

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 13  
August 15, 2016  
8:00 p.m.

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

ABSENT: Trustee Brown

### REPORTS

Trustee Zollo noted that shortly after noon on July 19<sup>th</sup>, the Tarrytown Fire Department was dispatched to the Tappan Zee Bridge for a report of a crane collapse. Tarrytown's units quickly responded and set up a unified command structure with the Central Nyack Fire Department and the New York State Police Department. Tarrytown's Assistant Fire Chief Dave Goldstein assumed the responsibility of Westchester Command for the incident and Tarrytown 2<sup>nd</sup> Assistant Fire Chief Frank Morabito was the Operations Chief. Thankfully, there were no serious injuries. Tarrytown Volunteer Fire Department had 2 fire trucks and a utility truck on the bridge for the incident as well as our fire boat in the water for supply and security purposes. Deputy Fire Chief Pat Derivan ran operations back in the Village for various critical details. The Tarrytown Fire Department was assisted by numerous other emergency agencies including Sleepy Hollow, Elmsford, Irvington, Westchester and Greenburgh and others.

Trustee McGovern noted the following:

- Westchester County Mobile Shredder is coming to Tarrytown this Saturday, August 20<sup>th</sup> from 10 a.m. to 1 p.m. at the Green Street Parking Lot.
- There are 3 more Thursday night concerts at Pierson Park from 7 – 9 p.m.
- The 2016 Summer Day Camp season has ended. It was a successful season. There were 185 children per day in the day camp and 51 children in the tot camp.
- The Village Wide Tag Sale will be held on Saturday, September 17<sup>th</sup> from 10 – 5 p.m. If you are interested, please contact the Recreation Department either at 914-631-8347 or email ttrec@aol.com.

Trustee Hoyt noted that the Tarrytown Tree Commission will be holding a Question and Answer Session at the Warner Library soon. They originally had a September date, but they need to reschedule. As soon as he knows the date, he will let everybody know.

ADMINISTRATORS REPORT – Administrator Blau read the following statement:

“I would like to take this opportunity to address a News Release issued by the US Environmental Protection Agency dated August 11, 2016 entitled “EPA Takes Action to Address Lead in Drinking Water Problems in Tarrytown, New York”. The Village received an Administrative Order, Notice of Violation and Request for Information that was dated on August 8, 2016 which related to a review of Village Water Department records from 2013 through 2015. The EPA reviewed the Village's records on April 27, 28 and 29 of this year.

In the Press Release, it was noted that “Tarrytown was inspected because recent sampling results by the village showed action level exceedance for lead in drinking water. Out of 31 samples, four exceeded the EPA's action level for lead.” The four samples referred to in the Press Release were samples from 2013. Two of the samples were taken on June 19, 2013, one on June 20, 2013 and one on August 1, 2013. During 2013, the Village was sampling 30 sites. Per the EPA regulations, if three of the 30 samples exceeded the lead threshold, the Village water system would not be in violation. However, since there was a fourth sample that exceeded the regulatory threshold, the Village was in violation of the regulations.

Due to the violation, the Village had to increase testing from 30 test sites once per year to 60 test sites twice per year. Since the Village has increased the testing in 2014, there have been no violations relating to the number of testing sites that exceeded the lead threshold in the EPA regulations. In fact, the last testing results of 62 sites, for the period from January 1, 2016 through June 30, 2016 evidenced one testing location that exceeded the lead threshold. In order for the Village's water system to be in violation, 7 water samples would have to exceed the lead threshold in the regulations.

The Press Release also notes actions that the Village must implement within specified time periods which are included in the Administrative Order. Village staff met the day after the notice was received, along with the Village's water engineering consultant, to map out the strategy to address all of the requirements in the administrative order. The Village fully intends to comply with all of the requirements in the administrative order.

I would like to go through a number of the violations included in the Administrative Order and explain what actions the Village will be taking to address the violations. One violation related to the request to provide the letter from the Westchester County Department of Health concerning their approval of the Village's corrosion control program. At the time of the EPA review of Village documents, the Village was unable to locate the requested document. The Village has since located the document and will be providing it to the EPA.

Three violations relate to the testing sites that the Village uses for water sampling purposes. The Village is required to take samples from what is known as Tier 1 sites, which are single family homes, constructed after 1982, where there is a good likelihood that the water service line into the house is made of copper with lead solder or single family houses, regardless of the construction date, where there is a good likelihood that the water service line is lead. The Village submitted the required number of samples, but it was discovered after the fact that at least one sample was not from an approved Tier 1 sampling site and that no explanation was provided as to why the Village did not have sufficient Tier 1 sites and made a change from the approved listing of Tier 1 sites. The Village has now prepared and submitted to the Westchester County Department of Health a listing of 97 Tier 1 sites for approval so as to avoid any repeat of this violation.

One violation related to the length of time that the sample remained motionless in the plumbing in the single family home. Samples are obtained from residents who live in the homes designated as Tier 1 and who are willing to provide assistance to the Village in the provision of the water samples. Bottles to take the sample and instructions on how to take a sample are provided to these civic minded residents and the Village then collects the samples that are sent to the Westchester County lab for testing. The instructions note that the water must remain motionless in the water pipes in the house for a minimum period of 6 hours. The Village submitted at least one sample that had not remained motionless for the 6 hour period. The Village will assure in the future that all samples submitted for testing meet the 6 hour minimum requirement.

Three violations relate to actions the Village was to institute within specific timeframes based upon the four samples that exceeded the lead threshold. One was an educational notice requirement, one was a testing requirement within the Village's distribution system and one was a timing issue for moving from reduced testing to regular testing (30 testing sites to 60 testing sites). In all cases, the Village did not meet the timing requirements in the administrative regulations. Should the Village exceed the lead thresholds in the future and be deemed in violation of the administrative regulations, the Village will take all steps to assure compliance with the EPA regulatory requirements. The Village is working with our water consultant to prevent such exceedances from occurring in the future, but should it occur, the Village will make sure that all required actions are instituted.

One violation issued by the EPA relates to the regulatory requirement to provide the testing results to all households that participate in the testing program. The results had been hand delivered by Village staff to the testing participants. That is a violation of the regulations, which require that the results be mailed via certified mail. The Village will be mailing all results in the future in conformance with the regulations.

One violation related to the timing of submitting test results to the Westchester County Department of Health. The results must be submitted within 10 days of the end of the monitoring period. The Village did not meet this time requirement and will make sure that it meets this requirement in the future.

The Village takes very seriously the violations included in the Administrative Order from the EPA and will be taking action on all violations to assure compliance in the future and to meet the demands of the request for information.”

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.

APPOINTMENT OF VILLAGE ENGINEER – DONATO PENNELLA

Mayor Fixell noted that sadly the Village Engineer will be retiring at the end of this week and we are now appointing a new Village Engineer.

Trustee Hoyt thanked Engineer McGarvey for his years of service to the Village of Tarrytown. Mike McGarvey always presented himself with the utmost professionalism and honesty. It was an honor to work with Mike McGarvey and an honor to be his friend. The Village of Tarrytown will miss Mike McGarvey and he wished him and his family the best.

Trustee Zollo moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby provisionally appoint Donato Pennella to the position of Village Engineer at an annual salary of \$135,878 effective August 20, 2016. Said appointment is subject to all Westchester Civil Service rules and regulations.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TARRYTOWN IN OPPOSITION TO PROPOSED RULE 2016-13701

Trustee Hoyt moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0

WHEREAS, the Coast Guard is considering establishing new anchorage grounds in the Hudson River from Yonkers to Kingston have proposed a rule establishing such new anchorage grounds; and

WHEREAS, there are three proposed anchorage grounds in the Hudson River adjacent to the Hudson River shoreline in Westchester County and Rockland County and those locations are known at Yonkers Extension, Montrose Point and Tompkins Cove; and

WHEREAS, Scenic Hudson and Riverkeeper, as well as many municipalities have voiced their concern and opposition to the establishing new anchorage grounds; and

WHEREAS, the only notification that has been provided by the Coast Guard regarding the proposed anchorage grounds is through the publication in the Federal Register allowing a 35 day comment period; and

WHEREAS, the Village, in collaboration with other funding agencies, including the New York State Department of State, the New York State Office of Parks, Recreation and

Historic Preservation, the US Department of Agriculture National Resources and

Conservation Service, Westchester County and Scenic Hudson have invested considerable funds to create new parks along the Hudson River to increase public access, both direct and visual, as well as provide for expanded recreational opportunities for residents and non-residents alike and the anchorages will impact upon Hudson River views throughout the riverfront, including light pollution from the anchored ships and barges; and

WHEREAS, in addition to the riverfront improvements constructed by the Village and its funding partners, there has been significant private residential development on the Tarrytown riverfront; and

WHEREAS, the proposed anchorage site abuts the main shipping channel of the river, which will increase congestion on the river and may lead to collisions; and

WHEREAS, recreational boaters will be required bypass the anchorages which may create a safety issue for such recreational boaters; and

WHEREAS, large anchoring equipment used by commercial vessels disturb bottom sediment and can damage wildlife habitat, including those of endangered species that live in and about the river; and

WHEREAS, the anchoring of ships and barges pose health, safety and welfare concerns from possible oil and fuel spills, as well as homeland security issues along the riverfronts; and

WHEREAS, the Board of Trustees accepted the Local Waterfront Revitalization Program document for the Village of Tarrytown, by resolution adopted on August 17, 2015, and submitted the document to the New York State Department of State for review, comment and approval and that accepted document includes the Federal Coastal Zone Management Act (CZMA) requirements; and

WHEREAS, one of the requirements of the CZMA mandates that each Federal agency activity within or outside the coastal zone that affects any; and or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent, to the maximum extent as practicable, with the enforceable policies of approved LWRP's Procedures for LWRP consistency review and determination of direct actions and permit/license actions of federal agencies are coordinated by the New York Department of State (DOS); and

WHEREAS, that consistency analysis has not been completed for the anchorage grounds; and

WHEREAS, the foregoing impacts of the new anchorage grounds have not been adequately studied, including the identification of all impacts from the proposed anchorage grounds.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown notes that proposed rule 2016-13701 was not promulgated in accordance with proper Federal, State and Local regulations and is therefore should be considered null and void; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby register its opposition to proposed rule USCG 2016-13701 and urge its disapproval; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown urge residents to voice their concerns on the proposed new anchorage locations identified as USCG-2016-0132 at <http://www.regulations.gov>. by September 7, 2016.

BE IT FURTHER RESOLVED that this resolution be distributed to Senator Charles Schumer, Senator Kristen Gillebrand, Congressperson Nita Lowey, Congressperson Eliot Engel, Governor Andrew Cuomo, Secretary of State Rossana Rosado, Senator Andrea Stewart-Cousins and Assemblyperson Thomas Abinanti.

**BID AWARD FOR THE REHABILITATION OF RECREATION CENTER PARKING LOT**

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0

WHEREAS, on July 25, 2016, the Village received (5) bids for the rehabilitation of the parking lot to serve the new Recreation Building and the Tarrytown Senior Center and the bids are as follows:

CONTRACTOR	BID AMOUNT
Peter J. Landi, Inc.	\$346,809.00
ELQ Industries	\$357,310.00
PCI Industries	\$404,260.00
Con Tech Construction Technology	\$489,749.00
Vernon Hills Contracting	\$573,659.28

WHEREAS, all of the bids have been reviewed by the Village Engineer and he recommends that the project be awarded to the lowest responsible bidder, Peter J. Landi, Inc.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the Rehabilitation of Recreation Center Parking Lot project to Peter J. Landi, Inc. per their bid of \$346,809.00.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby authorize and direct the Village Administrator to execute an agreement with Peter J. Landi, Inc.

BE IT FURTHER RESOLVED that the funding for this project may be provided from a future financing resolution.

**PROFESSIONAL SERVICES – REHABILITATION OF THE FOUNDATION AND SLAB OF THE RIVERSIDE HOSE FIREHOUSE KITCHEN**

Trustee McGee moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute a professional services agreement with EDG Engineering for the rehabilitation of the foundation and slab of the Riverside Hose Firehouse.

**PROPERTY LICENSE AGREEMENT – 2 SUMMIT STREET**

Trustee Butler moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the Village Administrator to execute a property license agreement for 2 Summit Street with respect to encroachment onto an existing Village sewer easement.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON JULY 6, 2016

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

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 July 6, 2016 as submitted by the Village Administrator.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON JULY 18, 2016

Trustee McGovern moved, seconded by Trustee Butler, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Mayor Fixell who abstained. Approval: 5-0-1

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 July 18, 2016 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 3 of Audited Vouchers, which includes the August 1, 2016 and the August 15, 2016 of Audited Vouchers to be paid in the following amounts:

General	\$ 643,291.62
Water	44,251.12
Sewer Fund	0.00
Capital	1,016,051.63
Library	21,971.79
Trust & Agency	<u>15,163.48</u>
Total	\$ 1,740,729.64

The Board was polled all voting “aye” with the exception of Trustee Hoyt who recused himself from Voucher Numbers 2012255531 and 2012255556. Motion carried. 6-0

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

Mayor Fixell asked whether anyone wished to address the Board on any matter. No one appeared.

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned at 8:22 p.m.