

JULY 21, 2020
TOWN BOARD MEETING VIA ZOOM

Pursuant to NYS Executive Order 202/2020 issued by the Governor, the Town Board of the Town of Cortlandt is holding meetings virtually via a platform known as Zoom. The public can observe the meetings in real time and they are recorded as usual and posted on the Town Website.

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 July 21, 2020, 7:00 p.m. **via Zoom**. 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	Deputy Town Attorney
LAROUÉ ROSE SHATZKIN	Town Clerk
CHRISTINE B. COTHREN	Deputy Town Clerk
PATRICIA ROBCKE	Comptroller
MICHAEL PREZIOSI	Director, DOTS
CLAUDIA VAHEY	Human Resources Coordinator
STEPHEN FERREIRA	Director, DES

MEETING CALLED TO ORDER

The meeting was called to order at 7:00 p.m.

PLEDGE TO THE FLAG

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

SUPERVISOR'S PROCLAMATIONS & REPORTS

Supervisor Puglisi stated that the Governor's order allows for public meetings to be held via Zoom until 8/5/2020, and there is a possibility this will be extended.

Gabriella Quist from Montrose, NY appeared via Zoom. Gabriella is a Hendrick Hudson High School 2020 graduate. She received the Girl Scout Gold Award for a project she calls "Transforming Lives with a T-shirt." She explained that her project. She collected gently used t-shirts from all of the schools, and the St. Christopher/St. Patrick parish members. She taught 4th and 5th grade students how to fold, and make the t-shirt into a functional diaper bag. They were then donated to Birthright in Peekskill, and sent to Guana as well. She began the project in

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July 2019 and worked very hard to have the bags ready to distribute in late November through December 2019, and was able to make over 300 bags.

Gabriella stated that she will attend Oneonta College in August 2020. Supervisor Puglisi and the Town Board members congratulated her, and wished her well. Councilman Frank Farrell read a proclamation, and pointed out that the Girl Scout Gold Award is equivalent to the Boy Scouts Eagle Award.

Supervisor Puglisi stated she just wanted to take a moment to let people know that all of the Town parks, trails, playgrounds, and basketball courts are currently open. Behind Charles Cook Pool there is a spectacular Nature/Fitness trail, tennis courts, and mini golf, which is free to Town residents.

The Town and NYS Parks have partnered together to allow Town residents to use the FDR Pool. Anyone interested can contact the Recreation Dept. to obtain a Town of Cortlandt ID card, there will be a one time parking fee, and the pool admission will be covered by the Town.

Supervisor Puglisi stated that the Town of Cortlandt help a press conference, which can be viewed on the Town website to announce the new Town of Cortlandt branding, "Where Life Works." She thanked the consultants who worked on the slogan, George Oros, Peter McKinley, and Bill Powers.

Supervisor Puglisi mentioned that last Saturday the Town of Cortlandt held their first drive in movie featuring The Lion King, at the Walter Panas High School. It was very well attended, and everyone had a lot of fun.

Supervisor Puglisi stated that on August 20, 2020, 5:00 p.m. via Zoom they will be celebrating 100 year anniversary of Women's Suffrage, which granted women the right to vote, 19th amendment. It took over 70 years to establish, and was finalized in Seneca Falls, NY. There will be many guest speakers both men and women including Dare Thompson, who is the former president of the League of Women Voters. The Town of Cortlandt has 9 elected officials and 6 of them are women including the Supervisor, Town Clerk Laroue Shatzkin, Councilwoman Deb Carter, Tax Receiver Mary Breining and the Town Justices.

Supervisor Puglisi stated that it has been 5 months since the COVID 19 pandemic began. She thanked the residents for their diligence in following the guideline from the State, County, and Town regarding wearing masks, washing hands etc. It has kept the number of positive COVID 19 cases down, and urged residents not to let their guard down.

ROLL CALL

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

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TOWN BOARD REPORTS

Councilwoman Carter stated she wanted to give kudos to the Recreation Department for hosting the first annual corn hole tournament at the Cortlandt Waterfront Park. Councilman Farrell joined her, and it was a very well received event.

Councilman Creighton stated that the Town held an economic development campaign to showcase Cortlandt, our hidden gem in the Hudson Valley, and that we are prime for investment. The campaign highlighted the availability of commercial space, as many employers in NYC and lower Westchester will be rethinking work environments. He went on to thank the Supervisor, Town Board, Planning Department, and all of the economic development team, especially George Oros, Economic Development Coordinator.

Councilman Crieghton stated that Governor Cuomo made a major announcement that could be extremely beneficial for the community. AKRF, a major private planning firm has been evaluating Town property along the Hudson River near Indian Pt. to support the wind industry, which could have the potential to bring good paying jobs to our community. It is called Port Cortlandt, which is one of the 11 prequalified NY ports to stage, construct, manufacture key components, or coordinate operations, and maintenance activities. This could be an opportunity for short and long term good paying union jobs for the area. There will many Public Hearings, Town staff input, and feedback from the community which will be taken into consideration before approving anything like this.

Supervisor Puglisi stated that on 8/5/2020 AKRF will have a presentation on this project to the Town Board. There are 99 acres of Town owned property, and there have been other businesses that are interested in using the property as well.

Councilman Becker stated that under the umbrella of Indian Pt. closing there is not going to be one simple solution. We need a multi-factorial approach to the closing, and one them is businesses to help make up for the lost revenue. The “Where Life Works” campaign has focused on bringing new economic development and to help educate people about what a gem the Town of Cortlandt really is. We also need to support the businesses that we currently have. On the agenda tonight we will be receiving and filing letter from Senator Peter Harckam, and Assemblywoman Sandy Galef supporting two new businesses that are interested in locating near on the Town owned former Con Ed property. Port Cortlandt is certainly interesting, but we still need to know if it is right for our Town, and we will be actively investigating that. We are hoping that we will have a choice of things to use the property for while still maintaining the character of the Town. The Town will also be pursuing whatever legal, and political remedies that are available to make Entergy and/or Holtek to be responsible for certain financial claims. He also feels as though the federal government has a responsibility to help the local Town, as there is no transfer of nuclear material, and the Town should be compensated for storing it. The assessment for the material as far as tax base should be taxed at a higher rate due to the storage of nuclear material. The Town will be seeking every possible remedy that there can be. The Town will continue to fight this from many different avenues in terms of recouping tax revenue, developing the property and attracting new businesses in the area not only so that Town can exist, but it can continue to prosper.

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Supervisor Puglisi wholly agreed with Councilman Becker, and thanked him for his report. Councilman Frank Farrell stated that he concurs with Councilman Creighton, and Councilman Becker's remarks and will remain cautiously hopeful as to what tax revenue they will receive, and what type of development will best suit the Town at that site. He thinks it would be very poetic if part of the property that housed nuclear energy would be part of a site producing green energy creation. AKRF's proposal at this point seems to be very feasible. If the community is willing, and AKRF addresses a lot of the issues appropriately, this could be a win for the Town.

Councilman Farrell stated that in regard to the 100th anniversary of Women's Suffrage, he cannot believe that it is such recent history of only 100 years. He stated that he has had the pleasure to serve on the Town Board with many fine women colleagues, and honored to have assemblywomen, congresswomen, district attorneys, justices, and so many other women who having been such a great asset to all facets of government.

Councilman Farrell stated that he wanted to give kudos to the Recreation Department for their 1st annual corn hole toss. They have done a great job in pivoting, and trying to develop programs since they have lost so many of their programs this summer due to COVID 19. The corn hole toss was awesome, and you could not have had a better day, or a better location at the Cortlandt Waterfront Park in Verplanck. There is currently a food truck at the Cortlandt Waterfront Park so they have really done a great job trying to create activities for our residents. For more information you can contact the Recreation Department, or check the Town website and Facebook page.

Supervisor Puglisi stated that the Cortlandt Youth Center is due to open 8/3/2020. She asked Councilman Farrell to let the public know a bit about what is currently going on with the Cortlandt Community Rowing Association.

Councilman Farrell stated that he volunteers with the CCRA, and there are usually 8 people in boat in very close proximity to one another. The CCRA has obtained a fleet of singles, and they are using Lake Meahagh to continue practicing. The adults row very early in the morning, and the youth later in the day. Unfortunately all of the big races have been cancelled, Boston, MA, Philadelphia, PA, however, it is a training sport so they will continue to do so, and hopefully will be stronger than ever when the events are able to resume.

Councilman Farrell stated that Town Hall is open to the public for business by appointment only. You just need to contact the department that you wish to visit, and you will be accommodated by appointment.

Supervisor Puglisi just wanted to make one more comment regarding Women's Suffrage. In the 234 years that the Town of Cortlandt has existed there have only been two women supervisors, herself, and Murial H. Morabito, and only 6 women Town council members, and she was also one of the board members. She will continue to serve the residents very proudly.

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APPROVAL OF THE MINUTES

Councilwoman Costello made a motion to approve the minutes of the June 16, 2020 meeting seconded by Councilman Becker with all voting AYE.

DANGEROUS BUILDING PROCEEDINGS

RESOLUTION NO. 171-20 RE: To consider evidence that 19 Cherry Place is a dangerous building.

- a. Adopt an Order to Demolish

Thomas Wood, Town Attorney stated that 19 Cherry Place has been before the Board previously. It has been deemed unsafe. The property went into foreclosure, and there is a bank currently involved. The Town had been optimistic that the bank would remedy the situation, however, the bank has been unresponsive. The bank and the property owner have both been notified of tonight's dangerous building hearing so that they can raise any issues that they think may prove why the property should not be demolished, and is not a dangerous building. The same owner of this property owned a building across the street from this one, which was demolished by the Town because of its' unsafe and unsanitary conditions. So if there is no contrary evidence to the Town's findings of the property, then tonight the Town Board would adopt an Order to Demolish the building that will be served on the property owner, and the bank, and if they fail to act within 20 days then the Town will retain a contractor, demolish the building, and lien the cost of same back onto the taxes of the property.

There were no comments from the public.

Councilman Becker made a motion to close the dangerous building hearing, adopt an Order to Demolish seconded by Councilman Farrell with all voting AYE.

Supervisor Puglisi announced that she will be recusing herself from the Public Hearing regarding Dickerson Pond Sewer Dist. as she is a resident at Valeria, and Deputy Supervisor Richard Becker will conduct the Public Hearing this evening. She also wanted it to be noted that she has not participated in anything regarding this subject with the Homeowner's Association, and on the Town government level. She has recused herself from the subject matter each and every time.

PUBLIC HEARINGS

1. Public Hearing to consider an Increase of Improvements for the Dickerson Pond Sewer District.
 - a. Close Public Hearing
 - b. Adopt a Negative Declaration
 - c. Adopt Public Interest Order
 - d. Adopt Bond Resolution

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The Public Hearing opened at 7:44 p.m.

Thomas Wood, Town Attorney stated in 1980 the Valeria development was created and the developer requested that the Town create a sewer district that would handle sanitary sewage disposal that would be generated by the development. In 1980 this was granted by the Town Board, and is known as the Dickerson Pond Sewer Dist. The last 147 units have been developed by Toll Brothers, who had upgraded, and rebuilt the sewage disposal system. The Town was made aware of this, as if something were to go wrong with the system, the Town is liable to maintain. An independent company, Transportation Corporation approached Toll Bros. and requested to purchase the sewer plant. The homeowner's association then asked the Town to consider acquisition of the plant on behalf of the Dickerson Pond Sewer Dist. Toll Bros. provided the Town with a redacted offer letter from a company who wished to purchase the plant from them for \$1,850,000. At that point in time the Town of Cortlandt and Toll Bros. agree to enter into an option agreement to give the Town 6 months to study the issue and make a decision. The Town had hoped to make a decision 3 to 4 months ago, but was postponed due to COVID 19. So just to help the public better understand the issues, if a private company owns a sewage treatment facility, they file a petition with the Town Board to set the sewer rates, and the sewer rates would not only include cost of operations, but also a reasonable rate of return on the investment that the company has. There have been previous court cases where the rates of up to 10 percent have been sustained as being a reasonable rate of return for a company having investing and operating the plant. So if the Town purchases the property on behalf of the Dickerson Pond Sewer Dist., the Town would borrow the \$1.85 million on behalf of the district, and operate the plant. As a municipality, we are not for profit, and certain expenses that would be incurred by a private company would not be incurred by the Town owning and operating it. The Town would not incur real estate or sales tax, and the electric rate would be that of a municipal rate rather than a commercial rate. So all in all comparing the current budget including the cost of bonding, it is viewed that we will be able to sustain rates at the current level at least through the end of 2021. Then during the budgetary process the Town will see how everything is operating and set up a budget for same thereafter. It would stabilize the rates, and give the community the ability at budget process to see expenses, and speak if they wish to express concerns. If purchased, the Town is proposing to continue services of the private company to conduct testing, VRI, environmental, and then next year we would bid the project to the lowest responsible bidder. The newly constructed Toll Bros. units currently pay \$120 per month for sewer service billed quarterly directly to the homeowner, the other unit owners from Valeria I & II currently pay \$95 per month directly through their homeowner's association dues.

Deputy Supervisor Becker thanked Tom Wood for his thorough summary of the proposed project. He further stated that it is good procedure to establish sewer districts, and that this particular one is unique in that it doesn't empty into a municipal plant but into a private plant that the Town would assume control of. The residents involved will pay the entire expense of this. Other residents outside of this sewer district will not be paying anything for it. It is charged only to those utilizing it, and already paying for it. The Town hope to provide residents with a reduced rate or at least match the cost they are currently paying, as the Town will be paying municipal rates to operate the plant.

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Bernis Nelson, 341 Furnace Dock Rd., Unit #40 spoke via Zoom. She stated that she has been a resident there since 1984. We are very much in favor of the Town acquiring, and maintaining the sewer district, and are in favor of the Town acquiring a bond for this. The question is that the current rate of \$120 is an estimated payment based upon the fact that the Town will be paying a bond payment of \$160,00 per year for such acquisition, if I factor that with interest it appears to be a 15 year term. The resolution however states that there would be a probable usefulness of 40 years. If you take the total revenue from the completed units, which will probably not be finished until upwards of a year or more, minus operating costs etc. I would suggest that the period of the bond be 20 years that way the bond payment can be kept at the \$120 per unit for a longer period of time.

Thomas Wood, Town Attorney stated that the Town thoroughly agrees, and the Comptroller and he were just discussing the issuance of a 30 year bond. Also, since it is close to the end of the year, they may for the first year consider a Bond Anticipation Note, which the last one the Town acquired was .07 percent. This will then generate a cushion in next years' budget, and they are hoping they will be able to moderate the monthly sewer rate for at least a few years.

Patricia Robcke, Comptroller stated that she and Tom Wood were going over the bond schedules, and he pretty well summed everything up. They will most likely be looking to do a 30 year bond, as they want to keep the payments as low as possible. The rates are currently fantastic. A Bond Anticipation Note is a one year obligation that you can roll over up to 5 years and I believe you can roll over longer if you need to.

Stuart Rickett, 341 Furnace Dock Rd., Unit #73 spoke via Zoom. He just wanted to thank the Town for all of their hard work, and diligence regarding this issue. He and many of the residents at Valeria are extremely happy that the Town is going to acquire the sewer plant.

Beverly Gardner, 11 Goldman Ct. spoke via Zoom. She is new to the new phase of this development and wanted to thank the homeowner's association and the Town for all of their hard work on this acquisition. She questioned why the taxes were almost exactly the same at her old address of 4 Flanders Lane, and they already had sewer?

Michael Preziosi, Dir. DOTS stated that Flanders Lane is actually septic systems, and not Town sewer.

Councilman Creighton made a motion to close the Public Hearing, adopt a Negative Declaration, adopt Public Interest Order, and adopt Bond Resolution seconded by Councilman Farrell with all voting AYE.

The Public Hearing was closed at 8:04 p.m.

Supervisor Puglisi re-entered the meeting via Zoom.

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RESOLUTION NO. 172-20 RE: Adopt a Negative Declaration

RESOLUTION NO. 173-20 RE: Adopt Public Interest Order

RESOLUTION NO. 174-20 RE: Adopt Bond Resolution

HEARING OF CITIZENS – AGENDA ITEMS ONLY

REPORTS

Receive and File the following:

DOTS Office of Code Enforcement Second Quarter 2020 Report

For the months of May & June from the Office of the Aging.

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

Councilwoman Costello made a motion to receive and file the above, seconded by Councilman Farrell with all voting AYE.

OLD BUSINESS:

Receive and File the following:

1. Letter from Dickerson Pond Association Valeria regarding the Toll Brother's Plant.

Councilman Farrell made a motion to receive and file the above, seconded by Councilwoman Costello. The Board was polled as follows:

Councilwoman Costello	AYE
Councilman Creighton	AYE
Councilman Farrell	AYE
Councilman Becker	AYE
Supervisor Puglisi	RECUSED

The motion passed 4-1.

2. Comments from Planning Board regarding proposed revisions to Tree Ordinance

NEW BUSINESS

Receive and File the following:

1. Letter from Assemblywoman Galef for two new businesses to be located on Town Property – Cortlandt Pitch and Merchant's Daughter

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2. Letter from Resident of Lockwood Road requesting speed bumps; Refer to DES.

Councilman Farrell made a motion to receive and file the above, seconded by Councilwoman Costello with all voting AYE.

RESOLUTIONS

RESOLUTION NO. 175-20 RE: Direct DOTS, DES and Purchasing to seek out information and proposals on ventilation systems for the Town Hall, Community Center and other locations due to COVID 19.

RESOLUTION NO. 176-20 RE: Authorize furlough for NorWest, as per the request of the Director.

RESOLUTION NO. 177-20 RE: Petition Governor Cuomo to sign various NYS Senate Bills related to Indian Point and introduced by Senator Harckham.

RESOLUTION NO. 178-20 RE: Authorize partnership between Town of Cortlandt and NYS Parks and Recreation Department for use of the FDR Swimming Pool for Cortlandt Residents.

RESOLUTION NO. 179-20 RE: Authorize additional Westchester County Police detail for the Summer Season at the Quarry.

RESOLUTION NO. 180-20 RE: Authorize DES/Recreation to evaluate the Cortlandt Waterfront Playground to add more playground equipment in keeping with the aviation theme.

RESOLUTION NO. 181-20 RE: Authorize refunds for excess water bill payments to the owners of 21 Shady Brook Lane and 157 7th Street.

1. Items for DOTS:

RESOLUTION NO. 182-20 RE: Authorization to bid Snack Bar at Charles J. Cook Pool area.

RESOLUTION NO. 183-20 RE: Award TE Contract 2020.05 CJC Tennis Court Fence

RESOLUTION NO. 184-20 RE: Reject TE Contract 2020.06 CJC Resurfacing and authorize Director of DOTS to re-bid with a change of scope.

RESOLUTION NO. 185-20 RE: Update List of Town Consultants for use by DOTS to assist in review of certain applications.

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RESOLUTION NO. 186-20 RE: Appoint an intern at the Muriel H. Morabito Community Center to work two days per week.

RESOLUTION NO. 187-20 RE: Authorize a leave of absence for a DES employee, retroactive to May 19, 2020.

RESOLUTION NO. 188-20 RE: Authorize an intermittent leave of absence for an employee in the Assessor's Office.

ADDITIONS TO THE AGENDA

OLD BUSINESS:

Receive and File the Following:

1. Letter from Nixon & Peabody regarding CVE North America Solar Application

NEW BUSINESS:

Receive and File the Following:

1. NWJWW NY Forward Safety Plan

RESOLUTIONS:

RESOLUTION NO. 189-20 RE: Authorize Agreement between Town of Cortlandt and Hendrick Hudson School District for use of Utility Pole

RESOLUTION NO. 190-20 RE: Authorize Rathaus Films LLC to film for one day on Town Property

RESOLUTION NO. 191-20 RE: Appoint seven part-time attendants at the Charles Cook Pool Miniature Golf Course for the season.

Councilwoman Costello made a motion to adopt the above resolutions, seconded by Councilman Becker with all voting AYE.

Supervisor Puglisi stated that the furloughs at the NorWest special services is due to COVID 19 pandemic, and will hopefully resume those services in the near future. She also wanted to thank Linda Cooper, former Yorktown Supervisor with her assistance in getting Town residents pool access at the FDR state park. She asked Tom Wood, Town Attorney to explain item #7 to the public.

Thomas Wood, Town Attorney explained that these were refunds due to a water leak, and the customer receiving a one time leak adjustment for the property.

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Supervisor Puglisi asked Michael Preziosi, Dir. DOTS to explain items under #8.

Michael Preziosi, Dir. DOTS explained that these were all projects that went out to bid, and are being awarded to the lowest responsible bidder with the exception of the resurfacing of the tennis courts, which will be re-bid for September 2020.

ADDITIONS TO THE AGENDA

OLD BUSINESS:

Receive and File the Following:

2. Letter from Nixon & Peabody regarding CVE North America Solar Application

NEW BUSINESS:

Receive and File the Following:

2. NWJWW NY Forward Safety Plan

RESOLUTIONS:

RESOLUTION NO. 189-20 RE: Authorize Agreement between Town of Cortlandt and Hendrick Hudson School District for use of Utility Pole

RESOLUTION NO. 190-20 RE: Appoint seven part-time attendants at the Charles Cook Pool Miniature Golf Course for the season.

RESOLUTION NO. 191-20 RE: Schedule a Dangerous Building Proceeding for 21 Pumphouse Road for August 11, 2020.

Councilman Becker made a motion to adopt the above receive and file, and resolutions seconded by Councilman Creighton with all voting AYE.

BUDGET TRANSFERS

REPORTS FROM VARIOUS DEPARTMENTS

REPORTS FROM STANDING & SPECIAL COMMITTEES

SECOND HEARING OF CITIZENS

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ADJOURNMENT

Councilman Farrell made a motion to adjourn the meeting, seconded by Councilwoman Costello with all voting AYE.

The meeting was adjourned at 8:20 p.m.

NEXT TOWN BOARD MEETING

August 11, 2020 at 7:00 pm
Town Hall Web Site address: www.townofcortlandt.com

Respectfully submitted,

Christine B. Cothren
Deputy Town Clerk

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