

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 9  
September 19, 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

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell reported that at the last meeting, there was discussion on the Waterfront surveys that were sent out several years ago. There was a terrific response of over 22%; 5600 surveys were sent out and 1200 were returned. The response to the question on a new Aquatic/Recreation Center was 61% either strongly agreed or agreed and 25% either strongly disagreed or disagreed and 14% had no opinion. He also stated that he wanted to thank three other people who helped at the Ferry-Go-Round from our Recreation Commission; Tish Sinni, Trudy Dunbar and Henry Crepault. They were there for most of the day helping out and keeping things in order. Our part of the Ferry-Go-Round including the music and entertainment was terrific.

Trustee Crucy Burkhardt reported that she is happy to report that Joanne Murray of the Alan Block Agency has agreed to be the Chair of the Business Advisory Committee. Joanne has all of the responses to the survey for people who are interested in serving on the Business Advisory Committee and she will be contacting you over the next month. The community event of the reenactment of the capture of Major Andre took place this past weekend at Patriots Park. It will be held again on October 1<sup>st</sup> which will also include a reenactment of a battle scene as well.

Trustee Chillemi reported that the Library Book Sale will take place on Saturday and Sunday, October 8<sup>th</sup> and 9<sup>th</sup>. Volunteers are always needed. Ferry-Go-Round took place this past Sunday with a tremendous turnout. Tarrytown had lots of activities and festivities. It was a huge undertaking and he thanks Jenifer Ross and Joe Arduino for all their hard work in making it a success.

Trustee Butler reported that the Environmental Committee chaired by Carol Griffiths is planning an information booth at the Farmer's Market with regard to the Environment. She is also looking at a Third Friday Environmental theme and also planning an alternative energy discussion to be held at the Warner Library.

Trustee Zollo reported that September 16<sup>th</sup> marked the second anniversary of the Third Friday. The next Third Friday will take place on October 21<sup>st</sup>. The Recreation Department is holding Yoga classes at the Senior Center beginning Tuesday, September 20<sup>th</sup>. On Saturday, September 24<sup>th</sup>, the Farmer's Market will have a special celebration from 10 – 2. There will be activities and entertainment for all to enjoy. On Saturday, October 1<sup>st</sup> at the Tarrytown Lakes there will be the second Kayak Clinic; two sessions from 10 a.m. to 12 noon and 1 p.m. to 3 p.m.

Trustee Pollack reported that she wanted to thank the senior citizens who volunteered Sunday at the Ferry-Go-Round. Also thanks to Scott Toth who brought the new Fire Truck to the Third Friday at the Main Street Fire House for children to get a Polaroid picture taken with the fire truck. The first meeting of the Affordable Housing Committee will take place this Wednesday at 7 p.m. at Village Hall and the Beautification Committee will meet next Wednesday at 7 p.m. at Village Hall.

Trustee Basher reported that all supervisory staff of the Police Department has been scheduled to attend a Domestic Violence Training Seminar sponsored by the Westchester County Office for Women, the Westchester County Police Chief's Association and the

Westchester Coalition of Family Violence Agencies in early October at Manhattanville College. The topics to be covered are the Initial Patrol Response, Interviewing Victims and Investigative Techniques. This is part of the Department's ongoing training program which is dedicated to provide better service for our residents. The Police Department's new communication system (radio system) has been ordered and the delivery and installation is expected to be completed in October and the system will be operational later that month. This was long overdue and Police Chief Brown is doing a great job.

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

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

Chuck Pateman, President of C.M. Pateman, Associates, stated that he requests that the Board exempt the project that he has had before the Planning Board several months now from the proposed moratorium. He asked for confirmation of the Board's receipt of documents that he submitted. Village Attorney Shumejda responded that he was in receipt of them. This project involves a subdivision of two residential lots from the existing Church of Christ Scientist property located at the corner of Benedict Avenue and Prospect Avenue. There will be no changes to the existing Church property which will remain on 2.26 acres. The two additional lots conform to the zoning ordinance and subdivision regulations. He has complied with all the Planning Board comments and the two lot property in question exceeds the required zone by 10,000 square feet total. He complies with the Westchester County Storm Water Best Management practices as well as the Village of Tarrytown regulations with regards to storm water management. We have submitted documentation from our professional engineer which indicates that this project will have a positive impact on the Loh Park drainage area by detaining approximately 100,000 gallons of water above what flows from the site after construction. In fact, this would be a benefit rather than a detriment if this project would go forward. Mayor Fixell stated that the Board would have to review the documents and discuss them with our consultants on this project. We understand your concerns and we will give it a fair hearing as quickly as possible.

Jim Walters, Crest Drive, stated that the Town of Greenburgh's Planning Board has put on hold the drainage issue that is going to come off of Hackley. He believes from the drainage pipes that he's been seeing; it's going to be a great deal more than was projected. If they put the 2 ft. drain pipe and head it towards the Church project, it will blow whatever is being developed. He suggests that being it is still in the planning stages that our Board and Engineer be in contact with the Town of Greenburgh and to take the time to work this out.

John Lynch, 10 Crest Drive, stated that this whole village should be under a state of emergency. He doesn't know how we are going to get any monies from the federal government if we don't declare that. On June 29<sup>th</sup>, the following areas were flooded out: Crest low basin, Tappan Landing basin, Crest/ Sunnyside basin, Wilson Park basin, Main Street/Patriots Park/Waterfront basin, and the Sheldon south end basin. All these basins should be looked at, not just the Loh Park basin. Mayor Fixell stated that the intent of this moratorium is not to exclude other areas. We are going to look at all our storm water issues throughout the Village. This was identified as being a repetitive and critical problem area.

Trustee Zollo moved, seconded by Trustee Crucy Burkhardt, and unanimously carried that the public hearing be continued.

PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO THE ETHICS  
CODE OF THE VILLAGE OF TARRYTOWN (adopted)

**PLEASE TAKE NOTICE** that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 19th day of September, 2005, at 8 PM, 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 amending §27-4 entitled "Definitions" of the Tarrytown 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 by amending §27-4 entitled "Definitions" of the Tarrytown Code of Ethics.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees of the Village of Tarrytown has determined that §27-4 entitled "Definitions" of the Tarrytown Code of Ethics with respect to the definition of Officer or Employee is too broad and may make certain individuals who have no discretionary authority over public contracts and no conceivable conflict of interest with the same [as said term is defined in Article 18 and specifically §801 of New York's General Municipal Law] subject to the conditions found in the Tarrytown Code of Ethics and unfairly prohibited from contracting privately with the Village despite the fact that no conflict of interest exists.

B. Legislative Intent.

It is the intention of the Board of Trustees of the Village of Tarrytown to clarify §27-4 entitled "Definitions" of the Tarrytown Code of Ethics with respect to the definition of Officer or Employee and exempt those positions which do not have a conflict of interest as said term is defined in Article 18 and specifically §801 of New York's General Municipal Law.

Material to be deleted appears in strikeout, material to be added in underlined.

SECTION 2. Amendment to §27-4 entitled "Definitions" of the Tarrytown Code of Ethics  
§27-4. Definitions.

OFFICER or EMPLOYEE – Any Mayor, Trustee, Justice, Acting Justice or Village Attorney of the Village of Tarrytown, any person receiving any compensation from said village and any member of any agency of the village as hereinafter defined or anyone acting as advisor, consultant, counselor or counsel to such agency, paid or unpaid however, for other then Tarrytown Fire Department contracts, the Fire Chief, First Assistant Fire Chief and the Second Assistant Fire Chief of the Tarrytown Fire Department shall not be considered officers or employees under this Code Ethics  
[No further changes to section]

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**

DATED: September 6, 2005

Trustee Basher moved, seconded by Trustee Crucy Burkhardt, and unanimously carried that the public 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 Basher moved, seconded by Trustee Crucy Burkhardt that the following Local Law be adopted. Motion carried, all voting “aye” with the exception of Trustee Chillemi who abstained.

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, a notice of public hearing was published in the Journal News on September 14, 2005, and

WHEREAS, a public hearing was held for the proposed action on September 19, 2005, 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 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. 11 of 2005 as read in the Notice of Hearing.

ANNOUNCEMENT OF A PUBLIC HEARING TO BE HELD ON OCTOBER 3, 2005  
REGARDING A PROPOSED LOCAL LAW FOR PROVIDING ALTERNATE  
MEMBERS OF VILLAGE BOARDS

Trustee Chillemi 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 directs the Village Clerk to give public notice of a public hearing to be held on October 3, 2005, regarding approval of a local law to provide for two (2) alternate members of the Planning Board, Zoning Board of Appeals and Architectural Review Board. Alternate members would keep up to speed on the Board’s activities, and would be empowered to vote when standing in for an absent regular member.

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

Christina D'aiello, 45 Sheldon Avenue, stated that a meeting with the neighborhood would be beneficial. Currently there's no communication other than in the newspaper and it has put neighbor against neighbor and including firefighter, volunteers and the Board. She asked if the alternative location of the firehouse was across from the current temporary firehouse and Mayor Fixell responded, "Yes". She stated that while just a few attend the Board meetings, they are representing many of the residents who are concerned about this issue. We are representing the people who are opposed to the location being in a residential area, who are opposed to two separate fire houses and don't understand why the double bay fire house has been abandoned as a solution while there are alternatives to save money within the double bay firehouse.

Roula Nedo, Stephens Drive, stated that you need a fire house in a neighborhood and she is a strong advocate to rebuild the fire house at the original location on Sheldon Avenue. She is opposed to it being on Route 119 due to the traffic patterns and the response time.

David Nutig, 66 Sheldon Avenue, stated that when he moved into the neighborhood he didn't know there was a firehouse on that block along with many other residents. He looks forward to speak at the open meeting.

Dawn Carrelli, 37 Sheldon Avenue, questioned the Board if the Architect that is doing the drawings on the firehouse solely deals with firehouses or double bay firehouses. Is this something that he specializes in to best utilize the space and usage of the particular bays and rooms. Based on the plans that we have for this \$4.2 million double bay firehouse on Route 119 it consists of 2 recreation rooms, 2 meeting halls, 8 bathrooms, 2 chief's rooms, a cascade, and a three-story building. Do you consider that reasonable?

John Lynch, 10 Crest Drive, stated that the six-inch drain pipe that was installed along lower Crest Drive, which is basically a ground water sump pump line to put into storm sewers. Once it freezes, all of the ground water and sump pump flows stop. We just had a drizzle the other day and water formed on both sides of the street because of its grade. We are going to have the ice form there no matter what. This was an engineering fiasco.

#### RESOLUTION – FIRE DEPARTMENT PERSONNEL CHANGES

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 following Fire Department membership changes recommended by the Board of Fire Wardens at their August 16, 2005 meeting: New membership: Craig Allan and Demitry Zhouk to Conqueror Hook and Ladder Company; New driver: Thomas Brady for Hope Hose Company; Re-Qualified driver: Robert Derivan for Riverside Hose Company.

#### RESOLUTION REGARDING CONFIRMATION OF AUTHORIZATION TO SUBMIT AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR A TARRYTOWN WATER MAIN PROJECT

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 confirms approval of an application to the Westchester County Department of Planning for Community Development Block Grant Funding for a "Tarrytown Water Main Project" reference (F080CCB8C44F-4889-828B-A510E90FC38B) in the amounts of \$643,750 for year 2006 (Village share \$1,931,250), \$537,500 for year 2007 (Village share \$1,612,500) and for 2018 \$575,000 for 2008 (Village share \$1,725,000).

RESOLUTION REGARDING CONFIRMATION OF APPROVAL OF AN  
APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
FUNDS FOR “TARRYTOWN WATERFRONT FACILITIES”

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 confirms approval of the submission of an application to the Westchester County Department of Planning for Community Development Block Grant (CDBG) funds reference (E9452C44-DB58-416D-B222-8B7C55B37015) for a “Tarrytown Waterfront Facilities” project to upgrade certain recreation facilities in Pierson Park, for year 2006 in the amount of \$226,000 (Village share of \$75,250), and year 2007 \$106,500 (Village share \$35,500).

RESOLUTION – REQUEST FOR AUTHORIZATION TO DECLARE SURPLUS AND  
DISPOSE OF A POLICE DEPARTMENT VEHICLE

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 approves that the Police Department vehicle, 1989 Nissan Maxima VIN-JN1HJ01P1KT271360, having been determined not cost effective to be repaired, be declared surplus and disposed of.

RESOLUTION – REQUEST FOR FINANCIAL SUPPORT FROM THE HUDSON  
VALLEY WRITERS CENTER, LATINO FESTIVAL

Trustee Pollack 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 an appropriation of \$1,000 for the Hudson Valley Writers Center, Latino Festival subject to the submission of legislative certification and financial reports satisfactory to the Village Treasurer.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETINGS  
HELD ON SEPTEMBER 6, 2005

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried that the Board of Trustees minutes of the September 6, 2005 be approved as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS #5

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

RESOLVED: The following Abstract bearing No.5, dated September 19, 2005 containing

Vouchers No. 001224 through No. 001367 is hereby ordered paid in the following amounts as presented:

General	\$ 217,780.22
Water	81,687.89
Capital	162,385.45
Library	10,846.44
Trust & Agency	<u>112,505.03</u>
Total	\$ 585,205.03

The Board was polled all voting “aye”. Motion carried.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried, that the meeting be adjourned to Executive Session to continue discussion on property acquisition. – 9:15 p.m.

Carol A. Booth  
Village Clerk