

DRAFT

RESOLUTION

NUMBER _____

**(RE: AUTHORIZATION TO PERMIT PARKING ALONG THE WEST SIDE OF
QUAKER BRIDGE ROAD ON SEPTEMBER 28, 2019)**

WHEREAS, the Friends of Old Croton Aqueduct, Inc. plan to remove invasive species and plant native ones on the Old Croton Aqueduct on September 28, 2019; and

WHEREAS, the Friends of Old Croton Aqueduct, Inc. have requested that parking be permitted between 99 and 124 Quaker Bridge Road on the west side of the street during daylight hours on September 28, 2019; and

WHEREAS, the Department of Environmental Services has evaluated the request and recommends that the request be granted; and

NOW, THEREFORE, BE IT RESOLVED, that parking shall be permitted along the West Side of Quaker Bridge Road between 99 and 125 Quaker Bridge Road between the hours of 7:00 AM and 7:00 PM on September 28, 2019.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
Town Clerk**

**Adopted on August 13, 2019
at a Regular Meeting held
at the Town Hall**

Regulation of Transient (Short-Term) and Non-Transient (Long-Term) Uses Within the Town of Cortlandt

SECTION 1 - Definitions.

The terms used in this chapter are hereby defined as follows:

ANNUAL QUARTER

The standard calendar quarters that make up the year are as follows:

January, February, and March (Q1)

April, May, and June (Q2)

July, August, and September (Q3)

October, November, and December (Q4)

BUSINESS OF CONDUCTING HOTELS

The renting, leasing, maintaining, keeping, operating, conducting or providing of overnight or temporary sleeping or housing accommodations for a consideration, to tourists, transients, non-transients or travelers, collectively "guests," in a single building or structure comprising at least three floors devoted exclusively to said business, commonly known as "hotels."

BUSINESS OF CONDUCTING MOTELS

The renting, leasing, maintaining, keeping, operating, conducting or providing of overnight or temporary sleeping or housing accommodations for a consideration, to tourists, transients or travelers, collectively "guests," in any building or structure or group of buildings or structures comprising less than three floors devoted exclusively to said business, commonly known as "motels," "tourist lodges," "tourist cabins," "motor lodges," "motor courts," "tourist courts" or "tourist camps," whether meals are served therein or not.

HOTEL

A building or part of a building, comprised of at least three floors, containing no less than 30 or more guest rooms or suites ("guest units") offering transient or non-transient temporary residence for compensation.

MORAL TURPITUDE

For purposes of this section, the normative definition of "moral turpitude" shall also include any sex offense, prostitution offense or sex trafficking offense defined under New York State Penal Law.

MOTEL

A building or part of a building, comprised of less than three floors, containing three or more guest rooms or suites ("guest units") offering temporary residence for compensation, only for transient guests. This includes the "adult motels" as defined elsewhere in the Cortlandt Town Code.

NON-TRANSIENT (Long-Term)

Occupancy of a unit or property by a guest or renter for periods in excess of 30 consecutive days within a calendar year.

OWNER

Any person who owns more than a de minimis share of a dwelling's equitable, or legal, title; Or any person who has been given an ownership interest in a dwelling and is able to fully act and alter a property as someone who owns a dwelling's equitable or legal title would.

OWNER OCCUPIED DWELLING

A dwelling occupied by its owner or by its owner or by members of his or her family on a non-rental basis.

TRANSIENT (Short-Term)

Occupancy of a unit or property by a guest for not more than 30 days within any annual year.

SECTION 2 - Operating permits required and conditions for continued use.

(A) All transient / short-term rentals, not permitted or excepted by this section, are strictly prohibited. Amongst other things, this prohibition applies to any dwelling with 3 or more rental units and any owner occupied dwelling not excepted by this section.

(B) Applicants seeking to obtain any operating permit must comply with all applicable laws, ordinances codes and regulations, including obtaining relevant permits from other authorities having jurisdiction, including but not limited to the New York State / Westchester County Department of Health.

(C) The following requirements for any building or structure erected, operated and/or used as a hotel or motel are mandatory and are not subject to local variance.

(1) Both Hotels & Motels

(a) No person shall engage in the business of conducting hotels or motels without first having applied for and obtained from the Town of Cortlandt an operating permit.

(i) No operating permit shall be issued to any person who has been convicted of a crime involving moral turpitude.

(ii) No operating permit shall be issued to any entity where 5% or more of any of its shares, equity or any right to remuneration is owned by a person who has been convicted of a crime involving moral turpitude.

(iii) No operating permit shall be issued to any person or entity having a director or officer who has been convicted of a crime involving moral turpitude.

(b) Hotels and motels may include a manager's unit and incidental amenities and services customarily provided by hotels and motels to managers provided it meets the requirements of a dwelling unit.

(c) All hotel and motels managers and front desk persons must be designated as a person upon whom process may be served. A manager or a front desk person must be on premises at all times.

(2) Hotels

- (a) Transient / short-term rentals are permitted in Hotels;
- (b) Non-transient / long term stays are permitted in hotels provided that the occupancy of a hotel unit by a guest does not exceed 90 days within any two Annual Quarters;
- (c) Hotel applicants shall relate to a building, or part of a building, comprised of at least three floors, containing no less than 30 or more guest units.
- (d) Each hotel sleeping room or unit shall have full bathroom facilities, including toilet, basin, tub and/or shower.
- (e) Hotels may have non-transient / long term guests for a period in excess of 90 consecutive days if they fall into one of these defined exceptions:
 - (i) Corporate Guest: A guest registered at a hotel via a corporate account for business-related stay or a long term project;
 - (ii) Humanitarian Guest: A guest registered at a hotel who has a permanent residence other than the hotel but requires occupancy away from his/her permanent residence due to a state or city evacuation or residential disaster caused by fire, flood, infestation or other similar disaster, but in no event shall such stay exceed 180 days; or
 - (iii) Circumstance-Driven Guest: A guest registered at a hotel who has a permanent residence other than the hotel but requires occupancy away from his/her permanent resident due to home reconstruction or renovations, marital separation or divorce, medical treatment or other similar circumstances, but in no event shall such stay exceed 180 days.
- (f) Non-transient / long term guests, upon registering at a hotel, must provide the hotel with registration information, including but not limited to (a) the type of non-transient guest category (corporate, humanitarian, circumstance-driven), (b) a primary residence address that is not the hotel's address, and (c) the ages and school enrollment of any minors/children. If any school-age children of non-transient guests are attending school during the duration of their time as a guest in the hotel, school enrollment shall be based on the guests' primary residence address, not the address of the hotel.

(3) Motels

- (a) Transient / short-term rentals are permitted in Motels;
- (b) Non-transient / long term stays are prohibited in Motels;
- (c) Motel applicants shall relate to a building, or part of a building, comprised of no more than three floors and shall have three or more guest units.
- (d) Each motel sleeping room or unit shall have full bathroom facilities, including toilet, basin, tub and/or shower.
- (e) No kitchen or cooking facilities and no cooking may be provided or permitted in any motel room or unit.

(f) A motel may contain no less than three rental units, arranged in one or more buildings of less than three floors in any such building(s).

(D) Single and two family owner occupied properties may only engage in non-transient / long term rentals and do not require a permit under this section.

(E) Landlords of single and two family properties, having 3 or fewer rental units, may only engage in non-transient / long term rentals and do not require a permit under this section.

(F) Dwellings with three or more rental units may only engage in non-transient / long term rentals and do not require a permit under this section.

(G) Bed and Breakfasts who have received a special permit and are otherwise in compliance with the Cortlandt Town Code, the Zoning Ordinance of the Town of Cortlandt and the Table of Permitted Uses, are exempt from complying with this law.

(H) Hospitals, nursing homes / assisted living facilities, universities, colleges, seminaries, rectories, state sponsored group homes that are otherwise in compliance with the Cortlandt Town Code (or when applicable / superseding New York State Code), its Zoning Ordinance of the Town of Cortlandt and its Table of Permitted Uses, are exempt from complying with this Chapter.

SECTION 3 - Application.

Each applicant for an operating permit shall make a written application on forms prescribed and supplied by the Department of Code Enforcement, setting forth:

(A) The full name, residence and post office address of the applicant.

(B) The exact location of the proposed permitted premises, giving the street address, section, block and lot numbers as shown on the current Tax Assessment Map of the Town, and the exact dimensions of the lands upon which the business is to be conducted.

(C) A description of the buildings, structures and accommodations upon said lands, including a statement of the number of guest units and the maximum number of persons who can be accommodated at any given time; a description of the character of said buildings or structures as to size and type of construction; and a description of automobile parking space and facilities.

(D) The name and address of each and every person having an ownership interest in the lands structures.

(E) The name or names of the person or persons on the permitted premises upon whom process may be served, including all managers or front desk persons.

(F) A detailed description of the register or system used for the registration of persons to whom accommodations are extended.

(G) Whether any person constituting the individual or partnership applicant or whether the corporate applicant or any equity-holder holding 5% or more of the equity thereof or any director or officer thereof has ever been convicted of a crime, and, if so, the details thereof, including, with respect to each conviction, the name of the person convicted, the date thereof, the nature of the crime, the court in which the conviction was entered and the punishment imposed.

(H) In the case of legal entities (non-real live persons) the names and residences of all stock or equity-holders holding 5% or more of the stock or equity of the entity, the names and residences of all officers of the entity and the office held by each. In the case of a trust, the names and addresses of all those with interests in the trust must be listed. The names and addresses of the executor, trustor and settlor shall also be listed.

SECTION 4 - Approval of application; inspections.

The Department of Technical Services, Code Enforcement Division shall review such application and shall inspect the premises to determine whether or not the premises comply with ordinances, laws, codes and regulations. If the premises do not so comply, said officers shall attach to said application a written list of recommendations and shall return the same to the applicant. If the premises do so comply, said officers shall attach thereto certificates of approval and the Town Clerk shall issue a permit to operate the hotel or motel to the applicant.

SECTION 5 - Fees.

(A) A fee for said operating permit shall be paid annually to the Town Clerk in an amount as set forth by the Town Board as same may be amended from time to time.

(B) Said operating permit fee is hereby declared to be for the purpose of defraying the cost of administering the laws or regulations pertaining to the operation of hotels and motels.

SECTION 6 - Operating permit term; transfers; changes in application information; required notifications.

(A) Any operating permit under the provisions of this chapter shall be for a term of one year commencing on the date that the operating permit is issued.

(B) Each operating permit shall be valid only to the applicant to whom it is issued. All operating permits shall be displayed at a prominent place on the premises.

(C) Any change in any of the information set forth in the application during the term of the operating permit shall forthwith be communicated by the permitted entity, in writing, to the Town of Cortlandt Code Enforcement Division.

(D) Any known crime of moral turpitude or known felony offense under New York State Penal Law, occurring on premise, shall be communicated by the permitted entity, in writing, to the Town of Cortlandt Code Enforcement Division.

(E) Upon transference of the property to a new owner, or upon the sale of a substantial interest, or upon the change of a controlling interest, a new updated operating permit will be required within 30-days of any event.

SECTION 7 - Register of occupants.

(A) Each permitted entity shall at all times cause to be maintained on the permitted premises a physical and electronic register. Said register shall be preserved for ten years upon the permitted premises.

(B) The permitted person or entity shall cause to be entered into the register the number or name of the guest unit assigned to each registrant, the date and hour of registration, a brief description or

designation of the identification displayed to the permitted person, entity or their authorized agent by the registrant pursuant to Subsection(b) hereof, the signature of the person taking or accepting the registration and the date when the occupant or occupants of each guest unit quit and surrender the same.

(C) Records of the make, model, and license plate number of all cars parked at the hotel or motel shall be kept as part of the register.

(D) Said register shall be kept and preserved by the permitted person or entity and shall be available on request at any hour of the day or night to any police officer or any other duly authorized agent of the governing body of the Town of Cortlandt.

SECTION 8 - Inspection by the Code Enforcement Division.

(A) It shall be the duty of the Director of Code Enforcement of the Town of Cortlandt to inspect (or have inspected) the premises from time to time, at any hour of the day or night, to determine that the provisions of this chapter are being complied with.

(B) At a minimum, the Director of Code Enforcement of the Town of Cortlandt shall inspect (or have inspected) the premises at least once per annual quarter.

SECTION 9 - Employment of certain persons.

No permitted person or entity shall employ in, on or about the permitted premises any person convicted of a crime involving moral turpitude within a period of five years from the date of conviction.

SECTION 10 - Suspension or revocation of operating permit; hearing.

Any permit issued under this chapter may be suspended or revoked for any violation of this chapter. After due notice of the charges presented by the Department of Code Enforcement and a hearing by the Cortlandt Zoning Board of Appeals at which hearing the interested persons shall be afforded a public hearing. Any denial of a permit application, or adverse determination by the Department of Code Enforcement, arising under this chapter, may likewise be appealed to the Zoning Board of Appeals.

SECTION 11 - Penalties for offenses.

Any person, corporation, limited liability company, or partnership, whether as owner, lessee or its agent or employee, who violates or is accessory to the violation of any provision of this chapter or any regulation made under the authority conferred by this chapter shall, upon conviction thereof, be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in Chapters 149 and 307 of the Town Code.

Each day during which any violation of the provisions of this chapter continues shall constitute a separate offense, punishable as provided in this chapter.

Depending on the prevalence of multiple violations, the Director of Code Enforcement may deem each and every effected hotel or motel unit as constituting a separate and distinct violation.

DRAFT

BOND RESOLUTION DATED AUGUST 13, 2019.

A RESOLUTION AUTHORIZING THE RECONSTRUCTION AND RESURFACING OF ROADS IN AND FOR THE TOWN OF CORTLANDT, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$2,500,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$2,500,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Cortlandt, Westchester County, New York, as follows:

Section 1. The reconstruction and resurfacing of roads, including sidewalks, curbs, gutters, drainage, landscaping and other incidental improvements in and for the Town of Cortlandt, Westchester County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$2,500,000.

Section 2. It is hereby determined that the plan for the financing thereof is by the issuance of the \$2,500,000 of bonds of the Town hereby authorized to be issued therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Cortlandt, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

DRAFT

RESOLUTION

NUMBER _____

(RE: AUTHORIZE FIREWORKS PERMIT TO GARDEN STATE FIREWORKS, INC. WITH RESPECT TO FAMILY FUN DAY)

WHEREAS, pursuant to Chapter 35 of the Town Code, and pursuant to Section 405.00 of the Penal Law of the State of New York, Garden State Fireworks, Inc., on behalf of The Town of Cortlandt, submitted to the Department of Technical Services - Code Enforcement Division an application for a permit to fireworks in preparation for a fireworks display on September 7, 2018, (Alternate Rain Date of September 8, 2018):

WHEREAS, upon careful review by the Town of Cortlandt Fire Inspector, said fireworks application will be approved:

WHEREAS, said application upon careful review and endorsement by the Chief of the Local Fire District, The Town of Cortlandt Fire Inspector, and the Town Supervisor will be approved; and

WHEREAS, in accordance with Section XIII, Paragraph D of the Town Code, authorization for the loading of said fireworks is conditioned upon the licensee's submission to the Town Clerk of the Town of Cortlandt a Certificate of Insurance in the sum of Five Million Dollars naming thereon the Town as additionally insured; which certificate has been approved as to form by the Town Attorney; and

WHEREAS, the Town Board has agreed to waive the fee of \$250.00 for a fireworks display application,

NOW, THEREFORE, BE IT RESOLVED, that on the condition that Garden State Fireworks, Inc. application is approved and that they operate only on property for which they have written permission, that the Town Board of the Town of Cortlandt does hereby conditionally **GRANT** a Non-Transferable Permit to **Display** Fireworks on September 7, 2018 alternate date of September 8, 2018, from property owned by the Town of Cortlandt; and

BE IT FURTHER RESOLVED, that said permit shall require the Fire Inspector of the Town of Cortlandt Code Enforcement Department to be present when the fireworks are loaded; and

BE IT FURTHER RESOLVED, that the Supervisor be, and hereby is, authorized to execute said permit on behalf of the Town Board.

BE IT FURTHER RESOLVED, that said Permit will be granted and issued only upon the completion of all and any required conditions for said Permit by the applicant to the satisfaction of the Town of Cortlandt.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 13, 2019
At a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(RE: AUTHORIZE A LICENSE AGREEMENT FOR THE USE OF TOWN OWNED PROPERTY)

WHEREAS, by letter request dated May 9, 2016, Todd Pawell and Marisa Pawell (74 South Hill Road, Tax Map ID 13.17-4-6) requested a License Agreement regarding use of Town owned property, requesting to leave a decorative stone wall; and

WHEREAS, the Directors of DOTS and DES have reviewed said request and made recommendations regarding said request;

THEREFORE BE IT RESOLVED, that the Town Attorney prepare a license agreement and set forth conditions of approval as required.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted August 2, 2019
At a Regular Meeting
Held At Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(RE: AUTHORIZE A LICENSE AGREEMENT FOR THE USE OF TOWN OWNED PROPERTY)

WHEREAS, by letter request dated July 1, 2019 Edward D. Schmidt, on behalf of Gonzalo Medina Garate (286 9th Street) requested a License Agreement regarding use of Town owned property,

NOW, THEREFORE BE IT RESOLVED, that the Town Attorney prepare a license agreement and set forth conditions of approval as required.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted August 13, 2019
At a Regular Meeting
Held At Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE THE RECEIVER OF TAXES TO PLACE LIENS ON THE FOLLOWING PROPERTIES)

WHEREAS, Town Board Resolution 109-19 authorized the cleanup of multiple properties in violation of the Property Maintenance Code;

WHEREAS, the Town authorized multiple contractors to remedy property maintenance violations for the following parcels in the amounts shown below;

<u>Legal Address</u>	<u>Tax ID</u>	<u>Amount</u>
9 North St., Montrose, NY	54.11-2-12	\$ 500.00
8 Overlook Court, Cortlandt Manor, NY	24.9-5-13	\$ 700.00
29 MacArthur Blvd., Cortlandt Manor, NY	13.10-4-17	\$ 950.00
3968 Old Crompond Rd., Cortlandt Manor, NY	34.7-2-21	\$1,500.00
18A Highland Dr., Cortlandt Manor, NY	24.13-3-54	\$1,600.00
12 Brook Drive, Cortlandt Manor, NY	23.10-1-14	\$2,250.00

BE IT RESOLVED that the Receiver of Taxes is hereby ordered to lien each property in the amounts shown above.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
TOWN CLERK**

**Adopted on August 13, 2019
at a Regular Meeting
Held at the Town Hall**

RESOLUTION

NUMBER _____

**IN SUPPORT OF US COAST GUARD APPROPRIATIONS BILL
TO PUT A TEMPORARY BAN ON THE ESTABLISHMENT OF ANCHORAGES
ALONG THE HUDSON RIVER**

WHEREAS, many cities, towns and villages along the Hudson River in New York, from Yonkers to Albany, have expressed concerns about the U.S. Coast Guard's ongoing review of requests to establish a number of permanent anchorage fields along the Hudson River; and

WHEREAS, the U.S. Coast Guard, in order to have a formal process to review these proposals with representatives of industry, of commerce and government, established a Ports And Waterways Safety Assessment (PAWSA) process; and

WHEREAS, as an ongoing review of that process, the Hudson River Safety Navigation Operations Committee, which is an offshoot of the PAWSA process, has been reviewing related Coast Guard activities; and

WHEREAS, the Hudson River Safety Navigation Operations Committee circulated information with regard to the U.S. Coast Guard Appropriations Bill in Congress, noting that Section 420 includes a temporary blanket prohibition on the establishment of all anchorages in the Hudson River from Yonkers north to Kingston; and

WHEREAS, while the provisions of this bill do not mean that in the event of an emergency a tug or commercial vessel cannot ask for an emergency anchorage location, the Appropriations Bill prohibits the Coast Guard from establishing any formal, designated anchorage fields within in this area, and would establish a temporary blanket prohibition of all formally designated anchorage fields in the Hudson River from Yonkers north to Kingston,

NOW, THEREFORE, BE IT RESOLVED that the Town of Cortlandt, New York does hereby express its support for the U.S. Coast Guard Appropriations Bill in Congress, noting that Section 420 includes a temporary blanket prohibition on the establishment of all anchorages in the Hudson River from Yonkers north to Kingston, so that the U.S. Coast Guard, the Hudson River Safety Navigation Operations Committee, and all involved and affected parties, may work cooperatively and have a thorough and methodical process for the formal establishment of anchorages on the Hudson River between Yonkers and Kingston, NY; and

BE IT FURTHER RESOLVED, that the Clerk of the Town of Cortlandt, New York be hereby authorized and directed to send a copy of this approved resolution to Congressman Eliot Engel, Congresswoman Nita Lowey, Senator Kristen Gillibrand, Senator Charles Schumer, and to such other persons as the Town Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

**Adopted on August 13, 2019
At a regular Town Board Meeting
Held at Town Hall.**

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

DRAFT

RESOLUTION

NUMBER _____

(RE: AUTHORIZE THE JUSTICE COURT TO APPLY FOR A JCAP GRANT)

WHEREAS, funding is available to eligible municipalities under the Justice Court Assistance Program (JCAP) wherein eligible projects can receive up to \$30,000. in grant monies; and

WHEREAS, the Town of Cortlandt Justice Court desires to make application or the 2019-2020 JCAP Grant Cycle for painting and flooring,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby authorize the Justice Court to make application to the JCAP grant for painting and flooring, up to \$30,000.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 13, 2019
At a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE THE REDUCTION OF SECURITIES FOR ACADIA CORTLANDT CROSSING LLC AND CORTLANDT CROSSING SEWAGE WORKS CORPORATION)

WHEREAS, in accordance with Planning Board Resolution 12-16 securities were posted for the development known as Cortlandt Crossing, LLC by Acadia Cortlandt Crossing LLC and Cortlandt Crossing Sewage Works Corporation (Applicants) with offices located at 411 Theodore Fremd Avenue, Suite 300, Rye, NY 10580 in the following amounts;

Bond	CMS0290483	\$3,150,000.00
Bond	CMS0323263	\$2,075,000.00

with RLI Insurance Company, 9025 N. Lindbergh Drive, Peoria, IL 61615 as the Obligee and;

WHEREAS, the Planning Board previously has adopted Planning Board Resolution No. 14-19 accepting the Director of Technical Services recommendation to reduce the bonds as follows:

Bond	CMS0290483	\$3,150,000	to	\$279,000.00
Bond	CMS0323263	\$2,075,000	to	\$232,300.00

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby reduce the security originally posted as indicated above in accordance with Planning Board requirements in the form of a Performance Bond No. CMS0290483 and CMS0323263 by the Applicants and drawn on RLI Insurance Company to the amounts shown above.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROE SHATZKIN
TOWN CLERK**

**Adopted on August 13, 2019
at a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AWARD BID FOR TE CONTRACT 2019.01 (R) – TOWN HALL FIRE SAFETY IMPROVEMENTS)

WHEREAS, two (2) sealed bids were received on July 30, 2019 in the following amounts:

Kenneth R. Marcus Electronic Intrusion Protection Services 1425 Washington Street Cortlandt Manor, NY 10567	\$69,573.80
----------------------------------------------------------------------------------------------------------------------	-------------

Fran Corp dba All Bright Electric 100 Snake Hill Road West Nyack, NY 10994	\$229,000.00
----------------------------------------------------------------------------------	--------------

WHEREAS, the lowest responsible bidder, Electronic Intrusion Protection Services, has indicated that providing a Letter of Credit for performance security represents a hardship; and

WHEREAS, the Director of Technical Services has reviewed the bids and recommends awarding to the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, that a variance is hereby granted under Section 237-5 of the Town Code and performance and payment bonds may be accepted in lieu of the normally required Letter of Credit; and

BE IT FURTHER RESOLVED, that the contract, be awarded to the lowest responsible bidder, Kenneth R. Marcus, Electronic Intrusion Protection Services, 1425 Washington Street, Cortlandt Manor, NY 10567 in the amount of Sixty-Nine Thousand Five Hundred Seventy-Three and Eighty Cents (\$69,753.80)/

BE IT FURTHER RESOLVED, that an additional Fifteen Thousand \$15,000.00 is requested for electrical upgrades necessary to complete the project and contingency.

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute the contract documents subject to approval of the same by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Town Comptroller be hereby authorized to amend the budget accordingly.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE SHATZKIN
TOWN CLERK**

**Adopted on August 13, 2019
At a Special Town Board Meeting
Held at Town Hal**

DRAFT

RESOLUTION

NUMBER _____

RE: (MODIFY DOTS FEE SCHEDULE TO INCLUDE)

WHEREAS; Chapter 283-9B(3) allows for the purchase of trees in lieu of on-site restoration at a ratio of 1 ½ times then number (rounded up) of trees removed;

WHEREAS; due to a variety of constraints (e.g. liability / seasonal variability) it is not always feasible for the Town to receive and store or allow for planting within Town owned lands; and

WHEREAS; the Director of Technical Services is recommending contributions at the schedule set forth below be adopted for applications in which the Director of Technical Services is the approving authority; and

WHEREAS; these contributions shall be deposited in the Town's, Open Space Fund and be used only for the acquisition of plantings on Town owned land.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Cortlandt enacts the following in lieu of plantings fees

<u>Tree Type (unmitigated)</u>	
Tree	\$150 / tree
Specimen Tree	\$200 / tree
Protected Tree	\$300 / tree

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
TOWN CLERK**

**August 13, 2019
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(RE: CONTRACT NO. TE 2019.02 “TOWN OF CORTLANDT REPAVING 2019” – APPROPRIATION OF ADDITIONAL FUNDS)

WHEREAS, an extra work proposal (Change Order #1) was obtained from ELQ Industries, Inc. in the amount of \$103,000 to mill and resurface Henning Drive from 39 to the 70 and Alan Drive; and

WHEREAS, the Director of Technical Services has reviewed this change order; and

WHEREAS, the Director of Technical Services is requesting an additional Seventeen Thousand Dollars (\$17,000) be appropriated as contingency.

NOW, THEREFORE, BE IT RESOLVED, that an additional One Hundred Twenty Thousand \$120,000 is authorized to be appropriated to Contract No. TE 2019.02 “Town of Cortlandt Repaving 2019”.

BE IT FURTHER RESOLVED, that this money will be shifted from the \$150,000.00 appropriated as part Town Board Resolution 151-19 to the Highway Fund.

BE IT FURTHER RESOLVED, that the Town Comptroller is hereby authorized to amend the budget accordingly.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
Town Clerk**

**Adopted on August 13, 2019
at a Regular Meeting
Held at the Town Hall.**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE THE DIRECTOR OF TECHNICAL SERVICES TO SOLICIT REQUEST FOR PROPOSALS FOR THE TOWN HALL HVAC)

WHEREAS, the New York Power Authority completed an energy assessment in 2018 for Town Hall, 1 Heady Street, Cortlandt Manor, NY 10567; and

WHEREAS, a staff committee consisting of the Director of the Department of Technical Services, Director and Deputy Director of the Department of Environmental Services and the Director of Code Enforcement has reviewed the report and recommends soliciting proposals to qualified firms to design Town Hall HVAC improvements, prepare a detailed engineers estimate and develop bid documents for the same.

NOW THEREFORE BE IT RESOLVED, that the Director of Technical Services is hereby authorized to prepare a request for proposals for the Town Hall HVAC and solicit to qualified firms.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 13, 2019
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE DOTS TO REQUEST PROPOSALS TO RESURFACE THE TENNIS COURTS AND SOLICIT BIDS TO REPLACE FENCING AT THE CHARLES J. COOK POOL COMPLEX)

WHEREAS, the Director of Technical Services and the Director of Cortlandt Recreation have evaluated the current condition of the tennis courts and recommend resurfacing the tennis courts and replace the fencing.

BE IT RESOLVED, that the Director of Technical Services is hereby authorized to request proposals for resurfacing and solicit bids to replace the fencing at the Charles J. Cook Pool Complex.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted on August 13, 2019
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE LEAK DETECTION SERVICES)

WHEREAS, The Department of Environmental Services solicited proposals for leak detection services during the fall season, and

WHEREAS, water system leak detection is a specialty service provided by a few qualified firms: and,

WHEREAS, the following proposals were received by the Department:

New York Leak Detection	\$16,400
Upstate Leak Detection	\$16,500
M.E. Simpson Co., Inc.	\$44,700 ; and,

WHEREAS, the Department of Environmental Services has reviewed the proposals and recommends awarding the project to New York Leak Detection.

NOW THEREFORE BE IT RESOLVED, that New York Leak Detection is authorized to proceed with system-wide leak detection services; and,

BE IT FURTHER RESOLVED, that the Comptroller is authorized to amend the budget to fund the project.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
Town Clerk**

**Adopted on August 13, 2019
at a regular Town Board Meeting
held at Town Hall.**

DRAFT

RESOLUTION

NUMBER _____

(RE: AUTHORIZING A RENEWAL AND EXTENSION OF THE CORTLANDT HEATING OIL PROGRAM)

WHEREAS, in the winter of 2008/2009, the Town established the Cortlandt Heating Oil Program; and

WHEREAS, said program was highly successful in that over 1,700 residents of the Town entered and maintained membership into said program; and

WHEREAS, it is the desire of the Town Board to allow said program to continue for an additional year;

NOW, THEREFORE, BE IT RESOLVED, that the Cortlandt Heating Oil Program as previously established for the 2018/2019 year shall be extended and continued for the 2019/2020 heating season; and

BE IT FURTHER RESOLVED, that anyone who has previously signed up and joined the program will not need to re-register and their names will be carried over without further cost or charge; and

BE IT FURTHER RESOLVED, that the Town Supervisor and Town Attorney be and hereby are authorized to execute memorandums of understanding with said companies participating in said program.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ SHATZKIN
TOWN CLERK**

**Adopted on August 13, 2019
at a Regular Meeting
held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

**(RE: AUTHORIZING A LEAVE OF ABSENCE FOR ONE EMPLOYEE IN THE
DEPARTMENT OF D.E.S)**

RESOLVED, that the following employee is hereby approved for a leave of absence
under FLMA effective retroactive July 29, 2019 – September 30, 2019.

Employee ID #642540

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
Town Clerk**

**Adopted on August 13, 2019
at a Regular Town Board Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (APPOINT ELVIA SINCHI TO THE TITLE OF ADMINISTRATIVE INTERN IN THE TOWN GOVERNMENT)

WHEREAS, in the past few years the Town of Cortlandt has hired administrative interns to work in various Town Departments and Offices; and

WHEREAS, Ms. Elvia Sinchi has worked in the Department of Recreation and Conservation during the past two summer seasons; and

WHEREAS, it is the desire of the Town Board of the Town of Cortlandt to appoint Ms. Elvia Sinchi to the title of Administrative Intern effective August 19, 2019 – August 19, 2020; and

NOW, THEREFORE, BE IT RESOLVED, Ms. Elvia Sinchi of 286 Bleakley Avenue, Buchanan, NY be and hereby are appointed as an administrative intern in the Town of Cortlandt at an hourly rate of \$27.98 for a 35 hour work week.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
Town Clerk**

**Adopted on August 13, 2019
at a regular Town Board Meeting
held at Town Hall.**

DRAFT

RESOLUTION

NUMBER

**(RE: SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 17, 2019
TO CONSIDER AMENDING THE LAW REGARDING ZOMBIE
PROPERTIES)**

RESOLVED, that the Town Board of the Town of Cortlandt, Westchester County, New York will conduct **PUBLIC HEARING** on the 17th day of September, 2019 at 7:00 o'clock P.M., prevailing time, or as soon thereafter as possible, in the Vincent F. Nyberg General Meeting Room of the Town Hall located at One Heady Street, Cortlandt Manor, New York to consider amending the Law regarding Zombie Properties.

All persons interested in this proposed action will be heard at this time, date and place specified above, and written comments in regard thereto should be submitted to the Town Clerk no later than 4:00 pm, of the day of said Public Hearings to be included in the transcript of the proceedings of this hearing.

The Town Hall is a handicapped accessible facility.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUE ROSE SHATZKIN
Town Clerk**

**Adopted August 13, 2019
At a regular Meeting held
at the Town Hall**