

Monthly Town Board Meeting  
September 6, 2012

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

**PRESENT:**

Richard Shea	Supervisor
Betty Budney	Councilwoman
Nancy Montgomery	Councilwoman
John Van Tassel	Councilman
David Merandy	Councilwoman

**ABSENT:** 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 August 2, 2012, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of August 2, 2012, are hereby approved as presented.

The Minutes of the Bid Opening of August 20, 2012, Frazier Road Culvert, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of the Bid Opening held on August 20, 2012, Frazier Road Culvert, are hereby approved as presented.

The Minutes of the Public Hearing of August 22, 2012, Valley Lane Road Improvement, were reviewed.

Councilman Van Tassel made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of the Public Hearing, held on August 22, 2012, Valley Lane Road Improvement, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of August 22, 2012, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney, and unanimously carried that the Minutes of the Weekly Town Board Meeting of August 22, 2012, are hereby approved as presented.

## **COMMITTEE REPORTS**

**CB** – Councilman Van Tassel reported that the Conservation Board did not meet in August. Next meeting scheduled for September 11, 2012.

**RECREATION** – Councilman Van Tassel reported that the Recreation Commission did not meet in August. Next meeting schedule for September 25, 2012.

**RECYCLING** – NO REPORT

**PLANNING BOARD** – Councilwoman Montgomery reported on the items covered at the August meeting Public Hearing re: 3-lot subdivision on Canopus Hollow Road and Sprout Brook Road (aka Mountain Trace). Other items covered were Philipstown Square, SNK Farms, Cold Spring Fuel Corporation, and County Line Equities. A workshop is scheduled for September 24<sup>th</sup> at 6:30 p.m., to discuss administrative issues, digital communications, digital submissions, file organization, and collection of applications being held in escrow. Next regular meeting is scheduled for September 20<sup>th</sup>.

**ZONING** – Councilman Van Tassel reported that the Zoning Board did not meet in August. Next meeting scheduled for September 10, 2012.

**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.

**BUILDING & LAND ACQUISITION** – Councilwoman Budney reported that she spoke with Deputy Burke regarding the painting of the flagpole in front of Town Hall on September 19<sup>th</sup>. Councilwoman Budney also is requesting assistance from the Highway Department to loosen the bolts on the pole so that it may be taken down for painting.

**GARRISON VOLUNTEER FIRE DEPARTMENT** – Jamie Copeland reported on the activities for the month.

**BUTTERFIELD LIBRARY** - NO REPORT

**TOWN OF PHILIPSTOWN**  
**MONTHLY REPORT OF TOWN SUPERVISOR**  
**MONIES RECEIVED AS OF SEPTEMBER 6, 2012**

**GENERAL & PART-TOWN FUNDS**

R. Community Recycling	\$ 109.05
Town Clerk Fees – July 2012	852.08
Town Clerk Fees – Dogs – July 2012	405.00
Justice Fees – July 2012	7,075.00
Justice Fees – July 2012	3,755.00
Post Office Refund	18.43
R. Community Recycling	49.00
Tax Collector - Penalty Interest	11,280.23
Tax Collector – Reminder Fees	138.00
Tax Collector – Bank Interest	3.96
A. W. Scrap	1,596.00
Bank Interest	147.46

**HIGHWAY FUND**

Putnam County – Gas	\$ 562.99
Puma Workers Comp.	2,745.11
N.Y.S. FEMA	82,006.06
General Fund Bld/Reg Gas	754.62
Putnam County OFA – Gas	488.90
Bank Interest	285.42

**CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest	\$ 7.13
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**CONTINENTAL VILLAGE PARK DISTRICT**

Clubhouse Fees	\$ 350.00
Bank Interest	26.65

**AGENDA**

**1. Board of Assessment Review appointment (Peter Richter).**

Supervisor Shea stated that he would like to table this item for further discussion and requested a motion to do so.

**RESOLUTION #119-2012**

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

**RESOLVED**, that the Town Board of the Town of Philipstown, hereby tables the Board of Assessment Review appointment for further discussion.

**2. Resolution authorizing the Town Clerk to advertise for bidders for Bulk Fuel Oil at the Claudio Marzollo Community Center.**

Town Clerk Merando reported that a letter dated August 24, 2012, was received from Director of Recreation & Parks, Amber Stickle, requesting that the Town Board issue a bid for the annual #2 fuel oil delivery – keeping in mind that the company must be able to deliver to a 4" fuel pipe line.

Councilman Merandy asked if the tank should be filled since there was ongoing discussion on moving the fuel tank. Supervisor Shea responded that Recreation goes through the fuel quickly. Supervisor Shea added that Councilman Merandy was working on a fuel tank replacement and boiler replacement. Councilman Merandy stated that everyone was presently on vacation right now. Supervisor Shea stated that the Town could advertise for the fuel and at the same time have a conversation with the Director of Recreation & Parks Stickle before the tank is filled.

**RESOLUTION #120-2012**

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, authorizes the Town Clerk to advertise for bidders for Bulk Fuel Oil at the Claudio Marzollo Community Center.

**3. Resolution authorizing Supervisor Shea to sign the contract between the Town and Judith Mayle for legal services for fiscal year 2013.**

**RESOLUTION #121-2012**

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

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**RESOLVED**, that the Town Board of the Town of Philipstown, hereby authorizes Supervisor Shea to sign the contract between the Town and Judith Mayle of Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, for legal services for fiscal year 2013.

#### **4. Schedule Workshop/Meetings**

- Public Hearing to amend Local Law, Chapter 175-59 G.4, "Hearing & Public Notices."

Town Clerk Merando stated that the approval from the County was received, but had not heard back from the Planning Board. Town Clerk Merando added that if the Town did not hear back from the Planning Board within 60 days, it was considered that they accepted the Local Law.

Supervisor Shea asked Planning Board Chairman, Michael Leonard, who was in attendance, if he had seen this. Mr. Leonard responded that he had, but didn't realize that he had to respond to it.

Councilwoman Montgomery asked Mr. Leonard if he did get the referral. Mr. Leonard responded that he saw it, but he didn't think ... they (the Planning Board Members), didn't make any kind of official response.... they actually got the letter. Mr. Leonard asked Town Clerk Merando if the letter was sent to the Planning Board Secretary, Ann Gallagher. Town Clerk Merando responded "no," that it was sent to him and the Planning Board members and John Lynch in the Putnam County Division of Planning. Mrs. Merando added that the response from the Putnam County Division of Planning was received on July 16<sup>th</sup>.

Councilwoman Montgomery asked if there was time to put this on the agenda for the 20<sup>th</sup> of September Town Board Monthly Meeting, after which they could then schedule a Public Hearing. It could be put on the agenda for discussion.

Supervisor Shea questioned Town Clerk Merando whether there was anything really pressing concerning this. Town Clerk Merando responded that it was up to the Board on how important they feel this Local Law was. Supervisor Shea then responded that this was pretty cut and dry.

Michael Leonard stated that the Planning Board members talked about it in general but he didn't realize that they didn't respond back.

Supervisor Shea then stated that he would rather move on, that if the Town had another mass mailing money could be saved, and the Board might as well go ahead and schedule the Public Hearing. Supervisor Shea added that he didn't know how much discussion there would be on this or how much adversity or aversion to this would be public comment – it was about saving the Town money.

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**RESOLUTION #122-2012**

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

**RESOLVED**, that the Town Board of the Town of Philipstown, hereby schedules a Public Hearing to amend Local Law, Chapter 175-59 G.4, "Hearing & Public Notices," to be held on Wednesday, September 19, 2012, at 7:30 P.M., at the Town Hall, at 238 Main Street, Cold Spring, NY.

**5. Discussion with regard to the Village of Cold Spring Planning Board's intention to be Lead Agency in the matter of Elmesco A.T.I., Inc.**

**RESOLUTION #123-2012**

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

**RESOLVED**, that the Town Board has no objections to the notification of the Village of Cold Spring Planning Board's intentions to become Lead Agency for the proposed re-development of a Gasoline Service Station to a Convenience Store with a Drive Up Window and Gas Dispensing Pumps, Located at 33 Chestnut Street, Cold Spring, New York, applicant Elmesco A.T.I., Inc.

**6. Resolution authorizing Supervisor Shea to sign the consent form in the matter of Haldane Central School District serving as Lead Agency for a Capital Improvement Project for upgrades to existing athletic facility on Craigsides Drive.**

**RESOLUTION #124-2012**

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

**RESOLVED**, that the Town Board authorizes Supervisor Shea to sign the consent form in the matter of Haldane Central School District, and;

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town Board of the Town of Philipstown, has no objections to Haldane Central School District's intentions to become Lead Agency for the proposed 2012 Capital Project proposing a public referendum that will involve upgrades to its existing athletic facility on the school campus located on Craigsides Drive, Cold Spring.

**7. Resolution awarding the bid for the Indian Brook Road East Bank Stabilization Project to Ben Ciccone, Inc., of Poughkeepsie, New York, in the amount of \$94,200.00.**

Town Clerk Merando stated that before Town Attorney left on vacation, they reviewed the bid package and Town Attorney Doyle approved to form.

**RESOLUTION #125-2012**

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

**RESOLVED**, that the Town Board of the Town of Philipstown, hereby awards the bid for the Indian Brook Road East Bank Stabilization Project to Ben Ciccone, Inc., of Poughkeepsie, New York, in the amount of \$94,200.00.

**8. Resolution awarding the bid for the Frazier Road Culvert Replacement Project to Con-Tech Construction Technology of Yorktown Heights, New York, in the amount of \$397,376.36.**

**RESOLUTION #126-2012**

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 awards the bid for the Frazier Road Culvert Replacement Project, to Con-Tech Construction Technology of Yorktown Heights, New York, in the amount of \$397,376.36.

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

Supervisor Shea reported that he was awaiting news from Senator Schumer's office regarding funding for the road projects that the Town was still waiting for. Supervisor Shea hoped to hear from Schumer's office as early as tomorrow. Supervisor Shea added that there was a holdup – almost 3 years now – APR completed – final approval done, but too late to complete the job and an extension of the time was needed for the MOA. This process went on and on and the extension was approved but the Town never received a copy of the signed MOA, which the Town has been trying to obtain.

Supervisor Shea stated that he received an e-mail from the Putnam County Development Corporation regarding the leasing or purchasing of a Headquarters approximately 150,000 sq. ft., for the operating of a distribution center for an organic product line. Councilwoman Montgomery asked if the Economic Development Council had statistics for people who wanted to go into business and stay in the Hudson Valley or, really in Cold Spring, about occupancy rate for bed & breakfast or tourism. Supervisor Shea responded that this is not what the Economic Development Council does --- they try to match businesses with properties or existing buildings; they have an inventory on file of open properties in Philipstown.

Supervisor Shea reported that he had just received a proposal from Berger Engineering regarding lots the Town owns on Knollwood Lane. Supervisor Shea added that the proposal of \$14,400 was high for just preparing documents, and felt

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that there should be a simpler solution. Supervisor Shea will discuss this further with Highway Superintendent Chirico.

Supervisor Shea then suggested that the Town Board schedule a workshop to clear up some issues and move ahead. Councilman Merandy stated that he would also like to discuss the boiler replacement at Recreation and would check with availability of persons involved. Councilman Merandy questioned if the Berger Engineering request for proposal went out as an RFP? Supervisor Shea responded that this was just someone that the town used in-house at no cost to the Town. At this point, a workshop was scheduled for September 19, 2012, following the public hearing.

Supervisor Shea reported that he was invited to tour the Butterfield Hospital site next week and that there was some portion of the building that could be preserved now.

## **AUDIENCE**

Horton Road resident, Oliver Maletz, stated that he had prepared a statement regarding the need he and several neighbors have for eliminating any future mining in Philipstown, and presented a document outlining concerns and a petition to eliminate same. Supervisor Shea agreed to holding a workshop, which would possibly be followed by a Public Hearing and Town Code Change. A workshop was then scheduled for October 3, 2012, to discuss the elimination of mining in Philipstown.

Walmer Lane resident, Andy Chmar, asked if a meeting could be arranged to determine the future of Walmer Lane, which was washed out during Hurricane Irene and not eligible for FEMA funding. Supervisor Shea informed Mr. Chmar that the Town did not have funds to repair the road it did not own and a Improvement District would probably have to be formed in order to have separate funding – paid for by the homeowners in the area. Supervisor Shea added that a time and place would be arranged that would be suitable to everyone's schedule.

Liz Armstrong, a member of the press, questioned why she was told that she needed to submit a FOIL (Freedom of Information Form) request in order to find out how much money was spent by the Highway Department over the summer for watering down dusty, dirt roads. Supervisor Shea informed Ms. Armstrong that he was sure that man hour records are kept and would look into it. Ms. Armstrong asked if she still had to complete a FOIL request. Town Clerk Merando explained that this benefits whomever is making the request as far as this is what you want, and clearly states the documents requested, and it protects her in that she will receive a response within five (5) business days from the Highway Department.

Supervisor Shea reported that he went down to Continental Village and examined the bridge crossing the stream down in the park, the bridge that washed out. Supervisor Shea stated that he was not sure what it was before. Supervisor Shea added that it looked like someone found something that they felt might work and just put it there.

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Supervisor Shea suggested that since this would be a sizeable project, around \$150,000 to \$250,000. Supervisor Shea suggested scheduling a discussion with Superintendent Michael Phelan and members of the Park District to discuss in detail.

#### **VACANCIES**

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

#### **APPROVAL OF VOUCHERS**

Councilman Van Tassel made a motion, seconded by Councilwoman Budney and unanimously carried that the General Vouchers in the amount of \$152,181.74 are hereby approved as set forth in Abstracts 8A & 9.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery, and unanimously carried that the Highway Vouchers in the amount of \$77,913.43 are hereby approved as set forth in Abstracts 8A & 9.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the CV Park District Vouchers in the amount of \$3,724.00 are hereby approved as set forth in Abstracts 8A & 9.

Councilwoman Budney make a motion, seconded by Councilwoman Montgomery, and unanimously carried that the CV Water District Vouchers in the amount of \$13,433.72 are hereby approved as presented in Abstract 9.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney, to close the Town Board Monthly Meeting at 8:30 p.m.

Respectfully submitted by,

Joan B. Clauss  
Deputy Town Clerk