

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, July 11, 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
Village Attorney Feldman	Trustee Schmidt
Treasurer Bullock	Trustee Raskob

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 5-0.

**2010-2011 Vouchers**

General Fund	\$ 9,638.79
Water Fund	1,380.49
Sewer Fund	-0-
Capital Account	-0-
Trust & Agency	-0-
Total	\$11,019.28

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

**2011-2012 Vouchers**

General Fund	\$ 390,985.80
Water Fund	13,108.88
Sewer Fund	9211.17
Capital Account	93,849.01
Trust & Agency	1,161.32
Total	\$ 508,316.18

3. CORRESPONDENCE:

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

- a) A letter from Jay Vitale, Guinan's Aurora, thanking the Board for allowing him to speak of his organization at the last meeting and expressing his hope that the bicycles in the basement of the Municipal building will be made available to his group. Village Manager Zambrano

stated that he spoke with Chief Tramaglino and there are approximately 20 bikes in the building now; in the past were sold as scrap metal. Trustee Murtaugh made a motion to dispose of the bicycles to Mr. Vitale for his organization. Trustee Schmidt seconded the motion, approved with a vote of 5-0.

- b) A letter from Brian Moon, NYS Dept. of Taxation and Finance, regarding the final state equalization rate which is going up to 3.71 from 3.32. Village Attorney Feldman stated that the Village assessment was set in 1967; residents can calculate the market value by dividing the assessment by the equalization rate.
- c) A letter from Paul Feiner, Supervisor, Town of Greenburgh, regarding arbitration panels.
- d) A letter from Mark Mannix, Senior Director of Corporate & Public Affairs, Metro-North Railroad about their Call for Images for permanent artwork at the Croton-Harmon station and inviting participation in an advisory capacity during the artist selection process.

4. CITIZEN PARTICIPATION (agenda items):

a) Ginny Calcutti, regarding the letter from Paul Feiner, stated that the Journal News is holding something on Wednesday and is that what this is about. Mayor Wiegman replied that Mr. Feiner would like the Village to be involved in getting the panels abolished. Ms. Calcutti questioned the section of the agenda about lowering taxes for 1300 Albany Post Road. Trustee Gallelli replied that is the first resolution on the agenda and there are nine properties that successfully appealed their taxes through SCAR. Ms. Calcutti stated that the resolution is calling for hiring an EMS for \$16.92 per hour, but Mr. Nagle made a comment that it would cost about \$160,000 to start; what is this going to cost us. She added that we will have one EMT that cannot drive; did the current volunteers have any input in this decision. Village Manager Zambrano replied that the volunteers are asking for assistance.

b) Bob Wintermeier, 43 Radnor, asked about the tax refund for 1300 Albany Post Road. Village Manager Zambrano replied that the refunds are for the Village taxes only, Town and School are not involved in this; the total refund for that property is approximately \$3,100. Village Attorney Feldman stated that every property is assigned an assessed value; the taxes owed to the Village is based on that assessed value; the property owners challenged this at Grievance Day and that ruling was taken to court which is what these refunds represent. Mr. Wintermeier, regarding the EMS, suggested discussing any questions now. Mayor Wiegman stated that he believes that the questions have been answered. There were no further questions.

5. PROPOSED RESOLUTIONS:

- a) On motion of TRUSTEE RASKOB, 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 5-0:

WHEREAS, several residential property owners and or their representatives have filed a small claim assessment review with the State Supreme Court seeking an assessment reduction; and

WHEREAS, the attached memo provided by the Village Assessor, Joseph Sperber states the properties that have been granted an assessment reduction and should receive a tax refund providing their taxes are paid in full; and

WHEREAS, the tax refunds were calculated using the current tax rate of \$237.182 per \$1,000 of assessed value,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees authorizes the Village Treasurer to issue tax refunds to the property owners as outlined in the attached memo from the Village Assessor,

AND BE IT FURTHER RESOLVED: that the total amount of the refund as outlined in the attached memo is \$13,182.58.

b) 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 5-0:

WHEREAS, on July 6, 2011, two bids were received and opened for the purchase of a Mini Wheel Loader, and

WHEREAS, Cap Rents Supply LLC of Astoria, NY had the lowest bid at \$49,168; and

WHEREAS, the Assistant General Foreman has reviewed the bids and recommends awarding the contract to Cap Rents Supply LLC of Astoria, NY;

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to award the bid to Cap Rents Supply, LLC in the amount of \$49,168.00 for a Mini Wheel Loader.

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

WHEREAS, the Village Manager, Assistant Village Manager, Village Treasurer, and appropriate department heads periodically review capital projects, and

WHEREAS, after the last review, it was determined that several projects had been satisfactorily completed and in need of additional funding, and

WHEREAS, in accordance with Generally Accepted Accounting Principles and General Municipal Law, a municipality's governing body must approve the closing of completed projects and authorize additional funding as necessary or authorize the transfer of balances back to the respective fund, and

NOW THEREFORE BE IT RESOLVED: that the Village Treasurer is hereby authorized to transfer funds as necessary either to or from fund balance as detailed below.

PROJECT DESCRIPTION	PRJ#	PRJ BALANCE
OLD POST ROAD	04105	0.00
ROAD IMPROVEMENTS	05117	0.00
MUNIS COMPUTER SOFTWARE	05126	(1,692.54) *
WAYNE/CLINTON STREET IMPRVMTS	05127	0.24 **
OLD POST ROAD NO SIDEWALKS	06133	0.00
HIGH STREET CDBG	06134	0.00
GENERAL ROAD REPAIRS	06136	0.00
PURCHASE OF MUNICIPAL PLACE LOT	07153	0.00
MUNICIPAL BUILDING RENOVATIONS	08156	0.00
GENERAL ROAD REPAIRS	08157	0.00
SIDEWALK PROGRAM	08158	0.00
CURB REPLACEMENT	08159	0.00
EQUIPMENT	08161	(343.00) *
WASHINGTON FIREHOUSE – BAY DOORS	08163	0.00
AMBULANCE DUTY VEHICLE	08167	(1,981.17) *
SYMPHONY KNOLL	09000	(26.60) *
GENERAL ROAD REPAIRS	09184	0.00
SIDEWALK REPLACEMENT PROG	09185	0.00
CHIEF CAR REPLACEMENT	09189	(2,645.40) *

GSFH SIREN	09191	2,219.34 **
THERMAL IMAGING CAMERS	09192	130.36 **
SIDE WALK REPLACEMT PRG	10201	0.00
<b>NET TOTAL</b>		<b>(4,338.77)</b>

**\* TRANSFER FROM GENERAL FUND BALANCE FOR \$6,688.71**

A9901 9030	TRANSFER TO C/F	6,688.71
A 633	DUE TO C/F	6,688.71
H 391	DUE FR G/F	6,688.71
H1000 5031 05126	TRANSFER FR G/F	1,692.54
H1000 5031 08161	TRANSFER FR G/F	343.00
H1000 5031 08167	TRANSFER FR G/F	1,981.17
H1000 5031 09000	TRANSFER FR G/F	26.60
H1000 5031 09189	TRANSFER FR G/F	2,645.40

**\*\* TRANSFER TO DEBT SERVICE FUND FOR \$2,349.94**

H9901 9050 05127	TRANSFER TO DSF	.24
H9901 9050 09191	TRANSFER TO DSF	2,219.34
H9901 9050 09192	TRANSFER TO DSF	130.36
H 635	DUE TO DSF	2,349.94
V 393	DUE FR C/F	2,349.94
V1000 5033	TRANSFER FR C/F	2,349.94

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

WHEREAS, The Croton Emergency Medical Services (Croton EMS) was separated from the Croton Fire Department in 2008 for the purpose of building a specialized volunteer organization while continuing to provide the community with the necessary services and ; and

WHEREAS; Members of the Croton EMS have demonstrated exemplary dedication and are proud of their department, have responded to over 850 calls per year and have contributed more than 5000 man hours since it's separation; and

WHEREAS; recently the department has experienced a decline in the number of members able to respond to calls due to their personal and work commitments; and

WHEREAS; a Request for Proposal is being prepared to contract a provider on a permanent basis to supplement the volunteer base in order to serve the community; and

WHEREAS; the Director of Emergency Management and Village Manager recommend that the Village contract on a temporary basis with the Mid Hudson EMS District to collaborate with the Croton EMS volunteers in order to provide Basic Life Support (BLS) services to the community; and

WHEREAS; the Mid Hudson EMS District will provide an Emergency Medical Technician (EMT) to be located at Croton's EMS' headquarters at 44 Wayne Street, Monday through Friday from 7 a.m. to 7 p.m. at a cost of \$16.92 per hour.

NOW THEREFORE BE IT RESOLVED: that the Board of Trustees of the Village of Croton on Hudson authorizes the Village Manager to sign a IMA with the Mid Hudson EMS District for temporary EMT services, subject to review by the Village Attorney, at a cost of \$16.92 per hour.

Discussion: Mr. Nagle gave a brief background of the process prior to the request for a temporary agreement with the Mid Hudson Group; it is to get something up and running quickly; July 18<sup>th</sup> would be the first day; continued participation by volunteers is vital to the success of this venture and they understand this; he will attend their next meeting; the cost is about \$52,000; it is unlikely that this agreement will extend past a year; it will go out to bid; however, rather than wait for the RFP, it was decided to get this started today. Trustee Murtaugh questioned if an EMT can drive the ambulance to the event and have volunteers meet them at the event. Mr. Nagle agreed that this is correct. Trustee Schmidt added that this will keep more calls in house; a lot of these calls will be subject to reimbursement by insurance companies and some costs will be offset. Village Manager Zambrano stated that the IMA proposed will be due to expire on 10/31/11; we have a 15 day period to notify MidHudson prior to signing a more permanent contract; what we have billed insurances so far will cover this cost. Ms. Calcutti, regarding the fly car, stated that we pay \$120,000 annually for this service and with the \$160,000 a year to start that was reported in the paper; together, that comes to \$280,000. Village Manager Zambrano stated that this \$160,000 item is not being considered at this time. He added that billing will be done by the EMT and the taxing district. Trustee Murtaugh stated that a recruiting drive will be undertaken after the paid professional is in place; this may bring more volunteers; it takes a long time to train an EMT. Trustee Schmidt added that this may be a long term solution to something that has become a problematic situation.

e) On motion of TRUSTEE GALLELLI, 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 5-0.

WHEREAS, the New York Department of Environmental Conservation classifies actions by type: Type I which by definition are more likely to require an environmental impact statement, and Type II, which by definition do not require an environmental review because these actions will have no significant environmental impact, and Unlisted actions, which by definition are those that fall outside either the Type I or II list; and

WHEREAS, the Village Board is considering taking an action to adopt Local Law Introductory No. 2 of 2011 (the “Draft Law”) which would amend Chapter 116 of the Village Code to supplement the list of Type II actions contained in the New York State Environmental Quality Review Act (SEQRA) Regulations; and

WHEREAS, the Village’s consideration of an expansion of the Type II SEQR list is consistent with NYS DEC policy; and

WHEREAS, the Zoning Board of Appeals, Planning Board, Village Engineer, and Police Chief, are also considering the adoption of their own lists of Type II actions to supplement the Type II list contained in the SEQR regulations; and

WHEREAS, the proposed adoption of the Draft Law and proposed determinations of the Planning Board, Zoning Board of Appeals, Police Chief, and Village Engineer (the “Proposed Determinations”) constitute the Proposed Action; and

WHEREAS, on April 19, 2011 the Village Board took the following steps with respect to the Proposed Action:

1. Determined that the Proposed Action was an Unlisted action
2. Declared its intent to be the Lead Agency for SEQRA purposes in connection with the Proposed Action
3. Issued the EAF in connection with the Proposed Action
4. Issued the Coastal Assessment Form in connection with the Proposed Action
5. Authorized the circulation of the Draft Law, the Proposed Determinations, the EAF, and the Coastal Assessment Form to all involved agencies
6. Referred the Draft Law, the Proposed Determinations, 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. Referred the Draft Law, the Proposed Determinations, the EAF and the Coastal Assessment Form to the Westchester County Planning Board/Planning Department for review in accordance with law; and

WHEREAS, on May 3, 2011 the Waterfront Advisory Committee issued its preliminary recommendation of consistency with a recommendation to broaden the language related to “radio communication or microwave transmission facilities” to be more inclusive so as to take into consideration future radio, television, telephone, or electronic communication developments; and

WHEREAS, in its memo to the Village Board of Trustees dated May 13, 2011 the Zoning Board recommended adoption of the proposed additions to the Type II list which are within its jurisdiction with one addition to the proposed list: the request for an extension of an expiration date of a special permit; and

WHEREAS, the Village Engineer reviewed the proposed additions to the Type II list which are within his jurisdiction and recommends eliminating three of these additions; and

WHEREAS, the EAF, CAF, Draft Law, and Proposed Determinations have been revised to reflect the recommended changes to the proposed Type II lists,

NOW THEREFORE BE IT RESOLVED:

1. The Village Board authorizes the circulation of the Draft Law, the Proposed Determinations, the EAF, and the Coastal Assessment Form to all involved agencies; and
2. The Village Board hereby refers the Draft Law, the Proposed Determinations, 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; and
3. The Village Board hereby refers the Draft Law, the Proposed Determinations, the EAF and the Coastal Assessment Form to the Westchester County Planning Board/Planning Department for review in accordance with law; and
4. 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 Murtaugh stated that this is cutting through the red tape. Trustee Gallelli added that this is the type of thing the DEC is asking for local municipalities to expand their Type II list; our initial proposal for the Type II list went to all involved boards and in some cases they responded to have something added or deleted; the old draft law changed and now the new draft law must be re-circulated again. Trustee Raskob stated that he is concerned an area of this might affect amateur radio operators licensed by the FCC and would like to see something put in this about not requiring their having to come before the board and be required to put up a tower. Village Engineer O'Connor stated that this statement was put forward by a member of the WAC; the Village Board issues special permits and could exclude amateur radio operators and put an exemption in there so they would not be subject to SEQR. Mayor Wiegman suggested that they could make that change in the telecommunication law; a Type II list is the type of actions that will no longer require a SEQR review.

6. CITIZEN PARTICIPATION (non-agenda items):

- a) Ginny Calcutti, 19 Hunter Place, asked when she is getting the report on the DPW; it has been over a year. Village Manager Zambrano replied that he and Marco Gennerelli will be meeting with the consultant; he has not received the report yet; it was approved to go ahead last fall. Trustee Gallelli stated that there is no report at this point.

b) Bob Wintermeier, 43 Radnor, read prepared comments about federal, state and local municipality budgets across the USA; public employees are getting better benefits than private company employees in some cases; we need to address Village benefit plans for future employees. He addressed 1300 Albany Post Road; people do not want to acquire that property. On the DPW study, he would like to know who tracks that study and what are the deadlines. He suggested providing a commercial data base as Yorktown is doing; also a data base for local jobs. Mr. Wintermeier stated that he is still waiting to see the green sludge disappear on the Duck Pond. Trustee Murtaugh replied that he and Mayor Wiegman met with Ms. Calcutti several weeks ago regarding the Village benefits; they are moving more into the Board having the responsibility to review the Village Manager's decisions at budget time; this will continue to allow the Village Manager to make the decisions but with the Board's approval. Trustee Murtaugh, regarding the suggestion to post items on the Village website for vacant commercial properties. stated that he feels is a line that they should not cross; he not sure listing those properties on the Village web site is the way to go. Mr. Wintermeier responded that, regarding the benefits, there are several versions; at least this will be addressed on an annual basis. Trustee Schmidt stated that he requested to address benefits for new hires going forward and has asked the Village Manager to look at it; they hope to get a report soon and make a decision what benefits will be changed for new hires which should help in union negotiations. Ms. Calcutti stated that she does not agree with these statements; things should be taken care of right now. Mr. Wintermeier stated that if there is an abuse or perceived abuse, it should be taken care of it right now. Village Treasurer Bullock stated that the numbers are pro-rated based on a 12 month term; the budget figures are not actual salary numbers. Mr. Wintermeier recommended taking a look at what Yorktown is doing and if it is successful, perhaps it should be done here. Trustee Gallelli responded that the AdHoc Duck Pond committee did a great job and the process has not started because of contract difficulties with the company chosen to do the work.

c) Roseanne Schuyler, Olcott Ave., stated that she believes there is an issue of having a public record of Village Board work sessions. She added that minutes of work sessions do not include discussions; this does not increase transparency in public government; the Board is complying with the letter of the law, but not the consideration of the public. She stated that she believes a resolution was passed that the work sessions should be recorded. Trustee Murtaugh stated that Village work sessions have not been recorded since he has been on the Board, but the comment will be taken up. Mayor Wiegman suggested that the recording of work sessions was made in 2000 and was stopped before he came on the Board; to his knowledge, none of the tapes for the work sessions were ever requested; they are not recorded and there is no requirement to record; the sessions are open to the public; there are two kinds of meetings, business meetings as this evening and a less formal, conversation around topics on an agenda that is published.

Bob Wintermeier stated that he remembers there were several versions of the tapes and one was kept at the Library; he does not remember when it was rescinded.

Pat Moran asked when are we expecting a draft of the DPW report and has Mr. Zambrano met with the consultants. Village Manager Zambrano replied that he will be meeting with them on July 25<sup>th</sup>. Ms. Moran asked if he is expecting a report at some point, have we seen a draft and is there a date we expect to see a draft. Village Manager Zambrano replied that he expects them to have the draft at the July 25<sup>th</sup> meeting.

7. APPROVAL OF MINUTES:

Trustee Gallelli made a motion to approve the minutes of the Regular Board Meeting held on June 20, 2011 as corrected. Trustee Murtaugh seconded the motion. The Board approved with a vote of 5-0.

Trustee Raskob made a motion to approve the minutes of the Special Meeting held on June 27, 2011 as corrected. Trustee Murtaugh seconded the motion. The Board approved with a vote of 5-0.

Approval of the minutes of the Special Meeting held on June 28, 2011 was held over to next meeting.

8. REPORTS:

*Village Manager Zambrano* reported he and Marco Gennerelli are meeting with the consultants on July 25<sup>th</sup> and are anticipating getting a draft report which he will bring to a work session. Regarding the Duck Pond, he reported that the equipment is being delivered; they have come to an agreement with the help of Village Attorney Feldman; the contract will be finalized shortly and they believe that once the equipment is installed, it will allow the water to flow better to the culvert. Village Manager Zambrano reported that regarding the Benefits policy, he will give the Board recommendations and discuss it at a future work session. He added that the Consultant hired to work on the Croton Ave. bicycle/pedestrian way will be recording traffic flow; the scope of the project must remain as it was applied for. Mr. Zambrano reported that Summer Camp is going well and they have a good number of children enrolled.

*Village Treasurer Bullock* reported that the year to date insurance amount collected for EMS billing is \$228,493. Treasurer Bullock, regarding SCARS, stated that the Village does budget a small amount each year for any refunds that must be paid out.

*Trustee Schmidt* regarding cell service in the Village, asked for any outreach we can do to have them look for other locations to fill in the gaps; it is an important emergency tool that people have; the train station tower has gone a long way to improve service. Trustee Schmidt stated that the lawn at Croton Landing is being mowed a little taller and they are doing better, but he requested that the sprinkler system have a device to record rainfall; it was on after a rain and it didn't need to be on. Trustee Schmidt reminded residents that tag sale signs need to be taken down; they are illegal and a summons can be issued. He reported that The Garden Tour sponsored by the Arboretum was successful; it is a great opportunity to see lovely gardens. He added that regarding the recording of work sessions, he was lead to believe it was not required; however, we should look at it; the reality is we do not have to tape even these meetings; it is a courtesy; Ms. Schuyler raises some questions about if we should be recording work sessions.

*Trustee Raskob* reported that discussing employment contracts takes a lot of time; he has read all he could; we need to attract competent people to run the Village; those working now do not work just 40 hour weeks; time put in is a lot more than what is thought; a lot of contracts we are bound to are quite old and we cannot ignore those. Trustee Raskob reported that the 2% tax cap was passed; however, under this there is an exemption for pensions. He stated that everyone has a

right to speak with Board members and also attend work sessions; however, the rules are you may address the Board, but it is not an obligation of a board member to respond.

*Trustee Gallelli* reported that the garden tour was superb; the new community garden was included on the tour this year. Trustee Gallelli stated that she hopes people are enjoying the summer; the Village has a lot to do during the summer; the rivers, walking, organized movies, family entertainment series, Friday night concerts at Senasqua; something is happening almost every week during the summer.

*Mayor Wiegman* thanked outgoing chair, Susan Lundeen, for her service to the Sustainability Committee and announced that Sally Odland of Albany Post Rd. will be assuming the chair. Mayor Wiegman announced the appointment of Matthew Peretz, 61 Thompson Ave. to the Sustainability Committee and for the Visual Environmental Board, Mark Flaherty has stepped forward and will be a member of that Board. Mr. Wiegman stated that he agrees that the Croton Landing field is looking better this year and has noted we are getting lots of traffic at Croton Landing, but there are days when we could have used some additional parking; he suggested change in the roundabout and the road, keeping the road as a two-way and use the roundabout for parallel parking. Village Manager Zambrano replied that the plan is for additional parking in that manner.

Trustee Raskob made a motion to adjourn. Trustee Schmidt seconded the motion; approved by a vote of 5-0.

The meeting was adjourned at 10:25 pm.

Respectfully submitted,

*Phyllis A. Bradbury*

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Phyllis A. Bradbury, Secretary

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Village Clerk