



A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on **February 15, 2022** with the following elected officials and appointed staff in attendance:

<b>RICHARD H. BECKER</b>	<b>Supervisor</b>
<b>FRANCIS X. FARRELL</b>	<b>Councilmember</b>
<b>CRISTIN JACOBY</b>	<b>Councilmember (Via Zoom)</b>
<b>ROBERT MAYES</b>	<b>Councilmember (Sworn in)</b>
<b>JAMES CREIGHTON</b>	<b>Councilmember</b>

**Also present:**

<b>TOM WOOD</b>	<b>Town Attorney</b>
<b>MICHAEL CUNNINGHAM</b>	<b>Assistant Town Attorney</b>
<b>LAROUÉ ROSE SHATZKIN</b>	<b>Town Clerk - ABSENT</b>
<b>CHRISTINE B. COTHREN</b>	<b>Deputy Town Clerk</b>
<b>LISA BRUDERLEIN</b>	<b>Senior Clerk</b>
<b>PATRICIA ROBCKE</b>	<b>Comptroller</b>
<b>MICHAEL PREZIOSI</b>	<b>Director, DOTS</b>
<b>CLAUDIA VAHEY</b>	<b>Human Resources Coordinator</b>
<b>STEPHEN FERREIRA</b>	<b>Director, DES</b>

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### **MEETING CALLED TO ORDER**

### **PLEDGE TO THE FLAG**

### **SUPERVISOR'S PROCLAMATIONS & REPORTS**

Supervisor Becker greeted all, and announced the meeting was also taking place via Zoom. Councilmember Jacoby was present via Zoom.

### **ROLL CALL**

Christine B. Cothren, Deputy Town Clerk took roll call, and all Town Board members were present.

Supervisor Becker mentioned the influx of phone calls, and questions from Town residents regarding their Con Ed bills. He stated that is something that the Town unfortunately does not have any authority over regulating. This is something that we are all going to deal with due to the cost of fossil fuels. He agrees with comments that it may have something to do with the closing of Indian Point. The Town will express its' dismay with Con Edison, but he is not able to control the cost of the fossil fuel.

Supervisor Becker asked the Board if he could have a motion to switch up the Agenda this evening, and skip forward to the first Resolution, which is to appoint the newest Town Board member, Robert Mayes.

Councilperson Creighton made a motion to move forward in the agenda, seconded by Councilperson Farrell with all voting AYE.

Supervisor Becker discussed the process of selecting a candidate for filling the Town Board seat vacated by himself. After interviewing 15 candidates, Mr. Robert Mayes was selected. Supervisor Becker called Mr. Robert Mayes to the podium. He introduced the new Town Board member, who has been a boy scout leader, little league coach, has served on the Town Planning Board and on the Lakeland School Board, where he was twice elected by the public.

**RESOLUTION NO. 83-22 RE:** Appoint Town Board member to fill a vacancy for Supervisor Becker.

Frank Farrell made a motion to adopt the above resolution, seconded by Councilperson Creighton with all voting AYE.

Mr. Robert Mayes was then immediately sworn in by Michael Cunningham, Deputy Town Attorney.

Councilperson Robert Hayes thanked Supervisor Becker and the Town Board for their trust in choosing him to serve on the Board with them for the citizens of the Town of Cortlandt. First, he promised to be a Councilperson who always does their research on a topic. He stated that he promises to listen to debates in good faith, listen with an open mind, and disagree agreeably. He will consider every vote that he makes with the realization that it will affect every individual in the Town of Cortlandt. He further stated that he would work with Supervisor Becker and his colleagues on the Town Board to make sure the residents not only know what is going on, but how it is done. He promises to always have complete transparency, and give the job his best. The future of the town is unquestionably bright, and Councilperson Hayes expressed his pride in being the newest member of the Town Board. He then took his seat with the Town Board, but did not participate in the voting part of the meeting as he was not yet up to speed on the issues being addressed.

## **TOWN BOARD REPORTS**

### **Councilperson James Creighton gave his report**

#### **OF NOTE:**

Councilperson Creighton congratulated Robert Mayes, and commented what a great job he did as a member of the Lakeland School Board, and is really looking forward to working with him on the Town Board.

Councilperson Creighton discussed the rise in everyone's Con Ed bills and how the demand is high, and how much we rely on fossil fuels. He assured residents that the Town Board would do everything necessary to move in the direction of green energy.

Councilperson Creighton spoke about the accessory apartment bill that was just passed in Albany. He stated that the Town of Cortlandt has already had an accessory apartment law on the books for many years, which entails an application and permit process. They have already met with Senator Harckam to voice concerns about the Home Rule, and how the Town wants to have input as to how the accessory apartment process will work.

### **Councilperson Frank Farrell gave his report**

#### **OF NOTE:**

Councilperson Farrell reiterated his concerns for the high electric bills from Con Ed; the cost vindicates those people who said we should not have prematurely closed Indian Point. Councilperson Farrell expressed that he is looking forward to working with Councilperson Mayes, and also agree with Councilperson Creighton regarding the accessory dwelling unit law. He is quite concerned about how the law was more or less being woven into the budget process, and it is certainly not being handled correctly. It is trying to use a simple solution for complicated problems. The state should be addressing the system of taxation, which is their job, rather than entangling homeowners in complicated state regulations that may affect their homes, and their ability to pass on their homes to their children, among other things.

Supervisor Becker stated that the Board was all in agreement and felt as though NYS was not handling this correctly, and that the sentiment had been expressed clearly to Senator Harckham.

### **Councilperson Cristin Jacoby gave her report**

#### **OF NOTE:**

Councilperson Jacoby joined the Board in congratulating Robert Mayes. She stated that she is confident that he will work to make Cortlandt a better place. She stated that there were over 12 interviews, and that everyone who was interviewed had something unique and useful to bring to the table, and is really hoping they will consider serving the Town in some capacity such as a committee or another board.

Councilperson Jacoby discussed that she had had the opportunity to tour Indian Point and asked very thorough questions of Holtec. While the Town has no jurisdiction over Indian Point, resident concerns and communication coming out of the plant is something that will continue to be addressed.

Councilperson Jacoby went on to explain why she would be voting No on the resolution regarding the DARE program. She is not in favor of it based on its' low success rate, and thought the money, which is over \$100,000 total for two school districts, should be spent exploring other, more effective methods to help with combatting drug use. Councilperson quoted various statistics from accredited institutions to support her beliefs, including the American Journal for Public Health, the Journal of American Medicine and the American Public Health Association.

Supervisor Becker mentioned the Voyant alert program, which is replacing Code Red to alert Town residents of various things in the Town including emergency announcements. It will allow the Town to target specific homeowners and areas affected by geographically specific issues.

### **APPROVAL OF THE MINUTES**

Approve the Minutes for the January 11, 2022.

Councilperson Jacoby made a motion to approve the above Minutes, seconded by Councilperson Creighton with all voting **AYE**.

### **PUBLIC HEARINGS**

The Public Hearing was opened at 7:39 PM

Public Hearing to amend Local Law 5 of 2021 regarding Enhanced Veteran's Exemptions.

- a. Close Public Hearing

**RESOLUTION NO. 79-22 RE:** Adopt Negative Declaration

**RESOLUTION NO. 80-22 RE:** Adopt Resolution to amend LL#5-2021

Deputy Attorney Michael Cunningham explained that this revision is to change the Local Law from assessed value into real dollars. It is still the maximum possible tax reduction for Veterans.

Councilperson Creighton made a motion to Close the Public Hearing, adopt a Negative Declaration, and adopt the Resolutions, seconded by Councilperson Farrell with all voting **AYE**.

The Public Hearing was closed at 7:40 PM

The second Public Hearing was opened at 7:40 PM

Public Hearing to amend Local Law 3 of 1996 regarding DOTS/Planning Division.

a. Close Public Hearing

**RESOLUTION NO. 81-22 RE:** Adopt Negative Declaration

**RESOLUTION NO. 82-22 RE:** Adopt Resolution to amend LL#3-1996.

Supervisor Becker explained that Planning and the Department of Technical Services are both very busy and separate departments and deserve to stand alone. They were merged in the past for expediency, but the volume of work has grown significantly and they deserve to stand alone.

**Michelle Croft - 80 Gallows Hill Road**

Asked if there will be more employees to do the work if there is more work to be done.

Supervisor Becker explained that there will not be additional hires, in fact there is a position that is not being backfilled, in order to save money. However, the Town has a wonderful staff and this change appears the best way to move forward for the two departments.

Councilperson Farrell made a motion to Close the Public Hearing, adopt a Negative Declaration, and adopt the Resolutions, seconded by Councilperson Jacoby with all voting **AYE**.

### **HEARING OF CITIZENS – AGENDA ITEMS ONLY**

#### **REPORTS**

##### **Receive and File the following:**

For the month of January 2022 from the Recreation Department.

For the month of January 2022 from the Office of the Aging, Receiver of Taxes and the Town Clerk.

#### **OLD BUSINESS:**

##### **Receive and File the following:**

**NEW BUSINESS**

**Receive and File the following:**

1. Letter from Daniel Pozin, Esq. on behalf of Jonas Bastys, Inc. regarding increase of sewer rate; refer to Town Attorney, Town Engineer, and Town Clerk.

Councilperson Jacoby made a motion to receive and file the above, seconded by Councilperson Creighton with all voting **AYE**.

Supervisor Becker clarified that there is sewage treatment plant servicing the Amberlands area, and there has been no rate increase since the 1990s. The plant needs to be upgraded and they are requesting a rate increase. The Town will investigate and study the issue.

**RESOLUTIONS**

**RESOLUTION NO. 84-22 RE:** Appoint Marriage Officer

**RESOLUTION NO. 85-22 RE:** Authorize purchase of software upgrade from Springbrook (KVS) for Comptroller's Office.

**RESOLUTION NO. 86-22 RE:** Authorized IT purchase of updates to the Nyberg Meeting Room not to exceed \$7,000.

**RESOLUTION NO. 87-22 RE:** Authorized IT purchases to upgrade network security up to \$51,000.

**RESOLUTION NO. 88-22 RE:** Authorize a one-month extension of the Town's Cyber Insurance Policy.

**RESOLUTION NO. 89-22 RE:** Authorize conveyance of landlocked parcel (SBL 13.13-2-4) to adjoining property owner subject to Permissive Referendum.

**RESOLUTION NO. 90-22 RE:** Authorize the Town Supervisor to execute an Amended Cooperative Agreement pertaining to the Indian Point Settlement Fund.

**RESOLUTION NO. 91-22 RE:** Authorize the Town Supervisor to execute a correction deed for SBL 13.9-4-58.

Councilperson Farrell made a motion to adopt the above, seconded by Councilperson Jacoby with all voting **AYE**.

Supervisor Becker elaborated that hacking is a big problem for all corporations and municipalities. Our security could be improved and our underwriter suggested some upgrades. The Town is following that recommendation.

The Indian Point Settlement fund has assigned 7 million dollars to the Town and the Village of Buchanan to work cooperatively to create sewers. The village will upgrade and fix some current problems with their sewage treatment plant, and then expand the plant. The agreement allows for the Town to use 25% of the expanded capacity of the plant. That will provide enough to serve many areas of Montrose, including the Transit Oriented District and the Montrose Business District. These are state-funded dollars which is wonderful for the Town.

**RESOLUTION NO. 92-22 RE:** Authorize the Town Supervisor to execute an IMA with the Town of Yorktown for the DARE Program.

Councilperson Farrell made a motion to adopt the above, seconded by Councilperson Creighton.

The Board was polled as follows:

Councilperson Jacoby - NO  
Supervisor Becker – YES  
Councilperson Creighton – YES  
Councilperson Farrell – YES

The motion passed by a 3-1 vote.

Supervisor Becker recalled Councilperson Jacoby's explanation of her position earlier in the meeting and explained that the DARE Program has been both criticized for ineffectiveness as well as praised, with the notion that if it saves one child it is worth it. The Supervisor stated his children went through DARE and that the decision to vote yes was easy for him.

**RESOLUTION NO. 93-22 RE:** Schedule a Public Hearing for April 12, 2022 to amend Local Law No. 1-2021 NYStretch Energy Code.

**RESOLUTION NO. 94-22 RE:** Amend Town Board Resolution No. 272-21 awarding Quarry Park infrastructure design as required by Federal EDA.

**RESOLUTION NO. 95-22 RE:** Appoint Stephen Ferreira to the title of Director of DES in accordance with Westchester County Civil Service.

**RESOLUTION NO. 96-22 RE:** Appoint Catherine Brosnan to the title of Assistant Civil Engineer in accordance with Westchester County Civil Service.

**RESOLUTION NO. 97-22 RE:** Appoint Brent VanZandt to the title of Deputy Director of DES in accordance with Westchester County Civil Service.

**RESOLUTION NO. 98-22 RE:** Appoint Maria Pereira to the title Deputy Court Clerk II.

**RESOLUTION NO. 99-22 RE:** Authorize a leave of absence under FMLA for an employee in DES

**RESOLUTION NO. 100-22 RE:** Authorize a new leave of absence under FMLA for an employee in DOTS.

**RESOLUTION NO. 101-22 RE:** Authorize an intermittent leave of absence under FMLA for an employee in Purchasing.

**RESOLUTION NO. 102-22 RE:** Authorize the Supervisor to send correspondence to the Governor and elected officials expressing concerns in relation to accessory dwelling units, and Transit Oriented Development densities.

**RESOLUTION NO. 103-22 RE:** Authorize renewal of the Inter-Municipal Stewardship Program for the Croton River not to exceed \$13,000.

**RESOLUTION NO. 104-22 RE:** Authorize a payment to Westchester County Police with respect to Park Rangers not to exceed \$35,000.

**RESOLUTION NO. 105-22 RE:** Appoint Wendy Greenfield to Director of Nor-West.

Councilperson Farrell made a motion to adopt the above, seconded by Councilperson Creighton with all voting **AYE**.

Councilperson Creighton explained the Stretch Code had been previously adopted and allowed Cortlandt to be listed as a clean energy community. The goal is to promote higher energy efficiency standards in both new and renovation construction. The State has asked us to adopt some new changes they have made.

Supervisor Becker commented on the need for additional park rangers and police during the summer months, especially on weekends, as local parks are more heavily trafficked with visitors.

Wendy Greenfield is being appointed Director of Nor West. She has been the Acting Director for about a year and is doing a great job.

**ADDITIONS TO THE AGENDA** - NONE

**BUDGET TRANSFERS** – NONE

**REPORTS FROM VARIOUS DEPARTMENTS**



## **REPORTS FROM STANDING & SPECIAL COMMITTEES**

### **SECOND HEARING OF CITIZENS**

#### **John DeBenedictis – 35 Westminster Drive**

Mr. DeBenedictis asked what a marriage officer is.

Supervisor Becker explained that it authorizes him to conduct civil weddings in Town Hall as a service to residents who wish to get married here.

Mr. DeBenedictis went on to ask if the accessory apartment situation is going to do away with single family dwellings. As a rental property owner, he knows how difficult it is to find respectful renters. Mr. DeBenedictis has had some terrible experiences and is very concerned about the government regulating who private property owners can rent to.

Supervisor Becker reminded Mr. DeBenedictis that the Town Board is protesting these changes vehemently.

Councilperson Farrell chimed in that the real problem is that it is being included in the budget, which means the legislation cannot be reviewed properly, and that process is very troubling. The Town only has powers that the state grants us.

#### **Michelle Croft – 80 Gallows Hill Road**

Ms. Croft asked how residents can have more transparency. An 82-year-old resident called Ms. Croft and was very upset that the Cannabis Law had been passed. The Town should have sent a letter or a postcard to every resident in the Town. Ms. Croft stated that she felt every resolution should be discussed more thoroughly as she was unfamiliar with many of them on the agenda.

The Supervisor stated that Ms. Croft's comments are well taken. Radio personality Casey Morabito has been hired to be the "Voice of Cortlandt", and a Media Company called Enormous Creative has been hired to improve resident outreach. The Town's website and social media are being upgraded, and a postcard, likely arriving in the next few days, had been sent to every household in the Town, advising them to sign up for email.

#### **Charles Messina – 127 Dogwood Road**

Mr. Messina is wondering why the resolution to hire Linda Puglisi was not spelled out more clearly at a Town Board Meeting. He stated he has attended many Town Board Meetings including the one where it was passed and was unaware. The Town needs to work on transparency.

Supervisor Becker stated that it was discussed at Work sessions and passed at a Town Board Meeting, and that he agrees transparency is important.

Mr. Messina stated there are already 35 accessory units in Cortlandt and asked what constitutes an accessory unit.

Deputy Attorney Michael Cunningham explained that accessory units are approved by the Planning Board and the Code Enforcement Office. There are specifications that the unit must meet, and they can be found in Section 307-45 of the Town Code has the permit criteria.

Supervisor Becker continued that if a resident wanted to build an accessory apartment, they needed to file a permit, and the Town would review things like egress, a kitchen being up to code, and other required health and safety issues. The state wants to overrule Home Rule, which is what allows the Town to make those rules, and that is why the Board is opposed to the new legislation.

#### **Gene Croft – 80 Gallows Hill Road**

Mr. Croft asked about increased patrols and a Cortlandt Patrol Car. Speeding on Gallows Hill Road is quite often up to 55 miles per hour. A little more presence could make a big difference.

Supervisor Becker said he will ask the new officer to check on Gallows Hill and knows that can be a difficult stretch of road.

#### **John DeBenedictis – 35 Westminster Drive**

Mr. DeBenedictis recalled that several years ago a grant was received for officers that handed out over 200 speeding tickets and the problem was significantly reduced. Can radar cameras be installed on these difficult stretches of road?

Supervisor Beckers says he is all for technology and is happy to look into it, but it is important to remember the town has over 200 miles of road and it cannot all be patrolled at once.

Councilperson Creighton added that there was some legislative action in Albany that made it easier for communities to look into and fund this kind of technology. It was next to impossible in the past, and the Board will be looking into how much easier this would be with the new rules.

#### **Chris Vargo – 26 Hardy Street**

Mr. Vargo appreciated the knowledge of the Board Members on the new accessory apartment law.

He was upset by a recent article that indicated a Nuclear Power Plant in Oswego county was allowed to continue operating. Further, he is unhappy with the current owners future plans for the property. Turning it into a residential area seems unrealistic. The high electric bills are only

going to get worse. The quarry property is Mr. Vargos primary concern. The plans at the quarry could be better done by the Town rather than a private company.

**Dean McBeth – 3 Ellen Ct**

The upstate solar electricity is about 30% cheaper than Con Edison. Residents should reach out, because it's possible to do much better in terms of rates. Don't be afraid to shop around.

**Warren Smith – 203 9<sup>th</sup> Street.**

Mr. Smith asked about the accessory apartment bill and expressed his significant concern about it.

Councilpersons Farrell and Creighton elaborated that Senate Bill S4547A has been incorporated in to the Governor's budget and is being referred to there as S8006. Under S8006 there is not a lot of information to be found, so S4547A is the best way to get complete information.

Councilperson Jacoby elaborated that the Town hopes to be grandfathered in since our law is preexisting in our code, but that the Board had vehemently expressed our views to Senator Harckham that the law is overstepping. Citizens carrying that message as well is very helpful.

Councilperson Farrell commented that one of the most troubling aspects is that for homeowners, the appeal of a state loan may override an understanding that they will then be held to all the state regulations regarding renting. What happens when a person wants to pass on a house to their heirs – will they be able to do what they want to with the house?

Mr. Smith went on to ask about the Local Waterfront Revitalization Program – he thought a report would have been provided by now.

Councilperson Farrell responded that the consultants are still incorporating community comments into the final report. It has not been provided to the Town yet, but is being actively worked on.

Mr. Smith commented that the issue with consulting with Linda Puglisi was that her name was not mentioned specifically at the Board Meeting. He also thanked the Board for the new combined Zoom aspect of the meeting.

Supervisor Becker stated that as long as the state allows for hybrid meetings to continue, it is the Board's intention to keep them going. The Planning and Zoning Board are using a hybrid format as well.

**ADJOURNMENT**

Supervisor Becker asked for the meeting to be adjourned in memory of Sheila Drogy. Sheila and her husband Allen were long term proprietors of Colonial Terrace next door. Many marriages and family events took place there. She was a darling, smart, brilliant woman.

Councilperson Creighton made a motion to adjourn the meeting, seconded by Councilperson Farrell with all voting AYE.

**NEXT TOWN BOARD MEETING**

March 15, 2022 at 7:00 pm  
Town Hall Web Site address: [www.townofcortlandt.com](http://www.townofcortlandt.com)

**Respectfully submitted,**

**Laroue Rose Shatzkin  
Town Clerk**