

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, July 8, 2013 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

Deputy Mayor Gallelli	Trustee Murtaugh
Assistant Village Manager King	Trustee Raskob
Village Attorney Feldman	Trustee Davis
Village Treasurer Bullock	

The following officials were absent:

Mayor Wiegman	Village Manager Zambrano
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1. CALL TO ORDER:

Deputy Mayor Gallelli called the meeting to order at 8:00pm. Deputy Mayor Gallelli announced that Mayor Wiegman had an unexpected personal issue and could not be present this evening. Deputy Mayor Gallelli asked everyone to join in the Pledge of Allegiance.

2. APPROVAL OF VOUCHERS:

Trustee Murtaugh made a motion to approve the following Fiscal Year 2012-2013 Vouchers. The motion was seconded by Trustee Davis and approved unanimously with a 4-0 vote.

General Fund	\$ 21,637.82
Water Fund	\$ 19.00
Sewer Fund	\$ -
Capital Fund	\$ 37,678.87
Total	\$ 59,335.69

Trustee Davis made a motion to approve the following Fiscal Year 2013-2014 vouchers. The motion was seconded by Trustee Murtaugh and approved unanimously with a vote of 4-0.

General Fund	\$ 77,788.32
Water Fund	\$ 2,242.70
Sewer Fund	\$ 4,111.00
Capital Fund	\$ 27,245.28
Trust Fund	\$ 1,263.00
Total	\$ 112,650.30

### 3. CORRESPONDENCE

Letter from Laurel Gouveia dated June 20, 2013 offering to donate her property at 1300 Albany Post Road along with an additional gift of one-million dollars to help maintain the property.

Deputy Mayor Gallelli stated that the Board has been advised by the Village's Attorney and Mrs. Gouveia's Attorney that since we are in discussions regarding this matter the Board should not to enter into any discussion or questions this evening. Trustee Gallelli said that the Board still welcomes public comment.

Letter from the New York State Office of Real Property Tax Services dated June 17, 2013 advising that the Final Equalization Rate for 2013 is set a 3.80.

Letter from Robert Hoch dated June 21, 2013 advising that as of July 25<sup>th</sup> News12 Traffic and Weather will be re-positioned and will be part of the Broadcast Basic Package.

### 4. CITIZEN PARTICIPATION-AGENDA ITEMS

Dan Chesnard, 64 Farrington Road, Croton on Hudson, addressed the following issues regarding the sale of the Gouveia; how will the property be used; concerts, cultural events, a park; would a parking lot be required; would we need to make the road wider for ingress and egress; would restrooms have to be built that would then include water and sewer connections; would we need fencing for safety to prevent people from falling off the hilly property and would the State mandate what type of fencing since the property backs up to State land; would we need additional security if it was a park; would sidewalks be required to be installed along Albany Post Road, if not how will people get there unless they drive; parking is limited and is concerned that Albany Post Road would be impacted; would it need signage, a traffic light or extra policing during various events; what approvals or mandates would the State require to access the property from a State road. Mr. Chesnard said that Brinton Brook Sanctuary was recommended for parking but Brinton Brook Sanctuary is up a quarter of a mile dirt road with only parking for eight cars. Mr. Chesnard stated that Croton already has two parks; "Black Rock" and "Mayo's Landing" that are not being used to the fullest extent and we must also take into consideration the loss of Tax Revenue. Mr. Chesnard stated that we are setting a precedent and will other people consider donating their property to have a tax right-off. Mr.

Chesnard said that we should put this before the community and let the residents vote on it at the November election.

Virginia Calcutti, 19 Hunter Place, Croton on Hudson, stated that one million dollars, in her opinion, is nothing to maintain the property when you consider everything that has to be done; we would need to have employees maintaining the property on a regular basis; the traffic would be horrendous and it is a little blind corner with no sidewalks. Ms. Calcutti said that we should be spending our money on enhancing the properties that we already have and finding a new place for our Department of Public Works should be our first priority.

Bob Wintermeier, 43 Radnor Avenue, Croton on Hudson, said that he understands that the one million dollar donation is to maintain the grounds and not to be used for Village purposes; we would lose approximately \$17,000 in taxes and the million dollars will not help with the tax obligations. Mr. Wintermeier stated that there will be costs associated with roads, security, water and sewers, insurance and feels that we are putting the cart before the horse since we do not know what the property is going to be used for. Mr. Wintermeier asked if a study has been done to find out what if any return on investment and the impact on our tax dollars. Mr. Wintermeier said that if you take the one million dollars and spread it out over twenty-five years it is gone; what happens to future generations and who will pick up those costs.

Don Daubney, 45 Bungalow Road, Croton on Hudson, said that this has come to the public's attention before and we had not heard any good ideas concerning this property at that time. Mr. Daubney said that this is a very dangerous precedent to be setting and is concerned that other people may make this same type of proposal and if the Village does not grant it we could possibly have another lawsuit. Mr. Daubney stated that this is a small Village of approximately 8,000 people and we have a lot of public property; Silver Lake, Croton Landing, Senasqua Park, Croton Point, Black Rock, the Arboretum, the Croton Dam Pathway to name a few. Mr. Daubney said that since we do not have a good idea for this property we should not add something that could wind up being a white elephant for us.

Ray Fortini, 21 Wolf Road, Croton on Hudson, asked if there is going to be a presentation this evening on the Wolf Road water project.

Assistant Village Manager King apologized to Mr. Fortini, the Village Engineer is on vacation this week and we are hoping to schedule the presentation for the August meeting.

Trustee Murtaugh said that we all empathize with you and your forbearance with this issue and we are trying to get this through as quickly as possible.

Assistant Village Manager King said that the Health Department is still making their reviews but we are moving forward with getting the easements required so that we will be ready to go once we receive these approvals.

## 5. RESOLUTIONS:

a. On motion of TRUSTEE MURTAUGH, 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 4-0 vote.

WHEREAS, On October 5, 2009, the Village Board of Trustees approved a Special Permit for the operation of a child care center located at 10 Old Post Road South to Desiree Drapala, Owner of Happy Hearts ; and

WHEREAS, Desiree Drapala, has submitted to the Village Board an application for renewal and amendment of the special permit;

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby refers to the Village Planning Board, the application for renewal and amendment to the special permit issued to Desiree Drapala, to operate a child care center located at 10 Old Post Road South for a report back to the Village Board from the Planning Board in accordance with Village Law.

## DISCUSSION:

Ed Gemmola of Gemmola and Associates advised that he is representing Desiree Drapala; the proposal is to expand approximately thirty-eight hundred feet into the lower level which is presently vacant. Mr. Gemmola stated that the classrooms would be supplemented with a play area at the rear as a back-up play area in the event of rain or inclement weather and the construction would be similar to what is upstairs. Mr. Gemmola advised that the approving and inspection agency for Day Care Centers located in Spring Valley has looked at the plans and we are making minor changes as per their recommendations. Mr. Gemmola gave an overview of the plans.

Trustee Murtaugh said that it is nice to see that Happy Hearts is thriving and that the Upper Village in general is thriving as well.

Deputy Mayor Gallelli stated that this will be an expansion and more people will be working there and parking is something that she would particularly want the Planning Board to review.

Trustee Murtaugh stated that we should also bear in mind that there was an existing business downstairs that has relocated elsewhere in the Village that also required parking.

Mr. Gemmola said that there will be six more teachers and historically it is a drop-off type of activity and would imagine that a fair amount might even walk.

Deputy Mayor Gallelli advised that since this is less than a four-thousand square foot addition; it is a Type II Action and therefore requires no SEQRA filings.

Trustee Raskob asked what the current enrollment is for the school.

Mr. Gemmola responded by saying that he did not know the current enrollment.

b. On motion of TRUSTEE MURTAUGH, seconded by 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, on June 28, 2013, the Village received and opened 3 proposals for sidewalk and curb improvements at 47 High Street, Cleveland Drive at the Library and Oneida Avenue at the intersection of South Riverside Avenue; and

WHEREAS, Cornerstone Design Masonry and Landscaping, Inc. of Croton-on-Hudson, NY submitted the lowest proposal at \$18,585.00 for the sidewalk and curb improvements at these three locations; and

WHEREAS, the Village Engineer has reviewed the proposals and recommends awarding the proposal to Cornerstone Design Masonry and Landscaping, Inc. of Croton-on-Hudson, NY in the amount of \$18,585.00;

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to award the sidewalk and curb improvements to Cornerstone Design Masonry and Landscaping, Inc. of Croton-on-Hudson, NY in the amount of \$18,585.00.

AND BE IT FURTHER RESOLVED: that this amount shall be charged to Capital Account # H5110 2106 13249.

DISCUSSION:

Trustee Murtaugh asked when we award this contract do we have any type of one-year or two-year look back to make sure that the work has sustained the severity of winter.

Assistant Village Manager King advised that when we award a bid the Village withholds a certain amount of money at the end of the project.

Treasurer Bullock stated that the Village retains a percentage against each portion of a payment and normally when a project takes a few phases to be complete each phase would be reduced by five percent.

Assistant Village Manager King stated that when the Engineering Department feels that everything has been done to their satisfaction the Village will release the money.

Trustee Murtaugh said that Cornerstone has been in business in the Village for a long time and it is nice that a Village business is getting this contract but wants to be sure that it is going to withstand the test of Mother Nature.

Assistant Village Manager King said that she did not know how long we hold the money back but will address this question with the Village Engineer.

Trustee Murtaugh asked if the Village Engineer signs off on projects at some point

Assistant Village Manager King responded by saying yes.

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 4-0 vote.

WHEREAS, the Uniform Notice of Claim was signed into law by Governor Cuomo on December 17, 2012 and became effective on June 15, 2013, and

WHEREAS, the Act amended New York's General Municipal Law to allow notices of claim against cities and Villages to be served on the New York Secretary of State as agent for New York's public corporations, and

WHEREAS, pursuant to the Act, the New York Department of State will forward any notice of claim served on it to the individual the Village designates to receive the notices of claim, and

WHEREAS, to effectuate this new method of serving notices of claim on public corporations, General Municipal Law § 53 was added and requires each Village to file with the New York Department of State a certificate that:

- a. Designates the New York Secretary of State as the local government's agent for service of notices of claim,
- b. Provides the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State will forward any notices of claim,
- c. Provides the applicable time limit for filing a notice of claim on the Village.

NOW THEREFORE BE IT RESOLVED: that the Board of Trustees of the Village of Croton-on-Hudson hereby designates the New York Secretary of State as the Village's agent for service of notices of claim, designates the Village Clerk as the agent-in-fact to whom the Secretary of State will forward any notices of claim to and as imposed in General Municipal Law §50-e, sets the time limit to 90 days for filing a notice of claim on the Village, and

BE IT FURTHER RESOLVED: that as a public corporation, the Village will receive and accept half of the \$250 fee charged to individuals who serve a notice of claim on the New York Secretary of State against the Village.

DISCUSSION:

Assistant Village Manager King advised that the Village Manager and Village Clerk had spoken with NYCOM and they explained that this is another option that will most likely be used by non-local attorneys; it is not mandatory to be done this way; you can still come to the Village and file a Claim and not be required to pay the fee.

Village Attorney Feldman stated that this is another option and believes from the Legislative history that it had become inconvenient for some attorneys or Claimants to file a Notices of Claim with each individual municipality or in some cases they were not quite sure who they needed to serve. Village Attorney Feldman stated that a centralized location was requested and this was one of the solutions that Albany came up with.

Trustee Raskob stated that this was really not a problem for New York City, or Westchester municipalities but he can imagine that some upstate communities might have been more difficult to serve.

d. 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.

WHEREAS, the Village has begun several steps to prepare for the replacement of water mains and other water infrastructure improvements within the Village; and

WHEREAS, the Harmon area of the Village has been designated as one of the priority areas for water main improvements (phase 2A); and

WHEREAS, on February 21, 2012, the Village Board authorized the Village Manager to enter into a contract with WSP Sells of Briarcliff Manor, NY for engineering design services for the Harmon Water Main Replacement Project(phase 2A); and

WHEREAS, on April 1, 2013, the project was expanded to include the remaining area between Cleveland Drive and the Croton River (phase 2B) and WSP Sells was authorized to complete the design work on phase 2B; and

WHEREAS, due to undersized or lack of water mains on Loconto and Munson Streets the project is being expanded ( phase 2C) to include the installation of new 6 inch water mains on these streets; and

WHEREAS, WSP Sells has submitted a proposal for the survey work for phase 2C in the amount of \$5,300 which survey work is required to enable the design of these water mains to be completed;

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to accept the proposal from WSP Sells of Briarcliff Manor, NY for surveying services for the expanded area on Loconto and Munson Streets (Phase 2C) in the Harmon Water Main Replacement Project in the amount of \$5,300,

AND BE IT FURTHER RESOLVED: that this amount should be charged to capital account # H8340.09178.

DISCUSSION:

Trustee Murtuagh stated that this is a preventative step that we should have taken elsewhere in the Village; it will affect approximately twenty homes; a fire-hydrant

will be added; a six inch line will be replacing the one inch line which will be more efficient; this is a good time to do it and seems to be a reasonable expenditure.

e. 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 4-0 vote.

WHEREAS, the Village has begun several steps to prepare for the replacement of water mains and other water infrastructure improvements within the Village; and

WHEREAS the Wolf Road-Cook Lane area of the Village has been designated as one of the priority areas for water main improvements; and

WHEREAS, the Village has retained Chazen Companies to develop design plans for the water main improvements and the plans are currently being reviewed by the Westchester County Health Department ; and

WHEREAS, part of the water main improvements includes the extension of the water main across private property in order to loop the mains to eliminate the existing dead end; and

WHEREAS, the extension of the water main across private required the acquisition of easements from three property owners; and

WHEREAS, two of the easements have been signed and the third easement is in the process of being signed; and

WHEREAS, the cost to acquire the easements included a payment of \$750 to each property owner to cover attorney fees and a total combined fee to all property owners of \$7500.00 (\$3500 + \$3500 +\$500) to acquire the easements;

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the easement agreements subject to the Village Attorney's review and authorizes payment of \$750 to each property owner for attorney fees and payment of a total of \$7500.00 (\$3500 + \$3500 +\$500) for easement acquisition for the Wolf Road-Cook Lane Water Main Replacement and Extension Project,

AND BE IT FURTHER RESOLVED: that this amount should be charged to capital account # H8340.2106.09178.

DISCUSSION:

Trustee Raskob stated that the purpose of these easements is so that we did not have to break open Route 9 which would have required approvals from the Department of Transportation and added costs for additional piping. Trustee Raskob thanked the homeowners for assisting the neighbors in allowing the Village to do this.

#### 6. CITIZEN PARTICIPATION ON NON-AGENDA ITEMS

Virginia Calcutti, 19 Hunter Lane, Croton on Hudson, mentioned that some boaters are having difficulty launching their boats onto the River on weekends because of the overcrowding and people parking in that area; the sign says "Parking for Launching of Boats Only"; there have been several occasions this summer where boaters have had to leave because there was no way to bring their trailers and their boats to the launch. Ms. Calcutti said that she hoped there was something that the Village could do to help.

Trustee Murtaugh asked Ms. Calcutti if she was speaking of the gravel lot just north of the Yacht Club and south of Croton Landing.

Ms. Calcutti responded by saying yes; on the left side where boaters launch their boats but there are days that they cannot get in there at all.

Trustee Murtaugh stated that Croton Landing has become very popular and everyone is glad that it exists and with that said there are some long term visions and discussions about increasing parking. Trustee Murtaugh said that this is still a work in process and thanked Ms. Calcutti for notifying the Board that there has been some concerns and issues with launching boats.

Assistant Village Manager King stated that there is room to increase parking just north of the existing parking lot. Ms. King said that it hasn't been decided whether we actually want to increase the paved area parking.

Trustee Gallelli asked Assistant Village Manager King to pass this on to the appropriate people in the Parks Department and the Police and DPW staff as well.

Phyllis Morrow, 61 Nordica Avenue, Croton on Hudson, asked, with respect to the water project, has the Village gotten the easements behind Van Cortlandt Manor and if not is this the stumbling block. Ms. Morrow expressed her appreciation to all the neighbors for supporting this project that is so desperately needed. Ms. Morrow also asked if both the Harmon and Wolf areas will be done at the same time and can the Village give the residents a heads up when the project will begin.

Assistant Village Manager King stated that she does not believe this is the stumbling block; we are still awaiting approval from the Health Department. Assistant Village Manager King said that the projects will be bid separately and will be worked on simultaneously. Assistant Village Manager King advised that the Village will be reaching out to the homeowners as soon as we know that we can start the project and that the Village Engineer will also be giving a presentation at the August meeting as well.

Bob Wintermeier, 43 Radnor Avenue, Croton on Hudson, stated that the tax on the Gouveia property, which is several acres, is \$17,000 but people who live on Radnor are paying about \$14,000; there is something wrong in the equality and it should be straightened out. Mr. Wintermeier said he believes the Town should be involved with the Gouveia property and a part of this procedure as well since it will also impact their taxes.

#### 7. APPROVAL OF MINUTES - none

#### 8. REPORTS

*Trustee Davis* announced that the Croton Arboretum will be holding their 17<sup>th</sup> Annual Garden Tour on July 15<sup>th</sup>; more information can be found on their web-site [www.crotonarboretum.org](http://www.crotonarboretum.org)

*Trustee Murtaugh* responded to some concerns made this evening regarding the Gouveia property; Mr. Chesnard's comment about "fencing the property"; the property is already fenced and it is impossible for someone to fall onto State land; the comment by Mr. Wintermeier regarding "tax loss"; the tax loss to the Village would be approximately \$14,000 which does not reflect a recent Tax Grievance and may actually be less than that amount; Mr. Daubney's comment about "setting a precedent"; the concept that others would donate property to live tax free is ridiculous; there must be a reasonable purpose for property to be donated and this particular property is being donated as a Park. Trustee Murtaugh added that his little postage stamp property that he lives on could in no way be donated to the Village just to avoid taxes and that concept that we are setting a precedent for people to just donate their property is preposterous. Ms. Calcutti's comment that the "one million dollar donation is nothing"; Trustee Murtaugh stated that one million dollars is a significant gift for a municipality to receive and if managed properly it can throw off many thousands of dollars; conservatively \$40,000 to \$50,000 a year for maintenance towards this property and it certainly is not an insignificant gift and is certainly not nothing; Mr. Wintermeier's comment regarding

“a study should be done so that we have an analysis of the impact”; Trustee Murtaugh said that he can remember being criticized by Mr. Wintermeier for encouraging studies on certain projects; we can’t demonize studies one day and then encourage them the next day; Mr. Daubney’s comment that “he has heard no good ideas”, Trustee Murtaugh said that this project is in its infancy and ideas have yet to be germinated. Trustee Murtaugh stated that the Village Board will look at this proposal with due diligence and will take what we think is the best action.

Trustee Raskob; no report

Deputy Mayor Gallelli; no report

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 9:10pm

Respectfully submitted

Judy Weintraub, Board Secretary

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Paula DiSanto, Village Clerk