

1 A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on  
2 Monday, May 24, 2010 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY  
3 10520.

4  
5 The following officials were present:  
6

|                          |                  |
|--------------------------|------------------|
| Mayor Wiegman            | Trustee Gallelli |
| Village Manager Zambrano | Trustee Murtaugh |
| Village Attorney Staudt  | Trustee Schmidt  |
| Treasurer Bullock        | Trustee Olver    |

7  
8 1. CALL TO ORDER:

9 Mayor Wiegman called the meeting to order at 8:00 p.m. Everyone joined in the Pledge of  
10 Allegiance.  
11

12 2. APPROVAL OF VOUCHERS:

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

|                 |               |
|-----------------|---------------|
| General Fund    | \$285,465.74  |
| Water Fund      | 21075.80      |
| Sewer Fund      | 10578.84      |
| Capital Account | 2950.27       |
| Trust & Agency  | 2747.53       |
| Total           | \$ 322,818.18 |

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16  
17 3. CORRESPONDENCE:

18 Village Manager Zambrano read the following correspondence (full text available at the  
19 Village Office):  
20

- 21 a) A memo from Village Engineer O'Connor requesting a 6 month extension of a building  
22 permit for 129 Hastings Avenue. The Board unanimously approved the request.  
23
- 24 b) A letter from Sandra and Michael Kolk, 114 Elmore Avenue, requesting that a section of  
25 Bungalow Road be posted "no parking" on both sides. Village Manager Zambrano stated  
26 that this letter has been sent to the police department and the DPW and he has responded  
27 to Mr. & Mrs. Kolk.  
28
- 29 c) A notice of a public hearing from the Town of Cortlandt regarding proposed changes to  
30 the Town zoning code; this does not affect businesses in the Village..  
31
- 32 d) A letter from the Arbor Day Foundation announcing that Croton on Hudson has been  
33 named a Tree City USA community for 2009. Trustee Murtaugh stated that the DPW has  
34 scheduled the planting of a tree tomorrow at 10 am at Veterans Corners and that the  
35 ceremony is open to the public.  
36

1 4 CITIZEN PARTICIPATION (agenda items):

2 a) Virginia Calcutti, 19 Hunter Place, asked the Board to not approve hiring a consultant; she  
3 has seen in Florida where the truck picks up trash and goes down one side of the street and up the  
4 other. She suggested that residents or the Village would need to purchase new garbage cans and  
5 what would happen in the areas where trucks need to back up to return down the street; on Grand  
6 Street, they now go between cars and pick up cans. She asked also what happens to recycling  
7 and who is going to pick up that. Ms. Calcutti added that homes high on hills bring trash down  
8 in their cars; now they will have to roll big garbage cans down the hill. Ms. Calcutti questioned  
9 when is the last time there was an accident from the back of a truck. She continued that we now  
10 have trucks that have two men on the back of a truck and a driver; when they have to back out,  
11 there will be only one man and that can be dangerous for the Village. Ms. Calcutti asked why a  
12 consultant is needed to tell us if we should charge commercial establishments or the school  
13 district for an extra pickup and also for pick up of leaves. She requested that the Board please  
14 put off hiring and do more thinking on this; they will be charging \$10,000 for four site visits but  
15 these decisions can be made by the Trustees. She suggested taking the \$43,000 and give non-  
16 union employees a raise and also where did this money come from. Village Manager Zambrano  
17 replied that this was a capital project approved last year by the Board of Trustees; it was  
18 approved for fiscal year 2009-2010 ending May 31<sup>st</sup>. Mayor Wiegman stated that the primary  
19 purpose of the study is not to go straight to a new collection procedure, it is to figure out how to  
20 get the most efficient service out of the solid waste collection; they will look at existing routes  
21 now being used and how much it would cost to do additional pick ups for commercial. Ms.  
22 Calcutti stated that she disagrees with the need for a study. Trustee Murtaugh stated that Ms.  
23 Calcutti has raised many good points; we are truly not experts on this either and need to rely on  
24 experts who do this every day; the study is about overall efficiency, better use of tax dollars and  
25 increased safety; \$43,000 is a lot of money, but the Board is following Marco Gennerelli's lead  
26 as a professional to take this step. Trustee Schmidt stated that he went to a Chicago Waste  
27 Industry Expo in Chicago several years ago; it was very revealing about the technologies that are  
28 out there; anything we can do as a Village to make departments more efficient is something that  
29 needs to be done; UPS did a study of their drivers recently and found by eliminating just left  
30 hand turns they saved 10% in fuel costs over the year; this study requires someone to look at the  
31 whole picture and suggest the best routes. Ms. Calcutti asked how this system picks up  
32 dumpsters. Mayor Wiegman replied that these questions are all a part of the study.

33  
34 Bob Wintermeier, 43 Radnor Ave., stated that he came to object to the \$43,000 study, he doesn't  
35 understand why it is necessary to do a study; the DPW does an efficient job and he doubts they  
36 will find much more efficiency with different routes; he is not clear why they are doing this,  
37 what is the return on the investment; what is the impact on the staff, it smacks of a time and  
38 motion study and what are you going to do with the people if they suggest getting rid of them.  
39 He added that Ms. Calcutti made a point about the robotic arm which he has seen in action in  
40 Raleigh; everyone will have to get a new trash can; it also takes time to direct the arm as it must  
41 be done manually; please watch it in operation before making a decision. Trustee Murtaugh  
42 replied that this might not work in Croton and that area is just a bit of a big report. Mr.  
43 Wintermeier stated that these trucks must go down one side and it doubles the time and labor.  
44 Trustee Gallelli added that this study is about finding efficiencies and breaking down to a unit  
45 cost; they may go with adjusting routes and adjusting times which will come out of the study.  
46 Mr. Wintermeier stated that hopefully the Village will recover the \$43,000. Trustee Schmidt

1 stated that a good portion of DPW time is spent on garbage pickup, they are out four days a week  
2 just on garbage pickup; if we can free some time up and not have to use overtime that will be  
3 well worth doing the study

4  
5 Don Daubney 45 Bungalow Road, stated that on tonight's agenda there is a letter from the  
6 Kolk's regarding parking on Bungalow Rd. and urging elimination of parking on that road, he is  
7 against it; this has been addressed for about 30 years; prior to that, there was parking on both  
8 sides and it was deemed dangerous; a result was eliminating parking from Ridge Road down to  
9 the corner of the wall and allow parking to the diner on the same side of the road there is no  
10 parking on the other side of the road which was a fair settlement of the issue; there are no  
11 sidewalks on Bungalow Rd.; safety is a concern of his; he has been there 45 years and has never  
12 heard of a pedestrian accident on that road in that period of time; perhaps there were a few minor  
13 accidents at the corner; they have requested reduced speed limits, but was told the Village could  
14 not do it; he thinks Bungalow Rd. should have a 15 mph speed limit and/or speed bumps; on-  
15 street parking is a necessity for residents of Bungalow Rd. because most houses have short  
16 driveways; to not have parking is a definite disadvantage to homeowners; when there are Little  
17 League games observers must park on Bungalow Rd. and yard workers must also park on the  
18 street. Mayor Wiegman replied that this has been referred to the police department and Mr.  
19 Daubney can interact with Chief Tramaglini on this.

20  
21 Doris Daubney, 45 Bungalow Road, stated that, regarding parking on Bungalow Rd., there is a  
22 safety issue and residents have come before the Board many times; letters have been written  
23 suggesting a one way street and sidewalks but the Village did not want to go there; today she  
24 drove down to Silver Lake which has a road similar to Bungalow Rd.; it does down to a park and  
25 has no sidewalks; they have limited parking on one side of the street which is an acceptable  
26 solution; eliminating all parking may open a can of worms with streets leading to Silver Lake  
27 and Blackrock; this would be setting a precedent. Ms. Daubney stated that Marilyn Shalansky  
28 was not able to come tonight, but sent a statement that speeding on Bungalow Rd is the issue, not  
29 parking, and suggested speed bumps. Ms. Daubney also offered a suggestion which is to move  
30 the sign down further.

31  
32 Bob Turkell, 46 Bungalow Rd. stated that if automobiles are not parked on the street, cars will  
33 pick up speed; speed bumps and a playground sign would help; he agrees with the Daubneys.

34  
35 Village Attorney Staudt gave a short presentation about a resolution on tonight's agenda  
36 regarding the Gateway/Harmon rezoning legislation and litigation; the lawsuit is comprised of 13  
37 causes of action; 7 claims relate to circulation of the law and related procedural claims; it could  
38 cost the Village 10s of thousands of dollars to defend the procedural claims and possibly many  
39 years; it was his advice to the Board to re-up and re-circulate the law; he does not believe that the  
40 claims are correct, but it makes no sense to spend thousands of dollars to defend these claims;  
41 while litigation goes on people in the district will not move forward with applications to improve  
42 their property; if re-up and recirculation is done, the Village will be saved a substantial amount  
43 of money. He added that he will shortly come to the Board with a new proposed law which will  
44 provide for the repeal of the law that was enacted and the recirculation of the law that initially  
45 will have the same substance; the referring agencies will process and will come back to the  
46 Board to enact a new local law based on new advice and the Board's disposition at the time. He

1 added that he is recommending this purely for practical reasons; that may still leave substantive  
2 claims which will remain but will not be addressed until after recirculation;

3  
4  
5 5 RESOLUTIONS

6  
7 a) On motion of TRUSTEE SCHMIDT, seconded by TRUSTEE MURTAUGH, the following  
8 resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-  
9 Hudson, New York:

10  
11 WHEREAS, the Village of Croton on Hudson has entered into an agreement with the SPCA  
12 of Westchester Inc. to provide animal shelter care on an annual basis; and

13  
14 WHEREAS, it is necessary to renew this agreement for fiscal year commencing June 1, 2010  
15 through May 31, 2011; and

16  
17 WHEREAS, SPCA of Westchester has agreed to renew the agreement with no increase for  
18 fiscal year June 1, 2010 through May 31, 2011;

19  
20 NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to  
21 sign the agreement with the SPCA of Westchester, Inc. to provide services to the Village for  
22 seized, stray and homeless dogs and cats in accordance with the terms of the agreement at the  
23 annual cost of \$6,416.55.

24 Discussion: Trustee Gallelli stated that she has always hated this arrangement, but the Village is  
25 legally obligated to make such an arrangement and she must support this. Trustee Olver added  
26 that they talk this through each year, but there is not an alternate arrangement, but are still  
27 looking for one. Trustee Schmidt stated that the SPCA also provides service for problems with  
28 feral cats; they have a trap, neuter and return program which is the most humane way to deal  
29 with feral cats.

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

33  
34 WHEREAS, the Village and the New York State DOT have entered into a snow and ice  
35 agreement which will expire in 2012; and

36  
37 WHEREAS, the Village has received an amendment to this contract reflecting the severity  
of the winter for the 2009/10 period; and

38  
39 WHEREAS, under this amendment the estimated expenditure has been increased from  
\$18,287.48 to \$33,468.20;

40  
41 NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to  
42 sign Amendment B of the Indexed Lump Sum Snow and Ice Agreement with New York  
State Department of Transportation expiring in 2012.

1 c) On motion of TRUSTEE OLVER seconded by TRUSTEE SCHMIDT, the following  
2 resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York  
3 with Trustee Schmidt absent:

4  
5 WHEREAS, the Village received three proposals in response to its Request for Proposals for  
6 a Feasibility Study for the Stanley H. Kellerhouse Municipal Building; and

7  
8 WHEREAS, the three proposals received were from Peter Gisolfi Associates in the amount  
9 of \$30,000 plus reimbursable expenses not to exceed \$3,000, The Geddis Partnership in the  
10 amount of \$29,000 plus reimbursable expenses not to exceed 1,000, and Peter F. Gaito &  
11 Associates in the amount of \$36,000 complete; and

12  
13 WHEREAS, the Superintendent of Public Works and Village Engineer have reviewed these  
14 proposals in detail; and

15  
16 WHEREAS, although all three consultants possess necessary qualifications to perform the  
17 Feasibility study, the Superintendent of Public Works and Village Engineer recommend that  
18 Peter Gisolfi Associates be selected based on relevant experience;

19  
20 NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to approve  
21 the proposal from Peter Gisolfi Associates for the amount of \$30,000 with reimbursable  
22 expenses not to exceed \$3,000 for a Feasibility Study for the Stanley H. Kellerhouse  
23 Municipal Building,

24 AND BE IT FURTHER RESOLVED: that this amount should be charged to Capital  
25 Account #H3120.2102.08255.

26 Discussion: Trustee Murtaugh stated that this is a study to increase efficiency for the Village and  
27 deliver more services to the residents at a better price. Trustee Gallelli stated that this study is to  
28 look at the building and find more space for the Police Dept. needs; it seemed prudent to look at  
29 the entire building and possibly improve it from an energy point of view. Trustee Olver stated  
30 that there is a desperate problem with a shortage of space in the Police Dept.; the study will have  
31 to deal with heating and air conditioning of an old building; to make substantial energy savings,  
32 they must look at the whole building to make rational decisions. Mayor Wiegman added that  
33 there is the potential to make use of this room as a combination use room; the building was well  
34 built the first time around. Trustee Schmidt stated that when the Police Department space was  
35 looked at previously, they looked at the proper handling of prisoners also; the original study  
36 suggested that the Police Dept. should have their own building; he commended the Police Dept.  
37 who recognized that they need to stay in this building and need to make it work here.

38  
39 d) On motion of TRUSTEE MURTAUGH, seconded by TRUSTEE SCHMIDT, the following  
40 resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-  
41 Hudson, New York:

42  
43 WHEREAS, the Village has a desire to conduct an evaluation of the Village's refuse  
44 collection routes and operations; and

45

1 WHEREAS, the purpose of the evaluation is to study the Department of Public Works  
2 operations of current collection routes for both residential and commercial refuse pick up,  
3 possible equipment and method of collection changes for the purpose of improving efficiency  
4 and reducing labor costs; staffing needs, and establish performance data of the current  
5 operations to create a benchmark to measure future collection performance; and  
6

7 WHEREAS, the Village has received a proposal from Malcolm Pirnie Inc. to perform the  
8 evaluation and based on their professional knowledge and qualifications the Village wishes  
9 to award the contract to Malcolm Pirnie, Inc. at a cost of \$43,000;

10  
11 NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to approve  
12 the proposal from Malcolm Pirnie Inc. in the amount of \$43,000 to conduct an evaluation of  
13 the Villages refuse collection routes and operations.  
14

15 AND BE IT FURTHER RESOLVED: that this amount should be charged to Capital  
16 Account #H8020.2107.10210  
17

18  
19 e) On motion of TRUSTEE GALLELLI, seconded by TRUSTEE SCHMIDT, the following  
20 resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-  
21 Hudson, New York:  
22

23 WHEREAS, the condenser for the air conditioning unit that services the Village Meeting  
24 room is not working properly and needs to be replaced; and  
25

26 WHEREAS, a proposal from R&M Air Conditioning Company, Inc. in the amount of \$3,140  
27 was received for the removal and disposal of the defective condenser and replacement and  
28 installation of a new condenser;  
29

30 NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to  
31 accept the proposal from R&M Air Conditioning Company, Inc. in the amount of \$3,140.  
32

33 AND BE IT FURTHER RESOLVED: that the Village Board of Trustees hereby authorized  
34 the Village Treasurer to transfer \$3,140 from the General Fund's Contingency Account  
35 A1990.4000 to Building Account A1620.4000 for the replacement of the Air conditioning  
36 condenser .  
37

38  
39  
40 **6. APPROVED RESOLUTIONS:**

41 a) On motion of TRUSTEE Murtaugh, seconded by TRUSTEE Olver, the following  
42 resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson,  
43 New York:  
44

45 WHEREAS, Local Law No. 3 of 2003 was approved at a regular Village Board Meeting  
46 held on October 7, 2003; and

1  
2 WHEREAS, this Local Law called for the setting of Village Fees through Board  
3 Resolutions; and

4  
5 WHEREAS, the Village Board set a new fee structure for the non-permit parking at the  
6 Croton Harmon Station effective January 4, 2010; and

7  
8 WHEREAS, 4 months of experience with the pay stations and the pay by phone system  
9 has indicated that a change in the fee structure is necessary; and

10  
11 WHEREAS, the Verrus pay by phone system cannot accommodate a differential between  
12 the daily rate and the multi-day rate; and

13  
14 WHEREAS, it is necessary to reduce the multi-day rate to \$8 until midnight; and

15  
16 WHEREAS, the weekend special rate has been confusing to customers and has not added  
17 any value to customers,

18  
19 NOW THEREFORE BE IT RESOLVED: that the parking rates for non-permit parking  
20 at the Croton-Harmon Train Station Parking Lot are as follows:

21  
22 Monday through Friday:

23 \$8 until midnight

24 \$11 until 3 am

25 \$1 per hour with a maximum of 7 hours

26 Multi-day rate \$8 per calendar day expiring at midnight

27  
28 Saturday through Sunday

29 \$5 until 3 am

30 \$1/hour with a maximum of 4 hours

31 Multi-day rate \$8 per calendar day expiring at midnight

32  
33 b) On motion of TRUSTEE Murtaugh, seconded by TRUSTEE Gallelli the following  
34 resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New  
35 York:

36  
37 WHEREAS, CHA has provided the village with a proposal to provide engineering  
38 services to provide temporary repair details for the boat ramp at Senasqua Park, and

39  
40 WHEREAS, the proposal has been reviewed by the Village Engineer, and

41  
42 NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to  
43 approve the proposal from CHA in the amount of \$1,600,

44  
45 AND BE IT FURTHER RESOLVED: that this amount should be charged to capital  
46 account # H7140 2106 10209

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

4  
5 WHEREAS, the Croton Fire Department and EMS currently share a radio frequency; and

6  
7 WHEREAS, due to the separation of ambulance services from the Fire Department, the  
8 Croton EMS is being required to separate from the present radio frequency; and

9  
10 WHEREAS, due to the number of calls being responded by the Croton EMS, the  
11 department has increased radio traffic in the existing shared frequency; and

12  
13 WHEREAS, in order to better serve the public in times of emergency medical need a  
14 separate radio frequency is necessary; and

15  
16 WHEREAS, in order to achieve the separation of the EMS's radio frequency from the  
17 that of the Fire Department, the Croton EMS needs additional funding in the amount of  
18 \$5,000;

19  
20 NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby  
21 authorizes the Village Treasurer to transfer \$5,000 from the General Fund's Contingency  
22 Account A1990.4000 to EMS's Equipment Account A4540.2000 to purchase the  
23 necessary components to separate EMS's radio frequency from that of the Croton's Fire  
24 Department.

25  
26  
27 7. CITIZEN PARTICIPATION (non-agenda items):

28  
29 a) Susan Konig, 37 Elmore Ave., stated that the Article 78 lawsuit was not known to be on the  
30 agenda tonight; this lawsuit is of interest to residents of Croton; the Board should want its  
31 residents to be aware of what is going on and put it on the agenda; the Board should keep the  
32 Village aware with what is going on. She asked why not concede to the lawsuit and not get into  
33 a lot of legal expenses; admit the Board was wrong. She asked how much this is going to cost;  
34 admit there were things that did not happen and move on; she would like transparency. Village  
35 Attorney Staudt replied that he does not believe that the Village did anything wrong; his advice  
36 is purely practical and it is his opinion is that the Village did no wrong.

37  
38 b) Tony Gagliotti, 22 Young Ave., stated that the school was moved out of this building because  
39 they were told that the building was unsafe in 1939-1940. Mr. Gagliotti stated that he read about  
40 the farmers market, last year he said someone is going to get killed, it is on a main road, not a  
41 side street; the Village has vegetable & fruit markets in the Village; we want business and then  
42 allow a farmers market to come in and take away business; plus it costs the Village money with  
43 police and traffic control and it does not make sense. Mr. Gagliotti stated that two aerators are  
44 pumping away at the Duck Pond and the sea of grass is growing; that pond is fed by springs by  
45 the ball field; several years ago, the Fire Dept cleaned up the area and drains were put in; the  
46 Village ran storm drains from the Upper Harmon area into the Duck Pond which devastated the

1 pond; there is no way this pond can be restored; his advice is to pipe it to the river and fill in the  
2 pond. Mr. Gagliotti stated that the old Dodge garage has been cleaned up; he spoke with two or  
3 three businesses in area who cannot wait for the garage to open for custom cars; here is a  
4 businessman who would like to open, but it has been over a year since he requested a change of  
5 use from car dealer to custom cars. Trustee Gallelli responded that the owner is Mr. Palladino  
6 and he is now looking for a motor vehicle repair shop and selling used cars, he is no longer  
7 interested in classic car dealership; he has been on the Planning Board agenda repeatedly but has  
8 requested withdrawal; he is developing a site plan which has not been returned to the Planning  
9 Board; Mr. Palladino has not followed through; she spoke with him last week and he will be  
10 back when he's ready. Mr. Gagliotti suggested giving new businesses a tax break.

11  
12 Bob Wintermeier, 43 Radnor Ave., stated that he had some concerns about the farmers market  
13 which is a 2 year agreement; he reviewed an analysis he did; the booths are rented out at  
14 different rates; their revenue ranges from \$15,000 to \$26,500 per year and we are getting nothing  
15 out of that; he estimated Croton's expenses are about \$500 per day it is open; the Village needs  
16 to get a 67% return from the revenue to recoup Village expenses.

17  
18 Virginia Calcutti stated that Unami restaurant is planting a garden again in front of the building  
19 and she had asked Trustee Gallelli to find out if there is a Village code for this. Trustee Gallelli  
20 replied that she doesn't believe there is anything to prevent them from planting a garden. Mayor  
21 Wiegman added that what they grow there is used in the kitchen. Ms. Calcutti stated that she  
22 feels it doesn't look right. Ms. Calcutti stated that she agrees with Trustee Gallelli about the  
23 SPCA expense for dogs. Ms. Calcutti stated that she has had rusty water on her street for many  
24 years and understands nothing will be done for a while. Village Manager Zambrano replied that  
25 the County will make a decision in 2011 and Hunter St. is on the list. Ms. Calcutti added that she  
26 hasn't seen anyone on the bike route. Trustee Gallelli responded that the grant was for Croton  
27 Point Avenue and it is really for improved traffic flow and safety, including bicycles and  
28 pedestrians; it includes the entrance to the railroad station up to Benedict. Trustee Olver added  
29 that the money could not be used to fix brown water, but are trying to get further funds from  
30 Community Block Grants. Village Manager Zambrano stated that the Board did approve  
31 engineering work for the brown water resolution. Ms. Calcutti stated that the flowers planted  
32 this year add nothing when entering the Village; buildings are not being taken care of; she wants  
33 to know how to ask the Board to pass a code to prevent planting a garden in front of a business.  
34 Trustee Murtaugh replied that beauty is in the eye of the beholder; he has found it unique that a  
35 business will plant corn in front of his shop and use it in the business. Trustee Schmidt stated  
36 that the code is really governed by the state code as far as property maintenance; the Village can  
37 enact laws that are tougher than the state laws which are pretty tough. Village Manager  
38 Zambrano added that there are certain restrictions about where plantings can be placed; but  
39 Village law cannot enact what they can plant, unless they are hazardous or invasive.

40  
41 Lisa Cohen, 179 Old Post Rd. No., thanked the community for coming out for the Croton  
42 Harmon Education Foundation Gala on Saturday; they raised a lot of money for the foundation.  
43 She added that she heard Village Attorney Staudt say that there was a chilling effect on the  
44 possibility of property owners doing things because of the lawsuit; her concern is that the Board  
45 was looking at zoning around Croton Point Park and the Saw Mill River Audubon that are  
46 currently zoned residential and has this done anything to stop that. Village Attorney Staudt

1 replied that generally there are allegations in the law suit that other zoning initiatives are tied to  
2 the SEQRA laws. Trustee Olver added that the two areas are open space areas which are zoned  
3 residential; the Board has been working to rezone so that hypothetically, if the county wants to  
4 sell off Croton Point Park, they would not be able to do so, right now it is possible to have  
5 hundreds of condos built on Croton Point Park; everything is at a dead stop right now. Trustee  
6 Schmidt stated that it is his understanding that once you have a park, it is hard to undo a park; the  
7 state law is clear, if an area is used as a park, you would have to replace the piece of parkland  
8 with land in kind. Village Attorney Staudt replied that if land has been dedicated as parkland,  
9 then there is a process to de-park it; his experience is the State would request that the functions  
10 being performed must be available elsewhere, generally in the same municipality.

11  
12 Roseann Schuyler, 41 Olcott Ave., stated that she believes not all causes of action will be  
13 mooted by the proposal to repeal and reenact. Village Attorney Staudt replied that he believes at  
14 the end of the day there may or may not be causes of action depending upon what zoning the  
15 Board enacts; if the Board enacts a completely different law, it is possible they may be mooted  
16 out or the reenacted law may be so similar that the claims may still be made. Ms. Schuyler asked  
17 if the Board is considering something different for the Harmon area. Attorney Staudt replied that  
18 he can't say, we must wait until the recirculation. Ms. Schuyler asked if the plan to react what  
19 would be potential fees to pass another law. Attorney Staudt replied that, in general, dealing  
20 with these issues in the context of a law suit can cost \$100,000 to \$200,000 and doing it the way  
21 he is suggesting will cost a fraction of that amount; he will not bill as litigation; they are talking  
22 about a lot of money to deal with claims through a lawsuit. Ms. Schuyler asked if the Board is  
23 prepared to provide to the public any assurances that the law will be correctly passed the second  
24 time. Attorney Staudt replied that he gives his assurance that he will shepherd it through; the  
25 Village should not be spending money litigating procedural things, we can talk it through step by  
26 step; he believes it was done correctly in the first place. Ms. Schuyler stated that she fails to  
27 understand how this proposal is not tantamount to admission of liability regarding procedural  
28 claims put forth in this action and she fails to see how spending thousands it can be referred to as  
29 frivolous; the law suit is not frivolous and anyone who has made that claim, has misstated the  
30 facts and the truth regarding the lawsuit; it is irresponsible to have made those accusations at this  
31 point; will the Village be required to answer several of the causes of actions, then what are we  
32 getting from this proposal; the reply is due on Wednesday and is the Board planning to repeal  
33 and reenact this law tonight. Attorney Staudt replied that if some causes of action do remain, the  
34 Village can still save a lot of money in time by getting rid of those that it can. Ms. Schuyler  
35 replied that she believes that the Village should have referred this to the County, the Waterfront  
36 Advisory Committee and to the Planning Board prior to enacting; she warned that there would be  
37 litigation over this; every dollar that has been spent was spent after the Board was warned that  
38 this would happen; she is disappointed and somewhat outraged that the Village would have taken  
39 such irresponsible action; in regard to delaying development and the chilling effect this has had,  
40 why has it taken so long to respond. Attorney Staudt replied that a lawsuit of this type, the  
41 response time has not been extraordinary by any means.

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1 8. APPROVAL OF MINUTES:

2 Trustee Gallelli made a motion to approve the minutes of the Special Meeting to Adopt the  
3 Budget held on April 26, 2010 as corrected. Trustee Murtaugh seconded the motion. The  
4 Board voted unanimous approval.

5  
6 Trustee Schmidt made a motion to approve the minutes of the Regular Board Meeting held  
7 on May 3, 2010 as corrected. Trustee Murtaugh seconded the motion. The Board voted  
8 unanimous approval.

9  
10 Trustee Murtaugh made a motion to approve the minutes of the Executive Session held on  
11 May 10, 2010 as corrected. Trustee Schmidt seconded the motion. The Board voted  
12 unanimous approval.

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15 9. REPORTS:

16 *Village Manager Zambrano* reported that the tax bills are going out Friday and are due by the  
17 end of June; water bills will be going out June 15<sup>th</sup>.

18  
19 *Village Treasurer Bullock* reported on the Village's Moody's bond rating changed. She quoted  
20 an email from the Village's financial advisor. Ms. Bullock explained that the rating has  
21 improved and the Village should be able to borrow money more cheaply.

22  
23 *Trustee Schmidt* reported that this past Friday, the Croton Community Coalition had an excellent  
24 event at Vassalo Park which occupied the students for quite a long time. He commended the  
25 Village for being a part of the Coalition. Trustee Schmidt reminded everyone that this weekend  
26 is Memorial Weekend and it is important to honor those who have served and are now serving in  
27 the armed forces; there will be a ceremony on Monday, 11<sup>th</sup> am at Veterans Park. Trustee  
28 Schmidt reported that Summerfest is coming up the following weekend and it promises to be a  
29 very good year for the event. He stated that he has received a letter from a resident about  
30 speeding on Morningside and another complaint today about Bungalow Rd. and urged everyone  
31 to look at the speedometer and start paying attention to the speed; rather than give out tickets, it  
32 is better to slow down and use common sense.

33  
34 *Trustee Olver* stated that he joins with Trustee Schmidt on all points he made, especially  
35 everyone should do something special on Memorial Day; he is reminded every time he goes  
36 overseas that we have something special here. Trustee Olver congratulated the Village staff,  
37 especially the Manager and Treasurer, on the increase of the Village's bond rating. He added  
38 that we passed a rainy day budget this year and for the 2<sup>nd</sup> year in a row, the Village share of  
39 taxes was cut without reducing services; they did increase the drawdown on the fund balance, but  
40 it is a rainy day fund and are still holding a fund balance that is toward the high edge of a range  
41 recommended by the auditors and it is reflected in the bond rating. Trustee Olver stated that they  
42 are cutting expenses, but trying to find ways to increase income and trying to increase the non-  
43 homeowner tax base. He stated that the Article 78 lawsuit against zoning changes passed several  
44 months ago contains many issues; he doesn't believe anything was done that failed to meet the  
45 standards or did anything wrong, however, they want to get back to the real issue and get the  
46 matter resolved so all can turn attention back to redeveloping Harmon; the Village will have a

1 law and a resolution of this lawsuit and we will get back to the business we were elected to take  
2 care of which is increasing the income of the Village.

3  
4 *Trustee Gallelli* reported that tomorrow at 10 am at Veteran's Corner, there will be a tree  
5 planting related to the Village receiving the Tree City USA designation. Trustee Gallelli  
6 reported that as of next week, no newsletter will be printed; starting June, it will be electronically  
7 delivered; go to the Village's web site to subscribe to the newsletter; just click and follow the  
8 menu and provide your email address and the newsletter will be delivered by email every month;  
9 all newsletters are also available on the Village web site. Trustee Gallelli reported that there will  
10 be a limited number of printed copies available at the Library and the Municipal Building; this  
11 should save the Village about \$12,000 a year. Trustee Gallelli stated that at the last meeting, she  
12 made a suggestion that the History Room be called the Joyce Octavio Finnerty History Room  
13 and asked the Board to provide the consensus to rename the room; she has spoken with many  
14 people in the Historical Society and they were pleased about the proposed dedication. Trustee  
15 Gallelli made a motion for the aforementioned room name designation; Trustee Schmidt  
16 seconded the motion; approved unanimously. Mayor Wiegman suggested that the Village  
17 Manager and the staff will find an appropriate way to do this. Village Manager Zambrano  
18 replied that he will ask the Historical Society members for input. Trustee Gallelli reported that  
19 she has spoken with a majority of the people in the Village who supported the zoning  
20 amendment and who are unhappy that their efforts to build a commercial property tax base are  
21 on hold, they have support for Attorney Staudt's suggestion; from a financial point of view, it  
22 will be less expensive; there were no errors, but everyone has a difference of opinion.

23  
24 *Trustee Murtaugh* reported that tomorrow evening at the Croton Free Library, there will be a  
25 teen room dedication at 7 PM; funds were donated by an anonymous resident. Trustee Murtaugh  
26 also reported that his wife won a spot at the Community Garden by lottery and they went down  
27 this weekend; he suggested residents should come and take a look at the vegetables being grown  
28 there; at end of summer, the community will find it was a fine thing to do. He added that the  
29 Croton Community Coalition held a fine event; there was fantastic enthusiasm and it was a  
30 beautiful sunny day. Trustee Schmidt added that this was a nice benefit for the merchants, also.  
31 Trustee Murtaugh stated that a speaker tonight said the Board was against Mr. Palladino's  
32 vintage car dealership but he supported it when it first came up.

33  
34 *Mayor Wiegman* asked Attorney Staudt to clarify how the Village Board is putting a stay on the  
35 existing local law and re-circulating a new draft law. Attorney Staudt replied that a repeal and  
36 enactment of a new law would take place after there has been a circulation; it is not contemplated  
37 that a repeal will happen now; we are trying to hold things in one place and deal with as much as  
38 we can with certainty and make it absolutely clear that the issue will be moot. Mayor Wiegman  
39 reported that last year the Village placed an ad in the Clearwater Festival circular, this year we  
40 are placing a map and local business information. He joined others in thanking the Croton  
41 Education Foundation; over 100 people worked to put on the Under the Stars program. Mayor  
42 Wiegman announced committee appointments and thanked Vincent Andrews for his 5 years of  
43 work on the Planning Board; his business now requires international travel and felt it was only  
44 fair to step aside; Bruce Kauderer, 6 Georgia Lane, who is an attorney and is experienced on land  
45 use law with the firm Kimco Developers, was appointed to the Planning Board. Mayor

1 Wiegman also announced the appointment of Mark Fransozo, 6 Hixson St., who will serve as  
2 both a resident and a local business person, to the Economic Development Committee.

3  
4 Trustee Olver made a motion to adjourn. Trustee Murtaugh seconded the motion; approved  
5 unanimously. The meeting was adjourned at 10:45 pm.

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8 Respectfully submitted,

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12 *Phyllis A. Bradbury* \_\_\_\_\_

13 Phyllis A. Bradbury, Secretary

14  
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17 \_\_\_\_\_  
18 Village Clerk