

RESOLUTION

NUMBER 275-18

**(RE: SCHEDULE A PUBLIC HEARING FOR NOVEMBER 13, 2018
TO CONSIDER ADOPTING A SOLAR ENERGY LAW)**

RESOLVED, that the Town Board of the Town of Cortlandt, Westchester County, New York will conduct **PUBLIC HEARING** on the 13th day of November, 2018 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 adopting the Solar Energy Law.

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
LAROUÉ ROSE SHATZKIN
Town Clerk**

**Adopted October 23, 2018
At a regular Meeting held
at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

**(RE: NEGATIVE DECLARATION RE: A LOCAL LAW WITH RESPECT TO
REGULATING SOLAR ENERGY SYSTEMS)**

WHEREAS, the Town Board of the Town of Cortlandt has expressed it's intent to consider, after conducting a Public Hearing hereon, to consider REGULATING SOLAR ENERGY SYSTEMS; and

WHEREAS, in accordance with the requirements of the State Environmental Review Law, the Town Board must make a determination as to the Environmental Impact of this proposed action; and

WHEREAS, in accordance with 6 NYCRR, Part 617.6, the Town Board is the only Agency required to approve the proposed action; and

WHEREAS, the establishment of Lead Agency is the first step required with respect to the environmental process; and

WHEREAS, a short Environmental Assessment Form has been prepared, signed by the Supervisor, and accepted by the Town Board; and

WHEREAS, the Town Board has duly considered all of the environmental aspects of the proposed action.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby declare itself to be the Lead Agency with respect to this matter; and

BE IT FURTHER RESOLVED, that the Town Board does hereby determine, based upon the Environmental Assessment Form submitted to and reviewed by the Board, that this is an Unlisted Action; and

BE IT FURTHER RESOLVED, that based upon the Environmental Assessment Form, the Town Board of the Town of Cortlandt does hereby **ADOPT** the attached **NEGATIVE DECLARATION** with respect to this matter.

**Adopted on November 13, 2018
At a Regular Meeting
Held at the Town Hall**

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

RESOLUTION

DRAFT

NUMBER _____

(RE: LOCAL LAW REGARDING REGULATION OF SOLAR ENERGY)

RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt Local Law “H” of 2018, a law regarding the regulation of solar energy in the Town of Cortlandt.

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

**Adopted on November 13, 2018
At a Regular Meeting
Held at the Town Hall**

Local Law “H” of 2018

“Regulation of Solar Energy Systems Within the Town of Cortlandt”

A. Authority

This Solar Energy Local Law is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and, in accordance with the Town Law of New York State, “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

B. Statement of Purpose

This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- (1) To take advantage of a safe, abundant, renewable, and non-polluting energy resource;
- (2) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- (3) To increase employment and business development in the Town, to the extent reasonably practicable, by furthering the installation of Solar Energy Systems;
- (4) To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and
- (5) To create synergy between solar and the Town’s overarching sustainability policies as set forth in “Envision Cortlandt: 2016 Sustainable Comprehensive Plan.”

C. Definitions

Building-Integrated Solar Energy System: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

Community Solar Energy System: A solar installation owned collectively through condominium or property owners’ associations, business groups (e.g., strip-mall collective), college student groups, “adopt-a-solar panel” programs, or other similar arrangements. The Community Solar Energy System shall be subject to the approval requirements set forth for Tier 2 and Tier 3 Energy Systems per the thresholds stated in this section.

Glare: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

Ground-Mounted Solar Energy System: A Solar Energy System that is anchored to or resting directly on the ground via a pole or other mounting or supporting system (including ballasts, racks or other non-penetrative supports), detached from any other structure, that generates electricity for onsite or offsite consumption.

Native Perennial Vegetation: Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

Pollinator: Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

Roof-Mounted Solar Energy System: A Solar Energy System located on the roof of any lawfully existing building or structure that produces electricity for onsite or offsite consumption.

Solar Access: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

Solar Energy Equipment: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

Solar Energy System: The component and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar System as follows:

- A. Tier 1 Solar Energy Systems include the following:
 - a. Roof-Mounted Solar Energy Systems
 - b. Building-Integrated Solar Energy Systems
- B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months.
- C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

Solar Panel: A photovoltaic device capable of collecting and converting solar energy into electricity.

Storage Battery: A device that stores energy and makes it available in an electrical form.

D. Applicability

- (1) The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town of Cortlandt after the effective date of this Local Law, excluding general maintenance and repair.
- (2) Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- (3) Modification to an existing Solar Energy System that increases the Solar Energy System area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.
- (4) All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and the Town Code.

E. General Requirements

- (1) A Building permit shall be required for the installation of all Solar Energy Systems.
- (2) The Reviewing Board or person is encouraged to consider conditions on sites adjacent to Solar Energy Systems so as to protect Solar Energy Systems’ access to sufficient sunlight to remain economically feasible over time.
- (3) Issuance of permits and approvals by the Reviewing Board shall include review pursuant to the State Environmental Quality Review Act (“SEQRA”).
- (4) All Solar Energy Systems are subject to the requirements of Chapter 179: Freshwater Wetlands, Water Bodies and Watercourses, Chapter 283: Trees, and Chapter 259: Steep Slopes.
- (5) Ground-Mounted Solar Energy Systems are prohibited in the R-20, R-15, R-10, and RG Zoning Districts.

F. Permitting Requirements for Tier 1 Solar Energy Systems

All applications for Tier 1 Solar Energy Systems shall be reviewed by the Director of the Department of Technical Services or the Director of Code Enforcement, shall be permitted in all zoning districts, and shall be exempt from site plan review under the Town Code, subject to the following conditions for each type of Solar Energy System:

- (1) Roof-Mounted Solar Energy Systems

- a. Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
 - i. Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface and the highest edge of the system.
 - ii. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - iii. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - iv. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
- b. Glare: All Solar Panels shall have anti-reflective coating(s).
- c. Height: All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

(2) Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

G. Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be permitted by a special permit from the Planning Board, subject to the following conditions:

- (1) Site Plan Application: For any Solar Energy System requiring a Special Permit, site plan approval shall be required. The approval criteria are the same as set forth in Section 307 of the Town Code.
- (2) Glare: All Solar Panels shall have anti-reflective coating(s).
- (3) Setbacks: All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards of the lot. The required setbacks shall be as follows:
 - a. When abutting a Commercial or Industrial District, double the required setback of the zoning district in which the lot that is the subject of the application is sited; or
 - b. 100 feet from an abutting Residential District.

- (4) Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.
- (5) Screening and Visibility:
 - a. All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
 - b. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views and shading of surrounding properties, while still providing adequate solar access.
- (6) Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirements specified for accessory structures within the underlying zoning district.
- (7) Minimum Landscape Coverage: Tier 2 Solar Energy Systems shall comply with the Minimum Landscape Coverage for the underlying zoning district.
- (8) Security: The deposit, execution, or filing with the Town Clerk of a cash, bond, or other form of security reasonably acceptable to the Town Attorney and/or the Director of the Department of Technical Services, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 100% of the cost of removal of the Tier 2 Solar Energy System and restoration of the property.

H. Permitting Requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted through the issuance of a Special Permit by the Town Board, and subject to the following conditions:

- (1) Applications for the installation of Tier 3 Solar Energy Systems are subject to the requirements of Chapter 307, Article X: Standards and Conditions for Special Permits of the Town Code.
- (2) Underground Requirements: All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
- (3) Vehicular paths: Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

(4) Signage:

- a. No signage or graphic content shall be displayed on the Solar Energy Systems except for the manufacturer's name, equipment specific information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area of no more than 8 square feet.
- b. As required by National Electric Code ("NEC"), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

(5) Glare: All Solar Panels shall have anti-reflective coating(s).

(6) Lighting: Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

(7) Tree-cutting: Removal of existing trees is subject to the requirements of Chapter 283 of the Town Code.

(8) Decommissioning:

- a. Solar Energy Systems that have been abandoned and/or not producing electricity for a period of one (1) year shall be removed at the Owner and/or Operator's expense, which at the Owner's option may come from any security made with the Town as set forth herein.
- b. A decommissioning plan signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:
 - i. The cost of removing the Solar Energy System.
 - ii. The time required to decommission and remove the Solar Energy System and ancillary structures.
 - iii. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.
- c. Security
 - i. The deposit, execution, or filing with the Town Clerk of a cash, bond, or other form of security reasonably acceptable to the Town Attorney and/or

the Director of the Department of Technical Services, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.

- ii. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash depot, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- iii. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth herein.

(9) Site Plan Application: For any Solar Energy System requiring a Special Permit, site plan approval shall be required. The approval criteria are the same as set forth in Section 307 of the Town Code.

(10) Special Permit Standards

- a. Lot Size: The Property on which the Tier 3 Solar Energy System is placed shall be at least ten (10) acres.
- b. Setbacks: The Tier 3 Solar Energy Systems shall be setback:
 - i. 100 feet from an abutting Commercial or Industrial District;
 - ii. 200 feet from an abutting Residential District.
- c. Height: No structure can exceed 25 feet or 2 stories.
- d. Minimum Landscape Coverage:
 - i. The Solar Energy System, as defined above, must comply with the minimum landscape coverage requirement of the underlying zoning district.

- ii. The following component of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - 1. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - 2. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformer, or storage cells.
 - 3. Paved access roads servicing the Solar Energy System.
- e. Fencing Requirements: All mechanical equipment, including any structure for storage batteries, shall be enclosed by an 8-foot high fence with a self-closing and self-locking gate to prevent unauthorized access.
- f. Screening and Visibility: Applicants for Tier 3 Solar Energy Systems shall be required to:
 - i. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-site profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital view-shed report, may be required to be submitted by the applicant.
 - ii. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practicable from public roadways and adjacent properties to the extent feasible.
 - iii. Upon receipt of an application, the approving authority shall e-mail and send via standard mail said application to the Conservation Advisory Council (“CAC”) for review and report. The CAC shall report back to the approving authority within 15 days of such referral if the approving authority is the Director of Technical Services, within 30 days of referral if the approving authority is the Town Board, and within 45 days of referral if the approving authority is the Planning Board. The time period within which the CAC shall be required to report back may be extended at the discretion of the approving authority. The approving authority shall give significant weight to the recommendations of the CAC as well as any reports or recommendations offered by the Town Arborist or other

environmental officials. Failure by the CAC to report back to the approving authority within the specified time period shall be interpreted as indicating no objection to the application. The approving authority shall send the final approved plan(s) to the CAC.

- iv. Non-ornamental trees with a diameter larger than eight (8) inches that are removed must be replaced using a one to one ratio. Diseased or dead trees that are removed are not subject to this requirement.
- g. Agricultural Resources. For projects located on lands designated as Agricultural Districts by the Westchester County Department of Planning:
 - i. Any Tier 3 Solar Energy System located on these Agricultural Districts shall not exceed fifty (50)% of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.
 - ii. To the maximum extent practicable, Tier 3 Solar Energy Systems located in these Agricultural Districts shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
 - iii. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.
- h. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.

I. Safety

- (1) Solar Energy Systems and Solar Energy Equipment shall be certified under the New York State Uniform Fire Prevention and Building Code and applicable electrical codes as required.

- (2) Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
- (3) If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of the New York State Uniform Fire Prevention and Building Code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town and any applicable federal, state, or county laws or regulations.

J. Permit Time Frame and Abandonment

- (1) The Special Permit and site plan approval for a Solar Energy System shall be valid for a period of twelve (12) months, provided that a building permit is issued for construction. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Town Board, within twelve (12) months after approval, the applicant or the Town may extend the time to complete construction for one hundred eighty (180) days. If the owner and/or operator fails to perform substantial construction after twenty-four (24) months, the approvals shall expire.
- (2) Upon cessation of electricity generation of a Solar Energy System on a continuous basis for twelve (12) months, the owner and/or operator of the Solar Energy System shall implement the decommissioning plan. The decommissioning plan must be completed within three hundred sixty (360) days of cessation.
- (3) If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

K. Community Solar Energy Systems

Shares in Community Solar Energy Systems shall be offered first to Town of Cortlandt residents.

L. Fees

The fees for Solar Energy Systems shall be established from time to time by resolution of the Town Board.

M. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in Chapters 149 and 307 of the Town Code.

N. Cessation of Moratorium

Upon adoption of this chapter, the Town's moratoria on solar use adopted at the May 15, 2018 Town Board Meeting shall cease.

O. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

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DRAFT

RESOLUTION

NUMBER _____

(RE: ADOPT FEE SCHEDULE FOR REFUSE COLLECTION AND RECYCLING SERVICES)

WHEREAS, The Director of the Department of Environmental Services recommends revising certain fees for refuse collection and recycling services effective on January 1, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the following fees are to be in effect January 1, 2019 for refuse collection and recycling services provided by the Town of Cortlandt:

<u>Service</u>	<u>Fee</u>
Freon appliance collection	\$10
Tire collection (no rim)	\$5 per tire
(with rim)	\$10 per tire
Bulk pickup appointment	\$30
TV collection special pickup	\$15
E-waste special pick up	\$5

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

**Adopted on November 13, 2018
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(RE: AUTHORIZE REPAIRS TO THE SPROUT BROOK PARK BASEBALL FIELD)

WHEREAS, The Cortlandt American Little League has requested certain repairs to the baseball field at Sprout Brook Park; and,

WHEREAS, the field is owned by the Town of Cortlandt with routine maintenance provided by the Cortlandt American Little League; and,

WHEREAS, the Director of the Department of Environmental Services had evaluated the request and recommends certain repairs be undertaken by the Department.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Environmental Services is authorized to undertake repairs to the baseball field at Sprout Brook Park at a cost not to exceed \$5,000; and,

BE IT FURTHER RESOLVED, that the Comptroller is authorized to amend the 2018 budget to fund the project, as appropriate.

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

**Adopted on November 13, 2018
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NO.

**(AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT FOR THE
PART-TIME USE OF THE TOWN OF CORTLANDT'S ASSESSOR)**

WHEREAS, the Village of Croton-on-Hudson approached the Town with respect to the temporary leave of its full-time Assessor; and

WHEREAS, the Town of Cortlandt and its Assessor, Tom Waitkins, have offered to assist the Village during its Assessor's absence; and

WHEREAS, the Village Manager of Croton addressed a letter to Supervisor Puglisi dated October 29, 2018 with the proposed terms of the Village's temporary use of the Town's Assessor; and

WHEREAS, the Town agrees that the terms set forth in the Village Manager's letter dated October 29, 2018 are fair and reasonable;

NOW, THEREFORE, BE IT RESOLVED, that the Town is authorized to enter into an agreement with the Village of Croton for the temporary, part-time use of the Town's Assessor pursuant to the Village Manager's letter dated October 29, 2018.

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

**Adopted November 13, 2018
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NO.

(AUTHORIZING THE TOWN TO REMOVE A BILLBOARD LOCATED ON TOWN PROPERTY)

WHEREAS, there is a billboard located within the Town of Cortlandt located on the corner of Crompond Road and Buttonwood Avenue; and

WHEREAS, this billboard is located on Town Property; and

WHEREAS, the Town of Cortlandt Staff contacted the owner of the billboard alerting the owner that the billboard needed to be removed; and

WHEREAS, the owner of the billboard agreed to remove the billboard by January 31, 2019 subject to certain conditions; and

WHEREAS, the owner of the billboard also agreed that if the billboard is not removed by January 31, 2019, then the Town can remove it; and

NOW, THEREFORE, BE IT RESOLVED, that the Town staff or its outside contractors are authorized to remove the billboard located on Town Property.

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

**Adopted November 13, 2018
At a Regular Meeting
Held at Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (ADOPT SOCIAL MEDIA AND SEXUAL HARRASSMENT POLICIES)

BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt the Social Media Policy and the updated Sexual Harassment Policy.

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

**Adopted November 13, 2018
At a Regular Meeting
Held at Town Hall**

TOWN OF CORTLANDT SOCIAL MEDIA POLICY

Policy Statement – The purpose of the policy is to provide the framework for employee usage of Social Media, both inside and outside of the workplace. Social Media in general refers to internet based applications that allow for the creation and exchange of user generated content. Examples of Social Media include, but are not limited to: Facebook, Twitter, Instagram, LinkedIn, YouTube, web blogs, and web based wikis whereby users can add, modify, or delete its content via a web browser. The Town’s right to monitor communication systems and equipment also applies to the use of Social Media if employees are using Town computers or communications systems.

Usage During Working Hours – Unless the use of Social Media is pertinent to Town business or authorized by a Department Head, employees are prohibited from using Social Media during working hours. At no time, including on a rest or meal break, shall employees use Town-owned computers or communication equipment to access social media sites.

Posting Content on Social Media (regardless of point of access) – The following uses of Social Media are prohibited. These terms pertain to content posted from computers or communication systems that are not Town owned, as well as those that are Town property.

This list is meant to be illustrative, and not exhaustive.

- Disclosing confidential or proprietary information pertaining to matters of the Town that is not otherwise deemed accessible to the general public under the Freedom of Information Law (Public Officers Law Article 6, §§ 84-90).
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, or endorsing violence.
- Directing comments, or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the Town, or its employees, services or Elected Officials.
- Posting, uploading, or sharing images that have been taken while performing duties as an agent of the Town, or while wearing Town uniforms – the only exception to this rule is when it is directly pertinent to Town business and such posting, uploading, or sharing of images is authorized in advance by the appropriate Department Head.
- Representing that an opinion or statement is the policy or view of the Town, or of any individual acting in their capacity as a Town employee or official, or otherwise on behalf of the Town, when that is not the case.
- Posting anything in the name of the Town or in a manner that could reasonably be attributed to the Town without prior written authorization from the applicable Department Head.
- Using the name of the Town or a Town e-mail address in conjunction with a personal blog or Social Media account.

An employee's Social Media usage must comply with Town policies pertaining to but not limited to Non-Discrimination and Harassment, Confidentiality, Violence in the Workplace, and Substance Abuse. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, outside of the workplace, using computers or communication systems that are not Town-owned.

Notwithstanding the above, nothing in this policy is meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law.

Reporting of Violations – Anyone with information as to a violation of this policy is to report said information to the appropriate Department Head. Once the Department Head is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.



Introduction

[*Employer Name*] is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of [*Employer Name's*] commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with [*Employer Name*]. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. [*Employer Name's*] policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with [*Employer Name*]. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. [*Employer Name*] will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of [*Employer Name*] who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or [*name of appropriate person*]. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject *[Employer Name]* to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. *[Employer Name]* will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. *[Employer Name]* will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. *[Employer Name]* will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to *[person or office designated]*.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an

individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. *[Employer Name]* cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or *[person or office designated]*. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or *[person or office designated]*.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to *[person or office designated]*.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. *[Employer Name]* will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, *[person or office designated]* will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by *[Employer Name]* but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at *[Employer Name]*, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to *[Employer Name]* does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Model Complaint Form for Reporting Sexual Harassment



Combating Sexual Harassment

[Name of employer]

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to [person or office designated; contact information for designee or office; how the form can be submitted]. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

DRAFT

RESOLUTION

NUMBER _____

RE: (AUTHORIZE A SECOND FILM SEASON OF “TAKING CARE OF BUSINESS-CORTLANDT” TO PROMOTE LOCAL BUSINESS)

BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby authorize a second season of “Taking Care of Business – Cortlandt” to be filmed for the purposes of promoting and advertising local businesses within the Town, at a cost of \$450. per episode.

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

**Adopted November 1, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

DRAFT

NUMBER _____

(AUTHORIZE THE DIRECTOR OF PURCHASING AND TECHNOLOGY TO SOLICIT REQUESTS FOR PROPOSALS FOR GIS SERVICES)

RESOLVED, that the Town Board of the Town of Cortlandt does hereby authorize the Director of Purchasing and Technology be and hereby is authorized to solicit RFP's for GIS Services to be used by the Town of Cortlandt under the direction of the GIS Executive Committee.

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

**Adopted on November 13, 2018
At a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(RE: AUTHORIZE A REQUEST BE SENT TO NEW YORK STATE DEPARTMENT OF TRANSPORTATION REQUESTING INTERIM AND FUTURE IMPROVEMENTS TO THE INTERSECTION OF ROUTE 9A/OLD ALBANY POST ROAD/WATCH HILL ROAD)

WHEREAS, New York State Department of Transportation is planning a project to be constructed in 2019 to resurface Route 9A (Albany Post Road) in the Town of Cortlandt; and,

WHEREAS, improvements to the intersection of Route 9A and Old Albany Post Road/Watch Hill Road/Springvale Road were identified in a 1996 corridor study prepared at the direction of the Town of Cortlandt; and,

WHEREAS, intersection improvements should be incorporated into this upcoming project if possible.

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Department of Environmental Services is authorized to request that the New York State Department of Transportation evaluate interim and future improvements to the intersection of Route 9A/Old Albany Post Road/Watch Hill Road/Springvale Avenue.

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

**Adopted on November 13, 2018
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

(RE: AUTHORIZE A SERVICE CONTRACT FOR TREE REMOVAL)

WHEREAS, The current backlog of tree removal work has been reviewed by the Director of the Department of Environmental Services; and,

WHEREAS, It is the recommendation of the Director that the backlog of outstanding work requires the assistance of a tree contractor in order for the work to be accomplished in a timely fashion and in the interest of public health and safety.

NOW, THEREFORE, BE IT RESOLVED, that the Purchasing Director, together with the Director of the Department of Environmental Services is authorized to advertise and award a contract for the removal of certain trees, as specified and in accordance with the Town Purchasing policy, at a cost not to exceed \$70,000, and,

BE IT FURTHER RESOLVED, that the Comptroller is authorized to amend the 2018 budget to fund the project, as appropriate.

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

**Adopted on November 13, 2018
at a Regular Meeting
Held at the Town Hall**

DRAFT

RESOLUTION

NUMBER _____

RE: (AMEND TB RESOLUTION 268-18 WHICH AUTHORIZED THE DIRECTOR OF TECHNICAL SERVICES TO ENTER INTO A CONTRACT FOR FULLY STRUCTURAL UV CURED IN PLACE FIBERGLASS LINING FOR DRAINAGE PIPES WITHIN UTILITY EASEMENTS AT 2005/2007 ALBANY POST ROAD “AMBERLANDS / FOOD TOWN PARKING LOT)

WHEREAS, TB Resolution 268-18 shall be superseded as follows.

WHEREAS, the Department of Technical Services requested a proposal from Precision Industrial Maintenance, who are on State Contract via a “Piggy Back” clause contained in Bid 8714/Contract ID No. 3089 through the County of Onondaga, State of New York in the amount of One Hundred Forty Four Thousand Three Hundred Dollars and no cents (\$144,300.00); and

WHEREAS, the Director of Technical Services has reviewed the proposal and recommends awarding the fully structural UV cured in place fiberglass lining for drainage pipes contract to Precision Industrial Maintenance, a/dba Precision Trenchless, LLC., 1710 Erie Blvd, Schenectady, NY 12308 for the Contract Sum listed above,

NOW THEREFORE BE IT RESOLVED, the Director of Technical Services is hereby authorized to execute the contract with Precision Industrial Maintenance, LLC., a/dba Precision Trenchless, LLC., in the amount of One Hundred Forty Four Thousand Three Hundred Dollars and no cents (\$144,300.00)..

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to amend the budget with respect to the above.

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

**Adopted on Nov. 13, 2018
at a Regular Meeting
Held at the Town Hall**