

MONTHLY TOWN BOARD MEETING

September 6, 2007

The Town Board of the Town of Philipstown held their Monthly Town Board Meeting on the above date at 8:12 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 Monthly Town Board Meeting of August 2, 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 Weekly Town Board Meeting of August 8, 2007, were reviewed.

Councilman Hosmer 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 July 17, 2007, GLWD Plumbing, 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 Special Meeting of August 28, 2007, Filming Permit, 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 the Highway Department graded forty-seven miles of dirt roads, resurfaced one and a half miles of Esselborne Road and installed a culvert on Philipse Brook Road. They also cut brush on 9 and 9D.

Councilwoman Budney reported that Highway Department cut the brush at the intersection of Route 9D and Manitou Station Road. Supervisor Mazzuca stated that this is the responsibility of the DOT, but the Highway Department has frequently cut the brush on this road.

MONTHLY TOWN BOARD MEETING

September 6, 2007

Councilman Shea reported that Highway Superintendent Chirico has also worked on the retaining walls for the tank at Garrison Landing.

PLANNING BOARD – Councilman Brower reported that he attended the Planning Board Meeting of August 16th and reviewed the items addressed at said meeting.

RECREATION – Councilwoman Budney reviewed the events offered through the Recreation Department. Supervisor Mazzuca reported that Amber Stickle will submit to the Town Board every month a one-page synopsis of events at Recreation.

CAC – Councilman Shea stated that there were seven (7) applicants present at the August meeting.

RECYCLING – Councilwoman Budney reported that the Town Wide Cleanup is scheduled for October 20, 2007, at the Garrison Firehouse, Route 9, Garrison, from 8:00 am to 4:00 pm. Councilwoman Budney stated that computer monitors, televisions and cell phones will be accepted prior to 11:30 am. The Highway Department will supply a truck to transport these items to the Toxic Clean-Up in Putnam County.

LAND & BUILDING ACQUISITION – Councilman Shea reported that he will meet with the architect to discuss modifying the plans for the renovations at the Town Hall. He will also meet with the governor’s office to discuss modification of the grant.

ZONING BOARD – No report. The Zoning Board did not meet in August.

**TOWN OF PHILIPSTOWN
MONTHLY REPORT OF TOWN SUPERVISOR**

MONIES RECEIVED AS OF SEPTEMBER 6, 2007

GENERAL & PART-TOWN FUNDS

Tax Collection Penalty Int.	\$23,284.07
Justice Fees 7/07	4,430.00
Justice Fees 7/07	5,315.00
Bldg. Fees 8/07	10,791.00
CTV Fees	13,239.00
Bank Interest	2,466.65

HIGHWAY FUND

Freedom Ford Refund	168.00
NYS Ck. FEMA	15,460.25
NYS Ck. FEMA	5,212.05
NYS Ck. FEMA	4,641.18
NYS Ck. FEMA	40,562.54

MONTHLY TOWN BOARD MEETING

September 6, 2007

P.C. Sheriff's Gas	2,149.07
Bank Interest	4,598.90
P.C. Ck. Sheriff's Gas	5,977.60

CONTINENTAL VILLAGE WATER DISTRICT

Bank Interest	25.88
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CONTINENTAL VILLAGE PARK DISTRICT

Clubhouse Fees	400.00
Taxes Put Valley	16,235.00
Bank Interest	529.26

AGENDA

1. Resolution approving and endorsing the application for a grant under the 2007 Greenway Communities Grant Program.

Town Clerk Merando reported that this grant would help offset the cost of Joel Russell's consulting services.

Michael Gibbons, Putnam County representative to the Greenway Conservancy, addressed the Town Board. He stated that the Greenway Communities Grant Application could reduce the cost of the Comprehensive Plan. Also, the Hudson Highlands Land Trust is seeking a Trails Grant for their brochure, "**Taking a Hike.**" Mr. Gibbons announced that the Philipstown 2nd Annual Triathlon will take place on September 16.

Mr. Gibbons reported that the feasibility study for Little Stony Point will be delivered to the town next week.

RESOLUTION #202-07

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

WHEREAS, the **Philipstown Greenway Committee/Town of Philipstown** is applying to the Hudson River Valley Greenway for a grant under the 2007 Greenway Conservancy for the Hudson River Valley Annual Grant Program for a project entitled **Community Planning**, to be located in the **Town of Philipstown and the Town of Fishkill**.

WHEREAS, the grant application requires the applicant municipality to obtain the "approval/endorsement of the governing body of the municipalities in which the project will be located;"

MONTHLY TOWN BOARD MEETING

September 6, 2007

NOW, THEREFORE, be it resolved, that the governing board of the Town of Philipstown hereby does approve and endorse the application for a grant under the 2007 Greenway Conservancy for the Hudson River Valley Annual Grant Program, for a project known as **Community Planning** and located within this community.

2. Resolution needed to schedule a Public Hearing on a proposed Local Law titled, Host Liability, with regard to alcohol consumed by minors.

Town Attorney Doyle reported to the Town Board that he made minor modifications to the proposed law.

RESOLUTION #203-07

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 schedules a Public Hearing for October 4, 2007, at 7:45 pm, at the Philipstown Town Hall Town, to hear comments for/against the proposed local law to amend the Code of the Town of Philipstown, Chapter 53 thereof entitled, "Alcoholic Beverages," to add an Article II thereto entitled, "Alcoholic Beverages, Consumption by Minors on Private Premises."

3. Resolution naming a road at the Route 301 subdivision "Hudson Way."

RESOLUTION #204-07

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

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes the naming of a road at the Route 301 subdivision, **Hudson Way**.

4. Discussion on denied FOIL requests submitted by Vincent Terio.

Town Clerk Merando stated that Vincent Terio submitted two FOIL requests dated July 31, 2007. Ms. Merando read her letter of denial, which stated that the Town Clerk's Office had already provided the requested documents.

Vincent Terio addressed the Town Board. He stated that he is being taxed on property that he does not own.

Supervisor Mazzuca reported that this issue has been addressed many times.

RESOLUTION #205-07

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

MONTHLY TOWN BOARD MEETING

September 6, 2007

RESOLVED, that the Town Board of the Town of Philipstown hereby supports and affirms Town Clerk Merando's decision to deny the foil request from Vincent Terio dated July 31, 2007.

5. Resolution authorizing the Town Clerk to advertise for bidders for cleaning services at the Town's facilities.

Town Clerk Merando reviewed the rates of the present cleaning service. She has requested that the Town Board go out to bid again for these services. The current service has new owners and no contract.

Town Attorney Doyle stated that the present cleaners should be notified of our intentions to go out to bid.

RESOLUTION #206-07

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 the Town Clerk to terminate the services of the Cleaning Team.

The Town Board decided to keep the existing cleaning service until the bid is decided.

RESOLUTION #207-07

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 rescinds the Resolution authorizing the Town Clerk to terminate the services of the Cleaning Team.

Town Attorney Doyle stated that if the Cleaning Team's contract has expired, they should be welcome to re-bid and have the option of providing services until bid results are in.

RESOLUTION #208-07

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 the Town Clerk to advertise for bidders for cleaning services at the Town's facilities.

6. Letter from David Weinpahl with regard to the proposed Zoning Code Change in connection with Easements.

David Weinpahl, a resident of 88 Foundry Pond Road, addressed the Town Board. Working with his attorney, he has proposed new law language that will protect the entire town, on the proposed Zoning Code change regarding easements.

MONTHLY TOWN BOARD MEETING
September 6, 2007

Supervisor Mazzuca reported that his recommendations have been forwarded to the Town Planner and the Town Attorney.

Fred Clarke, a resident of 67 Foundry Pond Road, commended David Weinpahl for his suggestions.

7. Letter from David Weinpahl requesting the status on DeVido's subdivision.

David Weinpahl requested the status on DeVido's subdivision.

Councilman Shea called George Michaud, Certified County Director, and requested his opinion on the status of the "Old Road." Councilman Shea read Mr. Michaud's written response dated September 5, 2007. The area covered by the "Old Road" cannot be used to meet the sub-division requirements.

Richard Charles addressed the Town Board. He stated that if DeVido doesn't own the Old Road, the fourth lot is land-locked and can only exist if there is an easement over one of the front two lots. He also said if there is an easement over the front two lots, then the building permits on these two lots were improperly issued.

Councilman Brower stated that the judge has ruled that the two-lot sub-division is legal and this is what Mr. DeVido has the building permits for. The third lot has road frontage. If Mr. DeVido does not have title to the right of way, it cannot be included in the fourth lot. Therefore the fourth lot is land-locked. Councilman Brower stated, in his opinion, the other three lots are legal.

Town Attorney Doyle stated that the Town Board does not have the authority to issue a stop-work order.

David Weinpahl mentioned that this matter is going before the ZBA to have the initial case re-opened. He then asked the Board if there were any additional developments with the DEC, with the Superintendent of Highways regarding roads caving in and catch basins on Barrett Pond Road.

Councilman Shea said he spoke to Highway Superintendent Chirico. Superintendent Chirico said that he wanted the drainage pipe all the way down to the town's drainage.

Councilman Shea will speak to the Code Enforcement Officer concerning DeVido's subdivision and issues associated with.

8. Resolution designating Edward Vergano to act on behalf of the Town of Philipstown in all matters related to the State Assistance Contract for the Cortlandt Lake Dam.

Michael Phelan reported that Mr. Kehoe is completing the application for the grant. Also, Edward Vergano, engineer for the Town of Cortlandt, will be the representative

MONTHLY TOWN BOARD MEETING

September 6, 2007

authorized to act on behalf of the Town of Philipstown in all matters related to state assistance.

RESOLUTION #209-07

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

WHEREAS, the Town of Cortlandt on behalf of the Continental Village Park District herein called the "Municipality," after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project," is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law ("ECL") authorizes state assistance to municipalities for dam safety projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board that Edward Vergano, Department of Technical Services, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to state assistance under ECL Article 56. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to state assistance; and

BE IT FURTHER RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and

BE IT FURTHER RESOLVED, that one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation; and

BE IT FURTHER RESOLVED, that this Resolution take effect immediately.

9. Resolution authorizing the Recreation Department to advertise for an Account Clerk.

Supervisor Mazzuca stated that the Recreation Department has been working with the County Civil Service to complete this job description.

RESOLUTION #210-07

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

MONTHLY TOWN BOARD MEETING
September 6, 2007

RESOLVED, that the Town Board of the Town of Philipstown hereby authorizes the Recreation Department to advertise for an opening for the position of Account Clerk.

10. Resolution authorizing the release of the \$25,000 bond to Dennis Santucci as recommended by Bibbo Associates and approved by the Planning Board.

Town Clerk Merando read the letter from Tim Miller Associates, Inc., dated August 20, 2007, regarding Ridge Road improvement.

Councilman Shea requested Highway Superintendent Chirico's approval before the bond is released.

Councilman Brower noted that the recommendation from Bibbo Associates to release the bond, had not been received.

RESOLUTION #211-07

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 tables the release of the \$25,000 bond to Dennis Santucci until such time as is recommended by Bibbo Associates and Highway Superintendent Chirico.

11. Schedule Meetings/Workshops.

- Schedule Public Hearing Chapter 175 – to change the date of the Zoning Map.

RESOLUTION #212-07

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 a Public Hearing for October 4, 2007, at 7:50 pm, at the Philipstown Town Hall Town, to hear comments for/against the proposed local law to amend the Code of the Town of Philipstown, Chapter 175 – to change the date of the Zoning Map.

12. Award bid for the plumbing at the Garrison Landing Water District.

Town Clerk Merando reported the results of the bid.

RESOLUTION #213-07

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

MONTHLY TOWN BOARD MEETING

September 6, 2007

RESOLVED, that the Town Board of the Town of Philipstown hereby awards the bid for the plumbing at the Garrison Landing Water District to C.F. Kappus Pumps & Plumbing, Inc., at a cost of \$15,472.00.

13. Code Enforcement Monthly Report.

Town Clerk Merando read the Code Enforcement Monthly Report.

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

Town Clerk Merando read the memorandum from Highway Superintendent Chirico requesting a resolution allowing them to enter into a lease agreement with the CNH Capital Credit Company for the purchase of a new 2007 Case Backhoe from Pine Bush Equipment Co. The Total price of this machine is \$61,354.00. The lease is five (5) payments of \$14,407.68, with a \$1.00 payout on the 6th year. This machine is a purchase on a State bid and pending the lease approval of Town Attorney Doyle.

Councilman Hosmer reported that this is a replacement item.

RESOLUTION #214-07

The following Resolution was presented by Councilman Hosmer, 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 agreement with the CNH Capital Credit Company for the purchase of a new 2007 Case Backhoe from Pine Bush Equipment Co. The Total price of this machine is \$61,354.00.

RESOLUTION #215-07

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

WHEREAS, the **HUDSON HIGHLANDS LAND TRUST** is applying to the Hudson River Valley Greenway for a grant under the 2007 Greenway Conservancy for the Hudson River Valley Annual Grant Program for a project entitled **TAKE A HIKE! MAP BROCHURE** to be located in the **TOWN OF PHILIPSTOWN.**

WHEREAS, the grant application requires the applicant municipality or not-for-profit to obtain the "approval/endorsement" of the governing body of the municipality or municipalities in which the project will be located";

NOW, THEREFORE, be it resolved that the governing board of **TOWN OF PHILIPSTOWN** hereby does approve and endorse the application for a grant under the 2007 Greenway Conservancy for the Hudson River Valley Annual Grant Program, for a project known as **TAKE A HIKE! MAP BROCHURE** and located within this community

MONTHLY TOWN BOARD MEETING

September 6, 2007

Town Clerk Merando informed the Town Board that this year instead of sending out flyers, we would like to send out postcards to notify the residents of Philipstown of the Town-Wide Cleanup. The postage for the flyers cost \$.41 each; the postage for the postcards cost \$.26 each. This would be a substantial savings for the Town – less postage and less paper. Town Clerk Merando commended Deputy Joan Clauss for her work on the postcard. The Town Board agreed that this would be an excellent idea.

Supervisor Mazzuca expressed his concerns about the Fishkill Road Project. He stated that he has repeatedly asked the County what happened to the funds earmarked for this project. Also, Supervisor Mazzuca does not want this project started if it cannot be completed before winter.

Frances O'Neill expressed her concerns about the quality of work done on Healy Road by the County.

RESOLUTION #216-07

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

WHEREAS, on July 12, 2007, the Town Board of the Town of Philipstown adopted Resolution #178-07 asking for the date certain when the Fishkill Road project will begin and end; and

WHEREAS, the Town Board of the Town of Philipstown expressed their concern with regard to the safety and welfare of the children that will be impacted by this project for the 2007/2008 school bus transportation routes, as well as the general public and the North Highlands Fire District Facility;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board demands that the Putnam County Highway Department and/or their subcontractors refrain from starting any work on the Fishkill Road Project if the project will not be completed before the winter months, as it is in the best interest of the public at large to forego any construction on that project for reasons stated above.

Supervisor Mazzuca stated that he made a fourth request to the Butterfield Library to send a copy of the library budget for 2006-2007 and the projected 2008 budget. The response to the fourth request was that their lawyer has advised them to ask for written request. Supervisor Mazzuca did submit for a written request.

Councilman Shea reported that everyone who receives taxpayer money submits a budget.

Councilman Shea stated that development is not out of control in Philipstown. Also, applicants pay for consulting fees. The taxpayers are not paying for developers. Monies from the applicants go into an escrow account.

MONTHLY TOWN BOARD MEETING

September 6, 2007

AUDIENCE

Nat Prentice, a resident of 9D, Garrison, inquired as to when the budget process begins? Supervisor Mazzuca responded that letters went out to Department Heads so that they may prepare their budgets. The Town Board meets several times to discuss the budget. The public is welcome to attend meetings, which will be announced.

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 Shea made a motion, seconded by Councilwoman Budney and unanimously carried that the General Vouchers in the amount of \$146,969.26 are hereby approved as set forth in Abstracts 8A and 9.

Councilman Hosmer made a motion, seconded by Councilwoman Budney and unanimously carried that the Highway Vouchers in the amount of \$131,941.50 are hereby approved as set forth in Abstract 9.

Councilman Shea made a motion, seconded by Councilwoman Budney and unanimously carried that the CV Park District Vouchers in the amount of \$7,129.37 are hereby approved as set forth in Abstracts 8A and 9.

Councilman Hosmer make a motion, seconded by Councilwoman Budney and unanimously carried that the CV Water District Vouchers in the amount of \$1,723.43 are hereby approved as presented in Abstract 9.

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