

Board of Trustees
Village of Tarrytown
Regular Meeting No. 4
May 1, 2006 8:00 p.m.

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

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell stated that in Executive Session last week, the Board of Trustees agreed to move forward with negotiating with the Wilson Park developer with regard to purchasing property. The Board authorized the Mayor to negotiate with the developer to utilize a portion of the open space funds that was voted on several years ago to purchase some of the property at Wilson Park. We will update you as we move along further in the process.

Trustee Hoyt reported on the following Recreation programs:

- Babysitting and Child Care course begins on Wednesday, May 3rd at 5:00 p.m. at the Senior Center. Registration is still open for this course for students in the 6th – 9th grade.
- Family Fun Day is scheduled for Monday, May 29th at Patriots Park at 10:00 a.m. There will be food, music and games.
- Registration is active for the Day Camp, Tot Camp and Sports Clinic. For information, please contact the Recreation Office at 631-8347.
- Art in the Park will take place on Saturday, May 13th at Patriots Park from 12 noon to 4:00 p.m. There will be music, food and displayed art work.
- Kayaking begins on Saturday, May 20th at the Tarrytown Lakes. Clinic begins at 10:00 a.m. to 12 noon.

Trustee Butler stated that the Planning Board has accepted the DEIS for Wilson Park as completed with plan B-1, the 14-lot scheme to be the preferred alternative in the FEIS.

Trustee Pollack stated the following on the Tarrytown Seniors:

- The Club meets every 1st and 3rd Tuesday of the month. Meetings start at 1:00 p.m... Anyone interested in joining can either go to the Tarrytown Senior Center or call 631-2304.
- Bingo is played at the Tarrytown Senior Center every Monday at 12:30 p.m.
- On behalf of the Board of Trustees, she would like to thank the seniors for inviting the Board to their Spring Fling event which was recently held on Friday, April 21st at the Tappan Hill Restaurant. This year's music theme was "the doo-wop". It was a great success and a lot of fun.

Trustee Basher stated that the Police Department is a full-time participant in the Town of Greenburgh Drug and Alcohol Task Force. This year, to date, the Task Force has made a total of 142 arrests, 56 for drug-related offenses, 55 alcohol-related offenses and 31 miscellaneous arrests. Since its inception in December, 2002, the Task Force has been responsible for 1,205 arrests, seizing drugs with a value in excess of \$2 million and removing 9 handguns and 9 rifles from the streets. These dedicated officers are to be commended for their diligence and commitment.

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"

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

Mayor Fixell questioned whether anyone wished to address the Board on this matter. No one appeared.

Trustee Basher moved, seconded by Trustee McGee, 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

Lloyd Hartog, 101 Stephen Drive, stated the following on the proposed Consolidated Engine firehouse location:

- The idea of due diligence needs to be at the forefront on this issue. The Mayor and the Board of Trustees have an obligation to look at options before wasting and/or spending taxpayer money. The decisions that you make should be beneficial to the community at large, not just a small microcosm.
- No one was ever advised that the fire house was not returning to the original site or why that option was abandoned.
- Regarding the soft soil at the original site, he thinks that it would be due diligence to test the soil to find out where the bedrock is at that location.
- The issue of saving money by building two fire stations still has not been proven.
- There was a fire call this morning about 8:30 a.m. and a fire truck had to stop still for 20 seconds due to some kind of congestion on Sheldon Avenue. If response time is crucial, Sheldon Avenue is not a good thoroughfare for a truck to be going on when it's responding to a call. Mayor Fixell stated that the reasons for not building the fire house on the lower portion of Sheldon Avenue is that it is a very small site, parking problems, crowded area, and very close to homes there and the Board felt that the current temporary location works better.

Kelly Chafizadeh, 106 Stephen Drive, stated the following on the proposed Consolidated Engine firehouse location:

- She thanked the Board for having the special meeting on the fire station proposed location.
- Unfortunately, so many facts and points were lost with discussions of the bravery and heroism of the firemen. We respect them and know they do a great job, but that wasn't the purpose of the meeting.
- The 300 signatures that Fire Chief Scogna said he has are outdated. That was for the fire house to be built at its original location.
- From 2004 to present, less than 2% of all fire calls have been in the Pennybridge area. Approximately 85% of the fire calls were traveling north on Route 119.
- Why would there be a need of two of everything under one roof; why not share a meeting room; share a kitchen and bathroom. She wanted to know why this wasn't considered because this would save the taxpayers hundreds of thousands of dollars.
- She believes it is a conflict of interest that the Board determines whether or not to do an EIS after the long EAF form. If you don't do an EIS, the Board has failed by not taking a hard look at the situation to determine that this is going to serve the community for the next hundreds or so years.
- Traffic, safety and parking are major concerns in this neighborhood. We can use that location for parking and without the fire station there, it will decrease the traffic flows.
- Armonk, Croton, Bedford, North White Plains, North Salem, Mamaroneck and Millwood are all looking to the future and building two or more bay fire houses.
- She asks the Board to reconsider its position on moving forward on the construction of these two fire houses.

Cherie Gaines, 612 S. Broadway, stated that statistics are very interesting data, however, if statistics were 99 to 1 and you were that one, the statistics wouldn't matter. As a survivor of a fire, those few fire calls are extremely precious to the victim of the fire. If the majority of the fire calls are north of Route 119, Meadow Street permits this location

to service the rest of the Village better than the west end of Sheldon Avenue. We need a fire house that will not get tied up by Route 119 or Broadway at crucial times.

Lloyd Hartog, 101 Stephen Drive, asked the Board why a 60 -foot apron is required at the Route 119 fire house site which would then require to blast rock. Mayor Fixell stated that he believed that the need to blast rock was also due to the size of the fire truck.

RESOLUTION REGARDING STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) ACTION WITH RESPECT TO THE CONSTRUCTION OF A NEW VILLAGE HALL/POLICE STATION/COURT

Attorney Shumejda stated that this is a negative declaration which is required in the State Environmental Review Act (SEQRA), which the Board has reviewed and analyzed the long form Environmental Assessment form (EAF) on this proposed action. The action is the relocation of the facility from the Hudson River side to the other side of the H-Bridge on Depot Plaza. The action tonight is only that there will be no significant adverse environmental impact from the construction of Village Hall/Court/Police Station at Depot Plaza.

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

WHEREAS, the Village of Tarrytown is seeking to relocate the new Village Hall to Depot Plaza in the Village of Tarrytown; and

WHEREAS, an Environmental Assessment Form (EAF) for the proposed project has been submitted; and

WHEREAS, the proposed project has been classified as an unlisted action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Board of Trustees of the Village of Tarrytown has declared its Intent to act as Lead Agency under SEQRA and circulated the EAF with its Intent; and

WHEREAS, the Board of Trustees has received no objections to its Intent to act as Lead Agency; and

WHEREAS, the Board of Trustees has reviewed the EAF and has determined from the information presented in the EAF that potential impacts with respect to storm water drainage, traffic, community character, community services, and historic resources will not occur as a result of the proposed project; and

WHEREAS, the State Environmental Quality Review Act states that where the potential for impact does not exist a Negative Declaration of Environmental Significance should be issued and an Environmental Impact Statement should not be prepared; and

BE IT THEREFORE NOW RESOLVED that the Village of Tarrytown Board of Trustees has determined that the proposed action will not have a significant environmental impact and that an environmental impact statement need not be prepared; and

BE IT THEREFORE FURTHER RESOLVED that the Village Board as Lead Agency for purposes of Article 8 of the Environmental Conservation Law hereby adopts a Negative Declaration with respect the relocation of the new Village Hall to Depot Plaza, Tarrytown, New York.

RESOLUTION REGARDING STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) ACTION WITH RESPECT TO THE CONSTRUCTION OF A NEW WASHINGTON ENGINE FIRE STATION ON ROUTE 119

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

WHEREAS, the Village of Tarrytown is seeking to construct a new firehouse on Route 119 in the Village of Tarrytown; and

WHEREAS, an Environmental Assessment Form (EAF) for the proposed project has been submitted; and

WHEREAS, the proposed project has been classified as an unlisted action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Board of Trustees of the Village of Tarrytown has declared its Intent to act as Lead Agency under SEQRA at its March 20, 2006 meeting and circulated the EAF with its Intent; and

WHEREAS, the Board of Trustees has received no objections to its Intent to act as Lead Agency; and

WHEREAS, the Board of Trustees has reviewed the EAF and has determined from the information presented in the EAF that potential impacts with respect to steep slopes, wetlands and storm water drainage, traffic, community character, community services, and historic resources will not occur as a result of the proposed project; and

WHEREAS, the State Environmental Quality Review Act states that where the potential for impact does not exist a Negative Declaration of Environmental Significance should be issued and an Environmental Impact Statement should not be prepared;

BE IT THEREFORE NOW RESOLVED that the Village of Tarrytown Board of Trustees has determined that the proposed action will not have a significant environmental impact and that an environmental impact statement need not be prepared.

BE IT THEREFORE FURTHER RESOLVED that this resolution will serve as a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law and that further information may be obtained from Mr. Stephan McCabe, Village Administrator/Environmental Officer, Village of Tarrytown, 21 Wildey Street, Tarrytown, NY 10591, 914-631-1885.

ANNOUNCEMENTS

Announcement of two (2) special meetings for the presentation of and for public discussion regarding the proposed design program for the public park to be constructed along the Hudson riverfront west of the Ferry Landings development and along the Hudson riverfront along Pierson Park to be held on Tuesday, May 9, 2006 beginning at 7:30 p.m. at Tarrytown Village Hall, and again on Tuesday, May 23, 2006 beginning at 7:30 p.m. at Tarrytown Village Hall.

Announcement of a special meeting regarding the update of the Village's Comprehensive Master Plan to include a presentation of proposed goals and objectives and public discussion to be held on Wednesday, June 7, 2006 beginning at 7:30 p.m. at the Tarrytown Senior Center on West Main Street.

RESOLUTION REGARDING PROPOSED CHANGES OF THE PARKING REGULATIONS ON MARYMOUNT AVENUE AND IRVING AVENUE

Trustee Basher 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 approves amendments to the Village Code with respect to parking on Marymount Avenue and Irving Avenue as follows:

Material to be deleted in parenthesis. ()

Chapter 291-77 Schedule XII: Parking Prohibited at All Times.

In accordance with the provisions of 291-16, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
(Marymount Avenue)	(East)	(From Neperan Road to Union Avenue)

It has become necessary to amend the alternate side parking on Marymount Avenue as it currently exists.

New material is shown in capital letters. Material to be deleted is shown in parenthesis ()

Name of Street	Side	Hours/Days	Location
Marymount Avenue	West	ANY TIME EXCEPT 8:00 a.m. to noon Tuesday & Thursday	(Entire length) FROM A POINT 740 FEET SOUTH OF NEPERAN ROAD TO UNION AVENUE
Marymount Avenue	West	8:00 a.m. to noon Tuesday & Thursday	(Entire length) FROM NEPERAN ROAD FOR 740 FEET IN A SOUTHERLY DIRECTION
Marymount Avenue	East	(Any time except) 8:00 a.m. to noon Tuesday & Thursday	(Entire length) FROM UNION AVE. FOR A DISTANCE OF 600 FEET IN A NORTHERLY DIRECTION
Marymount Avenue	East	ANY TIME EXCEPT 8:00 a.m. to noon Tuesday & Thursday	(Entire length) FROM A POINT 600 FEET NORTH OF UNION AVE. TO NEPERAN ROAD

As to Irving Avenue, in order to create more parking on the west side of the street where parking is prohibited by the Village Code.

Material to be deleted is in parenthesis (). New numerical values are indicated within brackets [].

291-78 Schedule XII: Parking Prohibited at All Times

In accordance with the provisions of 291-16, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Irving Avenue	West	From Neperan Road South for a distance (800) [600] feet

RESOLUTION REGARDING HIRING TWO POLICE OFFICERS

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

BE IT RESOLVED that the Board of Trustees hereby appoints Jason R. Murtaugh to the position of Police Officer Grade 1 at an annual salary of \$76,604 and appoints Sonia M. Santiago to the position of Police Officer Grade 2 at an annual salary of \$69,616 effective May 2, 2006 subject to all Civil Service rules and regulations concerning transfer candidates.

RESOLUTION REGARDING APPROVAL OF TRI-PARTY AGREEMENT WITH THE VILLAGES OF SLEEPY HOLLOW AND BRIARCLIFF MANOR

Trustee Basher 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 authorizes the Mayor to sign the tri-party agreement between Tarrytown, Sleepy Hollow and Briarcliff Manor with respect to studying the feasibility of connecting into the Delaware Aqueduct as a second point of water source as dictated by New York City Water Supply, at a cost of up to \$20,000.

RESOLUTION REGARDING REQUEST FROM COUNTY EXECUTIVE ANDREW J. SPANO IN SUPPORT OF CONTINUED FEDERAL FUNDING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

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

WHEREAS, the Community Development Block Grant (CDBG) program was enacted as the centerpiece of the Housing and Community Development Act of 1974 with the primary objective to develop viable urban communities in partnership among the federal, state and local governments, business, and the nonprofit sector, “by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;” and

WHEREAS, CDBG funded activities must fall under three national objectives, the elimination of slums and blight; addressing urgent needs that pose an immediate threat to the health, safety, and public welfare of a community; and addressing the needs of low and moderate income persons with at least 70 percent of CDBG funding; and

WHEREAS, under these guidelines, Westchester County uses CDBG funds to eliminate slums and blight; conserve and expand housing stock; conserve energy; preserve properties of historic value; reduce isolation of income groups within communities; revitalize deteriorating neighborhoods; improve the provision of community services; promote economic development; and encourage more rational use of land and natural resources; and

WHEREAS, a 2001 report published by the Brookings Institution notes that suburban communities house much of the nation’s working families and don’t have the funding they need to manage older infrastructure and the cost of rebuilding and depend heavily on residential taxes to fund basic services. Further, high-cost counties like Westchester have extreme gaps between rich and poor. Workers such as teachers, firefighters, hotel workers and other service personnel – the core people each community needs – can’t find affordable housing. Neither can immigrants who are attracted to thriving areas where the jobs are; and

WHEREAS, CDBG program funds have been used to help provide relief in disasters, such as the Katrina, Rita and Wilma Hurricanes; when Congress appropriated \$11.5 billion in CDBG funds for the recovery of Louisiana, Mississippi, Alabama, and Texas.

The \$3.483 billion in CDBG funds appropriated to help New York City recover from the September 11th tragedy continues to play a critical role in the City's restoration; and

WHEREAS, the success of the CDBG program has been well documented as a stabilizing force in our cities, towns and villages and the need for funding has increased as our municipalities face rising federal and state costs and taxes and a shortage in housing stock considered "affordable," yet, since 2001, CDBG funding has declined steadily from \$4.41 billion nationally to \$3.71 billion and is threatened with a further reduction of 25 to 33 percent in the FY2007 budget; and

WHEREAS, A national survey on the impact of prior reductions in CDBG funding reports a substantial negative effect on homeownership, local economy growth and the strength of the nation's infrastructure. It is alarming to contemplate the projections: fewer jobs retained and created; fewer households assisted with homebuyer assistance; fewer services for elderly persons, children and youth, persons with special needs and low-and-moderate-income persons; reductions in housing rehabilitation; canceled or delayed public improvements including street and sidewalk improvements, community and neighborhood centers and health and recreational facilities; now therefore be it

RESOLVED, that the Village of Tarrytown joins such CDBG Coalition members as the United States Conference of Mayors, the National League of Cities, the National Association of Counties, and many others, in strongly urging Congress to fund the CDBG program to at least the \$4.5 billion level in the FY2007 budget; and be it further

RESOLVED, that the Village of Tarrytown strongly urges that funding of CDBG not have a negative impact on other HUD programs that critically impact our communities; and be it further

RESOLVED, that copies of this resolution be transmitted to our federal representatives and the Westchester County Executive so that the intent of this honorable board be known.

RESOLUTION REGARDING REQUEST TO SUPPORT NEW YORK STATE
SENATE BILL # S4472-A REGARDING FACILITATING THE PURCHASE OF
RENEWABLE ENERGY POWER

President Bush and Governor Pataki have called for the country and state to move toward a more secure, environmentally sustainable energy future through the increased use of renewable power.

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

The Village of Tarrytown, has taken a significant step toward creating clean, homegrown, renewable power in New York State by purchasing New Wind Energy for a percentage of our electricity needs. Our purchase and those of 55 other municipalities equal the electricity output of eight wind turbines at the Fenner Wind Farm in Madison County. The more municipalities that choose to purchase renewable energy, the more new renewable energy power plants will be built in New York.

The Tarrytown Board of Trustees support the passage of S-4472-A and clarify a portion of municipal bidding law so that it specifically promotes the purchase of renewable energy power. The passage of this legislation will send a clear signal that will encourage all New York State municipalities to take a critical step and help create a home-grown, safe, secure, and sustainable energy future.

RESOLUTION REGARDING AUTHORIZATION TO FUND IN-PART LEGAL
DEFENSE COSTS WITH RESPECT TO THE CROTON POINT LANDFILL LAW
SUIT

Trustee Pollack 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 authorizes the Village Attorney to expend up to \$5,000 for special counsel to be hired jointly by several municipalities participating in the defense against the “Croton Point Land Fill” law suit, which would require payment for environmental remediation of the closed municipal landfill.

CONTINUATION OF ORGANIZATIONAL APPOINTMENTS

RE-APPOINTMENT OF PLANNING BOARD MEMBER – FRANK DEMERS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby re-appoints Frank Demers to the Planning Board to a term to expire in April 2011.

RE-APPOINTMENT OF THE VILLAGE ATTORNEY – JEFFREY SHUMEJDA

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby re-appoints Jeffrey Shumejda to the position of Village Attorney to a term to expire in April 2007.

RE-APPOINTMENT OF THE VILLAGE SPECIAL PROSECUTOR – STEVEN
BETTMAN

Trustee Basher 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 re-appoints Steven Bettman to the position of Village Special Prosecutor to a term to expire in April 2007.

RE-APPOINTMENT TO THE MUNICIPAL HOUSING AUTHORITY

Trustee Pollack 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 re-appoints Christina Whitely to the Municipal Housing Authority to a term to expire in April 2011.

THE MAYOR’S APPOINTMENTS TO THE URBAN RENEWAL AGENCY

Mayor Fixell appointed Trustees Basher, Pollack and Zollo to the Urban Renewal Agency for a term to expire in April 2007.

DESIGNATION OF THE BOARD OF TRUSTEES OFFICIAL MEETING DATES
AND PROCEDURES

Trustee Basher 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 approves that the meetings of the Tarrytown Board of Trustees be held on the first and third Monday of each month, except during the months of June, July and August when said meetings shall be held on the third Monday of each month; that work sessions will be held on the prior Wednesdays; that special meetings may be called with proper notice by the Mayor and three Trustees acting together; that said meetings shall be governed by Robert's Rules of Procedure.

MAYOR'S APPOINTMENTS OF LIAISONS TO VARIOUS BOARDS, COUNCILS, COMMITTEES, ETC.

Trustee Basher: Community Opportunity Center, Police Department, Tappan Zee Bridge Committee, Tarrytown Volunteer Ambulance Corp., Transportation and safety issues, and Cable TV.

Trustee Butler: Environmental and Building Department issues, Department of Public Works, Planning and Zoning, and Tarrytown Lakes.

Trustee Hoyt: Parks and Recreation, Historical Society, Communications (website, cameras etc.), and Tree Commission.

Trustee McGee: Education/School Board, Warner Library Board, Ethics Board, and Side by Side

Trustee Pollack: Beautification and Planting, Moderate Income Housing, Tenants, Tarrytown Municipal Housing Authority, Senior Citizens, Scenic Preservation, and Architectural Review Board

Trustee Zollo: Fire Department, Chamber of Commerce, Tourism, Business Improvement, and Economic Development.

APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF TRUSTEES MEETING OF APRIL 17, 2006

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the Regular Board of Trustee meeting of April 17, 2006 as submitted.

APPROVAL OF AUDITED VOUCHERS #20

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

RESOLVED: The following Abstract bearing No.20, dated May 1, 2006 containing Vouchers No. 003943 through No. 004098 is hereby ordered paid in the following amounts as presented:

General	\$ 164,545.45
Water	17,255.39
Capital	53,915.50
Library	9,181.98
Trust & Agency	<u>172,749.76</u>
Total	\$ 417,648.08

The Board was polled all voting "aye" with the exception of Trustee Pollack who abstained from Voucher No. 32248. Motion carried. Trustee Pollack stated that she would like to re-address the geese relief issue because there is still geese debris at Losee Park. Mayor Fixell stated that we are expecting to hear from the Recreation Department

on some suggestions on what we can do and perhaps putting in place our Mayor of the Day's suggestion that dogs be allowed to run there free in the early morning hours. Trustee Basher stated that someone suggested to him that perhaps instead of paying someone to do this, the Village can buy the trained dogs to do this and the Recreation Department would be responsible for this service.

ADJOURNMENT

Trustee Basher moved, seconded by Trustee Hoyt, and unanimously carried, that the meeting be adjourned at 9:15 p.m.

Carol A. Booth
Village Clerk