

Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Tuesday, July 5, 2022, in the Georgianna Grant Meeting Room at the Stanley Kellerhouse Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

Mayor Pugh	Trustee Gallelli
Village Manager Bryan Healy	Trustee Horowitz
Village Treasurer Tucker	Trustee Rosales
Village Attorney Steven Wrabel	Trustee Simon

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 Gallelli made a motion to approve the following *Fiscal Year Vouchers, claims numbered 21227020 through 21227340*. The motion was seconded by Trustee Simon and approved with a 5-0 Vote.

General Fund	\$115,594.02
Water Fund	\$2,077.52
Sewer Fund	\$217.86
Capital Fund	\$66,572.40
Trust Fund	\$9,880.22

3. PUBLIC HEARING #1

A Motion to re-open the Public Hearing held on June 21, 2002, regarding Local Law Introductory No. 8 of 2022 to amend various Chapters of the Village Code to update provisions related to fees was made by Trustee Rosales. Motion was seconded by Trustee Simon and approved with a 5-0 vote.

Village Manager Healy explained that based on the feedback they received from the Superintendent of schools and comments made at our last meeting, the Board has amended the local law removing the changes to the "Film" chapter so that the Board can take a more comprehensive look at this chapter.

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 Simon and approved with a 5-0 vote.

Resolution #92 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 a 5-0 vote.

WHEREAS the Village would like to amend various Chapters of the Village Code to update provisions related to fees, and

WHEREAS Local Law Introductory No. 8 of 2022 has been drafted to reflect such language, and

WHEREAS a Public Hearing on Local Law Introductory No. 8 was opened on June 21 and closed on July 5, 2022,

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby adopts Local Law Introductory No. 8 of 2022 to amend various chapters of the Village Code to update provisions related to fees, which upon adoption becomes Local Law No. 8 of 2022.

PUBLIC HEARING #2

A motion to open a Public Hearing on Local Law Introductory No. 9 of 2022 to Amend Chapter 135, of the Village Code modifying enforcement and collection of fees for excess garbage and rubbish was made by Trustee Horowitz. Motion was seconded by Trustee Rosales and approved with a 5-0 vote.

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

Resolution #108 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 a 5-0 vote.

WHEREAS the Village would like to amend Chapter 135 of the Village Code, Garbage, Rubbish and Littering, modifying enforcement and collection of fees for excess garbage and rubbish, and

WHEREAS Local Law Introductory No. 10 of 2022 has been drafted to reflect such language, and

WHEREAS a Public Hearing on Local Law Introductory No. 10 was opened and closed on July 5, 2022,

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby adopts Local Law Introductory No. 10 of 2022 to amend Chapter 135 of the Village Code, Garbage, Rubbish and Littering, modifying enforcement and collection of fees for excess garbage and rubbish, which upon adoption becomes Local Law No. 9 of 2022

PUBLIC HEARING #3

A motion to open a Public Hearing on the "Special Permit" application from "T-Mobile" for the wireless facility at 1 Van Wyck Street was made by Trustee Horowitz. Motion was seconded by Trustee Simon and approved with a 5-0 vote.

Michael Sheridan, Attorney representing T-Mobile, advised that T-Mobil is looking to modify their "Special Permit" in connection with this existing facility.

Trustee Gallelli stated that she supports this request.

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 #109-2022

On motion of TRUSTEE HOROWTIZ, seconded by TRUSTEE SIMON, 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 at a Village Board Meeting on October 15, 2007, T-Mobile Northeast LLC, (f/k/a Omnipoint Communications, Inc.), was issued a Telecommunications special permit to collocate a personal wireless facility at One Van Wyck Street, and

WHEREAS the special permit was renewed by the Village Board on November 25, 2013, and September 17, 2018, and

WHEREAS this Telecommunications special permit will expire on October 15, 2022, and must be renewed in accordance with the Telecommunications Chapter of the Village Code, and

WHEREAS the Village has received a special permit renewal application and the associated \$2,500 fee from T-Mobile Northeast LLC, (f/k/a Omnipoint Communications), Inc. for a renewal of a special permit for a Personal Wireless Facility at 1 Van Wyck Street, and

WHEREAS an Antenna Site FCC RF Compliance Assessment and Report dated February 1, 2022, has been submitted and indicates that the calculated maximum RF level at the site is 921.58 percent of the FCC maximum permissible exposure limit, and

WHEREAS a Public Hearing on the permit renewal was opened and closed on July 5, 2022,

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees does hereby issues a renewal of the Telecommunications Special Permit to T-Mobile Northeast LLC, (f/k/a Omnipoint Communications, Inc.) for the collocation of a personal wireless facility at 1 Van Wyck Street with the following conditions:

1. This permit expires on October 15, 2027; and must be renewed in accordance with the Telecommunications Chapter of the Village Code.

2. That, the T-Mobile facility shall at all times during the life of the facility comply with the applicable FCC regulations pertaining to radio frequency emissions, including such regulations as applicable to cumulative radio frequency emissions. Any necessary mitigation measures to ensure compliance shall follow FCC requirements, procedures and protocols.
3. That, in accordance with section 206-5(B) of the Village Code antennas shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facilities. The owner of the antenna shall submit to the Board of Trustees evidence of compliance with the FCC standards on a yearly basis. If new, more restrictive standards are adopted, the antennas shall be made to comply, or continued operations may be restricted or prohibited by the Board of Trustees. The cost of verification of compliance shall be borne by the owner and operator of the personal wireless facility.
4. That, T-Mobile is advised that the Village may switch to a different Emergency Services communication system in the future and that the T-Mobile system must be operated to prohibit interference, including implementation of any FCC re-banding plan, to current and future Village wireless systems.
5. That, any additional monthly cost charged by the Village's fire alarm company for the fire/smoke detector and strobe/horn in the T-Mobile facility shall be paid by T-Mobile. The lease agreement with T-Mobile shall be amended to reflect the payment of this additional cost if required by the Village via written notification to T-Mobile Northeast, LLC.
6. As required in the Telecommunications Chapter of the Village Code the applicant must post a bond in an amount to be determined by the Village Engineer to cover the costs of removing and disposing of the tower, antenna and associated facilities. In the event that a tower is not removed within 90 days of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property, the bond or both.

7. That, proper radio frequency and antenna location warning signs be posted and maintained in the attic near the access to the roof and on the roof.
8. That, T-Mobile shall provide a basic radio frequency safety course appropriate for Village (DPW) employees, if requested by the Village.

4. RESPONSES TO QUESTIONS SUBMITTED BY EMAIL – none

5. PRESENTATION FROM SUSTAINABLE WESTCHESTER ON WESTCHESTER POWER PROGRAM PAUSE

Dan Welsh, Director of the “Westchester Power Energy Program” explained that the process to secure a new contract for the twenty-nine municipal members of the “Westchester Power Program has been more challenging because of the volatility of the market,” the contract ended on June 30th and because we were not successful in putting a new contract in place, customers were then switched back to Con-Edison. Mr. Welsh explained that Westchester Power is continuing their efforts to secure another contract and if they are successful a program notification letter will be mailed out to all customers.

For view the entire discussion you may log onto the following:

<https://play.champds.com/crotononhudsonny/event/781>

6. LWRP CONSISTENCY REVIEW FOR THE GRAND STREET RETAINING WALL

Policy	DEVELOPMENT POLICIES	WAC RESPONSE		BOARD RESPONSE		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, recreational and other compatible uses	No	No			
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	Yes	Yes	Yes	Yes	Board Concurred
1B	Redevelop and revitalize Village owned land at the Metro North Train Station,	No	No			

	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.					
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			
	FISH & WILDLIFE POLICIES					
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 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	No	No			

	habitats.					
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	No	No			
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.	No	No			
9	Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, 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.	No	No			
9A	Ensure continued recreational use and public access to the rivers through Village-	No	No			

	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					
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			
	FLOODING & EROSION POLICIES					
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 or other activity which disturbs or breaks the topsoil or results in earth movement.	Yes	Yes	Yes	Yes	Board Concurred
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	No	No			

	beaches, dunes, barrier islands and bluffs. Primary dunes will be protected from all encroachments that could impair their natural protective capacity					
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.	Yes	Yes	Yes	Yes	Board Concurred
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 outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features	No	No			
16A	Public funds shall be appropriated for the yearly maintenance of Senasqua Park until such time that is determined that	No	No			

	expenditure of funds outweighs the cost of acquiring, constructing and maintaining a similar public park on Croton's waterfront.					
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			
	PUBLIC ACCESS POLICIES					
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	No	No			

	dependent and water enhanced recreation activities are located.					
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 the development	No	No			
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	No	No			

	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.					
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, Lonsbury Hill, and River Landing. In addition, protect view-sheds	No	No			

	to and of the Croton River and Gorge.					
26	The state coastal policy regarding the protection of agricultural lands is not applicable to Croton	No	No			
	ENERGY AND ICE MANAGEMENT POLICIES					
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			
	WATER AND AIR RESOURCES POLICIES					
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.	No	No			
31	State coastal area policies and purposes of approved local waterfront revitalization 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.	No	No			
31A	Clean water is desired and NYSDEC	No	No			

	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.					
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, important agricultural lands, and wetlands.	No	No			
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	No	No			

	spills occur.					
37	Best Management Practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.	No	No			
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.	Yes	Yes	Yes	Yes	Board Concurred
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 Reauthorization Act, the local emergency planning committee and the Croton Fire Department shall be notified if hazardous substances exceed the established threshold planning quantity	No	No			
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	No	No			

	conform to state water quality standards.					
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			

7. CORRESPONDENCE

- a. Letter from Daniel O'Connor, Village Engineer dated May 20, 2022, Requesting a Building Permit Extension for 20 Darby Avenue.

Resolution:

On Motion by Trustee Rosales and seconded by Trustee Horowitz the Board of Trustees approved a six month Building Permit extension for the property located at 20 Darby Avenue. Motion was approved with a 5-0 vote.

- b. Memo from Village Manager Healy dated July 1, 2022, detailing ideas and thoughts from the community about the Merwin Oak.

<https://play.champds.com/ATT/crotononhudsonny/2022-07/b764106dcea4341bdfab848272b7d7eaa825fec9.pdf>

Village Manager Healy explained that a few of the smaller limbs were cut by our Department of Public Works, but because of the size of the trunk, we will need to bring in a special "Miller."

Trustee Simon stated that it is great to see that part of the effort is underway as well as the request from the Girl Scouts to plant a tree and would like to see that planting be coordinated with Croton's 125th Anniversary celebration as well as adding an historical component since the tree was over two hundred years old.

- c. Memo from Village Manager Healy dated July 1, 2022, regarding the State's decision to close the "Croton Gorge Unique Area" to visitors for the rest of the season.

<https://play.champds.com/ATT/crotononhudsonny/2022-07/008f1b73f5b541fb00cafeb2e5f5337319d16940.pdf>

Village Manager Healy advised that it was determined that a portion of the trail was on private property and at the request of that property owner the trail was closed to prevent trespassing, after reviewing the situation on how best to proceed with this season, the Department of Environmental Conservation decided to close the area to give them time to develop a plan as to future access.

- 8. PUBLIC COMMENTS ON AGENDA ITEMS - none

- 9. RESOLUTIONS:

Resolution #105 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 a 5-0 vote.

WHEREAS the Legislature of the State of New York adopted the "Freedom of Information Law" (Public Officers Law, Article 6, Freedom of Information Law, §84 et. seq.); and

WHEREAS it is in the public's interest to have access to records of the government in accordance with the provisions of the Freedom of Information Law; and

WHEREAS the Village of Croton-on-Hudson wants to promote the interests of the public by providing access to records of the Village in accordance with the provisions of the Freedom of Information Law; and

WHEREAS, in 1974 the Village of Croton-on-Hudson adopted rules and regulations to implement the legislative intent of the Freedom of Information Law; and

WHEREAS, on May 1, 2000, the 1974 resolution was repealed and updated, and

WHEREAS the Village wishes to update and revise its rules and regulations relating to access to public records under the Freedom of Information Law,

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Croton-on-Hudson hereby repeals the rules and regulations adopted on May 1, 2000, and any amendments thereto, which were enacted to implement the provisions of the Freedom of Information Law,

AND BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Croton-on-Hudson hereby adopts the appended rules and regulations to implement the provisions of the Freedom of Information Law,

AND BE IT FURTHER RESOLVED, that should the appended rules and regulations conflict with the provisions of the Freedom of Information Law (Public Officers Law, Article 6, §84 et seq.), then the rules and regulations are to be deemed amended to conform to the provisions of the Freedom of Information Law.

PUBLIC ACCESS TO THE RECORDS OF

THE VILLAGE OF CROTON-ON-HUDSON

1. Purpose and scope
2. Designation of records access officer
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Section 1 Purpose and scope.

- (a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society.
- (b) These regulations provide information concerning the procedures by which records may be obtained.
- (c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

Section 2 Designation of records access officer.

- (a) The Board of Trustees of the Village of Croton-on-Hudson is responsible for ensuring compliance with the regulations herein, and designates the following persons as records access officers:
 - (1) The Village Clerk.
 - (2) Any Deputy Village Clerk in the absence of the Village Clerk.
- (b) Records access officers are responsible for insuring appropriate agency response to public requests for access to records. The designation of records access officers shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so. Records access officers shall insure that personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist the requester in identifying requested records, if necessary.
- (3) Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,
 - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (4) Upon request for copies of records, the Village of Croton-on-Hudson (hereinafter the "Village") shall make copies available upon payment of the established fee, if any, in accordance with the provisions of the Freedom of Information Law and Section 8 hereof.
- (5) Upon request, certify that a record is a true copy; and
- (6) Upon failure to locate records, certify that:
 - (i) The Village is not the custodian for such records, or
 - (ii) The records of which the Village is a custodian cannot be found after diligent search.

Section 3 Location.

Records shall be available for public inspection and copying at the Stanley H. Kellerhouse Municipal Building, One Van Wyck Street, Croton-on-Hudson, New York.

Section 4 Hours for public inspection.

Request for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are Monday through Friday, 8:30 a.m. to 4:00 p.m., excluding holidays.

Section 5 Requests for public access to records:

- (a) A written request may be required, but oral requests may be accepted when the records are readily available.

- (b) A response shall be given regarding any request reasonably describing the record or records sought within five business days of receipt of the request.
- (c) A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.
- (d) If the records access officer does not provide or deny access to the records sought within five business days of receipt of a request, then, within that same five-day time period, he or she shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied.

Section 6 Subject matter list.

- (a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision three of Section Eighty–Seven of the Public Officers Law.
- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

Section 7 Denial of access to records.

- (a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the person or body established to determine appeals.
- (b) If requested records are not provided promptly, as required by Section 5 of these regulations, such failure shall also be deemed a denial of access.
- (c) The Village Manager shall determine appeals regarding denial of access to records under the Freedom of Information Law.
- (d) The time for deciding an appeal by the person or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - (1) The date of the appeal.
 - (2) The date and location of the request for records.
 - (3) The records to which the requester was denied access.

- (4) Whether the denial of access was in writing or due to failure to provide records promptly as required by Section 5; and
 - (5) The name and return address of the requester.
- (e) The person or body designated to determine appeals shall inform the requester of a decision in writing within ten business days of receipt of an appeal.
- (f) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to the following address or other proper address for the Committee on Open Government:
- Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, New York 12231
- (g) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in subdivision (f) of this section.

Section 8 Fees

- (a) The fee for photocopying records which do not exceed 9 by 14 inches in size is twenty-five cents (25¢) per page.
- (b) The fee for copies of records, other than photocopies which are 9 by 14 inches or less in size, shall be the actual copying cost, excluding fixed agency costs such as salaries.
- (c) There shall be no fees charged for:
- (1) inspection of records;
 - (2) search for records; or
 - (3) any certification pursuant to this part.

Section 9 Public notice.

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen, or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10 Severability.

If any provision of these regulations or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

DISCUSSION:

Village Manager Healy stated that the only item that was changed is in Section 7c making the "Appeals Officer" the Village Manager.

Resolution #106 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 a 5-0 vote.

WHEREAS the Village Board of Trustees has received a special permit application from the Matra Group for a 29-unit multi-family development at 1380 Albany Post Road, and

WHEREAS the project is located within the North End Gateway Overlay District of the Village, where multi-family developments are allowed by special permit, and

WHEREAS the Board of Trustees has previously issued a negative declaration under SEQRA and a statement of consistency with the Village's LWRP in connection to this project on March 7, 2022,

NOW THEREFORE BE IT RESOLVED that the Village Board hereby refers the special permit application to the Village Planning Board in accordance with Village law.

Resolution #107 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 a 5-0 vote.

WHEREAS the need exists to secure a license plate reader system for use by the Village Police Department, and

WHEREAS on June 21, 2022, the Village of Croton-on-Hudson adopted Resolution No. 97-2022, authorizing the purchase of a license plate reader system, including equipment and related services and software, for the Village Police Department, and

WHEREAS the Village desires to contract with Rekor Systems, Inc., Columbia, MD to install Software Licenses for the license plate reader system, and

WHEREAS a contract has been drafted for a perpetual software license at a cost of \$9,716,

NOW THEREFORE BE IT RESOLVED that the Village Manager is authorized to execute the contract with Rekor Systems, Inc., Columbia, MD for annual maintenance and perpetual software licensing at a cost of \$9,716, and

BE IT FURTHER RESOLVED that funding is available for this contract in the following account: A3120.2000 (Police – Equipment).

Resolution #110 of 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 a 5-0 vote.

WHEREAS the Village received a request for a Local Waterfront Revitalization Program (LWRP) Consistency Review from the New York State Department of State and the Westchester County Department of Planning for the Grand Street Retaining Wall Project, and

WHEREAS the Village Board has received a recommendation of consistency from the Waterfront Advisory Committee with the Village's Local Waterfront Revitalization Program, and

WHEREAS the Village Board must make its own determination of consistency with the LWRP policy standards and conditions, and

WHEREAS on July 5, 2022, the Village Board of Trustees undertook the process

of LWRP Consistency Review for the Grand Street Retaining Wall Project attached hereto, and

NOW THEREFORE, BE IT RESOLVED that the Village Board of Trustees makes the following findings regarding the applicability of the LWRP policies and the consistency of the Proposed Action with those policies and conditions of the LWRP which it found applicable:

Policy 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.

Policy 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 or other activity which disturbs or breaks the topsoil or results in earth movement.

Policy 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.

Policy 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.

The remaining policies and conditions of the LWRP not specifically discussed above were reviewed and found not to be applicable, and

BE IT FURTHER RESOLVED that based upon the above, the Village Board of Trustees confirms its determination that the Proposed Action, a project to replace a one hundred foot retaining wall at 25 and 33 Grand Street in the Village of Croton-on-Hudson, complies with the policy standards and conditions set forth in the Village's LWRP.

Resolution #111 of 2022

On motion of TRUSTEE HOROWITZ, seconded by TRUSTEE ROSALES, 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 of Croton-on-Hudson has been working to improve the Nordica Drive Sewage and Pump Station for a number of years, and

WHEREAS phase 1 of this project, which included installing a new electrical panel, automatic transfer switch, diesel generator for backup power, a new pump control panel and safety improvements, was completed a few years ago, and

WHEREAS the Village has been working with LynStaar Engineering to create design and bid documents for phase 2 of the project and

WHEREAS one of the two pumps located inside the station recently failed, leading to an emergency situation, and

WHEREAS General Municipal Law Section 103(4) allows for the Board to let a contract without public bidding where necessary due to a public emergency arising out of an unforeseen occurrence or condition, and

WHEREAS Superintendent of Public Works Frank Balbi has received a proposal for the cost of two new pumps and materials in the amount of \$71,000, and

WHEREAS Superintendent Balbi has estimated the cost of labor to install the pumps to be \$80,000,

NOW THEREFORE BE IT RESOLVED that the Village Board hereby declares the failure of the Nordica Drive Sewage and Pump Station pump to be an emergency situation, and

BE IT FURTHER RESOLVED the Village Manager is authorized to accept the proposal from Reiner Pump in the not-to-exceed amount of \$71,000, and

BE IT FURTHER RESOLVED that the Village Manager is authorized to proceed in the not-to-exceed amount of \$80,000 for labor-related costs in this project, and

BE IT FURTHER RESOLVED that the funding for such project is available in the following capital line: H8120.2102.09180.

10. PUBLIC COMMENTS ON NON AGENDA ITEMS - None

11. APPROVAL OF MINUTES:

Motion to approve the minutes of the Regular Meeting held on June 21, 2022, was made by Trustee Simon. Motion was seconded by Trustee Horowitz and approved with a 5-0 vote.

12. REPORTS:

Trustee Simon advised that a meeting was held with residents of the Nordica Drive neighborhood to discuss some of their concerns regarding the current development, it was a very positive meeting and believes that we have come up with some practicable ideas on how to improve this situation that is currently before them as well as long terms ideas for how development should occur in the future, met with the Sustainability Committee on June 26th and received an update of the solar project at the Washington Engine Company as well as the project at the train station, attended the Fire Council meeting along with the Mayor and Village Manager Healy and was briefed on their many upcoming events, the Cannabis Board has now established a "Cannabis Advisory Board" which held a meeting last week that he attended on line.

Trustee Gallelli advised that the Planning Board has scheduled a public hearing for a new shed for the Croton Sailing School at Senasqua Park,

thanked the Department of Public Works for trimming and clearing trees and bushes along Elliott Way that were obscuring the view of the water, stated that she has received a lot of comments regarding the large amount of geese along the waterfront, the Village remedied this several years ago by placing small fake animal statues in various locations which seemed to help, unfortunately many were stolen and suggested that we look into this again and find a way to better secure them to prevent them from being stolen, reminded everyone that for the rest of the summer Westchester County buses are free.

Trustee Horowitz reminded everyone that water bills are due on July 15th.

Village Manager Healy advised that a meeting will be held tomorrow at 7:00pm at Village Hall to discuss the impending Con-Edison project on Grand Street, everyone in the area has been invited, the summer concert series has begun, the concerts begin at 7:00pm and food vendors will be there for the next few concerts.

Mayor Pugh requested a moment of silence for Michael Calcutti, Jr. who passed away July 3rd, Mr. Calcutti retired from the Village of Croton after working many years in the Highway Department, and served as Chief of the Croton Fire Department from 1978-1980, where he was a life member for 64 years.

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 Horowitz and approved with a 5-0 vote. Meeting adjourned at 8:01pm

Respectfully submitted,

Judy Weintraub, Board Secretary

Paula DiSanto, Village Clerk

Sunday, July 3, 2022