

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Tuesday, January 22, 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 –arrived 8:45pm
Village Attorney Staudt	Trustee Raskob
Village Treasurer Bullock	Trustee Davis

1. CALL TO ORDER:

Mayor Wiegman called the meeting to order at 8:10pm. Everyone joined in the Pledge of Allegiance.

2. APPROVAL OF VOUCHERS:

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

General Fund	\$160,598.30
Water Fund	\$ 7,759.81
Sewer Fund	\$ 231.79
Capital Fund	\$ 33,383.92
Trust Fund	\$ 5,532.10
Total	\$207,505.92

3. PRESENTATION I.

Village Manager Zambrano gave an update on the Harmon and Cook/Wolf Water Projects. Mr. Zambrano explained that the water main projects will consist of cement lining existing water mains, installing new water mains and replacement of fire hydrants. Mr. Zambrano advised that survey work is almost complete for all areas including the extra survey work for the easement areas. Mr. Zambrano advised that the engineering firm of WSP Sells is well into the design work for the initial Harmon area along with the design work for the expanded area. Mr. Zambrano also advised that the engineering firm of Chazen is well into the design work for the Wolf Road and Cook Lane areas and we are awaiting permit approval from the New York State Department of Transportation for the design work that will be done under the State Highway Route 9A. Mr. Zambrano advised that we are planning to go out to bid sometime in March/April of this year with

construction starting late spring/early summer and continuing through the fall.

PRESENTATION II.

Mayor Wiegman advised that visitors to our 911 Memorial Site have been placing toys that we suspect are in memory of the lives that were lost during the Sandy Hook Connecticut tragedy. Mayor Wiegman advised that Janet Mainiero and her Committee have respectfully removed the toys and have delivered them to New Town Connecticut to be among the other items that have been left in memory of those who were lost.

4. PUBLIC HEARING:

Introductory Local Law No. 1 of 2013 to Over-ride the "Property Tax Cap" Law enacted by the State Legislature

A motion to open the Public Hearing was made by Trustee Raskob and seconded by Trustee Gallelli, with a 4-0 vote.

John McBride, 132 Old Post Road North, Croton-on-Hudson, stated that the Tax Cap is a stupid law and the Village would be highly remiss not to pass this Local Law to override it. Mr. McBride said that California is reeling from their tax cap legislation. Mr. McBride said that even if you went over the Tax Cap by pennies the penalties are substantial.

On motion of TRUSTEE RASKOB, 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, the State Legislature and the Governor recently enacted legislation that establishes a "property tax cap" on the amount that a local government's property tax levy can increase each year; and

WHEREAS, this law is effective for local government's fiscal year beginning in 2012; and

WHEREAS, under this law, the total amount to be raised through property taxes charged on the municipality's taxable assessed value of property, will be capped at 2 percent or the rate of inflation, whichever is less, with some exceptions; and

WHEREAS, the state legislation provides for local governments to override the cap to protect the Village from unforeseen financial circumstances; and

WHEREAS, state legislation requires that in the event that an override is necessary, the law enabling it must already have been adopted by the Board of Trustees; and

WHEREAS, Local Law Introductory No. 1 of 2013 has been drafted to override the "property tax cap" law enacted by State Legislature if necessary;

WHEREAS, a Public Hearing was held and closed on January 22, 2013,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby adopts Local Law Introductory No. 1 of 2013 to override the "property tax cap" law enacted by State Legislature if necessary, which upon adoption will become Local Law No. 1 of 2013.

DISCUSSION:

Trustee Raskob stated that there are no penalties for passing this but rather a substantial penalty for not passing it if a municipality were to go over the 2% Tax Cap. Trustee Raskob stated that by no means is the Board planning on going over the 2% Tax Cap and we will continue to do everything in our power not to do so. Trustee Raskob encouraged all residents to attend the Budget review meetings.

Trustee Gallelli stated that we did this last year; it is the prudent thing to do to be fiscally responsible and this does not signify any intention on the Board's part to exceed the Tax Cap; it is to prevent any penalties if something unforeseen comes across our desk. Trustee Gallelli stated that our Tax Levy last year was only 1.42% and the community should take that as an indication of our intentions for this year.

Trustee Davis stated that the Tax Cap is a bad law; when it was passed the State was going to look at Mandate relief but they have not and this was an attempt for the politicians to get re-elected. Trustee Davis also stated that New York State is not increasing any aide to municipalities and it is another case of grand-standing by other elected officials.

Mayor Wiegman said that over the last four years since the onset of the recession and since the 2009/10 Budget our total appropriations (total amount of money that the Village budgets to spend) has risen 7.2% in those four years (less than 2% per year). Mayor Wiegman stated that virtually all of this is due to increased Mandates from the State for Pension contributions and other related personnel contribution expenses. Mayor Wiegman stated that department budgets have been flat over the last four year period and our total non-tax revenues has risen almost twice as much or twice as fast as our total appropriations and that is largely due to the parking lot revenues which has risen 13.2% over the last four years. Mayor Wiegman advised that our Tax Levy (money to be collected through taxes) climbed 3.6% over four years; less than 1% per year and well under the 2% current Tax Levy Cap which shows that the Village has been very careful to keep the Tax Levy below 2% even before the State legislated this. Mayor Wiegman said that the tax rate actually

went down the first two years of those budgets and in the last two years due to the half million increase in Pension contributions our tax rate climbed a little. Mayor Wiegman stated that the other piece that drives tax rates is the value of properties within a municipality. Mayor Wiegman said that for the last five to six years the assessment for the Village has been relatively flat at approximately \$43 million. Mayor Wiegman said that the good news is even with a completely flat assessed value we have been able to keep the tax rate increase well below what other municipalities have been able to do. Mayor Wiegman said that the minute that we have any substantial renovation of our commercial properties that measurably add to the valuation the entire tax rate will go down for everyone else. Mayor Wiegman said that the good news is that we have been able to raise non-tax revenues largely due to the parking revenue.

Trustee Gallelli reported that there was nothing in the Governor's speech today to indicate that there would be any relief from the State with respect to reductions in Pension and Health costs or any other State Mandates.

CORRESPONDENCE:

- a. Letter from Thomas Bellard, Director of Valuation Service Bureau, NYS Department of Taxation and Finance Office of Real Property Tax Service advising of the Final Special Franchise Assessments
- b. Letter from Joseph Whelan, Chair, Westchester County Rent Guidelines Board advising of Public Meeting scheduled for Wednesday, January 23rd.

5. CITIZEN PARTICIPATION-AGENDA ITEMS

Ray Fortini, 21 Wolf Road, Croton-on-Hudson asked if residents are taking advantage of the lower assessed valuations and grieving them and are the commercial properties picking up the slack. Mr. Fortini said that he felt it would benefit the community as a whole to look at everyone's assessed values with the economy the way it is and so many people are hurting.

Mayor Wiegman said that the Village has seen an increase in grievances. Mayor Wiegman explained that when a property owner is awarded an assessed valuation reduction we have to add that lost value onto other properties throughout the Village to make up that money. Mayor Wiegman advised that commercial properties have a different process whereby they go through a five year process of notification and we know when those are coming but residential homeowners can apply up to grievance day.

Trustee Gallelli stated that a revaluation is always a difficult territory to be in; the rule of thumb when you do a revaluation is that one-third of the

properties stay the same, one-third go down and one-third go up. Trustee Gallelli advised that it is extremely expensive; about six or seven years ago the County passed a bill to do a revaluation for the entire County and the expenses would have been spread throughout Westchester municipalities but the law, which was approved by the State Legislature, was vetoed by Governor Pataki and since then there has not been any movement to do a revaluation.

Mr. Fortini asked under what circumstances the Village would reevaluate a home.

Mayor Wiegman responded by saying that when a homeowner applies for a Building permit to make changes to their current structure. Mayor Wiegman stated that homes that have never made any changes will continue to have older valuations; brand new homes are going on the books at the full value for that particular year.

Trustee Raskob said that of the things that make no sense in government, property valuation is probably in the top three. Trustee Raskob said that property valuation is basically guesswork; a home is only worth what it is worth at an "arms length transaction".

Village Attorney Staudt said that revaluation costs hundreds of thousands of dollars and costs significant money to keep up every year.

Virginia Calcutti, 19 Hunter Place, Croton-on-Hudson asked if we are cement lining everything and has anything been planned for Hunter Place and Farrington.

Village Manager Zambrano responded by saying that we are not cement lining everything, only certain areas. Mr. Zambrano advised that Hunter place and Barrington are separate projects and we are waiting to receive approvals from the County for these plans.

Virginia Caluctti, 19 Hunter Place, Croton-on-Hudson asked for an explanation of the cameras and questioned some of the costs for the program.

Mayor Wiegman advised that these are optical cameras in the license plate location system that will be placed on vehicles to read license plates in our parking lot. Mayor Wiegman stated that this is similar technology that we have on our police cars but these cameras will only be able to read license plates in our parking lots and will improve the efficiency of how we monitor these lots. Mayor Wiegman advised that the staff has done a lot of research on this program and it has shown that it will have significant savings.

6. RESOLUTIONS:

a. 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 5-0 vote.

WHEREAS, Dvirka and Bartilucci has prepared a proposal to continue to assist the Village in maintaining compliance with the NYSDEC Phase II Storm Water regulations and General Permits; and

WHEREAS, Dvirka and Bartilucci proposes the following 2 tasks

(1) Prepare 2013 Storm Water Management Program Annual Report for submittal to NYSDEC

(2) Continuation of Outfall Inspections

WHEREAS, the total cost of these 2 tasks comes to \$7,000 and

WHEREAS, the Superintendent of Public Works recommends that the Village proceed with both tasks,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to sign the proposal from Dvirka and Bartilucci for storm water management assistance for 2 tasks at a total cost of \$7,000,

b. On motion of TRUSTEE DAVIS, 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 5-0 vote.

Whereas, the agreement with O'Connor Davies, LLP has expired; and

Whereas, O'Connor Davies, LLP has provided the Village with a new agreement for the years June 1, 2012 through May 31, 2017; and

Whereas, the agreement will cover the basic audit including the conversion of fund level to government wide GASB No. 34, audit of Justice Court and a risk assessment statement of auditing standards; and

Whereas, the Village has an on-going relationship with O'Connor Davies, LLP and they have provided the Village with excellent financial auditing services over the years,

NOW THEREFORE BE IT RESOLVED, that the Village Manager is hereby authorized to sign the retainer agreement with O'Connor Davies, LLP for the years June 1, 2012 through May 31, 2017 in the amounts as follows:

2013 - \$43,500
 2014 - \$43,500
 2015 - \$44,300
 2016 - \$45,200
 2017 - \$46,000

c. 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 5-0 vote.

WHEREAS, the Village Treasurer wishes to open both sides of the General Fund budget to record the receipt of FEMA and SEMO recoveries from the damage to the Fire Department Boat and subsequent disbursement of these funds towards the purchase of a new vessel, amending the 2012-2013 General Fund budget as follows:

GENERAL REVENUE:

Increase

A1000.4960 – FEMA (Federal portion) \$7,350

A1000.3960 – FEMA (State portion) \$2,450

GENERAL EXPENSES

Increase

A3410.2000 \$9,800

NOW THEREFORE BE IT RESOLVED, that the Village Treasurer is authorized to amend the 2012-2013 General Fund budget to reflect these changes.

d. 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 5-0 vote.

WHEREAS, Tim Haas & Associates, Inc. has prepared a study which evaluated the efficacy of implementing a License Plate Recognition (LPR) system for

parking enforcement and on-line permit management for the Croton-Harmon Train Station parking lot; and

WHEREAS, the study identified, researched, and analyzed a number of different vendors and systems; and

WHEREAS, after reviewing the study the staff conducted personal interviews with a number of the vendors and identified the ones that would provide the best service to the Village; and

WHEREAS, Parcmobile USA, Inc has provided a contract for the online permit management system segment of the LPR system; and

WHEREAS, implementation of an LPR system was discussed at the January 14, 2013 Board of Trustees work session,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is authorized to execute a contract with Parcmobile USA for an on-line permit management system subject to the approval of the Village Attorney at a cost of initial set up of \$500, LPA integration of \$100/hour, and an annual cost of \$1 per permit per month.

DISCUSSION:

Trustee Gallelli stated that we had a very extension discussion at our last work session where our Assistant Village Manager covered our current costs and it has been shown that this program will save time and money and make the process much smoother for the purchasers and the staff.

e. On motion of TRUSTEE RASKOB 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, Tim Hass & Associates, Inc. has prepared a study which evaluated the efficacy of implementing a License Plate Recognition (LPR) system for parking enforcement and on-line permit management for the Croton-Harmon Train Station parking lot; and

WHEREAS, the study identified, researched, and analyzed a number of different vendors and systems; and

WHEREAS, after reviewing the study the staff conducted personal interviews with a number of the vendors and identified the ones that would provide the best service to the Village; and

WHEREAS, Parcmobile USA, Inc has provided a contract for the online permit management system segment of the LPR system; and

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NOW THEREFORE BE IT RESOLVED: that the Village Manager is authorized to execute a contract with Parcmobile USA for an on-line permit management system subject to the approval of the Village Attorney at a cost of initial set up of \$500, LPA integration of \$100/hour, and an annual cost of \$1 per permit per month.

DISCUSSION

Trustee Raskob assured everyone that while this is a license plate scanner it is not part of the system that is used by our Police Department and it will not tag anyone for license suspensions or any other violation other than not having a current permit.

Trustee Murtaugh reassured the public that there will be no administration of justice and it is strictly limited to our parking lot enforcement; it will speed up the process and enable the enforcement to cover the parking lot in minutes and it will free up their time to do other tasks.

Trustee Davis said that he received a question asking how much the savings in personnel costs will be.

Village Manager Zambrano advised that he does not have the report with him this evening but can provide that information.

CITIZEN PARTICPATION-NON AGENDA ITEMS

Virginia Calcutti, 19 Hunter Place, Croton-on-Hudson, asked what was the cost of the Parking System Study; when are they going to finish High Street, what is the status on the feasibility study for the Yacht Club and what is the status of the Gouveia Property.

Mayor Wiegman stated that with regard to the study for the Parking System they do not have that information with them this evening but that it was a

relatively modest amount because they were only updating work that they had done before and only needed to update current count.

Village Manager Zambrano stated that since High Street comes onto a State roadway, the Village Engineer has submitted the paperwork to the New York State Department of Transportation and we are hoping to begin early spring.

Village Manager Zambrano advised that the feasibility study for the Yacht Club will be discussed at the January 28th work session.

Mayor Wiegman stated that with respect to the Yacht Club we asked the Planning firm to look at what the highest and best uses are for the Yacht Club parcel and the parcels around it. Mayor Wiegman said that since we already know what is needed with respect to the Bulk Head we did not ask the Planning firm to look at that.

Mayor Wiegman stated with respect to the Gouveia Property the Board has not received anything and it is up to the property owner at this point.

Trustee Murtaugh stated that the Board's due diligence has revealed that there were issues on the property that the property owner had to correct; nothing has been forwarded to the Board, the Village Engineer and Code Enforcement has requested that the property owner remove some of the out-buildings but it is at a standstill at the current time.

Virginia Calcutti, 19 Hunter Place, Croton-on-Hudson asked why are we taking out a twenty-year bond for a \$20,000 project when it should be in our general budget.

Trustee Gallelli stated that all of the things that were approved for bonding at the last meeting are to formalize those projects that have already been approved in the Capital Budget at the end of April 2012; there was nothing new in those bonds and consolidating them at one time is a cost saving measure for the Village.

Mayor Wiegman stated that the law does not permit you to bond longer than the life span of an item or project. Mayor Wiegman stated that the reason we do them all together is because it is more cost effective to do them all at the same time and that some of those bonds will become Bond Anticipation Notes with very low interest rates.

Village Manager Zambrano explained that we do not borrow long term for anything that has a five year life but the bond resolutions have to go through the same process because we are borrowing these funds.

CITIZEN PARTICPATION ON NON-AGENDA ITEMS

John Mastracchio, 49 Old Post Road North, Croton-on-Hudson, said that he tried to address an issue in writing to the Village Engineer regarding Zoning Laws in a Single Family Zone. Mr. Mastracchio advised that a home next to his appears to have two working meters out of the four that are on the structure; the home is up for sale and he is concerned that apartments will be re-created and does not want to see illegal apartments again. Mr. Mastracchio said that our Zoning Laws are here to protect us from individuals who are profiting at the expense of others.

Village Manager Zambrano said that he believes that the issue was addressed; the property is on the market for sale at this time and having the two meters does not mean that there are illegal apartments.

Mr. Mastracchio stated that this property is a single property that already has an additional rental on that property and we are talking about the potential of this becoming a three-rental if those two additional meters still exist.

Village Manager Zambrano stated that the home has gone through some renovations and it is now a one-family home.

Mr. Mastracchio said that he was also concerned about the removal of the oil tank and had spoken with the Village Engineer at that time because he was concerned of how it was being monitored. Mr. Mastracchio said that he could smell oil from his backyard at that time but did not get a response.

Mayor Wiegman said that he was not aware of this issue; our staff is usually very responsive.

Trustee Gallelli thanked Mr. Mastracchio for coming and bringing this to the Board's attention and the Board will get updated on this from the Village Engineer.

Trustee Murtaugh said that it seems that Mr. Mastracchio's main concern is the he was not responded to. Trustee Murtaugh said that this could be more than meets the eye but we as a Village need to communicate better to our resident's concerns.

Virginia Calcutti, 19 Hunter Place, Croton-on-Hudson referred to a piece of property on Old Post Road North that just has a foundation and asked if this can stay this way forever.

Village Manager Zambrano advised that we are in the process of writing a letter to the property owner.

Trustee Murtaugh asked if we have some leverage with situations like this.

Village Attorney Staudt stated that in instances where construction is left partially completed the New York State Property Maintenance Code may apply and there are statutes that can be used to make properties safer.

APPROVAL OF MINUTES

Trustee Murtaugh made a motion to approve the minutes of the Regular Meeting held on January 7, 2013 as amended. Trustee Raskob seconded the motion. The Board approved with a vote of 5-0.

Trustee Davis made a motion to approve the minutes of the Executive Session held on January 14, 2013 as amended. Trustee Raskob seconded the motion. The Board approved with a vote of 4-0. Trustee Murtaugh abstained.

7. REPORTS

Village Manager Zambrano stated that he has received complaints and concerns about dogs barking. Mr. Zambrano said that the Village does have a Dog Ordinance that includes excessive barking and the Police Department should be contacted in those instances.

Village Manager Zambrano advised that he received an inquiry for information requesting ages of our residents. Mr. Zambrano advised that the Village does not keep that type of information.

Mayor Wiegman referred them to the census which gives very detailed information about the residents of our community.

Trustee Davis thanked the Board and staff for helping him in his transition to Village Trustee. Trustee Davis especially thanked Village Manager Zambrano for meeting with and catching him up on matters that he needed to be informed about.

Trustee Gallelli advised that the Community Blood Drive will be held on January 28th at the Ottinger Room at the Croton Library from 3-8pm.

Trustee Gallelli reminded everyone that weekend parking permits have expired.

Trustee Gallelli advised that for the last few meeting she has been updating the community on the costs of the Article 78 proceedings and at our last meeting the information brought us up to September 30 2012 totaling

\$295,159.84. Trustee Gallelli advised that this is a cumulative total since the Article 78 was started in the spring of 2010. Trustee Gallelli reported that the Village has received two additional months of expenses totaling \$28,871.47 bringing the total expense as of November 30, 2012 to \$324,031.31. Trustee Gallelli advised that we have received a bill for December and will report on that amount at the next meeting. Trustee Gallelli stated that the costs are still mounting and we are at a standstill for any improvements to this area.

Trustee Murtaugh reported that the typical offenders are not clearing their sidewalks of snow and ice; we have been very fortunate that we've had very little snow this year but the little snow that we had last week did not get cleaned and it had make it dangerous for those who walk to the train station. Trustee Murtaugh thanked Mr. Franzoso for always having his sidewalks cleaned; he has many properties along this corridor and always makes sure his sidewalks are immaculately cleared of snow. Trustee Murtaugh asked that our Code Enforcement Officer get on those violators.

Trustee Murtaugh asked if we can incorporate the expiring weekend permits into our new system.

Village Manage Zambrano responded by saying yes; it is one of the things we are working on.

Mayor Wiegman advised that we currently stand at 233 days since the Village adopted the second revised Local Law for the Zoning of the Harmon area on June 4, 2013. Mayor Wiegman said that we now have legal fees totaling \$324,031.31 since we first adopted the Local Law on November 16, 2009. Mayor Wiegman stated that if you take the total dollars spent so far defending ourselves and divide it by the days since 2009 we find that we have been spending \$280 per day in defending ourselves in this litigation.

Mayor Wiegman advised that we launched the Energize Croton program last week and a number of residents attended the meeting; staff members from the program talked about energy upgrades and finance options available through the State and three different contractors attended the meeting to assist in answering questions. Mayor Wiegman advised that the meeting was video-taped and will be shown on our website.

There being no further business to come before the Board, Trustee Raskob made a motion to adjourn the meeting. Trustee Davis seconded the motion; approved 5-0. The meeting was adjourned at 10:30pm.

Respectfully submitted
Judy Weintraub, Board Secretary

Village Clerk