

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, February 7, 2011 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
Village Attorney Eisland	Trustee Olver
Treasurer Bullock	

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

General Fund	\$165,774.43
Water Fund	7,263.76
Sewer Fund	-0-
Capital Account	129,816.96
Trust & Agency	13,016.61
Total	\$ 315,871.76

3. PUBLIC HEARING:

a. To consider Local Law Introductory No. 1 of 2011 amending Section 197-15 of Chapter 197 of the Code of the Village of Croton-on-Hudson.

Trustee Olver made a motion to open the Public Hearing, second by Trustee Gallelli, approved with a vote of 5-0. Village Manager Zambrano read Local Law Introductory #1 of 2011. Village Engineer O'Connor explained the map, photographs and information posted on the bulletin board showing the main areas to be effected.

Speakers:

1. Sabina Rolnick, 1 Alexander Lane, read a written statement: the Village built these sidewalks and are cleared by the Village; residents cannot clear them; some areas belong to the school district and are cleared by the DPW; how will the law be enforced; suggested the property owners may join together and bear the cost of the Village to clear these sidewalks.

2. Henry Lippmann, 121 Young Ave.: has a 40 ft. distance to the sidewalk and it is overgrown and wild; he cannot get his snow blower down there; he has 2 or 3 neighbors in the same

situation; the Village should designate certain properties such as his in perpetuity; this should be a community affair and not a one fits all law.

3. Dick Joseph, 68 Melrose Ave.: common sense has prevailed for the 40 years he has lived there; the school has cleared a path so students could walk safely; several residents have no real access to the sidewalks and cannot get snow blowers up to the sidewalk on Post Road; there are steps on property he owns which would also now need to be cleared by him; why were they not notified about this public hearing.

4. Jon Khoury, 74 Melrose Ave.: this is pretty much impossible for everyone; they have no access to the street between the high school and the four corners; they do clean up large amounts of debris during the year and they mow; this doesn't make sense; they need a consistent thing that everyone can agree on; he wants the kids to be able to get to school; the goal is to make that as fluid as possible; it is not a reasonable request.

5. Dan Ferguson, Alexander Lane: has 200 ft. of sidewalk; that section of sidewalk is piled high with snow by the DPW; he was told when the sidewalk was built that the Village would take care of it; that section of sidewalk is like a highway with a major flow of children; the sidewalks as they are plowed now go from 4 ft. to 2 ft.; years ago, the Village DPW used to "wing it" by raising the plow up and plowing the sidewalk.

6. Janet Behning, 42 Melrose Ave.: it has been a gift from the Village for the DPW to clear the area; not everything is going to be equal but it should be fair and this would not be fair; it will cut off the main pedestrian access to the commercial part of the Village.

7. Ginny Calcutti, 19 Hunter Place: what was done in the past and what has brought on this change; everyone should have had a copy of the proposed law. Village Manager Zambrano replied that this came up because some residents of Cleveland Dr. noticed the area the Village was taking care of and wondered why years ago the Village used to do everything up to Hughes Dr; they looked at the code which specifically says the property owner was responsible for cleaning the sidewalks in front of their homes; the recommendation is based on what is done in other communities which is any sidewalk which abuts a property should be the responsibility of the property owner. Ms. Calcutti stated that private contractors move snow onto someone else's driveway and she suggested that residents watch to see if a contractor is pushing snow into your driveway and also do not shovel the mouth of the driveway until they are sure the Village is done.

8. Pat Moran, Penfield Ave.: is it the intent for the Village to stop doing the shoveling of these properties on Old Post Rd. and Cleveland? Village Manager Zambrano replied, yes, if it is adopted. Ms. Moran asked if the Village could opt to do these properties. Village Manager Zambrano replied that it can be done at extra cost to the property owners; the cost depends on the size of the sidewalk to be done; one property owner requested an estimate and it came to about \$36.00 if the cleaning is done during working hours; the DPW does not break down the time it takes right now because it was not an issue until now.

9. Bob Armaneni, Thompson Ave.: he has a corner property and a lot of the snow is pushed up onto the corner; his snow blower will not cut through 8 feet of snow that the Village has pushed when clearing the street; it is a common sense issue that needs to be looked at closely. Mayor Wiegman added that he did see the DPW taking down large piles of snow on the corner of Benedict Blvd. for visibility. Marco Gennarelli stated that his department plows to the curb and then pushes back the corners; after that, they go around looking for intersections with visibility issues; this year this has taken a lot longer; the routine this year is nothing unusual.

10. Alice Rothrock, Grand St.: has an issue with snow plowing; another issue is that people are parking in the streets when the DPW is plowing; the police do not enforce taking the cars off the street and alternate side of the street parking; people cannot park on the road because of all this snow; sewage drains are not plowed out and the snow was not taken away except by the grates. She asked why there were 7 men digging out the bridge over Rt. 9 when the Village is not done yet. Marco Gennarelli replied that if cars are parked on the street, they must plow around them; regarding alternate side of street, most of the time the DPW is there in the early morning; if a snowfall ends, it may change the timing; they also haul the snow away during alternate side of the street parking. He added that regarding the walk bridge, a vendor did a demonstration with a new machine today and this just happened to be the area used for the demo.

11. Pat Calcutti, 221 Grand St.: there was no parking from Nov 1 and April 15 sometime ago; somewhere along the line, a Board changed the regulation that cars could be parked if there is less than 2 inches of snow; people have sidewalks that do not abut the front of the property, he hopes a deal can be worked out.

Trustee Murtaugh suggested postponing vote on this resolution and have more discussion at a work session. Trustee Murtaugh made a motion to close the Public Hearing and bring the issue to a work session; second by Trustee Gallelli, approved with a vote of 5-0.

Board Discussion: Trustee Gallelli stated that she agrees this needs more discussion and noted three areas; the concept of unique circumstances of properties that do not have sidewalks on the front of house and have a difficult rear or side yard; it may be a public benefit for the Village to clear; other exemptions exist because of historical circumstances; another issue is having the homeowners compensate the Village if we were to continue what we have been doing and third, regarding the section adjacent to the high school, perhaps the high school could continue into that area especially if the special circumstance includes safe routes to school. Trustee Olver stated that he is uncomfortable about this debate; there appears to have been an oral promise years ago which does not have legal weight when it comes to particular properties, but he does not want to lend his name to what appears to be unilateral changes; we do have a good snow clearance program, better than some municipalities in the area, but we need to look into the problem of on street parking during snow emergencies. Trustee Murtaugh stated that this was prompted by a question about why some areas were being cleared but not others; there is a need to balance the gifting of Village resources with the well being of the community; they need to find an equitable arrangement and solution. Village Manager Zambrano stated that it is important for the Board and the public to know this is not a personal vendetta against anyone; it's the way government has to work today, oral agreements were made in the past, but we need to watch resources; he has a concern that others will want their sidewalks done throughout the

Village. His recommendation is to have a work session, but individuals who have these special circumstances should be charged for having the Village clear their sidewalks, a service that is not available to everyone in the Village is gifting of public funds. Mayor Wiegman stated that about 40 properties will be affected and we now have a list of those affected by this situation which will help a decision on how to be fair and equitable and how to have safe routes to school. Trustee Schmidt stated that at face value it may seem to be a gifting of public funds, but this may not be the case; for some projects done in the business district the Village seeks money and pays for the sidewalks; there are special circumstances with this and some of these property owners should not clear the sidewalks as this was never the idea; in minimum, everyone should clear in front of their house; we do need greater enforcement because people are not shoveling their sidewalks and we needed a method to get after them quicker rather than waiting and bringing it to court. Trustee Gallelli added that most here tonight came because of their special circumstance; this is a two part law one is to address the general ice and snow clearance and two to beef up the ability of the Village to insist on clearing of sidewalks; this law provides options such as putting something on the ice to prevent slips and the shorter time frame for bringing into compliance those who do not shovel their sidewalks.

4. CORRESPONDENCE:

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

- a) A letter from Edward A. Davidson, Esq. regarding Laurel Gouveia gifting her property at 1300 Albany Post Road.
- b) A notice from Victor Mallison, Acting Deputy Commissioner of Real Property Tax Services, NYS Dept. of Taxation; re: final special franchise assessment. Trustee Schmidt stated that the people in Croton are still be told that it is the Village's fault that FIOS is not being installed. Trustee Murtaugh stated that he has been told that Verizon has oversold and under delivered and in order to avoid penalties in those communities that have contracts they are accepting no further contracts.
- c) A letter from Croton Artisans, thanking the Village for allowing them to hold their annual boutique in the Municipal Building.
- d) A report from the Village Trail Committee, with their Report to the Village Board for the Year 2010
- e) A letter from the members of the Bicycle Pedestrian Committee, supporting the Transportation Enhancement Program grant project-Croton Point Avenue/South Riverside Avenue Improvements.
- f) A letter from Dr. Richard Izzo, Toughman Race Organizer, regarding their fourth annual Westchester ½ Iron Triathlon Weekend to be held on September 10<sup>th</sup> and 11<sup>th</sup>.
- g) A letter from Robert Hoch, Director Government Affairs, Cablevision, regarding the repositioning of the Travel Channel.
- h) A media release from Con Edison, Media Relations, regarding reporting of power outages.
- i) A letter from Frank Ciminiello, Chief Gas Distribution Engineer, Con Edison, regarding gas emergency numbers.
- j) A letter from Brian M. Kolb, Assembly Minority Leader, NYS Assembly, thanking the Village for sending the resolution regarding unfunded mandates.

- k) A report from Fran Allen, Water Advisory Committee Chair; regarding the referral from the Village Board regarding the NYS Department of State's request for written comments on the Champlain Hudson Power Express, Inc. Trustee Olver stated that the WAC reviewed the proposal to run a high voltage line using direct current from sources in Canada to NYC thru Lake Champlain and down the Hudson; the cable will not be on our side of the Hudson in Croton, but does go through Haverstraw Bay; the WAC does not think the measures are sufficient and would like to see more specific descriptions of what will be done; the proposal had no mention of sturgeon in the river and that sturgeon over-winter in the Croton River; the proposal was very well done and they are trying to do a first class job, but some issues need to be satisfactorily addressed. Trustee Murtaugh stated that one point the WAC noted was that they have closed the window on certain seasons but not on sturgeons which are unique to this area; we have a responsibility to point out that this was missed; it is a long range project; it is the WAC's responsibility to look at this in earnest. Trustee Schmidt stated that this is not a comment saying it is not a good idea, but we are asking for clarification of concerns; it is a good idea and it is alternative energy. Mayor Wiegman stated that it is our responsibility to comment on what we think might be consistent or not consistent with our shipping channel. Trustee Olver added that the WAC concluded as currently written, the plan is not consistent with the current waterfront management plan.

5 CITIZEN PARTICIPATION (agenda items):

1) Don Daubney, 45 Bungalow Rd., asked why the 1300 Albany Post Road offer is being investigated. Trustee Murtaugh replied that this offer is for property to be gifted to the Village. Trustee Gallelli added that the owner has indicated she would like to give this property to the Village; there is a procedure to follow and an assessment must be done. Mr. Daubney asked if the Village would receive the property and have use of it right away. Trustee Gallelli replied that all the details are being worked out; in general the idea would be, she believes, the person would be allowed to live there for a period of time. Mr. Daubney asked how much it would take off the tax rolls. Trustee Gallelli replied she doesn't have the specific number, but that this person is giving the property away either to us, or to others which would take it off the tax rolls. Trustee Murtaugh added that he believes the tax is about in the mid teens. Mr. Daubney stated that the Village has a lot of park land now for public use; 16 acres would further burden the Village to maintain; he wouldn't think that the Village would be interested in acquiring this non-commercial area; it would be a substantial tax bill taken off and what would stop someone else from doing this. Trustee Gallelli stated that he has raised some good points and that is why the Village must embark on the SEQRA process to attempt to answer the questions raised; the tax status, no matter if we accept or not, will be taken off the tax rolls. Mr. Daubney, regarding the proposed referendum, stated that his viewpoint is that changing the Village election to the fall completely takes away the emphasis of what we do; Village election is important to the people in the Village and to move it to national elections, people get swept into office who may not be qualified; national elections are a long list and by adding the Village election to it, people may pull just one lever; now people are thinking about the Village when they make their choices; a savings of about \$4,000 does not sound like a good argument to him. Trustee Gallelli clarified that

what is on the agenda is the Village's legal requirement to put the referendum on the ballot because a sufficient petition was presented.

2. Kevin Davis, 17 Wolf Rd., stated that he formed a group to circulate a petition to put this on the ballot; they got 361 people to sign the petition; the Board of Elections will take charge if this passes; the purpose of the referendum is saving money and more participation in government elections; now only 40% vote; in November, participation has exceeded Village election participation. He added that 80 to 85% of registered voters signed the petition.
3. Bob Wintermeier, 43 Radnor Ave., stated that regarding the property at 1300 Albany Post Rd., Mr. Daubney brought up a good point; the lost tax revenue is about \$13,000 but school taxes would be twice that amount; Gov. Cuomo passed legislation to reduce our school contribution by 4.16%; taking this property off the tax rolls will be an additional hit. Mr. Wintermeier stated that it looks like \$30,000 is being taken from the contingency fund for removal of snow; then allocation of another \$15,000 from the contingency fund which is \$45,000 from the contingency fund; the Board took \$450,000 this year to reduce taxes; he asked how much is left. Village Manager Zambrano replied that the Fund Balance is different from the Contingency Account and that amount is already in the budget.
4. Bill Greenawalt, Attorney with a law practice in White Plains; he had several cases concerning election law and has been at the Appellate Court on election law; he has been asked to guide the petitioning efforts; he has held legal cases for Ardsley and Dobbs Ferry when they changed elections to November. He added that the County has new election machines with a lot of glitches; the Village will have to rent those if there is no consolidation of elections and they will cost more than the current machines; the Clerk has certified that the petition meets the standard of the law and must be put on the referendum for March 13<sup>th</sup>; the change to November also gives the candidates longer exposure; it is an extraordinarily difficult time for candidates to get to voters with the winter weather; budgets often come out in March.
5. Ginny Calcutti, 19 Hunter Place, stated that she believes the Village should not move the election time; she agrees with Mr. Daubney; she asked why we are going into a big discussion about Ardsley and Dobbs Ferry. Mayor Wiegman replied that Mr. Greenawalt was invited by Mr. Davis and the group.
6. Pat Moran asked what the resolution for an abstract is. Mr. Eisland replied that it is a document that describes the proposition and the affects of the proposition. Ms. Moran asked what is proposition #1. Mayor Wiegman read the proposition. Ms. Moran asked if anyone on the Board signed the petition beside Mayor Wiegman and Trustee Gallelli. Mayor Wiegman stated that he signed it because this is a democracy and the public is entitled to bring the petition. Trustee Gallelli stated that she signed it because it was a valid question to be brought before the public; she has raised concerns and issues that are not favorable to a November switch and the implication that if anyone signed it does not mean they were for it. Ms. Moran stated that if it is changed to November when would the electees take office Village Manager Zambrano stated that they would take office on Dec. 1<sup>st</sup>; the budget year would remain unchanged. Village Attorney Feldman stated that the terms would run for two

years. Trustee Olver stated that the budget is adopted by April 30<sup>th</sup>, but comes into effect June 1<sup>st</sup>. Ms. Moran stated that the Village could move the elections to May theoretically; she understands that the County will run it if moved to November. Mayor Wiegman replied that they do not have that in writing. Village Clerk DiSanto stated that if the County ran it in March, there would be a charge. Ms. Moran replied that we don't know if it will save \$5,000. Trustee Olver added that regarding the time lag on budget, the way it works now, Trustees are sworn in April and have just about 2 weeks to master the budget before having to vote on it. Trustee Schmidt added that the Board is really adopting the budget the manager and staff present and it is kept out of the political arena; this has been the procedure for many years; the management staff runs the budget, the Board looks at it, changes it, etc. and approves it. Ms. Moran stated that she would prefer the Board have more input on the budget. Trustee Olver stated that the Board goes through it line for line. Ms. Moran stated that setting the priorities of what has to be cut is up to the Board. Mayor Wiegman stated that the Board always has carryover members; the manager does a good job preparing the budget and the Trustees spend much time reviewing. Ms. Moran asked if the gift is conditional on the donor being able to live in the property and will she be paying taxes while living there. Trustee Gallelli replied that she is proposing to give us the property and she will live there until she passes away or chooses to move; her proposal is she would pay no taxes.

7. Rob Olsson, 5 Hamilton Ave., regarding the proposal for the SHIP project which encompasses the congestion between South Riverside, Croton Point Ave. & the train station; this has been thoroughly researched and they have presented a proposal; CHA is trying to match those estimated costs; this project is the result of many years of input from the community, several public hearings on problems and this area was recognized as the most onerous area in Croton Village; development of this project will serve the community in many ways, it is not just a pedestrian and bicycle issue, but will also assist the flow of traffic; this is a worthwhile project that will serve to be a welcoming gateway to the southern way to the Village.
8. Pat Calcutti, 221 Grand St. stated that he is appalled that the Village Board is not attempting to stop property from coming off the tax rolls; what are the benefits to community; a resident seems to be looking for tax relief; it will be a burden on taxpayers; carefully consider the impact on the community; we need every bit of revenue we have now. He added that in moving the election date, we will lose a lot of small town community by doing it; we must look at voters in a small town; we have educated voters and he can't see it not taking away from our small town atmosphere.
9. Brian Pugh, 15 Alexander Lane, thanked petitioners for getting the resolution to move Village elections to November and he thanked Mr. Greenawald for his advice. He is in favor of moving elections to November and having the County take over to save money, every bit helps; he believes moving elections to November will increase turnout; he not concerned about local issues being drummed out, he spoke with elected officials where it was changed and things are as good as before if not better; in the Gazette, there were insinuations it will get one party electoral advantage, but he doesn't think that will happen.
10. Keith Douglas, 1271 Albany Post Rd., regarding the Croton Point Ave. project, stated that it is 2.8% of our tax levy, \$1.2 million reimbursable and asked what is the estimated price tag.

Mr. Douglas added that he understand it is for protection and enhancement of Croton Point Ave. but it ends at the entrance to the train station; we already have sidewalks on the north side of Croton Point Ave., We spend money to stripe the south side for parking. Trustee Murtaugh stated that the design is in flux right now; the design came in higher than expected; nothing cut in stone right now. Mr. Douglas asked what are the real benefits of this to residents of Croton. Trustee Murtaugh replied that as a regular user, he would feel safer if there was more traffic control down there. Mr. Douglas stated that there are more problems within the train station, he sees benefits for residents of other communities; why burden our taxpayers. Trustee Olver stated that about 1/3 of residents do commute; we own the parking lot and will have increased competition from Cortlandt. Mr. Douglas stated that if traffic control is a concern, can we make the light on South Riverside and Croton Point Ave. a no-turn-on-red. Mayor Wiegman replied that the DOT will allow just one light and we must synchronize more than one light. Mr. Douglas stated that the entrance to Rt. 9 northbound is a high speed entrance and will that be slowed down. Mayor Wiegman replied that this is one of the major flaws in the intersection; the proposal is for that ¼ cloverleaf be removed and have a 90 degree angle turn onto the right; the proposal is for four sets of lights to be synchronized.; the basic premise is to make it safer to get to the station and back to Harmon. Mr. Douglas asked if cars won't by-pass Harmon. Trustee Schmidt stated that some of his concern is that it has ballooned in cost and could still go up; it needs to be closely looked at before going the next step; some other projects may have higher priority at this time; these studies started when we were looking at improving the parking lot.

11. Robert Olsen, Bicycle/Pedestrian Committee, stated that they want to be a part of the early design phases. Trustee Schmidt stated that the proposal has some key flaws, such as a shared bike/pedestrian walkway; things start as an idea then escalate; he has concerns that it is unsafe to the have a bike lane, lose the bike lane and then pick up the bike lane again; the synchronized lights make pedestrians safe. Mr. Olsen stated that he rides that route almost every day and is aware of that section of highway and intends to be part of the initial design; he knows what the possibilities are and spoke with Village Engineer O'Connor; they will try to keep costs down as much as possible; they would like to be in the early design of the project; they have looked over the budget and has done line analysis of items that we probably can do without.
12. Bill Greenawalt, Attorney, stated that he will take any legal questions; he thinks it would be prudent to change the resolution for the County to take over the election. Trustee Schmidt stated that Mr. Greenawalt said before it would be automatically picked up the County but the Village Clerk and Attorney have not confirmed this. Mr. Greenawalt stated that he thinks it will be picked up by the County, but he cannot give an absolute legal opinion on that; it would be a cost savings and more efficient. Mayor Wiegman stated that the other villages that moved elections did so in the lever machine era, but we are now in the optical scan era and there are other issues. Mr. Greenawalt stated that the voting provisions in the Village's March election involves fewer polling places than in November elections. Trustee Schmidt stated that in November elections, must voters use recognized party lines. Mr. Greenawalt replied that the procedures are pursuant to usual procedures to County elections, such as the hours, the machines used and it will stay the same. Village Clerk DiSanto stated that when the County takes over running a village election, it is then a County election; nothing comes

through her office anymore; the Village will be at the bottom of the ballot and legal notices come from the County. Bob Wintermeier stated that he cannot get a good answer from the Board of Elections, such as cost; the information is that they will not recognize other parties; machines must be programmed and have service people there; there are a lot of unanswered questions; personally he believes lawyers do not have the answers to these questions. Mr. Greenawalt stated that the Board legally must put this on the ballot or it would be a Supreme Court action; it is not a discretionary matter at this point. Trustee Olver stated that he is not taking a stand one way or another, it is not the role of the Board tonight; petitioners have circulated a petition, certified by the Village Clerk and it must be put on the ballot. Mr. Wintermeier asked who is paying Mr. Greenawalt. Mr. Greenawalt replied that he is not getting paid at all; it is pro bono on his part; the clients are those who asked him to do research and come tonight.

6. APPROVED RESOLUTIONS:

a) On motion of TRUSTEE Olver, 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 Municipal Building windows were replaced in 1999; and

WHEREAS, the windows are under warranty but the required labor for replacing or repairing the windows is not under warranty; and

WHEREAS, seals in the thermo-pane glass have failed and 220 panes of glass are needed to be replaced; and

WHEREAS, under the terms of the warranty the replacement must be performed by Industrial Window Corporation; and

WHEREAS, Industrial Window Corporation has submitted a proposal for \$33,300; and

WHEREAS, the Village Board of Trustees approved funding of \$30,000 in the 2010-11 capital budget for the repair of the damaged windows; and

WHEREAS, an additional \$3,300 is needed,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to approve the proposal from Industrial Window Corporation for the repair of the damaged windows in the amount of \$33,300,

AND BE IT FURTHER RESOLVED: that the Village Treasurer is authorized to transfer \$3,300 from the Contingent Account A1990.4000 to the Capital Account H1620 2102 09194.

January 24, 2011

b) 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, in July 2010 New York State Election Law was amended authorizing the use of new ballot scanners for elections; and

WHEREAS, only Election Inspectors that have been trained and certified by the County may operate the new election ballot scanners; and

WHEREAS, in the past only residents that reside in the Village of Croton were appointed as election inspectors; and

WHEREAS, in order to have a greater selection of trained and certified election inspectors the Village wishes to include residents of the Town of Cortlandt to be eligible for appointment to the position of election inspector for Village Elections;

NOW THEREFORE BE IT RESOLVED: the Village Board hereby authorizes residents of the Town of Cortlandt to be eligible for appointment to the position of Election Inspector for Village Elections.

Date: January 31, 2011

c) On motion of TRUSTEE Olver, 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:

BE IT RESOLVED, that the Village Election shall be held on Tuesday, March 15, 2011 between the hours of 6:00 am and 9:00 pm; and

BE IT FURTHER RESOLVED, in accordance with section 15-116 (1) of the Election law the following persons are hereby appointed inspectors of election to preside at the Village Election on March 15, 2011:

DEMOCRATIC: Carol Shanesy, Chair  
Laura Seitz  
Carol Seaver  
Janet Mainero  
James Neel  
Karen Neel

Alternatives:  
Paul Hirsh

REPUBLICAN: John Mattis, Chair

Donna Edwards  
Mary C Mahon  
Agnes D. Braddick  
Alice Zimei  
Sandra Salvatore

Alternatives:  
Frank Font  
Janet Delohery

; and

BE IT FURTHER RESOLVED, that the compensation for each Election Inspector shall be a fixed rate of \$225.00 for the day and \$250.00 for each Chairperson on Election Day.

Date: January 31, 2011

PROPOSED RESOLUTIONS:

- a) 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 four ayes (Trustees Olver, Gallelli, Murtaugh and Mayor Wiegman) and one nay (Trustee Schmidt):

WHEREAS, Mrs. Laurel Gouveia has offered to make a gift to the Village of Croton-on-Hudson of her approximately 16 acre parcel of real property located at 1300 Albany Post Road on terms described in a letter from her attorney, Edward Davidson, Esq., dated January 28, 2011; and

WHEREAS, the Village Board is considering whether it will accept this gift (the "Proposed Action"); and

WHEREAS, an Environmental Assessment form (the "EAF") has been drafted in connection with Mrs. Gouveia's proposal; and

WHEREAS, a Coastal Assessment Form has been drafted in connection with the proposal;

NOW THEREFORE, be it resolved as follows:

1. The Village Board hereby determines that the Proposed Action is an Unlisted Action;
2. The Village Board hereby declares itself to be Lead Agency for SEQRA purposes in connection with the Proposed Action;
3. The Village Board hereby issues the EAF which it has before it in connection with the Proposed Action;

4. The Village Board hereby issues the Coastal Assessment Form which it has before it in connection with the Proposed Action;

5. The Village Board hereby refers the EAF, the Coastal Assessment Form, and the January 28, 2011, letter from Mrs. Gouveia's attorney to the Village Waterfront Advisory Committee for a recommendation back to the Village Board in accordance with Village law.

Discussion: Trustee Schmidt stated that the terms of the letter have not been openly discussed and the public should know the terms of the agreement. Trustee Olver stated that this is an opening position by her lawyer, it is not being proposed by us; we are just going through the necessary steps to see what they might entail; it is the elected Board's responsibility to handle negotiations. Trustee Schmidt stated that this is a proposal based on her initial ideas with our suggestions back, it is not just her proposal; he spoke to Westchester Land Trust and they indicated they couldn't go down the road with this as there is nothing in their rules and regulations that allows them to take a piece of property and take it off the tax rolls nor taking a piece of property that is developed; this family has been asking the Village to deed this property to the Village for many years and make it a park/recreation area; he didn't think it is in the Village's best interest; this piece of property has been built as a residence and there are many limitations on this building; he will contact Cortlandt also. Mayor Wiegman stated that the Village accepted land behind what is now the golf course and it is now the Arboretum; this parcel is relatively unique for its river view and its steeply wooded hillsides; what comes to mind is to use this parcel for passive use of trails in the wooded section; the northerly half has been developed quite handsomely but would not be publicly accessible to the Village while she still lives there; the 16 acres would tie trails into other potential trails; Mrs. Gouveia feels the benefit of the property is the expansive river views, not redevelopment into commercial or residential; this is an opportunity for the Village; she is now in a different place in her life than she was several years ago; the home itself is relatively small, unique and well maintained; use for that building has not been determined. Trustee Schmidt pointed out that this proposal was not given to the public and we have been in negotiation; that and the terms should have been disclosed to the public. He added that the trail system does not connect to anything; there is a tax issue; she could get additional buildings on the property which would be additional tax revenue; we can barely maintain the parks we have now and this would require more maintenance; it would need a lot of improvements if made accessible to the public. Trustee Gallelli stated that this is, on a smaller scale, the same position people took when the Village obtained Croton Landing. Trustee Schmidt added that Croton Landing required a lot of money from the County to make that park work; we cannot maintain what we have; we have a lot of bills coming in terms of looking at the Municipal building; these are high ticket items at the time when the economy has gone the wrong way and he doesn't know if it will come back. Trustee Olver stated that it would be a great spot for cultural activities; it is a stunning piece of property, but it does not have to be kept as it is if we were to accept it; let the committees look at it before jumping to a conclusion.

g) (This resolution was moved up in order of presentation)

On motion of TRUSTEE MURTAUGH, seconded by TRUSTEE OLVER, 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, a petition was filed with the Village Clerk on January 20, 2011 that a proposition be submitted to the qualified electors of the Village at the regular Village election in March 2011 on the question whether to change the month of the regular Village election from March (the third Tuesday) to the general election in November (the first Tuesday after the first Monday); and

WHEREAS, on February 4, 2011, the Village Clerk certified that the Petition is sufficient and complies with all requirements of law pertaining thereto; and

WHEREAS, pursuant to Village Law § 9-912, upon such petition, the Board shall cause the proposition to be submitted at a village election; and

WHEREAS, the Village Clerk has prepared and presented to the Board an abstract of the proposition stating the purpose and effect thereof,

NOW THEREFORE, BE IT RESOLVED: that the Board of Trustees of the Village of Croton-on-Hudson approves the abstract and directs that Proposition No. 1 be submitted general village election on March 15, 2011 on the question whether to change the month of the regular Village election from March (the third Tuesday) to the general election in November (the first Tuesday after the first Monday).

DISCUSSION: Trustee Schmidt stated that this is a pro forma function that must be done. Evan Eisland, acting as Village Attorney, stated that Village law says a petition signed by 200 people shall cause a proposition to be submitted at the Village election. Mayor Wiegman stated that there were several questions raised tonight and the Village legal team is following up on all those questions.

- b) 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 5-0:

WHEREAS, the Village has three outstanding small claim assessment review cases resulting from grievance proceeding of last year; and

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

WHEREAS, the property is located at 17 Mount Green Road, Section 67.20, Block 1, lot 1 on the Village Tax Maps; 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 owner 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 \$1,036.54

- c) On motion of TRUSTEE GALLELLI, seconded by TRUSTEE MURTAUGH, the New York with a vote of four ayes (Trustees Olver, Gallelli, Murtaugh and Mayor Wiegman) one nay (Trustee Schmidt):

WHEREAS, the Village has an executed contract with the New York State Department of Transportation for the Croton on Hudson Parking Facility Pedestrian and Bicycle Enhancements Project, also known as the Village's Station to Harmon Improvement Project (SHIP); and

WHEREAS, the goal of the SHIP work is a safer passage for all kinds of vehicles and, pedestrians between the Village's Harmon business district and neighborhood, and the Croton-Harmon Train Station entrance, including the intersection of Croton Point Avenue with both South Riverside Drive and Route 9, and of South Riverside Drive with Benedict Boulevard; and

WHEREAS, the SHIP work scope consists of a traffic-calming reconfiguration of the vehicle access ramps to Route 9, including synchronized signalization at the entrance and exit ramps to Route 9A and the entrance to the train station, new crosswalks, new sidewalks, provision for bicycle riders, drainage improvements, and repaving of Croton Point Avenue and a portion of South Riverside Avenue; and

WHEREAS, the SHIP work scope may also provide for improved street lighting, landscaping, and other pedestrian safety features; and

WHEREAS, under the terms of the agreement the village will receive \$1,200,000 of reimbursable federal funds; and

WHEREAS, under the terms of the agreement there are a number of specific project development phases and activities that the village must complete including the preliminary design phase, detailed design phase, and construction phase; and

WHEREAS, the Village is in the beginning stages of the preliminary design phase which requires the completion of several tasks including consultant procurement, preparation of design report, gathering and analyzing data including the completion of a survey of the project area, selection of appropriate design criteria, development and evaluation of feasible alternatives, preliminary 40% plans, environmental screenings and detailed investigations, coordination with regulatory agencies, identification of required permits, public information meetings, final SEQRA determination, final NEPA determination, and design approval; and

WHEREAS, under the task of consultant procurement the Village was required to adhere to Chapter 6, Consultant Procurement and Administration of the NYS DOT guidelines for locally administered federal aid projects; and

WHEREAS, the Village has selected a consultant for the engineering design work of this project based on the criteria outlined in Chapter 6; and

WHEREAS, the selected consultant, the CHA Companies, has prepared and submitted a proposal for the engineering design work that includes all the required tasks in the preliminary design phase outlined above, as well as the required tasks in the detailed design phase including the development of final plans and specifications, final cost estimate, permits obtained from regulatory agencies, preparation of contract bid documents, development and approval of the construction management plan; and

WHEREAS, the total cost for the completion of all tasks comes to \$298,361, and

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to approve the proposal from CHA subject to approval from the New York State Department of Transportation.

Discussion: Trustee Olver stated that there has been a real problem in that area for a long time; the Village received a \$1.2 million grant for this and will not get a second chance for this money for many years; the question is how we are going to do a project like this and cut taxes for the 3<sup>rd</sup> year; he will not support the full project if it requires additional taxes for citizens; the charge will be given to the consultants to step it down from its current basis. Trustee Schmidt stated that this is putting the cart before the horse; this reads they are going to do the design work of all required tasks; we should scale the design down before sending this out to design groups. Mayor Wiegman stated that if the Village was taking on this project on its own, it would be sent out, but the State rules are that we must choose from a list of firms; we can't know how to save the money until work is begun with CHA unless we reimburse the State for step 1. Village Manager Zambrano stated that this particular proposal is based on a proposal given by another design firm several years ago and it doesn't mean this is the project we will go with; the Village can scale it down. Trustee Olver added that as long as we have significant activity in each of the areas, we can scale it down. Assistant Village Manager Janine King stated that CHA took RBA's proposal and put their own budget numbers in; we do not have to go with RBA's design; there are things that can be changed; there are a lot more requirements working through the State. Trustee Gallelli stated that this number represents what they anticipate would be their costs based on the information for the grant; changing subsequent work may reduce that amount of money based on billable hours. Ms. King replied that the number of hours will probably not change significantly. Mayor Wiegman stated that the Village has a unique opportunity with the federal dollars; the only way we get a smaller plan is to have CHA sit down with us to obtain the ultimate goal. Village Manager Zambrano stated that the Village Board will ultimately have the opportunity to reject the project; we would have to hire a consultant to redesign the project and would have to go through a State authorized contracting/engineering firm to downscale; we may be able to save, but will have to go through the same process and the same specific instructions by the State. Mayor Wiegman added that if we delay the decision too long, we will lose the money, there is a time period. Trustee Schmidt suggested telling this design group to keep it down to

perhaps \$1.7 million. Village Manager Zambrano stated that the Village will have to spend at least \$300,000 on this project. Trustee Murtaugh stated that all share the concerns about not overdoing it on this project. Mayor Wiegman stated that all details will be worked on up front so there will be no surprises.

d) 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, the Village budgeted \$4,000 for snow removal at the Croton-Harmon Train Station parking lot, and

WHEREAS, the frequency of the winter storms has necessitated the hiring of WD Excavation & Contracting to assist the DPW with snow removal at the parking lot; and

WHEREAS, to date, the Village has been billed \$19,140. by WD Excavation & Contracting for snow removal at the parking lot; and

WHEREAS, given the severity of this winter, it is expected that we may require additional assistance from WD Excavation & Contracting over the next two months,

NOW, THEREFORE BE IT RESOLVED: that the Village Treasurer is authorized to transfer \$15,000 from the Contingent Account A1990.4000 to the Off-street parking contractual account A5650.4000 and \$15,000 from the NYSERS Undistributed Account A9010.8000 to the Off-Street Parking Account A5650.4000.

e) 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 Village Board has caused to be drafted a Local Law Introductory No. 2 of 2010 to amend Chapter 120 of the Village Code relating to excavation, filling and topsoil removal; and

WHEREAS, on June 21, 2010 the Village Board determined that the proposed action was an unlisted action, declared itself lead agency for SEQRA purposes and authorized the Parts 1 and 2 of the Environmental Assessment Form and the Coastal Assessment Form to be circulated to the appropriate agencies in accordance with Village Law; and

WHEREAS, at the January 4, 2011 Regular Village Board Meeting, the Village Board, as Lead Agency, issued a negative declaration with respect to this application; and

WHEREAS, the Waterfront Advisory Committee issued a preliminary review of consistency in its memo dated July 16, 2010 and a final review of consistency in its memo dated January 25, 2011; and

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby calls for a public hearing on February 22, 2011 at 8pm in the meeting room of the Stanley H. Kellerhouse Municipal Building to consider Local Law Introductory No. 2 of 2010, a local law to amend Chapter 120 of the Village Code relating to excavation, filling and topsoil removal.

f) On motion of TRUSTEE MURTAUGH, 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 5-0:

WHEREAS, due to a great deal of frozen precipitation and extremely cold weather this, winter the supply of road salt needs to be replenished ; and

WHEREAS, the Superintendent of Public Works is preparing a purchase order to order more road salt; and is requesting a transfer of funds from the Contingency Account into the Snow Supplies Account .

NOW THEREFORE BE IT RESOLVED: that the Board of Trustees hereby authorizes the Village Treasurer to transfer \$15,000.00 from the General Fund's Contingency Account number A1990.4000 to the Snow Removal Account number A5142.4200 for the purchase of road salt .

+

7. CITIZEN PARTICIPATION (non-agenda items):

a) Bob Wintermeier, 43 Radnor Ave., stated that he thinks the public should vote no on the referendum; many issues still exist; someone should provide time to have a debate about the candidate's positions on the referendum; the abstract hasn't been shown to anyone. He added that there were no GOP members on that committee; he has reservations about what it will do to future elections; he was surprised to find out some Trustees and the Mayor signed the petition but he would have declined signing any petition; he thinks it is not a good idea to sign and judge later. Mr. Wintermeier stated that regarding the weather, March is as good as November and we can have snow either month; he suggested a no vote from the public. He stated that he will send emails about the snow in North Dakota and how they have a way to clear the roads; take a look at that and Syracuse and see how they are clearing the roads. He added that, regarding the Croton Point Avenue project, just because you have money, doesn't mean you have to use it; look at whether we need the money or not and spend money wisely.

Village Attorney Feldman explained that the purpose of an abstract is to offer the public a summary of the proposition so they know the purpose and effect; this will be available to the public to read before they go to the polls. Mayor Wiegman added that the Village staff and Board cannot take public positions one way or the other on this specifically; he signed the petition because he considered it direct democracy and people have a right to access the ballot with a question like that; he asked 17 questions of the petitioners.

8. APPROVAL OF MINUTES:

Trustee Gallelli made a motion to approve the minutes of the Regular Board Meeting held on January 18, 2011. Trustee Murtaugh seconded the motion. The Board approved the motion with a vote of four ayes, one abstain (Trustee Olver).

Trustee Gallelli made a motion to approve the minutes of the Special Meeting held on January 24, 2011. Trustee Schmidt seconded the motion. The Board approved the motion with a vote of four ayes, one abstain (Trustee Murtaugh).

Trustee Gallelli made a motion to approve the minutes of the Special Meeting held on January 31, 2011. Trustee Schmidt seconded the motion. The Board approved the motion with a vote of four ayes, one abstain (Trustee Murtaugh).

9. REPORTS:

*Village Manager Zambrano* reported that Ms. Gelman has found a company that will recycle unusable DVDs and CDs; they will be collected at Village Hall; they can be broken or cut or it was suggested to put them in a microwave for just 5 seconds which will erase any information.

*Village Treasurer Bullock* no report

*Trustee Schmidt* reported that he was asked about dumping snow at Black Rock. Village Manager Zambrano replied that he will take a look at it, but we have no other place to put it. Trustee Schmidt reported that the Business Council meeting and EagleFest were cancelled because of conditions and the weather. He stated that he loves campaigning in this weather and he gets to see different environments. Trustee Schmidt added that it is the public's right when to have a referendum, voting will be much less than those who vote for candidates because they do not know what it is about. He wishes we could have taken the time to have a serious discussion about the pros and cons and have a knowledgeable electorate about this referendum; it is not just a cost saving measure.

*Trustee Olver* reported that our State is in dire financial state; we are overtaxed as a County and a Community; he believes Governor Cuomo "gets it" and County Executive Astorino "gets it" and the majority on this Board "gets it"; it is not a partisan issue; we must respect each other for strongly held views on how to hold costs; we may fight over the how but are not in disagreement of the what; he hopes we'll all be looking at how to make this an affordable community in tax and spending terms and respecting each others' ideas.

*Trustee Gallelli* reported that the ceremony downstairs for dedication of the Joyce O. Finnerty History Museum was well attended and she suggested residents stop and see that museum when they come to this building. Trustee Gallelli reported that Tuesday, February 15th is Grievance Day in the Village; it is a once yearly meeting and tax grievances will be received here from 4 pm to 8 pm or until done; residents can come in and grieve taxes; to find more, contact the Village Engineer's Office and speak with Joe Sperber, the Village Tax Assessor.

*Trustee Murtaugh* no report

*Village Attorney Feldman* no report

*Mayor Wiegman* reported that they had a Board of Boards Summit Meeting last week; Justin Casson was there among others, representing the Bicycle/Pedestrian Committee and he has accepted the role of the new chair; they will be working on keeping costs down on the Station to Harmon Improvement Project. Mayor Wiegman stated that the County has an assessment report that is available at [www.wmoaonline.com](http://www.wmoaonline.com). He added that Croton is the only Village who has its own assessment role and the Town has its own tax roll; he has been talking with officials about this and has made recommendations to discuss this to remove the redundancy. He reported that there was a terrific energy fair recently- see [www.energizebedford.org](http://www.energizebedford.org) - this is a program with considerable federal funding and it can be rolled out in Croton if we want it this year.

Trustee Olver made a motion to adjourn. Trustee Murtaugh seconded the motion; approved with a vote of 5-0. The meeting was adjourned at 12:01 am.

Respectfully submitted,

---

Phyllis A. Bradbury, Secretary

---

Village Clerk