

June 16, 2015

Town Board Meeting

A Regular Meeting of the Town Board of the Town of Cortlandt was conducted on June 16, 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
EDWARD VERGANO	DOTS, Director
GLENN CESTARO	Comptroller
CLAUDIA VAHEY	Human Resources Coordinator
CHRISTINE B. COTHREN	Deputy Town Clerk
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 spoke of the many events they attended over the course of the last month.

- * This past Sunday, June 14th was Flag Day which was originated in 1885.
- * There was a Girl Scout event in the Hendrick Hudson portion of the Town for Gold Girl Scouts.
- * The Town Government received a Westchester Municipal Planning Federation Achievement Award. This is the most prestigious award one can receive and the Town has won several over the years. This award is for the Waterfront Revitalization and Public Space Plan referring to the Cortlandt Waterfront Park area in Verplanck. The Supervisor invited those who haven't been there to visit.
- * There was the Croton-on-Hudson Summerfest that they have every year with a parade and booths from the local businesses.
- * They attended the kick-off for the Town of Cortlandt Community Garden. This is at Meahagh Park next to Lake Meahagh. A volunteer, Carol Blanca, got the idea for a community garden and the staff at DES plotted out an area for volunteers in the community to grow organic vegetables, flowers, etc.

SUPERVISOR’S REPORTS, (cont.)

- * There were many Memorial Day events they attended in Peekskill, Buchanan, Montrose, Verplanck, and Croton-on-Hudson. These were very important ceremonies.
- * Watch Hill Road and Sniffen Mountain Road were finally paved as promised. There were a few issues that had to be addressed but it is finally done. **Supervisor Puglisi** thanked all the residents and the school district for their patience. This cost about \$300,000, half of that will be returned to the Town by the company who did the work on the gas line.
- * There were benches dedicated for two veterans who have passed away, Russell Harrison, a resident of Buchanan and vice president of the Cortlandt Veteran’s committee and for Captain Clayton Carpenter, who died at 31 in a helicopter accident.
- * The Town pool is now open and camp will be starting.
- * There will be the first concert and movie series at the Cortlandt Waterfront Park. All information is on the Town’s website. The events are free. June 18th is the next event with the band “Next Phase” and a local band of high school students, “Acufunkture”, will perform. There also will be movies. The movie “Into the Woods” will be the first and the movies will continue into the month of August.
- * The **Supervisor** attended a reception for the CEO of the NY Presbyterian Hudson Valley Hospital and met the officials from the NY Presbyterian Hospital along with the President of Hudson Valley Hospital Center, John Federspiel. **Supervisor Puglisi** commented that this is a real asset for the hospital and our community as well.
- * They attended the Mt. Carmel Society Armed Forces Day Picnic in May and Mt. Carmel also will be hosting the annual Feast in Verplanck on July 15th til July 19th.

Supervisor Puglisi stated that they will be voting tonight on the paving list for 2015 and taking the money from the treasury, not borrowing for the paving, which has never been done since this administration. There will be about 14 roads paved.

The **Supervisor** invited residents to enjoy all the Town’s events, pool and camp and have a very happy and safe summer.

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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 Farrell: On tonight’s agenda is the voting on the paving list. Councilmember Farrell stated that one of the items talked about extensively is an enhanced pavement maintenance program. They have assessing ways that they can extend the life of the roads and do a more extensive job of patching some of the potholes. What is done now does fill the pothole, but they can do a better job.

TOWN BOARD REPORTS, (cont.)

Councilmember Farrell stated that Jeff Coleman prepared a report on that subject outlining different methods to be considered. One thing spoken about was to purchase a piece of equipment that would allow a trained crew to concentrate on potholes on roads that need more aggressive maintenance to extend the life of the road. Councilmember Farrell explained that there is a truck that allows the crew to make a more aggressive repair and explained that technique. The Board did agree that as they develop a little more of a fund balance, they will do this in the near future, in the next six months or more this program will be developed and better roads.

Councilmember Farrell commented that the award for the Cortlandt Waterfront Park is something that is so exciting. There is so much going on down there and the Town is constantly improving it, such as cutting into the guard rail to make it a safer entrance to the site. He also commented that it is such a beautiful spot by the river and that a big part of the enhanced use of the waterfront and Lake Meahagh is the Cortlandt Community Rowing Association. Their work has been recognized and awarded by the Westchester Recreation and Parks Society in addition to give \$500 which will be used for safety equipment. Councilmember Farrell suggested that residents go to see the boats and see how they work as they welcome all newcomers of all ages and abilities.

He recognized Leslie Bornstein who recommended that they apply for the award and is very supportive and helpful.

Councilmember Freach: Stated that the awards mentioned are great recognitions of the accomplishments of this Town and the effort that is being put into the waterfront revitalization. This is an amazing resource for the Town and the residents are loving the new activities and new parks. Councilmember Freach spoke of the Master Plan and that the river is the “crown jewel” of the natural resources that is available. He congratulated everyone and thanked the Planning Department for all their work.

Councilmember Freach gave an update on the Solarize Cortlandt-Croton program. It was a 12-15 week program of getting residents to sign up for solar panel installation. The goal was met at 150% of the original goal and was a great accomplishment.

Supervisor Puglisi then mentioned that Councilmember Costello’s father passed away and recounted how he worked with the Supervisor in the early 1990’s on the Waterfront Park.

Councilmember Costello: Congratulated the Montrose Fire Department on their annual bazaar and parade stating that it was a big success. Councilmember Costello commented that the benches that were dedicated by the riverfront are really nicely done. Also, though Solarize Cortlandt-Croton program has ended, she stated that if you are interested in the program, it doesn’t mean that you can’t do it. There are still plenty of companies that can be called to do it and Councilmember Costello urged residents to still consider it, as her Con Ed bill was \$0 for the second month in a row.

TOWN BOARD REPORTS, (cont.)

Councilmember Costello added that there was quite a bit of discussion regarding the paving and it took a lot of work to come up with the roads they chose to pave. They had to be fiscally responsible and not borrow for that work and they are trying to find that balance between not over extending themselves while still making sure that the roads are good.

Councilmember Becker: Agreed with the others about the paving, that it is a difficult process selecting the roads. **Councilmember Becker** explained that there is a whole process that is based on how important the road is as far as traffic, when it was last paved and the condition. They try to make sure that the roads are paved with an equal frequency but that the weather has taken quite a toll. He was very opposed to borrowing money for this so they are staying within the budget and still doing the roads they wanted to do.

Supervisor Puglisi added that they are about 6.6 million dollars in debt, lower than it was when she started as **Supervisor** and they are very proud of that. There have been many capital improvements, most “pay as you go”. The **Supervisor** stated that they did 2.4 million dollars of paving last year in 2014, this year about 1.4 million, almost 4 million dollars in two years of paving. She gave thanks to the staff committee that works on this who start in March to develop the list to consider- Jeff Coleman, Ed Vergano, Rosemary Boyle-Lasher, Tom Wood, the Comptroller and Deputy Comptroller.

This will go out to bid in July and begin paving in September.

APPROVAL OF THE MINUTES

Councilmember Costello moved that the regular minutes of May 12, 2015 and the May 18, 2015 Special Meeting be approved as presented by Town Clerk Dyckman. Councilmember Becker seconded the motion.

All voted **AYE**

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 renewal of the Cablevision Franchise Agreement

Supervisor Puglisi called the hearing to order at 7:35 p.m.

PUBLIC HEARING, (cont.)

Discussion:

Supervisor Puglisi asked Tom Wood, Town Attorney, to explain. He explained that for the last 30 years every 10 years the Town enters into a franchise agreement with the various providers of cable services in the Town. In the early years it was more important to worry about what areas were going to be wired, etc. In these years that's not necessarily the case. Over the years also, between acts of Congress and the State legislature, the role that the Town plays in regulation of cable is diminished. We play no role in the area of programming, of program costs and charges, etc. That's all outside the control of the Town. So this franchise agreement, if approved by the Town Board, would be to allow Cablevision of Wappinger Falls, New York an additional 10 year franchise to continue to service in the Town. They will continue to provide approximately 21 service connections for various public facilities and buildings within the Town outside the villages. This is only in the unincorporated area of the Town, not within the villages. It would also provide for a \$90,000 grant to the Town over the first four years of the agreement for us to update the equipment by which you see the broadcast and all the other information that is put out on the community access channel.

Tom Wood introduced Robert Hoch, Counsel for the local government in regulatory affairs of Cablevision who spoke in favor of the franchise for Cablevision to continue providing services in the Town. He further explained that it is based in form on the agreement with the Town with Verizon in 2007. As a result of the franchise there will be no additional construction of any kind. The system is built out through the Town is a fiber co axle system and it's been out to a home density of 20 homes per mile which covers a lot of territory here and other places as a result of that.

Mr. Hoch continued to clarify the details of the franchise to the residents. He stated he had a few technical questions regarding the resolution and Councilmember Freach asked him to explain before a vote was taken. Mr. Hoch explained that similar to the Verizon agreement, the agreement releases them from the existing multi channel services provisioning the Town Code, Chapter 195 of the Town Code, the franchise will reference as in the Verizon agreement needs to reference a resolution. They will respectfully request that included the authorizing resolution be the same language that was in the Verizon resolution which states that the Town Board finds that the franchisee is not subject to Chapter 195 of the town code entitled multi channel services. That is the exact same finding in Verizon.

Councilmember Farrell asked Tom Wood to please clarify the 2% verses the 5%.

Tom Wood explained that the franchise fee can be anywhere from 0 to 5%. It had been 2% about a month ago. The Town Board did authorize an increase of it and there is a 90 day window for it to take effect. Both companies had been notified of that so that is the process. This does not reduce that and takes effect 90 days from last month.

Supervisor Puglisi thanked him and introduced Glenn Bucher, volunteer Chairperson for Cablevision Franchise Committee, for about the last 10 years. She thanked him for his service.

PUBLIC HEARING, (cont.)

Mr. Burcher spoke of the \$90,000 grant given by Cablevision and the possibility that it could be used for the outdated equipment.

A motion to close the Public Hearing at 7:47 p.m., adopt a Negative Declaration and Adopt a Local Law was made by Councilmember Becker and seconded by Councilmember Freach.

RESOLUTION NO. 153-15 RE: Adopt a Negative Declaration with respect to a renewal of the Cablevision Franchise Agreement.

RESOLUTION NO. 154-15 RE: Authorizing Cable Franchise Agreement with Cablevision of Wappinger Falls, Inc.

All voted **AYE**

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DANGEROUS BUILDING PROCEEDING

To consider Evidence that 270 Furnace Dock Road is an unsafe building and to adopt an Order to Demolish

Discussion: Tom Wood indicated that the Board has received a report from the Director of Technical Services indicating that the addition that was added to the structure meets the definition of an unsafe building in accordance with the Town Code. The Board commissioned an evaluation by historical consultants and while there were certain attributes of the original building of some historical interest, it is not listed on any historical register. The dangerous part has no historical significance, therefore it has been recommended that the addition be considered dangerous building. If the Board concurs with that, then they will consider an order to demolish the addition or to correct it in a safe manner to state Code. The owner has 10 days to comply or the Town will authorize a contractor to render the building secure and the cost for that will be liened back on the property's tax bill.

Supervisor Puglisi added that they had given the property owners many months to improve the structure and they have not to date.

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

All voted **AYE**

RESOLUTION NO. 155-15 RE: Adopt an Order regarding a Dangerous Building on 270 Furnace Dock Road

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HEARING OF CITIZENS, (AGENDA ITEMS ONLY)

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BID REPORTS

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REPORTS

Councilmember Farrell moved that the following reports be received and ordered filed.
Councilmember Costello seconded the motion

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

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OLD BUSINESS

Receive and File the Following:

1. Report from the Director of DES with respect to the Enhanced Pavement Maintenance Program.
2. Reports with respect to a request to purchase town property along paper streets in Verplanck and authorize a license agreement.

RESOLUTION NO.156-15 RE: Authorize a License Agreement with respect to Bernard Vaughey and Town Owned Property.

3. Letter from NYS DOT and report from DES with respect to a request from CCVAC and sign placement; and authorize the placement of three (3) signs.

NEW BUSINESS

Receive and File the Following:

1. Letter from Alfred Della Cioppa representing Orser’s Mountain, Inc. with respect to a quit claim deed and a section of the abandoned Locust Avenue; and refer to DOTS

Discussion: None

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

RESOLUTIONS, (cont.)

RESOLUTION NO.157-15 RE: Appoint Jane Fitzgerald to the title Assessment Clerk per Civil Service procedure.

RESOLUTION NO.158-15 RE: Appoint Mike Milbury to the title Maintenance/Repairman for DES.

RESOLUTION NO.159-15 RE: Appoint additional summer seasonals for the Recreation Department.

RESOLUTION NO.160-15 RE: Appoint Sheree Pinto as a Program Supervisor for Nor-West.

RESOLUTION NO.161-15 RE: Authorize a contract with Otocast with respect to a Cortlandt phone app system.

The following resolution was removed to the July meeting:

Authorize design and project costs with respect to audio and visual recording equipment for Town Hall.

RESOLUTION NO.162-15 RE: Authorize a load only Fireworks Permit to the Peekskill Fire Department for July 4, 2015 (rain date July 5, 2015)

RESOLUTION NO.163-15 RE: Authorize the closing of certain streets in Verplanck for Our Lady of Mt. Carmel Festival to be held July 15, 2015 through July 19, 2015.

RESOLUTION NO.164-15 RE: Authorize Fireworks Permit to Our Lady of Mt. Carmel.

Discussion: Supervisor Puglisi introduced Mike Milbury who has been with DES for a long time and was recommended to the Town Board that Mr. Milbury get this upgrade. He also has also worked on the Purple Heart Memorial on the front lawn of Town Hall.

All voted **AYE**

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

RESOLUTION NO.165-15 RE: Authorize the installation of a camera system for 167 Roa Hook Road.

RESOLUTION NO.166-15 RE: Award a contract with respect to pavement striping.

RESOLUTION NO.167-15 RE: Award a contract with respect to fence enclosure for dumpsters at Town Hall.

RESOLUTIONS, (cont.)

RESOLUTION NO.168-15 RE: Amend Resolution No. 72-15 with respect to repairs to the Town salt dome.

RESOLUTION NO.169-15 RE: Authorize the repair of drainage at Elm and Lake Streets.

RESOLUTION NO.170-15 RE: Authorize DOTS to solicit bids for repair work to the Cortlandt Lake Dam.

RESOLUTION NO.171-15 RE: Authorize DOTS to obtain bids to repave various streets and road.

RESOLUTION NO.172-15 RE: Schedule a Hearing to consider evidence that 90 Watch Hill Road and 215 Sprout Brook Road are unsafe buildings for July 21, 2015.

RESOLUTION NO.173-15 RE: Award a demolition and site restoration contract with respect to 2140 Albany Post Road.

RESOLUTION NO.174-15 RE: Award a contract with respect to a wall on Adrian Court.

RESOLUTION NO.175-15 RE: Extend a professional service contract with respect to a right hand turn lane on Westbrook Drive onto Rt. 6.

Discussion: Supervisor Puglisi stated that they don't only pave the roads; they stripe them then clean it up and make it safer for the drivers. Regarding the salt dome, **Supervisor Puglisi** stated it costs the Town \$250,000 in the early 1990's and they were one of the first Towns to construct a salt dome for environmental purposes. The real reason for it is for environmental purposes.

All voted **AYE**

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ADDITIONS TO THE AGENDA

Councilmember Farrell moved that the following resolution be adopted. Councilmember Freach seconded the motion.

RESOLUTION NO.176-15 RE: Authorize a Leave of Absence with respect to a Purchasing Department employee.

All voted **AYE**

Councilmember Freach moved that the Board be polled for the following resolution. Councilmember Farrell seconded the motion.

RESOLUTION NO.177-15 RE: Authorize the termination and release of a Declaration with respect to Toll Brothers Development (Valeria).

RESOLUTIONS, (cont.)

Councilmember Costello	Yes
Councilmember Becker	Yes
Supervisor Puglisi	recused
Councilmember Freach	Yes
Councilmember Farrell	Yes

The motion **passed**

Councilmember Freach moved that the following resolutions be adopted. Councilmember Farrell seconded the motion.

RESOLUTION NO.178-15 RE: Authorize the abandonment of a useless roadway and conveyance of a parcel.

RESOLUTION NO.179-15 RE: Authorize a request to be forwarded to NYS DOT with respect to a stop sign and white crossbar at the intersection of Roundtree Lane and Rt. 9A.

Discussion: None

All voted **AYE**

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BUDGET TRANSFERS

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REPORTS FROM VARIOUS DEPARTMENTS

REPORTS FROM STANDING & SPECIAL COMMITTEES

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SECOND HEARING OF CITIZENS

Cathy Stewart
President of Cortlandt Ambulance Corp

Wanted to take this opportunity to thank the Supervisor and Town Board for helping them put the signs up to recruit members. Volunteerism is not what it used to be with busy schedules and the amount of pools of volunteers is severely dwindling. She thanked Jeff Coleman for helping them with site planning and working with the DOT.

HEARING OF CITIZENS, cont.

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Councilmember Costello asked about those that do not have any type of medical degree.

Ms. Stewart described that there are a number of committees for those volunteers, such as recruiting, marketing, public relations, treasury, ground maintenance, etc. She reminded residents that the ambulance corp. is located on the corner of Kings Ferry Road and Albany Post Road in Montrose. They were founded in 1984 and up until a year ago they were a completely volunteer organization and now have some paid employees from the monies that come from the taxing district.

Glenn Bucher

Wanted to personally thank the **Supervisor** and the Town Board for the dedication for Clayton Carpenter who served his country in Iraq and died in a helicopter accident.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m. on a motion by Councilmember Costello, seconded by Councilmember Becker

All voted **AYE**

Respectfully submitted,

JO-ANN DYCKMAN
Town Clerk