

August 18, 2015

Town Board Meeting

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on August 18, 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
SETH FREACH	Councilmember

Also present:

JO-ANN DYCKMAN	Town Clerk
JUDITH HERMESCH	Clerk
EDWARD VERGANO	DOTS, Director
PATRICIA ROBCKE	Comptroller
ROSEMARY B. LASHER	DOTS/Asst. to Director
JEFFREY COLEMAN	Director, DES

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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

Supervisor Puglisi commented how busy the summer has been, working on projects for the families and the community. The camps have been wonderful and lots of fun for the children. The Town pool has also been terrific this summer, the youth center has been active and this was the first summer for the concert and movie series at the Cortlandt Waterfront Park. The **Supervisor** asked for any suggestions from the residents to be emailed to her office.

The tenth annual Family Fun Day will be on September 12th. There will be games, rides and food vendors, music and ending with fireworks at the Youth Center. **Supervisor Puglisi** urged residents to bring the children for this fun day.

The **Supervisor** attended the graduation at the "Super Hero's Camp" for 4-7 year olds. Parents and Grandparents were there and it was a wonderful day.

Supervisor Puglisi congratulated William Nazario, for being elected the National Senior Vice Commander of the Military Order of Purple Heart. Mr. Nazario was a longtime chairman of the Cortlandt Hudson Valley Veteran's Committee and is a Purple Heart recipient for being a Veteran of the Vietnam War.

SUPERVISOR’S REPORTS, (cont.)

The **Supervisor** stated there are many upcoming events coming up in the fall and asked the residents to look for them in the recreation booklet, on the Town’s website and the Town’s facebook page.

As mentioned last month, **Supervisor Puglisi** commented that they are very proud of the fact that they have very low Town debt. They have done approximately 4 million dollars in paving on the roads for 2014 and 2015 paid in full with no borrowing.

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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 Costello: Thanked the staff for the wonderful concert series at the Cortlandt Waterfront Park. This was the first summer doing it and there was much positive feedback. The staff did a good job with the picking out of the music.

Councilmember Costello stated she would be voting no to the item on the agenda regarding the Jessye Norman Property. The reason for this is her concern for the tax cap which is getting harder and harder to reach and stated that they really need to do their best to maximize the revenue. She feels they could have gotten a little more money during negotiations.

Councilmember Becker: The item on the agenda regarding the renewal of CHOP is important to him. The program has been in effect since 2008 and has about 2000 residences that are participating in it. Councilmember Becker stated that it can save you approximately probably \$150-\$200 each season with the best prices from the 13 participating oil companies.

Regarding the Jessye Norman property, Councilmember Becker stated he has a different take on the issue. He is in favor of it but feels it is a balancing act and the land is very valuable for open space. Perhaps a better deal could have been struck but the better thing was to give that family a second chance and that this is a nice compromise.

Councilmember Becker commented that the fireworks at the Family Fun Day were dynamic and not a small town production and that it costs the Town nothing for it.

Councilmember Freach: Thanked the Master Plan Committee for working so diligently and how it is a huge amount of work involved. Councilmember Freach commented that he is excited to see the evolution of these ideas.

Regarding the Jessye Norman property, Councilmember Freach stated he thinks it is a good compromise and the Town is getting a lot out of it. While he can understand the issues

TOWN BOARD REPORTS, (cont.)

regarding the dollars and cents, Councilmember Freach said he feels there is a lot more value here as an ecologically sensitive parcel. It also keeps some further options on the table.

Councilmember Freach congratulated William Nazario.

Councilmember Farrell: Commented that the concert series was like a “picture postcard” on the riverfront with the boats, etc., a real picturesque scene. Councilmember Farrell commended Judy Peterson for the selection of the different bands and getting them at the right price, commenting on the cost of the bands being at the same rate as in the 1950’s!

The people attending the concerts also were able to see the rowers from the Cortlandt Community Rowing Association on the river. It gave the viewers a picture of what the rowing association is doing and they also handed out flyers describing the rower’s club first scholastic rowing program for ages 12-18.

The engineering department under Ed Vergano is working on an application with the Army Corps of Engineers to place a rowing dock on the Hudson River.

Regarding the Norman property, to pursue the path that Councilmember Costello advises is not without its potential pitfalls. Councilmember Farrell stated that they are trading certainty for the uncertainty that the lengthy legal process would introduce to this transaction. This is giving the town a “bird in the Hand” and a way to make the debtor a chance to make themselves whole. He commented that he chooses to go that way and the Town is getting a great deal as well.

Councilmember Farrell stated that he is not entirely convinced that the Community Choice Aggregation Program is something he would be in favor of. If the objective is to get the lowest price possible, then he is in favor of it. He is less in favor if it shifts to a more judgmental thing, which type of power is better than the other. He would want the best price possible and that would be his main goal. Councilmember Farrell also objects to the condition regarding opting out aspect of it. He prefers to have people opt in if they choose, rather than dictate to the Town that this is where you are buying your power. People find sometimes they didn’t save at all after switching to these programs, so he’s reluctant to bind the Town to this type of thing.

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APPROVAL OF THE MINUTES

Councilmember Costello moved that the minutes of July 21, 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.)

The Town Clerk read the Notice of Hearing and presented its Affidavit of Publication from the official Town newspaper.

1. Public Hearing to consider a Local Law establishing a Community Choice Aggregation (Energy) Program in the Town.

Supervisor Puglisi called the hearing to order at 7:25 p.m.

Discussion:

Supervisor Puglisi stated that the working word is “consider”, that they are not actually establishing the local law this evening. She asked **Tom Wood**, Town Attorney, to explain.

Tom Wood said that the local law would, if adopted, enable the Town Board to consider becoming part of an Aggregation Energy program. The Local law itself allows the Town to implement Community Choice Aggregation. It would be done in conjunction with other communities in Westchester County and allow a consortium to go out to obtain bids for electrical power and natural gas and be able to have that as the optional provider with those energy sources within the Town. It would still be distributed by the regular utility company, Con Edison, but this would allow all of the residential customers and small commercials to be aggregated and hopefully residents will achieve a better price in the market. This is a local law that will vest in the Town Board the authority to do that and the next step, the actual implementation of the program comes as a different phase, in conjunction with the other communities in Westchester.

Councilmember Freach added that he thinks this is a wonderful opportunity to go out and seek options, to have more tools in the toolbox. This local law right now doesn't bind us to anything; this is a local law which allows us to make a decision in the future. Councilmember Freach stated that he joins with Councilman Farrell with the concern about what might be perceived as an objective in bundling different types of energy. It's a program run by sustainable Westchester and presumably they are looking for an ecologically sensitive power generation, but if this comes in at a higher price point than what people experience today, he would be the first one to vote no stating he sees this as an opportunity to see other avenues of energy production that may result in lower prices. To him, the only goal of this endeavor should be to try to get lower electricity costs for residents. If that turns out to be a possibility he feels it is worthy of having it considered.

A motion to close the Public Hearing at 7:28 p.m., adopt a Negative Declaration and Adopt a Local Law was made by Councilmember Becker and seconded by Councilmember Freach.

Tom Wood added that to adopt the local law, then the next step would be the actual program.

PUBLIC HEARING, (cont.)

Supervisor Puglisi stated that they are not adopting the Local Law, just considering it and asked Tom Wood when they will be voting on the implementation.

Tom Wood stated that they will vote when the proposal comes from Sustainable Westchester.

All voted **AYE**

RESOLUTION NO. 211-15 RE: Adopt a Negative Declaration with respect to establishing a Community Choice Aggregation (Energy) Program in the Town.

LOCAL LAW NO. 2-15: A Local Law establishing a Community Choice Aggregation (Energy) Program in the Town.

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HEARING OF CITIZENS, (AGENDA ITEMS ONLY)

Steve Dishart
28 Jean Drive

Represents residents of Jean Drive, Jack Road, Ruth Road area where Lake Westchester is located. He stated they are very concerned with the condition of the lake and that it is deteriorating rapidly. He also said that his lake has tremendous environmental value, a habitat for a variety of animals and there is a risk of the dam breaking, asking the Supervisor for help to preserve Lake Westchester.

Supervisor Puglisi said they are committed to do everything they can to help. Phase 1 study was done and they voted a few months ago on doing Phase 2.

Ed Vergano stated that Phase 2 will be completed by the end of this month with an engineer evaluation, a class rating of the dam, currently a class B dam, and an emergency action plan. They are also working on the water quality program in house which will be ready in a few weeks.

Mr. Dishart said that on behalf of the neighborhood, they really appreciate the Town's attention to this.

The **Supervisor** said that when the report comes in, they will get together with the neighbors and go through the report and see what they can implement.

Councilmember Farrell added that he understands that the Lake Association has been disbanded?

HEARING OF CITIZENS, cont.

Mr. Dishart said that it is defunct and Councilmember Farrell asked if maybe it would make sense to revive that. He asked for what purpose that would be. Councilmember Farrell answered that it would amplify their voices or perhaps creates a taxing district there for a fund. He was told that it had been unsuccessful in the past. Mr. Dishart said he would be happy to bring it up.

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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 August 14, 2015 with respect to the 2015 repaving and Award a Contract for same.

RESOLUTION NO.212-15 RE: Award of Contract TE 2015-03, "Town of Cortlandt Repaving-2015"

- 2. Receive and File Bids opened on August 14, 2015 with respect to an all purpose field at Sprout Brook Park, and Award a Contract for the same.

RESOLUTION NO.213-15 RE: Award of Contract TE 2015-02 "Sprout Brook Park Multi-Purpose Field- Trucking/Filling/Earthwork"

REPORTS

For the month of July from the Receiver of Taxes and Town Clerk.

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OLD BUSINESS

Receive and File the Following:

- 1. Report from DOTS with respect to the use/purchase of a portion of a paper road known as Old Locust Avenue.
- 2. Report from DOTS with respect to a License Agreement for the use of a Town property in Verplanck.

NEW BUSINESS

Receive and File the Following:

- 1. Letter from Eric and Jade Fell with respect to the use of a Town paper road and solar installation: and refer same to the Legal Department, DOTS and DES.

Discussion: Supervisor Puglisi commented that when they refer to the applicable departments, they get the reports and take the reports into consideration. The bids that are being voted on tonight are sealed bids and the Town sees who won the lowest responsible bid and is voted tonight.

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.214-15 RE: Appoint Allison Cutignola as the acting deputy for Purchasing for the remainder of 2015.

RESOLUTION NO.215-15 RE: Appoint three seasonal laborers for DES.

All voted AYE

The **Supervisor** congratulated Allison Cutignola who was present.

Councilmember Farrell moved that the following resolutions be polled, seconded by Councilmember Freach

RESOLUTION NO.216-15 RE: Approve a Jessye Norman property dedication.

The Board was polled:

<u>Councilmember Costello:</u>	No
<u>Councilmember Becker:</u>	Yes
<u>Supervisor Puglisi:</u>	Yes
<u>Councilmember Farrell:</u>	Yes
<u>Councilmember Freach:</u>	Yes

Discussion: **Supervisor Puglisi** stated that this is 40 acres of land and has been a priority of the CAC. They also have been working with the Westchester Land Trust to try to preserve open space. It is a very good negotiated arrangement for our community to protect the ecology and environment of the community whenever possible. This gives another 9 months for the property owner to pay the arrears and a 2 year window to challenge it. In the past the Town has preserved land at Hillpoint (365 acres), DeMaria Farm (100 acres), and Cortlandt Waterfront Park from Mr.Jim Martin. The Supervisor commented that this was all for the greater good of the community.

The motion passed

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

RESOLUTION NO.217-15 RE: Authorize the Purchasing Director to coordinate an on-line auction with respect to the sale of various scrap, surplus and vehicles.

RESOLUTION NO.218-15 RE: Authorize a Fireworks Permit with respect to Cortlandt Family Fun Day.

Discussion: none

All voted AYE

RESOLUTIONS, (cont.)

Councilmember Costello moved that the following resolutions be polled, seconded by Councilmember Becker

RESOLUTION NO.219-15 RE: Approve the DARE program for the 2015/2016 elementary school

RESOLUTION NO.220-15 RE: Approve the REAL program for certain middle schools for 2015/2016.

Discussion: The **Supervisor** commented that she has been the Supervisor for a long time and is a strong proponent of the DARE program. She stated it is hard to gauge in statistics on how a DARE program can help and benefit a young child. The 5th graders are very excited and the police officers do a great job. **Supervisor Puglisi** commented she will wholeheartedly vote for the program and many educators emailed to support the program.

There have been tragedies in the community who have overdosed so the Town collectively has been working on programs doing everything they can to help. The next program is REAL for 8th graders.

Councilmember Freach stated he would be voting no. While he agrees for the desired outcome of the DARE program, and he has been a strong proponent of programs regarding the overdose issues, it's been shown many times through many studies and articles that the program is ineffective and it is time to move on and try something else.

Supervisor Puglisi stated she respectfully disagrees. With a 37 million dollar budget, to pay \$33,000 a year for the DARE program is well worth it and \$12,000 for the REAL program. It is something the Town needs to do for the community.

Councilmember Freach added that if it was shown to help, he'd agree.

Councilmember Farrell commented that he has noticed the scourge of drug abuse and the toll it takes, and what moves him to vote affirmatively is that you just don't know which one of those kids will be positively affected by the interactions with the police officer and what they are hearing.

Besides the anti drug message, there is something positive with young people having a positive interaction with law enforcement, seeing them as approachable. To give the kids every possible change regardless of what studies say, he said he felt it is worthwhile. No one knows the answer of what will work and the amount of money to spend is really not a lot so he will be voting yes.

The Board was polled:

Councilmember Costello: Yes

Councilmember Becker: Yes

Supervisor Puglisi: Yes

RESOLUTIONS, (cont.)

Councilmember Freach: No
Councilmember Farrell: Yes

The motion passed

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

RESOLUTION NO.221-15 RE: Authorize the renewal and extension of the Cortlandt Heating Program (CHOP)

RESOLUTION NO.222-15 RE: Authorize a contract for the purchase of a refuse collection vehicle.

The following was removed: Authorize a contract for the purchase of a brush chipper

RESOLUTION NO.223-15 RE: Authorize a contract for the removal of debris.

RESOLUTION NO.224-15 RE: Authorize the installation of lighting at the rear field at the Youth Center.

RESOLUTION NO.225-15 RE: Authorize a Unit price contract for asbestos evaluation at the Verplanck Waterfront Trailer Park.

RESOLUTION NO.226-15 RE: Authorize a contract for lease financing.

RESOLUTION NO.227-15 RE: Authorize the Department of Technical Services to seek bids for the new water main line from Jacobs Hill to Gabriel Drive.

Discussion: none

All voted **AYE**

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ADDITIONS TO THE AGENDA

Councilmember Becker moved that the following be received and filed and the following resolutions be adopted. Councilmember Freach seconded the motion

RECEIVE AND FILE:

1. Petition from residents with respect to the construction of a house in the area of Pierce Street and East Hill Road; and refer to DOTS and the Legal Department; and direct staff to meet with residents.
2. Letter from NYS DOT with regard to Roundtree Lane.

ADDITIONS to the AGENDA, (cont.)

3. Letter from the Rotary Club of Cortlandt Manor with respect to lighting for a flag at the Annsville WWII monument; and refer to DES.

RESOLUTIONS:

RESOLUTION NO.228-15 RE: Award a Contract with respect to iron piping.

RESOLUTION NO.229-15 RE: Schedule a Public Hearing for September 15, 2015 to consider a Moratorium on certain uses and special permits pending the adoption of the new Master Plan.

Discussion: Supervisor Puglisi stated that the moratorium is a positive thing, it doesn't necessarily always happen. Citizens contact the Town to lobby NY State DOT on their behalf for their neighborhood or road that comes into a state highway. A response was received from the DOT saying that they will put in the stop sign at Roundtree Lane. This came out of the new Montrose Business Association and the **Supervisor** said she is pleased to tell them that this is becoming a reality.

Ed Vergano and Jeff Coleman will be meeting with residents from Pierce Street and East Hill Road area.

Tom Wood explained that the Town Board will be the recipient of a proposed Master Plan for the Town. Every 10 years the Town engages in the process where the growth and the development of the Town is reviewed and proposes a revitalization of the Master Plan. That Master Plan will be filed with the Board in the next few months. There is the dilemma that sometimes property development applications are brought in and become pending that would be opposite of what the Master Plan envisions. So this moratorium is a tool which suspends a certain development rights for a certain period of time to allow the Town Board to receive the Master Plan and to adopt changes for the Town. The moratorium will bring the Town's development in line with the new proposal in the Master Plan. The Town Board, in September, will consider a moratorium for 9 months and suspends certain special permits and also provides that any property within 2000 feet of the Hudson River shoreline no processing of any new application with the exception of residential use. There is also a transportation orientated district which will be in place around the Metro North Train Station. There will be no proposals other than residential development under the ordinance. This is only for new development in those districts. This is also for medical orientated districts. There is also a requirement for a public hearing at the Sept. 15th meeting. The Town Board has to make a determination at the public hearing as to which applications continue to proceed and which ones must be suspended. If it has had a public hearing scheduled, it would be allowed to continue because much time and changes have already been invested. Anything that has been filed but no public hearing scheduled will be suspended for the 9 months or permanently affected if the Town Board amends the zoning ordinance and makes changes requested by the Master Plan.

Supervisor Puglisi commented that New York State says you are allowed to have a moratorium in conjunction with the Master Plan as you are reviewing the permits.

All voted **AYE**

BUDGET TRANSFERS

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REPORTS FROM VARIOUS DEPARTMENTS

Jeff Coleman, Director of DES, indicated that a report of turning off the water for those residents delinquent with their water bill was a fraudulent report. The Town would not turn off their water if no payment and he urged residents to contact the police if they got this report.

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REPORTS FROM STANDING & SPECIAL COMMITTEES

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SECOND HEARING OF CITIZENS

Karen Wells
28 Applebee Farm Road

Stated she was happy to hear about the moratorium and knows they are important and that the Town doesn't decide to do them lightly. She thanked everyone who worked on the Master Plan.

ADJOURNMENT

The meeting was adjourned at 7:56 p.m. on a motion by Councilmember Farrell, seconded by Councilmember Costello.

All voted **AYE**

Respectfully submitted,

JO-ANN DYCKMAN
Town Clerk