

Board of Trustees
Village of Tarrytown
Regular Meeting No. 8
September 6, 2005 8:00 p.m.

PRESENT: Mayor Fixell, presiding; Trustees Basher, Butler, Crucy Burkhardt, Chillemi, Pollack and Zollo; Village Attorney Shumejda; Village Administrator McCabe; Village Treasurer Hart; Village Engineer McGarvey, Village Clerk Booth

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell reported in light of Hurricane Katrina, many residents have expressed a tremendous interest in that relief effort. The Tarrytown Fire Department is planning a fund drive over the weekend. Also this weekend, at the Music Hall, Habitat for Humanity is an event that will be dedicated to the Hurricane Relief. They received a matching grant of \$14,000. They are looking to match that. There will be music and entertainment at 7:00 p.m. Saturday night. Please contact the Music Hall for details. At this time, the Hurricane Relief is looking for money donations; however, in the near future, we will coordinate our efforts with the Westchester Habitat for Humanities to collect goods and materials with our neighboring villages.

Trustee Crucy Burkhardt reported that they have worked with the Music Hall on their loading area. She has been in discussions with someone to be the Chair of the Business Advisory Committee.

Trustee Chillemi reported that our second Kayak session at the Tarrytown Lakes will be held on October 1st; two sessions at 10:00 a.m. and 1:00 p.m. Also, the Swim Across the Hudson for Multiple Sclerosis will take place this Sunday between 11:00 a.m. and 5:00 p.m. at Matheson Park in Irvington.

Trustee Butler reported that the Planning and Zoning Committee is currently busy working on the Paper Roads, Tear Downs, and Loh Park Drainage area. Also, a reminder that a special Planning Board meeting for the Wilson Park DEIS will be held at Village Hall on September 20th at 8:00 p.m.

Trustee Zollo reported that the fall and winter recreation brochures were mailed out to all village residents. AYSO Soccer will be using Tarrytown fields including Losee Park in September, October and November. Fall Softball is starting September 6th. On September 24th, there will be a celebration of the Farmer's Market with music and entertainment, and arts and crafts.

Trustee Pollack reported that the Affordable Housing Committee and Beautification Committee are coming together and we will be having our first meeting very soon. Today at the senior's meeting, it was tremendous to see the amount of seniors in our community that are involved in our Tarrytown Senior Program. She would like to commend our Tarrytown Seniors for all their efforts. There are still disposable cameras available at Village Hall if anyone is interested in taking pictures for the 2006 calendar. We ask the cameras be brought back by September 19th.

Trustee Basher reported that on August 10th, Officers Caoili, Smith and Purdie responded to Metro North to aid an unconscious female. They performed first response treatment using ventilators and defibrillators. The emergency room physicians credited the early and proper interventions by the officers being instrumental for saving her life. The officers will receive their recognition for their life saving efforts to be held at an awards ceremony at a later date. Project Child Safe is a program developed by the National Shooting Sports Foundation and funded by the U.S. Department of Justice in partnership with the fire arms industry. They will be distributing fire arms safety kits which include a gun lock free of charge. The kits can be obtained by contacting the Tarrytown Police Department, Community Service Division, at 631-1505. The Tarrytown Police Department in conjunction with the Automobile Bureau of New York has announced the

60th annual School Open - Drive Careful campaign. We ask motorists in particular in the school zones to drive carefully and to be prepared to stop for school buses with flashing lights. We are in receipt of a letter from James Johnson, Superintendent of Road Maintenance of Westchester County stating that they do have plans to repave our portion of Benedict Avenue to Route 9 by 2009-10.

CONTINUATION OF A PUBLIC HEARING REGARDING A PROPOSED
AMENDMENT TO THE VILLAGE ZONING CODE WITH RESPECT TO NATURAL
PROTECTIONS INCLUDING STEEP SLOPES (adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 6th day of September, 2005, at 8 PM, in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, to amend the Code of the Village of Tarrytown with respect to §305-22 A. entitled "Wetlands, steep slopes, hilltops, ridgelines and hillsides" and §305-61 C. (1)(c) entitled "Wetlands and steep slopes protection" of the Tarrytown Zoning Code. 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 by amending §305-22 A. entitled "Wetlands, steep slopes, hilltops, ridgelines and hillsides" and §305-61 C.(1)(c) entitled "Wetlands and steep slopes protection" of the Tarrytown Zoning Code of the Tarrytown Zoning Code.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees of the Village of Tarrytown has determined [a] that the ability of the Planning Board to "restrict" new construction and vegetation removal in areas defined as wetlands, steep slopes, hilltops, ridgelines and hillsides does not adequately protect the same and therefore the term "prohibit" should replace the former term; furthermore [b] the exception made for draining, landscaping and access uses on wetlands and steep slopes as well as slopes formed by mechanical excavation or fill as currently provided in §305-61 C.(1)(c) [2] entitled "Wetlands and steep slopes protection" of the Tarrytown Zoning Code has the potential to negatively impact wetlands and steep slopes areas within the village and therefore the Village Board of the Village of Tarrytown has determined that the public interest, health, safety and the economic and general welfare of the residents of the Village and protection of sensitive environmental resources will be best served by eliminating both exceptions.

B. Legislative Intent.

It is the intention of the Board of Trustees of the Village of Tarrytown to mandate that the Planning Board prohibit rather than restrict in §305-22 A. entitled "Wetlands, steep slopes, hilltops, ridgelines and hillsides" of the Tarrytown Code new construction and vegetation removal in areas defined as wetlands, steep slopes, hilltops, ridgelines and hillsides; furthermore, the Board of Trustees intends to eliminate the exception made for draining, landscaping and access uses on wetlands and steep slopes as well as slopes formed by mechanical excavation or fill as currently provided in §305-61 C.(1)(c)[2] entitled "Wetlands and steep slopes protection" of the Tarrytown Zoning Code.

SECTION 2. Amendment to §305-22 A. of the Tarrytown Zoning Code entitled "Wetlands, steep slopes, hilltops, ridgelines and hillsides"

§305-22 A. Wetlands, steep slopes, hilltops, ridgelines and hillsides.

A. In general, it is the purpose of this section to preserve all wetlands, steep slopes, hilltops, ridgelines and hillsides. Toward this end and in the course of subdivision, site development plan, special permit or any other regulatory procedure embraced by this chapter or other local laws, codes or ordinances of the Village of Tarrytown, the Planning

Board shall prohibit new construction and vegetation removal in such designated areas. The restrictions are designed to encourage preservation as open space of those areas characterized by:

SECTION 3. Amendment to §305-61 C.(1)(c)[2] of the Tarrytown Zoning Code entitled "Wetlands and steep slopes protection"

§305-61 C.(1)(c)[2] Wetlands and steep slopes protection.

[2] For the purposes of this section, steep slopes shall be defined as those slopes which have an area with an average slope equal to or greater than 25% with a minimum area of 200 square feet and a minimum width perpendicular to the natural contour of 10 feet; however, both the Zoning Board of Appeals or the Planning Board may waive from including within this definition of "steep slopes" the following:

(a) Utilization of an area, which would otherwise be excluded pursuant to this section as a steep slope, for the limited purpose of landscaping that does not change the contour of the Steep Slopes, public safety.

[No further changes to section]

SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately. The provisions of these amendments shall not be applicable to applications for which a Draft or Final Environmental Impact Statement has been accepted as complete by the lead agency and plans for road and utilities have been approved by the Planning Board. However, with approved subdivisions, individual site plans are subject to this local law.

Mayor Fixell asked Attorney Shumejda to explain this proposed amendment.

Attorney Shumejda stated this is the third public meeting on the proposed local law. The amendments will modify the waiver and exemption provisions. Currently, the Planning Board can grant a waiver for access, drainage and landscaping through a steep slope. The existing law has an exemption for mechanically created steep slopes. There are many man made steep slopes that have existed in the village for a very long time. They are just as much the topography as the natural steep slopes. They should be protected.

Trustee Chillemi moved, seconded by Trustee Pollack, 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 Crucy Burkhardt, and unanimously carried that the public hearing be closed.

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

WHEREAS, the Proposed Action is an Unlisted action pursuant to the State Environmental Quality Review Law, and

WHEREAS, an Environmental Assessment Form (EAF) was filed and,

WHEREAS, the requisite notice pursuant to provisions of Section 239 L, M and N of the General Municipal Law, Section 277.61 of the County Administrative Code and the New York State Village Law were mailed on July 13, 2005, and

WHEREAS, public hearing was held for the proposed action July 26, 2005, and

WHEREAS, the Westchester County Planning Board has reviewed the Proposed Action under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and has determined that there are no County or inter-municipal issues, 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, and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. In accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617, including without limitations the criteria set forth in 6NYCRR Part 617.7© 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 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. 10 of 2005 as read in the Notice of Hearing.

PUBLIC HEARING REGARDING A PROPOSED MORATORIUM ON DEVELOPMENT IN THE LOH PARK BROOK DRAINAGE BASIN

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 6th day of September, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendment to the Code of the Village of Tarrytown by adding a new Chapter, to be entitled Moratorium on Development in the Loh Park Drainage Area, said Chapter will provide a brief period for the Village to analyze adequately and thoroughly research the effects that continued development in this area of the Village may have with respect to potential flooding due to runoff during heavy rainstorms as witnessed earlier this year and adopt and/or enact laws which will reasonably and rationally regulate the construction of all new structures to alleviate potential flooding in the future. 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 by adding a new Chapter to be entitled Moratorium on Development in the Loh Park Drainage Area, said Chapter will provide a brief period for the Village to analyze adequately and thoroughly research the effects that continued development in this area of the Village may have with respect to potential flooding due to runoff.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees of the Village of Tarrytown has determined that a brief period for the Village to analyze adequately and thoroughly research the effects that continued development in the Loh Park Drainage Area – as specified below – is necessary given the serious flooding which occurred earlier this year due to heavy rainstorms and the resulting runoff. An exacerbation of the flooding problem is in part due to development in this area and impacts upon the health, safety, welfare, and quality of life in Tarrytown.

B. Legislative Intent.

There has been frequent public comment and criticism regarding the effect that new construction - including single family homes – contribute to runoff problems which occur as a result of heavy rainstorms. This problem is especially acute on the Loh Park Drainage Area of the Village – as specified below. This Moratorium is necessary to address these concerns by prohibiting for a limited time the filing, acceptance or processing

of any application for the construction of any structure as specified below. The Board of Trustees has concluded that to permit additional new construction without a comprehensive review of this issue will only further exacerbate this problem. This moratorium will provide the Board of Trustees sufficient time to adequately and thoroughly research the issues involved in this matter and adopt and/or enact laws which will help alleviate the flooding issues which have occurred in the Loh Park Drainage Area of the Village.

It is the intention of the Board of Trustees of the Village of Tarrytown to analyze within the designated moratorium period the environmental impact that additional construction of any type will have on the Loh Park Drainage Area and if necessary adopt any resolution and or enact any local law to ensure that said development is consistent with the health, safety and general welfare of the current and future residents of Tarrytown. These actions are to be taken pursuant to the Board's power to protect and enhance the Village's physical environment and to protect the well being of persons or property within the Village. Since a period of time will be necessary to enable the Board of Trustees to accomplish these actions the Board does hereby adopt a temporary moratorium on the following:

[1] Construction of any new structure – including residential homes and commercial enterprises – within the Loh Park Drainage Area.

SECTION 2. SCOPE OF CONTROLS

During the effective period of this law as provided in Section 8 below, the Building Inspector of the Village of Tarrytown shall not issue any building permit upon an application which would result in the following:

[1] Construction of any new structure – including residential homes and commercial enterprises

In the area of application as set forth in Section 4 below. Furthermore, during the effective period of this law as provided in Section 8 below, neither the Planning Board, the Architectural Review Board nor the Zoning Board of Appeals will approve any application which would result in the circumstances enumerated above in the area of application as set forth in Section 4 below.

SECTION 3. PENALTIES

Any person, firm, entity or corporation that shall violate any of the provisions of this local law shall be subject to penalties as otherwise provided by law or ordinance of the Village of Tarrytown for violation of the provisions of a local law, and shall be subject to injunctive relief for actions which may have taken place in violation of this local law.

SECTION 4. APPLICATION

This law shall apply to all real property within the Loh Park Drainage Area defined as follows: (see attached description hereto).

SECTION 5. VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not effect the validity of any other part of this local law which can be given effect without such invalid part or parts.

SECTION 6. SUPERSEDING OTHER LAWS

A. All ordinances or local laws or parts thereof in conflict with the provisions of this local law are hereby suspended or superseded to the extent necessary to give this local law full force and effect during the effective period.

B. During the duration of this law, it shall supersede inconsistent provisions of the New York State Village Law, including but not limited to sections 7-706, 7-712-a, 7-712-b, 7-718, 7-725-a, 7-725-b, 7-728, and 7-730.

SECTION 7. HARDSHIP

A. The Board of Trustees shall have the power to vary or modify the application of any provision of this local law upon its determination, in its absolute legislative discretion, that such variance from strict compliance with this local law will not be detrimental to the Village's physical and/or visual environment or the well-being of persons or property within the Village and upon finding that the application of the provisions of this local law to a specific property will cause unnecessary hardship and that such hardship is unique to that specific property.

B. Upon receiving written application for such variance, the Board of Trustees shall hold a public hearing within forty five (45) days of the receipt of such application. Within thirty (30) days of the close of the public hearing the Board shall render a written decision either granting or denying the application. If the Board of Trustees determines that the strict application of this local law creates unnecessary hardship to the particular property, then the Board of Trustees shall vary the application of this local law to the minimum extent necessary. The granting of an appeal for relief by the Village Board of Trustees shall authorize and permit the Planning Board, Zoning Board, Architectural Review Board and/or Building Inspector to accept, review, consider and/or otherwise act.

C. Pursuant to Article 78 of the Civil Practice Laws and Rules, any party aggrieved by the determination of the Board of Trustees on an application for a variance may appeal said decision to the Supreme Court, State of New York, within thirty (30) days of the filing of said decision in the office of the Village Clerk.

SECTION 8. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law, and shall remain in force until March 6, 2006, unless extended by local 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

DATED: September 6, 2005

Deputy Mayor Basher moved, seconded by Trustee Zollo, and unanimously carried that the hearing be opened.

Chuck Pateman, 65 S. Broadway, stated that several months ago he commenced an application with the Planning Board for a subdivision of two lots from the existing property at the Christian Science Church on the corner of Prospect and Benedict Avenue. We have expended approximately \$50,000 so far on this application. We have submitted various studies in support of this application requested by the Planning Board including retaining arborists and tree experts to assess the health of the existing trees. We have presented a drainage study to the Village Engineer which is in full compliance with the Westchester County Storm Water Best Management practices as well as the Village of Tarrytown regulations indicating that they can detain any excess flow of water as a result of the impervious surfaces on the site. This project is in the unique position to be able to help the Loh Park drainage area. By raising the weir elevation that exists on the pond, they can then hold an additional 100,000 gallons of water. He, therefore, requests that

this project that has been in the process for several months and have spent a great deal of money and can be an asset to the Loh Park drainage area be exempt from the proposed moratorium. Mayor Fixell stated that he would take it under consideration.

John Lynch, 10 Crest Drive, stated that the moratorium should extend up to the Hackley property because the source of the water overwhelmingly is coming from the Hackley property. The actual path of least resistance and the direction is just as important as the total volume of water. Mayor Fixell stated that the idea is to look at the entire basin. The Village has recently been put in contact with a group from New York City called the Guy Institute. They specialize in natural solutions to drainage problems.

Domenic Morabito, 26 Church St., questioned who is responsible for dredging out the pond at the Christian Science Church and the pond behind the apartment building. Mayor Fixell stated that at this time he did not know but he would find out. Mr. Morabito also stated that he thought if a developer wants to develop in that area, he should be responsible for the drainage into that pond and should be responsible to dredge it.

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

ANNOUNCEMENT OF A PUBLIC HEARING TO BE HELD ON SEPTEMBER 19, 2005, REGARDING A PROPOSED AMENDMENT TO THE ETHICS CODE OF THE VILLAGE OF TARRYTOWN

Mayor Fixell asked Attorney Shumejda to explain this proposed amendment.

Attorney Shumejda stated the proposed legislation will amend the ethics code of the Village of Tarrytown. Currently, the Fire Chief, 1st Asst. Fire Chief, and 2nd Asst. Fire Chief are precluded from contracting with the Village under any circumstances pursuant to our local code. The proposed amendment would, except for contracts other than Tarrytown Fire Department contracts. Every contract that is out that the Village lets on an annual basis would be subject of this amendment. The proposal would be to modify the definition of officer and employee for those non-fire department contracts to exclude from that definition the Fire Chief, 1st Asst. Fire Chief, and 2nd Asst. Fire Chief. This would be consistent with the State law that precludes individuals from sitting on a board and also having an interest in any contract where the individual has some discretionary authority over the contract, payment of the contract or power of appointing someone to do those things. The three officers that were numerated do not appear to have that discretionary power.

Trustee Basher moved, seconded by Trustee Crucy Burkhardt, and unanimously carried that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby directs the Village Clerk to give public notice of a public hearing to be held on September 19, 2005, regarding the amendment that will provide for certain improvements to the Village Ethics Code.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD: SPEAKERS HAVE 5 MINUTES BEFORE YIELDING TO THE NEXT PERSON: THEN 3 MINUTES FOR ADDITIONAL COMMENTS

Sean Scogna, 99 MacArthur Lane, stated that Consolidated Engine is not being relocated to Sheldon Avenue, it's being re-built at Sheldon Avenue. He feels that there has been stereotyping with the use of "fire house", "fireman", and "firewoman". He is a resident, tax payer, volunteer and we vote too. He has every right to have a say where this fire house goes because we are the people who respond to all the emergencies in the Village. The fire house was built in 1925 and was built there for the safety for the residents and

business owners at the south end. It's a safety facility. It was put there because the south end was growing. The fire house was strategically put in that neighborhood for reasons of response time. The neighborhood has two ways of getting in and out. The truck can go to different sides of the village or stay in the neighborhood to respond to emergencies. A great deal of the membership then and still to this day comes from that neighborhood, which means a quick response. These members respond to the truck more than 85% of the time for these alarms. He showed one year's worth of alarms which included 75 packets that never showed a safety issue with the truck leaving that fire house at any time even during inclement weather.

Dave Goldstein, 59 Sheldon Avenue, stated that he lives no more than 250 ft. from the fire house and grew up with the fire house, fire whistle, and feeling of being safe knowing that if there were ever a problem with our neighbors, the fire fighters would help us out. During the storm, these same fire fighters worked into the night pumping out houses while neglecting their own without any compensation besides a thank you. He resents when neighbors use phrases like "safety of our children" when they speak against the fire house. What is safer than having on call first responders ready to protect you and your families?

Susan Scogna, 49 Embree Street, stated that her husband's family have lived and worked in Tarrytown all their lives. For more than 20 years, she has come to know the members of our neighborhood fire department – indeed she considers them a part of our extended family. Too much time is being spent fighting about placing a fire house back where it stood for many, many years. The fire fighters have made valid points about response time, efficiency and safety.

Heather Scogna, 99 MacArthur Lane, stated that she works at the Child Care Center on Sheldon Avenue and she feels much safer that the fire department is right there in case of an emergency.

Robert Scogna, 49 Embree Street, stated that he has been a member of Consolidated for 26 years and he can't remember any safety issues when he drove the truck out of the fire house regarding children's safety. We're there for the neighbors and their safety. When he grew up in that neighborhood, there were far more children then playing on that street. We're very careful and we take our jobs very serious. He doesn't see a safety issue regarding the fire truck going in and out of that fire house. The Sheldon Avenue road is snow plowed sooner than the Route 119. In the late 1990's, during a snow storm, he drove the truck out onto Sheldon Avenue, up Meadow Street and onto Route 119, where he was involved in an accident with the truck on Route 119. Route 119 was not cleared, but Sheldon Avenue was.

Fred Gross, 117 Tappan Landing Road, stated that time is critical in getting an apparatus in the south end out. Consolidated Engine always gets out due to the proximity of the members to that fire house on Sheldon Avenue. Firemen display professionalism and we act in a professional manner. The property on Sheldon Avenue was sinking because of the way the building was constructed. They were told that the building would eventually settle and fall down informally. However, with today's technology, you can build on that same sight more effectively and more efficiently over the brook. We count on those fire fighters at the south end and we must get that truck out as fast as possible.

Michael Kreiger, 29 Sheldon Avenue, stated that the message that they're hearing is that we're against the fire fighters. That couldn't be further than the truth. He respects and appreciates every fire fighter and what they do. There has been no dialogue until today. He looks forward to the special work session to discuss the south end fire house.

Valerie White, Sheldon Avenue, stated that she's also looking forward to the special meeting that the Board has put aside for open discussion.

Michael McGarvey, Village Engineer, stated that last week he sent out notices to all residents on the east side of Crest Drive that we were going to install a 6" under drain behind the curb line in front of their homes. This under drain is being installed so that any homeowners who have an existing drain line that is currently coming out either through the curb or over the grass area in front of their house and onto Crest Drive can be tied into this under drain instead of the water running onto to Crest Drive which causes a freezing and hazardous condition in the winter time. There's a bend that for the last two years has frozen over and we have to spend a lot of money having the Department of Public Works, in the middle of the night, come out to plow it, sand it, and salt it. The only thing we are doing is burying a 6" under drain, 12" – 18" deep allowing any of the existing drain lines to tie into our drain line and we are connecting our new drain line to the existing catch basins. It's a typical engineering practice that's done all over. This is all done on public right of way, not private property.

John Lynch, 10 Crest Drive, stated that this was never a problem damming over the street until they built that retention pond up at Hackley. This 6" line is being put in front of people's houses. The water has to go through the properties in order to get there. If you build a 6" line, more water will come. If you put a path of least resistance for water, more water is now going to be directed down the 6" pipe instead of Hackley field.

Michael Farley, Neperan Road, stated the following:

- Some of the merchants were considering having a block party for the Hurricane Katrina relief effort. They're looking to get permission to do it on Saturday, September 24th. Mayor Fixell suggested that it should be coordinated with Third Friday and to wait until maybe November to have a truck available for donations of goods and materials.
- At the last Planning Board meeting, Mr. Cotter was seeking permission to dump fill down at the waterfront, when the fact was it had already been done. Mayor Fixell stated that it was true that they had dumped without a permit. Mr. Cotter either didn't think they needed a permit or they did know, but just ignored it. It was observed by the Village Engineer who put a stop to it. The Planning Board set conditions and made sure that the dirt was not put on polluted areas. The FEIS allow us to do an environmental analysis with our consultants of these areas at their cost.
- He wanted to know the status on the asphalt plant. Mayor Fixell stated that the Board could not discuss it at this time because they are in the middle of negotiations.

Linda Viertel, Chair of the Waterfront Advisory Committee, handed out a memo from the Tarrytown Waterfront Advisory Committee concerning the impact of the Ferry Landings project through the views of about 20 Tarrytown merchants.

Sadie McKeown, member of the Waterfront Advisory Committee, stated that the Tarrytown merchants have done a lot to revitalize Main Street and Broadway and want to make sure that the Ferry Landings project does not adversely affect business on Main Street and down town. Steps should be taken to enhance business in the downtown area. The merchants did not want any national retail chains or franchises to come in and take away from some of the restaurants. Perhaps considering limiting any one size store or retail space could help to prevent that; possibly through zoning that issue can be considered. A jitney to bring Ferry Landings residents to the shops on Main Street is an example of a way to integrate the project with the rest of the Village. One of the biggest concerns is that parking in the Main Street area needs to be improved. Another idea would be to improve the Music Hall as more of a destination and make it into a real theatre which would attract larger concerts. Some possible areas for parking are 1) If the Washington Engine Fire Company is moved, its building could be demolished and the land be used for parking; 2) If the YMCA takes over the proposed recreation center, some of the Y's land off of Main Street could be converted to public parking; 3) The acquisition of the CVS parking lot could become a double deck parking facility. Another thought was to separate the Recreation/Aquatic Center from the entire waterfront development project. They feel that it's the one parcel of the development on the waterfront which is supposed to provide a public benefit and enhance the community. They would like the village to look at what public benefit means as a separate issue and

give the residents a chance to talk about that issue. People perceive public benefit differently. If you ask people if this is going to be a benefit to you, you would likely hear lots of different things. Clearly the merchants think that a benefit to the community is more parking on Main Street. If we are going to have a public benefit, try to maximize the public benefit by providing whatever the public truly wants there. The waterfront advisory committee is going to try to pull in any other of these issues that we hear about and try to address them to the Board in the same objective manner.

RESOLUTION - CONSIDERATION OF THE AWARD OF A CONTRACT FOR RENOVATIONS TO THE BATHROOMS AT THE TARRYTOWN FIRE DEPARTMENT HEADQUARTER

In response to a Request for Proposals, the following proposal was the sole bid:

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the Village Administrator to enter into a contract with NAC Industries of Wappenger Falls, NY for renovations to the 2 bathrooms in the Main Street Central Fire Station in the amount of \$65,000 as recommended by the Village Engineer.

RESOLUTION - CONSIDERATION OF THE APPROVAL OF A CURB CUT ON KALDENBERG PLACE TO ACCOMMODATE A LOADING AREA FOR THE TARRYTOWN MUSIC HALL

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves a curb cut in order to facilitate the creation of a loading area at the side entrance of the Tarrytown Music Hall on Kaldenberg Place, as described in the August 3, 2005 memo to Village Administrator Stephen A. McCabe from Jenifer Ross, including all the terms and conditions described therein as well as including the terms and conditions provided by the Tarrytown Fire Chief with the understanding that the loading area will be for a trial period of 6 months after which the initiative will be evaluated before being continued, and with the understanding that should the program not be continued the Music Hall will pay the cost of having the curb restored.

The Board of Trustees chose to table and refer to the Board of Trustees meeting of September 19, 2005, consideration of the approval of the Tarrytown Volunteer Ambulance Corp's (TVAC) participation in the Westchester County Emergency Medical Services Mutual Aid Plan.

The Board of Trustees chose to table and refer to the Board of Trustees meeting of September 19, 2005, for a status report from the Village Attorney regarding the study of the impacts of any proposed developments on undeveloped (aka paper) roads. The Village Attorney will report an outline of the study plan to be undertaken during the moratorium on the development of such roads which was adopted at the 7/26/05 BOT meeting.

RESOLUTION – CONSIDERATION OF A RESOLUTION APPROVING CERTAIN CAPITAL BUDGET ITEMS TO BE FUNDED BY THE SALE OF DEBT

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the appropriation to the capital budget of the following items which will ultimately be funded by the sale of debt: a) \$20,000 for a design contract and from

\$500,000 to \$850,000 for construction costs for the installation of an updated heating ventilation and air conditioning (HVAC) system and a public bathroom for the Warner Public Library, b) \$15,000 for a design contract and up to \$70,000 for the construction of fire detection system for the Warner Public Library, said Library expenditures conditioned upon the achievement of a satisfactory cost sharing arrangement between Tarrytown and the Village of Sleepy Hollow, c) up to \$258,000 for the installation of an updated radio communication system for the Tarrytown Police Department and d) \$39,000 for the installation of a “reverse 911” system in the Tarrytown Police Department.

RESOLUTION – CONSIDERATION OF THE APPROPRIATION OF \$4,000 FOR THE COMMUNITY OPPORTUNITY CENTER

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the appropriation of \$4,000 for the Community Opportunity Center to compliment the originally budgeted appropriation of \$30,000, the total appropriation to be distributed as determined appropriate by the Village Treasurer.

RESOLUTION – CONSIDERATION OF THE APPOINTMENT OF JOHN FIGLIOZZI AS THE VILLAGE’S CHIEF NEGOTIATOR WITH RESPECT TO CABLE TELEVISION FRANCHISE RENEWALS

Trustee Basher moved, seconded by Trustee Crucy Burkhardt and unanimously carried that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby appoints Mr. John Figlioizzi, Associate Municipal Consultant, Office of Telecommunications, NY State Department of Public Service, in association with the Village representatives Deputy Mayor Tom Basher and Assistant to the Administrator Jenifer Ross, to, on behalf of the Village, conduct all formal negotiations for cable television franchise renewals and do report all recommendations for any actions to the Board of Trustees.

RESOLUTION – APPROVAL OF A NEW YORK STATE “SNOW AND ICE RENEWAL” CONTRACT WITH THE VILLAGE FOR MAINTENANCE OF STATE ROADS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the snow and ice agreement extension with the New York State Department of Transportation for reimbursement for the Village’s snow plowing of Route 9/Broadway in the amount of \$11,221 for the 2006/07 snow season.

RESOLUTION – APPROVAL OF A NEW YORK STATE “SNOW AND ICE RENEWAL” CONTRACT WITH THE VILLAGE FOR MAINTENANCE OF STATE ROADS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the snow and ice agreement B with New York State DOT for reimbursement in order to make a fuel adjustment payment for the 2004-2005 snow and ice season from \$9,751 to \$10,090.

RESOLUTION – RECOMMENDATION FOR THE APPOINTMENT OF CHARLES SELLS, INC., ENGINEERS, AS CONSTRUCTION MANAGER (CM) FOR THE REHABILITATION OF THE NEPERAN ROAD PROJECT

Trustee Chillemi moved, seconded by Trustee Crucy Burkhardt that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the execution of a contract with Charles Sells, Inc., Engineers, for construction management services on the Village's Neperan Road rehabilitation project in an amount of \$325,000 which cost shall be shared as follows: NY State funding \$308,750 Tarrytown funding \$16,250.

RESOLUTION – REQUEST FOR AUTHORIZATION TO REQUEST BIDS FOR THE PURCHASE OF A 10 YARD "JETVACK" TRUCK FOR THE MAINTENANCE AND CLEANING OF THE VILLAGE SANITARY SEWER SYSTEM AND WATER DISTRIBUTION SYSTEM, PREVIOUSLY BUDGETED AT \$250,000

Trustee Butler moved, seconded by Trustee Crucy Burkhardt that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the Village Engineer to request bids for the purchase of a 10 yard "jetvack" truck for the maintenance and cleaning of the Village's sanitary sewer system and water distribution system.

RESOLUTION – REQUEST FOR AUTHORIZATION TO REQUEST BIDS FOR THE 2005 VILLAGE STREETS PAVING/RESURFACING PROGRAM

Trustee Pollack moved, seconded by Trustee Butler that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the 2005 Village paving/resurfacing program including the following roads: Tappan Landing Road (entire length), Hendrick Lane, Half Moon Lane, Riverview Ave. (So. of Church St.), Tappan Landing Road North, Crest Drive (from Midland to Gunpowder Lane). The total cost of the program of \$200,000 to be completely offset by NY State Capital Highway Improvement Program (CHIPS) funds.

RESOLUTION – CONSIDERATION OF AN APPROPRIATION OF \$6,500 TO CONTINUE THE CANADA GEESE CONTROL PROGRAM

Trustee Chillemi moved, seconded by Trustee Basher that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee Pollack who voted no.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the expenditure of \$6,500 to continue a contract with "Geese Relief, Inc." to provide Canada geese impact abatement services in the amount of \$6,500 for a period through December 31, 2005.

RESOLUTION – CONSIDERATION OF AN APPOINTMENT TO THE TARRYTOWN TRANSPORTATION COUNSEL

Trustee Crucy Burkhardt moved, seconded by Trustee Butler that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby appoints Bernard Sciarpelletti to the Tarrytown Transportation Counsel.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETINGS
HELD ON JULY 26, 2005

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the board of Trustees meeting held on July 26, 2005.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETINGS
HELD ON AUGUST 15, 2005

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the board of Trustees meeting held on August 15, 2005.

APPROVAL OF AUDITED VOUCHERS #4

Trustee Basher moved, seconded by Trustee Crucy Burkhardt that the following resolution be approved:

RESOLVED: The following Abstract bearing No.4, dated September 6, 2005 containing Vouchers No. 001005 through No. 001223 is hereby ordered paid in the following amounts as presented:

General	\$ 363,573.42
Water	22,294.53
Capital	1,018,335.90
Library	7,402.70
Trust & Agency	<u>190,886.16</u>
Total	\$1,602,492.71

The Board was polled all voting “aye”. Trustee Pollack abstained from Voucher No. 00188. Motion carried.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried, that the meeting be adjourned to Executive Session – 10:20 p.m.

Carol A. Booth
Village Clerk