

## MONTHLY TOWN BOARD MEETING

March 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
	Al Hosmer	Councilman
	David Brower	Councilman
	Edward W. Doyle	Town Attorney

Supervisor Mazzuca opened the meeting with a salute to the Flag.

### **REVIEW OF THE MINUTES:**

The Minutes of the Monthly town Board Meeting of January 4, 2007, were reviewed.

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

The Minutes of the Monthly Town Board Meeting of February 1, 2007, were reviewed.

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

The Minutes of the Weekly Town Board Meeting of February 21, 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** – Councilman Hosmer reported that routine maintenance is currently underway.

**PLANNING BOARD** – Councilman Brower reported that the Planning Board meeting was cancelled due to the snowstorm. The next meeting is scheduled for March 15<sup>th</sup>. He further reported that all Planning Board meetings would now be held on the 3<sup>rd</sup> Thursday of each month.

**RECREATION** – Councilwoman Budney reviewed the Spring events.

**CAC** – Councilman Shea reported that due to the snowstorm the meeting had been cancelled and that there was discussion about holding the meeting the following week. He was not sure that the meeting was held as he was away.

**RECYCLING** – Councilwoman Budney reported on the Spring Town-Wide Cleanup to be held April 28<sup>th</sup> at the North Highlands Fire House. (See Item #3 of the Agenda)

**MONTHLY TOWN BOARD MEETING**

March 1, 2007

**LAND & BUILDING ACQUISITION** – Councilman Hosmer had no report. Councilman Shea reported that he had received seven (7) letters of introduction from architectural firms regarding the former Dahlia House and that he was scheduling meetings with each of them to discuss proposals.

**ZONING BOARD** – Councilman Brower reported that no meeting was scheduled for the month of February. The next meeting would be held on Monday, March 5<sup>th</sup>.

**TOWN OF PHILIPSTOWN**

**MONTHLY REPORT OF TOWN SUPERVISOR**

**MONIES RECEIVED AS OF MARCH 1, 2007**

**GENERAL & PART-TOWN FUNDS**

Tax Collection Final Pay Gen A	\$ 1,212,382.08
Tax Collection General A Pro Rata	1,147.92
Tax Collection General B Full Pay	171,697.00
Tax Collection General B Pro Rata	1,714.00
Town Clerk Fees 1/07	267.44
Building Inspector Fees 1/07	6,229.00
Recreation Fees 1/07	49,329.33
Justice Fees 1/07	5,060.00
Justice Fees 1/07	3,925.00
P. C. Dog Surplus	356.74
Tax Collection Bank Int.	285.86
Bank Interest	345.44

**HIGHWAY FUND**

Tax Collection Highway DB Final Pay	\$ 1,971,255.00
Bank Interest	1,246.02

**CONTINENTAL VILLAGE WATER DISTRICT**

Bank Interest	\$ 27.80
---------------	----------

**CONTINENTAL VILLAGE PARK DISTRICT**

Tax Collection, SP Full Pay	\$ 96,600.96
Clubhouse Fees	400.00
Bank Interest	351.20

# MONTHLY TOWN BOARD MEETING

March 1, 2007

## AGENDA

### 1. **Resolution adopting certain regulations in connection with the use of Winston Lane, Weight Limit Restrictions.**

Supervisor Mazzuca explained that the reason for the adoption of this Resolution was because he had received letters complaining about the amount of truck traffic and people using Winston Lane as a thoroughfare to take shortcuts to Sprout Brook or Route 9. The Board had requested that the Town Attorney draw up a Resolution pertaining to Winston Lane and the weight limit restrictions. Town Attorney Doyle stated that he had in fact prepared a Resolution and had discussed how to define the weight limitations with Roger Chirico, Superintendent of Highways. Supervisor Mazzuca proceeded to read the Resolution. Councilman Hosmer stated that he would contact the Sheriffs Office.

#### **RESOLUTION # 82-07**

The following Resolution was presented by Councilman Brower, seconded by Councilman Hosmer and unanimously carried:

**WHEREAS**, the Town received numerous complaints and concerns regarding the size and number of commercial vehicles which travel Winston Lane for purposes other than local deliveries, and the intensity of such use has developed to an extent that it is a hazard to the public health, safety and welfare of the residents who live on or in the area of Winston Lane; and

**WHEREAS**, the Town Board desires to adopt certain regulations in connection with the use of Winston Lane;

**NOW, THEREFORE**, on Motion of Councilman Brower, seconded by Councilman Hosmer, it is

**RESOLVED** by the Town Board of the Town of Philipstown as follows:

#### 1. Winston Lane – Weight Limitation:

Trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semi-trailer combinations, or tractor-trailer-semi-trailer combinations with a weight capacity in excess of five tons gross weight are hereby excluded from Winston Lane for its entire length, from Route 9 on the west to Sprout Brook Road on the east.

#### 2. Exception:

The prohibition and exclusion set forth herein shall not be construed to prevent the delivery or pickup of merchandise or other property along Winston Lane.

#### 3. Penalties:

Any person or owner of any vehicle who shall violate this REGULATION shall be guilty of a violation, and shall be subject to the punishment under the Vehicle and Traffic Law and Penal Law of the State of New York in such case made and provided.

MONTHLY TOWN BOARD MEETING

March 1, 2007

4. Severability:

The invalidity of any section or provision of this RESOLUTION shall not invalidate any other section or provision thereof.

5. Effective Date:

This RESOLUTION shall take effect immediately, and the Highway Superintendent of the Town of Philipstown is directed to post the area with signs confirming said REGULATION in accordance with the Sign Manual for the Department of Transportation of the State of New York.

**ROLL CALL VOTE**

Councilman Brower	AYE
Councilman Shea	AYE
Councilman Hosmer	AYE
Councilwoman Budney	AYE
Supervisor Mazzuca	AYE

Resolution passed by majority vote.

Adopted : March 1, 2007.

**2. Re-appointments of the following:**

- Re-appoint Robert Dee to a 5-year term on the Zoning Board of Appeals. (Term to expire March 31, 2012.)

**RESOLUTION #83-07**

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

**RESOLVED**, that the Town Board of the Town of Philipstown hereby re-appoints Robert Dee to a 5-year term on the Zoning Board of Appeals, which term will expire March 31, 2012.

- Re-appoint Anthony Merante to a 4-year term on the Planning Board. (Term to expire March 31, 2011.)

**RESOLUTION #84-07**

The following Resolution was presented by Councilman David Brower, seconded by Councilman Hosmer and unanimously carried:

**RESOLVED**, that the Town Board of the Town of Philipstown hereby re-appoints Anthony Merante to a 4-year term on the Planning Board, which term will expire March 31, 2011.

## MONTHLY TOWN BOARD MEETING

March 1, 2007

- Re-appoint George Cleantis to a 4-year term on the Planning Board. (Term to expire March 31, 2011.)

### **RESOLUTION #85-07**

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 re-appoints George Cleantis to a 4-year term on the Planning Board. (Term to expire March 31, 2011.)

- Re-appoint Kerry Meehan to a 4-year term on the Planning Board. (Term to expire March 31, 2011.)

### **RESOLUTION #86-07**

The following Resolution was presented by Councilman Hosmer, seconded by Councilman Brower and unanimously carried:

**RESOLVED**, that the Town Board of the Town of Philipstown hereby re-appoints Kerry Meehan to a 4-year term on the Planning Board. (Term to expire March 31, 2011.)

- Re-appoint Josephine Doherty to a 4-year term on the Planning Board. (Term to expire March 31, 2011.)

### **RESOLUTION #87-07**

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 re-appoints Josephine Doherty to a 4-year term on the Planning Board. (Term to expire March 31, 2011.)

- Re-appoint Lew Kingsley to a 2-year term on the CAC. (Term to expire March 3, 2009.)

### **RESOLUTION #88-07**

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

**RESOLVED**, that the Town Board of the Town of Philipstown hereby re-appoints Lew Kingsley to a 2-year term on the CAC. (Term to expire March 3, 2009.)

- Re-appoint Tim Donovan to a 2-year term on the CAC. (Term to expire March 3, 2009.)

### **RESOLUTION #89-07**

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

## MONTHLY TOWN BOARD MEETING

March 1, 2007

**RESOLVED**, that the Town Board of the Town of Philipstown hereby re-appoints Tim Donovan to a 2-year term on the CAC. (Term to expire March 3, 2009.)

Councilman Brower expressed his pleasure in working with the four (4) re-appointees of the Planning Board.

### **3. Resolution scheduling the 2007 Spring Town-Wide Cleanup and authorize the Town Clerk to advertise for bidders.**

Councilwoman Budney reported that the Spring Town-Wide Cleanup was scheduled for April 28<sup>th</sup> at the North Highlands Firehouse from 8:00 a.m. to 4:00 p.m., and that tires would be collected at the Spring cleanup. She further reported that the landfill would be opened on that day during the same hours.

#### **RESOLUTION #90-07**

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

**RESOLVED**, that the Town Board of the Town of Philipstown hereby schedules the 2007 Spring Town-Wide Cleanup to be held on April 28<sup>th</sup> at the North Highlands Firehouse from 8:00 a.m. to 4:00 p.m., and authorizes the Town Clerk to advertise for bidders.

### **4. Resolution referring a proposed Local Law to amend Land Development Regulations Section 112-2A and E to the Philipstown Planning Board.**

Councilman Shea stated that this Resolution comes from attempting to clean up the process. All subdivisions will now go before the Planning Board; that there would be no more gray areas or interpretations or long drawn-out processes. Persons wanting to subdivide properties would present to the Planning Board. Town Attorney Doyle, referring to his comments in his letter of February 22, 2007, stated that this law still allows conveyances or exchanges of land between adjoining owners providing they file the necessary survey with the Planning Board.

Supervisor Mazzuca noted that the EAF had already been prepared by Tim Miller and that the next step was to refer to the Planning Board for their comments. Once that is received, a Public Hearing will be scheduled. (Supervisor Mazzuca confirmed with Attorney Doyle that the Planning Board had 60 days to comment.) Supervisor Mazzuca expressed his thanks to Town Attorney Doyle for his work on this project. Town Attorney Doyle also expressed his thanks to Tim Miller.

#### **RESOLUTION #91-07**

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

## MONTHLY TOWN BOARD MEETING

March 1, 2007

**RESOLVED**, that the proposed Local Law to amend Land Development Regulations Section 112-2A and E is hereby referred to the Philipstown Planning Board for review and comments.

**5. Hank Osborn and Michael Gibbons to address the Town Board regarding the 2<sup>nd</sup> Annual Greenway Triathlon.**

Messrs. Gibbons and Osborn, representatives for the Putnam County Greenway, reviewed the 2006 events and presented details for the 2007 Triathlon. Mr. Gibbons stated that his reason for addressing the Town Board was to seek their endorsement for 2007 so that the committee can proceed in obtaining approvals from other groups.

**RESOLUTION #92-07**

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 endorses the 2007 2<sup>nd</sup> Annual Greenway Triathlon.

Supervisor Mazzuca informed Messrs. Gibbons and Osborn that he had a conference call with the Greenway Committee over the application for the \$5,000 grant which will be studied for the budget and that the Grant Committee agreed to approve it and send it to the full Board of the Greenway at their May 13<sup>th</sup> meeting.

**6. Joe Regele to address the Town Board with regard to forming a liaison committee between the Garrison Fire Department and the Town.**

Mr. Regele requested that the Board consider forming a liaison committee between the Town and the Garrison Volunteer Fire Department. He expressed his concerns about not being allowed access to the fire department's detailed expense reports. GVFD members, Chris Simone and Rodney Tudor, exchanged opinions. Supervisor Mazzuca explained that there was already a process in place for reviewing the fire department's contract and that he will be meeting with the fire company as the Town Budget Officer to review their request. He further explained that under New York State requirements, the fire company would be subject to an independent audit.

Stan Freilich of Garrison questioned whether the fire department was a private entity since the members were covered under the Town's Worker's Compensation Law and Length of Service Award Program. Town Attorney Doyle informed Mr. Freilich that the fire company was a private not-for-profit contractor and that the Town had a contract with them to provide services and that the Worker's Compensation and LOSAP programs were State mandated.

George Lansberg, a new resident of the Town, asked if the fire company presented numbers that every other business under contract presented. Councilman Shea questioned who would submit bids, as there were no other fire companies in the area to submit bids. Shea further stated that the Board trusted the people that they deal with.

## MONTHLY TOWN BOARD MEETING

March 1, 2007

Steve Loria, thanked the fire company and asked if there were any other fire services that are not provided by the fire department that the Town was paying for separately.

Supervisor Mazzuca responded with “no.” Mr. Loria questioned how the Town would know whether the monies allocated were a fair amount. Councilman Shea stated that the Board trusted the firemen. Councilman Brower stated that the relationship between the fire company and the Town Board was based on long experiences and also stated that the Board trusted the firemen.

Russell Cusick, a resident of Philipstown, stated that he thought that all the people were asking for was representation – people of Philipstown have gotten a significant tax hike. People are looking for checks and balances and that if taxpayers money is paying for the Volunteer Fire Department, then the taxpayers have the right to know exactly what that money is being spent on – bottom line. The residents of Garrison deserve that.

Supervisor Mazzuca then interjected about the budget meetings and how the process works and that the public hearings for the budget almost never have public attendance.

Supervisor Mazzuca recommended that the Board discuss the request but not act on at this time.

### **7. Vincent Terio to address the Town Board with regard to a five-acre vacant land.**

Mr. Terio once again addressed the Board regarding his 5-acre parcel. Supervisor Mazzuca informed Mr. Terio that the Board has already reviewed this many times and that legally, the Board could not do anything.

Audience Member Russell Cusick asked for clarification to Councilman Shea’s comments on how he sees particular people every day and that he trusted them and, as a community, believes that tax dollars are being trusted without having the necessary checks and balances. Councilman Shea responded that he was only characterizing and that he was merely making a general statement; that the community was a small one and to have a cloud covering it would not be fair. Mr. Cusick stated that he didn’t feel that there was a cloud and that Mr. Regele was just asking for.....(Councilman Shea interrupted stating that he agreed that Mr. Regele’s questions should be answered and that there should be an accounting – and an audit was going to be held this year.)

Supervisor Mazzuca reviewed the process that was conducted with the Garrison Fire Company regarding their budget. Further discussion went on regarding the process and attendance at budget meetings. Former Councilman Andy Merante interjected that he had attended 40 to 50 budget meetings and with no one in attendance. Supervisor Mazzuca stated that what might come out of this issue would be better participation at Budget Meetings.

## MONTHLY TOWN BOARD MEETING

March 1, 2007

### **8. Code Enforcement Monthly Report.**

Town Clerk Merando read the Code Enforcement Monthly Report.

### **9. Schedule Meetings / Workshops.**

Supervisor Mazzuca reported that he had a few issues to discuss.

- A letter from the Recreation Commission requesting the purchase of four 15' benches for the gym at a cost of \$271.99 per bench. These benches will be used year-round for seating and also divide the gym when more than one game is being played. Supervisor will discuss this request further with the Commission.
- An invitation to attend a technical briefing and round table on Indian Point Leaks at Pace University on Friday, March 2 – 1:30 P.M.

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

- A letter from Tim Miller re: color-coded zoning map. Supervisor Mazzuca suggested having a workshop.
- Supervisor Mazzuca asked Town Clerk Merando if information had been submitted to Congressman Hall for request for funds for Stormwater. Ms. Merando stated that she had sent the request on the 27<sup>th</sup> of February.
- Town Clerk Merando, per Supervisor Mazzuca's request, provided background on the grant for "small cities."
- Resignation of Suzanne Timmer, effective March 2, 2007.
- Councilman Brower reported that the Zoning Committee held a meeting and were about ½ way through their paperwork and thanks to the Land Trust they have new maps to look at, so they are moving along. Meetings are scheduled for March 14<sup>th</sup> and 21<sup>st</sup>.
- Councilman Shea reported that the final plans seeking bidders for the Garrison Water District had been approved by the New York State Department of Health. He further reported that information was being prepared for a public notice for water tanks.
- Councilman Shea reported that he prepared a grant for groundwater studies; held several meetings; sent copy to Joel Russell for review. Formal presentation to be presented to the Town Board at the next Town Board Meeting in April. Chris Simone asked if this study would be resolving the issues of fire hydrants. Councilman Shea stated yes as far as quantity – as far as pressure, probably not.

## MONTHLY TOWN BOARD MEETING

March 1, 2007

### AUDIENCE

- Andy Chmar reported that the Land Trust received approval as did the Haldane School Foundation for the Annual Family Festival on June 30<sup>th</sup>. Approval also received from the Recreation Commission to conduct at the Town Park for 2007.
- Due to the vacation schedule of Tom Rippolon, a Resolution was called for to re-schedule the regularly scheduled April Town Board Meeting.

### RESOLUTION #93-07

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

**RESOLVED**, that the Monthly Town Board Meeting scheduled for April 5<sup>th</sup>, 2007, is hereby re-scheduled for April 12<sup>th</sup>, 2007, at 8:00 p.m., Town Hall, Cold Spring, NY.

The regularly scheduled pre-Board meeting will be held on Wednesday, April 4<sup>th</sup>, 2007.

### VACANCIES

CV Advisory Committee (2)

CAC (2) – NOTE: Councilman Shea reported that the CAC hoped to appoint someone to the committee in April.

Recreation Commission (1)

### APPROVAL OF VOUCHERS

Councilman Shea made a motion, seconded by Councilman Brower and unanimously carried that the General Vouchers in the amount of \$275,795.97 are hereby approved as set forth in Abstracts 2A and 3.

Councilman Hosmer made a motion, seconded by Councilwoman Budney and unanimously carried that the Highway Vouchers in the amount of \$77,304.12 are hereby approved as set forth in Abstracts 2A and 3.

Councilman Shea made a motion, seconded by Councilwoman Budney and unanimously carried that the CV Park District Vouchers in the amount of \$1,710.92 are hereby approved as set forth in Abstract 3.

Councilman Shea make a motion, seconded by Councilman Brower and unanimously carried that the CV Water District Vouchers in the amount of \$3,097.93 are hereby approved as presented in Abstracts 2A and 3.

MONTHLY TOWN BOARD MEETING

March 1, 2007

**ADJOURNMENT**

There being no further business to discuss, Councilwoman Budney made a motion, seconded by Councilman Shea to close the Town Board Monthly Meeting at 9:30 p.m.

Respectfully submitted,

Tina M. Merando  
Town Clerk