

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, October 3, 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 Murtaugh
Treasurer Bullock	Trustee Raskob

1. CALL TO ORDER:

Mayor Wiegman called the meeting to order at 8:05 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 Raskob and approved with a vote of 4-0 with one absent (Trustee Murtaugh had stepped out).

General Fund	\$ 79,263.78
Water Fund	1,691.22
Sewer Fund	236.98
Capital Account	686,467.92
Trust & Agency	11,469.46
Total	\$779,129.36

3. CORRESPONDENCE:

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

- a) A letter from Dave and Joan Demm, Village residents, thanking the staff for addressing their concerns for Lounsbury Rd.
- b) A memo from Dan O'Connor, Village Engineer regarding a request for a building permit extension for 125 Mount Airy Road South. Trustee Schmidt made a motion to approve the extension; second by Trustee Raskob, approved with a vote of 5-0.
- c) A letter from Chris Kehoe, Deputy Planning Director, Town of Cortlandt, regarding their proposed Zoning Ordinance amendments with respect to public hearing requirements for the Planning Board on referrals from the Town Board and changes to the parking requirements for eating and drinking establishments.
- d) A letter from Barbara I Mattice P.E., Region 8 Construction Engineer, NYS Dept. of Transportation regarding road restrictions in the contract for highway crack sealing. Village Manager Zambrano stated that the State does not have a specific date as yet, but residents will be notified of any road closings.

- e) A letter from Douglas W. Elfner, Director, Office of Consumer Policy, NYS Dept. of Public Service, regarding National telephone lifeline awareness week. More information can be found at: <http://www.askpsc.com>
- f) A letter from Paul Elconin, Stewardship Coordinator, Open Space Conservancy, regarding their annual easement monitoring visit.

4. CITIZEN PARTICIPATION (agenda items):

- a) Ray Fortini, Wolf Road., regarding the brown water issue which has been postponed, stated that his main point is the November 2<sup>nd</sup> meeting for the water issues should address the whole system. Mayor Wiegman replied that this will be a meeting devoted to the water challenges in the Village. Mr. Fortini asked that the residents be notified.
- b) Jeff LaFleur, 32 Wolf Road, with water concerns, stated that he talked with the Village Engineer this evening and it seems the brown water has increased during the past 4 to 5 years; Mr. O'Connor did give him some suggestions to help remedy the brown water, but it is costly.
- c) Pat Moran, Penfield Ave., read a prepared statement regarding minutes from the last Board meeting and differences between the Village Manager's old contract and the new contract. She read portions of the new contract and stated she will be checking to see if the Board is breaking Open Government Laws.

5. PROPOSED RESOLUTIONS:

- a) 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 of Trustees has received a special permit application for a renewal of a Personal Wireless Services Facility at 1 Van Wyck Street

WHEREAS, the applicant has submitted a short Environmental Assessment Form (EAF) and a Coastal Assessment Form (CAF); and

WHEREAS, this application was referred to the Planning Board in accordance with Village Law; and,

WHEREAS, the application, EAF and CAF were referred to the Waterfront Advisory Committee for a review of preliminary consistency; and

WHEREAS, the Planning Board has issued a memo to the Village Board with a favorable recommendation; and

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

NOW THEREFORE BE IT RESOLVED: the Village Board hereby determines that the proposed action is an unlisted action under SEQRA,

AND BE IT FURTHER RESOLVED: the Village Board declares itself to be the lead Agency for SEQRA purposes in connection with the proposed action,

AND BE IT FURTHER RESOLVED: that based upon the Environmental Assessment Form, and documents submitted by the applicant, the Village Board of Trustees hereby adopts a Negative Declaration with respect to this matter,

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

Discussion: Trustee Schmidt asked to bring the wireless people in to discuss how the wireless service is supplied to the Village; there are a couple of residential areas that lose telephone service if they are using Cable services.

b) 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 5-0:

WHEREAS, the Village Board of Trustees has received a special permit application for non-conforming use at 1 Niles Road; and

WHEREAS, the applicant has submitted a short Environmental Assessment Form (EAF) and a Coastal Assessment Form (CAF); and

WHEREAS, this application was referred to the Planning Board in accordance with Village Law; and,

WHEREAS, the application, EAF and CAF were referred to the Waterfront Advisory Committee for a review of preliminary consistency; and

WHEREAS, the Planning Board has issued a memo to the Village Board with a favorable recommendation; and

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

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

Discussion: the applicant asked what the process is and is it possible to schedule the public hearing now rather than in a month. Village Manager Zambrano replied that this could not be done. Trustee Schmidt suggested that the public hearing could be scheduled during a work session. Mayor Wiegman added that our current regulations require this two step process.

c) 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, section 2019-a of the Uniform Justice Court Act requires that Village justices annually provide their court records and dockets to be audited; and

WHEREAS, in June 2011, O'Connor Davis Munns and Dobbins, LLP, of White Plains, NY conducted an independent audit of the Justice Court of the Village of Croton on Hudson for the fiscal year ended May 31, 2011; and

WHEREAS, the Board of Trustees received a copy of the audit report,

NOW, THEREFORE BE IT RESOLVED: that in accordance with Section 2019-a of the Uniform Justice Court, the Board of Trustees acknowledges that the required audit was conducted and authorizes the Village Treasurer to forward a copy of the annual report and a copy of this resolution to the NYS Office of Court Administration.

Discussion: Trustee Raskob stated that the basic document doesn't talk about how much the Village gets to keep and how much goes to Albany; it is essentially a Trust Account. Village Manager Zambrano replied that perhaps the auditors can make a presentation after he receives the final report. Mayor Wiegman added that the use of credit card payments came up at the NYCOM meeting.

d) 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, on September 16, 2011, four bids were received and opened for fence replacement at Half Moon Bay Drive; and

WHEREAS, Precision Built Fences of Peekskill, NY had the lowest bid in the amount of \$57,000; and

WHEREAS, the Superintendent of Public Works has reviewed the bids and recommends awarding the contract to Precision Built Fences of Peekskill, NY

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to award the bid to Precision Built Fences of Peekskill, NY in the amount of \$57,000 for fence replacement at Half Moon Bay Drive,

AND BE IT FUTHER RESOLVED: that this amount should be charged to Capital Account #H5511.2106.12231

Discussion: Trustee Schmidt stated that there are a lot of invasive vines growing heavily in that area which will eventually kill the trees; this should be looked into. Trustee Gallelli stated that this year's budget had allocated \$60,000 for this project and it came in pretty close

e) 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 5-0:

WHEREAS, on July 5<sup>th</sup>, 2011, the Village received three proposals for the development of a Digital Computer Model for the Village's Water Supply System to assist in planning for the distribution system improvements; and

WHEREAS, the three proposals received were from O'Brien & Gere in the amount of \$22,496, Chazen in the amount of \$42,500, and Malcom Pirnie in the amount of \$43,000; and

WHEREAS, the Superintendent of Public Works has reviewed all three proposals and all three firms possess necessary qualifications to develop the model for the Village's Water Supply System; and

WHEREAS, the Superintendent of Public Works and Village Staff has had several meetings with O'Brien & Gere and recommends that services to develop the Model be awarded to O'Brien & Gere;

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to approve the proposal from O'Brien & Gere in the amount of \$22,496 for the development of a Digital Computer Model for the Village's Water Supply System;

AND BE IT FURTHER RESOLVED: that this amount should be charged to Capital Account #H8340.2107.12245.

Discussion: Trustee Raskob stated that he is surprised that we did not have something like this in place previously and no one has cataloged the flow rates. Mayor Wiegman replied that the Village has been on a 10 or 12 year process; at one point we did not know where the pipes were located in the ground; this modeling will allow us to understand and predict the likely outcome of future solutions; this is a process several municipalities are now doing. Trustee Gallelli added that this is the first essential step to address future long range plans for the water system. Village Manager Zambrano stated that he believes that infrastructure issues were minor previously; this is the first best step to make decisions and this will identify the flow in the pipes.

f) 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, on March 15, 2010 the Village approved a proposal from Chazen to provide for the preparation of conceptual design plans to address the water distribution issues of capacity, chlorine contact time, and a new treatment facility above the flood elevation; and

WHEREAS, as part of the overall plan it is necessary for the Village to undertake an environmental review under SEQRA; and

WHEREAS, archeological research will be necessary for the completion of the SEQRA review; and

WHEREAS, Chazen has submitted a proposal for archeological services in the amount of \$5,200; and

WHEREAS, this work is weather dependent and should be completed in the fall of 2011,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is authorized to approve the proposal from Chazen in the amount of \$5,200 for archeological services which are necessary to complete the SEQRA review for the overall design plan for the water system.

Discussion: Trustee Murtaugh stated that this is a requirement to protect artifacts that might turn up during excavation. Mayor Wiegman added that SEQRA requires this archeological work be done on the site. Trustee Raskob stated that he did question the need to do this, however, we have no choice but to do it; the law requires it.

6. CITIZEN PARTICIPATION (non-agenda items):

a) Thomas Tex Dinkler, 50 Batten Road, deputy chief, Croton Fire Dept, stated that we have not had a natural disaster in the month of September; we are coming up on National Fire Prevention week; the Fire Dept. is having their 30<sup>th</sup> annual open house from 1 pm to 5 pm; there is something for every age group; materials are available; they will be offering different items such as home fire extinguishers, flares, etc. for purchase at Fire Dept. costs; he invited everyone to come out; refreshments will be served. Trustee Schmidt asked Mr. Dinkler to remind the public that fire extinguishers have a life span. Mr.

Dinkler stated that residents can bring their old fire extinguisher and it will be checked; CO and smoke detectors also have a life span; residents can bring their old fire extinguishers to the fire house and they will dispose of them; there are fire safety activities for children and if they complete all five stations, they earn a ride on the fire engine.

- b) Michael Mamone, 19 Young Ave., read a prepared statement regarding the zinc orthophosphate additive, stating that he feels it is unwise to put chemicals into our water; we are being told all communities use it and only 1/3 of Westchester communities use it; these are contradictory statements; he would like to work with the Board to work the facts out and he has questions that the Engineers should reply to; there are reasons why we should not compare our water with other communities; our water is slightly corrosive and has zero dissolved oxygen; phosphoric acid is a dangerous chemical; our water mains are old; the only answer for brown water is new pipes which also will have to be replaced some day.
- c) Liz Engels, Penfield Ave., regarding adding chemical to the water, stated that she read a decision could be made in 6 to 8 weeks and asked if that is true. Village Manager Zambrano replied that the Board will be discussing it and there will be a forum on November 2<sup>nd</sup>. Ms. Engels stated that she agrees with Mr. Mamone and heard if too much is put in, it will cause brown water; she asked the Board to give everyone due process about this, inform people, have quite a few meetings and allow residents to voice their opinion. Mayor Wiegman replied that this is being elevated to a full meeting next month to give everyone the opportunity to discuss this. Ms. Engels suggested using the call alert system when this is on the agenda.
- d) Ray Fortini, 21 Wolf Road, stated that he thinks the best thing to do is get facts; on Nov. 2<sup>nd</sup>, Chasen should be there to give us facts; he does not want chemicals, but if it will alleviate the brown water for a year or so, it should be addressed.
- e) Bob Wintermeier, 43 Radnor Ave., commented about the information Mr. Mamone provided. Mr. Wintermeier suggested that people who want to understand should read the letters that were in the Gazette; there are alternatives that can be looked at; regarding phosphoric acid, if you check diet soda, you'll find it in every bottle; in small amounts it is not dangerous; it is also used as a pesticide; the amount used is what counts; he has not been able to verify if the lead in the pipes combines with the phosphate; ask Chasen to take a look at that; it may reach the point it doesn't matter what we do; we may be forced to use the zinc orthophosphate if we exceed the parts per billion; a random selection of houses will be tested; if anyone would like more information, contact him at [Wintermeier@prodigy.net](mailto:Wintermeier@prodigy.net).
- f) Ginny Calcutti, 19 Hunter Place, addressed Mr. Zambrano's contract, stating that she had made some suggestions but there was no change in longevity; employees are vested into the state retirement after 10 years, not 5 years; regarding the car allowance of \$500. per month for use of his car, in the new contract he will not receive reimbursement for gas to and from home; he will pay payroll taxes on the \$500 which will be added to his yearly salary. She added that using Village cell phones for personal use, who is keeping track of this as well as personal use of computers and blackberrys; she read section 10 of the contract regarding termination which she feels has inconsistencies. Ms. Calcutti stated that she has suggested to the Board that Mr. Zambrano should have his own contract with

no benefit cross-overs; she asked Village Attorney Staudt to look if there is an addendum signed by the Board for additional benefits.

- g) Dan Chesnard, 64 Farrington Road. asked Village Manager Zambrano where we stand on the Gouveia property. Mr. Zambrano replied that he has just received the environmental report and it will be on the agenda of a future work session. Mr. Chesnard asked if the Board will accept this gift or will you say no because we cannot afford to lose the tax income; if we take the property it will be a big expense; we have enough parks in the Village and there have been no requests from residents for additional park land. Mr. Chesnard added that he has been told employees receive clothing allowances; the Fire and Police Depts. should, but not other employees; residents should not have to pay clothing allowances or cleaning unless it is a uniform.
- h) Pat Moran, Penfield Ave., clarified that the benefit plan signed by Village Manager Zambrano on June 11<sup>th</sup> includes a clothing cleaning allowance. Ms. Moran read the section; adding that fourteen people get this clothing cleaning allowance which is about \$8,000 paid by our Village taxes.
- i) Michael Mamone, 19 Young Ave., stated that the water additive would become a permanent program; move ahead slowly, examine the facts closely; make a decision based on facts, not hype; no one is using lead solder anymore so we will be doing better moving forward.
- j) Ginny Calcutti, 19 Hunter Place, asked if the Board signed off or took a vote on the clothing allowance and was told the Board does not take a vote on this; Mr. Zambrano oversees this. Trustee Schmidt replied that the Village Manager is the manager of the village; the Board does not have responsibility for hiring and firing of employees except for the Village Manager, Treasurer and Clerk; these policies were set up by the prior Manager; they have looked at the current contracts and how to ratchet out items; the Board is committed to look at contracts for future employees. Ms. Calcutti stated that there should be some equality for what is paid for benefits. Village Manager Zambrano stated that he has been looking at things that will change the benefit policy that will be reflected in the 2012-13 budget; several things have already changed. Ms. Calcutti asked why the clothing allowance was raised. Mr. Zambrano replied that the practice has been that the clothing allowance is consistent with the Police Department.
- k) Pat Moran, Penfield Ave., asked when these discussions about benefits have been held. Village Manager Zambrano replied that he circulated the proposed documents to the Board and asked for feedback. Ms. Moran asked if future meetings about this topic will be held publicly. Mr. Zambrano replied that everything will come to a head during the budget process.

7. APPROVAL OF MINUTES:

Trustee Raskob made a motion to approve the minutes of the Regular Board Meeting held on September 19, 2011 as corrected. Trustee Gallelli seconded the motion. The Board voted approval with a vote of 4-0 with one abstaining.

8. REPORTS:

*Village Manager Zambrano reported* that he is still working on the benefits policy for non union employees and will present it shortly. He reported that he had a debriefing meeting with the Triathlon organizers for next year's event; they will be meeting with the County Police and Parks on Thursday. Mr. Zambrano reminded everyone that the water forum will be held on November 2<sup>nd</sup> at 7:30 pm and will be televised; it is important to get input from the public. He noted that the leaf pickup will be limited to vacuuming only this year. Mr. Zambrano suggested that residents should subscribe to the Village notification system; more information about this is on the web. Trustee Schmidt added that we do not give phone information out. Mr. Zambrano reported that ConEd will be holding a meeting about Hurricane Irene on Tuesday, October 11<sup>th</sup>; they have tried to improve how they handle these major storms.

Treasurer Bullock reported that the Village auditors were on site last week and will have a report in the next 60 days.

*Trustee Schmidt* thanked the Board for the use of the parking lot for the Rotary Car Show yesterday; it helps benefit the Village by doing these things; we should look at using the lot for other things. Trustee Schmidt reported that The Blaze is on at Historic Hudson Valley and restaurants have signed up with HHV. Trustee Schmidt, asked about the 9/11 fund raising and where do they stand. Village Manager Zambrano replied that the wine tasting, unofficially, collected just under \$10,000. Trustee Schmidt stated that he was a little disappointed in the garbage study; he did not see suggestions on how to lower expenses and it should not be costing that amount of money to pick up recycling; he was hoping this study would give suggestions on what to do in the future. Trustee Schmidt added that he hopes Village contractors are mulching leaves.

*Trustee Raskob* reported that he was pleased to see that Croton did have one of the lowest costs for picking up garbage. Regarding zinc organophosphate which is a hot button issue and what we have are zealous advocates; he requested everyone who comes to keep in mind that you can disagree without becoming disagreeable; come with your best behavior.

*Trustee Gallelli* reported that Bedford and some others have started a program called "Leave Leaves Alone" which educates about the positive aspects of not picking up the leaves; if you do mulch with a mower and let them sit, they become the nutrients for the lawn next year. See [www.leaveleavesalone.com](http://www.leaveleavesalone.com) for more information. Trustee Gallelli reported that the Fire Fair this Sunday, 10/9, at Harmon Firehouse is worthwhile to go to. She also reported that the Seniors, a week from Friday, will have their Annual Oktoberfest luncheon at Harmon Firehouse. Trustee Gallelli reported that the 31<sup>st</sup> Annual Run Against Hunger is also a 5K walk this year; sign up at [www.runagainsthunger.com](http://www.runagainsthunger.com) or at the Asbury Methodist Hall to sign up; bring cans of food to the run for a contribution. She added that the 9/11 memorial fundraising has a golf outing coming up on October 17th at Hollowbrook Country Club; see Croton or Cortlandt's home page for more information.

*Trustee Murtaugh* reported that the parking lot revenues are trending ahead of budget projections; a combination of things has contributed to this; it is a well managed parking lot. Trustee Murtaugh stated that at last meeting he misspoke that Mr. Zambrano crafts his own

contract; he meant to say, in previous years the Village Manager crafted his contract, but not any longer. Trustee Murtaugh stated that he has heard some comments about vines at Silver Lake by the community garden and asked to please address removal of the vines in the fall so there will not be further problems in the spring. Trustee Murtaugh, regarding the Garbage study, stated that he realizes it takes more effort to pick up a ton of feathers than a ton of lead and that the figures may be misleading. He addressed the comment made earlier regarding zinc orthophosphate and stated that the Board will not lie to the public ever.

*Mayor Wiegman* stated that we are in the middle of the first few days of the Blaze and noted a string of cones on South Riverside; he asked to see if we can monitor that some way so shoppers can get into the Shoprite Plaza. Mayor Wiegman asked if there is any update on the engineering for Croton Point Ave. traffic calming. Village Manager Zambrano replied that they did a car count and manholes were tested for asbestos content; they should be ready for construction about January of 2013. Mayor Wiegman added that we should expect to see schematics by late 2012.

Trustee Gallelli made a motion to adjourn. Trustee Schmidt seconded the motion; approved unanimously. The meeting was adjourned at 10:20 pm.

Respectfully submitted,

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Phyllis A. Bradbury, Secretary

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Village Clerk