
August 27, 2014

The Town Board of the Town of Philipstown held their Weekly Meeting on the above date at 7:40 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:

Richard Shea	Supervisor
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
Dave Merandy	Councilman
Michael Leonard	Councilman

AGENDA

1. Town Board authorizing Mr. Avatar Singh to make a \$5,000.00 security deposit for a certificate of occupancy while his site plan is being reviewed and completed by the applicant for a Liquor Store operation on 3585 Route 9, Cold Spring, New York, by August 1, 2015.

Supervisor Shea stated that the Town Board has been working with the applicant to reach a novel approach in aiding them in opening the proposed Liquor Store while retaining control over them to comply with their site plan. This involves finishing some minor outstanding items from a former site plan, most of which pertains to parking. The applicants have no problem completing the requirements, however, they need a little more time to achieve that. Supervisor Shea went on to say that the Town Board has consulted with the Town Attorney and the Code Enforcement Officer and have drafted a resolution that would require a security deposit of \$5,000.00. This cash bond will be held against them in order for the improvements to be completed. This would then allow them to open their business.

RESOLUTION #125-2014

WHEREAS, earlier this year the Town Board rezoned property located at 3585 Route 9, Cold Spring, New York, from "OC" to "HC" in part to permit retail establishments; and

WHEREAS, AKRGS Corp. seeks to open a liquor store on a portion of the rezoned property, and

WHEREAS, it appears that the site plan for retail establishments was never secured; and

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WHEREAS, AKRGS has requested permission of the Town Board to occupy the premises at 3585 Route 9, Cold Spring, New York, and to open the liquor store while completing the site plan approval process and the necessary improvements; and

WHEREAS, Kevin Donohue, the Building Inspector, has no objection to the granting of AKRGS's request, but lacks the power to do so and has suggested that AKRGS apply to the Town Board for relief,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That subject to the provisions hereinafter set forth, the Town Board hereby agrees AKRGS as a tenant of the premises located at 3585 Route 9, Cold Spring, New York, is given permission to open a liquor store on the premises it is leasing, provided that site plan approval for the liquor store is secured from the Philipstown Planning Board not later than March 1, 2015 and provided further that all improvements required by the Town be completed by August 1, 2015.

2. The Building Inspector is authorized to issue a temporary CO based upon the provisions contained in this resolution.

3. As security for the performance of AKRGS, the sum of \$5,000.00 shall be deposited with the Town, which monies shall be forfeit in the event AKRGS fails to secure site plan approval by March 1, 2015 and fails to complete the required improvements by August 1, 2015. In that event the temporary CO issued pursuant to this resolution shall be terminated.

4. That this resolution shall take effect upon Avtar Singh, President of AKRGS Corp. executing a copy of this resolution acknowledging his agreement to its terms and provisions and depositing \$5,000.00 with the Town of Philipstown.

Councilwoman Montgomery presented the foregoing resolution which was seconded by Councilman Merandy.

The vote on the foregoing resolution was as follows:

ROLL CALL VOTE

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

The resolution was thereupon declared duly adopted.

2. Resolutions needed to proceed with the financing of (1) new Marion Custom Rescue Truck and Equipment, Truck and Chassis for the Continental Village Fire Department.

- SEQRA

RESOLUTION #126-2014

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

WHEREAS, the Continental Village Volunteer Fire Department, Inc., has proposed to enter into a lease-purchase agreement in order to finance certain equipment consisting of (1) New Marion Custom Rescue Truck and Equipment, Truck and Chassis, to be located at the Continental Village Volunteer Fire Department, Inc.;

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.

- Authorization Resolution

RESOLUTION #127-2014

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

WHEREAS, the Continental Village Volunteer Fire Department, Inc., conducted a Public Hearing on August 27, 2014 at 7:30 p.m., at the Town Hall, Town of Philipstown, 238 Main Street, Cold Spring, New York, in connection with entering into an Agreement in order to finance equipment consisting of one new Marion Custom Rescue Truck and Equipment, Truck and Chassis, which hearing was held pursuant to Internal Revenue Code Section 147(f); and

WHEREAS, said Section 147(f) requires approval of such financing by the Town, which approval does not in any way constitute any financial involvement or obligation of the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Section 147(f) Approval and Written Agreement and Chief Elected Official's Approval, presented by the Continental Village Volunteer Department, Inc., in connection with the foregoing financing.

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The Town Board briefly discussed the need for a generator at the Recycling Center, which included costs associated with the installation, etc.

There being no further business to discuss, Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried to close the Weekly Town Board Meeting at 8:05 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk