

Board of Trustees
Village of Tarrytown
Regular Meeting No. 1
April 3, 2006 8:15 p.m.

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

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell stated that he welcomes the two new Trustees, Robert Hoyt and Mary McGee and he welcomes back Tom Basher.

Trustee Butler read a memo from Dr. Carole Griffiths, Chairman of the Environmental Advisory Council stating that Tarrytown will be receiving an award from the County for its recycling effort on Sunday, April 23rd at the Kensico Earth Day celebration. Trustee Butler applauds the efforts of this committee.

Trustee Zollo reported the following on Recreation:

- Annual Easter Egg Hunt is set for Saturday, April 8th at 11:00 a.m. at Patriots Park. There will be three age groups; 9 and under, 6 and under, and 3 and under. There will be prizes, candy and a visit from the Easter Bunny.
- Residents are urged to sign up for the day camp, sports clinic and tot camp. Scholarships are available for all programs. For information, please call the Recreation Department at 631-8347 or 631-8389 or e-mail www.ttrec@aol.com or go to the Recreation office at 238 West Main Street.
- Tarrytown Seniors Spring Fling is set for Friday, April 21st at 12:00 noon at Tappan Hill Restaurant. For more information, call Fina Randazzo or stop by the Senior Center.

Trustee Pollack reported on the following:

- The Tarrytown Seniors are holding a ground breaking ceremony tomorrow at 1:30 p.m. for the addition of the Senior Center. The senior membership has grown significantly up to 298 members. If anyone is available, please come out and help the seniors celebrate the ground breaking ceremony.
- She would like to recognize Anna Shea Chocolates, one of our local merchants who was written up in the Gannett Journal News last week about how terrific her chocolates are. Her business has grown despite the terrible fire they had at their store. They have reconstructed and she is back in business.

Trustee Basher stated that on behalf of Robert, Mary and himself, he would like to thank the Tarrytown residents for their faith in them and that they hope to live up to their expectations.

PUBLIC HEARING REGARDING THE CONSIDERATION OF A PROPOSED AMENDMENT TO THE CODE OF THE VILLAGE OF TARRYTOWN BY ADDING A CHAPTER ENTITLED "FIRE DEPARTMENT RESIDENCY REQUIREMENT"

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 3rd day of April, 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 adding Chapter 162 entitled "Fire Department Residency Requirement" to the Tarrytown Zoning Code. A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A LOCAL LAW to amend the Code of the Village of Tarrytown adding Chapter 162 entitled "Fire Department Residency Requirement" to the Tarrytown Zoning Code.
SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact

The Board of Trustees of the Village of Tarrytown has determined that it is necessary, due to the relatively small population of the Village of Tarrytown and the fact that it is not always possible to fill certain Fire Department offices with Village residents who are duly qualified to hold such positions, to expand the residency limitations of General Municipal Law §10-1012, which requires that only Village residents may be officers of the Tarrytown Fire Department, to include members of the Glenville Fire District. The Board further finds that it is authorized to supercede General Municipal Law §10-1012 to have qualified residents of the Glenville Fire District who reside outside of the Village elected to said offices. The Municipal Home Rule Law enables the Village to supercede General Municipal Law §10-1012 and expand such residency requirements in order to allow residents the Glenville Fire District to be eligible for election as an officer of the Tarrytown Fire Department.

B. Legislative Intent.

It is the intent of the Board of Trustees of the Village of Tarrytown to expand the residency limitations of General Municipal Law §10-1012, which requires that only Village residents may be officers of the Tarrytown Fire Department, to include members of the Glenville Fire District.

Material to be deleted appears in parenthesis, material to be added is in **bold typeface**.

SECTION 2. TEXT OF NEW CHAPTER

CHAPTER 162 FIRE DEPARTMENT RESIDENCY REQUIREMENT**§ 162-1. Purpose.**

The Board of Trustees finds that it is necessary, due to the relatively small population of the Village of Tarrytown and the fact that it is not always possible to fill certain Fire Department offices with Village residents who are duly qualified to hold such positions, to expand the residency limitations of General Municipal Law §10-1012, which requires that only Village residents may be officers of the Tarrytown Fire Department, to include members of the Glenville Fire District. The Board further finds that it is authorized to supercede General Municipal Law §10-1012 to have qualified residents of the Glenville Fire District who reside outside of the Village elected to said offices. The Municipal Home Rule Law enables the Village to supercede General Municipal Law §10-1012 and expand such residency requirements in order to allow residents the Glenville Fire District to be eligible for election as an officer of the Tarrytown Fire Department.

§ 162-2. Village or Glennville Fire District Residency required.

Notwithstanding any other general or special law, only residents of the Village of Tarrytown and/or the Glenville Fire District shall be eligible for appointment as an officer of the Tarrytown Fire Department.

§ 162-3. When effective; applicability.

This chapter shall take effect immediately upon filing with the Secretary of the State of New York.

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: March 14, 2006

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

Brian Meade, 38 Gordon Avenue, Sleepy Hollow, member of the Washington Engine, Tower Ladder 78, stated that one year ago the Board opened up the Fire Department membership to residents of Sleepy Hollow, Elmsford and Irvington. This proposed law is only allowing the Tarrytown residents and the residents of the Glenville Fire District to only be eligible for appointment of an officer of the Tarrytown Fire Department. This law implies that members of the Department who reside in Sleepy Hollow, Elmsford or Irvington are banned for ever becoming an officer to the Company. Trustee Pollack stated that the notice is written incorrectly and that's why we are going to continue the public hearing. Mayor Fixell stated that it only pertains to the three chief positions and the Board will be discussing it further.

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

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

Patricia Chafizadeh, 10 Old Forge Lane, stated that a new feasibility study and an environmental study regarding the traffic flow needs to be done. The need to restrict parking along Sheldon Avenue, Walter Street, and Meadow Street may also need to be addressed. The Tarrytown Fire Department is responsible to service the Thruway and half of the Tappan Zee Bridge, new apartment buildings, condos, and hotels. She thinks we should look to the future and not build two little buildings that will become outdated. Are we prepared for the hazmat safety possibility? Where will we keep the necessary equipment? Will the new small fire houses have adequate decontamination rooms, showers, etc? She would like the Board to look to the future and not be caught up in two little buildings. She believes the one large fire house on Route 119 is in our best interest and for the community.

Marcella Dodaro, 200 Sheldon Avenue, asked the Board who would be attending Wednesday's special fire house meeting and when were the plans changed from one end of Sheldon to the other? Mayor Fixell stated that the Board of Trustees, the Architect, Building Manager and staff will be attending and that they will discuss everything in detail then.

Roula DeFantistino, Stephen Drive, stated the following:

- She finds it repulsive that she has to call the Village some mornings because she can't get out of her driveway because the developer has created a large sink hole by her property.
- She finds it repulsive that people can't access her home because of poor signage. They placed the signs that you can only see them if you are traveling north. The placement of the sign on Sheldon has everyone confused; not everyone can see it.
- She thinks the Village should impose a time constraint as to when this construction off of Broadway is going to be completed. There are days that no one is working. We cannot let them go on forever. She would like this Board to work with the Planning Board on this issue.
- The conservation easement that is village owned property is in poor condition. It's filled with brush and broken tree limbs. The Village has to better maintain it.

Kelly Chafizadeh, 106 Stephen Drive, stated that the Village is misleading the taxpayers with the constant talk of savings on building two fire houses instead of one. A lot of time and money is being wasted for one reason – two fire companies don't want to be housed in one building. She supports and applauds the Tarrytown Fire Department but the decision to build two fire houses is not the right decision. Our fire fighters should be unified with the same goal to protect our community and keep the residents safe. Why is this Board supporting the segregation of these two fire houses? There are several towns that have recently constructed two-bay fire houses; Croton, Ossining, Banksville and North Castle. Putting a fire house in the middle of a kid infested area is not the right location.

Kathy McMahan, 32 Stephen Drive, requested that the special fire house meeting on Wednesday be taped and put on public access to reach more people. There was a memo from the last Board to the fire department stating that the Board unanimously agreed that it was financially responsible to house the two engine companies in one building. She believes there was a resolution on that issue. She asked the Board if that resolution was dissolved.

Roula DeFantistino, Stephen Drive, stated that she remembers being at that Board meeting regarding the resolution to build a two-bay fire house. The Board had studies about how important it was that we consolidate. Why did we all of sudden look for more information? She thinks its politics. Mayor Fixell stated that we received additional information from the Architect that we could save \$700,000 to build two fire stations due to the problem of the site and the size of the building.

Dan McMahan, 32 Stephen Drive, stated that we have already spent a lot of money hiring consultants and engineers to find out whether we should build one or two fire houses. In 2001, M. J. McGarvey's engineers report stated that there would be a net savings of \$234,000 to build a two-bay fire house. How did we go from there to now saving \$700,000 to build two fire houses? Do we just keep on hiring these people until we get the results that we are looking for? There was another study done by MMA Consultants in 2002 who stated that to consolidate these two engine companies is a reasonable alternative to adopt given the relatively short travel distances and the opportunity to provide better distribution of resources. These are two studies telling us it's better to build one fire house instead of two.

Pat DiBenedetto, 110 Stephen Drive, stated that you will not save money to build two fire houses. You have to build two foundations and under the Meadow Street site, there is an old sewer system underground that will be very costly to re-route. The Route 119 site is the best location and the two-bay fire house should of already been built and operational. You don't have to disturb the rock at the Route 119 location. You can build a retaining wall with the rock and have plenty of room for the fire house.

Patricia Chafizadeh, 10 Old Forge Lane, requested that we have an environmental person and a hazmat specialist at the Wednesday meeting to be able to answer those type of questions.

Audrey Capra, 33 Sheldon Avenue, stated that she has been to many meetings on the fire house on Sheldon Avenue and the public is telling you that they don't want the fire house on Sheldon Avenue. The best place for the fire house is a two-bay on Route 119.

Linda Viertel, Gracemere, stated the following:

- At the last Planning Board meeting, she gave a list of about 8 or 9 actions that the Church has to take in Gracemere and one of them is cleaning up all the property there which is very messy.
- She also believes that the parking on both sides of Sheldon Avenue needs to be looked at with or without a fire house there.
- There are about 1,000 residents below Route 119 and they should have a fire house to serve them without having a fire truck to cross Route 119.

Nancy Justiniano, 40 Stephen Dr., asked the Board why they went ahead and appointed themselves lead agency of the fire house project after being asked to table the resolution at the last Board meeting and is it too late to have a joint lead agency with the Planning Board. Mayor Fixell stated that it is our intent to become lead agency and it is not too late to have the option of a joint lead agency with the Planning Board. She also asked if an environmental impact assessment has been performed (SEQR) to analyze the traffic, site disturbance, storm water runoff, parking and alternatives. Attorney Shumejda stated that a short form EAF was completed and that a long form EAF is being prepared. She is requesting the Board to file a long environmental assessment form and if a formal environmental impact statement is drafted, she is requesting the Board to hold a public hearing for comments. Attorney Shumejda stated that the lead agency will have to make a determination after the long form is reviewed and accepted as to whether or not any additional documentation such as a draft environmental impact statement is necessary. A public hearing would then be held.

Lloyd Hartog, 101 Stephen Drive, stated the following:

- The Board could have saved a lot of time if they agreed to video the special meeting because the residents want the public to hear their comments.
- He requested that the resolution regarding the Board's unanimous decision to build a two-bay fire house to be at the next meeting.
- How was Sean McCarthy determined to be the architect for this project and why have we not enlisted a professional architectural firm that specializes in building fire houses. It seems to make sense to have a more neutral party making these designs and helping with the decision making process.
- He wanted to respond to Ms. Viertel's comment. The fire house would be located on Route 119 not above it and when a car sees flashing lights and sirens, they will move out of the way of the fire truck.

John Lynch, 10 Crest Drive, stated that the Village supplied the Warner Library with a copy of the Brownfield Cleanup Agreement that is incomplete. He would like to request a copy of the completed agreement. This easement dictates what's being built down there and where. He also stated that he believes that the public should be able to speak at all work sessions.

Trustee Pollack stated that she would like to make a clarification that was said in regard to the expansion of the Senior Center. The tax payers are not paying for this expansion. It is being paid by the developer, Ferry Landings.

CONSIDERATION OF A RESOLUTION AUTHORIZING RAISING THE
MAXIMUM INCOME ELIGIBILITY CEILING UNDER THE "SENIOR CITIZEN
RENT INCREASE EXEMPTION" PROGRAM FROM \$24,000 TO \$29,000 OVER
THE NEXT FOUR YEARS, AS AUTHORIZED BY NEW YORK STATE
ENABLING LEGISLATION

Attorney Shumejda stated that this gives lower and moderate income senior citizens a break on rent control and the emergency tenant rent mercy protection act.

Trustee Basher 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 hereby authorizes an increase in the SCRIE program income ceiling to \$25,000 for 2005 and increasing by \$1,000 over the next four years to \$29,000 in conformance with the terms and conditions of the Resolution adopted by the Board of Trustees on December 22, 1975.

CONSIDERATION OF A RESOLUTION AUTHORIZING AN APPRAISAL

Attorney Shumejda stated that this is a tax certiorari case, a law suit filed against the Village of Tarrytown that should be coming up for trial either in late June or July of 2006.

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

BE IT RESOVLED that the Board of Trustees of the Village of Tarrytown hereby authorizes Balog Consulting Corporation, Inc. to prepare an appraisal on the Hess property as per its proposal dated March 23, 2006.

CONSIDERATION OF A RESOLUTION AUTHORIZING THE SETTLEMENT OF A TAX CERTIORARI CASE

Attorney Shumejda stated that this is a completion of a settlement that was entered in 1993 by the Village. That settlement called for 1995 and 1996 assessments to be adjusted; they were not. They found a refund of \$5,376.19.

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

BE IT RESOVLED that the Board of Trustees of the Village of Tarrytown hereby authorizes the settlement of the New York Telephone/Verizon tax certiorari case as recommended by the Village Attorney in his memorandum dated March 27, 2006.

CONSIDERATION OF A RESOLUTION AUTHORIZING THE MAYOR TO SIGN LEASES FOR TWO UNUSED PARCELS OF VILLAGE LAND

Attorney Shumejda stated that these are two portions of the property that the Village acquired from Mr. Vieira. They have been unused for many years. They are not part of the area that is going to be utilized in the park renovation or in any future contemplated use by the Village. The two property owners have asked the Village if they would lease to them the use of that property over a period of 25 years and there was an agreement made that they would pay the Village \$100.00 per year, five years at a time.

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

BE IT RESOVLED that the Board of Trustees of the Village of Tarrytown hereby authorizes the Mayor to sign leases for terms of 25 years for two unused parcels of land shown on the Neperan Road Park survey adjacent to Ms. Maria Riley's house o Hamilton Avenue and land behind Bernie Navarro's house on Neperan Road subject to the Village Attorney's review and approval.

CONSIDERATION OF A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR IMPROVEMENTS TO CENTRAL AVENUE SIDEWALKS

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

BE IT RESOVLED that the Board of Trustees of the Village of Tarrytown hereby authorizes award of a contract as follows:

BIDS – CENTRAL AVENUE SIDEWALK IMPROVEMENTS PROJECT

On Friday, February 24, 2006 at 10:00 a.m. bids for the Central Avenue Sidewalk Improvements Project were received.

The following is a list of the bid results for this opening:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>	<u>BOND AMOUNT</u>
Vernon Hills Contracting Corp.	<u>\$344,142.50</u>	5%
Peter J. Landi, Inc.	<u>\$360,044.50</u>	5%
Arben Group, LLC	<u>\$367,993.00</u>	5%
Acocella Contracting, Inc.	<u>\$377,210.00</u>	5%
Decarvalho Landscaping Service, Inc.	<u>\$414,756.60</u>	5%
ELQ Industries, Inc.	<u>\$457,557.00</u>	5%
N.A.C. Industries	<u>\$528,350.00</u>	5%
Maple Leaf Assoc., Inc.	<u>\$563,189.00</u>	5%
WJL Equities, Corp.	<u>\$655,977.50</u>	5%

After a review of the references, it is the recommendation of Michael J. McGarvey, P.E., Village Engineer, that the Board award the Central Avenue Sidewalk Improvement Project to the lowest bidder, Vernon Hills Landscaping Corporation, 146 Summit Avenue, Mount Vernon, NY 10550 in the amount of \$344,142.50.

CONSIDERATION OF A RESOLUTION AUTHORIZING APPROVAL OF FIRE
DEPARTMENT PERSONNEL CHANGES

Trustee Pollack moved, seconded by Trustee Hoyt, and unanimously carried that the following 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' March 21, 2006 meeting: The resignation from membership of Ronald Blair, John Cancro, Carmine Dimilio, Louis Giampiccolo, Robert Saracelli, Andrew Tuohy, Byron Weaver, and Maurice Zaccardo from Hope Hose. Transfer: Daryl Stiloski (Active non-resident) from Hope Hose to Phenix Hose.

APPROVAL OF THE MINUTES OF THE SPECIAL BOARD OF TRUSTEES
MEETING HELD ON MARCH 16, 2006

Trustee Basher moved, seconded by Trustee Pollack that the Board of Trustees minutes of the Special meeting of February 23, 2006 be approved as amended. Motion carried, all voting "aye" with the exception of Trustee Butler, Hoyt, and McGee who abstained.

APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF TRUSTEES
MEETING OF MARCH 20, 2006

Trustee Pollack moved, seconded by Trustee Basher that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the Regular Board of Trustee meeting of March 20, 2006 as submitted. Motion carried, all voting "aye" with the exception of Trustee Hoyt and McGee who abstained.

APPROVAL OF THE MINUTES OF THE SPECIAL BOARD OF TRUSTEES
MEETING OF MARCH 21, 2006

Trustee Pollack moved, seconded by Trustee Basher that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the Special meeting of March 21, 2006 as submitted. Motion carried, all voting “aye” with the exception of Trustee Hoyt, McGee and Zollo who abstained.

APPROVAL OF AUDITED VOUCHERS #18

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

RESOLVED: The following Abstract bearing No.18, dated April 3, 2006 containing Vouchers No. 003563 through No. 003753 is hereby ordered paid in the following amounts as presented:

General	\$ 112,825.28
Water	6,276.21
Capital	91,744.36
Library	6,636.82
Trust & Agency	<u>69,084.11</u>
Total	\$ 286,566.78

The Board was polled all voting “aye” with the exception of Trustee Pollack who abstained from Voucher No. 003569 and Trustee Butler asked that Voucher No. 003733 be held pending documentation of completed work that is acceptable to the Village Engineer. Motion carried.

ADJOURNMENT

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned at 9:40 p.m.

Carol A. Booth
Village Clerk