

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, October 19, 2009 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 Olver
Village Attorney Staudt	Trustee Restuccia
Treasurer Bullock	Trustee Murtaugh

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 Restuccia 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 unanimously.

General Fund	\$ 65,331.04
Water Fund	6,014.78
Sewer Fund	-0-
Capital Account	152,322.18
Trust & Agency	2,089.50
Total	\$ 225,757.50

3. CORRESPONDENCE:

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

- a) A letter from Mark Duncan, Croton Recreation Supervisor regarding the planned 2009 Annual Goblin Walk to be held on Saturday, October 31<sup>st</sup> at 2 PM. Trustee Gallelli made a motion to provide the requested police car; second by Trustee Olver, approved unanimously.
- b) A letter from Chuck Rosenow and Chris Moore, High Street residents, commending the Water Department for their personal, professional and supportive handling of recent water break.
- c) A letter from Janet Mainiero, 33 Grand Street, regarding the display of a piece of steel from the Word Trade Center. Village Manager Zambrano suggested inviting Ms. Mainiero to the November 9th work session.
- d) A letter from Mark Franzoso, Franzoso Contracting, 33 Croton Point Ave., with a proposal to allow a child care facility on his property at 388 South Riverside Ave. as part of the proposed Harmon rezoning.
- e) A letter from Patrick Calcutti, Chair, Croton Central Veteran's Committee, inviting the Board to the 2009 Veteran's Day ceremony to be held on November 11<sup>th</sup> at Veteran's Corners at 11:00 am.
- f) A letter from Croton Yacht Club thanking the Village for support of their Hudson River Day event.

- g) A notice from Tim Idoni, Westchester County Clerk, announcing that their Mobile Passport Office will be at the Municipal Building on Thursday, October 29<sup>th</sup> from 11 am to 2 pm to process passports or the new US passport card.
- h) A letter from Peter Fiumefreddo, Senior Partnership Specialist, US Census Bureau, announcing the formation of a Complete County Committee and requesting the Village to schedule a community meeting sometime in November after the election.
- i) A letter from Mary Magnusson representing Croton artisans, requesting the use of the Community Room on December 11<sup>th</sup> and 12<sup>th</sup> for their annual gift sale. Trustee Olver made a motion to approve the request and have Village Manager Zambrano work out the details, seconded by Trustee Restuccia, approved unanimously

4 CITIZEN PARTICIPATION (agenda items):

No one

5. PROPOSED RESOLUTIONS:

- a) On motion of TRUSTEE GALLELLI, seconded by TRUSTEE OLVER, the following resolution was unanimously adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village and the New York State Department of Transportation have entered into a snow and ice agreement which will expire on June 30, 2011; and

WHEREAS, the Village has received an amendment to this agreement extending the term to June 30, 2012; and

WHEREAS, under this amendment the indexed lump sum estimated expenditure shall be \$1,613 per lane mile for 11.24 lane miles for a total of \$18,130.12 for the 2009/10 season and for the remainder of the term of the agreement commencing July 1, 2009, unless changed by future update,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the agreement with the New York State Department of Transportation extending the term of the agreement to June 30, 2012.

- b) On motion of TRUSTEE MURTAUGH, seconded by TRUSTEE OLVER, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, approximately 1,000 cubic yards of soils (approximately 1,500 tons) excavated from the Croton-Harmon Parking lot during the course of the construction project have been impacted by petroleum and are currently being stockpiled at the site; and

WHEREAS, removal of petroleum-impacted soil is not part of the original scope of work in the contract with Sisca; and

WHEREAS, The Chazen Companies was hired on August 31, 2009 to conduct additional tests and prepare specifications for the disposal of the soil; and

WHEREAS, based on the specifications prepared by The Chazen Companies, Sisca has prepared a change order in the amount of \$76,50 per ton for the removal of the soil; and ; and

WHEREAS, the change order includes all trucking and loading costs, permitting, any additional required testing, and the necessary paperwork to bring the material to a facility that holds a valid state permit; and ; and

WHEREAS, Dan Michaud of The Chazen Companies has informed the Village that \$76.50 per ton a very competitive price,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to approve the change order from Sisca Northeast, Inc. for the removal of the petroleum-impacted soil in the amount of \$76.50 per ton.

- c) On motion of TRUSTEE GALLELLI, seconded by TRUSTEE RESTUCCIA, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village Board is considering making certain revisions to its Zoning Law to expand the Harmon/South Riverside Gateway area and to modify the regulations for that area to encourage commercial development by facilitating market rate mixed use of properties; and

WHEREAS, the Village Board has caused to be drafted a Local Law to expand the area of, and modify the regulations for the Harmon/South Riverside Gateway area (the "Original Proposed Action"); and

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

WHEREAS, the Village Board has caused a Coastal Assessment Form to be issued in connection with the Proposed Action; and

WHEREAS, the Village Board has received input from the Village Planning Board, the public and its consultants in relation to the Original Proposed Action; and

WHEREAS, in response to this input the Village Board has caused the draft Local Law to be revised; and

WHEREAS, the October 15, 2009 draft of the Local Law is now the Proposed Action; and

WHEREAS, the Village Board has caused a Part 3 of the EAF to be prepared regarding the Proposed Action; and

WHEREAS, the Village Board is Lead Agency in connection with the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Village Board hereby issues as its own document the EAF Part 3 regarding the Harmon/South Riverside Gateway Area proposed Zoning Law and Map Amendments, drafted by Saccardi & Schiff, Inc. and last revised on October 15, 2009.

Discussion: Trustee Gallelli stated that it was very helpful to have received all the input and she is satisfied they now have a complete Part 3.

7. CITIZEN PARTICIPATION (non-agenda items):

a) Lillian Brijeski, Truesdale Drive, stated that she has requested that her water be tested by the water department, but they only tested for clarity and she is not satisfied with that; she called the Westchester County Dept. of Health and they tested the water, but she is still waiting for the results; the chlorine count was very low and they know there is no bacteria, but it has a lot of sediment. Ms. Projeski asked what is being done by the Village; she has purchased filters which will be put in shortly. Village Manager Zambrano replied that he spoke with the water department today and they agreed they need to flush more often; fixing the break problem acerbated the issue in the homes; he will be coming to the Board to fix this permanently but that will be done during the next budget period and it will be a multi-year program. Ms. Projeski added that she has not seen relief from the extra flushing; the problem seems to be on Truesdale, Nordica and Cedar. Trustee Gallelli stated that she understands that the funding may not be available until the next capital budget but the planning can begin now. Trustee Restuccia asked if the Water Dept. has the capacity to make multiple tests. Village Manager Zambrano replied that the water is sent to a lab which is fairly expensive.

Alex Chicelli, 56 Truesdale Dr., stated that the water has a distinct metal taste and smell; he is concerned that the new whole house filter may be overwhelmed; the refrigerator filter he bought was supposed to be a six month filter, but needs to be changed in two months. Mayor Wiegman stated that there are a lot of things that come into play; when the water is drawn from the well, it is good, but when going out through the pipes it is not.

b) Kieran Murray expressed his support for Mr. Franzosa's request to include a child care center in the Harmon rezoning proposal; it will be a new building and will bring in additional tax revenue.

c) Anthony Gagliotti stated that the money spent on the Harmon rezoning consultant should have been put toward the water problem. Mr. Gagliotti added that he has been collecting signatures in opposition of the rezoning proposal and people in the Village do not know what is going on; people have not been notified about the rezoning. He stated that there is a problem with this Board's statement that they are not in favor of the eminent domain process. Trustee Olver stated that this does not and will not involve any public taking whatsoever. Mr. Gagliotti added that a few years ago the Supreme Court in Connecticut allowed a village to take property and use it for commercial purpose; he is leery of this and future boards may change this. Trustee Gallelli stated that if any future board wishes to pursue imminent domain anywhere in the village, it has the right to do this. Mr. Gagliotti said he heard that this

would be good for senior citizens, but what senior would want to rent on a second floor. He stated that he also heard that Mr. Paladino was required by the Planning Board to get a survey. Trustee Gallelli replied that they are required to get a site plan. Mr. Gagliotti stated that a one bedroom residence is allowed one parking space, but what couple has just one car; it also says there will be some public parking lots, but where will they be. Village Attorney Staudt replied that this section about private parking is already in the zoning code. Trustee Olver replied that this is mixed use zoning; resident cars will not be using spaces during the day and the facts tell us that it will work. Trustee Restuccia added that the report shows this will improve the parking. Mayor Wiegman responded that they are making this parking a higher level requirement than elsewhere in the Village.

Kieran Murray stated that he has heard people make statements about the motivations of the committee and what the recommendations are based on the "grape-vine"; everyone has the right to disagree, but then demonstrates not much of an understanding when approaching the podium; also remember that people only get one interpretation of the zoning when collecting the signatures for a petition. Mr. Murray gave his phone number, 271-7921, and suggested calling him if you are confused and would like to hear from him or a committee member; they will answer as many questions as you would like; he is willing to sit with anyone to create an understanding about what this is about.

Cornelia Cotton, 209 Hessian Hills Road, stated that she has a laundry list tonight; there is still a need for a fountain in Croton and are falling behind neighboring communities about a need for a public clock; Briarcliff has installed an elaborate clock; also the street sweeping machine makes great noise and doesn't do anything at all; sidewalks are where the litter is; they are a waste of time, energy, gas and manpower; institute a volunteer effort instead to sweep the sidewalks; some time ago, funds were available for benches; she spoke of benches being needed at bus stops and these were provided, but there are still other bus stops that are in need of benches; she took an inventory of where they are most needed. Ms. Cotton suggested changing the bus stop from under the train station overpass; it is an awful place with trucks and cars rumbling overhead; Cortlandt has adopted new restrictions on home sizes; we should think about this; for architectural guidelines, a consultant was hired by Ossining; it is time to think more seriously about this. Ms. Cotton stated that Cold Spring publishes a guide showing golf courses, churches, trails, municipal offices, historical structures; we should list this and make it available to visitors; also Croton should have a visitor information center. Ms. Cotton added the suggestion of having a poet laureate; it could be a painter, dancer, actor or any person representing Croton's artistic heritage; Village government does not often seem to be present at the artistic events in the Village; many years ago, the Village appointed an art advisory committee to evaluate donations to the Village and she thinks this advisory committee still exists. Trustee Gallelli stated that Ms. Cotton is always welcome and interesting at these meetings; the committee on public art could be re-invigorated. Trustee Gallelli responded that the implication is that we do not have restrictions on housing sizes, but we do; Ms. Cotton may think it should be stricter, but the Planning Board is operating with an extensive list of design guidelines that apply to every site plan review. Trustee Olver mentioned an out of print pamphlet of artists in Croton's past; he encouraged her and others to become associated with the Historical Society and help showcase the artistic history to get this done. Ms. Cotton replied that she wrote this pamphlet about 10 years ago and suggested it be brought up to date; she added that she does work with the Historical Society and collaborates with their exhibits.

Upon request, Village Engineer O'Connor addressed the current cell phone status, stating that cell phone reception is getting better; Nextel has a spot reserved, but is not there now; AT&T is on the tower and

should be going live in the next couple of weeks; Omnipoint and MetroPCS are building out their facilities and should be live by the end of the year; Nextel/Sprint now has a building fund and hopefully should be doing some construction next year; they were on construction hold; Verizon is about to sign a lease agreement with Homeland Towers; Verizon may be live the early part of 2010; Nextel and Omnipoint/Sprint Mobile are on the Municipal Building. Village Engineer O'Connor added that regarding the whole house filters mentioned tonight, a little more effective is one with an automatic backwash so you do not have to replace the filter; they are iron removal systems.

#### 8. APPROVAL OF MINUTES:

Trustee Murtaugh made a motion to approve the minutes of the meeting held on October 5, 2009 as corrected. Trustee Gallelli seconded the motion. The Board voted unanimous approval.

Trustee Murtaugh made a motion to approve the minutes of the Executive Session held on October 5, 2009. Trustee Olver seconded the motion. The Board voted unanimous approval.

#### 9. REPORTS:

*Village Manager Zambrano* reported that they are making final arrangements to pave some additional areas in the Village the next few weeks; on Maple St. and Rt. 129, ConEd refuses to pave from curb to curb; Marco Gennerelli is arranging a meeting between NY State officials and ConEd; this will be the 3<sup>rd</sup> winter that this paving repair has not been taken care of. Village Manager Zambrano added that the Village participated in the Safe Routes to School presentation at the County Center; Russell Harper and Kathy Bruckner represented the Village. He added that he attended the Croton Yacht Club event; they would like to start planning for next year that would need approval by the Board as it will need some funding. He added that the High St. project is starting soon. Village Engineer O'Connor stated that the Batten Road project is under construction; he gave a short update; the parking lot project is going well and is down to the homestretch; they hope to have it finished by beginning of December

*Treasurer Bullock* distributed an updated fact sheet for the Train Station funding sources; the project is still doing well and is still under budget. Ms. Bullock reported that have sent out the RFP for acceptance of credit card payments for the pay stations at the train station.

*Trustee Olver* reported that he is worried about taxes; everyone knows Westchester property taxes are the highest in the nation; we have been doing our part to roll back expenses; all citizens need to know we cannot go on expanding our services and push back on the tax burden at the same time; most of our property tax dollars goes to the schools; the current proposal from Albany is a mid-year cut to the schools; the school board has a responsibility to the community; the schools have to do something to hold the line on unnecessary expenditures. He added that we are cutting expenses and trying to grow income; are acting prudently and are being called reckless; we have listened respectfully to every position that has been come to us for the past 2 years; the character of the Village will not change; we are trying to keep the Village afloat in these tough financial times. Trustee Olver stated that because of business necessity, he may not be here on November 2<sup>nd</sup>, but will leave a statement; this Board will not do anything to harm the Village we live in.

*Trustee Restuccia* reported that October 22<sup>nd</sup> at the Library at 7:30, the Conservation Advisory Committee is taking a look at deer control. *Trustee Restuccia* reported that the daffodil planting was done at Benedict Blvd.

*Trustee Gallelli* reported that there was a fantastic fire fair at Harmon Company a few weeks ago; she thanked the fire department for doing this annually. *Trustee Gallelli* stated that coming this weekend is the Halloween window painting; she encouraged people to look at the paintings and cheer on the painters. *Ms. Gallelli* reported that the State has proposed work on the Croton dam and raise the reservoir by several feet and she had requested that the Village be included in the planning; *Attorney Feldman* has gotten us on the interested agency list which means the Village will be included in all documents. *Trustee Gallelli* reported that the State taxes and budget will trickle down and impact us in several ways; she suggested scheduling a work session where the Treasurer and Village Manager can talk about the current situation and what the situation will be next year; should start thinking about how to approach this coming budget which will be very hard.

*Trustee Murtaugh* thanked *Trustee Olver* for his impassioned statement and added that we are all residents, too and want nothing but the best for this Village. He added that *Ms. Cotton's* suggestion about the pamphlet is a good idea; next tourist season, it might be a nice inexpensive thing to do and place in various places around town to keep people in the Village. *Trustee Murtaugh* reported that he belongs to an ecumenical organization called Riverbuild which builds homes for victims of hurricanes and they are having a benefit concert at Trinity Church in Ossining on Nov. 7<sup>th</sup>; *Richie Havens* will perform.

*Mayor Wiegman* thanked *Attorney Staudt* for working so carefully on the environmental assessment form and review process and working with Trustees, various consultants and boards to explain what is in the documents. *Mayor Wiegman* made one additional appointment to the Sustainability Team, *Matthew Rubenstein*. *Mayor Wiegman* added that he will represent the Village on a panel at an Ulster County meeting. He stated that he also participating with Northern Westchester Energy Action Council who are pooling intellectual resources on energy and economic items and will report back when he has more information.

*Trustee Olver* made a motion to adjourn, second by *Trustee Restuccia*, approved by all.

The meeting was adjourned at 10:05 pm.

Respectfully submitted,

Phyllis A. Bradbury

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Phyllis A. Bradbury, Secretary

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Village Clerk