

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, November 1, 2010 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

Mayor Wiegman	Trustee Gallelli
Village Manager Zambrano	Trustee Murtaugh
Village Attorney Feldman	Trustee Schmidt
Treasurer Bullock	Trustee Olver

1. CALL TO ORDER:

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

2. APPROVAL OF VOUCHERS:

Trustee Gallelli made a motion to approve the vouchers as follows, subject to review by the Audit Committee; the motion was seconded by Trustee Schmidt and approved with a vote of 5-0.

General Fund	62,695.22
Water Fund	9,573.93
Sewer Fund	190.00
Capital Account	91,034.92
Trust & Agency	---
Total	\$ 163,494.07

3. PUBLIC HEARING:

- a. To consider the special permit application for a retail “backyard birding” store at 326 South Riverside Avenue.

Mr. Armanini thanked everyone for their support and they look forward to doing something fun, interesting and profitable for both themselves and Croton.

Don Daubney, 45 Bungalow Rd., stated that he thinks this is a good idea; he is in the middle of the annual bird seed sale at the Methodist Church and knows there are a lot of people interested in feeding birds and it will be an asset to the community.

Village Manager Zambrano stated that he has received three emails in support of the birding store.

Mayor Wiegman asked the applicant if binoculars will be available. Mr. Armanini replied that yes, they will be in stock and also spotting scopes. Mayor Wiegman asked if bird guide books will be available. Mr. Armanini replied that they will and there will be an assortment; it will be pretty full service. Trustee Murtaugh asked if they have decided on a name for the store. Mr.

Armanini replied that they have, but will keep it a secret for now. Trustee Murtaugh added that he has not heard a negative word about this and residents are anxious to see it take off and make good. Mayor Wiegman asked if they will have a presence at the upcoming EagleFest. Mr. Armanini replied that they will. Trustee Gallelli made a motion to close the public hearing, second by Trustee Schmidt, approved with a vote of 5-0.

Proposed Resolution to issue the special permit:

On motion of TRUSTEE SCHMIDT, seconded by TRUSTEE MURTAUGH, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 5-0:

WHEREAS, RMA Enterprises has applied for a special permit to operate a “backyard birding” retail store at 326 South Riverside Avenue; and

WHEREAS, this matter has been referred to the Planning Board for its recommendation and review; and

WHEREAS, this matter has been referred to the Waterfront Advisory Committee for a recommendation of consistency; and

WHEREAS, in its September 29, 2010 memo to the Village Board of Trustees, the Planning Board has recommended the issuance of the special permit subject to certain considerations; and

WHEREAS, the Waterfront Advisory Committee issued a preliminary review of consistency in its memo dated October 18, 2010 and a final review of consistency in its memo dated October 28, 2010; and

WHEREAS, at the October 25, 2010 Regular Village Board Meeting, the Village Board, as Lead Agency, issued a negative declaration with respect to this application; and

WHEREAS, a public hearing was held and closed on November 1, 2010,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby approves the Special Permit for the operation of a “backyard birding” retail store at 326 South Riverside Avenue subject to the following conditions:

1. that the parking lot be restriped. The parking lot was formerly used for a limousine service business; the reconfiguration of the parking lot would require the downsizing of the parking spaces to fit cars.
2. that a handicap parking space be provided. The handicap parking space would have to be striped and designated a handicap space.
3. that the asphalt, which has been installed right up against the existing tree at the corner of the rear parking lot, be cut back so as to ensure the survival of

Discussion: Trustee Olver stated that the only negative word he's heard and he agrees, is the heavy, duplicate process this applicant needed to go through and get it done with everyone supporting it; it shows the process needs to be streamlined; in the near future, he hopes to act on a resolution to modify the requirement for small projects like this of a second referral to the WAC. Trustee Schmidt stated that he agrees that this process should be minimized; we need to look at all of this to see why it takes so long to open a business. Village Manager Zambrano stated that they will need to amend local laws and do a whole process to get to where the Board wants to go. Trustee Schmidt added that this is an ongoing process and he wished the Armanini's luck.

- b. The Public Hearing rescheduled to November 1, 2010 to consider the application for a wholesale cookie business at 33 North Riverside Avenue has been postponed again at the request of the applicant.

4. CORRESPONDENCE:

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

- a. A letter from Edward Burroughs, Acting Commissioner, Westchester County Planning Board, regarding the Harmon Zoning Proposed Legislation.
- b. A memo from Chris Kehoe, Planning Board Chair, regarding the Harmon Rezoning Proposed Legislation. The final sentence stated that "Our Board recommends that the proposed text and map amendments be enacted with consideration being given to the modifications discussed in this memorandum".
- c. A memo from Mark Aarons, Planning Board member, regarding the Harmon Rezoning Proposed Legislation with his comments on why he did not agree with the rezoning and voted against it. Trustee Schmidt made a recommendation to the public to pick up these letters and read the concerns expressed by members of the Planning Board. Trustee Murtaugh stated that people are complaining about a new business being developed under the old laws that would not have been permitted with the new; opportunities have been lost and he is glad the Planning Board has taken a second look at this and has favorably recommended it. Mayor Wiegman stated that there are several options that need to be looked at and discussed, including prohibiting an apartment with three bedrooms or more, the permitting of a third floor in a mixed use building and be more specific on the definition of a fast food restaurant; they are sensible suggestions and food for thought at a future work session. Trustee Schmidt added that they should take a hard look at what we are doing and planning for the Village to move forward; the economy has changed and some assumptions made in the report may have changed; when you build a new shopping district, it usually has an impact on existing shopping districts; the Comprehensive Plan has fundamentally gone after automobile dealers; he has a problem in the way these things are channeled in a certain direction; it is time to open our eyes and see the reality of what works and what doesn't work out there; he takes objection to when this is tied into helping the taxpayers reduce their tax bills; this is not a large enough area and this concept should be taken off the table; also we talk about going green and green also means sustainability which means living within our means.

- d. A letter from Fran Allen, Waterfront Advisory Committee Chair, regarding the Preliminary Consistency Review of Local Law Number 3 of 2010, Repeal and Enactment of Harmon/South Riverside Gateway Overlay District Zoning Amendments, stating that “The WAC members present unanimously agree to make a preliminary determination of consistency with the Local Waterfront Revitalization Program (LWRP) policy standards and conditions”. Trustee Murtaugh stated that the membership of the WAC requires that the 5 members be drawn from the Board of Trustees, the Planning Board and the Water Control Commission, with no more than 2 members from each Board.
- e. A letter from Friends of History, regarding a November 4, 2010 presentation at Croton Free Library where the topic is the Hudson River.
- f. A letter from John McBride suggesting election changes. Mayor Wiegman stated that we should think about appointing a bi-partisan group to examine all the electoral options for the Village; the new voting machines are owned by the County and it is unclear if they can be used for Village elections. Village Manager Zambrano replied that there will be a meeting of Clerks throughout the County to settle this; right now the only option is paper ballots. Trustee Gallelli stated that Mr. McBride’s suggestions should be considered; there is plenty of room for this kind of committee. Trustee Schmidt suggested getting the chair persons of the three parties to see if there is an interest in looking at these issues.

5 CITIZEN PARTICIPATION (agenda items):

a) John McBride, 132 Old Post Rd. No., following up on his letter, stated that his position was to not endorse any of these positions, but to raise the issues; there needs to be a discussion; he thought citizens and people in the leadership of various parties could be of assistance; Clerks in the County are the lead on this; there are three areas of election processes which are of concern; to implement any of these there are different processes; some by referendum or others by the Board; he is concerned about the spring elections and paper ballots and thinks the committee should be other than chairs of various parties. Trustee Gallelli stated that many of these things could not be resolved by the March election but it is a good idea to get started on the process. Mr. McBride replied that public participation will have a lot of influence on this. Mr. McBride also stated that when reviewing the vote of the Planning Board, Trustee Schmidt seemed to imply that three of the five members of that board were not independent and the two others were independent. Trustee Schmidt replied that he is sorry if Mr. McBride misunderstood. Trustee Schmidt stated that he is a strong advocate of term limits and would like to add it to that list when reviewing election processes.

b) Pat Moran asked for an explanation of what the 3rd item (partisan) is. McBride replied that he only knows that Scarsdale runs non-partisan elections; he doesn’t know how it came to be in place but only knows it exists where people do not run on party lines, but he has not studied it. Ms. Moran requested that the WAC and Planning Board letters be put on the Village web site. She asked if we were to change from two to four years, would it require a referendum. Mr. McBride responded that it can be done by the Board; if the Board decides to change to four years, a petition can be brought and the public vote on it or the Board can bring it up to referendum. Ms. Moran thanked the Board on the way it handled the Armaneni special permit application; she heard it was done expeditiously

c) Bob Wintermeier, 43 Radnor Ave. stated that on some of the items proposed by Mr. McBride he has some deep concerns; regarding four year terms, he is sick of people going for 6 years and is concerned about the longer length of time. Mr. Wintermeier stated that in regard to the non-partisan situation he has agreed with that for some time; he wishes there was some way to mediate the friction. Mr. Wintermeier stated that he believes there was some stacking on Boards; 2 Trustees on one Board represents 40%; liaisons should not have voting rights on two committees. He stated that he has spent several times in this building talking about the problems with the Riverside Four proposal and asked why was it approved when we knew there would not be enough parking; Young Street is part of the Harmon rezoning and there will be more blockage with three stories; how much blockage can the people sustain and how could we allow it to happen with people in Young St.; none of those problems should have occurred. Mayor Wiegman replied that Anton's is a renovation of an existing building which under the rules in place when the application was made, it was allowed, but would not have been if the new zoning was in place. Trustee Olver stated that what's being talked about is an existing building pushed back; it did not require any special permission at all; the height was allowed under present zoning; zoning changes now being discussed will not change the height; the problems Mr. Wintermeier is complaining of is with the old zoning.

6. PROPOSED RESOLUTIONS:

a) On motion of TRUSTEE GALLELLI, seconded by TRUSTEE SCHMIDT, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 5-0:

WHEREAS, , On January 1, 2011 the New York State Department of Agriculture and Markets will no longer provide dog tags, issue license renewals or maintain dog licensing data as a service to municipalities; and

WHEREAS, on January 1, 2011, the Village will provide dog tags, issue dog licenses and renewals and maintain dog licensing data on all dogs owned by Village residents; and

WHEREAS, Local Law Introductory No. 8 of 2010 has been drafted to reflect this change,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby calls for a Public Hearing to consider Local Law Introductory No. 8 of 2010 on November 15, 2010 at 8pm in the meeting room of the Stanley H. Kellerhouse Municipal Building.

Disc: Village Manager Zambrano stated that the NYS Dept. of Agriculture is no longer issuing licenses for dogs and local municipals are required to provide dog tags, issue license renewals or maintain dog licensing data. Trustee Gallelli stated that licensing is still a requirement, only the state will no longer be handling it as a free service.

b) On motion of TRUSTEE MURTAUGH, seconded by TRUSTEE GALLELLI, the following resolution was unanimously adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York was approved with a vote of 5-0:

WHEREAS, the Village and the New York State Department of Transportation have entered into a snow and ice agreement which will expire on June 30, 2012; and

WHEREAS, the Village has received an amendment to this agreement extending the term to June 30, 2013; and

WHEREAS, under this amendment the indexed lump sum estimated expenditure shall be \$1,640 per lane mile for 11.24 lane miles for a total of \$18,433.60 for the 2010/11 season and for the remainder of the term of the agreement commencing July 1, 2010, unless changed by future update,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the agreement with the New York State Department of Transportation extending the term of the agreement to June 30, 2013.

c) On motion of TRUSTEE GALLELLI, seconded by TRUSTEE MURTAUGH, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 5-0:

WHEREAS, several residential property owners and or their representatives have filed a small claim assessment review with the State Supreme Court seeking an assessment reduction; and

WHEREAS, the attached memo provided by the Village Assessor, Joseph Sperber states the properties that have been granted an assessment reduction and should receive a tax refund providing their taxes are paid in full; and

WHEREAS, an additional property owner was granted an assessment reduction at Grievance Day; and

WHEREAS, the tax refunds were calculated using the current tax rate of \$227.811 per \$1,000 of assessed value,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees authorizes the Village Treasurer to issue tax refunds to the property owners as outlined in the attached memo from the Village Assessor,

AND BE IT FURTHER RESOLVED: that the total amount of the refund as outlined in the attached memo is \$8,501.91

Discussion: Trustee Gallelli stated that there are 10 properties referred to in this resolution; 9 did not get the answer they wanted at Grievance Day and had the recourse to go to small claims court; these are judgments decided at small claims court.

d) On motion of TRUSTEE MURTAUGH, seconded by TRUSTEE SCHMIDT, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 5-0:

WHEREAS, the Silver Lake Dam Repair project is underway; and

WHEREAS, the repair of the spillway crest and dam crest on the east side of the Croton River has been completed; and

WHEREAS, the original design plan for the repair of the west side of the dam crest was to be a grout and anchor bolt system, and

WHEREAS, an inspection of the area below the cap has revealed large voids and quantities of loose material that is not well suited for the grout and anchor bolt repair; and

WHEREAS, the Village Engineer and design consultant engineer are now recommending that the remaining dam crest be repaired with a reinforced concrete cap; and

WHEREAS, this design will provide a better long term repair and safer repair since anchor bolts will not be projected from the top of the dam crest, and

WHEREAS, Con-Tech Construction has provided the Village with a quote for the extra (46 LF) length of reinforced concrete required for the design change in the amount of \$20,698; and

WHEREAS, the additional cost to the Village should come to somewhat less than \$20,000 because of credit for the remaining unused grout,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees authorizes the additional funding for the completion of this project not to exceed \$20,000,

AND BE IT FURTHER RESOLVED: that the Village Manager is authorized to sign the change order for the change in the design repair.

Discussion: Trustee Murtaugh stated that having been down there and seeing the work going on, he is not surprised there was a surprise; the last dam lasted 50 years and he hopes this lasts longer; hopefully this will be the last change order we have to approve. Trustee Olver stated the he normally is pretty aggressive about change orders, but this is not the case here; he is in full support as we were told that they could not know what was down there. Mayor Wiegman added that they found bigger holes in that section of the dam than expected and it should be/fixd properly.

7. CITIZEN PARTICIPATION (non-agenda items):

a) Don Daubney, 45 Bungalow Rd., stated that a few decades back, Croton had the reputation of being the garbage capital of Westchester County, but he thinks that we are adopting a new title –the litter capital; the number of political signs is litter in his estimation; he protested these signs, but was informed the Village attorneys advised against removing these signs; he believes that this is outrageous; we have allowed the Village to be taken over by the signs and have to take a stand to uphold the ordinance; other Villages in the County have similar ordinances and signs are absent; they may or may not be sued by the political persons, but we should not fear something like that; we have ordinances that prevent a lot of things and we should not allow these signs; don't allow the Village to be littered again. Trustee Murtaugh stated that he agrees with Mr. Daubney and once this election passes tomorrow, he will see what can be done about this; this is the heaviest election sign season he has seen.

b) Bob Wintermeier, 43 Radnor, regarding the new Village election guidelines discussion, stated that term limits should be considered. He does not agree with Trustee Olver's comment that Riverside Four had to do with the old rezoning; residents of Young Street should have been advised about a new building and could have shown up to make comments; the height of the building is 20 feet and well below the 35 ft. limitation; with all these things, we still allowed that building to go in; somebody is unhappy with that two story building; parking and a driveway cannot be completed. Mr. Wintermeier reminded folks that tomorrow is Election Day and vote like your life depended on it. Trustee Olver stated that he stands with what he said before, that no variances were required because what they did was allowed under the existing zoning.

c) Pat Moran stated that she has been trying to figure out what Saccardi & Schiff was hired to do and how much the Village has paid them; she received a retainer agreement between the Village Attorney and Saccardi & Schiff. Saccardi & Schiff sent a bill to the Village Attorney for just over \$30,000 which was crossed out and had a hand written notation of *\$18,500 as per contract*. She asked what contract is being referred to in that hand written comment. Village Attorney Feldman replied that the agreement Ms. Moran received is the only agreement in existence and believes the handwritten change was made by Saccardi & Schiff. Ms. Moran stated that she would like to understand how this process works; is the Village attorney authorized to hire Saccardi & Schiff to assist with the EAF. Ms. Feldman replied that she was not involved in the arrangements made. Ms. Moran asked if there was any resolution authorizing payment to Saccardi & Schiff. Ms. Feldman replied that Saccardi & Schiff billed the Village Attorney, so the Village would not have paid Saccardi & Schiff. Ms. Moran replied that this means the Village Attorney can go out and hire anyone it wants and then bill the Village. Ms. Moran stated that the 35 ft. height requirement doesn't change in the new law, but it does allow the building of three stories; this new law dramatically increases the likelihood of 35 ft. buildings.

8. APPROVAL OF MINUTES:

Trustee Murtaugh made a motion to approve the minutes of the Executive Session held on October 21, 2010 as corrected. Trustee Olver seconded the motion. The Board approved the motion with a vote of 4-0 with Trustee Schmidt abstaining.

9. REPORTS:

Village Manager Zambrano reported that in years past, the Village has removed political signs from Village-owned property, but he has been told they cannot remove signs from the State right of ways; this year he had a lot of complaints and earlier some were removed and they received complaints from candidates; the Village Attorney has informed him that they could not remove political signs at this time; he agrees this year the number of political signs is greater than any year he can remember and the size has increased; he will try to see what can be done for the next political election; the Village code has no prohibition against political signs. Mayor Wiegman added that the Village code does allow temporary signs and political signs have been considered temporary; there is a tremendous amount of soft money in the campaigns this year by groups other than the candidates own parties and we are being heavily littered; however, he has noticed in his travels in New England that we are not the only ones. Trustee Murtaugh stated that if something could be put in the Village code that would not trample on first amendment rights, we should do it; on a local level, we could work out an agreement. Trustee Gallelli stated that she thinks also that some candidates who won in the primary left their signs there and that can be controlled by requiring signs be taken down after elections. Trustee Schmidt suggested that signs should be allowed to be put up just 10 days before an election and fines could be imposed if they are not removed. Village Manager Zambrano reported that he received a notice from Westchester County that they will not be taking calls regarding no heat this winter; he is setting up the protocol if anyone needs assistance. Village Manager Zambrano reported that this past Friday, the Village was awarded a Pedestrian Safety Commendation by AAA for the 17th year in a row. Mr. Zambrano stated that the Village also received the gold award for Community Traffic Safety for 2010; this award is based on the number of accidents during the year.

Trustee Schmidt reported that Election Day is tomorrow and voting takes place in your usual district; there is a big ballot out there with a lot of names on it; please remember to turn over the ballot as the propositions are on the back side and be careful how you fill in the circles; for local elections, the Village has to keep every ballot for 3 years including unused ballots which is an additional expense. Trustee Schmidt reported that the November 11th, Veterans Day, ceremony will be held at the newly restored World War I monument behind the municipal building; please come out.

Trustee Olver urged everyone to come out and vote tomorrow; he has seen an increase in the number of people participating; there has been a lot of negative stuff in this campaign, but people should come out and vote and make this democracy stronger; a polling inspector was telling him about the complex information they have to manage; it is time for all of us to be counted against the number of unfunded mandates forced on us. Trustee Olver reported that the ribbon cutting ceremony was held at the Arboretum; the walkway is not completely finished and some areas need to be filled in to become fully accessible to wheelchairs and walkers but it is almost completed; he urged everyone to come up to the Arboretum. Trustee Olver stated that lots of kids came out for Halloween; this is All Saints day when it is a good time to remember all of those people who have been spiritual inspirations. He added that the Village has refurbished the World War I memorial on this property; it will be rededicated on 11/11 at 11 o'clock. He stated that he is proud of Croton for another year of no pedestrian fatality; however, our High School students are constantly crossing roads in the Upper Village without looking and autos are

speeding; he encouraged everyone to go slow and hold up the guy behind you which is a good way to set the pace for traffic safety.

Trustee Gallelli urged everyone to vote tomorrow. She reported that on Veterans Day following that ceremony, the Yacht Club has invited veterans and active military to a lunch at the Yacht Club; those who would like to attend should email dennis@kooney.com. Trustee Gallelli reported that this weekend there is a new event, the Croton Expo, for small businesses to display their wares and it will be held on Friday and Saturday at the gymnasium in Holy Name of Mary.

Trustee Murtaugh reported that the Recreation Dept. is running the ski and snowboard club this year again; they have tweaked the program this year; registration is about to get under way and students in grades 7 through 12 can take advantage of a discounted season pass and sign up for bus trips on Saturdays. Trustee Murtaugh reported also that the recreation booklet is strictly on line, but by engaging the schools, the word has been put out there very well.

Mayor Wiegman reported that the Village is part of a Consortium on Energy Management and they will announce the successful bidder for energy service work for the Village and the municipal partners; this is fully supported by stimulus funds. Mayor Wiegman stated that he is looking forward to attending the Croton Expo. He reported that the Arboretum extended trail was dedicated and please come see the fall foliage. He stated that regarding the Harmon rezoning, there is lots of good food for thought from the Planning Board and other commenters for us to take under consideration, with the Village Attorney, to make zoning amendments as suitable as possible for current property owners to give them more flexible options and a way to look for a way to make what is happening on one side of the street happen on the other side of the street. Mayor Wiegman stated that regarding the political signs, by tomorrow evening we will know the winners and losers and hope by Wednesday or Thursday, all signs will be removed; has been told many of the signs have been put up by people who are not locals.

Trustee Olver made a motion to adjourn. Trustee Schmidt seconded the motion; approved unanimously. The meeting was adjourned at 10 pm.

Respectfully submitted,

Phyllis A. Bradbury

Phyllis A. Bradbury, Secretary

Village Clerk