

FINAL

Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Tuesday, January 18, 2022, via Zoom.

The following officials were present:

Mayor Pugh	Trustee Gallelli
Village Manager Bryan Healy	Trustee Horowitz
Village Treasurer Tucker	Trustee Rosales
Village Attorney Amanda Brosy	Trustee Simon

The following official was absent:

Village Attorney Whitehead
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1. CALL TO ORDER

Mayor Pugh called the meeting to order at 7:00pm. Everyone joined in the Pledge of Allegiance.

2. APPROVAL OF VOUCHERS

Trustee Simon made a motion to approve the following *Fiscal Year Vouchers*. The motion was seconded by Trustee Gallelli and approved with a 5-0 Vote.

General Fund	\$81,803.19
Water Fund	\$38,918.66
Sewer Fund	\$2,507.24
Capital Fund	\$10,738.68
Trust Fund	\$3,987.50

3. PUBLIC HEARINGS:

- a. Motion to open a Public Hearing on Local Law Introductory No. 1 of 2022 to override the "Property Tax Cap" law enacted by the State Legislature was made by Trustee Horowitz. Motion was seconded by Trustee Simon and approved with a 5-0 vote.

There being no comments to come before the Board a motion to close the Public Hearing was made by Trustee Horowitz. Motion was seconded by Trustee Gallelli and approved with a 5-0 vote.

**Resolution #4-2022**

On motion of TRUSTEE HOROWITZ, seconded by TRUSTEE SIMON, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-

Hudson, New York with the following Roll Call Vote: Trustee Rosales Aye, Trustee Simon Aye, Trustee Gallelli Aye, Trustee Horowitz Aye, Mayor Pugh Aye.

WHEREAS the State Legislature and the Governor 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 became effective for a 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 rate of inflation this year has been set by the State Comptroller's Office at 4.23% for municipalities operating on a June through May fiscal year, 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 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 2021 has been drafted to override the "property tax cap" law enacted by State Legislature if necessary, and

WHEREAS a Public Hearing was held and closed on January 18, 2022,

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby adopts Local Law Introductory No. 1 of 2022 to override the "property tax cap" law enacted by State Legislature, if necessary, which upon adoption will become Local Law No. 1 of 2022.

#### DISCUSSION

Mayor Pugh stated that the Board will do everything within its power to stay within the "Tax Cap" even though the inflation rate is above two percent.

Trustee Simon stated that the Board is going to be meticulous during the Budget process both in terms of assessing our future revenues and looking at each of our costs.

Trustee Gallelli stated that this is something that we must do to protect the Village and the best news would be if we can turn this resolution around in late April.

Mayor Pugh commended the work of Village Manager Healy in his previous role as the Assistant to former Village Manager King and his assistance in helping to craft the previous two pandemic budgets which reduced expenditures by approximately \$500,000 across more than forty line items and we look forward to bringing that same rigor to the upcoming budget process.

- b. Motion to open a Public Hearing on Local Law Introductory No. 14 of 2021 to amend Chapter 160 of the Village Code, entitled "Noise" to establish regulations on gas-powered leaf blowers was made by Trustee Horowitz. Motion was seconded by Trustee Simon and approved with a 5-0 vote.

Comments:

Michael Ribosh, 13 Wood Road, Croton on Hudson, stated that he does not believe this is going to resolve the noise issue because homeowners who will be mulching will have to pass over their lawns multiple times, he is also concerned that landscapers will be forced to put their current equipment on the shelves and will be passing their additional expenses on to their customers.

Terrence McGarty, 8 Munson Street, Croton on Hudson, stated that he supports this regulation and thanked the Board for getting it to this point.

Written Comments:

Don Fannon, 32 Prospect Place, Croton on Hudson, recommended changing the word in the law from **BETWEEN** the aforementioned periods of each year to **DURING** the aforementioned periods of each year.

Village Manager Healy advised that after consulting with our Village Attorney the change was made.

Joseph Bencivenga, 18 Devon Place, Croton on Hudson, stated that he does not believe the ordinance is about noise but more about homeowners using gas for their leaf blowers. Mr. Bencivenga shared his other concerns with the law (a copy of his letter can be obtained by reaching out to the Village Clerk) and is urging the Board to shelve the proposed ordinance.

There being no further comments to come before the Board a motion to close the Public Hearing was made by Trustee Gallelli. Motion was seconded by Trustee Simon and approved with a 5-0 vote.

Resolution #5-2022

On motion of TRUSTEE SIMON, seconded by TRUSTEE GALLELLI, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with the following Roll Call vote: Trustee Rosales Aye, Trustee Simon Aye, Trustee Gallelli Aye, Trustee Horowitz Aye, Mayor Pugh Aye.

WHEREAS the Village would like to amend Chapter 160 of the Village Code, Noise, to establish regulations on gas-powered leaf blowers, and

WHEREAS the Village Board is considering the adoption of Local Law Introductory No. 14 of 2021 which has been drafted to reflect such language, and

WHEREAS a Public Hearing on Local Law Introductory No. 14 of 2021 was opened and closed on January 18, 2022,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby adopts Local Law Introductory No. 14 of 2021 to amend Chapter 160 of the Village Code, Noise, to establish regulations on gas-powered leaf blowers, which upon adoption becomes Local Law No. 2 of 2022.

DISCUSSION:

Trustee Simon stated that the "Conservation Advisory Committee" held its first discussion on this issue eighteen months ago which was, at that time, a much more extensive ban, but after months of drafts and public discussions, he believes we have ended up with a good compromise that reflects the language that the community suggested. Trustee Simon thanked the "Conservation Advisory Committee" for their hard-work and perseverance.

Trustee Gallelli stated that she believes that these regulations respect the reality of what people are looking for and the reality of what the equipment can do and fully expects that after a year or so the Board will come back to make modifications to the law and believes that the "Conservation Advisory Committee" is in agreement with what we ended up with.

Trustee Horowitz stated that a handful of residents have raised concerns regarding the eligibility of applying for a permit from the prohibition and they have asked that there be a bit more language in this section to understand what are the appropriate conditions and limitations that would factor in to getting a permit.

Village Manager Healy stated that the reason it is written this way is to allow for a "not one size fits all" solution, there could be properties that might meet more specific conditions than others, but he would be happy to develop guidelines.

Mayor Pugh stated that this is the product of a long dialogue with members of the public, and we have done our best to balance these concerns and to make a law that tries to mitigate the issue of noise while recognizing business necessity and the needs of homeowners to clear their property. Mayor Pugh stated that with respect to issuing permits, this law builds in the necessary flexibility, and we will rely on the Village Manager's good judgement to do things on a case by case basis.

4. CONSISTENCY REVIEW: "LWRP" Consistency Review on the "New York State Department of Transportation's" plan to seal cracks to extend the service life and rideability of local roads throughout the region.

Policy	DEVELOPMENT POLICIES	WAC RESPONSE		VILLAGE BOARD		Comments
		Applicable Yes/No	Consistent Yes/No	Applicable Yes/No	Consistent Yes/No	
1	Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural,	No	No			

	recreational and other compatible uses					
1A	Existing planning and zoning documents should be reviewed and amended where necessary to ensure development within the community is consistent with adopted goals and policies	No	No			
1B	Redevelop and revitalize Village owned land at the Metro North Train Station, including Village garage and bay area. Encourage integrated development of Village property to assure fulfillment of requirements relating to parking and accessory uses of Metro North Train Station, while facilitating public access to bay area and recreational use.	No	No			
1C	Every effort should be made by the municipality to encourage the mutual cooperation and exchange of information between governmental agencies involved in clean-up of the Croton landfill and Metro-North lagoon in order to develop commercial use of resources found in the coastal area.	No	No			
1D	Require restoration of deteriorating structures related to railroad use and assure appropriate maintenance and screening to reduce visual impact.	No	No			
1E	Develop the old sewage treatment plant site at the intersection of Route 9A and Municipal Place.	No	No			
2	Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters	No	No			
2A	Expand restrictions on the use of power boats on the Hudson River and Croton River and Bay by further enforcing the parameters that regulate boat traffic such a speed, turbidity, safety, and mooring and sludge disposal. Such controls will further increase the compatibility of power boat use with other forms of recreation use within the coastal zone area.	No	No			
3	The state coastal policy regarding the development of major ports is not applicable to Croton.	No	No			
4	The state coastal policy regarding the strengthening of small harbors is not applicable to Croton.	No	No			

5	Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.	No	No			
5A	When feasible, development within the Village should be directed within the current service area of existing water and sewer facilities or in close proximity to areas where distribution lines currently exist.	No	No			
5B	The extension of water and sewer distribution lines beyond areas currently served should be undertaken cautiously and with prudent regard for Village water resources and the preservation of environmental values in undeveloped areas.	No	No			
5C	Limit proposed development within those portions of the coastal zone boundary area, where traffic impacts such as site distance and carrying capacity of the roadways are restricted, particularly along Route 9A, Albany Post Road and Route 129.	No	No			
6	Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.	No	No			
6A	To expedite permit procedures, the Village shall coordinate all relevant local laws into a development package for applicants and/or make all local laws available to applicants proposing development activities.	No	No			
<b>FISH &amp; WILDLIFE POLICIES</b>						
7	Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.	No	No			
7A	The quality of the Croton River and Bay significant fish and wildlife habitat and Haverstraw Bay significant fish and wildlife habitat shall be protected and improved for conservation, economic, aesthetic, recreational, and other public uses and values. Its resources shall be protected from the threat of pollution, misuse, and mismanagement.	No	No			
7B	Materials that can degrade water quality	Yes	Yes	Yes	Yes	Board Concurred

	and degrade or destroy the ecological system of the Croton River and Bay significant fish and wildlife habitat and the Haverstraw Bay significant fish and wildlife habitat shall not be disposed of or allowed to drain in, or on land within, the area of influence in the significant fish and wildlife habitats.					• <b>See comments below</b>
7C	Storage of materials that can degrade water quality and degrade or destroy the ecological system of the Croton River and Bay significant fish and wildlife habitat or Haverstraw Bay significant fish and wildlife habitat shall not be permitted within the area of influence of the habitat unless best available technology is used to prevent adverse impacts to the habitat.	No	No			
7D	Restoration of degraded ecological elements of the Croton River and Bay and Haverstraw Bay significant fish and wildlife habitats and shore lands shall be included in any programs for cleanup of any adjacent toxic and hazardous waste sites.	No	no			
7E	Runoff from public and private parking lots and from storm sewer overflows shall be effectively channeled so as to prevent oil, grease, and other contaminants from polluting surface and ground water and impact the significant fish and wildlife habitats.	No	no			
7F	Construction activity of any kind must not cause a measurable increase in erosion or flooding at the site of such activity, or impact other locations. Construction activity shall be timed so that spawning of anadromous fish species and shellfish will not be adversely affected.	No	No			
7G	Such activities must not cause degradation of water quality or impact identified significant fish and wildlife habitats	Yes	Yes	Yes	Yes	Board Concurred
8	Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain, or which cause significant sub lethal or lethal effect on those resources.	Yes	Yes	Yes	Yes	Board Concurred
9	Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources,	No	No			



	supplementing existing stocks, and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.					
9A	Ensure continued recreational use and public access to the rivers through Village-owned land adjacent to the Metro-North parking lot, at Croton Point Park and at Senasqua Park, along the Croton River, and at the Croton Yacht Club. Efforts should be made to encourage recreational use of the fish and wildlife resources found in these areas by increasing the opportunities for public access and enjoyment	No	No			
9B	Encourage passive recreational enjoyment of the wildlife in the designated significant fish and wildlife habitats, on the Audubon Society Sanctuaries, on other public or private lands within the Village, where wildlife habitats are located. Encourage the recreational use of areas where such resources are found, as well as the protection of such resources.	No	No			
10	Further develop commercial finfish, shellfish and crustacean resources in the coastal area by encouraging the construction of new or improvement of existing on-shore commercial fishing facilities, increasing marketing of the state's seafood products, maintaining adequate stocks, and expanding aquaculture facilities. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.	No	No			
	<b>FLOODING &amp; EROSION POLICIES</b>					
11	Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion	No	No			
11A	Erosion and sediment control measures shall be undertaken in order to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development	No	No			

	or other activity which disturbs or breaks the topsoil or results in earth movement.					
12	Activities or Development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs. Primary dunes will be protected from all encroachments that could impair their natural protective capacity	No	No			
12A	Every effort should be made to protect Croton Point, a natural protective barrier to Croton Bay from activities or development that would increase erosion of or flooding of the Point	No	No			
13	The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.	No	No			
13A	Any bulkheads along the Hudson must be maintained in good condition and private landowners should be required to restore and maintain erosion control mechanisms along their river frontage which are designed for long term stability.	No	No			
14	Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.	No	No			
15	Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.	No	No			
16	Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits	No	No			

	outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features					
16A	Public funds shall be appropriated for the yearly maintenance of Senasqua Park until such time that is determined that expenditure of funds outweighs the cost of acquiring, constructing and maintaining a similar public park on Croton's waterfront.	No	No			
17	Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; and (iv) the flood-proofing of buildings or their elevation above the base flood level.	No	No			
17A	Efforts to control erosion along the rivers and on the steep slopes rising from areas inland shall be of a non-structural nature, wherever possible, in consideration of the visual impact of structural measures. The retention or planting of vegetative covers will be preferred to structural measures.	No	No			
18	To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.	No	No			
	<b>PUBLIC ACCESS POLICIES</b>					
19	Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority will be given to public beaches, boating facilities, fishing areas and waterfront parks.	No	No			
19A	Encourage the linkage of open space along the Hudson and Croton Rivers in the form of a trail or walkway system. Such systems should be provided along undeveloped and underutilized land as well as along previously developed land.	No	No			

19B	Increase physical access to areas that have specific value for their physical and visual access to the Hudson River or Croton River and Bay.	No	No			
19C	Encourage the expansion of public transportation, when feasible, to areas within the coastal zone area where water dependent and water enhanced recreation activities are located.	No	No			
19D	Increase access to Croton River and Bay at the Village-owned land south of the Village parking lots at the Croton-Harmon Station.	No	No			
19E	Maintain the trail, which provides access to the Croton River waterfront, in its current undeveloped condition as a pedestrian walkway.	No	No			
20	Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.	No	No			
21	Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.	No	No			
21A	Boating activities should be encouraged provided that they do not restrict other recreational opportunities and are undertaken in a manner compatible with existing water- dependent uses.	No	No			
22	Development when located adjacent to the shore will provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light reasonably anticipated demand for such activities and the primary purpose of	No	No			

	the development					
23	Protect, enhance and restore structures, districts, in areas of sites that are of significance in the history, architecture, archaeology or culture of the state, its communities or the nation.	No	No			
24	Prevent impairment of scenic resources of statewide significance as identified on the coastal area map. Impairment shall include: (i) the irreversible modification of geologic forms, the destruction or removal of vegetation, the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.	No	No			
25	Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.	No	No			
25A	Protect local scenic resources by preventing: (i) the irreversible modification of geologic forms, the destruction or removal of vegetation or wetlands, the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resources; and (ii) the addition of structures which because of siting scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.	No	No			
25B	Secure the designation of the panoramic views from Croton Point as a scenic area of statewide significance.	No	No			
25C	Secure the designation of Routes 9 and 129 within the Croton boundaries as a scenic road. Ensure developments on or adjacent to Route 9 do not impair scenic resources or views of or from the Hudson and Croton Rivers	No	No			

25D	Establish and protect identified view-sheds which provide visual access to the Hudson River, including but not limited to the views of the Hudson River from the western shoreline of the Village, and from Prickly Pear Hill, Lounsbury Hill, and River Landing. In addition, protect view-sheds to and of the Croton River and Gorge.	No	No			
26	The state coastal policy regarding the protection of agricultural lands is not applicable to Croton	No	No			
	<b>ENERGY AND ICE MANAGEMENT POLICIES</b>					
27	Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.	No	No			
28	Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.	No	No			
28A	Ice management practices must consider short and long term impacts on the Croton River and Bay and Haverstraw Bay significant fish and wildlife habitats.	No	No			
29	The state coastal policy regarding the development of energy resources is not applicable to Croton.	No	No			
	<b>WATER AND AIR RESOURCES POLICIES</b>					
30	Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.	No	No			
30A	Existing rail services and transportation-related facilities shall not dispose any materials in coastal waters until such materials have been tested by the state for conformance with water quality standards.	No	No			
30B	Storage and disposal of all materials shall be monitored by the state to assure there will be no discharge or leaching of materials into coastal waters.	Yes	Yes	Yes	Yes	Board Concurred
31	State coastal area policies and purposes of approved local waterfront revitalization	No	No			

	programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.					
31A	Clean water is desired and NYSDEC should continually monitor water quality in the Hudson River and Croton Bay which have already been overburdened with pollutants. Recommendations for mitigation and upgrading water quality classifications cannot be determined without continual monitoring and testing of the waters.	No	No			
32	Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.	No	No			
33	Best Management Practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.	No	No			
33A	Encourage new developments to retain storm water runoff on site so as to not increase flows within the existing system or to improve existing storm water runoff systems to that runoff from such developments does not adversely impact coastal waters	No	No			
33B	Improve existing Village storm water discharge to control flow of pollutants from street and parking areas, etc. directly in the rivers.	No	No			
34	Discharge of waste into coastal waters from vessels will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.	No	No			
34A	There shall be no discharge from moored structures or marine vessels, due to shape of cove and lack of tidal flushing.	No	No			
35	Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features,	No	No			

	important agricultural lands, and wetlands.					
36	Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.	No	No			
37	Best Management Practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.	Yes	Yes	Yes	Yes	Board Concurred
37A	Standards and specifications for the control of non-point source discharge as set forth in Westchester County's Best Management Practice Manual or other recognized reference shall be utilized during development of any site.	No	No			
37B	Control of the development of hilltops, and steep slopes should be exerted in order to prevent erosion and minimize runoff and flooding from new construction.	No	No			
38	The quality and quantity of surface water and ground water supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.	No	No			
39	The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.	No	No			
39A	Require transporters, producers and storers of hazardous material to inform the public or allow public access to records involving the transport, storage, treatment and disposal of hazardous materials. This is of particular concern with respect to rail transport of such materials, storage of identified materials on railroad property and uses in the waterfront area involved in the treatment, storage and disposal of such materials.	No	No			
39B	In accordance with Title III, Section 302, Emergency Planning and Community Right-to- Know of the 1986 Superfund	No	No			



	Reauthorization Act, the local emergency planning committee and the Croton Fire Department shall be notified if hazardous substances exceed the established threshold planning quantity					
40	Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.	No	No			
41	Land use or development in the coastal area will not cause national or state air quality standards to be violated	No	No			
41A	A NYSDEC point-source air monitoring station should be established within the Village of Croton-on-Hudson.	No	No			
42	Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.	No	No			
43	Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.	No	No			
43A	Encourage the use of shuttle bus service to the train station, thereby decreasing dependency on the automobile use and reduce the generation of acid rain precursors	No	No			
43B	Encourage the use of low sulphur fossil fuels for rail vehicles and encourage the development of a monitoring program to assess rail vehicle engines emissions	No	No			
44	Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	No	No			
44A	Wetlands, water bodies and watercourses shall be protected by preventing damage from erosion or siltation, minimizing disturbance, preserving natural habitats and protecting against flood and pollution.	No	No			

\*Trustee Gallelli stated that the "New York State Department of Transportation" has indicated that very little material will have the potential of running into the River, and for the most part it is dust that will probably go off to the side of the road, the cracks will be filled in with a substance that dries very quickly and based on what the "New York State Department of

Transportation” has provided us, the “WAC” felt that this particular policy was relevant and their approach to it was consistent.

\*Trustee Horowitz advised that the “New York State Department of Transportation” indicated that the debris will be blown off the pavement onto the vegetation on the shoulder or medium and it is recommended that the contractor limit any debris from entering catch basins which would result in transfer of the debris into water bodies and asked how the Village could make sure that this happens.

\*Village Manager Healy stated that because this is a “New York State Department of Transportation” project on a State highway, the Village does not have any actual enforcement authority, we are only asking the “WAC” to give their advisory opinion which they have done and their memo along with the “Consistency Review” will be forwarded to the “New York State Department of Transportation” for their review and hopefully they will follow the recommendations that are listed.

\*Trustee Simon stated that this falls under the category of advisement to encourage the “New York State Department of Transportation” to follow best practices on the handling of this while they are doing the repairs.

##### 5. RESPONSES TO QUESTIONS SUBMITTED BY EMAIL

Chris O’Keefe, 36 Farrington Road, Croton on Hudson, asked if any formal studies have been presented to the Board with respect to the Harmon “Residential Parking Permit System”, and will the Board consider extending that same fee structure to all other residential parking permit holders in all other areas in the Village or will this fee structure be exclusive to only the Harmon area residents.

Village Manager Healy stated that there was not any formal studies prepared for the Harmon area, we have relied on informal studies by the Village’s Police and Parking Enforcement Officers. Village Manager Healy explained that the State Legislature is the only body that can grant the Village authority to institute a “Residential Parking Permit System”, the Village has only been granted that authority for Young and Hastings

Avenues and earlier this month the Board has requested that Nordica and Truesdale Drives as well as Cedar Lane and Old Post Road S. be allowed to have a "Residential Parking Permit System" and we are awaiting the State Legislature's response.

Mayor Pugh stated that he does not envision the Village making a request for the entire Village, the areas that we looked at before and are looking at now is in response to specific concerns such as people dodging our commuter parking lot and people attempting to access the Croton River by trespassing across private properties or non-residents entering Silver Lake after hours.

6. CORRESPONDENCE:

- a. Memo from Village Manager Healy dated January 14, 2022, regarding the Village's "Street Vendor License Policy", the Village has received a request for the policy to be amended to allow vendors to begin selling at 10:00am on Sundays. Village Manager Healy stated that the Board chose to do the permits on Sunday afternoons and evenings to limit the impact to area businesses and churches and recommended that this be discussed at a future Work Session.

Trustee Simon stated that he thinks this might be something to consider, and looks forward to discussing this in more detail at an upcoming Work Session.

Mayor Pugh stated that he believes the traffic management issue is real and he looks forward to discussing this further in a Work Session.

- b. Letter from Lance MacMillan, "New York State Department of Transportation" Regional Director, dated January 4, 2022, regarding open requests from the Village of Croton on Hudson.

Village Manager Healy stated that he is pleased to report that the removal of Graffiti along Route 9 has been completed, and referred to Mr. MacMillan's letter regarding the other items on the list.

<https://play.champds.com/ATT/crotononhudsonny/2022-01/02269b272acd5ccbc4edbe79a8c2d4508cdfccb1.pdf>

- c. 2021 Annual Report from the NY-NJ Trails Conference Steward Program

<https://play.champds.com/ATT/crotononhudsonny/2022-01/327aaa239ff0cd9a5a13126029a47ec577bb54f5.pdf>

- d. Fire Council Membership Update from Fire Council Secretary John Munson

<https://play.champds.com/ATT/crotononhudsonny/2022-01/e413c3cab444227f19e5713533b4ac7f69b9ba41.pdf>

- e. Email from Janet Monahan, Chair of the "Conservation Advisory Council" dated January 13, 2022, regarding Earth Day 2022.

**Resolution**

On motion by Trustee Simon, and seconded by Trustee Horowitz, the Board of Trustees approved the request from the "Conservation Advisory Council" to hold their "Earth Day" festivities on Saturday, April 30, 2022, from 10:00am to 3:00pm at Senasqua Park. Motion was approved with a 5-0 vote.

- f. Email from Susan O'Keefe, owner of Baked by Susan dated January 5, 2022, requesting the Board to pro-rate their permits for the South Harmon Parking Lot.

<https://play.champds.com/ATT/crotononhudsonny/2022-01/fdb439eab9586c27a14e6ad422423dfc8df27e00.pdf>

Village Manager Healy explained that this is not a normal practice for the Village, the permits are valid from June 1<sup>st</sup> through May 31<sup>st</sup>, at \$25.00 per permit.

Susan O'Keefe stated that in addition to her request, the reality is that the four spaces are not enough for them, they have twenty employees

and at any given time eight employees are working and with the new restrictions on Young and Hastings Avenues, they are restricted to where they can park and hopes that this can be discussed further in a Work Session.

Mayor Pugh stated that, as pointed out by Village Manager Healy, prorating permits is not the usual course, but this is not a case that it was decided in the middle of the Fiscal Year that they would like a permit, it is the case that they are responding to a change in Village Policy and in that regard, he believes it is fair for the Village to prorate the permits.

**Resolution**

On motion by Trustee Simon and seconded by Trustee Gallelli, the Board of Trustees approved the request from Baked by Susan to prorate their four permits down to \$20.83 for each permit from \$25.00. Motion was approved with a 5-0 vote.

7. **PUBLIC COMMENTS ON AGENDA ITEMS:**

Chris O'Keefe, 36 Farrington Road, Croton on Hudson, requested that parking be part of the South Riverside Area Zoning Study.

Janet Monahan, 116 Young Avenue, Croton on Hudson, Chair of the "Conservation Advisory Council" thanked the Board for all their hard-work in coming to a resolution regarding gas powered leaf blowers, we have all worked extremely hard and the "Conservation Advisory Council" is pleased with the conclusion, even though limited, of the regulations for the use of gas powered leaf blowers.

**Written Comment:**

Colleen Beyrer, 19 Wells Avenue, Croton on Hudson, dated January 18, 2022, is asking that the Board cease moving forward on any zoning studies and decisions until Board meetings are open to the public and people feel comfortable attending in person, the zoning changes that are

being proposed are substantial and consequential and will have a significant impact on the Village.

Mayor Pugh stated that the studies are taking place, and he is optimistic that by the time we are prepared to discuss this, we would be meeting in-person, but it is dependent on conditions at that time.

8. RESOLUTIONS:

**Resolution #6 of 2022**

On motion of TRUSTEE HOROWITZ, seconded by TRUSTEE SIMON, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York, with the following Roll Call Vote: Trustee Rosales Aye, Trustee Simon Aye, Trustee Gallelli Aye, Trustee Horowitz Aye, Mayor Pugh Aye.

WHEREAS the Village would like to amend Chapter 230 of the Code of the Village of Croton-on-Hudson, Zoning, to establish use and bulk/area regulations pertaining to the North End Gateway District, and

WHEREAS the Village Board is considering the adoption of Local Law Introductory No. 2 of 2022 has been drafted to reflect such language, and

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby schedules a Public Hearing for February 7, 2022, at 7:00 PM to consider amending Chapter 230 of the Code of the Village of Croton-on-Hudson, Zoning, to establish use and bulk/area regulations pertaining to the North End Gateway District, and

BE IT FURTHER RESOLVED: Notwithstanding the provisions of Article 7 of the Public Officers Law to the contrary, the public hearing shall be held via videoconference in accordance with Chapter 1 of the Laws of 2022 in light of the public health and safety concerns associated with the COVID-19 pandemic.

**Resolution #7 of 2022**

On motion of TRUSTEE HOROWITZ, seconded by TRUSTEE SIMON, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-

Hudson, New York with the following Roll Call vote: Trustee Rosales Aye, Trustee Simon Aye, Trustee Gallelli Aye, Trustee Horowitz Aye, Mayor Pugh Aye.

On motion of TRUSTEE HOROWITZ seconded by TRUSTEE SIMON the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with the following Roll Call: Trustee Rosales Aye, Trustee Simon Aye, Trustee Gallelli Aye, Trustee Horowitz Aye, Mayor Pugh Aye.

WHEREAS the Village's current contract for office and building cleaning services expires January 31, 2022, with the option of a one-year extension of the existing contract under the existing conditions, and

WHEREAS the existing contract covers the following facilities: the Municipal Building, Gouveia House, DPW Garage, Parking Lot office, and pay machine kiosks, and

WHEREAS Frank Balbi, Superintendent of Public Works, has recommended extending this contract,

NOW THEREFORE BE IT RESOLVED that the Village Manager is hereby authorized to extend its existing contract for office and building cleaning services to NSI Clean of Middletown, New York, for the period beginning February 1, 2022, through January 31, 2023, in the amount of \$3,200.00 per month.

**Resolution #8 of 2022**

On motion of TRUSTEE GALLELLI, seconded by TRUSTEE SIMON, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with the following Roll Call vote: Trustee Rosales Aye, Trustee Simon Aye, Trustee Gallelli Aye, Trustee Horowitz Aye, Mayor Pugh Aye.

WHEREAS the Village of Croton-on-Hudson solicited proposals for consultant planning services for potential zoning changes in and around the Harmon Gateway zoning district in early 2021, and

WHEREAS on June 7, 2021, the Village Board selected AKRF of White Plains, New York, to serve as its planning consultant for this project, and

WHEREAS the Village and AKRF have been developing conceptual designs regarding the potential zoning changes in and around the Harmon Gateway zoning district, and

WHEREAS the scope of the original proposed work included a "meetings and coordination" task which has since expanded, and

WHEREAS, AKRF has provided an additional proposal in the amount of \$5,000 to cover this work,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby accepts the proposal from AKRF in an amount not to exceed \$5,000, and

BE IT FURTHER RESOLVED: that the Village Treasurer is authorized to transfer \$5,000 from Contingent Account A1990.4000 to H8020.2107.22398, and

BE IT FURTHER RESOLVED: that the payment of \$5,000 shall be charged to H8020.2107.22398: Planning Studies – Harmon Area Rezoning.

#### DISCUSSION

Trustee Gallelli stated that these additional funds will be used for bringing the public into the process and presenting the concepts that are being looked at.

#### **Resolution #9 of 2022**

On motion of TRUSTEE HOROWITZ, seconded by TRUSTEE SIMON, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with the following Roll Call vote: Trustee Rosales Aye, Trustee Simon Aye, Trustee Gallelli Aye, Trustee Horowitz Aye, Mayor Pugh Aye.

WHEREAS Historic Hudson Valley had requested police services for their event, "The Great Jack O'Lantern Blaze", which took place from September 17 to November 21, 2021, and

WHEREAS police officers are often assigned to this type of event to conduct traffic control, as well as to ensure safety for residents and visitors to the Village, and



WHEREAS the aforementioned organization agreed to pay the cost of the overtime for these officers, and

WHEREAS the Village received reimbursement for these services,

NOW THEREFORE BE IT RESOLVED: that the Village Treasurer is authorized to amend the General Fund 2021-2022 budget in the amount of \$69,915.30.

**GENERAL EXPENSES**

Increase

A3120	1200	Police Personnel Srvcs OT	\$69,915.30
		Total:	\$69,915.30

**GENERAL REVENUE**

Increase

A3120	1520	Police Fees	\$69,915.30
		Total:	\$69,915.30

**Resolution #10 of 2022**

On motion of TRUSTEE HOROWITZ, seconded by TRUSTEE SIMON, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with the following Roll Call Vote: Trustee Rosales Aye, Trustee Simon Aye, Trustee Gallelli Aye, Trustee Horowitz Aye, Mayor Pugh Aye.

WHEREAS the onsite audit has been completed for the 2020/21 fiscal year end by PKF O'Connor Davies, and

WHEREAS the Village has been invoiced for the services at a higher amount than what was budgeted, and

WHEREAS, this additional cost was due, in part, to the reporting requirements for the Croton Point Avenue Traffic, Pedestrian & Bicycle Improvement Project, the transition in the administrative team and the unique fiscal situation brought on by the COVID-19 pandemic,

NOW THEREFORE BE IT RESOLVED: that the Village Treasurer is authorized to make the following budget transfers to the 2021/22 General, Water, and Sewer Fund budgets:

**GENERAL FUND**

*Increase*

Dept			
A1320	4000	Auditor Contractual	\$16,336.00
		Total Increase:	\$16,336.00

*Decrease*

Dept			
A1990	4000	Contingency	\$16,336.00
		Total Decrease:	\$16,336.00

**WATER FUND**

*Increase*

Dept			
F1320	4000	Auditor Contractual	\$4,800.50
		Total Increase:	\$4,800.50

*Decrease*

Dept			
F1990	4000	Contingency	\$4,800.50
		Total Decrease:	\$4,800.50

**SEWER FUND**

*Increase*

Dept			
G1320	4000	Auditor Contractual	\$533.50
		Total Increase:	\$533.50

*Decrease*

Dept			
G1990	4000	Contingency	\$533.50
		Total Decrease:	\$533.50

DISCUSSION:

Village Manager Healy stated that this was an incredibly unique year for the Village, we suffered from the effects of the pandemic which threw our finances into disarray, thankfully we have moved past that, we are in a better place, but it took the additional work of our Auditors and believes this is a fair bill for their services.

**Resolution #11 of 2022**

On motion of TRUSTEE GALLELLI, seconded by TRUSTEE SIMON, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with the following Roll Call Vote: Trustee Rosales Aye, Trustee Simon Aye, Trustee Gallelli Aye, Trustee Horowitz Aye, Mayor Pugh Aye.

WHEREAS the Village of Croton-on-Hudson has previously been a member of the Historic Hudson River Towns organization, and

WHEREAS the Village did not renew its membership in 2020 due to the COVID-19 pandemic, and

WHEREAS the organization provides valuable resources for the river towns and village located along the Hudson River, and

WHEREAS the Board of Trustees desires to rejoin the organization at this time, and

WHEREAS funding for this expense was not included in the 2021-2022 General Fund budget,

NOW THEREFORE BE IT RESOLVED that the Village Board hereby authorizes the Village Treasurer to transfer \$2,500 from Contingency Account #A1990.4000 to the following accounts:

A1920.4000 – Municipal Dues - Contractual:                   \$2,500

**DISCUSSION:**

Trustee Gallelli stated that this organization along with other organizations that the Village belongs to is important to the fabric our community, we all help each other, share experiences, and work on projects together and since we are a significant Village on the Hudson River, she believes it is worthwhile for us to continue to be a part of this organization.

Trustee Horowitz asked Trustee Gallelli to highlight an example.

Trustee Gallelli referred to their work and coordination in fighting the anchorages in the Hudson River and while the issue has not completely disappeared it has subsided due in large part to the efforts of the "Historic Hudson River Towns" organization, they have also worked on tourism for Hudson River communities, and they are now looking at expanding beyond communities in Westchester County.

Trustee Simon stated that when you look at all the new dollars under the "Federal Infrastructure Program," a great premium is given to regional cooperation among cities, towns and villages on joint projects and as we look to things in the future, he hopes that being part of this organization will give us an opportunity to work even more closely with our neighboring communities.

9. PUBLIC COMMENTS ON NON AGENDA ITEMS

Written Comment:

Steve Varvaro 1263 Albany Post Road, Croton on Hudson, stated that he is concerned with the Village's use of Chazen/La Bella to do the background investigation regarding the solar array at "Hudson National Golf Club", he feels that they are ignoring or downplaying significant issues and letting unreasonably answered questions go unchallenged. To view the entire letter, you may log onto to the following:

[https://www.crotononhudson-ny.gov/sites/g/files/vyhlif441/f/uploads/hud\\_nat\\_comments\\_4\\_1.pdf](https://www.crotononhudson-ny.gov/sites/g/files/vyhlif441/f/uploads/hud_nat_comments_4_1.pdf)

10. APPROVAL OF MINUTES

Motion to approve the minutes as amended of the Regular Meeting held on January 4, 2022, was made by Trustee Simon. Motion was seconded by Trustee Gallelli and approved with a 5-0 vote.

Motion to approve the minutes of the Work Session held on January 10, 2022, was made by Trustee Simon. Motion was seconded by Trustee Horowitz and approved with a 5-0 vote.

Motion to approve the minutes of the Executive Session held on January 10, 2022, was made by Trustee Simon. Motion was seconded by Trustee Horowitz and approved with a 5-0 vote

11. REPORTS:

Trustee Rosales thanked the High School for distributing Covid tests and looks forward to discussions how we can collaborate with businesses in the Upper Village so that the Village can continue to support them.

Trustee Simon stated that the "Sustainability Committee" has begun to work on possible enhancements to the Village's electrical code, last week he sat in on a "Care for Creation" seminar on canopy solar farms, last Thursday he attended the Westchester Municipal Officials Association meeting, Lance MacMillan, Regional Director of the "New York State Department of Transportation" was the guest speaker and touched on some issues important to Croton and other local communities. Trustee Simon stated that he also spoke with Mr. MacMillan on the portion of the "Federal Infrastructure" money that is going directly to the State and how we are going to rely on the State to work with the Village so that we can access those funds in the future, he and Trustee Horowitz met with Prickly Pear Hill residents last Friday to discuss the Hudson National Golf Club's solar array proposal and to hear their concerns. Trustee Simon stated that in light of the terrible hostage situation in Texas, the Rabbi from Temple Israel spoke about the great relationship that the Temple has with the Croton Police Department and the security measures they are taking.

Trustee Gallelli encouraged residents to sign up to receive their four free Covid test kits by going to the following website: [www.covidtests.gov](http://www.covidtests.gov), congratulated Village Manager Healy and Village Treasurer Tucker on the Bond Refunding sale and how this is going to save us a little over \$1.4 million over several years, congratulated the Blood Drive for a very successful day, their next Blood Drive will be February 26<sup>th</sup>, gave a special shout out to Vince Duffy, one of our Croton Seniors, who has

personally taken on the job of conducting weekly zoom meetings for our seniors.

Mayor Pugh invited the community to attend a listening session on January 24<sup>th</sup> at 7:00pm regarding Matrix's application at Hudson National Golf club, extended speaking times (ten minutes) will be made available for those residents who have pre-registered, an e-mail invite will be sent out tomorrow, the Board is holding this special session because on January 31<sup>st</sup> the Board will be reviewing the "EAF" and these public comments will help to inform that discussion.

Village Manager Healy advised that the Croton Point Avenue project had its last payment voucher submitted today, for a total of \$.63 and with that check issued the project is now paid in full and the project will be closed out, the project came in under budget by \$396,543.93 and that money will be returned to the "Debit Fund" when we close out our Capital Accounts. Village Manager Healy gave credit to the success of this project to the former Village Manager King, who spent twelve years working on this project as well as Superintendent Balbi and General Foreman Scott Marsh who did a fantastic job in supervising the project and seeing it to fruition.

Mayor Pugh stated that former Village Manager King had the vision for this project and cultivating in house talent, General Foreman Scott Marsh has been instrumental to the Village in assisting the Village in not having to contract out key pieces of work.

Village Manager Healy stated that the Bond Sale will save the Village a little over \$1.4 million over the life of the Bond (12-14 years), we will be saving \$76,000 this year and then each year we will save a little less as the amount goes down.

Village Manager Healy advised that over the past week and half the Village has been awarded a total of \$485,000 in grant funds, \$100,000 from Senator Harckham for the Fire Department's new Fire Boat, \$125,000 from Assemblywoman Galef for the same project, Westchester County has awarded the Village two "Community Development Block

Grants”, one for approximately \$60,000 for the lower Grand Street retaining wall and \$200,000 for the replacement of the playground and basketball court at Dobbs Park, these are big ticket items that we are looking forward to completing and we are thrilled that we have gotten some good funding for them.

Village Manager Healy stated that while we are still encouraging residents to conduct their business online or through the drop box, the Municipal Building is now open to the public.

There being no further business to come before the Board, a motion to close the meeting was made by Trustee Simon. Motion was seconded by Trustee Rosales and approved with a 5-0 vote. Meeting adjourned at 8:59pm.

Respectfully submitted,

Judy Weintraub, Board Secretary

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Paula DiSanto, Village Clerk