

Board of Trustees
Village of Tarrytown
Regular Meeting No. 18
January 17, 2006 8:00 p.m.

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

ABSENT: Trustee Basher

The meeting began with the Pledge to the Flag.

REPORTS

Trustee Crucy Burkhardt stated that on behalf of Hitachi America she would like to present to the Village of Tarrytown a Hitachi LCD Projector to be used at the Tarrytown Senior Center for presentations and movies.

Trustee Chillemi stated that he applauds Hitachi America for their donation. The Village calendars will be in the mail tomorrow and the residents will be receiving them a day or two.

Trustee Pollack stated that yesterday she attended the Martin Luther King Jr. ceremony at the First Reformed Church. She would like to thank Reverend Paul Smith for a beautiful ceremony and for welcoming her to their Church.

Police Chief Brown reported that on Monday, January 16, 2006, at approximately 2:00 p.m. a 9 year old girl was walking in the area of Gunpowder Lane and Crest Drive when a male in a small black vehicle stopped near her. He remained in the vehicle, opened the front passenger side door and asked her to come over and get in. He also offered her candy. The girl quickly walked away and he left the area. He had apparently entered from Highland Avenue and left the area via lower Crest Drive. He is described as a white male, 35-45 years of age, with black hair in a ponytail, and a small goatee from the center of his lower lip to his chin. He was wearing black sunglasses with gold rims, dark colored leather jacket and leather pants. Anyone with information regarding this incident should contact the Detective Division at 914-631-1514 or the main desk at 914-631-5546.

PUBLIC HEARING REGARDING PROPOSED LEGISLATION AUTHORIZING THE VILLAGE POLICE DEPARTMENT TO ENTER ONTO CERTAIN DESIGNATED PRIVATE PROPERTIES, UPON REQUEST, FOR THE PURPOSE OF ENFORCING HANDICAPPED PARKING REGULATIONS (adopted)

Administrator McCabe stated that this was proposed by some members of the community and considered by the Chief of Police. Generally, the Police Department is not authorized to enter onto private property; however, this law would provide that private properties, such as condominiums and apartment buildings who would like to have their handicapped parking regulations enforced may request the village to authorize the Police Department to do so. There is a state enabling legislation allowing municipalities to do this. Therefore, if such an entity made that request, this law would enable the Police Department to enforce handicap parking regulations on that property.

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 17th day of January, 2006, 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 §291-62 entitled "Handicapped parking spaces" of the Tarrytown 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 §291-62 entitled "Handicapped parking spaces" of the Tarrytown Code.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees of the Village of Tarrytown has determined that there is a need to further establish and regulate handicap parking zones within the Village of Tarrytown and to provide a mechanism to which private property owners can have their own handicap parking regulated and enforced by the Village pursuant to New York State Vehicle and Traffic Law §1610. A failure to provide adequate handicap parking will adversely affect the health, safety and general welfare of the inhabitants of the Village.

B. Legislative Intent.

It is the intention of the Board of Trustees of the Village of Tarrytown to amend §291-62 entitled "Handicapped parking spaces" of the Tarrytown Code in order to provide a mechanism for private property owners to have their private handicapped parking areas regulated and enforced by the Village of Tarrytown and to establish the level of fines which would be leveled if the handicapped parking provisions of the Village Code are violated.

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

SECTION 2. Amendment to §291-62 entitled "Handicapped parking spaces" of the Tarrytown Code.

§291-62. Handicapped parking spaces

A. It shall be the policy of the Village of Tarrytown to establish from time to time areas designated as parking for the vehicles of handicapped individuals. "Handicapped" shall include and be limited to that category of individuals as designated, defined and qualified under the laws of the State of New York and the County of Westchester. Individuals possessing a valid permit for handicapped parking pursuant to the laws of the State of New York and the County of Westchester shall be permitted to park in those areas designated by the signs or otherwise as handicapped parking reserved, except for the fact that the designated parking areas shall be for the exclusive use of qualified handicapped drivers. All usual rules and regulations of the Code of the Village of Tarrytown shall apply.

B. The streets, driveways, parking lots and auto parks or parts of streets, driveways, parking lots and auto parks described in Schedule XXVII (§ 291-92), attached to and made a part of this chapter, are designated for use by the handicapped. The maximum allowable time period for parking shall be two hours unless otherwise indicated. However, the two-hour time limitation for handicapped parking spaces within parking meter zones shall apply only during the hours established for operation of parking meters in that zone.

C. All vehicles parked in violation of this statute herein or those vehicles that fail to display the necessary handicapped permit shall be punishable by a fine of eighty (\$80.00) dollars. Each day on which a vehicle is parked or left standing in violation of any of the terms of this ordinance shall constitute a separate offense.

D. Owners of private property who have established private handicap parking areas may request pursuant to New York State Vehicle and Traffic Law §1610 that the Village of Tarrytown designate said private handicapped parking areas as a handicapped parking zone subject to regulation and enforcement pursuant to this chapter. Owners of private property who request Village enforcement pursuant to this Section shall post and maintain the handicapped parking areas pursuant to the provisions of the New York State Vehicle and Traffic Law and, upon the written request of said property owners, the Village of Tarrytown Police Department shall enforce the provisions of this Chapter on their property.

[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: January 3, 2006

Trustee Chillemi moved, seconded by Trustee Zollo, and unanimously carried that the public hearing be opened:

John Lynch, 10 Crest Drive, stated that there are very few state statutes that allow enforcement on private land. He is not aware of the state enabling legislature. He sees this as the private owner passing the responsibility onto public funds and public use. He would like the Board to pass this through the State's Department of Transportation.

Police Chief Brown stated that this was brought to his attention by the managing agent at 177 White Plains Road. He spoke with the County Office of the Disabled to address a serious concern of the residents who are experiencing a significant amount of abuse of their handicapped parking spaces. He and Attorney Shumejda believe that this could be accomplished through a local law.

Administrator McCabe stated that there is a state enabling legislation; NYS Vehicle and Traffic Law 1610 and the Village Attorney assured him that there is very few instances that village government can enter onto private property; this is one exception established on behalf of disabled people.

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

Trustee Chillemi moved, seconded by Trustee Crucy Burkhardt, 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 and,

WHEREAS, a notice of public hearing was published in the Journal News on January 7, 2006, and

WHEREAS, a public hearing was held for the proposed action January 17, 2006, 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,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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 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. 1 of 2006.

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

William Cerbone, 27 Miller Avenue, stated that he would like to address the Board as a lead agency for the Ferry Landings Project with the following comments:

1. Item 1.4 - The Public Process - A description of what occurred here in the Village which he believes is inaccurate and characterizes our village rather poorly. Specifically with respect to the retail development plan in 1995 that included a supermarket, a big box discounter and a movie theatre complex. He believes this sentence should be distracted and deleted. 2. Item 1.6.4 – Soil Vapor Emissions – They’re willing to look into a soil vapor intrusion management system as to the new buildings; not as to the old buildings. They are also not willing to analyze soil base emissions from pre-existing building sites. He asks the Board to have that paragraph looked into and refined. 3. Traffic Study Patterns – There has been a distinct change since the time these studies were done. The premise of the original studies is so patently in error that the Village should go back and address that issue with them. 4. Financial Benefits to the Village – He cannot comment on any of the financial issues without the information he requested on financial grants that were applied for on behalf of the village and/or on behalf of the developer. He would like this information before the next meeting. Mayor Fixell stated that he shall.

John Lynch, 10 Crest Drive, stated that there is a problem relative to the residential properties around this MGP plant. He doesn’t know how all of a sudden the current Village Hall property got part of the waterfront. This site should be bid out independently and will require a long EIS. This should not be part of any type of amenities connected to the waterfront.

RESOLUTION REGARDING RETAINING PRE-CONSTRUCTION MANAGEMNET
SERVICES FOR THE CONSTRUCTION OF A NEW VILLAGE HALL

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves a contract for pre-construction management services with respect to the construction of a new Village Hall with Abbott and Price, Inc. of Ossining, New York, in the amount of \$54,000.

APPOINTMENT OF A TARRYTOWN MODERATE INCOME HOUSING
COMMITTEE

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby confirms the Mayor’s appointment to the Tarrytown Moderate Incoming Housing Committee the following residents: Stephen Byelick, Benjamin Gross, Sadie McKeown, David Nutig, and Audrey Thomas to terms to expire in April 2007.

RESOLUTION REGARDING STATE SNOW AND ICE AGREEMENT EXTENSION

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown approves the Snow and Ice Agreement Extension with New York State DOT for reimbursement for the Village's snow plowing of Route 9/Broadway in the amount of \$9,751.

RESOLUTION SETTING THE DATE FOR PROPERTY TAX GRIEVANCE DAY

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby schedules Property Tax Grievance Day for Tuesday, February 21, 2006, between the hours of 4:00 p.m. and 8:00 p.m. at Tarrytown Village Hall.

APPROVAL OF THE MINUTES OF THE JOINT BOARD OF TRUSTEES/PLANNING MEETING HELD ON DECEMBER 21, 2005

Trustee Crucy Burkhardt moved, seconded by Trustee Zollo, and unanimously carried that the Board of Trustees minutes of December 21, 2005 be approved as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON JANUARY 3, 2006

Trustee Crucy Burkhardt moved, seconded by Trustee Butler, that the Board of Trustees minutes of January 3, 2006 be approved as submitted by the Village Clerk. Motion carried, all voting "aye" with the exception of Trustee Chillemi who abstained.

APPROVAL OF AUDITED VOUCHERS #13

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

RESOLVED: The following Abstract bearing No.13, dated January 17, 2006 containing Vouchers No. 002645 through No. 002803 is hereby ordered paid in the following amounts as presented:

General	\$ 160,717.12
Water	47,997.05
Capital	39,072.00
Library	5,305.43
Trust & Agency	<u>60,479.39</u>
Total	\$ 313,570.99

The Board was polled all voting "aye" with the exception of Voucher No.'s 002742, 002743, and 002732 pending further review. Motion carried.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Chillemi moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned to Executive Session regarding a personnel matter at 8:50 p.m.

Carol A. Booth
Village Clerk