

November 19, 2013

Town Board Meeting

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on November 19, 2013 in the Vincent F. Nyberg Meeting Room of the Cortlandt Town Hall located at One Heady Street, Cortlandt Manor, NY (10567) with the following elected official and appointed staff in attendance:

LINDA D. PUGLISI	Supervisor
FRANCIS X. FARRELL	Councilmember
ANN LINDAU-MARTIN	Councilmember
RICHARD BECKER	Councilmember
JOHN E. SLOAN	Councilmember

Also present:

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

MEETING CALLED TO ORDER

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

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PLEDGE TO THE FLAG

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

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SUPERVISOR’S PROCLAMATIONS AND REPORTS

Supervisor Puglisi commented on the following events and issues:

The **Supervisor** introduced Kristin Bartolomeo, the artist who designed the 225th Town of Cortlandt Anniversary T-shirt. The festival was held on George’s Island on July 28th. Paul Gioacchini, art teacher at the Blue Mountain Middle School spoke of the process for the contest; saying was contacted to do the project and used it as a way to show the students how their artwork can actually affect the community in a positive way. The students had a lot of design freedom without a lot of direction and the designs that they produced were unique. This made it hard to narrow down to three designs from 20 or 30 entries. The committee then chose the winning design. Ms. Bartolomeo stated that her design incorporated the Bear Mt. Bridge and the many events surrounding it. **Supervisor Puglisi** presented her and Mr. Gioacchini with a certificate and a t-shirt in recognition of their work.

Supervisor Puglisi congratulated the newly elected officials and all the candidates of Election Day. She congratulated the new two Town Board members, Seth Freach and Debra Costello who will be replacing the retiring Ann Lindau-Martin and John Sloan.

SUPERVISOR'S REPORTS, (cont.)

She also congratulated Jo-Ann Dyckman, Town Clerk, Mary Breining, Receiver of Taxes, and Gerry Klein, Town Justice.

Today, 150 years ago by President Abraham Lincoln, the Gettysberg Address was given. **Supervisor Puglisi** spoke of the importance of the speech and that there are only 272 words in the famous speech. She shared the first paragraph of the Gettysberg Address.

The **Supervisor** stated also that this is the 50th anniversary of the assassination of President John F. Kennedy and recounted where she was on that day. It is a day never forgotten and that she remembers the inspiration President Kennedy gave to a generation.

The first 5K run in the Town of Cortlandt was held this year with over 100 participants. This event will be done next year also.

The Town has placed George Price's name for the 3rd Annual State Senator's Veteran's Hall of Fame. Mr. Price has been an important part of the Veteran's Committee helping to save the VA for needed Veteran services.

The long awaited Rt. 202 project is completed with a few minor details to take care of and the **Supervisor** thanked Ed Vergano and Tom Wood. This is a New York State DOT project and it took many years to have it completed as a safe intersection. The cost for this project was close to 3 million dollars with the State DOT covering the expense.

Another road improvement in progress is the N. Y. State's Bear Mt. Parkway which will make a safer environment for motorists on this road. This is being paid for by NYSDOT and estimates are that it should be completed by early spring.

Supervisor Puglisi announced that Cortlandt is one of the first Towns in New York State to be awarded a Grant for an electric car outlet station, a charging station, which will be at the Town Hall campus. This should be available for use within the next 7 months.

The Pearl Harbor Ceremony will take place on Friday, December 6th at 3:00 p.m. at Town Hall. The **Supervisor** urged residents to attend this ceremony for this event that occurred 72 years ago.

Supervisor Puglisi wished everyone a very Happy Thanksgiving.

TOWN BOARD REPORTS

Councilmember Farrell: Spoke of the presentation by Dani Glaser who is leading the charge on making the Town more efficient with respect to the use of energy. Ms. Glaser presented a thorough report outlining the progress made and new goals to achieve. The report on flood mitigation was discussed to which Councilmember Farrell stated that climate change is directly attributable to our misuse of energy and fossil fuels in particular. He commented that there are steps that we need to make to mitigate against the change that is already occurring.

In addition to the car charging station, the Town will be installing LED street lights on Springvale Road. This will also be something we will do to conserve energy. He explained that LEDs burn more efficiently than bulbs and uses a lot less energy lasting a lot longer. One problem is that snow can build up as it no longer melts on the lights, so this will have to be overcome.

Councilmember Farrell commented that the solving of all these little problems as you go along trying to make things better are what makes things also interesting and challenging.

He wished everyone a Happy Thanksgiving and Happy Hanukah, being celebrated on the same day. This is an infrequent occurrence with the next time taking place in 7700 years.

Councilmember Becker: Stated that the Town is aware of the economic difficulties the residents are going through and that includes taxes and that the Supervisor has kept the taxes low throughout the years. In thinking about this, the Town tax is very small proportionately to the other taxes and so trying to reduce that is difficult. They have come up with a tax reward program that Councilmember Becker feels will be very helpful which at the same time can help local businesses.

They have created a **Cortlandt Tax Reward Program** to start in 2014. Everyone will be given a reward card and this card will be good at all participating local businesses within the Town of Cortlandt. Whenever a resident buys something at this business, a portion of that charge will go to pay your taxes. Information will be on the website. They are hopeful that those that shop local can save between \$500-\$1000 off their taxes, which can be tracked online.

The Town of Cortlandt will be the first in New York State. There will be a breakfast at the Town Hall to introduce this new program to local businesses.

Councilmember Lindau-Martin: Congratulated the winners of the election and wished everyone a Happy Thanksgiving.

Councilmember Sloan: Nothing to report and wished everyone a Happy Thanksgiving.

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APPROVAL OF THE MINUTES

Councilmember Sloan moved that the minutes of the Regular Meeting of October 28, 2013 and the Special Meeting of November 4, 2013 be approved as presented by Town Clerk Dyckman. Councilmember Becker seconded the motion. *Councilmember Lindau-Martin abstained due to her absence from the October meeting.

All voted **AYE**

PUBLIC HEARINGS

None

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HEARING OF CITIZENS, (AGENDA ITEMS ONLY)

Bernis Nelson

Explained that she has been a resident of Valeria since 1984 and a municipal attorney for over 30 years.

Spoke regarding the resolution authorizing the acceptance of security from Toll Brothers in the amount of 7.8 million dollars and the release of security posted by AVR in the amount of 1 million dollars with respect to property known as Valeria.

Ms. Nelson recalled the chain of events for this property by the developer for the 147 new townhouses. She stated that Toll Brothers have been clear cutting trees in that area for the first 55 townhouses and has not fully followed the tree protection plans most recently re-approved by the Planning Board in May. There were four 60 ft. evergreens cut down which served as a buffer between the old and new development which were promised were to be preserved. Additional trees have been removed without following stated protocols. Ms. Nelson stated she was bringing this to the attention of the Board because they are considering the conversion of the required performance security of 7.8 million dollars. She has experienced the inefficiency of performance bonds and they are nearly impossible to collect upon. Ms. Nelson urged the Board to continue to require a letter of credit for the 7.8 million dollars performance security for the 147 new townhouses at Valeria and do not permit a performance bond to be posted in lieu of a letter of credit. She also asked them to consider that the Town not permit any further site work for the development including further cutting of trees and a stop work order be issued until the tree protection plans be brought back to the Planning Board for approval and review and a building permit is obtained for the new townhouses.

Supervisor Puglisi recused herself and referred comments to Town Attorney, Tom Wood.

Tom Wood spoke about the categories of trees stating it was recommended that these 5 trees be removed by the Town Arborist. There are other mechanisms in place today to prevent from that occurring any further and the developer has agreed to fund

HEARING OF CITIZENS, cont.

additional time for a tree monitor to be on site on a more regular basis to ensure that it is adhered to.

With respect to the performance collateral, Mr. Wood also has had mixed success with it. He cited examples of many large projects where it has proved to be successful. He stated he is comfortable with the acceptance of the performance bond from this developer.

Ms. Nelson commented that she wants to make sure that the Town is fully protected in the event things are not completed in accordance with the plans. Many residents were very upset with the cutting of the trees.

Councilmember Farrell asked about building permits not being issued as yet. Tom Wood answered that in larger projects the site work is allowed before the construction.

Dick Nelson

President of Dickerson Pond Condominium – older buildings in Valeria

He concurred with his wife with the importance of the security and his experience is that a letter of credit is standard on large projects as it is more certain to be collected. He asked that the Town please refer to the tree ordinance for the protective measures it ensures. The trees that were lost were very significant to the residents and were lost and hopefully the steps will be taken now to help ensure this not occur in the future including protection of the wetland buffer along the Valeria Pond.

Andrew Dodge

Project Manager at Toll Brothers

The trees taken down were noted to be saved “if possible”. Their removal was not to get away with anything but it was recommended that they come down. Mr. Dodge stated that they want to work with the residents and make sure they do things the right way. They will do what the Town asks regarding the letter of credit.

Councilmember Sloan stated that he doesn’t recall ever having to invoke a performance bond or letter or credit to get the work done. As far as the trees, it is unfortunate however, with regard to the trees; the Board has a long history with developers and very little patience when the laws aren’t followed.

Councilmember Farrell said many people developed the tree ordinance and spoke of the preventing damage to tree roots from equipment. Mr. Dodge responded that they are here to work with the Board and there is a tremendous amount of work that went into this plan.

BID REPORTS

None

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REPORTS

Councilmember Becker moved that the following reports be received and ordered filed, seconded by Councilmember Lindau-Farrell.

For the month of October, 2013 from the Purchasing Department, Receiver of Taxes and the Town Clerk.

OLD BUSINESS

Receive and File the Following

- 1. Traffic Safety Advisory Committee Report; and refer to DES and DOTS.

NEW BUSINESS

Receive and File the Following:

- 1. Letter from the City of Peekskill to the NYS DOT regarding traffic safety issues at the Annsville Circle; and Authorize the Supervisor to forward a similar letter to DOT.

RESOLUTION NO.292-13 RE: Authorize the Supervisor to forward a letter to the NYS DOT regarding traffic safety issues at the Annsville Circle.

All voted **AYE**

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RESOLUTIONS

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

Councilmember Lindau-Martin moved that the following resolutions be adopted, seconded by Councilmember Farrell

RESOLUTION NO.293-13 RE: Appoint a member to the PRC Board to fill a vacancy and appoint a youth member.

RESOLUTION NO.294-13 RE: Authorize an Agreement with NYS DEC with respect to the hunting and fishing License Agent (Town Clerk).

RESOLUTION NO.295-13 RE: Adopt the Cyber Security Citizen's Notification Policy.

RESOLUTIONS, (cont.)

RESOLUTION NO.296-13 RE: Approve the placement of an electric charging station for public vehicles on the Town Hall Campus funded through a NYPA grant.

RESOLUTION NO.297-13 RE: Authorize DES to assist the “Hillside” Cortlandt Cemetery Association with respect to tree removal.

RESOLUTION NO.298-13 RE: Authorize DES to install a spotlight at the WWII monument site; at the request of the Cortlandt Manor Rotary.

RESOLUTION NO.299-13 RE: Authorize DES to install two LED streetlights along Springvale Road.

RESOLUTION NO.300-13 RE: Authorize the demolition of the former sewer plant building at the Community Center.

RESOLUTION NO.301-13 RE: Authorize DOTS to solicit proposals for repairs to the Sprout Brook Bridge.

RESOLUTION NO.302-13 RE: Adopt the 2014 Town Board Meetings and Work Sessions schedule.

RESOLUTION NO.303-13 RE: Authorize funds to Old Van Cortlandtville Cemetery with respect to repairs.

RESOLUTION NO.304A-13 RE: Authorize the settlement of Tax Certiorari’s with respect to 8 Sunset Trail,LLC.

RESOLUTION NO.304B-13 RE: Authorize the settlement of Tax Certiorari’s with respect to Nida Associates, Inc. & Baltic Estates, Inc..

Discussion: Regarding the sewer plant at the Community Center, Supervisor Puglisi stated that this is an obsolete old small plant that is not used anymore, and that is why it is being demolished. Town Clerk Dyckman stated that Jeffery Schwartz is the new PRC member and the youth member is Matthew Kenny.

All voted **AYE**

A motion to poll the Board was made by Councilmember Lindau-Martin and seconded by Councilmember Farrell

RESOLUTION NO.305-13 RE: Authorize the Acceptance of Security from Toll Brothers in the amount of \$7,800,000.00 and the Release of Security posted by AVR in the amount of \$1,000,000.00 with respect to property known as Valeria.

RESOLUTIONS, (cont.)

The Board was polled:

Councilmember Sloan:	yes
Councilmember Becker:	yes
Supervisor Puglisi:	recuse
Councilmember Lindau-Martin:	yes
Councilmember Farrell:	yes

The motion passed.

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ADDITIONS TO THE AGENDA

Councilmember Farrell moved that the following correspondence be received and ordered filed and the resolutions be adopted. Councilmember Sloan seconded the motion.

Received and File the following:

1. A proposed Resolution for consideration with respect to joining with other Westchester Communities to allow the option to aggregate the energy purchases of residents and small businesses; and refer to the Legal Department and DOTS.

RESOLUTION NO. 306-13 RE: Authorize extending a Family Medical Leave of Absence for a DOTS/CODE employee.

Discussion: Councilmember Lindau-Martin asked about the joining with other communities and Supervisor Puglisi said they need more clarification before voting next month.

All voted **AYE**

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BUDGET TRANSFERS
NONE

BUDGET TRANSFERS
NONE

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REPORTS FROM VARIOUS DEPARTMENTS

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REPORTS FROM STANDING & SPECIAL COMMITTEES

none

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SECOND HEARING OF CITIZENS

Bernis Nelson

Said she was disappointed as she was told earlier in the day that this resolution would be held for further consideration. She urged that going forward that the Town Board enforce their tree ordinance as it was adopted with much effort and it is not being fully implemented. It will be disregarded if it is not enforced, particularly on a development as large as Valeria. Ms. Nelson also urged them to be careful in the permitting code of allowing sites to be cleared and excavated without a building permit and what is done here does not comply with law.

Councilmember Becker commented that he resents any implication of a lack of caring or follow-up with the trees. Many of them have devoted many hours with the development of the tree ordinance and he doesn't remember Ms. Nelson being there at any of those meetings. Ms. Nelson stated she is not a political person and she is saying that if so much effort went in it should be carried out.

Supervisor Puglisi concurred with Councilmember Becker that the Town works hard to preserve property in the Town.

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ADJOURNMENT

A motion was made by Councilmember Becker, seconded by Councilmember Lindau-Martin to close the meeting at 8:28 p.m.

All voted **AYE**

Respectfully submitted,

**JO-ANN DYCKMAN,
Town Clerk**

November 19, 2013

Town Board Meeting