

A Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Tuesday, January 22, 2008 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 Feldman	Trustee Kane
Treasurer Zambrano	Trustee Konig

1. CALL TO ORDER:

Mayor Schmidt called the meeting to order at 8:00 p.m.

Mayor Schmidt observed a moment of silence in memory of Manny Lopez who passed away on January 20<sup>th</sup>. Village Manager Herbek recounted Mr. Lopez's many years of service to the Village for his work with the DPW and with the Recreation Dept.; he planted and took care of the flowers around the Village and was also responsible for many of the Park plantings; his wife, Lucille, and he were members of the Croton Senior Citizens Club; thanks to Manny, the Village received several Flower Village awards. Mayor Schmidt added that the Recreation Dept. is planning a memorial and if any one wishes to make a donation in memory of Manny Lopez, it can be sent to the Recreation Dept., attention the Beautification Account.

Village Manager Herbek announced that he will be retiring effective March 28, 2008. His complete statement is available on the Village web site. He looked back at his 28 year career as Village Manager of Croton-on-Hudson and stated that he hoped he has made a positive contribution in his years of public service. Village Manager Herbek added that he was hired in late 1980 after serving as Deputy Village Manager in Scarsdale; much of the Village was undeveloped and today the Village is almost entirely developed. Mr. Herbek described many notable projects, including the closing of the Croton Landfill, construction of Fireman's Field, Manes Field and Black Rock Park and the many environmental laws that have been enacted during his time as Village Manager. He added that in the 1990s more emphasis was on the future vision for the Hudson River, trails and open space; the Village purchased the private portion of Croton-Harmon train station for parking, bringing in additional revenue to the Village. Mr. Herbek acknowledged the five mayors and 34 trustees he has worked with in the Village as well as the many fine members of boards, councils and committees, Fire Dept., Croton Caring Committee and the Historical Society. He added that the job of Village Manager is not your typical 9 to 5 job; there are many night meetings, long hours and many issues kept him busy, but the work is exciting and satisfying. He stated that he has worked with terrific, dedicated people and thanked them for their hard work, dedication, service and loyalty. Village Manager Herbek added that he believes that the Council-Manager type of government has served the Village well and will continue to do so in the years ahead. He added that it not easy to leave a job you have loved after all these years and he is not ending his time without a transition plan; he will be available to attend meetings and for consultation to the end of September. Village Manager Herbek ended by stating that he is leaving the Village in excellent financial condition; he appreciates the honor of serving as Village

Manager all these years; that Croton on Hudson will always be a part of him and he hopes that he has made the Village a little better than when he came in December 1980.

Mayor Schmidt stated that it has been an honor having Mr. Herbek here as Village Manager and working with him; he wished Village Manager Herbek luck in retirement with hopes that he enjoys it; he has left the Village in good shape and with a terrific staff.

Trustee Gallelli said that she is sorry Rick Herbek is leaving; they have had a long association since the mid 1980s; they may have gotten off to a rough start but more involvement on her part lead to the understanding of the complexities of issues; many projects frequently run into glitches; Rick was the go-to man; he could get things done which is an asset for a small village in a big state; having someone who could smooth the way makes a difference; his leadership and expertise has been recognized by his associates in municipal government throughout the metropolitan area, the boards and committees and they all will miss his expertise, but his continued presence will be felt within the County and beyond as several interns who are now in positions in municipal management learned their skills from an expert. Trustee Gallelli added that she is glad that the Village had the benefit of Rick's expertise and his dedication to Croton for so long.

Trustee Kane stated that he, his wife and family want to thank Village Manager Herbek for his service to the Village; he has made a real difference throughout the years; there have been many improvements and wished him good luck in future endeavors.

Trustee Konig thanked Village Manager Herbek for the gracious acknowledgement of Trustees and Mayors who have served with him throughout the years; the Village's loss will be his family's gain.

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 Gallelli and approved unanimously.

General Fund	\$132,027.28
Water Fund	\$32,331.58
Sewer Fund	\$3,875.00
Capital Accounts	-0-
Trust & Agency	\$2,790.00
	\$171,023.86

3. CORRESPONDENCE:

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

- a) A letter from Valerie & Robert Leis, 74 Radnor Ave., urging the Board to reconsider the removal of a 4-way stop sign at Emerson and Radnor which was announced in the January Village Newsletter. Village Manager Herbek stated that Olcott and Radnor has become a

4-way stop intersection; they may hear from other residents and the Board will have to deal with this. Mayor Schmidt asked that this be sent back to the Police Dept for further review.

- b) A letter from John Giglio, Chair, Recreation Advisory Committee, with recommendations regarding the Dog Control Law. They have asked the code be amended to permit walking of dogs on leashes along the RiverWalk Trail only between the hours of 5 am and 9 am and from 7 pm until the closing of Croton Landing. The committee recommended formation of an associate to monitor the adherence to the Village code by all dog owners; also the Village should set and post substantial fines for violations of Village Code Chapter 108. Mayor Schmidt suggested taking this recommendation back to a work session for discussion. Trustee Gallelli stated that she feels these recommendations are too restrictive and are way beyond what is required. Trustee Kane stated that he feels dogs should be able to walk on the Trail.
- c) A letter from Michael Olender, Asso. State Director, AARP, requesting permission to park their "Divided We Fail" van at the Croton-Harmon train station parking lot on Monday February 4, 2008 from 4 pm to 7 pm, where 5 volunteers will be present to remind commuters of the upcoming election, offer hot chocolate and donuts and information on local polling sites; this is strictly a non-partisan, non-commercial event and AARP does not endorse or promote candidates or political parties of any kind. Trustee Gallelli stated she believes that the idea of offering hot chocolate and donuts on the way home is ill-conceived and asked where they will be parking their van. Mayor Schmidt asked the Trustees if anyone has objections if this can be worked out. No objections; Village Manager Herbek will try to work out details.

5. CITIZEN PARTICIPATION-Agenda Items

- a) Nancy Shatzkin, 132 Old Post Road North, stated that she met Rick Herbek in the very beginning of the Croton Housing Network and did not know she would become so fond of, have so much respect for, and consideration of such a partner as he has become. She added that Village Manager Herbek has left huge shoes for someone to fill; the Village and the County of Westchester will be missing him and will notice they will not have the same problem-solver at their meetings; interns and all who have worked with him. There is not enough to say about how much he has given and how much they have gained. Ms. Shatzkin said thank you and she hopes to see him at meetings; adding that Mr. Herbek is the voice of reason and focus which is really needed; she feels sorry for whoever has to fill his shoes.
- b) Former Mayor Bogardus thanked the Village Mayor and Board for the flowers and cards that were sent in memorial to his wife. Mayor Bogardus stated that he was on the Board when Mr. Herbek was selected to fill the position of Manager; he painted a picture of what Croton-on-Hudson was like in 1980; a small community where the elderly in the Village could not pay their taxes; the roads were seal-coated on dirt, not paved and there were many pot holes and people would complain at meetings beginning in March; taxes could not be raised if you wanted to be re-elected; all the communities around were getting Block Grants, but not Croton-on-Hudson; Mr. Herbek studied up on this, made applications and the Village started to get Block Grants. He added that Mr. Herbek was, over the years, able to negotiate with the unions and was a very good manager from the standpoint of

handling the help; he kept them happy, made them want to do the job and enthusiastic to work here.

6. RESOLUTIONS:

- a) On motion of TRUSTEE KANE, 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, there is an old, unused building at the Village's water department office at 340 Grand Street; and

WHEREAS, this building is in an unsafe condition and will need to be removed; and

WHEREAS, before demolition can take place asbestos removal needs to take place; and

WHEREAS, the Village Engineer received three proposals for this work; and

WHEREAS, the Village Engineer recommends that the Village award the contract to NSC Abatement Services which had the lowest bid at \$7,200,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the proposal from NSC Abatement Services, Inc., Fresh Meadows, NY in the amount of \$7,200 for asbestos removal,

AND BE IT FURTHER RESOLVED: that this amount should be charged to the Water Fund Contingent Account Contractual, # f1990.4.

Discussion: Trustee Konig asked if this building was a part of the Merrill house purchase and did the subject of asbestos come up at that time? Village Manager Herbek replied that they probably did know and they also knew it had to be demolished at some time; these days there are more key things that need to be done, especially asbestos removal.

- b) 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, there is an old, unused building at the Village's water department office at 340 Grand Street; and

WHEREAS, this building is in an unsafe condition and will need to be removed; and

WHEREAS, before demolition can take place asbestos removal needs to take place; and

WHEREAS, the Village Manager has been authorized to award the contract for this work to Engineer to NSC Abatement Services which had the lowest bid of \$7,200; and

WHEREAS, the Village Engineer has received two proposals for the required air quality monitoring during the asbestos removal work; and

WHEREAS, the Village Engineer recommends that the Village award the contract to Geo Environmental Co., Yorktown, NY in the amount of \$475 per day for a total of \$1,425,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the proposal from Geo Environmental Co., Yorktown, NY in the amount of \$1,425 for air quality monitoring,

AND BE IT FURTHER RESOLVED: that this amount should be charged to the Water Fund Contingent Account Contractual, # f1990.4.

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

WHEREAS, the Village has appointed the firm Arnold & Porter as the Village Council for the ongoing litigation involving 1A Croton Point Avenue; and

WHEREAS, the firm has provided the Village with an updated fee schedule to accurately reflect the current hourly rates for Michael Gerrard,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby accepts the current fee schedule as outlined in the January 14, 2008 letter to the Village Manager from Michael Gerrard,

AND BE IT FURTHER RESOLVED: that the Village Manager is hereby authorized to sign the letter agreeing to the updated fee schedule.

Discussion: Trustee Brennan pointed out that the hourly rate is going from \$679.50 per hour to \$693.00. Trustee Gallelli said the rates are very high, and they must keep in mind that this is Mr. Gerrard's rate and an hour of time is just not an hour of Mr. Gerrard's time, but it is also includes many hours of work by others.

- d) On motion of TRUSTEE BRENNAN, seconded by TRUSTEE KONIG, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York:

BE IT RESOLVED: that the Board of Trustees hereby ratifies and approves the Stipulation of Agreement between the Village of Croton on Hudson and Richard F. Herbek dated January 11, 2008 and approves the funding for such Agreement,

AND BE IT FURTHER RESOLVED: that the Mayor is hereby authorized to execute the Stipulation of Agreement on the Board's behalf.

- e) On motion of TRUSTEE BRENNAN, seconded by TRUSTEE KANE, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York:

BE IT RESOLVED, that the Board of Trustees hereby appoints Abraham J. Zambrano to serve as the Interim Village Manager effective January 23, 2008; and

BE IT FURTHER RESOLVED, that the Board hereby appoints Mr. Zambrano as the Acting Village Manager effective March 28, 2008.

7. CITIZEN PARTICIPATION – NON-AGENDA ITEMS:

No one approached the microphone

8. APPROVAL OF MINUTES:

Trustee Brennan made a motion to approve the minutes of the Regular Board Meeting held on January 7, 2008 as corrected. Trustee Kane seconded the motion. The Board voted unanimous approval.

9. REPORTS:

*Treasurer Zambrano* read the legal expense report for January 2008. Treasurer Zambrano thanked the Board for giving him this opportunity. He wished Village Manager Herbek happiness in his retirement; he is well respected by his peers; is a gentleman, mentor and teacher.

*Trustee Konig* referring to Croton Landing and dog leashing said that the Recreation Advisory Committee and dog owners have put in a lot of time working on this issue and the Board will sit down and look at it; she thanked everyone involved. Trustee Konig reported that today there was an emergency water pipe break at CET; the system of automatic notification worked very well. Mayor Schmidt added that they will be looking at the same or a similar system for the Village.

*Trustee Kane* thanked Mr. Herbek for his service to the community; he related a story when he and Rick first met many years ago about his inability to launch his canoe whereby Village Manager Herbek resolved the issue by giving Mr. Kane a key to the gate and at times would be notified by the Manager that others wanted access and he would go down and open the gate for them.

*Trustee Gallelli* reiterated that they will miss Rick; the job is a big one and he did it very well. Trustee Gallelli reported that the Harmon Economic Development Committee met; the next step is to provide a scope of effort; they have asked for consultants to review the project and hope to be back in the next week or two to the Village Board with the scope of efforts for verifying their recommendations. Trustee Gallelli also reported that last Wednesday she

attended Westchester 2025 in White Plains; it is an interesting planning effort; their web site is [www.westchestergov.com/westchester2025](http://www.westchestergov.com/westchester2025) and it provides many resources including mapping, topos, codes and plans. She stated that each community will put things on the web site for all to view; check out Croton-on- Hudson's page, it has extensive maps, overlays, etc. Trustee Gallelli reported that they encourage communities to put up pictures; it is a work in progress and will be used as a mechanism for all municipalities to participate. Trustee Gallelli reported that for the closing of Symphony Knoll, endless hours were put in by Village Attorney Joanna Feldman.

*Trustee Brennan* offered condolences to the Lopez family. He wished the best of luck to Mr. Herbek and agrees that he is leaving large shoes to fill, but is glad he will be around to help out. Trustee Brennan reported that the Mayor & he met with the Cortlandt Supervisor and Town Councilwoman Ann Landau regarding their proposed teen center; the Village may use some of their services; he asked to set up a meeting to look at plans for the building; they may be joining forces for grant applications and they need to open up a dialogue with the Town of Cortlandt to see what can be done to achieve goals for the Village without a major tax increase; they may be able to provide recreation services at virtually no additional cost to the Village. He added that they may have a visit in the next couple of weeks; the project is going out again for bids as the original bids received were too expensive; mechanical had just one bidder, so they are breaking it down to include multiple bidders.

*Mayor Schmidt* offered his sympathies to the Lopez family; this is another job that will be hard to fill. He added that there are vacancies on the CAC; anyone who is interested can send a resume to Mayor Schmidt at the Village Office. Mayor Schmidt stated that he first met Mr. Herbek in the Rotary and they have continued to be active participants in Croton Rotary.

Trustee Brennan made a motion to adjourn to Executive Session to discuss personnel matters. Trustee Konig seconded the motion; approved unanimously. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Phyllis A. Bradbury

Phyllis A. Bradbury, Secretary

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Village Clerk