

The Town Board held their Monthly Meeting on the above date at 7:37 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York 10516.

PRESENT:

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

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

REVIEW OF MINUTES

Minutes of the Monthly Town Board Meeting of October 4, 2018 were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery with Councilman Flaherty abstaining, that the Minutes of the Monthly Town Board Meeting of October 4, 2018, are hereby approved as presented.

Minutes of the Weekly Town Board Meeting of October 17, 2018 were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Flaherty that the Minutes of the Weekly Town Board Meeting of October 17, 2018, are hereby approved as presented.

COMMITTEE REPORTS

CONSERVATION BOARD – Councilman Leonard reported that they met on October 9, 2018 and the following issues were discussed:

- Twin Bridge Road (repeat issue)
- 125 Old Albany Post Road (non-conforming issue)
- 3 Ethan Drive (replace new single family residence)

They are continuing work on the aqueduct issues with the Wetland Inspector for the permits necessary.

The Stormwater Committee met on October 10, 2018 and they discussed the continuing training for the Highway department, the marking of drains in the MS4 area, and lake

cleanups. They hope to do some water testing to see what kind of water comes into the town and also discussed forming some sort of a septic district.

The next Conservation Board meeting is scheduled for November 13, 2018.

RECREATION – Councilman Van Tassel said that Claudio Marzollo reported that the “Looking Swell” program was completed and that they raised approximately \$200,000 which was put into several improvements for the Depot Theatre. The commission discussed the gym floor which is at the end of its life. Amber could only get one estimate with three options:

1. Repair the floor for \$7,900
2. Replace the floor with rubberized sheets for \$60,000
3. Replace the floor with wood for \$90,000

The commission suggested the second option which would be a rubber sheet floor at the cost of approximately \$60,000. They also discussed the need for a copier and received a quote which would save them money. The Friends of Philipstown will be holding their “Castle to River Run” event on November 17, 2018. They are looking for volunteers.

The next meeting is scheduled for November 27, 2018.

PHILIPSTOWN COMMUNITY THAT CARES - Councilwoman Montgomery reported that they are now meeting every other month. The next meeting is scheduled for November 28, 2018 at the North Highlands Fire Department. She announced that on November 14, 2018 there will be another Family University day at Haldane at 7:00pm. She encouraged everyone to attend.

PLANNING BOARD – Councilman Flaherty reported that they met on October 18, 2018. The following items were discussed:

Old Business

- Lake Celeste Drive (approval of site access)
- Jane Copeland - 3052 Route 9 (seeking change from retail to office space)
- Taylor Fratesi – 220 South Highland Road (single family)
- SEJ Realty – 1510 Route 9 (extend area)

New Business

- Christine Connelly – Route 403 (single family residence)
- Lowrey – 80 Eyrie Road (demolish existing home and rebuild)

Next meeting is scheduled for November 15, 2018 at the old VFW building.

ZONING BOARD – Councilman Van Tassel reported that they met on October 15, 2018. The following items were on the agenda:

- Public Hearing for Dana and Kevin Raymond, 28 Hudson River Lane which was cancelled and the application was withdrawn.
- Betsy Haddad – 19 Lake Celeste Drive (yard variance)

HIGHWAY – Councilman Van Tassel read the report submitted by the Highway Department, which is on file in the Town Clerks office.

Councilwoman Montgomery stated that with her work on the Putnam Traffic Safety Board she initiated a conversation with the new NYS DOT representative Lisa Mondello. From there they met with NYS DOT reps and County reps with regard to Fishkill Road and Route 9. The County and State then negotiated the work that needed to be done and decided that the County would pave that portion of the road. Further work would be done by the DOT.

BUILDING & LAND – Supervisor Shea said that Councilman Van Tassel and he have been meeting with representatives of Highland Architecture to move forward the project on the Town Hall. He said that this has been an uphill battle and they are working through all the legalities to get this started. They hope to have bid packages out in the next six weeks.

PUTNAM COUNTY LEGISLATOR – Legislator Scuccimarra reported that she wanted to address the incident in Nelsonville. She had a press release issued on October 30, 2018 with regard to the hate graffiti on the community member's home which is under construction. She spoke to the sheriff and he is investigating this. She went on to say that this is not what our community is about and something like this cannot be ignored.

The County budget has been finalized – \$159,766,946.00. The budget was balanced even with the mandates that cover approximately \$109,000,000. The tax portion for the home owner will be 9.1%, school portion 71.19%, Town portion 18.5 %, Village portion .54% and the fire district .67%.

Legislator Scuccimarra attended the emergency services meeting to discuss the new truck system which should be operable next year. This is an \$8,000,000 program and a lot of the cost will be from grant money. She is pushing to provide radios for the fire departments and ambulances (All first response vehicles, portable for chief vehicles, etc.) One thing they are asking is that all fire departments write the grant together because the county cannot do it, but can help direct them.

CEMETERY COMMITTEE – Councilman Leonard reported they met on October 9, 2018. He said basically they completed the fall renovations at the Cedar Street cemetery. He said that two more trees need to be taken down because they threaten the renovations. Besides the mapping they have been working on they started grave clearing to determine what might be on the markers to further research. They also discussed the use of ground radar to determine whether people are buried in sites which are not marked. Lastly they discussed further work on the General Morris crypt. They are still looking for volunteers.

The next meeting is scheduled for November 13, 2018.

Supervisor Shea asked to observe a moment of silence for the horrific incident that occurred last week in a house of worship in Pittsburgh, PA.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF NOVEMBER 1, 2018**

GENERAL & PART-TOWN FUNDS

Rec Fees 8/18	\$68,575.29
NYS Per Capita Aid	33,820.00
Justice Fees 9/18	11,327.00
TC Fees 9/18	801.05
TC Fees Dogs 9/18	355.00
Bldg. Fees 9/18	18,230.63
Town Justice Fees 9/18	7,371.50
Perma Comp	523.66
Perma Comp	10,145.79
Tax Collection Penalty Int.	22,678.32
Tax Collection Reminder Fee	234.00
Tax Collection Bank Int.	318.73
Tax Collection Misc.	397.01
AW Scrap	132.00
AW Scrap	40.00
AW Scrap	93.04
AW Scrap	185.00

HIGHWAY

PC Gas	\$2,736.56
Gen Gas	291.48
Gen Gas	556.11
Pine Bush Equip Credit	1,298.55
HD Supply Refund	1,203.20

CONTINENTAL VILLAGE WATER DISTRICT

CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Rentals	\$350.00
Clubhouse Rentals	250.00

AGENDA

- 1. Christopher Prentis, representative of the Lower Hudson Forestry Services to address the Town Board regarding Timber Harvesting Plan and schedule road usage over Philipstown roads.**

Mr. Prentis appeared before the Town Board to give a general overview of what the process will be for the planned logging at the property at 70 Reservoir Lane in Fishkill. The property owned by Sarah Ellis has been enrolled in the NY Forest Tax Law program since 2007. The program is administered by the DEC and is for properties that are being professionally managed for long term forest management goals. Road access to the property will be the gravel driveway that accesses Reservoir Lane. Trucks will use Reservoir Lane to Old Albany Post Road to State Route 9. Then trucks will then travel north on Route 9 to take State Route 84.

Supervisor Shea noted that his concerns are about the use of the town roads which are extremely small and he would want a bond payment to cover damages that might occur.

- 2. Resolution accepting the resignation of Eric Lind from the Conservation Board effective October 22, 2018.**

Town Clerk Merando read the letter submitted by Mr. Lind. Supervisor Shea commended Mr. Lind for his dedication and service to the Town for so many years.

RESOLUTION #127-2018

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

RESOLVED, that the Town Board hereby accepts the resignation of Eric Lind as a member of the Conservation Board effective October 22, 2018.

- 3. Resolution authorizing Supervisor Shea to sign the Intermunicipal Agreement between the Town and the Village of Cold Spring for Building Inspector Services.**

RESOLUTION #128-2018

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the Intermunicipal Agreement between the Town and the Village of Cold Spring for Building Inspector Services.

4. Discussion with regard to the proposed AKRF agreement for Philipstown's Planning Services.

Councilman Flaherty spoke with Ron Gainer with regard to this. Mr. Gainer explained that these requests come from Andy Merante, Planning Board, and would be on an as needed basis only. Most of the costs will be paid for through the homeowner's escrow.

RESOLUTION #129-2018

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

RESOLVED, that the Town Board is hereby authorized to sign the AKRF contract for project-specific consulting services at the following hourly rates:

- Officer \$200.00
- Senior Technical Director \$195.00
- Technical Director \$185.00
- Senior Professional \$165.00
- Professional II \$135.00
- Professional I \$125.00
- Technical II \$100.00
- Technical I \$ 85.00

5. Resolution approving the Philipstown Volunteer Ambulance Corps 2017 Sponsor Approval Form for the Length of Service Award Program.

RESOLUTION #130-2018

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 2017 Sponsor Approval Form for the Length of Service Award Program.

6. Resolution authorizing the Town's Counsel, Drake Loeb PLLC to commence a civil action against property located at 15 Howland Road with regard to illegal fill and/or dumping at that site. (Roll call vote).

Supervisor Shea explained that this is due to illegal dumping – tractor trailer loads of fill which turned out to be garbage. The property owners were talked to and asked who did the dumping and they would not give that information. Supervisor Shea said that the town will not tolerate this and legal action will be taken.

RESOLUTION #131-2018

WHEREAS, Town Code Article 175 and Article 99 prohibit fill and/or dumping on property in the Town of Philipstown without obtaining all required permits and approvals; and

WHEREAS, it appears that fill and/or dumping without the required permits and approvals has occurred on certain real property located at 15 Howland Road in the Town of Philipstown; and

WHEREAS, the Town's Code Enforcement Officer has issued notices to remedy , but the parties responsible for the said fill and/or dumping on the property have failed to remove the fill and debris or otherwise obtain the required approvals and permits; and

WHEREAS, it appears that it will be necessary to commence litigation against the responsible parties in order to secure compliance with the Town Code and remedy the illegal condition currently existing on said property;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby authorizes and directs the Town's legal counsel, Drake Loeb PLLC, to commence a civil action in New York State Supreme Court, Putnam County, for injunctive relief and civil penalties against the record owners of 15 Howland Road, Philipstown, New York and such other parties who participated in or appear to have participated in the fill and/or dumping at the said property without obtaining all required permits and approvals; and
2. That the Town Board hereby authorizes the Town Supervisor to execute any and all documents as may be necessary for bringing and maintain the said litigation.

Councilwoman Montgomery presented the foregoing resolution, which was seconded by Councilman Leonard,

The vote on the foregoing resolution was as follows;

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

7. Resolution authorizing the Town's Counsel, Drake Loeb PLLC to commence a civil action against property located at 240 Carol Lane with regard to illegal fill and/or dumping at that site. (Roll call vote).

RESOLUTION #132-2018

WHEREAS, Town Code Article 175 and Article 99 prohibit fill and/or dumping on property in the Town of Philipstown without obtaining all required permits and approvals; and

WHEREAS, it appears that fill and/or dumping without the required permits and approvals has occurred on certain real property located at 240 Carol Lane in the Town of Philipstown; and

WHEREAS, the Town's Code Enforcement Officer has issued notices to remedy , but the parties responsible for the said fill and/or dumping on the property have failed to remove the fill and debris or otherwise obtain the required approvals and permits; and

WHEREAS, it appears that it will be necessary to commence litigation against the responsible parties in order to secure compliance with the Town Code and remedy the illegal condition currently existing on said property;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby authorizes and directs the Town's legal counsel, Drake Loeb PLLC, to commence a civil action in New York State Supreme Court, Putnam County, for injunctive relief and civil penalties against the record owners of 240 Carol Lane, Philipstown, New York and such other parties who participated in or appear to have participated in the fill and/or dumping at the said property without obtaining all required permits and approvals; and
2. That the Town Board hereby authorizes the Town Supervisor to execute any and all documents as may be necessary for bringing and maintain the said litigation.

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

The vote on the foregoing resolution was as follows;

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

8. Code Enforcement Monthly Report

Town Clerk Merando read the reports submitted for the Village of Cold Spring and Philipstown which are file in the Town Clerks office.

9. Schedule Workshops/Meetings.

- **Adopt final budget. (suggested date November 20, 2018 at 7:30 pm)**

November 7, 2018 @7:30pm Public Hearing – Budget
November 20, 2018 @7:30pm Adoption of Budget

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

Town Clerk Merando had two added items:

1. If the Town Board was going to pass a resolution for the gym floor replacement at the recreation department.

RESOLUTION #133-2018

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

RESOLVED, that the Town Board hereby authorizes the Philipstown Recreation Department to replace the gym floor with a new 6mm sport sheet flooring system with the cost of the project, including demolition of the current floor, not to exceed \$60,000.00.

2. A new copier lease for recreation which will save, over the course of 48 months, \$9,355.

RESOLUTION #134-2018

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

RESOLVED, that the Town Board hereby authorizes Philipstown Recreation Department to purchase two (2) Toshiba copiers, off state contract, at a cost of \$452.87 per month for 48 months.

Supervisor Shea said that the Board will meet next week and would like to include the Local Law for Magazzino on the agenda. He is waiting for a copy of the law from the attorney.

Supervisor Shea had a few more items he wanted to mention;

1. He was back in federal court over the cell tower issue on Vineyard Lane. He did ask for another balloon test because the last one was useless. The Town will be given at least a five day notice before the test. This way everyone will have a chance to get out there to look at it.
2. The Magazzino law. This law would allow them to have gallery space open to the public and not have to make appointments. This is good for the town and good for businesses.
3. The aqueduct which is now shut down. Continental Village is now getting their water from the Town of Cortlandt. The only issue so far is that they do not have as much volume and if it gets very cold for a period of time they will have to break up ice. This will go on for the next five years.
4. He would like the Board to think about a moratorium on Upland Drive. He will talk to Steve Gaba, Town Attorney, tomorrow about drafting something. Councilman Leonard suggested they also include Cliffside. Supervisor Shea said that they are looking at the possibility of taking out a road improvement project and talking with residents.

Councilwoman Montgomery asked Supervisor Shea about the moratorium on the Vape Stores which is about to end. She wanted to know if we can extend it. He would discuss with Town Attorney.

Councilman Flaherty wanted to remind residents about the vouchers for Royal Carting that are good until end of the year.

Councilman Leonard wanted to make a quick safety point/alert – that being that Continental Village had a few cars broken into. Please lock your cars.

Councilwoman Montgomery attended a meeting called “Philipstown Aging at Home and Staying Independent”. This is a movement by a group of people that are addressing this issue since many of us are concerned about aging and not being able to maintain our homes. You can contact her if you want more info.

AUDIENCE

Jen McCreery of the Desmond Fish Library addressed the Board with regard to the funding from the Town. She explained some of the programs they had this year and some new programs they plan to do next year. She thanked the Board for the support.

Michelle Smith, Hudson Highlands Land Trust, announced that there is a national conservation organization "Leave No Trace Center for Outdoor Ethics", will be at Breakneck Ridge this weekend to begin a study on the overuse and other related problems facing the area. They have done a study in the Catskills and will be working with NYS park system. Their goal is to bring long term solutions to the Breakneck Ridge Trail that will help it on its road to recovery.

VACANCIES

Conservation Board (1)

APPROVAL OF VOUCHERS

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried that the General Vouchers in the amount of \$128,412.25 are hereby approved as set forth in Abstract 10A & 11.

Councilman Van Tassel made a motion, seconded by Councilman Flaherty and unanimously carried that the Highway Vouchers in the amount of \$101,335.08 are hereby approved as set forth in Abstract 10A & 11.

Councilman Leonard made a motion, seconded by Councilman Van Tassel and unanimously carried that the CVPD Vouchers in the amount of \$1,631.37 are hereby approved as set forth in Abstract 10A & 11.

Councilman Flaherty made a motion, seconded by Councilman Van Tassel and unanimously carried that the CVWD Vouchers in the amount of \$7,583.79 are hereby approved as set forth in 11

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilman Leonard to close the Monthly Meeting at 9:15 pm.

Respectfully submitted by,

Theresa Crawley
Deputy Town Clerk