

Monthly Town Board Meeting
June 5, 2008

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

PRESENT:

William Mazzuca	Supervisor
Betty Budney	Councilwoman
Richard Shea	Councilman
Nancy Montgomery	Councilwoman
Barbara Scuccimarra	Councilwoman
Edward W. Doyle	Town Attorney

Councilman Shea opened the meeting with a Salute to the Flag, as Supervisor Mazzuca was detained.

REVIEW OF MINUTES

The Minutes of the Special Meeting of April 18, 2008, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of April 18, 2008, are hereby approved as presented.

The Minutes of the Bid Opening (Exterior Painting of Town Hall), of May 7, 2008, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Minutes of May 7, 2008, are hereby approved as presented.

The Minutes of the Weekly Town Board Meeting of May 14, 2008, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of May 14, 2008, are hereby approved as presented.

The Minutes of the Bid Opening (Exterior Painting of Town Hall), of May 23, 2008, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney and unanimously carried that the Minutes of May 23, 2008, are hereby approved as presented.

COMMITTEE REPORTS

CAC – Councilman Shea reported that the CAC met on May 13th and informed the Board that 9 applications were reviewed. He further stated that the Flaherty/Percacciolo application was completed.

RECREATION – Councilwoman Montgomery reported on the activities that were held and upcoming events.

RECYCLING – Councilwoman Budney reported on the cost of the Spring Town-wide Clean-up, which was \$11,361.95. She also expressed her “thanks” to the North Highlands Fire Company, the Sheriff’s Department, Highway Department, Town Board, Town Clerk’s Office and Councilwomen Montgomery and Scuccimarra for their assistance.

PLANNING BOARD - Councilwoman Montgomery reported on the items addressed at the May 15, 2008 meeting. The next Planning Board Meeting will be held on June 19, 2008.

ZONING – Councilwoman Scuccimarra reported that the Zoning Board did not hold a meeting in May. The next Zoning Board Meeting will be held on June 9, 2008.

HIGHWAY – Councilwoman Budney reported that the Highway Department re-graded 23 miles of dirt roads; installed 100’ of storm drains and 5 catch basins; excavation, prepped and binder-coated 40,000 square feet of the parking lot at the Recreation Center; removed brush on three (3) different Town roads; re-cycled metal, loose paper, cardboard and plastic; removed three (3) trees through the aid of Central Hudson, and vacuumed and cleaned catch basins. Councilman Shea expressed his thanks to Superintendent of Highways Chirico and the Highway crew for their work at the Recreation Center and stated that their participation has saved the Town a considerable amount of money.

BUILDING & LAND ACQUISITION – Councilman Shea stated that the Town had secured two (2) grants – one for work on Town Hall and one for the Recreation Center. The Town received news that the grants may be in jeopardy so he and Supervisor Mazzuca went to NYC to meet with the Director of the Economic Development Corporation, Marion McQueen, and tried to re-secure the funds. One fund is for \$262,000 and the other for \$337,000. He stated that the process for securing these grants has been a long one and that several things had to be re-submitted, but felt confident that the Town would get the funding.

TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR
MONIES RECEIVED AS OF JUNE 5, 2008

GENERAL & PART-TOWN FUNDS

Justice Fees – April 2008	\$ 7,140.00
Justice Fees – April 2008	6,305.00
Town Clerk Fees – April 2008	521.93
Putnam County Mortgage Tax	374,227.11
Tax Collection – Penalty Interest	17,071.22
Tax Collection – Miscellaneous	274.12
Tax Collection Reminder Fees	157.55
Tax Collection Bank Interest	369.37
Bank Interest	1,200.71

HIGHWAY FUND

Putnam County Sheriff's Gas	\$ 5,006.01
General Fund Check – Building Gas	805.98
Village of Nelsonville Salt	690.13
Bank Interest	3,740.90

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	\$ 244.88
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CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	\$ 763.30
Bank Interest	200.00

AGENDA

- 1. Resolution honoring Richard I. Goldsand, Esq., on his retirement.**

RESOLUTION #

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

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WHEREAS, RICHARD I. GOLDSAND, has represented the Town of Philipstown as Special Counsel for many years, and has assisted the Town in connection with complex litigation and numerous difficult cases; and

WHEREAS, RICHARD I. GOLDSAND, has achieved desired results in the vast majority of cases he has handled for the Town, compiling an outstanding record of accomplishments; and

WHEREAS, RICHARD I. GOLDSAND, is retiring from the practice of Law, and as a consequence, his wise counsel and vigorous representation will be deeply missed by the Town, its Boards and its Citizens; and

WHEREAS, the Town wishes **RICHARD** every happiness in his retirement;

NOW, THEREFORE BE IT RESOLVED, that we, the undersigned, Members of the Town Board and Town Officers of the Town of Philipstown, do hereby extend to **RICHARD I. GOLDSAND** our sincerest felicitations on his retirement; and

BE IT FURTHER RESOLVED, that we, the Members of the Town Board and Town Officers of the Town of Philipstown, express our gratitude to **RICHARD I. GOLDSAND** for his guidance, advice and professional representation and counsel over these many years; and

BE IT FURTHER RESOLVED that we hereby declare **RICHARD I. GOLDSAND** as a true Friend of the Town of Philipstown.

Town Attorney Doyle stated that he would deliver the Resolution to Mr. Goldsand personally and extend the Board's personal thanks. He further requested that the minutes reflect his personal thanks. He has worked very closely with Mr. Goldsand over the years on matters and thought that he had done an outstanding job for the Town and had always been extremely confident for the Town – has always tried to do his utmost best. He further stated that he felt the Town had been very well represented, as when Mr. Goldsand got into a competitive situation representing the Town, he is very insistent that the Town wins.

2. Resolution authorizing Supervisor Mazzuca to sign Section 147(f) of the IRS code in connection with the financing of a 2007 Custom Marion Pumper.

RESOLUTION #

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

WHEREAS, the Continental Village Volunteer Fire Department, Inc. conducted a Public Hearing on June 5, 2008, at 7:45 p.m., at the Town Hall, Town of Philipstown, 238 Main Street, Cold Spring, New York in connection with entering an Agreement in order to finance equipment consisting of one new Custom Marion Pumper and Equipment, Truck

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and Chassis, which hearing was held pursuant to Internal Revenue Code Section 147(f); and

WHEREAS, said section 147(f) requires approval of such financing by the Town, which approval does not in any way constitute any financial involvement or obligation of the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign the Section 147(f) Approval and Written Agreement and Chief Elected Official's Approval, presented by the Continental Village Volunteer Fire Department, Inc. in connection with the foregoing financing.

3. Resolution needed appointing Richard Shea as Stormwater Coordinator.

RESOLUTION #

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

RESOLVED, that the Town Board hereby appoints Richard Shea as Stormwater Coordinator.

Councilman Shea informed the public and the Board that the current Coordinator, Highway Superintendent Roger Chirico, was very busy and has agreed to let Councilman Shea take over the chairmanship.

4. Resolution authorizing Supervisor Mazzuca to sign a filming permit for Central Production, LLC. (Nunc Pro Tunc).

RESOLUTION #

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

RESOLVED, that the Town Board hereby authorizes Supervisor Mazzuca to sign a filming permit for Central Production, LLC (Nunc Pro Tunc).

5. Resolution approving a request from Carlson Construction Management Co., to change a road name configuration.

Town Clerk Merando read a letter from Code Enforcement Officer Tom Monroe, dated May 19, 2008, to the Town Board stating that a change in name will not result in any address changes to current residents.

RESOLUTION #

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

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RESOLVED, that the Town Board hereby approves Carlson Construction's request to change in configuration; and

RESOLVED, that the change will have Carlson Court starting at Route 9 and continuing into the Carlson sub-division and Torchia Road will then branch off of Carlson Court.

6. Resolution authorizing Supervisor Mazzuca to sign a Credit Card Agreement with Sam's Club.

Town Clerk Merando read a letter from Town Attorney Doyle, dated May 9, 2008, advising that he had reviewed the Credit Card Agreement and that he approved the Agreement as to form; that the Town Board should adopt a Resolution authorizing Supervisor Mazzuca to sign the contract, confirmation page and any related documents.

RESOLUTION #

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

RESOLVED, that the Town Board hereby authorizes Supervisor Mazzuca to sign a Credit Card Agreement with Sam's Club.

7. Resolution accepting the resignation of Margaret Sternberg from the Continental Village Advisory Committee, effective June 1, 2008.

RESOLUTION #

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

RESOLVED, that the Town Board hereby accepts the resignation of Margaret Sternberg from the Continental Village Advisory Committee, effective June 1, 2008.

Councilman Shea requested that Town Clerk Merando send a letter of "thanks" to Margaret for her past services.

8. Resolution authorizing Councilman Shea to file an application for a Quick Start Arbor Day Grant for an amount not to exceed \$1,000.00.

Councilman Shea explained that this grant was for a forestry program and was hopeful that it could be done with the two schools. This program would provide the children with the opportunity to appreciate the complexity of trees and how to plant one.

RESOLUTION #

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

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RESOLVED, that the Town Board hereby authorizes Councilman Shea to file an application for a Quick Start Arbor Day Grant for an amount not to exceed \$1,000.00.

9. Resolution rescinding Resolution #116-98 authorizing the use of CORTEN guide rails in the Town.

Councilman Shea stated that the State has changed its policy on CORTEN guide rails. CORTEN was a rusting steel and was a possible danger. Therefore, the Town would go back to galvanized guide rails.

RESOLUTION #

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

RESOLVED, that the Town Board hereby rescinds Resolution #116-98, the use of CORTEN guide rails in the Town.

10. Discussion with regard to Garrison Contracting – Used Car Sales rezoning.

Town Clerk Merando read a letter to the Town Board dated March 24, 2008, from Code Enforcement Officer Monroe, informing the Board that the recently adopted Zoning Map pertaining to tax parcel 82.-1-67, may be in error and recommended that the Board review the situation and take appropriate action to place the entire parcel in either R-80 or B2. Town Attorney Doyle stated that he had a note that this zoning situation was referred to the Town Planner on April 3rd to investigate. Ernie Ratuzzi (sp?), who was representing Kevin Jones, owner of Garrison Contracting, stated that he was in attendance to find out where the Town stood on the zoning correction. Councilman Shea informed Mr. Ratuzzi (sp?) that the best course of action was to hold a Wednesday evening workshop with the Building Inspector and Town Planner, and review the maps and proceed from there. A workshop was tentatively scheduled for Wednesday, June 11th.

11. Resolution authorizing Supervisor Mazzuca to sign the Parade Permit for Philipstown Lacrosse Association and waive the fees associated with the permit.

RESOLUTION #

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

RESOLVED, that the Town Board hereby authorizes Supervisor Mazzuca to sign the Parade Permit for the Philipstown Lacrosse Association and waive the fees associated with the permit.

12. Nat Prentice to address the Town Board with regard to Historic Hudson River Towns.

Nat Prentice stated that he wanted to advise the Town Board that after reviewing the benefits of joining the Historic Hudson River Towns organization, he felt it was not a strong enough valued proposition. He also felt that the organization was a too-narrowly focused, and uncoordinated with unfounded efforts. Town Attorney Doyle stated that he spoke with Ms. Gold of the Historic Hudson River Towns organization last fall about the agreement because the agreement, as written – the last paragraph says that the agreement would automatically renew each year unless the participant gives 60 days notice before the end of any calendar year of intent to withdraw. Town Attorney Doyle stated that he objected to this – it was the kind of thing buried in an agreement. He informed Ms. Gold that he could not recommend to the Town Board that it automatically renew and suggested putting something in the agreement that says that the Historic Hudson River Towns will contact the Town Board about renewing and Ms. Gold didn't like that. This was the last he had heard. He further stated that if he were the Town Board he would not agree to that.

(NOTE: Town Supervisor Mazzuca now in attendance)

13. Resolution needed rejecting or awarding bid for painting the exterior of the Town Hall.

RESOLUTION #

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

RESOLVED, that the Town Board hereby awards the bid for painting the exterior of the Town Hall to Delta Reliable Cleaning & Maintenance, for the cost of \$25,000.00.

14. Code Enforcement Monthly Report.

Town Clerk Merando read the Code Enforcement Monthly Report.

14A. Monthly Report on Sheriffs

Supervisor Mazzuca reported that the extra Sheriffs patrol had issued a total of 24 summons in May for: speed and zone violations (15), passing vehicles on right (2), following too closely (2), cell phone use (1), unlicensed operator (1), expired inspection (1), failure to use designated lane (1), and unsafe passing (1). Total of violations issued year-to-date is 76.

15. Schedule Workshops/Meetings.

- A Public Hearing for a Proposed Local Law, Soil Mining Overlay District.

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RESOLUTION #

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

RESOLVED, that the Town Board hereby schedules a Public Hearing for a Proposed Local Law, Soil Mining Overlay District, on Monday June 23rd, 2008, at 7:00 P.M.

- A Public Hearing for a Proposed Local Law, Amend Land Development Regulations Sections 112-1 and 112-2.

RESOLUTION #

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

RESOLVED, that the Town Board hereby schedules a Public Hearing for a Proposed Local Law to Amend Land Development Regulations, Sections 112-1 and 112-2, to be held on Thursday, July 10th, 2008, at 7:45 P.M.

16. Resolution rescheduling July 3rd Town Board Monthly Meeting to July 10th.

RESOLUTION #

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

RESOLVED, that the Town Board hereby reschedules the July 3rd Town Board Monthly Meeting to July 10th.

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

Councilwoman Scuccimarra gave a report on the course that she and Councilwoman Montgomery attended courtesy of the Hudson Highlands Land Trust, regarding Biodiversity Assessments. This course was sponsored by Hudsonia.

AUDIENCE

Joseph Giachinta asked about filming the Zoning Board meetings. Councilman Shea replied that it should be done.

Mr. Giachinta also questioned what the policy of the different Town Boards (Zoning, Planning) regarding unannounced site visits as he was told that this was not the policy – even the Code Enforcement Officer was not allowed to enter someone’s property without permission unless the CEO was serving a warrant or violation notice. Mr. Giachinta informed the Town Board that one of the members of either the Zoning Board or Planning Board was on his property. He further stated that he would write a letter to the Town Board explaining further.

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Mr. Giachinta then informed the Town Board that he had a sign made for Philipstown and would like to install somewhere within the Town.

A member of the audience asked about the status of the letter and workshop regarding the Garrison Fire Company that was discussed at the May meeting. Councilman Shea stated that he spoke with John Svirsky after the May meeting and asked about the audit, which should be received by June 30th. Supervisor Mazzuca stated that the first thing that needs to be done is to receive the audit. He also stated that he didn't write a letter as he questioned the merits of doing that. Councilman Shea further stated that Mr. Svirsky informed him that anytime any Board member would like to go down and chat with him, he was opened to it and that the members could look at the books – he was willing to help in any way.

Andy Chmar of Hudson Highlands Land Trust stated that the 4th Annual Family Festival would be held on June 21st at the Philipstown Park. He also questioned where the Town was with the process regarding the Natural Resource & Open Space Plan & Index. He stated that the Planning Board had extensive conversations during the last meeting. Councilwoman Montgomery stated that the Planning Board was going to review the letter from the Planning Board's attorney at their next meeting and present their comments to the Town Board. Mr. Chmar asked that the Planning Board along with the Town Board schedule a hearing and that though this would be the 5th time that it has been presented, he would be happy to do so.

Councilman Shea reported on the last Stormwater Management Program Meeting. He stated that Wellington Carvalho has represented the Town very well and that Mr. Carvalho told him that the Town has met all the goals set by the DEC. Councilman Shea will be meeting the Mr. Carvalho sometime within the next week and talk about the program from this point on.

VACANCIES

Planning Board (1)
CV Park District Advisory Committee (3)
CV Water District Advisory Committee (2)

APPROVAL OF VOUCHERS

Councilman Shea made a motion, seconded by Councilwoman Budney and unanimously carried that the General Vouchers in the amount of \$192,336.23 are hereby approved as set forth in Abstracts 5A & 6.

Councilwoman Budney made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Highway Vouchers in the amount of \$54,497.54 are hereby approved as set forth in Abstract 6.

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Councilman Shea made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Park District Vouchers in the amount of \$6,826.93 are hereby approved as set forth in Abstract 6.

Councilwoman Budney make a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Water District Vouchers in the amount of \$119,590.04 are hereby approved as presented in Abstracts 5A & 6.

There being no further business to discuss, Councilman Shea made a motion, seconded by Councilwoman Budney to close the Town Board Monthly Meeting at 9:12 p.m.

Respectfully submitted by,

Tina M. Merando
Town Clerk