

Weekly Town Board Meeting
June 25, 2014

The Town Board of the Town of Philipstown held their Weekly Meeting on the above date at 8:20 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
Dave Merandy	Councilman
Michael Leonard	Councilman

1. Resolution authorizing the Town Attorney to commence the eminent domain proceedings for the Indian Brook Road Bridge.

Supervisor Shea opened the meeting stating that everyone has the packets before them, which includes the resolution, easement agreements and the Short Environmental Assessment Form. He then gave an overview of this project, stating that the town has made a good faith effort to proceed with this project to replace the Indian Brook Road bridge and culvert. Over the past years there has been a lot of discussion and materials presented. In June of 2013, a meeting was held with multiple agencies in attendance when all drawings and other documents relating to the project were given to the DiSilva's. There remains a difference of opinions as to what needs to be done in order to proceed with the project. Supervisor Shea stated that the town has done their due diligence and needs to proceed with the project. It has been a matter of public safety, i.e., emergency services accessing the road as well as other residents traversing on a daily basis. Supervisor Shea admitted that Eminent Domain is the heaviest action that the town can take, and the town board doesn't considered this lightly, but must proceed.

Councilman Leonard noted that the project has been stalled and the time has come to resolve this matter. Supervisor Shea assured everyone, that the staff of qualified professional has proven successful in all the projects that have been undertaken throughout the town. Councilman Van Tassel concurred with the quality of work that has been preformed in the town. He also commented that he finds it troubling on how much time and money has gone into this project without a shovel being put in the ground, which is unfair to the residents of the town, as well as the residents on the road.

Councilwoman Montgomery stated that she has met Mrs. DiSilva at the site with the Highway Superintendent and Ron Gainer to discuss and review the plan. She acknowledged that the project had many entities signing off on it and feels that this project must move forward.

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Barbara DiSilva then addressed the Town Board stating that she thought that a resolution was around the corner. She also stated that she was informed that the DEC needed additional information regarding the project. She went on to say, that there would be double the amount of water flowing, which the Town Board members disagreed with. She asked that a down stream study be performed. Discussion continued at length between the Town Board members and Mrs. DiSilva.

RESOLUTION #109-2014

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

WHEREAS, an existing bridge and culvert on Indian Brook Road in the Town of Philipstown were severely damaged by Hurricane Irene in August, 2011 and Tropical Storm Sandy in October 2012; and

WHEREAS, the Town Board finds that reconstruction of the bridge and culvert on Indian Brook Road, which is a Town road, is necessary for the safety of the public who drive on Indian Brook Road; and

WHEREAS, in order to perform the said reconstruction work on the bridge and culvert, the Town needs to acquire construction and maintenance easements over private property adjoining the bridge and culvert on Indian Brook Road, particularly the property located on 325 Indian Brook Road and 330 Indian Brook Road in the Town of Philipstown, County of Putnam, State of New York, described on the tax map of the Town respectively as Section 39.-4-2 and Section 49.-3-74, and more fully described in the deed recorded in the Office of the County Clerk at Liber 735, Page 332; and

WHEREAS, the easements needed by the Town are: (1) a temporary construction easement, (2) a permanent easement for the reconstructed bridge and culvert and, (3) a permanent easement for maintenance work on the bridge and culvert, all as shown in the plans entitled "Stream Crossing Reconstruction Plan," prepared by Badey & Watson, Surveying & Engineering, P. C., dated March 21, 2012, with revisions through June 18, 2013; and

WHEREAS, the Town has in good faith sought to acquire the said easements from the record owners of the said property, but the owners are unwilling to provide the easements; and

WHEREAS, the Town Board has determined to proceed under the provisions of the Eminent Domain Procedures Law in order to acquire the necessary easements;

NOW, THEREFORE, it is hereby resolved as follows:

1. That, as has been previously determined, the reconstruction of an existing bridge and culvert on Indian Brook Road, including the instant taking of easements by eminent domain, constitutes a Type II action under SEQRA; and

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2. That the Town Board determines that the proposed acquisition of easements herein is *de minimis* in nature within the meaning of Eminent Domain Procedure Law §206(D); and
3. That the Town Board hereby determines that the proposed acquisition of easements serves the public use, benefit and purpose and, therefore, the Town shall proceed under the provisions of the Eminent Domain Procedure Law to acquire the same by applying to the Supreme Court of the State of New York, County of Putnam, for an order vesting title to the easements in the Town; and
4. That the Town Board does hereby authorize the Town Attorney to commence the eminent domain proceedings and to undertake all actions necessary to bring such proceedings to a conclusion, including, but not limited to, procuring an acquisition map, obtaining an appraisal of the value of the easements, filing a notice of pendency, and making arrangements for notice of the proposed acquisition to be published in the local newspaper of record; and
5. That, upon obtaining the said appraisal, the Town Board authorizes the Town Supervisor to transmit to the record owners an offer to pay the amount of the appraisal in return for a grant of the said easements.

Councilman Van Tassel presented the foregoing resolution, which was seconded by Councilman Leonard.

The vote on the foregoing resolution was as follows:

ROLL CALL VOTE

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

The resolution was thereupon declared duly adopted.

There being no further business to discuss, Councilman Van Tassel made a motion, seconded by Councilman Merandy and unanimously carried to close the Weekly Town Board Meeting at 8:20 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk