

Board of Trustees
Village of Tarrytown
Regular Meeting No. 18
November 3, 2014
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell noted the following:

- He thanked everyone who helped with the Halloween Parade; it was a tremendous event.
- Tomorrow is Election Day and read the location of the polling places:
 - District 1 – Riverside Hose Firehouse
 - District 2 – Phenix Hose Firehouse
 - District 3 – Main Street Firehouse
 - District 4 – First Baptist Church
 - District 5 – Temple Beth Abraham
 - District 6 – Village Hall
 - District 7 – Consolidated Engine Firehouse
 - District 55 – Washington Engine Firehouse
 - District 74 – Village Hall
 - District 76 – Consolidated Engine Firehouse
- Its leaf season; you can mulch the leaves in place, which the Mayor recommends, you can bag them or put them in piles on the curb, not in the street.

Trustee Basher thanked everyone who was involved with the Halloween Parade. He was overwhelmed with the organization, the attendance and the parade itself.

Trustee Hoyt noted the following:

- Thanked all those who came out to the Halloween Parade; it was a tremendous turnout. He thanked Bob Kimmel, the Parks and Recreation, Police and Public Works Departments and the Parks and Recreation Advisory Council.
- This Sunday is our Pilgrim Run, a four mile run, begins at 10:30 a.m., which will start and finish at Hackley School on Benedict Avenue. For more information, please contact the Recreation Department at 631-8347.

Trustee Butler noted that the Halloween Parade was a wonderful event and thanked the Village of Sleepy Hollow for having one of their fire trucks participate in the parade. He looks forward to another wonderful parade next year.

CHANGES AND/OR ADDITIONS TO THE AGENDA

Mayor Fixell noted that the Board of Trustees will be adding a resolution on tonight's agenda regarding a Negative Declaration associated with three pieces of legislation with respect to the Historic Commons Zoning District.

CONTINUATION OF A PUBLIC HEARING – CHAPTER 281: TREES - Continued

Trustee Basher moved, seconded by Trustee Zollo and unanimously carried, that the public hearing on "Trees" be opened.

Paul Cancro, 18 Short Street, noted the following:

- It is not necessary to amend the current tree law. The proposed tree law is too restrictive. There is nothing wrong with the current tree law.

- What gives the Village the right to tell a resident what they can do with their own tree? Mayor Fixell stated that the public health is affected by trees. There are public benefits associated with existence of trees in communities.
- Who decided to put trees on deeds for new houses? Attorney Shumejda asked if he was referring to the houses on Prospect and Mr. Cancro responded yes. Attorney Shumejda explained that the maintaining of the trees as part of the construction of the houses was part of the site plan review process completed by the Planning Board and not anything included in a deed.
- What is the penalty if he decides to cut his tree down without a permit? Attorney Shumejda stated that it is a similar provision that applies to Village laws, which is in our Village Code.

Peter Bartolacci, 67 Miller Avenue, noted the following:

- The proposed tree law attempts to simplify the law and the format is a bit more logical, however, he finds the proposed tree law much more complicated and restrictive. He asked the Board if there is a big problem with indiscriminate destruction of trees in Tarrytown. Mayor Fixell stated that the Tree Commission, who deals with this on a regular basis, felt a need for a change to the code.
- The proposed tree law is more restrictive, which will increase the requirement to obtain tree permits. This places a burden on residents.
- He doesn't understand how the proposed law can be enforced. In particular with limited pruning, less than 25% is permitted. How does anyone determine and enforce this provision. Should we be passing a law that we cannot enforce.
- What is the genesis of the root structure language, there is nothing in the current law about this. Mayor Fixell stated that root structure, depending on where in the root structure you cut, could risk killing a tree. The concern is to have trees survive and not to inadvertently destroy a tree. That's the general concern, as far as the specifics, he believes, it needs to be reviewed again by the Tree Commission.
- The public hearing notice for the tree law was not adequate. It should give specifics as to the changes in the law. By reading the proposed tree law, a resident would not know that it is more restrictive than the existing law. Mayor Fixell stated that the proposed tree law is new language and a brand new tree law and that's why the public hearing noted that the law is being replaced in its entirety. The Tree Commission is going to do its best to create a document outlining what is proposed to be changed in substantive ways between the current and proposed tree law.

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 continue the public hearing to the next regular Board meeting on November 17, 2014.

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.

NEGATIVE DECLARATION REGARDING HISTORIC COMMONS ZONING DISTRICT

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

WHEREAS, on December 2, 2013 the Board of Trustees commenced Public Hearings on three pieces of legislation relating to the Historic Commons Zoning District; and

WHEREAS, those three pieces of legislation were: Amendments to Chapter 305 entitled “Zoning” of the Code of the Village of Tarrytown, specifically relating to Section 38, Historic Commons HC Zone; Amendments to the Village Zoning Map; and Amendments to the Village’s Comprehensive Plan; and

WHEREAS, on September 15, 2014 the Board of Trustees declared itself Lead Agency associated with the three pieces of legislation; and

WHEREAS, based upon the said designation of the Board of Trustees as Lead Agency, the Board has prepared a Negative Declaration associated with the three pieces of legislation.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby issue a Negative Declaration in regards to the Amendments to Chapter 305 entitled “Zoning” of the Code of the Village of Tarrytown, specifically relating to Section 38, Historic Commons HC Zone and does hereby declare that the proposed action will not have a significant environmental impact.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby issue a Negative Declaration in regards to the Amendments to the Village Zoning Map and does hereby declare that the proposed action will not have a significant environmental impact.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby issue a Negative Declaration in regards to the Amendments to the Village’s Comprehensive Plan and does hereby declare that the proposed action will not have a significant environmental impact.

APPOINTMENT OF MOTOR EQUIPMENT OPERATOR (MEO) – DARRELL LINDSAY

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Darrell Lindsay to the position Motor Equipment Operator (MEO) effective November 4, 2014, at an annual salary of \$67,522, Step 4, subject to all civil service rules and regulations.

APPOINTMENT OF MEMBER OF THE ARCHITECTURAL REVIEW BOARD

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 appoint Valerie Kopelman to fill the unexpired term of Brian Carr as member of the Architectural Review Board to April of 2016.

APPOINTMENT OF ALTERNATE MEMBER OF THE ARCHITECTURAL REVIEW BOARD

Trustee Zollo 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 appoint Brian McDonough to fill the unexpired term of Jane Greenwood as alternate member of the Architectural Review Board effective January 1, 2015 to April of 2016.

VEHICLE AND TRAFFIC CODE AMENDMENT - BUS STOP

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 approve the following amendment to Chapter 291 of the Code of the Village of Tarrytown entitled "Vehicles and Traffic" to include the bus stop moved from the bus stop moved to the south at the intersection of West Elizabeth Street.

Material to be deleted is set forth in parentheses (). New material is set forth in capital letters.

§ 291-88. Schedule XXIII: Bus Stops.

In accordance with the provisions of § 291-29, the following described locations are hereby designated as bus stops.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Route 9	West	(At intersection of Main Street) AT INTERSECTION OF WEST ELIZABETH STREET

VEHICLE AND TRAFFIC CODE AMENDMENT – PARKING RESTRICTIONS

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 approve the following amendment to Chapter 291 of the Code of the Village of Tarrytown entitled "Vehicles and Traffic" to create parking spaces reserved for electrically powered vehicles on Green Street. It should be noted that the existing category has been divided into A. and B. sections. The letter A. is new and precedes the existing language.

All new material is set forth in capital letters.

Article VII: Municipal Parking Field

291.56. No Parking areas AND RESTRICTED PARKING AREAS.

- A. No motor vehicle shall be parked in any space designated by a sign as a no parking area.
- B. ONLY ELECTRICALLY POWERED VEHICLES MAY BE PARKED IN AREAS DESIGNATED BY A SIGN FOR A MAXIMUM OF 24 HOURS.

VEHICLE AND TRAFFIC CODE AMENDMENT – PARKING RESTRICTIONS

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 approve the following amendment to Chapter 291 of the Code of the Village of Tarrytown entitled "Vehicles and Traffic" to create 8 parking spaces reserved for handicapped persons on Green Street.

All new material is set forth in capital letters.

§ Section 291-92. Schedule XXVII: Handicapped Parking Spaces.

In accordance with the provisions of 291-62, the following described streets, driveways, parking lots and auto parks or parts of streets, driveways, parking lots and auto parks are hereby designated as handicapped parking spaces and are designated for use by persons with handicapped parking permits:

<u>Name of Street, etc.</u>	<u>Side</u>	<u>Location</u>
GREEN STREET	EAST	7: SPACES AT THE NORTH STAIRWAY OVER THE RAILROAD TRACKS FOR A MAXIMUM OF 24 CONSECUTIVE HOURS
GREEN STREET	WEST	1: SPACE OPPOSITE THE STAIRWAY OVER THE RAILROAD TRACKS FOR MAXIMUM OF 24 CONSECUTIVE HOURS

AWARD A BID – ALTAMONT AVENUE RETAINING WALL REBID

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

WHEREAS, on September 15, 2014, the Board of Trustees rejected the sole bid for the Altamont Avenue Retaining Wall project; and

WHEREAS, on October 10, 2014, the Village received five (5) bids in response to the rebid for the Altamont Avenue Retaining Wall project; and

WHEREAS, the five bids received and the bid amounts are listed below:

<u>Contractor</u>	<u>A. Bid Reinforced Concrete Wall</u>	<u>B. Bid Modular Block Wall</u>
Landi Contracting Inc.	\$83,950.00	\$94,550.00
PVS Construction LLC	\$93,950.00	\$100,250.00
Tony Casale Inc.	\$127,000.00	(no bid)
ELQ Industries	(no bid)	\$127,890.00
Legacy Supply LLC	\$249,340.00	\$231,820.00

WHEREAS, the bids were reviewed by the Superintendent of Public Works and Commonweal Engineering, the design engineering firm on this project and it is their recommendation that the Altamont Avenue Retaining Wall project, Bid A. Reinforced Concrete Wall be awarded to the lowest bidder, Landi Contracting Inc. per their bid of \$83,950.00.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the Altamont Avenue Retaining Wall project to the lowest bidder, Landi Contracting Inc. of Hawthorne, New York per their bid with a reinforced concrete wall of \$83,950.00.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement with Landi Contracting Inc. of Hawthorne, New York.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby appropriate an additional \$25,000 in the Capital Budget for Fiscal Year 2014-2015 for the Altamont Avenue Retaining Wall project.

INTER-MUNICIPAL AGREEMENT - ORGANIC YARD WASTE MANAGEMENT PROGRAM

Trustee Basher 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 authorize and direct the Village Administrator to execute an Inter-municipal Agreement with Westchester County for the ongoing operation of the Organic Yard Waste Management Program.

AGREEMENT WITH DENNIS NOSKIN ARCHITECTS (DNA) REGARDING FEASIBILITY STUDY, PEDESTRIAN TUNNEL

Trustee McGovern 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 authorize and direct the Village Administrator to execute an agreement with Dennis Noskin Architects (DNA) to complete a feasibility study associated with the re-opening of a pedestrian tunnel located under the Metro North railroad tracks per their response to the Request for Proposals issued by the Village received on February 8, 2013.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON OCTOBER 20, 2014

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 approve the minutes of the regular meeting of the Board of Trustees held on October 20, 2014 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee Zollo moved, seconded by Trustee Basher, 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. 8 of Audited Vouchers to be paid in the following amounts:

General	\$ 276,291.40
Water	18,541.49
Sewer Fund	0.00
Capital	571,053.83
Library	8,954.94
Trust & Agency	<u>6,244.04</u>
Total	\$ 881,085.70

The Board was polled all voting “aye” with the exception of Trustee McGee who recused herself from Voucher Number 2012247591 and Trustee Hoyt who recused himself from Voucher Number 2012247615. 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

Paul Cancro, 18 Short Street, stated that the reopening of the tunnel underneath the railroad is a terrible idea. The tunnel was open many years ago; it always smelled of urine, the lights were always broken and it was often flooded. He feels that it is a total waste of money.

ADJOURNMENT

Trustee Butler moved, seconded by Trustee Hoyt, and unanimously carried, that the meeting be adjourned at 8:35 p.m.

Carol A. Booth
Village Clerk