

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, April 16, 2012 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 Murtaugh
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 Murtaugh and approved with a vote of 5-0.

General Fund	\$ 152,238.43
Water Fund	14,070.83
Sewer Fund	5,179.79
Capital Account	223,503.69
Trust & Agency	-0-
Total	\$ 394,992.74

3. PRESENTATIONS: - none

4. CORRESPONDENCE:

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

- a) A letter from Phyllis Bock, Director of Education, Teatown Lake Reservation requesting the use of Silver Lake Park to release trout for a classroom program. Trustee Gallelli made a motion, second by Trustee Murtaugh to approve the request and have the Village Manager work out the details. The motion was passed with a vote of 5-0.
- b) A letter from Sandy Galef, NYS Assembly, regarding the introductory of a bill forbidding release of individual teacher evaluations.
- c) A letter from Peter A. Baynes, Exec. Director, NYCOM, regarding Tier VI of the NYS Retirement

5. CITIZEN PARTICIPATION (agenda items):

No comments

6. APPROVED RESOLUTIONS:

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:

BE IT RESOLVED that upon the recommendation of the Village Manager, the Board of Trustees hereby approves and ratifies the attached Stipulation of Agreement between the Village and Daria Murtagh and further authorizes the Village Manager and the Chief of Police to execute the Agreement

Dated: April 9, 2012

7. PROPOSED RESOLUTIONS:

a. On motion of TRUSTEE RASKOB, seconded by TRUSTEE MURTAUGH, after amending the Negative Declaration from “unlisted” to “Type I action”, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with a vote of 4-1 with Trustee Schmidt opposed.

WHEREAS, the Village Board of Trustees, as Lead Agency, is considering the adoption of Proposed Local Law Introductory No. 3 of the Year 2010 (October 2011 version); and

WHEREAS, the Village Board of Trustees has undertaken the process and review described in detail in the Negative Declaration attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Croton-on-Hudson hereby adopts the Negative Declaration which is attached hereto in connection with proposed Local Law Introductory No. 3 of the Year 2010 (October 2011 version).

b) On motion of TRUSTEE MURTAUGH, 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 4-1 with Trustee Schmidt opposed.

WHEREAS, the Village Board of Trustees of the Village of Croton-on-Hudson, as Lead Agency, has issued a Negative Declaration in connection with proposed Local Law Introductory No. 3 of the Year 2010 (October 2011 version); and

WHEREAS, the Waterfront Advisory Committee (WAC) has previously issued to the Village Board its preliminary recommendation of consistency in connection with this Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Croton-on-Hudson refers proposed Local Law Introductory No. 3 of the Year 2010 (October 2011 version), together with a copy of the Negative Declaration which has been adopted by the Village Board of Trustees, to the Waterfront Advisory Committee for the Waterfront Advisory Committee’s recommendation of consistency.

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 Board is considering making certain revisions to its Zoning Law and Map to repeal Local Law No. 4 of the Year 2009 and enact provisions to expand the area of, and modify the zoning regulations for and relating to, the Harmon/South Riverside Gateway Overlay Zoning District area; and

WHEREAS, the Village Board has issued an Environmental Assessment Form Parts 1, 2 and 3 and an addendum thereto in connection with the proposed action; and

WHEREAS, the Village Board is Lead Agency in connection with the proposed action; and

WHEREAS, the Village Board has duly referred this matter for comment and recommendation, to the Village Planning Board, the Village Waterfront Advisory Committee and the Westchester County Planning Board; and

WHEREAS, the Village Board has received comment and recommendation from those agencies as well as public input; and

WHEREAS, as a result of the input it has received and its own consideration, the Village Board has caused modifications to be made to the originally proposed Local Law; and

WHEREAS, in October of 2011 the Village Board caused to be issued Local Law No. 3 of the Year 2010 (October 2011 version) (the "Draft Local Law"); and

WHEREAS, the Village Board circulated the Draft Local Law together with related documentation to the Village Planning Board, the Village Waterfront Advisory Committee and the Westchester County Planning Board; and

WHEREAS, the Village Board has duly considered the comments it has received back from those agencies and the Village Board has duly considered a SEQRA Determination of Significance in connection with the proposed action; and

WHEREAS, after due deliberation, the Village Board has issued a Negative Declaration in connection with the proposed action; and

WHEREAS, the Village Board is desirous of conducting a public hearing in connection with Local Law Introductory No. 3 of the Year 2010 (October 2011 version).

NOW, THEREFORE, BE IT RESOLVED as follows:

The Village Board of Trustees of the Village of Croton-on-Hudson hereby schedules a public hearing on Local Law Introductory No. 3 of the Year 2010 (October 2011 version), a Local Law

to Amend the Provisions of the Village of Croton-on-Hudson Gateway Overlay Zoning District, and certain Zoning Law Provisions Related thereto, by repealing Local Law No. 4 of the Year 2009 and Enacting Provisions to Expand the Area of, and Modify the Zoning Regulations for and related to, the Harmon/South Riverside Gateway Area. The public hearing will be held in the meeting room at the Stanley H. Kellerhouse Municipal Building, 1 Van Wyck Street, Croton-on-Hudson, New York at 8:00 p.m. on May 14, 2012 at which time all interested parties will be heard.

d) 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 5-0:

WHEREAS, the Volunteer Fire Department Service Award Program was approved by referendum in 2003; and

WHEREAS, Article 11-A of the New York State General Municipal Law requires that the list of members of the Fire Department indicating those who earned a year of service credit during the calendar year, those that did not earn a year of credit, and those who waived participation must be certified under oath by the Fire Department; and

WHEREAS, once certified, this list must be approved by the Village Board,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees is hereby authorized to sign the 2011 Sponsor Approval Form.

e) On motion of TRUSTEE RASKOB, 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, it is necessary to hire a security firm for night security at Senasqua Boat Basin, Senasqua Park and Croton Landing and;

WHEREAS, seven night security bids were sent out and one bid proposal was received and opened on April 11, 2012; and

WHEREAS, PEC Group of New York, Inc. of Mahopac was the lowest bid proposal; and

WHEREAS, the Superintendent and Village Manager recommends that the Village award the bid to PEC Group of New York, Inc.,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to award the bid proposal to PEC Group of New York, Inc. at the amount of \$19.04 per hour and \$28.56 per hour on holidays,

AND BE IT FURTHER RESOLVED: that the total amount for the summer season of \$17,278.80 will be charged to account #A7140.4000.

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

WHEREAS, On August 27, 2010 the Village and ELQ Industries, Inc. entered into an agreement for the asphalt paving and cold milling work in the Village, and

WHEREAS, the contract was for one year term that expired on August 31, 2011, and

WHEREAS, additional work scheduled for the end of August 2011 was postponed due to Tropical Storm Irene, and

WHEREAS, on December 5, 2011 the Village Board authorized the Village Manager to extend the agreement with ELQ Industries, Inc. to October 31, 2011 for the asphalt paving and cold milling work within the Village, and

WHEREAS, the work postponed totaling \$189,565.67 was completed during October 2011.

NOW THEREFORE BE IT RESOLVED: that the Board of Trustees authorizes the Village Manager to approve the additional work performed by ELQ Industries, Inc in the amount of \$189,565.67, and

BE IT FURTHER RESOLVED: that the Village Treasurer is authorized to pay \$189,565.67 to ELQ Industries, Inc. for the additional asphalt and cold milling work and charge to Capital Account H.5110.2106.11215.

g) 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, the Village Board approved \$147,500 for the purchase of gasoline and diesel fuel as part of the 2011-2012 General Fund budget, and

WHEREAS, the price of gas has increased by more than fifteen percent (15%) and diesel prices have increased in excess of twenty-seven percent (27%) since December 2010, and

WHEREAS, due to the escalating fuel cost, the current year-to-date gas and diesel purchases total \$166,687; exceeding the budgeted amount by \$19,187, and

WHEREAS, the Superintendent of Public Works has requested a transfer from the Contingency Account for additional fuel purchases and to cover the deficit in the fuel account.

NOW THEREFORE BE IT RESOLVED: the Board of Trustees hereby authorized the Village Treasurer to transfer \$30,000 from the Contingency Account A.1990.4000 to the Fuel Account A.1640.4800.

8. CITIZEN PARTICIPATION (non-agenda items):

- a) Dan Chesnard, 54 Farrington, regarding item E, inquired who asked for this? Village Manager Zambrano replied it is part of Parks and Recreation because of some vandalism. Mr. Chesnard continued about the vandalism and stated that he feels the Police Dept. can handle this very well. Mr. Chesnard also questioned item G, saying that this has been a mild winter and the savings for gas, salt and overtime should offset this. Trustee Schmidt replied that last year we were warned we were not putting enough money in that account. Trustee Murtaugh added that the savings have been put into the general fund; we cannot just move money from one account to another.
- b) Bob Wintermeier, 43 Radnor, spoke about fringe benefits and his analysis of the increase in the top seven management position salaries which suggest a 6.7% salary increase. Mr. Wintermeier also questioned business trips and who attends.
- c) Harvey Brill, Hessian Hills Road, a member of the Yacht Club; read a message from the Yacht Club. Copy of the message is at the end of these meeting minutes.
- d) Phyllis Morrow, Nordica Drive, spoke regarding the recent activity to promote the agenda for the Harmon Development especially a Facebook page run by an anonymous person. She proposed a resolution that no trustee or office holder and affiliates be permitted to comment on social media spots.
- e) John O'Connell, Old Post Road North commented that the Croton Yacht Club has about 200 members, including families; if any member of the Board utilizes the Yacht Club he/she should exclude themselves from voting.
- f) Ray Clifford 30 Prospect, commented that money should not be spent for 60 members of the Yacht Club, but acknowledges that this is Village property.

9. APPROVAL OF MINUTES:

Minutes of the Regular Board Meeting held on April 2, 2012 were not available.

Trustee Raskob made a motion to approve the minutes of the Executive Session held on April 9, 2012. Trustee Gallelli seconded the motion. The Board approved with a vote of 4-1 with Trustee Murtaugh abstaining.

10. REPORTS:

Village Manager Zambrano reported that the Village will have hydrant flushing starting 4/16 and the schedule is on the Village's web site. He reported that on Saturday 4/14, he attended opening day for Croton Little League. Mr. Zambrano reported that on April 29th, Croton Business Council will be holding a spring arts market and about 20 vendors have shown interest; this will cost the Village nothing; hours are 11 am to 4pm at Vassalo Park; more details will be posted on the web site.

Trustee Schmidt reported that he attended the Library's 75th birthday on the 14th. He added that on April 17th, the Croton Community Coalition will have an event at 7:30 pm at the Library; there will be teen activities; the keynote speaker will be Wendy Kaufman. He reported that on April 28th there will be another drug drop off day at Croton Commons between 10am and 2pm; bring unused medication; it is important to get rid of prescription drugs in the house. He added that April 28th is also Earth Day at Senasqua Park and many things will be going on. Trustee Schmidt reported that the Blood drive is scheduled for May 6th at CHHS and that Summerfest is to be held on June 3rd; for applications for vending space, call 271-2196 (his office); they are available on a first come/first serve basis with preferential space to Croton businesses. Trustee Schmidt reported that there will be a Green series coming up on April 24th, a Tuesday, regarding invasive plants-what they are and what to do with them.

Trustee Gallelli reported that she attended the 75th Anniversary of Croton Free Library; they have an extensive history of development of the library and have been running a capital campaign, having raised \$100,000 so far; she suggested people look at the timeline. Trustee Gallelli reported that this Saturday the Yacht Club is doing an annual event for the CHHS scholarship fund; time is 7 to 10 pm and will be an all you can eat pasta night, \$15 for adults, children 12 and under free. Trustee Gallelli reported that the Senior group this Friday is having their installation luncheon for officers. She added that they are continuing budget meetings on Wednesday and next Monday; April 30th they are scheduled to adopt the budget

Trustee Murtaugh, regarding the travel comment tonight, stated that the year he went to Saratoga, a class was on franchise agreements with telecommunication companies and it was enlightening; intangible benefits come back from these meeting; we all benefit from professional training. He stated that Ms. Morrow made a good point tonight and we might want to evaluate social media and Board members.

Mayor Wiegman reported that the next regular Board meeting will be May 14th but there will be three work sessions devoted to the budget: April 18th, April 23rd will be a budget recap, April 30th will be the budget adoption meeting. He reported that Earth Day is April 28th and an event, Croton Harmon Under the Stars will be held at Monteverde on May 19th. He stated that a lot of municipalities are using Facebook and the social media more and this will be a discussion worth having.

Trustee Raskob made a motion to adjourn. Trustee Gallelli seconded the motion; approved unanimously. The meeting was adjourned at 9:55 pm

Respectfully submitted,

Phyllis A. Bradbury, Secretary

Village Clerk

YACHT CLUB REPORT READ AT THE 4/16/12 MEETING:

The members of the Croton Yacht Club would like to take this opportunity to address the Village Board and residents of the community concerning the Clubs responsibilities associated with the proposed bulkhead replacement project. This letter will also provide an overview of the history of the organization, its connection to the community and the overall value that the club brings to the Village.

In order to fully understand and appreciate the value of the Yacht Club, one must first understand its history and how the club operates to provide affordable boating and recreational opportunities to all Village residents.

The Croton Yacht Club was formed in 1957 by a core group of Village residents with a common interest in boating and a general passion for the recreational opportunities afforded on the riverfront. The charter objectives are to encourage the sport of boating; promote seamanship and navigation and to provide and maintain suitable and affordable facilities for anchorage and navigation

For over 55 years the Croton Yacht Club has provided an affordable opportunity for residents to enjoy recreational opportunities on the river. During this time, the members have functioned as stewards and advocates of the river and have promoted access and education with the goal of sharing their common passion for the protection of this great resource

The Yacht Club is a valid Non-Profit corporation. Regular membership of the Croton Yacht Club is limited to residents or taxpayers of the Village of Croton on Hudson. All maintenance and marina operations are managed and funded by the membership and accomplished by utilizing the trades and talents of its resident members. There is a 70 hour per member work time assessment per year. It requires an average of 4,500 member hours to manage and maintain the marina each year. This business model allows for reduced operating costs which results in a significant reduction in storage fees for Regular members. If residents cannot commit to the responsibilities of Regular membership, they also have the option of just renting a slip or storing their boat at market rates. There are presently 62 members of the Yacht Club and an additional 32 Village residents who just rent or store vessels at the facility; including spouses and siblings, the club services well over 200 residents of the community

The marina provides 120 slips for in water storage for boats up to 35'. The average size boat moored at the Yacht Club is 25'. The Club also provides storage for trailored boats, Jet-Skis, kayaks and canoes. It also provides 80' of guest dockage for transient boats who often visit the Club and the shop and dine in the community.

The Club has a 20 year lease agreement with the Village for the property which expires in 2014. The annual rental is \$12,500. However, in the agreement, there are required services the Yacht Club performs for the Village which includes the annual installation and removal of floating docks, ramps and ground tackle moorings at Senasqua Park. The estimated value of this service in labor and equipment is over \$14,000 if the Village were to contract out this work. In addition, the Club normally builds one replacement main dock a year for Senasqua Park for which the Club does not charge the Village for labor. The value of this service is \$2,400. The total annual value of the lease including these services is roughly \$29,000. The Yacht Club also pays over \$16,000 in property taxes of which \$12,622 funds Croton Harmon Schools, \$272 to Croton Library and roughly \$3,000 to County and Town taxes.

In addition to the lease and property tax value of over \$45,000, the Club provides an additional \$11,000 per year in added value services to the Village as follows: provides free docking for the Croton FD rescue boat which expedites rescue efforts on the river, provides an annual scholarship to Croton Harmon High School graduates who pursue studies in the marine and or environmental fields, conducts its annual River Day educational event and annually hosts its Veterans Day luncheon for Village veterans and families.

In addition to the aforementioned direct value to the Village the club contributes to over \$190,000 to the economic engine of the Village in goods and services purchased within the Village by the Yacht Club boaters and visitors. This value was calculated based on the New York State Sea Grant study performed by Cornell University in 2004 which estimated the economic impact of recreational boating in NYS to be \$1.8 billion dollars per year.

The total estimated annual value the Croton Yacht Club brings to the Village is approximately \$250,000.

In addition to these “hard valued” revenue sources, and other services previously mentioned, the Yacht Club provides additional community service benefits second to none by any marina on the river. They include the following:

- Hosts meetings of the Hudson River Boat and Yacht Club Association, Coast Guard Auxiliary and Coast Guard Safety education courses.
- Provides a rental venue for sponsored Village residents.
- Provides passive recreation access to the river for Village residents for fishing, crabbing or sightseeing.
- All Yacht Club equipment and machinery is available to the Village in the event of an emergency.
- Provides the Village use of the clubhouse for Village functions.

- Sponsors the Croton Harmon High School Transitional Alternative Program Awards Ceremony.
- CYC frequently assists boaters in distress and was directly involved in lifesaving efforts in two incidents last year.
- Participates in annual Croton Caring Committee holiday toy drive.
- Recycles firewood and deposit bottles available to residents.
- Conducts educational seminars on river related subjects.

The Club leases the property from the Village, but owns all equipment, docks and other facilities on the property including the building. The building includes a bar utilized by the membership and their guests. The bar operates under a Club Liquor License and is not permitted to serve the general public. Also, our lease agreement prohibits bar sales to the general public.

The original lease arrangement with the Village only involved the marina basin to the south of the “Village Dock” property. During that time, the club consisted of a floating barge clubhouse and the marina basin was protected by a series of floating barges. A lease agreement between the Yacht Club and the Village for the “Village Dock” property was approved in 1979. At that time the property was in disrepair and became a considerable liability for the Village after a drowning incident involving a child. Prior to this incident, the Village advertised extensively to sell the property without success. Since that time, the club has made significant improvements to the property some of which include the installation of a 400’ breakwater, two launch ramps and a pre-fabricated clubhouse all at no cost to the Village.

To our knowledge, the Club has never been subsidized or reimbursed for improvements to the property in its entire 55 year existence, except for the last dredging of the marina basin in 2005. These costs were shared with the Village due to the influence of siltation from the Brook Street outfall which is not the Clubs responsibility to maintain. Also, the Village benefitted from this project by utilizing the dredged fill to grade Croton Landing Park which offset the cost of purchasing and transporting fill from an outside source.

The Club, as tenant, has kept the Village fully informed of the condition of the bulkhead and has worked side by side with them in the engineering and permitting process offering ideas and suggestions to reduce costs and streamline processes. The Yacht Club also wrote and submitted documentation for a \$1.1 million dollar grant to offset the cost of the bulkhead replacement. Also, the club recently performed test borings to satisfy permitting requirements, saving the Village an additional \$10,000 in contractor costs.

Regarding assertions made that the Yacht Club is or should be responsible for the bulkhead replacement according to the lease language which reads, “The Club, in its

capacity as tenant, shall take good care of the demised premises and shall be responsible for its maintenance and repair, including maintenance and repair of all alterations, additions, and improvements” is a misrepresentation of the definition of the word “repair”. “Repair” does not mean the replacement of an asset which has exceeded its normal life expectancy and existed prior to the formation of the Club.

It should be noted that the lease further states “The Village, as landowner, shall remain liable for damages and obligations not resulting from the Club’s use of the premises.” The deteriorated condition of the bulkhead is not the result of the Club’s use of the premises but the result of the influence of natural and unnatural corrosive processes combined with the destructive forces of the river

In our opinion, the Yacht Club has exceeded its responsibility as a tenant by making extensive repairs and improvements to mitigate erosion thereby extending the life of this asset. The Club has expended \$30,000 in capping the perimeter of the bulkhead in concrete, installing a gabion wall and a pedestrian walkway. In 2010 and 2011 the Club spent an additional \$15,000 in repairing sink holes and temporary shoring of the wall to prevent further erosion and collapse of the wall. These expenses were fully funded by the Club and no reimbursement was requested from the Village.

In addition to the aforementioned bulkhead related expenses, the club has invested an additional \$500,000 in property improvements over the past six years at no cost to the Village. These projects include the boat launch ramp replacement, installation of a sediment retention wall, replacement of a 70’ section of seawall and the replacement of the breakwater structural steel which not only protects the marina but also Elliott Way and Senasqua park from erosion.

Recently, proposals have been made to establish a restaurant on site in order to generate more revenue for the village. The Yacht Club building is owned by the members and is basically three construction trailers bolted together on “floating footings”; the existing structure and foundation will not support a second floor. A two story structure, which may have supported a restaurant, was originally designed and proposed but site approval was denied because of concerns of blocking the river views of local residents. Soon after the construction of the existing structure, the railroad overpass was erected, which is three times the height of the existing Clubhouse.

To our knowledge, a restaurant along the riverfront was originally included in the Half Moon Bay development plan and has recently changed to a private residence. Also, a Village waterfront development plan, prior to Croton Landing park included a restaurant just north of the Yacht Club. These are more appropriate locations for a restaurant considering the Yacht Club property floods out frequently when weather conditions

influence peak tides. Even with the new bulkhead, the only way to correct this flood condition is to raise the property grade at least three feet. Parking and pedestrian traffic in a working marina would also always be in conflict causing safety concerns.

Proposals have been made recently to hire a manager and have the Village run the marina. The proposal includes offsetting the expenses by additional revenue generated from turning the clubhouse into a restaurant. In order for the Village to manage the marina, it would have to make an initial investment of \$1,000,000 to replace the specialized equipment and facilities owned by the Yacht Club. In addition, it would need to generate a minimum of \$500,000 in revenue annually to offset labor now performed by the members and normal operating expenses.

When a true accounting of these costs are taken in full view, along with whatever the actual cost to replace the bulkhead and the feasibility of utilizing these grounds for a purpose other than its current and historical use as an essential component of this village, there should be a realization as to the value that the Yacht Club brings to the village.

The Yacht Club has become an integral part of the fabric of this community and greatly influences its culture, history and economy. Its long history is a testament to a sound business model and a commitment to a strong and lasting relationship with Village government. In the future, we look forward to providing our value added service to the community and to continue our mission of providing safe and affordable recreational opportunities on the river. Access to the water has become an important part of communities on both banks all along the river, the Croton Yacht Club is committed to evolve with that desire and open even greater sustainable opportunities for the community.