

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 14  
December 5, 2005 8:00 p.m.

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

ABSENT: Trustee Crucy Burkhardt

The meeting began with the Pledge to the Flag.

## REPORTS

Mayor Fixell reported on the following:

- The Tappan Zee Bridge/I287 state task force has come back with a more limited number of alternatives that they are looking at. There are public meetings scheduled to be held on December 12<sup>th</sup> from 4 – 8 p.m. at the New York Power Authority Building at 123 Main Street, White Plains, New York and December 13<sup>th</sup> from 4 – 8 p.m. at the Palisades Mall at the Adler Room. The Town of Greenburgh has also arranged a meeting with the state to be held on January 25<sup>th</sup> at 7:15 p.m. to be held at the Greenburgh Town Hall.
- The Town of Greenburgh budget hearing is tentatively scheduled for December 14<sup>th</sup> in the evening at the Greenburgh Town Hall to discuss the Greenburgh Town budget. Mayor Fixell stated that he thinks it is a good idea for Tarrytown residents as well as other residents of other villages in Greenburgh to attend these meetings. He recommends that residents check the Town of Greenburgh's web site to confirm the date of this meeting.

Trustee Chillemi stated that he would like to take this opportunity to say thank you to all the residents who have expressed concern for his father, Eugene Chillemi, who has suffered an injury and has had an operation. He is doing well. On behalf of his father, he thanks everyone for all their support and good wishes.

Trustee Butler introduced Mary McGee, Chair of the Education K – 12 Advisory Committee to speak. Ms. McGee thanked the Board for the opportunity to serve the village and stated that the mission statement for the Education Committee is a group of local volunteers who recognize the inherent value of establishing and maintaining a good relationship between the Village and the schools in the Tarrytown community. We are working to achieve the following goals: 1) to recognize the importance of a good relationship, 2) to provide ways of fostering and encouraging good relations with community leaders, real estate agents, etc., 3) to work with the Village Board of Trustees and the schools to attain a climate of understanding, 4) to develop ways of having students and community interact in different activities, 5) to find ways of recognizing the uniqueness and the accomplishments of student achievement and to promote the successes of the schools, students and programs. The following are projects the committee will be working on to achieve the goals: Student of excellence to start in January or February. Honoring students who have achieved in a wide range of areas; including academics and volunteering. Honor staff members who serve for the betterment of the community. Teacher of the day. Members of the Village Administration will teach a class on Village government. Mayor for the day. We will hold a contest in the schools and choose the best entrant to serve as Mayor for a Day. Look for possible ways for the Village and School can share services for cost savings to the taxpayers. She stated that the committee is looking for volunteers. They can contact Village Clerk, Carol A. Booth at 631-1652 or [cbooth@tarrytowngov.com](mailto:cbooth@tarrytowngov.com).

Trustee Zollo reported on the following:

- On Saturday, December 3<sup>rd</sup>, the Village Tree Lighting took place at Patriots Park. There were an estimated 400 – 500 people in attendance. Santa came into the

- with Santa. The Tappan Zee Bridgemen played holiday songs and music through the evening and it was a good night for all. The tree will be lit during the evening hours through the end of the year.
- Yoga classes will resume this month on Tuesday night at the Senior Center. There are 18 people registered. There will be 10 consecutive sessions through February 2006.
  - Pilate classes will start in January and go through March 2006.
  - Third Friday will take place on December 16<sup>th</sup>. The theme will be holidays. Pictures will be taken at Baby Bees with Rudolph and Frosty.
  - The Seniors Holiday Party is taking place on December 15<sup>th</sup> at 12 noon at Tappan Hill Restaurant.

Trustee Basher reported that the Police Department has taken delivery of a used 2002 Ford Para-Transit Van from the County of Westchester, Department of Transportation. This van was obtained free of charge and will be used to replace our 1984 prisoner transport van. Modifications to the interior, paintings and markings will be done at a minimal expense by the Village mechanics. By participating in this program, the Police Department realized a savings in excess of \$50,000 that would have been necessary to replace this vehicle with a new one. He commends Chief Brown and the Lieutenants who looked into this and participated in this program.

PUBLIC HEARING REGARDING AN AMENDMENT TO THE VILLAGE FILMING ORDINANCE ENABLING THE VILLAGE ADMINISTRATOR TO INCREASE THE LEVEL OF ANY FEES DUE THE VILLAGE WHEN CIRCUMSTANCES WARRANT

Mayor Fixell stated that we expect to undertake a more thorough review of our filming ordinance. However, at this point we wanted to provide flexibility for the Village Administrator to set fees more in keeping with the impact that the Village will experience if anything comes up before we have a chance to look carefully and comprehensively at the ordinance.

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 19th day of December, 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 the Code Of The Village of Tarrytown, Chapter 157, Filming, Section 157-7 Fees. The complete text of this legislation follows:

A LOCAL LAW to amend Chapter 157, Filming, Section 157-7 Fees.

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

Section 157-7. Fees.

Fees shall be adopted by resolution of the Board of Trustees for:

- A. Filming by or for a nonprofit organization or the filming of a documentary, for each day, on either private or public property.
- B. Filming by a production company for a commercial or for a profit-making entity, for each day, on either private or public property.

**Fees once adopted by the Board of Trustees will be available for inspection in the Office of the Village Clerk. The Village Administrator shall be permitted to raise the level of any fee due under this Chapter when the circumstances warrant; however, said change is subject to adoption by the Board of Trustees during the next meeting of said Board following the Village Administrator's action pursuant to this section.**

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-

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impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

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

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

Bjorn Olson, from the Music Hall, stated that the filming code as it's written now, strictly applied, applicants would need a permit for a commercial company shooting a wedding, a community channel, or any kind of video or film production. There should be a distinction between public and private property. The Music Hall is an entertainment production facility. Movies are part of our general operations. Therefore, permits should be more of a formality unless they impose any kind of inconvenience on our surroundings. Most of the shoots in the Music Hall are small and have very little or no impact outside the four walls. It's basically a truck unloading and loading and some parking involved. Sometimes they solve it by renting the property behind the Music Hall. It's really the same as a show during the week except that it wouldn't be 800 people coming – just a crew. Specifically, the amendment tonight, giving the Administrator more leeway for processing applications is great. Commercial shoots have a very short production turnaround. If we can process those applications faster that would be great for the Music Hall. Currently, it's a two-week minimum. At it stands, it needs to be more specific as to what circumstances would trigger a raised fee. The current fees as they apply to private property, not using the streets are really a token filing fee. Parking expenses and police protection should be billed separately. Therefore, there is no real reason to have huge fees for the basic permit. The Music Hall's attorney is willing to work with the Village in finding a good text that would cover production facilities like the Music Hall. Basically, if someone wants to setup a video production studio somewhere, they need to be free of having to ask for permits for every single day they work.

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

ANNOUNCEMENT OF A PUBLIC INFORMATIONAL REPORT REGARDING A  
NEW REDEVELOPMENT AGREEMENT BETWEEN THE VILLAGE AND  
NATIONAL RESOURCES INC., THE DEVELOPERS OF THE RIVERFRONT  
FERRY LANDINGS PROJECT, TO BE HELD AT THE VILLAGE BOARD WORK  
SESSION ON DECEMBER 12, 2005, BEGINNING AT 7:30 P.M. AT THE  
TARRYTOWN SENIOR CITIZENS CENTER AT WEST MAIN STREET

Mayor Fixell stated that at this time this informational report is tentatively scheduled because the report has not been finalized. However, if the report is complete on time, this informational report will be held as stated and will be noticed on our web site and scroll.

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

Jerry Barbelet, Union Avenue, stated that he read an article in the newspaper that an arbitrator was going to be appointed to settle the disagreement between the incorporated villages and the town. He stated that he doesn't want an arbitrator to settle anything. He wants the Village Board to let their feelings be known to the Greenburgh Town Council that we don't want arbitration; we want a fair share for a buck. Mayor Fixell stated that the Village Officials Committee comprising of a mayor and one trustee from each

incorporated village have made it clear that all the Villages do not feel that a mediator is appropriate.

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Jim Walter, Crest Drive, stated that the Village residents just suffered a \$400,000 expense due to water damage. Most of the water came from the Town of Greenburgh. The demolishing of the building at Hackley School has been postponed by the Town of Greenburgh's Planning Board for the past six months due to drainage issues. The Town of Greenburgh is very aware of these problems.

Jack Jolly, Main Street, stated that when the Board discusses the film ordinance amendment, it should be written very clearly. He also stated that Tarrytown residents do not get very many perks or privileges from the Town of Greenburgh.

RESOLUTION – CONSIDERATION OF THE APPROVAL OF A REVISED PROPOSAL FROM DVIRKA & BARTILUCCI ENGINEERS TO PROVIDE ENGINEERING SERVICES WITH RESPECT TO A HYDROLOGY/HYDROLOGIC STUDY OF THE LOH BROOK WATERSHED

Trustee Zollo 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 contract with Dvirka & Bartilucci Consulting Engineers for engineering services regarding a study with recommendations with respect to a hydrology/hydrologic study of the Loh Brook watershed in the amount of \$49,500.

RESOLUTION – SUSPENSION OF DOWNTOWN METER FEES FOR HOLIDAYS

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 authorizes the Police Department to suspend the parking meter restrictions from December 7, 2005 through January 2, 2006 at the following locations for a two-hour maximum period:

All downtown business district street meters  
McKeel Avenue Municipal Lot  
Neperan Road Municipal Lot (Village portion only)  
South Broadway Municipal Lot  
South Washington Street Municipal Lot  
Windle Park Municipal Lot (Village portion only)

The following commuter locations would not be included:

South Broadway south of West Elizabeth Street  
Central Avenue west of North Washington Street  
Meters in Depot Plaza, Cortlandt Street and Lower Main Street west of White Street

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 approves Alex Tavaris to active membership of Hope Hose and Christopher Murray to active membership of Washington Engine by the Board of Fire Wardens' November 15, 2005 meeting.

REPORT ON THE DESIGN OF THE PHASE I BUILD-OUT OF THE NEPERAN ROAD PARK

Village Administrator McCabe reported on the design of the Phase I Build-Out of the Neperan Road Park as follows:

The Phase I Build Out of Neperan Park will create a nice, passive recreation, open space area right in the heart of the down town area. It will include stabilization with respect to the peripheral retaining walls and steps. There will be a clearing of all fallen trees, weeds, unwanted plantings, and scrub trees just to clean it up to make it attractive and for the good health of the many nice trees that reside in the area. Some fill will be brought in to level some areas, top soil and grass seed. There would be a creation of an interior pathway that would allow access to both Hamilton Place and Neperan Road. There will be benches interspersed along the pathway and a picnic area with some picnic tables that overlook a nice field area. The build out will cost about \$150,000 and will start as soon as weather permits. The park will be up and running in the spring. Recreation Supervisor Arduino asked if there were any plans for lighting. Administrator McCabe stated not at this time.

RESOLUTION – CONSIDERATION OF THE APPROVAL OF A LEASE AGREEMENT BETWEEN THE VILLAGE AND THE TARRYTOWN BOAT CLUB WITH RESPECT TO THE LEASE OF A PORTION OF VILLAGE OWNED PROPERTY LOCATED IN THE NORTH-WEST CORNER OF THE AREA FORMALLY CALLED THE TARRYTOWN FIRE TRAINING CENTER, TO BE USED FOR THE PARKING OF CARS, TRUCKS AND SMALL BOATS IN CONSIDERATION OF A MONTHLY RENTAL PAYMENT OF \$1,000

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

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, 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 and hereby adopts a Negative Declaration.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the execution of a lease with the Tarrytown Boat Club.

RESOLUTION – REQUEST FOR FINANCIAL SUPPORT TO  
TARRYTOWN/SLEEPY HOLLOW WOLFPACK FOOTBALL AND  
CHEERLEADERS

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

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BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes a \$5,000 contribution to the Tarrytown/Sleepy Hollow Wolfpack Football and Cheerleaders to offset the cost of uniforms.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETINGS  
HELD ON NOVEMBER 21, 2005

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried that the Board of Trustees minutes of the November 21, 2005 be approved as amended.

APPROVAL OF AUDITED VOUCHERS #10

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

RESOLVED: The following Abstract bearing No.10, dated December 5, 2005 containing Vouchers No. 002147 through No. 002290 is hereby ordered paid in the following amounts as presented:

|                |                |
|----------------|----------------|
| General        | \$1,056,351.99 |
| Water          | 17,749.26      |
| Capital        | 68,966.29      |
| Library        | 7,264.31       |
| Trust & Agency | 74,635.67      |
| Total          | \$1,224,967.52 |

The Board was polled all voting “aye”. Trustee Pollack abstained from Voucher No. 002184. Motion carried.

BRIEF ADJOURNMENT TO EXECUTIVE SESSION

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried, that the meeting briefly adjourn to Executive Session regarding a personnel matter at 8:40 p.m.

RECONVENE TO REGULAR MEETING AT 8:45 P.M.

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

RESOLUTION – RECLASSIFICATION OF CHARLES RALPH TO MAINTENANCE  
MECHANIC (UTILITY)

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the reclassification of Charles Ralph to Maintenance Mechanic (Utility), Step 6 effective retroactive to October 20, 2005 at an annual salary of \$58,751.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried, that the meeting be adjourned to Executive Session regarding property acquisition (Asphalt Plant) and personnel matters at 8:50 p.m.

Village Clerk