

A Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Tuesday, January 4, 2011 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

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

1. CALL TO ORDER:

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

2. APPROVAL OF VOUCHERS:

Trustee Gallelli 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 with one absent.

General Fund	\$ 72,854.39
Water Fund	8,474.30
Sewer Fund	4,668.16
Capital Account	46,838.16
Trust & Agency	<u>7,847.56</u>
Total	\$140,682.70

3. CORRESPONDENCE:

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

- a. A letter from Seth A. Davis, Chairman, Zoning Board of Appeals recommending changes to the Zoning Code.
- b. A letter from Carey O'Brien, Real Property Analyst, NYS Office of Real Property Tax Services with the residential assessment ratio for 2011 which will be 3.60; last year's RAR was 3.20.
- c. A letter from Victor Mallison, Acting Deputy Commissioner of Real Property Tax Services with the certificate of final railroad ceiling.
- d. A letter from Lisa Fine, EagleFest Coordinator, Teatown Lake Reservation, regarding their 2011 EagleFest and requesting permission to set up an eagle viewing site at the boat ramp adjacent to Metro North station between the hours of 8 am to 4 pm on Saturday, February 5th. Trustee Schmidt made a motion to approve the request and authorize the village staff to work this out. Trustee Gallelli seconded the motion; approved with a vote of 4-0 with one absent. Trustee Schmidt asked that the road bed be cleared and potholes be filled in. Village Manager Zambrano replied that they will be filled with cold patch.

- e. A letter from Douglas W. Elfner, Director, NYS Office of Consumer Policy, regarding their winter outreach and education campaign.
- f. A notice from Sandy Galef, Assemblywoman, State Assembly, regarding discussions that were held on Hydraulic Fracturing.
- g. A letter from Paul J. Feiner, Town Supervisor, Town of Greenburgh, regarding letters he sent to the County Executive and Legislators requesting a detailed comparison of all labor contracts negotiated in the County. Trustee Olver proposed that a letter be sent in support. Village Manager Zambrano replied that we may have to consider whether this analysis is just comparing wages; there are other things that have an economic impact on the community; the full document would have more benefit for an analysis; he will send the letter.
- h. A letter from Alicia Baly, Account Executive, NY Power Authority stated that they are considering installing LED traffic signals and asking about the Village's level of interest. Mayor Wiegman stated that in principle we are interested but we have instituted this several years ago. Trustee Gallelli asked if it would be a lot of work to substantiate whether it would be worth it. Village Manager Zambrano replied that the Village owns just three traffic lights.
- i. A letter from Robert Hoch, Director, Government Affairs, Cablevision with notification that the Game Show Network will be re-tiered effective February 1, 2011.
- j. A letter from Trustee Murtaugh who was not able to attend this meeting because of work commitments.

4. CITIZEN PARTICIPATION (agenda items):

none

5. PROPOSED RESOLUTIONS:

- a) On motion of Trustee Gallelli, 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 with one absent:

WHEREAS, the Village's agreement with Westchester County for reimbursement for removal of snow and ice from County Roads expired on September 30, 2010; and

WHEREAS, the Village has received a renewed 5-year agreement commencing October 1, 2010 through September 30, 2015; and

WHEREAS, the agreement contains the annual C.P.I escalation provision with a bonus reimbursement rate for communities with approved salt sheds as shown on schedule B,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the Snow & Ice Agreement with Westchester County for the years 2010-2015.

- b) 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 with one absent:

WHEREAS, the retainer agreement with Bond, Schoeneck & King for labor relations and employment law matters will expire on January 17, 2011, and

WHEREAS, the Village has received a new retainer agreement effective January 18, 2011 for one year; and

WHEREAS the Village will be billed at an hourly rate of \$285.00 for Craig Olivo's time, \$225.00 -\$350.00 for other partners' time; \$195.00 -\$235.00 for associates' time and \$150.00 for Law Graduates' and Paralegal's time,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the retainer agreement with Bond, Schoeneck & King effective January 18, 2011 for labor relations and employment law matters.

Discussion: Village Manager Zambrano stated that this agreement is slightly different from previous years; we will be negotiating with the teamsters within the next 90 days; the minimum retainer has been removed.

- c) On motion of Trustee Gallelli, 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 with one absent:

WHEREAS, section 2010-a of the Uniform Justice Court Act requires that Village justices annually provide their court records and dockets to be audited; and

WHEREAS, in November 2010, Bennett Kielson Storch DiSantis, Division of O'Connor Davis Munns and Dobbins, LLP, of White Plains, NY conducted an independent audit of the Justice Court of the Village of Croton on Hudson for the fiscal year ended May 31, 2010; and

WHEREAS, in December 2010 the Board of Trustees received a copy the audit report,

NOW, THEREFORE BE IT RESOLVED: that in accordance with Section 2010-a of the Uniform Justice Court, the Board of Trustees acknowledges that the required audit was conducted and authorizes the Village Treasurer to forward a copy of the annual report and a copy of this resolution to the NYS Office of Court Administration.

- d) On motion of TRUSTEE Gallelli, 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 with one absent:

WHEREAS, the Village Board has caused to be drafted a Local Law to amend Chapter 120 of the Village Code relating to excavation, filling and topsoil removal; and

WHEREAS, on June 21, 2010 the Village Board determined that the proposed action was an unlisted action, declared itself lead agency for SEQRA purposes and authorized the Parts 1 and 2 of the Environmental Assessment Form and the Coastal Assessment Form to be circulated to the appropriate agencies in accordance with Village Law; and

WHEREAS, the Waterfront Advisory Committee has issued a preliminary review of consistency,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby adopts a Negative Declaration with respect to this matter,

AND BE IT FURTHER RESOLVED: that the Village Board of Trustees directs the Waterfront Advisory Committee to conduct a final review of consistency of the application.

- e) On motion of TRUSTEE Olver, seconded by TRUSTEE Gallelli, 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 with one absent:

WHEREAS, the Village Board of Trustees has discussed the possibility of increasing its Type 2 list under SEQRA for the purpose of streamlining certain applications; and

WHEREAS, the Village Engineer has submitted a proposed list of Type 2 actions to the Village Board for its consideration; and

WHEREAS, the Village Attorney has drafted a proposed local law which if adopted would amend Chapter 116 to increase the list of Type 2 actions; and

WHEREAS, the consideration of the adoption of such local law requires an environmental review under SEQRA; and

WHEREAS, FP Clark and Buckhurst Fish & Jacquemart have submitted proposals for the drafting of a full environmental assessment form and coastal assessment form; and

WHEREAS, FP Clark has provided such service for the Village in the past and has also submitted a lower quote,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is authorized to approve the proposal from FP Clark for \$2,600 for the completion of the environmental review for the adoption of additional Type 2 actions.

Discussion: Mayor Wiegman stated that this part of the study is to streamline the application process. Trustee Gallelli added that FP Clark has done a lot of work for the Village and is

more familiar with our codes; this is something we definitely want to do to further streamline our application process.

- f) 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 with one absent:

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

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

WHEREAS, Local Law No. 5 of 2010 was adopted on November 15, 2010 by the Board of Trustees amending Chapter 108, sections 1, 2, 3, 4, 5, 8 of the code of the Village of Croton-on-Hudson establishing standards for the licensing of dogs by the Village of Croton-on-Hudson; and

WHEREAS, the current fee schedule does not include the fees to be charged for licensing of dogs by the Village, and

WHEREAS, it has been recommended that the fees should be \$10.50 for a spayed or neutered dogs and \$18.50 for unspayed or unneutered dogs,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees does hereby authorize the Village Clerk to amend the Master Fee Schedule to reflect the fees for licensing dog in the Village.

Discussion: Trustee Gallelli stated that this is not the worst unfunded mandate that the State has passed down as the funds will be kept by the Village, but there will be less spayed or neutered dogs as the funds will not go to the facilities that do this.

- g) On motion of TRUSTEE Olver, 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 with one absent:

WHEREAS, the Matra Group, LLC challenged the 2009 and 2010 assessments of its property located at Section 67.10, Block 2, Lot 16; and

WHEREAS, the petitioner has agreed to settle the case based on the following assessment reductions:

<u>Assessment Year</u>	<u>Assessment Valuation</u>		<u>Amount of Reduction</u>
	<u>Reduced From</u>	<u>Reduced To</u>	
2009	\$41,820	\$39,725	\$2,095
2010	\$41,820	\$35,575	\$6,245

WHEREAS, for 2009 the reduction amount times the tax rate of \$227.989 results in a refund amount of \$477.64 and for 2010 the reduction amount times the tax rate of \$227.811 results in a refund amount of \$1,422.68; and

WHEREAS, the Village Board agrees that this settlement is in the best interest of the village,

NOW THEREFORE BE IT RESOLVED: that the Village Attorney is hereby authorized to sign the Stipulation of Settlement received correcting the assessment roll, and the Village Treasurer is authorized to refund the Matra Group, LLC \$1,900.32 in excess taxes paid in the years 2009 and 2010.

Discussion: Village Manager Zambrano stated that this has been handled with attorneys and the property owners; the Town of Cortlandt has already settled.

- h) On motion of TRUSTEE Gallelli, 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 with one absent:

WHEREAS, the next annual Village election of the Village of Croton-on-Hudson, NY will be held on Tuesday, March 15th, 2011; and

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Croton-on-Hudson hereby designates the following offices as vacant at the end of the current official year to be filled at the Village election on Tuesday, March 15, 2011 for the following terms:

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

- i) On motion of TRUSTEE Schmidt, seconded by TRUSTEE Gallelli, 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 with one absent:

WHEREAS, the Village Board of Trustees has received a special permit application for a mixed use occupancy building at 383 South Riverside Avenue; and

WHEREAS, this matter has been referred to the Planning Board for its recommendation and review; and

WHEREAS, this matter has been referred to the Waterfront Advisory Committee for a recommendation of consistency; and

WHEREAS, in its November 30, 2010 memo to the Village Board of Trustees, the Planning Board has recommended the issuance of the special permit; and

WHEREAS, the Waterfront Advisory Committee issued a preliminary review of consistency in its memo dated October 19, 2010 and a final review of consistency in its memo dated December 23, 2010; and

WHEREAS, at the October 4, 2010 Regular Village Board Meeting, the Village Board declared itself Lead Agency;

WHEREAS, at the December 6, 2010 Regular Village Board Meeting, the Village Board, as Lead Agency, issued a negative declaration with respect to this application;

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby calls for a public hearing on January 18, 2011 at 8pm in the meeting room of the Stanley H. Kellerhouse Municipal Building to consider the special permit application for a mixed use occupancy building at 383 South Riverside Avenue.

6. CITIZEN PARTICIPATION (non-agenda items):

Fran Allen, 7 Finney Farm, thanked Village Manager Zambrano for responding quickly to her call at 8:30 am regarding a sewer odor at Old Post Road by Skyview; he and Marco Gennarelli called her back and outlined some of the solutions that will be developed. Ms. Allen stated that she has a 2nd -issue; there is a lot on Old Post Rd. North across from the new Prospect Place houses where there is a lot of debris that has been there longer than the work being done on High Street and she hopes that it gets taken care of. Village Manager Zambrano stated that the work is still going on and because of the snow they did not have a chance to clean up but he agrees it is not a good situation. Ms. Allen replied that the debris has been there far too long. Trustee Olver stated that the debris is not construction material currently staged for use; it is gravel, dirt and old fire hydrants, etc. Trustee Schmidt asked if the odor is the same sewer odor that was worked on and is it back again. Village Manager Zambrano replied that it is and explained the process will be the installation of carbon filters in the manholes to stop that odor; the manhole that has the most problems seems to be in a resident's driveway. Fran Allen stated that when the Skyview permit was renewed, the requirement from the Planning Board was that there had to be an upgrade of that system, they could try some things first but it should be addressed again if this odor continues. Village Manager Zambrano stated that they will also be using another chemical, BioKat, putting it

into the manholes. Village Engineer O'Connor added that Skyview has installed a new controller and less sewage comes out of the force main and less odor is generated at any one point in time; the aeration systems in the wet well is working now but they are having a problem with too much air being pumped into the wet well and they are trying to address that; the DPW is working on switching over from US Filter to another company for the Bioxide; they should have more frequent delivery of chemicals; some of the manholes that were problematic had canisters put in manholes with a mix of wood chips and other chemicals, but that has a useful life and we are in the process of replacing that. Trustee Schmidt asked if there is still a problem with the pumps clogging and do these chemicals have an impact on the Hudson River. Village Engineer replied that they are no problem; and the extra nitrate is not an issue.

7. APPROVAL OF MINUTES:

Trustee Schmidt made a motion to approve the minutes of the Regular Board Meeting held on December 6, 2010 as corrected. Trustee Gallelli seconded the motion. The Board voted approval with a vote of 3 ayes, 1 absent, 1 abstain.

Approval of the minutes of the Executive Session held on December 6, 2010 was held over for clarification.

8. REPORTS:

Village Manager Zambrano wished everyone a Happy New Year. He reported that in respect to the snow we had last week, he thanked Public Works crew for doing a great job. Village Manager Zambrano reminded residents to please be patient and do not shovel sidewalks until after plows begin pushing the snow off the roads. He stated that the water bills are due January 15, 2011. Mr. Zambrano, regarding the RFP for the sale of the Katz property, 49-51 Maple St., the High School class in environmental sciences will be doing a mock proposal for this project; he and Village Engineer O'Connor will be speaking to this class tomorrow and they would like to present this mock proposal to the Board.

Village Treasurer Bullock reported that the water bills are in the mail and a lot have been paid already.

Trustee Schmidt asked about the removal of Christmas trees; when is the last they can be put out. Village Manager Zambrano replied that the week of Martin Luther King's birthday is last pick up. Trustee Schmidt asked about looking at clearing the Riverwalk. Village Manager Zambrano replied that we haven't done that in the past; it is part of the country trail system and many use it for cross country skiing; however, we can look at it but it is not part of the snow removal budget. Mayor Wiegman stated that there seems to be ample width of non-paved area that the skiers can use. Mr. Zambrano replied that we can try clearing from the boat launch along the river, to Senasqua up to Croton Landing. Trustee Schmidt added that this is with the understanding that everything else is done and only if there is staff to do this. Trustee Olver added that he does not wish to add to our cost on this. Trustee Schmidt

stated that we do clear off the pedestrian bridge; he urged the public to stay off the bridge until it is clear, especially on the stairs. Trustee Schmidt wished a Happy New Year to everyone, hopefully will be a better year; a lot of exciting things are happening in the Village and the new shops have added a lot to the Village; two successful events occurred recently and there was a lot of cooperation among merchants to pull them off. He added that the crafters event in the Municipal Building brought a lot of people into the Village; moving forward, this is what we have to do to bring the Village together and bring people into the Village; he will work on how to tap into the Blaze better than we have done in the past; it will take a bit of an effort, but team planning will bring a group of people to help support the merchants and show that Croton is a great place to work, shop and open a business. He added that the December 16th emergency test was a job well done.

Trustee Olver agreed that the emergency test was a remarkable job and we are now well situated to begin the process of sustaining an emergency response capacity. He tipped his hat to the new businesses in town, especially Feed the Birds; it is not just a little mom and pop operation; the same with Anton's Restaurant and the new sushi place; we are beginning to see a refocusing on our common community; he encouraged everyone to focus on our commonalities. Trustee Olver stated that we do tend to take our issues very seriously, but on a positive side, we are coming as a Village, to take seriously that we have to manage change to preserve what we have while being a little less financially open handed; we cannot afford to keep asking our taxpayers to maintain their contributions at this high rate; for next year, he believes we have a good opportunity to continue cutting our tax rate marginally again this year; the pension mandate will cost a lot of money; but we see this as a conservative move and a visionary move, looking to a future that is sustainable for all of us; he plans to spend the next few months looking for ways to trim a bit further while maintaining services and laying the groundwork for a leaner government. Trustee Olver commended the DPW for the efforts during the snow storm; he had no problem and lives at the end of a dead end; he had a clear road all the way down; hats off to Marco and all the people in the DPW.

Trustee Gallelli also congratulated Marco and the DPW; she had the opportunity to be NY City the next day and that was a mind-boggling experience. Trustee Gallelli reported that the EMS and the Fire Dept. people had installations and they were lovely occasions; she read the oath of office to Fire Dept officers being installed; it was another opportunity to think about the service we get from the volunteers in the community.

Mayor Wiegman stated that he concurs with thanks to the DPW who did great work. Mayor Wiegman noted the passing of former Village Justice Guy Adami in Arkansas; there will be a memorial service at Good Sheppard Chapel this Saturday at 10 am. Mayor Wiegman acknowledged the many contributions of Pat Roosa who stepped down after many years of service to the EMS. He added that looking forward, he anticipates many things happening at the State level; Gov. Cuomo has announced about budgetary restraints; he looks forward to working with Nan Hayworth, the new representative in Congress. He also looks forward to the web based agenda platform. Village Manager Zambrano stated that we will have a training session with the provider and should have it ready by the first agenda in February. Mayor Wiegman added that he is looking forward to the mid-year budget review. Mr. Zambrano stated that this will be at the work session next Monday, the 10th. Mayor

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Wiegman reported that we will again be having, at the end of January, a Board of Boards' summit; all volunteer boards will be present at the same time to share some projects they have on their agenda for the coming year.

Trustee Schmidt made a motion to adjourn. Trustee Olver seconded the motion; approved 4-0 with one absent

The meeting was adjourned at 9:20 pm.

Respectfully submitted,

Phyllis A. Bradbury

Phyllis A. Bradbury, Secretary

Village Clerk