

Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, November 5, 2007 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

Mayor Schmidt	Trustee Brennan
Village Manager Herbek	Trustee Gallelli
Village Attorney	Trustee Kane
Treasurer Zambrano	Trustee Konig

1. CALL TO ORDER:

Mayor Schmidt called the meeting to order at 8:00 p.m. Everyone joined in reciting the Pledge of Allegiance

Mayor Schmidt announced committee changes; since Trustee Gallelli is not able to make the meetings on the days scheduled, Trustee Brennan will assume the role of liaison to the Arboretum; Ray Fortini will serve on the Recreation Advisory Board and 2 high school students will be appointed, for now Julia Lynford has agreed to serve.

2. APPROVAL OF VOUCHERS:

Trustee Brennan made a motion to approve the vouchers as follows, subject to review by the Audit Committee. The motion was seconded by Trustee Kane and approved unanimously.

General Fund	\$ 57,604.47
Water Fund	3,731.90
Sewer Fund	8,885.58
Trust & Agency	2312.50
Capital Acct.	10,330.12
Total	\$ 82,864.57

3. CORRESPONDENCE:

Village Manager Herbek read the following correspondence (full text available at the Village Office):

- a) A letter from Robert Hilpert, Attorney representing Zeytinia Gourmet Markets, regarding a meeting held on 10/18/07 to discuss several issues and the resolution of same.
- b) A letter signed by several residents asking if there are any steps that can be taken to encourage vehicular traffic to move more cautiously in the Oneida Avenue, Penfield Avenue and Hastings Street area. Trustee Brennan requested that this be moved to a work session and take a hard look again; also send this letter to the Police Department and have staff look at it
- c) A letter from Robert Hoch, Director of Government Affairs, Cablevision, with the 2008 rates for Cablevision cable service effective December 1, 2007; basic service will

- remain the same; several other packages are subject to rate increases. Mayor Schmidt suggested that a letter be sent to Verizon requesting to be moved up on the list to promote competition.
- d) A memo from Village Engineer O'Connor recommending that the Board grant Jane & Frank Hillock, 50 Oneida Ave. a requested building permit extension will expire on May 20, 2008. Trustee Kane made a motion to approve the request, seconded by Trustee Brennan, approved by all.
  - e) A memo from Gary Diggs, Croton Volunteer Fire Department Chief, requesting the use of the house on Mt. Airy Woods that is slated for demolition for fire department training. Village Manager Herbek stated that the Croton Housing Network has no objection to doing this and it will include the main house and the bungalow. Trustee Kane asked that the fire department leave the building secure afterward. Trustee Gallelli added that Nance Shatzkin agreed this would be a good use of the building. Trustee Brennan made a motion to approve the request, seconded by Trustee Gallelli, approved unanimously.

Mayor Schmidt stated that he has received a lot of correspondence about the dog issue and suggested forming a small committee to work this out. He added that the Board is taking this issue seriously and will take a good look at options.

#### 4. CITIZEN PARTICIPATION-Agenda Items

NO SPEAKERS

#### 5. RESOLUTIONS:

- a) On motion of Trustee Kane, seconded by Trustee Brennan, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village Engineer has recommended an upgrade for the Nordica sewer pump station including a future generator, replacement of the line shaft pumps with dry well submersible pumps, relocation of the force main discharge location, upgrading of pump control panel, and flow metering equipment; and

WHEREAS, we have received a proposal from Lyn Staar for the engineer analysis for these upgrades for a lump sum fee of \$9,900; and

WHEREAS, any additional work will be billed on a time and material basis,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to approve the proposal from Lyn Staar Engineering,

AND BE IT FURTHER RESOLVED: that the \$9,900 will be charged to account number G8120.4000 – Sewer Contractual.

Discussion: Trustee Kane asked the Village Engineer if this proposal will solve the issue of the odor that comes from the pump house when there is a power outage. Village Engineer O'Connor replied that there is currently no back up generator; the new generator will automatically transfer on a power outage; there will be a very small lag before the generator picks up. Trustee Brennan stated that this engineer report is for the sizing of a generator and no one will have to go down to restart. Village Engineer O'Connor stated that they will still have to check that the generator is working properly, but the priority will be lessened. Trustee Brennan added that this project includes a flow meter.

b) On motion of Trustee Brennan, seconded by Trustee Gallelli, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Department of Public Works had been taking old appliances containing Chlorofluorocarbons to the Town of Cortlandt at a cost of \$30 per appliance; and

WHEREAS, this cost had been passed along to the residents when they purchased a sticker for removal of the appliance; and

WHEREAS, the Village is now taking appliances containing Chlorofluorocarbons to a facility in Elmsford which is not charging for this service; and

WHEREAS, the Village will no longer be selling stickers to residents for removal of their appliances,

NOW, THEREFORE BE IT RESOLVED: that the 2007-08 fee schedule is hereby amended to remove the item "Removal of Appliances with Chlorofluorocarbons: Refrigerators, Dehumidifiers, Air Conditioners" at a cost of \$30 per appliance.

Discussion: Village Manager Herbek stated that the staff has suggested taking a look at the cost to remove and transport these items, perhaps this should be discussed further at budget time. Treasurer Zambrano stated the Board should look at this for the 2009 budget. Mayor Schmidt asked if the Village gets paid anything for bringing this material to Brookfield. Village Manager Herbek replied that the Village receives a small amount for the metal.

7. CITIZEN PARTICIPATION – NON-AGENDA ITEMS:  
NO SPEAKERS

8. APPROVAL OF MINUTES:

Trustee Brennan made a motion to approve the minutes of the Regular Board Meeting held on October 15, 2007 as corrected. Trustee Kane seconded the motion. The Board voted unanimous approval.

## 9. REPORTS:

*Village Manager Herbek* reported that this is the beginning of the leaf collection program; there has been a frost and leaves should be coming down soon. Village Manager Herbek encouraged residents to bag their leaves; up to 10 bags will be given out to each family; however, if residents are raking out to curb, do not rake the leaves into the street; please keep them to the edge of the curb; leaves in the streets are dangerous in rainy weather; leaf collection dates have been provided in the newsletter and the schedule is also on line at [www.crotononhudson-ny.gov](http://www.crotononhudson-ny.gov). Village Manager Herbek added that the web site contains many interesting links such as weather, and you can tune into a Village board meeting, there is a live camera to view the parking lot and also bulletins are put out on a regular basis. Village Manager Herbek reported that the Village has received a subpoena to provide a significant amount of information concerning an anti-discrimination organization vs. Westchester County; a meeting is scheduled with Jim Staudt and Joanna Feldman to discuss how to provide this information; it will be expensive in regard to staff time; a lot of time and effort will have go into this. Mayor Schmidt added that this is a group suing Westchester County on how they appropriated or spent CDBG funds and because Croton is a recipient of these funds, the Village must supply requested information. Attorney Staudt added that this is a 3<sup>rd</sup> party subpoena and Croton is not being sued and is not a defendant; he understands it has to do with fair housing CDBG money. Trustee Gallelli stated that is it necessary to distinguish between fair housing and affordable housing. Village Manager Herbek added that they are requesting records back to 1990 and it appears all local laws relating to land use, CDBG documents and all affordable housing projects. Trustee Gallelli stated that any discussions that took place are being included. Attorney Staudt stated that they must be understanding that we are the 3<sup>rd</sup> party and the Village has limited resources to complete this project.

*Treasurer Zambrano* reported that legal expenses through November 5<sup>th</sup> amounted to \$23,178. to three firms; for STB, \$4,015, Discussion regarding 1A Croton Pt. Ave., \$11,471, General Counsel, \$6,692; the cumulative total year to date is \$180,823.00. He reported that the totals since January 2007, for the STB case=\$45,922, NY Court of Appeals=\$38,331, 1A Croton Point Ave. Approval=\$4,842, Millennium Pipeline=\$5,459, Discussion with owner of 1A Croton Pt. Ave.=\$37,594, General Council=\$50,676.

*Trustee Konig* congratulated the Seniors on their anniversary; she did not make luncheon, but heard was a lot of fun. Trustee Konig also congratulated the Mayor for his appearance in Washington DC; having the bill go through so quickly was good news; she had the pleasure to meet Rep. Chris Smith from NJ and he said that he has similar problems in NJ. Trustee Konig reported that the MRSA staph infection which is resistant to antibiotics is a scary infection, but highly avoidable, mostly through hygiene; she mentioned the web site [www.hospitalinfection.org](http://www.hospitalinfection.org) which has several things to do or watch out for.

*Trustee Kane* asked if the leaf vacuuming that is scheduled for Truesdale Drive along with 25 other Harmon streets, what happens if a truck comes down and there are no leaves to vacuum since they are still green and on the trees, will they come back at a later date? Village Manager Herbek replied that there are piles of leaves out, but this is an unusual year; they will try to cover areas several times and understand leaves need to be picked up.

*Trustee Brennan* reported that the High School football team had one playoff victory and he wished them luck for next year. Trustee Brennan added that several weeks ago, Mayor Schmidt went to Washington DC and appeared before a House subcommittee panel on Waste Transfer stations and loopholes; the Mayor was clear, concise and articulate on the issues that face Croton and many other communities regarding waste transfer; the next day, the House passed their part of the bill to close this loophole; the Mayor represented the Village spectacularly; this did not take as long as predicted; it is not over yet but is almost a reality.

*Trustee Gallelli* reported that there is no doubt it was nice that the House of Representatives acted quickly and hopes the Senate does the same. Trustee Gallelli reminded everyone that on Wednesday, November 7<sup>th</sup>, a work session about the additive to water will be held at the Municipal Building and will be televised. She also reported that the Seniors had their 50<sup>th</sup> Anniversary party and about 130 people attended. Trustee Gallelli added that the Economic Development Committee has been working diligently and will be meeting 11/14, Wednesday, with property owners from Harmon area. Trustee Gallelli reminded everyone to vote tomorrow; polls will be open around the Village where particular districts normally vote. Trustee Gallelli asked the Village Attorney about what privilege or privacy is attached to emails sent to Board members in their capacity as board members. Attorney Staudt advised to think of emails as a written document; nothing about an email entitles it to a different treatment than any other letter; the same privacy or lack of same is for email to be treated as a piece of paper; whether sent home or in the office; it is not the same as a telephone call.

*Mayor Schmidt* reminded everybody that the Wednesday meeting is here at 7:30 p.m.. He gave congratulations to the Seniors on their 50th anniversary; it is an active group and encouraged others to join. Mayor Schmidt also thanked the Recreation Department and staff for their participation. He also reminded everyone that tomorrow is Election Day; please come out and vote; the Town has some candidates running for office. Mayor Schmidt reported that Monday is Veterans' Day and Village offices are closed; there will be two ceremonies, one at 11 am at Veterans' Corners and the Town will have a ceremony at 12:30 pm at Town Hall. Mayor Schmidt reported that, regarding his testimony, he received a lot of help from the Village attorneys, the staff and fellow board members; it was quite an honor and an experience; getting there was also an experience; it represents an issue in other communities. He reported also that this weekend is household clean-up day; Friday and Saturday at Croton Pt. Park hazardous materials, including florescent bulbs, will be accepted.

Trustee Brennan made a motion to go into executive session; second by Trustee Gallelli; approved by all.

Trustee Brennan made a motion to adjourn the meeting; second by Trustee Kane; approved unanimously. The meeting was adjourned at 8:50 pm

Respectfully submitted,

Regular Board Meeting

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Phyllis A. Bradbury

Phyllis A. Bradbury, Secretary

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Village Clerk