

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Monday, April 7, 2014 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, New York 10520.

The following officials were present:

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| Mayor Wiegman | Trustee Gallelli |
| Village Manager Zambrano | Trustee Davis |
| Village Attorney Whitehead | Trustee Levitt |
| Village Treasurer Bullock | Trustee Slippen |

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 2013-2014 Vouchers. The motion was seconded by Trustee Slippen and approved unanimously with a vote of 5-0.

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| General Fund | \$254,422.43 |
| Water Fund | \$ 22,091.08 |
| Sewer Fund | \$ 9,726.72 |
| Capital Fund | \$367,201.27 |
| Trust Fund | \$ 65,821.16 |
| Total | \$719,262.66 |

3. CORRESPONDENCE

a. Letter from Bruce Berger, Executive Director, Westchester County Solid Waste Division advising that the Collection Law of 1999 permits local municipalities in Westchester County to enforce provisions of Chapter 826-a relating to vehicles hauling solid waste and recyclables in Westchester County.

b. Letter from Carl Barnes, Youth Minister, Holy Name of Mary requesting use of Senasqua Park for an Ecumenical Sunrise Easter Service.

A motion was made by Trustee Davis and seconded by Trustee Gallelli approving the request from Holy Name of Mary to use Senasqua Park for an Ecumenical Sunrise Easter Service as detailed in their letter dated March 27,

2014 and to further allow the Village Manager to make the necessary arrangements; motion approved with a 5-0 vote.

c. Letter from Karen Ganis, Director of "RideConnect" dated March 19, 2014 advising of the expansion of their program.

d. Letter from Greg Ball, New York State Senator of the 40th District, dated March 19, 2014 regarding an "Operation Prom/Safe Prom" Program.

4. CITIZEN PARTICIPATION-AGENDA ITEMS

Mark Franzoso, 6 Hixson Road, Croton on Hudson, New York, presented the Board with a packet detailing concerns he has with the Village. Mr. Franzoso stated that a letter from his attorney dated November 25, 2013 has not been responded and is still awaiting the status of his claim against the Village. Mr. Franzoso stated that he understands that there will be a meeting to discuss the sidewalks in the Upper Village and asked to be notified so that he can be a part of that meeting.

Mayor Wiegman advised that Mr. Franzoso's claim has been sent to the Village's insurance company; it is being reviewed and we are waiting for a response.

Roseann Schuyler, 41 Olcott Avenue, Croton on Hudson, asked what the justification is for entering into an Executive Session to discuss 1300 Albany Post Road.

Village Attorney Whitehead stated that this is related to the purchase of real property which is something that the Board is allowed to do in Executive Session.

Ms. Schuyler, 41 Olcott Avenue, Croton on Hudson, stated that this is not a purchase but rather a gift. Ms. Schuyler stated that there are certain parameters in the Open Meetings Law and not every transaction is related to the acquisition of property; the Open Meetings Law only permits a Board to go into an executive session to discuss the proposed acquisition, sale or lease of real property when publicity would substantially affect the value; there is no chance that the value of this property is going to be affected by any public discussion because it is an acquisition by gift. Ms. Schuyler urged that if any discussion that should be open to the public be discussed in public.

Village Attorney Whitehead responded that any acquisition of real property or transaction relating to real property is allowed to be discussed in an executive session. Village Attorney Whitehead stated that this is "advice of Legal Counsel" because there are matters that the Board needs legal advice on with respect to matters on how to handle restrictions on the property and matters related to the Trust Document.

Virginia Calcutti, 19 Hunter Place, Croton on Hudson, read a letter from Winifred and Dan Chesnard opposing the acquisition of the Gouveia property. Ms. Calcutti referred to Bruce Berger's letter and requested that trucks coming through the Village be covered as well. Ms. Calcutti referred to the Engagement Letter from Hubacher and Ames and asked why there is a \$6,000 gap for their services. Ms. Calcutti referred to the Mayor's "State of the Village Letter" advising that the work for the Bulkhead was coming in under the anticipated budget but it looks like we are approving an additional \$36,450. Ms. Calcutti questioned the resolution regarding a generator at Half Moon Bay. Ms. Calcutti asked what properties La Teja Contracting & Landscaping will be doing for \$50,000. Ms. Calcutti stated that employees should not be allowed to accumulate large amounts of compensated hours. Ms. Calcutti also asked why non-union employees have a dental plan that costs \$2,300 and Union employees have one that cost a little over \$1,000.

Mayor Wiegman advised that the Village engaged the services of Hubacher and Ames to negotiate on the Village's behalf; if Cablevision drags their feet on these negotiations then we need to have someone represent us who specializes in this kind of work. Mayor Wiegman stated that we would like it to be in the lower range but ultimately the Franchise Agreement does generate revenue that will far exceed what we spend on legal fees for the closing of this deal.

Village Manager Zambrano advised that the additional money is for the engineering firm Ocean and Coastal and not for the contractor; this money is for the their services at the construction site to make sure that the Bulkhead work is being done correctly; the costs for the physical work is under budget. Mr. Zambrano advised that the Village had to extend the engineering services because there were some issues that arose and is pleased to advise that the engineering firm was able to catch these issues and save the Village thousands of dollars.

Mayor Wiegman added that a decision was made to have Ocean and Coastal be present while the construction company was doing the sideways drilling

for the anchor bolts and tie-backs for the wall and having their staff on hand at the Yacht Club has lead the Village being able to deny a very significant number of change-orders and save the Village thousands of dollars as well.

Village Manager Zambrano explained that the generator is for a Village sewer pump station that is used to pump sewerage up to the County Main from Half Moon Bay.

Village Manager Zambrano advised that La Teja provides lawn service for a large number of locations and will be happy to e-mail Ms. Calcucetti those locations.

Bob Wintermeier, 43 Radnor Avenue, Croton on Hudson, suggested that the Village limit deferred vacation, comp and sick time, increase health insurance deductibles and co-pays, stop expensive studies, limit overtime, and reduce meeting costs.

Village Manager Zambrano advised that the Village is looking into new plans that are less expensive but that are equal or better to what they have now.

5. RESOLUTIONS:

- a. A. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE DAVIS, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0.

WHEREAS, the franchise agreement between the Village of Croton and Cablevision is due to expire on September 3, 2014; and

WHEREAS, a new franchise agreement needs to be renegotiated; and

WHEREAS, the Village Attorney has recommended the hiring of Special Counsel, Attorney Matt Ames of the Law Office of Hubacher and Ames, to negotiate the new franchise agreement with Cablevision; and

WHEREAS, the Law Office of Hubacher and Ames has submitted an engagement letter to represent the Village in such negotiations,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the engagement letter with Hubacher and Ames for services related to the negotiations of a new franchise agreement with Cablevision.

DISCUSSION:

Trustee Gallelli advised that our own Legal Counsel suggested that it would be in our best interest to have a specialist represent the Village during these negotiations.

B. On motion of TRUSTEE DAVIS, seconded by TRUSTEE LEVITT, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0.

WHEREAS, on August 5, 2013 the Village Board approved the proposal from Ocean and Coastal Consultants (OCC) for construction administrative services and construction oversight in the amount of \$52,000 for the Bulkhead Replacement Project at the Croton Yacht Club; and

WHEREAS, OCC has spent an unforeseen amount of time overseeing the contractors, Blakeslee Arpaia Chapman, Inc., (BAC), handling requests for information due to field condition changes, and reviewing and advising the Village on change orders submitted by BAC; and

WHEREAS, OCC has submitted a change order request in the amount of \$36,450 to cover the additional time spent on the construction administrative services and construction oversight of the Bulkhead Replacement Project at the Croton Yacht Club; and

WHEREAS, the Superintendent of Public Works recommends accepting the change order submitted by OCC and the amount of \$36,450 be added to the P.O number 1400417,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the change order from Ocean and Coastal Consultants (OCC) for additional construction administrative services and construction oversight in the amount of \$36,450 for the Bulkhead Replacement Project at the Croton Yacht Club.

DISCUSSION:

Trustee Gallelli stated that the Village would be remiss if we did not have this professional oversight for this kind of work.

c. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE SLIPPEN, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0.

WHEREAS, the emergency generator at Half Moon Bay Pump Station is more than 25 years old and needs to be replaced; and

WHEREAS, it is essential to have a reliable generator to provide uninterrupted electrical service; and

WHEREAS, Lynnstaar Engineering has provided a proposal in the amount of \$15,500 for Engineering, preparation of contract documents and construction administrative services; and

WHEREAS, funding for the replacement of the generator was approved in the 2011-12 capital budget; and

WHEREAS, the Superintendent of Public Works has reviewed the proposal and recommends the Village accept the proposal from Lynnstaar Engineering,

NOW THEREFORE BE IT RESOLVED: that Village Board of Trustees hereby authorizes the Village Manager to sign the proposal from Lynnstaar Engineering in the amount of \$15,500 for engineering, preparation of contract documents and construction administrative services.

DISCUSSION:

Mayor Wiegman stated that this is a critical piece of infrastructure and during Hurricane Sandy we came very close to losing this generator.

Trustee Gallelli stated that we have other pump stations throughout the Village that are backed up by generators; this pump station does not belong to Half Moon Bay; this is a Village owned pump station that serves a segment of our community as other Village owned pump stations do.

d. On motion of TRUSTEE DAVIS, seconded by TRUSTEE LEVITT, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton on Hudson; with a 5-0 vote

WHEREAS, all electrical inspectors must be approved by the Village Board of Trustees in accordance with Section 113-6 of the Village Code; and

WHEREAS, on August 17, 1992 the Village Board approved Tri-State Inspection Agency, Inc. of Warwick NY to perform electrical inspections in the Village of Croton,; and

WHEREAS; the Village Engineer has sent several correspondences to Tri-State Inspection Agency, Inc. requesting updated information pertaining to their company; and

WHEREAS; there has been no response to his correspondences; and

WHEREAS; upon further research, the Village Engineer believes Tri-State Inspection Agency, Inc. is no longer in business and should be removed from the approved official list of electrical inspectors for the Village of Croton-on-Hudson,

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby approves the removal of Tri-State Inspection Agency, Inc., of Warwick, New York from the Village's official list of electrical inspectors for the Village of Croton on Hudson.

- e. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE SLIPPEN, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0 vote.

WHEREAS, on March 24, 2014, 4 bids were received and opened for a Lawn Maintenance Program; and

WHEREAS, the Lawn Maintenance Program includes spring and fall cleanup, mowing and trimming for Village parks, fields and other properties; and

WHEREAS, the Superintendent of the Public Works reviewed the bids; and

WHEREAS, the lowest bidder Suburban Maintenance and Landscaping, Inc. did not meet the required minimum insurance coverage specified in its bid; and

WHEREAS, the Superintendent recommends awarding the contract to the second lowest bidder, La Teja Contracting & Landscaping from Ossining, NY for their bid of \$50,000,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to award the contract to La Teja Contracting & Landscaping from Ossining,

NY for the Lawn Maintenance program in the amount of \$50,000 for several Village properties;

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

DISCUSSION:

Village Manager Zambrano advised that the lowest bidder was seven hundred dollars less but they were unable to get the proper insurance and subsequently withdrew their bid.

Mayor Wiegman advised that La Teja reduced their price from \$51,000 to \$50,000. Mayor Wiegman also asked Mr. Zambrano to make sure that they do as little leaf blowing as possible.

Village Manager Zambrano advised that he will speak with them and will also request that they mulch leaves and grass and leave them in place as well as increase the height of the grass. Village Manager Zambrano also added that the Village will be taking a closer look at these operations to see what we can do in the future to accomplish the same goals.

- f. On motion of TRUSTEE DAVS, seconded by TRUSTEE GALLELLI the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0 vote.

WHEREAS, the Village Board wishes to enact the use of the Best Value Procurement Standard pursuant to Section 103 of the NYS General Municipal Law; and

WHEREAS, Local Law Introductory No.1 of 2014 has been drafted to enact the Best Value Procurement Standard;

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees schedules a Public Hearing on April 21, 2014 at 8pm in the meeting room of the Stanley H Kellerhouse Municipal Building to consider Local Law Introductory No.1 of 2014 authorizing the use of the Best Value Procurement Standard.

DISCUSSION:

Mayor Wiegman advised that the purpose of this is to give the Village a little more flexibility in awarding contracts so that we do not necessarily have to take

the lowest bidder if there are other factors that are important to the Village and offer the best value over the long run. Mayor Wiegman stated that this does not mean we will take the highest bidder but in some cases the Village may want to award a bid to a small local business.

g. On motion of TRUSTEE DAVS, seconded by TRUSTEE LEVITT the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0 vote.

WHEREAS, Local Law No. 3 of 2009 was adopted by the Board of Trustees on May 4, 2009 amending Chapter 172 Section 2(A) of the Village Code adding sub-paragraph (7) allowing sales within any Village Park and Recreation area by authorization of the Village Board, and

WHEREAS, the Blue Pig Ice Cream store and La Monica Deli have applied for a special permit to sell ice cream and food at Vassallo Park on Earth Day, Saturday, April 26, 2014,

NOW, THEREFORE BE IT RESOLVED: the Village Board authorizes the issuance of special permits to the Blue Pig Ice Cream store and La Monica Deli to sell ice cream and food at Vassallo Park;

BE IT FURTHER RESOLVED: the Blue Pig Ice Cream store and La Monica Deli will pay a onetime fee of \$20.00 for the day and will adhere to the following requirements:

- Selling hours for Vassallo Park are restricted to hours between 9:00am to 3:00pm
- The vendor is responsible for providing all necessary equipment. All food must be prepared in accordance with Westchester County Health Department guidelines.
- The vendor is responsible for any kind of clean-up associated with the selling of the food and is responsible for removing all of the garbage and trash associated with the sales of the food.
- All equipment used to sell the food must be portable and must be removed at the end of the day.
- The Village will determine the location of the vendor site(s) within the park.
- The vendor must supply the necessary insurance coverage holding the Village harmless from its operations.

6. CITIZEN PARTICPATION-NON AGENDA ITEMS - None

7. APPROVAL OF MINUTES

Trustee Davis made a motion to approve the minutes as amended of the Regular Meeting held on March 17, 2014. Trustee Levitt seconded the motion. The Board approved with a vote of 5-0.

Trustee Gallelli made a motion to approve the minutes of the Special Meeting held on April 2, 2014. Trustee Levitt seconded the motion. The Board approved with a vote of 5-0.

8. REPORTS

Village Manager Zambrano advised that on March 26, 2014 the Village held a "Rating Conference Call" with Moody's for their next Bond Issue and is pleased to announce that Croton has been re-assigned the Aa2 Rating. Mr. Zambrano advised that this is the tenth or eleventh year that the Village has retained this rating and contributes this to the Village's well managed financial operations.

Trustee Davis stated that as Trustees we may not always agree all the time but as a Board we must work together and any decisions that are made affect members of the Board as well as those in our community and encouraged residents to continue to ask questions so that they understand the issues.

Trustee Davis congratulated Croton Harmon for doing very well on the recent "Best Destination Imagination" State Championship; most of their teams are headed off to the International Championships in Knoxville, Tennessee.

Trustee Slippen – no report

Trustee Gallelli advised that she along with Trustee Slippen and Village Manager Zambrano attended a meeting with the Superintendent of the Croton Harmon School District and two School Board Members to talk about common interests and ideas on how the Village and School District can cooperate and communicate better.

Trustee Levitt advised that opening day for the Croton Community Rowing Association is May 10th and encouraged anyone who is interested to get involved; more information can be found on their web-site Crotonrowing.com.

Mayor Wiegman appointed John F. Mack to serve as Marriage Officer for the balance of this Organizational Year.

A motion to enter into an Executive Session for the purpose of Advice of Legal Counsel on a matter associated with 1300 Albany Post Road was made by Trustee Davis and seconded by Trustee Slippen; motion was approved with a 5-0 vote.

There being no further business to come before the Board; Trustee Davis made a motion to adjourn the meeting. Trustee Levitt seconded the motion; motion was approved with a 5-0 vote. The meeting was adjourned at 10:12pm.

Respectfully submitted

Judy Weintraub, Board Secretary

Paula DiSanto, Village Clerk