

December 11, 2018

Town Board Meeting

A full audio/video recording of this meeting is available at www.townofcortlandt.com

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on December 11, 2018 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 officials and appointed staff in attendance:

LINDA D. PUGLISI	Supervisor
FRANCIS X. FARRELL	Councilmember
DEBRA COSTELLO	Councilmember
RICHARD BECKER	Councilmember
JAMES CREIGHTON	Councilmember

Also present:

TOM WOOD	Town Attorney
MICHAEL CUNNINGHAM	Assistant Town Attorney
LAROUÉ ROSE SHATZKIN	Town Clerk
CHRISTINE COTHREN	Deputy Town Clerk
PATRICIA ROBCKE	Comptroller
MICHAEL PREZIOSI	Director, DOTS
CLAUDIA VAHEY	Human Resources Coordinator
JEFFREY COLEMAN	Director, DES

MEETING CALLED TO ORDER

Supervisor Puglisi called the meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

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

SUPERVISOR'S PROCLAMATIONS & REPORTS

Supervisor Puglisi gave her report.

OF NOTE:

- The Supervisor thanked Town Comptroller, Patty Robcke, Town Board, Department Heads and Town employees for their efforts in passing of the 2019 Town Budget and keeping the Town in an excellent financial state. The public hearing can be viewed on the Town's website.
- Attended the Pearl Harbor ceremony in Buchanan honoring the 77th anniversary of Pearl Harbor.
- Many festive holiday events were celebrated by many. The Supervisor thanked all the volunteers and sponsors.

- Supervisor Puglisi noted that many of the Town's billboards are down after having had a 10 year notice of removal. She thanked the companies for their compliance in this matter.
- The Supervisor explained the terms of the acquiring of the Martin property in Verplanck and that the tenants could remain up to 10 years after the death of Mr. Martin. That time has gone by and all the trailers are now off this Town owned property. Ideas are being discussed regarding the use of that property.
- A tree lighting ceremony was held at Mongero Park.
- Grand re-opening will take place of the newly renovated CUE at the Cortlandt Town Center for the use of the teenagers in the Town of Cortlandt.
- Supervisor Puglisi wished everyone Happy Holidays.

ROLL CALL

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

TOWN BOARD REPORTS

Councilmember Farrell gave his report

OF NOTE:

- Wished everyone a joyous holiday season and a very happy and healthy New Year.

Councilmember Creighton gave his report

OF NOTE:

- Attended many events in the Town.
- Tonight they will be closing out the public hearing on Solar energy systems ordinance and ending the short moratorium. Councilmember Creighton stated they are pleased to be the first community in the State to have the Solar program and had 75 residential solar installations in the first program and the second resulted in 41 residential signups. There has also been one commercial organization that provided people the opportunity to join a community solar program and are expecting more.
- The new solar ordinance builds on all the successes of the solarize programs and seeks to protect our neighborhoods. There is a process to go by where they either go to the Planning Board or before the Town Board. It also provides clear direction to developers that Cortlandt will be seeking revenue from commercial installers through pilot programs. Residents who put solar on their roofs not to have taxes on them and hoping there is a good balance between encouraging solar but also

- protecting the community both economically, to protect our neighborhoods and bring jobs.

Councilmember Becker gave his report

OF NOTE:

- Three successful projects are being celebrated that took a minimum of 10 years each: removal of the billboards, acquiring the Martin property, and the purchase of the Abby Rose Development for preserved green space so there will be no development of homes. Councilmember Becker explained these projects and the patience of the Town to get to the final results.

Councilmember Costello gave her report

OF NOTE:

- Councilmember Costello congratulated Town employees John Ritornato and Ken Celli on their promotions.
- Welcomed Sean McKim from Troop 165 at Walter Panas High School and who is working to get his citizen badge to become an Eagle Scout.
- Wished everyone a Happy Holiday and urged residents not to drink and drive.

APPROVAL OF THE MINUTES

Councilmember Costello moved to approve the Minutes for the November 5, 2018 Special Meeting and for the November 13, 2018 Regular Meeting, seconded by Councilmember Becker

All voted **AYE**

PUBLIC HEARINGS

1. RE: Public Hearing to consider adopting a Law to Regulate Solar Energy Systems in the Town of Cortlandt.

(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 7:34 p.m.

Supervisor Puglisi asked Tom Wood, Town Attorney, if there was anything he would like to add. Tom Wood stated that Councilmember Creighton summarized it thoroughly and the **Supervisor** opened the floor up to comments.

Elizabeth Peterson
5 Hilltop Drive

Thanked the Board for the decisions regarding Abee Rose. Ms. Peterson asked about the taxes regarding the solar panel. Councilmember Creighton answered that the solar panels that were installed, while they are an improvement to her residence, there was no change in your tax assessment to reflect that improvement, mostly because of NY State tax laws allowed for communities to exempt those improvements to encourage solar improvements. He explained that the flip side of that is that, commercial entities will try to take advantage of the exemption and put out a big huge solar farm and also want to be exempt. The Town has made it known to commercial entities when they come in that before you go through the process they will be negotiating to do a payment in lieu of taxes. The way that tax exemption is a 15 year exemption based on the state laws.

Ms. Peterson asked if she would be taxed after 15 years and Councilmember Creighton answered yes. She questioned why this should be if the residents are doing the “green” thing and that it seems counterintuitive and counter productive to encourage residents to put solar panels on their houses.

Tom Wood remarked that it is a state exemption that’s authorized and he believes that the legislature will probably take it up before the end of 15 years. Either extend it or make it a permanent exemption and the Supervisor added that they will contact the elected officials also.

Councilmember Creighton also stated that he believes the 15 year number was picked because the improvement you put on your roof begins to depreciate once it’s put there, the same as putting a new roof up depreciates and you have to put a new roof on after 20 years. So the thought might be the 15 year exemption, while it might be over, the value of that system might not be much, if anything.

Ms. Peterson was told there is no difference if you own or lease the panels. She commented that solar power is only benefiting everyone, the environment, people, the earth and the future and that she is curious why it’s taxed at all given that it really benefits everyone.

Tom Wood answered that the law itself enables the Town to authorize solar farms which are the commercial enterprises. They sell the power into the grid and to customers, so if they were to be established as a not for profit, then they would be tax exempt and wouldn’t pay taxes. But as long as they are for profit entity, then the law allows the Town to tax them and to prevent any question

about whether it's personal property or a fixture attached to the property, the law allows the Town to enter into an agreement with them that fixes the amount of the tax based on the output of the farm

PUBLIC HEARING, (cont.)

A motion was made to close the Public Hearing, adopt a negative declaration and adopt resolution regarding Local Law by Councilmember Becker, seconded by Councilmember Creighton

All voted **AYE**

RESOLUTION NO.293-18 RE: Adopt a Negative Resolution with respect to adopting a Law to regulate Solar Energy Systems.

RESOLUTION NO.294-18 RE: Resolution regarding adopting a Local Law

Local Law #8-18: Regulation of Solar Energy Systems Within the Town of Cortlandt

BID REPORTS

HEARING OF CITIZENS – AGENDA ITEMS ONLY

Councilmember Creighton moved that the following Reports be received and ordered filed. Councilmember Farrell seconded the motion.

REPORTS

Receive and File the following:

For the month of September from the Recreation Department.

For the month of October from the Purchasing Department.

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

OLD BUSINESS:

Receive and File the following:

1. Letter from the Director of DES to the Regional Director of the NYSDOT regarding improvements to the intersection of Albany Post Road/Watch
2. Hill Road and to ensure the State's commitment to resurfacing the entire Albany Post Road in Cortlandt.

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3. Quarterly Report from Westchester County with respect to the Sprout Brook Ashpit.
4. Receive and file Architect's Report for 270 Furnace Dock Road.

NEW BUSINESS

Receive and File the following:

1. Report from the Director of DES regarding the intersection of Gallows Hill Road and Kingston Avenue.

Discussion: Supervisor Puglisi commented that all of these reports are available to the public, Councilmember Farrell discussed the terrible condition Route 9A with the installation by Con Ed of the gas line and his hope of having Con Ed make improvements to 9A to make a better traffic flow. NY State DOT has a TIC program where they analyze roads to decide what to be improved. NY DOT was contacted with suggestions to improve this section of 9A prior to resurfacing.

All Voted **AYE**

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 Costello

RESOLUTION NO.295A-18 RE: Authorize acquisition of remaining parcel of Abee Rose property off Maple Ave/Furnace Dock Road. (Resolution A & B)

RESOLUTION NO.295B-18 RE: Authorize the Acquisition of 26 Acres as Open Space.

RESOLUTION NO.296-18 RE: Authorize Purchasing Director to seek RFP's for expanded security services.

RESOLUTION NO.297-18 RE: Authorize purchase of additional security cameras for the Community Center.

RESOLUTION NO.298-18 RE: Authorization to seek applicants for a Town of Cortlandt Economic Development Coordinator.

Items from Director of DES:

RESOLUTION NO.299-18 RE: Authorize the replacement of three skylights at Town Hall.

Items from Director of DOTS:

RESOLUTION NO.300-18 RE: Authorize DOTS to prepare bid documents for improvements to the Town Hall Fire Protection System and bid the same.

Removed: Authorize redesign of pool bathhouse/snack bar and consider alternatives.

RESOLUTION NO.301-18 RE: Authorize renewal of Excess Workers' Compensation.

RESOLUTION NO.302-18 RE: Designate the Records Access Officer for 2019

Discussion: Supervisor Puglisi commented on the meetings posted on the website regarding the pending closure of Indian Point. She noted that the 2 major concerns are the loss of revenue to the school district and the Town. They will be hiring an Economic Development Coordinator for the Town of Cortlandt to assist in bringing in revenue.

All voted **AYE**

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

RESOLUTION NO.303-18 RE: Adopt the Town of Cortlandt Capital Improvement Program 2018-2022

RESOLUTION NO.304-18 RE: Authorize Amending the 2018 Budget and close Capital Projects.

RESOLUTION NO.305-18 RE: Appoint Three (3) Seasonal Laborers

RESOLUTION NO.306-18 RE: Appoint Two (2) MEO's

RESOLUTION NO.307-18 RE: Appoint Part-Time Parking Enforcement Officer for a three-month period.

RESOLUTION NO.308-18 RE: Grant Two (2) Leaves of Absence.

RESOLUTIONS, (cont.)

RESOLUTION NO.309-18 RE: Schedule a Public Hearing for January 15, 2019 to consider Agreements with various Fire Departments with respect to fire protection Services (Continental Village Fire Department, Montrose Fire Department and the Village of Croton)

RESOLUTION NO.310-18 RE:Schedule a Public Hearing for February 12, 2019 to consider 270 Furnace Dock Road a Dangerous Building.

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Discussion: **Supervisor Puglisi** commented on the CAP (Capital Improvement Plan) so that she, the staff and the Comptroller can develop a 5 year plan for the Town Board to adopt. Anything over the amount of \$50,000 constitutes a Capital Project. Comptroller Patty Robcke discussed authorization to transfer monies between budget line items if they are to go over budget for closing out the books for 2018.

All voted **AYE**

The **Supervisor** introduced the new employees

ADDITIONS TO THE AGENDA

Councilmember Becker moved that the following Resolutions be adopted.
Councilmember Creighton seconded the motion.

RESOLUTIONS

RESOLUTION NO.311-18 RE: Authorize an Agreement with Westchester Jewish Community Services.

RESOLUTION NO.312-18 RE: Authorize the Repair of Storm Drain at Aida Lane and Pondview Court.

RESOLUTION NO.313-18 RE: Authorize the Town to enter into a Settlement with Janine Chenard.

RESOLUTION NO.314-18 RE: Authorize a Leave of Absence for a DOTS Employee

RESOLUTION NO.315-18 RE: Amend Town Board Resolution Number 374-18 with respect to a Leave of Absence.

Discussion: Supervisor Puglisi thanked the Westchester Jewish Community Services for being part of the Town government.

All voted **AYE**

BUDGET TRANSFERS

REPORTS FROM VARIOUS DEPARTMENTS

REPORTS FROM STANDING & SPECIAL COMMITTEES

SECOND HEARING OF CITIZENS

Donald Liebman
4 Dickerson Road

Chairman of the Town’s Board of Assessment Review and is here to put in a good word for the Board of Assessment Review. He commented they are a dedicated group who works hard to be fair. Mr. Liebman also commented that there is a lot of positive feedback for Abee Rose project from the community and that Tom Wood is a “very steady hand on the wheel”. **Supervisor Puglisi** also complemented Tom on his work with the Town.

Elizabeth Peterson
5 Hilltop Drive

Commented on the house scheduled for the dangerous building hearing that this location would be perfect for animal rescue. Ms. Peterson asked if this property would ever be used for a community commercial purpose. Supervisor Puglisi responded that it is not on the historic list though it dates back. Unfortunately it is in disrepair and they are trying to get the owner to do something with it. Councilmember Becker added that he has been working closely with the owner and they are optimistic that it will be redeveloped in the future.

The meeting was adjourned at 8:05 p.m. on a motion by Councilmember Farrell, seconded by Councilmember Costello.

All voted **AYE**

Respectfully submitted,

Laroue Rose Shatzkin
Town Clerk

NEXT TOWN BOARD MEETING

December 11, 2018

Town Board Meeting

January 15, 2018 at 7:00 pm

Town Hall website address: www.townofcortlandt.com