

Town Board Monthly Meeting
September 2, 2021 7:30 p.m.
Philipstown Town Hall
238 Main Street, Cold Spring, NY

PUBLIC HEARING (Continued from August 5, 2021) – COMPREHENSIVE PLAN UPDATE

MONTHLY TOWN BOARD MEETING

SALUTE TO THE FLAG

APPROVAL OF MINUTES

- Monthly Town Board Meeting – August 5, 2021
- Public Hearing (Comp Plan Update) – August 5, 2021
- Workshop – August 11, 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 authorizing the installation of a Dual Port Electric Vehicle Charging Station at the Philipstown Town Hall, 238 Main Street, Cold Spring, NY.**
2. **Resolution authorizing the hire of Dennis Mazzuca as Recreation Leader at a salary of \$40,000. (Roll Call Vote)**
3. **Resolution introducing proposed Local Law #1-2021 entitled “A Local Law To Opt Out of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard to Establishment For On-Site Consumption” and setting a public hearing for such. (ROLL CALL VOTE)**
4. **Resolution introducing proposed Local Law #2-2021 entitled “A Local Law To Add A New Section 175-18.2 entitled ‘Upland Drive and Ridge Road Development Districts’” and setting a public hearing for such. (ROLL CALL VOTE)**
5. **Resolution introducing proposed Local Law #3-2021 entitled “A Local Law To Amend Town of Philipstown Town Code §112-35 And The Open Development Area General**

Regulations Of Chapter 112, Article VIII, In Regard To Standards For Development Of Private Roads” and setting a public hearing for such. (ROLL CALL VOTE)

- 6. Discussion regarding American Rescue Plan funds.**
- 7. Jeff Domanski, Joule representative, to give a brief presentation regarding the CCA program.**
- 8. Claudia Marzollo to discuss possibility of paving Lane Gate Road.**
- 9. Schedule Workshops/Meetings.**
 - Regular Monthly Meeting – October 7, 2021**
 - Public Hearing – LL#1-2021 – October 7, 2021**
 - Public Hearing – LL#2-2021 – October**
 - Public Hearing – LL#3-2021 - October**
 - Workshop Scheduled– September 8, 2021 – Brookside neighbors**
 - Workshop Request– September 15, 2021 – Climate Smart – Lawncare best practices, food waste, community solar program**
 - Workshop Request – September 22 or 29, 2021 – Climate Smart – NY Stretch Code**
- 10. Code Enforcement Monthly Report**
- 11. Any other business that may come before the Town Board.**

AUDIENCE

VACANCIES – 0

APPROVAL OF VOUCHERS

General	Highway	CVPD	CVWD
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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:

Robert Flaherty	Councilman
John Van Tassel	Councilman
Judith Farrell	Councilwoman
Jason Angell	Councilman

ABSENT: Richard Shea Supervisor

Deputy Supervisor Van Tassel opened the meeting with the Salute to the Flag.

APPROVAL OF MINUTES

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

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

Minutes of the Workshop Meeting of July 14, 2021.

Councilman Flaherty made a motion, seconded by Councilman Angell, that the Minutes of the Workshop Meeting are hereby approved as presented.

Minutes of the Workshop Meeting of June 30, 2021.

Councilman Flaherty made a motion, seconded by Councilman Angell, that the Minutes of the Workshop Meeting are hereby approved as presented.

COMMITTEE REPORTS

CONSERVATION BOARD – Councilman Angell reported she attended the most recent meeting. He stated that the board members had nothing but nice things to say about Councilman Leonard and his time as the liaison. He stated he spoke with the NRO, Max Garfinkle, and they will touch base before each meeting in the future. The majority of the meeting was spent discussing the White project at 20 Luzmira Lane where they wish to put a pool in.

The Conservation Board is not meeting in August. The next meeting is scheduled for Spetember.

RECREATION – Councilwoman Farrell reported that the commission met on July 27, 2021. They provided a report on programming; they continue to do as much as possible outdoors and require masks while indoors. The performances held at the Depot Theater were a great success. The Castle to River Run will take place sometime in October. Councilwoman Farrell reported that Friends of Philipstown is raising funds to help finish the pavilion at Philipstown Park.

The next meeting will be held the end of August.

PHILIPSTOWN HUB – Councilwoman Farrell reported the hub has some events coming up. August 19th they will be having an overdose prevention training held via webex; those interested can visit Philipstownhub.org to register. August is overdose awareness month as well. She reported that over the last few months she has met with the executive director, as well as other community leaders and constituents, to discuss concerns about the state’s marijuana legislation and how it will impact our youth. The Hub will hold a Family Fun Run on September 9th at 9:30 am and those interested can register through their website. Councilwoman Farrell reported that the medication drop box is once again available and is located in the front lobby of the Town Hall. There is information on the town website regarding what items are accepted.

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

- Christopher Flagg & Heidi Snyder - 699 Old Albany Post Road
- Riverview Industries – 3012 Route 9
- 3622 Route 9 LLC
- Garrison Golf PDD/ HVSF – 2015 Route 9
- Hudson Highlands Reserve – Rte 9, Horton Rd, East Mtn Rd N

The Planning Board will not meet in August. The next meeting is scheduled for September 16th.

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

- 3 Ferris Drive
- 2, 4 & 6 Hudson River Lane
- 28 & 30 Hudson River Lane
- 60 Highland Ridge

The Zoning Board will not meet in August. The next meeting of the Zoning Board is scheduled for September 13, 2021 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 – Councilman Van Tassel reported the old Highway building was taken down successfully. The new building was scheduled to be laid out the following day by the surveyors along with the Palombo Group. Councilman Van Tassel reported that when they removed the fuel pumps and island, there was a tremendous amount of gasoline in the soil. DEC along with American Petroleum were contacted, they were given a spill number and the town is in the process of remediating it. The good news is that this issue will not affect the construction of the new building or new fuel station.

Councilman Van Tassel reported that this they released substantial completion documents to the 4 prime contractors for the Town Hall which means they have met the majority of their

requirements for the project. He stated the electric and HVAC work has completely finished. The plumbing contractor and the construction contractor still have some items to finish up; there is an active running punch list which they have 60 days to complete.

CEMETERY COMMITTEE –Councilman Angell reported he spoke to Mike Leonard who explained that the role of the Cemetery Committee is to clean up and maintain the historic cemeteries in the Town of Philipstown. He stated he also spoke with Lake Taggert who, along with John Benjamin, has been spearheading a lot of that work of maintaining old gravestones. They want to begin their Fall work plan and continue to repair and restore many of the stones.

PC LEGISLATOR – Legislator Montgomery was not in attendance.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF JUNE 3, 2021**

GENERAL & PART-TOWN FUNDS

PC Mortgage Tax	391,527.16
Expressway Metal	248.40
Expressway Metal	201.60
Justice Fees 5/21	3,915.00
Justice Fees 5/21	4,537.00

HIGHWAY

PC Gas	311.24
PC Gas	1,920.85
Haldane School Sand	552.24
Village of Nelsonville Salt	290.65

CONTINENTAL VILLAGE WATER DISTRICT

CONTINENTAL VILLAGE PARK DISTRICT

Town of Cortlandt Taxes	51,095.00
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AGENDA

- 1. Resolution donating \$500 to the Village of Cold Spring for Community Day scheduled for September 2021.**

RESOLUTION # -2021

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes the donation in the amount of \$500.00 to the Village of Cold Spring for Community Day scheduled for September 2021.

- 2. Resolution authorizing Carl Frisenda, Highway Superintendent, to auction off a Rotary 2 Post Lift, 12,000 lb/cap symmetrical overhead twin post lift 220V1 phase motor truck adaptors included, through Auctions International.**

RESOLUTION # -2021

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes Carl Frisenda, Highway Superintendent, to auction off a Rotary 2 Post Lift, 12,000 lb/cap symmetrical overhead twin post lift 220V1 phase motor truck adaptors included, through Auctions International.

- 3. Resolution approving the rental of a trailer from Cassone for the Philipstown Highway Department and authorizing Supervisor Shea to sign said rental agreement.**

RESOLUTION # -2021

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

RESOLVED, that the Town Board of the Town of Philipstown hereby approves the rental of a trailer from Cassone for the Philipstown Highway Department and authorizes Supervisor Shea to sign said rental agreement.

- 4. Resolution authorizing the Philipstown Justice Court to apply for a JCAP grant in the 2021-2022 grant cycle for up to \$30,000.00.**

RESOLUTION # -2021

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes the Philipstown Justice Court to apply for a JCAP grant in the 2021-2022 grant cycle for up to \$30,000.00.

- 5. Resolution in support of the Share the Growth Putnam proposal requesting that Putnam County share annual growth in sales tax with local municipalities.**

Resolution # _____, 8/5/2021

Resolution in support of the Share the Growth Putnam proposal, which requests that Putnam County share annual growth in sales tax revenues with local municipalities.

WHEREAS, local businesses in Putnam County's towns and villages collect sales tax, with New York State retaining a portion of the revenue and the balance going to counties;

WHEREAS, Putnam County is one of 11 out of 57 New York State counties outside of New York City that share no sales tax revenues with its local communities;

WHEREAS, All counties surrounding Putnam County share sales tax revenues with local governments within their borders, including Dutchess, Orange, Rockland, Ulster and Westchester counties;

WHEREAS, Putnam County's lack of sales tax revenue sharing is a significant loss of funding: in 2019 shared sales tax revenues accounted for nearly 10% of the total revenue for local governments in New York State;

WHEREAS, The loss of local revenue for economic development and community support programs from the lack of county sales tax sharing puts local communities in Putnam County at a competitive disadvantage compared to neighboring communities;

WHEREAS, A county sales tax sharing program would create a new and significant source of local revenues without increasing the tax burden;

WHEREAS, Putnam County has seen steady growth in inflation-adjusted sales tax collections over the last decade, from \$57.3 million in 2010 to \$59.9 million in 2015 to \$66.8 million in 2020;

WHEREAS, Despite the economic shut down due to COVID 19, Putnam County collected more sales tax in 2020 than in 2019 which Putnam County Finance Commissioner Carlin attributed to increasing county sales tax revenues from online shopping after New York State began collecting sales tax from e-commerce in 2019;

WHEREAS, Putnam County's sales tax revenues are expected to continue to grow in the future as the local economy recovers, online sales tax revenues continue, and new sales tax revenues result from the sale of cannabis related products;

WHEREAS, Putnam County's fiscal health has produced an all time high fund balance surplus of \$67.8 million;

WHEREAS, An expanded sales tax sharing agreement negotiated between neighboring Dutchess County and its cities, towns and villages in 2013 provides a model for sharing any annual increase in sales tax revenues to local communities.

WHEREAS, An approach to sharing any annual growth in sales tax revenues with local municipalities would retain Putnam County's financial stability, as no sales tax revenues would be shared locally in economic downturns.

NOW, THEREFORE, BE IT RESOLVED, that the governing board of Town of Philipstown does hereby endorse the Share the Growth Putnam proposal as an equitable framework for Putnam County to share annual sales tax growth locally, with 50% of the annual growth in sales tax from the previous year retained by the county and 50% of the annual growth distributed to local municipalities based on population.

6. Brookside Neighbors – Susan Limongello to discuss Brookside Drive in Garrison.

Susan Limongello stated she has been living on Brookside Drive for 27 years, and so have many of her neighbors. During this time they have had a lot of problems with the road which is item 4. She stated the neighbors all chip in to maintain the road, which needs to be done several times a year due to flooding from the brook that runs behind some of the houses. Ms. Limongello requested a future workshop with the Town Board to discuss the feasibility of the town taking over Brookside Drive. She stated the town actually owns 20 out of the 37 lots on the road.

Ms. Limongello stated the road needs to be maintained frequently and needs drainage desperately. The neighbors have been piece-mealing it for many years and no longer want to. She stated they are here to seek advice on what they might be able to do, if anything, such as making their road a town road. She noted that there is a neighbor way at the end of the road that has no interest in paving, but this group of neighbors is interested in doing the first six houses. She explained that once you pass the first six houses, there is a long way before you get to another home. She asked for advice from the board on how to go about the process.

Councilman Van Tassel explained that it is a possibility however there is a process and it is not an easy one. He suggested scheduling a workshop with the town board, the town attorney, Highway Superintendent, and the group of neighbors interested in the matter.

Councilman Flaherty noted that in order for the town to take over the road, the road must be brought up to town specifications first. Ms. Limongello stated they are aware that that would be necessary but wanted to approach the board and see if it would even be possible before taking on those expenses.

Councilman Van Tassel questioned if there is a property owners agreement for the residents currently on the road. Ms. Limongello stated there is no legal agreement in place but all the neighbors have been cooperative with the exception of the one neighbor at the end mentioned previously.

A workshop was scheduled for September 8th at 7:30 pm.

Robert McCauley, resident of 3 Brookside Drive, stated he has lived there for 36 years. He reported they are constantly dealing with water problems from Ridge Road. He stated when the town was doing Valley Lane, they were supposed to be included but per town regulations you needed 51% of the people to recognize it, which they could not do. Mr. McCauley reiterated that the town owns 20 of the 37 lots on the road; there are only 8 families that live on that road. He explained there was one neighbor who owned 5 lots on the road who did not want to partake.

7. Resolution approving the Fourth Amendment to Declaration of Common Facilities and Easement Agreement in relation to the sale of a lot at Glenclyffe in Garrison.

RESOLUTION # -2021

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

RESOLVED, that the Town Board of the Town of Philipstown hereby approves the Fourth Amendment to Declaration of Common Facilities and Easement Agreement in relation to the sale of a lot at Glenclyffe in Garrison.

- 8. Bond Resolution – Resolution authorizing the construction of a new highway garage in and for the Town of Philipstown, Putnam County, New York, at a maximum estimated cost of \$3,500,000.00 and authorizing, subject to permissive referendum, the issuance of \$3,500,000.00 bonds of said town to pay the cost thereof.**

BOND RESOLUTION DATED AUGUST 5, 2021.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW HIGHWAY GARAGE IN AND FOR THE TOWN OF PHILIPSTOWN, PUTNAM COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$3,500,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$3,500,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Philipstown, Putnam County, New York, as follows:

Section 1. The construction of a new highway garage to be located at 50 Fishkill Road in Cold Spring, New York, including demolition of existing facility, new petroleum bulk storage facilities, as well as incidental costs and expenses in connection therewith, in and for the Town of Philipstown, Putnam County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$3,500,000.

Section 2. SEQRA DETERMINATION: The Town as lead agency has determined that the project constitutes an Unlisted Action under the State Environmental Quality Review Act and the regulations promulgated thereunder for which a negative declaration has been made in connection therewith.

Section 3. It is hereby determined that the plan of financing of the aforesaid maximum estimated cost is by the issuance of the \$3,500,000 serial bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said Town of Philipstown, Putnam County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds,

appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Angell _____ VOTING __AYE__

Councilwoman Farrell _____ VOTING __AYE__

Councilman Flaherty _____ VOTING __AYE__

Councilman Van Tassel _____ VOTING __AYE__

Supervisor Shea _____ VOTING __ABSENT__

The resolution was thereupon declared duly adopted.

9. Schedule Workshops/Meetings.

- **Regular Monthly Meeting – September 2, 2021**
- **Workshop – CVFD LOSAP – August 11, 2021**
- **Workshop – Brookside Residents – September 8, 2021**
- **Educational Workshop – Climate Smart – Lawn Care best practices – August 25, 2021**

10. Code Enforcement Monthly Report

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

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

Councilwoman Farrell offer her condolences to Councilman Flaherty on the passing of his mother. She stated the Flaherty family has and continues to contribute to the Town of Philipstown in many ways.

Councilman Flaherty stated that a resolution was passed last month regarding e-waste and he is hoping to have that up and running sometime in September. It will begin on a trial basis at no charge but if there is an astronomical amount of e-waste coming in, we may have to come up with a plan to start charging for it like every other community in the area does. Councilman Angell commended Councilman Flaherty for his work on the e-waste program.

Councilman Angell thanked Town Clerk Percacciolo and Kim Conner for putting a form on the town website that allows residents to sign up for the town-wide email notifications that get sent out regularly.

Councilman Van Tassel thanked those in attendance for wearing masks. He stated that the Town Clerk and the staff in the Town Hall feel that it is safer and healthier for all employees that the general public wear masks when they come into the building. There are signs on the front door stating that masks are required.

Councilman Van Tassel stated that at last month's meeting there was discussion of the tragic drowning in the Hudson River on June 29th that occurred just 2 weeks after the County had removed the Putnam County Sheriff's boat. He and Supervisor Shea went to the Protective Services meeting at Putnam County and raised their concerns. Councilman Van Tassel reports he submitted a letter requesting information back from the county. He requested to know what data or research was provided to back up Legislator Nacerino's claim that the removal of the boat would not present a risk to public health or safety and for that board to make that decision to remove that boat for a \$42,000 savings. Councilman Van Tassel stated the other argument was that the local fire departments would pick up the slack for the Sheriff Department's boat being removed. He stated he has been in the fire service for almost 40 years and there is a huge difference between what the role of a police boat does and the role of a fire department boat; there is an obvious overlap of their services but one does not replace the other. Another question the Councilman raised was the fact that the county returned a boat, similar in size and function to the one that it uses to patrol Lake Oscawana which the county is mandated to do, that is 18 years older than the one returned. He has not yet received a response. Councilman Van Tassel reported he and the Supervisor were joined by a lifelong resident of Philipstown, Robert Percacciolo, the Town Clerk's brother, who lives right along the river and spends his life watching the Hudson River. Mr. Percacciolo spoke very well and quoted Coast Guard reports, Coast Guard statistics and raised a lot of good questions. They were very limited as to the agenda item, which was mutual aid, so were unable to discuss budget but Councilman Van Tassel plans on returning. He noted that Legislator Montgomery has advocated time and time again to keep this boat on the Hudson River and fought that night when she was the only one to vote against the removal of the boat. The discussion then became "well, we'll discuss it again at budget season". Councilman Van Tassel stated that \$42,000 on a \$90,000,000 budget isn't a big item in his opinion. He stated he plans to go back again when there are budget talks and advocate for it again.

Councilman Flaherty reported they are still in the process of getting solar panels down at the Recreation Center. Central Hudson was there one day last week to check out the transformer and the Councilman is awaiting a report back.

Councilwoman Farrell reported that she and Councilman Angell attended the Scenic Hudson webinex on the Community Preservation Fund and suggested further discussion in the future.

AUDIENCE

Krystal Ford, Climate Smart Coordinator, reported that the Climate Smart Task Force is kicking off an electric vehicle campaign. If she can get enough people to sign up to buy or lease an electric vehicle between now and November, she can obtain a \$5,000 grant for the town. She stated they are working with a dealership in Beacon that has a number of models. Ms. Ford stated they are hoping to have some educational events over the next few month beginning with an Electric Car Day at the Desmond Fish Library. She also mentioned the Philipstown Fights Dirty campaign; there are 80 different actions anyone can take low cost, no cost, low effort, big effort to help start chipping away at this problem.

Councilman Angell reported he is on the task force and thanked Krystal Ford along with the other 20 volunteers from the community that work tirelessly on these efforts. He mentioned that Ms. Ford has opened up her home to show residents what it is like to live sustainably.

Richard Butensky stated, in relation to the electric program, he received a letter from Central Hudson stating that he had opted out of the plan, which he claims he did not. He believes it is related to the fact that the provider was switched. He stated he called the town and was provided with the information of the administrator of the town's program and called them. He stated he was informed of the fact that they had changed providers. Councilman Van Tassel stated he has gotten a lot of questions from the community about the program and suggested reaching out to Joule and have them send a representative to a meeting to help explain more about the program.

Mr. Butensky stated his appreciation for the emails that get sent out notifying residents of meeting and workshops and stated he has had to sign up repeatedly. He stated he has not been receiving Planning Board meeting notices and agendas. The Town Clerk explained that those are usually sent by the Planning Board secretary. The Town Clerk stated she would speak with the secretary and see if a similar email list can be created for each of her boards or have the info sent directly to her so she can in turn send them out in the town-wide email blast as needed. All agendas can also be found on the town website.

VACANCIES

There are currently no vacancies.

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

Councilwoman Farrell 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 ____ & ____.

Councilwoman Farrell made a motion, seconded by Councilman Angell 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, Councilwoman Farrell made a motion, seconded by Councilman Flaherty, to close the monthly meeting at 9:07 p.m.

Respectfully submitted by,

Tara K. Percacciolo
Town Clerk

The Philipstown Town Board held a Public Hearing on the above date at 7:30 p.m. at the Town Hall, 238 Main Street, Cold Spring, New York 10516. The purpose of the Hearing was to hear comments for or against:

The Draft Update of the Philipstown Comprehensive Plan

PRESENT:	John Van Tassel	Councilman
	Robert Flaherty	Councilman
	Judy Farrell	Councilwoman
	Jason Angell	Councilman

ABSENT:	Richard Shea	Supervisor
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Councilman Van Tassel opened the meeting by thanking Nat Prentice and the rest of the committee who spent many hours working on this plan. He explained that it is basically a review and rewrite. He stated it is a great resource in the town.

Sean Conway, member of the Comprehensive Plan Update Committee, introduced many of the members who were present including Joyce Blume, Betsy Calhoun, Teri Waivada, Richard Butensky, as well as others. He explained that this plan was originally adopted back in 2006 and is typically updated every 5 to 10 years. This committee was convened in 2017 to work on an update and has been working on a draft ever since. The draft plan has been posted on their website since December when it was officially submitted to the Town Board. He stated that a lot of research was done, advice from experts was sought in a couple of different areas and 2 community surveys were conducted. Mr. Conway reported that there were some semi-formal listening sessions and discussions for people to talk about their concerns and to get opinions. They also spoke with some of the local non-profits to get their input. The website also allows people to leave comments that the committee can review. Mr. Conway stated they are very happy with the document.

Mr. Conway reported on some differences between the old and new plans. He explained that the old plan was very focused on land conservation which was very successful. The theme and focus of this reviewed plan is climate resilience and adaptability to climate change and also public health and wellness. Structurally, there are 2 big things to look out for. One is this concept of responsible regionalism which is working with our neighbors and other communities, sharing good ideas, helping out when possible. The most important thing, as far as this body is concerned, is that they have advocated that the plan be reviewed much more frequently than every 15 years. The hope is to have an annual session to look at what's been working and what hasn't and what needs to be adjusted and maintain a group of volunteers who are continuing to do research and continuing to look at best practices from other communities. He stated they are advocating for the idea of there being a central group of volunteers or repository for new data, new ideas, things that can be incorporated into the plan on more of an annual basis.

Mr. Conway thanked the Philipstown Community Congress, Jason & Jocelyn Angell, Legislator Montgomery, Councilman Leonard & Councilman Flaherty for their guidance and support through the process.

Councilman Van Tassel encouraged those who have not read through the Comprehensive Plan to do so. Out of respect for the Supervisor who was not in attendance, Councilman Van Tassel stated he would like to keep the public hearing open for another month; this will allow people more time to review and comment.

Resident ? – She acknowledged that a lot of people put a lot of time and work into this plan. She stated that Goal #2, providing a wide range of housing talks about encouraging the development of accessory dwellings. She is concerned with the encouragement of more and more houses coming into the area. The resident stated that we are having enough trouble with developers coming into the area and that is not the goal of Philipstown. She stated the town is only 51 square miles with small narrow roads. She stated if you go into Fishkill now, rush hour means you can't go on 52 and Route 9. With all the encouragement in the Comprehensive Plan, she questioned how long it would be until residents can't get from 301 to 84 or through the village. She believes the town should not be encouraging development, it will find us.

Councilman Van Tassel responded that in 2010 the board rezoned the entire town and is very restrictive as to lot size, development, steep slopes, etc; there are a ton of regulations. He stated he read it as encouraging smart development. He stated it is unlikely we will see any large track development as we don't have that much land.

Councilman Angell explained that the board has done a lot of work in the past in order to control overdevelopment and believes it has been very successful. The goal is to control development across the board and provide affordable housing for all.

Councilman Van Tassel reported it is not an easy process to build a home in Philipstown. A developer would have a very difficult time in the town of Philipstown as there is not a lot of buildable property left. It is also difficult to meet the town's requirements. On top of that, there are the Putnam County Board of Health requirements for septic and so on; it's not an easy process. A building lot is a rare commodity in the town of Philipstown.

Councilwoman Farrell explained that there is also a Planning Board as well as a Zoning Board that the town has a lot of confidence in. She stated it is important to have these discussions and to work together to address these issues but we also have to provide an opportunity for our youth to be able to live in this town as well.

Councilman Flaherty stated that over the last several years there have not been any massive developments. The biggest one these days is currently in front of the Planning Board, Hudson Highlands Reserve, and has been for years. The project is off of East Mountain Road North & South and Horton Road and that person is trying to put in a 25 lot subdivision. Originally the plan included an equestrian center but that has been eliminated because of all the concerns the public brought up. All in all, the Councilman stated we do a very good job of planning and preserving our town. He pointed out that this 25 lot subdivision is situated on 200+ acres and most of that will be conserved property; the buildings will be on approximately 30 acres.

Betsy Calhoun – Ms. Calhoun stated she had been on the committee but decided to leave because she was disappointed. She stated, in this community we have the most extraordinary assets, the

river, the mountains, high ridges, dams, lots of waterways, and on those assets we could be developing alternate energy. We could have solar panels on roofs; we could have far more active electric development than there is in that plan. She stated she does not think there is any in the plan at this point. Ms. Calhoun stated she tried to work on that but was not very convincing. She explained that she feels very strongly that we can't just do a little bit, we should be exploring with a lot of these experiments and what the possibilities are. Ms. Calhoun explained that she lives in an off the grid house. It does have its problems but the power going out is not one of them. It would be a welcome addition to this document to include adding all these different possibilities.

Councilman Flaherty thanked the committee that worked on this. He stated he spent a lot of time with them over the last several years and appreciates all the effort that went into this review.

Joyce Blum – Ms. Blum stated she worked on the plan and her big issue was transportation. She explained that she does not drive but has been able to exist in this community for many years, though it hasn't been easy. She encouraged the board to possibly add to what they put in the plan regarding transportation. She reported that currently in the United States there are 45 million people over the age of 65. In 2030 there will be 73 million people over the age of 65, many of which will no longer drive, many of which will live in this community and will not drive. Ms. Blum stated she would like to see even more done by the board to promote some kind of transportation and help for people in the community who will not be driving in the next 10 years and beyond.

Councilwoman Farrell thanked the committee for their outstanding work and their vision. She stated that to her this is a living, breathing document that will guide the town in the future.

Councilman Angell stated this is an exciting document and suggested that those who have not taken the time to read it do so; it's a vision for the future of our community and improving the quality of life in our community. He explained that it is not just a piece of paper; it is supposed to help in the process of setting future local policy. The Councilman expressed his support for the idea of having some sort of standing committee that focuses on some of the key goals that this document talks about and can report on how we are doing on them as a community towards our collective vision for what our community can be.

Being someone who was on the board when the town was re-zoned, Councilman Van Tassel reported there were many concerns from residents during that process that felt the re-zoning would destroy the town. He stated they used the Comprehensive Plan regularly as a reference in that re-zoning process. Councilman Van Tassel thanked all those involved in this update.

There were no further comments from the audience. Councilman Van Tassel stated they would hold the public hearing open until September 2, 2021 which will give more people time to review and comment and also allow for the Supervisor to comment as well.

Respectfully submitted by,

Tara K. Percacciolo
Town Clerk

The Town Board of the Town of Philipstown held a Workshop Meeting on the above date at 7:30 p.m. at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT:	Robert Flaherty	Councilman
	John Van Tassel	Councilman
	Jason Angell	Councilman
	Judy Farrell	Councilwoman

ABSENT:	Richard Shea	Supervisor
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AGENDA

- 1. Resolution authorizing the creation of a category for Service Awards Program Points in the event of a New York State declared disaster emergency pursuant to General Municipal Law Section 217(p).**

**Town of Philipstown
Putnam County, New York**

**Town of Cortlandt
Westchester County, New York**

JOINT RESOLUTION

**“Resolution Authorizing the Creation of a Category
For Service Awards Program Points in the Event of a
New York State Declared Disaster Emergency
Pursuant to General Municipal Law Section 217(p)”**

WHEREAS, pursuant to New York State General Municipal Law Article 11-A, the Town of Philipstown and the Town of Cortlandt have previously established a Service Awards Program for the Continental Village Volunteer Fire Department, Inc. hereinafter CVFD, on or about January 14, 2003; and

WHEREAS, in accordance with the provisions of New York State General Municipal Law Article 11-A, the resolutions of the Town of Philipstown and the Town of Cortlandt establishing a Service Awards Program for CVFD were ratified on April 1, 2003 by the voters registered to vote and residing within the five protection districts serviced by the CVFD; and

WHEREAS, New York State General Municipal Law Article 11-A, Section 217, was amended by Chapter 113 of the Laws of 2020, being New York State General Municipal Law Section 217(p), to allow for the creation of a category in the Service Awards Program of the CVFD awarding additional Service Awards Program points for active volunteer firefighters during a New York State declared disaster emergency; and

WHEREAS, pursuant to New York State Executive Law Section 20, the Governor of the State of New York declared and signed Executive Order No. 202 on March 7, 2020, Declaring a Disaster Emergency in New York State because of the Covid-19 pandemic, which Executive Order was in effect from March 7, 2020 to December 31, 2020; and

WHEREAS, pursuant to New York State General Municipal Law Section 217(p) and New York State Executive Order No. 202, as extended, the Board of Directors of the CVFD has determined that additional points should be awarded to the active volunteer firefighters of the CVFD for the following activities which were cancelled:

<u>Date</u>	<u>Cancelled Activity</u>	<u>Number of Points</u>
3/8/2020	Buchanan Parade	One
3/14/2020	Peekskill Parade	One
3/21/2020	Peekskill Boat Detail	One
4/9/2020	Fire Company Meeting	One
4/18/2020	Mohegan Friendship Night	One
5/14/2020	Fire Company Meeting	One
7/4/2020	Peekskill Boat Detail	One
7/5/2020	Peekskill Parade	One

WHEREAS, such awarding of points cannot exceed more than five (5) points per month per active volunteer firefighter and the above table does not award more than five (5) points per month per active volunteer firefighter; and

WHEREAS, it is not anticipated that there will be a material change in the annual cost of the Service Award Program as a result of this resolution; and

WHEREAS, New York State General Municipal Law Section 217(p) requires the Town Boards of the Town of Philipstown and the Town of Cortlandt, being the political subdivisions sponsors of the CVVFD Service Awards Program, to approve the awarding of such Service Awards Program points before April 30, 2021; and

WHEREAS, the Town of Cortlandt adopted this joint resolution prior to April 30, 2021;

NOW, THEREFORE, BE IT RESOLVED, that

That, *nunc pro tunc* and retroactive to April 30, 2021, Town Board of the Town of Philipstown joins in the aforesaid Joint Resolution with the Town of Cortlandt to approve the creation of an additional category to the Service Awards Program of the CVFD for Service Awards Program points to be awarded for active volunteer firefighters during a New York State declared disaster emergency, as set forth above, and pursuant to New York State General Municipal Law Section 217(g), as amended.

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

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting _____ AYE _____

John VanTassel, Councilman, voting _____ AYE _____

Robert Flaherty, Councilman, voting _____ AYE _____

Jason Angell, Councilman, voting _____ AYE _____

Richard Shea, Supervisor, voting _____ ABSENT _____

**By Order of the Town Board of the
Town of Philipstown**

Date: August 11, 2021 ___Tara K. Percacciolo_____
Town of Philipstown Town Clerk

Councilman Van Tassel gave an update on the fuel spill issue at the Highway Garage. He stated they got the go-ahead from DEC to fill in the hole and the spill has been closed out. The project is moving ahead.

Adjournment

There being no further business to discuss, Councilman Flaherty made a motion, seconded by Councilwoman Farrell, to close the workshop at 7:47 p.m.

Respectfully submitted by,

Tara K. Percacciolo
Town Clerk

MEMORANDUM

September 2, 2021

TO: Philipstown Town Board Members

FROM: Carl Frisenda

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

- We are asking the community for their patience with all the noise coming from the Highway Department. It was necessary to hammer out a good deal of ledge in the area where the new building will be placed. Although there will be plenty of noise until the project is finished, the loudest of it should be over by the end of this week.
- Progress on the new Highway Garage continues, updates include:
 - The old garage was removed by the contractor.
 - Badey & Watson staked out the new building and this required more ledge being dug out before footing work can begin.
 - An oil/water separator was ordered for the wash station.
- We avoided the worst of Tropical Storm Henri, however with the large amounts of rain, 3.24 inches, drains were checked and cleared where needed.
- When not working here at the construction site, Highway crews have been potholing and grading roads this month. Mowing has also been going on every day when weather is clear.
- A new dump body, which was included in our new equipment budget, arrived and replaced the old one on Truck #2.
- The Highway Department received approximately 25 phone calls regarding road complaints and issues for the month of August.
- The Highway Department spent approximately \$5,400.00 in vehicle maintenance and repairs in August.

Above monthly account submitted by:
Carl Frisenda, Highway Superintendent

RESOLUTION # -2021

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes the installation
of a Dual Port Electric Vehicle Charging Station at the Philipstown Town Hall, 238 Main Street,
Cold Spring, NY.

RESOLUTION # -2021

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes the Philipstown Recreation Department to hire Dennis Mazzuca as Recreation Leader at a salary of \$40,000.00.

Judith Farrell, Councilwoman, voting _____

John VanTassel, Councilman, voting _____

Robert Flaherty, Councilman, voting _____

Jason Angell, Councilman, voting _____

Richard Shea, Supervisor, voting _____

Philipstown Recreation Department

Memorandum

To: Richard Shea, Town Supervisor

CC: Philipstown Town Board

From: Amber Stickle, Director of Recreation and Parks

Date: August 20, 2021

Re: Recreation Leader

On August 19, 2021, the Philipstown Recreation Commission voted to recommend Dennis Mazzuca be hired as the new Recreation Leader for the Town of Philipstown at the annual salary of \$40,000.

As per civil service law, an eligibility test was offered on February 29, 2020. I pulled a certified list of eligible candidates on July 16th, 2021. The Recreation Commission formed a hiring committee of three members – Ben Cheah, Aric Kupper and Lydia McMahon. The hiring committee interviewed the top three candidates on August 10th, 2021.

While all three candidates that interviewed did a great job, the Recreation Commission believes that Mr. Mazzuca would be the best fit. His thoughtful answers and exciting ideas will fit well with the department. In addition, Mr. Mazzuca has worked been working for the Recreation Department for the last 16 years in a part-time capacity. He has proven himself through his hard work and dedication over those years. I have attached his resume for you to review.

Attached to this memo is the Certified List of Eligible Candidates. An appointment from the list must be made by September 14th or the list is no longer valid.

If you have any questions or would like any additional information, please let me know. I am very excited to have Mr. Mazzuca join our team. He has already proven himself a valuable employee and I look forward to see what new ideas he can bring moving forward.



CERTIFIED LIST OF ELIGIBLE CANDIDATES

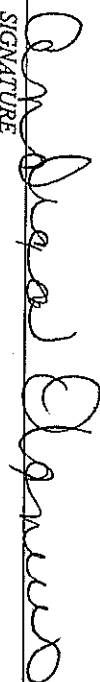
TITLE: RECREATION LEADER NUMBER: 65-906 OC

This Certified Eligible List is valid from July 16, 2021 through September 14, 2021

ISSUED TO: TOWN OF PHILIPSTOWN RECREATION DEPARTMENT

This Certification of Eligibles may be used to make appointment to the competitive class title of RECREATION LEADER. It is valid for the period of sixty (60) days indicated herein. Any date of appointment must be a date between **July 16, 2021 and September 14, 2021**. Once the candidate receives appointment to the position, and has completed the probationary period* pursuant to Putnam County Rule XIII, he/she will then have permanent competitive class status in the position under the law. If no appointment is made by **September 14, 2021**, a new Certified List of Eligible Candidates must be requested, and the expired Certification of Eligibles must be returned to Putnam County Personnel Department. **

CERTIFIED BY PUTNAM COUNTY PERSONNEL DEPT.


SIGNATURE

Andrea Olenius

NAME

Senior Personnel Assistant

TITLE

* Probationary term for appointments made from open competitive (OC) eligible lists: minimum 8 weeks, maximum 52 weeks.
Probationary term for appointments made from promotional (PROM) eligible lists: minimum 8 weeks, maximum 26 weeks.
Probationary term for Police Officer and Deputy Sheriff appointments: minimum 26 weeks, maximum 78 weeks.

** In certain instances and for certain titles, the Personnel Officer may extend a Certification of Eligibles for an additional thirty (30) days, in accordance with Putnam County Civil Service Rules.

WHEREAS, the Town Board of the Town of Philipstown has before it a local law entitled: A Local Law To Opt Out of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption, and

WHEREAS, in order to take action on the said local law, it is necessary to schedule a public hearing,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above proposed local law, and
2. That a public hearing on the proposed local law is set for October ____, 2021 at ____ o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting _____

John VanTassel, Councilman, voting _____

Robert Flaherty, Councilman, voting _____

Jason Angell, Councilman, voting _____

Richard Shea, Supervisor, voting _____

TOWN OF PHILIPSTOWN
LOCAL LAW NO. __ OF THE YEAR 2021

A Local Law entitled "A Local Law To Opt Out of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption".

Be it enacted by the Town Board of the Town of Philipstown as follows:

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by opting out of the New York State cannabis legalization legislation in regard to retail sales and in regard to establishments for on-site consumption.

Section 2. Municipal Home Rule Law:

This law is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(1) that grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with the State Cannabis Law, the Town Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule Law.

Section 3. Determination To Opt-Out of State Cannabis Law:

As is permitted by the State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York), the Town of Philipstown hereby opts out of the State Cannabis Law, and requests the State Cannabis Control Board to prohibit licenses for cannabis retail dispensaries and licenses for on-site consumption of cannabis within the unincorporated portion of the Town of Philipstown.

Section 4. Referendum.

This Local Law shall, in accordance with New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) be subject to referendum on petition as provided in section twenty-four of the Municipal Home Rule Law.

Section 5. Severability.

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

Section 6. Effective Date.

This Local Law shall take effect no earlier than forty-five (45) days after its adoption and subsequent filing with the Secretary of State, or upon approval of a majority of the qualified electors voting, if a petition for permissive referendum is filed pursuant to the provisions of with New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) and section twenty-four of the Municipal Home Rule Law, and subsequent filing with the Secretary of State.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Philipstown will hold a public hearing on the ____ day of October, 2021, at 7:00 o'clock p.m., at Town Hall, 238 Main Street, Cold Spring, New York, on a proposed Local Law of the Year 2021 entitled: "A Local Law To Opt Out of the New York State Cannabis Law (Chapter 7-A of the Consolidated Laws of the State of New York) In Regard To Retail Sales And In Regard To Establishments For On-Site Consumption."

The purpose of this Local Law is to promote the public health, safety and welfare by opting out of the New York State cannabis legalization legislation in regard to retail sales and in regard to establishments for on-site consumption.

A copy of the proposed local law is on file in the office of the Town Clerk and available for inspection by interested persons during Town Clerk's business hours.

The Town Board will at the above date, time and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications addressed to the Board must be received by the Board at or prior to the public hearing.

BY ORDER OF THE TOWN BOARD
TOWN OF PHILIPSTOWN
TARA K. PERCACCILO
TOWN CLERK

Dated: September , 2021

WHEREAS, the Town Board of the Town of Philipstown has a local law before it entitled: A Local Law To Add A New Section 175-18.2 entitled "Upland Drive and Ridge Road Development Districts", and

WHEREAS, in order to take action on the said local law, it is necessary to schedule a public hearing and to make specific referrals,

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. That the movant of this resolution does hereby introduce the above proposed local law, and
- 2. That the proposed local law shall be forwarded to the Planning Board of the Town of Philipstown and the Putnam County Department of Planning for review and report, and
- 3. That a public hearing on the proposed local law is set for October ____, 2021 at ____ o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:
The vote on the foregoing resolution was as follows

- Judith Farrell, Councilwoman, voting _____
- John VanTassel, Councilman, voting _____
- Robert Flaherty, Councilman, voting _____
- Jason Angell, Councilman, voting _____
- Richard Shea, Supervisor, voting _____

TOWN OF PHILIPSTOWN
LOCAL LAW NO. 2 OF THE YEAR 2021

A Local Law entitled "A Local Law To Add A New Section 175-18.2 entitled 'Upland Drive and Ridge Road Development Districts'".

Be it enacted by the Town Board of the Town of Philipstown as follows:

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by amending the Town of Philipstown Zoning Code to add a new Section 175-18.2 entitled "Upland Drive and Ridge Road Development Districts" establishing additional development standards for real property therein in light of the topographic and road access limitations on such properties.

Section 2. Municipal Home Rule Law:

This law is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(1) that grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with the State Cannabis Law, the Town Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule Law.

Section 3. Amendment of the Town Code.

I. Chapter 175 of the Town Code of the Town of Philipstown, entitled "Zoning" is hereby amended to add a new Section 175-18.2 which shall read as follows:

"§ 175-18.2 Upland Drive and Ridge Road Development Districts
(UDDD and RRDD).

A. Findings and purpose. Large tracts of land along Upland Drive, Cliffside Court, and Ridge Road in the southeastern portion of the Town remain undeveloped for a variety of reasons, including environmental restraints such as steep slopes, lack of municipal roadways, and ownership by government entities. The recent demand for real estate for housing development as well as the County of Putnam's actions in placing a number of such properties up for public sale, has created a likelihood of substantial development of these environmentally sensitive properties. The purpose of this section is to enact additional development regulations to ensure that any development of the said lands is done in a safe and environmentally sound manner.

B. Boundaries.

- (1) The Upland Drive Development District ("UDDD") shall consist of an area beginning at the westerly point of the intersection of Winston Lane and Upland Drive, continuing then in a northeasterly direction along the northerly side of Upland Drive, encompassing all properties fronting on that side of Upland Drive or having access drives connecting to it, to the intersection with Old Albany Post Road; the UDDD boundary shall then run along the westerly side of Old Albany Post Road to the intersection with the southerly side of Upland Drive; the UDDD boundary shall then continue in a southwesterly direction along the southerly side of Upland Drive, encompassing all properties fronting on that side of Upland Drive or having access drives connecting to it, back to the intersection with Winston Lane; the UDDD boundary shall then run in a straight line back to the point of beginning.
- (2) Additionally, the UDDD shall consist of an area beginning at the southerly point of the intersection of Upland Drive and Cliffside Court, continuing then in a northerly direction along the western side of Cliffside Court, encompassing all properties fronting on that side of Cliffside Court or having access drives connecting to it, to the end of the road; the UDDD boundary shall then run in a southerly direction along the eastern side of Cliffside Court, encompassing all properties fronting on that side of Cliffside Court or having access drives connecting to it, back to the intersection with Upland Drive; the UDDD boundary shall then run in a straight line back to the point of beginning.
- (3) The Ridge Road Development District ("RRDD") shall consist of an area beginning at the westerly point of the intersection of Aqueduct Road and Ridge Road, continuing then in a northerly direction along the westerly side of Ridge Road, encompassing all properties fronting on that side of Ridge Road or having access drives connecting to it, to the end of Ridge Road at the forked intersection with Nova Street and Sky Lane; the UDDD boundary shall then run in a straight

line to the easterly side of Ridge Road and then in a southerly direction along the easterly side of Ridge Road back to the intersection with Aqueduct Road; the UDDD boundary shall then run in a straight line back to the point of beginning.

C. Regulatory effect on land uses. Within the UDDD and RDDD, all of the underlying land use district regulations remain in effect, except that:

- (1) The maximum density (conservation) shall be two (2) acres;
- (2) The minimum lot size shall be two (2) acres;
- (3) The maximum impervious surface coverage shall be 10%.
- (4) The maximum footprint (in square feet) for nonresidential structures shall be 4,000.
- (5) The steep terrain and ridgeline protection regulations of Code § 175-36 shall apply, and in addition, disturbance of slopes of 30% or greater for a purpose other than those listed in Code § 175-36B(1) shall require grant of an area variance from the Zoning Board of Appeals."

II. A new map depicting the UDDD and RDDD, entitled "Town of Philipstown Upland Drive and Ridge Road Development Districts" shall be prepared and added as an attachment to the Town Zoning Code.

Section 5. Severability.

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

Section 6. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board.

WHEREAS, the Town Board of the Town of Philipstown has a local law before it entitled: A Local Law To Amend Town of Philipstown Town Code §112-35 And The Open Development Area General Regulations Of Chapter 112, Article VIII, In Regard To Standards For Development Of Private Roads.", and

WHEREAS, in order to take action on the said local law, it is necessary to schedule a public hearing and to make specific referrals,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above proposed local law, and
2. That the proposed local law shall be forwarded to the Planning Board of the Town of Philipstown and the Putnam County Department of Planning for review and report, and
3. That a public hearing on the proposed local law is set for October ____, 2021 at ____ o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

The vote on the foregoing resolution was as follows

Judith Farrell, Councilwoman, voting _____

John VanTassel, Councilman, voting _____

Robert Flaherty, Councilman, voting _____

Jason Angell, Councilman, voting _____

Richard Shea, Supervisor, voting _____

TOWN OF PHILIPSTOWN
LOCAL LAW NO. 3 OF THE YEAR 2021

A Local Law entitled "A Local Law To Amend Town of Philipstown Town Code §112-35 And The Open Development Area General Regulations Of Chapter 112, Article VIII, In Regard To Standards For Development Of Private Roads."

Be it enacted by the Town Board of the Town of Philipstown as follows:

Section 1. Purpose:

The purpose of this Local Law is to promote the public health, safety and welfare by amending the Town of Philipstown Zoning Code in regard to private road development standards.

Section 2. Municipal Home Rule Law:

This law is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(1) that grants local governments the authority to enact local laws regarding the public health, safety and welfare. To the extent the provisions of this Local Law are in conflict with State law, the Town Board hereby asserts its intention to supersede same pursuant to the Municipal Home Rule Law.

Section 3. Amendment of the Town Code.

I. Section 112-35, entitled "Street construction", of Town of Philipstown Town Code Chapter 112, entitled "Land Development" is hereby repealed and reenacted to provide as follows:

"§112-35. Street construction.

- A. Private ways providing access to ten (10) or more lots shall be built to the standards of the Town Road Specifications. Provided, however, that owners or developers on private ways providing access to ten (10) or more lots may apply to the Planning Board for authorization to improve the same to a lesser standard as set forth under the Open Development Area General Regulations of the Town of Philipstown if they are unable to comply with the applicable Town Road Specifications.
- B. Private ways providing access to nine (9) or fewer lots , shall be constructed as follows:
 - (1) Travelway. Private ways shall be provided with at a fourteen-foot travelway constructed with a suitable compacted gravel or crushed stone base eight inches

in depth, meeting the specifications for a foundation course set forth in the Town Road Specifications.

- (2) Drainage. The travelway shall be provided with sufficient drainage to protect the stability of the travelway and to prevent water from crossing the travelway surface.
- (3) The travelway shall have suitable grades and alignment to provide safe and convenient access to cars, fire apparatus and emergency vehicles, as well as for clearing of snow and ice.

Provided, however, if compliance with the said standards in regard to width of the travelway is not possible, the travelway may be improved to a lesser standard under the Open Development Area General Regulations of the Town of Philipstown if authorized by the Planning Board.

- C. Road maintenance agreement. All private ways shall have a legally established private road maintenance agreement as provided in Town Code §112-64(J)(4)."

II. Section 112-54, entitled "Travelways", of Town of Philipstown Town Code Chapter 112, Article VIII, entitled "Open Development Area General Regulations" is hereby repealed and reenacted to provide as follows:

"§112-54 Travelways.

A private right-of-way or easement that is not required to meet Town road standards, either under Code §112-35 or by Open Development Area approval from the Planning Board, shall be improved with a travelway meeting the minimum standards for private ways as specified in the Land Subdivision Regulations. (See Summary of standards in "§112-64). The travelway shall have suitable grades and alignment to provide safe and convenient access to cars, fire apparatus and emergency vehicles, as well as for clearing of snow and ice."

III. Subsection (B)(5) of Code Section 112-56 is repealed.

IV. Section 112-57, entitled "Action by Planning Board", of Town of Philipstown Town Code Chapter 112, Article VIII, entitled "Open Development Area General Regulations" is hereby repealed and reenacted to provide as follows:

"§112-57 Action by Planning Board.

- A. Upon receipt of the application referred by the Building Inspector, the Planning Board shall process the application using the procedure prescribed for major project site plan approval as set forth in Code §175-66.
- B. In regard to applications for approval of private ways providing access to ten (10) or more lots, the Planning Board shall approve such application only if the applicant demonstrates that it is unable to comply with the applicable Town Road Specifications due to physical limitations on development or other circumstances beyond its control. If such a showing is made, and the travelway meets the summary of standards for private rights-of-way and easement layouts set forth in Code §112-64, the Planning Board shall grant the application, and in doing so may attach reasonable conditions. Further, the Planning Board may waive the development standards set forth in Code §112-64 in the event that applicant demonstrates that compliance with the said standards is not possible, but only if the Planning Board is satisfied, in its discretion, that notwithstanding the waiver the travelway shall still have suitable grades and alignment considering the volume of traffic anticipated and shall provide safe and convenient access to cars, fire apparatus and emergency vehicles, as well as for clearing of snow and ice.
- C. In regard to applications for approval of private ways providing access to nine (9) or fewer lots, the Planning Board shall approve such application if the travelway meets the summary of standards for private rights-of-way and easement layouts set forth in Code §112-64, provided that the Planning Board may waive compliance with the said standards if it is satisfied, in its discretion, that notwithstanding the waiver the travelway shall still have suitable grades and alignment considering the volume of traffic anticipated and shall provide safe and convenient access to cars, fire apparatus and emergency vehicles, as well as for clearing of snow and ice. The Planning Board may impose reasonable conditions on such approval."

V. Section 112-58, entitled "Return of application", of Town of Philipstown Town Code Chapter 112, Article VIII, entitled "Open Development Area General Regulations" is hereby repealed and reenacted to provide as follows:

"§112-58 Return of application.

Upon rendering a determination on an application for an Open Development Area approval, the Planning Board shall file the same with the Building Inspector and provide a copy to the applicant by mail."

VI. Section 112-60, entitled "Exceptions for existing right-of-way", of Town of Philipstown Town Code Chapter 112, Article VIII, entitled "Open Development Area General Regulations" is hereby repealed and shall be left blank for possible future use.

VII. Section 112-62, entitled "Appeals", of Town of Philipstown Town Code Chapter 112, Article VIII, entitled "Open Development Area General Regulations" is hereby repealed and reenacted to provide as follows:

"§112-62 Judicial Review.

Any person aggrieved by the action of the Planning Board upon an application for an Open Development Area approval may apply to the Supreme Court of the State of New York for appropriate relief within thirty (30) days after the Planning Board's decision has been filed with the Building Inspector.

VIII. Subsection "H" of Section 112-64, entitled "Summary of standards for private rights-of-way and easements layouts" of Town of Philipstown Town Code Chapter 112, Article IX, entitled "Summary of Standards" is hereby repealed and shall be left blank for possible future use.

Section 4. Severability.

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

Section 5. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York subsequent to having been duly adopted by the Town Board.

Supervisors and Town Boards

The American Rescue Plan

What it means for New York's towns

On March 11, 2021 President Biden signed the American Rescue Plan (ARP) Act of 2021, the much anticipated federal COVID19 relief bill. A summary of some of the key provisions impacting towns is below. *****Please note that the figures provided for individual towns are estimates only - actual amounts may vary. The Department of Treasury will be issuing further guidance and details.*****

Estimated Funding for State and Local Governments

Overall: \$360 billion in direct financial relief for state and local governments, including \$65 billion for America's cities, villages and towns, and \$65 billion for counties

New York State: New York State will receive \$12.6 billion, New York's metropolitan cities will get \$6.14 billion, counties will receive \$3.9 billion, and smaller cities, towns and villages will receive \$825 million

75 percent Cap for non-entitlement communities: If your town has a population of less than 50,000, the amount of money you receive cannot exceed 75 percent of your most recent budget as of January 27, 2020. Any amount in excess of 75 percent will be need to be returned to the Department of Treasury.

The estimated amount your town is set to receive can be found here (<https://www.schumer.senate>

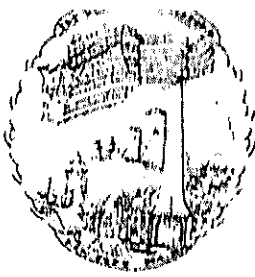
[gov/imo/media/doc/ARP_NY%20Local%20Aid_3.8.21_Full%20v1.2.pdf](https://www.schumer.senate.gov/imo/media/doc/ARP_NY%20Local%20Aid_3.8.21_Full%20v1.2.pdf))

****A note about villages - although villages are not listed separately, villages AND town governments will be receiving a direct allocation of federal assistance. The amount listed for the town INCLUDES money that will ultimately go to villages within the town. The Department of Treasury will determine how to distribute assistance between overlapping governments.**

Fund Distribution

- Money will be distributed in two equal installments (tranches) over a two-year period
 - Municipalities with a population of at least 50,000 (based on 2019 Census data) using a modified Community Development Block Grant (CDBG) formula will receive funds directly from the Treasury Department within 60 days of the President signing the bill (March 11, 2021).
 - For CDBG non-entitlement communities (those with a population less than 50,000), the first installment will be sent to New York State within 60 days of the President signing the bill. The state then has 30 days to send the money to your town. If the state fails to distribute these funds, it will be penalized.
 - The second installment will be sent 12 months after the first installment
- ### How and when can funds be spent?
- ARP funds may be used for the following purposes:
 - For the provision of government services impacted by a reduction in revenue resulting from the pandemic;

- Investments in water, sewer or broadband infrastructure;
- To respond to the COVID-19 public health emergency or its negative economic impacts including assistance to households, small businesses, and non-profits or to assist impacted industries such as tourism, travel and hospitality;
- For "Premium Pay" to eligible essential workers. "Premium pay" means an additional amount up to \$13 per hour. There is a cap of \$25,000 for any single eligible worker
- Municipalities may NOT use funds to cover pension costs.
- There is a deadline to spend funds by December 31, 2024. ☐



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 August 2021

1. Fees Collected	<u>33001.55</u>
2. Total Number of Permits Issued	<u>32</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>1</u>
6. New Multi family occupancies:	<u>1</u>
7. Additions, alterations or repairs residential buildings	<u>3</u>
8. Additions, alterations or repairs commercial buildings:	<u>0</u>
9. All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	<u>29</u>
10. Number of Certificates of Occupancy :	<u>27</u>
11. Number of Stop Work Orders issued:	<u>1</u>
12. Operating permits issued	<u>1</u>
13. Operating permits issued hazardous materials	<u>1</u>
14. Operating permits Hazardous processes and activities	<u>1</u>
15. Permits issued for the Use of pyrotechnic devices:	<u>1</u>
16. Inspection of public assembly :	<u>3</u>
17. Inspection of commercial occupancies	<u>1</u>
18. Inspection of buildings with 3 or more dwelling units:	<u>1</u>

Projects of Significance: _____

