

Village of Croton-on-Hudson

An Executive Session of the Board of Trustees of the Village of Croton-on-Hudson, New York was held on Wednesday, May 19, 2010 at 7:40 p.m. at the Stanley H. Kellerhouse Municipal Building, 1 Van Wyck Street, Croton-on-Hudson, New York 10520.

On a motion by Trustee Olver, seconded by Trustee Murtaugh, the Board voted unanimously to enter into an Executive Session to discuss the Simone, et al vs. Village of Croton-on-Hudson, et al litigation, and to discuss a real property matter.

The following officials were present:

Mayor Wiegman

Trustee Gallelli

Trustee Schmidt

Trustee Olver

Trustee Murtaugh

Also present: Attorney Staudt

Manager Zambrano

Village Clerk DiSanto

Superintendent of Public Works Gennarelli

Village Engineer, O'Connor

On a motion of Trustee Olver, seconded by Trustee Gallelli, the Board voted unanimously to adopt a Resolution as follows:

RESOLUTION OF VILLAGE OF CROTON-ON-HUDSON BOARD OF TRUSTEES REGARDING GATEWAY OVERLAY ZONING AMENDMENTS AND LITIGATION

WHEREAS, on November 16, 2009 the Village of Croton-on-Hudson enacted Local Law Number 4 of 2009 providing for Amendments to the Village's Gateway Overlay Zone; and

WHEREAS, a lawsuit has been commenced challenging Local Law Number 4 of 2009; and

WHEREAS, seven of the thirteen causes of action in the lawsuit arise from procedural claims relating to, among other allegations, the circulation of Local Law Number 4 of 2009 to various Advisory Agencies prior to its enactment; and

WHEREAS, the Village has been advised by its counsel that the defense of these procedural claims will be very costly to the Village and that the Supreme Court litigation and possible appeals regarding these claims will be time consuming; and

WHEREAS, Village Counsel has advised the Village Board that it will be considerably less expensive and less time consuming for the Village to repeal and re-circulate the Gateway Overlay amendment law than it would be to litigate these procedural claims; and

WHEREAS, considering that this is a time of significant economic stress on Village Government, and considering that protracted litigation will deter property owners and prospective tenants from making application to use and improve their properties in the affected zone; and

WHEREAS, the Village Board has accepted its counsel's advice that it will be significantly less expensive and less time consuming for the Village to render these procedural claims moot by issuing a new proposed Local Law which will provide for the repeal of Local Law Number 4 of 2009 and its replacement with a new Local Law containing the final modifications which were embodied in Local Law Number 4 of 2009, which proposed Local Law will then be re-circulated to the various required agencies for comment.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Village Counsel is directed and authorized to prepare or cause to be prepared a Local Law providing for the repeal and replacement of Local Law Number 4 of 2009 as described above and any required or advisable supporting documentation to such Local Law. This new Local Law will then be circulated to required Advisory Agencies in accordance with law for comment, it being understood that while Local Law Number 4 of 2009 will be repealed, the substance of the law which will replace it will not be finally known until all comments have been received from interested agencies and the public and a final determination and vote is made thereon by the Village Board.

2. The effect of Local Law Number 4 of 2009 shall be stayed until it is repealed and replaced as described above.

No other action was taken.

On a motion by Trustee Olver, seconded by Trustee Murtaugh, the Board voted unanimously to adjourn the Executive Session at 8:15 p.m.

Respectfully submitted,

Paula DiSanto
Village Clerk