



A **Special Meeting** of the Town Board of the Town of Cortlandt was conducted on December 6, 2021 with the following elected officials and appointed staff in attendance:

LINDA D. PUGLISI	Supervisor
FRANCIS X. FARRELL	Councilmember
DEBRA CARTER	Councilmember (RESIGNED)
RICHARD BECKER	Councilmember
JAMES CREIGHTON	Councilmember

Also present:

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

MEETING CALLED TO ORDER

Supervisor Puglisi called the meeting to order at 7:06 p.m.

PLEDGE TO THE FLAG

ROLL CALL On a roll call attendance by Michael Cunningham, Deputy Town Attorney (filling in for the Town Clerk) all Town Board members with the exception of Debra Carter (resigned to become Receiver of Taxes) indicated their presence as indicated above.

Supervisor Puglisi introduced the Town Board members and Department Heads.

Supervisor Puglisi stated that there was a Public Hearing tonight to adopt the 2022 budget. She mentioned there was a video on the website in which she and Patty Robcke, Town Comptroller, explain the budget in great detail.

Patty Robcke, Comptroller stated the presentation is about an hour and 40 minutes. It is available for viewing on the Town website, and can be found under the Comptroller's page.

Supervisor Puglisi stated tonight they are going to present the abbreviated version. She stated that she and the Comptroller have worked very diligently and put many hours into planning the budget.

PUBLIC HEARING

1. Public Hearing to consider the adoption of the 2022 Budget.

- a. Close Public Hearing
- b. Adopt 2022 Town Budget
- c. Authorize the Library Budget

The Public Hearing was called to order at 7:10 p.m.

Patty Robcke, Town Comptroller gave an overview of the financial information. She stated the following:

- 2022 Budget just over \$45 million.
- Property taxes – are \$21, 786,000, which provide 50% of Town revenue
- 0% tax increase for the third year in a row.
- Town tax is 11% of overall property tax
- School tax is 71% of tax bill
- Special Districts – Fire, Ambulance, Drainage, Sewer, and Water Districts.
- Westchester County tax – 13%
- Since 2013 \$16 million spent on road paving and resurfacing.
- Town debt is very low. \$5.7 million, which is less than 1% of the NYS Constitutional debt margin that the Town is allowed to borrow. Town would be eligible to borrow \$435 million.

Supervisor Puglisi stated that she is extremely proud of leaving a low debt, and fund balance as she is retiring at the end of the year.

Patty Robcke, Comptroller continued.

- Moody's AA1 bond rating since 2019.
- Fund balance has been very stable for the last 10 years. Surplus balances are over \$14 million.
- General fund is \$3.7 million.
- Tax stabilization fund of \$500,000 which is to offset revenues due to Indian Pt. closure 2020/2021.
- Total fund balance \$10.8 million end of 2020. Projected to be over \$21 million when the Town goes out to bond on some of our projects.

Supervisor Puglisi added that in 1992 when she started they had \$5 million in fund balance, and it has quadrupled since that time.

PUBLIC HEARING CONT'D.

Patty Robcke, Comptroller continued.

Property tax is 50% of revenue. Sales tax, mortgage tax, and grant funding are other sources. Thank you to our staff who have applied for these grants. Town of Cortlandt awarded \$3.2 million EDA grant with the help of Congresswoman Nita Loey. Currently \$2.7 million other grants awarded to other projects.

She stated that overall, she and the Supervisor are very proud of the financial status of the Town. The Town operates within a 2% margin of the parameters of the budget. They pay close attention to the economy. In 2020 during COVID 19 shut down there was a sharp decrease in sales tax. Thankfully since the recovery the Town has received double digit numbers of sales and mortgage tax.

Supervisor Puglisi stated that all the department heads work hard to keep within the budget. She mentioned Steve Ferreira, Dir. DES provides a list of all vehicles that are used for the entire department. She further reiterated that she is proud of the balanced budget that has been since her tenure as Supervisor.

There were no comments for the audience.

Councilman Becker made a motion to close the public hearing, adopt the 2022 Town budget, and authorized the Library budget, seconded by Councilman Creighton with all voting **AYE**.

The public hearing was closed at 7:24 p.m.

2. Public Hearing to consider the Benefit Unit Assessment Roll of the Town of Cortlandt.
 - a. Close Public Hearing
 - b. Receive Draft Benefit Unit Assessment Roll.
 - c. Approve Cortlandt Boulevard Unit Benefit Rolls
 - d. Approve Dickerson Pond Benefit Unit Assessment Roll

The Public Hearing was called to order at 7:24 p.m.

Thomas Wood, Town Attorney explained that this is a Public Hearing that refers to only 3 sewer districts in the Town; Dickerson Pond Sewer Dist., and Rte.6/Cortlandt Blvd. East and West. Rather than assessing sewer districts by assessed value, the State has changed the process that encourages Towns to use what is known as a Benefit Assessment. So that would mean each property is given a benefit assessment number, which equates to the amount of their sewage flow. It's a fair way to distribute the cost. The purpose to this Public Hearing is in case any of the property owners in those districts have a concern that perhaps they were assigned too many units. They can come in and present their issues. Unfortunately, due to a publication notice that

had been published 1 day too late, the Town Clerk will re-advertise so residents will have a chance to speak at the next Town Board meeting if they want to voice any concerns.

Councilman Farrell asked Tom Wood if a resident feels they are being unfairly charged will they be given opportunities aside from the Public Hearing to grieve their concerns.

Thomas Wood, Town Attorney answered that the process of grieving is done annually at the end of each year, which is similar to the tax assessment grievance process.

Councilman Becker made a motion to adjourn the Public Hearing to the 12/14/2021 Town Board meeting seconded by Councilman Creighton, with all voting **AYE**.

RESOLUTIONS

1. Adopt Negative Declaration regarding Cannabis Use Law Article 4.
2. Cannabis Law Article 4:
 - a. Consider local law opting out of allowing cannabis retail dispensaries and on-site cannabis consumption establishments.
 - b. Consider local law opting out of on-site cannabis consumption establishments and limiting cannabis retail dispensaries to parts of Route 6

The Public Hearing for the above was conducted at the November 15, 2021 Town Board meeting, and was left open to written public comments until November 30, 2021 at 4:00 p.m.

Supervisor Puglisi stated that there were many emails received by the public making their positions known to the Town Board, and those comments will be on file with the Town Clerk. She further stated that during a Special Meeting there is usually not public comment on the agenda, however, they would allow a Hearing of Citizens that will be part of the official record.

HEARING OF CITIZENS

Warren Smith, 203 9th St., Verplanck appeared before the board. His opinion is that the Town opt out. He stated that he has made his opinion known both verbally and in writing. He stated that he does not think we have enough information to decide at this time. The Town Board has only met twice on this issue, and feels as though the issue

should be researched more before making a decision. He also mentioned how cannabis edibles are a big problem.

Mr. Dean McBeth, 3 Ellen Ct., Cortlandt Manor appeared before the board. His opinion is that the Town opt in. He stated that the Town should not ignore the fact that it is here, and the Town should be proactive and learn along the way how to best deal with it.

Mr. Dominick Saladino, 239 10th St., Verplanck appeared before the board. His opinion is that the Town opt in. He stated that he agrees that the Town will fair better if we stay ahead of it, as it is here and legal to smoke in public. He also stated that cannabis edibles can be taken anytime, anywhere by a person.

Mr. Chris Vargo, 26 Hardy St., Verplanck, appeared before the board. His opinion is that the Town opt in. He stated that he was impressed at how Dr. Becker spoke up at the last meeting, and gave his opinion on marijuana not being a “gateway drug.” He stated how cannabis is legal in Massachusetts, and he smells more being smoked right where he lives that he smelled in three days visiting there. He does not know how it is regulated there, but is something to look into. He asked that if the Zoning were changed, and allowed dispensaries in other areas of the Town such as Verplanck, would there be public notice?

Mr. Thomas Wood, Town Attorney affirmed that there would be advertisement for public hearings, and the residents would definitely be able to come speak their thoughts.

Mr. Vargo also had concerns about cannabis edibles.

Councilman Becker commented that they received a lot of comments and responses, and it was pretty balanced in opinion, slightly favored to opt in. He stated that while he was campaigning he heard from several residents that were open to dispensaries, but not in residential areas. He feels that if we opt in the Town can regulate this better. He stated

that it will never be in residential areas, and if they stay ahead of it, they will be able to restrict the dispensaries to commercial locations that they choose. The board will be able

to make sure they will be located 1000 feet away from schools, places of worship, and from one another. He would rather come out ahead of this, and he would rather see people buy the cannabis legally, rather than from someone on the street, where you may not know what you are getting. He also stated that this would also only be available for sale to people over the age of 21, making it more difficult for youth to purchase than it is on the street. He further stated that he would vote to not allow lounges. He stated the tax revenue from this will most likely not be a vast amount of money, and will not influence

his decision, as the welfare of the community is most important. He feels as though their best option is to allow the dispensaries, but have the ability to restrict them.

Supervisor Puglisi stated that she respects everyone's opinion. She will be voting to opt out as the public comments are half, and half, and they need more data and direction from the State. The public needs to understand the NY State passes along their legislation on a myriad of issues down to the local government to allow input and comments from the public. We will continue to pass information to the residents and will hold public hearings when necessary so that the residents can make their opinions known.

Mr. Thomas Wood, Town Attorney stated that Debra Carter has resigned as a Town Board member to transition into her newly elected position of Receiver of Taxes. The Town Board is therefore constituted of 4 existing members. Under the law in order for any action to be taken by the Town Board you need 3 affirmative votes. So under item #2 there will be 2 parts to it, with 2 separate votes by the Board. Item 2A would be to opt out completely. Under NYS law if they take no action on Item 2A, both dispensaries and lounges will then be allowed anywhere in Town where retail businesses are allowed. This action would need 3 affirmative votes. Option 2B is to opt out of smoking lounges but allow on-site Dispensaries, and to limit these sites by amending the Zoning Ordinance to only allow dispensaries on Rte. 6 from the Peekskill line to Westbrook Dr. and no further than that.

Councilman Farrell urges to opt out at this time. NY State has not provided clarity or direction on this issue. He stated he does not agree with getting ahead of it, as they don't even know what it is right now. This is a major change in society that requires more guidance, and he will be voting to opt out at this time.

Council Creighton agreed with Councilman Becker on opting in, and stated essentially the Town will have triple protection of controlling where a dispensary is located. He stated that he compares it to a Liquor License, and the huge list of prohibited regulations that they will be able to impose on a dispensary owner. He feels this is the safest way to proceed, and give the Town Board more control of the situation.

Mr. Bernie Vaughey, Broadway, Verplanck appeared before the Board and stated his confusion of how the resolution 2A and 2B were worded.

Mr. Thomas Wood, Town Attorney explained again what each part meant.

Mr. Bernie Vaughey stated that he wanted to mention the cannabis sales will be a lot of cash business. He has concerns with the Mr. Frosty ice cream truck selling marijuana. He feels as though illegal marijuana will still be cheaper, and sold more than legal marijuana.

Mr. Thomas Wood, Town Attorney clarified that anything operating out of a motor vehicle would not be under Town Board jurisdiction. It would be a police matter.

Councilman Becker made a motion on item 2A, to Consider a Local Law Opting out of both Cannabis Retail Dispensaries and on-site Cannabis Lounges, seconded by Councilman Creighton.

The Board was polled as follows:

Supervisor Puglisi – YES
Councilman Creighton – NO
Councilman Farrell – YES
Councilman Becker - NO

The motion failed by a 2-2 vote, and a Local Law regarding the above will not be implemented.

Councilman Becker made a motion on item 2B, to adopt Local Law #7-2021 (A Local Law to opt out of allowing on-site cannabis consumption establishments as authorized under Cannabis Law Article 4) and Local Law #8-2021, (Limiting Cannabis Dispensaries to parts of Route 6), seconded by Councilman Creighton.

The Board was polled as follows:

Supervisor Puglisi – YES
Councilman Creighton – YES
Councilman Farrell – NO
Councilman Becker – YES.

The motion passed 3-1 vote, and Local Laws #7-2021 and #8-2021 will be adopted by the Town Board.

Councilman Creighton made a motion to adopt Resolution # 313-21 Negative Declaration RE: Opting Out of allowing on-site cannabis consumption establishments as authorized under

Cannabis Law Article 4 and restrict cannabis retail dispensaries to appropriate areas of the Town, seconded by Council Becker.

The Board was polled as follows:

Supervisor Puglisi – YES
Councilman Creighton – YES
Councilman Farrell – NO
Councilman Becker – YES.

The motion passed 3-1 vote, Negative Declaration adopted by Town Board.

ADDITIONS TO THE AGENDA

1. _Accept the 2020 Member List of Volunteer Ambulance Workers for the Cortlandt Community Volunteer Ambulance Award Program.

Supervisor Puglisi stated that there is an addition to the agenda.

Councilman Becker made a motion to adopt Resolution No. 315-21 to accept the 2020 Member List of Volunteer Ambulance Workers for the Cortlandt Community Volunteer Ambulance Program seconded by Councilman Farrell with all voting **AYE**.

ADJOURNMENT

Councilman Creighton made a motion to adjourn he meeting seconded by Councilman Farrell with all voting **AYE**.

NEXT TOWN BOARD MEETING

December 14, 2021 at 7:00 pm
Town Hall Web Site address: www.townofcortlandt.com

Respectfully submitted,

Christine B. Cothren
Deputy Town Clerk