

Monthly Town Board Meeting  
February 16, 2017

The Town Board held their Monthly Meeting on the above date at 7:30 p.m., at the Town Hall, 238 Main Street, Cold Spring, New York 10516.

**PRESENT:**

Richard Shea	Supervisor
John Van Tassel	Councilman
Michael Leonard	Councilman
Robert Flaherty	Councilman
Nancy Montgomery	Councilwoman

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

**REVIEW OF MINUTES**

Minutes of the Monthly Town Board Meeting of December 1, 2016 were reviewed.

Councilman Leonard made a motion, seconded by Councilman Flaherty that the Minutes of the Monthly Town Board Meeting of December 1, 2016, are hereby approved as presented.

Minutes of the Special Meeting of December 8, 2016 were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Flaherty that the Minutes of the Special Meeting of December 8, 2016, are hereby approved as presented.

Minutes of the Bid Opening of December 15, 2016 – New Vehicles for Highway Department were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Flaherty that the Minutes of the Bid Opening of December 15, 2016 – New Vehicles for Highway Department, are hereby approved as presented.

Minutes of the Bid Opening of December 22, 2016 – Town Annex – Dahlia House were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Leonard that the Minutes of the Bid Opening of December 22, 2016 – Town Annex – Dahlia House, are hereby approved as presented.

Minutes of the Year End Meeting of December 28, 2016 were reviewed.

Councilman Van Tassel made a motion, seconded by Councilman Flaherty that the Minutes of the Year End Meeting of December 28, 2016, are hereby approved as presented.

Minutes of the Philipstown Depot Theatre Development Annual Meeting of January 5, 2017 were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Flaherty that the Minutes of the Philipstown Depot Theatre Development Annual Meeting of January 5, 2017, are hereby approved as presented.

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Minutes of the Re-Organizational Meeting of January 5, 2017 were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Flaherty that the Minutes of the Re-Organizational Meeting of January 5, 2017, are hereby approved as presented.

Minutes of the Monthly Town Board Meeting of January 5, 2017 were reviewed.

Councilwoman Montgomery made a motion, seconded by Councilman Leonard that the Minutes of the Monthly Town Board Meeting of January 5, 2017, are hereby approved as presented.

## **COMMITTEE REPORTS**

**CONSERVATION BOARD:** Councilman Leonard attended the February 14<sup>th</sup> meeting, which had a full agenda. The Councilman reported that quite a bit of time was spent discussing the ongoing Banker application but a lot of progress has been made. The other two applications discussed were 15 Ox Yoke road and the Hudson Highlands project on Horton Road. Councilman Leonard reported that the board met with Ron Gainer and Max Garfinkle to bring Max up to speed on all projects as well as discuss and work on the Annual Report. The next meeting will be held on March 14<sup>th</sup>, 2017.

**RECREATION:** Councilman Van Tassel was unable to attend the meeting but received an update from Amber. Spring registration opened February 6<sup>th</sup> for residents and February 13<sup>th</sup> for non-residents. Summer camp registration opens on March 13<sup>th</sup> for residents and March 20<sup>th</sup> for non-residents. The Winter Carnival was held Saturday February 11<sup>th</sup>. The Depot Theatre is opening the show "Company" on February 24<sup>th</sup> and will run through March 12<sup>th</sup>. The Commission heard a presentation from Tim Donovan on the "Fit to Coach" program and the need for coach training programs in Philipstown and hope to schedule a workshop with the Town Board and Planning Board soon to discuss recreation fees for the subdivision.

**RECYCLING:** Councilwoman Montgomery reported she might have to leave early so would be giving a full report on what she has been working on since the last meeting. She attended a web seminar on sales tax revenue in New York State and reported that Putnam County's increase was among the highest in the state. The Councilwoman attended the Philipstown Coalition that Cares meeting and reported that the Putnam Coalition that Cares Commission was in attendance to present the results of their 2016 Prevention Needs Assessment survey results, which can be found on Haldane's web page. They are hosting a big event on March 23<sup>rd</sup> where they will be showing the documentary "Breaking Points".

**PLANNING BOARD:** Supervisor Shea took a moment to offer condolences to Dave Vickery, husband of Mary Finger, on her passing. Supervisor Shea noted she was a dedicated Planning Board member, local farmer and an all around good person with a wealth of knowledge. Dave expressed to the Board how much Mary enjoyed being a part of the Planning Board and thanked them for appointing her. Councilman Flaherty attended the January 12<sup>th</sup> meeting and there were three (3) public hearings: Griffin's Landscaping, which remained open, Olspan, & Johnson. Also on the agenda was Hudson Highland Reserve. The next meeting of the Planning Board was in session at the Butterfield Library.

**ZONING BOARD:** Councilman Van Tassel attended the January 9<sup>th</sup> & February 13<sup>th</sup> meetings. Councilman Van Tassel reported that at the January 9<sup>th</sup> meeting there was one review for completeness of an application for Garcia; the application was deemed complete and scheduled for a public hearing for February 13<sup>th</sup>. The Councilman reported that the public hearing for Garcia was held on February 13<sup>th</sup> and remains open until the March meeting. Councilman Van Tassel reported there was also a review of the Olspan appeal, for which a public hearing was scheduled for the March 19<sup>th</sup> meeting.

**HIGHWAY:** There was no report submitted from the Highway Department this month.

**BUILDING & LAND ACQUISITION:** Supervisor Shea reported the town would be re-advertising for bids for the Dahlia House – Town Annex.

**PUTNAM COUNTY LEGISLATOR:** Putnam County Legislator Scuccimarra was unable to attend.

**CEMETERY COMMITTEE:** Councilman Leonard reported that the Committee met on February 14<sup>th</sup> and that the seventh grade class at Haldane is interested in receiving projects, much like last year. The Councilman reported that they are still trying to figure out private funding issues with the Historical Society. Councilman Leonard met with the stonemason to discuss moving over to Cedar Street in the spring as well as the possibility of repairing some of the larger stones. Councilman Leonard suggested getting in touch with Carl, Highway Superintendent, to discuss the possibility of using one of the highway machines to help lift & move the stones. Supervisor Shea noted that it is the Town's responsibility so that shouldn't be a problem. Councilman Leonard and I discussed putting something up on the municipal channel encouraging private donations for our cemeteries. Councilman Leonard reported that he contacted the County Representative for the Cemetery Committee and requested that it be considered by the County to return some of the funds, which were dropped last year from \$12,000.00 to \$8,000.00 for six towns. The Councilman reported that the Committee would like to erect a temporary sign at the Mountain Ave. cemetery with help from Kim Connor. The next meeting of the Cemetery Committee will be held March 14<sup>th</sup>. Councilwoman Montgomery suggested working together with Councilman Leonard on obtaining private funding for both the cemeteries and the Philipstown Coalition that Cares.

**BUTTERFIELD LIBRARY:** Councilwoman Montgomery read the report submitted by the library. The annual report to the community will be sent to Philipstown households. Overall, the library is busier with foot traffic. People are 'hanging out' at the library and space and bandwidth have become an issue with so many people connecting to the free wi-fi. Programming has become core for what they do at the library from adult story hours to babysitting classes; they offer something for all ages. The library is looking to work more with local businesses in the coming year. They received grants in order to renovate the children's room to increase public space as well as other elements of the building.

## **AGENDA**

### **1. Resolution naming Councilwoman Montgomery as the Alternate Delegate for the Association of Towns Meeting,**

#### **RESOLUTION #55-2017**

The following Resolution was presented by Councilman Van Tassel, seconded by Councilman Leonard and unanimously carried;

**RESOLVED**, that the Town Board hereby authorizes Councilwoman Montgomery as the Alternate Delegate for the Association of Town's Meeting.

**2. Resolution to re-appoint the following to the Philipstown Zoning Board of Appeals for a five (5) year term:**

**- Robert Dee – 5-year term expiring March 31, 2022**

Robert Dee was in attendance and thanked the Board for the new position, held by Linda Valentino, secretary to the all three boards. Linda being in the building department full time and acting as secretary to the zoning, planning, and conservation boards has really helped 'mold everything together'. He added that she is always a pleasure to work with.

**RESOLUTION #56-2017**

The following Resolution was presented by Councilman Van Tassel, seconded by Councilman Flaherty and unanimously carried;

**RESOLVED**, that the Town Board hereby re-appoints Robert Dee to serve as a member of the Philipstown Zoning Board of Appeals to a five (5) year term which will expire on March 31, 2022.

**3. Resolutions to re-appoint the following to the Philipstown Planning Board for a four (4) year term:**

**- Neal Tomann – 4-year term expiring March 31, 2021**

**RESOLUTION #57-2017**

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

**RESOLVED**, that the Town Board hereby re-appoints Neal Tomann to serve as a member of the Philipstown Planning Board to a four (4) year term which will expire on March 31, 2021.

**4. Resolutions to re-appoint the following to the Philipstown Conservation Board for a two (2) year term:**

**- Lew Kingsley – 2-year term expiring March 3, 2019**

**RESOLUTION #58-2017**

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

**RESOLVED**, that the Town Board hereby re-appoints Lew Kingsley to serve as a member of the Philipstown Conservation Board to a two (2) year term which will expire on March 3, 2019.

**- M.J. Martin - 2-year term expiring March 3, 2019**

**RESOLUTION #59-2017**

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

**RESOLVED**, that the Town Board hereby re-appoints M.J. Martin to serve as a member of the Philipstown Conservation Board to a two (2) year term which will expire on March 3, 2019.

**5. Resolution authorizing Supervisor Shea to sign a Parade Permit for Dave Marzollo for the Mayfest event scheduled for May 26<sup>th</sup>-28<sup>th</sup> and waive the fees associated with said permit.**

Supervisor Shea stated that this is something they have done for the past 2 (two) years and the event has had great success.

**RESOLUTION #60-2017**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the Parade Permit for Dave Marzollo for the Mayfest event scheduled for May 26<sup>th</sup> – 28<sup>th</sup> and waive the fees associated with said permit.

**6. SEQRA Resolution for Local Law #1-2017 – Community Choice Aggregation Program.**

Supervisor Shea stated that a public hearing took place, which was well attended with nothing but positive feedback and support for the program.

**RESOLUTION #61-2017**

The following Resolution was presented by Councilman Van Tassel, seconded by Councilman Leonard and unanimously carried;

**WHEREAS**, the Town Board of the Town of Philipstown has given due consideration to amend the Code of the Town of Philipstown, Chapter 163 thereof entitled a Local Law to amend Town Code CHAPTER 82 BY ADDING A NEW ARTICLE II ENTITLED “COMMUNITY CHOICE AGGREGATION PROGRAM” and

**WHEREAS**, this action is a routine of continuing agency administration and management action that does not include new programs or major re-ordering of priorities;

**NOW, THEREFORE, BE IT RESOLVED**, that this action is a Type II Action, as defined under NYCRR Part 617.13d, which is an action or class of actions which have been classified by the State of New York to not have a significant effect on the environment and thus do not require environmental impact statements or other determination or procedures under Part 617 of the Environmental Conservation Law.

**7. Resolution adopting Local Law #1-2017 – Community Choice Aggregation Program.**

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Supervisor Shea noted that this just avails us to the possibility of adopting this as a program; the Town is not committing to anything. This essentially just moves the process along.

**RESOLUTION #62-2017**

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

**RESOLVED**, that the Town Board held a Public Hearing on February 8, 2017 to hear comments for/against a proposed Local Law to amend Town Code Chapter 82, by adding a New Article II entitled "Community Choice Aggregation;"

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts Local Law #1 of 2017 which become effective upon filing with the New York State Department of State.

**8. Resolution authorizing Supervisor Shea to sign the agreement between the Town of Philipstown and the Putnam Humane Society for fiscal year 2017.**

Supervisor Shea reported that this is done every year and allows us to send strays to the Humane Society and avail ourselves to their services, which are many other things.

**RESOLUTION #63-2017**

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

**RESOLVED**, that the Town Board hereby authorizes Supervisor Shea to sign the contract between the Town of Philipstown and the Putnam Humane Society for shelter services for fiscal year 2017.

**9. Resolution increasing the fees for Chapter 89, of the Town Code – Filming from Feature film/TV Video on private property cost of \$600.00 to \$800.00 and for public property from \$700.00 to \$1,500.00.**

Supervisor Shea reported that the Town is way behind on filming fees and this is necessary to cover costs.

**RESOLUTION #64-2017**

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

**RESOLVED**, that the Town Board hereby revises the Fee Schedule for the Town of Philipstown for Chapter 89 entitled Filming - Code of the Town of Philipstown as follows:

Fee	Type	Property
\$0	Student	Public or Private

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\$25	Public service/teaching Not for profit	Private
\$50	Public service/teaching, Not for profit	Public
\$100	Agency Advertising	Private
\$200	Agency Advertising	Public
<b><u>\$800</u></b>	<b><u>Feature film/TV video</u></b>	<b><u>Private</u></b>
<b><u>\$1,500</u></b>	<b><u>Feature film/TV video</u></b>	<b><u>Public</u></b>

**10. Resolution authorizing Supervisor Shea to sign the contract with New York State Department of State for provision of services related to the Hudson Highlands Fjord Trail.**

Supervisor Shea noted that this grant money coming from the Department of State for the parking at Breakneck Ridge; it is not going to cost the Town anything.

RESOLUTION AUTHORIZING THE TOWN OF PHILIPSTOWN TO EXECUTE A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF STATE (NYS DOS) FOR PROVISION OF SERVICES RELATED TO THE HUDSON HIGHLANDS FJORD TRAIL

**RESOLUTION #65-2017**

The following Resolution was presented by Councilwoman Montgomery, seconded by Councilman Leonard to wit;

**WHEREAS**, the Town of Philipstown together with the New York State Department of State intend to enter into an agreement for provision of services related to the Hudson Highlands Fjord Trail- Shoreline Trail Design; and

**WHEREAS**, for the contract between the NYS DOS and the Town of Philipstown will serve as contract administrator for the Hudson Highlands Fjord Trail Environmental Review and Engineering Feasibility Analysis; and

**WHEREAS**, Scenic Hudson will serve as the Project Manager for the assignment working collaboratively with the NYS Office of Parks, Recreation and Historic Preservation (NYS OPRHP) as the Lead Agent for the environmental review under SEQRA; and

**WHEREAS**, on October 13, 2016, the bid was awarded to AKRF, Inc. to serve as the prime consultant preparing the SEQRA environmental review and engineering feasibility analysis for the Riverfront Trail Portion of the alignment; and

**WHEREAS**, the Town of Philipstown is authorized to disperse the expenditures of \$400,000 from the NYS DOS Local Waterfront Revitalization Program Grant funds and an additional \$400,000 in private

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matching funds that will be provided to the Town of Philipstown from the Hudson Highlands Land Trust to compensate the prime consultant for work related hereto for an amount not to exceed \$800,000;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Philipstown will process invoices for payment and perform required reporting in accordance with the terms of the contract between the NYSDOS and the Town of Philipstown; and

**BE, IT FURTHER RESOLVED** that the Town Board of the Town of Philipstown hereby authorizes Supervisor Shea to execute a contract with New York State Department of State for services related to the Hudson Highland Fjord Trail.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

**ROLL CALL VOTE**

Supervisor Shea	AYE
Councilwoman Montgomery	AYE
Councilman Van Tassel	AYE
Councilman Leonard	AYE
Councilman Flaherty	AYE

The resolution was thereupon declared duly adopted.

**11. Resolution authorizing Town Clerk Merando to advertise for bidders for the Avery Road Bridge Replacement. (Nunc Pro Tunc)**

**RESOLUTION #66-2017**

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

**RESOLVED**, that the Town Board hereby authorizes Town Clerk Merando to advertise for bidders for the Avery Road Bridge Replacement.

Supervisor Shea explained that the Town just received notice that there is going to be work done on Indian Brook Road this summer on the aqueduct, so it needs to be coordinated so that the work is not going on at the same time.

**12. Resolution rejecting the bid for the Town Annex Renovation Project and authorize Town Clerk Merando to advertise for bidders.**

Supervisor Shea explained that when they sat down with what would have been the winning bid to ensure that everything was in order, it was discovered that he had not bid at a prevailing wage, which automatically disqualified his bid.

**RESOLUTION REJECTING ALL BIDS ON THE DAHLIA HOUSE PROJECT AND  
AUTHORIZING A RE-BID OF THE PROJECT.**



**RESOLUTION #67-2017**

WHEREAS, the Town of Philipstown is the owner of certain real improved by a building known as “the Dahlia House”; and

WHEREAS, the Town has undertaken a project to make certain improvements to the Dahlia House; and

WHEREAS, heretofore the Town put out for public bid the contract for the said improvements to the Dahlia house; and

WHEREAS, the Town has opened and reviewed all bids submitted on the said contract, and finds that none are acceptable; and

WHEREAS, it is therefore necessary to once again put the contract out for public bid; and

WHEREAS, the documents and specifications for the construction contract are available for review at the Town Clerk’s Office,

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Town Board hereby rejects all bids submitted on the Dahlia House construction project;
2. That the Town Board hereby once again authorizes the solicitation of bids for the project;
3. That the Town Board hereby directs the Town Clerk to publish such advertisement for bids in the Town’s official newspaper no later than February 22, 2017, and post such advertisement on the Town’s website and on the Town Clerk’s bulletin board; and
4. That the bids will be publicly opened and read aloud on March 15, 2017 at 2:00 pm.

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Councilman Flaherty presented the foregoing resolution, which was seconded by Councilman Van Tassel.

**13. Resolution authorizing Supervisor Shea to sign the agreement between the Town and the Philipstown Depot Theatre which grants a license to occupy and operate the Depot for such purposes for the period of the lease and any renewals thereof.**

Supervisor Shea noted that they would also be writing a letter to Metro North that clarifies their operating agreement with the Town.

**RESOLUTION #68-2017**

The following Resolution was presented by Councilman Flaherty, seconded by Councilman Van Tassel and unanimously carried;

**WHEREAS**, the Philipstown Depot Theatre Inc., is a not-for-profit corporation and is a local development corporation as defined in Section 2 of the Public Authorities Law as being affiliated with , sponsored by or created by the Town; and

**WHEREAS**, a majority of the Members of the Philipstown Depot Theatre, Inc., who elect its board of directors, are members of the Philipstown Town Council;

**NOW, THEREFORE, BE IT RESOLVED**, that at the request of the Town, the Philipstown Depot Theatre, Inc. hereby agrees to occupy the Depot and to operate it on behalf of the Town as a cultural resource, in cooperation with the Town Recreation Department, for the production and presentation of theatrical, musical and other events, and the Town hereby grants to the Philipstown Depot Theatre, Inc., a license to occupy and operated the Depot for such purposes for the period of the lease and any renewals thereof.

**14. Code Enforcement Monthly Report**

Town Clerk Merando read the report, which is on file in the Town Clerk's office. Supervisor Shea noted that he has received nothing but positive feedback in regards to Greg, the new building inspector and that he is a pleasure to work with.

**15. Schedule Meetings/Workshops**

- Workshop –February 22, 2017 – 7:30 pm

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

Councilman Flaherty reported that the bricks for the Betty Budney Memorial have been laid and he is just waiting on some nice weather to get the bench in. Supervisor Shea noted that Councilman Flaherty deserves a lot of credit for this memorial as he has done most, if not all, of the work including laying the bricks by hand. The Board thanked Councilman Flaherty for his hard work.

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Councilwoman Montgomery asked her fellow Board members to take a look at the agenda for the New York State Association of Towns meeting and inform her of any items they would like her to attend specifically.

**AUDIENCE**

**VACANCIES**

Conservation Board (1)

Planning Board (1)

**APPROVAL OF VOUCHERS**

Councilwoman Montgomery made a motion, seconded by Councilman Flaherty and unanimously carried that the General Vouchers in the amount of \$1,914,175.69 are hereby approved as set forth in Abstract 1A & 2.

Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery and unanimously carried that the Highway Vouchers in the amount of \$122,899.03 are hereby approved as set forth in Abstract 1A & 2.

Councilman Leonard made a motion, seconded by Councilman Flaherty and unanimously carried that the CVPD Vouchers in the amount of \$6,623.89 are hereby approved as set forth in Abstract 1A & 2.

Councilman Leonard made a motion, seconded by Councilman Van Tassel and unanimously carried that the CVWD Vouchers in the amount of \$12,786.65 are hereby approved as set forth in Abstract 2.

There being no further business to discuss, Councilman Van Tassel made a motion, seconded by Councilwoman Montgomery to close the Monthly Meeting at 8:25 p.m.

Respectfully submitted by,

Tara K. Percacciolo

Deputy Town Clerk

**TOWN OF PHILIPSTOWN**  
**MONTHLY REPORT OF TOWN SUPERVISOR**  
**MONIES RECEIVED AS OF February 16, 2017**

**GENERAL & PART-TOWN FUNDS**

ReCommunity	89.70
T.C. Fees 12/16	829.44
T.C. Fees Dogs 12/16	370.50
Justice Fees 12/16	12,244.00
Tax Coll. Gen A Partial Pay	300,000.00
Tax Coll. Gen A Partial Pay	300,000.00
Tax Coll. NHFD	747,006.83
Tax Coll. NHFD	766,907.72
Tax Coll. Gen B	217,398.00
NYS Fjord Trail Washburn Parking Lot	57,490.50
Rec. Fees 12/16	1,293.65
Tax Coll. Partial Pay	500,000.00
Bldg. Fees	19,856.60
Tax Coll. Gen A Pro Rata	620.94
Tax Coll. JL Butterfield Library	276,000.22
Tax Coll. Gen A Final Pay	1,316,333.06
Tax Coll. Surplus	.41
Tax Coll. CV Fire	262,500.16
Tax Coll. Phil #1 CS Fire	69,060.02
Justice Fees 1/17	15,060.00
T.C. Fees 1/17	514.64
T.C. Fees Dogs 1/17	335.50
Rec. Fees 1/17	53,153.31
Town Justice Fees 1/17	2,448.00
NYS Justice Grant	5,679.68

**HIGHWAY FUND**

Gen. Fund Gas	181.33
Argonaut Ins Hwy Jeep	20,697.79
Gen. Fund Gas	341.78
Auction International Jeep Scrap	6,420.00
PC Gas	457.97
PC Gas	1,871.73
Tax Coll. Full Pay	2,643,823.00

**CONTINENTAL VILLAGE WATER DISTRICT**

Tax Coll. CVWD Unpaid Water	32,004.00
Tax Coll. Full Pay	102,049.92

**CONTINENTAL VILLAGE PARK DISTRICT**

Tax Coll. Full Pay	116,131.11
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