

Monthly Town Board Meeting  
October 7, 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
	Nancy Montgomery	Councilwoman
	Barbara Scuccimarra	Councilwoman
	John Van Tassel	Councilman

ABSENT:	Edward W. Doyle	Town Attorney
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Supervisor Shea opened the meeting with a Salute to the Flag.

### **REVIEW OF MINUTES**

The Minutes of the Public Hearing of September 2, 2010, Valley Lane & a Portion of Brookside Drive Road Improvement, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the Public Hearing Minutes of September 2, 2010, are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of September 2, 2010, were reviewed.

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

The Minutes of the Special Town Board Meeting of September 28, 2010, were reviewed.

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

The Minutes of the Special Town Board Meeting of September 30, 2010, were reviewed.

Councilwoman Budney made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of September 30, 2010, are hereby approved as presented.

The Minutes of the Executive Session of October 4, 2010, were reviewed.

Monthly Town Board Meeting  
October 7, 2010

Councilwoman Scuccimarra made a motion, seconded by Councilman Van Tassel and unanimously carried that the Minutes of October 4, 2010, are hereby approved as presented.

## **COMMITTEE REPORTS**

**CAC** – Councilwoman Scuccimarra reported that the CAC held 2 meetings. The first meeting of September 21 had 4 items on the agenda. The first applicant was Theresa Orlandi of Coppermine Roads, Garrison. Item of discussion was work within a wetlands buffer. Permit was granted. The second applicant was Juan Montoya of Old Albany Post Road, Garrison, who had wetland violations. Mr. Montoya submitted revised plans, made changes and followed the suggestions to introduce native species and stabilize the landscape. Agenda item #3 was Pasquarelli and Holden of 1040 E. Mountain Road, which was a remodeling of house and reconfiguring a driveway with garage within the wetland buffer. Permit was granted. Agenda item #4 was Alexander MacInners of 3 Old West Point Road, to enlarge a patio within a buffer of an intermittent stream. Permit was granted. On October 6<sup>th</sup>, a special meeting was held for Robert and Karen Jordan of 541 E. Mountain Road. Permit was granted with conditions. Town Attorney Doyle will be consulted. Councilwoman Scuccimarra reported that this project will be under scrutiny until its completion. Next CAC meeting will be held on October 12.

**RECREATION** – Councilwoman Montgomery reported that the Recreation Commission met on October 5<sup>th</sup>; the winter booklet will be released the week of October 11; bid packets for the ceiling at Recreation should arrive by the end of the week, and the lights and ceiling should be installed by the end of the year. Councilwoman Montgomery asked for the passing of a resolution changing Susan Richardson's title from Recreation Leader to Recreation Supervisor, per Civil Service requirements. This will be addressed in **Other Business**.

**RECYCLING** – Councilwoman Budney reported that the Recycling Center will be opened this Saturday (October 9) even though it is a holiday weekend.

**PLANNING BOARD** - Councilwoman Montgomery reported on the September 16<sup>th</sup> meeting. The following items were presented:

- Garrison Station Plaza – revised part 3 of EAF being prepared
- Garrison Golf Club PDD – Resolution passed for Phase II of the site plan
- Nate & Ernest Lyons – Resolution passed for amended reclamation and site plan for property on Route 9
- Timmons – submitted revised plan for 3-lot subdivision on Route 301
- Viletto Vaughn Hammond Corporation – submitted revised plans for 3-lot subdivision on Route 301. Public Hearing scheduled for October 21.

Monthly Town Board Meeting  
October 7, 2010

- Leiner/Francis/Corbett – Lot line adjustment for property on 103 & 109 East Mountain Road South – Public Hearing scheduled for October 21
- William & Susan Wood – 3-lot subdivision – new submission
- Berner Family – 2-lot subdivision – Public Hearing scheduled for October 21
- Garrison Land Holding Co. & River Home LLC – lot line adjustment – new submission

Councilwoman Montgomery stated that all lot line adjustment sites were visited by the Planning Board. She added that Garrison Station Plaza's request for a site plan approval has been rescheduled for the Planning Board's next meeting.

**ZONING** – Councilman Van Tassel reported on the following items addressed at the October 4, 2010 meeting.

- Rodney Dow – Variance requested for the construction of a porch addition. Application was reviewed for completeness and approved.
- Kyle Good – Variance requested for construction of an addition to residence. Public Hearing scheduled for November 8<sup>th</sup>.
- Annemarie Reeve – Variance requested seeking a reduction to the requirement to provide 6,000 square feet of buildable area that contains a minimum dimension of 60 feet in every direction. Hearing postponed to November 8<sup>th</sup> by request of applicant.

**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** – Councilwoman Budney had no report. However, Supervisor Shea reported that he and County Executive, Mary Gallagher, met with Legislator Tamagna and the Putnam County Executive from the Legal Department regarding the disposition of the former Butterfield Hospital property. The Town Board would like to see the property utilized for Town purposes and the Village of Cold Spring would like to have a hand in it as well. The County had expressed an interest in purchasing the property. Whether that was going to happen or not, the Town was not sure. The Town supports the County's efforts and thinks the County could purchase the property at a net zero cost to the Town because revenue generated by the Lahey Pavilion and the fact that there is a cell tower there and the Town of Philipstown would take a long-term lease on the property and help with the improvements. Also, the potential for the Post Office to be located there, potential for the Courts to consolidate and go into the building, and the potential for the Cold Spring Fire Department to move up to the site. All these services would be under one campus – under one roof is what New York State is looking for. Supervisor Shea stated that part of the problem according to the County Legal Department was that the County can't go ahead and purchase something and lease it out to another municipality. It

Monthly Town Board Meeting  
October 7, 2010

has to be for the County's benefit. Supervisor Shea added that the Town of Philipstown is still part of the County and that this was a gray area. Regardless of what happens, the Town is still interested and if the County did not purchase the property, the Town would approach the owner and try to work something out - whether the owner develops the site on his own and the Town leases a spot. This remains to be seen. Supervisor Shea stated that the biggest issue right now is the Senior Center and this would be a great opportunity to have the Senior Center there. The Town is following this closely and will continue to have dialogue with the County and talk with the owner and also private individuals to see if there was any interest. Supervisor Shea added that the appraisal was just received but was not sure what the amount was. However, the former appraisal was \$2.65 Million. Supervisor Shea stated that this was over the Town's budget right now and the Town could not spend this kind of money, which it just didn't have, but was willing to come up with some money to secure the site or to lease the site to have a Senior Center and all the other things he mentioned. Supervisor Shea stated that consolidation, which the State has tried to help the Town with, i.e., three (3) Courts within a mile of each other, which probably are not needed. Supervisor Shea stated that this was a great opportunity and that the Town needs space and needs to become compliant. He added that anyone who walks up the stairs at Town Hall knows it would be much easier if the Town had a first floor meeting room and, before putting a lot of money into the present Town Hall, the Town would rather put money into the Butterfield building because once they start pouring money into the present Town Hall, it will never stop.

**GARRISON VOLUNTEER FIRE DEPARTMENT** – Jamie Copeland read the activity report for the month of September and mentioned that the Department would be holding an open house this week.

## **TOWN OF PHILIPSTOWN**

### **MONTHLY REPORT OF TOWN SUPERVISOR**

#### **MONIES RECEIVED AS OF October 7, 2010**

#### **GENERAL & PART-TOWN FUNDS**

Town Clerk Fees – August 2010	\$ 566.39
Justice Fees – August 2010	8,061.00
Justice Fees – August 2010	7,525.00
CTV Fees	17,792.00
CTV Fees	11,010.00
Building Fees – August 2010	13,007.00
Recreation Fees – August 2010	68,454.14
A.W. Scrap	625.00

Monthly Town Board Meeting  
October 7, 2010

A.W. Scrap	272.00
A.W. Scrap	195.00
A.W. Scrap	402.00
A.W. Scrap	346.00
NYS Per Capita Aid	34,510.00
Building Fees – September 2010	19,472.00
Hudson Baylor	217.00
Hudson Baylor	46.30
P.C. VFW Rental	25.00
Bank Interest	215.28

**HIGHWAY FUND**

General Check	\$ 638.43
Putnam County Sheriff's – Gas	1,039.16
Putnam County Sheriff's – Gas	547.30
Continental Village Fire Dept. – Gas	225.30
Bank Interest	359.86

**CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest	\$ 12.45
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**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse Fees	\$ 800.00
Taxes – Putnam Valley	11,773.00
Bank Interest	39.84

**AGENDA**

**1. Resolution authorizing Town Clerk Merando to advertise for a position on the Board of Assessment Review**

Supervisor Shea stated that once the interviews are complete for the open position, the Town Board would then appoint the new member and re-appoint the outstanding members.

**RESOLUTION #155-10**

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

**RESOLVED**, that the Town Board of the Town of Philipstown, hereby authorizes Town Clerk Merando to advertise for a position on the Board of Assessment Review.

**2. Resolution authorizing Town Clerk Merando to advertise for bidders for the 2011 Highway Materials.**

**RESOLUTION #156-10**

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 Town Clerk Merando to advertise for bidders for the 2011 Highway Materials.

**3. Code Enforcement Monthly Report.**

Deputy Town Clerk Clauss read the Monthly Report.

Supervisor Shea announced that the Town Board had hired a new Code Enforcement Officer, Kevin Donohue. Councilman Van Tassel remarked that it would be appropriate to thank Bob Emerick, who has been acting as Code Enforcement Officer.

**4. Schedule Workshops/Meetings.**

- October 13 7:30 p.m. Re-valuation w/George Michaud
- October 20 7:30 p.m. Budget – Recreation & General Budget
- October 27 7:30 p.m. Budget – Highway

Supervisor Shea informed the public that the revenue stream was down again in 2010 – he did appoint a Budget Committee this year, which was very helpful leading up to the tentative budget. It made the workload a lot easier, a lot of great suggestions.

Schedule Public Hearings for 2011 Budget– November 3, 2010

- 7:00 p.m. - Continental Village Park District
- 7:05 p.m. - Continental Village Water District
- 7:10 p.m. - Philipstown Ambulance Contract
- 7:15 p.m. - Garrison Ambulance Contract
- 7:25 p.m. - Cold Spring Fire Contract
- 7:30 p.m. - Continental Village Fire Department
- 7:40 p.m. - Garrison Volunteer Fire Department
- 7:50 p.m. - General Budget

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

Councilman Van Tassel reported that the Emergency Services Consolidation Pilot Group met on September 16<sup>th</sup> with the former Commissioner of the East Fishkill Town-wide Fire District and discussed budget items, as well as a number

Monthly Town Board Meeting  
October 7, 2010

of operational matters. The 2009 budget for the East Fishkill district was similar in size to Philipstown and they serve approximately 30,000 residents compared to 10,000 in Philipstown. Councilman Van Tassel mentioned that although the fire district is town-wide, they also have four (4) fire districts similar to Philipstown, and each department remains unique and independent. He added that the Pilot Group was scheduled to meet on October 4<sup>th</sup>, but due to scheduling problems, the meeting was cancelled. Councilman Van Tassel stated that he contacted Mark Butler, Esq., an attorney out of Buffalo who specializes in fire district and department municipal law. The Town will facilitate a question and answer session with Mr. Butler to answer the many questions that have already arisen in reference to a possible town-wide Emergency Services District. The time of the event has not yet been determined.

Councilman Van Tassel commented about Fire Prevention Week stating that a group of Emergency Services Volunteers from all of the fire departments and ambulance services visited Haldane and Garrison schools, as well as many of the pre-schools in the area.

Deputy Town Clerk Clauss announced the upcoming Freedom of Information Law seminar being held on Thursday, October 14<sup>th</sup> at 7:30 p.m., at the VFW Hall.

**6. Resolution approving the designation of Susan Richardson to Recreation Director.**

**RESOLUTION #157-10**

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

**RESOLVED**, that the Town Board of the Town of Philipstown, hereby approves the designation of Susan Richardson to Recreation Director.

**AUDIENCE**

Carol Donick, Library at the Desmond Fish Library, stated that she was hoping to be more involved in the budget process. Supervisor Shea informed Ms. Donick that she would be welcomed to attend the October 20<sup>th</sup> budget workshop.

Cold Spring resident, David Vickery, informed the Town Board that he had attended the Newburgh DEC meeting and discussed hydro-fracturing. Mr. Vickery expressed his concerns regarding the effects the drilling for gas and use of liquids that is put into wells to fracture the earth to let gases out is having with the environment and wells throughout the country. He added that the DEC is thinking about doing "fracturing" in Newburgh. He noted that the Town's watershed runs from the Catskills to our area. Mr. Vickery requested that the Town Board pass a Resolution to protect the area from hydro-fracturing. Supervisor Shea stated that some wells have blown up from this process due to

Monthly Town Board Meeting  
October 7, 2010

the toxic materials that are being used and stated that the Town Board should adopt a Resolution.

## **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 \$135,794.66 are hereby approved as set forth in Abstracts 9A & 10.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Highway Vouchers in the amount of \$47,934.81 are hereby approved as set forth in Abstract 10.

Councilwoman Scuccimarra made a motion, seconded by Councilwoman Budney and unanimously carried that the Continental Village Park District Vouchers in the amount of \$7,953.33 are hereby approved as set forth in Abstract 10.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Continental Village Water District Vouchers in the amount of \$11,910.67 are hereby approved as set forth in Abstract 10.

There being no further business to discuss, Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra to close the Town Board Monthly Meeting at 8:45 p.m.

Respectfully submitted by,

Joan B. Clauss  
Deputy Town Clerk