

MONTHLY TOWN BOARD MEETING
November 1, 2007

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

PRESENT:	William Mazzuca	Supervisor
	Richard Shea	Councilman
	Betty Budney	Councilwoman
	David Brower	Councilman
	Edward W. Doyle	Town Attorney

ABSENT:	Al Hosmer	Councilman
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Supervisor Mazzuca opened the meeting with a salute to the Flag.

REVIEW OF MINUTES

The Minutes of the Public Hearing of October 4, 2007, Change the Date of the Zoning Map.

Councilman Shea made a motion, seconded by Councilman Brower and unanimously carried that the Minutes are hereby approved as presented.

The Minutes of the Monthly Town Board Meeting of October 4, 2007, were reviewed.

Councilwoman Budney made a motion, seconded by Councilman Shea and unanimously carried that the Minutes are hereby approved as presented.

COMMITTEE REPORTS

HIGHWAY – Highway Superintendent Chirico reported that the Highway Department is currently conducting routine road maintenance, collecting leaves and clearing out catch basins.

PLANNING BOARD – Councilman Brower reported that he attended the Planning Board Meeting of October 18th and reviewed the items addressed at said meeting.

RECREATION – Councilwoman Budney reviewed the events offered through the Recreation Department.

CAC – Councilman Shea reported that he attended the CAC Meeting of October 9th. There were seven applicants.

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The Hopkins's property on Indian Brook and Avery Road was discussed. The Building Department and the Board of Health have issued violations concerning the installation of a septic. December 5th is the deadline for completing the repairs to the septic. A \$3,000.00 escrow account has also been established to cover additional expenses of inspections by the Wetland Inspector. An aeration unit will also be installed.

RECYCLING – Councilwoman Budney reported that the Town Wide Cleanup held on October 20, 2007, at the Garrison Firehouse, Route 9, Garrison, was very successful. The total cost will be reported at the next Town Board Meeting. Councilman Brower and Councilwoman Budney thanked all involved.

LAND & BUILDING ACQUISITION – Councilman Shea reported that Donald MacDonald has been selected as the architect for Town Hall renovations. There were seven applicants. Councilman Shea also stated that Mr. MacDonald's pricing and vision for the Town Hall were excellent. This project has a time line of about two-years.

The boiler in the Town Hall will be replaced within the next thirty days.

ZONING BOARD – Councilman Brower reported that the Zoning Board met on October 22nd but he was unable to attend.

Supervisor Mazzuca announced that the Town Board and the Butterfield Library Board have come to a tentative agreement.

TOWN OF PHILIPSTOWN

MONTHLY REPORT OF TOWN SUPERVISOR

MONIES RECEIVED AS OF November 1, 2007

GENERAL & PART-TOWN FUNDS

Justice Fees 9/07	\$ 4,595.00
Justice Fees 9/07	2,685.00
Town Clerk Fees 9/07	564.92
Rec Fees 9/07	48,210.50
Rec Fees 10/07	42,223.01
NYS Ck. Aquifer Study	2,500.00
Bldg. Fees 10/07	9,626.00
Bank Int.	978.59

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HIGHWAY FUND

NYS Ck Refund on Truck	856.80
NYS Ck FEMA – East Mt Rd	26,948.07
NYS Ck FEMA – Indian Brook Rd	19,546.13
Bank Interest	3,075.37

CONTINENTAL VILLAGE WATER DISTRICT

Water Collections	13,424.29
Bank Int.	158.88

CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	500.00
Bank Int.	1,072.15

AGENDA

1. Walt Thompson to discuss proposed changes in the New York State Litter Laws.

Walt Thompson, of Keep Putnam Beautiful, addressed the Town Board concerning the litter problem in Putnam County. Keep Putnam Beautiful works to reduce littering through education, public awareness initiatives, such as the adopt-a-highway program and beautification projects. He is requesting that the Town of Philipstown adopt a change in the fines for littering on public property.

Sheriff Don Smith has a Report-A-Litter program (225-4300) to report the license plate number and description of vehicles discarding cigarette butts or other litter.

To reduce litter and make judges levy more substantial penalties, Mr. Thompson would like the litter law penalty to read, "...fines up to \$1,000.00 with mandatory minimum of \$250.00 coupled with a mandatory surcharge of up to \$750.00 for special circumstances."

Mr. Thompson suggested three things that every resident can do to help make Philipstown a more beautiful place: Take-a Bag-for-a Walk- picking up litter as you go, plant flowers around your property, and report a litterer.

Councilman Shea reported that Philipstown does not have a mandatory minimum. Highway Superintendent Chirico stated that Philipstown has increased the penalty for littering. This was initiated because previously if a person was fined for littering; paying the fine was less expensive than the cost of bringing their trash to a rubbish company.

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Justine Bruno inquired as to how someone adopts a road. Mr. Thompson stated that the process starts with contacting him. Safety vests, litter grabbers and large orange bags would be supplied.

2. Andy Chmar to present Natural Resource and Open Space Protection Plan.

Letters of support from the Town of Philipstown for grant submissions for the Hudson Highlands Land Trust.

Andy Chmar addressed the Town Board concerning the "Philipstown Natural Resource and Open Space Protection Plan." He noted that a public hearing on this topic was held on October 20, 2007.

Andy reviewed the five principal recommendations of this plan:

- a.) adopt an Open Space Index
- b.) designate the Conservation Advisory Council a Conservation Board
- c.) establish a Community Preservation Fund, in order to preserve properties of importance to Philipstown's natural resources or community character
- d.) establish a staff/consulting position of Natural Resource Review Officer to conduct conservation analysis of applications
- e.) enact changes to the zoning and other land-use codes and promote public education and outreach programs to better protect natural resources.

Andy mentioned the members of the Comprehensive Plan Implementation Subcommittee on Natural Resources. They include himself, Rich Anderson, Susan Bates, Eric Lind, Fred Koontz, Marlo Kovacs and Jerry Rubino.

Andy expressed his hope that the Town Board adopts this plan and incorporates it into the Comprehensive Plan.

Councilman Shea stated that the Comprehensive Plan is being implemented – it is a slow but steady process. Also, when this plan is adopted and incorporated into the Comprehensive Plan, it will present sweeping changes in the Town.

Supervisor Mazzuca stated that the entire zoning code of the Town of Philipstown is being re-written.

Andy inquired as to the next step in terms of formally accepting and adopting this plan?

Town Attorney Doyle explained that we couldn't formally adopt this plan tonight because it is not on the agenda.

Jennifer Wilson, a resident of Garrison, asked if this plan could be adopted in spirit.

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RESOLUTION #228A-07

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

RESOLVED, that the Town Board of the Town of Philipstown hereby supports the Philipstown Natural Resource and Open Space Protection Plan and the consensus of the Town Board is to move forward and adopt this plan at a later date.

RESOLUTION #228B-07

The following Resolution was presented by Councilwoman Brower, seconded by Councilman Shea and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown hereby directs the Town Clerk's Office to authorize Tim Miller to prepare an EAF.

Andy Chmar stated that the Hudson Highlands Land Trust is preparing to apply for four grants offered by the Land Trust Alliance. The grant funding is available through the New York State Conservation Partnership Program. Mr. Chmar is requesting that the Town Board pass a resolution supporting the applications.

Andy announced that the 3rd annual Choices for Sustainable Living will be held Saturday, November 10, 2007, 9am-1pm at the Garrison, Route 9. Featured speakers will be Chevy and Jayni Chase.

RESOLUTION#228-07

The following Resolutions were presented by Councilwoman Budney, seconded by Councilman Shea and unanimously carried;

WHEREAS, the **HUDSON HIGHLANDS LAND TRUST** is applying for a \$10,000 grant through the New York State Conservation Partnership Program, a partnership between the Land Trust Alliance and the State of New York; and,

WHEREAS, the grant will be used to support the protection of a parcel of land in the **NORTH HIGHLANDS** of the **TOWN OF PHILIPSTOWN** through permanent conservation easements, a project named **BARRETT-HUSTIS PROTECTION PROJECT**; and,

WHEREAS, the Land is part of the Hudson Highlands and within the watershed of the Hudson River, long recognized for its outstanding scenic and natural beauty, shoreline, and geological and ecological character, and the preservation of which is significant because of the region's natural, historical, archaeological, architectural and cultural amenities; and

WHEREAS, the State of New York has designated in the Hudson Highlands a Scenic Area of Statewide Significance along the Route 9 corridor, within which the

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Property is located, to provide for the protection and enhancement of this unique resource; and

WHEREAS, the Land lies in close proximity to and is visible from park lands belonging to New York State; and

WHEREAS, the Property lies in proximity to other properties protected by conservation easements held by the Hudson Highlands Land Trust as part of a concerted effort to conserve land within the jurisdiction of the Hudson River Valley Greenway Communities Council and the Greenway Conservancy for the Hudson River Valley, Inc., organizations created by the State of New York in 1991 to foster good land stewardship in the Hudson River Valley National Heritage Area; and

WHEREAS, Conservation Easement deeds promote the conservation interests of the State of New York and the residents of Philipstown through the preservation of open space and protection of natural resources;

NOW, THEREFORE, in consideration of the foregoing be it resolved that the governing board of the **TOWN OF PHILIPSTOWN** hereby does approve and endorse the application for a grant under the New York State Conservation Partnership Program for a project known as the **BARRETT-HUSTIS PROTECTION PROJECT** and location within this community.

RESOLUTION#228-07

WHEREAS, the **HUDSON HIGHLANDS LAND TRUST** is applying for a \$10,000 grant through the New York State Conservation Partnership Program, a partnership between the Land Trust Alliance and the State of New York; and,

WHEREAS, the grant will be used to augment and further professionalize our fundraising capacity thereby increasing our ability to offer public education, programming and community events in the **TOWN OF PHILIPSTOWN**; and,

WHEREAS, the Land Trust relies on private annual donations for more than 80% of its land preservation, advocacy and outreach activities; and,

WHEREAS, the completion of an endowment campaign, the **HIGHLANDS STEWARD FUND**, will ensure the future fiscal soundness of the organization, allow for much needed improvements to our development capacity, and establish a Land Acquisition and Protection Fund; and,

WHEREAS, the Land Trust has permanently protected over 1000 acres of land throughout its mission area that will protect the rural character, natural resources and scenic beauty of the Hudson Highlands furthering the conservation interests of the State of New York and the residents of Philipstown; and,

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NOW, THEREFORE, in consideration of the foregoing be it resolved that the governing board of the TOWN OF PHILIPSTOWN hereby does approve and endorse the application for a grant under the New York State Conservation Partnership Program for a project known as the **HIGHLANDS STEWARD FUND**.

RESOLUTION #228-07

WHEREAS, the **HUDSON HIGHLANDS LAND TRUST** is applying for a \$10,000 grant through the New York State Conservation Partnership Program, a partnership between the Land Trust Alliance and the State of New York; and,

WHEREAS, the grant will be used to complete baseline documentation for previously acquired conservation easements in the **TOWN OF PHILIPSTOWN**; and,

WHEREAS, baseline documentation is critical for establishing the current conditions of the property and is the basis for future monitoring and enforcement; and,

WHEREAS, the Land Trust has permanently protected over 1000 acres of land throughout that will protect the rural character, natural resources and scenic beauty of the Hudson Highlands; and,

WHEREAS, Conservation Easement deeds promote the conservation interests of the State of New York and the residents of Philipstown through the preservation of open space and protection of natural resources;

NOW, THEREFORE, in consideration of the foregoing be it resolved that the governing board of the TOWN OF PHILIPSTOWN hereby does approve and endorse the application for a grant under the New York State Conservation Partnership Program for a project known as the **BASELINE STEWARDSHIP PROJECT**.

RESOLUTION #228-07

WHEREAS, the **HUDSON HIGHLANDS LAND TRUST**, the **WESTCHESTER LAND TRUST**, and the **HIGHLANDS COALITION** are jointly applying for a Conservation Catalyst Grant through the New York State Conservation Partnership Program, a partnership between the Land Trust Alliance and the State of New York; and

WHEREAS, the grant will be used to assess development trends in the New York Highlands by mapping impervious surface cover change at 1995, 2000, and 2007 intervals including the region in and around the **TOWN OF PHILIPSTOWN**; and

WHEREAS, this research will support the land protection goals of the 2006 New York State Open Space Conservation Plan, and it will also support local efforts to

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pass municipal referenda for Community Preservation Funds in Putnam County, in which the **TOWN OF PHILIPSTOWN** is located; and

WHEREAS, the Hudson Highlands and the Town of Philipstown are within the Highlands Region, a “nationally significant landscape” codified in the Highlands Conservation Act, signed into law on April 25, 2004; and

WHEREAS, the land to be studied is within the watershed of the Hudson River, long recognized for its outstanding scenic and natural beauty, shoreline, and geological and ecological character, and the preservation of which is significant because of the region’s natural, historical, archaeological, architectural and cultural amenities; and

WHEREAS, development pressure within the **TOWN OF PHILIPSTOWN** continues to put at risk our community character, protection of which is a goal in the 2006 adopted Philipstown Comprehensive Plan; and

WHEREAS, the development pressures we are facing in **TOWN OF PHILIPSTOWN** fit within a broader geographic context and thus require appropriate planning and action outside of the Town’s boundaries to properly address; and

WHEREAS, proper analysis of existing data by qualified organizations will provide for better informed decisions by municipal officials,

NOW, THEREFORE, in consideration of the foregoing be it resolved that the governing board of the **TOWN OF PHILIPSTOWN** hereby does endorse the application for a grant under the New York State Conservation Partnership Program for a project known as **ASSESSING & COMMUNICATING DEVELOPMENT PRESSURE IN THE NEW YORK HIGHLANDS TO CATALYZE COLLABORATIVE LAND CONSERVATION.**

3. Eric Lind to discuss the Open Space Index.

Eric Lind, acting chair of the CAC, presented a brief over view of the Open Space Index to the Town Board. Mr. Lind stated that the Open Space Index includes a list of 27 priority sites in Philipstown and allows a future Conservation Board to review any project that is proposed within the land identified on the index. The sites were selected because of five main features –ground and surface water, biodiversity, community character, outdoor recreation resources and natural resources. Only the sites that had four or five of these features were included in the index. Eric stated that the Open Space Index is a living document, open to change.

Andy Chmar stated that the Index is required by state law to be produced and presented by the CAC to the Town Board. The Town Board must accept the Index before the Town Board can re-designate the CAC to become a Conservation Board.

Councilman Shea stated that over 50% of the land in Philipstown is being conserved.

Nancy Montgomery asked why Lake Valhalla was rated #1 on the Open Space Index. Eric responded that Lake Valhalla featured all five criteria.

Eric said that historic sites are included under community character.

An audience member inquired as to whether any of these sites are slated for development. Councilman Shea responded that there is nothing before the Planning Board to suggest any development. Any Chmar said there might be individual parcels slated for development.

4. Howard Kaplowitz, President of the Old Road Society, to discuss proposed paving of a portion of Old Albany Post Road.

Howard Kaplowitz, President of the Old Road Society, addressed the Town Board. He stated in the proposed budget there is \$50,000.00 slated to pave a portion of Old Albany Post Road. Old Albany Post Road is a designated Historic Road. The Old Road Society would like to preserve the character of the Road.

Mr. Kaplowitz expressed his appreciation to Highway Superintendent Chirico for the job he has done plowing and maintaining the road.

The Old Road Society would like to be included in the Town's discussion of the drainage run-off problems. There should be a long term maintenance plan for the road. Mr. Kaplowitz doesn't think paving is the answer to the problems caused by the storm or other heavy rainfalls. Paving is not a panacea to conform to the stormwater management plan. The Old Road Society would like to work with the Board and the community for long-term solutions to the issues that concern the road.

Supervisor Mazzuca responded that many residents on the road have suffered greatly because of the storm. There has been extensive damage to their property.

Highway Superintendent Chirico stated that he received a phone call from State Emergency Management Office (SEMO). SEMO advised him that the FEMA application and grant for the money isn't guaranteed because the environmental reviews have not been completed. If the Town completes work that exceeds pre-disaster conditions, it may jeopardize future federal funding.

Justine Bruno asked Howard Kaplowitz if he saw the devastation caused by the storm. Mr. Kaplowitz did not. Ms. Bruno reported that the residents of the southern end of Old Albany Post Road have spent a substantial amount of money on repairs.

Residents of the southern portion of Old Albany Post Road, reported on the extensive damage to their property and the road caused by the storm. There is also a concern of the truck traffic on the road.

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An audience member would like to see the engineering report because he is not totally convinced that paving is the solution.

Noel Kropf stated that there are two separate problems on Old Albany Post Road. The extraordinary storm in April caused major erosion on this road. The silt runoff occurs on a regular basis and is a persistent problem. Noel doesn't think paving is a solution to the erosion. He hopes the Town maintains Old Albany Post Road as a historic dirt road.

Supervisor Mazzuca stated that just because there is a line in the budget for paving doesn't mean that money will be spent on that project. He reported that this issue will be resolved, hopefully with a joint venture between the Town Board, the Old Road Society and the residents of the southern section of Old Albany Post Road. Also, the issues with FEMA and SEMA have to be resolved.

Highway Superintendent Chirico will contact pertinent people and set up a meeting to discuss this situation.

5. Peter Convery, Putnam County Undersheriff, to address designation of Deputy Sheriff Services.

Peter Convery, Putnam County Undersheriff, addressed the Town Board concerning Deputy Sheriff Services. Mr. Convery stated that Philipstown might be able to use their services on a contract basis for specialized details. He reported that services available are truck traffic enforcement, speed enforcement, or any specialized needs of the Town.

Supervisor Mazzuca has inquired as to the cost to the Town to have a dedicated Deputy Sheriff. This would be in addition to normal patrols. He expressed his concerns about truck traffic on Route 9D, Route 9, 403, 301 and Sprout Brook Road.

Peter Convery reported that hiring a Deputy Sheriff is cost effective. This cost would include insurance and vehicles.

6. Resolution accepting the Memorandum of Agreement between the "CSEA" and the Town of Philipstown. (Roll Call Vote)

RESOLUTION #229-07

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

WHEREAS, the Town Board ("Board") of the Town of Philipstown ("Town") and the Local 1000, AFSCME, AFL-CIO, CSEA ("CSEA") engaged in negotiations to extend the Collective Bargaining Agreement ("CBA") between the parties; and

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WHEREAS, the members of the CSEA have ratified the Memorandum of Agreement executed between the parties extending the CBA.

NOW THEREFORE BE IT RESOLVED, by the Town Board that the Memorandum of Agreement between the Town and the CSEA providing for the terms and conditions for the extension of the Collective Bargaining Agreement retroactive to January 1, 2007 and to end on December 31, 2009, a copy of which is annexed hereto, is hereby approved; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to execute the CBA, which shall be revised in accordance with the Memorandum of Agreement between the parties.

ROLL CALL VOTE

William Mazzuca	AYE
Betty Budney	AYE
Richard Shea	AYE
David Brower	AYE

7. Resolution rejecting the bids for Bulk Fuel delivery at the Recreation Center and authorize the Town Clerk to advertise for bidders.

Town Clerk Merando reported that when the bids were received, one was the barge price and the other was the car price. Therefore, it could not be determined who the lowest bidder was. After consulting with Town Attorney Doyle, the bid specs were re-written to specify that the barge price has to be specified.

RESOLUTION #230-07

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

RESOLVED, that the Town Board of the Town of Philipstown hereby rejects the bids for Bulk Fuel delivery at the Recreation Center and authorizes the Town Clerk to advertise for bidders.

8. Resolution authorizing the Recreation Department to purchase the following:

- Chemical treatment of oil tank – remove water.
- Dryer
- Commercial Dishwater

Amber Stickle, Recreation Supervisor, explained to the Town Board why these purchases are necessary.

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RESOLUTION #231- 07

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes the purchases requested by the Recreation Department as follows:

Chemical treatment to the oil tank to remove any water, at a cost of \$875.00; and

Maytag 7.0 cubic foot Epic Electric Dryer at a cost of \$774.00; and

Commercial Dishwasher at a cost of \$2,875.00.

Claudio Marzolla announced that a Master Plan Workshop would be held November 19, 2007, 8:00 p.m. at the Community Center.

9. Schedule Meetings/Workshops

- Schedule Public Hearing for Local Law, Land Development Regulations, section 112-1A, definitions of "subdivision."
- Adopt Final Budget.

RESOLUTION #232-07

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

RESOLVED, that the Town Board of the Town of Philipstown hereby schedules a Public Hearing for December 6, 2007, at 7:30 pm, at the Philipstown Town Hall Town, to hear comments for/against the proposed Local Law to amend Land Development Regulations Section 112-1, the definition of "subdivision."

November 20, 2007, 7:30 p.m. – Adopt Final Budget

10. Resolutions needed to adopt proposed Local Law – "Alcoholic Beverages."

- SEQRA – Type II
- Adopt Local Law

SEQRA/Negative Declaration

RESOLUTION #233-07

The following Resolution was presented by Councilman Shea, seconded by Councilwoman Budney;

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WHEREAS, the Town Board of the Town of Philipstown has given due consideration to adoption of a Local Law to amend the Code of the Town of Philipstown, Chapter 53 thereof, to add an Article II entitled “Alcoholic Beverages- Consumption by Minors on Private Premises”; and

WHEREAS, this action is a routine or continuing agency administration and management action that does not include new programs or major re-ordering of priorities;

NOW, THEREFORE, BE IT RESOLVED, that this action is a Type II Action, as defined under 6NYCRR Part 617.5(c), which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 617 of the NYCRR.

Adopt Local Law

RESOLUTION #234-07

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

WHEREAS, the Town Board of the Town of Philipstown, hereby adopts a Local Law to amend the Code of the Town of Philipstown, Chapter 53 thereof entitled “Alcoholic Beverages,” to add Article II thereto entitled “Alcoholic Beverages – Consumption by Minors on Private Premises.”

SECTION 1: Chapter 53 of the Code of the Town Of Philipstown is hereby amended by adding an Article II thereto, to read as follows.

Article II

Alcoholic Beverages – Consumption by Minors on Private Premises

53-8 Findings and Purpose.

The Town of Philipstown finds that parties on private property where alcohol is consumed by minors is harmful to the minors themselves and to the communities where such parties are held.

Police ability to abate gatherings and fine the host of the party where alcohol is being consumed by minors on private property will result in a decrease in abuse of alcohol by minors and resulting physical altercations and injuries, neighborhood vandalism, and excessive noise disturbance thereby improving public safety in the community.

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Parties, gatherings or events on private property where minors are consuming alcohol are determined to be a threat to the peace, health, safety, or general welfare of the Town of Philipstown.

Police response to such parties, gatherings or events causes a drain of manpower and resources, and in some cases, leaves other areas of the Town with inadequate police protection.

Accordingly, the Town of Philipstown finds and declares that the purpose of this Local Law is:

- (A) to protect public health, safety and general welfare of the Town of Philipstown and its residents;
- (B) to enforce laws prohibiting the consumption of alcohol by minors; and
- (C) to prohibit the hosting of parties, gatherings or events at which minors may consume alcohol, and to reduce the costs of providing police services to same.

53-9. Definitions.

For purposes of this Article II chapter 53 the following definitions apply:

- (A) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirit of wine from whatever source or by whatever process produced.
- (B) "Alcoholic Beverage" means and include alcohol, spirits, liquor, wine, beer cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being; except that confectionary containing alcohol as provided by subdivision twelve of section two hundred of the Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.
- (C) "Beer" means and includes any fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute therefore.
- (D) "Enforcement Services" includes the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged Town equipment or property; and the cost arising from the use of any damaged Town equipment in responding to or remaining at the party, gathering or event.

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- (E) "Guardian" means a person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom the minor has been placed by the court.
- (F) "Minor" means any person under twenty-one years of age.
- (G) "Parent" means any person who is the natural parent, adoptive parent, or step-parent of a minor.
- (H) "Party, Gathering or Event" means a group of persons who have assembled or are assembling for a social occasion or social activity.

53-10. Hosting, suffering, permitting, organizing, allowing a party, gathering or event on private property where minors are consuming alcoholic beverages prohibited,

- (A) Except as otherwise permitted by law, no person shall host, suffer, permit, organize, or allow a party gathering or event at his or her place of residence or other private property, place or premises under his or her control where three or more minors are present and alcoholic beverages are being consumed by any minor.
- (B) This section does not apply to conduct between a minor child and his or her parent or guardian.
- (C) This section does not apply to any location or place regulated by the New York State Liquor Authority.

53-11. Penalty

Any person in violation of Section 2 herein shall be subject to conviction of a Class A Misdemeanor, punishable by up to 1 year in jail and/or a \$3,000.00 fine.

53-12. Reservation of Legal Options.

The Town of Philipstown does not waive its right to seek reimbursement for actual costs of enforcement services associated with the enforcement of this Article through other legal remedies or procedures. The procedures provided for in this Article are in addition to any other statute, ordinance or law. This Article in no way limits the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Article, nor does it limit in any way the prosecution's ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of this Article.

53-13. Severability.

If any section, subsection, sentence, clause, phase or word of this local law is for any reason held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.

SECTION 2: Effective Date. This Local Law shall become effective immediately upon its filing with the Secretary of State.

11. Code Enforcement Monthly Report.

Town Clerk Merando read the Code Enforcement Monthly Report.

12. Discussion on the donation agreement between OSI and the Town of Philipstown for the Glenclyffe property.

Claudio Marzollo, Chair, Recreation Commission, reported that Town Attorney Doyle has reviewed the contract between Open Space Conservancy and the Town. Mr. Marzollo would like to adopt a resolution to execute the donation agreement.

Town Attorney Doyle stated that in order to proceed, arrangements must be made to finance and pay for the improvements. Also, he reported that if expenses were paid from current funds, the acquisition would be subject to a Permissive Referendum. No Permissive Referendum is required if expenses are paid for by borrowing with a term of 5 years or less. Town Attorney Doyle will confer with Susan Kenney and discuss with bond council.

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

Town Clerk Merando reported that she received a letter from Highway Superintendent Chirico. He has requested that the Town Board accept the bid from Joseph Savastano. Mr. Savanasto bid \$11,510.00 for the 1991 Case 590 Extendahoe Backhoe.

RESOLUTION #235-07

The following Resolution was presented by Councilman Brower, seconded by Councilman Shea and unanimously carried;

RESOLVED, that the Town Board of the Town of Philipstown hereby accepts the bid of \$11,510.00, received from Joseph Savastano, for the purchase of the 1991 Case 590 Extendahoe Backhoe.

Town Clerk Merando stated that the Local Law to amend the Town Code to:

- (1) add Stormwater Management and Control & Sediment Control Law
- (2) Amend Land Development Regulations
- (3) Amend the Zoning Law

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has to be referred to the Planning Board and the Putnam County Planning Department.

RESOLUTION #236-07

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Shea and unanimously carried:

RESOLVED, that the Town Board of the Town of Philipstown hereby refers the proposed Local Law regarding Stormwater Management to the Planning Board and the County Planning Department for their review and comments.

RESOLUTION #237-07

The following Resolution was presented by Councilwoman Budney, seconded by Councilman Shea and unanimously carried:

RESOLVED, that the Town Board of the Town of Philipstown hereby requests Tim Miller to prepare an EAF.

AUDIENCE

Andy Chmar reported that the CAC has completed the Open Space Index and is ready to be adopted by the Town Board.

Councilman Shea stated that the Open Space Index does not become a law. New York State Law requires that we have an Open Space Index before the Conservation Advisory Council can become a Conservation Advisory Board.

Town Attorney Doyle would like to confer with Town Clerk Merando and review the Philipstown Natural Resource and Open Space Protection Plan. He will then explain the procedures to be followed.

VACANCIES

CV Park District Advisory Committee (2)
CV Water District Advisory Committee (2)
Conservation Advisory Council (1)
Board of Assessment Review (1)

APPROVAL OF VOUCHERS

Councilman Brower made a motion, seconded by Councilwoman Budney and unanimously carried that the General Vouchers in the amount of \$85,804.50 are hereby approved as set forth in Abstracts 10A and 11.

Councilwoman Budney made a motion, seconded by Councilman Shea and unanimously carried that the Highway Vouchers in the amount of \$69,802.44 are hereby approved as set forth in Abstract 11.

MONTHLY TOWN BOARD MEETING
November 1, 2007

Councilman Shea made a motion, seconded by Councilman Brower and unanimously carried that the CV Park District Vouchers in the amount of \$2,450.54 are hereby approved as set forth in Abstract 11.

Councilwoman Budney make a motion, seconded by Councilman Shea and unanimously carried that the CV Water District Vouchers in the amount of \$4,464.21 are hereby approved as presented in Abstract 11.

There being no further business to discuss, Councilman Brower made a motion, seconded by Councilwoman Budney to close the Town Board Monthly Meeting at 10:34 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk