

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, August 9, 2010 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

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

1. CALL TO ORDER:

Deputy Mayor Gallelli called the meeting to order at 8:05 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 4-0 .

Fiscal Year 2009-2010

General Fund	\$4,310.61
Water Fund	412.50
Total	\$4,723.11

Fiscal Year 2010-2011

General Fund	\$107,171.19
Water Fund	5,946.36
Sewer Fund	448.69
Capital Account	29,280.10
Trust & Agency	8,104.80
Total	\$150,951.14

1. PRESENTATION:

Youth Officer Cliff Gabrielson and student Ivan Crespo gave a presentation about the Youth Policy Academy in which nine schools in Westchester participated; four students from Croton attended as part of their CHOOSE program; Pace University in Pleasantville donated the classroom space for this program; most instruction was done with volunteer guest speakers; they also took trips to various law enforcement agencies, did physical training daily and ride-alongs with different agencies in the County. Officer Gabrielson stated that a good relationship was built with these students and a majority of the candidates expect to follow a career path in law enforcement.

Ivan Crespo continued with the presentation of his experience with the Academy; he is a senior with an interest in law enforcement; it was a 6 week program which ran 8 am to 2 pm; they had

27 students this year; he recounted a typical day and the instruction they received and he explained that he chose this internship because he wanted to get outside and do something different as well as wanting to see what police officers did on a daily basis; this is his career path and he now has a good plan for himself; he learned a lot of discipline, teamwork and appreciation for law enforcement; it also gave him the opportunity to become a squad leader.

2. PUBLIC HEARING:

Village Manager Zambrano gave a brief description of the State retirement incentive program explaining that the employee must retire no later than December 30, 2010 and the Village must achieve a 50% savings over a two year period.

Deputy Mayor Gallelli opened the Public Hearing to consider Local Law Introductory No. 4 of 2010, if approved will become Local Law 2 of 2010, a Local Law to Adopt the 2010 Retirement Incentive Program Part A, Chapter 105, Laws of 2010. No comments were forthcoming from the floor. Trustee Olver explained that this is a program established through state legislation that offers two potential options under which employees nearing retirement can be given the opportunity for an agreed separation; the math shows over a two year period, the Village would see a 50% savings on their salaries and benefits. Trustee Schmidt stated that the system is aiming at those at the higher pay scale who may be replaced at a lower pay scale; new employees must make contributions to their retirement and health care; there is a whole spectrum of reasons for doing this. Trustee Murtaugh stated that this is an absolutely volunteer movement on the basis of the employees; they do not have to take it and there is no coercion on the part of the Village.

On motion of TRUSTEE SCHMIDT, 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 vote of 4-0:

WHEREAS, six (6) employees of the Village of Croton-on-Hudson have petitioned the Village Manager to adopt a local law authorized by Chapter 105, Laws of 2010 for eligible employees to participate in the 2010 NYS Retirement Incentive Program; and

WHEREAS, the Village Manager has apprised the Village Board of those employees wishing to take part in said incentive program; and

WHEREAS, the commencement date of the retirement incentive program shall be September 1, 2010; and

WHEREAS, the open period, during which eligible employees may retirement and receive the additional retirement benefits, shall be 90 days in length;

WHEREAS, a Public Hearing was held and closed on August 9, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees hereby adopts Local Law Introductory No. 4 of 2010 for eligible employees to participate in the 2010 NYS Retirement Incentive Program which upon adoption will become Local Law No. 2 of 2010;

AND BE IT FURTHER RESOLVED: that the Village Manager is hereby instructed to proceed with enacting the retirement incentive authorized by Chapter 105, Laws of 2010.

3. CORRESPONDENCE:

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

- a) A letter from Allison Stadtmueller, LeadDog Marketing Group, regarding Bike MS, Tappan Zee Bike Ride for MS which will be held on Sunday, September 26, 2010 and requesting the use of the parking lot on that day. Trustee Murtaugh made a motion to approve the request; second by Trustee Schmidt; approved with a vote of 4-0
- b) A letter from Jud Ramaker, Race Director, Run Against Hunger, which is scheduled for Sunday, October 17, 2010 asking for the support and cooperation of many people in the Village
- c) An email from Georgiana Grant, resident, suggesting an additional site for another Community Garden.
- d) A letter from Ralph Mastromonaco, Consulting Engineers, with a request to correct the Village Zoning Map as it pertains to a particular property. Deputy Mayor Gallelli stated that this should be referred to the Planning Board for their recommendation. Trustee Murtaugh stated that the claim is that there is an error on the map and questioned if it still has to go to the Planning Board. Deputy Mayor Gallelli replied that the Planning Board will look into the situation and Mr. Mastromonaco is also asking for an additional special use which is also a matter for their recommendation. Trustee Schmidt made a motion to refer this to the Planning Board; Trustee Murtaugh seconded the motion; the motion was passed with a vote of 4-0.
- e) A letter from Margaret Hadad, Program Director, NYS Long Term Care Ombudsman Program, stating that volunteers are needed for their program and asking that flyers be posted for the upcoming training program to be held in September 2010.
- f) A press release from Christine Cummings, Manager, Public Affairs, Con-Edison, regarding the record usage in July. Village Manager Zambrano stated that in the event of a power outage, residents can contact the police if it is after hours.
- g) A letter from Susan O'Keefe, President, Baked by Susan, with a request for a special use permit. Deputy Mayor Gallelli stated that this needs to be referred to the Planning Board. Trustee Schmidt made a motion to refer this to the Planning Board; Trustee Murtaugh seconded the motion; approved with a vote of 4-0.

4. CITIZEN PARTICIPATION – AGENDA ITEMS

Laurie Baschwitz 80 Oneida Ave., requested that a draft of the proposed new law be posted on the Village web site and available at Village offices and make full use of printed news distribution; all avenues such as was used for water restrictions should be used and adequate time should be allotted for public comment; every resident needs to be fully informed.

Roseann Schuyler questioned how much the Village paid for the EAF parts 1, 2 and 3. Village Attorney Staudt replied that a bill has not been sent to the Village yet; it should be sent within the next two weeks. Ms. Schuyler asked if this will have the information about the preparation of the EAF. Village Attorney Staudt replied that it will have information up to the last cycle.

Pat Moran, Penfield Ave., stated that Kieran Murray sent a letter to the Gazette regarding the Section 8 program in Westchester and his comments were credible; a similar law is awaiting Gov. Patterson's signature. She inquired what the Boards' opinion is on source of income laws. Trustee Schmidt responded that he thinks it changes the spectrum of the proposal. Deputy Mayor Gallelli stated that they have not discussed it as a Board and therefore, they do not have a Board opinion on that. Ms. Moran asked why isn't it being discussed and why isn't it in the EAF. Deputy Mayor Gallelli replied that if any of the Trustees feel it should be brought to a work session, it will happen. Ms. Moran asked if it is anyone's job to keep the Board informed of legislation and has anyone brought this state law to their attention. Ms. Moran stated that she submitted a foil request on June 25th and several of her requests were answered, but one was denied because of Attorney-Client privilege. She asked Attorney Staudt why this is private information. Attorney Staudt replied that they are consultants to his firm and there is litigation here; it is common practice for attorneys to engage consultants. Ms. Moran stated that she will have to appeal this to the Village Board.

Susan Konig, 37 Elmore Ave., stated that this Board is prepared to spend in the neighborhood of \$47,000 of taxpayers' money on another study to bring overdevelopment to Harmon; that on top of other funds that have been spent, about \$200,000 total, this money could be better spent on water improvements on Nordica Drive. She suggested to put first things first such as pressing infrastructure improvements.

Bob Armaneni, Thompson Ave., read a prepared statement about the intent of this new proposed law; the Board should be forging relationships between landlords, prospective tenants and potential new property owners; he feels they are pounding a dead horse and are making Harmon dependent on housing; he wants to see a real business plan; people support revitalization, not housing; he is opposed to what they are doing; if this is the best can be done, we are entitled to a refund.

Bob Wintermeier, 43 Radnor Ave., stated that to add to the above comments, he is concerned that the Board is now considering \$40,000 for rangers, \$47,000 for the EAF, \$40,000 for the DARE program, all additional expenses which may add 2% to our taxes and he has concerns. He added that Ms. Grant suggested another community garden in back of the Municipal Bldg.; he believes that they should think of the erosion and wall retaining problems. He added that he has looked at the DARE program; we are on project two of

DARE and project one was a failure; it will take \$40,000 to implement tonight's proposal; much of that work is the responsibility of the parents; the Village should not get involved; get parents involved to help the youth become good citizens.

John McBride, 32 Old Post Rd. No., stated that there is a lot of speculation about Harmon and other projects about town; it is not true nobody wants them; a lot of people have done a lot of hard work and thought very hard about these things and he commends them and the Board.

Bill Ryder, 50 year resident of Harmon, stated that Susan Konig said that this Board would approve the payment of the do-over which will cost \$47,000 and he asked each of the Board members if they will approve that. Deputy Mayor Gallelli replied that the Trustees do not need to respond to one-on-one polling. Village Attorney Staudt replied that the figure of \$47,000 is an anticipated figure that was brought up by a speaker tonight; he has not sent a bill to the Village. Deputy Attorney Gallelli stated that when the Board passed the law last November, all Trustees who voted for it believed in it; other people did not believe in it and chose to challenge it as is their right to do; we are in a position that we must defend that we did not do anything wrong. Mr. Ryder responded that the community was overwhelmingly against it. Mr. Ryder went back to his polling of Trustees. Trustee Murtaugh stated that he would rather not have to spend additional money for something that was already done once. Trustee Olver stated that we've been sued on process issues around the development of the law and it's going to be very expensive to litigate, the Board did not cause that; this is the cheaper way and they are duty bound to defend this litigation; the expense was not caused by the Board but by the litigation which he believes will not result in a finding against their action. Mr. Ryder asked if knowing it was done improperly the first time, is it proper to do it again. Trustee Olver replied that it was not done incorrectly; it is cheaper to do it over rather than litigate. Trustee Schmidt stated that he was not on the Board when the first law was passed and he believes it is not the proper course for the Village to do right now; with the changes in economy and other changes, we should be taking a broader look and look at a different picture.

5. APPROVED RESOLUTIONS:

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

WHEREAS, the Village is a member of the Northern Westchester Energy Action Consortium; and

WHEREAS, the consortium has been awarded funding from the NY State Energy Research Development Authority (NYSERDA) Request for Proposal 10 in the amount of \$279,800; and

WHEREAS, the Village is the lead agency for this project, and

WHEREAS, the project consists of the completion of greenhouse gas and energy inventories and the establishment of resulting climate action plans for the members of the consortium who have not completed these milestones; and,

WHEREAS, NYSERDA has provided the Village with an Energy Efficiency and Conservation Block Grant Agreement Number 19534 which is required to be executed by the Village and NYSERDA,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to execute the agreement number 19534 with NYSERDA to receive funding of \$279,800 on behalf of the Northern Westchester Energy Action Consortium.

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

WHEREAS, the Village Board of Trustees would like to adopt the 2010 Retirement Incentive Program Part A, and

WHEREAS, Local Law Introductory No. 4 has been drafted,

NOW, THEREFORE BE IT RESOLVED: that a Public Hearing is hereby called on Monday, August 9, 2010 in the meeting room of the Stanley H. Kellerhouse Municipal Building to consider Local Law Introductory No. 4 of 2010

- c) On motion of TRUSTEE Schmidt, seconded by TRUSTEE Olver, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with the following vote: 3 votes aye, one recusal (Trustee Murtaugh) and one absent.

WHEREAS, the Village currently has a open position in the Police Department; and

WHEREAS, Police Chief Anthony Tramaglino has conducted an extensive background check of Evan T. Murtaugh and recommends the hiring of Mr. Murtaugh, and

WHEREAS, Evan T. Murtaugh is currently on the Westchester County Police Officer list; and

WHEREAS, pending approval from Westchester County Department of Human resources he will attend the Westchester County Police Academy starting August 2, 2010;

NOW, THEREFORE, BE IT RESOLVED: that Evan T. Murtaugh of Croton-on-Hudson, NY, is hereby appointed as a Police Officer at the salary of \$50,566.77, effective July 30, 2010 in accordance with the rules and regulations of the Westchester County Department of Human Resources.

Discussion: Trustee Schmidt stated that Trustee Murtaugh left the room for this entire proposal and recused himself during the vote; the Police Chief and staff did an excellent job of interviewing and selecting the most appropriate candidate; there was no undue influence by Trustee Murtaugh; it is important to fill vacant positions or overtime will be used to cover the vacant slots; it is less taxing on staff and finances if we have officers to fill the allotted time. Trustee Olver stated that he agrees with Trustee Schmidt; all did their due diligence on this; Trustee Murtaugh's son had applied for the position before Trustee Murtaugh was elected as a trustee; the Police Chief has a policy of hiring locally if possible; he was clearly the best candidate.

6. PROPOSED RESOLUTIONS:

a) On motion of TRUSTEE OLVER, seconded by TRUSTEE MURTAUGH, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 4-0:

WHEREAS, phase 1 of the Nordica Sewage Pump Station improvements have been completed; and

WHEREAS, the phase 2 improvements are needed to increase the reliability and safety of the station; as well as increase energy efficiency; and

WHEREAS, the main focus of the phase II improvements will be to replace the sewage pumps and control systems and evaluation on the relocation of the force main discharge; and

WHEREAS, we have received a proposal from LynStaar Engineering for the engineering analysis for these improvements for a lump sum fee of \$38,000 with an additional estimated \$750.00 for printing costs and regulatory fees; and

WHEREAS, any additional work will be billed on a time and material basis,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to approve the proposal from Lyn Staar Engineering for phase 2 improvements to the Nordica Sewage Pump Station,

AND BE IT FURTHER RESOLVED: that the \$38,000 plus printing cost and regulatory fees estimated at \$750.00 will be charged to Capital account number H8120.2102.09180.

b) On motion of Trustee MURTAUGH, seconded by Trustee SCHMIDT, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 4-0:

WHEREAS, the Village of Croton on Hudson has received a Community Development Block Grant (CDBG) for Sidewalk and Infrastructure Replacement at Farrington Road and Hunter Place; and

WHEREAS, the first step is to have a survey prepared; and

WHEREAS, the Village received five proposals in response to its Request for Proposals for surveying services at Farrington Road and Hunter place; and

WHEREAS, the five proposals received were from WSP-Sells in the amount of \$32,200, Riley Land Surveyors in the amount of \$14,200, Badey & Watson in the amount of \$12,467.50, Thomas Merritts in the amount of \$9,800 and Tectonic in the amount of \$8,475.00; and

WHEREAS, the Superintendent of Public Works has reviewed these proposals in detail and recommends awarding the surveying services to Tectonic;

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to approve the proposal from Tectonic for the amount of \$8,475 Surveying Services for sidewalk and infrastructure replacement at Farrington Road and Hunter Place;

AND BE IT FURTHER RESOLVED: that this amount should be charged to Capital Account _____

Discussion: Village Manager Zambrano stated that this is one of the projects applied for during the last cycle; this should start alleviating the brown water problems for some residents.

c) On motion of Trustee Murtaugh, seconded by Trustee Schmidt, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 4-0:.

WHEREAS, the Treasurer has analyzed the 2009/10 year to date budget and recommends the following budget transfers as detailed below,

NOW THEREFORE be it resolved that the Village Treasurer is authorized to make the following amendments to the 2009/10 budget to reflect these changes:

GENERAL FUND

INCREASE

Dept	Item	Amount
A1210	1000	1.00
A1210	4000	1,300.00
A1210	4200	50.00
A1230	1000	114,100.00
A1325	1000	14,600.00
A1355	1000	100.00
A1410	1000	2,450.00
A1420	1100	100.00
A1440	1200	300.00
A1450	1200	110.00
A1460	1000	10,000.00

A1460	1100	13,670.00
A1460	4000	100.00
A1620	1000	10,600.00
A1620	1200	286.00
A1620	4300	4,000.00
A1620	4600	7,800.00
A1640	1000	56,900.00
A1650	4000	1,700.00
A1680	1100	4,400.00
A1680	1200	308.00
A1680	4000	3,000.00
A1680	4200	100.00
A1920	4000	460.00
A1960	4000	4,800.00
A1980	4000	13,010.00
A3120	1200	58,150.00
A3120	1240	10,410.00
A3120	4000	2,650.00
A3120	4500	2,100.00
A3120	4730	250.00
A3189	1200	125.00
A3310	1000	8,900.00
A3410	4300	3,900.00
A3410	4600	1,310.00
A3510	1000	242.00
A3510	1200	25.00
A4540	4070	50.00
A4540	4730	318.00
A5010	1200	3,150.00
A5010	4000	50.00
A5110	1200	3,000.00
A5110	4200	121.00
A5110	4210	511.00
A5140	1000	38,100.00
A5140	1200	485.00
A5142	1000	42,145.00
A5142	1200	57,000.00
A5142	4710	2.00
A5182	1000	9,650.00
A5182	1200	40.00
A5182	4200	250.00
A5183	1000	143,930.00
A5650	1000	35,265.00
A5650	1100	25,260.00
A5650	1200	11,652.00
A5650	4200	80.00
A5650	4260	163.00
A5650	4500	20.00

A6410	1100	1,550.00
A7140	1100	2,520.00
A7140	1200	1,301.00
A8010	4200	23.00
A8020	4000	2,375.00
A8090	1000	121,600.00
A8090	1200	60,690.00
A8140	1000	28,100.00
A8140	1200	302.00
A8160	1000	82,600.00
A8160	1200	7,000.00
A8170	1000	19,135.00
A8170	1200	798.00
A8170	4210	565.00
A8510	1000	6,855.00
A8560	1000	40,500.00
A8560	1200	1,400.00
A8560	4000	9,150.00
A8790	1100	16.00
A9050	8000	21,100.00
Total Increases		\$ 1,131,129.00

DECREASE

A1210	2000	285.00
A1230	1100	15,460.00
A1325	1200	1,100.00
A1325	4000	3,000.00
A1325	4200	3,395.00
A1355	4000	60.00
A1410	4000	1,145.00
A1420	4000	8,100.00
A1420	4200	2,000.00
A1440	1100	300.00
A1440	4000	1,500.00
A1440	4500	1,000.00
A1440	4710	1,400.00
A1450	4000	110.00
A1620	4000	1,400.00
A1620	4710	500.00
A1640	1200	2,700.00
A1640	4000	1,200.00
A1640	4210	1,800.00
A1640	4710	900.00
A1640	4800	6,900.00
A1650	4410	18,000.00
A1650	4500	2,200.00
A1680	1000	43,000.00
A1910	4000	27,000.00

A1930	4000	2,000.00
A1950	4000	23,000.00
A1990	4000	8,562.00
A3120	1000	15,000.00
A3120	1230	8,200.00
A3120	1250	22,000.00
A3120	2000	2,000.00
A3120	4200	1,850.00
A3120	4710	9,000.00
A3189	1100	16,000.00
A3410	4220	6,400.00
A3510	4000	3,000.00
A4540	4710	8,000.00
A5010	1000	63,000.00
A5110	1000	551,000.00
A5110	4000	4,500.00
A5110	4700	3,700.00
A5110	4710	700.00
A5140	1100	7,900.00
A5140	4000	4,900.00
A5140	4210	1,100.00
A5142	4000	2,000.00
A5142	4200	30,000.00
A5182	2000	4,000.00
A5182	4000	5,000.00
A5650	4000	2,900.00
A5650	4600	7,900.00
A6410	4000	162.00
A7140	4140	9,000.00
A7140	4700	1,350.00
A7140	4710	1,750.00
A7180	4700	2,400.00
A7550	4000	1,500.00
A8010	4000	1,000.00
A8020	1100	1,800.00
A8090	4000	2,500.00
A8090	4150	11,000.00
A8090	4200	2,500.00
A8090	4210	1,000.00
A8090	4700	2,000.00
A8090	4710	800.00
A8140	4200	1,100.00
A8140	4710	1,500.00
A8160	4000	5,200.00
A8160	4150	25,000.00
A8160	4200	3,600.00
A8160	4210	2,000.00
A8160	4700	800.00

A8160	4710	5,500.00
A8170	4700	400.00
A8510	1200	500.00
A8510	4000	1,300.00
A8510	4200	3,000.00
A8560	4200	9,000.00
A8560	4700	500.00
A8710	4200	2,600.00
A8790	4000	500.00
A9040	8000	22,000.00
A9060	8010	49,800.00

Total Decreases \$ 1,131,129.00

WATER FUND

INCREASE

Dept	Item	Amount
F1650	4500	105.00
F1920	4000	1,500.00
F1980	4000	1,700.00
F8310	1000	46,500.00
F8310	1100	145.00
F8310	1200	650.00
F8320	1000	34,500.00
F8320	1200	20,200.00
F8320	2000	1,250.00
F8320	4300	1,100.00
F8340	1100	5,300.00
F8340	1200	31,000.00
F8340	4170	3,850.00
F9030	8000	6,900.00

Total Increases \$ 154,700.00

DECREASE

F1650	4000	105.00
F1910	4000	6,445.00
F1990	4000	27,450.00
F8310	4000	3,900.00
F8310	4200	1,250.00
F8310	4500	1,400.00
F8320	4000	11,100.00
F8320	4700	5,900.00
F8340	1000	22,900.00
F8340	4000	36,000.00

F8340	4120	2,000.00
F8340	4200	30,150.00
F8340	4700	5,000.00
F8340	4710	1,100.00

Total Decreases **\$ 154,700.00**

SEWER FUND

INCREASE

Dept	Item	Amount
G1910	4000	100.00
G1950	4000	3,600.00
G1980	4000	100.00
G8120	1200	1,200.00

Total Increases **\$ 5,000.00**

DECREASE

G1990	4000	5,000.00
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Total Decreases **\$ 5,000.00**

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

WHEREAS, Joanne Kondratowisz of 80 Morningside Drive has applied for a renewal of her Accessory Apartment Special Permit which expired on July 6, 2010; and

WHEREAS, the Code Enforcement Officer has inspected the premises and has determined that there have been no changes made to the premises; and

WHEREAS, the applicant meets all the necessary requirements as stated in Section 230-41 of the Village Code,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby renews the Special Permit for an Accessory Apartment for an additional three years,

AND BE IT FURTHER RESOLVED: that the applicant will have the option to renew the special permit for an additional three years and should apply to the Village Board for this renewal no later than 90 days before July 6, 2013.

e) On motion of TRUSTEE OLVER, seconded by TRUSTEE MURTAUGH, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with the following vote: 3 “aye”, 1 “nay” (Trustee Schmidt).

WHEREAS, the Village Board is considering taking an action to adopt Local Law Introductory No. 3-2010 (the “Draft Law”) which would repeal Local Law No. 4-2009 and enact zoning code provisions to expand the Harmon/South Riverside Gateway area and to modify the regulations for that area to encourage commercial development by facilitating market rate mixed use of properties (the “Proposed Action”); and

WHEREAS, the Village Board has caused Parts 1, 2 and 3 of a Full Environmental Assessment Form (the “EAF”) to be drafted in connection with the Proposed Action; and

WHEREAS, the Village Board has caused a Coastal Assessment Form to be drafted in connection with the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board hereby determines that the Proposed Action is an Unlisted action.
2. The Village Board hereby declares itself to be the Lead Agency for SEQRA purposes in connection with the Proposed Action.
3. The Village Board hereby issues the EAF which it has before it in connection with the Proposed Action.
4. The Village Board hereby issues the Coastal Assessment Form which it has before it in connection with the Proposed Action.
5. The Village Board hereby refers to the Village Planning Board, the Draft Law for a report back to the Village Board from the Planning Board in accordance with Village law.
6. The Village Board hereby refers the Draft Law, the EAF and the Coastal Assessment Form to the Village Waterfront Advisory Committee for a recommendation back to the Village Board in accordance with Village Law.
7. The Village Board hereby refers the Draft Law, the EAF and the Coastal Assessment Form to the Westchester County Planning Board/Planning Department for review in accordance with law.
8. The Village Board hereby directs Village staff to make any other circulations and notifications regarding the Proposed Action as may be required by law.

Discussion: Trustee Schmidt stated that this is something that should have a second hard look at given the change in the economy; it is not the right way to go now; a dense housing plan in that area will not be economic revitalization; we were looking at real economic development meaning commercial redevelopment, supporting existing commercial establishments and encouraging other businesses to come into the Village; he believes that this plan is just not right and is concerned it will be taken through the rest of the Village and if so, it is the due diligence of the Board to review the entire changes; many love the small village aspect of the Village and the Comprehensive Plan was written to preserve that concept; this kind of plan is not in that vein of maintaining the character and culture of this community. Trustee Olver stated that all want to see a more prosperous commercial section in the Village, but it is not happening; every 6 months there is a net of at least one less business and that was going on before the recession; for two years the Economic Development Committee studied Harmon specifically and it showed there were limited options for Harmon development; this is Harmon specific and does not apply to the rest of the Village; several years into the recession, we are that much closer to the new prosperity which this is aimed for and it is aimed for setting ourselves up for success when the economy picks up; we should have the flexibility to allow a kind of investment that will make commercial sense in a three block stretch in Harmon; after we passed the law, before the law suit, we had several feelers, most specific was for a three story office structure; this has never been about dense housing; opponents say it is about high rise housing, but it is about an attractive village-type streetscape with stores and offices in front and perhaps upstairs and perhaps some market-rate housing as in Mt. Kisco, Hastings or across the street. Trustee Schmidt stated that most of the study is for limited commercial use on the bottom and commercial or retail on the top; why has no one stepped up to go down this road in the time this law has been on the books; some property owners have been too greedy, too misunderstanding of what they can get for their property and have failed miserably at trying to redevelop their piece of property and now the Village has stepped up to see what they can do to help redevelop their property; it was always possible to develop mixed use and interested parties just needed to apply for a special use permit;; Riverside Four restaurant has been developed and has changed the neighborhood behind the property. Trustee Murtaugh stated that the 3 story wall that was built by Riverside Four would not have been allowed with the new rezoning; it was approved prior to this law being approved; one cannot blame the law we are working on now for that situation; the goal of this law was to remove some of the burden of special permitting and speed up development; there was someone who came forward, but as soon as the law suit was brought forward, there was a chilling of the development; this zoning law has been demonized falsely; the goal was to protect the residents along Young Ave.

f) On motion of TRUSTEE MURTAUGH, second by TRUSTEE OLVER, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 4-0:

WHEREAS, Local Law Introductory No.5 of 2010 has been drafted to revise chapter 1 of the Code of the Village of Croton-on-Hudson to set penalties for offenses against code provisions

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees calls for a Public Hearing at 8pm on September 7, 2010 in the meeting room of the Stanley H. Kellerhouse Municipal Building to consider Local Law Introductory No. 5 of 2010, a local law to revise Chapter 1 of the code the village of Croton-on-Hudson to set penalties for offenses against code provisions.

Discussion: Village Attorney Staudt explained this is a matter of a cleaning up of the code; they want to have a standard penalty for violations to the Village code unless there is a special penalty involved.

g) On motion of TRUSTEE SCHMIDT, 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 vote of 4-0

WHEREAS, Local Law Introductory No.6 of 2010 has been drafted to revise Chapter 123 of the code of the village of Croton-on-Hudson to permit bowhunting of White-Tailed Deer;

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees calls for a Public Hearing at 8pm on September 7, 2010 in the meeting room of the Stanley H. Kellerhouse Municipal Building to consider Local Law Introductory No. 6 of 2010, a local law to revise Chapter 123 of the code the village of Croton-on-Hudson to permit bowhunting of White-Tailed Deer.

Discussion: Trustee Olver stated that this is something we have been working on for quite a while; it does not give anyone license to shoot a deer on their front lawn; it is for firing from designated tree stands in open space areas well away from paths open to the public; if passed, it will occur during the hunting season in the fall on a pilot basis; this has been discussed with several agencies; the CAC has taken the lead on this and determined it is a good, safe way to go; the deer population has skyrocketed in the last 10 years and the deer are clearing out new shoots preventing the regeneration of the forest. Trustee Schmidt stated that the most compelling reason to do this is for the environment; it also affects runoff problems that we have throughout the Village; this action is not even enough; he has been told they should harvest about 250-300 deer to bring the deer population down to the level it is supposed to be in Croton, but there is a need to convince our neighbors to follow the same program so their deer do not begin to migrate into our area.

7. CITIZEN PARTICIPATION- NON-AGENDA ITEMS

Bob Wintermeir, 43 Radnor; commented on the deer hunting; a professional hunter taught him when you shoot an animal, make sure you follow it until it dies and asked that this advice be passed on to the people who do the hunting. Mr. Wintermeir stated that he is curious about the number of police officers approved by the budget vs. how many are now on board. Village Manager Zambrano replied that we are authorized for 21, it is the same; one officer retired effective July 30th of this year. Mr. Wintermeir asked if the overtime has gone up or down.

Village Manager Zambrano replied that the Police Chief tries to keep the overtime down, but they had an officer who was out for almost a year; he has recently been terminated. Mr. Wintermeir stated that he heard there was some interest in a 3 story office complex which would not be authorized for Harmon rezoning. Trustee Olver replied that under the previous law which has been repealed, it allowed commercial or office use and residential only on the back of the first floor or on the second or third floor. Attorney Staudt stated that the 3rd floor could be residential, but only under the eaves. Trustee Olver stated that he stands corrected. Trustee Murtaugh stated that Trustee Olver was trying to demonstrate there was some interest in offices, not residential at one point. Mr. Wintermeir stated that everyone he talks to says the rent was too high and this is one of the major problems throughout Croton; Wondrous Things is still vacant; the rent is a big concern and he is not sure we may solve that with rezoning. Mr. Wintermeir stated that regarding Riverside Four, he made comments that it was a problem and it was there well before rezoning; problems still have not been resolved. Trustee Olver stated that one of the consultants hired to look at Harmon said one of the problems is the single business or single story structure; having some flexibility might ease the problem; for a one story building, an owner will try to squeeze as much as possible from one tenant, but if the rent can be spread among several tenants, it might be moderated a bit.

Roseanne Schuyler commented about the Harmon EAF; she agrees with the speaker that debate was not helpful on both sides; she believes it is hyperbole for the Article 78 lawsuit to be characterized as asserting process issues; procedural law is fine law and something is not less illegal because it was done incorrectly; she believes it is complete speculation to characterize the strategy that it is a cheaper way; cheaper would have been for the Village to admit to even one mistake that it made in the passage of the law which would have mooted the entire law suit and then to undertake the process that is now being undertaken which would have happened minus the legal fees; the Village is banking on not making any mistakes and the judge seeing all of the causes of action being asserted as being mooted by the reenactment process and she doesn't believe that is going to happen; it would be very helpful for both sides to take their own advice.

8. APPROVAL OF MINUTES:

Trustee Murtaugh made a motion to approve the minutes of the Regular Board Meeting held on July 12, 2010 as corrected. Trustee Schmidt seconded the motion. The Board approved the motion with a vote of 4-0.

Trustee Schmidt made a motion to approve the minutes of the Special Board Meeting held on July 26, 2010. Trustee Murtaugh seconded the motion. The Board approved the motion with a vote of 3-0 with Trustee Gallelli abstaining.

Approval of the minutes of the Executive Session held on July 26, 2010 was held over to next meeting.

9. REPORTS

Village Manager Zambrano reminded residents that the plan is to repair the Silver Lake Dam, so Silver Lake will be closed as of August 29th unless the contractor is not ready in which case, he will notify the public and keep it open through Labor Day weekend. Mr. Zambrano asked

everyone to conserve water, the usage over the weekend was higher and it cannot be pumped fast enough out of the wells in case of emergency. Mr. Zambrano stated that he attended a meeting held by Con Edison and they were saying this year's weather pattern is similar to 1999, if we are hit by major storms, we may lose power; please keep in mind if you are out of power, call Con Edison and also help neighbors. He stated that the Emergency Management Plan requires activating Red Cross shelters at some point and we will need local volunteers; the Red Cross has offered to train the volunteers and he will put together a request for the residents; the only official shelter in the Village is in the high school; they are making sure everything is in place if the shelter needs to be activated. Mr. Zambrano reminded residents if using the parking lot at the train station on the weekends, be sure you display a free residential weekend pass.

Trustee Schmidt reported there is going to be a Public Hearing on deer bow hunting and it is important for the Village to support us on this; this is something that has been talked about for several years; many trees were planted at Mayo's Landing and the deer have been eating these. Village Manager Zambrano stated that there are just two trees left after hundreds planted. Trustee Schmidt stated that the VEB is working on signage at Silver Lake to simplify and make the area nicer. Trustee Schmidt stated that they are still cutting the grass too short at Croton Landing and some flower beds need to be weeded. Trustee Schmidt, on the Harmon issue, stated that it is important to spend some time to read the law and get informed, organize thoughts on how you feel about this; put the Board on its toes so it is doing the right thing for the community; if you don't do your homework, read and know the alternatives, you are doing yourself a disservice; it will have an impact on your quality of life; come and tell the Board the pluses and minuses to help make a decision.

Trustee Olver asked everyone who is concerned about the deer problem to turn out for the Public Hearing on Sept. 7th; there was an informative presentation at the Library about a year ago and about 100 people showed up; the deer population will crash from starvation if they are not culled; he urged everyone to come out and show support for this careful, controlled culling. Trustee Olver stated that he recently bought a puppy and the puppy got it's rabies shot, a dog permit and a Black Rock dog run permit; it is great to allow him to run around with other dogs; it is a perfect spot; he believes when this community gets going on something, it does wonderful things; the farmers market and community garden are also small bore good ideas; he is puzzled why people are saying this is reckless spending; this has made an appreciable difference in our quality of life and meanwhile, we've cut taxes the past 2 years, although the county and schools have raised their taxes; stop taking partisan pot shots on each other.

Trustee Murtaugh stated that he is the liaison for the Emergency Management Plan and he and Mr. Nagle spent some time at Croton Point for the annual Ecuadorian festival which was a very well run event; they spent time at the County mobile unit and it showed that many people have taken a lot of steps to prevent tragedies when many people gather; Dick Nagle has been working vigorously on this, including checking on the train traffic for this event; there are some things happening through the fall and he is trying to see how all various pieces will fall into place if something unforeseen happens. He stated that last week he got note from Historic Hudson Valley about their Blaze festival, they are encouraging restaurants to sign up for their web site and are adding a couple more dates this year; the Village staff has taken this invitation and will

mail it out to restaurants in the Village. Trustee Murtaugh added that Mr. Wintermeir made a comment about humanity; he assured him that we are being guided by the Westchester Bowhunters Association who are guided by principles that spare any undue suffering of the animals. Trustee Olver stated that we were told by the President of the Bowhunters Association that they have a specialist on call on an emergency basis to track any wounded animal who escapes into the forest. Trustee Murtaugh added that hunters must have a high degree of success; only the best of the best will be granted permission in the Village; these concerns are valid and have been addressed. Trustee Murtaugh stated that there was a comment about the cost of the River Ranger program which was suggested last year in the wake of a tragedy; one of the goals was to provide a higher level of service and protection to the Croton River and reduce overtime cost; the River Ranger is a less expensive form of manpower and will be able to do the job and still provide a level of safety and security, plus have an educational component about trash and proper behavior; he hopes that this cost will be offset by the reduced cost of the launch of the patrol boat. Trustee Murtaugh thanked Trustees Olver and Schmidt for their comments about his son.

Deputy Mayor Gallelli welcomed the many people coming into town this week for the C.H.H.S mega-reunion which goes back to 1940; it should be a great weekend for everyone. She added that last meeting the Board passed a resolution to save the Railroad Pond; there was a large meeting in the Town of Cortlandt on July 22nd which had standing room only; the Town and a subcommittee have met with Con Edison and are hoping to resolve this issue; Supervisor Puglisi has asked Con Ed to repair the dam and turn it over to the Town. Deputy Mayor Gallelli stated that several months ago, the Board had a presentation by two local women asking for support of their efforts to renovate the two clay courts at PVC Middle School; they have been highly successful and have the money to renovate the courts and are doing fund raising to sustain yearly costs; this weekend they will have a Croton tennis tournament-doubles only; you have until Wednesday to sign up; see www.crotontennis.org. She thanked everyone for their conservation of water; consumption, but it has been inching up again; there will be several 90 degree days again this week so please continue water conservancy.

Trustee Olver made a motion to adjourn. Trustee Schmidt seconded the motion; approved with a vote of 4-0. The meeting was adjourned at 10:17 pm.

Respectfully submitted,

Phyllis A. Bradbury

Phyllis A. Bradbury, Secretary

Village Clerk