

Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, New York was held on Monday, November 19, 2007 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, New York.

The following officials were present:

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

1. CALL TO ORDER

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

2. APPROVAL OF VOUCHERS:

Trustee Brennan made a motion to approve the vouchers as follows; the motion was seconded by Trustee Kane and approved unanimously.

General Fund	\$29,971.12
Water Fund	3,820.08
Sewer	139.10
Capital Fund	-
Trust Fund	2,664.73
Total	\$36,595.03

3. CORRESPONDENCE

- a. Annual Report from Joyce Finnerty, Village Historian dated November 2007 detailing the Historical Society's activities during the year.
- b. Letter from Rachel Ginsberg, Ginsberg Development Companies dated November 1, 2007 congratulating the Village of Croton On Hudson on winning the Bronze award for the Annual Flower Village Competition.
- c. Letter from Craig Kominoski, New York State Office of Real Property Services dated November 5, 2007 advising that the Village of Croton on Hudson's

Residential Assessment Ratio is 2.68. Mr. Herbek advised that they have found a few errors; Joe Sperber is checking the data for accuracy and they are hoping that they may be able to bring this number up.

- d. Letter from Richard Keil, New York State Board of Real Property Services dated November 2, 2007 advising of the Tentative Special Franchise Assessment
- e. Letter from Jack Moodie, New York State Board of Real Property Services dated November 2, 2007 advising of the Tentative Railroad Ceiling
- f. Letter from Dwight Douglas, Village Administrator, Village of Sleepy Hollow dated November 8, 2007 enclosing a copy of a resolution adopted by the Village of Sleepy Hollow regarding their opposition to the FAA's plan to reroute & expand operations in Westchester County.
- g. Letter from Ellen Irvine, Manager of Wondrous Things, dated November 13, 2007 requesting three (3) extra parking permits at no additional charge for the holiday season.

On motion of TRUSTEE KANE, seconded by TRUSTEE KONIG, the following resolution was unanimously approved by the Board of Trustees of the Village of Croton-on-Hudson, New York:

RESOLVED that the Board of Trustees of the Village of Croton On Hudson hereby approves the request from Wondrous Things for three (3) extra parking permits at no additional charge for the holiday season to expire mid-January.

- h. Letter from Daniel O'Connor, Village Engineer, dated November 6, 2007 requesting an extension of a Building Permit for 181 Cleveland Drive.

On motion of TRUSTEE BRENNAN, seconded by TRUSTEE GALLELLI, the following resolution was unanimously approved by the Board of Trustees of the Village of Croton-on-Hudson, New York:

RESOLVED that the Board of Trustees of the Village of Croton On Hudson hereby approves the request from Mr. Dickey for a second extension of his Building Permit for 181 Cleveland Drive.

- i. Letter from Anne Swaim, Executive Director of the Saw Mill River Audubon dated November 14, 2007 advising of the prohibition of hunting in sanctuaries of Saw Mill River Audubon

## 5. CITIZEN PARTICIPATION - AGENDA ITEMS

Bob Wintermeier, 42 Radnor Avenue, advised that a study performed by the Virginia Military Institute on the Chesapeake Bay was intended to focus on the impact of Zinc on nitrogen removal at waste transfer treatment plants and did not focus on any other concerns. Mr. Wintermeier said that the article goes on to say that amount of Zinc Orthophosphate used to combat corrosion is so small that little impact is expected. Mr. Wintermeier said that he spoke with Ossining and they are required by New York State to monitor zinc and provide a report every quarter; in addition to that Ossining voluntarily monitors Phosphates monthly. Mr. Wintermeier said that Phosphates in Zinc Orthophosphate is so diluted that it is not expected to add much impact to the load requirements of a waste transfer treatment facility. Mr. Wintermeier said that he also contacted the Director of Waste Water Treatment in New Rochelle and he stated that he sees no environmental problems from the use of Zinc Orthophosphate in Croton's water supply. Mr. Wintermeier said that with reference to the effect on fish, Mr. Wintermeier referred to an unnamed report that indicted that Phosphates are considered an essential nutrient in all living creatures and there is no known impact on marine life at these levels. Mr. Wintermeier said that Zinc Orthophosphate has demonstrated particular effectiveness in providing lead and copper protection, reduce asbestos and protect cement pipes.

Dan Ferguson, Alexander Lane, stated that Zinc Orthophosphate is much more toxic than originally thought. Mr. Ferguson said that when Zinc Orthophosphate forms a coating; two chemicals are produced; lead phosphate and copper phosphate that can cause cancer and neuro-toxic reactions. Mr. Ferguson said that this information comes from the U.S. Department of Health and the American Society of Civil Engineers. Mr. Ferguson said that Zinc Orthophosphate is a man-made chemical and has never been tested. Mr. Ferguson said that if we add the Zinc Orthophosphate it will also cover the copper pipes and copper kills streptococcus and Staphylococcus and e-coli bacteria and once we coat the pipes we will loss this affect. Mr. Ferguson asked that we wait a year to study it more thoroughly.

Michael Mamone, 19 Young Avenue, Croton, said that since we would not be reducing this to zero why are we considering a program that will still have lead in our system? Mr. Mamone said that he would rather shoot for a program that would give us a zero. Mr. Mamone suggested that we offer free to our 2500 service connections new water meters that would replace the brass water meters. Mr. Mamone said that there are too many unanswered questions, our water is pure and we should not rush into this program.

Chuck Trendell, 39, Batten Road, Croton, said that our water is not pure; we add chlorine to our water and it is his opinion that chlorine is more dangerous than Zinc Orthophosphates. Mr. Trendel said that our big problem is that we have a failing infrastructure; our pipes are falling apart, and what we need to be is proactive and replace these pipes which will take time and money and suggested that the Village hire a grant writer to help fund this project.

Kevin Davis, 17 Wolff Road, Croton, stated that he is not for Zinc Orthophosphate, but he is not against it and recommended that we get answers to our questions before we go ahead with this project. Mr. Davis said that he read that low amounts of Phosphates

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encourage algae growth and we should be assured that it is being processed out of the water. Mr. Davis said that according to Riverkeeper each specific waste water treatment plant has to have a specific plan and asked if there is a site specific plan for the Ossining Plant for removal of Phosphates.

Mayor Schmidt said that this is an issue with the Westchester County Health Department, they keep a close watch on it and it would also be regulated by the New York State Department of Environmental Conservation.

Mr. Davis asked if the coating of the copper pipes will negate the anti-bacteria qualities.

Mayor Schmidt said that if Mr. Davis is relying on copper to perform anti-bacterial activity then we are in jeopardy; the Village uses Chlorine in order to provide the anti-bacterial property that the Village is required to have in our water system now.

Trustee Kane said that this does not kill all of the pathogens in our water.

Mayor Schmidt said that he is not saying that it kills everything, it does what it needs to do; the chlorine is what we use in order to have an anti-microbial affect in our water system. Mayor Schmidt said that if you rely on the copper to do that you would be in danger.

Mr. Davis asked if there is some way we can work something out with the homeowners to make sure that we have no more lead pipes. Mr. Davis said that grant money would help us fund the permanent replacement and is wondering if we are applying for any grants.

Village Manager, Richard Herbek, said that the Village was the recipient of a very substantial Community Development Block Grant and the Village will be replacing infrastructure along High Street. Mr. Herbek said that when it comes to aging infrastructure, Croton is not alone, this is a problem with most municipalities throughout Westchester County and to get special treatment or special funds is extremely hard. Mr. Herbek advised that the reason the Village was able to receive funds for High Street is that we were able qualify the need; High Street is in a zone that was created by Census Data which allowed the Village the opportunity to apply for these funds and to qualify that particular project. Mr. Herbek said that the Village will soon be working on the next round of funding for CBDF Grants that are due by June 2008.

## 6. RESOLUTIONS

a. On motion of TRUSTEE BRENNAN seconded by TRUSTEE KONIG, the following resolution was approved by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village is considering a corrosion control program for its water distribution system, and

WHEREAS, the purpose of a corrosion control program is to help reduce incidences of brown water, reduce lead and copper levels, and increase the life span of the distribution system, and

WHEREAS, a corrosion control program is currently being used by 15 communities in Westchester and is particularly helpful for communities with older distribution systems, and

WHEREAS, corrosion control was the subject of a work session on May 14, 2007, a public information session on September 17, 2007 and a public information session on November 7, 2007,

NOW, THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby authorizes Chazen Engineering to proceed with the design of a corrosion control program for the Village's water distribution system.

Mayor Schmidt Aye, Trustee Brennan Aye, Trustee Konig Aye  
Trustee Gallelli Nay, Trustee Kane Nay

Trustee Kane said that he has a letter from Riverkeeper stating that Zinc Orthophosphate will have an impact on the Hudson River and feels that a thorough study of what effect, if any, this would have on the Ossining waste water treatment facility is needed. Trustee Kane said that he also has two documents; one from Copper.org showing laboratory results on the effects of copper on pathogens and germs and that it kills Legionnaires Disease, Mercer Virus, E-Coli and Listeria. Trustee Kane said that Chlorine does not kill all pathogens and hot water heaters are an incubator for pathogens. Trustee Kane also referred to a document from the ASTM (American Society for Testing and Materials) showing results of the affects of copper on pathogens and is not in favor of coating the copper pipes because we would take away the germ fighting effects. Trustee Kane thanked Dan O'Connor, Tom Brann and the rest of the Village staff for doing a wonderful job on this issue in supplying the Board with as much data a possible.

Trustee Konig said that she also has the same report from Riverkeeper that states that the *"study found that Zinc would not have an impact on the Arlington County Waste Treatment Facility but that each site should look at their specific needs"*. Trustee Konig said that once again there isn't any evidence saying that this is necessarily a bad thing. Trustee Konig stated that this is a needed step to improve our infrastructure after years and years of neglect and encouraged residents to visit the Village's web-site to see pictures of what the inside of some of our older pipes look like. Trustee Konig responded to the suggestion that we change everyone's water meter, we cannot burst into everyone's home and change their pipes, but what we can do is make sure that our delivery system

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brings safe water to our homes. Trustee Konig said that we are not rushing into this; we have studied this for a very long time.

Trustee Gallelli thanked everyone for taking the time to do their research and provide the Board with their information. Trustee Gallelli said that she will not be voting for the resolution this evening because she is against doing it at this time. Trustee Gallelli said that this idea has been floating around for a few years and it was determined back then that we would need a massive education program before the Village would undertake a program like this. Trustee Gallelli thanked Village Engineer Dan O'Connor and Water Foreman Tom Brann for their proposals and recommendations but as elected representatives it is the Board's job to take these recommendations and view them through the prism of the entire Village that we represent. Trustee Gallelli said that she has spent a lot of time speaking with people asking if they knew about this and the majority of the people she spoke with were not aware of this and those that knew about it did not understand it at all. Trustee Gallelli said that part of our job is to provide a serious education program on subjects like this and there is no reason to move this program forward this evening. Trustee Gallelli suggested that we put together an informative brochure and send it to everyone who uses Village water and once everyone is informed we can then look at our options.

Mayor Schmidt said that in terms of notification, it was in the Village newsletter and notices were sent in every water bill. Mayor Schmidt said that we also held two educational sessions at our Board Meetings with Chazen explaining in detail about the program.

Trustee Brennan said that both our Village Engineer and Water Foreman are recommending that we do this program. Trustee Brennan stated that the Riverkeeper's opinion on the report by the Virginia Military Institute states that a Zinc concentration will have little of no affect on the waste water treatment facility. Trustee Brennan said that it is his opinion that this will be good for the residents in the long run and has not heard anything to the contrary that this will harm anyone. Trustee Brennan said that he takes this very seriously, the Board held two educational programs on this and the vote was put off twice to make sure that questions were answered.

Trustee Kane asked if we could look into the possibility of putting in an electronically operated valve at the end of a dead-end pipe that would flush it into a nearby storm drain. Trustee Kane said that there are different conditions between the Hudson and the Chesapeake Bay where the report came from and that Riverkeeper did request that the Village do a thorough study on what affects if any the addition of Zinc Orthophosphates will have on the treatment of Village waste water.

Mayor Schmidt said that the Village hired Chazen to look at brown water, lead and corrosion control throughout the entire Village. Mayor Schmidt advised that Chazen came up with a number of recommendations for fixing those problems; some are long term solutions and some are short term and what we have before us this evening is the corrosion control part which will help to mitigate the brown water, lead and copper

levels. Mayor Schmidt stated that Chazen is also looking at fixing the stagnation in our water tanks that creates part of the brown water and corrosiveness and this is part of an ongoing solution to the brown water and lead problems. Mayor Schmidt said that Village will be looking at replacing water lines in the future when the Village has the funds to do so and reminded everyone that the Harmon area recently completed cost the Village over two million dollars. Mayor Schmidt stated that the corrosion control additive that we are speaking about will not only help our lead and brown water issue, it is also a measure that will help to increase the life span of what we are putting in the ground which is a viable part of why we are doing this. Mayor Schmidt stated that the amount of Zinc Orthophosphate that we are adding to our system is measured in the parts per billion; it is so miniscule it is almost undetectable; it is the responsible thing for the Village to do in order to protect and insure that our residents get good quality water and the responsible thing to do since we are spending millions of dollars replacing our infrastructure that we make sure that it lasts as long as it can last.

7. CITIZEN PARTICIPATION - NON-AGENDA ITEMS

Chuck Trendel, 39 Batten Road, Croton, asked if a stop sign can be placed on Radnor at the corner of Olcott and Radnor and possibly at Maple because it has become a very dangerous area. Mr. Trendel also suggested that speed bumps be put on Benedict Avenue to slow up traffic.

Village Manager Richard Herbek advised that the Village will be discussing stop signs in this area at the next work session. Mr. Herbek stated that there are a number of traffic recommendations that have been made with regards to Benedict Avenue that will also be discussed at this work session.

Mr. Trendel asked how much tax revenue the Village receives from Metro-Enviro.

Mr. Herbek advised that we receive approximately \$22,000.

Mr. Trendel questioned why the taxes were not higher since the property is probably worth over a million dollars and suggested that the Village take a look at this.

Trustee Gallelli stated that over the past year the Bicycle Pedestrian Committee has done a lot a work on developing a Master Plan for Bicycle and Pedestrian issues throughout the Village and they have put together a Draft Master Plan which the Village Board is currently reviewing. Trustee Gallelli said that the Plan incorporates the area that Mr. Trendel is speaking about.

Bob Wintermeier, 43 Radnor Avenue suggested a four way stop sign at the Radnor/Olcott intersection because there is a wall on the north east corner that makes it very difficult to see and because of the hill people are picking up momentum and it is

very hard to stop. Mr. Wintermeier asked the Board not to consider road bumps because it is his opinion that they are more hazardous.

#### 8. APPROVAL OF MINUTES:

Trustee Brennan made a motion to approve the minutes of the Executive Session held on Monday, October 22, 2007. Trustee Kane seconded the motion. The Board voted unanimously to approve the minutes

Trustee Brennan made a motion to approve the minutes of the Executive Session held on Monday, November 5, 2007. Trustee Kane seconded the motion. The Board voted unanimously to approve the minutes

Trustee Brennan made a motion to approve the minutes as amended of the Regular Meeting held on Monday, November 5, 2007. Trustee Gallelli seconded the motion. The Board voted unanimously to approve the minutes

#### 9. REPORTS

Village Manager, Richard Herbek, gave an update on his attendance at the Legislative Priorities Meeting held in Albany. Mr. Herbek said that he represented the Board and community in helping to develop NYCOM's 2008 legislative program. Mr. Herbek shared with the Board some of the highlights and priorities of that meeting.

Village Treasurer, Abe Zambrano, reminded residents that new free parking permits for weekend and holiday parking at the train station are available; the old permits have expired and asked everyone to discard them.

Trustee Konig advised that the Recreation Advisory Board met with dog owners and the general feeling is that dog owners want to be heard and be informed of what is going on. Trustee Konig said that the dialogue will continue and encouraged everyone to check the web-site for up to date information.

Trustee Kane reminded everyone that Metro North is offering a "Special Get Away Service" on Wednesday, November 21st which will feature seventeen extra trains departing Grand Central and a "Shoppers Special Train" from November 17th through December 30th.

Trustee Gallelli advised that the Economic Development Committee met with property owners and presented the work that they have done, what they plan in the future and recommendations to the Village Board. Trustee Gallelli said that she attended the Veteran's Day Ceremony and it was well attended. Trustee Gallelli advised that on December 2nd the semi-annual Blood Drive will be held at the Croton Harmon High School. Trustee Gallelli wished everyone a very healthy and Happy Thanksgiving.

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Trustee Brennan said he could not make the Veterans Day Ceremony due to his work schedule and thanked all the veterans for their dedicated service. Trustee Brennan stated that we live in a wonderful community and we should all be thankful for everything that we have and wished everyone a happy Thanksgiving holiday.

Mayor Schmidt thanked the Board and staff for all their hard work in making this a great community and we should be very grateful for all we have. Mayor Schmidt said that this is also a time to give back and encouraged everyone to get involved with the many volunteer opportunities throughout our Village. Mayor Schmidt wished everyone a very happy Thanksgiving holiday.

On motion of TRUSTEE BRENNAN, seconded by TRUSTEE GALLELLI, the Board of Trustees of the Village of Croton-on-Hudson, New York unanimously approved going into an Executive Session to discuss the Arrowcreast Conservation Easement Enforcement.

There being no further comments to come before the Board, a motion to close the meeting at 10:10pm was made by Trustee Brennan and seconded by Trustee Konig. Motion was unanimously approved.

Board Secretary.

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Pauline DiSanto, Village Clerk