

Board of Trustees
Village of Tarrytown
Regular Meeting No. 25
December 21, 2015
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Basher, Butler, Hoyt, McGee, McGovern and Zollo; Village Administrator Blau; Village Treasurer Hart; Village Attorney Silverberg and Village Clerk Booth

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell noted the following:

- Leaves will no longer be vacuumed; they now have to be put in bags.
- Village Offices and garbage pick-up will be operating its normal working hours for the next two Thursdays. The Village Offices will be closed the next two Fridays and there will be no garbage pick-up on those days.

Trustee Hoyt congratulated Deputy Mayor Tom Basher who was recently elected to the Westchester County Senior Citizen Hall of Fame. Trustee Hoyt stated that it was an honor to be present when Deputy Mayor Basher received his award and that he delivered an excellent speech. Trustee Hoyt also noted that it has been an honor to sit on the Village Board with Deputy Mayor Basher for the past ten years. Deputy Mayor Basher thanked Trustee Hoyt.

ADMINISTRATORS REPORT

Administrator Blau reported on the following:

Miller Park Traffic Issues – in response to the comments at the Board of Trustees meeting of December 7, the Village has taken the following actions:

Obtained information regarding speed humps and speed bumps. Speed bumps, which are higher and not as wide as speed humps are not recommended for public streets. In addition, there is an opinion from the Attorney General regarding the legality of installing speed humps and speed bumps on public streets. The opinion of the Attorney General is that the speed humps and speed bumps are legal, subject to criteria for signage and distances from driveways and stop signs.

Obtained an opinion from the Village Attorney regarding the reduction of speed limits in the area from 30 mph to 25 mph. The Village cannot create a 15 mph school zone on Miller Avenue behind the Washington Irving School. The opinion of the Village Attorney quotes a State Comptrollers opinion on the issue which states that when a 25 mph speed limit is established on a specific road, “the village should determine that the limit is reasonable, that is, necessary and justified by the requirements of public safety, and is non-discriminatory.” The Village is in the process of putting together the necessary information to justify the reduction in the speed limit, which will then be incorporated into a Local Law to reduce the speed limit.

Pedestrian Issues on Franklin Street at South Broadway – a pedestrian crossing sign to be placed in the middle of Franklin Street by South Broadway has been ordered. When it is received, it will be installed. If the sign does not increase awareness of pedestrians in the crosswalk at the intersection, the Village will have to determine other steps to increase awareness in drivers.

Parking on Meadow Street - Trustee Hoyt and I are working on developing a proposal, that will be submitted to the Board of Trustees, that will hopefully address concerns voiced at the December 7 Board of Trustees meeting. One action that cannot be taken is the creation of a resident parking permit system on Meadow Street.

Scroll – the scroll that people see when they turn on the Village government channel, that provides information about various Village business and activities, is inoperable at the present time. This was discovered just after Thanksgiving and the vendor that provides technical service was contacted to repair the problem. It turns out that the control box is over 7 years old and replacement parts are no longer necessary. The vendor from whom the Village purchased the control box no longer sells the box and the Village had to seek out other vendors to replace the control box. A proposal for a replacement control box should be received before Christmas and will be authorized so that we can get the scroll back and operational as soon as possible. I learned today, when contacting a vendor that the term used in the business is not scroll, but is digital signage.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON AGENDA ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES TO ADDRESS THE BOARD OF TRUSTEES

Mayor Fixell asked if anyone wanted to address the Board on agenda items. No one appeared.

PUBLIC HEARING – MORATORIUM EXTENSION – TARRYTOWN STATION STUDY AREA

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 21st day of December, 2015, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendment to the Code of the Village of Tarrytown, Chapter 306. Moratoria. To extend the Interim Development Moratorium for Tarrytown Station Study Area within the Village of Tarrytown for an additional three (3) months.

Be it enacted by the Board of Trustees of the Village of Tarrytown as follows:

A Local Law known and cited as the Amendment to Extend Interim Development Moratorium for Tarrytown Station Study Area within the Village of Tarrytown

Be it enacted by the Board of Trustees of the Village of Tarrytown as follows:

SECTION 1: Purpose and Intent. Previously the Village Board of Trustees adopted a six month Interim Development Moratorium, ending on January 28, 2016, to preserve its intended objectives and ensure future possible implementation of new regulations it may deem necessary with respect to development of the area designated as the Tarrytown Station Study Area (“Study Area”) in the Village of Tarrytown (the “Village”). Since adoption of the Interim Development Moratorium the Village and its consultant have continued to study possible new regulations, with the final report expected to be completed during February, 2016. It is anticipated additional time to will be required to review the final report and implement any appropriate modifications to regulations. Therefore, in order to continue the purpose of the Interim Development Moratorium, it is necessary to extend the Interim Development Moratorium for an additional three months.

SECTION 2. Local Law Number 4 of 2015 is hereby amended by modifying Section 5 to read as follows, with such Local Law remaining unchanged in all other respects;

“SECTION 5. Term. This Local Law shall be in effect up to and including April 30, 2016.”

SECTION 3. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 4. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State, and is subject to review and renewal by resolution of the Village Board for an additional period of time, effective immediately.

Trustee Zollo moved, seconded by Trustee McGovern and unanimously carried, that the hearing be opened.

Robert Kogan, 87 Main Street, stated that he is in favor of the moratorium on development in the Tarrytown Station Area. If there is further development on the river side, it will be extremely difficult with the H-Bridge as the only way for vehicles to travel from the east side of the railroad tracks to the west side of the railroad tracks. He would like the moratorium to be extended for six months.

Trustee Hoyt moved, seconded by Trustee McGee, and unanimously carried, that the hearing be closed.

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of The Village of Tarrytown, Chapter 306 "Moratoria" to extend the moratorium for three months on applications and development in the Tarrytown Station Study Area.

WHEREAS, a public hearing was held for the proposed action on December 21, 2015; and

WHEREAS, a notice of public hearing was published in the Journal News on December 10, 2015; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action, and is therefore the Lead Agency for the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

In accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c) and based upon review of the Environmental Assessment Form and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse impact on the environment, and hereby adopts a Negative Declaration.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 10 of 2015.

INTERMUNICIPAL AGREEMENT WITH THE TOWN OF GREENBURGH – TARRYTOWN POLICE DEPARTMENT PARTICIPATION IN THE JOINT SWAT TEAM

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement pursuant to general municipal law article 5-G among the Town of Greenburgh and the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-on-Hudson, Irvington and Tarrytown for participation in the town-wide Special Weapons and Tactics Team (SWAT Team).

AGREEMENT WITH THE TOWN OF GREENBURGH REGARDING GLENVILLE
FIRE PROTECTION DISTRICT

Trustee Hoyt moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement between the Town of Greenburgh and the Village of Tarrytown to provide Fire Protection Services to the Glenville Fire Protection District.

ADOPTION OF THE 2015 WESTCHESTER COUNTY HAZARD MITIGATION PLAN
UPDATE

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

WHEREAS, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, a coalition of Westchester County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Westchester County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy.

NOW, THEREFORE, BE IT RESOLVED that the Village of Tarrytown:

- 1) Adopts in its entirety, the 2015 Westchester County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.

AMENDMENT TO THE MASTER FEE SCHEDULE – POLICE ACCIDENT REPORTS

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Master Fee Schedule for the Village of Tarrytown pertaining to a new fee for Police Accident Reports as follows:

Police Accident Reports – \$5.00 per report

FENCE REPLACEMENT – GRACEMERE PARK

Trustee Hoyt moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be approved: Approved: 7-0

WHEREAS, the Village of Tarrytown requested written proposals for the purchase and installation of a six foot chain link and a six foot decorative fence replacement around the pond at Gracemere Park; and

WHEREAS, three written proposals were received and are listed below:

<u>Company</u>	<u>Proposal for 6' Chain Link</u>	<u>Proposal for 6' Decorative Aluminum</u>
- Precision Built Fences	\$22,500.00	\$29,280.00
- Yaboo Fence Company	\$34,074.00	\$44,195.00
- Carjen Fence Company Inc. and	\$21,431.25	\$63,301.50

WHEREAS, the Board of Trustees believes that a decorative fence should be erected; and

WHEREAS, the three written proposals for the decorative fence have been reviewed by Village staff and staff has found no issues with the proposal submitted by the lowest proposer, Precision Built Fences; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement with Precision Built Fences, Peekskill, New York for the purchase and installation of a decorative fence replacement around the pond at Gracemere Park per their written proposal of \$29,280.00.

TAX CERTIORARIS

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the settlement of the following tax certiorari cases, as outlined in Ira S. Levy's Village Certiorari Attorneys' memoranda dated November 27, 2015:

- 71 Storm Street LLC
- 90 North Broadway
- 300 Sheldon Avenue
- Marshall Cavendish, 99 White Plains Road
- Continental Manor, 240 S. Broadway
- Vieira, 78 Central Avenue

and;

BE IT FURTHER RESOLVED that the Board of Trustees may fund these tax certiorari cases from a future financing resolution.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON DECEMBER 7, 2015

Trustee Basher moved, seconded by Trustee McGovern, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee Hoyt who abstained. Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the regular meeting of the Board of Trustees held on December 7, 2015 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON DECEMBER 2, 2015

Trustee Hoyt moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special meeting of the Board of Trustees held on December 2, 2015 as submitted by the Village Administrator.

APPROVAL OF AUDITED VOUCHERS

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 11 of Audited Vouchers to be paid in the following amounts:

General	\$ 1,113,114.25
Water	32,469.13
Sewer Fund	0.00
Capital	118,520.25
Library	21,335.64
Trust & Agency	<u>9,526.74</u>
Total	\$ 1,294,966.11

The Board was polled all voting “aye” with the exception of Trustee McGee who recused herself from Voucher Number 2012252796 and Trustee Hoyt recused himself from Voucher No. 2012252739 Motion carried. 7-0

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD. SPEAKERS HAVE FIVE (5) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER; THEN THREE (3) MINUTES FOR ADDITIONAL COMMENTS

Nancy Pellegrini, 4 Glenwolde Park, thanked the Board on behalf of her neighborhood for approving the fence replacement on the north side of Gracemere Park. Ms. Pellegrini requested that a locked gate be built-in the fence so that residents in her neighborhood can get to the lake side of the fence and remove plants growing along the lake. She asked when the fence would be installed. Administrator Blau noted that if the mild weather continues, the work could be done in the winter, but more than likely, the fence will be installed in the spring.

HAPPY HOLIDAYS

The Board of Trustees wished everyone a happy and healthy holiday season and a happy and healthy New Year.

ADJOURNMENT

Trustee Basher moved, seconded by Trustee Hoyt, and unanimously carried, that the meeting be adjourned at 8:16 p.m.

Carol A. Booth
Village Clerk