

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, September 20, 2010 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

Mayor Wiegman	Trustee Gallelli
Village Manager Zambrano -absent	Trustee Murtaugh
Village Attorney Staudt	Trustee Schmidt
Treasurer Bullock -absent	Trustee Olver
Assistant Village Manager King	

1. CALL TO ORDER:

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

2. APPROVAL OF VOUCHERS:

Trustee Murtaugh made a motion to approve the vouchers as follows, subject to review by the Audit Committee. The motion was seconded by Trustee Schmidt and approved with a vote of 5-0.

General Fund	\$ 38,058.45
Water Fund	3,395.11
Sewer Fund	3,099.77
Capital Account	88,794.24
Trust & Agency	<u>51,976.18</u>
Total	\$185,323.75

3. CORRESPONDENCE:

Asst. Village Manager King read the following correspondence (full text available at the Village Office):

- a) A letter from Robert and Maria Armanini, principals, RMA Enterprises, LLC, requesting approval of a special permit to open a retail store at 326 S. Riverside Ave. Trustee Schmidt made a motion to refer this to the Planning Board for review. The motion was seconded by Trustee Murtaugh, approved with a vote of 5-0.
- b) A letter from Westchester County Executive, Astorino, regarding the launching of the Find and Assist Veterans of Record or "FAVOR" Program, a discount program for eligible individuals who have been honorably discharged from the US Armed Forces.
- a. c) A letter and flyers from Katherine Quinn, Exec. Director, Support Connection, regarding their 16<sup>th</sup> annual Support-A-Walk which will be held at FDR Park, Yorktown, on October 3<sup>rd</sup> and their Home Run Derby which will be held on September 25, 2010, 2 PM at

Peekskill Stadium; all proceeds for both events go to Support Connection for breast and ovarian cancer support services.

- d) A memo from Fran Allen, Waterfront Advisory Committee chairperson, with their final recommendation of consistency of Introductory Local Law No. 6 of 2010.
- e) A letter from Chris Kehoe, Deputy Planning Director, Town of Cortlandt, regarding PB1-07, Application of Mark Giordano for the property of Ruth Cohen. Trustee Gallelli asked to refer this to the Planning Board as was done with the other information received. Trustee Olver stated that the SCOPE includes a line about the hydrogeology of the Arboretum and asked to refer this to the Arboretum also for their input. Trustee Gallelli stated that the Planning Board is asked to comment on the SCOPE which is the first step in the process and is an opportunity that anything we think should be studied is added to that list.

4. CITIZEN PARTICIPATION (agenda items):

Trustee Gallelli offered a clarification statement and a suggestion to which all Trustees are in agreement. Trustee Gallelli stated that the clarification is in regard to the amendment to the law to allow bow hunting of white tailed deer; it is a two part process with one being the change in the law and the other the rules and regulations for such a deer management program; there needs to be a very detailed plan in place; the CAC has been developing an outline of what that program would be; the suggestion is to postpone the vote on the amendment to the hunting law until the October 4<sup>th</sup> meeting and at that meeting, we will have the CAC make a presentation on the details of the safety features, police involvement, measurements, the location of sites and details that are of concern of many people; then take those under consideration; then the adoption itself requires SEQRA. Mayor Wiegman stated that this in the interest of the Village Board, as well as the public and the Audubon, on general outlines for the management plan so would know what would be in the program to know what the impacts might be. Trustee Schmidt added that this will give everyone time to look at this and educate the public on what it is anticipated to do; the Westchester County study has been on the table since O'Rourke was County Executive; something has to be done with management of deer; this will give the CAC time to prepare a presentation on the rules and regulations.

- a) Fran Allen, Finney Farm, Chair of the WAC which she explained, is part of the SEQRA approval process on this action, asked Jim Staudt to explain the role of the SEQRA process as it relates to the WAC. Village Attorney Staudt responded that the local waterfront revitalization law in Croton defines what cases will go to the WAC in terms of SEQRA definitions; for example an unlisted action will go to the WAC. Ms. Allen added that the WAC is related to state and national statutes which cover the entire Village of Croton; this was referred to the WAC and they made a preliminary recommendation with a 3 -2 vote; then a final determination was made and one member was absent and the vote was 3-1; Mr. Staudt has walked them through the process very carefully; her issue tonight is not the process, but what they are working with; they received the Negative Declaration from the Village Board and other information; in her opinion, the reasons for making the Negative Declaration is unsubstantiated; she was the person who voted against it both times, but it has been approved by majority; she raised the question of the validity of the information received; it was approved by majority; they have had no experts or facts to work with; this is the first time

she remembers not having detailed facts, information and consultants help them to reach a decision and she is challenging the decision based on the information received that there is no way of validating; she is bringing before the Board the fact that they don't have a valid confirmation from the WAC; she believes experts are needed on this and not people who have read through the information and are asserting what they have found out.

b) Bob Wintermeier, 43 Radnor Ave., stated that he understood that the law grants permits to the hunters and this is putting the cart before the horse; he is concerned that the Board has not presented the findings other than the rationale to permit the hunt; at the public hearing, the opposition came from the citizens of Croton; at the last meeting, it was evident the Board had made up it's mind to approve the hunt; there is no question something has to be done, but he doesn't know what the answer is and he doesn't believe the Board has given the answer either; there is a rush to judgment rather than an opportunity to present valid input; he wants to know the advantages and disadvantages, how many deer will be killed, will residents be warned that hunters will be in their area, are we going to close the trails when the hunt starts, are we going to police the hunting area; will the public get to review the final draft; there are a lot of unanswered questions; get the t's crossed and i's dotted before we get into litigation. He also referred to the new water rates for public conservation land which will add a new tier to the water rates; he asked what the current rate is and why we are doing this, who is affected, how much will the Village lose and what will be the impact of loss of revenue on the budget.

c) Joe Biber, 204 Cleveland Drive, former chair of CAC, stated that the county report that the Village is relying on is based on 30 case studies and cited 4 characteristics of a successful program; one is building public consensus around this issue. Mr. Biber read a portion of the report and stated that he doesn't see how the Board can reconcile this recommendation with the public comments received at the Public Hearing; he commended the Board for postponing the vote tonight, but doesn't understand the urgency for this season; think this through. He asked what the intentions are for bow hunting on private property; the CAC recommends hunting on private property and the DEC allows bow hunting deer management permits on private property; the proposed local law does not address the question of private locations; how will you enforce safety protection for adjacent neighbors. Trustee Schmidt responded that hunting on private property came up and it was agreed to not include that. Mayor Wiegman replied that the pilot was proposed for the three parcels under consideration should we choose.

d) Jane Schumsky, 68 Sunset Drive, stated that the majority are opposed to deer hunting in Croton; two weeks postponement is not a lot of time; a lot of questions were brought up and what are the answers to these questions; when people ask questions they should be answered; a lot of people did not know there was an issue of deer hunting nor did they know of the meeting tonight; the community should be aware of what is going on, this is not just a Board decision; why not have a referendum; why rush into this; many people believe there is an agenda and it was a done deal; please present both sides of the argument; she has some literature about accidents with bow hunting; she thinks that the community is an important part of anything and she feels that the Board seems to operate without the consensus of the people of Croton; the community garden site was not a good choice; do not rush into another

unpopular decision, there will be law suits if this is passed and the community does not want to pay again for mistakes.

e) Karen Jescavage-Bernard, River Lane, speaking on behalf of the Arboretum, addressed the referral to the Planning Board of the Upland Estates subdivision; there are three volumes of material on this subdivision and she is asking for guidance from this Board for her to go through the folders and list the most seminal documents. Mayor Wiegman responded that if she has a short list, please do that. Ms. Jescavage-Bernard added that the residents adjacent to this proposed subdivision have spent a great deal of money funding expert studies of the environmental impacts; one of the discussions before the Cortlandt Planning Board is if one of these studies will be part of the SCOPE and she added that these independent studies contradict everything the applicants are presenting; she will include these studies in her list of suggested reading for the Planning Board and residents. Mayor Wiegman responded that the Village cannot compel the Town Planning Board to consider documents, but we will be happy to have the information.

f) Walter Plotch, 39 Furnace Dock Rd., thanked the mayor for returning his call promptly and courteously and congratulated the Board's decision to postpone the vote tonight; there is a considerable lack of information on the general public; some misinformation has appeared in the Gazette, including a letter from a member of the CAC on September 2<sup>nd</sup>, who wrote that the sustainable capacity for deer in an area like Croton is 8 to 12 a sq mile; the CAC sustainable report says 10 to 15 per sq mile; this is not an trivial difference; this information should be put out there so people know what is true and what is not true; also a CAC member wrote in the Gazette that the Towns of Cortlandt, Ossining and Yorktown permit bow hunting and questioned why forbid it in Croton, adding if moving a few hundred feet across a municipal boundary would make a large difference . Mr. Plotch stated that Cortlandt does not allow bow hunting on town lands or on private property except when the property owner gives permission; the Town also forbids bow hunting on the 200 acre McAndrews estate which is across from the Graff preserve. Mr. Plotch stated that the writer has his facts wrong; he suggested go and watch the deer as they cross Furnace Dock Road into private yards and the Graff preserve, we cannot stop in-migration; he asked that the CAC report be published well in advance of the meeting and give it wide publicity, allow it to be read and do not restrict speakers to a five minute presentation, and have time for rebuttals.

g) Laurie Siegel, 72 Truesdale Drive, stated that she never knew there was a serious deer problem in Croton; bow hunting is an extreme measure; if deer are a problem, try to find a sensible alternative; reconsider this and try to figure out another solution to this problem; she would not know how to explain this to school children while teaching about Earth Day; she understands there is a problem, but work together to find a different way than this.

h) Karen Jescavage-Bernard, River Lane, stated that everyone is aware how passionate both sides are; it is clear there may be one or more lawsuits if the Village implements the law; she suggested in addition to having the CAC presentation, give consideration to other liabilities. Ms. Jescavage-Bernard added that Teatown is sending a press release to its members about their participation in the County program and she read from paragraph two of the press release. Ms. Jescavage-Bernard stated that NYS law prohibits hunting during the hours

Teatown is suggesting; the statement that hunting not allowed in specific areas is not always possible to guarantee; bow hunters cannot guarantee the shot taken is a kill shot; there is a possibility of passionate confrontation between the pros and antis and it will not be difficult to know when and where the hunt will be; there has been talk of disrupting the hunt; the Village needs to think carefully about what the legal repercussions would be and the Village should have legal guidance.

5. APPROVED RESOLUTIONS:

On motion of TRUSTEE Murtaugh, seconded by TRUSTEE Schmidt, the following resolution was adopted with a vote of 4 to 0 with one absent by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, T-Mobile, a tenant of the Village at 1 Van Wyck Street, has requested that Verizon upgrade the land line service to their cell site at the municipal building to a fiber optic service, and

WHEREAS, Verizon has submitted a letter and plan on behalf of T-Mobile which have been reviewed by the Village Engineer and are being reviewed by the Village Attorney, and

WHEREAS, the Village Engineer, based on his review of the request, recommends that T-Mobile be granted this request,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the request to allow T-Mobile to upgrade the land line service to fiber optic service subject to final review by the Village Attorney.

Dated: September 13, 2010

6. PROPOSED RESOLUTIONS

- a. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE OLVER, the following resolution was adopted with a vote of 5-0 by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Croton on Hudson World War I Veterans' Memorial Monument is located on the grounds of the Municipal Building, and

WHEREAS, the Croton Veterans' Committee would like to conduct the November 11, 2010 Veterans' Day Ceremony at the Memorial's site to honor all Veterans especially those that served our Country during World War I; and

WHEREAS, time and the elements have taken a toll on the structure and as a result, the monument is in need of repair, and

WHEREAS, the cost of the repair is estimated to be \$5,000,

**NOW THEREFORE BE IT RESOLVED:** that the Village Board approves a \$5,000 transfer from the General Fund's Contingency Account number A1990.4000 to Account Number A1620.4000 to cover the cost of the repairs and further authorizes the Village Treasurer to make such transfer.

Discussion: Trustee Murtaugh stated that the Veterans Committee has been very patient; we have not put any money into this for a long time; the overgrown pine trees have been taken down and it is money well spent. Trustee Schmidt added that the Village spent a bit of money on Veterans Corners a number of years ago and he is looking forward to having this work done. Mayor Wiegman asked if the repairs will be able to be made before Nov 11<sup>th</sup> this year. Trustee Gallelli stated that the Veterans Committee and the staff are working closely with the Historical Society and they have come up with a list of WWI veterans that is approaching 100.

b) On motion of TRUSTEE OLVER, seconded by TRUSTEE SCHMIDT, the following resolution was adopted with a vote of 5-0 by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village Board would like to add a new water rate for water used to irrigate public conservation land, and

WHEREAS, at the work session of Monday September 13, 2010, the Village Board discussed the addition of this proposed water rate for water used to irrigate public conservation lands,

**NOW THEREFORE BE IT RESOLVED:** that the Board of Trustees hereby adopts a water rate for water used to irrigate public conservation lands at a rate of \$4.35 per 100 cubic feet of consumption effective June 1, 2010.

**AND BE IT FURTHER RESOLVED** that the Village Clerk is hereby directed to add this rate to the Village's Schedule of Fees.

Discussion: Trustee Olver stated that the Arboretum is one of our most valuable natural resources; the building of the golf course reduced the natural flow of water to the Arboretum upland swamp and as a result, the Village negotiated with the Golf Course for a certain amount of water to make up for what was lost; over the years there has been a controversy about that amount of water; part of the problem is that the Golf Course found it could not deliver that water from wells on the Golf Course and had to turn to our water; we are using our resources to pump water up to the Golf Course and millions of gallons of that water is going into the Arboretum, but they have not been getting a steady stream as agreed in the contract; the Golf Course is the largest water user and is paying top dollar for that water; the Village, the Arboretum and the Golf Course representatives sat down together and began a process of addressing everyone's concerns; they will be putting in place a modern metering system; the Golf Course has volunteered to pay for that if we introduce a conservation rate for the water they use and we felt

it was quite fair as long as we are covering our costs; we are providing an additional water rate tier for water conservation; this applies only to the water to the Golf Course under it's contract to provide water to the Arboretum. Mayor Wiegman stated that this is about a 16% reduction. Trustee Olver added that this is a compromise that makes no one entirely happy, but it is a compromise. Trustee Schmidt stated that he understands the Golf Course is going to pay for the study to come up with a different monitoring system, but he hopes if we are giving the Golf Course this reduced rate, they will do everything to assure the right amount of water is going to the Arboretum until that new system is in place. Trustee Olver responded that we have established a positive dialogue that has built some confidence between two parties and have authorized the Arboretum to deal directly with the Golf Course on this; we have taken out the middle man for day to day discussions and things seem to be working a bit better; there are two sides to every story and we are trying to assure everyone's interests are taken into account. Mayor Wiegman stated that the Village Manager and staff prepared a number of fee options and the Board agreed this was the option recovered enough of the fees.

- c) On motion of TRUSTEE MURTAUGH, seconded by TRUSTEE SCHMIDT, the following resolution was adopted with a vote of 5-0 by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, on July 8 , 2010, the Village Manager, as designee of the Superintendent of Public Works, declared a temporary water emergency based on extraordinary high water usage levels; and

WHEREAS, on July 12 , 2010, the Village Board of Trustees determined that the Village's water supply system was endangered by the extraordinary demands placed upon it due to extreme heat and lack of rain; and

WHEREAS, on July 12, 2010, the Village Board of Trustees imposed certain water restrictions declaring it unlawful to use water in violation of said restrictions; and

WHEREAS, more moderate temperatures and recent rain events have resulted in reducing the demand on the Village's water supply to a more favorable level;

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby repeals all water restrictions imposed on July 12, 2010, effective immediately.

- d) On motion of TRUSTEE GALLELLI, seconded by TRUSTEE MURTAUGH, the following resolution was adopted with a vote of 5-0 by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, natural elements of the Hudson River have caused erosion to the bulkhead at the Croton Yacht club creating an unfavorable condition; and

WHEREAS, the Village has received four proposals in response to its Request for Proposals for a design to replace the bulkhead; and

WHEREAS, the four proposals received were from Birdsall Services Group in the amount of \$89,500, McLaren Engineering in the amount of \$52, 145; Ocean and Coastal in the amount \$36,000 and Boswell Engineering in the amount of \$113,000; and

WHEREAS, the Superintendent of Public Works has reviewed the proposals and interviewed each firm determining that all were qualified to perform the service requested and recommends that Ocean and Coastal be selected in the amount of \$36,000 with an additional \$2,000 for reimbursable and incidental costs on an as- needed basis; and

WHEREAS, it will also be necessary to have Ocean and Coastal prepare a soil borings plan and specifications at an additional cost not to exceed \$10,000,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to approve the proposal from Ocean and Coastal in the total amount of \$48,000 for the Bulkhead Replacement Project at the Croton Yacht Club,

AND BE IT FURTHER RESOLVED: that this amount should be charged to capital project number 10209.

Discussion: Trustee Murtaugh stated this is like taking care of your own house; this is our property; the Croton Yacht Club members have done a lot of renovation and haven't asked for assistance; this has gotten to the point of no return and it is preventative maintenance. Trustee Olver stated that he has looked at the bulkhead and it is undermined and it is more than just preventative maintenance. Trustee Schmidt added that this bulkhead was replaced not too long ago, relatively speaking, and he would hope to find something that will last a bit longer; he suggested talking to the DEC about the river and figure out a different way of doing this in the future; perhaps the introduction of more rock in the bulkhead to make it more lasting, any metal put back in there will erode over time. Mayor Wiegman stated that he hopes we may be able to find trigger points that would allow this to be a longer lasting plan; he gave kudos to the Yacht Club for carrying the ball on a lot of this work and working closely with the Village staff.

e) On motion of TRUSTEE OLVER, seconded by TRUSTEE MURTAUGH, the following resolution was adopted with a vote of 5-0 by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, in response to the overpopulation of white-tailed deer within the Village of Croton-on-Hudson (the "Village") and the detrimental effect such overpopulation is having on the environment, the Village Board of Trustees (the "Board") caused to be drafted Local Law Introductory Number 6 of 2010 (the "Proposed Law"), which if adopted would permit the bowhunting of such deer in specific areas at specific times; and

WHEREAS, pursuant to the Local Waterfront Revitalization Program ("LWRP") Consistency Review Law, the Village's Waterfront Advisory Committee ("WAC") reviewed the Proposed

Law and related SEQRA documents and on August 26, 2010, made a preliminary determination of consistency with the policy standards and conditions of the LWRP; and

WHEREAS, pursuant to SEQRA, the Board adopted a negative declaration and determined that the Proposed Law will not have a significant adverse environmental impact; and

WHEREAS, pursuant to the LWRP Consistency Review Law, on September 15, 2010, the WAC made a recommendation of consistency that in its opinion, the Proposed Law is consistent with the LWRP policy standards and conditions; and

WHEREAS, the Board, as lead agency, must determine whether the Proposed Law is consistent with the policy standards and conditions set forth in the LWRP; and

WHEREAS, the Board members have carefully considered the LWRP Consistency Review Law, the WAC's preliminary recommendation of consistency and recommendation of consistency, and each policy standard and condition set forth in the LWRP,

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees hereby determines that Local Law Introductory Number 6 of 2010, *A Local Law to Revise Chapter 123 of the Code of the Village of Croton-on-Hudson to Permit Bowhunting of White-Tailed Deer*, is consistent with the LWRP and its policy standards and conditions, and the Board incorporates herein the attached reasons supporting its determination of consistency.

Discussion: Village Attorney Staudt stated that the Negative Declaration was made on September 7<sup>th</sup> and the Board has 30 days from September 7<sup>th</sup> to make a determination of consistency; the Board could vote on the law tonight or on the 4<sup>th</sup>; this is not the enactment of the law; just ratifying the recommendation received from the WAC and does not commit the Board to enact the law. Trustee Olver stated that he doesn't see holding off the vote on this as this is just adopting the findings of the WAC and there is no reason to wait. Village Attorney Staudt stated because of the time frame, he would suggest voting on this tonight. Asst. Village Manager King read items from the LWRP Consistency Determination. Trustee Murtaugh stated that the WAC went through all 44 policies line by line along with the Village Attorney and although they were not unanimous on the final vote, there was unanimity as they touched the 44 points. Trustee Olver stated that the WAC has a mandate to follow the policies set out on the LWRP toward preservation of our coastal resources and is focused only on coastal resources; they went through all those policies looking for both beneficial and negative impacts on resources and none found any on these policies; this has nothing to do with the merits of bow hunting in the Village. He added that he has asked for the resignation of Chair Fran Allen because that committee is guided by a mandate to stick to our jobs and do it with the best of our ability or step aside or abstain; they found no negative impact on our coastal resources; however, the Chair refused to follow the finding that she joined in; it is not appropriate for any of them to raise issues and attempt to filibuster based on personal feelings; there was nothing to be found in the LWRP policies that would be relevant on this issue and there was still a negative vote by the Chair. Fran Allen, WAC Chair, stated that this is about a body of knowledge about what the facts are related to the action; the facts they were given was unsigned and undated; she needed some

indication of how this was developed and who developed this, so she could not vote for it; the difference is that she insists, in all her work for the Village, understanding in depth what the facts are and getting them from people and organizations and consultants that are experts; there is no detail here and nobody has come before the Board with the detail needed to say if it is consistent or not; she cited what is the element of problem in the water—no one has said anything; none are experts in this so the committee guessed because they had no help in getting the information. Ms. Allen gave her educational background; she was elected to the National Academy of Sciences, the National Academy of Engineering and she got those elections because she looks deeply and carefully before making a decision; no one in the Village is in both of these independent organizations which act as advisors; Congress can ask them to do something and they can say no; she has received the equivalent of the Nobel prize in her high performance computer field and she is the first woman to do so; she has numerous honorary doctorate degrees. She added that the Village should be proud that she took the stand that she did that the information is wrong and that there really hasn't been any information. Trustee Olver reiterated his request for Ms. Allen to resign as Chair; if one cannot perform her duties as Chair per the mandate given, she should step aside. Ms. Allen asked to be shown the mandate that the chair must vote with the majority and she feels the resolution is deeply flawed. Mayor Wiegman stated that the WAC in its process found no inconsistency in the law as provided; the packet with the Law was before the Committee and it came back to the Village Board; a substantial packet went to the WAC and came back with a recommendation. Walter Plotch, Furnace Dock Road, stated that someone who has intellectual integrity should not be punished; the Board is going to act on the CAC study which rests on finding and the recommendation of that study which is deeply flawed; he cited the study which said that the costs for immuno-conception are roughly \$360 per shot but footnote # 28 states that the source of this information is the bow hunters web site; do it right; the study is incomplete and misleading with wrong information; it is not accurate and we do not have the best information; take a look at the facts carefully; postpone vote on this until after the next meeting. Ms. Allen added that what they are doing is letting process supersede the right answers. Trustee Olver reminded that the WAC discussion was not about the CAC study nor the Board's findings, but about whether the proposed legislation was likely to cause negative impacts under any of the 44 policies of the Local Waterfront Revitalization Plan; none found any negative impacts, including Ms. Allen. Ms. Allen added that Trustee Olver came in ready to fight this and she asked where this paper came from and they didn't have the law, only forms that were filled out. Trustee Olver responded that the Village Attorney laid out what their responsibilities were. Ms. Allen stated that the Village Attorney laid out the process and he was right about that; they looked at each policy but that process is dependent on what we know of the actions we are taking; she challenged the actions from the beginning.

- f) Local Law Introductory Number 6 of 2010 entitled "Local Law to Amend Chapter 123. was held over pending further discussion and clarification.

7. CITIZEN PARTICIPATION (non-agenda items):

- a) Bob Wintermeir , 43 Radnor inquired about the status of the parking lot study; \$100,000 was spent and he asked if we are on schedule and when will the review be available. Mr. Wintermeir commented that he is concerned about the handling of the consideration of Local Law 6 and doesn't know what it is going to be; he asked the Board to wait until we get more information;

this is putting the cart before the horse again; the Board should delay consideration of the WAC position also. Asst. Village Manager Janine King stated that the consultants are still working on the parking lot and the staff has had several meetings with them; it has slowed down because of the construction; she has received some plans for review and expects to receive a finished product in about a month. Mr. Wintermeir asked if the study cost will be increased. Ms. King replied that the cost has been reduced by eliminating some of the scope of the work.

b) Laurie Siegel, 72 Truesdale Drive stated that when travelling on Croton Point Ave. between 5 – 7 pm; she has noticed it is almost next to impossible to turn left onto Rt. 9 South; it is dangerous because so many cars are coming from the train station and there is no traffic officer. She also asked if it is permissible for a person to build a skate board park on their property in a residential area. Mayor Wiegman replied that she should check with the Village Engineer's office about the skate board park. Trustee Gallelli responded about the left hand turn question that about a year ago, the Village received a grant to do traffic improvements in that area and it takes a long time to get started but they are finally moving ahead on the design work; it is a concern of all of us. Asst. Village Manager King added that they have a signed contract with the State and have identified some candidates to do the design work and are meeting with them next week. Trustee Murtaugh, regarding the traffic, stated that he walks from the train station during that time and very often there has been a traffic control person there; he will contact Chief Tramaglino to see if an officer can control the traffic a little better to ease the situation.

#### 8. APPROVAL OF MINUTES:

Trustee Gallelli made a motion to approve the minutes of the Regular Board Meeting held on September 7, 2010 as corrected. Trustee Murtaugh seconded the motion. The Board voted approval with a vote of 5-0.

Trustee Schmidt made a motion to approve the minutes of the Work Session held on September 13, 2010 as corrected. Trustee Gallelli seconded the motion. The Board voted approval with a vote of 4 "aye" 1 "abstain".

#### 9. REPORTS:

*Trustee Schmidt* reported that Oct 2<sup>nd</sup> is the date of the Croton Rotary Car Show at the train station and it will include a chili cook-off with 8 or 9 restaurants/delis participating; the Croton Coalition is beginning again and they are looking for volunteers; they have been approved for federal funding and are planning future events. Trustee Schmidt stated that the deer situation is very serious throughout Westchester, the state and surrounding areas. He addressed health issues from a professional standpoint; deer are the largest carriers of Lyme's disease and other diseases that are serious; science and medicine has dictated that unless you receive a criteria of symptoms you are not diagnosed with Lyme, but he has experience with many who have not met the criteria but have Lyme's disease and will suffer the rest of their lives; they are not being treated by the standard medical community, but have to go out of the main stream; he has a personal account with this with his daughter who did not show typical symptoms and had to seek out a doctor who treated her symptoms; after treatment she returned to the person that she is known to

be. He added that we can't be exact about how many deer are out there, but there is something wrong; deer are not the whole problem, but are part of the problem; there is no easy answer; he has had other patients who have permanent Lyme's disease symptoms such as Bell's Palsy and he has a patient who lost her daughter because of an automobile accident caused by a deer; science does not answer all the questions, some things need to be faced as a problem and something needs to be done about it. He stated that we could also spend the night talking about global warming, but at the end of the day there will be people on both sides; he hopes to come to a consensus that something needs to be done about the deer and quickly.

*Trustee Olver* reported that he feels good about two things; that this is the way our American system works; we really argue it out with no holds barred, but all are concerned about the community, the State of New York and the nation; our system requires us to fight; that's how we keep liberty alive; He stated that the other thing that pleases him is that the arguments tonight are about the environment; we all are united in caring about the environment and he respects everyone who feels passionately one way or the other; he feels passionately about allowing the deer to balloon in their population and we have a responsibility to do something; he respects those who wish to avoid a lethal solution, but they haven't found another solution we can afford; he respects those who say we need to be cautious how we do this as it is a built up area. Trustee Olver stated that we may not get a chance for everyone to participate as fully as they wish but he hears everyone who says we need more participation; he is glad the vote was postponed tonight which will give time to respond to the questions raised. Trustee Olver, regarding the Arboretum stated that there are several sides to that story; he is uncomfortable with the idea of pumping 32 million gallons of potable water to the Golf Course, into the Arboretum and into the Hudson River; it is all about finding solutions to our problems.

*Trustee Gallelli* stated that all the Trustees are absolutely concerned with the safety of all residents in the Village with implementation of this deer management program in the Village; they all recognize that there is a problem which needs attention. Trustee Gallelli reported that the Croton Tennis Assoc. has completed its restoration of the clay courts at PVC Middle School and will begin use of the courts this week for practice; when things are finalized with the school board, the courts will be available for general use; they will have the official ribbon cutting this Thursday at 4 pm. Trustee Gallelli reported that the weekend after the last meeting, they had fine participation at River Day with a very nice turnout and also for the next day's Triathlon and then the firehouse annual inspection which was a pleasure to attend and see how careful and how devoted they are keeping the Village's equipment in order. She added that on Thursday night, she, Mayor Wiegman and Trustee Murtaugh had the pleasure of attending the Friends of History meeting at Croton Free Library where Village Engineer Dan O'Connor presented "Why do they call it Brook Street"; he took everyone back with maps from 1700-1800 and brought it forward to all the changes that have happened; our Engineer knows the inside-out of this Village and it was very interesting.

*Trustee Murtaugh* reported that we, as Board of Trustees, are responsible to residents of Croton; it was mentioned that there was overwhelming opposition to this law; but a rough count from the minutes, shows that 27 were opposed and of those, 10 were non-village residents which means nearly 40% of the opposition was non-village residents; he understands that complacency sets in and some do not come to the microphone; it is the Board's role to report back to the residents, no

one else. Trustee Murtaugh added that at last work session, they entertained a request from Mr. and Mrs. Armaneni to consider revising the local code to allow retail and they asked, if possible, to facilitate their request to allow an opening before this Christmas season. He believes that the revitalization of Harmon and this business will be good for everyone and they have a time table set up. Trustee Murtaugh reported that last weekend, they had the Toughman Half Triathlon and it brought in a lot of people and good will to the community; the police overtime protection was paid by the Toughman organization for this event. Trustee Murtaugh reported that Silver Lake is now closed because of renovation of the dam; he asked the Village Engineer to post some pictures of this work. He reported also that next Saturday, the 25<sup>th</sup>, the Community Garden is hosting a small gathering for the gardeners, friends and family and people are invited to come and take a look; however, the Silver Lake parking lot is filled with construction materials so please walk or ride a bike as there will be limited parking in the parking lot and along Truesdale. Asst. Village Manager King corrected Trustee Murtaugh's statement that the Armaneni's request is not a revision to the local code, but requires a special use permit.

*Village Attorney Staudt* clarified the misunderstanding that after the initial meeting, the law and the EAF was referred to the WAC; the following day, the staff prepared a covering memo to the WAC which he participated in; the law was a part of the package the committee received

*Mayor Wiegman* reported that the lead organizer of the Toughman Triathlon said that the County has given them a three year contract for the event; they can now take a longer range view and planning of the event and anticipate more people next year; they will work with us carefully on limits of people they can have. Mayor Wiegman reported that he recently travelled to Chicago on behalf of the Village as part of the Westchester Energy Action Consortium; all groups who received this money were asked questions about their programs and guidelines; our program and 25 others throughout the country are trying to answer the economic questions and there are experimental programs going on all over. Trustee Gallelli mentioned that the Recreation Dept reminded her that the Fall recreation brochure is available on line; check with the Village web site. She added that they also said that this was the first time they were able to tally attendance at Silver Lake this year and they had more than 10,000 patrons over the summer.

Trustee Olver made a motion to adjourn. Trustee Schmidt seconded the motion; approved 5-0. The meeting was adjourned at 10:45 pm.

Respectfully submitted,

*Phyllis A. Bradbury*

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Phyllis A. Bradbury, Secretary

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Village Clerk