

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Tuesday, January 3, 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 (arrived at 9:25 pm)
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 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.

General Fund	\$ 156,403.60
Water Fund	25,245.50
Sewer Fund	728.75
Capital Account	208,386.43
Trust & Agency	20,435.60
Total	\$411,199.88

3. PRESENTATIONS: none

4. PUBLIC HEARING: To consider a consistency determination with the Village's Local Waterfront Revitalization Plan and to hear comments on the renewal of a Special Permit for the collocation of a personal wireless facility at 1 Van Wyck Street. Village Manager Zambrano gave a synopsis of the application. Mayor Wiegman reopened the Public Hearing.

Doug Warden, attorney for the applicant, Nextel, was present and offered to answer any questions. Trustee Gallelli asked if there are any changes. Mr. Warden replied that there were not. Trustee Schmidt asked about gaps in wireless coverage and if Nextel is interested in finding other locations to fill in the gaps. Mr. Warden offered to speak with Trustee Schmidt and requested that he call him at his office. Trustee Raskob made a motion to close the Public Hearing; second by Trustee Gallelli; approved with a vote of 4-0. Mayor Wiegman closed the Public Hearing.

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:

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; 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 was 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,

WHEREAS, on October 3, 2011 the Village Board adopted a Negative Declaration with respect to this matter and directed the Waterfront Advisory Committee to conduct a final review of consistency; and

WHEREAS, in its memo dated October 06, 2011, the Waterfront Advisory Committee issued a final review of consistency;

NOW THEREFORE BE IT RESOLVED: The Village Board of the Village of Croton-on-Hudson hereby determines that the renewal of the special permit for a Personal Wireless Services Facility at 1 Van Wyck Street complies with and is consistent with the policies, standards and conditions set forth in the Village's Local Waterfront Revitalization Plan.

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:

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 was 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; and

WHEREAS, on October 3, 2011 the Village Board adopted a Negative Declaration with respect to this matter and directed the Waterfront Advisory Committee to conduct a final review of consistency; and

WHEREAS, in its memo dated October 06, 2011, the Waterfront Advisory Committee issued a final review of consistency; and

WHEREAS, on January 3, 2012, the Village Board issued a determination of consistency with its Local Waterfront revitalization Plan; and

WHEREAS, a Public Hearing was held and closed on January 3, 2012,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees does hereby issue a Special Permit to Nextel of New York, Inc. for the collocation of a personal wireless facility at 1 Van Wyck Street with the following conditions:

1. This permit expires on September 5, 2016 and must be renewed in accordance with the Telecommunications Chapter of the Village Code
2. That, the Nextel facility shall at all times during the life of the facility comply with the applicable FCC regulations pertaining to radio frequency emissions, including such regulations as applicable to cumulative radio frequency emissions. Any necessary mitigation measures to ensure compliance shall follow FCC requirements, procedures and protocols.
3. That in accordance with section 206-5(B) of the Village Code antennas shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facilities. The owner of the antenna shall submit to the Board of Trustees evidence of compliance with the FCC standards on a yearly basis. If new, more restrictive standards are adopted, the antennas shall be made to comply or continued operations may be restricted or prohibited by the Board of Trustees. The cost of verification of compliance shall be borne by the owner and operator of the tower.
4. That, within 60 days of the issuance of this special permit, as had been required under the initial special permit, a fire/smoke detector and strobe connected to the Municipal Building's fire alarm system shall be installed in the Nextel equipment room by the Village's fire alarm company with the cost of the installation being paid by Nextel.
5. That, Nextel is advised that the Village may switch to the Statewide Wireless Network system or other Emergency Services communication system in the future and that the Nextel system must be operated to prohibit interference, including

- implementation of the FCC rebanding plan, to current and future Village wireless systems.
6. That, within 60 days of the issuance of this special permit the electrical circuit for the attic lights and roll-up door be switched over to the Village's electrical panel with the cost of the work being paid by Nextel
  7. That, any additional monthly cost charged by the Village's fire alarm company for the fire/smoke detector and strobe horn in the Nextel facility shall be paid by Nextel. The lease agreement with Nextel shall be amended to reflect the payment of this additional cost.
  8. That, in order to secure the completion of items #4 and #6 above, a bond in the amount of \$3000 shall be required, which shall be submitted to the Village within 60 days of the issuance of the special permit. The bond shall be held until items #4 and #6 are completed and accepted by the Village Engineer. If the work required by items #4 and #6 above is not completed within the time frame specified the Village shall have the right to use the bond to have these items completed.
  9. That, within twelve months from the issuance of this permit Nextel shall submit an engineer's report evaluating the feasibility of connecting the Nextel facility to the Village's emergency backup power system (diesel generator).
  10. That, if the connection of the Nextel facility to the Village's emergency backup power supply is feasible Nextel shall meet with the Village to discuss the details and a reasonable timeframe to complete this connection.

Discussion: Trustee Schmidt asked about the intent of hooking up to the Village's emergency backup power system. Village Manager Zambrano replied that this is to have the cell towers to continue operating in case of emergency. Trustee Schmidt stated that he does not want the Village to be held responsible in case of the Village's emergency power supply failure.

5. CORRESPONDENCE:

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

- a) A letter from a resident, Stephen M. Jacoby, regarding Verizon and FIOS TV. Mayor Wiegman asked that Village Manager Zambrano follow up with Mr. Jacoby and correspond with the new CEO of Verizon. Trustee Gallelli stated that as has been reported before, Verizon has no intention of providing FIOS service in Croton. Trustee Raskob added that he has looked into this also and the situation is that it is Verizon's decision to not add FIOS service to Croton.
- b) A notice from Assemblywoman Sandy Galef regarding Town Meetings she will be holding in January 2012.
- c) A letter from Jessica Shweky, LeadDog Marketing Group, regarding the Bike MS event scheduled for September 30, 2012. Trustee Gallelli made a motion to approve the request; second by Trustee Schmidt, approved with a vote of 4-0. Trustee Raskob stated they must provide proper insurance. Village Manager Zambrano added that he has spoken with Ms. Shweky and there are some parking issues to be worked out.
- d) A letter from Miriam Haas, Director, Community Markets, regarding a Special Permit for an indoor farmers' market. Ms. Haas was present to answer questions. Village Attorney

Staudt stated that farmers' markets do require a special permit. Trustee Gallelli stated that generally permits are issued for several years and since this request is for just a few months, she is in favor of reducing the Special Permit fee. Village Manager Zambrano stated that the Village does need to cover expenses on publishing notices for the Public Hearing which are required for a special permit. Ms. Haas stated that she has vendors that are raring to go this Saturday and are willing to go outside at their previous site until approval for indoors is granted. Discussion continued about possible problems if there is snow and plowing and it was suggested to use Parking Lot A at the train station instead. Village Attorney Staudt suggested that if it is done, a resolution should state it could continue with the current written terms and conditions, as well as including such other terms as required by the Village Manager. Trustee Raskob made a motion to approve the request according to the verbal resolution provided by Village Attorney Staudt. The motion was seconded by Trustee Schmidt; approved with a vote of 4-0. Trustee Gallelli added that the Special Permit fee should be reduced, but should cover the cost of publication for the Public Hearing. Trustee Schmidt added that he has some concerns about using the shopping center area for an indoor location because that area is very busy on Saturdays; there are also concerns that the farmers markets are infringing on the services of local merchants and about the parking situation. Trustee Raskob made a motion to have Village Manager Zambrano work on the fee for the indoor market and the referral to the Planning Board. Trustee Gallelli seconded the motion; approved with a vote of 4-0.

- e) A letter from Carey O'Brien, Real Property Analyst, NYS Office of Real Property Tax Services regarding the 2011 Residential Assessment Ratio which is set as 3.69; last year's RAR was 3.60.
- f) A letter from Thomas M. Bellard, Director of Valuation Services Bureau, NYS Dept. of Taxation and Finance Office of Real Property Tax Service regarding the 2012 Certificate of Final Railroad Ceiling which is set at 3.71. Last year's final equalization rate was 3.32.
- g) A letter from Douglas Elfner, Director, NYS Dept. of Public Service, Office of Consumer Policy, regarding their winter outreach and education campaign.
- h) A letter from Robert Hoch, Director, Government Affairs, Cablevision, regarding a 2012 one-time charge rate change.
- i) A letter from Robert Hoch, Director, Government Affairs, Cablevision, regarding the digitization of HSN channel.

6. CITIZEN PARTICIPATION (agenda items):

- a) Bob Wintermeier, 43 Radnor Ave., commented on the request for an indoor Farmers' Market on Saturdays. He also commented on a FIOS report from the FCC, the impact of the Residential Assessment Rate on the tax rate and the removal of several bond resolutions from tonight's agenda.
- c) Kurt Seelke, 65 Melrose Ave., spoke regarding Verizon FIOS not offering cable service.
- d) Susan O'Keefe, 36 Farrington Road, owner of Baked by Susan, commented favorably on the proposal for community markets and the vendor trucks.

e) Michael Mamone, 19 Young Ave., commented on the bulkhead repair at the Yacht Club. He also commented on Resolution D for the water system.

7. PROPOSED RESOLUTIONS:

***FIRST FOUR PROPOSED RESOLUTION ON THE AGENDA WERE HELD OVER TO NEXT MEETING***

e) On motion of TRUSTEE GALLELLI, second 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:

WHEREAS, the Village Board of Trustees has received a special permit application from Megan Guinee for an accessory apartment located at 91 Truesdale Drive; and

WHEREAS, the property is located in a RA-25 District and is designated on the Tax Maps of the Village as Section 79.09 Block 5 Lot 6, and

WHEREAS, the Zoning Board of Appeals has granted a 5.19 foot front yard variance and building perimeter variance for a potential accessory apartment, and

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

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

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby schedules a Public Hearing at 8:00 pm in the meeting room of the Stanley H. Kellerhouse Municipal Building on January 17, 2012 to consider a special permit application for an accessory apartment located at 91 Truesdale Drive.

f) On motion of TRUSTEE GALLELLI, second 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:

Resolution Authorizing the Filing of an Application for a State Grant-In-Aid for a Municipal Waste Reduction and/or Recycling Project and Signing of the associated State Contract, under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the Village of Croton-on-Hudson herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED BY the Village Board of Trustees hereby authorizes

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Abraham J. Zambrano is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.
5. That this resolution shall take effect immediately.

g) On motion of TRUSTEE RASKOB, second 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 :

WHEREAS, the agreement for the use of the parking area at 358 South Riverside Avenue has expired; and

WHEREAS, the Village desires to enter into a new agreement with Zoja Nrecaj for the use of the Parking Lot at 358 South Riverside Avenue; and

WHEREAS, the new agreement provides for three spaces to be used for the exclusive use of the premises, and the remaining eight spaces will be for use as determined by the Village; and

WHEREAS, this agreement will commence on June 1, 2011 and terminate on May 31, 2015; and

WHEREAS, the Village will pay \$1,200 per year for the use of these spaces,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to sign the contract with Zoja Nrecaj beginning on June 01, 2011 and expiring on May 31, 2015 for the use of the parking area located at 358 South Riverside Ave.

h) On motion of TRUSTEE GALLELLI, second 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:

WHEREAS, on September 20, 2010 the Village hired Ocean & Coastal Consultants (OCC) to provide engineering design services for the repair of the bulkhead at the Croton Yacht Club (the Proposed Action), and

WHEREAS, OCC has prepared a Short Environmental Assessment Form, Federal Consistency Assessment Form, and Village Coastal Assessment Form (the Application Package) on behalf of the Village, and

WHEREAS, on October 17, 2011 the Village Board determined that the Proposed Action is an unlisted action under SEQRA and declared its intent to be lead agency; and

WHEREAS, the Village Board of Trustees referred the Application Package to the Village Waterfront Advisory Committee for a preliminary review of consistency, and

WHEREAS, the Village has received a favorable preliminary review of consistency from the Waterfront Advisory Committee;

NOW THEREFORE BE IT 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 Raskob requested that the Village Attorney look into the possibility of pursuing a private nuisance theory for possible electrical impact on this bulkhead. Village Manager Zambrano stated that MetroNorth has received the report we commissioned and they indicated they will discuss the seemingly acceleration of rusting. Trustee Schmidt asked that the Village Manager open a discussion with the Yacht Club about the cost of funding repairs at the Yacht Club even though it is Village property.

i) 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:

WHEREAS, on September 4, 2007 the Village Board of Trustees authorized the application for a grant under the 2007 Greenway Conservancy for the Hudson River Valley Grant Program, for a project known as Kaplan's Pond Trail Construction and Extension; and

WHEREAS, on February 4, 2008 the Mayor was authorized to sign the contract between the Village and the Hudson River Valley Greenway for the Kaplan's Pond Trail Construction and Extension Project; and

WHEREAS, the Village has requested and has been granted an extension to the contract with an expiration date of October 31, 2012;

NOW, THEREFORE BE IT RESOLVED: that the Mayor is authorized to sign the contract extension between the Village and the Hudson River Valley Greenway for the Kaplan's Pond Trail Construction and Extension Project.

j) On motion of TRUSTEE GALLELLI, second 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 Washington Engine Fire House was completed in 1979 and the original plans did not include a sprinkler system, and

WHEREAS, funds have been allocated in the 2011-2012 capital budget for the installation of the sprinkler system, and

WHEREAS, Fires Systems, Inc of Ossining, NY has submitted a proposal for the Engineering and Design work of an Automatic Sprinkler System in the amount of \$7,637.50, and

WHEREAS, the Village Engineer has reviewed the proposal and recommends hiring Fire Systems, Inc to perform the Engineering and Design work for an Automatic Sprinkler;

NOW THEREFORE BE IT RESOLVED: that the Village Manager is authorized to sign the proposal from Fire Systems, Inc. of Ossining, NY for Engineering and Design work of an Automatic Sprinkler System in the amount of \$7,637.50;

AND BE IT FURTHER RESOLVED: that is amount should be charged to Capital Account #H3410.2000.12237.

Discussion: Trustee Schmidt stated that it appears that the original \$26,000 allocated will not cover the cost and would like to know what the real number will be before approving the installation. Trustee Gallelli stated that she agrees that there is a mis-step from the numbers provided by the fire department at the time of the budget.

8. CITIZEN PARTICIPATION (non-agenda items):

a) Bob Wintermeier, 43 Radnor Ave., commented again on the FIOS report. He also commented on the Farmers' Market and asked for the Board to talk to other people. He commented on the electronic eroding of the Yacht Club bulkhead. He also spoke of his previous comments on skateboarding on Radnor Ave.

b) Michael Mamone, 19 Young Ave., commented on the Chazen Engineering report on the potable water distribution analysis; the Village water system, the use of the Yacht Club boat ramp, the use of the Village street sweeper and discussion with MetroNorth running stationary trains at night in the summer.

9. APPROVAL OF MINUTES:

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

10. REPORTS:

*Village Manager Zambrano reported* that 2012 will be difficult with the budget; there has been a lot of progress and there are several projects in the Village; included in the projects is improvement of the water system infrastructure; he will have more information.

*Trustee Schmidt reported* that our police officers said it was pretty quiet this holiday season. The decoration of the trees was successful, but when will the trees be removed and should people be notified to take off their decorations if they want to keep them. Village Manager Zambrano replied that they will be taken care of after the 6<sup>th</sup>. Regarding the Upper Village, Trustee Schmidt noted that the refurbished lights look nice, the posts look good and it was good to install a plug; do we know the price that came in. Village Manager Zambrano replied that this will be discussed at a work session. Trustee Schmidt asked if we got the deer study, if not, please follow up. Trustee Schmidt stated that brown water is a very serious issue in this community as well as the lead in the water; these need to be addressed and should not be taken lightly; it is the Village's responsibility to mitigate these; corrosion control additives have another advantage to the system as it makes the pipes last longer; several communities in this area have been doing this for years.

*Trustee Raskob stated* that every once in a while the difficulty of answering every question comes up; Trustees are obligated to listen and if possible respond; he has decided to listen to everyone and vote when the time comes. Trustee Raskob added that the water issue is the most important issue in the Village and needs to be fixed as soon as possible. He stated that repairing the seawall is a large cost and is a large issue that is why he has asked the Village Attorney to look into a nuisance theory. Trustee Raskob complimented Susan O'Keefe for starting and running a business that provides a valuable service to the Village. Regarding FIOS, the plans are, as he has read, that Verizon is buying radio spectrum for wireless service; in the future there may possibly one company to take care of wireless and one company to take care of wired service; he would love to discuss getting FIOS cable service into the Village.

*Trustee Gallelli* reported that this cold weather reminded her that people have problems with heating and paying for heating; Cortlandt has a heating oil program; residents can sign up and pay a one-time fee of \$5.00 which makes them eligible for discounted fees for home fuel oil from certain local oil dealers. The program is called CHOP- Cortlandt Heating Oil Program; go to the Cortlandt web site [www.townofcortlandt.com](http://www.townofcortlandt.com) and click on *CHOP* for more information.

*Trustee Murtaugh* reported that the *NY Times* on Christmas Day, had an editorial regarding Verizon's worrisome cable deals and he suggested that, if it is legal to do so, perhaps the article could be placed on the Village's web site. Regarding the noise of MetroNorth, he stated that they have had a constant dialog with MetroNorth, especially in the summer, about noise and will continue to remind them that we have residents who are concerned about noise. Trustee Murtaugh stated that after the Public Hearing about a potential to add chemicals to our water, he took away that residents would prefer that we deal with infrastructure than water and that is how his position will be.

*Mayor Wiegman* reported that on Monday, January 30<sup>th</sup> there will be a Board of Boards meeting where members of volunteer boards are invited to come together; each committee will have someone speak about what they have done this year and their mission for the coming year; members of the public are invited. Mayor Wiegman reported that the Sustainability Committee still has an opening for a chair. Regarding the Farmers' Market winter temporary location, he stated that he thinks that effectively that shopping area is becoming a little of a food area and offering another food opportunity keeps shoppers who would shop outside for these items here and also may bring in people from outside the Village. Mayor Wiegman reported that the Recreation Dept. has put out their winter brochure.

Trustee Gallelli made a motion to adjourn. Trustee Raskob seconded the motion; approved with a vote of 5-0. The meeting was adjourned at 10:25 pm.

Respectfully submitted,

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Phyllis A. Bradbury, Secretary

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Village Clerk