

A Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, November 3, 2008 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

Mayor Schmidt	Trustee Brennan
Village Manager Zambrano	Trustee Konig
Village Attorney Staudt	Trustee Olver
	Trustee Gallelli-absent

1. CALL TO ORDER:

Mayor Schmidt called the meeting to order at 8:00 p.m.

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 Konig and approved unanimously.

General Fund	\$33,230.02
Water Fund	498.00
Sewer Fund	393.48
Capital Accounts	39,819.37
Trust & Agency	6,138.09
	\$80,078.96

PUBLIC HEARING:

Village Manager Zambrano gave an overview of the history preceding this Public Hearing. Robert Gaudio, Snyder & Snyder, spoke of the work that has been done during the last 2 years when the tower was first proposed including revision of the lease and review of the application.

Mayor Schmidt opened the Public Hearing: no questions from the public. Trustee Brennan commented that he made the original objection of the site of the tower and excellent benefits have been received by moving the tower; he is not completely convinced of the safety of the transmission but it seems residents do want the cell tower and the fire and police departments are in favor of it. Trustee Olver thanked the Waterfront Advisory Committee for its work in poring through the documents and making constructive suggestions for a better location for the tower; it is an important step to bring the Village into the wireless age and other steps are being taken as well. Trustee Konig stated that she thinks the positive is that after the most recent meeting, the WAC did not have any further concerns; everything has been addressed by those involved. Mayor Schmidt thanked Mr. Decente from Homeland Towers for his diligence in getting this process back on track; emergency responders rely on wireless

communication. Mr. Gaudioso added that the top portion of the tower will be reserved for emergency services. Mayor Schmidt closed the PH:

Resolutions:

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

WHEREAS, Nextel of New York and New Cingular Wireless applied for a special permit to construct a tower on which there will be a collocation of personal wireless services facilities at Veterans Plaza on March 20 2006; and

WHEREAS, on March 20, 2006 the application was referred to the Planning Board for its recommendation and review; and

WHEREAS, this application was also referred to the Waterfront Advisory Committee for a local waterfront revitalization consistency review; and

WHEREAS, on April 3, 2006, the Village Board of Trustees declared its intent to serve as lead agency for the environmental review of the application; and

WHEREAS, on May 15, 2006, the Village Board of Trustees declared itself lead agency for the purpose of conducting a coordinated environmental review of the proposed installation of the personal wireless services facility at Veterans Plaza; and

WHEREAS, on September 18, 2006 the Village Board authorized the signing of an amended lease agreement for a revised site location at Veterans Plaza approximately 1,250 north of the original site location; and

WHEREAS, on August 6, 2007 the Village received a revised application and EAF for the cell tower at the new site location and including Omnipoint Communications as an additional carrier; and

WHEREAS, the revised application was referred to the Planning Board and the Waterfront Advisory Committee; and

WHEREAS, Nextel of New York has transferred its interest in the amended lease for the proposed tower to Homeland Towers, LLC and on September 2, 2008 the Village Board of Trustees approved the assignment of the lease from Nextel to Homeland Towers; and

WHEREAS, the Village Board of Trustees has received a favorable recommendation from the Planning Board regarding this application, and

WHEREAS, on October 1, 2008 an updated Full Environmental Assessment Form and a new Coastal Assessment form was submitted regarding this proposal; and

WHEREAS, the Village Board of Trustees has received a memo from Fran Allen, the WAC Chair, stating that the project is consistent with the Village's Local Waterfront Revitalization Program; and

WHEREAS, the Village Board of Trustees has caused to be drafted Parts 2 and 3 of the of the Environmental Assessment Form which the board has reviewed and hereby adopts; and

WHEREAS, a Public Hearing was held and closed on November 3, 2008,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees does hereby determine, based on the Environmental Assessment Form submitted to and reviewed by the Board, that this is an unlisted action,

AND BE IT FURTHER RESOLVED: that based upon the Environmental Assessment Form, and documents submitted by the applicant, the Village Board of Trustees hereby adopts the attached Negative Declaration with respect to this matter.

- b) On motion of TRUSTEE Konig, seconded by TRUSTEE Olver, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a 3 to 1 vote with Trustee Brennan voting nay:

WHEREAS, Nextel of New York and New Cingular Wireless applied for a special permit to construct a tower on which there will be a collocation of personal wireless services facilities at Veterans Plaza on March 20 2006; and

WHEREAS, on March 20, 2006 the application was referred to the Planning Board for its recommendation and review; and

WHEREAS, this application was also referred to the Waterfront Advisory Committee for a local waterfront revitalization consistency review; and

WHEREAS, on April 3, 2006, the Village Board of Trustees declared its intent to serve as lead agency for the environmental review of the application; and

WHEREAS, on May 15, 2006, the Village Board of Trustees declared itself lead agency for the purpose of conducting a coordinated environmental review of the proposed installation of the personal wireless services facility at Veterans Plaza; and

WHEREAS, on September 18, 2006 the Village Board authorized the signing of an amended lease agreement for a revised site location at Veterans Plaza approximately 1,250 north of the original site location; and

WHEREAS, on August 6, 2007 the Village received a revised application and EAF for the cell tower at the new site location and including Omnipoint Communications as an additional carrier; and

WHEREAS, the revised application was referred to the Planning Board and the Waterfront Advisory Committee; and

WHEREAS, Nextel of New York has transferred its interest in the amended lease for the proposed tower to Homeland Towers, LLC and on September 2, 2008 the Village Board of Trustees approved the assignment of the lease from Nextel to Homeland Towers; and

WHEREAS, the Village Board of Trustees has received a favorable recommendation from the Planning Board regarding this application, and

WHEREAS, on October 1, 2008 an updated Full Environmental Assessment Form and a new Coastal Assessment form was submitted regarding this proposal; and

WHEREAS, the Village Board of Trustees has received a memo from Fran Allen, the WAC Chair, stating that the project is consistent with the Village's Local Waterfront Revitalization Program; and

WHEREAS, the Village Board of Trustees has caused to be drafted Parts 2 and 3 of the of the Environmental Assessment Form which the board has reviewed and adopted; and

WHEREAS, a Public Hearing was held and closed on November 3, 2008,

WHEREAS, on November 3, 2008 the Village Board adopted a Negative Declaration with respect to this application,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees does hereby issue a Special Permit to Homeland Towers LLC, Nextel of New York, New Cingular Wireless, and Omnipoint Communications for the construction of a tower upon which there will be a collocation of a personal wireless facility at Veterans Plaza with the following conditions:

1. As required in the Telecommunications Towers Law, Chapter 206 of the Village Code the special permit must be renewed every 5 years
2. As required in the Telecommunications Towers Law, Chapter 206 of the Village Code, the applicants must post individual bonds in amounts to be determined by the Village Engineer to cover the costs of removing and disposing of the applicants' individual equipment which may consist of the tower, antenna, buildings, and associated facilities. In the event that the equipment is not removed within 90 days of the cessation of operations at the site, the equipment may be removed by the Village and the costs of removal assessed against the property, the bond or both.
3. Construction shall be in accordance with the plans and specifications submitted by the applicants and all representations and agreements made by the applicants in the application process. The plans are described in exhibit A hereto.

4. The applicants must submit escrow funds to cover the cost of hiring a structural engineering consultant firm for the review and inspection of the telecommunications tower facilities
 5. A report on the logistics of the construction must be submitted with the Building Permit application. The report shall detail all aspects of construction showing how it will minimize the impacts to commuter parking at the Croton-Harmon Train Station and shall include certain phases of the construction to take place on the weekend. The report must be approved by the Village Engineer before construction can begin
 6. The applicants' telecommunications equipment shall at all times during the life of the facility comply with the applicable FCC regulations pertaining to radio frequency emissions, including such regulations as applicable to cumulative radio frequency emissions. Any necessary mitigation measures to ensure compliance shall follow FCC requirements, procedures and protocols.
 7. There shall be no interference with any existing radio frequency equipment or facilities already in place or to be installed in the future at the DPW (Veteran's Plaza) site.
 8. The applicants shall allow the Village to install parking lot lighting on any new electrical pole provided that the lights do not interfere with the applicants' facilities.
 9. The applicants' must reserve and allow for a location on the monopole for any future Village public safety radio system antennas at no cost to the Village.
4. CORRESPONDENCE:
Village Manager Zambrano read the following correspondence (full text available at the Village Office):
- a) A letter from Robert Hoch, Cablevision, regarding deletion of MOJO, Channel 701 service
 - b) A notice from NYCOM announcing their 100th Annual Meeting which will be held in Saratoga Springs, June 28-July 1, 2009.
 - c) A letter from Joyce Finnerty, Village Historian, stating that October is American Archives Month and the current exhibit showing Croton in the 1930s will be available on the first floor of the Municipal Bldg. until April or May of 2009.
 - d) A memo from Saw Mill River Audubon reminding the public that no hunting is allowed in the Sanctuaries.
 - e) A letter from Patrick Calcutti, Chair, Croton Central Veterans' Committee regarding the 2008 Veterans' Day ceremony which will be held on 11/11 at Veterans Corners at 11 am.
 - f) A letter from Roy Lindau, 417 Half Moon Bay Drive, about the mandatory, but loud testing of train horns at MetroNorth station which may continue for several weeks more. He asked that MetroNorth conduct the tests in a more thinly populated area. Village Manager Zambrano read a letter from Karen Timko, MetroNorth Environmental

Compliance and Services, explaining why the testing must be done in that area. She also stated that Metro North has been trying to change the testing site to a controlled environment.

- g) A letter from Patti Rotindo, 59 Penfield Ave., regarding the enjoyable summer concert series at Senasqua Park.
- h) A press release from NYCOM regarding Governor Patterson's announcement about an additional \$2 billion spending reduction. Village Manager Zambrano stated that the decrease in sales tax and grants may have an impact on the Village.

5. CITIZEN PARTICIPATION-Agenda Items

None

Discussion followed regarding the repeated televised Harmon presentation and whether it should be shown so often. No definitive conclusion was made.

6. RESOLUTIONS:

- a) On motion of TRUSTEE Brennan, seconded by TRUSTEE Konig, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a 3 to 1 vote with Trustee Olver voting nay:

WHEREAS, Village Elections are usually held the third Tuesday of March as per New York State Election Law §15-104(a); and

WHEREAS, the third Tuesday in March 2009 falls on March 17th, 2009, St. Patrick's Day; and

WHEREAS, according to New York State Election Law § 15-104(b) for any year in which the 17th of March falls on a Tuesday, the Board of Trustees, by resolution shall designate Wednesday, the 18th of March Election Day; and

WHEREAS, the resolution adopted shall not alter the political calendar, which shall continue to be computed from the third Tuesday of March.

NOW, THEREFORE BE IT RESOLVED: that the Board of Trustees of the Village of Croton-on-Hudson, New York will hold the 2009 Village Election on Wednesday, March 18, 2009 to comply with the New York State Election Law §15-104(b).

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

WHEREAS, the next annual Village election of the Village of Croton-on-Hudson, NY shall be held on Wednesday, March 18th, 2009; and

WHEREAS, the Community Room in the Municipal Building, 1 Van Wyck Street shall be the polling location; and

WHEREAS, polling shall take place between the hours of 6 am to 9 pm; and

WHEREAS, the Board of Trustees shall designate by resolution, as well as, have published the offices which are to be filled at the Village Election and the terms thereof.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Croton-on-Hudson hereby designates the following offices as vacant at the end of the current official year to be filled at the Village election on Wednesday, March 18, 2009 for the following terms:

Mayor	Two-year term
Trustees (2)	Two-year term each

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

WHEREAS, there is a previously approved contract with Con-Tech Construction Technology Inc. for the 2008-09 Sidewalk & Curb Improvements; and

WHEREAS, the sidewalk on Old Post Road North required the removing and resetting of the bluestone curb; and

WHEREAS, Con-Tech Construction Technology, Inc. has provided the Village a quote for this additional work in the amount of \$12,870,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to sign Change Order No. 3 in the amount for \$12,870 for the removal and resetting of the bluestone curb at the new sidewalk on Old Post Road North.

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

WHEREAS, the on-line access to Westchester County land records has been available since 2004; and

WHEREAS, this service has been very helpful to the Engineer's Department and Finance Department; and

WHEREAS, the County offers this as a free service to municipalities,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to sign the 2009 Intermunicipal Agreement with Westchester County whereby the County will provide access to the Public Viewer for four users.

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

WHEREAS, the Village received 5 bid proposals for the Village wide cold milling and paving project; and

WHEREAS, the bids were opened on October 22nd and Bilotta Construction was the low bidder in the amount of \$220,000; and

WHEREAS, the Village Engineer has reviewed the bids and recommends that the contract be awarded to Bilotta Construction,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to award the bid for the Village wide milling and paving project to Bilotta Construction at a cost of \$220,000,

7. CITIZEN PARTICIPATION – NON-AGENDA ITEMS:

Cornelia Cotton, Hessian Hills Rd., expressed her opinion of using the historical bluestone curbs and paving stones which have been stored and taken good care of; they have been reinstalled in other areas and suggested that this be done rather than the concrete curbs which are no good and are a waste of time and manpower; a year from now they will not look so good; do not continue to install concrete curbs; look at ways to use the bluestone curbs in more historic areas. She added that she has heard that the Board is looking into fountains and clocks which were her suggestion. Ms. Cotton referred to a letter in the Gazette about the IMA establishing a committee of communities along the Hudson River; Croton and Ossining have entered into this agreement and she suggested that government should involved residents in these efforts to preserve these natural resources. Ms. Cotton stated that Mayor Schmidt made a suggestion about installing enlargements of scenes of the Village in prominent places in the Village; this would be good to have outdoors for everyone to see. Ms. Cotton suggested that the Village should be concerned about size of houses, which may have peaked now; Cortlandt passed an ordinance on restriction of home sizes; the Village should give some thought to this along with a push for more historic preservation and not have huge houses next to small houses. Mayor Schmidt stated that the FAR is on the books already. Ms. Cotton added the Village does not need the enormous street sweeper; the litter is on the sidewalks and adjoining sidewalks, perhaps use seniors for this cleanup. Ms. Cotton stated that residents were upset last year on the manner of conducting the election which turned people off, but to stop participating is serious; perhaps the Village shouldn't have parties as some other municipalities in Westchester have done; think about a unity party of concerned citizens to solve problems without dissent. Ms. Cotton suggested that the Village appoint a Poet Laureate which could be an artist, painter, musician or writer. Ms. Cotton added that she would like to make a public commitment to bring the Village art collection up to date and bring in works she has collected through the years and also get the Village to install benches at major bus stops.

Joe Pappas, 8 Arlington Drive., stated that he had tree work planned but found that most of the trees he wanted to remove are on Village property; the DPW looked at the trees and ConEd cut down a few of the trees; he would like to expedite the process and get these trees down before the winter; they are Norway Maples and are invasive; he is willing to pay for removal and replacement with native species trees. Village Manager Zambrano said he did receive a call today about this matter; he will follow up and let Mr. Pappas know what the best way is to proceed.

Paul Rolnick, 1 Alexander Lane, asked what the next steps are regarding recommendations about the Harmon Redevelopment. Mayor Schmidt replied that he understands from the meetings that something should be done and the Board will talk about this at the next work session.

Lisa Cohen, Old Post Rd. No., agreed that the Harmon Restoration presentation should continue to be aired on Tuesdays. Ms. Cohen stated that she spoke to members of the committee and still does not understand where the number 193 comes from. Trustee Brennan replied that if everything was built out that was the number of units that was possible; however, 123 was the more probable number.

8. APPROVAL OF MINUTES:

Trustee Brennan made a motion to approve the minutes of the Executive Session held on September 18, 2008. Trustee Olver seconded the motion. The Board voted approval with Trustee Konig abstaining.

Trustee Brennan made a motion to approve the minutes of the Executive Session held on October 6, 2008. Trustee Olver seconded the motion. The Board voted unanimous approval.

Trustee Olver made a motion to approve the minutes of the Executive Session held on October 20, 2008. Trustee Brennan seconded the motion. The Board voted unanimous approval.

Trustee Brennan made a motion to approve the minutes of the Regular Board Meeting held on October 20, 2008 as corrected. 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 October 22, 2008. Trustee Olver seconded the motion. The Board voted unanimous approval.

9. REPORTS:

Village Manager Zambrano reported he received a letter from the DEC regarding an application to transfer a permit from Northeast Interchange to Earthline Intermodal LLC. The DEC stated that the information sent to the DEC was not sufficient to transfer from one entity to the other; it asked for further information. Village Manager Zambrano reported that President Bush signed into law the Clean Railroad Act of 2008; which he believes is a positive for the Village regarding the 1A Croton Point Avenue site. Mr. Zambrano reported that tomorrow they will continue talks with Verizon about the FIOS contract and on Thursday they

will meet with Verizon representatives. Mr. Zambrano noted that this week is the beginning of leaf collections; streets are listed on the Village web site. Mayor Schmidt added that street sweeping is part of the storm water management program and is required in the permit; in the future, the Village may seek a machine that is a little quieter. Village Manager Zambrano added that the issue of litter on the sidewalks is also being addressed. He stated that residents should have received a booklet from Westchester County on emergency planning.

Trustee Konig reported that the new Croton Landing Park has been mentioned to her as a pleasant park and a number of people from all over have been checking it out. Trustee Konig reported that Halloween was quite ideal and was a successful Friday night. She added that some people seem to be interested on both sides in the Harmon Development recommendations; the Board does have to discuss how to help businesses especially in the Harmon area; people are asking for restaurants and office space and there is a lot to discuss; she sees no density housing in the near future; the Board has listened to the public and will report back after discussion.

Trustee Olver stated that he is happy that Halloween went so well. Trustee Olver pointed out that this Board has done a lot together, in full agreement, over the past several months such as reviewing Treasurer candidates and they pulled together around 1A Croton Point Ave. and with the Waterfront Advisory Committee, everyone worked together to get a much better agreement for the cell phone tower. Trustee Olver agreed that Croton Landing is a beautiful place. He stated that he would like to see discussion by the Board on domestic violence which has been an issue recently; any kind of physical abuse is not allowable; he supports public education about these issues and advised residents to speak up, do not remain silent. He added that My Sister's Place in Westchester does have education on the subject and offers a place to go for anyone who is a victim of abuse; on line see: www.mysistersplace.org Trustee Olver asked for support for the wounded servicemen; the Wounded Warrior project (www.woundedwarrior.org) assists getting the wounded back into life. He reported that the Harmon redevelopment project is not talking about developing or helping business, but modifying zoning to make it more flexible to attract private investment; this will not be done in a rush, but must keep moving; a number of excellent suggestions were heard at the hearing on October 28th; the committee clarified, based on their figures, that the schools would receive a net gain of money; they need to look more closely and carefully at this; future steps are mandated by law and everyone should move cautiously and prudently in that direction.

Trustee Brennan reported that the Village is mandated by the State Stormwater Regulations to clean the streets to keep everything from going into the Hudson. Trustee Brennan congratulated the Croton Harmon Tigers football team for defeating Dobbs Ferry who had an extensive winning streak. He also offered congratulations to all involved in the school district sports. Trustee Brennan suggested using Connect-CTY to notify residents about the leaf collection schedule. He added that Croton Landing has been 8 years in the process and gave thanks to a long list of people for bringing this to fruition. Trustee Brennan reported that conceptually, the Harmon plan looks good, but they may not end up with what is on paper; the Croton Dam project will impact the Village for several years; the possibility of 300 to 400 people seems to be too dense; he'd like to break it down and perhaps look at other options; the Board all realize something needs to be done there, but they need to know what is wanted in

that area; he is not sure he agrees with the math on what it will cost the taxpayers and school district. Trustee Brennan reminded everyone that tomorrow is election day nationwide.

Mayor Schmidt reminded residents that the usual Washington Engine polling place is changed to the Grand Street firehouse because Washington Engine does not meet handicapped requirements. Mayor Schmidt stated that he would like to discuss term limits in the near future; he feels that it is healthy to have change on a regular basis. Mayor Schmidt added also that he may put on the table the pay scale for those who put in a lot of time for the Village. He stated that regarding the Harmon presentation, everyone has expressed their opinion and they will continue to work on this; it will take time as they need to take a serious hard look, especially at zoning changes. Mayor Schmidt reported that he lives in a great Village; it is easier and easier to shop locally and this creates and enhances the sense of community. He agreed that Croton Landing is wonderful; kudos to everyone who has worked on this project. Mayor Schmidt agrees that domestic violence is an issue that needs to be addressed especially in light of recent local tragic events.

Trustee Brennan made a motion to go into Executive Session to discuss a police matter. Trustee Olver seconded the motion, approved by all.

Trustee Brennan made a motion to adjourn. Trustee Konig seconded the motion; approved unanimously. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Phyllis A. Bradbury

Phyllis A. Bradbury, Secretary

Village Clerk