

A Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, August 4, 2008 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

Mayor Schmidt	Trustee Brennan
Treasurer/Interim Manager Zambrano	Trustee Gallelli
Village Attorney Feldman	Trustee Konig
	Trustee Olver

1. CALL TO ORDER:

Mayor Schmidt called the meeting to order at 8:10 p.m. Everyone joined in the Pledge of Allegiance.

2. APPROVAL OF VOUCHERS:

Trustee Brennan made a motion to approve the vouchers as follows, subject to review by the Audit Committee. The motion was seconded by Trustee Gallelli and approved unanimously.

General Fund	\$81,804.16
Water Fund	19,171.87
Sewer Fund	32.22
Capital Account	47,971.00
Trust & Agency	1,121.67
Total	\$150,100.92

3. CORRESPONDENCE:

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

- a) A letter from Mernell Calandro suggesting a Farmers Market at Vassallo Park on weekends. Trustee Gallelli stated that a lot of people are interested in this. Mayor Schmidt added that he has spoken with a person from Ossining who is considering this.

4. CITIZEN PARTICIPATION (agenda items):

NONE

5. PROPOSED RESOLUTIONS:

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

WHEREAS, the bids for the site work and infrastructure for the Symphony Knoll Affordable Senior Housing project were opened on July 22, 2008; and

WHEREAS, the Village received seven bids ranging from \$428,620 to \$886, 185; and

WHEREAS, the lowest bidder, Landscott Inc. did not submit a bid bond or other acceptable bid security as required in the bid specifications and, upon inquiry, informed the Village that it did not intend to do so; and

WHEREAS, the next lowest bid, by ELQ Industries, was \$614,895; and

WHEREAS, \$614,895 is significantly higher than the funding available for this project; and

WHEREAS, the Village Board of Trustees intends to reevaluate the plans and specifications and then rebid the project,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees rejects the lowest bid on the ground that the bidder did not submit a bid bond or other acceptable bid security,

AND BE IT FURTHER RESOLVED: that the Village Board of Trustees rejects all other bids received for this project based on its funding limitations,

AND BE IT FURTHER RESOLVED: that the Village Board of Trustees will rebid the project with all required notifications at a future date.

Discussion: Nance Shatzkin, 132 Old Post Rd. No. reported on the status of the construction. It is moving along and they were awarded an additional \$88,000 grant a few weeks ago, which means there is a little cushioning room; the rebidding allows taking another look; the new bid is a more efficient design; she feels optimistic and they are actually a couple of days ahead of schedule. Upon request of Trustee Gallelli, additional explanation followed: County money is paying for more than 50% of all work that needs to be done; the Housing Network has found other funding also; this bid tonight is not for the building itself, it is just for site work; if anybody would like to fund or substantially fund geothermal heat in the building, it would be welcome. Attorney Feldman added that the funds being expended are not coming from the Village coffers.

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

WHEREAS, the Village Board of Trustees is considering amending the noise law to reduce the hours allowing the operation of motor-driven lawn or garden equipment; and

WHEREAS, Local Law Introductory No. 5 of 2008 has been drafted, limiting the operation of such motor-driven equipment to 8 p.m. from 9 p.m. in the evenings and changing the Saturday start hour to 9 a.m. from 8 a.m.,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby calls for a public hearing on September 2, 2008 at 8pm in the meeting room of the

Stanley H. Kellerhouse Municipal Building to consider Local Law Introductory No. 5 of 2008 amending Chapter 160 of the Village Code.

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

**Resolution of the Board of Trustees of the Village of Croton-on-Hudson
Authorizing the Implementation and Funding of a
Project for Improvements to Van Cortlandt Manor Entrance**

WHEREAS, a Project for Improvements to Van Cortlandt Manor Entrance, Village of Croton-on-Hudson, Westchester County, PIN 8760.11 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, Historic Hudson Valley ("HHV") owns and operates Van Cortlandt Manor, a National Historic Landmark site in the Village of Croton-on-Hudson (the "Village"); and

WHEREAS, the Village considers Van Cortlandt Manor an important component of the Village that provides historical preservation and public education and draws visitors to the Village; and

WHEREAS, because HHV could not secure specific funding for the Project without the Village's involvement, the Village agreed to apply with HHV for such funding, which was awarded by the New York State Department of Transportation (the "NYSDOT"); and

WHEREAS, the funding awarded by the NYSDOT is available through a reimbursement scheme so that HHV will seek reimbursement from the NYSDOT, but that such reimbursement payments can only be made through the Village and not to HHV directly; and

WHEREAS, the Village believes that the Project advances HHV's overall contribution to the Village, its residents and New York State, and desires to advance the Project by making available 100% of the non-Federal share of the costs of preliminary engineering work;

WHEREAS, the Village Board recognizes that HHV will seek from the NYSDOT reimbursement for monies expended in furtherance of the Project, and that NYSDOT will send such reimbursement to the Village to be distributed to HHV,

NOW, THEREFORE, the Village of Croton-on-Hudson Board of Trustees, duly convened, does hereby

I, Pauline DiSanto, Clerk of the Village of Croton-on-Hudson, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Board of Trustees of the Village of Croton-on-Hudson at a meeting duly called and held at the Stanley H. Kellerhouse Municipal Building on August 4, 2008, by the required and necessary vote of the members to approve the Resolution.

WITNESS my hand and the Official Seal of the Village of Croton-on-Hudson, New York, this ____ day of August, 2008.

Clerk, Village of Croton-on-Hudson

Discussion: Village Attorney Feldman stated that this one resolution replaces resolutions c and d on tonight's agenda and further explained why the Village is involved in this process. Trustee Gallelli added that the Village is the pass-through; the money comes to the Village and it is passed on to Historic Hudson Valley; the second agreement allows that if anything does not work out as it is supposed to, the Village is not liable. Trustee Olver stated that this is an initiative of Van Cortlandt Manor to restructure its entrance; this should help the Village toward beautification of the gateway; the funds are federal funds passing through the state and then through the Village to Historic Hudson Valley and will not entail any cost to Village residents.

- d) On motion of TRUSTEE KONIG, seconded by TRUSTEE BRENNAN, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village Board has previously approved the contract with Bradhurst Site Construction for the Phase 2 portion of the Croton Landing/Riverwalk Improvement Project; and

WHEREAS, additional work not included in the contract is required consisting of the installation of post and rope guiderails around the parking lot area; and

WHEREAS, the additional work has been reviewed by the Village Engineer and Hahn Engineering and found to be necessary in order to stop cars from driving onto the grassy areas; and,

WHEREAS, Hahn Engineering has received three quotes for this work and of these A-1 Fence Co., Inc of Wappingers Falls NY had the lowest quote at \$29,060,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to accept the quote from A-1 Fence Co., Inc. for the amount of \$29,060 to provide post and rope guiderails for the Croton Landing Parking lot.

Discussion: Dan O'Connor, Village Engineer, explained that there will be a new parking lot at Croton Landing; there needs to be a barrier to prevent people from going onto the grassy area; curbing was in the plans but after review, it was decided that there needs to be a guard rail. Mayor Schmidt added that he made the suggestion for post and rope which appears more nautical rather than a metal guard.

- e) On motion of TRUSTEE BRENNAN, seconded by TRUSTEE GALLELI, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, Dvirka & Bartilucci has provided the Village with a proposal for a Brook Street Storm Water Improvement Study; and

WHEREAS, this proposal provides for four discrete tasks totaling an estimated project cost of \$25,000; and

WHEREAS, the Village Board of Trustees approved an amount of \$25,000 in the 2008-09 Capital Budget for this project,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to approve the proposal from Dvirka & Bartilucci for the Brook Street Stormwater Improvement Study,

AND BE IT FURTHER RESOLVED: that this amount of \$25,000 will be charged to a capital account (*to be decided*).

Discussion: Trustee Brennan stated that this project was financed in this years' budget and it is important to get some relief for the residents on Brook Street.

6. CITIZEN PARTICIPATION (non-agenda items):

Bob Wintermeier, 43 Radnor Ave., urged the Board to proceed on the Brook St. renovation as fast as possible; he knows of residents who have had flooding in their homes. Mr. Wintermeier stated that he came tonight as the result of several letters Trustee Olver sent to the Gazette regarding the Harmon Business Committee. Mr. Wintermeier stated that he has an open mind to the recommendations made by the committee, but has not made up his mind nor have others; the comments are worthy of discussion and review; some communities look similar to what this committee is recommending; residents can get a good idea of what is being recommended by researching on the web but these projects were built where there was space and required no modification; he has concerns that business and property owners have not been involved nor are the residents; what type of structures will replace the gas stations; where will traffic go when construction begins. Mayor Schmidt stated that they have scheduled a work session with the committee and the board to go over this in much more detail. Mr. Wintermeier added that he will put his concerns in writing. He added that the

shrubbery requirements have not been looked at by the committee; or the required single-cut entrance/exit. Mr. Wintermeier stated that he has picked up some errors; he doesn't understand why this Harmon plan requires the business to have a 60% viewing or glass area in front of shops; he doesn't know if the Village is obligated to meet quotas for affordable housing, but pressure will be there to offer some of these residences as affordable housing; other municipalities have negotiated affordable housing with developers; has concern that when affordable housing units are put in, Village residents will have to pick up the tab. Mayor Schmidt replied that there are a lot of questions and the first step is a very detailed presentation from the committee and he welcomed the public to attend and also send in materials. Trustee Gallelli stated that the Trustees are looking for another opportunity for the presentation to be made to the public. Trustee Olver added that it would be good for the public to have committee members available to reply to comments. Trustee Konig stated that it is not yet ready; the Board has not had an opportunity to review it.

7. APPROVAL OF MINUTES:

Trustee Brennan made a motion to approve the minutes of the Executive Session held on Friday, July 11, 2008. Trustee Konig seconded the motion. The Board voted unanimous approval.

Trustee Konig made a motion to approve the minutes of the Executive Session held on Saturday, July 12, 2008. Trustee Gallelli seconded the motion. The Board voted unanimous approval.

Trustee Brennan made a motion to approve the minutes of the Special Board Meeting held on Monday, July 14, 2008 as corrected. Trustee Olver seconded the motion. The Board voted unanimous approval.

Trustee made a motion to approve the minutes of the Executive Session held on Monday, July 21, 2008. Trustee Konig seconded the motion. The Board voted approval with Trustee Konig abstaining.

Trustee Brennan made a motion to approve the minutes of the Regular Board Meeting held on Monday, July 21, 2008 as corrected. Trustee Gallelli seconded the motion. The Board voted approval with Trustee Konig abstaining.

Trustee Konig made a motion to approve the minutes of the Executive Session held on Tuesday, July 22, 2008. Trustee Brennan seconded the motion. The Board voted unanimous approval.

Trustee Brennan made a motion to approve the minutes of the Executive Session held on Wednesday, July 23, 2008. Trustee Olver seconded the motion. The Board voted unanimous approval.

8. REPORTS:

Acting Village Manager Zambrano reported that Joyce Finnerty and the Historic Society have a new exhibit on the first floor of the Municipal building; he thanked them for doing this; they have had positive comments on a number of exhibits they have been having. Mr. Zambrano reported that he had a conversation with the Village Attorney and the Special Attorney regarding the Verizon contract; Verizon has some issues that need to be brought before the Board for consideration. Mr. Zambrano added that had sent the Board members the report he received from MetroNorth regarding the clean up of the recent oil spill and will have it posted on the web to share with the public.

Trustee Konig stated that the Historic Society's display is about Croton in the 1930s and suggested residents stop in to see it. Trustee Konig reported that the Harmon Business Committee and the Board have not gotten together for discussion; these are just recommendations like those received from many committees and they must go through proper channels. Trustee Konig asked if the code enforcement officer goes out with a decibel measuring device when a noise violation is reported. Acting Village Manager Zambrano replied that he doesn't believe he does; the Village Engineer and staff are addressing these issues as they come up from time to time. Trustee Konig reported that they had a meeting concerning Mayo's Landing & the Croton River; Linda Puglisi and Councilwoman Ann Lindau from the Town of Cortlandt, some staff, Westchester County Police, DEP, Board members and residents attended; almost everyone said the situation is definitely better than last year; they were pleased to hear this; it was a positive meeting. Mayor Schmidt added that the Police Department does have a decibel meter; residents can call the police, especially off hours and they will respond; they will also respond to landscapers, etc. blowing material into the street which is also a code violation.

Trustee Olver stated that the very large number of minutes that were approved by the Board tonight shows that the Board has been working very hard, collegially and constructively over the last couple of months on behalf of residents. Trustee Olver mentioned that the Harmon Business Committee and its recommendations are just a report with recommendations that were developed in a professional way with professional assistance; they are not recommending a development but are recommending zoning changes to allow owners to develop in a different way if they choose. Trustee Olver suggested that all try to stick to the facts of the report and hold a vigorous debate on what is best to do for Croton business generally. Trustee Olver reported that regarding the train station parking lot, they have received a new set of plans from the engineers and requested a meeting with the engineers to ask questions in an informal way. Acting Village Manager Zambrano added that he has contacted them and is waiting for dates from the engineers to schedule this meeting.

Trustee Gallelli stated that she is sorry she missed the Croton River Compact meeting the other night; recalling that they recently signed the IMA of the Indian Brook/Croton Gorge compact with the County and have committed to consider various steps to be taken; she would like a work session regarding the IMA to see what needs to be done. Mayor Schmidt replied that this will be on one of the added work sessions. Trustee Gallelli reported that this summer, the Seniors met at Senasqua Park on Fridays; they had a good summer; however, after a formal vote in favor, they hope to return to meeting on a regular basis in the Community Room in the Municipal Building; they enjoyed and appreciated many of the nice

aspects of the Harmon Fire House, but the majority would like to meet here in the Municipal Building.

Trustee Brennan reported that he has received several comments about Friday nights at Senasqua Park; it has been a great program, the bands have been great and the Recreation Department has done a great job. Trustee Brennan suggested that the residents read the MetroNorth clean up report when it is posted on the web; it is an interesting report. Trustee Brennan stated that he is hoping the Recreation Superintendent is able to work with the Town to be included in the new Cortlandt Center that just had a groundbreaking; we help pay for that facility and should be able to take advantage of it; he believes there was a commitment from Councilwoman Lindau to have the Seniors meet there. Trustee Brennan added that the leaf blowers are a quality of life issue; many are starting too early and ending too late. He reported the Board has been working together to do what is right for the Village; in the last three weeks, they had five executive sessions; these are used for many things that are of value to the Village. Trustee Brennan added that the Board will sit down and have an extensive meeting with the Harmon Business Committee to get a comfort level on how to move forward.

Mayor Schmidt reported that he attended the Croton River meeting; it was a collaborative effort and they will continue to look at this; there is more work to be done; the hills have been eroded especially by deer. Mayor Schmidt stated that because of vacation schedules, the Board will not meet until Sept. 2nd.

Trustee Brennan made a motion to adjourn. Trustee Olver seconded the motion; approved unanimously. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Phyllis A. Bradbury

Phyllis A. Bradbury, Secretary

Village Clerk