

JULY 16, 2019
TOWN BOARD MEETING

A full audio/video recording of this meeting is available at www.townofcortlandt.com

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on July 16, 2019 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 officials and appointed staff in attendance:

LINDA D. PUGLISI	Supervisor
FRANCIS X. FARRELL	Councilmember
DEBRA COSTELLO	Councilmember
RICHARD BECKER	Councilmember
JAMES CREIGHTON	Councilmember

Also present:

THOMAS WOOD	Town Attorney
MICHAEL CUNNINGHAM	Assistant Town Attorney
LAROUÉ ROSE SHATZKIN	Town Clerk
CHRISTINE B. COTHREN	Deputy Town Clerk
PATRICIA ROBCKE	Comptroller
MICHAEL PREZIOSI	Director, DOTS
STEPHEN FERREIRA	Interim Director, DES -ABSENT
CLAUDIA VAHEY	Human Resources Coordinator

MEETING CALLED TO ORDER

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

PLEDGE TO THE FLAG

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

SUPERVISOR'S PROCLAMATIONS & REPORTS

Supervisor Puglisi gave her report
OF NOTE:

Eagle Scouts, Kieran Beltran Jr., and Wayne Smith, Troop 49, Ossining, NY were present and each give a Proclamation. Frank Farrell attended the Eagle Scouts Award Dinner, and wanted the scouts to be present at a Town Board meeting to receive their Proclamations. Kiernan Beltran Jr. rebeautified the faculty memorial garden at the Hendrick Hudson High School. Wayne Smith's Eagle Scout project benefitted the American Legion Post 1030; He raised \$7,248 to purchase bronze war markers to be placed in a local cemetery in Verplanck.

The Town of Cortlandt Charles Cook Pool and Water Spray Park and Mini Golf are open and ready for the season.

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The Town has a **free** Outdoor Concert and Movie Series at the Cortlandt Waterfront Park every month at the Cortlandt Waterfront Park.

The Town will be doubling the amount of roads that are going to be repaved this year. It will be approximately 3 million dollars.

The Westchester County sales tax will be raised by an additional 1 percent. This will help to offset the loss of revenue from Indian Point closing.

The Annual Our Lady of Mt. Carmel Italian Feast will be held this week. It is their 97th anniversary. There will be fireworks late on Sunday night.

ROLL CALL

On a roll call attendance taken by Town Clerk Shatzkin, all Town Board members indicated their presence except for Councilmember Becker who was absent.

TOWN BOARD REPORTS

Councilmember Debra Costello gave her report

OF NOTE:

The Verplanck Fire Dept. is holding their parade on Saturday, July 20, 2019.

The Croton Arboretum Garden Tour will take place on Sunday, July 21, 2019.

Welcomed new Town employees that are on the agenda.

Councilmember James Creighton gave his report

OF NOTE:

The Town pool and mini golf are fabulous.

The Westchester County 1% sales tax will help offset the closing of Indian Point. The Town of Cortlandt will benefit greatly and is projected to receive about \$750,000, and the school districts should be receiving benefit from the sales tax as well.

The Public Hearing on the Energy Conservation Law is this evening. It is a great amendment to the Law that enables the Town to benefit from the tax lien before anyone else.

Lake Meahagh is being worked on, and the Town will be continuing to take care of it according to DEC recommendations that were recently received.

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Councilmember Frank Farrell his report

OF NOTE:

Congratulated the Eagle Scouts from Troop 49, Ossining. He attended their awards dinner, and is happy to have them there being recognized publicly.

The Town Mini Golf is a beautiful addition to the Town's many recreational offerings.

Lake Meahagh will continue to be treated, and maintained as per DEC recommendations.

He mentioned the passing of two great Town of Cortlandt residents; Harold Reichard who was a life member and former commissioner of the Cortlandt Engine Co., also a retired Navy officer. Bob Peterson who was a Purple Heart recipient, a member of the American Legion Post in Verplanck, and a very active member of the Town Veteran's Committee. He asked for the meeting to be closed in their memory

APPROVAL OF THE MINUTES

Councilmember Costello made a motion to approve the Minutes from the June 11, 2019 Regular Meeting and for the June 17, 2019 Special Meeting seconded by Councilmember Becker.

DANGEROUS BUILDING PROCEEDINGS

1. To consider evidence that 270 Furnace Dock Road is a dangerous building.
 - a. Adopt an Order to Demolish

Tom Wood, Town Attorney explained that the property owner have recently applied and been granted a demolition permit, but in light of the amount of time that has elapsed, the Town Board will be voting on issuing the Order to Demolish. There is a 30 day period to serve the order. So hopefully it will coincide with the property owner's voluntary compliance. If the property owner doesn't comply, the Town will be able to solicit bids, have the building demolished and the cost will then become part of the tax bill of the property.

Councilmember Farrell thanked Councilmember Becker for all of his time and effort with the property owner regarding this building.

Councilmember Creighton made a motion to adopt the Order to Demolish. Councilmember Farrell seconded the motion.

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PUBLIC HEARINGS

1. Public Hearing to consider Amending the Solid Waste Law with respect to Garbage Can Size.
 - a. Close Public Hearing
 - b. Adopt Negative Declaration
 - c. Adopt Resolution regarding Local Law

The public hearing was opened at 7:41 p.m.

Stephen Ferreira, Dir. DES explained that it has been identified that Town wide we have an issue with oversized trash cans. So we wrote up a draft policy that we hope will be adopted and put in place over a six month period. Residents will be notified via Facebook, the Town website, and a postcard mailing containing pertinent information to the change. The current code calls for a 30 gallon trash can, we are going to increase the size to a 45 gallon trash can weighing no more than 70 pounds.

Supervisor Puglisi stated that we need to protect our employees from injury.

Tom Wood further explained between now and January 1st. After the 1st of the year, if the party is in violation, then we give them a sticker on the can with a reasonable period of time to replace it, and then at a point in time violations would be issued after that, and the non-compliant cans would be disposed of.

Marc Lawrence, resident of 43 Cedar Pond La., Cortlandt Manor, and Town of Cortlandt Sanitation Dept. employee appeared before the Board. He stated that he feels if the can size is increased; the weight will become a 50 percent increase. Most residents will not comply with the 70 pound rule. Just within the last month several employees have been injured picking up garbage. He is not in agreement with increasing the can size, and would like that the law remained the same.

Mr. Srinivasan Ramaswamy, resident of 5 Lakeview Rd., Cortlandt Manor appeared before the Board. He stated that he also thinks the increase in can size is not a good idea, and it should remain the same size. The safety of the workers will be further compromised.

Councilmember Farrell stated that the Town Sanitation Dept. does an extraordinary job. The issue is that most people are already using the 45 gallon can, and no matter the size the weight should not be any heavier. In fact, if the can is too heavy, our workers are encouraged to leave it there and put a sticker on it, and report it to the Foreman.

Stephen Ferreira, Dir. DES stated that the workers were shown the new cans, demonstrated how they would dump them, and if there is an issue with the weight then they are encouraged not to take it, and put a sticker on it.

Councilmember Creighton stated that the Sanitation workers have always been fabulous. The fact is most residents really don't own the 30 gallon cans anymore. The 45 gallon cans are what

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the stores are selling now. However, we want the weight to remain the same. What we are going to do is discourage residents from using these big commercial trash bins, because they will not be picked up. Those cans are not meant to be picked up by an individual. They are meant to be picked up by a mechanical arm.

Supervisor Puglis stated that employee safety is our number one priority. The community will be educated on this topic with various mailings, and social media. We were able to mandate recycling in the 1990's so this will be a similar situation.

Councilmember Costello that this is a good time to remind people of a weight limit, because most residents do not even know that there is one.

Councilmember Farrell made a motion to close the Public Hearing, Adopt the Negative Declaration, and Adopt the Resolution regarding this Local Law, seconded by Councilmember Costello with all voting **AYE**.

The Public Hearing was closed at 7:58 p.m.

2. Public Hearing to consider Amending the Energy Conservation Law.
 - a. Close Public Hearing
 - b. Adopt Negative Declaration
 - c. Adopt Resolution regarding Local Law

The Public Hearing was opened at 7:59 p.m.

Tom Wood, Town Attorney stated that this is updating our current law with respect to the financing of solar and energy improvements on residential properties. Up until when a property was financed through this program the collection of the payment was done through the Town Tax Bill in April. Under new State legislation the corporation providing the funding can now collect it themselves, and it takes the Town out of that process. So this is just amending the current Local Law.

Councilmember Creighton stated the only other change or benefit is the program now allows for up to 100 percent financing of the energy improvements.

Councilmember Farrell made a motion to close the Public Hearing, Adopt the Negative Declaration, and Adopt the Resolution regarding the Local Law, seconded by Councilmember Costello with all voting **AYE**.

The public hearing was closed at 8:01 p.m.

HEARING OF CITIZENS – AGENDA ITEMS ONLY

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REPORTS

Receive and File the following:

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

OLD BUSINESS:

Receive and File the following:

1. Memorandum from Director DOTS in response to referral regarding Red Oaks Sewer District.

NEW BUSINESS

Receive and File the following:

1. Letter from resident of Helena Drive regarding No Parking signs; refer to DES.
2. Letter from Edward D. Schmitt, PC requesting a License Agreement for owner of 286 9th Street in Verplanck; refer to Legal Department.
3. Letter from resident of Laurie Rd. requesting second speed hump; refer to DES.
4. Letter from resident of Hollowbrook Lane regarding retaining wall; refer to Legal, DOTS, and DES.
5. Letter from resident of Furnace Dock Rd. requesting to purchase adjacent parcel on Spruce Lane; refer to Legal.
6. Letter from resident requesting to donate property (Sec. 45.5, Bl. 2, Lot 31) under Palm Acres Co.; refer to Legal and DES.
7. Letter from Dickerson Pond Association, Valeria regarding the Valeria Waste Water Treatment Plant; refer to Legal and DOTS.
8. Independent Auditor's Report for the Town of Cortlandt and for the Justice Court; Accept Same.

Supervisor Puglisi stated that Item #7 regarding Valeria is going to be voted on separately as she will be recusing herself from this item.

Councilmember Costello made a motion to receive and file the above items,(excluding Item#7) seconded by Councilmember Creighton with all voting **AYE**.

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Mr. Thomas Wood, Town Attorney explained that Item #2 is a request for a license agreement for property in Verplanck where there are many properties that have patios, walkways etc. that extend beyond the limits of their property. So we will then provide the property owner with a license agreement so they can continue the use of the property.

Town Clerk Laroue Shatzkin polled the Board on Item #7, letter from Dickerson Pond Association regarding the Valeria Waste Water Treatment Plant.

Councilmember Costello made a motion to poll the Board, seconded by Councilmember Creighton with all voting **Aye**.

Councilmember Costello	AYE
Councilmember Becker	ABSENT
Supervisor Puglisi	RECUSED
Councilmember Creighton	AYE
Councilmember Farrell	AYE

The motion is passed.

RESOLUTIONS

All resolution adopted at this meeting are to be found attached to the end of the original Document.

Councilmember Creighton made a motion to adopt the following resolutions, seconded by Councilmember Farrell with all voting **AYE**.

RESOLUTION NO. 197-19 RE: Authorize Bond Resolution for Paving subject to Permissive Referendum.

RESOLUTION NO. 198-19 RE: Authorize 2019-2024 Municipal Snow and Ice Agreement with New York State.

RESOLUTION NO. 199-19 RE: Authorize settlement for resident of 6th St., Verplanck regarding damage due to water main break.

RESOLUTION NO. 200-19 RE: Authorize settlement for resident of 8th St., Verplanck regarding damage due to water main break.

RESOLUTION NO. 201-19 RE: Authorize Legal and DOTS to draft a Local Law regarding Zombie property maintenance purposes.

1. Agenda items for DOTS:

RESOLUTION NO. 202-19 RE: Authorize Director of DOTS to obtain RFP's for treatment of Lake Meahagh and necessary DEC permits.

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RESOLUTION NO. 203-19 RE: Retain Behan Planning and Design to complete a Joint Local Waterfront Revitalization Plan (LWRP) with the Village of Buchanan.

Discussion:

Thomas Wood, Town Attorney explained that a Zombie property is defined in the NY Law as a property, which the owner has abandoned, or a property that is in foreclosure and the bank is not yet in possession. So this will allow the Town to get bids, have the property maintained after contacting the owner if possible, and if no response the maintenance company will come in clean up the property, and the charge will then be liened back onto the tax bill of the property. After two years, if the property is still abandoned, and the taxes are unpaid, the tax liens are foreclosed by the Town, and the property will be auctioned off, and the Town will recover its' money.

Supervisor Puglisi explained that they will be moving forward to address the situation on Lake Meahagh with the necessary DEC permits and guidance.

Michael Preziosi, Dir. DOTS explained the resolution regarding LWRP with the Village of Buchanan. The Town obtained a grant for a quarter of a million dollars to prepare this plan. The Town will be retaining Behan Planning and Design to help with the revitalization of waterfront property.

Councilmember Farrell made a motion that the following Resolutions be adopted. Councilmember Costello seconded the motion.

2. Agenda items for DES:

RESOLUTION NO. 204-19 RE: Authorize demolition of 136 8th St. to expand storage of vehicles and highway materials.

RESOLUTION NO. 205-19 RE: Appoint Laborers in DES.

RESOLUTION NO. 206-19 RE: Appoint a Youth Center Senior Youth Aide.

RESOLUTION NO. 207-19 RE: Appoint Seasonals in the Department of Recreation.

RESOLUTION NO. 208-19 RE: Set Public Hearing for August 13, 2019 regarding the formation of the Cortlandt Blvd. East Sewer District.

RESOLUTION NO. 209-19 RE: Set Public Hearing for August 13, 2019 regarding the formation of Pondview Drainage District.

RESOLUTION NO. 210-19 RE: Set Public Hearing for August 13, 2019 regarding the extension of the Westchester Mall Drainage District.

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RESOLUTION NO. 211-19 RE: Set Public Hearing for August 13, 2019 regarding regulation of transient and Non-transient uses within the Town of Cortlandt.

Councilmember Costello made a motion to adopt the following resolutions, seconded by Councilmember Creighton with all voting **AYE**.

ADDITIONS TO THE AGENDA

RESOLUTIONS:

RESOLUTION NO. 212-19 RE: Authorize the Supervisor to execute a Deed correcting title for 59 Whelan Ave.

RESOLUTION NO. 213-19 RE: Authorize the Justice Court to apply for a grant.

BUDGET TRANSFERS

REPORTS FROM VARIOUS DEPARTMENTS

REPORTS FROM STANDING & SPECIAL COMMITTEES

SECOND HEARING OF CITIZENS

Marc Lawrence, 43 Cedar Pond Lane, Cortlandt Manor, NY appeared before the Board. He made statements regarding several issues, ie;

Stipends for several Town employees due to the resignation of the Dir. DOTS, Jeff Coleman. Several employees admitted not to having any additional duties for the stipend. The use and maintenance of Supervisor Puglisi's car.

He stated that he was asking questions for a resident from 90 Tate St., Mr. O'Neill who could not be here tonight. He raised concerns on Mr. O'Neill's behalf regarding the handling of the Town In Rem process.

Mr. Thomas Wood, Town Attorney stated that the Town Board has the right to manage the Town regarding salaries, and various other items.

Councilmember Creighton asked Mr. Lawrence his address and how long he has been living there.

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Marc Lawrence stated 43 Cedar Pond Lane, and has lived there on and off for awhile. Thomas Wood, Town Attorney stated that the Town Board presently and going back over 20 years plus has authorized the Supervisor to have a car. The cost of that vehicle is part of the salary of the Town Supervisor.

Patricia Robcke, Comptroller stated that the Supervisor also reports the use of the vehicle to the IRS and pays for the personal use of the vehicle. The car is purchased under a state bid. Many employees including the Supervisor are on call 24/7 for various Town issues. It is perfectly legal for her to have a vehicle.

ADJOURNMENT

Councilmember Farrell made a motion to adjourn the meeting, seconded by Councilmember Costello with all voting **AYE**

The meeting was adjourned in memory of Harold Reichard, Bob Peterson, and Patrick Garvey.

The meeting was adjourned at 8:35 p.m.

NEXT TOWN BOARD MEETING

August 13, 2019 at 7:00 pm
Town Hall Web Site address: www.townofcortlandt.com