

December 15, 2015

Town Board Meeting

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on December 15, 2015 in the Vincent F. Nyberg Meeting Room of the Cortlandt Town Hall located at One Heady Street, Cortlandt Manor, NY (10567) with the following elected official and appointed staff in attendance:

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

Also present:

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

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MEETING CALLED TO ORDER

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

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PLEDGE TO THE FLAG

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

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SUPERVISOR'S PROCLAMATIONS AND REPORTS

The **Supervisor** spoke of Pearl Harbor Day which was on December 7 and the fact that it has been 74 years since the tragic attack and that we will never forget their sacrifices for our country.

There have been many events this past month:

The Van Cortlandtville Historical Society had their annual luncheon where Kacey Morabito from WHUD was the guest speaker. Next year will be the 95th anniversary for the Historical Society which will have many scheduled events.

The Town Recreation Department had Youth Soccer and Youth Football Award Dinners where the young athletes received their trophies. **Supervisor Puglisi** thanked the many volunteers who coach them and the sponsors for these teams.

SUPERVISOR'S REPORTS, (cont.)

Supervisor Puglisi spoke of the new Cortlandt App about historical places within the Town and that there are about 25 sites each with an individual who knows the location and a welcome from the **Supervisor**. She commented that it is a terrific addition to our community. There will be other sites put on this app and the list is endless what can be put on the Cortlandt app.

The **Supervisor** hosted the Christmas Tree lighting and Menorah Lighting at Mongero Park on Rt. 6. It was a wonderful celebration with local students singing carols.

Santa Clause will be at the Town's Youth Center on Sunday, December 20th from 2-4 p.m. **Supervisor Puglisi** attended and the Center has been transformed into a Winter Wonderland and the **Supervisor** thanked the Director and her staff. She invited the residents to go to the Youth Center and have fun.

The Cortlandt Manor Rotary Club with President Sharon Irving, had a pancake breakfast with a visit from Santa Claus at the Town's Community Center. This year over 500 people attended and next year they will be ready for the larger attendance.

Supervisor Puglisi commented that this is the last official Town Board meeting of 2015 and that it was a great year with many achievements. There is a list of achievements posted on the Town's website and the **Supervisor** urged residents to read them and to comment with ideas and suggestions.

On November 14th there was a dedication of Meahagh Park in Verplanck. There is an outdoor basketball court, a community garden, a rowing dock, a walking and jogging path, and a dedicated tree in memory of Robert Sinclair, a Town employee and a dedicated bench in memory of Jeffrey Keesler.

The **Supervisor** also attended three "fun-filled" Senior Citizen holiday luncheons this month. There are always a series of speakers that address the clubs on issues applicable to the senior citizens.

Supervisor Puglisi announced that the Town of Cortlandt has received the approval from the New York State PFC (Public Service Commission) to purchase 99 acres in Verplanck along the Hudson River from Con Edison. There are a lot of ideas and suggestions for this property for the community.

The Town spent over two years opposing the Spectra Algonquin Gas Line Expansion Project. **Supervisor Puglisi**, along with many other communities, elected officials and citizen task force attended meetings, public hearings, sent petitions and letters, etc to try and block this expansion. The **Supervisor** stated that they tried their best but FERC, located in Washington, D.C., supersede the local Town governments. FERC approved this expansion project on March 3, 2015. Though the Town did everything it could, the project has begun. **Supervisor Puglisi** stated that they are disappointed they did not win this, though they have won many issues that they have opposed and fought for, but this one was not successful.

SUPERVISOR’S REPORTS, (cont.)

The Town’s website has all the work listed that the Town did to try to block this project. Because they are now crossing the land the Town is purchasing from Con Edison, the Town will be receiving money for an easement.

Tom Wood, Town Attorney, explained that FERC gave SPECTRA the right of eminent domain over all properties in order to fulfill the project. They condemned the easement and the Federal Court approved payment to Con Edison for the value of that easement. The Town will get a credit for that value for that part of the easement which will be on the Town’s property. The Town will not be able to use the property for the 14–16 months while the project is being done so they negotiated damages for that temporary interference. This evening there is an agreement from Spectra that they will compensate the Town \$2,700,070 in damages for the delay in allowing the use of that land. Tom Wood commented that though the **Supervisor** says it is a defeat, he thinks while they didn’t stop the project the Town made some substantial changes to their routes, their method of construction, and their access sites in many of the areas and assist some of the residents to maintain their quality of life. He continued that though not perfect, if they hadn’t done what they did, they wouldn’t have even had those adjustments.

The **Supervisor** reminded that they did win against the Millennium Pipeline coming into the Town about 10-12 years ago. She said that she feels that Washington is in favor of additional gas lines throughout the nation and though she spoke of the effect on the Hudson River, the fish hatching, etc. Being realistic, they will be accepting this contribution from them to benefit the Town of Cortlandt community.

Supervisor Puglisi wished everyone a very Happy Holiday season.

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ROLL CALL

On a roll call attendance taken by Town Clerk Dyckman all Town Board members indicated their presence.

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TOWN BOARD REPORTS

Councilmember Farrell: Wished everyone a happy holiday and said that he is looking forward to working with the Board over the next year to further the good work that they’ve been able to accomplish.

Councilmember Freach: Stated that he appreciated Tom Wood’s outlook on the “glass half full” aspect and he is disappointed that the pipeline project is here but he appreciates all the efforts of everyone that they’ve done for the last two years plus and have been able to force some of the accommodations to better the quality of life. Councilmember Freach thanked Tom Wood for the long negotiations over the compensation figure. He feels it is a fair price and higher than any other town is receiving. He wished everyone a Happy New Year.

TOWN BOARD REPORTS, (cont.)

Councilmember Becker: Spoke of the changes in the last year; longtime Comptroller Glenn Cestaro retired from the Town and his first Deputy Patty Robcke stepped up and has become the new Comptroller and is off to a wonderful start. There were also changes in DOTS; Ed Vergano will be stepping aside and concentrating on special projects while Michael Preziosi will be assuming the Director of DOTS. There have been lots of fights with outside agencies; however one that was won was with the power conversion plant and this was a major battle. This area could now be used for the Highway Department, if decided, which will save money and keep equipment and personnel safe.

Councilmember Becker stated that he is looking forward to a lot of the projects coming up. Meahagh Park will be officially opened in the spring with a new rowing dock. Also, now after 10 years, the trailers will be removed from the trailer park in Verplanck and that will become a Town-wide park with access to the Hudson River. The Master Plan was completed this year and that was a year long process which maps out the next 10 years. There also was an election, and Councilmember Becker commented that he is proud and blessed to have been re-elected and feels that if they vote you back in, they must like the job you are doing. He stated he is looking forward to 2016 to work with this team and to serve the Town to get a lot accomplished.

Councilmember Costello: Tonight they will be voting on two new members to the Town of Cortlandt family, Richard Falcone and Jennifer Santiago and Councilmember Costello stated that she is looking forward to the Board approving them and welcoming them to the Town. She wished everyone a very happy holiday and a safe, healthy and prosperous New Year.

Councilmember Farrell added that of the two projects, at least the pipeline will be finished in a few years and things will start to grow and eventually be forgotten. The converter plant would have been there forever, an enormous building humming and buzzing away and entirely changing the character of the village.

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APPROVAL OF THE MINUTES

Councilmember Costello moved that the regular minutes of November 17, 2015 be approved as presented by Town Clerk Dyckman. Councilmember Becker seconded the motion.

All voted **AYE**

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PUBLIC HEARINGS

(A complete transcript of this Public Hearing is on file in the Office of the Town Clerk.)

Tom Wood explained that Hanover Estates has been approved by the Planning Board subject to many conditions. This is 27 lot subdivision and one of the conditions is that they

PUBLIC HEARING, (cont.)

have to come before the Town Board to seek the Town Board’s approval to establish a sanitary sewer district as well as a storm water drainage district. He introduced Brad Schwartz of Zarin & Steinmetz who explained that they received their approvals and are here tonight to establish a drainage and sewer district.

Tom Wood added that all the infrastructure is installed at the cost and expense of the developer, not of the taxpayer and that the sewer and drainage district is being formed primarily for the operation of those facilities after they are completed and dedicated.

Supervisor Puglisi stated that contributions will be made by the developer to the Town for a field elsewhere in the community and that it is a pretty straightforward thing. The Town Board has to be the conduit to the Westchester County Health Department.

A motion to close the Public Hearing at 7:16 p.m., adopt a Negative Declaration and Adopt an Order was made by Councilmember Becker and seconded by Councilmember Freach.

RESOLUTION NO. 308-15 RE: Adopt a negative declaration regarding the Establishment of the Hanover Estates Sanitary Sewer and Drainage Districts

RESOLUTION NO. 309-15 RE: Adopt an order regarding the Establishment of the Hanover Estates Sanitary Sewer and Drainage Districts

All voted **AYE**

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HEARING OF CITIZENS, (AGENDA ITEMS ONLY)

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

BID REPORTS

1. Receive and File Bids opened on December 11, 2015 with respect to a water main from the Jacobs Hill tank to Gabriel Drive; and Award a Contract for same.

RESOLUTION NO. 310-15 RE: Award a Contract with respect to a water main from the Jacobs Hill tank to Gabriel Drive.

REPORTS

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

OLD BUSINESS

Receive and File the Following:

1. Letter from Westchester County Planning with respect to Cortlandt Crossing; and a Memo from the Town Planning Board with respect to same.
2. Letter from Westchester County Planning with respect to the Envision Cortlandt Sustainable Comprehensive Master Plan.
3. Letter with respect to Hanover Estates requesting to be reinstated into the county sewer district; and forward same to Westchester County for their consideration.

RESOLUTION NO. 311-15 RE: Forward a letter with respect to Hanover Estates requesting to be reinstated into the County sewer district.

4. Quarterly Report from Westchester County with respect to the Sprout Brook Ash pit.
5. Determination with respect to a variance requested by Mr. Robert Davis on behalf of Hudson Wellness.

NEW BUSINESS

Receive and File the Following:

None

Discussion: Supervisor Puglisi reminded everyone that the Sprout Brook Ash pit is closed. It was a County ash pit and was closed in 2009. The Town just receives reports on it of the monitoring.

All voted **AYE**

RESOLUTIONS

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

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

RESOLUTION NO.312-15 RE: Appoint Richard Falcone as Assistant Building Inspector to fill a vacancy in the Code Enforcement Division of DOTS.

RESOLUTION NO.313-15 RE: Appoint Jennifer Santiago to the title Accountant to fill a vacancy in the Comptroller's Office.

RESOLUTIONS, (cont.)

RESOLUTION NO.314-15 RE: Appoint Michael Preziosi to the title Director of the Department of Technical Services.

RESOLUTION NO.315-15 RE: Authorize the Supervisor to execute a Contract appointing Ed Vergano to the title Senior Civil Engineer for the Department of Technical Services.

RESOLUTION NO.316-15 RE: Authorize a temporary Leave of Absence with respect to an employee in the Receiver of Taxes office.

RESOLUTION NO.317-15 RE: Appoint a seasonal for the Department of Environmental Services.

RESOLUTION NO.318-15 RE: Reappoint members to the PRC Advisory Board.

RESOLUTION NO.319-15 RE: Authorize Contracts with respect to heating oil for the 2015-2016 season.

RESOLUTION NO.320-15 RE: Authorize the purchase of a dump truck for the water division of DES.

RESOLUTION NO.321-15 RE: Authorize the Director of DES to seek bids with respect to the purchase of a packer sanitation truck and a snow plow.

RESOLUTION NO.322-15 RE: Acknowledge the transfer of Cablevision to Altice

Discussion: Supervisor Puglisi introduced and welcomed Richard Falcone and Jennifer Santiago. She thanked Ed Vergano for all the years as Director of DOTS and Michael Preziosi as new Director of DOTS.

All voted **AYE**

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

RESOLUTION NO.323-15 RE: Authorize an Agreement with respect to the Spectra project.

RESOLUTION NO.324-15 RE: Schedule Town Board Meetings and Worksessions for 2016.

RESOLUTION NO.325-15 RE: Adopt the Capital Improvement Program pursuant to the Chapter 9 of the Town Code.

RESOLUTIONS, (cont.)

RESOLUTION NO.326-15 RE: Authorize the Supervisor to extend a Contract with Woodard and Curran for GIS and Tax Map Services for 2016.

RESOLUTION NO.327-15 RE: Authorize a contract with respect to roadside tree branch removal for DES.

RESOLUTION NO.328-15 RE: Authorize a contract with Safety National for excess Liability on Workers Compensation claims for 2016.

RESOLUTION NO.329-15 RE: Schedule a Public Hearing for January 12, 2015 to consider Agreements with various fire departments with respect to fire protection services (Continental Village Fire Department, Montrose Fire Department and the Village of Croton)

RESOLUTION NO.330-15 RE: Authorize Budget Transfers for year end by the Comptroller.

Discussion: Supervisor Puglisi stated that the Capitol Improvement program was passed as a Local Law when she became Supervisor and is a five year plan for anything over \$50,000. Town Comptroller, Patty Robcke confirmed it is the same amount as last year.

All voted **AYE**

ADDITIONS TO THE AGENDA

Councilmember Freach moved that the following resolutions be adopted. Councilmember Farrell seconded the motion.

RESOLUTIONS

RESOLUTION NO.331-15 RE: Authorize an Agreement for design services with respect to the proposed water spray park at Cook Pool.

RESOLUTION NO.332-15 RE: Authorize an Agreement for construction services with respect to the proposed water spray park at Cook Pool.

RESOLUTION NO.333-15 RE: Authorize an IMA with the NWJWW with respect to paying the cost of a VFD pump in their plant for the Cortlandt supply at a cost of \$31,250.

RESOLUTION NO.334-15 RE: A Resolution of Determination considering an appeal from the Moratorium by Hudson Ridge Wellness Center, Inc.

RESOLUTIONS, (cont.)

RESOLUTION NO.334-15 RE: Schedule a Public Hearing for January 12, 2016 to consider the establishment of the Furnace Wood Sewer District; and notify residents

Discussion: Tom Wood explained that the moratorium was proposed with respect to certain uses currently existing in the Town’s zoning ordinance to allow the Town Board to finish it’s consideration of the new Master Plan and to prevent development that might go contrary to the terms and conditions in the proposed Master Plan. This moratorium is for six months and has to have a particular purpose, which in this case is for the implementation of the Master Plan. It also has to allow a property owner who deeds themselves to have been unfairly affected by it to appeal. The Town Board, for the last two months, has received multiple bits of correspondence from the property owner as well as some members of the community. The Board has reviewed that and will determine that the applicant is not entitled to a variance and that the moratorium will stand.

All voted **AYE**

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BUDGET TRANSFERS

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REPORTS FROM VARIOUS DEPARTMENTS

Tom Wood stated that he’s been with the Town for 38 years and over that time has dealt with the only two Town Engineers during that tenure, James Irish and Ed Vergano. He commented that Ed is not only a very competent engineer, but he is a professional planner and brought a great deal of creativity to projects. Tom Wood also commented that besides all that, Ed Vergano is a great person, friend and the Town looks forward to working with him in his new role.

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REPORTS FROM STANDING & SPECIAL COMMITTEES

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SECOND HEARING OF CITIZENS

Karen Wells

Commented that the request regarding the moratorium is coming from someone who has come into the community and repeatedly ignored the processes within the community. They have claimed a financial hardship. Ms. Wells stated that this hardship seems to have been driven by their unwillingness to have early discussions and have worked on the property without proper permits. She stated that this hardship is one of their own making. They stated that they were not aware of meetings regarding the Master Plan, yet the meetings have been going on for a long time. Ms. Wells stated that this is a process for protecting the community from becoming a community where people decide to put what they

HEARING OF CITIZENS, cont.

want there. The residents decide how they want their community to be and Ms. Wells hoped that the Town Board will support the process. She also explained that there are less residents at the meeting due to other events in the Town.

Michael Shannon
2022 Quaker Ridge Road

Mr. Shannon explained that his property adjoins the Hudson Institute and he asked that the Town Board not consider giving any exemption to the moratorium. He also stated that any hardship is their own doing and asked the Town to consider the timeline. Mr. Shannon discussed the wording in the application and the fact that they already renovated some of the smaller buildings. It is unknown who is screening the patients they propose to bring there, though there will be 92 patients, 92 workers, trash removal, and laundry services and there will be impacts on the well system. This deserves the Town’s thoughtful consideration and not an exemption to hurry it through. There are now houses in the area compared to many years ago. Mr. Shannon spoke of the correspondence he read and the legal challenge the applicants might take and the talk of litigation. He stated that to come here now and say they’ve spent a lot of money is unfortunate but they did this entirely of their own doing without seeking the approval of the Town first. Mr. Shannon commented that they can wait while the Town considers the moratorium and its bigger impact and the concern of the community for the next generations.

Tom Wood added that the moratorium doesn’t just affect the specialty hospital special permit part of the zoning ordinance. It does delay development in the medical overlay district which is in the area of the hospital and Rt. 202. It also delays applications in the transportation overlay district which is by the Cortlandt Train Station and approvals of projects along the Hudson River. This particular property owner seems to feel they are the only one who is being impacted by it, but there are several other parties affected. All notices are available in many places and certainly if one is doing development in the Town, you should be well aware of what is going on.

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ADJOURNMENT

The meeting was adjourned in memory of Lou Leslie, member of the CAC for over 30 years and Roland Foucher, an EMS provider in Mohegan at 7:55 p.m. on a motion by Councilmember Costello seconded by Councilmember Becker.

All voted **AYE**

Respectfully submitted,

JO-ANN DYCKMAN
Town Clerk

December 15, 2015

Town Board Meeting