

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, October 21, 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 Whitehead	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 Raskob made a motion to approve the following Fiscal Year 2013-2014 vouchers. The motion was seconded by Trustee Davis and approved unanimously with a vote of 5-0.

General Fund	\$92,446.76
Water Fund	\$ 1,121.41
Sewer Fund	\$ 63.47
Capital Fund	\$ 4,566.37
Trust Fund	\$ 1,611.00
Total	\$99,809.01

3. PRESENTATION: None

4. CORRESPONDENCE

- a. Letter from Charlie Kane, Chair of the Waterfront Advisory Committee dated October 18, 2013 regarding the gift proposal of the Gouveia parcel located at 1300 Albany Post Road

Mayor Wiegman thanked the Waterfront Advisory Committee for taking the time to review the Gouveia proposal. Mayor Wiegman advised that at the Village Board's upcoming October 28, 2013 Work Session the Board will begin a discussion of the Determination of Significance under the State Environmental Quality Review Act and will begin to review the findings of the Waterfront Advisory Committee as well as a number of other documents that

the Board has been collecting. Mayor Wiegman advised that over the past two years the Board has been in the process of putting together a Cost Benefit Analysis with respect to this property; the document is being updated to the extent that Mrs. Gouveia has continued to make certain improvements to her property that are not reflected in the current Analysis.

5. CITIZEN PARTICIPATION-AGENDA ITEMS

Dan Chesnard, 64 Farrington Road, Croton on Hudson, stated that the Village has very nice parks already but if Mrs. Gouveia would like to leave her property to the Village she should do it in a Will; it would be wrong for the Village to continue to pay the taxes on her property while she is still living there. Mr. Chesnard stated that the threat or insinuation that she would give it to another non-profit organization does not hold much water; the Village currently has five non-profit organizations; three churches, one synagogue, and the Van Cortlandt Manor which have all contributed a lot to our Village. Mr. Chesnard stated that he felt that the term sheet is wrong and that the liabilities are too high.

Dan Chesnard congratulated those involved with the Harry Chapin Run for Hunger; it was a huge success and they should all be commended for their hard work.

Virginia Calcutti, 19 Hunter Place, Croton on Hudson, stated that the "out-buildings" on the Gouveia property are illegal and is concerned with the costs associated with removing those structures. Ms. Calcutti asked where will people park; is the Village responsible for creating the trails, how much will the liability insurance cost, who will patrol the property; what benefits will the residents get from this property; why wouldn't the Village get the interest on the one million dollars and what is wrong with having another religious group in the Village. Ms. Calcutti stated that the Village has other expenses; we need a new DPW facility as well as work that must be done on Village Hall. Ms. Calcutti read a report by Tri-State dated September 21, 2011 detailing some issues with respect to the Gouveia property.

Trustee Gallelli advised that almost all of the issues detailed in the September 21, 2011 Tri-State report have been addressed and taken care of.

Joel Gingold, 55 Nordica Drive, Croton on Hudson, asked if the Cost Benefit Analysis will include the costs for developing the property. Mr. Gingold

stated that at the last couple of meetings a number of questions were raised about making this property tax-exempt and asked what the status is and would the Village need a more detailed contract with Mrs. Gouveia

Mayor Wiegman stated that the Staff is working on the Cost Benefit Analysis and it will be something that we hope to begin to review at our Work Session next Monday.

Village Attorney Whitehead advised that her firm is researching the tax-exempt issue; it is a very fact-based issue as to what rights Mrs. Gouveia has and whether that leads to the property being taxable or tax-exempt based on her occupancy. Village Attorney Whitehead advised that there will have to be, at some point, a more detailed contract but at this point the Board first needs to make a decision about whether they want to go forward based on the basic terms that have been offered or if they want to counter on the terms or just decide it is not something they want to go ahead with.

Roseann Schuyler, Olcott Avenue, Croton on Hudson, asked if a written legal opinion regarding the question of whether or not this property can receive tax exempt status while Mrs. Gouveia lives there is going to be prepared for the Board. Ms. Schuyler stated that the issue of tax-exemption is the public's main sticking point and that she has a hard time believing that the terms as proposed would actually lead to a tax-exemption. Ms. Schuyler asked if the Board knew what religious organization Mrs. Gouveia was speaking with.

Village Attorney Whitehead stated that the tax-exempt issue is certainly a major issue that needs to be part of the discussion and part of the negotiations if and when the Board gets to that point.

Mayor Wiegman stated that the Board does not know what religious organization Mrs. Gouveia is interested in giving her property to. Mayor Wiegman stated that her first choice is to give her property to the Village for park, recreation and educational use but if the Village declines she has said that she has a religious institution as her second choice.

Andy Levitt, 6 Cedar Lane, Croton on Hudson, said that by focusing on the tax-exempt issue we are losing the big picture which is whether or not this is property that the Village wants, will it be good for the Village and be a long term benefit to the residents. Mr. Levitt said that he would have preferred that she had "willed" it to the Village and we didn't have to deal with this issue but this is the hand that the Village was dealt. Mr. Levitt referred to a

similar situation in Verplank where property along the river within the Town of Cortlandt was donated to the Town and the person lived on the property for approximately ten-fifteen years tax free and now the property is a great benefit to the community.

Trustee Davis advised that this particular property was in the center of Verplank; the property also included in the agreement that the people who lived in the trailer park on that property would get to live there for ten years after the property owner passed away.

Leslie Pollak, 1028 Quaker Bridge Road East, Croton on Hudson, asked if the Village's legal firm has a Real Estate or Trust and Estate Attorney on staff that has experience with handling this kind of situation. Ms. Pollack asked why are we moving forward if we do not know what we are doing with the property; how do you tell residents that we will be losing \$26,000 of school taxes without being able to tell us what this property is going to be used for. Ms. Pollack asked if the money is going to be put into an Irrevocable Trust.

Village Attorney Whitehead advised that their firm has experience in both areas as well as Municipal Law. Village Attorney Whitehead stated that the proposal indicates that the money will go into an Irrevocable Trust at the time that the deed is given to the Village.

Mayor Wiegman stated that the Village Board has been fairly clear that this property would become and remain open space with the exception of the structure that is currently there; it is almost sixteen acres, half of it is wooded and the other half has open arboretum like lawns with a natural sort of amphitheater for small outdoor concerts; it includes a pond and potential uses are for passive recreation, hiking and environmental education for small groups.

Dan Chesnard, 42 Farrington Road, Croton on Hudson, stated that he understands that this was passed onto the Waterfront Advisory Committee to see if this property would pass the Waterfront Revitalization Program review but this property is not waterfront property; it is separated by a four lane highway and Metro-North Railroad. Mr. Chesnard said that he also believes that it is a conflict of interest that two Trustees on the Village Board are also on the Waterfront Advisory Committee.

Trustee Gallelli stated that as per State Law the Waterfront Advisory Committee must consist of five members and those members must be from

the Village Board, the Planning Commission and the Water Control Commission.

Trustee Murtaugh advised that both he and Trustee Gallelli serve on the Waterfront Advisory Committee. Trustee Murtaugh stated that the Waterfront Advisory Committee is obligated by State Law to review and answer many questions and policies and the fact that Trustee Gallelli and he sit on this Committee along with a Planning Commission member and two members from the Waterfront Control Commission is out of their control and mandated by State Law.

Trustee Gallelli advised that Croton's Local Waterfront Revitalization Program is the local level of what is basically a Federal Coastal Zone Management Program. Trustee Gallelli advised that in every case where you have a Local Waterfront Revitalization Program a boundary is determined where the Coastal Zone is for that particular locality. Trustee Gallelli stated that in the case of Croton the entire Village is in the Coastal Zone and anything that is an Unlisted or Type I Action regardless of where it is located in the Village is going to be looked at by the Waterfront Advisory Committee.

Mayor Wiegman stated that many larger municipalities do not place their entire municipality within the Waterfront Coastal Zone. Mayor Wiegman said that because we have steep slopes that drain into our rivers and the potential effect on the rivers and the community all of Croton was put into Croton's Coastal Zone. Mayor Wiegman stated that one of the benefits of having done this came up approximately twelve years ago when Croton was faced with the Millennium Pipe Line proposal. Mayor Wiegman stated that this proposal would have brought a gas pipeline across Haverstraw Bay and ran along Route 9 in Croton. Mayor Wiegman stated that because the entire Village was put in the Coastal Zone, Croton had the benefit of being backed by the Federal Coastal Zone Management Act which essentially raised serious questions about the Environmental Impact Statement that the Pipeline developer had prepared and as such Croton was able to use Federal Law to fight that plan. Mayor Wiegman stated that had the Village's Coastal Zone only been the first one-hundred and fifty feet from the River that pipeline project would have been too far away from that Coastal Zone and we would not have been able to claim as much relevance but because we had this behind us we were able to fight the pipeline proposal.

RESOLUTIONS:

a. On motion of TRUSTEE DAVIS, 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, the High Street drainage improvement project resulted in the need for a drainage easement at 1 Mount Green Road; and

WHEREAS, this property is owned by the Institutes of Applied Human Dynamics, Inc. who have agreed to the easement; and

WHEREAS, the easement will provide legal access to the improvements on the property; and

WHEREAS, the Village Attorney has prepared the easement which has been reviewed by the Village Manager and the property owner,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to sign the drainage easement located at 1 Mount Green Road, subject to final review by the Village Attorney,

AND BE IT FURTHER RESOLVED: that the Village Board hereby directs the village staff to file the easement with the Westchester County Clerk's office.

DISCUSSIONS: None

b. 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.

On motion of TRUSTEE GALLELLI, seconded by TRUSTEE DAVIS, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the High Street drainage improvement project resulted in the need for a drainage easement at 14 Hillside Avenue; and

WHEREAS, this property is owned by Jeffrey Abrandt who has agreed to the easement; and

WHEREAS, the easement will provide legal access to the improvements on the property; and

WHEREAS, the Village Attorney has prepared the easement which has been reviewed by the Village Manager and the property owner, and

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to sign the drainage easement located at 14 Hillside Avenue, subject to final review by the Village Attorney,

AND BE IT FURTHER RESOLVED: that the Village Board hereby directs the village staff to file the easement with the Westchester County Clerk's office.

DISCUSSIONS: None

c. On motion of TRUSTEE RASKOB, 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 5-0 vote.

On motion of TRUSTEE RASKOB, seconded by TRUSTEE MURTAUGH, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the outside auditors have completed their review of the 2012/13 fiscal year end and the Treasurer recommends the following budget transfers as detailed in the attached schedules;

NOW THEREFORE be it resolved that the Village Treasurer is authorized to make the following budget transfer to the 2012/13 General Fund and Water Fund budgets as follows:

GENERAL FUND

INCREASE

Dept	Item	Description	Amount
A3410	8000	FSA	6,456
A9010	8000	NYS ERS	28,576
A9015	8000	NYS PRS	56,485
Total Increases			\$ 91,517

DECREASE

A1650	4400	Central Comm.- energy	30,285
A1940	4000	Purchase of land	8,700
A3120	1000	Police – personl	8,301
A3120	1210	Police – o/t invest	1,081
A3120	4000	Police – contractual	4,856
A3120	4260	Police – uniforms	2,978
A3120	4710	Police – vehicle repairs	1,340
A3410	8030	Fire – wrks. Comp.	8,700
A4540	4100	Ambulance – inspection	2,100
A5650	4200	Off Street Prkg. – supplies	7,072
A7180	4700	Spec. Rec. Facilities- equip repair	6,012
A9060	8010	Medical Insurance	10,092

Total Decreases**\$91,517****WATER FUND****INCREASE**

Dept	Item	Description	Amount
F9010	8000	NYS ERS	3,595
Total Increases			\$ 3,595

DECREASE

F8310	2000	Wtr. Adm. – equipment	3,595
Total Decreases			\$ 3,595

DISCUSSIONS: None

CITIZEN PARTICPATION-NON AGENDA ITEMS – None

APPROVAL OF MINUTES

Trustee Raskob made a motion to approve the minutes as amended of the Regular Meeting held on October 7, 2013. Trustee Davis seconded the motion. The Board approved with a vote of 5-0.

6. REPORTS

Village Manager Zambrano advised that the Croton Coalition will be sponsoring a "Drug Take Back Day" on Saturday, October 26th from 10am to 2pm at the Croton Commons *Parking Lot*. Mr. Zambrano advised that a collection box has also been placed in the Police Department and prescription drugs can be dropped off anytime as well.

Village Manager Zambrano advised that this Saturday the Goblin Walk will be held in the Upper Village.

Trustee Davis advised that the Conservation Advisory Committee's Daffodil Planting Day was a huge success and that Vassallo Park will certainly benefit from the plantings.

Trustee Raskob stated that the Village Board is a fact finding body and as such the Board's job is to do what is best for the Village. Trustee Raskob stated that part of the problem with respect to the Gouveia issue is we unfortunately have very little information from Mrs. Gouveia. Trustee Raskob stated that most of the time when someone wants to do business with the Village or make some sort of arrangement the individual comes to the Board. Trustee Raskob stated that if Mrs. Gouveia is intent on doing what she appears to want to do; she, her attorney or her representative should appear before the Board to help answer some of these questions.

Trustee Gallelli stated that the "Drug Take Back Day" has had remarkable success and has brought in hundreds of pounds of prescription drugs.

Trustee Gallelli thanked Village Manager Zambrano for putting together pictures of the Gouveia property for this evenings meeting; she hoped that the pictures helped to give the public a better idea of the property.

Trustee Gallelli advised that she will be attending a meeting tomorrow with staff to learn more about how we are going to navigate through the Affordable Health Care Act as it pertains to the Village.

Trustee Murtaugh clarified the affect on taxes for a homeowner if the Village accepts the Gouveia property and advised that property taxes would go up approximately \$4.63 on average per homeowner.

Mayor Wiegman thanked the staff and the Conservation Advisory Council for doing a great job coordinating the Daffodil Planting Day.

Mayor Wiegman also thanked the staff and volunteers who worked on the Harry Chapin Run for an outstanding job; the race exceeded its goal and raised over \$36,000 and also thanked those that participated in the Croton Soccer Ball Dribblers Team's fund raising event which raised over \$600.

There being no further business to come before the Board, Trustee Raskob made a motion to adjourn the meeting. Trustee Davis seconded the motion; approved 5-0. The meeting was adjourned at 9:09pm

Respectfully submitted

Judy Weintraub, Board Secretary

Paula DiSanto, Village Clerk