

September 17, 2013

Town Board Meeting

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on September 17, 2013 in the Vincent F. Nyberg Meeting Room of the Cortlandt Town Hall located at One Heady Street, Cortlandt Manor, NY (10567) with the following elected official and appointed staff in attendance:

LINDA D. PUGLISI	Supervisor	
FRANCIS X. FARRELL	Councilmember	
ANN LINDAU-MARTIN	Councilmember	ABSENT
RICHARD BECKER	Councilmember	
JOHN E. SLOAN	Councilmember	

Also present:

JO-ANN DYCKMAN	Town Clerk
EDWARD VERGANO	DOTS, Director
CLAUDIA VAHEY	Human Resources Coordinator
CHRISTINE B. COTHREN	Deputy Town Clerk
ROSEMARY B. LASHER	DOTS/Asst. to Director
JEFFREY COLEMAN	Director, DES

MEETING CALLED TO ORDER

Supervisor Puglisi called the meeting to order at 7:30 p.m.

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PLEDGE TO THE FLAG

Supervisor Puglisi led all in attendance in a Pledge to the Flag.

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SUPERVISOR’S PROCLAMATIONS AND REPORTS

Supervisor Puglisi spoke of the recent events in the Town of Cortlandt:

On Sept. 11, a special ceremony was held at the memorial at Croton Landing on the Hudson River with the Village of Croton-on-Hudson, Village of Buchanan and the 9/11 Remembrance Committee. The **Supervisor** noted that we will always remember those we lost on that day and how grateful we are for the First Responders who went to Ground Zero to help.

The **Supervisor** attended New York State Senator Greg Ball’s Hall of Fame for Women of Distinction. The Town’s nominee, Janet Mainiro and other women were honored.

On tonight’s agenda there will be a vote to contribute \$1,100 for the new Purple Heart Memorial which will be placed at Town Hall on the front lawn. The Town of Cortlandt was named the first Purple Heart Town by the Military Order of the Purple Heart Veterans in New York State out of 900 towns. **Supervisor Puglisi** stated that they are truly honored to have this distinction and to have Purple Heart Veterans at this meeting tonight, Willie Nazario and Neal Gross.

SUPERVISOR’S REPORTS, (cont.)

On September 7th the Town held the Cortlandt Family Fun Day which was bigger and better than previous years with music and fireworks. Over 3000 people attended this event. **Supervisor Puglisi** thanked John Palmietto and his staff, the Parks Division, DES staff, and the committee and volunteers. Planning for next year has already begun.

Supervisor Puglisi stated that paving in the Town is more than in past years, 1.5 million dollars, and is to be completed in about one week. They are pleased to say that they pay as they go, they do not borrow to complete this work.

The long awaited Rt. 202 Lafayette and Conklin Ave. improvement with a new light and turning lanes is almost completed, paid for by the New York State DOT. The **Supervisor** thanked Ed Vergano, Town Engineer who oversaw this project.

The other improvement to begin this month is the improvement plan for better safety measures on the Bear Mt. Parkway, also a New York State roadway. This will occur over several months but will help to prevent accidents. **Supervisor Puglisi** commented that the Town had petitioned for this and although this is not a perfect plan, it certainly will be better and safer than it is.

There is a Town Charitable Golf Outing to benefit our emergency services on October 21st at the Hollowbrook Golf Course along first ever 5K Run on October 26th at the Cortlandt Waterfront Park in Verplanck. All details are on the website of the Town.

There will be a meeting with the West Point Inc. Transmission Line Project to answer the concerns regarding this project on September 23rd at 7:00 p.m. They want to cross the Hudson to go through the Town of Cortlandt in Verplanck on the Con Edison property.

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ROLL CALL

On a roll call attendance taken by Town Clerk Dyckman all Town Board members indicated their presence with the absence of Councilmember Lindau-Martin.

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TOWN BOARD REPORTS

Councilmember Farrell: Councilmember Farrell commented that the 9/11 ceremony was a beautiful and moving event and he urged residents to visit the Memorial. It is not completed but to Councilmember Farrell, the most intriguing and moving aspect is that it was constructed as a sundial where the beam casts a shadow around 9/11 and the events that unfolded that day.

Councilmember Farrell noted that an event on the Verplanck Seaplane Base also occurred before Family Fun Day by a group called the Cortlandt Community Rowing Association, formed to promote the sport of rowing in the Town. Councilmember Farrell said that the people in this area are not familiar with this sport but what his group has in mind is competitive Olympic style

TOWN BOARD REPORTS, (cont.)

racing. There are active clubs in the area and the Town has a fantastic site for this sport. This sport attracts adults and children of all ages. The “learn to row” event was attended by over 30 people and they got to see and handle the equipment. Councilmember Farrell urged any resident who might be interested to check out Cortlandt Rowing on Facebook or attend the meeting on October 17th at the Hendrick Hudson Free Library looking to tap people for their expertise. There is a chance there will be a boat in the water this Fall.

On tonight’s agenda is the plan for top soil and seeding at Meahagh Park. This park is a former dump and the ground was settling, so the material was taken out. Now it will be restored and Councilmember Farrell thanked Ed Vergano for his diligence.

Councilmember Becker: On September 28th the Town is sponsoring the Swap Event and Furniture Drive in which items can be brought and others can take them for free, no cash transactions. The motivation is to recycle goods as opposed to going into the landfill. Councilmember Becker stated that it has become an annual event at the Murial Morabito Community Center.

Councilmember Becker congratulated Councilmember Farrell on the rowing event. We are a Hudson River town and he noted that there is very little that goes on that has anything to do with the river. We have this beautiful site in Verplanck and we have a place to enter the river, so we hope the school will also get involved.

Councilmember Sloan: Sporadic lane closures on the Bear Mt. Parkway have already started so Councilmember Sloan asked that we be prepared for that.

Also on the agenda is a survey to do improvements on Cortlandt Boulevard, formerly known as Rt. 6. This will make this part of Rt. 6 more pleasing to the eye for businesses and residences.

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APPROVAL OF THE MINUTES

Councilmember Sloan moved that the minutes of the Regular Meeting of August 13, 2013 be approved as presented by Town Clerk Dyckman. Councilmember Becker seconded the motion.

All voted **AYE**

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PUBLIC HEARINGS

(A complete transcript of this Public Hearing is on file in the Office of the Town Clerk.)

The Town Clerk read the Notice of Hearing and presented its Affidavit of Publication from the official Town newspaper.

PUBLIC HEARING, (cont.)

1. Public Hearing to consider amending the summer hours for sanitation collection.

Supervisor Puglisi called the hearing to order at 7:51 p.m.

Discussion:

Supervisor Puglisi asked Jeff Coleman, Director of the Department of Environmental Services, to explain this proposal.

Jeff Coleman explained that this is a simple change to the Chapter 257 of the Cortlandt Town Code regarding garbage collection. The summer hours coincide with the hot days of the summer, allowing the garbage to get off the street quickly and allow the folks who pick it up to get off the street before they are in the heat of the sun. Typically that change has a start time of 7:00 a.m. back to 6:00 a.m. The changes proposed will allow the change in time to coincide to a little more flexibility to coincide with a Monday. The day occurred in the middle of the week which is very confusing. The Local Law is a proposed change to allow more flexibility with regard to preparing next year's sanitation schedule. This will not impact anyone's sanitation pickup.

A motion to Close the Public Hearing at 7:56 p.m., adopt a Negative Declaration and Adopt a Local Law was made by Councilmember Becker and seconded by Councilmember Farrell.

All voted AYE

RESOLUTION NO.236-13 RE: Adopt a Negative Resolution to consider amending the summer hours for sanitation collection.

LOCAL LAW NO. 2-13 RE: Amending the Summer Hours for Sanitation Collection.

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HEARING OF CITIZENS, (AGENDA ITEMS ONLY)

Susan McDonnell
Cortlandt Watch President

Stated Cortlandt Watch's concern with the Cortlandt Crossing Project, asking if another shopping mall is needed and there are major concerns about the increase in traffic. They question if retail is necessary when there are other options which would produce less traffic.

Another point was the violation to the wetlands ordinance. WATCH is suggesting several steps to take:

1. seek alternative uses, such as recreation uses,
2. Insure that the 19 undeveloped acres stay undeveloped by restrictions in use

HEARING OF CITIZENS, cont.

3. Reduce or eliminate the requested expansion of the commercial development zoning
4. insure the maximum protection possible for the wetland, buffer and pond by eliminating the parking lot near the pond, redirecting drainage, constructing new wet land pond in exchange for the one destroyed, to hire a landscape expert and directing staff to require 21st century design in construction techniques and materials to obtain maximum protection for the wetland, its buffer and the pond
5. Improve the appearance of the frontage.

She urged the Town to craft and approve a project that enhances the quality of life in the Town.

Daniel Goodrou
195 6th Street

Has written a letter regarding 189 6th Street, how overgrown the property is and concern about the rat infestation. He knows that they are behind in their taxes and has no c/o and asked what the Town is doing about it.

Tom Wood, Town Attorney, stated that the house is on the list of in-rem tax foreclosure, so it will be taken over by the Town if payment is not made and the Town will clean up the area, with any expense to be paid back to the Town.

Supervisor Puglisi stated that anyone can bid on the property and that the surrounding properties will be given notice. The process will take a few months, consisting of sending letters and giving the owner time to clean up the property and pay the taxes.

Bernard Vaughey
Broadway

Found some information online regarding the West Point Project and commented that this might be part of the Public Service Commission's attempt to commence proceedings to develop a contingency plan upon closing of Indian Point. He asked if the Town has been given a copy of the application. The **Supervisor** indicated that they had not gotten this copy but that the company will be coming for a meeting to answer questions.

Tom Wood stated that the application is not complete so they filed in July and a copy of the letter was sent to the municipalities.

He explained that the Public Service Commission's function is to determine how the applicant should address about six areas. Once determined and the application is complete, then the whole public process starts with respect to comments and evaluation of the application itself.

Tonight's resolution will authorize the Town to become an involved agency which puts the Town in the proceedings, requires a high level of notice, and enables the Town to have a better level of participation in the process.

HEARING OF CITIZENS, cont.

Mr. Vaughey asked if the Town is aware of the website, to which **Tom Wood** answered that they are. He commented on the expandable capabilities of 2000 megawatts and the consequences of it running through the streets of Verplanck. There are many waivers being asked for from the Villages and Town. **Supervisor Puglisi** reminded him that the Town has been successful in stopping other attempted projects that affected the Town negatively. They will try also to stop this project.

Mr. Vaughey asked if the **Supervisor** knew of any plans for Spectra to install a gas line across the Hudson River. The **Supervisor** stated they have an existing right of way and they want to expand the pipe. Jeff Coleman then explained that he had attended a few informal open houses and that they have not submitted a formal application, only pre-application from this point. Exploratory work is being done on their easements as well as the crossings.

Mr. Vaughey asked that the Town be involved in this project also. The **Supervisor** stated that they will stay informed with that project and remain vigilant.

HEARING OF CITIZENS, cont.

Karen Bernard
Cortlandt Watch

Spoke about the agenda item of accepting the scope of Cortlandt Crossing where items need to be made more specific. Having to do with utilities and sewers, she feels there needs to be more discussion of who is paying, the capacity and if there is a contingency plan if there is not enough wealth in the district to sustain the sewers.

Also regarding the wildlife, the scope asks that the study that was done in 2012 and she has doubts that a lot of wildlife was observed, so Ms. Bernard hoped that an additional study be required.

Ms. Bernard stated that she was disturbed that a lot of the little streets that are going to be impacted by traffic and quality of life and visual issues are completely omitted. She asked that the little streets be included.

The location of the Beer & Soda building is to be moved next to the wetland area and Ms. Bernard is hoping that another location is found other than that location.

Ms. Bernard asked that there be a sense of what and how many businesses will be added. She is also hoping that the staff is directed to make sure that maximum green design initiatives are applied to whatever is going to be done to the storm water, the wetlands and the pond.

She asked again that the nest of little streets not be left out of other items of the proposal in regard to adverse impacts.

HEARING OF CITIZENS, cont.

Supervisor Puglisi asked that a copy of these remarks be given to the Town Clerk and said that all these points would be evaluated before there is any voting on it by the Planning Board and or the Town Board.

Ms. Bernard asked if that is voting on the DEIS or voting on the scope, because there will be adopting the scope tonight?

Tom Wood said that some are covered now and many will be evaluated when the draft comes back and until such time that the draft is sufficient, the Town Board doesn't go forward with any further process. So the broader areas covered in the scope with these comments can be dealt with in the draft. The draft will be reviewed to get to a point where it adequately opens the dialogue on these issues and a public hearing will follow.

Ms. Bernard asked what role does the Planning Board play in the review of the application since the Town Board is the lead agency?

Tom Wood answered that it doesn't diminish in any way the authority of the Planning Board with respect to site plan approval, wetlands, etc. They are a full partner with the Town Board. The Town Board has to approve many items first.

Supervisor Puglisi commented that this 36 acres is owned by the existing Town Center, Acadia. She didn't think the Town needed another big box store like a Super Walmart and now there is a proposal for smaller retail stores, restaurants, a few midsized anchors. Environmental issues and safety issues will be addressed. There will be many opportunities for residents to give their suggestions.

Ms. Bernard asked that if they ask for a tax abatement, she hopes the Board says no.

Councilmember Sloan commented that Sue McDonald and Karen Bernard are two of Cortlandt's most ardent environmentalists. They initiated environmental laws within the Town and played an important part in the community.

Supervisor Puglisi also stated that Councilmember Sloan begun on the Planning Board and then on the Town Board and was also instrumental in the various environmental laws that Cortlandt has today.

Jim Bell
269 9th Street

Thanked the Town Board for inviting the West Point Project representatives to do a presentation and stated that though everyone understands the need for power, his concern is having family on the street that this cable is very high voltage. He noted there are alternative routes for this

HEARING OF CITIZENS, cont.

project. He also stressed that there are issues with the infrastructure in the streets where the cables will be installed and the Town needs to insist that the water systems be replaced in case the cable gets wet for concern that the electro magnetic field would be magnified if wet.

Councilmember Sloan stated that at the meeting with the company representative that the public will be given time to speak.

Bernard Vaughey
Broadway

Asked if a meeting will be held on September 30th at the Community Center?

Supervisor Puglisi answered that it is Spectra that will be having the informational meeting on that day.

Kathleen Levesque
289 9th Street

She was one of the few residents who received a letter from Spectra Energy asking permission to come on her land to survey for the gas line. Ms. Levesque did go to one of their meetings but they did not know anything about the West Point Partners Project. Their plan for installation is similar to where West Point Partners plan to go and that everything is still in the thought process at this point.

Supervisor Puglisi asked Jeff Coleman to confirm that Spectra said they would be using their existing right of way, to which he answered yes.

Ms. Levesque expressed surprise that Spectra didn't know about the other proposed project and asked that the same meeting with Spectra would occur for information with the residents.

Tom Wood answered that it would be the same process.

Rosemary Moscolo
Broadway

The first notice she received was a letter about 2 ½ weeks ago and many did not receive letters. They referred to Buchanan, not Verplanck. There was no verification of who was served by the notifications and the residents were not informed. The decibel levels will be disturbing and Ms. Moscolo wants specific questions asked at the meeting. Facebook has been the place for most notices and this has been going on for a long time.

Supervisor Puglisi said they intend to put their concerns in writing and formally send it to the public service commission.

BID REPORTS

None

REPORTS

Councilmember Becker moved that the following reports be received and ordered filed, seconded by Councilmember Farrell.

For the month of August, 2013 from the Office for the Aging, the Purchasing Department, Receiver of Taxes and the Town Clerk.

OLD BUSINESS

Receive and File the Following:

1. Report from DOTS/Planning with respect to the new Master Plan Implementation Policies.
2. Notice of Highway Restrictions on the Bear Mt. Parkway Median Barrier Construction Project from New York State.

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NEW BUSINESS

Receive and File the Following:

1. Letter from Daniel Goudrou with respect to the condition of parcels on 6th Street in Verplanck; and refer to Code Enforcement/DOTS and the Legal Department.
2. Letters from the following with respect to a possible open space parcel on Mt. Airy Road;
 - a) David Wallance
 - b) Susan Todd
 - c) David Douglas as the Chairman of the Cortlandt Conservation Advisory Council.
 - d) Steven and Kathy Bluestone
3. Letter from the United States Department of Interior National Park Service with respect to a permanent Washington/Rochambeau historical exhibit to be located on the Town riverfront property; and Authorize an MOU with respect to same.

RESOLUTION NO.237 -13 RE: Authorize an MOU with respect to a permanent Washington/Rochambeau historical exhibit to be located on the Town riverfront property.

4. Petition in support of designating the Montrose FDR VA Campus as a Historical Landmark; and Authorize retaining an archaeological consultant to assist with same.

NEW BUSINESS, (cont.)

RESOLUTION NO.238 -13 RE: Authorize retaining an archaeological consultant to assist with designating the Montrose FDR VA Campus as a Historical Landmark.

Discussion: Supervisor Puglisi commented that she is very excited about entering into the 3rd Master Plan during this administration and N Y State recommends that every 10 years a Town or municipality reviews, updates or begins a new chapter in their Town.

The **Supervisor** also stated they were excited about the Washington/Rochambeau Historical exhibit to be made permanent at the Cortlandt Waterfront Park.

One of the goals for the Veterans is to make the Montrose FDR VA campus that opened in 1950 a historical landmark. The Town is supporting this and asking residents to sign the petitions to be sent to Washington.

All voted **AYE**

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RESOLUTIONS

(All resolutions adopted at this meeting are to be found attached to the end of the original document.)

Councilmember Farrell moved that the following resolutions be adopted, seconded by Councilmember Sloan

RESOLUTION NO.239-13 RE: Reappoint Thomas Waitkins as the Town of Cortlandt Assessor.

RESOLUTION NO.240-13 RE: Appoint a member from the Village of Buchanan to the new Master Plan Committee.

RESOLUTION NO.241-13 RE: Appoint Kristin Herde as a Program Supervisor for Nor-West.

RESOLUTION NO.242-13 RE: Appoint seasonals for DES.

RESOLUTION NO.243-13 RE: Authorize the Adoption of a Positive Declaration under SEQR: Adopt the Scope: and Declare the Town Board as Lead Agency with respect to the proposed "Cortlandt Crossing" application.

RESOLUTION NO.244-13 RE: Award a contract with respect to the purchase of tires, tubes and repairs for DES.

RESOLUTION NO.245-13 RE: Resolution expressing the concerns of the Town Board with respect to the West Point Inc. voltage converter station in Verplanck; and request to be

RESOLUTIONS, (cont.)

an involved agency in all proceedings; and request the company give a presentation to the Town Board at a work session.

RESOLUTION NO.246-13 RE: Authorize an Indemnification Agreement with Westchester County with respect to the removal of the Battery Place Bridge.

RESOLUTION NO.247-13 RE: Resolution in support of the extension by the NYS Legislature the ability to have payment in Lieu of Tax Agreements for nuclear plants.

RESOLUTION NO.248-13 RE: Authorize the Comptroller to close out inactive capital project accounts.

RESOLUTION NO.249-13 RE: Authorize the renewal of the Town's General Liability Insurance.

RESOLUTION NO.250-13 RE: Authorize the purchase of a brick with respect to the Military Order of Purple Hearts Memorial at Town Hall; and Authorize a contribution with respect to same.

Discussion: Supervisor Puglisi stated that Thomas Waitkins is the existing Assessor and will be reappointed. Also, all the issues addressed tonight regarding Cortlandt Crossing will be taken into consideration. The **Supervisor** also stated that there is no increase in cost for the liability insurance that is being renewed.

All voted **AYE**

RESOLUTION NO.251-13 RE: Award a Contract with respect to repairs of low pressure sewer pumps.

RESOLUTION NO.252-13 RE: Authorize a License Agreement for the use of a public right-of-way abutting 265 Broadway.

RESOLUTION NO.253-13 RE: Authorize the renaming of Radzvilla Road to Sycamore Court in Montrose.

RESOLUTION NO.254-13 RE: Award a Contract with respect to curb and driveway apron repairs in the Continental Village area.

RESOLUTION NO.255-13 RE: Authorize the purchase of two (2) DES utility trucks.

RESOLUTION NO.256-13 RE: Authorize a contract for survey services for Springvale Road and Skytop Road area.

RESOLUTIONS, (cont.)

RESOLUTION NO.257-13 RE: Authorize a contract for survey services for Rt. 9A sidewalks from Kings Ferry Road to Roundtree Lane.

RESOLUTION NO.258-13 RE: Authorize a contract for survey services for Cortlandt Blvd. improvements from Locust Avenue to the Van Cortlandtville School area.

RESOLUTION NO.259-13 RE: Authorize a contract for the installation of drainage work for Spy Pond.

RESOLUTION NO.260-13 RE: Contract for installation of clean fill, top soil and seed at Lake Meahagh Park.

RESOLUTION NO.261-13 RE: Authorize drainage improvements with respect to Washington Acres.

Discussion: none

All voted **AYE**

ADDITIONS TO THE AGENDA

Councilmember Becker moved that the following correspondence be received and ordered filed and the resolutions be adopted. Councilmember Farrell seconded the motion.

Received and File the following:

1. Refer an offer by Anthony DeRosa to sell property on Maple Avenue to DES, DOTS and the Legal Department.
2. Refer a request for a modification of the Boat Launch for Rowing to DOTS for review and comment.

RESOLUTIONS:

RESOLUTION NO. 262.13 RE: Authorize a Load Only Fireworks Permit to Legion Fireworks Co., with respect to a barge loading at the Viking Tug and Barge.

RESOLUTION NO. 263.13 RE: Authorize the release of security with respect to property on Gallows Hill Road and Santucci Construction.

All voted **AYE**

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BUDGET TRANSFERS

NONE

REPORTS FROM VARIOUS DEPARTMENTS

Supervisor Puglisi reported that the Time Capsule as part of the 225th Birthday Celebration which is the last in the set of time capsules will be buried in the Town Hall Courtyard.

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REPORTS FROM STANDING & SPECIAL COMMITTEES

none

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SECOND HEARING OF CITIZENS

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ADJOURNMENT

The meeting was adjourned at 8:54 p.m. on motion made by Councilmember Farrell, seconded by Councilmember Sloan

All voted **AYE**

Respectfully submitted,

**JO-ANN DYCKMAN,
Town Clerk**

September 17, 2013

Town Board Meeting