

MONTHLY TOWN BOARD MEETING

April 12, 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 MINUTES

The Minutes of the Special Meeting of February 28, 2007, were reviewed.

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

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

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

The Minutes of the Public Hearing of March 14, 2007 – Quarry Pond – Extension of Units, were reviewed.

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

The Minutes of the Weekly Town Board Meeting of March 14, 2007, were reviewed.

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

The Minutes of the Bid Opening of March 21, 2007, 5000 Gallon Water Storage Tank, 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 March 28, 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 Bid Opening of March 28, 2007, Town Wide Clean-up, were reviewed.

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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 the Highway Department is currently cleaning catch basins and grading dirt roads. Weight limit signage has been placed in Continental Village and East Mountain Road North and South.

PLANNING BOARD – Councilman Brower reported on the items addressed at the March 15th Meeting.

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

CAC – Councilman Shea stated that the CAC received 7 applications and 5 were reviewed at the March 13th meeting. There were 5 site visits prior to the meeting.

RECYCLING – Councilwoman Budney reported that the Town Wide Cleanup is scheduled for April 28, 2007, at the North Highlands Fire Company, 504 Fishkill Road, from 8:00 am to 4:00 pm. Councilwoman Budney reviewed the rules and regulations of the cleanup. She also announced that Putnam County would be conducting a Hazardous Cleanup on May 19, 2007.

LAND & BUILDING ACQUISITION – Councilman Shea reported that he met with 7 architects concerning the Town Hall. They discussed ways to improve the use of the space in the Town Hall and how to make the building more handicap-accessible.

ZONING BOARD – Councilman Brower reported on the items addressed at the March 5th and March 26th Meetings.

TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR

MONIES RECEIVED AS OF APRIL 12, 2007

GENERAL & PART-TOWN FUNDS

C.T.V. Fees	13,251.00
C.T.V. Fees	7,932.00
Justice Fees	4,905.00
Justice Fees	2,615.00
T.C. Fees	503.12
Tax Coll. Int.	717.96
Hudson Baylor	109.80
Bldg. Fees 2/07	16,333.00

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Rec Fees 2/07	25,199.93
Justice Fees 2/07	4,240.00
Justice Fees 2/07	3,795.00
P.C. or VFW Rental	25.00
T.C .Fees 3/07	270.28
Bldg. Fees 3/07	17,345.00
Bank Int.	3,436.94

HIGHWAY FUND

P.C. Ck Sheriff's Gas	166.92
Trident Ins.	2,391.75
Bank Int.	5,665.21

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	215.19
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CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	500.00
Clubhouse Fees	500.00
Bank Interest	420.89

AGENDA

1. Mike McKee to report on the Greenway Grant.

Dr. Michael McKee, Chairman of the Philipstown Greenway Committee, addressed the Town Board. He presented two contracts. One was a proposal for professional engineering services for the Hudson Fjord Hike/Bike Trail Capital Improvements Feasibility Study, and the other was a contract for a Conservancy 2006 Grant.

The purpose of the feasibility study is to address safety concerns on Route 9D and the inadequacy of parking.

The Philipstown Greenway Committee applied for a grant from the Hudson Valley Greenway Committee, which was granted. The Town Board agreed to match this grant. A variety of resources will be used to fund this project. Dr. McKee stated that he is here to answer any questions concerning the two contracts.

Dr. Michael McKee recognized Robert Hutchinson as the principal grant writer.

Supervisor Mazzuca asked about the parking lot on Route 9D. Dr. McKee stated that parking enforcement would become quite stringent. To get to the trails you would have to park in the parking lot. If people continued to park on Route 9D they will be towed away. Signage would refer people to parking further up north if the parking lots were full.

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- a). **Resolution authorizing Supervisor Mazzuca to sign the proposal for professional engineering services in connection with the Hudson Fjord Hike/Bike Trail Capital Improvement Feasibility Study.**

RESOLUTION #105-07

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 authorizes Supervisor Mazzuca to sign the proposal for professional engineering services in connection with the Hudson Fjord Hike/Bike Trail Capital Improvement Feasibility Study.

- b). **Resolution authorizing Supervisor Mazzuca to sign the contract between the Town of Philipstown and Hudson Valley Greenway for the Greenway Grant.**

RESOLUTION #106-07

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 authorizes Supervisor Mazzuca to sign the contract between the Town of Philipstown and Hudson Valley Greenway for the Greenway Grant.

2. **Honorary Resolution for Alexander Del Vecchio – Eagle Scout Award.**

This resolution will be addressed at a later date.

3. **Honorary Resolution for Keith M. Ciccaglione – Eagle Scout Award.**

This resolution will be addressed at a later date.

4. **Barbara Feld to address the Town Board regarding a discarded boat on Cross Timbers Road in Garrison.**

Barbara Feld, a resident of 12 Cross Timbers Road, Garrison, addressed the Town Board. She stated that she appeared before the Town Board last November concerning a large discarded boat across the road from her property. She said that the boat trailer was moved to another location on the owner's property and now sits with five other unregistered vehicles.

Ms. Feldt requested that the Town Board enforce the existing Town Code regulating junkyards and litter. She also stated that there is a need for a whole new section to be added to the Town Code, which would enforce property maintenance standards.

5. **Resolution approving the 2006 Conservation Advisory Council Annual Report and authorize the Town Clerk to forward to the State Commission of Environmental Conservation.**

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RESOLUTION #107-07

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 approves the 2006 Conservation Advisory Council Annual Report and authorizes the Town Clerk to forward to the State Commission of Environmental Conservation.

6. **Resolution to retain Richard Goldsand as special counsel in the matter of Julia L. Butterfield Memorial Library vs. the Town of Philipstown, at the rate of pay of \$125.00 per hour, plus out-of-pocket disbursements.**

RESOLUTION #108-07

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 retains Richard Goldsand as special counsel in the matter of Julia L. Butterfield Memorial Library vs. the Town of Philipstown, at the rate of pay of \$125.00 per hour, plus out-of-pocket disbursements.

7. **Resolution needed authorizing Supervisor Mazzuca to sign the lease between the Garrison Landing Association, Inc., and the Town of Philipstown.**

Town Clerk Merando stated that there were revisions to the lease, which were approved by Town Attorney Doyle. On page one of the lease, #1 Term A, ending 31 December was changed from 2012 to 2011. Also, on page one #1, Term B, "Tenant may terminate the lease on three months notice to the landlord," was added to this paragraph.

RESOLUTION #109-07

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 authorizes Supervisor Mazzuca to sign the lease between the Garrison Landing Association, Inc., and the Town of Philipstown.

8. **Discussion - Community Preservation Fund**
9. **Discussion - Citizens Campaign for the Environment**

Andy Chmar addressed the Town Board concerning the Community Preservation Act. This Act would allow towns in New York State to impose a real estate transfer fee of up to two percent on the sale of real estate. A real estate transfer fee is a tax on the sale of any real property in a town. These monies would be put into a Community Preservation Fund.

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A town would have to apply to the state for special legislation to be able to consider the real estate transfer tax. Then residents of the town would decide, via local referendum, if this were a good idea for Philipstown. The state cannot pass an act that grants every town in New York State the authority to consider this. Every town would have to apply to the state.

Supervisor Mazzuca explained that this would, perhaps, only affect house sales above the median price in the county. Also, he stated that there are various ways this tax can be imposed.

A committee will be set up, if the referendum passes, to determine what properties the Town would like to preserve.

Workshops will be set up for public input.

Jeff Kane, Chairman of Citizens Campaign for the Environment, endorsed the Community Preservation Act.

Bill O'Neill, 135 Moffatt Road, inquired as to the purpose of this fund. Supervisor Mazzuca responded that these funds would be used for properties that the Town may want to preserve.

Mr. O'Neill questioned the fairness of taxing only homes above the median cost. Supervisor Mazzuca responded that this would be one of the issues discussed. Supervisor Mazzuca is very reluctant to impose this tax on young families who are finding it financially difficult to remain in the Town of Philipstown.

10. Resolution authorizing a donation in the amount of \$300.00 to the Nelsonville Fish & Fur Club for this years "Kids Fishing Day," scheduled for May 6, 2007.

Supervisor Mazzuca increased the donation to the Nelsonville Fish & Fur Club "Kids Fishing Day" from \$300.00 to \$400.00.

RESOLUTION #110-07

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 authorizes a donation in the amount of \$400.00 be forwarded to the Nelsonville Fish & Fur club for this years "Kids Fishing Day," scheduled for May 6, 2007.

11. Resolution referring a proposed Local Law to amend the Code of the Town of Philipstown, Chapter 175, entitled Zoning, to change the date of the Zoning Map to the Philipstown Planning Board and the Putnam County Division of Planning.

Town Attorney Doyle stated that Tim Miller's office has updated the zoning map. Also, this law adopts the amended map and it will become part of the zoning law.

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RESOLUTION #111-07

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 refers a Proposed Local Law to amend the Code of the Town of Philipstown, Chapter 175, entitled Zoning, to change the date of the Zoning Map to the Philipstown Planning Board for their review and comments.

RESOLUTION #112-07

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

RESOLVED, that the Town Board of the Town of Philipstown hereby requests Tim Miller to address any necessary action under SEQR.

RESOLUTION #113-07

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 refers a Proposed Local Law to amend the Code of the Town of Philipstown, Chapter 175, entitled Zoning, to change the date of the Zoning Map to the Putnam County Division of Planning for their review and comments.

12. Resolution accepting the resignation of Raymond J. Ferris, Jr., from the Continental Village Water Board Advisory Committee.

Town Clerk Merando read the resignation letter from Raymond J. Ferris.

RESOLUTION #114-07

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 accepts the resignation of Raymond J. Ferris, Jr., from the Continental Village Water Board Advisory Committee and authorizes the Town Clerk to forward a letter of appreciation.

13. Resolution appointing John Giardiello as Chairman of the Stormwater Technical Committee.

RESOLUTION #115-07

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

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RESOLVED, that the Town Board of the Town of Philipstown hereby appoints John Giardiello as Chairman of the Stormwater Technical Committee.

14. Resolution needed to authorize Town Clerk Merando to advertise for bidders for the following (nunc pro tunc):

Supervisor Mazzuca stated that these projects will be funded by a grant that the Town received from the State.

a) Painting exterior of Town Hall.

RESOLUTION #116-07

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 authorizes Town Clerk Merando to advertise for bidders to paint the exterior of the Town Hall.

b) Complete Boiler Replacement for Town Hall.

RESOLUTION #117-07

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes Town Clerk Merando to advertise for bidders for a complete boiler replacement for the Town Hall.

c) 5000-Gallon Water Storage Tank for Garrison Landing Water District.

RESOLUTION #118-07

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 authorizes Town Clerk Merando to advertise for bidders for a 5000-Gallon Water Storage Tank for Garrison Landing Water District.

15. Resolution authorizing Supervisor Mazzuca to sign the contract between the Town of Philipstown and Putnam County Real Property Tax Service.

Town Attorney Doyle approved the contract.

RESOLUTION #119-07

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

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RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes Supervisor Mazzuca to sign the contract between the Town of Philipstown and Putnam County Real Property Tax Service.

16. Code Enforcement Monthly Report.

Town Clerk Merando read the Code Enforcement Monthly Report.

17. Schedule Meetings/Workshops.

Resolution needed to schedule a Public Hearing for a Proposed Local Law to amend Land Development Regulation Section 112-2 A and E.

Councilman Shea stated that this law ensures that all sub-divisions go to the Planning Board.

Town Attorney Doyle stated that he and Tim Miller drafted this law.

RESOLUTION #120-07

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

RESOLVED, that the Town Board of the Town of Philipstown hereby schedules a Public Hearing for May 16, 2007, at 7:30 pm, at the Philipstown Town Hall Town, to hear comments for/against the Proposed Local Law to Amend Land Development Regulation Section 112-2 A and E.

Resolution needed to schedule a Public Hearing for a proposed Local Law establishing the Office of Comptroller.

RESOLUTION #121-07

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 May 16, 2007 at 7:15 pm, at the Philipstown Town Hall Town, to hear comments for/against the Proposed Local Law establishing the Office of Comptroller.

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

Town Clerk Merando stated that one bid was received on April 11, 2007, for the 5000-Gallon Water Storage Tank for Garrison Landing Water District. The bid was submitted by Fairfield Maintenance, Inc.

Councilman Shea stated that this tank is a very specific item and there are only two manufactures in the country. With the assistance of Superintendent Chirico, Councilman

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Shea said that the setting of the tank and the building of the retaining wall would hopefully be done in house. This would be a major savings for the Town.

RESOLUTION #122-07

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 awards the bid for the 5000-Gallon Water Storage Tank for Garrison Landing Water District to Fairfield Maintenance, Inc., at a total cost of \$19,575.21.

ROLL CALL VOTE

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

The Resolution was declared adopted.

Councilwoman Budney reported that she and Councilman Brower drafted the Stormwater Management Law. Meetings to review this law will be May 2 at the Town Hall and May 9 at the VFW.

Councilwoman Budney stated that residents of the Town must put their house number on the end of their driveway to facilitate the location of houses by emergency services.

Councilwoman Budney asked for volunteers to help rake leaves in the Cedar Street, Mountain Avenue and the North Highlands cemeteries. Her number is 265-3508.

AUDIENCE

Frances O'Neill, a resident of Moffatt Road, stated that she is against the widening of Moffatt Road and the proposed blasting of rock. She does not want Moffatt Road to become an interstate. Supervisor Mazzuca did not agree with Mrs. O'Neill and stated that the Town was not trying to turn the road into an interstate. Supervisor Mazzuca said that he is open to further discussion.

Councilman Shea stated that Highway Superintendent Chirico wants to widen the road to ensure the safe passage of school buses. Mr. Chirico has received calls from the school at various times about unsafe conditions on this road. Councilman Shea said the road would only be nineteen feet wide. Nineteen feet is needed for two cars to pass one another. Mrs. O'Neill is not aware of any complaints from the school about this road.

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Barbara Feld wanted to thank the Town for cleaning up Old West Point East. Ms. Feld stated that she is in favor of the real estate transfer tax.

Nat Prentice inquired about item nineteen (establishing Office of Comptroller) on the agenda. He asked if this is a new position, which will require additional funding. Supervisor Mazzuca responded that this is not a new position. Creating this position is based on the recommendation of Paul Eldridge, Personnel Director of Putnam County. A local law has to be established to create the position of Office of Town Comptroller. Supervisor Mazzuca stated that Susan Kenney is already performing all the duties of this job.

Joselle Cunane submitted to the Town Board, signatures from the residents of Philipstown who support the nullification of the November 2006 vote concerning the funding of the Butterfield Library and are in support of a re-vote.

Chris Simone announced that The Garrison Fire House is sponsoring a car wash on April 28th to help the Garrison students pay for their school trip. There will also be a Spaghetti Dinner, sponsored by the Garrison Volunteer Fire Departments' Ladies Auxiliary on that day.

There was a lengthy discussion between the Town Board and members of the audience concerning the Butterfield Library Referendum Election and Article 78 proceedings against the Town by Butterfield Library.

Stan Freilich, a Garrison resident, stated that he was unaware that the library vote was taking place and supports the Town Board's position.

Kara Bickham, a Cold Spring resident, stated that not everyone agrees with the Board. She said that the Town Board had 30 days to contest the vote and they did not. She said she would like to know where the Town Board was when the library vote was being presented?

Supervisor Mazzuca responded that the Board purposely did not take sides.

Joe Regele stated that it appears that the Town Board has given the library a decent amount of money. In his opinion the library should not spend their money on legal fees but on a couple of full page adds in the Putnam County News and present the case to the voters.

Supervisor Mazzuca said that he understands the library's wish to secure funding but does not understand how the library can ask for a 120% increase in one year. This amount represents 20% of the "A" fund.

Ken Gonsalves noted, for the record that he had not heard about the library referendum and he attends all Town Board Meetings. He agrees with the Town Board and stated that he would stand by the decision of the judge.

William O'Neill stated, "if a vote takes place – we have to live with the results."

Joselle Cunane said that some residents voted yes for the library referendum because they thought this was going to be for one year only, not an annual contribution.

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Councilwoman Budney stated that some residents questioned why the Town Board was concerned with the way the Library spends its money. They did not realize that funding of the library comes from their taxes.

VACANCIES

CV Water District Advisory Committee (1)
Board of Assessment Review (1)

APPROVAL OF VOUCHERS

Councilman Brower made a motion, seconded by Councilman Shea and unanimously carried that the General Vouchers in the amount of \$196,986.80 are hereby approved as set forth in Abstract 3A and 4.

Councilman Hosmer made a motion, seconded by Councilwoman Budney and unanimously carried that the Highway Vouchers in the amount of \$95,325.19 are hereby approved as set forth in Abstracts 3A and 4.

Councilwoman Budney made a motion, seconded by Councilman Shea and unanimously carried that the CV Park District Vouchers in the amount of \$2,965.80 are hereby approved as set forth in Abstract 4.

Councilman Brower make a motion, seconded by Councilwoman Budney and unanimously carried that the CV Water District Vouchers in the amount of \$3,376.73 are hereby approved as presented in Abstract 4.

There being no further business to discuss, Councilman Brower made a motion, seconded by Councilwoman Budney to close the Town Board Monthly Meeting at 9:28 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk