

Monthly Town Board Meeting  
July 8, 2010

The Town Board of the Town of Philipstown 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
John Van Tassel	Councilman
Nancy Montgomery	Councilwoman
Barbara Scuccimarra	Councilwoman
Edward W. Doyle	Town Attorney

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

**REVIEW OF MINUTES**

The Minutes of the Monthly Meeting of June 3, 2010, were reviewed.

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

The Minutes of the Special Meeting of June 14, 2010, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of June 14, 2010, are hereby approved as presented.

The Minutes of the Weekly Meeting of June 16, 2010, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of June 16, 2010, are hereby approved as presented.

The Minutes of the Special Meeting of July 2, 2010, were reviewed.

Councilwoman Scuccimarra made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of July 2, 2010, are hereby approved as presented.

## COMMITTEE REPORTS

**CAC** – Councilwoman Scuccimarra reported that the CAC met on June 9<sup>th</sup> with three (3) items on the agenda:

- Michael Dini, East Mountain. Road South, construction of a residence
- Robert and Karen Jordan, East Mountain Road, Wetlands crossing
- Lake Celeste Association, Old West Point Road, Plant Harvesting

The next CAC meeting is scheduled for July 13<sup>th</sup>.

**RECREATION** – Councilwoman Montgomery reported on the Recreation Commission meeting of June 29<sup>th</sup>.

- Summer camp was a huge success with 150 children attending the first week
- The partnership with Highlands Country Club has added a lot to the camp with swimming four (4) days a week
- Fall book will be completed by the end of July
- Registration for Fall programs begins in August
- Rained-out Renegades game re-scheduled for July 19
- Depot Theater very active in July running free computer programs for kids
- Recreation Commission preparing their recommendation for the gym ceiling. Once completed they will ask the Town Board to go out to bid
- Friends of Philipstown Recreation have officially and legally been established as a mechanism to bring much needed funds for recreation facilities.

The next Recreation Commission meeting is scheduled for July 27<sup>th</sup>.

**RECYCLING** – Councilwoman Budney reported there will now be co-mingling of recyclables at the Landfill. A meeting was held with Hudson Baylor and a pilot program was discussed to mix papers and co-mingles together. Electronics would still go into a separate trailer as does metal.

**PLANNING BOARD** - Councilwoman Montgomery reported that the Planning Board met on June 17<sup>th</sup> with five (5) items on the agenda:

- Juan Montoya – Approval of three-lot subdivision, 236 Old Albany Post Road, Garrison.
- Nathan & Ernest Lyons – Amended reclamation and site plan for Route 9, Cold Spring. Application forwarded to NY State for their review. Site walk took place on June 26<sup>th</sup>. Public hearing set for July 29<sup>th</sup>.
- Robert Rhodes – Subdivision Plat showing lot line adjustment, 801-809 Route 9D, Garrison. Site walk conducted on June 26<sup>th</sup>. Public hearing scheduled for July 29<sup>th</sup>.
- Garrison Golf Club PDD – Submitted application for site plan approval. Overall project had previously been approved by the Planning Board, but an EAF is required to make sure that the new phase conforms. Site visit took place on June 26<sup>th</sup>. Public hearing scheduled for July 29<sup>th</sup>.

Next Planning Board meeting scheduled for July 29<sup>th</sup>.

**ZONING** – Councilman Van Tassel reported on the June 14<sup>th</sup> meeting. One (1) public hearing was conducted for Jack Russell Bowden, 58 Winston Lane, Garrison, on an appeal for a variance to allow recently constructed carport to remain closer to the street line than is permitted. Variance approved with stipulation that the roof be painted a darker color to blend in with the hillside. Other items on the agenda were:

- Theodore and Ellen Timmer, 7 Lewis Lane, Garrison, appeal for a variance requesting a 15' variance from the setback rule of 20' off the property line. Resolution read and approved.
- Rodman Neumann, 12 Manitou Road, Garrison, appeal for a variance. Existing garage was issued a permit and CO in error prior to present owner purchasing property. Applicant wants to add a second story to existing garage and requests a 34' foot variance from right-of-way and 18.3' foot variance from street line. Public hearing scheduled for July 12<sup>th</sup>.
- Discussed SEQRA review for Winter Hill. Part II of EAF adopted. Part III requested.

Next Zoning Board of Appeals meeting scheduled for July 12<sup>th</sup>.

**HIGHWAY** – Councilwoman Budney read the monthly report prepared by Highway Superintendent Chirico. A complete copy of this report is on file in the Town Clerk's Office.

**BUILDING & LAND ACQUISITION** – Supervisor Shea had no report.

**GARRISON VOLUNTEER FIRE DEPARTMENT** – Supervisor Shea read the activity report in the absence the Garrison Volunteer Fire Department representative.

**EMERGENCY SERVICES** – Councilman Van Tassel reported that the Town Board announced the formation of a task force to begin the process of developing a town-wide Emergency Services District. This district would include all four (4) fire departments as well as both EMTs. The task force would later include equal representation from all the Emergency Services involved. Councilman Van Tassel stated that he wanted to encourage all Emergency Services members to keep an open mind about this program and feels that the consolidation at the town level will improve the overall services, as well as offer considerable savings. Further he stated that the plan will take considerable time, effort and cooperation to complete. The pilot group will begin meeting in late July or early August. Names of the individuals on the pilot group would not be released until confirmation of participation was received. Councilman Van Tassel stated that due to his position on the Town Board, he would not be a member of the program, but he and Deputy Supervisor Montgomery would be the Town liaisons.

Supervisor Shea stated that this was an idea that has been kicked around for a few years and this is just the very beginning and didn't want anyone to get the feeling that the "train was leaving without them." He further stated that the announcement of this

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task force tonight was merely the start of the process and that the Town Board feels that there are substantial savings in the town-wide district and also efficiencies.

Audience member from the Continental Village Fire Department asked about grant money for this study. Councilwoman Montgomery responded that a grant was submitted; that they were told by NY State that it was going to be awarded but the Town had not yet received the money but hopeful that the Town would receive it.

The audience member asked how the Town Board went about picking people for the task force? Councilman Van Tassel responded that they were all people with background in Emergency Services. He added that a commitment was received from a corporation to do the study, but the Town did not have a check from the State as yet. Audience member asked how long would this take? Councilman Van Tassel stated the Board had no idea. Supervisor Shea interjected that the Town did receive a commitment letter from the State but due to the budget restraints....

Councilman Van Tassel stated that the Board would like to proceed with the study if the money is received, but in the meantime start the task force; let the group come up with a plan that will work for everybody.

Audience member asked if this would be better served as a community independent (inaudible). Councilman Van Tassel stated that this group was independent, provided the Town received the \$9,000 to pay for it. Supervisor Shea remarked that when the State of New York sends you a commitment letter, it is usually honored. Councilwoman Montgomery stated that the task force would do what the consultant would do up front and that is gather data. Supervisor Shea stated that this has to be an independent study.

Audience member questioned how the Board went about picking people for the task force. Councilman Van Tassel replied that persons selected were basically chosen because of their background or because of their experience, but they are all committed to this. He further stated that eventually the task force would be opened up to equal representation from every agency. The Town Board thought that from the beginning that it would be rough as there would certainly be opposition – that everyone was not going to be ready to do this. The original group will formulate what the task force will do.

Audience member questioned if the meetings would be opened to the public – a public hearing? Councilman Van Tassel replied that he didn't think so in the beginning stages – that it might not be very productive to open it to the public. Eventually it would have to be.

Audience member asked if the backgrounds of persons on the task force should be brought up to a public meeting; could be voted on just to make sure that the selected persons come in with a unbiased perspective towards (inaudible). Councilman Van Tassel responded that the Board wanted biased – they wanted a group that is enthusiastic about doing it. He stated that all the fire departments would be selecting candidates to participate.

Audience member questioned if the task force was being put together to prove that consolidation works, or to create an independent study to determine whether consolidation works? Councilman Van Tassel replied that the independent study would be done by a firm. Audience member replied that he understood that, but the Board was moving forward with an internal independent study as Councilman Van Tassel put it. Councilman Van Tassel stated that was somewhat correct - - it also is a group to start formulating the plan and how it fits the Town.

Councilwoman Montgomery stated that it was safe to say there are members of the community that would see this as something that would be very beneficial to the community. It has been tossed around for more than a decade and she felt that it was worth the time of the community members to look at it. This was all that the task force was. The independent study is going to be separate –not gong to study it with the intent that the Town would have a district.

Audience Member: No, I completely understand what the independent study is for. I'm questioning the formulation with this internal independent study. It doesn't sound like it's a study, it sounds like....

Councilman Van Tassel replied that it was a task force to form this. The Board is trying to get an enthusiastic group to do this kind of work, and in order for this to be successful he didn't think it could start out with 10 or 12 naysayers on the program. In order for this to work, the people on the task force, whether the entire department is committed or agreeing to it, will be determined later on. This group in the beginning will have to be committed in order for this to work .

Audience member asked if it was the Board's position that if the Town didn't receive the grant money that the independent study could not be performed; that the Town would continue to move forward with consolidation? Councilman Van Tassel replied that the Town would continue to move forward with the task force. Audience member then asked, "the task force leading into the purpose of consolidating fire districts?"

Supervisor Shea stated that the Board realizes that the study has to be done and that the Town had a commitment letter from the state and expected the state to honor that commitment letter. He added that the Board expects the study to be done – that was the assumption at the present time.

Audience member remarked that there was no answer if the study is not done on how the town would proceed forward. Supervisor Shea replied that the study has to be done.

**TOWN OF PHILIPSTOWN**  
**MONTHLY REPORT OF TOWN SUPERVISOR**

**MONIES RECEIVED AS OF July 8, 2010**

**GENERAL & PART-TOWN FUNDS**

Hudson Baylor Paper	\$ 94.20
Hudson Highlands Land Trust Town-wide Cleanup	10,000.00
Justice Fees – 5/10	7,169.00
Town Clerk Fees – 5/10	421.33
Putnam County Mortgage Tax	14,256.00
Justice Fees – 5/10	7,335.00
Association of Towns Refund	80.00
Putnam County VFS Rental	25.00
Recreation Fees – 5/10	40,633.56
Putnam County DWI	340.00
C.T.V. Fees	10,964.00
A. W. Scrap Metal	418.00
PERMA Insurance Credit	2,310.00
Hudson Highlands Land Trust Town-wide Cleanup	3,406.00
Bank Interest	325.97

**HIGHWAY FUND**

Putnam County Sheriffs - Gas	\$ 712.38
Putnam County Sheriffs - Gas	925.25
General Check-Bldg/Recreation Gas	459.94
Putnam County Sheriffs – Gas	536.90
Putnam County Sheriffs – Gas	876.74
Continental Fire Department – Gas	28.30
Bank Interest	421.93

**CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest	\$ 14.49
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**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse Fees	\$ 545.00
Bank Interest	45.72

## **AGENDA**

### **1. Discussion with regard to 60 Highland Drive, Garrison.**

Debbie Bellom and Armant Papasodero addressed the Town Board regarding the recent purchase of premises located at 60 Highland Drive, Garrison, NY. Referenced property was purchased at a bank foreclosure. Mr. Papasodero informed the Board that he and Ms. Bellom did not find out that the driveway of the home was partially on the Town's property. He further stated that they understood that the property was not for sale and was to be kept green and not developed. He and Ms. Bellom came before the Board to request the purchase of or an easement or right-of-way allowing ingress and egress over the part of the driveway that goes over the Town lot. Without said purchase or easement, there would be no way to access the rear underground garage, which would cause a severe hardship and potential financial loss should they decide to sell the property. At this point Mr. Papasodero presented a survey map for the Town Board to review. He stated that since the property was purchased at a bank foreclosure, there was no survey done – that the problem was not disclosed at that time.

Supervisor Shea informed Ms. Bellom and Mr. Papasodero that when the Town receives "in-rem properties," there is a clause that states that the Town cannot sell. It is a revert clause to the county. The first thing that would have to be done is Ms. Bellom and Mr. Papsodero would have to have a discussion with the County because if the Town does anything, it would have to involve the County to see if that would be amenable to selling the property. The County can sell it – the Town cannot.

Town Attorney Doyle stated that he understood that in the deed if the property is used for anything other than municipal purposes, it reverts to the County. A private easement for them to get to their garage is not a municipal purpose in his opinion. That was not a Town use. If the Town granted the easement and Ms. Bellom and Mr. Papasodero started to use it, in his opinion, immediately that would trigger the reverter – what the Town has given them is useless and the property immediately goes back to the County and Ms. Bellom and Mr. Papasodero are right back at square 1.

Mr. Papasodero and Ms. Bellom were referred to George Michaud at the Putnam County Real Property Tax Services in Carmel. Supervisor Shea stated that subsequent to their discussion/meeting with Real Property Services, all parties involved would try to get together to work it out. Supervisor Shea informed Ms. Bellom and Mr. Papasodero that he would also follow up with Mr. Michaud.

### **2. Resolution authorizing the release of Garrison Golf Course Detention Basin Landscaping Bond in the amount of \$15,000.**

Town Clerk Merando read a letter from Chairman of the Planning Board, Anthony Merante, recommending that the remaining 50% of the landscaping bond held by the Town be released.

**RESOLUTION #125-10**

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 hereby approves the release of Garrison Golf Course Detention Basin Landscaping Bond in the amount of \$15,000.

**3. Resolution authorizing Supervisor Shea to sign the Parade Permit for the Putnam Community Action Program for a motorcycle run scheduled for July 25, 2010, and waive the fees associated with said permit.**

**RESOLUTION #126-10**

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 sign the Parade Permit for the Putnam Community Action Program for a motorcycle run scheduled for July 25, 2010, and waive the fees associated with said permit.

**4. Resolution authorizing Supervisor Shea and Councilwoman Budney to sign the CSEA Memorandum of Agreement for Highway Personnel. (Nunc Pro Tunc)**

**RESOLUTION #127-10**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea and Councilwoman Budney to sign the CSEA Memorandum of Agreement for Highway Personnel.

**4a. Resolution needed to retain the firm of GREENPLAN, INC., to complete a Build-Out Analysis of the Zoning Law proposed for the Town of Philipstown.**

**RESOLUTION #128-10**

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

**WHEREAS**, the Town wishes to retain the firm of GREENPLAN, INC., to complete a Build-Out Analysis of the Zoning Law proposed for the Town of Philipstown; and

**WHEREAS**, the Town hereby retains the firm of GREENPLAN, INC., to complete a Build-Out Analysis of the Zoning Law proposed for the Town of Philipstown; and

**BE IT FURTHER RESOLVED** that the Town hereby accepts the Cost Estimate below, which identifies the proposed Scope of Services billed by GREENPLAN, INC. The budget provided is a “**not-to-exceed**” budget.

<b>GREENPLAN Staff</b>	<b>Estimated Hours</b>	<b>Budget</b>
J. Theodore Fink, AICP	±10 hours	\$ 1,450
Michele Greig, PhD, AICP	±84 hours	\$ 8,400
	Hourly Fee Subtotal	\$ 9,850
Printing Expenses		\$ 150
<b>Total Estimated Budget</b>		<b>\$10,000</b>

**5. Code Enforcement Monthly Report.**

Town Clerk Merando read the Monthly Report. Supervisor Shea expressed the Board's thanks to Bob Emerick, Acting Code Enforcement Officer, who has been handling all Building Department activities. Supervisor Shea also stated that several persons have taken the County test for the opening for Code Enforcement Officer and interviews would be conducted shortly.

**6. Any other business that may come before the Town Board.**

Supervisor Shea stated that on Wednesday, July 7<sup>th</sup> at the pre-board meeting, the Board met with Graham Trelstad from AKRF. He announced that new zoning maps will be available on Friday, July 9<sup>th</sup>. Supervisor Shea stated that he felt that the maps were accurate but if anyone finds any inaccuracies they should inform the Board – the Board was open to discussion and willing to make changes. He thanked Councilwoman Scuccimarra for her work on the zoning maps.

Councilman Scuccimarra reported that she attended the news conference on July 6<sup>th</sup> at the Foundry Preserve. She stated that Scenic Hudson announced that the Department of the Interior had deemed the Foundry Preserve a significant site on the National Register of Historic sites. With that distinction came a \$600,000.00 grant from the State Environmental Protection fund. In addition, Scenic Hudson has raised \$2.3 million of private foundation money to develop the site.

With regard to Highland Valley Development, Supervisor Shea announced that to his knowledge the development was presently on hold. He stated that he had a discussion with Town of Fishkill Supervisor, Joan Pagones, and she assured him that she was going to try to work on making it an age-restricted development, which he feels would be good for Philipstown. He added that he had expressed to Supervisor Pagones that the Town's concerns were very simply. It's the impact on Haldane School, which means an impact on local taxes; an impact on the aquifer, and then make sure that this is not going to be a segmented process; that everyone is looking at the whole development right now, not coming back a few years from now and finding out that we are in the same position again.

Supervisor Shea stated that he assumed that the Fishkill Supervisor was acting in good faith, that during this period of nothing going on that she is conducting due diligence. He stated that Fishkill was doing some marketing analysis to look at the feasibility to look at age-restricted housing developing and at this point that was it. He further commented that if Fishkill can address those concerns then everyone walks away happy. As far as the aquifer was concerned, Philipstown did an aquifer study with Chazen Engineering and has suggested that Fishkill do the same and that if they go ahead with an aquifer study and demonstrate that there is not going to be any adverse impact to the water quality and the quality of the water that serves Philipstown, that would be perfect. He went on to state that he hoped that Fishkill and Philipstown could address the Haldane School concerns, the water concerns and make sure that Philipstown was not back in 2 years from now looking at the same thing again. This was all the information he had at this time.

Audience member questioned if the Fishkill Supervisor responded to the request regarding the aquifer and about the parcel being a piece-meal development of the larger surrounding property? Supervisor Shea responded that the Fishkill Supervisor said that she was willing to look into the concerns. Supervisor Shea stated that Fishkill draws their ground water out of there; East Fishkill draws their ground water out of there and Beacon draws their drinking water out of there, so it is a source of potable water – high quality drinking water for a lot of people – maybe 50,000 or 60,000, so he didn't think there was any interest on Fishkill's part in selling their own aquifer and assumed that the Fishkill Supervisor was going to take it seriously and conduct a study.

Audience Member: "So, she didn't make any commitment to that?"

Supervisor Shea: "No, not so far. Again, I'm looking at this as a time when she is conducting due diligence to look at all the issues."

Audience Member: "And about the piece-meal development of the parcels?"

Supervisor Shea: "We had a discussion on that and currently it was her position that this is the whole proposal. So, again, we are going to want to look closely at that and make sure that we are not going to be repeating this over and over."

## **7. Schedule Workshops/Meetings.**

July 13<sup>th</sup> – 7:30 P.M. – Meeting with Joel Russel to Review latest version of Zoning – VFW Hall

## **AUDIENCE**

Ande Merante addressed the board with regard to Item #1 on the agenda. He stated that Continental Village has a lot of property that the Town has inherited from the County for taxes and was wondering if somewhere down the road the Town could start a policy of trying to divest of these things, put them back on the tax rolls one way or another, whether working with the County or our Legislator.

Secondly, Mr. Merante stated that he was the Chairman of the Planning Board and was also at one time Chairman of the Zoning Board and would like to know if the Board would entertain the two Chairs sitting in on the interviews with the Code Enforcement Officer candidates, just as observers. He stated that he works with the current Code Enforcement Officer and is in the office frequently, plus the fact that they are Chairs of the ZBA and Planning Board, thought they had an interest as to who becomes the next Code Enforcement Officer.

The last item Mr. Merante addressed was the grant that was received for the West Point Foundry area. He mentioned that a group from, he thought, Michigan Institute of Technology was doing an archeological dig at the Foundry and asked if this was something to do with them or could the Town bring in a New York firm.

Supervisor Shea replied that the Town was not getting the grant – the grant was going to Scenic Hudson not the Town – this was private property. Mr. Merante asked if the property was going to have a public purpose? Supervisor Shea replied that the ultimate purpose is to gain accessibility to the site. At the present time it is difficult to get to. Owners want to open it up as a park and visitors center and have an interpreter center. Councilwoman Scuccimarra stated that she has seen the plans for the area, which will have history. People can enter and look around.

Audience member, Lee Ericson questioned if the interviews for the Code Enforcement Officer would be open to the public. Supervisor Shea responded, “no,” they are considered personnel issues and interviews were never conducted in an open meeting.

Mr. Ericson further asked if there were any public comments on the VFW workshop on zoning? Supervisor Shea responded, “current, no.”

Mr. Ericson then asked if the Board thought that they would be able to get a PA system down at the VFW so attendees could hear what was going on? Supervisor Shea requested Councilwoman Montgomery to look into.

Mr. Ericson then moved to the Recreation Center entrance requesting that something be done with the entrance. He stated that there was a lot of loose gravel; saw someone skid out. He added that the stop sign was completely hidden by a bush and asked if the Board could patch up and sweep up and maybe get a line put in down there.

Councilwoman Montgomery stated that she believed the area in question is maintained by the Garrison Institute; that Highway Superintendent Chirico has graded and filled in pot holes to help out. Supervisor Shea stated that going forward, the Highway Department would not be working on those roads. Councilwoman Montgomery stated that she would contact inaudible to see what could be done.

Mr. Ericson stated that it was dangerous and requested that the stop sign be looked at because it could not be seen. It’s hidden behind the bush and it is completely faded.

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Councilwoman Budney remarked that as long as the Board was discussing signs, she thought the Recreation Department sign should be brought out closer to the road – you could not see it. Councilwoman Montgomery again reiterated that the area was maintained by The Garrison Institute and thought the Board was restricted. She added that she believed this was already suggested to them.

Councilman Van Tassel remarked that the Town Park was wonderful and a beautiful place to go to exercise and stated that if anyone has not been there, it would be a worthwhile trip. He added that it was a wonderful facility and is open to the public.

## **VACANCIES**

CAC (1)  
CV Park District Advisory Committee (3)  
CV Water District Advisory Committee (2)

## **APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilman Van Tassel and unanimously carried that the General Vouchers in the amount of \$123,899.88 are hereby approved as set forth in Abstracts 6A & 7.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Highway Vouchers in the amount of \$29,320.93 are hereby approved as set forth in Abstracts 6A & 7.

Councilwoman Scuccimarra made a motion, seconded by Councilman Van Tassel and unanimously carried that the CV Park District Vouchers in the amount of \$38,451.81 are hereby approved as set forth in Abstracts 6A & 7.

Councilwoman Budney make a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Water District Vouchers in the amount of \$4,278.76 is hereby approved as presented in Abstract 7.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney to close the Town Board Monthly Meeting at 9:00 p.m.

Respectfully submitted by,

Tina M. Merando  
Town Clerk