

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, December 6, 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 - absent

1. CALL TO ORDER:

Mayor Wiegman called the meeting to order at 8:05 p.m. Everyone joined in the Pledge of Allegiance.

2. APPROVAL OF VOUCHERS:

Trustee Schmidt made a motion to approve the vouchers as follows, subject to review by the Audit Committee. The motion was seconded by Trustee Murtaugh and approved with a vote of 4-0 with 1 absent.

General Fund	\$ 75,701.30
Water Fund	7,087.34
Sewer Fund	7.79
Capital Account	138,458.99
Trust & Agency	<u>3,702.00</u>
Total	\$224,957.42

3. PUBLIC HEARING:

Trustee Schmidt made a motion to open the Public Hearing to consider Local Law No. 9 of 2010, amending Chapter 204, Sections 215-217 of the Village Code – exemptions for Senior Citizens to the Village’s real property tax; second by Trustee Murtaugh, approved 4-0 with one absent.

With no public comments forthcoming, Trustee Gallelli made a motion to close the Public Hearing, second by Trustee Murtaugh, approved with a vote of 4-0 with one absent.

On motion of TRUSTEE SCHMIDT, second by TRUSTEE GALLELLI, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 4-0 with 1 absent:

WHEREAS, Chapter 204 Sections 215-217 of the Village Code provides for exemptions for Senior Citizens to the Village's real property tax; and

WHEREAS, Section 216 outlines the percentage of exemptions for the period between 2008 and 2010 which were provided by New York State; and

WHEREAS, the State has not provided exemptions for the period commencing after 2010; and

WHEREAS, the Village would like to continue to use the same percentages that have been applicable for the period between January 1, 2010 and December 31, 2010; and

WHEREAS, Local Law Introductory No. 9 of 2010 has been drafted to reflect this change; and

WHEREAS, a Public Hearing was held and closed on December 6, 2010;

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby adopts Local Law Introductory No. 9 of 2010 amending Chapter 204 Sections 215-217 of the Village Code, which upon adoption will become Local Law No. 6 of 2010.

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

- a. A letter from New York State Board of Real Property Services, regarding the Notice of Tentative Special Franchise Assessment; the tentative SFA has been increased and the Village potentially could generate an additional \$21,000 at the current rates for the assessments. Trustee Gallelli stated that the Verizon assessment was the largest increase.
- b. A letter from the New York State Board of Real Property Services, regarding a Notice of Tentative Railroad Ceiling which may generate an additional \$800 from these assessments. Village Manager Zambrano stated that New York State sets what these properties should be assessed for based on their formula; the Village does not have the authority to assess the values of these properties.
- c.
- d. A letter from Althea Corey, Site Director, Van Cortlandt Manor; requesting permission for bonfires during their winter candlelight tours. Trustee Gallelli made a motion to approve the request; Trustee Schmidt seconded the motion; approved with a vote of 4-0 with one absent.
- e. A letter from Robert Hoch, Director, Government Affairs, Cablevision, regarding the deletion of the channel Cultural.es.

- f. A letter from John Gallagher, Croton Resident, thanking Village employees who responded to a problem he had with his property on Maple Street. Trustee Murtaugh added that this is an appropriate time to acknowledge the DPW crew for their work including the leaf cleanup; they are on top of their game this season; Benedict Blvd. has had a history of folks putting leaves on the median and DPW distributed flyers to these residents asking they not do this as it forces the DPW truck to go down Benedict in the wrong direction in order to efficiently and safely pick up the leaves which is not equipped to pick up leaves from the left hand side of the vehicle.
- g. A letter from Fran Allen, Waterfront Advisory Committee Chair, regarding the Special Permit application for 383 South Riverside Ave. issuing their recommendation of consistency.
- h. A letter from Chris Kehoe, Chairman, Planning Board, regarding the Special Permit application for 383 South Riverside Ave. that they recommend to the Village Board of Trustees that a special permit for Mixed Occupancy be granted. Trustee Murtaugh stated that he is pleased see that both the WAC and Planning Board see the plans from Mr. Tsagarakis as favorable to the Village.
- i. A letter from Kevin Davis and Brian Pugh, Croton Residents, regarding their suggestion to moving Village elections to November and stating that they are forming a citizens group to gather signatures petitioning this be put on a ballot.

4. CITIZEN PARTICIPATION – AGENDA ITEMS

a) Kevin Davis, 17 Wolf Road, stated that he, along with Brian Pugh, he is forming a citizens group to suggest moving Village elections from March to November; they will be having a first meeting at 179 Old Post Rd. on Friday, Dec. 17<sup>th</sup>, 7:30 to 9 pm. He added that there is a higher turnout in November and the Village will save money because November elections are already paid for; they are hoping a huge coalition of people will sign and he will deliver the petition.

b) Brian Pugh, Alexander Lane, stated that he is in support of the proposal to move Village elections to November; it is a common sense idea and will save taxpayer dollars; it will make democracy more robust; he invited everyone to join them at this meeting on December 17th.

C) Scott Davidson, Harrison St., expressed support for Brian & Kevin's idea; it is a good idea to expand the electorate; please attend the meeting on Friday, Dec. 17<sup>th</sup> at 7:30.

5. APPROVED RESOLUTIONS:

a) On motion of TRUSTEE Olver, seconded by TRUSTEE Murtaugh, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, Chapter 204 Sections 15-17 of the Village Code provides for exemptions for Senior Citizens to the Village's real property tax; and

WHEREAS, Section 16 outlines the percentage of exemptions for the period between 2008 and 2010 which were provided by New York State; and

WHEREAS, the State has not provided exemptions for the period commencing after 2010; and

WHEREAS, the Village would like to continue to use the same percentages that have been applicable for the period between January 1, 2010 and December 31, 2010; and

WHEREAS, Local Law Introductory No. 9 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 on December 6, 2010 at 8pm in the meeting room of the Stanley H. Kellerhouse Municipal Building to consider Local Law Introductory No. 9 of 2010.

6. PROPOSED RESOLUTIONS:

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 4-0 with one absent:

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, on November 15, 2010 the Village Board of Trustees adopted Local Law 6 of 2010 amending Chapter 108, sections 1, 2, 3, 4, 5, 8 of the code of the Village of Croton-on-Hudson establishing standards for the licensing of dogs by the Village of Croton-on-Hudson; and

WHEREAS, the Village Clerk has compared software programs that issue, renew and maintain dog licensing data and recommends the purchase of Business Automation Services, Inc. (BAS) in the amount of \$3,380; and

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the agreement with the Business Automation Services, Inc. in the amount of \$3,380 for a Dog Permit Program;

AND BE IT FURTHER RESOLVED: that the Board of Trustees authorizes the Village Treasurer to transfer \$3, 380 from the Contingency Account number A1990.4000 to the Animal Control Account number A3510.4000.

Discussion: Trustee Gallelli stated that the real losers in this will be animal shelters which will no longer get funds for neutering and spaying of dogs. Village Manager Zambrano added that he expects the fee agreement we sign with SPCA will go up.

b) 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 4-0 with one absent:

WHEREAS, the Village Board of Trustees has received a special permit application for a mixed use occupancy building at 383 South Riverside Avenue; and

WHEREAS, the applicant has submitted a short Environmental Assessment Form (EAF) and a Coastal Assessment Form (CAF); and

WHEREAS, this application was referred to the Planning Board in accordance with Village Law; and,

WHEREAS, the application, EAF and CAF was referred to the Waterfront Advisory Committee for a review of preliminary consistency; and

WHEREAS, the Planning Board has issued a memo to the Village Board with a favorable recommendation; and

WHEREAS, the Waterfront Advisory Committee has issued a preliminary review of consistency,

NOW THEREFORE BE IT RESOLVED: that based upon the Environmental Assessment Form, and documents submitted by the applicant, the Village Board of Trustees hereby adopts a Negative Declaration with respect to this matter,

AND BE IT FURTHER RESOLVED: that the Village Board of Trustees directs the Waterfront Advisory Committee to conduct a final review of consistency of the application.

Discussion: Trustee Murtaugh stated that this will enhance the neighborhood in general and that building in particular, which has been vacant for several years; he is encouraged Dina Tsagarakis is taking these steps to bring this building back to life; the WAC must do a final review, but judging by the amount of time spent on the preliminary review, it should be approved.

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 4-0 with one absent:

WHEREAS, the Village is a member of the Northern Westchester Energy Action Consortium; and

WHEREAS, the consortium has been awarded funding from the NY State Energy Research Development Authority (NYSERDA) Request for Proposal 10 in the amount of \$279,800; and

WHEREAS, the Village is the lead agency for this project, and

WHEREAS, the project consists of Sustainability Services including the completion of greenhouse gas and energy inventories and the establishment of resulting climate action plans for the seven members of the consortium who have not completed these milestones; and,

WHEREAS, the contract with NYSERDA was executed in August 2010; and

WHEREAS, the consortium compiled a scope of work and project description under for the seven municipalities who are part of the NYSERDA contract; and

WHEREAS, the Consortium received 11 submissions in response to its request for qualifications; and

WHEREAS, the Consortium issued request for proposals to the five potential contractors that were identified as the top candidates for the work; and

WHEREAS, after a long and careful review of the five submissions the consortium has identified the vendor team of Ecology and Environment, Inc./Blue Springs, Energy, LLC (EEI/BSE) as its top candidate; and

WHEREAS, each of the seven members of the consortium who will receive funding from NYSERDA must execute a separate contract with EEI/BSE; and

WHEREAS, the contract identifies the scope of work that EEI/BSE will perform for each municipality,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to execute the contract with Ecology and Environment, Inc., and

BE IT FURTHER RESOLVED: that the contract is subject to review by the Village Attorney.

Discussion: Mayor Wiegman stated that there is no Village match requirement to conduct assessments in the Village, they will be using Federal money; the Village is the lead on this and the \$280,000 will be split 7 ways; Croton is focusing on our municipal-owned buildings; other municipalities are less specific; but we are further along in the process; it is a set-fee contract and a significant amount of work will be done.

d) On motion of TRUSTEE SCHMIDT, seconded by TRUSTEE GALLELLI, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 4-0 with one absent:

WHEREAS the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

WHEREAS two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS as a solution to New York's property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

WHEREAS a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

NOW, THEREFORE, BE IT RESOLVED by the Village of Croton on Hudson that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.

BE IT FURTHER RESOLVED that a copy of this resolution is forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator-Elect Greg Ball, Member of Assembly Sandra Galef, and the New York State Conference of Mayors.

Discussion: Trustee Schmidt stated that the dog license is one of the unfunded mandates that have been bounced back to the Village. Trustee Gallelli stated that at the last meeting there was extensive discussion about unfunded mandates and subsequently, NYCOM sent all municipalities this resolution making the point that property tax caps do not work. Mayor Wiegman stated that this is a solidarity resolution; a lot of municipalities are in the same boat. Trustee Schmidt replied that it is not just municipalities, but many companies also; when systems were set up, it was anticipated people would live 30 years past retirement; these things now need to be looked at. Mayor Wiegman stated that the pension mandate funding is a big six figure item. Village Manager Zambrano stated that it was poor planning on the State requiring no contributions from municipalities in some years. Mayor Wiegman added that dollar cost averaging is a better way to go, making steady incremental payments; Croton was doing its own version of dollar cost averaging.

e) 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 4-0 with one absent:

WHEREAS, the Hudson View subdivision at the intersection of Old Post Road North and Prospect Place was approved by the Planning Board on April 26, 2005; and

WHEREAS, under the provisions of the approval the developer was responsible for constructing a storm drainage system and storm water management pond; and

WHEREAS, once constructed the Village was to be responsible for the ongoing maintenance and operation of the system and pond; and

WHEREAS, easements are required to provide legal access to the improvements on the Hudson View subdivision property; and

WHEREAS, the necessary easements have been drafted,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees authorizes the Village Manager to sign the easements subject to approval by the Village Attorney.

Discussion: Trustee Murtaugh asked if the Village will be responsible for ongoing maintenance and operation in perpetuity. Mayor Wiegman stated that the site plan calls for storm water retention ponds. Trustee Gallelli added that this is part of a larger drainage system and it is important for the Village to have control of the storm water drainage. Trustee Schmidt stated that it is good that the Village got this done by the contractor and it is in our best interest to maintain it. Mayor Wiegman added that there was significant flooding downhill and we wanted the pond capacity to be large enough to help hold water for a longer period of time. Trustee Gallelli stated that this resolution just allows the Village to obtain an easement.

7. CITIZEN PARTICIPATION- NON-AGENDA ITEMS

- a) Ray Fortini, 21 Wolf Rd., stated that every so often he sees brown tub water and his fixtures are deteriorating; he appreciated the Board members for getting back to him, but would like to hear what the short term and long term plans are to correct the brown water problem in his area. Village Manager Zambrano replied that funds were approved to temporarily correct the brown water issue; the DPW superintendent is having discussions with the contractor to make a small loop and install a fire hydrant to flush the pipes on a more routine basis. Mayor Wiegman stated that the brown water condition tends to exist in dead end branches of the water system where the water does not circulate. Mr. Fortini replied that he filters water in his house; he understands that short term, the Village is looking to do a fire hydrant and a small loop connection. Trustee Murtaugh stated that Mr. Fortini's comments keep us informed; Truesdale area is also affected; it will be a major expense and a capital project, but nothing is more important than water and this is the biggest capital project in the near future. Mr. Fortini stated that the Water Dept., Tom Brann, and his crew, have been fantastic and very responsive. Village Engineer Dan O'Connor stated that Wolf Rd & Cook Lane are on a dead end loop; installing a hydrant at the end of Cook Lane will help people on Cook Lane, but not Wolf Rd.; flushing will be done more often; the permanent fix will be to eliminate the dead end and install a water main on the State highway from Wolf Rd. up to Albany Post Rd. but it is a fairly extensive project; the older water mains are about 1950's vintage.

8. APPROVAL OF MINUTES:

Trustee Schmidt made a motion to approve the minutes of the Regular Board Meeting held on November 15, 2010 as corrected. Trustee Gallelli seconded the motion. The Board voted approval with a vote of 3-0 with one abstention and one absent.

Trustee Gallelli made a motion to approve the minutes of the Special Meeting held on November 22, 2010. Trustee Murtaugh seconded the motion. The Board voted approval with a vote of 4-0 with one absent

9. REPORTS:

*Village Manager Zambrano* reported that the DPW is still working on leaf pick up; this is the second round and it has been a very good leaf season. He reported also that Con Ed has a program to get rid of old and inefficient appliances that are in working condition; information will be put on the Village web site and information is also on the ConEd web site. Village Manager Zambrano reported that he attended the Westchester County Senior Citizen Hall of Fame ceremony where four residents of Croton were inducted.

*Treasurer Bullock* wished everyone a happy holiday season

*Trustee Schmidt* questioned what people do with other organic waste now, such as branches, which are not being picked up. Village Manager Zambrano replied that he will talk with Superintendent Gennarelli and put out a notification; quite a bit of debris has come down. Trustee Schmidt reminded everyone that in the event of snow, residents should get cars off the streets. Village Manager Zambrano explained there is not parking on Village streets

unless you have a permit which is given under special circumstances and residents can come to Village Hall to request a winter parking permit. Trustee Schmidt reported that this past Thurs, Dec 2<sup>nd</sup>, the first Croton Coalition vigil was held and he was touched by how sensitive young adults are to those who are recovering or struggling with addictions or those who lost loved ones; names were written on pieces of paper and a chain was formed which was quite long- a couple of hundred links and that was just from students from Croton; he gave kudos to the young adults and for Holy Name of Mary who had a coffee afterward. Trustee Schmidt reported that this Saturday, Dec 11th, there will be a Village December holiday event with special sales, Santa will be at Happy Hearts from 10 to 2; other events include a make your own ornaments, make your own sandwich, a scavenger hunt, wine tasting, tree trimming & tree lighting; please shop locally, especially this season. Trustee Schmidt offered a reminder that during this time of year, the food bank is in need of food and supplies which can be dropped off at Asbury Methodist Church Food Bank; the Croton Rotary gave 100 turkeys and chickens to the Cortlandt food bank for Thanksgiving. Trustee Schmidt reported that Bob Armaneni is working hard to get his bird store open soon. He wished happy holidays to everyone, enjoy them safe and secure and with responsible drinking & driving & holiday cheer.

*Trustee Gallelli* agreed about the Coalition importance and success as described by Trustee Schmidt; it was well thought out and organized. Trustee Gallelli reported that the Saturday business event is a good opportunity for residents to see what the local shops have. Ms. Gallelli stated that yesterday was the annual blood drive and because the area supply is down, there will be a second blood drive on Dec. 30<sup>th</sup> from 2 pm to 8 pm at Harmon Firehouse; for more information, contact Carol Shanesy at 271-7645 or email them at [communityblooddrive@gmail.com](mailto:communityblooddrive@gmail.com). Trustee Gallelli stated that tomorrow is Pearl Harbor Day and it is the tradition for the villages of Croton, Buchanan and Montrose to rotate ceremonies; tomorrow a ceremony will be held at Buchanan Village Hall at 4 pm. Trustee Gallelli wished everyone safe holidays.

*Trustee Murtaugh* reported that Pearl Harbor Day happened 69 years ago; we should keep it in our mind. Trustee Murtaugh reported that he visited the Armaneni birding store on Friday and they were receiving a delivery; they are well on their way toward opening; he urged Village residents to check it out before Christmas; everyone wishes them great success. Trustee Murtaugh stated that this weekend, on Saturday and Sunday the local arts & crafts sale will be taking place in the Municipal Bldg.; this is the 2<sup>nd</sup> year for this event; products of local artisans are for sale as gifts and there are some outstanding products; this is in conjunction with the Upper Village event. Trustee Murtaugh reported that Dick Nagle has been working on a continuance-of-government plan. Village Manager Zambrano added that on Thursday, Dec. 16<sup>th</sup>, the Village will conduct a trial run of the emergency plan and how we provide services to residents if this building is not accessible; in the morning, business will be conducted out of the Harmon firehouse, the wireless networks and phones have been set up; it will run from 8:30 am to about noon and there will be an assessment follow up. Trustee Murtaugh stated that residents who need services will be directed to the Harmon Firehouse that day; Mr. Nagle is spearheading this to make us more efficient and able to respond to unforeseen circumstances. Village Manager Zambrano added that this trial run will show if we have gaps that need to be filled; the police department is not moving their

entire operation out of this building on that day. Trustee Murtaugh offered best wishes for a happy holiday season.

*Mayor Wiegman* reported that it was a very nice tree lighting on Benedict Blvd. on Friday evening; the tree lights are ecumenical for Chanukah and Christmas. Mayor Wiegman commended the 18 teenagers and supervisors who slept on the front steps of Holy Name parish hall on Saturday night; they were raising awareness of homelessness in this area and fundraising for the Caring for the Homeless group in Peekskill. Mayor Wiegman stated that regarding the request to change Village elections to March, he is delighted there is a citizen group to explore this; there may be other electoral changes that can be contemplated also; he is looking forward to that discussion. The NY Conference of Mayors has an interesting web site, [www.stopthetaxshift.org](http://www.stopthetaxshift.org), which should be checked regularly. Mayor Wiegman reported that the coalition also had a fire pit during their ceremony. Mayor Wiegman asked for a motion to adjourn to Executive Session to discuss a real property matter. Trustee Murtaugh made the motion, second by Trustee Gallelli, approved unanimously.

Trustee Schmidt made a motion to adjourn. Trustee Gallelli seconded the motion; approved unanimously. The meeting was adjourned at 9:30 pm.

Respectfully submitted,

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Phyllis A. Bradbury, Secretary

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Village Clerk