

Board of Trustees
Village of Tarrytown
Regular Meeting No. 15
January 18, 2005 8 p.m.

PRESENT: Mayor Janos presiding; Trustees Basher, Chillemi, Chorost, Fixell, Morabito and Sincero; Village Attorney Shumejda; Village Administrator McCabe; Village Engineer McGarvey; Village Planner Geneslaw; Village Clerk Booth; Secretary D'Eufemia

The meeting began with the Pledge to the Flag.

MAYOR'S REPORT

Mayor Janos stated he wished to respond to an issue that is distracting the Board and community over the last few days. Questions have been raised regarding the Holiday parties that have been held for the Village employees and volunteers over the past five years. These events were held at the Main Street Café, which everyone on the Board knows he owns. These parties were completely open. In fact, every member of this Village Board has attended one or more of these events. The following is a list of the years and cost of each Holiday party: 2000 was \$750.00; 2001 was \$1,352.00; 2002 was \$1,624.00; 2003 was \$1,200.00 and the past Holiday party, the Mayor paid for. The idea to hold an annual Holiday party for all staff and volunteers was seen as a very appropriate way of thanking our entire dedicated staff and the volunteers for the work they do throughout each year. The allegation that is being charged is that the Mayor unfairly profited during these events over the last years with respect to the amounts of these Holiday parties. If any of these parties were held in any other restaurant, the Village would have paid and there would be no issue. Because these parties were held at Main Street Café, the allegation is that he unfairly benefited. Again, he will leave that to the public to decide. Now for what are obviously political reasons, these parties are being criticized because he hosted them. Interestingly, these political attacks began against him at a meeting he was unable to attend. The issue, however unfair, has been escalated. At this point, it is time to put this issue to rest. He can honestly say that he believes that he has done nothing wrong in connection to these events. In fact, he has saved the Village money by holding them at his restaurant where they can be done for a lot less than they would have been done elsewhere. With regard to the legality of having them at his restaurant, he has asked the Village Attorney for a legal opinion. The individuals who raised this issue, apparently never bothered to seek a written opinion from our Village Attorney. Instead, they chose to function as judge and jury. For the last nine years, he has served Tarrytown as an elected official; first as a Trustee and for the last six years as Mayor. He is proud of the service and proud to have the opportunity to serve the residents of this great Village. The improvements in the Village that have taken place during that time are a tribute to all the hard work by the Board, the staff and many of the volunteers and there's much more to come. These accomplishments and the work that still lies before us are what he intends to focus on. He urged his fellow Board members do the same as we move forward on such important issues as fiscal responsibility, the waterfront, Neperan Road, the Tarrytown Lakes, our senior citizens, our youth, open space protection and new recreational programs. The list is very long and there is a lot to do. It is time to move on to what really matters for Tarrytown and not bog our community down with petty politics. A great thing about the Tarrytown Board is that we have not spent a lot of time fighting. For the last decade, we have truly put the Village first. He ran on that concept in his first election, he believes in that approach today, and he will continue with that work even if it means Village residents do not look fondly on that. He understands politics is a part of elective life. There is an election coming up, and not surprisingly, there'll be plenty opportunity for debating the direction of the Village. Let's focus on those issues and goals that really matter for our residents. He closed by reiterating that he believes he has done nothing wrong. The Village Attorney has confirmed that he has not violated the intent of the ethics law. He has been above board and up front with the Trustees and the residents of our community. But clearly, this is time to move on from the petty issues that have been raised and he's doing that now. He has also asked the Village Attorney to give us a written opinion. Finally, he

wants to continue to thank the Village staff, employees and the many volunteers who every day make this Village a great place to live. With your continuing efforts and the hard work of many people, we will work to better the quality of life for all Village of Tarrytown residents and he pledges that at Holiday time, he will continue to recognize and thank you on behalf of all the Tarrytowners for what you do.

RESOLUTION – TSUNAMI RELIEF DONATION

On another issue, after speaking to the Fire Chief regarding the tragedy in South East Asia which has touched all of us with suffering beyond our comprehension, Mayor Janos moved that the Board of Trustees make a donation of \$1,000 to a relief fund to help in any way we can. An excellent website which offers a list provided by U.S. aid to where we can help is www.usafreedomcorp.gov. We will keep this list and information at Village Hall for anyone who would like a copy. Our Volunteer Fire Department has expressed an interest to have a drive on Broadway. Trustee Morabito seconded, and unanimously carried, that this be approved.

PRESENTATION REGARDING CONCEPTUAL RIVERFRONT PARKLAND REDEVELOPMENT PLAN

Administrator McCabe stated there has been much discussion about the primarily residential Ferry Landings plan, which is undergoing review. More recently the Village has put together the overall waterfront plan, based in large part on the Master Plan for the waterfront. There is now a plan that deals with all Village-owned parkland. This concept plan has on a preliminary basis been run by several agencies and met with their approval – The County Planning Department; the County Planning Board; Scenic Hudson; Riverkeeper; New York State Department of State; New York State Department of Environmental Conservation; New York State Office of Parks, Recreation and Historic Preservation; and the Empire State Development Corporation. All have given a favorable initial response to the plan.

Components of the plan are:

- For the previously approved \$4.29 million bond resolution, Ferry Landings will construct a new Village Hall/Police Department/Court facility.
- Ferry Landings has paid for the relocation of the Department of Public Works.
- Ferry Landings will pay for an addition to the Senior Center.
- Later in the process (after Ferry Landings has achieved a certain amount of the residential development), Ferry Landings will provide the Village with a recreation/aquatics center.
- There will be a pier for excursion boats and fishing.
- The basketball courts, tennis courts, and racquetball courts will be relocated and the current location will be a two-acre open space area on the waterfront with a band shell.
- The parking area on the east side of the railroad tracks will receive a second level in order to remove parking on the west side of the tracks. The new decked parking will have a pedestrian overpass to the new West Main Street and there is a potential for a connection to our existing Main Street in future phases with some kind of people mover.
- Going south is the more active recreation. On the site of the former Fire Training Center, the basketball/tennis/racquetball courts will be relocated.
- The Losee Park ballfields will be upgraded and perhaps have a bubble.
- Farther down there would be a kayak and canoe launch and possibly another fishing pier and a skate park.
- The whole redevelopment will have the riverwalk. This will vary in design from a path to a more suburban promenade. The County is envisioning the riverwalk from Sleepy Hollow, through Tarrytown, to Irvington. There are discussions underway with Kraft Foods and Lyndhurst to accomplish that. If this can be

accomplished, it will be the longest stretch of riverwalk and will be held as a model for other communities up and down the river.

Mayor Janos stated this is a concept plan with help from the County, the State, and Empire State Development Corporation.

Administrator McCabe stated everything described is projected to cost \$32 million. A funding plan is being developed and the hope is that the Village's contribution will only be the \$4.29 million for the new Village Hall complex. Proposals for funding have been made to the County, the State, Scenic Hudson, Empire State Development Corporation and other organizations. "We welcome the public's comments and suggestions."

Trustee Chorost noted when the referendum was passed for the Village Hall complex a number of years ago, the \$4.29 million was for a 17,000 sq. ft. facility. Now, a number of years later, it will be a 22,000 sq. ft. facility at the same cost.

Mr. Mark Fry, 16 Independence Street, stated it would be helpful to have a copy of this plan available at Village Hall and the Library.

Ms. Carole Griffiths, 251 Martling Avenue, stated she thought it was a nice idea but felt the recreation/aquatics center should be moved to the east side of the tracks where it would be accessible to more people in the Village.

Upon inquiry from Ray Tuohy, Storm Street, Mayor Janos stated if the tiered parking is constructed on the east side of the railroad and parking is eliminated on the west side, no parking spaces will be lost.

Mr. Tuohy stated the organizations can all say this is a great plan but there needs to be a firm financial commitment from them before anything moves forward. Mayor Janos stated the Village has no intention of spending \$32 million. That is why they have said it is a concept. Administrator McCabe stated it may have to be phased as funds become available.

Mr. Robert Chamberlain, representing the Historical Society, stated at one time there was mention of a museum on the waterfront. He questioned whether that was in this concept plan. Mayor Janos stated the Village had hoped to have the Hudson River Institute select Tarrytown but they chose another location. Administrator McCabe stated some groups have suggested a Hudson River environmental museum and that can be considered in the future.

CONTINUATION OF PUBLIC HEARING – AMENDMENT TO THE SPECIAL SETBACK PROVISIONS OF THE TARRYTOWN LAKES BUFFER ZONE LAW

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

Attorney Shumejda stated that he and the Village Consultant are in the process of revising the buffer law that is in effect right now. We have a 300 ft. buffer now and there is also a moratorium law in place that no construction can be commenced within 500 ft. The purpose of this legislation was to refine that buffer law so it accomplishes the goals of the Village. One of the refinements will be whatever distance is chosen by the Board of Trustees as the setback from the Tarrytown Lakes will be based upon two criteria: 1) Actual setback from the water's edge if there are no wetlands. 2) If there are wetlands, then the setback will be on the far side of the wetlands. In many places, it would be 500 ft. even with the 300 ft. setback.

Mayor Janos questioned whether anyone wished to address the Board on this matter.

Mark Fry, Independence Street, stated that he would like the Board to adopt the use of the ridgeline on the watershed map in all directions instead of a dimensional requirement of x number of feet from the water line.

Trustee Chillemi moved, seconded by Trustee Fixell, and unanimously carried, that the hearing be continued.

CONTINUATION OF PUBLIC HEARING REGARDING AN AMENDMENT TO
THE VILLAGE SITE DEVELOPMENT PLAN APPROVAL LAW

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

Attorney Shumejda stated that this proposed local law requires all new homes that are constructed in the Village of Tarrytown to go to the Planning Board for site plan review. In addition, we are expanding the reaches of the site plan review to include additions to homes and buildings. If the home or the building footprint is increased by 25% or more then it has to go to the site plan review with the Planning Board. If the volume of any structure is increased by 50% or more, likewise, it would have to go to the Planning Board for review. Currently you can take a very small house and double it, assuming the zoning allows it, it is not required to go before the Planning Board. Whenever you go to the Planning Board for review, there are notice requirements that the applicant has to meet and the neighbors are informed of that new construction before any permits are issued.

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

Trustee Chillemi moved and seconded by Trustee Morabito, and unanimously carried, that the hearing be closed.

Trustee Chillemi moved, seconded by Trustee Morabito, and unanimously carried that the following resolution be adopted:

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown, in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c) and based upon review of the Environmental Assessment Forms, all of the documents referred to herein and all other materials that were prepared for the Proposed Action, the Board of Trustees determines that the Proposed Action will not have a significant adverse impact on the environment, and hereby adopts a negative declaration with regard to the changes in §305-52 of the Village Code

Trustee Basher moved, seconded by Trustee Sincero, and unanimously carried that the amendments to §305-52 of the Village of Tarrytown Code entitled "Site development plan approval" be adopted as follows:

SECTION 2. Amendment to Code §305-52 entitled "Site development plan approval"

(Changes are in bold; deletions are in parenthesis)

In accordance with §7-725 of the Village Law, site development plan approval by the Planning Board shall be required for

A. The erection, enlargement, rehabilitation, conversion, change of use that requires an increase in the minimum off-street parking requirements, change of occupancy or reuse of all buildings **including new homes and additions to existing homes where the proposed addition increases the foot print of the existing home by 25% or more or results in a square footage or volume increase of 50% or more** (other than a single-family house constructed on a separate lot and not part of a subdivision on which

significant land alteration is not required and alterations or additions to single-family and two-family house on which significant land alteration is not required. In all subdivisions), the Planning Board shall have the authority to review and approve site

plans upon those proposed lots which it deems appropriate in the interest of the general welfare and to minimize any potential adverse impact. (For the purposes of this section, significant land alteration shall mean any alteration in a property's grade which could increase the height of a building as defined in §305-63 of the Zoning Code or any alteration to, or creation of, vehicular access to a public street.)

B. All uses of land where no building is proposed, including the proposed use and development of all land within proposed subdivisions (of three or more lots, blocks, parcels or sites.)

(No other changes to Section)

Mayor Janos asked that the explanation of this Site Development Plan amendment be put on the scroll.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Ms. Carole Griffiths, 251 Martling Avenue, questioned the status of the LWRP. Administrator McCabe stated the NYS Department of State gave their comments in late fall, and they asked for the Village's review. The Board did so and a meeting was scheduled but that was cancelled when the Dept. of State requested written comments. Those comments are being prepared and should be sent to them in a couple of weeks and a meeting will be held after that.

Mr. Jerry Barbelet, 140 Union Avenue, questioned whether Tarrytown had considered seceding from the Town of Greenburgh as Hastings is considering. He noted Tarrytown contributes \$380,000 a year to Greenburgh and is not getting that amount of service from the Town. Administrator McCabe stated a meeting was held last week with the Administrators and Managers from the six Villages that are part of the Town of Greenburgh. All are recommending to their respective Boards an expenditure of about \$3,000 to \$3,300 per Village to commission a study by the Michaelian Institute at Pace University to determine exactly what the Villages are getting from their association with the Town of Greenburgh.

Mr. William Cerbone, 27 Miller Avenue, stated he received a copy of the draft FEIS for Ferry Landings. Only 12 residents are listed as speakers. Mr. Cerbone stated a number of meetings were held on this project and answers to many of the questions raised were never received. Counsel Shumejda stated the commenters listed in the FEIS are those who spoke during the public hearing process on the DEIS, at which time a stenographic record was kept. Mr. Cerbone stated the Board of Trustees had told residents who spoke at a number of meetings hosted by the Trustees, that their questions would be answered and that has never happened. Mayor Janos stated the Board will not be voting to accept the FEIS this evening and if Mr. Cerbone feels additional questions need to be answered, he should submit those in writing.

Ms. Cherie Gaines, 612 South Broadway, stated she was a regular participant at the Planning Board meetings and a number of her comments are allegedly summarized and allegedly answered. She noted she has delivered to the Village 5 pages of observations on positions she has taken that have been "watered down, simplified, glossed over, and not properly responded to." "The FEIS is not even a complete report of the stenographically reported materials. Anyone who reviews what I have said will recognize I have raised issues about the density of the Ferry Landings plan, the impact of traffic and about the Ferry Landings strategy that somehow because they were doing less awful things than they started with, that they should be able to do what they are proposing now. This FEIS, which is less dense than when started, would still increase multiple housing density in this Village by 3%. We don't need that density on this small

piece of land. That is not dealt with in the FEIS. The traffic impact is not honestly dealt with. There will be 228 living units. They think this is a major gift because they have reduced the offices. They admit they will have 791 people going back and forth. They admit your zoning requirements would want 1,000 parking spaces. They said you don't need 1,000 because you're near the railroad and everyone will commute. It is not an honorable treatment of the issues that were raised. It is not a document I believe you should accept in its present form. I think you need to send the document back to the developer with guidelines. We want a development that will preserve the quality of life in Tarrytown."

Mr. Bob Stone, Rivercliffe, stated he and his wife moved to Tarrytown four years ago. They have integrated themselves into the Village and love it here. They are excited about the Ferry Landings development and feel it can do a lot for Tarrytown but if not careful, it can hurt the Village. Mr. Stone stated he has worked for many engineering organizations and supervised master plans and site plans and he was surprised by the lack of detail on the engineering plans in the DEIS and the FEIS. The drawings are hard to read and there is no way to take dimensions off the drawings. There are no elevation drawings. "I think you need a lot more information before the document is accepted as complete." In regard to height, everyone needs to look at the height above the apex of the roof and consider projections above the apex. There needs to be definition of the view corridors from width and height standpoint. In the FEIS it states there are view corridors. "I challenge anyone to say there are view corridors in the original design." On page 84 of the FEIS, which deals with the original proposal, it indicates that pictures have been taken from a plethora of locations. "I would be very curious to see those pictures."

Mr. Mark Fry, 16 Independence Street, submitted a written statement to the Board. Mr. Fry stated of the 65 meetings, 47 were public meetings. Of the 47, everything contained in the FEIS comes down to only 3 meetings – September 8, 2004; September 27, 2004; and October 25, 2004. If there was public comment other than at those three meetings, those public comments are not included in the FEIS. Mr. Fry stated the Notice of Completion on the DEIS should be rescinded and the public hearings should be reopened. The Board must reject the FEIS as complete. Alternative 4 was not included in the DEIS. That was first presented at a Planning Board meeting on December 15, 2004. That was not a public hearing. Since that was not presented publicly and not included in the DEIS, the FEIS must be rejected as complete. The FEIS contains errors and omissions. All zoning compliance tables in the DEIS and FEIS are incorrect.

Mr. John Lynch, 10 Crest Drive, stated, "You said everyone wants the best for the waterfront. I am not in the same camp. I want what is best for Tarrytown." Mr. Lynch stated the Village is giving a \$4.3 million project to a developer with no competitive bidding. There needs to be a lot of discussion in regard to zoning and the aquatics center. This is all about the waterfront and not the rest of the Village. From the time of the DEIS there were two new alternatives presented. Mr. Lynch stated he put in a FOIL request for the FEIS on December 16th and that was never responded to. Counsel Shumejda stated once the Lead Agency accepts, it is distributed but the Board of Trustees a week ago passed a resolution that all people who commented and the interested agencies would get the document.

Ms. Griffiths stated the DEIS was one of the most incomplete and poorly done DEIS documents she has ever seen. "I don't think the Planning Board should have accepted it as complete." In regard to incentives, Ms. Griffiths stated there should be dollar amount for what the Village is benefiting and a dollar amount for what the developer is getting.

Mr. Ray Tuohy, 11 Storm Street, stated he brought up the traffic impact and was told there would be no problem. The FEIS makes a statement about possibly putting in speed bumps and possibly doing things to slow down the traffic. "Do you honestly believe there will be no traffic problems with 791 people coming into this Village and it won't affect our side streets?" Mayor Janos stated everyone wants nothing except a park but that won't happen. The DEIS and the FEIS provide the input and the Village has a

Traffic Engineer who has given a report. Mr. Tuohy stated before the document is accepted there should be “concrete plans of how you deal with the traffic.” Trustee Fixell stated there are two steps for the Board. One is whether the document is complete. After, and if, the Board finds it complete, they must prepare a Findings Statement and that is where they will deal with all the issues including traffic. Mr. Tuohy requested that the 3-D model be made available for inspection at the Library. Mayor Janos stated they would make this request to the developer.

Mr. Victor Tafur, Riverkeeper, stated he has submitted comments in writing. He felt the FEIS was unresponsive to three of their four key comments: water and waterfront resources; community facilities and recreation (open space and public access to the Hudson River); and visual resources. The applicant seems to have responded to their concern regarding stormwater resources; however they still need to evaluate the supporting information. “My concern is how we move forward. It is clear the FEIS is incomplete. This process is incomplete and communication is failing. I don’t know how we are going to complete the process.”

Mr. Fry stated, “We must stop rushing this approval process. There has never in Tarrytown been a SEQRA process rushed through at this speed.” Mr. Fry stated residents have asked for dimension drawings and those should be available at the library.

RESOLUTIONS – PROPOSED PARKING REGULATION CHANGES

Trustee Morabito moved, seconded by Trustee Sincero, and unanimously carried that the following be adopted:

BE IT RESOLVED that the Village Board in accordance with Section 291-92 Schedule XXVII: Handicapped Parking Spaces and 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</u>	<u>Side</u>	<u>Location</u>
Central Avenue	South	From a point 78 feet west of Kaldenberg Place for a distance of 25 feet in a Westerly direction

Trustee Morabito moved, seconded by Trustee Sincero, and unanimously carried that the following be adopted:

BE IT RESOLVED that the Village Board in accordance with Section 291-92 Schedule XXVII: Handicapped Parking Spaces and the provisions of 291-92, the following described 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</u>	<u>Side</u>	<u>Location</u>
Legrande Avenue	West	From a point 45 feet north of Hamilton Place for a distance of 25 feet in a northerly direction

Trustee Morabito moved, seconded by Trustee Sincero, and unanimously carried that the following be adopted:

BE IT RESOLVED that the Village Board in accordance with 291-77 Schedule XII: Parking Prohibited at All Times and the provisions of 291-16, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Neperan Road	North	From Warren Avenue For 30 feet in a westerly Direction

RESOLUTION – FIRE DEPARTMENT SERVICE AWARD (PENSION) PROGRAM

Trustee Basher moved, seconded by Trustee Fixell, and unanimously carried that the following be adopted:

BE IT RESOLVED that the Board of Trustees approves the proposed 2005 adjustments to the point system of the Tarrytown Volunteer Fire Department Service Award Program as presented in the December 29, 2004 memo to Village Administrator Stephen A. McCabe from Fire Department Service Awards Committeeperson Anthony Rypka which shall be annexed to as a part of the minutes of this meeting:

2005 Proposed Points Adjustments

Section – Elected or Appointed Positions

<u>Title</u>	<u>Current Points</u>	<u>New Points</u>
President	10	15
Vice President	5	10
Captain	10	15
Lieutenants	5	10
Chief Drivers	5	10

Section – Miscellaneous

Addition:

That any member of the fire boat who completes a year with all proper credentials or is a certified driver or an officer at the end of that year shall receive 2 points maximum for his service to the fire boat.

RESOLUTION – SET GRIEVANCE DAY

Trustee Morabito moved, seconded by Trustee Chillemi, and unanimously carried that the following be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule Grievance Day for Tuesday, February 15th, between the hours of 4 p.m. and 8 p.m.

RESOLUTION – APPOINTMENT OF ELECTION INSPECTORS

Trustee Chillemi moved, seconded by Trustee Morabito, that the following be approved. Motion carried, all voting “aye” with the exception of Trustee Basher who abstained.

BE IT RESOLVED that the Village Board does hereby appoint the following Election Inspectors to sit on Election Day, Tuesday, March 15, 2005:

District #1: Frankye Lee, Patricia Pogue, Ann Taxter

District #2: Jay Albright, Angel Dopico, Angela Perez, Anna Gonzalez

District #3: Jean Kraft, Margaret Sellers, Carmen Crescini, Gus Catarino

District #4: Gail Evans, Florence Lester, Jeanne Arduino, Gertrude Arduino

District #5: Janet Cohen, Evelyn Hilliard, Rose Arduino, Max Perada

District #6: Peggy Ford, Baltasar Parra, Emma Doherty, Gloria Verrone

District #7: Lou Agro, Diane Pratt, Rose Sandberg, John DelCarpine

District #55 Roberta Steinberg, Claire Janos, Dennis Cohen, Margaret Bartos

District #74: Rosella Cory, Anne Marie Basher, Joan Wald, Sylvia Krell

District #76: Josephine Parra, Elizabeth Hynes, Gloria Esposito, Joe Perricone

District #82: Betty Watson, Tina Whitely, Netta Slaboda, Rosa FitzGibbon

APPROVAL OF MINUTES

Trustee Morabito moved, seconded by Trustee Basher, and unanimously carried that the minutes of January 3, 2005 be approved as submitted.

APPROVAL AUDITED VOUCHERS

Trustee Chillemi moved, seconded by Trustee Basher, that the following be approved:

RESOLVED: The following Abstract bearing No. 13, dated January 18, 2005, containing Vouchers No. 002397 through No. 002532 is hereby ordered paid in the following amounts:

General	\$124,521.40
Water	28,293.94
Capital	0.00
Library	(4,543.05)
Trust & Agency	<u>16,361.66</u>
Total	\$ 164,633.95

Motion carried, all voting “aye” with the exception of Trustee Chillemi and Trustee Basher who abstained on Vouchers No. 002486 and 002488.

REPORTS

Trustee Fixell stated with regard to a water main break two days before Christmas at Asbury Terrace that General Foreman Scott Weaver and his staff worked very hard in getting it fixed so everyone there could have water during Christmas. The Village got a number of communications and received the following letter: “The tenants of Asbury Terrace wish to express our gratitude to Scott Weaver and his staff for alleviating a very important and unhealthy situation and turning it into a tolerable occurrence. Since Mr. Weaver and his staff worked so diligently with the Asbury Terrace Management staff on Thursday, December 23rd in restoring water to our building, our families were able to enjoy a happy Holiday season. We realize these words cannot adequately express our thanks. However, we did want to say thank you again.” Signed Audrey Thomas, the President of the Asbury Terrace Tenants Association and signed by an additional 50 plus residents.

Trustee Fixell also stated in regard to the issue that the Mayor spoke to earlier, he couldn't agree with him more that we have an incredible number of important issues to follow through and he for one does not doubt the Mayor's intentions or motivations here. He only has a disagreement with the cure at this point. Instead of bringing it into the hands of our Attorney, while he likes him and trusts him, he's still our employee. He thinks we need to submit the issue for resolution to an independent body, perhaps the state comptroller's office or perhaps the state attorney general. He doesn't know which and he would ask Administrator McCabe to make that determination. He thinks that's the best way to do it. It's way too personal an issue and he doesn't think it's for us to do it nor does he think it's for our Attorney to do it. Let a third body give us an opinion and let that be the end of it.

Trustee Chillemi stated that at the January 3, 2005 Board meeting, he raised the issue of two specific vouchers submitted by and paid to Mayor Janos for Village Holiday parties held at his restaurant. The vouchers totaled \$2,824 and were submitted and paid for in violation of the New York State Code of Ethics and the Village of Tarrytown's Code of Ethics. Tonight he respectfully submits two additional vouchers submitted by Mayor Janos and paid to him for Holiday parties held at his restaurant in December 2000 and 2001 (Trustee Chillemi noted he was not a member of the Board at that time). The vouchers are #002329 for \$750.00 and voucher #002420 for \$1,352.00 totaling \$2,102.00. Adding those two vouchers to the two prior vouchers brings the combined total to \$4,926.00. The Mayor stated in The Journal News article on Thursday, January 6, 2005, that he would not pay the money back because it was used to cover the costs of the parties and not for his own profit and again he stated that he has done nothing wrong. Once again, profit does not matter here. Village Code and the State Code of Ethics clearly prohibit officials from doing business with their municipalities if they are in a position to authorize that business. For the past two years, he has complained in executive session and at work sessions that the code of ethics is not being followed in a variety of circumstances. He has asked Attorney Shumejda for explanation and opinions of the village and state code of ethics and how it applies, to whom it applies and when it applies. Attorney Shumejda on October 8, 2004, addressed a memo to Mayor Janos and the Board of Trustees. This memo addresses two concerns; employment by the Village of a related individual and a Village contractor with a firm or consultant or contractor that employs a related individual. The following is a portion of Attorney Shumejda's October 8, 2004 memo. The topic is Conflict of Interest. "Conflict of interest issues have been raised regarding whether the Village could employ family members of current officers or employees and whether the Village could retain firms, consultants or contractors which employ family members under state law and the Tarrytown Code of Ethics." Attorney Shumejda's response was, "There would be a conflict of interest under state law and the Tarrytown Code of Ethics with respect to a Village decision maker having input with respect to the Village contracting with or retaining a contractor, firm or consultant which employs a related individual." Trustee Chillemi stated, "Mayor Janos did, however, pay for the Holiday party this past December, but only when I raised it as a conflict of interest. At this time, I renew my request to the Mayor to repay the Village \$4,926 paid to him contrary to our Code of Ethics. Furthermore, I encourage a full and thorough review of all Village contracts that may be in conflict with the Village and our State Code of Ethics. It is to be conducted by the proper state agency with jurisdiction over such matters. I offer my full cooperation and welcome all levels of scrutiny associated with such an investigation as anything less would be a disservice to the residents of Tarrytown. It is not appropriate to ask Attorney Shumejda to be the person to weigh in and render a decision. He serves at the Board's behest. It should be removed from this environment. It should be put under a microscope and thoroughly checked out."

ADJOURNMENT

Trustee Morabito moved, seconded by Trustee Basher, and unanimously carried, that the meeting be adjourned – 9:40 p.m.

Carol A. Booth
Village Clerk

Kathleen D'Eufemia
Secretary

