

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, October 7, 2013 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

Mayor Wiegman	Trustee Raskob
Village Manager Zambrano	Trustee Murtaugh
Village Attorney Staudt	Trustee Davis
Village Treasurer Bullock	Trustee Gallelli

1. CALL TO ORDER:

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

2. APPROVAL OF VOUCHERS:

Trustee Davis made a motion to approve the following Fiscal Year 2013-2014 vouchers. The motion was seconded by Trustee Gallelli and approved unanimously with a vote of 5-0.

General Fund	\$56,521.19
Water Fund	\$ 3,268.70
Sewer Fund	\$ 135.00
Capital Fund	\$ 6,675.82
Trust Fund	\$ 4,812.45
Total	\$71,413.16

3. PRESENTATION:

Village Manager Zambrano announced that Village employees Martin Gariepy, John O'Brien, James Leon and Rudolph Fascianai have been awarded certificates from the New York Conference of Mayors in recognition of 25 plus years of public service with the Village of Croton on Hudson.

Mayor Wiegman and the Board congratulated them on this achievement and thanked them for their many years of dedicated service.

4. CORRESPONDENCE

- a. Letter from Patrick Calcutti, Chairman of the Croton Central Veteran's Committee, dated October 1, 2013 inviting the Village Board to the 2013 Veteran's Day Ceremony.
- b. Village Manager Zambrano read a letter he received this morning from the Yacht Club inviting Veterans, active military personnel and the community to a celebration at the Yacht Club immediately following the Veteran's Day ceremony. Village Manager Zambrano advised that Veteran's and active military personnel are free and \$10.00 fee will be charged for all other attendees.
- c. Letter from Linda Puglisi, Town Supervisor, Town of Cortlandt, dated September 27, 2013 advising that the Town will be holding a rally on Wednesday, October 2<sup>3rd</sup> at 4:00pm in front of the VA Hospital to oppose the demolition of five buildings at the F.D.R. V.A. Hospital.
- d. Letter from Douglas Elfner, Director of Office of Consumer Policy, dated September 19, 2013, advising that on October 9<sup>th</sup> and 10<sup>th</sup> the New York Public Service Commission will hold Public Hearings to seek comments on a proposal by Con-Edison to increase electric, gas and steam rates effective January 1, 2014.

Mayor Wiegman stated that the Public Service Commission has almost never declined these kinds of requests of behalf of Con-Edison and we should expect electric bills to go up approximately five and a half percent. Mayor Wiegman added that they are spending \$419.9 million to improve the wires and transformers that bring the power to our homes and that the delivery side of our electric bill is now larger than the supply side.

- e. Letter from Robert Hoch, Cablevision, dated September 19, 2013 advising of station programming changes.

Mayor Wiegman advised that he has expressed to Homeland Towers that the cell tower location that has been proposed does not have the support they would need from the Board and the residents for this particular location. Mayor Wiegman advised that representatives from Homeland Towers are here this evening and they will have the opportunity to address this during Citizen Participation on Non-Agenda Items.

## 5. CITIZEN PARTICIPATION-AGENDA ITEMS

Joel Gingold, 55 Nordica Drive, Croton on Hudson, asked if Mrs. Gouveia set a time limit when the Village has to give her an answer; what are the next steps after the Waterfront Advisory Committee responds back to the Board; will the Village prepare a cost benefit analysis; will this property also come off the School and County tax rolls as well and if not who will make up for those taxes; will the Village have general access to the northern portion of the property while Mrs. Gouveia is still living there; how do we know that there are no threatened or endangered species on the property; how does the Village plan to handle the increase in traffic; does the Village have to wait until Mrs. Gouveia no longer occupies the property to get to use the Trust money.

Trustee Gallelli said that Mrs. Gouveia has not specifically set a time limit for the Village to respond; this is a private offer and she has expectations of having an answer so that she can move on.

Village Attorney Staudt advised that after the Waterfront Advisory Committee makes a recommendation to the Village Board and, assuming the Board wants to advance to the next step, the Board would consider the question of whether to accept the gift and to make either a positive or negative SEQRA Determination. Mr. Staudt said that if the Board was to make a positive declaration then the Environmental Impact Statement process would ensue and that would be a multi-month process. Mr. Staudt added that if the Board were to make a Negative Declaration the matter would go back to the Waterfront Advisory Committee for a final recommendation and then back to the Village Board and the Village Board would then be in a position to make its own findings with respect to its impact on local waterfront development and whether it wished to accept the gift. Village Attorney Staudt stated that there are legal issues as to whether a taxing entity can arbitrarily decide not to grant exemptions. Mr. Staudt advised that the term sheet does not say that the Village would have no access to the balance of the property while Mrs. Gouveia lives in the house; it reads that her occupancy would have to be respected and it would have to be worked out. Mr. Staudt said that if Mrs. Gouveia vacates the property prior to her death the Village would then be able to access the Trust.

Mayor Wiegman stated that this property will come off the tax roll regardless of what the Village does because that is Mrs. Gouveia's wish and Mrs. Gouveia has another entity in mind which will also cause it to come off the tax rolls. Mayor Wiegman said that because of the change in grade from the road down to where her house is located and given the glass walls all around

her house Mrs. Gouveia is requesting to continue to have some privacy while she is on the premises.

Village Manager Zambrano advised that the DEC (Department of Environmental Conservation) has determined that there are no endangered species on the premises.

Trustee Gallelli stated that the Village never solicited this offer but having been given this offer it is incumbent upon the Village Board to consider it; while taxes has been a concern, it would amount to a loss of approximately \$14,000 from the Village tax roll or \$40,000 if you include Village, School and County taxes. Trustee Gallelli stated that we must keep in mind that whether or not we accept this property these taxes will be lost to us because it is Mrs. Gouveia's intention to make sure that this property is not developed commercially. Trustee Gallelli said that the issue of whether or not other entities can decline to grant tax-exempt status is a highly technical legal issue. Trustee Gallelli stated that if the Village does not accept this offer Mrs. Gouveia is planning on making this offer to a religious institution; this use would have another set of issues attached to this type of use and it is unlikely that the religious institution would turn the offer down; it is better that the Village has control of its destiny. Trustee Gallelli explained that the property is sixteen acres, a little more than the total land area at Croton Landing and while the Village has various other kinds of open spaces; river/water; nature/trails; activity related; ball parks and playgrounds this property consists of a different kind of open space; it has a large wooded tract, a large grassy tract, a pond and a well maintained house. Trustee Gallelli added that a Phase One Environmental Study was done of this property and the relatively minor issues that were identified have been corrected or are in the process of being corrected. Trustee Gallelli said that this offer includes a Trust Fund of one million dollars which will come to the Village when either Mrs. Gouveia is deceased or decides to leave the property. Trustee Gallelli advised that the Trust will be co-managed by two trustees; one of Mrs. Gouveia's choice and one the Village will choose. Trustee Gallelli advised that while the income would go to Mrs. Gouveia while she lives on the property she will also have the complete maintenance responsibility and costs for that period of time. Trustee Gallelli said that potential uses are passive low key music concerts, outdoor art and sculpture shows, picnicking; use of it would start with some walking trails leading to the promontory overlooking the Hudson River; the Village is not considering making any immediate changes that would incur the Village spending money on the property. Trustee Gallelli stated that eventually Mrs. Gouveia's house

would become available to the Village and as many of you know there have been many requests for space that the Village has been unable to grant. Trustee Gallelli stated that in 2004 the Village studied the possibility of a community center and determined that constructing such a center was beyond the Village's means but many of the uses that warrant a community center could be fulfilled at this property. Trustee Gallelli stated that the Recreation Department would be able to offer new opportunities; the building and the grounds will also have the potential to be rented out for small events such as parties, small weddings and business retreats which would be scheduled by our Recreation Department. Trustee Gallelli stated that while uses is a legitimate concern, predetermining uses is not always feasible or realistic; consider the brouhaha that surrounded the acquisition of Croton Landing which was \$1.2 million dollars for eight acres. Trustee Gallelli said that since the access to the Gouveia property would increase over time, we would have the luxury of "growing into it"; it is not a bad thing not to know precisely what it will be used for as long as the potential for uses is there as well as the need for those uses. Trustee Gallelli stated that given the small nature of its potential uses it would not be necessary to make major infrastructure improvements; cars can park on the grass and other non-impervious surfaces when the occasions are intermittent and the numbers relatively small; we have all been to outdoor events where some very nice bathroom facilities are brought in; this is a standard operating procedure and is not likely to be a factor in the early years of this acquisition as these uses will not occur right away and perhaps we can apply for grants to help with any needed changes. Trustee Gallelli stated that each of our parks and open spaces meet a different need and are used differently from large scale rock bands and movie nights; to playgrounds and fields; to boat launches and trails and this property has the potential for smaller events as it is a more serene space. Trustee Gallelli said that while we may not have all the answers now, and given the nature of the slow transition into full use of the property, it may take a few years to learn what the best uses may be. Trustee Gallelli said that she believes that several years down the road we will be faced with increasing requests for use of our facilities and this property would permit us to fulfill those future requests; building a new facility is not an option and believe that we will be kicking ourselves later for letting this opportunity pass and we won't have even saved ourselves any taxes.

Virginia Calcutti, 19 Hunter Place, Croton on Hudson, stated that she is concerned about the cost to put in fences, roads and septic.

Roseann Schuyler, Olcott Avenue, Croton on Hudson, said that she is disappointed that the Village is moving ahead on the acquisition of the Gouveia property; there has been no accounting of costs that will be incurred by the Village and we do not know if this is really a good idea for Village taxpayers. Ms. Schuyler said that how are people going to access the property, what type of signage is needed and what are the costs for the ongoing maintenance of the property. Ms. Schuyler referred to a person living in a recreation vehicle on the property which is in violation of the Building Code and is concerned that the costs for removing those violations will fall on the Village taxpayers. Ms. Schuyler said that she objects to letting Mrs. Gouveia live tax free and believes that is a use of public resources for a private purpose in violation of the New York State Constitution.

Andy Levitt, 6 Cedar Lane, Croton on Hudson and member of the Zoning Board, stated that he is confused with the question of taxes; when the Village receives the property isn't it going to be considered municipal property; if the Town and School District doesn't have the option of taxing our Municipal Building why would they have the option to tax or not tax this property. Mr. Levitt said that he is undecided on this issue and is not offended by the prospect of people donating land for public use and while he is somewhat concerned with what we are going to do with the property and costs associated with that he is more concerned with what could happen if we don't get the property and it goes to someone else. Mr. Levitt said that residents might be able to develop a more informed opinion as to the potential benefits of the property if a video was made.

Village Manager Zambrano advised that the only tax that the Village pays on Municipal property is the County Sewer Tax.

Pat Moran, 49 Penfield Avenue, Croton on Hudson, asked if the Village will seek property taxes from Mrs. Gouveia if she still lives there as we do with the portion of property that the Asbury Methodist Church owns but rents out for commercial use and is not used for religious purposes.

Village Attorney Staudt said that this is a very tricky question, a most recent case would favor granting an exemption but there is a fine line between the exempt use and a non-exempt use.

Dan Chesnard, 64 Farrington Road, Croton on Hudson, stated that he is concerned that the Village cannot do anything with the property until Mrs. Gouveia vacates it. Mr. Chesnard asked if the Department of Environmental Conservation has gotten involved since there is a stream on the property and

will the New York State Department of Transportation get involved as well because the entrance is on a State Road. Mr. Chesnard stated that the term sheet is very vague on the use of portions of the property and does not see any advantage of taking this property. Mr. Chesnard asked if residents will have input during the SEQRA process.

Village Attorney Staudt said that he is not aware that the Department of Environmental Conservation or the New York State Department of Transportation would be involved; they would only be involved if they had to grant permits for the Village to accept this gift and this is not the case.

Bob Wintermeier, 43 Radnor Avenue, Croton on Hudson, stated that a prior study was prepared which describes some of the issues with this property that the Village should look at. Mr. Wintermeier said that he has spoken with Town Supervisor Linda Puglisi and the Tax Assessor and both of them said that they have no plans to grant any exemptions to the Gouveia property at this time. Mr. Wintermeier said that he is concerned with taking this property off the tax roll and having to spend more money on the EAF and CAF process. Mr. Wintermeier also added that this is a dangerous intersection and there is minimal parking available. Mr. Wintermeier said that if Mrs. Gouveia gives this to a religious organization and she still lives on the property he believes that she would still be responsible for paying the taxes.

Village Attorney Staudt explained that there are no absolutes when determining if a property will be granted tax-exempt status; when someone donates property to a religious organization and the owner retains some occupancy rights it still can be tax exempt but there are specific rules that have to be applied before a decision is made.

Brian Pugh, 15 Alexander Lane, Croton on Hudson, asked what would be the consequences if the property was given to a religious organization.

Trustee Raskob advised that if you donate property to a religious corporation they have more rights than anyone else and there are many examples of this when you look at what has happened in other areas when religious corporations have taken over properties. Trustee Raskob referred to an article in the New York State Lawyers Magazine where they talk about what happened over in Rockland County and the problems that municipalities have had. Trustee Raskob said that he does not love this piece of property and would rather have seen them build three big houses on the property so that the Village could assess the property for the maximum amount for new

construction. Trustee Raskob stated that Mrs. Gouveia has the right to convey her property to a charitable organization and we cannot stop her; we can all sit here and choose what organization we don't like and which one we would like to see her give this property to but in the end we have no control over this.

Kevin McClone, 2 Stephenson Place, Croton on Hudson, stated that the Village owns the Yacht Club and because the Village leases the property it does pay taxes on it.

Mayor Wiegman advised that the Yacht Club parcel is owned by the Village and leased to the Yacht Club for marine purposes and is exempt from Village taxes but the Yacht Club does continue to pay School and Town taxes.

Gary Eisinger, 210 Cleveland Drive, Croton on Hudson, asked what the impact would be on the average homeowner if the property comes off the tax rolls

Trustee Murtaugh stated that there is a minimal impact to Croton taxpayers.

Mayor Wiegman also advised that the Trust could potentially earn \$60,000 a year for the Village.

#### RESOLUTIONS:

a. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE MURTAUGH, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 4-1 vote, Trustee Davis voting Nay.

WHEREAS, the Village has been offered a gift of property owned by Laurel Gouveia and located at 1300 Albany Post Road; and

WHEREAS, written terms of such offer were transmitted to the Village on September 19, 2013 (the "Term Sheet"); and

WHEREAS, the Village Board is considering taking an action to accept the gift of the property located at 1300 Albany Post Road from Laurel Gouveia in accordance with terms of the Term Sheet (the "Proposed Action"); and

WHEREAS, the Village has caused Parts 1 and 2 of an Environmental Assessment Form (the "EAF") to be drafted in connection with the Proposed Action; and

WHEREAS, the Village has caused a Coastal Assessment Form (the "CAF") to be drafted in connection with the Proposed Action,

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 the 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 CAF which it has before it in connection with the Proposed Action.
6. The Village Board hereby refers the Term Sheet, the EAF and the CAF to the Village Waterfront Advisory Committee for a recommendation back to the Village Board in accordance with Village Law.
7. The Village Board hereby refers the Term Sheet, the EAF and the CAF to any interested agencies in accordance with Village Law.

DISCUSSIONS:

Trustee Davis stated that he does not support going through the SEQRA process on this proposed gift of property at this time because he does not believe that Mrs. Gouveia's current term sheet is worth the Board's conversation and there are questions that need to be addressed; what is the plan, how much will it cost and is it worth it; what recourse do we have if the property turns out to be a bad investment; why should Mrs. Gouveia live on the property and not pay taxes on it and why are we moving ahead with this process when Mrs. Gouveia still has buildings on her property that don't conform to local zoning codes. Trustee Davis said that when he ran for Trustee last year residents told him that they were concerned about this proposal and residents felt that they were not being listened to. Trustee Davis stated that there are times when we as a Board vote on issues even when people may disagree but we are usually able to present overwhelming evidence that those votes are in the best interest of the public. Trustee Davis stated that he does not believe that such evidence exists on this issue and urged the Board to vote no on going into the SEQRA process on the proposed acquisition of this property.

Trustee Gallelli stated that she has already made her statement earlier this evening; she has attempted to address many of the questions and feels that the Board should move forward and it would be negligent if we did not move forward on this process.

Trustee Raskob said that he believes the word process is the important word here because while he has some serious misgivings about this proposal, going through the SEQRA process is not accepting the deal and we as a Board cannot consider this proposal without going through this process.

Mayor Wiegman stated that we do not go into SEQRA lightly because it involves completing many forms and on a number of occasions the SEQRA process has substantially altered an application before the Village and that is why it exists. Mayor Wiegman stated that there have been significant questions raised and there are some areas that lack clarity that need to be addressed and will be addressed through this process.

Trustee Davis asked what is the benefit of going into SEQRA rather than waiting to get an answer to those questions.

Mayor Wiegman stated that many questions have already come out through this process but had we not begun this process the public would not have weighed in and this is the way government works. Mayor Wiegman advised that the Village has managed to work successfully in the past with gifts for public use of previously privately held parcels; the Jane E. Lytle Arboretum which was a very involved process with multiple players and the Croton Landing parcel which was a very complicated process as well and took approximately thirteen years to complete involving, along with the Village of Croton, three State agencies and three to four County agencies. Mayor Wiegman stated that when the Village concluded its terms to acquire its half of the then Octaviano family property it did a public outreach and he recalls filling out a survey questionnaire which later coincided with the Village's Comprehensive Plan process. Mayor Wiegman said that without presenting the documentation that we need for SEQRA there aren't any facts on the docket for the public to consider.

Trustee Raskob said that we have heard from a lot of people on this issue and everyone will continue to have the opportunity to be heard on this issue.

Trustee Murtaugh stated that he would like to have the opportunity to delve into more questions

b. On motion of TRUSTEE RASKOB, seconded by TRUSTEE DAVIS, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0 vote.

WHEREAS; the Village is in the fifth year of a grant from the U.S. Department of Health Human Service and Substance Abuse and Mental Health Services Administration under the Drug Free Community Support Program; and

WHEREAS, Student Assistance Services Corporation will be providing services as part of the grant program; and

WHEREAS, the local grant program is known as the Coalition Against Alcohol and Drug Abuse and consists of representatives from 12 sectors of the community; and

WHEREAS, Student Assistance Services Corporation has provided a contract for the services this agency will provide to the Village under the grant program; and

WHEREAS, the contract costs will not exceed \$16,926.00 of which the entire amount will be reimbursed under the grant program,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to execute the contract with Student Assistance Services Corporation for an amount not to exceed \$16,926.00.

c. On motion of TRUSTEE RASKOB, seconded by TRUSTEE GALELLI, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0 vote.

On motion of TRUSTEE RASKOB, seconded by TRUSTEE DAVIS, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0 vote.

WHEREAS, the Village of Croton wishes to obtain the assistance of First Niagara Benefits Consulting with the implementation of Health Care Reform(HCR) requirements; and

WHEREAS, First Niagara Benefits Consulting will provide legislative updates, assistance with drafting HCR policies and procedures, employee tracking information and service, employer mandate notices and requirements, comprehensive analysis and financial impact projections, and assist with HCR questions and concerns; and

WHEREAS, the consultant fee is \$10,000 for one year payable in quarterly installments; and

WHEREAS, representatives from First Niagara Benefits Consulting came to a work session of September 30, 2013 and met with the Village Board of Trustees,

NOW THEREFORE BE IT RESOLVED: the Village Board of Trustees authorizes the Village Manager to sign the agreement with First Niagara Benefits Consulting in the amount of \$10,000 for the implementation of Health Care Reform requirements.

DISCUSSIONS:

Trustee Raskob stated that this is a wise investment that will assist the Village in navigating the very lengthy Affordable Care Act.

d. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE DAVIS, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0 vote.

BE IT RESOLVED: that the Village Board of Trustees of the Village of Croton on Hudson approves participation by the Village of Croton on Hudson Volunteer Fire Department in the Westchester County Fire Mutual Aid Plan as now in effect and as amended from time to time and certifies to Westchester County, through its Commissioner of Emergency Services, that no restriction exists against "outside services" by such fire company fire department within the meaning of Section 209 of the General Municipal Law which would affect the power of such fire company/fire department to participate in such plan.

AND BE IT FURTHER RESOLVED: that a copy of this resolution be filed with the Westchester County Commissioner of Emergency Services.

DISCUSSIONS

Trustee Raskob stated that this is one example of ways we try to save money.

e. On motion of TRUSTEE MURTAUGH, seconded by TRUSTEE RASKOB the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0 vote.

WHEREAS, Hurricane Sandy inflicted unprecedented damage in many areas of New York State, and

WHEREAS, in response to that devastation, the State has committed to assist local governments become stronger and more sustainable communities; and

WHEREAS, the New York State Office of Emergency Management has made available Federal Emergency Management Agency (FEMA) Hazard Mitigation Grants associated with the Presidential Disaster Declaration DR-4085 (Hurricane Sandy); and

WHEREAS, the Village wishes to take advantage and apply for a grant through the New York State Office of Emergency Management Hazard Mitigation Grant Program; and

WHEREAS, On August 1, 2013 a letter of intent was filed with the NYS Office of Emergency Management for the purpose of applying for a grant to purchase and install a generator at the Washington Engine Firehouse; and

NOW THEREFORE BE IT RESOLVED: that the Board of Trustees of the Village of Croton-on-Hudson hereby authorizes the Village Manager to apply for a grant through the New York State Office of Emergency Management Hazard Mitigation Grant Program to purchase and install a generator at the Washington Engine Firehouse

#### DISCUSSIONS

Trustee Gallelli asked if the generator that we intent to purchase is a gas generator.

Village Manager Zambrano responded by saying that it is a gas powered generator. Mr. Zambrano stated that Croton's grant is one of the grants that are being considered by New York State; much of the work will be done by Village staff and that amount including all the work that the administrative staff have already done will go towards the twenty-percent that the Village is required to contribute.

Trustee Raskob said that this has been an item that has frequently come up during budget work sessions and this is high on the Fire Department's wish list.

#### CITIZEN PARTICPATION-NON AGENDA ITEMS

Vincent Xavier of Homeland Towers stated that he is bewildered that the Village has decided not to move forward with the cell tower proposal even before the

Board had the opportunity to get more details and believes that this project is still worth considering further. Mr. Xavier stated that Homeland Towers is disappointed that they did not get the opportunity to perform a balloon test that would have given the community a better idea of what this would have looked like. Mr. Xavier explained that their proposal had recently been modified reducing the maximum height of the tower from one-hundred and fifty feet to one-hundred and ten feet as well as scaling back the size of the fenced-in base of the facility as well as installing ten foot trees around the facility that would have helped to screen it. Mr. Xavier stated that the Police Department will need this tower if they still plan to install computers in their vehicles and the School Board has also expressed concern from a public safety aspect. Mr. Xavier also added that both Verizon and AT&T are very interested in this site because there is a need here.

Manuel Vicente President and founder of Homeland Towers said that he is disappointed that they are not getting the opportunity of going further in their due diligence to see what we are really talking about at this site. Mr. Vicente stated that Croton has an issue with coverage and Homeland Towers would like to have the opportunity to discuss this further. Mr. Vicente stated that his company specializes in siting these facilities in residential areas and what is lacking here in Croton is residential coverage. Mr. Vicente said that he would like to have the opportunity to work with the Village Board and the community and to investigate this further.

Ellen Siracusa, Teatown Road, Croton on Hudson and member of the Croton Advisory Council read a letter written by Jan Johnson registering the committee's protest against the proposed Cell Tower. Ms. Siracusa said that she is aware that we need to improve communications for the schools but there are other alternatives that should be looked at.

Jen Pifer, 99 Old Post Road, Croton on Hudson stated that as a homeowner, a parent and a CAC member she is opposed to Homeland Towers' proposal. Ms. Pifer said that she thinks that it is probably not by accident that Cleveland Drive and the Silver Lake trail is not on the map and it really takes a lot of time to try to find out exactly where this tower is being proposed. Ms. Pifer stated that she would most likely see the tower from her house and this is one of the few green areas we have left in Croton and protecting our stormwater is important as well. Ms. Pifer said that the property was designated a PRE Zone not designated for cell towers.

Gary Eisinger, 210 Cleveland Drive, Croton on Hudson, stated that special permits in PRE Zones require information necessary to demonstrate that the proposed activity is not adverse to the general health, safety, economic and general welfare of the residents of the Village and it seems bazaar to him that anyone could rationally say that this doesn't have a dramatic impact on the economic and general welfare of the residents of the Village. Mr. Eisinger stated that the perception of safety is huge and the people buying a house in the area around the cell tower are going to be very concerned with the safety issue and this will have a dramatic impact on the economic effects whether or not it is or is not actually going to cause leukemia in the children that go to the elementary school. Mr. Eisinger advised that two hundred sixty people have signed a statement against the tower and suggested that we look at other areas. Mr. Eisinger stated that Homeland Towers said tonight that they are bewildered by the community backlash against the towers; he is bewildered by this proposal to place a tower that is one hundred and fifty feet tall, five hundred feet from an elementary school and in the Croton Gorge Trail. Mr. Eisinger stated that Superintendent of Schools Dr. Edward Fuhrman did not say that the district needs cell service, he said that the district needs communications that will replace Nextel and at the meeting Dr. Fuhrman agreed that he will look to speak with consultants to explore different communication options. Mr. Eisinger said that it is not too early to end this process; it is time to say that this is not a good idea.

Joseph Biber, 204 Cleveland Drive, Croton on Hudson, stated that if Homeland Towers is still bewildered he can direct them to the last Board meeting where twelve speakers spoke in opposition to the tower and to the petition that was started by residents on "Change.Org" where as of this morning two hundred and fifty six individuals have signed voicing their opposition to this proposal as well as articles that have been written in the local Gazette newspaper. Mr. Biber advised that a letter was also sent to the Village from Scenic Hudson on October 1, 2013 putting the Village on notice that they are concerned as an organization about the potential negative impacts of the proposed cell tower in the Croton River Gorge. Mr. Biber stated that he appreciates that the Board has come to the conclusion that this proposal should not proceed any further.

Carrie Andrews, 20 Hunter Place, Croton on Hudson, stated that she supports what has been said this evening; she has great concerns about the environmental impacts and once we construct this something sacred and beautiful is lost forever.

Virginia Calcutti, 19 Hunter Place, Croton on Hudson, stated that she is against putting a cell tower over at CET.

Bob Wintermeier, 43 Radnor Avenue, Croton on Hudson, stated that he is averse to proceeding with the SEQRA process for the Gouveia property. Mr. Wintermeier said that he is happy that the Village is spending the money for a consultant to work with Village staff on the new Health Care Program.

Steve Samuels, 202 Cleveland Drive, Croton on Hudson, applauded the Board for coming to the conclusion that moving ahead with the cell tower proposal is not the right way to go. Mr. Samuels said that the PRE Zone should have precluded this discussion; the negative visual impact cannot be mitigated by ten foot trees.

Manuel Vicente of Homeland Towers said that the statements made about visual impacts and other impacts were made without fully investigating them. Mr. Vicente said that this issue does not go away and it should not be a joke forever that Croton does not have cell phone service. Mr. Vicente stated that if this isn't the right location Homeland Towers would like to continue to work with the Board and community to figure out where is the right location to resolve this problem. Mr. Vicente stated that there are other technologies but they do not work in these environments and if they did Homeland Towers would have proposed them. Mr. Vicente said that this Board has heard the community and respects their decision but as a community you must think about safety, economic viability; people working from home; people keeping track of their children and just being able to have the convenience of cell phone service. Mr. Vicente said that Homeland Towers would like to come up with a way to solve this problem but stressed that if they can't the industry which has Federal Communications Commission Regulations as well as court rulings on its side when it comes to site selection for cellular antennae will, at some point in the future, come up with a remedy and that remedy may not be the solution anybody likes.

Jen Pifer, 99 Old Post Road, Croton on Hudson asked what the next steps are.

Mayor Wiegman stated that he had a conversation with Village Manager Zambrano and advised him that from what he heard from other Board members there was insufficient support for pursuing this particular location for the cell tower and had asked Mr. Zambrano to communicate that to Homeland Towers.

John O'Connor, 115 Old Post Road North, Croton on Hudson, stated while he is not stating that he is in favor of a cell tower in this location he is in favor with

moving forward with the process. Mr. O'Connor said that there have been incidents in that area where emergency personnel needed to be called and he was unable to do so because there was no cell service and we should look at other alternate locations. Mr. O'Connor state that there are no medical scientific studies that he knows of that these towers cause cancer; if there is he would like to see that published in the local Gazette.

Gary Eisinger, 210 Cleveland Drive, Croton on Hudson, stated that he felt Homeland Towers was almost threatening in the way they were describing if we do not go with one of their proposals that something else will happen and encouraged the Board to look at other technologies and other consultants to provide a better alternative.

Mayor Wiegman stated that what Homeland Towers was essentially referring to is the Federal Communications Commission's Rules and Regulations with respect to coverage and placement of cell towers and how their rules can preempt local statutes.

#### APPROVAL OF MINUTES

Trustee Davis made a motion to approve the minutes as amended of the Regular Meeting held on September 23, 2013. Trustee Raskob seconded the motion. The Board approved with a vote of 5-0.

#### 6. REPORTS

*Village Manager Zambrano* advised that a meeting was held with Dick Nagle and our "first responders" (Police Department, Fire Department and EMS) to discuss a program that our Police Department is working on to retain a data base of residents with "special needs". Mr. Zambrano advised that a form will be mailed to all residents and posted on the Village's web site encouraging residents with "special needs" to sign up for this program.

Village Manager Zambrano advised that Westchester County will be offering free "Flu Shots" to County residents on Thursday, October 10<sup>th</sup> from 2:00pm-6:00pm, at the Westchester County Center in White Plains.

Village Treasurer Bullock thanked the Board for approving the resolution to hire First Niagara Benefits Consulting to assist them with the implementation of the new Health Care Reform requirements.

*Trustee Davis* advised that the Board has been swamped with e-mails regarding the cell tower issue and thanked the community for their participation. Trustee Davis said that the residents set up a petition on Change.org and felt that it was a very effective lobbying tool and the Board has definitely heard the community. Trustee Davis said that we also received a lot of correspondence and would have liked some of that correspondence read at our meeting as well. Trustee Davis stated that he would also like to improve the way we communicate to the community and proposed that we televise our work sessions as well as our Budget work sessions.

*Trustee Davis* advised that that he attended the Rotary Car Show last weekend; it was a great community event.

Trustee Davis advised that on Saturday, October 19<sup>th</sup>, from 9:00am-11:00am the "Annual Daffodil Day" will be held at Vassallo Park.

*Trustee Raskob* stated that one of the steadiest complaints that we hear from a lot of different people in our community is "how come we can't get cell service in Croton". Trustee Raskob stated that everyone was overjoyed when they suddenly got five bars on their cell phones after Homeland Towers successfully built the cell tower at the train station and, not having some evil plan afoot, the Board had a conversation with Homeland Towers about improving service in other areas of Croton. Trustee Raskob stated that Mr. Biber orchestrated a campaign by calling neighbors and filling the Board's in-box's with spam and suddenly we went from trying to get people cell service to flat topping hills, irradiating children with energy and putting a cell tower four hundred feet from Mr. Biber's property line and the hysteria just took off. Trustee Raskob stated that this was not what we were doing and all the Board did was just to have a conversation with an existing vendor. Trustee Raskob said that this community knows better, everyone has seen this process enough times to know that it takes forever to do anything in government; nothing is done quickly and nothing is ever decided quickly. Trustee Raskob stated that for those that have a wireless router in their homes or one of those little-helpers for your cell phone signal your field strength is higher than what a cell tower would be several hundred feet away, but if people do not want it we can just say no.

Trustee Raskob stated that he voted yes to refer the Gouveia proposal for further discussion not because he is sold on this proposal but because it is important to go through the process. Trustee Raskob stated that this property is not contiguous to other parkland; it is not part of the monopoly play-board here in Croton; it is divisive and has created more trouble than anything else. Trustee

Raskob stated that he would have preferred that this property be subdivided and sold off and assessed at full market value but that is not Mrs. Gouveia's intent; she has expressed her desire that this property be donated and this is what is going to happen whether or not the Village accepts the offer. Trustee Raskob stated that if this happens he is concerned that the Board will be forced to make harder decisions and any decision that he may make with respect to the Gouveia property is motivated by fear of who will take this property if the Village does not.

*Trustee Gallelli* stated that she differs from Trustee Raskob in that she believes that the Gouveia offer is a very positive thing and will be very good for the Village in the long run. Trustee Gallelli stated that there is a lot of merit to the concerns about the possibility of the property going to a religious institution because there are Federal laws that allow religious institutions to overturn a local community's zoning regulations that would ordinarily apply. Trustee Gallelli said that we are working with a generalized term sheet and the issues that have been raised this evening and at the last meeting will all have to be worked out in detail.

*Trustee Gallelli* reminded everyone that the "Harry Chapin Run against Hunger" event will be held on Sunday, October 20<sup>th</sup>.

Trustee Gallelli advised that a Veteran's Day lunch will be held at the Croton Yacht Club following the Veteran's Day ceremony; it is free for all Veterans and active military personnel; there is a \$10.00 fee for all other attendees with the proceeds going to the VFW Post.

Trustee Gallelli congratulated the four Croton employees who have dedicated twenty-five plus years of service; they have all worked very hard for the Village and we are the beneficiaries of their service.

*Trustee Murtaugh* thanked the community for their input on both the Gouveia property and cell tower issue and particularly commended Mr. John O'Connell for stepping up and asking the Village Board to continue to consider the viability of the cell tower proposal. Trustee Murtaugh stated that he is undecided but does not want hysteria to push the Board to react incorrectly; the Board should continue to do the due diligence that we are required to do before we make a final decision.

*Mayor Wiegman* reminded everyone that tomorrow evening at the Croton Free Library there will be a special session with the "Energy Coach" from 7:00-9:00pm. Mayor Wiegman advised that this program is to assist local homeowners who are taking advantage of this program that helps to lower energy costs. Mayor Wiegman advised that the program is off to a good start; fifty-six residents have

applied for the free home energy audit, twenty-eight residents have had their audits completed and twenty residents have had their upgrades completed as well.

*Mayor Wiegman* advised, at the recommendation of the Board's liaison to the Visual Environmental Board and the Chair he would like to appoint Mayla Hsu of 50 Morningside Drive to this Board; Ms. Hsu is a science writer and a relatively new comer to the Village.

*Mayor Wiegman* extended Happy Birthday wishes to his father Joseph Bernhard Johannes Wiegman and wished him a Happy 84<sup>th</sup> Birthday.

There being no further business to come before the Board, Trustee Murtuagh made a motion to adjourn the meeting. Trustee Raskob seconded the motion; approved 5-0. The meeting was adjourned at 11:20pm

Respectfully submitted

Judy Weintraub, Board Secretary

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Paula DiSanto, Village Clerk