

Monthly Town Board Meeting  
July 10, 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:**

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

**ABSENT:** William Mazzuca Supervisor

Deputy Supervisor Shea opened the meeting with a Salute to the Flag.

**REVIEW OF MINUTES**

The Minutes of the Monthly Meeting of May 8, 2008, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of May 8, 2008, are hereby approved as presented.

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

Councilwoman Montgomery 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 Monthly Town Board Meeting of June 5, 2008, were reviewed.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of June 5, 2008, are hereby approved as presented.

The Minutes of the Public Hearing of June 5, 2008, Soil Mining Overlay, were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Minutes of June 5, 2008, are hereby approved as presented.

**COMMITTEE REPORTS**

**CAC** – Councilman Shea reported that there were six (6) people on the agenda (four (4) no-shows). Discussions took place on a property on East Mountain Road North and County Line Equities.

**RECREATION** – Councilwoman Montgomery reported that the parking lot at the Recreation Center was complete and that the road was near completion, as was the guard rails. She thanked Highway Superintendent Roger Chirico and the Highway Department for all the work they had done. Councilman Shea also expressed the Town Board's thanks for the Highway Department stating that they have saved the Town a lot of money.

**RECYCLING** – Councilwoman Budney had nothing to report at this time. However, she read a letter from Gordon Dale, Director of Lake Surprise Camp, commending Superintendent Chirico and the Highway Department, specifically Frank Weise, who had assisted him with a recycling problem.

**PLANNING BOARD** - Councilman Shea, who represented Councilwoman Montgomery, reported on the items addressed at the June 19, 2008 meeting.

**ZONING** – Councilwoman Scuccimarra reported on the items addressed at the June 9, 2008 meeting.

**HIGHWAY** – Councilwoman Budney reported that three (3) graders were in full operation to repair roads and that the FEMA project to replace the wall on Indian Brook Road is in progress. The road is closed until further notice. Highway crews are patching black top and emergency road clean-up is in progress.

**BUILDING & LAND ACQUISITION** – Councilman Shea reported that the Town Hall had been painted and that more work on the Town Hall was planned. He mentioned that he and Town Clerk Merando were working on grants for improvements to the Town Hall and have been successful so far. He stated that he and Supervisor Mazzuca had taken a trip to Manhattan to the Economic Development Corporation to re-secure a grant of \$337,000.00. He then read a letter from the EDC approving the requested contract modification.

**TOWN OF PHILIPSTOWN**

**MONTHLY REPORT OF TOWN SUPERVISOR**

**MONIES RECEIVED AS OF \_\_\_\_\_, 2008**

Monthly Town Board Meeting  
July 10, 2008

**GENERAL & PART-TOWN FUNDS**

**HIGHWAY FUND**

**CONTINENTAL VILLAGE WATER DISTRICT**

**CONTINENTAL VILLAGE PARK DISTRICT**

**AGENDA**

Town Clerk Merando informed the Board that before addressing the first item on the Agenda, that Mary Jo Knapp of Pete's Deli be heard regarding a dog attack near and in her place of business.

Mrs. Knapp described the incident of June 12 and stated that it took over six (6) hours to locate the owner of the animal, as there was no help whatsoever from the dog control officer or the Humane Society – the only assistance was from Town Clerk Merando, who was able to search for the owners through NY State rabies information. On June 29<sup>th</sup>, the same dog escaped again, attacking a young boy on a skateboard. The dog then followed a gentleman and his dog, entering the man's home; he also attacked a woman and her dog, who ran into Mrs. Knapp's store, which was full of customers and a few small children. Mrs. Knapp and others proceeded to separate the animals. They finally got the sheriff's department to come and the Dog Officer. Mrs. Knapp stated that her main concern was that the Dog Officer released the dog to a 12-year old boy and his sister, who supposedly took the dog to the Humane Society. Mrs. Knapp then stated that the dog had not been taken care of properly – you could see every rib on the dog. The dog was not in this condition 12 days before. The dog had been put into a shed without water and food – had then escaped and attacked people. She asked the Board what would be done about the matter when the Town has a Dog Warden who is supposed to take care of these situations. She requested that a letter be published in the local newspaper explaining what would be done about this situation. She stated that she would like to know what happened to the dog, and what condition the dog was in when it arrived at the Humane Society. She then introduced the woman who was attacked.

Councilman Shea informed Mrs. Knapp that the Board would sit down with the Dog Officer and discuss the situation.

**1. Resolutions needed with regard to a Proposed Local Law to amend Land Development Regulations Sections 112-1 and 112-2.**

- **EAF/Negative Declaration**
- **Adopt Local Law (Roll Call Vote)**

**RESOLUTION #-08**

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

**WHEREAS**, the Town Board of the Town of Philipstown has reviewed the EAF in connection with a Proposed Local Law to amend Land Development Regulations Sections 112-1 and 112-2;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board authorizes the Supervisor to sign the EAF and hereby adopts a negative declaration.

**ROLL CALL VOTE**

Councilwoman Scuccimarra	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Shea	AYE

**RESOLUTION #-08**

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

**RESOLVED**, that the Town Board of the Town of Philipstown, hereby adopts a Local Law to amend Land Development Regulations Sections 112-1 and 112-2, the definition of “subdivision” and initial requirements.

**ROLL CALL VOTE**

Councilwoman Scuccimarra	AYE
Councilwoman Budney	AYE
Councilwoman Montgomery	AYE
Councilman Shea	AYE

**2. Resolution needed directing Town Attorney Doyle to draft a local law imposing a temporary moratorium on the installation of outdoor wood-burning furnaces.**

Town Clerk Merando read a letter dated July 1, 2008, from the Code Enforcement Officer recommending a moratorium on the installation of these devices until the Town is able to adopt an appropriate code.

Councilman Shea informed the public that the Town Board had received several letters of complaint regarding wood-burning furnaces. He stated further that he and the Code Enforcement Officer, Tom Monroe, have been discussing solutions. Councilman Shea also had copies of a local law from East Fishkill,

Monthly Town Board Meeting  
July 10, 2008

which he edited to conform to the Town and was sending down to Town Attorney Doyle for review. He also stated that if anyone were planning on installing a wood-burning device before a local law was instituted should not do so as there are other stipulations in the local law that would prohibit that.

Mrs. Diane Uhle, a resident of Garrison, reported that a neighbor had one of these wood-burning devices and because of its close location to her home, she was not able to go outside and at times, was forced to leave her home. Code Enforcement Officer Monroe stated that he had spoken with Mrs. Uhle and that now that she was formally making the complaint he would take care of the situation. Councilman Shea asked Mrs. Uhle if she was satisfied with the actions that the Code Enforcement Officer was taking. She replied that she was.

**RESOLUTION #-08**

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

**RESOLVED**, that the Town Board hereby directs Town Attorney Doyle to draft a proposed Local Law to place a moratorium on the installation of outdoor-wood-burning furnaces that provide heat and hot water for residences.

**3. Resolution authorizing Supervisor Mazzuca to sign the contract between the Town and CFE Consulting Services for Stormwater Management for 2008.**

**RESOLUTION #-08**

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

Councilman Shea explained that this was the contract for the next 5 years. Town Attorney Doyle stated that he had reviewed the contract, made revisions, which were accepted by CFE Consulting and therefore Town Attorney approved the contract.

**RESOLVED**, that Supervisor Mazzuca is hereby authorized to sign the contract between the Town and CFE Consulting Services for Stormwater Management for 2008.

**4. Resolution appointing Robert Cinque as Special Counsel to the Town Board as needed and to the Code Enforcement Office at the rate of \$125.00per hour, plus out-of-pocket expenses.**

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

Monthly Town Board Meeting  
July 10, 2008

**RESOLVED**, that the Town Board of the Town of Philipstown hereby appoints Robert Cinque as Special Counsel to the Town Board as needed and to the Code Enforcement Office at the rate of pay of \$125.00 per hour, plus out-of-pocket expenses.

**5. Resolution supporting Bill A-1575-A and S.1053-A to provide significant and fair property tax relief for the citizens of NYS by establishing a program that directly connects the household gross income of a property owner with their total property taxes for schools, counties, towns, and villages.**

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

**MEMORIALIZING**, the New York State Government to support and pass bill A.1575-A / S.1053-A, or similar legislation, that would provide for a circuit breaker program in New York State; and

**WHEREAS**, we support the concept of the circuit breaker legislation as introduced by Assemblywoman Sandy Galef, A.1575-A, and Senator Elizabeth Little, S.1053-A, as it would provide significant and fair property tax relief for the citizens of New York State by establishing a program that directly connects the household gross income of a property owner with their total property taxes for schools, counties, towns, and villages; and

**WHEREAS**, we believe that by establishing the relationship between income and property taxes the circuit breaker would create more equity in what New York property owners pay in property taxes, and assist taxpayers with a credit on their income taxes, or a rebate check if taxpayers are not required to pay income taxes and therefore be it;

**RESOLVED**, that as a municipality of New York State, we urge the New York Legislature to pass this circuit breaker legislation, A.1575-A /S.1053-A, or a similar proposal, and encourage Governor David Paterson to sign this legislation into law.

**6. Resolution of support for Manitoga with regard to a grant proposal for a 2008 EPF Grant for a capital improvement project consisting of the restoration, rehabilitation and interpretation of Manitoga access roads.**

**RESOLUTION #**

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

Monthly Town Board Meeting  
July 10, 2008

**WHEREAS**, Manitoga, Putnam County's only National Landmark and one of the small handful of Modernist historic sites open to the public in the US, is a living object lesson in harmonizing design with nature; and

**WHEREAS**, Manitoga was named on the two most endangered cultural landscapes in the US by Cultural Landscape Foundation in 2006, Russel Wright's 75-acre garden is beset by soil erosion and other consequences of unwise development on adjacent properties;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Philipstown supports the grant proposal for a 2008 Environmental Protection Fund Grant through the NYS Office of Parks, Recreation and Historic Preservation for a major capital improvement project for the Restoration, Rehabilitation and Interpretation of Manitoga Access Roads; and

**7. Resolution declaring July 26<sup>th</sup> as Philipstown Garden Day.**

Town Clerk Merando stated that this request was submitted by Barbara Feld.

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

**WHEREAS**, it is the inherent beauty and harmony of the human spirit which enable people to enrich their lives by recognizing and appreciating the natural beauty in our surroundings and by creating loveliness where none exists; and

**WHEREAS**, the Town of Philipstown encourages its residents to plant flowers in their own gardens and promote the planting of wildflowers in public areas and along the nations' roadsides; and

**WHEREAS**, the Town of Philipstown hereby declares July 26<sup>th</sup>, "Philipstown Garden Day" as a resource for education, demonstration, conservation, research and economic development; and

**WHEREAS**, arboretums function as a model of sustainable land management and horticultural practices;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board urge all citizens to promote stewardship to our bountiful plant and garden resources.

**8. Resolution directing Town Attorney Doyle to draft a local law amending Chapter 38 requiring Planning Board applicants to post a notification sign on the applicant's property.**

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

**RESOLVED**, that the Town Board hereby directs Town Attorney Doyle to draft a proposed Local Law amending the Town Code Chapter 38, requiring applicant to post a notification sign on their property.

**9. Joe Regele to discuss the receipt of the GVFC audited statement and the proposed disposition of excess funds.**

Mr. Joe Regele, a resident of Garrison, distributed copies of a report he compiled that included a summary and analysis of the GVFD's finances. Mr. Regele once again commented on the fact that the audit was supposed to be submitted by the end of March but instead was received by the Town Board at the end of June. Mr. Regele expressed his feelings that there are major financial concerns with the budgets submitted to the Town that include expenditures outside revenues of \$140,000, use of bond financing to acquire a new truck when there was adequate cash on hand, and feels that the case on hand at the end of 2008 was excessive. Councilman Shea stated that the financial statements were submitted 180 days into the year and agreed that large cash reserves should not be carried over. He also stated that he supported a policy that would allow the GVFD to carry no more than 3 months' operating expenses in reserve at any given time. Stan Freilich of Garrison, a former trustee on the Garrison School Board, indicated that school boards were not permitted to carry over more than 2% of their budget into the next year and that a three month reserve for the GVFD was too great. Mr. Regele then outlined his recommendations as to how the situation could be resolved, saving Garrison taxpayers as much as \$500,000 in 2009. He also recommended establishing a budget oversight committee consisting of representatives from GVFD, residents and the Town Board. Councilman Shea agreed that something had to be done and supported the idea of a budget oversight committee. He stated that Supervisor Mazzuca was the Town's financial officer who deals directly with the GVFD during budget talks. He stated further that a meeting will be called to deal with the issues raised regarding the fire department's finances.

**10. Resolution authorizing Town Clerk Merando to send a letter of denial to Vincent Terio regarding his June 13<sup>th</sup> appeal for a FOIL request.**

**RESOLUTION #**

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

**RESOLVED**, that the Town Board hereby denies the FOIL request dated June 13, 2008 from Vincent Terio as all the documents requested are in the possession of Mr. Terio;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby directs Town Clerk Merando to send a letter of denial to Mr. Vincent Terio.

**11. Code Enforcement Monthly Report.**

Town Clerk Merando read the Monthly Report.

**12. Putnam County Sheriff's Monthly Report.**

Town Clerk Merando read the Putnam County Sheriff's Monthly Report. The following is a listing of the number of traffic summonses used during the month of May:

<u>VIOLATION</u>	<u>TOTAL SUMMONSES</u>
Speed in Zone	25
Following Too Closely	6
Less Than One Hand on Wheel	1
Cell Phone Use While Operating Vehicle	2
Driver no Seatbelt	1
Total Summonses Issued, July 2008:	35
Year-to-Date:	111

**13. Schedule Workshops/Meetings.**

- Workshop July 26, 2008 – Adopt Soil Mining Overlay District Local Law

**RESOLUTION #**

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

**RESOLVED** that the Town Board hereby schedules a workshop to be held on July 16, 2008, 7:30 P.M., at 238 Main Street, Cold Spring, New York, to Adopt Soil Mining Overlay District Local Law.

- Workshop with Joel Russell regarding draft zoning law (July 23, 2008)

**RESOLUTION #**

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

**RESOLVED** that the Town Board hereby schedules a workshop with Joel Russell, to be held on July 23, 2008, 7:30 P.M., at 238 Main Street, Cold Spring, New York, regarding the draft zoning law.

**14. Resolution authorizing Tom Rippolon to begin video taping the Zoning Board of Appeals Meetings as of July 14<sup>th</sup>.**

**RESOLUTION #**

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

**RESOLVED**, that due to the public's interest and requests, the Town Board hereby approves the video-taping of the Zoning Board of Appeals Meeting the second and fourth Monday of every month by Tom Rippolon, at a rate agreed upon in his 2008 contract.

**15. Resolution needed approving additional work to the Town Hall as follows at a cost not to exceed \$4,700.00 (Nunc Pro Tunc)**

- Repair the damaged section of the siding.
- Replace missing pieces as needed.
- Fill the gaps of the wood with wood filler.
- Repair the window moldings.
- Repair all the molding decorations.

**RESOLUTION #**

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

**RESOLVED**, that the Town Board hereby approves the proposal from DELTA Reliable Cleaning & Maintenance Corp. to provide additional services at the Town Hall in the amount not to exceed \$4,750.00 as follows:

- Repair the damaged section of the siding.
- Replace missing pieces as needed.
- Fill the gaps of the wood with wood filler.
- Repair the window moldings.
- Repair all the molding decorations.

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

Councilman Shea discussed pending grants (tape not recording at this point). He pointed out that Town Clerk Merando has spent countless hours preparing grant requests and expressed his appreciation.

Councilwoman Scuccimarra reported on the recent realignment of the intersection of Fishkill Road and Route 9. Several complaints have been made concerning the entrance and exit onto Route 9. Councilwoman Scuccimarra stated that Legislator Tamagna had contact the County and a traffic study was being undertaken, which could result in a traffic light being placed at the intersection.

Monthly Town Board Meeting  
July 10, 2008

Councilwoman Budney read a letter from Dominic Bocchino expressing his thanks to the Highway Department for their quick response in removing a tree from the adjacent cemetery that had fallen on his home.

## **AUDIENCE**

Justine Bruno of Continental Village expressed concerns regarding the Putnam County Sheriff's office or NY State Police responding to calls for help around the July 4<sup>th</sup> period.

Members of the audience then discussed paving of Old Albany Post Road. Councilman Shea informed the audience that there were monies available for paving Old Albany Post Road – that the paving would be permanent. Councilman Shea further stated that he had taken the Wetlands Inspector and the new Town Engineer down to inspect all the trouble sites on private properties. He further stated that he was told that Albany Post Road and Indian Brook Road were two of the top historic roads in the United States.

## **VACANCIES**

Recreation Commission (1 )  
CV Park District Advisory Committee ( 2 )  
CV Water District Advisory Committee ( 2 )  
CAC (1 )

## **APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the General Vouchers in the amount of \$205,811.28 are hereby approved as set forth in Abstracts 6 & 6A.

Councilwoman Budney made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the Highway Vouchers in the amount of \$56,711.54 are hereby approved as set forth in Abstracts 6 & 6A.

Councilwoman Montgomery made a motion, seconded by Councilwoman Budney 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 made a motion, seconded by Councilwoman Scuccimarra and unanimously carried that the CV Water District Vouchers in the amount of \$4,140.04 are hereby approved as presented in Abstract 6.

Councilman Shea reported that a secretary was need for the Conservation Advisory Council and asked for a motion to authorize Town Clerk Merando to advertise for the position.

Monthly Town Board Meeting  
July 10, 2008

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise for a secretary for the Conservation Advisory council.

There being no further business to discuss, Councilwoman Montgomery made a motion, seconded by Councilwoman Budney to close the Town Board Monthly Meeting at 9:40 p.m.

Respectfully submitted by,

Tina M. Merando  
Town Clerk