

March 12, 2013

Town Board Meeting

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on March 12, 2013 in the Vincent F. Nyberg Meeting Room of the Cortlandt Town Hall located at One Heady Street, Cortlandt Manor, NY (10567) with the following elected official and appointed staff in attendance:

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

**Also present:**

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

**MEETING CALLED TO ORDER**

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

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**PLEDGE TO THE FLAG**

Supervisor Puglisi introduced William Nazario and the Military Order of the Purple Hearts, who led all in attendance in a Pledge to the Flag.

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**SUPERVISOR’S PROCLAMATIONS AND REPORTS**

**Supervisor Puglisi** again introduced William Nazario who is the Commander of the Military Order of the Purple Hearts, Chapter 21 and is also the Chairman of the Cortlandt Hudson Valley Veteran’s Committee. Recently he was inducted into Senator Greg Hall’s Veteran’s Hall of Fame. Mr. Nazario read the letter he had sent to the Town of Cortlandt requesting that the Town be proclaimed a Purple Heart Town, the first in Westchester County. He spoke of the opposition with the VA Hospital regarding the leasing of the property, and how **Supervisor Puglisi**, the Town Board and Congress Legislator John Testa stood up to fight for their cause, and thanked them for their patriotism.

The **Supervisor** announced a new Town Board meeting segment where they will be honoring the volunteers that serve on the committees, councils and the boards. Many of them have been serving for many years. Tonight’s meeting will be honoring Glen Bucher, the longtime chairman of the Cable Advisory Board. **Supervisor Puglisi** gave a brief biography of Mr. Bucher and he was presented with a proclamation from the Town. Mr. Bucher introduced his family and thanked the Town Board. He shared how he first got involved in the cable TV situation in 1989 and he urged the citizens of the Town to volunteer for the Town as it is an important function to have volunteers for keeping the costs to the Town down. He thanked the Town Board, Peter McMillan, Matt Logerfo and Tom Wood for all their assistance. The current cable contract will be expiring on March 2, 2015 and cablevision has already notified of their intent to renew the franchise. A public hearing will occur before the contract is negotiated and Mr. Burchir urged the residents to come out to voice their concerns.

**Supervisor Puglisi** introduced John Testa who spoke of the veterans and thanked them for their service. He noted that Mr. Nazario has been in close contact with him to go forward on the county level and thanked him and the volunteers for the Town.

Debbie Costello, the advisor of the Hendrick Hudson Leo Club, a community service organization for young adults ages 12-18, spoke of the Awake Athon, the

**SUPERVISOR’S REPORTS, (cont.)**

5<sup>th</sup> year of this event which celebrates cancer survival and remember those who lost the battle, and provide support and encouragement. There are usually between 500-700 people who show up and it’s a wonderful way to provide support. The theme of the event is “ Never Alone”. She introduced the president who stated that there were four beneficiaries, the Hudson Valley Hospital Center, Happiness is Camping, the Maria Ferrari Children’s Hospital, and the Cathleen Marks Memorial Foundation. The goal this year is \$70,000 and over the last four years have raised over \$250,000 and she asked for help from the residents to donate or create a team. There are about 30 members in the club which started out with about 5 members five years ago.

Deputy Comptroller, Patty Robcke, spoke of the purpose of the Green Team and its programs, such as Energize Cortlandt. They are putting together environmental programs for the spring, one being a trail blaze at a local park in the honor of Earth Day. An upcoming event this week is “Love em or leave em”, regarding what to do with the falling leaves that we feel obligated to rake and dispose of. The Green Team had been distributing paper bags to recycle them but the new approach is to allow the leaves to remain without a mess. This will save in costs and will be a green alternative for leaf cleaning.

**Supervisor Puglisi** announced that the NYS DOT will be repairing decking on the Rt.9 Bridge beginning early March and lasting for about 3 months. This is a necessary repair and will include a detour.

An Egg Hunt will be at the Town of Cortlandt Youth and Recreation Center on March 23<sup>rd</sup> at 2:00 p.m. Also, there will a Shop and Dine Month in May.

**Supervisor Puglisi** added that the Town of Cortlandt is 225 years old and this year will be a celebration with a parade, fireworks and music on Sunday, July 28<sup>th</sup> at the Westchester County Park, George’s Island. The fees have been waived for this occasion.

Cortlandt Family Fun Day will be September 7<sup>th</sup> at the Youth Center area also. Construction will be starting for the public boat launch will be at the Cortlandt Waterfront Park and the **Supervisor** thanked Ed Vergano for his work on this. The hope is for this to be opened by early summer.

The first 5K race will be held October 26<sup>th</sup>. **Supervisor Puglisi** urged residents to participate.

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**ROLL CALL**

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

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**TOWN BOARD REPORTS**

**Councilmember Farrell:** Commented that he was happy to say that construction has actually started on the Boat Launch. They would like to start a club that will introduce the sport of rowing or crew to the Town of Cortlandt and the hope is that it will be adopted by the area high schools and become a sport that the students can participate in using the site in Verplanck. **Councilmember Farrell’s** understanding is that they should be finished by mid April to late April, beginning of May. The size of the boats will be limited at the launch and as the launch is being used, they will get a better sense as to what rules will be necessary to keep order there and keep everyone safe.

**Councilmember Farrell** noted that they received the resignation from the Chairman of Conservation Advisory Committee, John Milmore. He thanked him for his service to the Town and the work they did to enact the Tree Ordinance, meant to protect the trees in the Town from wholesale cutting.

**TOWN BOARD REPORTS, (cont.)**

It had been decided not to mail the recreation brochure to try to save in printing and mailing costs. **Councilmember Farrell** stated that while the savings were significant, the falloff in the programs was quite dramatic, 20% to 30% in some of them. The brochure will be put out again and will ask the Parks and Recreation Advisory Committee to come up with a mix of online or printed media to economically get the word out for the programs. **Councilmember Farrell** also commented that they will be looking for new youth members for the committee.

**Councilmember Farrell** jokingly thanked Patty Robcke for giving him permission not to rake his leaves.

**Supervisor Puglisi** introduced Matthew Cashman from Troop #45 who is working on his Citizen and Community badge.

**Councilmember Lindau-Martin:** Councilmember Lindau-Martin thanked the Veterans and the Leos and announced that March 23<sup>rd</sup> is the Hudson Valley Gateway Experience at Colonial Terrace and noted that Yankee player Tommy John will be in attendance.

**Councilmember Sloan:** Spoke of the safety proposals by the NYSDOT for the Bear Mt. Parkway, of which he felt was not a good proposal. He reported that they did have a staff meeting with DOT and they made minor improvement suggestions. The meeting became a bit “testy” between the Town and the DOT and that the Town felt it didn’t make too much sense to take four lanes and put them into two. The DOT’s response was that they had no budget. The Town asked for a few more feet for a shoulder and a divider but the DOT refused. There is more discussion to be done but it was clear that it is the State’s job to do whatever they decide to do. **Councilmember Sloan** added that the proposal is inadequate.

**Councilmember Sloan** spoke of the Green Team, employees getting together to be mentally and environmentally oriented. They are in their 4<sup>th</sup> year now and still going strong and successful.

**Supervisor Puglisi** thanked **Councilmember Sloan** for the meeting with the DOT and stated that the goal is to make the Bear Mt. Parkway safer but that it has to be done correctly. Peekskill was more favorable with less safety issues to deal with than in the Cortlandt area. **Councilmember Sloan** commented that it was Cortlandt who went to Peekskill for the DOT to address these issues.

The **Supervisor** also thanked **Councilmember Sloan** for his authoring of the “25 by12” campaign meant for the Town Hall to be 25% more energy efficient by 2012.

**APPROVAL OF THE MINUTES**

Councilmember Sloan moved that the minutes of the Regular Meeting of February 12, 2013 and the February 25, 2013 Special Meeting be approved as presented by Town Clerk Dyckman. Councilmember Lindau-Martin seconded the motion.

All voted **AYE**

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**PUBLIC HEARINGS**

**The following Public Hearing was adjourned**

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

**PUBLIC HEARING, (cont.)**

**1. Public Hearing to consider a Local Law with respect to Notice of Defects.**

**Discussion:** Supervisor Puglisi asked for an explanation by the Town Attorney, Tom Wood, who explained that under the regular rules of negligence, the Town is responsible for any acts or omissions they might make in the care and maintenance of construction of any facilities. In the case of the Town of Cortlandt with approximately 130 miles of roads and increasingly adding sidewalks and walkways, the state legislature said that in addition to other provisions of laws protecting municipalities, that a local option is to have a notice requirement that before the town could be held responsible for defect in any of those roads or sidewalks, that they actually have notice of them in the form of writing. Then, once they receive notice of it, if they do not respond in a reasonable manner to repair or correct the defect, then they can be held liable for it.

**Tom Wood** stated that it doesn't excuse the Town from having regular maintenance and inspection programs, but it does give some protections particularly in periods of the winter, etc, when potholes are prevalent, etc. that until the Town has notice of it, it wouldn't be responsible. The law that the town has on the books now dates back to 1981 and it covers the roads, coverts and bridges. Over the past 5 to 10 years, many sidewalks have been added and the Town's insurance carrier has recommended that even though most sidewalks are in the roadway, you have to specifically provide that the same provision pertains to sidewalks.

If the Town Board were to consider this law and adopt it, this would extend the written notice requirement of defects not only that already pertain to our road, coverts and bridges, to also include the sidewalks and this way it will be a little more manageable in the liability issue facing the Town on a daily basis.

**Supervisor Puglisi** stated that the Town Board members have more questions so this won't be voted on it this evening but rather adjourned to our April 16<sup>th</sup> meeting.

A motion to **adjourn** the Public Hearing was made by Councilmember Lindau-Martin and seconded by Councilmember Farrell.

All voted **AYE**

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**HEARING OF CITIZENS, (AGENDA ITEMS ONLY)**

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**BID REPORTS**

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**REPORTS**

Councilmember Becker moved that the following reports be received and ordered filed. Councilmember Sloan seconded the motion

For the month of February from the Office for the Aging, Receiver of Taxes and the Town Clerk.

**OLD BUSINESS**

**Receive and File the Following:**

1. Quarterly Report from Westchester County with respect to the Sprout Brook Ash Pit.

**OLD BUSINESS, (cont.)**

- 2. Report from the Supervisor with respect to Traffic Calming measures on Watch Hill Road and Furnace Woods Road.
- 3. Minutes from the Traffic Safety Committee with respect to Maple Avenue weight restrictions; and refer to DES and the Legal Department.

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**NEW BUSINESS**

**Receive and File the Following:**

- 1. 2012 Service Award Program points list from the Cortlandt Community Volunteer Ambulance Corp.
- 2. Letter from William Nazario on behalf of the Military Order of the Purple Heart proclaiming the Town of Cortlandt a Purple Heart Town and Adopt a Resolution with respect to same; and a proposal to construct a Purple Heart Veteran’s monument on a Town site.

**Discussion:** Supervisor Puglisi stated that she met with a few of the residents of the Watch Hill Road area, Jeff Coleman and Ed Vergano and came up with a plan of ways to have improved traffic quality and to slow down traffic.

The Supervisor also stated that they are honored to be the first Purple Heart Town and looking forward to finding the site for the Purple Heart Monument.

All voted **AYE**

**RESOLUTION NO.101-12 RE: Accept the 2012 Member List of Volunteer Ambulance Workers for the Cortlandt Community Volunteer Ambulance Award Program.**

**RESOLUTION NO.102-12 RE: Proclaim the Town of Cortlandt a Purple Heart Town.**

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**RESOLUTIONS**

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

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

**RESOLUTION NO.103-12 RE: Authorize the appointment of the Following Temporary Employee in the Department of Environmental Services for the Year 2013.**

**RESOLUTION NO.104-12 RE: Appoint a Substitute Driver for the Community Center.**

**RESOLUTION NO.105-12 RE: Appoint Michael Huvane as the Chairman of the PRC Advisory Board.**

**RESOLUTION NO.106-12 RE: Authorize the Purchase and Installation of Driver Feedback Sign.**

**RESOLUTION NO.107-12 RE: Authorize the Purchase of a Tow Behind Air Compressor.**

**RESOLUTIONS, (cont.)**

**RESOLUTION NO.108-12 RE: Authorize the Award of Bid for the Replacement of the Backup Generator at the Stephen Lane Sewer Pump Station.**

**RESOLUTION NO.109-12 RE: Award a Contract with respect to Grass Cutting Services.**

**RESOLUTION NO.110-12 RE: Encourage on-site Mulching and Composting of leaves in the Town of Cortlandt.**

**RESOLUTION NO.111-12 RE: Authorize a Contract with respect to the Concession Stand at the Charles Cook Pool.**

**RESOLUTION NO.112-12 RE: Authorize the Director of Technical Services to solicit proposals and retain a contractor for drainage issues**

**RESOLUTION NO.113-12 RE: Authorize the Director of Technical Services and the Director of Environmental Services to arrange for**

**RESOLUTION NO.114-12 RE: Authorize DOTS to enter into an agreement for Construction Support Services for the Furnace Brook Lake Dam Project.**

**RESOLUTION NO.115-12 RE: Authorize changing the scope of the Broadway Sidewalk Project from 8<sup>th</sup> to 16<sup>th</sup> Street to Hudson River to 5<sup>th</sup> Street and Authorize the Town Supervisor to reimburse the NYSDOT for Design Services for 8<sup>th</sup> to 16<sup>th</sup> Street.**

**RESOLUTION NO.116-12 RE: Authorize a Settlement of Certain Tax Certioraris.**

**Discussion:** The Supervisor noted that on the Broadway Sidewalk Project, they've been doing it in phases. This is the next section they will be working on and will eventually be reimbursed, but is a procedure they must go through. The Supervisor commented that they were delighted that Rosa Verella, a longtime operator of the concession stand at the Town pool is coming back this summer.

All voted **AYE**

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**ADDITIONS TO THE AGENDA**

Councilmember Lindau-Martin moved that the following be received and filed and the following resolutions be adopted. Councilmember Farrell seconded the motion.

**Receive and File the Following:**

1. 6 Month Status Reports from the Town Historian for 2012 and 2013.
2. Report from the Traffic Safety Committee with respect to the Bear Mt. Parkway.

**RESOLUTIONS**

**Appoint a seasonal for the Recreation Department**

"No Resolution was presented for this item"

**RESOLUTION NO.117-12 RE: Authorize the Purchase of Two(2) Paramedic Vehicles and Authorize a Budget Transfer with respect to same.**

**ADDITIONS to the AGENDA, (cont.)**

**Discussion:** The Supervisor thanked Laura Lee Keating, the Town Historian, for these reports.

All voted **AYE**

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**BUDGET TRANSFERS**  
**NONE**

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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**

Supervisor Puglisi commented that they all attended the St. Patrick's Day Parades in Peekskill and Buchanan and what a great weekend it was.

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**ADJOURNMENT**

The meeting was adjourned at 8:29 p.m. on a motion by Councilmember Sloan, seconded by Councilmember Lindau-Martin.

All voted **AYE**

**x**

Respectfully submitted,

**JO-ANN DYCKMAN**  
**Town Clerk**