

Weekly Town Board Meeting
May 27, 2015

The Town Board held their Weekly Meeting on the above date at the Town Hall, 238 Main Street, Cold Spring, New York 10516 at 7:52 p.m.

PRESENT:

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

AGENDA

1. Resolution authorizing Supervisor Shea to sign the Cablevision Franchise agreement for the Northern area of Philipstown.

- SEQRA

RESOLUTION #97-2015

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

WHEREAS, the Town Board held a Public Hearing on May 27, 2015 to hear comments for/against renewing the Cablevision Franchise Agreement for the Northern and Southern area of Philipstown between Cablevision of Wappingers, Inc. and the Town of Philipstown'

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.

- Agreement Resolution

WHEREAS, the Town of Philipstown (the "Town") is a "franchising authority" in accordance with Title VI of the Communications Act of 1934, (the "Communications Act"), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the "Cable Laws");

WHEREAS, the Town, executed two (2) franchise renewal agreements with Cablevision of Wappingers Falls, Inc. ("the Franchisee") on November 12, 2003, each covering a separate and distinct service area wholly located within the Town, which

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were thereafter confirmed and made effective by the New York State Public Service Commission ("Commission") on September 3, 2004 for a term of ten (10) years (Case Nos. 04-V-0436 and 04-V-0437), and

WHEREAS, Franchisee has submitted two (2) proposed franchise renewal agreements (collectively the "Franchise Renewal Agreements") to continue operating said cable systems within the Town; and

WHEREAS, the Town and Franchisee have mutually agreed to the terms of said Franchise Renewal Agreements; and

WHEREAS, the Town has determined that the Franchisee is and has been in substantial compliance with all terms/provisions of its existing franchises and applicable law; and

WHEREAS, the Town has determined that Franchisee has the requisite legal, technical and financial capabilities to operate cable systems within the Town and that Franchisee's proposals for renewal of the franchises meet the cable related needs of the Community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Town to be heard on the proposed Franchise Renewal Agreements was held before the Town on May 27, 2015.

NOW, THEREFORE, be it

RESOLVED, that the Town Board determines that it is in the best interest of the public to award the Franchise Renewal Agreements, each covering a separate and distinct service area wholly located within the Town, to the Franchisee; and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into Franchise Renewal Agreements with Cablevision of Wappingers Falls, Inc., and to execute any other documents necessary to effectuate the granting of the franchise renewals on behalf of the Town of Philipstown.

Motion made by Councilwoman Montgomery, seconded by Councilman Leonard;

The vote on the foregoing resolution was as follows:

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

The resolution was thereupon declared duly adopted.

2. Resolution authorizing Supervisor Shea to sign the Cablevision Franchise agreement for the Southern area of Philipstown.

This matter was duly adopted when Item #1 was addressed.

3. Resolution referring a Local Law to amend Town Code Chapter 172 by amending Town Code Section 17-5 "Existing Wood-Fired Furnaces" to impose time of operation restrictions on pre-existing Wood-Fired Furnaces to the Philipstown Planning Board and the Putnam County Division of Planning for review and comment.

RESOLUTION #98-2015

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

WHEREAS, on May 5, 2015 a proposed Local Law to amend Town Code Chapter 172 by amending Town Code Section 17-5 "Existing Wood-Fired Furnaces" to impose time of operation restrictions on pre-existing wood-fire furnaces was distributed to the Town Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby refers the proposed Local Law to the Philipstown Planning Board and the Putnam County Division of Planning for their review and comment.

4. Resolution referring a Local Law to amend Town Code Chapter 89" Filming" by changing the title of the chapter to "Filming, Events and Mass Gatherings" and amending the provisions of the Chapter to provide for regulation of Events and Mass Gatherings to the Philipstown Planning Board and the Putnam County Division of Planning for review and comment.

RESOLUTION #99-2015

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

WHEREAS, on May 5, 2015 a proposed Local Law to amend Town Code Chapter 89 "Filming" by changing the title of the Chapter to "Filming, Events and Mass Gatherings" and amending the provisions of the Chapter to provide for regulation of Events and Mass Gatherings was distributed to the Town Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby refers the proposed Local Law to the Philipstown Planning Board and the Putnam County Division of Planning for their review and comment.

5. Resolution approving the Change Order No. 1 for the South Mountain Pass Drainage Project.

Supervisor Shea stated that this is an effort to address the drainage issue on the hill that runs down to Route 9D off of South Mountain Pass. Initially, it was only funded for the drainage halfway up the hill. Now, the Town is considering going all the way up the hill to High Ridge Road. He noted that this project, as set forth, does not include paving, however, there is an ongoing discussion with regard to paving up the hill. He explained that if the town were going to invest \$290,000 in drainage, the town would like to secure that investment. The town has, in the past, completed drainage projects only to see them wash away. The environmental impact is enormous as the washout ends up in the stream. He stated that there are different opinions out there, believing that it could have been done better. However, he disagrees, as the town has had Penn State conduct studies of dirt roads just to name one. The one thing the town is sure of is that when a road is paved, they stay put. One example is East Mountain Road during Hurricane Irene. There was no damage Had it not been paved, he doubts it would be open even now. The idea is that the town will make the necessary improvements to the drainage, and have an open discussion on this matter on June 3rd. Supervisor Shea stated that there is no right or wrong here. They are trying to address a problem as a Town Board, trying to spend taxpayer's monies effectively. He acknowledged the feeling on both sides with regard to dirt vs. paved. The Town Board doesn't have an opinion to the nature of dirt roads; they know the history and are aware of what occurs during big storms. With that put aside, the Town Board needs to address the issues at hand. History shows that the Board has addressed these types of issues and this doesn't mean that South Mountain Pass is going to be paved from Route 9 to Route 9D. It means that the Town Board is entertaining the idea of paving the hill. The Town Board needs to secure the investment that the Town is putting in there. Supervisor Shea also added there are other reasons, such as, the fill that needs to be hauled in, and the dirt road material washing in the stream. Dust, chemical additives applied year round are also something to be considered. He noted that the materials needed for dirt road maintenance has become more difficult to get as it might have to be trucked in from further away. He mentioned the success with the drainage on the hill at Saunders, adding that this is continually maintained. He also noted for the record that he supports paving the hill on South Mountain Pass.

He briefly explained the damage on Old Albany Post Road and costs associated with the repairs.

Russel Dushin thanked Supervisor Shea for taking on this issue stating that he understands the reason for paving a portion of the hill on South Mountain Pass. His belief is most of the issues are caused by landowners. For instance, the driveway off Fern Hill --- water cascades onto the town road and causes all of the problems on the hill. He referenced other properties that are causing drainage problems. When traveling on the road he noticed that markings were in place on the flat sections of South Mountain Pass. He went on to say that at the steepest section of that road,

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there are no drainage problems, and he attributes that to good old-fashioned ditches, which are very effective. His question was, why are the markings in areas that have no problems? A resident pointed out that the markings that are being discussed were that of Cablevision and not the proposed project site.

Joyce Blum spoke of a drainage project completed several years ago alongside High Ridge Road that has never worked.

A resident from South Mountain Pass stated that there are other ways to maintain these roads, and people from Vermont use these methods and studies have been completed from the University of Pennsylvania. He is aware that Peter Davoren has suggested some alternatives to the town and other ways of maintaining the road to preserve the road as is. He reiterated the fact that they don't want paving, they want what is currently there. He acknowledged that the town is trying to address the costs associated with its maintenance. It is of his understanding that alternative maintenance has costs in mind. What upsets him is that a method has not been tried anywhere in Philipstown.

Once again, Supervisor Shea stated that he supports the paving project for the hill. He also stated that people drive on this road, and safety, air quality and stream degradation all have to be addressed. A concerned citizen asked that the proposed resolution slated for tonight, be postponed. Supervisor Shea responded saying that it would be tabled this evening.

Nick Angel then addressed the Town Board stating that there have been studies done that absolutely revolutionize the thinking of dirt roads. The fact is, the new technology demonstrates that maintaining dirt roads is less expensive than paving. He stated that the state of Vermont is covered with dirt roads and they have done a superb job of using the up-to-date technologies. The town's highway department completely stonewalled any effort to use modern technology, including drainage. He assumes that the town's highway department has recommended the proposed drainage. Supervisor Shea replied stating that the town's engineer has recommended it. It is Mr. Angels' belief that the amount of equipment and manpower used on South Mountain Pass over the last few years is just to demonstrate the need for paving.

Mr. Angel stated that he has a proposal for the town to consider that won't cost the town a nickel. It would mean postponing the project for a few months. The broad outline of the plan is that some of the residents will pay for doing a drainage system of 100 or 200 feet at the most difficult portions of the road. The idea is to wait a few months and see how the system works with the heavy rainfalls. If successful, an analysis would be conducted, at their cost, to identify the total cost for an expanded drainage. He continued to discuss cost of his proposal vs. the current drainage and paving. Another resident in favor of this proposal gave a passionate plea as why the town should consider this alternative, which would preserve the heritage of this road.

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RESOLUTION #100-2015

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

RESOLVED, that the Town Board hereby tables the resolution approving the Change Order No. 1 for the South Mountain Pass Drainage Project.

6. Resolution authorizing Supervisor Shea to sign the Filming Permit for Possible Productions, Inc.

RESOLUTION #101-2015

The following Resolution was presented by Councilman Flaherty, 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., to be held on June 8, 2015, on Lane Gate Road.

The Town Board then began a workshop with Cold Spring Farms and Town Clerk Merando was excused at 8:45 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk