

Weekly Town Board Meeting
May 9, 2018

The Town Board held their Weekly Meeting on the above date at 7:30 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

AGENDA

- 1. Resolution authorizing Supervisor Shea to sign the agreement between the Town and the Chazen Companies for an Addendum to the 2007 Groundwater Report.**

RESOLUTION #90-2018

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the agreement between the Town and the Chazen Companies for an Addendum to the 2007 Groundwater Report in the amount not to exceed \$10,000.00

- 2. Resolution authorizing a change in the Service Awards Program for the Continental Village Department, Inc. by ratifying Entitlement Age specified in Article 6 of the Master Plan document.**

RESOLUTION #91-2018

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

RESOLUTION AUTHORIZING A CHANGE IN THE SERVICE AWARDS PROGRAM FOR THE CONTINENTAL VILLAGE VOLUNTEER FIRE DEPARTMENT, INC.

WHEREAS, the Town of Philipstown and the Town of Cortlandt have previously established a Service Awards Program for the Continental Village Volunteer Fire Department, Inc. hereinafter CVVFD, on or about January 14, 2003; and

WHEREAS, in accordance with the provisions of Article 11A of New York State General Municipal Law, the resolutions of the Town of Philipstown and the Town of Cortlandt were ratified on April 1, 2003 by the voters registered to vote and residing within the fire protection districts serviced by the CVVFD; and

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WHEREAS, the Service Awards Program Master Plan, so adopted and ratified as set forth above, contains the following language:

“6.1 Entitlement Age (Retirement Age.) A Participant shall, of Entitlement Age, be entitled to receive his Accrued Benefit and at the time and form specified in Article 6 of the Mast Plan document. No benefits shall be earned after attaining the Entitlement Age”;

WHEREAS, New York State volunteer firefighter Service Award Programs are governed by Article 11-A of the New York State General Municipal Law; and

WHEREAS, Section 217 of Article 11-A of the New York state General Municipal Law was amended effective October 7, 2003 to provide that an active volunteer firefighters; service award program may provide for crediting of years of active firefighting service for periods after an active volunteer firefighter has reached the Entitlement Age and is receiving a service award; and

WHEREAS, Participants who continue to serve as active firelighters of the CVVFD after having attained the Entitlement Age and having begun to be paid Service Award Program monthly payments have not been provided the opportunity to continue to earn Service Award Program credit for active volunteer firefighter service rendered after attaining the Entitlement Age; and

WHEREAS, such denial of the opportunity for active volunteer firefighters to earn Service Award Program credit is unenforceable under ADEA, the Federal Age Discrimination Employment Act; and

WHEREAS, it is the desire of the Town of Philipstown and the Town of Cortlandt to amend the Service Awards Program Master Plan to allow for Participants to accrue benefits after reaching the Entitlement Age; and

WHEREAS, such amendment, pursuant to Section 216-a of Article 11-A of the New York State General Municipal Law, requires the approval of the Town Boards of the Town of Philipstown and the Town of Cortlandt to so amend the Service Awards Program Master Plan of the CVVFD; and

NOW, THEREFORE, BE IT RESOLVED, that

The Town Board of the Town of Philipstown and the Town Board of the Town of Corlandt amend the Service Awards Program Master Plan of the CVVFD so that post Entitlement Age active volunteer firefighters who earn 50 or more points under the Service Award Program Point System and were denied service credit on the basis of their Entitlement Age shall be granted such service credit effective January 1, 2004 and thereby increase their monthly Service Award payments by twenty dollars (\$20) for each year of post Entitlement Age service credit earned. Furthermore, active volunteer firefighters shall continue to have the opportunity to earn additional service credit after

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attaining the Entitlement Age for all future calendar years beginning on or after January 1, 2004.

The increase to the annual cost as a result of this amendment may ultimately be as much as \$95,992 for current post Entitlement Age firefighters. Sixty and Ninety Eight One Hundredths (60.98%) of the annual coast of this amendment is attributable to the Town of Philipstown. Thirty Eight and Sixteen One Hundredths (38.16%) of the annual cost of this amendment is attributable to the Town of Cortlandt.

All other provisions of the CVVFD Service Award Program shall not change and the program shall continue to be administered by the CVVFD in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

- 3. Resolution authorizing Supervisor Shea to sign a Parade Permit for the Cannon Ball Event scheduled for June 2, 2018 from 11:30 a.m. – 4:00 p.m. on Upper State Road, Garrison and waive the fees associated with said permit.**

RESOLUTION #92-2018

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

RESOLVED, that the Town Board hereby authorizes Supervisor Shea to sign the Parade Permit for the Cannon Ball Event scheduled for June 2, 2018 and hereby waive the fees associated with said permit.

Town Clerk Merando was excused from the Weekly Town Board Meeting at 7:40 p.m., the Town Board then discussed Solar Panels for the Recreation Department and installation of a new heating/cooling zone in the Town's Annex.

Respectfully submitted by

Tina M. Merando, Town Clerk