

# Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199  
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## Village Board of Trustees Minutes 04/01/2013

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 1  
April 1, 2013  
8:25 p.m.

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

ABSENT: Trustee Zollo

REGULAR MEETING immediately followed the Organizational Meeting

### REPORTS

Trustee Basher noted that the County Mobile Shredder will be coming to Tarrytown on Saturday, April 13<sup>th</sup> from 10 a.m. to 1 p.m. The Shredder will be located on Green Street over the H-Bridge instead at Village Hall parking lot.

Trustee Butler noted that TEAC is sponsoring a Village Clean-up Day on Saturday, April 20<sup>th</sup> from 10 a.m. to noon. Please meet either at the Patriots Park or at the Tarrytown Lakes at 10 a.m. If possible, please bring gloves and picker-uppers, etc.

### CHANGES AND/OR ADDITIONS TO THE AGENDA

Mayor Fixell stated that the Board of Trustees will be proposing an amendment to the Ethics Law legislation, which is different from the legislation that was noticed. The amendment is to include a sunset date for the legislation. This local law shall sunset on June 30, 2013 in order for the Board to continue working on the Ethics Law legislation.

### VILLAGE ADMINISTRATOR'S UPDATE

Lights in Green Street South parking lot – The lights in the parking lot are not working due to electrical problems being experienced in Losee Park. The new parking lot receives its electricity from Losee Park and this electrical equipment was damaged during Hurricane Sandy. It has been determined that it is hazardous to continue to electrify the parking lot lights from Losee Park. The Village is currently examining a temporary fix while we work with FEMA on the funding for a permanent repair.

Tarrytown Lakes Trail project – The work on the trail improvement project has begun and signs have been erected by the contractor closing of the trail at both ends. It is necessary to close off the trails while the work is being performed. A question was posed as to whether the trail can be open for the weekends. The answer is no for two reasons. First, the contractor can perform work on the trails on Saturdays and second, it would cost more for the Village if the contractor had to remove his equipment from the pathway every weekend. There is also a liability issue for the contractor should the trails be open for the weekends during construction.

Tennis Courts and Basketball Court at Pierson Park – The Village has provided the contractor notice that we have accepted the courts with a small punch list of items that need to be finalized, such as the installation of the wind screen on the basketball court. The contractor removed their locks from the gates to the tennis courts and basketball courts and the courts this morning and the courts are now available to the public, including the high school tennis teams.

Improvement projects – Three improvement projects began today. The replacement of a 40 year old fuel tank at Shaft Ten on Neperan Road, storm drain improvements on Whitetail Lane and tree trimming on Van Wart and Paulding Avenues. The tree trimming was prompted by damage to the trees caused by Hurricane Sandy.

### PUBLIC HEARING – ETHICS LAW (adopted as amended)

**PLEASE TAKE NOTICE** that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 1<sup>st</sup> day of April, 2013, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon an amendment to Chapter 27 entitled "Code of Ethics". A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

**A LOCAL LAW** to amend the Code of the Village of Tarrytown, Chapter 27 entitled "Code of Ethics", by amending Section 27-3 by adding a new subsection regarding conflicts of interest.

#### SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

##### A. Findings of Fact.

The Board of Trustees has found that there have been questions that have arisen in regards to prospective purchases by a Fire Chief or Assistant Fire Chief, since the Fire Chief and the Assistant Fire Chiefs are designated in Chapter 27 as a Village Officer or employee. The Fire Chief and the Assistant Fire Chiefs are the only Village volunteers that have a budget and can make purchases. The amendment to this Chapter is designed to eliminate any possible confusion that may exist in regards to such purchasing.

##### B. Legislative Intent.

The intent of this amendment is to eliminate any confusion regarding purchasing by the Fire Chief or the Assistant Chiefs. Material to be deleted appears in parenthesis [ ], material to be added is in **bold typeface**.

#### SECTION 2. Amendment to §27-3 "Conflict of interest of Village officers and employees."

§~27-3. Conflicts of interest of Village officers and employees.

- No Village officer or employee shall:

(1) Act as attorney, director, broker, agent, consultant, representative or employee for any person, firm or corporation interested directly or indirectly in any manner whatsoever in business or professional dealings with the Village unless full disclosure is made as to such interest to the Village Ethics Board in writing and the Ethics Board affirmatively permits by waiver, pursuant to §~27-10 C (4), below, the business relationship otherwise prohibited by this section. **Should a Village officer or employee act as an employee for a person, firm or corporation and have no ability or control of Village purchasing associated therewith, no waiver pursuant to Section 27-10 shall be required.**

**(12) As Fire Chief or Assistant Fire Chief, execute a contract or approve a purchase with a company(s) where there is an ownership interest, a management interest, employment interest or a Related Person to the Fire Chief or Assistant Fire Chief who owns, has a management interest or employment interest in the company or execute a contract or approve a purchase with another vendor in the same or similar business. In such a situation, the contract or purchase shall be supervised and processed by either the Village Administrator or the Village Treasurer.**

**(13) Request or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except:**

- (a) If such services are available to the public generally; or
- (b) With respect to a vehicle provided to such officer or employee for the conduct of official business, if and to the extent personal use of such vehicle is permitted pursuant to official Village policy.

#### SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped.

Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

**BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF TARRYTOWN**

Trustee Basher moved, seconded by Trustee Butler and unanimously carried, that the hearing be opened.

Mayor Fixell questioned whether anyone wished to address the Board on this matter. No one appeared.

Trustee Basher moved, seconded by Trustee McGee, and unanimously carried, that the following resolution on the proposed Ethics Law legislation be amended to add a new Section 4 to read:

#### SECTION 4. SUNSET DATE FOR LEGISLATION

This local law shall sunset on June 30, 2013.

Approved: 6-0-1

Trustee Basher moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved as amended:

Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 27, "Code of Ethics" to address issues regarding purchasing by the Fire Chief or the Assistant Chiefs.

WHEREAS, a public hearing was held for the proposed action on April 1, 2013; and

WHEREAS, a notice of public hearing was published in the Journal News on March 28, 2013; 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 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 hereby adopts Local Law No. 1 of 2013 as amended.

#### 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.

#### FARMER'S MARKET AGREEMENT

Trustee McGovern moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved:

Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an Operating Plan Agreement with Down to Earth Markets for the operation of the 2013 Farmers Market from May 25, 2013, to November 23, 2013 at Patriots Park.

#### PROFESSIONAL SERVICE AGREEMENT

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

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 David Aukland of Tarrytown, New York, for professional services to serve as liaison for municipal matters between the Village of Tarrytown and Tappan Zee Constructors, the New York State Thruway Authority and any and all other entities involved with the development and construction of the replacement of the Tappan Zee Bridge.

#### SALE OF PROPERTY UNDER TAPPAN ZEE BRIDGE

Trustee Basher moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:  
Approved: 6-0-1

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 for Advanced Payment" relating to the sale of property owned by the Village which will be located under the new Tappan Zee Bridge.

#### SCHEDULE A PUBLIC HEARING – TENTATIVE BUDGET FY 2013-2014

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby schedule a public hearing for April 15, 2013 at 8:00 p.m. in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear and discuss the proposed Tentative Budget for Fiscal Year 2013-2014.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby schedule a Work Session on the Tentative Budget on April 8, 2013 at 6:00 p.m. in the Multi-Purpose Room in the Municipal Building.

#### APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON MARCH 18, 2013

Trustee McGovern moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved:  
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 March 18, 2013 as submitted by the Village Clerk.

#### APPROVAL OF AUDITED VOUCHERS

Trustee Basher moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:  
Approved: 6-0-1

BE IT RESOLVED the Board of Trustees hereby approves the Audited Vouchers included in Abstract No. 18 and hereby orders the Audited Vouchers to be paid in the following amounts:

General	\$ 1,003,481.27
Water	112,980.64
Sewer Fund	0.00
Capital	223,240.99
Library	5,069.40
Trust & Agency	<u>4,562.01</u>
Total	\$ 1,349,334.31

The Board was polled all voting "aye" with the exception of Trustee Basher who recused himself from Voucher Number 2012240284 and Trustee McGee who recused herself from Voucher Number 2012240324. Motion carried. 6-0-1

#### 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

Juan Tomara, a Crisis Counselor with Project Hope, a state program funded by FEMA and administered by the Substance Abuse and

Mental Health Services Administration on White Plains Road in Tarrytown, stated that they offer free crisis counseling for those impacted by Hurricane Sandy. He is looking for the Board's support for outreach in this area. We will be going door-to-door to connect with community organizations, local government and people who may benefit from our services. He provided brochures. Mayor Fixell stated that we will put this information on our website.

### ADJOURNMENT

Trustee Basher moved, seconded by Trustee McGee, and unanimously carried, that the meeting be adjourned at 8:40 p.m.

Carol A. Booth  
Village Clerk