

Town Board Meeting

November 17, 2015

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on November 17, 2015 in the Vincent F. Nyberg Meeting Room of the Cortlandt Town Hall located at One Heady Street, Cortlandt Manor, NY (10567) with the following elected official and appointed staff in attendance:

LINDA D. PUGLISI	Supervisor
FRANCIS X. FARRELL	Councilmember
DEBRA COSTELLO	Councilmember
RICHARD BECKER	Councilmember ABSENT
SETH FREACH	Councilmember

Also present:

JO-ANN DYCKMAN	Town Clerk
CHRISTINE B. COTHREN	Deputy Town Clerk
EDWARD VERGANO	DOTS, Director
PATRICIA ROBCKE	Comptroller
ROSEMARY B. LASHER	DOTS/Asst. to Director
JEFFREY COLEMAN	Director, DES
MICHAEL PREZIOS	DOTS, Deputy Director

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MEETING CALLED TO ORDER

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

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PLEDGE TO THE FLAG

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

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SUPERVISOR’S PROCLAMATIONS AND REPORTS

Supervisor Puglisi spoke of the last month’s events:

Veteran’s Day Ceremony: The Town of Cortlandt had a Veteran’s Day Ceremony and the **Supervisor** also attended one in the Village of Croton-on-Hudson and Peekskill. The **Supervisor** noted that it was an extremely important day to remember the men and woman who have defended our country. Each year the New York State Senate has a Hall of Fame to honor Veterans and each community nominates a Veteran. This year the Town has nominated Robert Ferguson who is involved in the Ambulance Corp in Montrose and a member of the Cortlandt Veteran’s Hudson Valley Committee.

The Pearl Harbor Ceremony will be in Peekskill this year December 7 at 2:00 P.M. at the Senior Citizen Center in Peekskill.

SUPERVISOR'S REPORTS, (cont.)

There is a Washington-Rochambeau Revolutionary Trail Route which comes through the Town of Cortlandt. There are two locations on this trail and the Town is dedicating the panels one in the hamlet of Verplanck by the Waterfront Park and the other will be at St. Peter's old church off Locust Avenue.

Supervisor Puglisi stated that they will be adjourning tonight's meeting in memory of those who lost their lives in the Paris attack and stating that our hearts go out to the victims, their families, friends, neighbors and their nation.

The Lake Meahagh Park Dedication Ceremony took place this past Saturday. **Supervisor Puglisi** commented that it is a beautiful Town-owned lake with a Town park. It has been being restored for many years and now has a basketball court, a walking path, a community garden and the Cortlandt Community Rowing Association dock which was founded by Councilmember Farrell. A bench was dedicated in memory of Jeffrey Keesler and a tree dedicated to a retiree of the Town, Robert Sinclair.

The Town Board received and filed the 2016 proposed budget last week. The **Supervisor** explained that this must be adopted no later than December 20th. This resulted in no more than 1% for the taxpayers in incorporated Cortlandt for the last 25 years for Town taxes. In the villages, the Town tax increase for 2016 will be a -2%. The presentation will be on the Town's website.

The Fourth Annual Wellness and Craft Fair was also held at the Cortlandt Town Center put on by the Cortlandt Coalition and the Chamber of Commerce. There were many different booths, especially regarding substance abuse prevention.

There will be a Christmas Tree lighting at the Michael Mongero Park off of Rt. 6 on December 3rd at 6:00 p.m.

Supervisor Puglisi congratulated Councilmember Farrell, Councilmember Becker and Town Justice Dan McCarthy for being reelected. The **Supervisor** thanked the Cortlandt community for putting their trust in her by voting her back in office.

The **Supervisor** spoke of the Military Order of the Purple Hearts Memorial which, over the year, had brick work put in, planted shrubbery and had a rededication on Oct. 30th. Cortlandt has the first Purple Heart Memorial in Westchester County.

The company Ocoast put together an App for the Town of Cortlandt on historical places throughout the Town of Cortlandt. The **Supervisor** demonstrated how you can use this app on your phone to visit historic places in the Town.

Supervisor Puglisi wished everyone a Happy Thanksgiving.

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 Costello: Also commented on the Lake Meahagh Dedication Ceremony that was held that it was a beautiful ceremony and wonderful tribute to special Verplanck residents. She urged residents to visit the new park and use the walking path and use the lake. Councilmember Costello thanked the staff for putting it together after so many years of working on it.

Councilmember Costello congratulated the Verplanck Fire Department on their pancake breakfast. She encouraged residents to join in this as usually it is a fundraiser and can help the community.

Just this past month there have been very many events in the Town of Cortlandt, and Councilmember Costello thanked the people who helped to put all this together and that it goes to show that they are really part of the community. Councilmember Costello commented that it is events like this that really brings the community together and makes Cortlandt a great place to live. She wished everyone a Happy Thanksgiving.

Councilmember Freach: “Ditto” to all that was said by Councilmember Costello about the events and the staff.

There is an item on the agenda regarding the consideration of a PILOT agreement with Entergy and Councilmember Freach stated that at this time he doesn’t know if it is the best deal for Cortlandt. There are too many unknowns in the formula and he’s not sure to know if it is the best deal for the taxpayers and Councilmember Freach stated that it is not an agreement that he is inclined to support right now.

Councilmember Farrell: On October 30th there was a rededication of the Purple Heart Memorial located in the Town Hall courtyard. Councilmember Farrell commented that it was a well attended event and was a glorious day, a very moving event. The speaker, Don Singer, called up many of the Purple Heart Veterans who were attending to speak about the circumstances of how they earned the Purple Heart. Plaques were awarded in gratitude to Supervisor **Puglisi** and one to the Town Board in recognition of their patriotism and devotion to the nation and its Veterans.

Councilmember Farrell commented that the dedication at Meahagh Park was wonderful and was well attended largely by the families of Jeffrey Keesler and Robert Sinclair (Sinbad) and how nice it was to see everyone there. The Park is a beautiful amenity that will reward the people of this Town for many years.

TOWN BOARD REPORTS, (cont.)

He wished everyone a Happy Thanksgiving and said that the one thing he is grateful about is being reelected to serve on the Town Board for another term. Councilmember Farrell stated he finds personally rewarding and gratifying and gives him pleasure to work with the staff on behalf of the community. There have been many positive things accomplished which is shown with all having been reelected, indicating that the people like what they are doing and want them to continue.

One thing they will be working on that is exciting is the implementation of the Master Plan that will unfold over the decade. Councilmember Farrell stated that there are a few concepts of transportation which will address the Rt. 9A corridor and what can be done to complement the existing train station and things that will work together along with a medical oriented district along Rt.202 near the hospital, all working together with facilities already there.

Another thing discussed is the concept called “aging in place”, and what can be done to allow people to remain in their homes in terms of providing access to medical and related facilities and what can be done to streamline permitting processes for those who have to make additions to their home to facilitate changes in their physical condition. Councilmember Farrell said it is exciting and he’s glad to see all these things being addressed in the Master Plan.

Councilmember Farrell wanted to recognize and thank Allen George who video tapes the Town events. He commented how Allen films and edits everything for the Town and does a fantastic job.

He wished everyone again a Happy Thanksgiving.

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APPROVAL OF THE MINUTES

Councilmember Costello moved that the regular minutes of October 20, 2015 and the November 9, 2015 Special Meeting be approved as presented by Town Clerk Dyckman. Councilmember Freach seconded the motion.

All voted **AYE**

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PUBLIC HEARINGS

(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.

1. Public Hearing to consider a PILOT with Entergy for 2016

Supervisor Puglisi called the hearing to order at 7:25 p.m.

Supervisor Puglisi asked Town Attorney Tom Wood to explain this program.

Tom Wood explained that in 1998-1999, Con Edison and the New York State Power Authority decided to sell both of the nuclear plants in the Town and the ENTERGY Nuclear Corporation was the purchaser who acquired it. At that time the Town was faced with multiple years of tax certioraris and the hope was at that time that those tax certioraris which would have resulted in a refund of monies overpaid by the owners of the plants. After almost two years of negotiations back then, the concept was arrived to use the PILOT which is a written agreement usually used when an industrial development owned a piece of property and then it becomes tax exempt. The local communities enter into PILOT agreements with whatever business is using the IDA property and receives a payment in lieu of taxes since the property isn't assessed.

Mr. Wood stated that the Town worked very hard to have the authority to use a PILOT outside of an IDA. Our original PILOTS went from 2001 through 2014 and that PILOT was complex it brought the payment to a level that was more in mind with the thought of the perceived assessed value of the plants and it erased the arrears or the refunds and it stabilized the tax base for the communities. In 2014 that PILOT was expiring and it was time for the Town to sit down again. The nuclear facility license is up for renewal and they can continue to operate for so long as their application is pending with the NRC. He stated that they don't know how long that process will take and to access the value of a nuclear plant would be a very expensive appraisal process.

The Town would do a collective bargaining with the Hendrick Hudson School District, the Village of Buchanan, the Town and the Verplanck Fire District together in discussions with Entergy Nuclear. The net result is, and each entity has their own PILOT, is that they receive money in the same proportion as the tax levy would be. So the gross number that Entergy pays to the Village, the School District, the Town and Fire District and Westchester County is approximately 31 million dollars. Of that, the smallest share goes to the Fire District, and the second smallest share would be for the Town of Cortlandt. Over the past years the Town did a one year extension of our PILOT and has now reached an agreement. The PILOT before the Board this evening would be for a period of 10 years retroactive to last January. It actually increases the annual payment to the Town by about \$115,000 per year. It provides for an increase in the PILOT in each year equal to whatever the New York State tax cap rate would be. It does contain some provisions that should the plant cease to operate, then the PILOT would be terminated. If it is not terminated it provides for a ratcheting down of the payments that they would make because they wouldn't be producing energy, but either the Town or the company can opt out and go back to the assessment roll. He stated that it is a very complicated process.

Mr. Wood commented that he doesn't think everyone is fully satisfied with all aspects of it but the problem is that the cost of keeping this on the assessment role, as houses and businesses are is a different complex entity that to value it is more than what the difference will be in the

PUBLIC HEARING, (cont.)

taxes. So the proposal before the Town Board would be to approve a new PILOT retroactive to January 1st of last year for a total payment beginning for the Town of \$790,000. It would provide for a retroactive true up with what we receive in 2015 we would get an additional \$115,000.

Supervisor Puglisi commented that the other entities that have already voted on and approved their PILOT is not perfect as no contract is perfect, but she personally believes that we need to stabilize it, and need to know how much money they are getting in every year, so they are voting for it.

Councilmember Farrell also commented that when people sometimes ask him what he is most proud of on the Board or what the most significant accomplishment is during his tenure, he feels it is the PILOT agreement that was negotiated originally in 2001. He stated that one doesn't have to look far to see what can happen to a community that decides to take another route. Councilmember Farrell explained that across the river they had a similar situation with their power plant, a different type of plant, but the Town Board came up on the wrong side of that and the result was the devastating tax increase situation and refunding of monies that had been collected under an erroneous assessment. Though no one is 100% happy with it, it is a more cautious and prudent approach which to him is the wise thing to do.

Supervisor Puglisi also stated that if the Town had to go to court on this it would be multi millions of dollars to fight it with taxpayer's money and may not win it. Therefore, she is voting for the PILOT this evening

A motion to poll the Board, close the public hearing, adopt a Negative Declaration, and adopt the Local Law was made by Councilmember Farrell and seconded by Councilmember Costello.

The Board was polled:

- Councilmember Costello: Yes**
- Supervisor Puglisi: Yes**
- Councilmember Freach: No**
- Councilmember Farrell: Yes**

The motion **Passed**

RESOLUTION NO. 275-15 RE: Adopt a Negative Declaration with respect to a PILOT with Entergy for 2016.

LOCAL LAW NO. 4-15: A Local Law establishing a PILOT with Entergy for 2016.

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DANGEROUS BUILDING PROCEEDINGS

- 1. To Consider Evidence that 88 Walnut Road is an unsafe building.
- 2. To Consider Evidence that 19 Cherry Place is an unsafe building.

Discussion: Tom Wood stated that this is a proceeding under the Town Code where these buildings have been identified by the Town Engineering Department to be dangerous buildings as that term is defined within that law. This hearing was opened in October, and at the request of the property owner, was adjourned until this evening.

Matthew Mazzamurro
1011 Park Street
Peekskill

Representing Elizabeth Bazzicalupo, owner of the properties.

Mr. Mazzamurro thanked the Board for adjourning the meeting so his client could be present. He stated that his client is suffering from physical ailments, she is divorced and after much deliberation,

Mr. Mazzamurro stated that Ms. Bazzicalupo is not opposing the Town’s application.

Supervisor Puglisi thanked them for coming to the meeting.

A motion to adopt resolutions was made by Councilmember Freach and seconded by Councilmember Farrell.

All voted **AYE**

RESOLUTION NO.276-15 RE: Authorize the demolition of 88 Walnut Road considered to be an unsafe building.

RESOLUTION NO.277-15 RE: Authorize the demolition of 19 Cherry Place considered to be an unsafe building.

HEARING OF CITIZENS, (AGENDA ITEMS ONLY)

Town Board Meeting

November 17, 2015

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

BID REPORTS

- 1. Receive and File Bids opened on November 16, 2015 with respect to a water main from Jacobs Hill tank to Gabriel Drive; and Reject same and authorize DOTS to rebid same.

RESOLUTION NO.278-15 RE: Reject Bid with respect to the Water Main Extension from Jacobs Hill Tank to Gabriel Drive CCWD 2015-01

REPORTS

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

OLD BUSINESS

Receive and File the Following:

- 1. Various correspondence from Robert Davis on behalf of Hudson Wellness requesting the Town Board consider granting a variance; include a letter from David Steinmetz representing residents opposing a variance.

NEW BUSINESS

Receive and File the Following:

- 1. Map, Plan and Report with respect to the proposed Hanover Estates Drainage District; and refer to DOTS and the Legal Department.

Discussion: Tom Wood added that because of the late receipt of the letters, the Board has decided to postpone the action til the December meeting.

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.279-15 RE: Appoint Thomas Casey as a substitute driver for the Community Center.

RESOLUTION NO.280-15 RE: Grant an extended family medical leave of absence for a DES employee.

RESOLUTIONS, (cont.)

RESOLUTION NO.281-15 RE: Declare the Town Board's Intent to be Lead Agent with respect to the 2016 Master Plan (Envision Cortlandt); and circulate to interested agencies.

RESOLUTION NO.282-15 RE: Authorize a Contract with Total Care EAP (Employee Assistance Program)

RESOLUTION NO.283-15 RE: Authorize a Contract with WJCS for Geriatric Care Management Services.

RESOLUTION NO.284-15 RE: Authorize an amendment to the Management Agreement with Scenic Hudson with respect to Hudson Highlands Gateway Park by extending the date to turn over the property to the Town to January 31, 2016.

RESOLUTION NO.285-15 RE: Authorize the filing of a deed restriction with respect to Lake Meahagh Park to close out the DEC reclamation proceeding.

Discussion: none

All voted **AYE**

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

RESOLUTION NO.286-15 RE: Authorize a 90 day notification to the Jonas Basty's Sewerage Works Corporation for the setting of rates by the Board.

RESOLUTION NO.287-15 RE: Authorize an IMA with the Town, Villages of Croton-on-Hudson and Buchanan with respect to the maintenance of the 9/11 Memorial.

RESOLUTION NO.288-15 RE: Authorize the sale of Town owned parcels to adjoining property owners and require said parcels to merge with purchaser's lot; subject to a 30 day Permissive Referendum period.

RESOLUTION NO.289-15 RE: Authorize an Agreement with SPCA for 2016.

RESOLUTION NO.290-15 RE: Authorize a contract with Sullivan Data for Information Technology Services.

RESOLUTION NO.291-15 RE: Authorize the cancellation of tax liens on properties acquired by the Town.

RESOLUTION NO.292-15 RE: Authorize Westchester County to reserve \$103,507.00 of Federal QECB subsidy for use in the Town with respect to an Energize NY Finance Project.

RESOLUTIONS, (cont.)

RESOLUTION NO.293-15 RE: Authorize DOTS to Award a contract with respect to an irrigation system for the Sprout Brook lacrosse/all purpose field.

RESOLUTION NO.294-15 RE: Authorize DOTS to Award a contract with respect to sod and the Sprout Brook lacrosse/all purpose field.

RESOLUTION NO.295-15 RE: Authorize to amend the V&T Code to prohibit parking along a portion of the end of Crugers Road.

RESOLUTION NO.296-15 RE: Authorize a contract for upgrading the water meter reading and billing software.

RESOLUTION NO.297-15 RE: Authorize the installation of pedestrian signage along Lexington Avenue in the area of George Washington Elementary School.

RESOLUTION NO.298-15 RE: Schedule a Public Hearing for December 15, 2015 to consider the formation of the Hanover Estates Sanitary Sewer District and Drainage District.

Discussion: Supervisor Puglisi commented that how much effort and work goes into each resolution by all the staff. There are 3 work sessions per month, all the facts are gotten and nothing is taken lightly. They make sure all is understood.

All voted **AYE**

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ADDITIONS TO THE AGENDA

Councilmember Farrell moved that the following be received and filed and the following resolutions be adopted. Councilmember Costello seconded the motion

RECEIVE AND FILE:

1. Letter from Koushik Das and Neepa Biswas requesting a parcel on Laurie Road be reinstated into the Peekskill Sewer District; and refer to Westchester County for their consideration.

RESOLUTION NO.299-15 RE: Authorize Request to have Parcel located within the Town included in the Peekskill Sanitary Sewer District and forward same to Westchester County for consideration.

RESOLUTIONS:

RESOLUTION NO.300-15 RE: Authorize DOTS to apply for NYS DEC Funding for Hudson River Access with respect to the Cortlandt Community Rowing Club Boat Dock.

ADDITIONS to the AGENDA, (cont.)

RESOLUTION NO.301-15 RE: Authorize DOTS and DES to install a siphon system with respect to Westchester lake (Wallace Pond).

RESOLUTION NO.302-15 RE: Authorize abandoning an unused water easement along Rt. 6.

Discussion: Michael Preziosi, Deputy Town Engineer, explained that the Town is proposing to install a siphon system to help in the winter months by exposing the root system to allow the lake to have a chance to regain its functionality next spring. He explained how this would be done and then it will be re-evaluated next Spring.

Supervisor Puglisi added that they did retain an outside consultant to help the staff. Letters will go out to the surrounding homeowners explaining the work to keep the lake healthy.

All voted **AYE**

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BUDGET TRANSFERS

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REPORTS FROM VARIOUS DEPARTMENTS

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REPORTS FROM STANDING & SPECIAL COMMITTEES

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SECOND HEARING OF CITIZENS

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ADJOURNMENT

The meeting was adjourned at 7:55 p.m. in memory of the 129 victims of the tragedy on November 13, 2015 in France on a motion by Councilmember Becker, seconded by Councilmember Freach.

All voted **AYE**

Respectfully submitted,

JO-ANN DYCKMAN
Town Clerk