

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Tuesday, September 6, 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 Schmidt
Village Attorney Staudt	Trustee Raskob
Treasurer Bullock	Trustee Murtaugh-absent

1. CALL TO ORDER:

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

2. APPROVAL OF VOUCHERS:

Trustee Schmidt 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 4-0.

2010-2011	
General Fund	
Water Fund	490.76
Sewer Fund	155.10
Capital Account	
Trust & Agency	
Total	\$ 645.86

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.

3.	2011-2012	
	General Fund	283,590.13
	Water Fund	5,557.64
	Sewer Fund	714.87
	Capital Account	20,951.75
	Trust & Agency	2,368.75
	Total	\$ 313,813.14

PRESENTATIONS:

- a) Mayor Wiegman read Proclamations for Brandon Ferguson, Michael Bello, Michael Harris, Daniel Brecher and Erik Scerbanovsky for their heroic action during a recent rescue.
- b) Village Manager Zambrano read a Proclamation declaring September 2011 as National Preparedness Month.
- c) Mayor Wiegman, along with the Board of Trustees and Village Manager Zambrano, presented an Award from the NY Conference of Mayor's certifications to Village Employees in recognition of their Public Service.

4. PUBLIC HEARING:

- a) Trustee Raskob made a motion to open the Public Hearing to consider Local Law Introductory No. 3 of 2011 amending Chapter 215-29, subsections (B)(C); Seasonal Parking of the Village Code; second by Trustee Gallelli, approved unanimously.

Discussion: Barbara Lapp, 47 Harrison St., asked if there hasn't always been a requirement to get a sticker. Village Manager Zambrano replied that in winter it is necessary for people to get the cars off the street and each case is reviewed; if you have a permit to park on the street. you now have to move the car within 12 hours after the storm has ended so streets can be cleared. Trustee Schmidt clarified that the parking lots do not require permits. Ginny Calcutti, Hunter Place, asked how is it determined what streets will not be available. Trustee Gallelli replied that the Village Manager will make the decision along with the DPW Superintendent. Village Manager Zambrano added that there are some streets where parking is not allowed even with a permit. Mayor Wiegman stated that the permit is for people who do not have adequate parking in front of their domicile. Trustee Schmidt asked about the businesses that operate on those streets during a snowstorm; people using those businesses should not get tickets. Village Manager Zambrano stated that if it is a substantial snowstorm, those businesses are generally closed. There being no further discussion, Trustee Raskob made a motion to close the Public Hearing, second by Trustee Gallelli, approved with a vote of 4-0.

On motion of TRUSTEE SCHMIDT 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 4-0 with one absent:

WHEREAS, the Village Board wishes to amend chapter 215 Section 29, subsections (B)(C) of the code of the Village of Croton on Hudson to control seasonal parking on Village streets and the issuance of special hardship permits to allow for more efficient snow removal; and

WHEREAS, Local Law Introductory No.3 of 2011 has been drafted to reflect these changes;

WHEREAS, a Public Hearing was held and closed on September 6, 2011,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby adopts Local Law Introductory No. 3 of 2011 amending Section 29, subsections (B)(C) of Chapter 215 to control seasonal parking on Village streets and the issuance of special hardship permits to allow for more efficient snow removal which upon adoption will become Local Law No. 2 of 2011.

- b) Trustee Gallelli made a motion to open the Public Hearing to consider Local Law Introductory No. 4 of 2011 to amend Chapter 160-4(h) Prohibited Noise of the Village Code; second by Trustee Raskob, approved with a vote of 4-0.

Discussion: Rick Turner, 35 Truesdale Drive, read a prepared statement indicating that it is his view that these changes do not address the effects of leaf blowers; we need meaningful regulations of the decibel limitations on leaf blowers in the Village; this

proposal tonight does not suggest decibel limitations and there are no seasonal restrictions; gas power lawn tools are a threat to public health; poor air quality is often linked to sickness and death especially during warm weather; he asked to adjourn the public hearing. Mr. Turner asked if this was referred to the CAC for comment; what outreach was done to residents, and did the Board discuss setting decibel limits. Mayor Wiegman responded that we do have decibel limits in the Village code that addresses sound producing. Trustee Gallelli stated that the origins of this coming to the Board were from the noise point of view and that is how it was addressed. Trustee Schmidt added that this came to our attention because a resident read the article about other municipalities restricting use; most residents are respectful, but some do not care. Mr. Turner asked if there is a restriction on blowing leaves into the street. Trustee Schmidt responded that there is. Mayor Wiegman added that we chose to do something in the short time span; there are other concerns about gas powered equipment; he is aware of five local municipalities who have addressed this and we are trying to fit into the County regulations relative to lawn care products and contractors. Trustee Raskob stated that there was some discussion about snow blowers and it was decided to not touch it for now; noise was something we could do to make a small change and increase the quality of life; we can address this further. Bob Wintermeier, 43 Radnor Ave. suggested doing something about the whistle at the train station; the lawn mower throws much of the dust and lawn mowing is done to cut the grass and mulch leaves; he can rake the leaves but what would be the solution for an alternative to gas powered lawn mowers. Ginny Calcutti, Hunter Place, stated that she is happy about this change to the Local Law; but what is next-residents can't use their snow blowers; she would like the Board to think about banning the use of power equipment on holidays. There being no further discussion, Trustee Raskob made a motion to close the Public Hearing; second by Trustee Gallelli, approved with a vote of 4-0.

On motion of TRUSTEE SCHMIDT, 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 4-0 with one absent:

WHEREAS, the Village Board wishes to amend chapter 160, Section 4(h) of the code of the Village of Croton on Hudson to further restrict the weekend operational hours of motor driven lawn and garden equipment; and

WHEREAS, Local Law Introductory No.4 of 2011 has been drafted to reflect these changes;

WHEREAS, a Public Hearing was held and closed on September 6, 2011,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby adopts Local Law Introductory No. 4 of 2011 amending Section 4(h) of Chapter 160 of the Village Code to further restrict the weekend operational hours of motor driven lawn and garden equipment which upon adoption will become Local Law No. 3 of 2011.

5. CORRESPONDENCE:

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

- a) A letter from Robert Luntz, Planning Board Chair, regarding renewal of a special permit for Nextel of New York, Inc.
- b) A letter from Raymond D'Alvia, General Splice Corp., regarding an application for a special permit for 1 Niles Road.
- c) A letter from Gregory Schmidt, President, Rotary Club of Croton on Hudson, regarding their Annual Car Show and requesting use of a portion of the train station parking lot. Trustee Gallelli made a motion to approve the request; second by Trustee Raskob; approved with a vote of 4-0 with one absent.
- d) A letter from Robert Astorino, Westchester County Executive, regarding the availability of Federal Disaster Aid.
- e) A letter from George Oros, Chief of Staff, Westchester County Executive Office, regarding the Westchester County 911 Memorial.
- f) A letter from Allison Stadtmueller, Leaddog Marketing Corp., National MS, regarding a change in the rest stop route for their Bike for MS.
- g) A letter from Naomi L. Adler, Esq., president and CEO, United Way of Westchester and Putnam, regarding their partnership with Westchester County and Family Ties of Westchester to recruit foster parents.
- h) A letter from Robert Hoch, Cablevision Government Affairs Director, regarding their elimination of analog service starting September 30, 2011 and completing the transition by approximately December 16, 2011.

6. CITIZEN PARTICIPATION (agenda items):

- a) Bob Wintermeier, 43 Radnor Ave., regarding Cablevision's changes, stated that he understands a box is needed if you want HD digital; he was told by Cablevision that you will need one box for each television which will cost about \$7.00 per box; a QAM tuner may not be in all televisions and could be purchased separately; they say you can get up to 4 boxes free for a year, but he suggested to wait until the last minute because when the box is installed, the one year time limit starts. Trustee Raskob explained the QAM tuner; most flat screen televisions have them built in; they are trying to eliminate redundancy.
- b) Ginny Calcutti, Hunter Place, stated that she also called Cablevision and understands everyone will have to get this box for each television; they should try to keep costs down. Trustee Schmidt stated that only if you want to watch the full spectrum of what you pay for, then you will need a box for each TV.
- c) Dan Chesnard, 64 Farrington Rd., asked why doesn't FIOS come in and we can have a choice of cable company; he heard that the Village put too many stipulations and they backed out. Trustee Schmidt replied that this not true, Verizon changed attorneys and stopped negotiating contracts. Village Manager Zambrano added that any time a contract is negotiated; it has to be in kind with Cablevision. Trustee Schmidt stated that the Village is almost entirely wired; Verizon just has to negotiate a contract.

7. PROPOSED RESOLUTIONS:

a) On motion of TRUSTEE SCHMIDT, 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 4-0 with one absent:

WHEREAS, the Village Board wishes to amend Section 15 chapter 197 of the code of the Village of Croton on Hudson revising requirements for snow and ice removal from sidewalks within the village; and

WHEREAS, Local Law Introductory No.1 of 2011 has been drafted to reflect these changes;

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby calls for a Public Hearing on September 19, 2011 at 8pm in the meeting room of the Stanley H Kellerhouse Municipal Building to consider Local Law Introductory No.1 of 2011 amending Section 15 of Chapter 197 of the Village Code.

b) 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 4-0 with one absent:

WHEREAS, the Village Board adopted a resolution on March 19, 2001 establishing the standard work day for all village employees including elected and appointed officials for the purpose of reporting to the New York State and Local Retirement System.

WHEREAS, the New York State and Local Retirement System (NYSLRS) has set certain reporting requirements that apply to elected and appointed officials whose terms started on or after August 12, 2009, who are members of the NYSLRS and who do not participate in their employee's time keeping system ; and

WHEREAS; based on this requirement, the Village must establish a standard workday for each of these elected and appointed offices, specify the expectation of each term, designate the number of days to be reported for each official and certify receipt of record of activities.

NOW THEREFORE BE IT RESOLVED: that the Village of Croton on Hudson hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted to the Village Clerk:

Title	Name	Standard Work Day	Term Begin/End	Participate In Time Keeping System	Days/Month (based on record of activities)
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Elected Officials:

Mayor	Leo Wiegman	7.0	04/04/11 to 12/02/13	N	4
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Judge	Sam Watkins	7.0	04/04/11 to 12/07/15	N	8
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**Appointed Officials:**

Village Manager	Abraham Zambrano	7.0		Y	20
Asst. Village Manager	Janine King	7.0		Y	20
Village Clerk	Paula DiSanto	7.0	04/04/11 to 12/02/13	Y	20
Deputy Village Clerk	Kristine Gilligan	7.0	04/04/11 to12/03/12	Y	20
Village Treasurer	Sandra Bullock	7.0	04/04/11 to 12/02/13	Y	20
Deputy Treasurer	Genette Toone	7.0	04/04/11to 12/03/12	Y	20

Acting Justice	Anne Minihan	7.0	04/04/11 to 12/03/12	N	1
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c) 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, Ten Old Post Road South Corporation owns the property located at 10 Old Post Road South, and

WHEREAS, the Village owns and operates a municipal parking lot adjacent to the property at 10 Old Post Road South, and

WHEREAS, six parking spaces in the municipal parking lot are located adjacent to 10 Old Post Road South, and

WHEREAS, the six parking spaces located adjacent to 10 Old Post Road South are approximately half on the Village property and half on the Corporation property, and

WHEREAS, these public parking spaces have existing for a considerable amount of time under an informal agreement between the Village and the Corporation, and

WHEREAS, the Village and the Corporation desire to develop a formal agreement for the use of the parking spaces

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to enter into agreement with Ten Old Post Road South Corporation to formalize the use of the six parking spaces located at 10 Old Post Road South.

d) On motion of TRUSTEE SCHMIDT, 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 4-0 with one absent:

WHEREAS, the 2010-2011 contract with Paladino Concrete Creations Corp. for the sidewalk improvement program for sidewalk and curb has expired; and

WHEREAS, the contract was written for one year but allows for an extension of an additional year at the same prices if both parties agree; and

WHEREAS, it is the opinion of the Assistant Building Inspector that the extension of the contract would be in the best interest of the Village as the contractor's price is favorable and their performance is adequate; and

WHEREAS, the base contract amount would be \$251,550 excluding change orders; and

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to award the 2011-2012 contract for sidewalk and curb improvement project to Paladino Concrete Creations Corp. for the amount of \$251,550

AND BE IT FURTHER RESOLVED: that this amount should be charged to capital account #H-5110.2106.12230.

- e) 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 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, the Village Board wishes to amend the fees for seasonal overnight parking permits as follows:

Fees	# of off street parking spaces
\$25 per permit up to 2 permits, \$100 for each additional permit, permits will only be issued to cars with valid car registrations with matching addresses	Households with no off street parking spaces
\$25 for 1 permit, \$100 for each additional permit, permits will only be issued to car with valid car registrations with matching addresses	Households with 1 off street parking space

\$100 per permit - permits will only be issued to car with valid car registrations with matching addresses	Households with 2 off street parking spaces
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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 seasonal overnight parking permits.

f) On motion of TRUSTEE RASKOB, 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 June 23, 2011 storm caused extensive damage to the Duck Pond ball field and parking lot; and

WHEREAS, this was considered an unsafe and emergency situation which did not require three quotes before hiring a contractor; and

WHEREAS, WD Excavation & Contracting, Inc. supplied a quote of \$30,600 for the cleanup and repairs at the Duck Pond and parking lot which included clean up and removal of debris outside fenced area and inside ball field area, restoration of washed out areas of clay and grass, clean up of detention area in front of catch basin, replacement of section of storm drain, removal of asphalt from parking lot, excavation of sink hole area, grading of existing item 4 for new pavement, raking and seeding of all disturbed areas, and additional top soil if necessary; and

WHEREAS, WD Excavation & Contracting, Inc. completed the work to the Village's satisfaction; and

WHEREAS, this amount was charged to Account #A7140.4000,

NOW THEREFORE BE IT RESOLVED: that the Village Board authorizes the Village Treasurer to transfer \$30,600 from Contingency Account #A1990.4000 to Recreation Account #A7140.4000.

8. CITIZEN PARTICIPATION (non-agenda items):

a) Bob Wintermeier, Radnor Dr. thanked all the Village employees for the services they provided during the recent Hurricane Irene, especially Janine King for her timely alerts. Mr. Wintermeier stated that he sees that the Duck Pond is clean and hopes it continues to be. He thanked the Board for their decision to tape work sessions; you are listening to residents. Mr. Wintermeier asked what the date is of the DPW report. Village Manager Zambrano replied that it is dated September 19th. Regarding review of the Benefits plan, Mr. Wintermeier asked if it has been scheduled and will residents be allowed to attend. Village Manager Zambrano replied that it has not been scheduled yet. Mr. Wintermeier stated that the Village has posted a 'sales job' on the Web site regarding the Gouveia property talking about misinformation and he asked

for an explanation of what is the misinformation; he is concerned about that property and is not in favor of the acquisition; there is a sizable amount of taxes that we will be giving up as well as adding maintenance charges and lawyer fees. Mr. Wintermeier stated that Yorktown has a data base on their web site identifying available commercial spaces; can we do something like that on the Village web site. Village Manager Zambrano replied that we cannot do that; that is private property and the State does not allow that. Trustee Schmidt added that he thinks it is done through a Business Improvement District.

b) Dan Chesnard, 64 Farrington Rd., stated that he agrees that the Duck Pond is looking better. Regarding the Gouveia property, he had brought in information and a list of names who agreed it should not be acquired and asked if the Board still actively pursuing this property. Village Manager Zambrano replied that the Board did authorize to go ahead and do a title search and the phase one environmental process; once we have those results, it will be presented at a work session. Mr. Chesnard asked if it could be brought up as a proposition to the voters. Trustee Raskob replied that New York has a limited referendum law and this is not allowable. Trustee Schmidt stated that there would be a public hearing if we were to proceed. Mayor Wiegman stated that the owner of that property has made it clear that she intends to make this a donation to an entity that will make it publicly accessible and extended this offer to the Village to have the opportunity of first refusal; the deliberation for the Board is whether we want to maintain some control over it. Mr. Chesnard replied that we would lose tax money, but expenses would not be the responsibility of the Village. Trustee Schmidt stated that he agrees and has asked the Board to do due diligence to see what it would cost to the Village if it is made publicly accessible.

c) Ginny Calcutti, 19 Hunter, stated that it sounds like it is a done deal; it will cost us money; we need to really think about this. Ms. Calcutti asked about a fence that was put up by Kico's and what is going in there. Trustee Gallelli replied that the building will have commercial on the first floor and apartments on the second floor; putting up the fence was a part of the construction process.

d) Mark Dickey, Croton EMS, asked about a resolution he thought was going to be on tonight's agenda. Village Manager Zambrano replied that the resolution was not drafted for tonight's agenda, but he will bring it to the work session. Mayor Wiegman clarified that this is a proposal the EMS made for equipment funding. Trustee Schmidt stated that he believes this should be done at a regular meeting. It was agreed that it will be brought to next regular meeting and have discussion at the work session of the 12<sup>th</sup>.

#### 9. APPROVAL OF MINUTES:

Trustee Gallelli made a motion to approve the minutes of the Regular Board Meeting held on August 8, 2011 as corrected. Trustee Schmidt seconded the motion. The Board approved with a vote of 3-0 with 1 abstain and 1 absent.

Trustee Schmidt made a motion to approve the minutes of the Executive Session held on August 22, 2011 as corrected. Trustee Gallelli seconded the motion. The Board approved with a vote of 3-0 with 1 absent and 1 abstain.

## 10. REPORTS:

*Village Manager Zambrano thanked* the Village personnel, the Board and Mayor Wiegman who all took part in storm operations; as well as Dick Nagle and Janine King, the entire DPW, Fire and Police Depts.; they will be having a debriefing meeting about the storm. Mr. Zambrano also thanked ConEd and the County Office of Emergency Management for their help in getting everything back in working order. Mr. Zambrano reminded residents who had any loses, that there are FEMA funds available; please call his office for more information. Village Manager Zambrano reported that this Thursday there will be a special Village/School Board meeting

*Village Treasurer Bullock* reported that she attended a two hour seminar regarding the mandated 2% tax cap; she will bring something to the public as soon as it is finalized.

*Trustee Schmidt* offered thanks to the staff, and all departments for dealing with the storm. He added that at recent meetings, there has been arguing about contracts, benefits, etc. and this emergency is a classic example of where you want to have good, dedicated staff around to take care of an emergency; not that long ago, we did not have an emergency plan for the Village as we do now. He added that looking at the relatively small number of power outages, the tree trimming ConEd did assisted in keeping the number of outages down; kudos to ConEd for doing a pretty good job; they can do better, but they are pretty responsible when there is a problem. Trustee Schmidt reported that the Rotary Car Show is scheduled for Oct 2<sup>nd</sup>; it is a fund raiser for the Croton Rotary and is a fun thing. Trustee Schmidt reported that the Chamber of Commerce breakfast is at Hollowbrook Country Club on Wednesday and they will present new activities for the year; they are going to have another business council meeting on September 15<sup>th</sup>. Trustee Schmidt stated that he hopes he did not insult anyone about the rescue the boys did, but he is serious about thinking about your own safety, help a person without getting yourself as part of the rescue operation. Trustee Schmidt reminded everyone that school is open- drive safely

*Trustee Raskob* reported that he watched the Village get ready in case of an impending hurricane; the next stage when the storm actually hit, Janine King was running the meeting; but everyone did their job; calls were made to Westchester County and all said that the ConEd liaison was not calling back; he watched the head of our DPW contact someone he knew at ConEd to get trees cut; the power of knowing people and getting things done is an asset; everyone was ready to go home at the end of the storm until some people decided to go down the river in a raft; he saw emergency equipment and watched the emergency workers working together to get these people out of the water; their professionalism cannot be commended too highly; it was an incredible operation. Trustee Schmidt added that with proper planning we knew what roads were out, etc. and kept tweaking what needed to be done; professionalism gets things done- which was brought to the hurricane situation; he was very impressed with what he saw.

*Trustee Gallelli* stated that he agrees with Trustees Schmidt and Raskob; we had 3 big storms this summer; she has the greatest admiration for all Village employees and volunteers who have gotten us through; it shows their dedication to the welfare of Village residents; we are fortunate we live in a Village where staff is as dedicated as here. Trustee Gallelli reported that this week we will have Bike week, the Golden Apple ride, and the Triathlon event this Sunday; please

cheer on bikers and runners who come through the Village. Trustee Gallelli reported that we also have the multiple municipal ceremony this Sunday, 2 pm at Town Hall in Cortlandt commemorating 9/11 and Saturday's Yacht Club River Day is great fun; it is a free event. She added that coming up, the Buchanan/Croton/Cortlandt Memorial 911 Committee will be having a fundraiser for placement of the World Trade Center steel on Sunday, September 18th, 2 to 5 pm at Monteverde Restaurant; for more information, check out their Facebook site: *bccmemorial* or call the Village office for more information. Trustee Gallelli reported that the Fire Department's annual inspection will be at Harmon Firehouse at 6:30 Saturday night

*Mayor Wiegman* stated that the Croton River is both a beautiful thing and a terrible thing; this week we had a unfortunate fatality and three near fatalities; the river is a changeable thing; there is much debris in the river; proceed with caution; the river bottom has changed and the river is still quite high; the canoe boat launch area was opened, but clearance is limited; use extreme caution and plan ahead.

Trustee Raskob made a motion to adjourn. Trustee Gallelli seconded the motion; approved with a vote of 4-0. The meeting was adjourned at 10:35 pm.

Respectfully submitted,

*Phyllis A. Bradbury*

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Phyllis A. Bradbury, Secretary

Village Clerk