

Board of Trustees
Village of Tarrytown
Regular Meeting No. 12
November 7, 2005 8:00 p.m.

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

ABSENT: Trustees Crucy Burkhardt and Butler

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell reported on the following:

- Congressman Nita Lowey was able to get the Village a grant for \$250,000 for bulkhead improvements on the waterfront. This will enable us to make great improvements around the Pierson Park area.
- Administrator McCabe received a letter from the General Motors Training Center regarding their plans to make an application to the Planning Board to use that facility for hydrogen car training. The Mayor read the following letter: They want the Mayor and Board of Trustees to be aware of the following: 1) General Motors in order to promote and develop energy saving and a cleaner environment has chosen its long time Tarrytown training facility to conclude training and maintenance instruction for General Motor's hydrogen fuel cell demonstration vehicles. 2) General Motors will submit a site plan application to the Planning Board by November 10, 2005, to detail facility modifications to the Training Center to accommodate the fuel cell vehicles. 3) In contemplation of the submission of the site plan application, they will be notifying the property owners and homeowners located on Paulding Avenue of this proposed action. They have invited all the property owners located on Paulding Avenue to the General Motors Training Center on November 9, 2005, where they intend to explain our proposed site plan application and fuel cell technology. At this meeting they will have a fuel cell vehicle on site for the public to inspect. On the same date, they are meeting with a representative of the Jewish Community Center to explain to them General Motor's proposed site plan application. On November 10, 2005, General Motors is planning to meet with representatives of the media, newspaper, and radio so that they are made aware of the proposed fuel cell vehicle and the site plan application that will be submitted to the Village of Tarrytown. On November 28, 2005, they plan to make a full presentation of the plan in hydrogen cell technology to the Planning Board at a site plan public hearing.

Trustee Chillemi reported that the Halloween Parade was a lot of fun and thanks to the public for coming out and making it a great success.

Trustee Zollo reported on the following:

- The Recreation Department estimated that there were 5,000 people along the Halloween Parade route, which is a tremendous turnout.
- On Sunday, November 13th, the annual Pilgrim Run will take place at Hackley School starting at 12 noon. Right now, there are 30 people signed up and they expect 75 people to participate in the run.
- On November 18th, the Third Friday's theme will be fall harvest. The Recreation will be providing a hayride for children. Children will be able to have their pictures taken with a turkey for a fee of \$1.00.
- On December 3rd, the 6th annual Tree Lighting ceremony will be held at Patriots Park at 5:00 p.m. Children can have their picture taken with Santa Claus and the Tappan Zee Bridgemen Band will perform.

Trustee Pollack reported on the following:

- There were a lot of Halloween events that took place in the Historic Hudson Valley during the Halloween weekend. A great Jack-o-lantern blaze event took

place at Van Cortlandt Manor. Events also took place at Washington Irving Sunnyside, Phillipsburg Manor, the Old Dutch Church had the reading of the Legend, and the Music Hall put on the Rocky Horror Picture Show and Abbott & Costello.

- Tarrytown Cares in conjunction with the YMCA held a fundraiser yesterday for the victims of Hurricane Katrina and Hurricane Rita. YMCA is matching all contributions made. The amount of money raised including the YMCA's match was \$8,400. She would like to thank the YMCA, the Village of Tarrytown, Proftech, Rey Insurance, Linda Guliana, Jack & Dyl, Bayer, Hitachi, Walgreen, Stop 'n' Shop, Tarrytown and Sleepy Hollow Arts Council, Sign Extreme, and Michael Christopher Antiques. If anyone is still interested in making a contribution, go to our website and it will instruct you how to give a monetary donation or a contribution of a backpack with supplies. The backpack's will be collected up until Wednesday and should be brought down to the Senior Center. She thanked everyone who contributed to this wonderful event.

Trustee Basher reported the following:

- He would like to thank Michael Levoi for the terrific job on the filming of the Halloween Parade. The quality of the video was the best he has ever seen.
- The Tarrytown Police Department has started its 15th consecutive year of the Dare Program. The Police Department will be presenting their anti-drug, anti-violence message of Dare to the students of the Tarrytown's and Transfiguration. The program will be presented by Detective Brian Byrnes, who has a good rapport with the kids.
- The Village of Tarrytown has received the AAA Gold Community Award from the Automobile Club of New York's Community Traffic, Safety Awards Program. The Village was cited for its many traffic safety efforts. They were also presented with the pedestrian safety citation for having two years without a pedestrian fatality. The Police Department and Chief Brown continue to do a great job.

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

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 7th day of November, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, at 8P.M. 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 - except residential structures whose proposed site plan does not entail 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 as noted in Section 305-52A of the Village Code - within the Loh Park Drainage Area defined as follows: Beginning at a point on the northeast intersection of South Broadway and Prospect Avenue thence running along Broadway in a northerly direction approximately 2,160 l.f. to a point on the southeast intersection of South Broadway and East Franklin Street thence running in a northeasterly direction 3,440 l.f. to a point in the southwest intersection of Kerwin Place and Barnes Road thence running in a southeasterly direction approximately 830 l.f. to a point on the Village of Tarrytown/Town of Greenburgh border line thence running in a southeasterly direction along said borderline to a point on the south side of Benedict Avenue approximately 1,760 l.f. measured to the east from the southeast intersection of Benedict Avenue and Martling Avenue thence running to the southwest approximately 1,450 l.f. to a point on the east side of Martling Avenue measured approximately 710 l.f. to the southeast intersection of Benedict Avenue and Martling Avenue thence running in a westerly direction approximately 3,460 l.f. to the point and place of beginning. Said description is in conjunction with a topography map entitled Area Tributary to Loh Park Drainage Basin dated September 16, 2005.

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 May 1, 2005, 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: October 24, 2005

Contact: Stephen A. McCabe, Village Administrator
Tarrytown Village Hall
21 Wildey Street
Tarrytown, New York 10591
[914] 631-1885

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

Chuck Pateman, President of C.M. Pateman, Associates, stated that recently he had a two-lot subdivision approved at the corner of Prospect and Benedict Avenues. As a part of that approval, the Planning Board found that there would be no adverse environmental impact. The Planning Board also stated that the applicant agrees to raise the weir elevation on the existing pond on lot one by one foot, which will allow for the detention of an additional amount of approximately 101,000 gallons of water. Based on the studies provided, the Planning Board believes the conditions regarding storm water management have been addressed. Approval by the Village Engineer regarding storm water drainage which is to include final approval sign off by the Village's consultant, Dvirka & Bartilucci is another condition made by the Planning Board. He, therefore, requests to be exempt from this moratorium as they can't go forward without sign off from your consultant engineer. Mayor Fixell responded that the consulting engineer, Dvirka & Bartilucci's first order of business will be to look at this project so he hopes we will get an answer quickly. Mr. Pateman asked if it would be an exemption or a waiver. Mayor Fixell responded that it would be a waiver. Attorney Shumejda stated that there is a waiver provision in the proposed local law.

John Lynch, 10 Crest Drive, stated that he wants the public to know that the moratorium goes up to the Hackley development. Regarding the moratorium, he believes that no action should be taken until a full consensus of the people at the low part of the basin to the people at the top of the basin is reached as to the public's concerns.

Chuck Pateman stated that his intent is not to solve the entire problem of the Loh Park drainage area, but to help. By detaining 100,000 gallons of water is indisputably a positive impact of the Loh Park drainage area.

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

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried that the following local law be adopted:

WHEREAS, the Proposed Action is a Type II Exempt Action pursuant to the State Environmental Quality Review Law, and

WHEREAS, an Environmental Assessment Form (EAF) was filed on the Proposed Action, and

WHEREAS, notice pursuant to provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code were mailed to Westchester County, and

WHEREAS, notice pursuant to Village Law Section 7-706 was mailed to the Executive Director Tarrytown Municipal Housing Authority, the Executive Director of the North Tarrytown Housing Authority, the Village Clerk of the Village of Irvington, the Village Clerk of the Village of Sleepy Hollow, Town Clerk of the Town of Mt. Pleasant, Town Clerk of the Town of Greenburgh, Mayor of the Village of Sleepy Hollow, Supervisor of the Town of Mt. Pleasant, Supervisor of the Town of Greenburgh, and

WHEREAS, a notice of public hearings were published in the Journal News on August 26th, September 28th, October 17th, October 21st and October 27, 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

WHEREAS, public hearings were held for the proposed action on September 6th, September 19th, October 5th, October 17th, October 24th and November 7, 2005 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Westchester County Planning Board 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 determined that there are no County or inter-municipal issues, and

WHEREAS, in rendering this decision, the Board of Trustees has considered all reasonable related long term, short term, and cumulative environmental effects associated with the proposed action.

NOW, THEREFORE, BE IT RESOLVED, 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 Form, all of the documents referred to herein and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action is a Type II Exempt Action.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby adopts Local Law No. 14 of 2005 entitled MORATORIUM ON DEVELOPMENT IN THE LOH PARK DRAINAGE AREA.

CONTINUATION OF A PUBLIC HEARING REGARDING RESCINDING VILLAGE LOCAL LAW NO. 1-2004 WITH RESPECT TO THE ASPHALT PLANT RELOCATION ZONING (Adopted)

Mayor Fixell asked Attorney Shumejda to explain this proposed amendment.

Attorney Shumejda stated that this proposed local law will modify part of the law that was enacted in March of 2004. Specifically, this amendment deals with Section 305-30.3.F(1)(h) , Local Law No. 1-2004, which deleted a phrase from that paragraph. The phrase that was deleted was as follows: “to the north of its location as of the date of adoption of this chapter.” Tonight’s proposed local law would reinstate that language. By reinstating that language, it would make that paragraph of the zoning code relate back to the 1998 adoption of that section of the code. The amendment in 2004 was designed to allow the plant envelope to be moved to an area other than to the north. This proposed amendment tonight will restrict it back to the 1998 language as it was adopted.

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 7th day of November, 2005, at 8 P.M. in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, to hear, discuss and to act upon proposed amendments to Section 305-30.3 F.(1)(h) of the Tarrytown Zoning Code entitled Water-Related Industry Overlay District and the Tarrytown Zoning Schedule, Column 2 ,Permitted Principal Uses , Waterfront General Business District(WGBD), B Uses. The complete text of this legislation follows:

A LOCAL LAW to amend Section 305-30.3 F.(1)(h) of the Tarrytown Zoning Code entitled Water-Related Industry Overlay District and the Tarrytown Zoning Schedule, Column 2, Permitted Principal Uses, Waterfront General Business District, B Uses.

Material to be deleted appears in parenthesis {"()"}, material to be added is in bold.

Section 305-30.3 Water-Related Industry Overlay District

F.(1)(h) Relocation of plant envelope area. The plant used for the manufacture of bituminous concrete may be relocated within the plant envelope area only. The plant envelope area may be moved **to the north of its location as of the date of adoption of this chapter** but the dimensions of the plant envelope area shall not be expanded.

[no further changes to zoning schedule]

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**

CAROL A. BOOTH
VILLAGE CLERK

DATED: October 21, 2005

Trustee Zollo 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 Pollack, and unanimously carried that the public hearing be closed.

Trustee Basher moved, seconded by Trustee Pollack, and unanimously carried that the following local law 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 on the Proposed Action, and

WHEREAS, notice pursuant to provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code were mailed to Westchester County, and

WHEREAS, notice pursuant to Village Law Section 7-706 was mailed to the Executive Director Tarrytown Municipal Housing Authority, the Executive Director of the North

Tarrytown Housing Authority, the Village Clerk of the Village of Irvington, the Village Clerk of the Village of Sleepy Hollow, Town Clerk of the Town of Mt. Pleasant, Town Clerk of the Town of Greenburgh, Mayor of the Village of Sleepy Hollow, Supervisor of the Town of Mt. Pleasant, Supervisor of the Town of Greenburgh, and

WHEREAS, a notice of public hearings were published in the Journal News on October 14th and October 25, 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

WHEREAS, public hearings were held for the proposed action on October 24th and November 7, 2005 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Westchester County Planning Board 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 determined that there are no County or inter-municipal issues, and

WHEREAS, in rendering this decision, the Board of Trustees has considered all reasonable related long term, and cumulative environmental effects associated with the proposed action.

NOW, THEREFORE, BE IT RESOLVED, in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, including without limitations to the criteria set forth in 6 NYCRR Part 617.7 (c) and based upon review of the Environmental Assessment Form, all of the documents referred to herein and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that the 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. 14 of 2005, an Amendment of Section 305-30.3F(1)(h) of the Village of Tarrytown Zoning Code entitled Water Related Industry Overlay District.

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

Roula Nedo, 66 Sheldon Avenue, stated that since the Jardim Estates construction, the deer are being displaced and it is causing a health issue in her immediate area. She asked the Board who is responsible for this animal control. This is a health hazard for the children. Police Chief Brown stated that if it's an emergency situation, the Police Department will come with an officer from the Greenburgh Animal Control service and will make an evaluation if the animal needs to be destroyed. Administrator McCabe stated that he will confer with the Greenburgh Animal Control regarding the displacement of wild life based on development and also check with the Game and Wild Life Division of the State Department of Environment Conservation to see how they handle displacement of animals based on development. Ms. Nedo stated that the other issue was the donated part of the steep slopes that are now owned by the Village of Tarrytown causes flooding onto the road and in the winter it gets icy and dangerous. Now that this is Village property, she wants to make sure we maintain that part of the road. Mayor Fixell stated that he wasn't sure who was responsible to maintain the road, but he would look into it and find out.

Charles Riley, Tarrytown resident, speaking on behalf of his daughter-in-law, of 36 Hamilton Place, asked the Board what the status of the Neperan property. Mayor Fixell

stated that the sub-division was approved for a one-house lot and the rest of the property is designated parkland. Mayor Fixell also stated that they spoke to the Landscape Architect on the issues and concerns regarding water and traffic next to the property and he believes that they will be dealt with to your satisfaction. Mr. Reilly stated that he received a letter from Jenifer Ross stating that the Village's plans no longer call for use of the strip which Mrs. Reilly has interest and there's been a recommendation to have a licensing agreement with a 30 day notice by either party to remove the license. If there's no use for the strip, why would we enter into an agreement with a 30 day removal clause? Attorney Shumejda stated that there's a 10 ft. strip adjacent to your daughter-in-law's house, which is part of the Village's dedicated parkland property. The Village no longer has the option of selling that strip to anyone. Therefore, it was recommended that the Village enter into a licensing agreement with your daughter-in-law for half of the 10 ft. strip and to find out if the other person on the other side of the 10 ft. strip is interested in also a license agreement. The license agreement would be for a nominal cost or no cost to your daughter-in-law. It would allow her either 5 ft. or 10 ft. to use that as if she owned it for whatever purpose she wanted until the Village ever revoked it. The difference being she does not own it because the Village of Tarrytown cannot convey it even though it's not necessary or an integral part of the plan for the park. Mr. Riley stated that the lease agreement's 30 day termination clause doesn't make sense. Attorney Shumejda stated that when your daughter-in-law appeared before the Planning Board, he indicated that this is an issue that has to be determined by the Board of Trustees. He recommended a license agreement for a limited duration. If the Board of Trustees wants to consider a finite term with a renewable option, that's the Boards' province. It will be worked out to your daughter-in-law's satisfaction. The Village retains its parkland, which it must, and your daughter-in-law can use it for whatever purpose she intends to use it for.

John Lynch, 10 Crest Drive, stated that all these new committee meetings should be posted. Attorney Shumejda stated that they should be posted, but because they are advisory committees, we are not required to give the same notification as we do with the Board of Trustees, Planning Board, Zoning Board of Appeals, and Architectural Review Board. Mr. Lynch stated the effort it took to get the Asphalt Plant not moved ruled out a number of things that should have been discussed at the scoping stage as well as the draft EIS. The Waterfront Assessment needs to be re-evaluated and go back to a supplemental. If this is pushed to a final, he believes the process has been tainted. He's against the Aquatic/Recreation Center because if you charge \$1.00 to a kid that prevents him from participating, he will be all over this. That is recreational land and he's hearing a charge of \$1,000 for membership. Trustee Zollo stated that no child will ever be denied access to a recreation facility because they don't have the money.

Susan Sincero, Neperan Road, stated that many people are concerned with the Aquatic Center. She heard that the Board's thinking about cutting it down in size. There's been a petition circulated throughout the Village and she read it to the Board. It is a petition against the proposed Village of Tarrytown's Recreation and Aquatic Center. The facility is too large and the "no cost to the Village" is a fallacy. The operating staff expense is over \$950,000, building cost is over \$267,500, the annual estimated operating costs are \$1,351,000 plus as of last year. The Village should refuse the developer's offer to build a Recreation Center and in turn insist the number of housing units to be drastically reduced or let him buy the asphalt plant. If the Village of Tarrytown wishes to have a swimming pool for its residents, the decision of this magnitude should be voted on by the residents as a referendum. She also stated that the Board should be public about what you are thinking of doing with the Recreation/Aquatic Center because people are getting upset about it. Mayor Fixell stated that it would be made public and it's still under discussion. You recited facts and figures of a facility that doesn't exist. We're looking at a smaller, more modest program. We're keeping it down to a minimal or no cost to the taxpayer by putting a fund aside through the development process. Since we are in negotiations, he can't talk about specifics. Before we do anything, it all has to go before the public. It is not an appropriate referendum item because the facility will be built and paid for by the developer.

John Lynch, 10 Crest Drive, stated that the whole Waterfront SEQRA process is corrupt. Now, at the 11th hour, the Village Hall/Court/Police Department is across the tracks and the new Recreation Center is now on the waterfront development site. These should have been discussed as part of the SEQRA process with regard to parking and traffic. Mayor Fixell stated that these changes that are being contemplated are issues that came out of the public process in which comments were received from many of the members of the public.

Chuck Pateman, stated that he would like to file a request for a waiver from the moratorium that passed tonight with the Clerk.

RESOLUTION – APPROVAL TO OBTAIN PROFESSIONAL REAL PROPERTY TAX APPRAISAL FOR 65 SOUTH BROADWAY

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

WHEREAS, the Village of Tarrytown is desirous of obtaining a professional real property tax appraisal for the real property located at 65 South Broadway, Tarrytown, New York, and

WHEREAS, the Village of Tarrytown has obtained and reviewed several bids from professional appraisers, and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby accepts the bid of Balog Consulting Corp., Inc. in the amount of \$7,000.

RESOLUTION – APPROVAL TO OBTAIN PROFESSIONAL REAL PROPERTY TAX APPRAISAL FOR THE COONEY REALTY, WESTCHESTER INDUSTRIES, FERRY LANDINGS WATERFRONT PROPERTY SITE

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

WHEREAS, the Village of Tarrytown is desirous of obtaining a professional real property tax appraisal for the Cooney Realty, Westchester Industries, Ferry Landings Waterfront property site, and

WHEREAS, the Village of Tarrytown has obtained and reviewed several bids from professional appraisers, and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby accepts the bid of Balog Consulting Corp., Inc. in the amount of \$14,500.00.

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 personnel changes: Henry Molina appointed driver for Conqueror Hook and Ladder, as recommended by the Board of Fire Wardens at their October 18, 2005 meeting.

RESOLUTION – AUTHORIZATION TO EXECUTE CONTRACTS REGARDING THE CONSTRUCTION OF A NEW VILLAGE HALL/COURT/POLICE STATION

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 authorizes the Village Administrator to execute contracts regarding the construction of a new Village Hall/Court/Police Station including a contract with the architect Pustola and Associates of Naugatuck, CT, for site design service, and a contract with Abbott & Price, Inc. of Ossining, New York for owner's representative services.

WHEREAS, the Action entitled "contract with architect Pustola & Associates for site design services and contract with Abbott & Price Inc., for owners representative services on the new Village Hall/Court/Police Station construction projects" is an Unlisted Action pursuant to the State Environmental Quality Review Law, and,

WHEREAS, An Environmental Assessment Form (EAF) was filed on the Proposed Action, 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

WHEREAS, in rendering this decision, the Board of Trustees has considered all reasonable related long term, short term, and cumulative environmental effects associated with the proposed action, and,

WHEREAS, 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 Form, all of the documents referred to herein and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that the proposed action will have an adverse environmental impact, hereby adopts a negative declaration.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves a contract with Pustola and Associates of Naugatuck, CT, for site investigation, surveying and site development services with respect to the proposed Village Hall/Court/Police Station in an amount to exceed \$15,000, and also authorizes the execution of a contract between the Village and Abbott & Price Inc., of Ossining, NY, for Owner's Representative services regarding the Village Hall/Court/Police Station construction project in an amount to exceed \$29,350 for preconstruction phase services, and in the amount of \$14,000 per month for 12 months (not to exceed 15 months) for construction phase services.

RESOLUTION – CONSIDERATION OF AUTHORIZATION TO RETAIN A
CONSTRUCTION MANAGER FOR THE SOUTH END FIRE STATIONS

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 authorize the retaining of a construction manager for the South End Fire Stations construction project.

WHEREAS, the Action entitled "authorization to retain a construction manager for the South End Fire Stations construction projects" is an unlisted action pursuant to the State Environmental Quality review law, and,

WHEREAS, an Environmental Assessment Form (EAF) was filed on the Proposed Action, 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

WHEREAS, in rendering this decision, the Board of Trustees has considered all reasonable related long term, short term, and cumulative environmental effects associated with the proposed action, and

WHEREAS, 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 Form, all of the documents referred to herein and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that the proposed action will not have an adverse environmental impact, hereby adopts a negative declaration.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves a contract with Abbott & Price Inc. of Ossining, NY, for preconstruction phase construction management services in an amount not to exceed \$44,850, and for construction phase construction management services in the amount of \$18,152 per month for an anticipated 14 months construction period regarding the Route 119 and Sheldon Ave. /or Meadow Street Fire houses construction project.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETINGS
HELD ON OCTOBER 17, 2005

Trustee Pollack moved, seconded by Trustee Chillemi that the Board of Trustees minutes of October 17, 2005, be approved as submitted by the Village Clerk. Motion carried, all voting "aye" with the exception of Trustee Basher who abstained.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETINGS
HELD ON OCTOBER 24, 2005

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried that the Special Board of Trustees minutes of October 24, 2005, be approved as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS #8

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

RESOLVED: The following Abstract bearing No.8, dated November 7, 2005 containing Vouchers No. 001755 through No. 001984 is hereby ordered paid in the following amounts as presented:

General	\$ 215,491.77
Water	59,445.18
Capital	62,707.00
Library	5,840.29
Trust & Agency	<u>173,132.69</u>
Total	\$ 516,616.93

The Board was polled all voting "aye". Trustee Pollack abstained from Voucher No. 001771. Motion carried.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Basher moved, seconded by Trustee Chillemi, and unanimously carried, that the meeting be adjourned to Executive Session regarding litigation at 9:10 p.m.

Carol A. Booth
Village Clerk