

Monthly Town Board Meeting
December 2, 2010

The Town Board held their Monthly Meeting on the above date at 8:00 p.m, at the Town Hall, 238 Main Street, Cold Spring, New York.

PRESENT

Richard Shea	Supervisor
Betty Budney	Councilwoman
Barbara Scuccimarra	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
Edward W. Doyle	Town Attorney

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

APPROVAL OF MINUTES

The Minutes of the Bid Opening of October 28, 2010 – Highway Material Bids were reviewed.

Councilwoman Budney made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of October 28, 2010, are hereby approved as presented.

The Minutes of the Public Hearing of November 3, 2010 – Budget CVPD & CVWD were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of November 3, 2010, are hereby approved as presented.

The Minutes of the Public Hearing of November 3, 2010 – Budget - Philipstown Ambulance Corp were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of November 3, 2010, are hereby approved as presented.

The Minutes of the Public Hearing of November 3, 2010 – Budget – Cold Spring Fire Company No. 1 were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of November 3, 2010, are hereby approved as presented.

The Minutes of the Public Hearing of November 3, 2010 – Budget – CV Fire Department were reviewed.

Monthly Town Board Meeting
December 2, 2010

Councilman Van Tassel made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of November 3, 2010, are hereby approved as presented.

The Minutes of the Public Hearing of November 3, 2010 – Budget – Garrison Fire were reviewed.

Councilwoman Scuccimarra made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of November 3, 2010, are hereby approved as presented.

The Minutes of the Public Hearing of November 3, 2010 – Budget – General were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of November 3, 2010, General Budget be approved with the following change: Councilwoman Montgomery reflected on her families experience with use of the Hamilton Fish Library and expressed her backing of increasing their budget. Councilwoman Montgomery expressed her support and stated that if monies from the GVFD could be reduced, then maybe some of that money could be allocated to the library.

The Minutes of the Monthly Town Board Meeting of November 4, 2010, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of November 4, 2010, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of November 10, 2010, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of November 10, 2010, are hereby approved as presented.

The Minutes of the Public Hearing of November 18, 2010 – Dog Law were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of November 18, 2010, are hereby approved as presented.

The Minutes of the Special Meeting of November 18, 2010, were reviewed.

Monthly Town Board Meeting
December 2, 2010

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of November 18, 2010.

COMMITTEE REPORTS

CAC – Councilwoman Scuccimarra reported on the items addressed at the CAC Meeting of November 9, 2010. The next meeting will be December 14, 2010, at 7:30 p.m., at the Town Hall.

Recreation – Councilwoman Montgomery reported that the Recreation Commission received a letter of resignation from Patty O'Rourke. She noted that Ms O'Rourke had served on the Commission for approximately two years. Councilwoman Montgomery commented that her services on the Commission were greatly appreciated and she will be sorely missed.

Councilwoman Montgomery also reported that the Philipstown La Crosse had approached the Recreation Commission because they would like to outfit their players year round. She commented that part of their season is operated by the Recreation Department and the other half of the season they operate independently. All of their gear is stored at the Philipstown Park on 9D and have no access to it during the winter months. That being said, they requested that the Recreation Department turn over the equipment and they will maintain and purchase all the teams needs in the future. It was noted that Amber Stickle received notification that the equipments' value was 0 dollars. Town Attorney Doyle stated that the Town Board should authorize the Recreation Commission to give the equipment to the Philipstown La Crosse team.

RESOLUTION #177-10

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

RESOLVED, that the Town Board of the Town of Philipstown has determined that the equipment now maintained by the Recreation Department for the Philipstown La Crosse Team has a 0 dollar value; and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes the Recreation Commission to give the equipment currently held by the Recreation Department to the Philipstown La Crosse Team.

Councilwoman Montgomery then gave a complete report on the activities that were sponsored by the Recreation Department.

The Recreation Commission has formed a field use committee that will be made up of members from the Garrison and Haldane Schools as well as the Philipstown and Cold Spring Recreation Departments. They would like a

Monthly Town Board Meeting
December 2, 2010

member of the Town Board be appointed as a liaison to that committee. The next Commission meeting will be held December 28, 2010.

Recycling - Councilwoman Budney noted that the Recycling Center would be closed on December 25th and January 1st due to the holidays.

Planning Board – Councilwoman Montgomery reported on the items addressed at the Planning Board Meeting of November 18th. The next Planning Board meeting is scheduled for January 13, 2011. There will not be a meeting for the month of December.

Zoning – Councilman Van Tassel reported on the items addressed at the Zoning Board Meeting of November 8th. The next Zoning Board meeting is scheduled for January 10, 2011.

Highway - Councilwoman Budney read the monthly report submitted by Highway Superintendent Roger Chirico. The report is on file in the Town Clerk's Office for anyone wishing to review. Supervisor Shea commented that any budget restraints would be at the state level. He went on to say that any town road that poses a public safety concern, this Town Board would immediately fund such a project.

Building & Land Acquisition - No report.

GVFD – Jamie Copeland, President of the Garrison Fire Department stated that there are five new members of the fire police and asked Supervisor Shea to swear them in.

Supervisor Shea then swore in the following members to the Fire Police:

Peter von Bergen
Peter Richter
Kirby Brown
John Giardiello
Allan Simmons

Joseph Surace and Sarah Geer were unable to attend and will take their oath at the Town Clerk's Office.

Supervisor Shea then commented on the value of volunteers and thanked the fire fighters for all their hard work through the budget process. Supervisor Shea gave a special thanks to Kyle Irish for educating him on the vital role the fire fighters play.

Jamie Copeland then read the report for the month of November.

TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF DECEMBER 2, 2010

GENERAL & PART-TOWN FUNDS

Town Clerk Fees – 10/10	\$ 448.45
Justice Fees – 10/10	5,950.00
Justice Fees – 10/10	7,410.00
D. Bellom – Easement	3,000.00
Recreation Fees – 10/10	43,240.59
Hudson Baylor	
A.W. Scrap Metal	303.00
A.W. Scrap Metal	301.00
CTV Fees	17,850.00
Building Fees – 10/10	12,543.00
Bank Interest	124.07

HIGHWAY FUND

Putnam County Sheriff's – Gas	\$ 1,473.03
Putnam County Sheriff's – Gas	624.65
General Fund Ck – Building & Recreation Gas	258.80

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	\$ 5.22
---------------	---------

CONTINENTAL VILLAGE PARK DISTRICT

Bank Interest	\$ 34.68
---------------	----------

AGENDA

1. Honorary Resolution for Garrison Union Free School. (Nunc Pro Tunc)

RESOLUTION #178-10

The following Resolution was presented by Councilwoman Scuccimarra, seconded by Councilwoman Budney and unanimously carried;

WHEREAS, the Garrison Union Free School and our community stands firmly committed to promoting education excellence for future academic success; and

WHEREAS, much to the delight of the Town of Philipstown, the Garrison Union Free School has been named one of the nation's Blue Ribbon Schools for 2010 in recognition of academic excellence; and

WHEREAS, the Garrison Union Free School was selected to receive this award based on students' top performance on state assessment tests in English Language Arts and Mathematics, as well as, on the quality of the school's signature curriculum programs in areas from mathematics to history and on its unique resources, such as the School Forest; and

WHEREAS, this award is a tribute to the hard work of the students and faculty; and

NOW, THEREFORE BE IT RESOLVED, that the Town of Philipstown urges all citizens in our community to recognize this outstanding achievement by the administrators, faculty, and students of the Garrison Union Free School;

BE IT FURTHER RESOLVED, that we, the undersigned members of the Town Board and Town Officers of the Town of Philipstown, congratulate the Garrison Union Free School, its students and faculty, for their outstanding accomplishments and do hereby inscribe upon the minutes of Town Records, our congratulations.

Diane Swinburne addressed the Town Board, thanking them for their recognition of the achievements the staff and the students have accomplished.

2. Resolution of support for Manitoga – for the Parks and Trails New York Capacity Grant. (Nunc Pro Tunc)

RESOLUTION #179-10

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Scuccimarra and unanimously carried;

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to draft a letter of support for the Parks and Trails New York Capacity grant application by

Monthly Town Board Meeting
December 2, 2010

Manitoga/The Russel Wright Design Center for their proposed Adopt-a-Trail program.

3. Resolutions needed to Adopt Local Law entitled Putnam Pathways as follows:

- SEQRA – Negative Declaration

Supervisor Shea stated that the Town Board held the Public Hearing on this matter earlier this evening, and did receive comments from the public.

Town Attorney Doyle commented that all documents are in order and if the Town Board wishes to proceed they may do so.

RESOLUTION #180-10

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

WHEREAS, heretofore the Town Board has introduced Local Law No. 4 of the year 2010 entitled: A Local Law to amend the Code of the Town of Philipstown by adding a new Chapter 131 to be entitled “Putnam County Pathways” which provides for the adoption of the said Greenway Planning Program as land use policies, principles and guides in the Zoning Law and Land Development Regulations; and

WHEREAS, this is an action subject to SEQR, and

WHEREAS, the Town Board is the sole Involved Agency, and such has caused to be prepared a Short Environmental Assessment Form, and

WHEREAS, the Town Board has conducted a public hearing on the proposed local law and heard all persons interested in the subject matter of the same,

NOW, THEREFORE, BE IT RESOLVED as follows: That after considering all of the information presented to it including the Short EAF the Town Board determines that the adoption of the Local Law No. 4 of the year 2010 will not result in any significant adverse environmental impacts and does hereby adopt the Negative Declaration and authorize Supervisor Shea to sign the same, said EAF is attached hereto.

The vote on the foregoing resolution was as follows:

Supervisor Shea	voted	AYE
Councilwoman Budney	voted	AYE
Councilwoman Scuccimarra	voted	AYE
Councilwoman Montgomery	voted	AYE

regulations, such new or amended laws and regulations, where appropriate, will be designed to be consistent with the *Putnam County Pathways*.

Section 2. Amendment of Zoning Law

To implement Putnam County Pathways in the Town of Philipstown, the zoning Law of the Town of Philipstown is hereby amended by the addition of the following provision:

§175-3.1 Putnam County Pathways. By Local Law No. 4 of the year 2010 the Town of Philipstown has adopted Putnam County Pathways: A Greenway Planning Program Linking Putnam's Open Space, Historic, Cultural and Economic Resources, as amended from time to time, as a statement of land use policies, principles and guides. In its discretionary actions under this zoning law, the reviewing agency should take into consideration said statement of policies, principles and guides.

Section 3. Amendment of Land Development Law

To implement Putnam County Pathways in the Town of Philipstown, Chapter 112 of the Town Code (Land Development) of the Town of Philipstown is hereby amended by the addition of the following provision:

§112-1.1 Putnam County Pathways. By Local Law No. 4 of the year 2010 the Town of Philipstown has adopted "Putnam County Pathways: A Greenway Planning Program Linking Putnam's Open Space, Historic, Cultural and Economic Resources, as amended from time to time, as a statement of land use policies, principles and guides". In its discretionary actions under this chapter, the reviewing agency should take into consideration said statement of policies, principles and guides.

Section 4. Home Rule Authority and Withdrawal

Nothing in this local law, in the adoption of the Putnam County Pathways, or in becoming a participating community in the Greenway compact is intended or shall be construed (a) to limit the home rule authority of the Town under state law to make local land use and zoning decisions, (b) to authorize any other entity to supersede the Town's land use laws and regulations or to impose any requirements on the Town, or (c) to prevent the town in its sole discretion from adopting a local law at a later date for the purpose of withdrawing from the Greenway Compact or Putnam County Pathways.

Section 5. Separability

If any part or provision of the Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such

judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Philipstown hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

The vote on the foregoing resolution was as follows:

Supervisor Shea	voted	AYE
Councilwoman Budney	voted	AYE
Councilwoman Scuccimarra	voted	AYE
Councilwoman Montgomery	voted	AYE
Councilman Van Tassel	voted	AYE

4. Resolution authorizing Supervisor Shea to sign the contract between the Town of Philipstown and the Continental Village Volunteer Fire Department, Inc., for fire protection services for the year 2011.

RESOLUTION #182-10

The following Resolution was presented by Councilwoman Scuccimarra, seconded by Councilwoman Budney and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes Supervisor Shea to sign the contract between the Town of Philipstown and the Continental Village Volunteer Fire Department, Inc., for fire protection services for the year 2011.

5. Resolution authorizing Supervisor Shea to sign the contract between the Town of Philipstown and the Philipstown Volunteer Ambulance Corps, Inc., for furnishing emergency ambulance services for the year 2011.

RESOLUTION #183-10

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Scuccimarra and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes Supervisor Shea to sign the contract between the Town of Philipstown and the

Monthly Town Board Meeting
December 2, 2010

Philipstown Volunteer Ambulance Corps, Inc., for furnishing emergency ambulance services for the year 2011.

6. Resolution authorizing Supervisor Shea to sign the contract between Donoghue, Thomas, Auslander & Drohan, LLP and the Town of Philipstown for legal fees from January 1, 2011 through December 31, 2011.

RESOLUTION #184-10

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes Supervisor Shea to sign the contract between Donoghue, Thomas, Auslander & Drohan, LLP and the Town of Philipstown for legal fees from January 1, 2011 through December 31, 2011.

7. Resolution authorizing Supervisor Shea to sign the contract Hudson River Valley Greenway and the Town of Philipstown for a \$10,000 matching grant for Community Planning.

Andy Chmar stated that at their last meeting, the Greenway Council approved this grant unanimously to assist the Town in it's planning and to adopt the zoning, which the Greenway Council feels is in-line with the Greenway Charter and the goals and objectives of the Greenway. Andy Chmar congratulated the Town on receiving this grant and to Town Clerk Merando for processing the grant application.

RESOLUTION #185-10

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Scuccimarra and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes Supervisor Shea to sign the contract between Hudson River Valley Greenway and the Town of Philipstown for a \$10,000 matching grant for Community Planning.

8. The following Resolutions are needed referring the Proposed Zoning Law to the Philipstown Planning Board and the Putnam County Division of Planning:

Supervisor Shea noted that this is part of the process toward the adoption of a new zoning code for the Town of Philipstown. The Town now has the most recent draft, noting that the one significant change was the addition of one overlay named the Historic District Overlay, which will allow the re-use of properties in historic districts. Supervisor Shea commented that many of the changes have come as a result of public input.

- Lead Agency Resolution (roll call vote)

RESOLUTION #186-10

Monthly Town Board Meeting
December 2, 2010

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Scuccimarra;

WHEREAS, the Town Board of the Town of Philipstown has been considering a revision of the Town of Philipstown Zoning Law; and

WHEREAS, the Town Board appointed a Zoning Advisory Committee to make recommendations for specific changes to the Zoning Law; and

WHEREAS, the Zoning Advisory Committee submitted a proposed revision of the Town's Zoning Law to the Town Board in May 2008 in order to implement the Town's 2006 Comprehensive Plan; and

WHEREAS, the Town Board has received a Long Environmental Assessment Form for the proposed local law, as required for SEQRA review, which it will review prior to taking action on the proposed zoning amendment; and

WHEREAS, the Town Board has sole decision making authority for adoption of this local law, and there are no "involved agencies" as defined by SEQRA.

NOW, THEREFORE, BE IT RESOLVED, as follows:

The Town Board of the Town of Philipstown hereby declares itself to be Lead Agency for purposes of SEQRA review of the proposed Local Law and further determines that the Proposed Action is a Type I Action under SEQRA.

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

John Van Tassel	Voting <u>AYE</u>
Nancy Montgomery	Voting <u>AYE</u>
Betty Budney	Voting <u>AYE</u>
Barbara Scuccimarra	Voting <u>AYE</u>
Richard Shea	Voting <u>AYE</u>

The Resolution was thereupon adopted.

- Resolution referring Proposed Local Law (roll call vote)

RESOLUTION #187-10

The following Resolution was presented by Councilwoman Budney, seconded by Councilwoman Montgomery;

WHEREAS, on March 9, 2006, the Town Board adopted a new Comprehensive Plan for the Town of Philipstown; and

Monthly Town Board Meeting
December 2, 2010

WHEREAS, the Town Board determined that it would be beneficial for the Town to revise the current Zoning Law in its entirety in order to implement the recommendations of the Comprehensive Plan and to make the Zoning Law consistent with the Town's current goals; and

WHEREAS, the Town Board appointed a Zoning Advisory Committee to make recommendations for changes to the Zoning Law; and

WHEREAS, the Zoning Advisory Committee prepared a draft zoning law revision and submitted it to the Town Board in May of 2008, and the draft zoning law has been the subject of numerous public meetings and revisions since that time; and

WHEREAS, the Town Board, immediately prior to the adoption of this Resolution, adopted a Resolution declaring its intention to act as Lead Agency for purposes of State Environmental Quality Review Act ("SEQRA") and determined that the enactment of the proposed zoning revision is a Type I action under SEQRA; and

WHEREAS, the Town Board has received a Long Environmental Assessment Form for the proposed local law, as required for SEQRA review.

NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY RESOLVED, that the Town Board introduces "A Local Law Amending Chapter 175 of the Code of the Town of Philipstown, 'Zoning,' by Repealing the Existing Chapter 175 and Replacing it with a new Chapter 175"; and it is further

RESOLVED, that a copy of this Resolution and the local law introduced by this Resolution, together with the Environmental Assessment Form, shall be immediately referred to the Town Planning Board and the Putnam County Division of Planning for their review and comment; and it is further

RESOLVED, that copies of the proposed local law will be available to the public at the Town Hall and on the Town's website.

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

John Van Tassel	Voting <u>AYE</u>
Nancy Montgomery	Voting <u>AYE</u>
Betty Budney	Voting <u>AYE</u>
Barbara Scuccimarra	Voting <u>AYE</u>
Richard Shea	Voting <u>AYE</u>

The Resolution was thereupon adopted.

Monthly Town Board Meeting
December 2, 2010

9. Award Highway Material Bids.

Town Clerk Merando read the list of vendors' awarded the highway material bids for 2011. Copies of the bid results are attached.

10. Schedule Workshops/Meetings.

- Year-End Meeting (suggested date December 29, 2010)

RESOLUTION #188-10

Councilman Van Tassel made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Year End Meeting will be held on December 29, 2010, at 7:30 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

- Re-organization (suggested date January 6, 2011)

RESOLUTION #189-10

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Re-Organization Meeting will be held on January 6, 2011, at 7:00 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York.

11. Code Enforcement Monthly Report.

Town Clerk Merando read the Monthly Report.

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

Councilwoman Montgomery reported briefly on the EMS study underway. She also stated that she attended the Pace University Leadership Program, which she found to be very informative. She continued commenting on some of the subjects address.

Councilwoman Budney read a letter of thanks from the US Census.

Supervisor Shea thanked the Town Board, the Budget Committee, Town Attorney Doyle and the Town Clerk's Office for all their assistance during his first year as supervisor.

AUDIENCE

Andy Merante, Chairman of the Planning Board noted for the record, that the Planning Board would be conducting a workshop to fill the required training for the members. The Town Planner and the Planning Board Attorney will also be present. He added that now that the referral of the new zoning law has been done, the Planning Board would hold at least two workshops on the review.

Monthly Town Board Meeting
December 2, 2010

Lee Erickson commented that a few weeks ago, Kevin Donohue had spoken and he suggested that the Town may consider the installation of a camera to catch persons dumping illegally on town roads. He supported this idea.

VACANCIES

Recreation Commission (1)
CV Park District Advisory (3)
CV Water District Advisory (3)

APPROVAL OF VOUCHERS

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the General Vouchers in the amount of \$105,770.01 are hereby approved as set forth in Abstracts 11A & 12.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Highway Vouchers in the amount of \$49,283.66 are hereby approved as set forth in Abstract 12.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the CV Park District Vouchers in the amount of \$2,748.57 are hereby approved as set forth in Abstracts 12

Councilwoman Budney make a motion, seconded by Councilwoman Montgomery and unanimously carried that the CV Water District Vouchers in the amount of \$6,486.98 are hereby approved as presented in Abstracts 12.

ADJOURNMENT

There being no further business to discuss, Councilwoman Budney made a motion, seconded by Councilwoman Montgomery to close the Monthly Meeting at 8:55 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk