

September 19, 2017

Town Board Meeting

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on September 19, 2017 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
DEBRA COSTELLO	Councilmember
RICHARD BECKER	Councilmember
SETH FREACH	Councilmember

Also present:

JO-ANN DYCKMAN	Town Clerk
CHRISTINE B. COTHREN	Deputy Town Clerk
PATRICIA ROBCKE	Comptroller
JEFFREY COLEMAN	Director, DES
MICHAEL PREZIOSI	Director, DOTS

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MEETING CALLED TO ORDER

Supervisor Puglisi called the meeting to order at 7:00 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 commented on how fast the summer has gone by and now moving into the fall and all the new activities planned by the Town.

Over the month was the 9/11 Ceremony at Croton Landing. There was a task force put together for this memorial and it was the 16th year anniversary of 9/11.

The Family Fun Day took place and the **Supervisor** thanked all the volunteers, the Recreation Dept., Parks Division and Entergy who paid for the fireworks.

There have been many donations for the relief efforts for the Hurricane. **Supervisor Puglisi** said our hearts, prayers and thoughts go out to those affected by these severe storms.

September 24th will be the Town’s Swap and Furniture Drive at the Community Center worked on by the Town’s Green Team. All info is on the Town’s website.

SUPERVISOR’S REPORTS, (cont.)

The Westchester County Shredder will be at the Community Center as well as a drug drop off by the Westchester County Police.

October 16th is the Annual Charitable Golf Outing at the Hollow brook Golf Course. The Supervisor urged residents to sign up in the Recreation Department. All proceeds this year will go to hurricane relief efforts.

There will be the annual 5K race on Saturday, October 28th at the Cortlandt Waterfront Park.

St. Peter’s Episcopal Church celebrated their 250th anniversary which the **Supervisor** attended and presented them with a proclamation.

The new Recreation Brochure is out and **Supervisor Puglisi** stated there are many upcoming events in the community.

The Town website is also newly designed and is more user friendly and efficient and is a big milestone for the Town.

Our Lady of Mt. Carmel Society Fall Festival will be Oct. 6-9. There will be a “Youth Parade” on Saturday for all the youth programs in the community.

The Cortlandt Rotary “Touch a Truck” event took place at Mt. Carmel last weekend, a fun family time.

The Cortlandt Community Coalition will hold a joint forum with Westchester County government for substance abuse prevention at the Hendrick Hudson Free Library on October 11th. **Supervisor Puglisi** urged residents to attend this important forum with the goal to eradicate this substance abuse.

The next N Y State Indian Point Task Force is scheduled for Thursday, September 28th at Town Hall. A consultant has been selected paid for by New York State to help address all the challenges being faced with the closure. The **Supervisor** stated that regardless of your stand on Indian Point, the point is that the community is being faced with revenue issues. They have been working hard to try to address these challenges and come up with a plan to resolve them. Discussions about reuse of the property are being done to see about other commercial solutions. The Town Board tonight will vote to retain a qualified economic consultant to assist with this endeavor to find other commercial possibilities to help with the future loss of revenue.

Supervisor Puglisi reminded the residents that schools are now opened and to drive carefully.

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ROLL CALL

On a roll call attendance taken by Town Clerk Dyckman all Town Board members indicated their presence.

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TOWN BOARD REPORTS

Councilmember Costello: Spoke of all the upcoming events for the weekend. Councilmember Costello commented the parents are more comfortable with the tools to speak to their children regarding substance abuse but not as much about sex abuse. One in four girls and one in six boys are victims of sex abuse by the time they are 18. The Town is hoping to give parents the age appropriate tools to teach parents how to talk to their children and to answer their questions.

Councilmember Becker: Discussed the current hurricane problems in the Caribbean and the earthquake in Mexico and what our most pressing challenge here is the closure of Indian Point. The Town has taken many proactive steps and Councilmember Becker stated that the decision to close Indian Point was made behind closed doors and they did not come to the Town to discuss their decision. Now we are facing a 32 million dollar shortfall in our community and Councilmember Becker expressed that he feels victimized. The Town may be able to develop a portion of the property but was told that most will be used for the decommissioning process and storage of the rods and could be a generation or two before that property is available for any use. Councilmember Becker stated he doesn't think it's fair that the two agencies that made this decision, Entergy and the State government, are going to walk away and leave the Town holding the bag and that they should share in the responsibility to make up for the revenue the Town is losing. The State needs to keep the Town whole.

Councilmember Freach: Stated he feels it's very important that the Town keeps on this and keep working harder and to let Albany know that expectations have been set

and will continue to be held to. The job of the consultant will help to see to that and will a very vital role as we look for redevelopment of our economic base.

Councilmember Freach commented that the public hearing they are having is a small change but will have a positive impact on the community, to change the working hours to a little bit later in the morning. Also on the agenda are three appointments tonight to the Parks, Recreation and Conservation Board. Councilmember Freach commented that he has met all three appointees and they are all wonderful people. One recent item brought in front of the Board for review is the equipment for a new fitness trail. It will be an addition to the Cook Pool area and when families visit, there are more activities for more people or all ages to take part in. There are many options for all levels on the fitness trail.

Councilmember Farrell: Commented that the Fitness Trail is a great idea and he's glad that it was brought back to life at a modest cost.

TOWN BOARD REPORTS, (cont.)

Councilmember Farrell again spoke about residents being careful about what they discard in the trash. The Town has a fantastic sanitation department and a few months ago someone discarded an oxygen canister which caused an explosion and just recently some acid was discarded which burst and one worker was sprayed. Councilmember Farrell asked residents to be careful about what is being thrown out. If there are any doubts, please call the Sanitation Department.

St. Peter's Church is 250 years old and Councilmember Farrell urged residents to visit the church. He spoke about the history of the church and the historic gravesites at the church noting that Cortlandt is rich in history. This Saturday St. Peter's Church will be having a rededication of John Paulding's gravesite.

Supervisor Puglisi added that the first Town Supervisor is buried at that church gravesite.

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APPROVAL OF THE MINUTES

Councilmember Costello moved that the regular minutes of August 15, 2017 be approved as presented by Town Clerk Dyckman. Councilmember Becker seconded the motion.

All voted **AYE**

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PUBLIC HEARINGS

1. **RE: Public Hearing to consider amending the Noise Ordinance with respect to hours of operation.**

(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.

Supervisor Puglisi called the hearing to order at 7:36 p.m.

Tom Wood explained that tonight this public hearing is to amend the Town's noise ordinance to change the limitation on when equipment may be utilized on Saturday mornings. It will be changed from 7:00 a.m. to later at 8:00 a.m. Previously the Board had enacted a resolution which modified the building permit requirements for time limitation so this will formalize it now for the building code.

PUBLIC HEARING, (cont.)

A motion to close the Public Hearing at 7:38 p.m., Adopt a Negative Declaration and Adopt a Local Law was made by Councilmember Becker and seconded by Councilmember Freach

All voted **AYE**

RESOLUTION NO. 221-17 RE: Adopt a Negative Resolution consider amending the Noise Ordinance with respect to hours of operation.

LOCAL LAW # 3-17 RE: Adopt a Local Law amending the Noise Ordinance with respect to hours of operation.

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HEARING OF CITIZENS, (AGENDA ITEMS ONLY)

Rosemary Muscolo
Verplanck

Here on behalf of her neighbor in regard to letter of request for the Lawn Mower shop on 6th and Broadway seeking a license for the parking area. It is known now that the Town owns the parking area. Ms. Muscolo read the comments from the neighbor who wants to know why it has to be dedicated for that business, why can't everyone use the street parking.

Tom Wood replied that this is part of the conditions that the Planning Board had and will be referred to the Legal Department, DOTS and DES for revue. Every business is required to have a certain amount of parking however those provisions can be lessened to allow business to function, an example being Angela's Deli.

Councilmember Farrell stated he believes it doesn't give this applicant or their customers the exclusive right to use that parking. It's still open to public parking.

It modifies the requirement for a certain amount of parking to get the permit to open their business, anybody can park there.

Supervisor Puglisi stated that tonight they are just receiving and filing the request from the Planning Board.

Councilmember Farrell said that any comments from the public will be taken into consideration.

HEARING OF CITIZENS, cont.

Stephanie Vahey
215 Broadway

Asked how many spaces are they talking about?

Tom Wood replied said it would be for two spaces.

Ms. Vahey stated that 25% of the business will be commercial business bringing in more commercial traffic. She asked about what kind of traffic will be coming into the area.

Michael Preziosi commented that there have been public hearings with a conditional approval. Tom Wood explained about what 25% might entail for the business. Supervisor Puglisi stated they can still contact the Planning Board with comments regarding the parking.

Mark Lawrence
Town of Cortlandt Employee

Spoke regarding the school buses being relocated to Roa Hook from 6th Street. Tom Wood explained the process. Mr. Lawrence listed various hazards regarding the parking of the buses for the children being transported, such as toxins, rats, wastes, etc. He was told there would be no children at that site of which he replied he was aware.

Tom Wood replied that all the businesses Mr. Lawrence listed as hazardous near this site are licensed and regulated by the DEC. There was environmental testing done when the Town took over this location. The Supervisor stated that these environmental assessments have been done, the DEC has approved.

Councilmember Freach stated again that there will be no transportation of children to this site and when asked, answered he has been there as early as this morning and has not seen any rat issue as Mr. Lawrence indicated. Tom Wood stated that the school districts require inspections by the municipality so there will be no issues with the buses.

Supervisor Puglisi again stated that the bus company is reputable and follows all the regulations of the NY State DEC.

Angelo Ferri
11 Cobblestone Lane

Spoke regarding purchasing a small Town owned parcel due to a neighbor's encroaching on his father's property. Councilmember Becker explained it would be received and filed and looked into by various departments of the Town and a decision would be made.

HEARING OF CITIZENS, cont.

**Rosemary Muscolo
Verplanck**

On behalf of herself and the Verplanck Neighborhood Coalition. Stated they appreciate the plan to move the bus company because of the increase of bus travel, noise, etc. Ms. Muscolo stated she has no doubt that Montauk Bus will continue to clean, maintain and secure their buses before taking them on the road. It is a benefit for the Town and precedes any other concerns.

Supervisor Puglisi stated that the bus company services many school districts. Many residents in Verplanck were concerned about the impact on the children and the quality of life at that location. The Town worked hard to come up with this solution and it is the best solution. The bus company will pay the difference of value to the Town of Cortlandt according to the appraisals done.

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BID REPORTS
None

REPORTS

Councilmember Freach moved that the following reports be received and ordered filed. Councilmember Farrell seconded the motion.

For the month of July, 2017 from the Office for the Aging, Purchasing Department, Receiver of Taxes and the Town Clerk.

OLD BUSINESS

Receive and File the Following:

1. Memo from the Planning Department with respect to the designation of St. Patrick's School in Verplanck as an Important Historic Place; and designate same.

RESOLUTION NO.222-17 RE: Designate St. Patrick's School in Verplanck as an Important Historic Place

2. Report from DES with respect to a Speed Hump on Millington Road.
3. Letter/Petition with respect to the proposed NY Indoor Sports, Inc. project.
4. Report from DES with respect to Furnace Brook Lake.

All voted **AYE**

Councilmember Farrell moved that the following reports be received and ordered filed. Councilmember Costello seconded the motion.

NEW BUSINESS

Receive and File the Following:

1. Letter from Judie Doyle requesting a License Agreement for Town owned property for use as parking at 126 Broadway, Verplanck; and refer to the Legal Department, DOTS, DES and the Assessor.
2. Letter from Sam Ferri requesting to purchase a small parcel of Town owned property located in the area of 13 Cobblestone Lane; and refer to the Legal Department, DOTS, DES and the Assessor.
3. Letter from the Cortlandt Ridge Homeowners Association with respect to a decorative street lamp; and a connection to a pump station; and refer to DOTS, DES, and the Legal Department.
4. Letter from Michael and Jennifer Tomao requesting a parcel be returned to the Westchester County Sewer District; and forward same to Westchester County for their consideration.

RESOLUTION NO.224-17 RE: Authorize request to Westchester County for their consideration that a parcel be returned to the Peekskill Sanitary Sewer District.

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 Costello moved that the following resolutions be adopted, seconded by Councilmember Becker

RESOLUTION NO.225-17 RE: Appoint one seasonal laborer for DES.

RESOLUTION NO.226-17 RE: Amend the Temporary Service List.

RESOLUTION NO.227-17 RE: Authorize a Leave of Absence under FMLA for three DES employees.

RESOLUTION NO.228-17 RE: Authorize an intermittent Leave of Absence under FMLA for an employee in the Assessor's office.

RESOLUTION NO.229-17 RE: Appoint Adam Decker, Mark Merchant and Michael Fleming as members of the PRC Board.

RESOLUTIONS, (cont.)

RESOLUTION NO.230-17 RE: Authorize the Director of Purchasing and the Director of Recreation to solicit RFP's for a Recreation Program Management Application with an Online Registration Component.

RESOLUTION NO.231-17 RE: Authorize the Court to apply for a grant through the Justice Court Assistance Program.

RESOLUTION NO.232-17 RE: Authorize a Contract extension with respect to snow and ice removal for 2017-2018 season.

RESOLUTION NO.233-17 RE: Authorize Design Services with respect to the Environmental Education

Authorize the following with respect to DOTS:

RESOLUTION NO.234-17 RE: Solicit RFP's for drainage improvements for the Westchester Mall Drainage District.

RESOLUTION NO.235-17 RE: Award Contract 2017.05 with respect to the Charles Cook Pool Walking and Fitness Trail Equipment.

RESOLUTION NO.236-17 RE: Amend the DOTS fee schedule

Discussion: Supervisor Puglisi stated they were delighted to appoint these 3 residents to the Advisory Board of the Parks and Recreation Department. The Supervisor also asked Michael Preziosi when the Fitness Trail will be completed to which he replied that by the time the pool opens it should be ready.

All voted **AYE**

Councilmember Becker moved that the following resolutions be adopted, seconded by Councilmember Freach

Authorize the following with respect to DES:

RESOLUTION NO.237-17 RE: Removal of sand and sediment from the Furnace Brook Lake/Pond.

RESOLUTION NO.238-17 RE: The use of spoil material (rock and soil) on Town owned property.

RESOLUTION NO.239-17 RE: Purchase of materials to support an Eagle Scout project.

RESOLUTIONS, (cont.)

RESOLUTION NO.240-17 RE: Authorize the renewal of the Affordable Care Act Compliance Tracking and Reporting with Corporate Plan, Inc.

RESOLUTION NO.241-17 RE: Authorize the renewal of the Town's General Liability Insurance.

RESOLUTION NO.242-17 RE: Authorize and Agreement with Capital Markets Advisors, LLC with respect to bond issues.

RESOLUTION NO.243-17 RE: Authorize an Agreement with residents of Glen Lane with respect to sanitation and highway services.

RESOLUTION NO.244-17 RE: Resolution subject to Permissive Referendum authorizing the exchange of property owned by the Town on Roa Hook Road for 306 6th Street in Verplanck with the difference in value paid to the Town over 5 years with interest

RESOLUTION NO.245-17 RE: Adopt a Negative Declaration.

RESOLUTION NO.246-17 RE: Authorize a refund of \$3,063.67 to Lake Mohegan Water Taxes levied on their buildings.

RESOLUTION NO.247-17 RE: Authorize a Tax Certiorari settlement with respect to Ella LLC.

RESOLUTION NO.248-17 RE: Authorize the preparation of a Letter of Intent for recreational facilities at the Quarry site and Intent to Declare lead Agency.

RESOLUTION NO.249-17 RE: Authorize to seek proposals to retain an Economic Development consultant to assist the Town with more commercial/industrial growth to help offset the loss of Indian Point revenue.

RESOLUTION NO.250-17 RE: Authorize a Fireworks Permit with respect to Our Lady of Mt. Carmel Society Fall Festival sponsored with the Town to be held October 6,7,8,9, 2017.

RESOLUTION NO.251-17 RE: Accept a Performance Bond in the amount of \$2,570,950.00 with respect to the Cortlandt Crossing West Sewer District in accordance with Planning Board Resolution approval.

RESOLUTION NO.252-17 RE: Schedule a Public Hearing for October 17, 2017 to consider the renewal of the Verizon Franchise Agreement.

RESOLUTIONS, (cont.)

RESOLUTION NO.253-17 RE: Schedule a Public Hearing for November 14, 2017 to consider a Local Law to regulate garbage dumpsters on commercial properties.

Discussion: Patty Robke stated they looked at companies regarding liability insurance to be sure that they are getting the right rates and they are pleased that it is not going up much at all. There were new vehicles bringing the cost up a little but not much. They also have the affordable care act compliance. **Supervisor Puglisi** thanked her for her work.

All voted **AYE**

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ADDITIONS TO THE AGENDA

Councilmember Freach moved that the following resolution be adopted.
Councilmember Farrell seconded the motion.

RESOLUTION NO.223-17 RE: Authorize the 2018 annual Contract with the SPCA.

All voted **AYE**

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BUDGET TRANSFERS

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REPORTS FROM VARIOUS DEPARTMENTS

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REPORTS FROM STANDING & SPECIAL COMMITTEES

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SECOND HEARING OF CITIZENS

Bernard Vahey
Verplanck

Asked where the conceptual plans were for the 99 acres at the Quarry. Supervisor Puglisi explained that the Town bought the property from Con Edison for good use for the community. Michael Preziosi added that this is a multi step process for design concepts to convert for recreational use. Many proposals were received and are being reviewed and fine tuned. Tom Wood stated that they will send notices to different agencies to explore which agencies will have a say in the proposals to ferret out who the Town has to deal with. There also is one proposal the Town is interested in, so a

HEARING OF CITIZENS, cont.

letter of intent is not final but will be fully vetted. This should come together in a few months about the different concepts. **Supervisor Puglisi** stated that this is the first step and not online as it is not finalized.

Mr. Vahey stated that everyone can benefit from this property. Councilmember Farrell also added that a concern was the Quarry, an “attractive nuisance” and much would be spent trying to keep people out of it. Thoughts of using it for scuba diving monitored by the police was one thought and then the idea of a water park came about. More exploration needs to be done as yet. The potential is very positive.

Councilmember Freach commented that the idea was for revenue generation for the taxpayers, to preserve access to the Quarry and to maintain security at the site. Those three items are central for the project. The other concern is traffic and access and the details of that are being looked at thoroughly.

Supervisor Puglisi added that this is a seasonal operation and is tax revenue to the Town. Parking is being discussed with perhaps a shuttle arrangement so not as much parking on the site itself. Fire departments and police departments will have free scuba diving training. There will be public information meetings to view the plans and there will be more answers in the coming months.

Mr. Vahey stated it is good to hear that the Town is moving forward. He also stated he is happy with the sidewalk project and its contractor in Verplanck. Mr. Vahey added that St. Patrick’s has its 175th anniversary next October.

John DeBenedictus

Discussed Entergy’s closure and that we have to remember that it is a business decision. He stated that we shouldn’t “hate” Entergy.

Councilmember Becker responded that it’s not a matter of labeling Entergy a good or bad corporation, but there is such a thing as corporate responsibility. It was a business decision and that is understood, but there is corporate responsibility not to just go away. They are turning it over to a decommissioning company and leaving. Councilmember Becker added that the Town was their host and it burdened the community and they can’t just abandon the Town.

Mr. DeBenedictus stated that if it hadn’t been for the State, this wouldn’t have occurred. He referred to General Motors to which Councilmember Becker said it was a different thing in that when General Motors left, the property could be redeveloped. Here, Entergy is not totally leaving as they are leaving their spent nuclear rods and the

property can’t be developed for a generation or two. It’s very different than Tarrytown who can get a tax base with development of the General Motors site.

HEARING OF CITIZENS, cont.

Supervisor Puglisi further explained the history of Entergy's Pilot agreements and it's payments to the Town. There was no reason to believe that Entergy would be leaving during this program. The **Supervisor** also said they were in the process of having renewal of their license to operate with the NRC for the last 7-8 years. They had entered into a Pilot agreement to continue to operate. **Supervisor Puglisi** added that the property of General Motors just recently began to be developed after 20 years.

Mr. DeBenedictus commented that the State gave Entergy a deal they couldn't refuse and they took it.

Tom Wood, Town Attorney, replied that the purpose of the State and the Local Task Forces is to bring together the municipalities, Entergy and the State to attempt to resolve it. There is money that Entergy has that can be used to compensate the communities.

The **Supervisor** commented that Entergy was remiss in not letting the Town know that they were going to close. It was learned from the newspapers. The **Supervisor** said they are not saying they are bad business people, they are saying that they were remiss in not working with the community after all these decades. The Town has to go forward with their task force of many to come up with ideas and to hire an economic consultant to bring in new revenue to offset this issue.

Mr. DeBenedictus stated that the schools are not doing enough to which Councilmember Freach reminded him that it is a separately elected school board that they can't control. The **Supervisor** stated that they are speaking with the school board constantly to discuss solutions.

Marc Lawrence
Town of Cortlandt

Discussed accountability and waste in the Town, specifically the leakage at the Town Pool. Mr. Lawrence spoke of the water being wasted and he asked who is being held accountable for the loss over the years of the water. He also asked about a husband of an employee was hired to fix the problem recently and was paid a lot of money but the pool is still leaking.

Supervisor Puglisi responded that the Town pool was built over 40 years ago in wetlands before the Town had wetland laws. There has been leakage to some degree over the years and many repairs have been made. The amount of leakage is now minimal. The **Supervisor** also stated that she sits on the Executive Committee of the Northern Westchester Joint Waterworks and they go over at length water usage and leakage. All the data is available and they hired a leak detection company to work with DES which has detected leaks throughout the Town. The Town has had less leakage than other municipalities based on the leak detection the Town has used. She stated they take the water issue very seriously and have built new water tanks for storage.

HEARING OF CITIZENS, cont.

Supervisor asked Mr. Lawrence if he has ever raised these questions during the years he has worked at the Town. He replied that with the bus issue he decided to ask these questions also. He asked again about the potential conflict of interest of the hiring of the husband of an employee. **Supervisor Puglisi** replied that it was done through a bid. Councilmember Farrell asked Mr. Lawrence not to disparage a company or an employee because he doesn't understand the bidding process.

Tom Wood spoke of all the work that had been done in previous years under different Town Supervisors and many expensive repairs were done with the pool and under **Supervisor Puglisi** more work needed to be done. It is a 40 year old pool and despite all efforts there will be leakage. It is the cost of having a pool. Tom Wood suggested this discussion be done at a labor management meeting and that there are limits to discussions being an employee.

Mr. Lawrence asked about the water being treated with chlorine and then the water leaking out. He asked where that water is going. **Supervisor Puglisi** replied that the

Westchester County Health Department oversees the operations. Councilmember Becker added that chlorine is a gas and is photosensitive and gets broken down so it is not harmful. The **Supervisor** stated that Mr. Lawrence has never come into the office to discuss any of these issues during his time of employment with the Town. He has never been asked these questions before and she feels that she has the best information to answer these questions. Mr. Lawrence replied that he did call but was told the **Supervisor** was booked and to try back in a few weeks.

ADJOURNMENT

The meeting was adjourned in memory of **Michael R. O'Hanlon**, a Cortlandt resident and a firefighter in NYC who passed away from an illness he contracted while helping at Ground Zero at 9:00 p.m. on a motion by Councilmember Costello, seconded by Councilmember Becker.

All voted **AYE**

Respectfully submitted,

JO-ANN DYCKMAN
Town Clerk

September 19, 2017

Town Board Meeting