

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Tuesday, February 19, 2013 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 Murtaugh
Village Attorney Staudt	Trustee Davis

The following officials were absent:

Village Treasurer Bullock	Trustee Raskob
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1. CALL TO ORDER:

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

2. APPROVAL OF VOUCHERS:

Trustee Davis made a motion to approve the following Fiscal Year 2012-2013 vouchers. The motion was seconded by Trustee Gallelli and approved with a vote of 4-0.

General Fund	\$85,912.79
Water Fund	\$ 537.76
Sewer Fund	\$ -
Capital Fund	\$ 826.10
Trust Fund	\$ 2,562.00
Debt Fund	\$ -
Total	\$89,838.65

3. PUBLIC HEARING

On motion of TRUSTEE GALLELLI, seconded by TRUSTEE DAVIS the Public Hearing regarding Introductory Local Law No. 2 establishing a Sustainable Energy Loan Program in the Village of Croton-on-Hudson was opened, with a 4-0 vote.

Mayor Wiegman explained that the Energy Improvement Corporation is a new non-profit local development corporation chartered by the State on behalf of municipalities in our area to help eligible property owners finance improvements that will save energy and energy costs. Mayor Wiegman said

that we are pleased that Joe Del Sindaco the Treasurer of the organization is here this evening to answer questions. Mayor Wiegman explained that northern Westchester communities are working together and in northern Westchester alone there are two thousand, seven hundred commercial buildings and six-thousand, two-hundred and fifty multi-family dwellings that could potentially take advantage of this program; the potential savings from doing energy upgrades could be as much as one-hundred million dollars per year in northern Westchester alone. Mayor Wiegman advised that the Energy Improvement Corporation reports to the members who are the owners of the corporation; The Town of Bedford is a founding member and has a seat on the Board of Directors, the Town of Ossining has recently joined, Orange County has just applied for membership and other municipalities are in the process of becoming members of the corporation as well. Mayor Wiegman advised that the Energy Improvement Corporation's structure is modeled on the New York State Environmental Facilities Corporation which is a State-wide organization that helps fund water and sewer improvements for many municipalities throughout the State. Mayor Wiegman advised that the Energy Improvement Corporation under State law acts on behalf of those municipalities and is structured to allow financing to be provided to eligible property owners in those municipalities that are members and to do marketing and outreach around the benefits of doing energy efficiency and energy renewable work. Mayor Wiegman advised that the Energy Improvement Corporation has the power to bond for the funding that it makes available to eligible property owners and they are the guarantor of those bonds not the individual municipalities. Mayor Wiegman explained that eligible property owners who take advantage of this program will see on their annual tax bill an additional assessment/charge that the property owner will pay back through their annual tax bill; the municipality will collect that assessment and send that money to the Energy Improvement Corporation who in turn will use that money to make the bond payments. Mayor Wiegman stated that the improvements that are made to multi-family and commercial office properties stay with those building and the next owners are responsible for taking over those payments until the assessment is paid. Mayor Wiegman said that the Energy Improvement Corporation has developed a very well thought out standard of operating and underwriting procedures.

Virginia Calcutti, 19 Hunter Place, Croton-on-Hudson, asked if this is for commercial buildings only; who is responsible for collecting this money; what are the rates; what does Croton get out of it; does the Energy Improvement Corporation do the billing themselves; is there special software the Village will need to get and if so who is going to pay for it; what if people do not pay it back.

Mayor Wiegman advised that currently this program is for commercially owned one to four family buildings. Mayor Wiegman explained that the

Energy Improvement Corporation is starting with a smaller group and we believe that of the twenty-four hundred parcels there are probably one-hundred and fifty that fall into this category. Mayor Wiegman explained that the funds essentially flow from the Capital Markets through the Energy Improvement Corporation then to the people who are doing the work on these properties; the Energy Improvement Corporation advises the municipality that the work has been completed, what the financing is and asks that the charge be placed on the property owner's tax bill. Mayor Wiegman responded to Ms. Calcutti's question; "what do we get out of it"; it is a way for property owners to pay for improving the efficiency of their properties; having properties operate more efficiently and an improved building stock is a plus for our community. Mayor Wiegman stated that the Village is not paid for doing this but there are also no costs to the Village other than adding that line on the assessment. Mayor Wiegman stated that the goal of this program is to offer eligible property owners the opportunity to receive the lowest cost capital and you can get that low cost capital when you aggregate a lot of loans together. Mayor Wiegman advised that the three steps that a municipality will have to take is 1) adopt the enabling legislation under Article 5L of the General Municipal Law, 2) submit a one page letter asking to become a member of the Energy Improvement Corporation and 3) sign an Intermunicipal Agreement between the Energy Improvement Corporation and the Municipality which details the duties of the municipality and the duties of the Energy Improvement Corporation. Mayor Wiegman advised that financing can only be extended if eligible property owners meet the criteria one of which is that their taxes have been fully paid for three years and cannot borrow more than twenty-five percent of the value of their property. Mayor Wiegman advised that the Energy Improvement Corporation is the loan guarantor; if someone should default on their loan the Energy Improvement Corporation, through its grant funds from the Stimulus Package, has set up a significant loan/loss reserve fund to make municipalities whole at the end of the process.

Kevin McClone, 2 Stevenson Place, Croton-on-Hudson, asked what if someone does not pay and will there be more work for the Village since they have to verify the installation and performance of the work. Mr. McClone said that since the money goes through the Energy Improvement Corporation and the Mayor sits on that Board is there a conflict.

Trustee Murtaugh stated that a lien is placed on that property if they do not pay the Village is made whole by the Energy Improvement Corporation.

Mayor Wiegman stated that in the normal course of a Building Inspector's responsibilities they are responsible for inspecting all properties that file to have work done on their property; this is something that municipalities do and it is not thought to be a problem. Mayor Wiegman reiterated to Mr. McClone that it is not his Energy Improvement Corporation, the owners are

the tax payers and the municipalities are members; the board was established as a founding board when there were no municipal members except for the Town of Bedford; in order to start up a this new organization the Town of Bedford went out to find people who knew something about different pieces of this and because he is knowledgeable about making buildings more efficient he was asked to become a member; there are members who are knowledgeable about financing, building performance, municipal law, etc. Mayor Wiegman said that the founding board wrote the by-laws, structured the charter, and prepared a sixty-five page handbook for underwriting standards. Mayor Wiegman said that once other municipalities become members those of us who have served for two and half years will step away and let the new municipalities become board members.

Village Attorney Staudt stated that it needs to be understood that this category of Local Development Corporation, which was established by the New York State Legislature, is intended to be an arm of local municipal government; it is not set-up as a private company separate from a municipality; it is set-up as an appendage to municipal government to perform what the Legislature determined is a municipal governmental function which is to limit green house gases and provide for energy efficient homes; the Legislature started out by making a finding that these are valid municipal functions to facilitate these improvements and for efficiencies they let groups of municipalities do it together through these Local Development Corporations.

Mr. McClone stated that the "Croton Energy Group" is the State's sub-contractor for delivering the Energized Town Tool Kit to communities throughout the mid-Hudson Region and feels that the Croton Energy Group which the Mayor is part of is too close to this.

Mayor Wiegman stated that the sub-contract that the Croton Energy Group has with the State Energy Agency (NYSERDA) is to explain the Energized Program to Chief Elected Officers in Ulster County, Sullivan County, Putnam County, Dutchess County, Rockland County and the Southern half of Westchester County. Mayor Wiegman stated that they have a contract with the State to visit all of those Villages, Cities and Towns and explain the State's programs for Single Family Home Performance with Energy Star and the finances that those single family homeowners can take advantage of. Mayor Wiegman stated that this is a separate program entirely different from this Commercial Property Assessed Clean Energy Program.

Mr. McClone said he does not understand why it has to go through the Village, why can't the Energy Improvement Corporation do it on their own and secure loans for people.

Village Attorney Staudt said that the reason the State Legislature set it up this way is because the borrowing costs will be much cheaper because the lenders will lend at a cheaper rate knowing that they are secured by an assessment procedure and by joining with other municipalities the rates will be much lower.

Bob Wintermeier, 43 Radnor Avenue, Croton-on-Hudson, said that he is always somewhat apprehensive when government gets involved with a private sector. Mr. Wintermeier asked the Mayor to reiterate that he is not getting any compensation as a result of this particular undertaking. Mr. Wintermeier asked what the interest rates will be on these loans, would it be better for someone to possibly go through another source of lending.

Mayor Wiegman stated that he has worked pro-bono/no costs/no charge for almost three years assisting the Town of Bedford and the Consortium to develop what is now called the Energy Improvement Corporation. Mayor Wiegman said that they do not have the loan rates at this time.

Dan Chesnard, 64 Farrington Road, Croton-on-Hudson asked if any of the eligible property owners requested this and why has only three municipalities joined the program so far.

Mayor Wiegman said that this program is so new eligible property owners do not even know to ask about it and before we can speak with eligible property owners the Village needs to move forward and adopt this Local Law. Mayor Wiegman advised that New York only passed the enabling legislation a short time ago and there has been a strong response in the Town of Bedford where this has already been adopted. Mayor Wiegman said that similar legislation has been passed in Connecticut, Vermont, Florida and California and California has had thousands of property owners who have taken advantage of this similar type of program. Mayor Wiegman said that he has also spoken with some eligible property owners and they have responded very favorably.

Joe Del Sindaco, Treasurer of the Energy Improvement Corporation advised that he spent approximately six years as the Chief Financial Officer of the New York Power Authority. Mr. Del Sindaco said that during his tenure they did over one-hundred million dollars a year in efficiency projects around New York State; the program was wildly successful and there weren't any losses associated with the program. Mr. Del Sindaco said that one of the disadvantages of that particular program was that it could only be provided to municipalities, school districts, and religious institutions and to customers of the Power Authority and he felt, at that time, that there was a very large market in New York State that was underserved. Mr. Del Sindaco said that when this Program came along he saw the benefit and is pleased that Bedford has taken the initiative to do this. Mr. Del Sindaco said that they have had very serious conversations with the Governor's office about

expanding this program state-wide and we think that this is a very exciting opportunity and one that could have significant benefits throughout the entire state.

Mr. Del Sindaco said that he understands the concerns expressed this evening that municipalities could be taking a bit of a risk but the Loan Loss Reserve Fund will make sure that there is no loss to the municipal members and any outstanding debt that is not collected the Loan Loss Reserve Fund will cover. Mr. Del Sindaco said that it is a tremendous disappointment to the Energy Improvement Corporation that we cannot finance residential projects at this time; it has nothing to do with the Energy Improvement Corporation or the local communities but rather Fanny Mae and Freddy Mac are blocking providing this type of financing to residences. Mr. Del Sindaco advised that there is a bill before Congress to change this and we believe that once this happens this opportunity will be become available not just to commercial buildings but to residential buildings as well. Mr. Del Sindaco said that it is really impossible at this at this point to tell what the cost of borrowing is going to be; this is a very new program and we have not gone out to the market yet. Mr. Del Sindaco said that eligible property owners will have an opportunity to look at the package that is being offered and if it is not attractive from a financial standpoint there is no obligation to participate. Mr. Del Sindaco said that from his experience these rates are going to be dramatically less than any rates that any individual would be able to borrow from a bank. Mr. Del Sindaco also reminded everyone that this obligation stays with the property and does not have to be paid-off when the home is sold; the person who purchases your property will continue to make these payments. Mr. Del Sindaco addressed the question about work performed by the Village; the Energy Improvement Corporation will basically be doing all the work associated with structuring these arrangements; the Village is only responsible for adding the charge to the tax bill and once the money is received from the taxpayer the Village will then send that money to the Trustee and the Trustee will then make sure that the bond holders are paid. Mr. Del Sindaco said that there has been a lot of discussion between the Energy Improvement Corporation and the Assessor's in Northern Westchester and the agreement was that there would be very little cost associated with doing this. Mr. Del Sindaco stated that there are also very strict underwriting standards and a borrower would have to have very strong credit; not over-leveraged their property; total debt could not exceed eighty percent of the value of their property and the improvement could not exceed ten percent of the value of the property. Mr. Del Sindaco stated that this program allows eligible property owners to make improvements and pay it back with savings that a property owner is getting from their energy bill and there hasn't been a program like this until now.

On motion of Trustee Davis, seconded by Trustee Murtaugh the Public Hearing was closed, with a 4-0 vote.

On motion of TRUSTEE GALLELLI seconded by TRUSTEE DAVIS, the following resolution was adopted by the Board of Trustees of the Village of Croton on-Hudson, New York, with a 4-0 vote.

WHEREAS, it is the policy of the Village of Croton on Hudson to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy; and

WHEREAS, the Village finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures; and

WHEREAS, Local Law Introductory No. 2 of 2013 has been drafted to establish a sustainable energy loan program in the Village of Croton on Hudson, and

WHEREAS, a Public Hearing was held and closed on February 19, 2013;

NOW THEREFORE BE IT RESOLVED: the Village Board of Trustees hereby adopts Local Law Introductory No. 2 of 2013 to establish a sustainable energy loan program in the Village of Croton on Hudson which upon adoption becomes Local Law 2 of 2013.

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 4-0 vote.

WHEREAS, the Village has adopted Local Law 2 of 2013 pursuant to Article 5-L of the General Municipal Law of the State of New York, which Local Law also authorizes Energy Improvement Corporation (EIC) to act on its behalf in carrying out its Programs, and

WHEREAS, the Village wishes to apply for membership of Energy Improvement Corporation in order to offer property owners within the Village the public benefits available through the Energy Improvement Corporation; and

WHEREAS, the Energy Improvement Corporation is a non-profit, local development corporation chartered under New York State Law to act on behalf of its municipal members "to facilitate and finance qualified energy efficiency improvement projects and renewable energy system projects for residents, organizations, institutions and businesses in participating municipalities in New York"; and

WHEREAS, the Village meets the requirements for membership in the Energy Improvement Corporation, including:

- (1) Our Village has a current credit rating of Aa2, meeting the credit requirement of above "A" and/or above "A2" for EIC member municipalities; and
- (2) Our Village Board had adopted the Local Law pursuant to Article 5-L of the General Municipal Law of the State of New York, which Local Law also authorizes EIC to act on its behalf in carrying out its Programs, such as the Energize NY Benefit Finance Program; and
- (3) Our Village Board intends to vote on the EIC Intermunicipal Agreement upon a favorable membership application decision from the EIC: and
- (4) Our Village acknowledges our duty, if our application for membership is successful, to participate in the EIC Annual Meeting to be held on or about March 31 of each year.

NOW THEREFORE BE IT RESOLVED: the Village Board hereby authorizes the Village Manager to submit a membership application to Energy Improvement Corporation.

#### 4. CORRESPONDENCE

- a. Letter from Down to Earth Farmer's Market/2012 Season Update

#### 5. CITIZEN PARTICIPATION-AGENDA ITEMS

Bob Wintermeier, 43 Radnor Avenue, Croton-on-Hudson, said that he is concerned that Down to Earth Farmers Market is looking for the Village to help solve some of their problems. Mr. Wintermeier said that this is a private enterprise and the Village should not get involved.

Trustee Murtaugh said that he agrees that this is a private business; the Village gave them a helping hand at one point and he is not sure that we need to do so any longer. Trustee Murtaugh stated that the Board plans to have a meeting with Down to Earth Farmers Markets to discuss some of the issues addressed in their letter.

Virginia Calcutti, 19 Hunter Place, Croton-on-Hudson, is concerned and hopes that the Board looks at this very closely.

Dan Chesnard, 64 Farrington Road, Croton-on-Hudson, said that he was very excited when the market first came to Croton but found that the items being sold were more expensive than the grocery store.

Frankie Rowland, Marketing Director for Down to Earth Farmers Markets, said that when the market first opened there was a lot of local support but over the year's attendance has dropped and the purpose of the proposal was to look at ways to increase the number vendors and shoppers. Ms. Rowland said that if we want to move forward in planning a market for the 2013 season Down to Earth Farmers Markets will submit a proposal for the Board to review and looks forward to engaging the Board and community in these discussions.

Kevin McClone, 2 Stevenson Place, Croton-on-Hudson, asked what is Laserfiche.

Mayor Wiegman explained that the Laserfiche program allows us to scan documents into electronic files; instead of storing paper records in boxes, records are stored electronically saving both time and money for retrieval and storage costs.

Trustee Gallelli advised that under New York State Law there are required Records Management Schedules that all municipalities must follow and this is a way for the Village to condense our records and Laserfiche is one of the recommended ways to do this.

Kevin McClone said he was concerned that we only received one bid for the Sweeper and why can't we use some of the money that is in the current budget for the new sweeper as opposed to bonding it. Mr. McClone asked with respect to the three contracts on the agenda this evening is there any guidelines on how we rate them.

Trustee Murtaugh advised that there are very few companies that manufacture this type of equipment; the Village experienced a similar experience when they went out to bid for a fire truck and only received one or two responses.

Village Manager Zambrano advised that the Village did all the legal publications that they were required to do with respect to advertizing for bid and he is not surprised that we only received one bid. Mr. Zambrano said that the money in the budget will be used for future maintenance on the sweeper. Mr. Zambrano stated that we are currently contracting a vendor to clean our streets and it is costing us money which was not budgeted and we are bonding this amount because we currently do not have money in our budget for it.

Mayor Wiegman said that the longer we put off purchasing the sweeper the more we have to pay for an outside service to do it. Mayor Wiegman said that we

also do not have any control over the schedule and under Federal Storm Water Regulations we have to be on a regular street cleaning schedule; the next few months is the heaviest time for this service and the Village cannot wait another seven months.

Trustee Gallelli stated that equipment purchases of this magnitude are typically bonded and not put into the General Fund Budget.

Trustee Murtaugh stated that with respect to the agreements that are on the agenda this evening; if we are satisfied with their performance we have the opportunity to renew them at the same rates as last year.

Trustee Gallelli said that we received a letter from our DPW Superintendent advising that they are doing a good job and it is based on that recommendation.

Village Manager Zambrano advised that if these contractors were not doing a good job the Village would not consider renewing them; they are all doing what we requested them to do.

Mayor Wiegman said that we rely on our professional staff to tell us whether contractors are doing what we expect them to do.

#### 6. RESOLUTIONS:

a. On motion of TRUSTEE DAVIS, 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 4-0 vote.

WHEREAS, the 2011 contract with Suburban Maintenance & Landscaping from Hawthorne, NY for an Organic Athletic Turf Care Program; including soil testing, fertilizing, pest control and core aeration at five(5) ball fields, Croton Landing, Duck Pond , Dobbs Field, Manes Field, and Firefighters field has expired ,and

WHEREAS, the contract was written for one year but allows for an extension of an additional two year at the same prices if both parties agree; and WHEREAS, the contractor has stated that he wants to extend the contract for another year in the amount of \$5,204.61; and

WHEREAS, at the request of the Board, the contractor will apply three additional applications of organic turf treatment in the amount of \$5,483.39; and

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

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to extend the contract with Suburban Maintenance & Landscaping from Hawthorne, NY for an Organic Athletic Turf Care Program for a total amount of \$10,688.00,

AND BE IT FURTHER RESOLVED: that the amount should be charged to Account #A7140.4000.

Discussion:

Trustee Gallelli commented that the organic turf treatment worked out well for the first year and it is worth doing again.

Mayor Wiegman said that Croton Landing Field has definitely done better this past summer than the summer before.

b. 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 4-0 vote.

WHEREAS, the 2011 contract with LeTeja Contracting & Landscaping of Ossining, New York for lawn maintenance including spring and fall cleanup, mowing and trimming for selected Village parks, fields and other properties has expired; and

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

WHEREAS, the Contractor has stated that he wants to extend the contract for another year in the amount of \$51,270; and

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

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to extend the contract for the Lawn Maintenance program to LeTeja Contracting & Landscaping of Ossining, NY in the amount of \$51,270.

AND BE IT FURTHER RESOLVED: that the amount should be charged to Account #A7140.4000.

c. On motion of TRUSTEE MURTAUGH, 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 5-0 vote

WHEREAS, on April 11, 2012, at a Regular Meeting of the Board, the Village Board authorized the Manager to award the Night Security bid proposal to PEC Group of New York, Inc of Mahopac, NY at the rate of \$19.04 per hour and \$28.56 per hour on Holidays; and

WHEREAS, the Village has an option to renew the contract on a yearly basis for two additional years at the original contract price; and

WHEREAS, the Village has been satisfied with the services provided by PEC Group of New York, Inc; and

WHEREAS, the Superintendent of Public Works has recommended that the contract be extend for a second year;

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to extend the contract with 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 the summer season of \$17,278.80 will be charged to account #A7140.0400

d. On motion of TRUSTEE MURTAUGH, 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 4-0 vote.

WHEREAS, on February 5, 2013, one bid was received and opened for the purchase of a Street Sweeper, and

WHEREAS, Long Island Sanitation of Farmingdale, NY submitted a bid of \$181,317 with a \$6,000 trade in option; and

WHEREAS, the General Foreman has reviewed the bid and recommends awarding the contract to Long Island Sanitation of Farmingdale, NY;

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to award the bid to Long Island Sanitation of Farmingdale, NY in the amount of \$181,317 with a \$6,000 trade in option for the purchase of a Street Sweeper.

Discussion:

Trustee Murtaugh commented that when the street sweeper was knocked out of service last June DPW Superintendent Marco Gennarelli came to us with three suggestions; have an outside contractor do the work; try to repair the machine or purchase a new one. Trustee Murtaugh stated that repairing the machine was almost immediately ruled out because of the age of the machine and when Mr. Gennarelli made an analysis of the cost associated with using an outside contract as opposed to purchasing a machine we decided to purchase our own machine. Trustee Murtaugh said that by having our own machine we will also be able to use it for other emergency street sweeping needs.

Mayor Wiegman advised that there was a twenty-five page bid specification package that was put out and while we only had one bidder this bidder complied with all of the Village's requirements.

Trustee Gallelli said that in some respect the purchase of the sweeper is another unfunded State Mandate; due to Federal Stormwater Regulations the Village is required to do this. Trustee Gallelli said that since our street sweeper has been disabled we've had to contract out for these services and we do not get any reimbursements from the State or Federal Government.

Mayor Wiegman said that our Croton and Hudson Rivers benefit by having clean streets.

Village Manager Zambrano stated that the Stormwater Management Program is getting stricter especially since the entire Village is in the Coastal Zone and it is something that we must continue to do on a regular basis.

e. On motion of TRUSTEE DAVIS, seconded by TRUSTEE GALLELLI the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York, Roll Call, Trustee Davis Aye, Trustee Gallelli Aye, Trustee Murtaugh Aye, Mayor Wiegman Aye.

**BOND RESOLUTION, DATED FEBRUARY 19, 2013, AUTHORIZING THE ISSUANCE OF UP TO \$102,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF CROTON-ON-HUDSON, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE**

**ACQUISITION OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE IN AND FOR THE VILLAGE.**

**WHEREAS**, the Board of Trustees of the Village of Croton-on-Hudson (the "Village"), located in Westchester County, in the State of New York (the "State"), hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition of machinery and apparatus for construction and maintenance, including other preliminary and incidental costs, in and for the Village, at a total cost not to exceed \$102,000, in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Croton-on-Hudson, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$102,000, pursuant to the Local Finance Law, in order to finance costs of the specific objects or purposes hereinafter described.

Section 2. The specific objects or purposes or class of objects or purposes to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of each item of such specific objects or purposes or class of objects or purposes, the principal amount of serial bonds authorized herein for such specific objects or purposes or class of objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes thereof pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

The acquisition of machinery and apparatus for construction and maintenance for the Village, together with applicable incidental and preliminary costs in connection therewith, at an estimated maximum cost of \$102,000 for which \$102,000 principal amount of serial bonds are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) by the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the classes of objects or purposes or specific objects or purposes listed in Section 2 above is \$102,000; (b) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of

the serial bonds or bond anticipation notes authorized herein; and (c) the maturity of the obligations authorized herein will be in excess of five (5) years.

Section 4. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this Resolution, and the power to issue, sell and deliver such serial bonds and bond anticipation notes are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Clerk of the Village is hereby authorized to affix the seal of the Village to all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.

Section 6. When this Resolution takes effect, the Clerk of the Village shall cause the same or a summary of the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Gazette, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized by this Resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 7. Prior to the issuance of obligations authorized to be issued by this bond resolution, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all

regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this resolution (the "obligations"), the Village agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village. The Village Treasurer

acting in the name and on behalf of the Village, shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

Section 9. The Village hereby declares its intention to issue the obligations authorized herein to finance costs of the Project. The Village covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of any of the equipment financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code"), (except for the alternative minimum tax imposed on corporations by section 55 of the Code) or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any of the vehicles financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by section 55 of the Code) or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made for such purposes on or after a date which is not more than sixty (60) days prior to the date of adoption of this Resolution by the Village.

Section 10. This Resolution is subject to a permissive referendum and will take effect upon the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

f. On motion of TRUSTEE DAVIS 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 5-0 vote.

WHEREAS, the Village uses the Laserfiche program provided by General Code to scan, store, and maintain a database of its vital records, and

WHEREAS, it has been ten years since this program has been upgraded, and

WHEREAS, since that time Laserfiche has increased its functionality and workflow processes which will enable the village administrative office to increase its efficiency and productivity; and

WHEREAS, General Code has provided the Village with a proposal for the latest upgrade for Laserfiche; and

WHEREAS, the cost for this upgrade including support and training is \$13,562, NOW THEREFORE BE IT RESOLVED: the Village Board authorizes the Village Manager to accept the proposal from General Code for an upgrade to the Laserfiche program in the amount of \$13, 562 including support and training,

AND BE IT FURTHER RESOLVED: that the Village Board of Trustees authorizes a transfer of \$13,562 from the contingent account A1990.4000 to account A1460.4000.

Discussion:

Village Manager Zambrano advised that one of the biggest features of the new software is that when we scan a document into the system it will index it automatically; we will also be able to search documents and retrieve them much faster.

g. On motion of TRUSTEE , seconded by TRUSTEE the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York, with a 5-vote.

**RESOLUTION BY VILLAGE OF CROTON-ON-HUDSON ACKNOWLEDGING PARTICIPATION IN THE MID-HUDSON REGIONAL SUSTAINABILITY PLAN AND ENDORSEMENT OF VISION AND IMPLEMENTATION STRATEGIES OF THIS PLAN AS PREPARED FOR CLEANER, GREENER COMMUNITIES PROGRAM OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.**

**WHEREAS**, Governor Cuomo announced in his 2011 State of the State address a \$100 million competitive grant program (Cleaner, Greener Communities program) to encourage communities to develop regional sustainable growth strategies; and

**WHEREAS**, the Regional Sustainability Planning program is the first stage of the Cleaner, Greener Communities program and is intended to provide the necessary resources for each region in New York State, as defined by the boundaries of the Regional Economic Development Councils (REDCs), to develop a comprehensive sustainability plan; and

**WHEREAS**, engaging counties and municipalities in the planning process will allow each region to develop its vision, goals, and objectives for a sustainable future and to identify the activities or types of projects needed to achieve that future; and

**WHEREAS**, in stage two of the Cleaner, Greener Communities program—the Implementation Grant stage – funding will be provided on a competitive basis for implementation of specific projects that provide the greatest opportunities for achieving carbon reductions, energy efficiency savings, and renewable energy deployment consistent with a region’s sustainability and REDC strategic plans; and

**WHEREAS**, the Mid-Hudson Region of New York State consists of the seven Counties located immediately north of New York City (NYC): Westchester County, Rockland County, Orange County, Putnam County, Dutchess County, Ulster County, and Sullivan County and covers just over 4,500 square miles and contains 198 municipalities; and

**WHEREAS**, the Mid-Hudson Regional Sustainability Plan (the “Plan”) purpose is to inform county and municipal sustainability and land use policies, serve as a basis for local government infrastructure decision making, guide infrastructure investment of both public and private resources, outline specific and tangible actions to reduce greenhouse gas emissions consistent with New York State’s goal of 80% carbon reduction below 1990 levels by the year 2050, and identify strategies for adapting to the effects of climate change; and

**WHEREAS**, these objectives are paired with implementation strategies to provide a common framework for the Region’s sustainable development and the Plan provides a common, uniting framework, each resident, municipality, and organization in the Region remains able to chart their own course toward achieving this vision, either individually or collectively; and

**WHEREAS**, the resulting Plan sets out a vision for sustainable development that builds on the Region’s unique social, cultural, and natural history, with the goal of promoting economic development, environmental sustainability, and enhancing quality of life for the more than two million residents that call the Region home; and

**WHEREAS**, the Plan is non-binding and provides information and guidance, and is intended for use as a common reference tool by local government and non-governmental organizations (including for profit businesses); and

**WHEREAS**, the Plan identifies five (5) deeply interconnected building blocks for sustainable development present in the Region: the diverse natural environment, a

vibrant economy, strong transportation accessibility and connectivity, numerous existing centers, and an exceptional quality of life; and

**WHEREAS**, the Plan provides project ideas, best practices, objectives and targets, as well as baseline information that can be incorporated into comprehensive plans, management plans, zoning, and other planning and strategy documents; and

**WHEREAS**, the Plan provides local entities with a regional framework for planning and action that is intended to help coordinate efforts and decision-making with the goal of promoting regional-scale sustainable development; and

**WHEREAS**, the Plan provides a platform to address inter-municipal issues, such as water management, economic development, revitalization of aging and historic infrastructure, biodiversity conservation, environmental remediation, and other issues that transcend individual municipal or county borders; and

**WHEREAS**, the Plan facilitates sharing of resources that help local governments achieve economies of scale, saving money and potentially allowing for coordination of educational programs and technical assistance to localities within the Region that have similar assets and issues; and

**WHEREAS**, the Plan positions the Region for more funding opportunities, many of which require grantees to demonstrate regional-scale impacts; and

**WHEREAS**, the Plan enables networking so that individuals, organizations, and municipalities can share ideas and best practices that identify opportunities for collaboration; and

**WHEREAS**, the Plan assists in creating consistent regional definitions and data sets that can help identify larger-scale trends and targets for investment; and

**WHEREAS**, in addition to individual focus-area initiatives, which constitute the backbone of the Plan's implementation strategy, a series of regional strategic priorities have been identified; and

**WHEREAS**, these strategic priorities include efforts which will impact multiple focus areas or have transformative potential at the regional scale; and

**WHEREAS**, the Plan includes recommendations to sustain and strengthen regional-scale planning, coordination, and action, which is intended to help ensure accountability and facilitate Plan implementation at the local, organizational, and individual level; and

**WHEREAS**, if objectives for sustainable development are to be achieved in the Mid-Hudson region; and

**WHEREAS**, a premise of this process, the Plan provides for a regional approach that is essential for effectively addressing the societal challenges the area faces in this century; and

**WHEREAS, the Village of Croton-on-Hudson** acknowledges active participation in the work effort of the Plan's consortium of counties, municipalities, nongovernmental organizations, private businesses, nonprofits and residents that have joined together to give input and help produce the Plan; and

**OW, THEREFORE, BE IT RESOLVED**, that the Village Board of Trustees of the Village of Croton-on-Hudson hereby endorses the Mid-Hudson Sustainability Plan as a concept document, and acknowledges the Plan's vision and objectives that are paired with implementation strategies to provide a common framework for counties, municipalities, nongovernmental organizations, private businesses, nonprofits and residents to help implement sustainable development in the Mid-Hudson region.

**BE IT FURTHER RESOLVED**, the Plan provides a common, uniting framework, each resident, municipality, and organization in the Region remains able to chart their own course toward achieving this vision, either individually or collectively and the Village of Croton-on-Hudson will to the best of its ability help the Mid-Hudson region reduce greenhouse gas emissions consistent with New York State's goal of 80% carbon reduction below 1990 levels by the year 2050 and create jobs that, where possible, align with the Mid-Hudson Regional Economic Development Council's goals.

Discussion:

Trustee Gallelli stated that this is a very long and interesting document and is available on line through our web-site.

Mayor Wiegman stated that the Mid-Hudson Regional Plan is being funded by the State Energy Agency; there will be a public forum on February 28<sup>th</sup> to announce the final plans and how to implement the actual projects.

CITIZEN PARTICPATION-NON AGENDA ITEMS - none

APPROVAL OF MINUTES

Trustee Davis made a motion to approve the minutes of the Regular Meeting held on February 4, 2013 as amended. Trustee Gallelli seconded the motion. The Board approved with a vote of 4-0.

## 7. REPORTS

*Village Manager Zambrano* advised that the EMS recruitment program is going well, mailers were sent out and Mr. Nagel reports that quite a few Croton EMS drivers have joined since the last report. Mr. Zambrano attributed this to Mr. Nagle's ability to speak to the community and members of the Fire Department and thanked him for being very proactive.

*Village Manager Zambrano* announced that the Historical Society has come across some historical photos of Croton and he is hoping to put them on display at Village Hall.

Village Manager Zambrano advised that he recently attended the NYCOM (New York Conference of Mayors) Legislative meeting and reported that new Legislation is being considered for Pension Reform that will include something called a "stable lock-in rate". Mr. Zambrano said that in his opinion he does not think this new Legislation will benefit any municipality in the State. Mr. Zambrano additionally advised that the "Binding Arbitration" Legislation being considered to assist municipalities that are in distress only is not fair; in this day and age with the Tax Cap Legislation every municipality in the State should be able to take advantage of this proposed new Legislation.

*Trustee Davis* advised that the Board met earlier today for Grievance Day. Trustee Davis thanked Village Assessor Joseph Sperber for giving him a run through on the grievance process and helping him to better understand the process.

*Trustee Davis* advised that he also attended the recent NYCOM Legislative meeting. Trustee Davis advised that this meeting gives municipalities around the State an opportunity to discuss common issues including legislation that could affect them. Trustee Davis stated that he received a lot of information that will help to improve our government; he got to network with other elected officials and learned that other municipalities across the state have the same similar problems and issues. Trustee Davis mentioned that the Westchester Municipal Officials Association also held a meet and they had an opportunity to meet with their local elected officials.

*Trustee Davis* advised that the Croton Conservation Advisory Committee will hold a vine cutting program this Saturday at Black Rock Park.

*Trustee Gallelli* stated that she also attended the NYCOM Legislative meeting and what is being proposed for Pension Reform is what the government calls "Pension Smoothing". Trustee Gallelli said that Pension Smoothing is not the same as Pension Reform and she does not think it will do anything for municipalities throughout the State.

Trustee Gallelli advised that our Assessor Joseph Sperber was of great assistance during Grievance Day; helping us to move through some fifty-five cases that came before the Board today. Trustee Gallelli said that the number of cases were about the same as last year but way less than two years before.

Trustee Gallelli advised that on Tuesday, February 26<sup>th</sup> the Conservation Advisory Council will be starting their "Green Living Series" at the Croton Library.

*Trustee Gallelli* updated the community on the cost of the Article 78 proceedings with regard to the Gateway Re-Zoning Law for Harmon. Trustee Gallelli advised that the number given at the last meeting still remains at \$360,897.87; we have not received bills for January and February but a great deal of work has been done in both January and February and it will ultimately catch up to us and she will report on those number at our next meeting.

*Trustee Murtaugh* pointed out that one of the complainant's that brought this Article 78 action against the Village grieved their taxes today.

*Mayor Wiegman* advised that as of today we have spent \$360,897.87 defending ourselves against the Article 78 which comes to \$302.77 per day for the 1,192 days since the board first adopted this legislation on November 16, 2009 and 261 days since the Board adopted the second revised Harmon Zoning Law on June 4, 2012.

*Mayor Wiegman* stated that he also attended the NYCOM Legislative meeting; it is a great opportunity to sit down with other elected officials from other communities across the State to discuss issues that affect all of us. Mayor Wiegman stated that they also sat down with NYCOM's professional staff and other municipal managers and while no one has all the answers collectively we hope to come up with good potential approaches and ways to aggregate common interests to achieve better solutions. Mayor Wiegman added that the Westchester Municipal Officials Association also held a very productive meeting during the conference; we met with eight different State level elected officials that represent Westchester; we brought a list of issues one of which included Pension Reform.

There being no further business to come before the Board, Trustee Gallelli made a motion to adjourn the meeting. Trustee Murtaugh seconded the motion; approved 4-0. The meeting was adjourned at 10:05pm.

Respectfully submitted  
Judy Weintraub, Board Secretary

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Village Clerk