

Town Board Monthly Meeting

**June 3, 2021 7:30 p.m.
Philipstown Town Hall
238 Main Street, Cold Spring, NY**

MONTHLY TOWN BOARD MEETING

SALUTE TO THE FLAG

APPROVAL OF MINUTES

- Monthly Town Board Meeting – May 6, 2021

COMMITTEE REPORTS

- 1) Conservation Board 2) Recreation 3) The Philipstown Hub 4) Planning Board
5) Zoning 6) Highway 7) Building & Land Acquisition 8) Cemetery Committee
9) Putnam County Legislator

AGENDA

- 1. Resolution of support for the establishment of a Conservation Plan Task Force and development of a Conservation Plan. (Roll Call Vote)**
- 2. Resolution approving the following change order for the Town Hall Renovation project in the amount of -\$10,000.00 (Nunc Pro Tunc):**
 - ‘Negative’ change order to credit back the monies associated with the ‘unused’ portion of the bid allowance (M.C. Superior Electrical Systems)
- 3. Resolution accepting the proposal from Software Consulting Associates for a Tax Collection System Upgrade in the amount of \$5,800.00.**
- 4. Resolution accepting the retirement of Karen Virgadamo from the Philipstown Recreation Department effective June 11, 2021.**
- 5. Schedule Workshops/Meetings.**
 - Regular Monthly Meeting – July 8, 2021
- 6. Code Enforcement Monthly Report**
- 7. Any other business that may come before the Town Board.**

AUDIENCE

VACANCIES – Board of Assessment Review (1)

APPROVAL OF VOUCHERS

General Highway CVPD CVWD

ADJOURNMENT

The Town Board held their Monthly Meeting on the above date at 7:30 p.m., at the Town Hall, 238 Main Street, Cold Spring, NY.

PRESENT:	Richard Shea	Supervisor
	John Van Tassel	Councilman
	Michael Leonard	Councilman
	Robert Flaherty	Councilman
	Judith Farrell	Councilwoman

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

APPROVAL OF MINUTES

Minutes of the Monthly Town Board meeting of April 8, 2021.

Councilman Flaherty made a motion, seconded by Councilwoman Farrell, that the Minutes of the Monthly Town Board meeting are hereby approved as presented.

COMMITTEE REPORTS

CONSERVATION BOARD – Councilman Leonard reported that they met on April 13, 2021 with the following items on the agenda:

- 761 Old Albany Post Road
- 946 Route 9D

The next meeting is scheduled for May 11, 2021.

RECREATION – Councilwoman Farrell reported that the commission met on April 27, 2021. Councilwoman Farrell stated that a report was made regarding the issues and challenges faced in 2020. Spring programs are currently in place and camp registration is currently full at the 50% capacity limit. Councilwoman Farrell stated they are in the process of prepping and planning for the Castle to River Run in the fall. The next meeting of the Recreation Commission will be held May 25th, 2021.

PHILIPSTOWN HUB – Councilwoman Farrell reported that May is Mental Health Awareness Month. The Hub is currently having their second annual Virtual Marathon which you can obtain more info on by visiting their website. There was another community conversation held and the recording of that can also be found on the Philipstown Hub website. She reported that the Hub met with the Philipstown Coalition on April 14th.

PLANNING BOARD - Councilman Flaherty reported that the board met on April 15th via Zoom with following items on the agenda:

- Old Business:
 - Magazzino Italian Art Foundation – 2700 Route 9

- Riverview Industries – Route 9
- 3622 Route 9 LLC
- Garrison Golf PPD/HVSF – 2015 Route 9

- Public Hearing
 - Alice Curtis Desmond & Hamilton Fish Library – 472 Route 403
 - Mark Conn – 242 Route 403

- New Business:

The next meeting of the Planning Board is scheduled for May 13th & May 20th, 2021 via Zoom.

ZONING BOARD – Councilman Van Tassel reported the ZBA met on April 12th with the following items on the agenda:

- 28 Lake Celeste Drive – Public Hearing
- 420 Indian Brook Road
- 28 & 30 Hudson River Lane
- 176 East Mountain Road South

The next meeting of the Zoning Board is scheduled for May 10, 2021 and will be held in person at the Town Hall.

HIGHWAY – Councilman Van Tassel read the report submitted by Carl Frisenda, Highway Superintendent which is on file in the Town Clerks Office.

BUILDING & LAND ACQUISITION – Supervisor Shea reported that the Town has hired a Construction Management company to handle the bidding process for the new Highway Garage. He reported that he submitted for funding for the project in the amount of \$2 million and the submission was accepted.

CEMETERY COMMITTEE – Councilman Leonard reported spring work has begun. From May through June they will be working on the Mountain Avenue and Cedar Street sites. Councilman Leonard thanked the stone mason, John Benjamin, for all of his hard work.

PC LEGISLATOR – Legislator Montgomery reported that the County has hired a new, full time epidemiologist after some reorganization. She reported there is a Soil & Water grant available and that submissions are due by June 4th. Legislator Montgomery reported that the marine unit had been defunded last budget season. She reported that this week is National Corrections Officers week.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF _____, 2021**

GENERAL & PART-TOWN FUNDS

Bldg. Fees
Justice Fees

NYS Grant Justice Fees
Rec Fees
TC Fees
TC Fees
Bldg. Fees
Expressway Auto Scrap Metal
PC Cemetery
Justice Fees
Justice Bail

HIGHWAY

PC Gas

CONTINENTAL VILLAGE WATER DISTRICT

Water Collection

CONTINENTAL VILLAGE PARK DISTRICT

AGENDA

- 1. Resolution extending the moratorium on the submission and processing of applications for Land Use Approvals for new land use development on properties located on Upland Drive, Ridge Road and Cliffside Court within the Town of Philipstown for a period of six (6) months to December 4, 2021. (Roll Call Vote)**

RESOLUTION EXTENDING MORATORIUM

WHEREAS, heretofore the Town Board adopted a local law entitled: "A Local Law establishing a six (6) month moratorium on the submission and processing of applications for Land Use Approvals for new land use development on properties located on Upland Drive, Ridge Road and Cliffside Court within the Town of Philipstown"; and

WHEREAS, the Local Law enacting the moratorium provided that the said moratorium may be extended by two (2) additional periods of up to six (6) months each by resolution of the Town Board upon a finding of need for such extension(s); and

WHEREAS, the said moratorium will expire on June 4, 2021; and

WHEREAS, the Town Board has not yet completed the process of reviewing the applicable zoning and enacting such changes to the land use regulations as it may find to be appropriate;

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Town Board hereby extends the moratorium on the submission and processing of applications for Land Use Approvals for new land use development on properties located on Upland Drive, Ridge Road and Cliffside Court within the Town of Philipstown for a period of six (6) months to December 4, 2021.

Councilwoman Farrell presented the foregoing resolution which was seconded by Councilman VanTassel,

Judith Farrell, Councilwoman, voting _____ AYE _____
John VanTassel, Councilman, voting _____ AYE _____
Robert Flaherty, Councilman, voting _____ AYE _____
Michael Leonard, Councilman, voting _____ AYE _____
Richard Shea, Supervisor, voting _____ AYE _____

- 2. Resolution approving the following change order for the Town Hall Renovation project in the amount of \$4645.53 (Nunc Pro Tunc):**
 - Labor & Material to Install FDC – S&L Plumbing & Heating Corp.**

RESOLUTION # -2021

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

RESOLVED, that the Town Board hereby approves the following one (1) proposed change orders for the Town Hall renovations in the total amount of \$4645.53:

- **Labor & Material to install FDC – S&L Heating & Plumbing - \$4645.53**

3. Resolution approving the following change order for the Town Hall Renovation project in the amount of \$1323.00 (Nunc Pro Tunc):

- **Elevator Sump Pit Piping relocation & moving controllers away from elevator Traveler cable – MH Heating & Cooling**

RESOLUTION # -2021

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

RESOLVED, that the Town Board hereby approves the following one (1) proposed change orders for the Town Hall renovations in the total amount of \$1323.00:

- **Elevator Sump Pit Piping relocation & moving controllers away from elevator traveler cable – MH Heating & Cooling - \$1323.00**

4. Resolution authorizing Highway Superintendent Carl Frisenda to auction off old equipment with Auctions International.

RESOLUTION # -2021

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

RESOLVED, that the Town Board hereby authorizes Highway Superintendent Carl Frisenda to auction off old equipment with Auctions International.

5. Resolution approving the installation of a Pollinator Garden at the Town Hall, 238 Main Street, Cold Spring.

RESOLUTION # -2021

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

RESOLVED, that the Town Board hereby approves the installation of a Pollinator Garden at the Town Hall, 238 Main Street, Cold Spring.

6. Resolution approving the application to Hudson River Valley Greenway for a grant under the Greenway Conservancy Trail Grant Program. (Roll Call Vote)

Resolution # -2021

Resolution approving application to Hudson River Valley Greenway for a grant under the Greenway Conservancy Trail Grant Program

WHEREAS, the Town of Philipstown is applying to the Hudson River Valley Greenway for a grant under the Greenway Conservancy Trail Grant Program for a project entitled Philipstown Trunkline Trail to be located in the Town of Philipstown,

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, BE IT RESOLVED that the governing board of the Town of Philipstown does hereby approve and endorse the application for a grant under the 2021 Greenway Conservancy Small Grant Program, for a project known as Philipstown Trunkline Trail and located within this community.

Councilman Leonard presented the foregoing resolution which was seconded by Councilman Flaherty,

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting _____ AYE _____

John VanTassel, Councilman, voting _____ AYE _____

Robert Flaherty, Councilman, voting _____ AYE _____

Michael Leonard, Councilman, voting _____ AYE _____

Richard Shea, Supervisor, voting _____ AYE _____

7. Resolution approving the film permit for Gail & Rice Inc., project name Audi e-tron GT Drive, event to take place May 10-13th, 2021.

RESOLUTION # - 2021

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign a filming permit for Gail & Rice Inc. (Audi e-tron GT Drive)), event to take place Mat 10-13, 2021 at 40 High Ridge Road, Garrison.

8. Resolution approving the Philipstown Volunteer Ambulance Corps 2019 Sponsor Approval Form for the Length of Service Award Program.

RESOLUTION # - 2021

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

RESOLVED, that the Town Board hereby approves the Philipstown Volunteer Ambulance Corps 2019 Sponsor Approval Form for the Length of Service Award Program.

9. Resolution authorizing Supervisor Shea to sign the Garrison Volunteer Ambulance Corps 2020 Sponsor Authorization Form for the Length of Service Award Program.

RESOLUTION # - 2021

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

RESOLVED, that the Town Board hereby approves the Garrison Volunteer Ambulance Corps 2020 Sponsor Authorization Form for the Length of Service Award Program.

10. Resolution awarding the bid for abatement of the existing Highway Department building to United Safety LLC in the amount of \$33,900.00.

RESOLUTION # -2021

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

RESOLVED, that the Town Board hereby awards the bid abatement of the existing Highway Department building to United Safety LLC in the amount of \$33,900.00.

11. Nat Prentice to present a revised draft of the updated Comprehensive Plan.

Nat Prentice was in attendance and presented the latest draft of the Comprehensive Plan to the board. The board will review and consult the Town Attorney as to what the next steps are.

12. Brief discussion regarding the dog park.

Supervisor Shea stated he has been approached by several people asking about the possibility of segregating dogs of different sizes at the park. The question came up as to whether the fence could be extended and there could be a separate area for smaller dogs. The Supervisor stated his wife is one of the people who is interested in this. He asked the board for permission to look into the possibilities at the dog park. The board agreed it was a good idea to at least look into it.

13. Schedule Workshops/Meetings.

- **Regular Monthly Meeting – June 3, 2021**

14. Code Enforcement Monthly Report

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

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

Councilman Flaherty stated that the solar project at the Recreation Center is moving forward. He also urged residents who have not yet been vaccinated to do so.

Supervisor Shea thanked Susan English for her input regarding color samples for the Town Hall. He thanked Kathleen Foley for her help and input on the exterior of the building as well.

AUDIENCE

Greg McGarva, resident of Indian Brook Road, stated he is in support of the email sent to the Town Board by Scott Silver, director of the Audubon Marsh, about posting a new sign about parking.

APPROVAL OF VOUCHERS

Councilman Flaherty made a motion, seconded by Councilwoman Farrell and unanimously carried that the General Vouchers in the amount of \$ _____ are hereby approved as set forth in Abstract _____ & _____.

Councilman Van Tassel made a motion, seconded by Councilman Flaherty and unanimously carried that the Highway Vouchers in the amount of \$ _____ are hereby approved as set forth in Abstract _____ & _____.

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried that the CVPD Vouchers in the amount of \$ _____ are hereby approved as set forth in Abstract _____.

Councilman Leonard made a motion, seconded by Councilwoman Farrell and unanimously carried that the CVWD Vouchers in the amount of \$ _____ are hereby approved as set forth in Abstract _____.

ADJOURNMENT

There being no further business to discuss, Councilman Van Tassel made a motion, seconded by Councilman Leonard, to close the monthly meeting at 8:48 p.m.

Respectfully submitted by,

Tara K. Percacciolo
Town Clerk

MEMORANDUM

June 3, 2021

TO: Philipstown Town Board Members

FROM: Carl Frisenda

SUBJECT: Work performed by the Philipstown Highway Department for the month of May

- We hope everyone enjoyed Memorial Day and remembered those who courageously gave their lives☀
- The highway crews were busy this month with the seasonal chores of raising basins, replacing pipes and filling potholes. Also, grading of the dirt roads has begun.
- Work for the new Highway Garage project is starting to be put in motion. Bids went out mid-May for the project. Currently there are many interested parties.
- Dumping on town roads continues to be a problem. Mattress, some new and still wrapped, were dumped on the side of Old Albany Post Rd. & Route 9. The Sheriffs were called but this needs to stop. We are asking residents to please call the Sheriffs Department if you see anyone dumping along the side of town roads. Provide any details you can.
- The Highway Department received approximately 25 phone calls for the month of May.
- Approximately \$2500.00 in vehicle maintenance was spent for the month of May

**Above monthly account submitted by:
Carl Frisenda, Highway Superintendent**

RESOLUTION # - 2021

A resolution establishing a Conservation Plan Task Force and development of a Conservation Plan

WHEREAS, the New York State Department of Environmental Conservation Hudson River Estuary Program (“Estuary Program”) in partnership with Cornell University and Hudson Highlands Land Trust (“HHLT”) has offered to assist the Town of Philipstown in 2021 with mapping and technical assistance to support development of a town-wide Conservation Plan; and

WHEREAS, the Conservation Plan will build on existing natural resources planning documents, like the Open Space Inventory and recently updated Natural Resources Inventory, and advance the Town of Philipstown’s Comprehensive Plan goals to “Conserve Philipstown’s rural, historic and river-community character,” “Expand recreational opportunities,” and “Protect Philipstown’s natural resources;” and

WHEREAS, the Conservation Plan will integrate information produced for the “East Highlands Green Corridors Plan” under development in partnership with HHLT, which the Town Board supported in a Letter of Collaboration in 2019; and

WHEREAS, the Conservation Plan will identify community conservation priorities that may include natural habitats, water resources, recreation sites, trails, scenery, and open space, along with strategies for supporting dedicated, ongoing sources of public funds for land conservation and parks; and

WHEREAS, the Estuary Program, HHLT, and planning and mapping consultants will provide this assistance at no cost to the Town, and

WHEREAS, to be eligible for this assistance, the Town must have a committee of at least five volunteers who will be responsible for determining the goals and scope of the plan, review existing plans and studies, provide input on draft products, and communicate with municipal boards and the public about the project; and

WHEREAS, all material produced for the Conservation Plan, including outreach materials, project web pages, and plan documents shall include logos for the Estuary Program and Cornell University, along with the following credit language: “*Conservation planning in the Town of Philipstown is conducted in partnership with the Hudson Highlands Land Trust and Cornell University with funding from the Environmental Protection Fund through the New York State Department of Environmental Conservation Hudson River Estuary Program.*”

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby establishes the Conservation Plan Task Force, and will advertise for volunteers to participate for a one-year term in the development of the Conservation Plan; and
2. That the Town Board expresses their support for the development of the Conservation Plan.

_____ presented the forgoing resolution which was seconded by
_____.

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting _____

John Van Tassel, Councilman, voting _____

Robert Flaherty, Councilman, voting _____

Michael Leonard, Councilman, voting _____

Richard Shea, Supervisor, voting _____

RESOLUTION # -2021

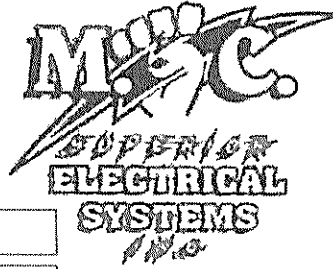
The following Resolution was presented by _____, seconded by _____ and unanimously carried;

RESOLVED, that the Town Board hereby approves the following one (1) proposed change orders for the Town Hall renovations in the total amount of -\$10,000.00:

- **'Negative' change order to credit back the monies associated with the 'unused' portion of the bid allowance (M.C. Superior Electrical Systems)**

P.O. BOX 453
WALDEN, NEW YORK
12586

PHONE 845-778-6565
FAX 845-778-6560



Estimate

Date	Estimate #
5/21/2021	3249

Name / Address

TOWN OF PHILIPSTOWN
238 MAIN STREET
COLD SPRING, NY 10516

Terms
Net 30

Description	Total
" TOWN OF PHILIPSTOWN TOWN HALL RENOVATION : PCO #8 - BID ALLOWANCE " THE FOLLOWING PRICE IS QUOTE IS TO CREATE A 'NEGATIVE' CHANGE ORDER TO CREDIT BACK THE MONIES ASSOCIATED WITH THE 'UNUSED' PORTION OF THE BID ALLOWANCE.	\$ - 10,000.00

Thank you for the opportunity to bid on this job.

Total \$ - 10,000.00

*****PRICING SUBJECT TO COMMODITY PRICE ESCALATION**

Pricing for the above Estimate is valid for 30 days.

Signature

RESOLUTION # - 2021

The following Resolution was presented by _____, seconded by _____ and unanimously carried;

RESOLVED, that the Town Board hereby accepts the proposal from Software Consulting Associates for a Tax Collection System Upgrade in the amount of \$5,800.00.

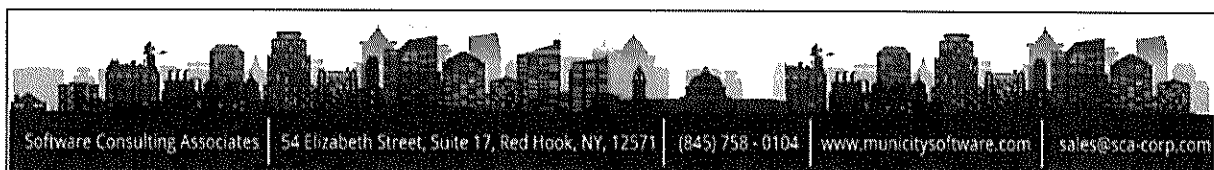


Tax Collection System Upgrade
Proposal
for the
Town of Philipstown, NY

February 19, 2021

Prepared by:
Software Consulting Associates
54 Elizabeth St.
Red Hook, NY

Account Representative: Richard Rose
Phone: (845) 758-0104
Fax: (845) 758-0884
E-Mail: Richard.rose@sca-corp.com
Website: www-sca-corp.com





SQL Tax Collection System Upgrade

Software Consulting Associates (SCA) announces the availability of its new SQL-based Tax Collection software to maintain and manage tax collections and payments in today's internet world.

Features

- All tax collections in one program
- For clients with lien collections, the lien collection will be Integrated into tax program: delinquent taxes go to lien book, lien sale and can be paid off in the tax program. Lien collections can be added for an additional fee for those clients who do not currently have a lien collection.
- Reports for multiple collections
- Improved print document module: auto-generate PDF feature, exemption/property class filters document web publishing for bills, receipts, etc. (with integration in Notes & Docs)
- Word mail merge integration
- Document auto-save on print (docs appear in Notes & Docs)
- Edit log tab (supports multiple tax changes)
- Custom report module, improved tax statement, open tax, tax search reports;
- Owner updates directly from RPS or PAS
- Fee creation from Inquire
- Inquire auto-refresh after making any change to taxes: PYMF edits, bounce checks, etc.
- Transaction module: ability to bounce payments made across multiple parcels, partial reversals, tools to move payments between collections and parcels
- Enhanced refund processing
- Full support for partial payments
- Parcel Year Master File edit supports multiple edits with improved display on the Edit Log tab
- Email Bills and Receipts - Tax payer-managed web-based registration for receiving tax bills and receipts (minimal Tax Office staff involvement required). *Free installation and set up with an annual support charge of \$1,500.
 - Bulk email of receipts from tax system.
 - On-demand emailing of single bill/receipt request from Tax System Inquire screen.

Investment

SCA Tax System Upgrade Proposal

Item	Quantity	Cost Per Unit	Total Cost	Notes
Software License (per collection)	1	\$ 4,000.00	\$ 4,000.00	
Data Conversion	1	\$ 800.00	\$ 800.00	
Training	1	\$ 1,000.00	\$ 1,000.00	
Total			\$ 5,800.00	

The pricing includes the Town Collection that will all be migrated to the tax system, data conversion from the current system to the new system and training on the new system.



Optional Modules:

- B. **Web Tax Status** – Significantly reduce customer phone calls with SCA's online Web Tax Status. Customers can view their tax collection status in summary and detail by seamlessly connecting through your municipality's website. Pricing is \$4,500 for development and implementation and \$950 for annual support.
- C. **Email Bills and Receipts** - Tax payer-managed web-based registration for receiving tax bills and receipts (minimal Tax Office staff involvement required). *Free installation and set up with an annual support charge of \$1,500.
 - a. Bulk email of receipts from tax system.
 - b. On-demand emailing of single bill/receipt request from Tax System Inquire screen (currently under development).



Tax Upgrade Authorization

The Town of Philipstown, NY hereby agrees to the procedures outlined above and the "Terms and Conditions" attached hereto and made a part hereof and authorizes Software Consulting Associates to proceed with the project.

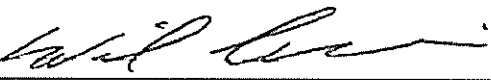
The Town of Philipstown, NY

By: _____

Title: _____

Date: _____

Software Consulting Associates

By: 

Title: President

Date: February 19, 2021



Terms and Conditions

This is a legal agreement between you (either an individual or an entity), the end user, and Software Consulting Associates.

Responsibility of Software Consulting Associates (SCA).

SCA shall be responsible for the performance of the services provided for in this agreement in accordance with the "Performance Schedule." SCA shall be responsible for the correctness and accuracy of its work, based upon the material and information supplied by you. Regardless of your acceptance of completed materials when delivered, SCA shall correct errors found either by you or SCA. See "Warranties; Limitations" for SCA's liability for all services.

Your Responsibility.

You shall be responsible for the correctness and accuracy of the information you supply to SCA, for providing SCA with timely decisions and answers to questions raised by SCA, for inclusion of sufficient funds in your budget to pay SCA for services, and for the prompt payment of invoices. You shall also be responsible for completing your work in accordance with the "Performance Schedule."

Adjustments to Performance Schedule; Unauthorized Delays.

- A. Adjustments to Schedule. Upon the mutual consent of you and SCA, the "Performance Schedule" may be changed or extended as provided under "Changes" below.
- B. Unauthorized Delays. In the event of any unauthorized delay on your part, SCA may impose delay charges upon providing notice thereof to you. An "unauthorized delay" shall mean any delay not authorized by both SCA and you.

Variations from Standard Methods or Procedures.

Variations from SCA's standard methods and procedures must be requested by you, in writing, specifying the exact nature of the desired variations. SCA will accommodate such variations wherever possible, with any additional charges for such variations, as determined by SCA and approved by you, to be paid by you.

Payment Terms.

All payments shall be made within 30 days of installation of the upgrade. You shall not discount nor withhold any portion of the amount for any reason. Late payments will be charged interest at the rate of 1.5% for each month or part thereof that such payment is in arrears.

Software.

The Software being delivered pursuant to this agreement is being licensed to you pursuant to a License Agreement (the "License"), attached hereto and made apart hereof, between the publisher of the software and you. You agree that all terms, conditions and limitations set forth in the License shall apply to this contract as it relates to the Software.

Computer Hardware.

Any computer hardware being delivered in accordance with this agreement is being delivered with the manufacturer's warranty. The manufacturer's warranty is in lieu of all other warranties, express or implied, and SCA shall have no obligation or liability under "Warranties; Limitations" or otherwise with respect to hardware.

Title.

All computer software and other intellectual property of SCA used in performing its services shall remain the property of SCA.

Term and Termination.

- A. The initial term of this agreement, unless sooner terminated as hereafter provided, shall be for one year, commencing on the date hereof.
- B. Either party shall have the right to terminate this agreement with immediate effect if the other party fails to cure to such party's reasonable satisfaction any material breach or violation of this agreement within 60 days after such party has given the other written notice thereof.
- C. Upon termination, all work prepared by SCA may, at your option, become your property, and SCA shall be entitled to receive just and equitable compensation for all services performed.

Warranties; Limitations.

- A. SCA warrants that the services provided hereunder will be performed by qualified personnel in a good and workmanlike manner and that any deliverables will be free of material defects. SCA's liability and your exclusive remedy for failure of any service or deliverable to meet this warranty shall be limited to reperformance, at SCA's cost, of such service or deliverable. SCA's warranty does not extend to failures arising out of (i) incorrect or insufficient data, specifications or instructions provided by you or (ii) work or services performed by others.
- B. The foregoing warranties are in lieu of all other warranties, whether oral, written, express, implied or statutory. Implied warranties of fitness and merchantability shall not apply. SCA's warranty obligations and your remedies thereunder are solely and exclusively as stated herein.
- C. The limitations and protections against liability afforded SCA herein shall apply to any action or claim in connection with the services, whether based on contract, tort, statute or otherwise (including negligence, warranty and strict liability). The cumulative liability of SCA for all obligations, warranties and guaranties, whether express or implied, with respect to services performed hereunder, shall be limited to the amount paid to SCA pursuant to this contract. SCA shall not be liable to you or any other person or entity for indirect, special, incidental, punitive or consequential damages arising from the performance or nonperformance of services, irrespective of whether the claims or actions for such damages are based upon contract, tort, negligence, strict liability, warranty or otherwise.
- D. No action may be maintained or proceeding commenced by you or others against SCA with respect to services unless such action or proceeding is commenced within one year after completion by SCA of the particular services to which such action or proceeding relates. Either party shall be entitled to recover reasonable attorney fees incurred in the successful enforcement of this agreement, regardless of whether a cause of action is commenced.

Changes.

You may at any time request changes in the scope of this agreement. Moreover, SCA may suggest changes. Where changes are agreed to by the parties, SCA shall issue a Change Order for your review and signature describing the changes as well as the adjustments in schedule and fees occasioned by the changes in scope. SCA shall not be required to implement any change until you have signed and returned the Change Order.

Notices.

All notices and other communications which are required or permitted to be given, shall be in writing and shall be delivered either personally, by facsimile, by reputable overnight courier or by registered or certified mail and shall be deemed effectively received (i) if delivered in person, on the date of such delivery, (ii) if transmitted by facsimile, on the date indicated on the sender's receipt of confirmation, (iii) if delivered by overnight courier, on the next business day following deposit thereof with such overnight courier, or (iv) if sent by mail, upon the third business day following the deposit thereof, postage prepaid.



Force Majeure.

If any performance by any party shall be prevented, hindered or delayed by reason of any cause beyond the reasonable control of such party (such event being hereafter called an "event"), including, without limitation, acts of God, riots, fires, floods, unusually severe weather, curtailment or termination of sources or supplies of energy or power, inability to obtain or delay in obtaining materials or supplies, strikes or other disputes involving such party or its subcontractors or suppliers, acts of war, insurrection, civil unrest, riot or disorder, acts of governmental authorities, changes in law or regulation, or any other cause beyond the reasonable control of such party, whether similar or dissimilar to those expressed hereinabove, such party shall be excused from performance to the extent that its performance is so prevented, hindered or delayed. Such excuse from performance shall extend so long as the event continues to prevent, hinder or delay the performance by such party. The party whose performance is affected shall give the other parties notice within 15 days of the event specifying the event, the performance affected and the anticipated date, if any, performance can be made.

Disclaimer of Association.

This agreement shall not be construed as creating a partnership, joint venture, agency or any other association which would impose upon one party liability for the acts or omission of the other, and neither party shall have the right to bind the other.

No Waiver.

Any failure by either party hereto to enforce at any time any term or condition shall not be considered a waiver of that party's right thereafter to enforce each and every term and condition.

Dispute Resolution.

The parties mutually agree to seek mediation as the preferred alternative of dispute resolution in the event of any disagreement over the terms of this agreement.

SOFTWARE CONSULTING ASSOCIATES
54 Elizabeth St.
Red Hook, NY 12571
845-758-0104

RESOLUTION # - 2021

The following Resolution was presented by _____, seconded by _____ and unanimously carried;

RESOLVED, that the Town Board hereby accepts the retirement of Karen Virgadamo from the Philipstown Recreation Department effective June 11, 2021.

March 19, 2021

Dear Supervisor Shea,

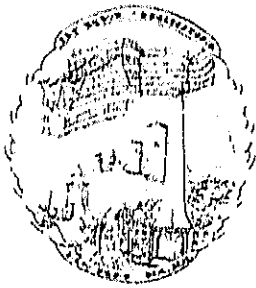
I have enjoyed working at the Philipstown Recreation Department for almost 29 years. I've loved helping the families of Philipstown and watching their children grow through the years.

I am writing to officially let you know that I am retiring. My last day will be June 11, 2021. It has been an honor to serve our community all these years.

Sincerely,

A handwritten signature in cursive script that reads "Karen Virgadamo". The signature is written in black ink and is positioned to the right of the typed name.

Karen Virgadamo



Town of Philipstown

Code Enforcement Office
238 Main Street, PO Box 155
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

MONTHLY REPORT for May 2021

1. Fees Collected	<u>26236.51</u>
2. Total Number of Permits Issued	<u>44</u>
3. New One- or Two-family dwellings:	<u>0</u>
4. New Commercial/Industrial buildings:	<u>0</u>
5. New Hazardous (H) occupancies:	<u>0</u>
6. New Multi family occupancies:	<u>0</u>
7. Additions, alterations or repairs residential buildings	<u>4</u>
8. Additions, alterations or repairs commercial buildings:	<u>1</u>
9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	<u>39</u>
10. Number of Certificates of Occupancy :	<u>15</u>
11. Number of Stop Work Orders issued:	<u>1</u>
12. Operating permits issued	<u>—</u>
13. Operating permits issued hazardous materials	<u>—</u>
14. Operating permits Hazardous processes and activities	<u>—</u>
15. Permits issued for the Use of pyrotechnic devices:	<u>—</u>
16. Inspection of public assembly :	<u>1</u>
17. Inspection of commercial occupancies	<u>—</u>
18. Inspection of buildings with 3 or more dwelling units:	<u>—</u>

Projects of Significance: _____

