

RESOLUTION

NUMBER **293-18**

**(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 December 11, 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

NUMBER 294-18

(RE: LOCAL LAW REGARDING REGULATION OF SOLAR ENERGY)

RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt Local Law 8 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 December 11, 2018
At a Regular Meeting
Held at the Town Hall**

Local Law 8 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 Approval: 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. Double the required setback of the zoning district when the property is located in a Commercial or Industrial District; or

- b. Double the required setback for accessory structures in the zoning district when the property is located in a 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 deposit, 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 Approval: 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 lot when the property is in a Commercial or Industrial District;
 - ii. 200 feet when the property is located in a Residential District. The Town Board, at its discretion, may vary the required dimensional setback of 200-ft to minimize environmental impacts created when locating ground-mounted solar energy systems within the dimensional regulations. In such instances the approving authority may vary the setback to 100 feet or 200 feet from the nearest habitable building, whichever distance is more

restrictive. The burden of proof for the grant of such waiver shall always be upon the applicant.

- 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. All ornamental, specimen or protected trees listed in 283 Attachment 1 that are removed must be replaced using a one to one ratio. All other trees shall be replaced in accordance with the requirements of Chapter 283 of the Town Code. Trees determined to be diseased, dead or an invasive species 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 or Planning 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. Referral to Conservation Advisory Council

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.

L. Community Solar Energy Systems

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

M. Fees

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

N. Taxation

Pursuant to section 487 of the Real Property Tax Law, the Town shall require all applicants to enter into a contract for payments in lieu of taxes (PILOT) for all Ground-Mounted Solar Energy Systems.

O. 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.

P. 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.

Q. 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.

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

**Adopted on December 11, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER 295A-18

**(AUTHORIZING MUTUAL RELEASE OF CLAIMS & ACQUISITION
OF ENGINEERING PLANS AND SURVEYS OF 26+/-ACRES
KNOWN AS “ABEE ROSE”)**

WHEREAS, in 2013 the Town entered into an agreement to acquire approximately 100 +/- acres of open space following the subdivision of the balance of the parcel into five (5) lots; and

WHEREAS, based on environmental concerns and community comments the Town revised the original agreement in December 2017 by paying \$300,000.00 for the owner to reduce his application from 5 lots to 3 lots as well as to immediately convey title to 105 acres of open space to the Town; and

WHEREAS, based on continuing public concerns over environmental matters, the Town Board has now determined to resolve this matter by acquiring the parcel pursuant to a separate resolution; and

WHEREAS, it is the desire of the Town to settle any issues or dispute under the aforementioned agreements;

NOW, THEREFORE, BE IT RESOLVED, that upon the receipt of a General Release of all claims from Mongoose, Inc., Commercial Real Estate Assets Management, Inc. and JPG Cortlandt, a payment of \$335,000.00 will be paid; and

BE IT FURTHER RESOLVED, that the Town will pay to Badey and Watson the sum of \$40,000.00 and Tim Miller and Associates the sum of \$25,000.00 for the engineering, surveys and environmental reports; and

BE IT FURTHER RESOLVED, that the Comptroller is authorized to amend the budget accordingly; and

BE IT FURTHER RESOLVED, that the funds will be paid to the attorney for the other party in escrow until the acquisition of the 26 acre parcel is complete.

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

**Adopted December 11, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER 295B-18

(AUTHORIZING THE ACQUISITION OF 26 ACRES AS OPEN SPACE)

WHEREAS, the Town previously acquired 106 +/- acres of the proposed “Abbey Rose” subdivision known as Tax Lots: Section 45.14-3-1, Section 45.10-2-1 and Section 45.15-1-1; and

WHEREAS, the Town now wishes to acquire as open space the balance of 26 acres;

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby agrees to acquire the remainder parcel of 26 +/- acres that were part of Sections 45.14-3-1, Section 45.10-2-1 and Section 45.15-1-1 known as the Abbey Rose Subdivision for \$50,000.00; and

BE IT FURTHER RESOLVED, that this Resolution is subject to permissive referendum and shall be posted and published accordingly.

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

**Adopted December 11, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER 296-18

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

RESOLVED, that the Town Board of the Town of Cortlandt does hereby authorize the Director of Purchasing and Technology to solicit RFP's for Security Services to be used by the Town of Cortlandt.

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

**Adopted on December 11, 2018
At a Regular Meeting
Held at the Town Hall**

RESOLUTION

NUMBER 297-18

(RE: AUTHORIZE THE PURCHASE AND INSTALLATION OF SECURITY CAMERA'S AND APPLICABLE HARDWARE FOR THE MURIAL H. MORIBITO COMMUNITY CENTER AT A COST NOT TO EXCEED \$20,000)

WHEREAS, at the current time the Community Center does not have a properly functioning monitoring system; and;

WHEREAS, it is the intent to utilize vendors that are currently on New York State Contract;

NOW, THEREFORE, BE IT RESOLVED, that the Purchasing Director is hereby authorized to execute the purchase documents and the Town Comptroller is hereby authorized to amend the budget accordingly.

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

**Adopted on December 11, 2018
At a Regular Meeting
Held at the Town Hall**

RESOLUTION

NUMBER 299-18

(RE: AUTHORIZE THE REPLACEMENT OF THREE SKYLIGHTS AT TOWN HALL)

WHEREAS, Upon inspection by the Department of Environmental Services the three skylights located in/near the Comptroller's office at Town Hall warrant replacement; and,

WHEREAS, the Department solicited proposals from Vanguard Roof Management for \$4,170, and Frank Stevens and Sons Roofing, Inc. for \$4,500, to furnish and install three (3) skylights.

NOW, THEREFORE, BE IT RESOLVED, that Vanguard Roof Management is authorized to proceed with the replacement of three (3) skylights at Town Hall (1 Heady Street) at the not to exceed price of \$4,400; and,

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

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

**Adopted on December 11, 2018
at a Regular Meeting
Held at the Town Hall**

RESOLUTION

NUMBER 300-18

RE: (AUTHORIZE THE DEPARTMENT OF TECHNICAL SERVICES TO SOLICIT BIDS FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE TOWN HALL FIRE PROTECTION SYSTEM)

WHEREAS, the Director of Technical Services was previously authorized by the Town Board to enter into a consultant services contract with All County Security Inc., 1604 Eagle Bay Drive, Ossining, NY 10562 to prepare design plans for the aforementioned improvements; and

WHEREAS, the Department of Technical Services is authorized to solicit bids for the installation of recommended improvements.

NOW THEREFORE BE IT RESOLVED, the Department of Technical Services is authorized to prepare construction bid documents for upgrades to the fire protection system of the Town Hall Municipal Building, 1 Heady Street and bid the same.

BE IT FURTHER RESOLVED, the Director of Technical Services is requesting an additional Seven Thousand Five Hundred Dollars (\$7,500.00) be appropriated to finalize bid specification and design contingency.

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
LAROUÉ SHATZKIN
TOWN CLERK**

**Adopted on December 11, 2018
at a Regular Meeting
Held at the Town Hall**

RESOLUTION

NUMBER 301-18

(RE: AUTHORIZE AN AGREEMENT WITH SAFETY NATIONAL AS INSURANCE AGENT FOR EXCESS LIABILITY ON WORKERS' COMPENSATION CLAIMS)

RESOLVED, that the Town of Cortlandt Town Board does hereby authorize an Agreement with Safety National as its Insurance Agent for excess Liability on Workers' Compensation claims for 2019 at a total contract price to the Town of \$87,881.

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

**Adopted on December 11, 2018
At a Regular Meeting
Held at the Town Hall**

RESOLUTION

NUMBER 302-18

(RE: DESIGNATE THE RECORDS ACCESS OFFICER)

BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby designate the Town Clerk, Laroue Rose Shatzkin as the Records Access Officer.

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

**Adopted on December 11, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER 303-18

(RE: ADOPT THE CAPITAL IMPROVEMENT PROGRAM 2018-2022)

BE IT RESOLVED, that the Town Board of the Town of Cortlandt does hereby does hereby adopt the Capital Improvement Program covering the years 2018-2022.

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

**Adopted on December 11, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER 304-18

**(RE: AUTHORIZE BUDGET TRANSFERS AND AMENDMENTS AND CLOSE
CERTAIN CAPITAL PROJECTS TO THE 2018 FISCAL BUDGET)**

RESOLVED, that the Town Comptroller be, and hereby is, authorized to make necessary adjustments to the Fiscal 2018 Budget to reflect the receipt of all transfers of funds, and further analysis of the Fiscal 2018; and

BE IT FURTHER RESOLVED, that the Town Comptroller will provided the Town Board and the Town Clerk during the month of January, 2019, a detailed substantiation for all such transfers and/or amendments made during this period; and

BE IT FURTHER RESOLVED, that the Comptroller is hereby Authorized to close out any Capital Project Funds and return them to their original source if appropriate.

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

**Adopted on December 11, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER 305-18

(RE: AUTHORIZE THE APPOINTMENT OF THE FOLLOWING SEASONAL EMPLOYEE IN THE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE YEAR 2018)

NOW THEREFORE BE IT RESOLVED, the following seasonal employee will be appointed effective December 11, 2018 to April 11, 2019 in the Department of Environmental Services. This appointment is subject to completion of drug screening.

Employee Name
Sean Fristrom
Chica Galo
Matthew Washington

BE IT FURTHER RESOLVED, all temporary employees in the Department of Environmental Services shall be compensated at an hourly rate of pay of \$13.86.

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

**Adopted on December 11, 2018
at a Regular Town Board Meeting
Held at Town Hall**

RESOLUTION

NUMBER 306-18

RE: (APPOINT TWO (2) MOTOR EQUIPMENT OPERATORS IN THE DEPARTMENT OF ENVIRONMENTAL SERVICES)

WHEREAS, the AFSCME Collective Bargaining Agreement includes a requirement that twenty five (25) Motor Equipment Operators be maintained on staff at all times; and

WHEREAS, currently the Town government will be appointing two Motor Equipment Operators in order to comply with the AFSCME Collective Bargaining Agreement; and

WHEREAS, the position was posted according to the Collective Bargaining Agreement; and

WHEREAS, Councilman Richard Becker, D.E.S. Director, Jeff Coleman, and Personnel Manager, Claudia Vahey conducted interviews and have made a recommendation to the Town Board; and

WHEREAS, the Town Board have agreed to this recommendation; and

NOW, THEREFORE, BE IT RESOLVED, that the following employees will be upgraded to the title of Motor Equipment Operator effective on December 12, 1018:

Ken Celli, Jr. – BC 8 Step 1 \$59,029

John Ritornato, III – BC 8 Step 1 \$59,029

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

**Adopted on December 11, 2018
at a regular Town Board Meeting
held at Town Hall.**

RESOLUTION

NUMBER 307-18

RE: (APPOINT A PART-TIME PARKING ENFORCEMENT OFFICER FOR A THREE MONTH PERIOD)

NOW, THEREFORE, BE IT RESOLVED, that Mr. Andrew Myers be and hereby is appointed to the title of Substitute Parking Officer for a three month period of time (December 14, 2018 – March 17, 2018). Mr. Myers will be paid \$24 per hour and this appointment will become effective upon the completion of a pre-employment drug screening, pre-employment physical and background check.

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

**Adopted on December 11, 2018
at a regular Town Board Meeting
held at Town Hall.**

RESOLUTION

NUMBER 308-18

**(RE: AUTHORIZING A LEAVE OF ABSENCE FOR VARIOUS TOWN
EMPLOYEES)**

RESOLVED, that the following employees be granted a leave of absence under FMLA:

Employee ID # 983800 – Intermittent

Employee ID #284440 – Effective retroactive November 19, 2018 – November 30, 2018

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

**Adopted on December 11, 2018
at the Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER 309-18

(RE: SCHEDULE A PUBLIC HEARING FOR JANUARY 15, 2019 TO CONSIDER AGREEMENTS WITH VARIOUS FIRE DEPARTMENTS FOR FIRE PROTECTION SERVICES)

RESOLVED, that the Town Board of the Town of Cortlandt, Westchester County, New York will conduct **PUBLIC HEARING** on the 15th day of January, 2019 at 7:00 o'clock P.M., prevailing time, or as soon thereafter as possible, in the Vincent F. Nyberg General Meeting Room of the Town Hall located at One Heady Street, Cortlandt Manor, New York to consider Agreements with various Fire Departments for Fire Protection Services.

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 December 11, 2018
At a regular Meeting held
at the Town Hall**

RESOLUTION

NUMBER 310-18

(RE: SCHEDULE A PUBLIC HEARING WITH RESPECT TO A DANGEROUS BUILDING)

Whereas, the Director of DOTS has recommended that a certain building at 270 Furnace Dock Road be declared a dangerous building; and

Whereas, in accordance with the dangerous building statute a report from the Town Engineer certified and under seal by a professional engineer licensed in the State of New York has been filed with the Town Clerk; and

Whereas, said report indicates that the building should be declared a dangerous building and that the demolition of said building is necessary for the public safety; and

Whereas, SJB Architecture and Design has also conducted an independent evaluation and concluded that 270 Furnace Dock Road meets the criteria of a dangerous building;

Now Therefore Be It Resolved, that the Town Board will hold a Public Hearing at its Regular Meeting of February 12, 2019 at 7:00 o'clock P.M., prevailing time, or as soon thereafter as possible, in the Vincent F. Nyberg General Meeting Room of the Town Hall located at One Heady Street, Cortlandt Manor, New York to consider declaring the building at 270 Furnace Dock Road a dangerous building requiring demolition; and

Be It Further Resolved, 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 Hearing to be included in the transcript of the proceedings of this hearing. The Town Hall is a handicapped accessible facility.

Be It Further Resolved, that a Notice of said Public Hearing shall further be published in the Official Newspaper of the Town of Cortlandt and shall be posted on the Official Bulletin Board.

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

**Adopted December 11, 2018
At a regular Meeting held
at the Town Hall**

RESOLUTION

NUMBER 311-18

**(RE: AUTHORIZE AN AGREEMENT WITH WESTCHESTER JEWISH
COMMUNITY SERVICES)**

RESOLVED, that the Town Board of the Town of Cortlandt does hereby Authorize an agreement with Westchester Jewish Community Services for consultation services.

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

**Adopted on December 11, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER 312-18

(RE: AUTHORIZE THE REPAIR OF STORM DRAIN AT AIDA LANE AND PONDVIEW COURT)

WHEREAS, Upon inspection by the Department of Environmental Services, approximately 80 feet of storm drain requires immediate replacement at the intersection of Aida Lane and Pondview Court; and,

WHEREAS, the Department solicited the following proposals:

Pizzella Brothers, Inc.	\$21,800
V.W. Varella	\$23,800
WD Excavation & Contracting, Inc	\$24,500
Cesarini Construction Inc.	\$26,933

NOW, THEREFORE, BE IT RESOLVED, that Pizzella Brothers, Inc. is authorized to proceed with the repair of the storm drain at Aida Lane and Pondview Court at the not to exceed cost of \$24,000; and,

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

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

**Adopted on December 11, 2018
at a Regular Meeting
Held at the Town Hall**

RESOLUTION

NUMBER 313-18

(AUTHORIZING THE TOWN TO ENTER INTO A SETTLEMENT WITH JANINE CHENARD)

WHEREAS, Ms. Janine Chenard filed a notice of claim with the Town of Cortlandt on June 7, 2018 for damages to her property located at 10 Birch Lane caused by an alleged backflow of raw sewage that caused flooding to her property; and

WHEREAS, the \$11,000.00 settlement includes the costs of cleaning and construction to restore the property; and

WHEREAS, the Town believes that \$11,000.00 to settle the claim would be in the best interests of all parties;

NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney is authorized to settle with Ms. Janine Chenard for \$11,000.00.

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

**Adopted December 11, 2018
At a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER 314-18

(RE: AUTHORIZING A LEAVE OF ABSENCE FOR A DOTS EMPLOYEE)

RESOLVED, that the following employee is granted a leave of absence:

Employee ID #364500 – Effective December 14, 2018 – January 18, 2019

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

**Adopted on December 11, 2018
at a Regular Meeting
Held at Town Hall**

RESOLUTION

NUMBER 315-18

**(RE: AMEND TOWN BOARD RESOLUTION NUMBER 274-18 WITH
RESPECT TO A LEAVE OF ABSENCE)**

RESOLVED, that the following employee is granted a leave of absence:

Employee ID #722580 – Effective December 11, 2018 – February 28, 2019

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

**Adopted on December 11, 2018
at a Regular Meeting
Held at Town Hall**