

A Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY was held on Tuesday, January 19, 2016 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

Mayor Schmidt	Trustee Anderson
Village Manager King	Trustee Gallelli
Village Treasurer Bullock	Trustee Pugh
Village Attorney Staudt	Trustee Walsh

1. CALL TO ORDER:

Mayor Schmidt called the meeting to order at 8:00pm; everyone joined in the Pledge of Allegiance.

2. APPROVAL OF VOUCHERS:

Trustee Anderson made a motion to approve the following Fiscal Year 2015-2016 Vouchers. The motion was seconded by Trustee Pugh and approved with a vote of 5-0 vote.

General Fund	\$90,722.91
Water Fund	\$14,065.61
Sewer Fund	\$2,400.00
Capital Fund	\$272,886.42
Trust Fund	\$4,748.69
Debt Fund	-
Total	\$384,823.63

3. CORRESPONDENCE

a. Letter from Anne V. Kennedy, Executive Director, Croton Caring Committee, thanking the Board and staff for all their help these past three months in enabling them to continue with their programs while the work was being done on the Municipal Building.

2. RESPONSES TO QUESTIONS SUBMITTED BY EMAIL

No e-mails received

3. PUBLIC PARTICIPATION ON AGENDA ITEMS

Joel Gingold, 55 Nordica Drive, Croton on Hudson, stated that he wishes that he could endorse the "CCA" (Community Choice Aggregation) Program because it has the potential to provide modest but real benefits to Village residents, but he

can't make that endorsement because "Sustainable Westchester" has not provided critical details of the program. Mr. Gingold said that however promising the program may look in theory we cannot know tonight to what extent those potential benefits will be, but "Sustainable Westchester" has insisted that the Board commit to the program tonight before those terms are known or Croton will be excluded from participation. Mr. Gingold stated that "Sustainable Westchester" has put the Board in an extremely difficult position; either commit to an undefined program with the hope that "Sustainable Westchester" will construct something beneficial or decline to participate and potentially deprive our residents of any benefits that may result when the final terms have been defined. Mr. Gingold said that he does not understand the urgency to make a commitment tonight since "Sustainable Westchester" is already six months or more behind schedule. Mr. Gingold stated that he believes that the best outcome is to table the question until there is adequate time to study it and have the numerous outstanding questions answered. Mr. Gingold stated that "Sustainable Westchester" readily concedes that there is no guarantee of any savings; his own expectation is that participants will realize some modest level of savings from Con-Edison rates of around fifty to one-hundred dollars per year with a finite probability that customers may end up paying more than they would with Con-Edison. Mr. Gingold stated that the other principal benefit of the program is that some residents can receive all of their power from renewable sources at unknown premiums. Mr. Gingold stated that under the agreement "Sustainable Westchester" will receive a fee for managing the program; if all eligible customers' sign up that fee could reach \$800,000 per year or more; he has been told that there are restrictions on how those funds can be used and he would like to see the details and cost analysis and how they intend to use the money. Mr. Gingold stated that if the delay in the decision is not possible he would suggest, with a lot of reservation and more than a little trepidation, the Board opt to participate. Mr. Gingold stated that it is his opinion that information had been withheld from Croton residents and consequently very few residents currently have knowledge and information of how this program will function and if the Board does elect to participate it is important to immediately initiate a comprehensive education program to insure that, to the fullest extent possible, each individual is able to make an informed decision on whether or not to participate in the program.

John Grant, Valley Trail, Croton on Hudson, advised that he attended the work session when "Sustainable Westchester" made their presentation and the only concern that he heard that evening was the "opt-in" versus the "opt-out" scenario. Mr. Grant stated that we, as a community, should be a part of the greater

community and be looking at our own foot-print and how it relates to what we are doing day to day. Mr. Grant stated that he believes that it starts right here and we need to look at the issues around climate change and our contributions. Mr. Grant stated that he welcomes looking at an option to get away from the use of methane gas and we have a responsibility to vote on behalf of our global community. Mr. Grant stated that it is his understanding that we do not have time to wait; he represents a piece of the "Croton Climate Initiative", made up of local citizens, and encouraged the Board to approve this resolution.

Susanne Vanderwilden, 72 Penfield Avenue, Croton on Hudson, stated that she is here tonight to support the "CCA" program; when she first learned of the program she felt honored that Croton was going to participate because it reflected our community and our values as a community. Ms. Vanderwilden stated that the one thing that drew her to Croton was its beauty and its surrounding nature and the ability that she can put her money where her mouth is and choose to use sustainable energy is wonderful and encouraged the Board to consider approving this tonight.

Mike Gordon, Co-Chair "Sustainable Westchester" stated that the "CCA" program focuses on consumer value, consumer concern and consumer best interest and we will be shielding consumers against prospective price volatility and price hikes while allowing consumers access to price reductions. Mr. Gordon stated that the contract allows for rebates to customers for energy efficiency as well as reductions in price. Mr. Gordon stated that "Sustainable Westchester" is very excited about the way that communities have worked together.

Lisa Moir, 6 Valley Trail, Croton on Hudson, stated that she is part of the "Croton Climate Initiative"; it is an active group of Croton residents that focuses on climate issues and is in full support of this program. Ms. Moir stated that by approving this program it will allow residents a choice which we all deserve for our children, for ourselves and for our commitment. Ms. Moir stated that as far as the education component is concerned, she believes that "Bedford 2020" is working with "Sustainable Westchester" on a very clear educational piece; they have flyers and brochures and they are willing to run meetings and train people to do meetings about the program so that the residents understand their choices. Ms. Moir stated that she would be very disappointed if this program was not approved.

4. RESOLUTIONS:

a. On motion of TRUSTEE GALLELLI, seconded by TRUSTEE PUGH, the following resolution was put forth by the Board of Trustees of the Village of Croton-on-Hudson, New York; with the following votes; Trustees Gallelli and Pugh voted Aye; Mayor Schmidt, Trustee Anderson and Trustee Walsh voted Nay.

WHEREAS, on April 20, 2015, the Village Board of Trustees approved a resolution to enter into an agreement to participate in a Sustainable Westchester Community Choice Aggregation ("CCA") program for the purpose of procuring an energy supplier who will contract with the Village to supply energy for its residents at a price that must meet the criteria of a "compliant bidder" as defined in the MOU (Memorandum of Understanding); and

WHEREAS, at the Work Session of June 8, 2015, the Village Board reviewed and discussed draft legislation that would further define and establish procedures for the Community Choice Aggregation Energy Program; and

WHEREAS, the Village Board of Trustees held a Public Hearing on July 13, 2015 to consider Local Law Introductory No. 7 of 2015 establishing procedures for the Community Choice Aggregation Energy Program; and

WHEREAS, the Village Board of Trustees voted in favor of adopting Local Law Introductory No. 7 of 2015 on July 13, 2015 establishing procedures for the Community Choice Aggregation Energy Program: and

WHEREAS, Sustainable Westchester has required all participating municipalities to sign a Memorandum of Understanding to establish participation by the Village of Croton-on-Hudson; to affirm the terms and conditions within the Electric Service Agreement; and, to affirm the execution of the Electric Service Agreement.

NOW THEREFORE BE IT RESOLVED: the Village Board of Trustees authorizes the Village Manager to sign the Community Choice Aggregation Memorandum of Understanding.

AND BE IT FURTHER RESOLVED: that the Village Manager is authorized to execute the Electric Service Agreement subject to the Village Attorney's final approval.

DISCUSSION:

Mayor Schmidt stated that he fully supports the concept of the "CCA" Program; but after hearing some of the comments made this evening it highlights to him the confusion about this program. Mayor Schmidt stated that if you look at the "MOU"

(Memorandum of Understanding) and the comments from the Commissioner of the Public Service Commission it is very clear that it is the municipality's responsibility, before signing anything, to notify its residents as to what this program is all about and to have that outreach that educates residents as to what the value of the program is; this has not been done and he is terribly disappointed. Mayor Schmidt stated that we are now being told to do this outreach after we sign the agreement. Mayor Schmidt stated that it is too late at that point; how are fifteen to twenty communities going to rally around and get that information out in such a short period of time. Mayor Schmidt stated that he feels that the prior administration should have been doing the due diligence up to this point to get that information out to the public and he does not believe that enough information has gone out and the public is still confused about this program.

Trustee Walsh stated that he is all for giving our residents a choice and a better environment; this concept sounds like a great idea but the majority of people that he has spoken with throughout the Village do not know exactly what is going on. Trustee Walsh said he is also concerned that this is an "opt-out" program; this basically forces people into the program and you have to take action if you don't want to participate. Trustee Walsh stated that he would be all for this program if this was an "opt-in" program where people, who were interested in participating, could just opt-in; trying to force our residents to do something that they don't know anything about is very troubling to him. Trustee Walsh stated that when the representative from Sustainable Westchester spoke at our work session last week they clearly stated that they cannot guarantee that our residents are going to save money; if our residents are not going to be guaranteed to save money how is this a good deal. Trustee Walsh stated that there are a lot of unknowns; who is going to be the provider; is this going to be a fixed cost or a variable cost. Trustee Walsh stated that he is all for the "Bedford 2020" initiative and encourages them to educate the public so that they are better informed and can make an informed decision; giving our residents more choice is exactly what we are all about; we want to give different ideas and opinions to make our community and the world a better place.

Trustee Pugh stated that on the question of choice very few, if any, of our residents have ever chosen to have Con-Edison as their electrical supplier, they are just the default provider and part of the system that we have had from the days prior to de-regulation. Trustee Pugh stated that the people who want to stay with Con-Edison will have the option through the opt-out process but the people who want to get a better deal will have the option to remain in the pool and go with the program.

Trustee Pugh stated that while there are no guarantees for savings it is more likely than not that savings will be realized just because Con-Edison prices have increased virtually every year and the fact that we also pay the highest electric rates in the United States. Trustee Pugh stated that it is his opinion that the status quo is really the riskiest option in this case.

Trustee Walsh stated that he completely understands that and if this first round does go through and different communities like it, he would hope that "Sustainable Westchester" would allow Croton to participate if there comes a time when we are ready to do this. Trustee Walsh stated that it has been mentioned that there may be a second round and he does not understand, if the program is up and running that other people can't join in when they are ready.

Trustee Gallelli stated that this is a win-win situation for Croton and it will be very discouraging if this Board does not allow us to sign the "MOU" (Memorandum of Understanding). Trustee Gallelli referred to some of the points that Mr. Gingold made and to the extent of the things that are not known, the "MOU" is pretty specific in its details on how you can opt-out if any of these things do not turn out the way someone believes they should. Trustee Gallelli stated that this program is authorized by the New York State Public Service Commission and they have authorized "Sustainable Westchester" to run this program for Westchester Municipalities of which there are forty-two members. Trustee Gallelli advised that "Sustainable Westchester", as the Program Manager, will be assuming the responsibility for all of the logistics; there are also certain guarantees in the "MOU" that provide for what the savings will be and it is very unlikely that there wouldn't be a savings for everyone. Trustee Gallelli stated that almost everyone in this Village has Con-Edison as their service provider because they are our default service provider; some residents have opted-out of Con-Edison and have gone to private "ESCO's" (energy service providers) but most people in Croton are still with Con-Edison. Trustee Gallelli stated that while she would agree that we can always benefit from more information and certainly supports that, after a vote in support of this program, an aggressive information campaign will be made to supplement whatever is needed in the education aspect of this program. Trustee Gallelli stated that as elected representatives our job is to make informed decisions and everyone can see, from all of our back-up materials that we've had this information all week and hopefully we have all been making ourselves familiar with this information. Trustee Gallelli stated that we have all said that we support the program concept and whatever things that we don't like about how we have gotten to this point are pretty much taken care of in the "MOU". Trustee Gallelli stated that once this is

passed the Village will be making contact with every Con-Edison user explaining what their options are; if residents sign onto the Community Choice Aggregation program and then decide down the road that they don't like it they can get out at no cost and return to Con-Edison as their energy provider. Trustee Gallelli stated that we are always talking about shared services and this is the ultimate shared service. Trustee Gallelli stated that she highly endorses this program; it would be a huge mistake and very discouraging for residents of this community not to pass this.

Trustee Anderson stated that the overall concept is wonderful however it is backwards; what we should have been doing first is notifying and educating residents so that they can be part of this decision and does not understand why we have to make this decision tonight. Trustee Anderson stated that as of last Thursday only nine communities have signed on with the possibly of nine more signing up, this is less than fifty-percent of the members. Trustee Anderson stated that it is a little too early for us to try and make this decision tonight; if this program begins to gain traction and moves forward and other communities want to join in he is sure that "Sustainable Westchester" would love to have us. Trustee Anderson stated that the roll-out was weak; we didn't have the education and does not know if the time-line is real and what the urgency is. Trustee Anderson stated that conceptually the benefits are wonderful but at the end of the day for many residents we may only be talking about a three to four percent decrease that could amount to only two to three dollars a month and while it could be a big number for some for others possibly not. Trustee Anderson stated that he feels we are moving too quickly and does not see any major problem if we do not sign this tonight.

Trustee Gallelli stated that for whatever the reason is that the contract is going out this week; "Sustainable Westchester" is looking for either a two or three year contract and they have made it clear that the turn-around time if we do not opt into this program right now could be two or three years. Trustee Gallelli stated this program was discussed numerous times during the past year during work sessions and at Regular Meetings as well as the subject to a Public Hearing. Trustee Gallelli stated that it is our responsibility to make a decision based on the information we have about the value of this program and to hold off and say that we do not see why we have to do it now is ignoring the advice that we have been given and in essence putting off the reversal of that decision for two to three years.

Trustee Walsh stated that we do not know who the provider is and it is like we are throwing blind faith out there because we do not have the answers to a lot of these

questions. Trustee Walsh stated that we are asking a fairly new organization and throwing ourselves to them and saying "we hope you will do the best by us" but we have no guarantees to that; last week the representative from "Sustainable Westchester" did say that there are no guarantees that we are actually going to save money. Trustee Walsh stated that putting blind faith with a lot of unanswered questions to an organization that has not had a long track record is a concern for him. Trustee Walsh stated that he likes the concept and if this was an opt-in program he would be voting for it but because it is an opt-out program he is very concerned.

Mayor Schmidt stated that the resolution reads that we guarantee a lower price and yet we have been told that there are no guarantees and the resolution needs to be amended to reflect this. Mayor Schmidt stated that he has questions about who is paying for the distribution of information to our residents; it is not clearly spelled out anywhere and yet the Public Service Commission makes it very clear that it is the responsibility of the municipality. Mayor Schmidt stated that the Public Service Commission issued this as a "Pilot Program" and wanted to use a small group to start out to see how this was going to run and then to make determinations if things had to be changed or adjusted. Mayor Schmidt stated that the Commissioner only granted "Sustainable Westchester" a one-year term so that they can be sure that it is in fact working and doing what it is supposed to do. Mayor Schmidt stated that there is a tremendous amount of confusion that has been put out about this whole process; in one of "Sustainable Westchester's" correspondence they talked about the utility companies and their requirement to "harden their network/infrastructure and how that has affected the price of utility bills" but that portion of the bill has absolutely nothing to do with what we are talking about tonight and does not understand why this was used as the first bite; anyone reading this would assume that this program is addressing their entire Con-Edison bill; this is not about your entire Con-Edison bill and it was very misleading on "Sustainable Westchester's" part to use that topic as the first part of the discussion and they should have been very clear that this is just about the energy portion of your bill. Mayor Schmidt stated that there is also a huge confusion because this does not directly affect Climate Change; Global Warming or anything of that nature; it is primarily switching from Con-Edison as an electric supplier to another ESCO (energy supplier). Mayor Schmidt stated that there is an option to sign up for an "all green" portion at a different fee that has not yet been established but most people signing on to this program are only signing on to another electric supplier. Mayor Schmidt stated that for him the biggest problem is the confusion

and the lack of transparency with the public on the part of the prior Board as to what the Board is getting ready to do. Mayor Schmidt said that talking about holding a Public Hearing and work sessions is not really what the Public Service Commission had in mind when they talked about an outreach program; they are talking about a robust outreach program that really reaches out to the public to inform them about what the Board is doing and the decision a community is making on their behalf.

Mike Gordon stated that it is correct to say that the Public Service Commission said that it is the responsibility of the municipalities to reach out to their residents and that the Public Service Commission will determine whether the municipalities have met that responsibility. Mr. Gordon stated that what "Sustainable Westchester" did was to describe to the "PSC" what municipalities have already done to reach out and submitted that to the Department of Public Service so that they could make a determination as to whether communities have already met that burden and it is the opinion of the Public Service Commission that the municipalities have met that responsibility. Mr. Gordon advised that roughly twenty-five percent of our electricity costs are energy distribution system costs and "Sustainable Westchester" has designed this contract so that they can dig into that cost and create reductions by pooling more efficiently. Mr. Gordon added that the tax on the energy distribution portion of the bill come off as well. Mr. Gordon advised that the Public Service Commission did not put a limit on the "Pilot Program" but they asked "Sustainable Westchester" to report on it annually and Westchester County is the first County in the State to do the "Community Choice Aggregation Program". Mr. Gordon stated that "opt-in" programs do not work; we have all been free for the last fifteen years to opt into alternative energy and it has been found not to work.

Trustee Walsh stated that what he has heard this evening from Mr. Gordon is not what he heard last week as far as the savings goes; last week the representative from "Sustainable Westchester" said that we are not guaranteed to save money and if we put our residents into this program they may or may not save money.

Mr. Gordon said that he does not want to promise what they cannot deliver so in the "MOU" (Memorandum of Understanding) it has the exact language of what the guarantees are; if natural gas prices, which drive the basic price in the electricity market, goes back to levels thirteen, fourteen or even fifteen months ago we are going to see a savings of roughly twenty percent on our electricity bills. Mr. Gordon stated that we believe natural gas prices will be hovering roughly where they are within the next six to twelve months and we do expect to see a hike so having a

three-year fixed price is, in our view, a value that will reap great benefits for consumers in the next couple of years. Mr. Gordon stated that the value isn't in a guaranteed savings but rather in the protection against the volatility of the market and the opportunity to save money when Westchester becomes penetrated with renewable generation of energy.

Trustee Pugh stated that at our last work session there was discussion about having an auditor review the credit worthiness of the energy service company and asked if an auditor has been selected.

Mr. Gordon advised that the credit auditors are O'Connor Davis and the auditor on whether the price is compliant is the firm of TRC Solutions, a highly credible energy consulting firm for many utilities throughout the United States.

Trustee Pugh asked if, in spite of the best efforts and due diligence of "Sustainable Westchester", there was some sort of an inadequacy by the supplier what would happen in that situation.

Mr. Gordon advised that residents would roll back to the default utility.

Trustee Pugh said that this is the first time this is being done in New York State but it is being done in other states such Illinois, California, and New Jersey and asked Mr. Gordon, based on the experience of these communities, is there any sense of the range of savings.

Mr. Gordon stated that nationally they have seen five to ten percent savings; California has done quite well with their renewable mix; the consumer savings in Illinois has been around ten to twenty percent depending on how well the utility has negotiated and many cities in Ohio are buying high percentages of renewable energy. Mr. Gordon advised that Massachusetts is developing rapidly and there are a few hundred communities that have successfully gotten through their Public Service Commission's process. Mr. Gordon stated New Jersey is somewhat slower out of the gate but believes that they are doing some remarkable things just recently.

Trustee Walsh asked if this is such a great program and people are so well informed and saving a lot of money why isn't this successful as an opt-in program.

Mr. Gordon stated that for the last twenty years New York State residents have had the opportunity to opt-into purchasing electricity from other "ESCO's" and we all know that when we have the option to do nothing people often do nothing. Mr.

Gordon stated that the other reason people have not participated in opting into another "ESCO" individually is because they are one person and they do not have the negotiating clout.

Trustee Walsh said that he couldn't imagine any municipality not signing this agreement if it was an opt-in program and if it is such a great deal then the people should have the ability to sign on for it without forcing our residents into the program.

Mayor Schmidt asked what the significance of the April 1st date is.

Mr. Gordon explained that the bid goes out either this Thursday or Friday; bid responses are due on the 10th of February; there will be roughly two weeks to make sure that the individual information that we received is good then a letter to opt-out of the program is mailed giving five days for receipt of that letter, then another twenty days for the residents to respond and then another three days for the decision process which brings it to the end of March beginning of April.

Village Manager King asked who sends the letter out.

Mr. Gordon said that this is a joint letter prepared by "Sustainable Westchester" but will come from both the municipality and "Sustainable Westchester" funded by the winning energy service company.

Mayor Schmidt asked if Croton decides not to participate tonight could they roll in after. Mayor Schmidt said that he could not imagine that an ESCO would not want an additional two-thousand plus homes included.

Mr. Gordon stated that "Sustainable Westchester" is going out with between one-hundred and twenty to one-hundred and forty thousand homes; there may be two to four thousand more homes that may want to participate later but he cannot expect being able to get nearly the same price.

Mayor Schmidt asked why that would be.

Mr. Gordon responded that it is because of the number of homes; they are going out with a large block of homes as opposed to a much smaller amount.

Mayor Schmidt stated that he understands that a letter was sent to the Public Service Commission indicating that residents have been informed but in all honesty he is sure that every community has done a different job of informing its residents and does not understand why "Sustainable Westchester" can't push back this

timeframe. Mayor Schmidt stated that he believes Pleasantville did an incredible job of outreach including community meetings, calling people and unfortunately Croton did not come close to that and this is his biggest reservation with this program; he would have wanted to sign onto this if Croton had done their due diligence to educate the community. Mayor Schmidt stated that Bedford is doing an incredible job as well and is concerned that all of us were lumped together in addressing the Public Service Commission's requirements for informing the public. Mayor Schmidt stated that when he reads through those requirements he got the impression that they were looking for a very robust outreach program; this is not your typical Village Board function; we pave roads, pay bills, pick up garbage, and provide essential services and while this is a great thing to get involved in it is not a function of Village Government and Croton has not done what other communities have done to inform their public.

Mr. Gordon stated that "Sustainable Westchester" had to describe what each individual community had done and then the Department of Public Service determined community by community if they met that bar. Mr. Gordon stated that the communications challenge is an ongoing challenge because people just do not pay attention to their electricity bills.

Trustee Walsh stated that he is struggling with the fact that if we don't go in now "Sustainable Westchester" wouldn't want to take us on and have us join in and allow us to save money as well.

Mr. Gordon stated that "Sustainable Westchester" would absolutely welcome Croton joining at some future date but we are going out to bid with somewhere between one-hundred and twenty to one-hundred forty thousand homes and what is going to happen procedurally is once we sign this contract the supplier is going to go out and purchase the product based on that number of homes. Mr. Gordon said that the price would not be the same going out to purchase a product for only a block of two to four thousand homes.

Mr. Walsh said that if you have one-hundred to one hundred and forty thousand homes already in the program and now you call and say you have an additional two thousand homes that want to participate why can't that number of homes be added to what is currently being offered rather than saying you are under a separate contract.

Mr. Gordon stated that the contract terms will be the same the only difference is the price; when the supplier makes a bid for a fixed price that supplier is going to

go out and buy three years forward for that entire block and when that buyer goes out they are going out with the clout of one-hundred and twenty to one-hundred and forty thousand homes and it is bought and done. Mr. Gordon stated that if someone wants to come in a month later, the market conditions aren't likely to be substantially different unless something happens but now the supplier is going out to the market asking them to sell a two thousand home block.

Trustee Walsh stated that the gentlemen last week said that they anticipate ten percent of the people opting out. Trustee Walsh asked if we are adding one or one and half percent into what was originally bought why we couldn't just go under this umbrella and get the same deal that everyone else received.

Mr. Gordon stated that the supplier will be buying for what they expect to be that opt-out rate and the supplier is going to buy ten percent less because they expect the opt-out rate to be ten percent.

Mayor Schmidt stated that "Sustainable Westchester" is putting a lot of pressure to meet deadlines and we are asking for a little extra time so that we can reach out to the public; this is what we should have been doing before going out to bid and he does not think that this twenty-day period gives enough time to do the education that "Sustainable Westchester" is talking about. Mayor Schmidt stated that this is an arbitrary date in time; fuel prices are at historically low rates now and they may continue to go down; what is two weeks to give this Board time to discuss this and communicate to more residents. Mayor Schmidt stated that everything has been in such a rush with respect to the signing of the "MOU"; the document was just received two days before Christmas and then there was this mad rush to get it approved. Mayor Schmidt said that some questions have been answered this evening but there are many more questions and it would make him feel a lot more comfortable in signing this if more of his questions could be answered. Mayor Schmidt said that he is in favor of this and sees the value and importance but would like a little more time. Mayor Schmidt stated that he has done his own little survey and asked residents in Croton if they know about this; many don't; they have no clue of what this is and what it is all about; it is not a formal survey and other members of the Board have done it as well. Mayor Schmidt asked Mr. Gordon what type of communication was done in the community that he lives in.

Mr. Gordon responded by saying that there has been community meetings; e-mails; a couple of articles in the local newspaper, a Public Hearing; and a pretty

standard mix of outreach. Mr. Gordon stated that he didn't think it was enough and it is an ongoing challenge.

Mayor Schmidt stated that the problem with the opt-out is that at the end of the day there will be a lot of people happy that we signed up but there will be a lot of other people that will be very unhappy and he would like to minimize that number. Mayor Schmidt stated that "Sustainable Westchester" has done an incredible job in moving this along and appreciates the work and effort on behalf of the residents of Westchester County but would like "Sustainable Westchester" to give more time to get some of the many unanswered questions resolved and asked that they considered extending this until the Board's next meeting.

Mr. Gordon said that "Sustainable Westchester" will certainly try but does not want to promise anything that they cannot deliver with certainty. Mr. Gordon stated that even if the Board does not vote to participate tonight, Croton is still a member of "Sustainable Westchester" and we will still work for you as a dues paying member and we will certainly work to continue to engage other communities.

Trustee Gallelli asked that the resolution be amended in the first whereas, last line to read "to meet the criteria of a "compliant bidder" as defined in the "MOU" (Memorandum of Understanding);

Mayor Schmidt asked that the words "guaranteed to" be changed to "must meet" the criteria.

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

WHEREAS, in November 2014 the Village Board of Trustees received a special permit renewal and modification application for the ShopRite Supermarket located at 460 Riverside Avenue, and

WHEREAS, on January 20, 2015 the Village Board declared itself Lead Agency for SEQRA purposes; and

WHEREAS, since that time, the application has been on procedural hold while Shoprite resolved potential deed restrictions with Historic Hudson Valley; and

WHEREAS, the Village has now received a modified application reflecting a revised site development plan,

NOW, THEREFORE BE IT RESOLVED: the Village refers the revised application packet to the Planning Board for a recommendation back to the Village Board; and

BE IT FURTHER RESOLVED, the Village refers the Environmental Assessment Form, Coastal Assessment Form and all other application documents to the Waterfront Advisory Committee for its written preliminary recommendation of consistency with the Village's Local Waterfront Revitalization Program.

Robert Lauro, Civil Engineer representing Shoprite, gave an overview of their revised plans and thanked the Board for their patience. Mr. Lauro explained that they held a meeting with "Historic Hudson" and in the interest of serving Croton, the project has been revised slightly in scale; it is still a great project for the community; adjustments have been made within the store as well as the loading dock to accommodate the reduction in square footage from what was originally proposed. Mr. Lauro advised that the parking lot will be slightly modified through improved enhancements and efficiencies; bike racks will be installed, ADA accessibility has been greatly improved and they believe that they have effectively mitigated the intersection as you come into Shoprite from South Riverside Avenue that gives customers relief in times of congestion. Mr. Lauro stated that the site-modifications are somewhat minor to accommodate some of the ADA compliance issues; LED fixtures will be put in for energy conservation and equipment will be replaced with energy efficient equipment.

Mayor Schmidt stated that Shoprite is a wonderful business in Croton and looks forward to continuing to work with them. Mayor Schmidt complimented Shoprite on their community outreach and contributing to the Croton Caring Committee, Croton Food Bank and our Veterans.

Trustee Walsh asked if they can take away a few of the parking spaces adjacent to South Riverside and make a sidewalk into the parking lot; this area can be dangerous for people walking down the ramp.

Mr. Lauro stated that the Planning Board had that same concern and we plan to put in a new ADA compliant sidewalk at the southern end of the property. Mr. Lauro said that he understands that people will continue to use the driveway closest to South Riverside but by changing the entrance into the building it will help serve to balance the parking lot and give people a visual acuity that the proper way to enter

the site is down the southern driveway or the new sidewalk and to approach the store from that entranceway.

Trustee Gallelli stated that the Planning Board is very anxious for them to come back and they are glad that they have come to a resolution for this project.

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

WHEREAS, the Village Board of Trustees has received a special permit application from Lawrence Doyle for a mixed use occupancy at 379 South Riverside Avenue, and

WHEREAS, on August 11, 2014 the Village Board of Trustees determined that this was an unlisted action, declared its intent to be lead agency for the purpose of conducting a coordinated review and circulated its intent to all interested and involved agencies; and

WHEREAS, on October 6, 2014 the Village Board declared itself lead agency for SEQRA purposes and referred this matter for comment and recommendation to the Village Waterfront Advisory Committee (WAC) and has received a preliminary consistency recommendation back from the WAC; and

WHEREAS, the Village Board of Trustees has undertaken the process and review described in detail in the EAF Parts 2 and 3 "Determination of Significance" attached hereto,

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees of the Village of Croton on Hudson hereby issues and adopts the EAF Parts 2 and 3 Determination of Significance attached hereto, and adopts a Negative Declaration in connection with this action,

AND BE IT FURTHER RESOLVED: that the Village Board of Trustees hereby refers the EAF Parts 2 and 3 which have been adopted by the Village Board of Trustees to the Village Waterfront Advisory Committee for its final review of consistency with the LWRP.

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

WHEREAS, damage was caused to the water main on Maple Street by a Croton fire truck parking on the curb during the annual Candy Cane Run; and

WHEREAS, Anthony L. Fiorito, Inc. of Ossining, NY has provided services to repair the damaged water main on Maple Street at the price of \$10,160; and

WHEREAS, this amount has not been budgeted for in the current operating budget,

NOW THEREFORE BE IT RESOLVED: that the Board of Trustees hereby authorizes the Village Treasurer to transfer \$10,160 from the Water Fund's Contingency Account number F1990.4000 to the Water Fund Account number F8340.4000 to repair water main on Maple Street.

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

WHEREAS, the road salt supply for the Village has been depleted; and

WHEREAS, the Department of Public Works seeks to purchase additional road salt in the amount of \$9,154; and

WHEREAS, this amount has not been budgeted for in the current operating budget,

NOW THEREFORE BE IT RESOLVED: that the Board of Trustees hereby authorizes the Village Treasurer to transfer \$9,154 from the General Fund's Contingency Account number A1990.4000 to the Snow Supplies Account number A5142.4200 to purchase road salt.

DISCUSSION:

Village Manager King advised that she will make a slight change to how the resolution reads to reflect that this is just for an approval \$9,154 which is over what had been previously budgeted.

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

WHEREAS, the Village currently has one open position in the Police Department; and

WHEREAS, Police Chief Anthony Tramaglini has conducted an extensive background check of Kevin Ward, Jr. and recommends the hiring of Mr. Ward,

NOW, THEREFORE, BE IT RESOLVED: that Kevin Ward, Jr. of Peekskill, NY is hereby appointed as a Police Officer at the salary of \$58,690.44, effective, Tuesday, January 26, 2016 in accordance with the rules and regulations of the Westchester County Department of Human Resources.

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

WHEREAS; the Village is in the sixth year of a grant from the U.S. Department of Health and Human Service and Substance Abuse and Mental Health Services Administration under the Drug Free Community for a Support Program; and

WHEREAS, Student Assistance Services Corporation will be providing services as part of the grant program; and

WHEREAS, the local grant program is known as the Coalition Against Alcohol and Drug Abuse and consists of representatives from 12 sectors of the community; and

WHEREAS, Student Assistance Services Corporation has provided a contract for the services this agency will provide to the Village under the grant program; and

WHEREAS, the contract costs will not exceed \$8,554.00 of which the entire amount will be reimbursed under the grant program,

NOW, THEREFORE BE IT RESOLVED: that the Village Manager is authorized to execute the contract with Student Assistance Services Corporation for an amount not to exceed \$8,554.00.

4. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – none

5. APPROVAL OF MINUTES

Trustee Walsh made a motion to approve the minutes as amended of the Regular Meeting held on Monday, January 4, 2016. The motion was seconded by Trustee Walsh and approved with a vote of 5-0.

6. REPORTS:

Trustee Pugh thanked Holy Name for hosting the Blood Drive and thanked the Croton houses of faith for organizing the "Justice Fair" held this past Sunday.

Trustee Pugh stated that the Board will be ending their contract with "Croton Gov"; an on-line service for sharing financial information with the public. Trustee Pugh stated that in the context of our current budget situation it makes sense; the staff has pointed out that it was an under-utilized experiment. Trustee Pugh recommended that we continue to use the resources that we have in-house to communicate with the community as well as looking into a directory that is contracted through the State called "Open Book New York" as a means to communicate information with the public as well as a searchable FOIL program similar to "FOIL on-Line" which is now being used by the Federal Government so that when a document is released via FOIL it is posted on line so that other people can access it easily.

Trustee Pugh stated that he is very saddened by tonight's vote; he believes this is a big missed opportunity and hopes that the Village will have the opportunity to participate in the Community Choice Aggregation Program in the future for reasonably favorable terms. Trustee Pugh stated that the Village initially started talking about this in public back in 2013; it has been the subject of four public meetings; articles in the Journal News; the Patch; the Daily Croton; the Croton Blog and has been in the public record as well as in the Village's December Newsletter.

Trustee Walsh stated that he looks forward to working with "Bedford 2020" to get more information out to our residents so that they can be more informed about the "CCA" Program so that they can make an informed decision as to whether they should participate in the program.

Trustee Walsh advised that a local restaurant owner contacted him about putting in a restaurant at Croton Point Park; he has spoken with the County and they will be getting back to him with a more definitive plan.

Trustee Walsh advised that both the Public Works Department staff and the Police Department have visited Bungalow Road and they will be doing an analysis to try to figure something out for the residents on that road.

Trustee Walsh advised that he received an e-mail regarding Brook Street and has spoken with the Public Works Department and the Police Department about their issues as well.

Trustee Gallelli advised that she had the opportunity to represent the "Coalition against Alcohol and Drug Abuse" along with their Coordinator Laurie Dean and Detective John Nikitopoulos at last Sunday's "Justice Day". Trustee Gallelli advised that it was a wonderful event and sent kudos to the organizers.

Trustee Gallelli advised that she and Manager King attended a Liaison meeting with the School District. Trustee Gallelli advised that the focus of the meeting was on safety and safe walking to school; the School District has appointed a point-person; has involved their Student Congress and they will be talking to members of our Bicycle/Pedestrian Committee who have already initiated some discussions with them.

Trustee Gallelli reminded everyone that residents cannot skate on the Duck Pond; as soon as it freezes over it will be tested and asked everyone to wait for the green flag to go up.

Trustee Gallelli said that she is disappointed by the vote that was taken tonight; we have let the whole Village down.

Trustee Anderson advised that Dick Nagle has decided to come back and assist the Village as our Emergency Services Director/Coordinator; Mr. Nagle will be working with Eric Morrissey to put together an overall Emergency Plan for the Village.

Trustee Anderson advised that in his discussions with the Fire Department he has learned a lot about trucks and the Washington Engine Company; he and Mayor Schmidt will be getting together with Dick Nagle and Matt Mansfield to

discuss further what can be done with Washington Engine Company to help save money on repairs.

Trustee Anderson advised that the next "Tough Man" race will be held in Harriman State Park this year and not in Croton.

Village Manager King stated that it was very expensive for "Tough Man" to hold their event here; they had to pay for a Department of Transportation Permit; a private contractor who managed closing the roads as well as costs for police overtime. Village Manager King said that staying within the confines of the park will probably save them some money.

Village Manager King advised that we are very pleased that Dick Nagle will be assisting the Village in updating our Emergency Plan.

Village Manager King advised that she had a short meeting with the Conservation Advisory Committee; they have set the date for "Earth Day" for April 30th.

Mayor Schmidt advised that Dick Nagle is not being paid for this work; he is volunteering his time and will be serving in an advisory capacity. Mayor Schmidt stated that Mr. Nagle brings a log of expertise having served as Chief of the Ridgefield Fire Department in addition to many other capacities for Croton.

Mayor Schmidt advised that Clearwater may be moving their venue from Croton Point Park as well; they are having some internal difficulties with the County; he will be receiving a report from a meeting Clearwater is holding this evening and is looking forward to getting more information. Mayor Schmidt advised that the County has increased their fee to use the park and this may be part of what is affecting this change in venue.

Mayor Schmidt asked everyone, in light of the upcoming snow this weekend, to please observe the "Street-Cleaning" rules; get cars off the street so that the Public Works Department can do their job in clearing our roadways.

Mayor Schmidt said he knows that there is a lot of disagreement on the Board regarding the "CCA" Program and he truly wants us to move forward with this; we need to do more work in communicating to the public; it was absolutely incredible having Mr. Gordon here this evening; he answered an

awful lot of questions that were not answered before but now we need to get more of the public involved as well.

A motion to enter into an Executive Session to discuss ongoing litigation regarding 1A Croton Point Avenue was made by Trustee Gallelli and seconded by Trustee Walsh. Motion was approved with a 5-0 vote.

A motion to enter into an Executive Session to discuss real property issues was made by Trustee Anderson and seconded by Trustee Walsh. Motion was approved with a 5-0 vote.

There being no further business to come before the Board; Trustee Walsh made a motion to adjourn the meeting. Trustee Pugh seconded the motion; the motion was approved with a vote of 5-0. The meeting was adjourned at 10:32pm.

Respectfully submitted

Judy Weintraub, Board Secretary

Paula DiSanto, Village Clerk