

Board of Trustees
Village of Tarrytown
Regular Meeting No. 5
May 15, 2006 8:00 p.m.

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

ABSENT: Trustee Basher

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell reported on the following:

- The Art in the Park event that was held this past weekend at Patriots Park was a tremendous success. He gave thanks to the Sleepy Hollow/Tarrytown Arts Council, particularly Mary Lou Gladstone, Jen Ross and the Recreation Department.
- On May 23rd at 7:30 p.m. at Village Hall there will be another meeting to discuss the Waterfront Park at Ferry Landings as well as extending it into Pierson Park and all along the waterfront around where Andrew Brook comes out. Public participation is welcome.

Trustee Hoyt reported on the following Recreation programs:

- Family Fun Day is scheduled for Monday, May 29th at Patriots Park at 10:30 a.m. following the Memorial Day Parade. There will be activities, food, music and games.
- The Recreation Department is still accepting applications for the Day Camp, Tot Camp and Sports Clinic. For information, please contact the Recreation Office at 631-8347.
- Kayaking begins on Saturday, May 20th at the Tarrytown Lakes. Clinic begins at 10:00 a.m. to 12 noon.

Trustee Pollack stated the following:

- She thanked the Tarrytown/Sleepy Hollow Arts Council for the successful Art in the Park event.
- On Saturday, May 20th, the Beautification Committee will be meeting on the corner of Broadway and Neperan Road in front of Harnik Jewelers. We will be planting flowers in the barrels throughout the Village. The committee welcomes volunteers to come out and help.

CONTINUATION OF A 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 Zollo, and unanimously carried that the public hearing be opened.

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 22ND day of May, 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 266 entitled "Tarrytown Fire Department" to 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 adding Chapter 266 entitled "Tarrytown Fire Department".

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 to expand the residency limitations of General Municipal Law §10-1012. The Board further finds that it is authorized to supersede General Municipal Law §10-1012 to have qualified residents of the Glenville Fire District to serve as Chief and First and Second Assistant Chiefs and such additional Assistant Chiefs as may be provided for in the by-laws of the 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.

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

SECTION 2. TEXT OF NEW CHAPTER

CHAPTER 266 TARRYTOWN FIRE DEPARTMENT

§ 266-1. Purpose.

The Board of Trustees finds that it is necessary to expand the residency limitations of the General Municipal Law §10-1012 for the Offices of the Chief and First and Second Assistant Chiefs and such additional Assistant Chiefs as may be provided for in the by-laws of the Fire Department (hereafter “Chief”), to include residents 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 serve as Chief.

§ 266-2. Residency Requirement.

A. Notwithstanding any other general or special law, only a resident of the Village of Tarrytown or the Glenville Fire District shall be eligible to serve as Chief.

B. For the purpose of this chapter, "resident" shall mean domicile. "Domicile" is that place where an individual has his or her true, fixed and permanent home and principal establishment, and to which whenever he or she is absent said individual has the intention to return. In order to satisfy the requirements of domicile, a Chief must provide evidence that he or she is a resident of the Village of Tarrytown or the Glenville Fire District and that it is in fact his or her “fixed and permanent home” to include but not limited to deed or a lease of real property as a residence, voter registration, car registration, driver's license, Federal Income Tax Return, New York State Income Tax Return and passport.

C. The eligibility to serve as Chief shall terminate when the Chief fails to comply with this Section 2, “Residency Requirement”.

§ 266-3. 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**

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

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

**PUBLIC HEARING REGARDING THE PROPOSED ENACTMENT OF A
MORATORIUM EXTENSION ON DEVELOPMENT IN THE LOH PARK
DRAINAGE AREA (Adopted)**

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

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 15th day of May 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, at 8P.M. to hear, discuss, discuss and to act upon a proposed six month extension of the Moratorium on Development in the Loh Park Drainage Area, said extension will provide additional time for the Village to continue analyzing and researching 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 extend for six months the Moratorium on Development in the Loh Park Drainage Area, which extension shall provide an additional period in which the Village will be able to continue analyzing and researching 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 an additional six month period of time is necessary for the Village to adequately analyze and research the effects that continued development in the Loh Park Drainage Area – as specified below – may have given the serious flooding which occurred in 2005 due to heavy rainstorms and the resulting runoff. Furthermore, an engineering firm has been retained by the Village in order to examine this issue, inspect the Loh Park Drainage Area and provide the Board of Trustees with their recommendations. An exacerbation of the flooding problem is in part due to development in this area and therefore this issue 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 extension is necessary to adequately address these concerns by extending the prohibition for a limited time of 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 extension will provide the Board of Trustees additional time to adequately and thoroughly research the issues involved in this matter, allow the Village's engineering consultants adequate time to analyze and recommend a course of action 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 extension 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 or 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 border line 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 November 6, 2006, 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

John Lynch, 10 Crest Drive, stated that he supports the Loh Park Moratorium except the action the Board has taken to grant the Loh Park Moratorium waiver to Mr. Pateman for the property at the Christian Science Church.

Jim Walter, Crest Drive, stated that since we cut down a lot of trees and flattened a lot of land, he has witnessed a lot of water coming from Hackley School down through the paper road extending from Midland Avenue. There is an awful lot of water heading down to the Loh Park area and we are in for some problems. He suggests that we study the drainage carefully at all of these areas first before approving any new development.

Trustee McGee moved, seconded by Trustee Hoyt, and unanimously carried that the public hearing be closed.

Trustee McGee moved, seconded by Trustee Zollo, 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 hearing was published in the Journal News on May 5, 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, and

WHEREAS, a public hearing was held for the proposed action on May 15, 2006 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. 7 of 2006 entitled MORATORIUM EXTENSION ON DEVELOPMENT IN THE LOH PARK DRAINAGE AREA.

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

Nick Ranieri, 1410 Crescent Drive, stated the following:

- Fire Department members have to be trained, pass a test, and be approved in order to operate any fire department apparatus, which includes maneuvering large fire apparatus through narrow streets in Tarrytown.
- Due to the excellent training program, there have not been any major accidents, injuries, or fatalities involving the Tarrytown Fire Department fire apparatus in the 48 years he has been a fireman.
- Every fire house in this village is surrounded by children.
- He supports the mayor, the Board and the Fire Chief to finally get the Consolidated Fire Engine Company built at the proposed location at Meadow and Sheldon Avenue.

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

- When the original Consolidated Fire Company was built 80 years ago, the Pennybridge area was very different then. There was probably less than half of the amount of homes than there is now.
- She believes the 2-bay option still needs to be studied.
- How do you have a ground breaking ceremony without going through the environmental process? This has shown that this Board had no intention of considering the impacts and alternatives, but was merely going through the motions.
- This area has a heavy traffic flow and is very congested with parking problems. She believes the Route 119 location, a five-lane road, is a better location for the firetrucks to respond to fire calls for easier access and quicker response time.
- She requests that the Board respond to these concerns and issue a positive declaration and prepare an environmental impact study (EIS).

Mayor Fixell stated that the long form environmental assessment form is being proposed which will include a traffic study.

Nancy Justinjano, 40 Stephen Drive, asked the Board if the long form has been completed yet. Administrator McCabe stated that it has not been completed yet and it is still under review by this Board. We are still awaiting for comments from the involved agencies. Those comments are due by June 5th. The Board will then discuss this at our work session on June 14th. She read her letter to the Mayor and Board of Trustees dated May 14, 2006: "I am writing this letter today in reference to the construction of two firehouses for the Consolidated Fire Company and the Washington Fire Company. There is no doubt that Tarrytown needs a new firehouse and that the fire fighters which will be member of this firehouse are an asset and a necessity to our community. No one doubts their loyalty, their diligence or their jobs as volunteer fire fighters. They are wonderful people that put their lives on the line at any given moment when calls come in. But, what I would like to ask the Board to do is carefully consider its options in reference to the Consolidated and Washington Firehouses that are going to be built here in Tarrytown. I personally do not feel that the Board as "Lead Agent" can have a ground breaking on the proposed Meadow Street Firehouse without adhering to SEQRA. By not following the strict guidelines of SEQRA the Board has basically said that this is the property the firehouse is going to be built on no matter what. They basically don't care what impact it will have on the environment, the neighborhood or the children that pass by this location everyday. SEQRA was developed so that an OBJECTIVE analysis of alternatives can be found out and in my opinion the Board is acting in an irresponsible manner by the completing an EIS. Another topic that I am always hearing about in the Board meetings is the cost savings of two firehouses. The only way there can be a cost savings is if two

substantially smaller buildings are built instead of one large firehouse. I ask the Board, have they thoroughly examined the cost savings of two firehouses? The Meadow Street location has an old sewer system under the property – have any decisions been made on whether or not this sewer system poses a threat to the environment if a building of that magnitude is built on top of it? Have any studies been done on whether or not the roads around Meadow Street and Sheldon Avenue can withstand continuous use of large fire trucks or whether or not they may need to be widened because of parking issues? If not, don't you think that should be done since the taxpayers will be the one's flipping the bill for these alterations? Also, has the town considered the fact that the New York State Thruway Authority maintains Route 119? This will be a huge savings to the town if one firehouse is built on Route 119 instead of two smaller firehouses on Route 119 and Meadow Street. Also, why can't two fire companies share one large firehouse? If these two fire companies are "friends" why can't they combine to make one big fire department? If this is not possible, why can't the fire fighters share the space and just have their meetings on different days? They can also share the kitchen and the bathrooms which will be a HUGE savings to the taxpayers. I honestly don't think that placing two firehouses three-tenths of a mile apart in two smaller buildings is very cost effective for our community when other towns are building much larger three, four and five bay firehouses. My last comment to the board is, when I drive down Sheldon Avenue in the A.M. or the P.M. of any given day the traffic is horrendous. There are cars parked on both sides of the street and one car is barely able to squeeze down the center of the road. How is a large fire truck going to fit down Sheldon Avenue if a car can barely do it? Also, how is a fire truck going to enter Broadway from Walter Avenue (Rushneck Honda) when that road is always congested with cars blocking it from Broadway? Doesn't it make more sense for a fire truck to enter Broadway off to Route 119 where there is a stop light instead of Walter Avenue which is a tiny side road to Sheldon Avenue? Personally I feel that if Mayor Fixell's apology in regards to not notifying the neighborhood about the intent to build a firehouse was sincere then why not perform an EIS under SEQRA? This procedure would quantify the impacts of traffic, safety, response time cost savings and alternatives before jeopardizing an entire neighborhood that on any given day has numerous amounts of children riding school buses, getting dropped off and picked up at the Elizabeth Mascia Childcare Center, playing in the playground and playing baseball and soccer in the fields adjacent to the proposed site? This is why I am requesting the Mayor and the Board of Trustees as "Lead Agents" to please do what is right for our community and perform an EIS since so many factors have been exposed and not enough has been done to answer the questions that are on the community's minds. Thank you.

Ed Justiano, 40 Stephen Drive, stated the traffic on Meadow Street and Sheldon Avenue is horrendous. You can have the best drivers in the world, but what are they going to do in traffic. You can have a cost savings to build a smaller 2-bay fire house on Route 119.

Lloyd Hartog, 101 Stephen Drive on behalf of his wife, Erica Hartog, read her letter to the Mayor and Board of Trustees dated May 15, 2006: "I am writing to reiterate some very important points brought up at the last several Board of Trustees meetings. In opening, I would like to state that I believe a permanent firehouse for the Consolidated Engine is of the highest importance. Please know that we all respect the volunteers and value their services. We want both fire companies to be able to serve the south end of Tarrytown, but this can also be done without situating them three-tenths of a mile from each other. My concerns are as follows: 1) This past Tuesday (5/9/06) as I was driving east on Sheldon Avenue towards Meadow Street, there were cars parked on both sides of Sheldon Avenue due to pick up at the Mascia Day Care Center and there was a ball game being played at the baseball field. As I approached the Mascia Center there was only one lane available for cars, and there was a car traveling west on Sheldon towards me. I pulled over to the right side behind the row of parked cars to allow the car coming towards me to pass, however, the car behind me did not realize that I was allowing the oncoming car to pass and the car behind me continued west on Sheldon almost coming to a head on collision with the westbound car right in front of the Mascia Center. Luckily both cars were going slow enough that there was no collision. There is an enormous amount of residential traffic in this location and these traffic, parking and safety factors

should be of the utmost importance when deciding upon the permanent location for the firehouse. I believe that a comprehensive study of the traffic patterns and parking situation on Sheldon Avenue should be done as part of the due diligence before constructing a permanent firehouse on the corner of Meadow Street. 2) All of the “studies” that were done to determine traffic patterns on 119 were done during the construction of the 287 interchange. Since the completion of this project there has not been a traffic problem on Route 119 and as I myself have observed, it is much safer to make the left onto Route 0 from the light at 119 then to try to make the left out of Walter Street by Rushneck. If the fire truck is going to make that left onto Route 9 during heavy traffic it is certainly going to decrease response time. Additionally, if the 119 location is as unsafe and inaccessible as has been argued by the Fire Chief and Board of Trustees, why house in that location the biggest, newest and most expensive fire truck that the Village currently owns. How can the 119 location be suitable for one fire company (Washington), but not suitable for the other (Consolidated). 3) This brings me to my next point. In all of the discussions, drawings etc. for the new firehouses, there have been no mention of a double bay firehouse on 119 with shared meeting and common facilities. I understand that each company has its own schedule of meetings, classes and events, but it seems that in a time of rising costs, taxes and a time of encouraged savings, this would have been a practical and effective cost saving option. If, as Chief Scogna acknowledged, the members of Washington Fire Company and Consolidated Fire Company are all good friends, why is there a need for two of everything under one roof or for that matter two separate buildings? Why not share the meeting room and have meetings on different nights, share the kitchen, and have half the number of bathrooms? This would obviously save the Village and the taxpayers a significant amount of money. There are numerous fire companies in Westchester and even in the Village of Tarrytown that share a room (Hope & Conqueror). The Village of Irvington also has only one four-bay firehouse for the entire village. The Village’s architect stated that having one firehouse would have spatial and economic advantages. The numbers that have been produced by the Village to show cost savings are misleading at best. The only savings comes from reducing the economies of scale. 4) A request for the fire call volume was made through the Freedom of Information Act and Fire Chief Scogna incorrectly stated that 50% of the calls for Consolidated were in the Pennybridge area of the Village. The truth is that only about 5% of the fire calls are in the Pennybridge and south of 119 section of the Village with the remainder of the calls north or east of Pennybridge. If response time is an issue, then certainly the firehouse should be located closer to the majority of the calls, and therefore on Route 119. It seems that you are jeopardizing the safety of the other residents of the Village to accommodate the firefighters by locating the firehouse on Meadow Street. Additionally, if as Chief Scogna stated, most of the calls are in the middle of the night, then traffic on 119 and response time getting to the firehouse there is not an issue. In my 16 years as a resident of Tarrytown, I have not encountered any traffic problems on 119 in the middle of the night. 5) Fire Chief Scogna stated that he has a petition with over 300 signatures in support of rebuilding a firehouse at the corner of Meadow Street and Sheldon Avenue. The truth is that his petition was for the firehouse remaining at its original location at the bottom of Sheldon Avenue, near the Rushneck car dealership. The residents of Pennybridge and community members who use the Mascia day care center have amassed a petition of over 200 signatures in opposition of the Meadow Street location. This is not a personal attack on the firemen or the job that they do; it is merely a restatement of the facts and perceptions of the residents of the Pennybridge area. The decision to construct a permanent firehouse on the corner of Meadow Street was done behind closed doors and without any notice to the neighbors living within close proximity to this location. Although Mayor Fixell has apologized for this “oversight”, I do not believe that the concerns of the Pennybridge residents have been given fair consideration. How could you hold a ground breaking ceremony without even going through the environmental review process (SEQRA)? Is it that the board has deemed that this is where the firehouse will be situated regardless of the environmental impact to the neighborhood? SEQRA is an objective analysis of alternatives based on the potential social, economic and environmental impact and the responsibility of the Board to do it. The Board cannot and should not commit to an action until SEQRA is complete. This is not about the mayor apologizing that the neighborhood was not informed, this is about the Mayor and Board acting hastily. Why not avail yourselves of the planning

board that you elected and utilize their resources, experience and expertise? Finally, I request that the Board do an EIS so that there is no need for future challenges to the Board's actions."

Mr. Hartog also stated that in the Enterprise newspaper dated April 28, 2006, there's an article regarding Dobbs Ferry approving a \$5.46 million bond for a new DPW garage. He quoted the article stating that the drawings for the DPW garage had gone through many reviews scaling it down from the original proposal. The original design included several separate structures. The new plan is more cost-effective with several areas incorporated under one roof. The Dobbs Ferry Mayor complimented the DPW Superintendent for his work with the architect in helping to keep project costs down. However, this Board has never directed Sean McCarthy to supply drawings on a two-bay firehouse on Route 119 with shared facilities. He also suggested that instead of a firehouse at the Meadow and Sheldon location, to have a parking lot with parking meters to help with the parking problems. Mayor Fixell stated that they are planning to have approximately 11 parking spaces along with the firehouse.

Robert Scogna, Fire Chief, stated that with regard to response times, most of the Consolidated Engine members live in the Pennybridge area. The traffic and parking issues have been this way for the past 25 years and he never had a problem getting through with a firetruck. Firehouses are built in neighborhoods specifically for response time.

Kelly Chafizadeh, 106 Stephen Drive, stated that she only did the fire calls that Consolidated responded to.

Lloyd Hartog, 101 Stephen Drive asked that now that Washington Engine's fire truck has been re-located from the center of town to Hitachi, has that effected their response time. He also stated that the home addresses of the Consolidated members may change over the years.

RESOLUTION REGARDING THE AWARD OF THE CONTRACT FOR THE NEPERAN ROAD REHABILITATION PROJECT

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

In response to a Request to Bidders, the following proposals were received:

Neperan Road Rehabilitation Project Bid Date: February 27, 2006

<u>Contractor</u>	<u>Bid Amount</u>
1. Canal Asphalt, Inc.	\$3,017,663.80
2. Bilotta Construction Corp	\$3,429,221.00
3. Morano Brothers Corp.	\$3,450,000.00
4. ELQ Industries	\$3,474,998.00
5. Montesano Brothers, Inc.	\$3,817,383.70

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the award of a contract for the Neperan Road Rehabilitation Project to Canal Asphalt, Inc. 800 Canal Street, Mount Vernon, NY for the low bid of \$3,017,663.80, of which 95% of all construction and inspection costs will be reimbursed to the Village through a Federal Grant, as recommended by the Village Engineer and Consulting Engineers.

RESOLUTION TO RETAIN KEANE AND BEANE, P.C. AS SPECIAL COUNCIL WITH RESPECT TO THE BERNSTEIN V. FEINER, ET AL LAWSUIT

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

BE IT RESOLVED that it is in the interest of all the property owners in this Village that the Mayor of this Village, as a property owner and taxpayer who is also the Mayor of this Village, intervene as a party in the lawsuit Bernstein v. Feiner, et al, (Supreme Court, Westchester County, Index No. 06-6805) and that he defend the rights of Village property owners not to be taxed for the acquisition and operation of parks, playgrounds and recreational facilities owned by the Town of Greenburgh; and

BE IT FURTHER RESOLVED that it is in the best interest of all the residents of this Village that a fund be established by contribution from the Village, along with equal contributions from the other five (5) Villages within the Town of Greenburgh, to equally pay legal fees for the defense of the aforementioned lawsuit and any related proceeding and that this Village contribute \$5,000 towards such fund; and

BE IT FURTHER RESOLVED that the Mayor is authorized to retain Keane & Beane, P.C. as special counsel to represent the Mayor and the interest of the other taxpaying residents of the Village in the Bernstein v. Feiner proceeding and any related proceedings; and

BE IT FURTHER RESOLVED that the Mayor, the Village Attorney, the Village Administrator and the Village Treasurer are authorized to take any and all action to effectuate the foregoing resolution.

MAYOR'S APPOINTMENT OF AN ACTING VILLAGE JUSTICE

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

BE IT RESOLVED that the Mayor of the Village of Tarrytown, with consent of the Board of Trustees, hereby appoint Barry E. Warhit Acting Village Justice in the Tarrytown Justice Court to a term to expire in April 2007.

DESIGNATION OF A HANDICAPPED PARKING SPACE ON EMBREE STREET

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 designation of the parking space in front of house #61 on the north side of Embree Street as a handicapped parking space reserved for persons with handicapped parking permits only.

FIRE DEPARTMENT PERSONNEL CHANGES

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 approves the following Fire Department membership changes recommended by the Board of Fire Wardens at their April 18, 2006 meeting. Removal of the following members: Consolidated Engine Company: B. Thomas, G. Cypher, R. Fitzgerald, D. Doherty, J. Magee, D. Ambrose, B. Nikitopoulos and Washington Engine Company: Richard Vanderzee, Sidney Henry, Robert Vanderzee, John Breitenbach, Robert Lupi, Paul Wheatley, Frank Gallelo, Ronald Savaria, Kenneth Grant, and Jeffrey Toth.

RESOLUTION APPROPRIATING FUNDING FOR THE TARRYTOWN HISTORICAL SOCIETY

Trustee Hoyt 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 appropriates \$6,000 from the fiscal year 2006-07 budget for the support of the Tarrytown Historical Society, Inc.

APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF TRUSTEES
MEETING OF MAY 1, 2006

Trustee Pollack moved, seconded by Trustee Hoyt, 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 #21

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

RESOLVED: The following Abstract bearing No.21, dated May 15, 2006 containing Vouchers No. 004099 through No. 004273 is hereby ordered paid in the following amounts as presented:

General	\$ 105,189.98
Water	80,421.31
Capital	28,753.46
Library	3,274.87
Trust & Agency	<u>24,293.84</u>
Total	\$ 241,933.46

The Board was polled all voting “aye” with the exception of Trustee Hoyt who abstained from Voucher No. 04172. Motion carried.

ADJOURNMENT TO EXECUTIVE SESSION

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

Carol A. Booth
Village Clerk