

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 8  
July 17, 2006 8:30 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

EXECUTIVE SESSION

The Board of Trustees met in Executive Session at 8 p.m. to discuss two personnel matters.

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried, that the meeting be adjourned to the Regular Board of Trustees Meeting at 8:30 p.m.

The meeting began with the Pledge to the Flag.

MOMENT OF SILENCE – EMILY BASHER

Mayor Fixell stated that on June 21, 2006, Emily Basher who was the first woman Trustee of the Village of Tarrytown passed away. She served on the Board of Trustees for the Village of Tarrytown from 1974 to 1979. Those who knew her appreciated tremendously the work that she did; maybe the best thing she did was she gave us Tom.

ACKNOWLEDGEMENT OF THE RESIGNATION OF CARYL D. PLUNKETT  
FROM THE TARRYTOWN ZONING BOARD OF APPEALS

Mayor Fixell stated that he would like to acknowledge that Caryl Plunkett has resigned as Chairman of the Zoning Board of Appeals. He wanted to thank her for the many years of hard work. Caryl was conscientious and thorough and we will miss her.

REPORTS

Trustee Basher stated that he would like to thank everyone in the Village who has stopped me on the street and sent cards in the memory of my mother. He has passed along everyone's wishes to his brothers and they really appreciate everyone's support. He also reported on the Police Department who has completed its identification card program. Every village employee has been issued and carries a photo ID card which is to be presented upon demand. This is of particular importance to residents if a person rings your doorbell and identifies himself or herself as an employee of the village. Do not hesitate to ask for the photo ID card. Any problems or questions should be directed to the police department.

Trustee Pollack stated that the Tarrytown Seniors will be holding their annual picnic this Wednesday, July 19<sup>th</sup> at Pierson Park at 12 noon. As always, a great menu is planned along with a game of Bingo.

Trustee Hoyt reported on the following Recreation programs:

- Our Day Camp, Sports Clinic and Tot Camp programs are going well and they will be running through Friday, August 4<sup>th</sup>.
- The Adult Softball Program will be ending sometime in early to mid August. There are 24 teams and are secured in four separate leagues. The season is going very well.
- The Movies in the Park and Concert series has already begun at Pierson Park every Thursday evening. It begins with a concert from 6 – 8 p.m. and followed by a feature movie of the week.
- The Fall/Winter 2006 brochure is complete and it will be mailed out sometime in August.

- The Fitness Center is gaining participants and athletes daily at the Recreation Building located at West Main Street. Come down and join for the Fall season. It's a great way to stay in shape; it's local and convenient.

Mayor Fixell stated that with respect to the tornado damage that our Village experienced last Wednesday, there is an effort being made at the County level to determine the extent of the damage in order to figure out whether there will be some federal and/or state aid that may be available. Those who did have damage should contact the Village Administrator at 631-1885. Administrator McCabe stated that the Village did experience significant damage. We had lots of trees down, wires down, roads closed for several hours, traffic lights out and we experienced a traffic jam within the Village. By the end of the difficult day, the roads were opened and the power was restored. He would like to thank and compliment the Tarrytown Police Department, the Fire Department and the Department of Public Works who all came together and worked together well and did a terrific job dealing with the situation and getting the Village back to normal as quickly as they did.

Mayor Fixell reported on the following:

- Hydrant flushing will occur the week of July 24 through the week of August 11<sup>th</sup>. Hydrants will be flushed from 8 p.m. – 12 midnight. Water customers may anticipate temporary discoloration of water during and after the flushing. Please check your taps before doing laundry; particularly, white laundry. The water will be entirely safe to drink. All streets will be posted alerting residents when the flushing will occur in their areas.
- Mayor Fixell, Mayor Zegarelli and Superintendent Howard Smith are putting together a blue ribbon commission to examine the Community Opportunity Center and the Girls and Boys Club as to what's going to happen going forward. Some of the members are himself, Mayor Zegarelli, Howard Smith, Trustee Basher from Tarrytown, Trustee Morales from Sleepy Hollow, Gloria Cepin, Robin Goode, Don Whitely, Michael Blalock, Audrey Savage, Pastor Vargas, Reverend Ottie and possibly an additional clergyman from the Villages. We're beginning the process by gathering information and try to come up with some recommendations for moving forward with the COC and the Girls and Boys Club.

ANNOUNCEMENT OF A PUBLIC HEARING TO BE HELD ON AUGUST 21, 2006, REGARDING AN AMENDMENT TO THE VILLAGE CODE WITH RESPECT TO THE REQUIREMENTS FOR FIRE SPRINKLERS

ANNOUNCEMENT OF A PUBLIC HEARING TO BE HELD ON AUGUST 21, 2006, REGARDING AN AMENDMENT TO THE VILLAGE CODE TO REQUIRE THAT ANY PERSON, OTHER THAN THE OWNER, HUNTING ON PRIVATE PROPERTY MUST HAVE IN HIS/HER POSSESSION A NOTARIZED LETTER FROM THE OWNER STATING THAT HE/SHE HAS PERMISSION TO HUNT ON SAID PROPERTY

ANNOUNCEMENT OF A PUBLIC HEARING TO BE HELD ON AUGUST 21, 2006, REGARDING A PROPOSED CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE VILLAGE OF TARRYTOWN AND VERIZON

PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO THE SPECIAL USE PERMIT HELD BY TAPPAN HILL RESTAURANT/CONFERENCE CENTER TO PERMIT THE CONSTRUCTION OF A 3,500 SQUARE FOOT ADDITION TO THE FACILITY FOR STORAGE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 17<sup>th</sup> day of July, 2006, at 8 p.m., in the Municipal Building, 21 Wildey Street, Tarrytown, New York 10591, to hear and consider an application by Abigail Kirsch Caterers, Tenant at 81 Highland Avenue, Tarrytown, New York, for an amendment to Item 17 of their Compatible Use Permit granted on

February 5, 1990, for the purpose of constructing a rear addition to provide storage and office space. The footprint is approximately 3,516 sq. feet on property containing 8.5 acres. Currently a loading dock and a trailer is utilized by the applicant in the rear of the existing structure. Upon completion of the addition, the trailer will be removed. The addition will not be visible from the street or by any neighbor to the property. The proposed addition will be 25 ft. high (two stories) and contain 980 sq. feet of office space.

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: July 6, 2006

Contact:  
Stephen A. McCabe  
Village Administrator  
Tarrytown Village Hall  
21 Wildey Street  
Tarrytown, New York 10591  
(914) 631-1885

Attorney Shumejda stated that Tappan Hill operates under a compatible use permit which was granted by the Village Board of Trustees in 1990 and was amended one time in 1992. It contains a number of conditions. One of those conditions limits the restaurant from having any new wall structures without first going to the Board of Trustees and also the Planning Board and Zoning Board of Appeals for a variance. This application they are seeking is to build a 3500 sq. ft. addition which will take the place of a temporary trailer they currently use for some office and storage space they need to operate their catering facility.

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

John Lynch, 10 Crest Drive, asked if the Tappan Hill's compatible use agreement could be made available to the public. Attorney Shumejda responded, "yes". Mr. Lynch also asked if the residents from Gunpowder and Prospect were notified. Attorney Shumejda stated that it was advertised in the paper. The Board of Trustees will continue this hearing and not take any action until they hear from all three Boards – the Planning Board, Zoning Board of Appeals and possibly the Architectural Review Board. At that time, the proper notification and mailings will take place. Mr. Lynch stated that there are water issues that need to be addressed. This will also have an impact on the Loh Park drainage basin and he believes would require a waiver. He also stated that there are parking issues at times when Tappan Hill Restaurant overflows into the Crest area.

Trustee Butler moved, seconded by Trustee Zollo, and unanimously carried that the 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**

John Lynch, 10 Crest Drive, stated that the General Motors site is going to have a considerable amount of lead because of the leaded paint they used to paint the cars years back. He feels that we hired another consultant that thinks cover up is a solution. It was refreshing to him to hear Mayor Zegarelli speak about excavation on the GM

site. He has looked into possibly filing a petition with the Agency for Plastic Substances Disease Registry (APSDR) to conduct a public health assessment. Once that takes, there will be a complete shut down on everything that is taking place here. This will have a direct impact on the property values in this area.

CONSIDERATION OF THE APPROVAL OF A CONTRACT BETWEEN THE VILLAGE OF TARRYTOWN AND JMOA ENGINEERING, P.C. FOR CONSTRUCTION MANAGEMENT SERVICES WITH RESPECT TO THE CONSTRUCTION OF A NEW VILLAGE HALL/POLICE STATION/COURT

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

Construction Mgmt. Svc. for New Village Hall                      Bid Date: May 19, 2006

PROPOSED FEES	CM COMPANIES				
	JMOA	Abbott & Price	Lasberg	Calgi	Tryana
A. Preconstruction Phase Services Fees:	\$22,000.00	\$0.00	\$40,000.00	\$21,000.00	\$45,600.00
B 1. General Conditions Fees (monthly):	\$18,185.00	\$26,705.25	\$41,500.00	\$450,500.00	\$300,200.00
B 2. Fee based on 14 months:	\$254,590.00	\$373,873.50	\$581,000.00	\$450,500.00	\$300,200.00
C. CM Fees:	\$3,315.22	3.50%	6%	\$44,100.00	7%
Amounts based on 14 months					
a. Based on cost of \$5,300,000	\$46,414.48	\$185,500.00	\$371,000.00	\$44,100.00	\$371,000.00
TOTAL (A+B2+a):	\$323,004.48	\$559,373.50	\$992,000.00	\$515,600.00	\$716,800.00
b. Based on cost of \$6,000,000	\$52,544.70	\$210,000.00	\$420,000.00	\$49,924.521	\$420,000.00
TOTAL (A+B2+b):	\$329,134.70	\$583,873.50	\$1,041,000.00	\$521,424.52	\$765,800.00
Employee Hourly Rates					
Project Executive/Senior Associate	\$150.00	\$91.77	\$150.00	\$125.00	\$100.00
Project Manager/Safety Specialist	\$125.00	\$86.35	\$140.00	\$150.00	\$100.00
Superintendent	\$90.00	\$76.48	\$85.00	\$90.00	\$80.00
Percent Involved					
Project Executive/Senior Associate	20%	25%	20%	8hr/wk (20%)	80%
Project Manager/Safety Specialist	10%	50%	95%	15hr/wk(37.5%)	20%
Superintendent	100%	100%	100%	40 hr/wk(100%)	100%

Trustee Butler 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 approves the contract in the amount of \$22,000 (preconstruction services) and \$21,500 per month for 14 months (construction management services) between the Village of Tarrytown and JMOA Engineering, P.C. for construction management services with respect to the construction of a new Village Hall/Police Station/Court as recommended by the Village Engineer.

CONSIDERATION OF THE APPROVAL OF A CONTRACT WITH MCLAREN  
ENGINEERING GROUP FOR DESIGN AND CONSTRUCTION OVERSIGHT  
SERVICES WITH RESPECT TO SHORELINE REHABILITATION AT PIERSON  
PARK

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 approves a contract in the amount of \$47,000 between the Village and McLaren Engineering Group, of West Nyack, New York for design and construction oversight services with respect to shoreline rehabilitation at Pierson Park.

RESOLUTION REGARDING THE APPROVAL OF THE AMENDED 2005  
TARRYTOWN VOLUNTEER AMBULANCE WORKER SERVICE AWARD  
PROGRAM RECORDS

Trustee Butler moved, seconded by Trustee Pollack, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee Hoyt who abstained. Vote passed 6-0.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the amended 2005 Tarrytown Volunteer Ambulance Worker Service Program Records as submitted by the Tarrytown Volunteer Ambulance Corp.

APPROVAL OF SALARY SCHEDULE – TARRYTOWN MUNICIPAL HOUSING  
AUTHORITY

Trustee Butler moved, seconded by Trustee McGee, 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 salary schedule effective October 1, 2006 for designated members of the Tarrytown Municipal Housing Authority in accordance with Section 32 of the New York State Law of Housing:

Executive Director	\$88,478
Senior Office Assistant (H.A.)	\$59,346
Office Asst. (Auto. Systems)	\$47,498
Foreman	\$51,619
Maintenance Laborer	\$41,992
Maintenance Laborer	\$36,814
Maintenance Laborer	\$31,256

RESOLUTION TO DECLARE CERTAIN VILLAGE VEHICLES AS SURPLUS TO  
BE DISPOSED OF

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 deems as surplus and approves the disposal of by being put up for sale or junked the following Village vehicles:

1990 Chevrolet Van – VIN # 2GBHG31K5L4133719  
1997 Elgin Sweeper - VIN #AE61271P2621S  
1957 Walters Snow Fighter – VIN #578609  
1984 Ford – VIN #1FDKE30L6EHB98562

CONSIDERATION OF THE REDUCTION OF THE SPEED LIMIT ON ROUTE 9/BROADWAY

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

WHEREAS, the Village of Tarrytown has received multiple complaints from Village residents that speeding is a problem on Route 9 in the 40-mph sections of Village, and

WHEREAS, the Village notes that Speed Limit on Route 9 from Trans Manhattan Expressway in New York County to Palmer Avenue in Sleepy Hollow is 30 mph at all locations except the south end of the Village of Tarrytown, as well as the north and south ends of Route 9 in the Village of Irvington, and

WHEREAS, the 40 mph sections of Route 9 in the Villages have pedestrian sidewalks adjacent to the roadway, and

WHEREAS, the energy of a vehicle that must be dissipated upon impact in the event of a collision is a function of the square of its speed, and

WHEREAS, a comparison of the accidents in the 30 and 40 mph sections of Route 9 in the Village of Irvington revealed that accidents in the 40 mph section were more severe, and

WHEREAS, reducing the speed of vehicles in the corridor would afford motorists more time to take evasive action in an emergent condition and would reduce the energy dissipated in the event of a collision, thus, reducing the accident severity, and

WHEREAS, the Village recognizes their responsibility to enforce the posted speed limit on Broadway, and

WHEREAS, the Villages have been enforcing the 40 mph speed limit on Broadway, and

WHEREAS, the Villages are committed to enforcing a lower speed limit on Broadway, and

WHEREAS, if motorists drive 10 miles per hour slower on the cumulative 2-mile effected sections of the roadway their travel time will be increased by less than 1 minute, and

BE IT RESOLVED that the Village Board concludes that speeds on Route 9 can be reduced by the combination of reducing the speed limit from 40 mph and enforcing the speed limit through police action and other measures, and

BE IT RESOLVED that the Village Board concludes that the reducing speeds on Route 9 in the Villages from 40 miles per hour will have a beneficial safety impact that clearly outweighs the inconvenience of the increased travel time, and

BE IT RESOLVED that setting the speed limit on Route 9 throughout the Villages at 30 mph would be consistent with both the nature of development along the corridor in the Villages as well as the posted speed limit on Route 9 in the adjoining Villages and those municipalities further to the south, and

THEREFORE, the Village Board hereby requests of the New York State Department of Transportation that the Speed limit on Route 9 throughout the Villages of Tarrytown and Irvington be set at 30 mph.

CONSIDERATION OF APPROVING CERTAIN PARKING CHANGES ON  
NEPERAN ROAD AND EAST ELIZABETH STREET

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves an amendment to the Vehicle and Traffic Code as follows: Chapter 291-77, Schedule XII: Parking Prohibited at All Times. In accordance with provision of 291-16 no person shall park a vehicle at any time upon any of the following described streets or part of streets: Neperan Road, north side location from a point 370 feet east of Broadway for a distance of 10 feet in an easterly direction; Elizabeth Street, north side location from a point 50 feet east of the northeast corner of Archer Place for a distance of 10 feet in an easterly direction.

CONIDERATION OF PROHIBITING LEFT TURNS WHEN EXITING THE SOUTH  
BROADWAY PARKING LOT

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 having determined it to be in the interest of public safety to prohibit left turns when exiting the South Broadway parking lot enacts said prohibition defined as follows: Section 291-71, Schedule VI: Prohibited Turns at Intersections. A. In accordance with the provision of 291-9 no person shall make a turn of the kind designed below at any of the following locations: Name of Street: Driveway at South Broadway parking lot – direction of travel: east – prohibited turns: left – hours/days: all/all – at intersection of South Broadway.

RESOLUTION – FIRE DEPARTMENT PERSONNEL CHANGES

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 approves the following Fire Department membership changes recommended by the Board of Fire Wardens' June 20, 2006 meeting: New Membership: Manny Busto of Tarrytown was elected to active membership to the Riverside Hose Company. New Drivers: Peter Saracelli was approved as a driver on Hope Hose; David Goldstein was approved as a driver on Consolidated Engine; Sean Scogna, R. Errico and J. Herighty were approved as drivers on Utility 61. Resignations and Removals: Riverside Hose Company reported the following members to be removed from Active rolls: Thomas Dorsett, Raymond Calore Sr., John Fragicoma, Robert Florie, Eugene Gasparre, Stanley Goldberg, Joel Kaplan, Jody Kyle, Richard Milne, William Morhous, David Schwer Jr., William Semple, Robert Shroba, Jack Souza, Robert Stiloski, Richard Thomas, Donald Vetrano, and James Vincent. Hope Hose Company reported that Donal Walsh and Jason Machado have been removed from Active rolls. Phenix Hose Company reported that Ryan Lucia has been removed from Active rolls. Conqueror Hook and Ladder Company reported that Dimitry Zhouk has also been removed.

APPROVAL OF THE MINUTES OF THE REGULAR MEETNG OF THE BOARD  
OF TRUSTEES HELD ON JUNE 19, 2006

Trustee Basher moved, seconded by Trustee Hoyt, that the following resolution be approved. Motion carried, all voting "aye" with exception of Trustee Pollack who abstained from the portion of the meeting that she was absent.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the board meeting held on June 19, 2006 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS #2

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

RESOLVED: The following Abstract bearing No. 2, dated July 17, 2006 containing Vouchers No. 000297 through No. 000644 is hereby ordered paid in the following amounts as presented:

General	\$ 387,858.06
Water	125,319.23
Capital	34,905.56
Library	35,037.75
Trust & Agency	<u>214,427.63</u>
Total	\$ 797,548.23

The Board was polled all voting “aye” with the exception of Trustee Pollack who abstained from Voucher Number 000318. Motion carried.

ADJOURNMENT

Trustee Butler moved, seconded by Trustee Basher, and unanimously carried, that the meeting be adjourned at 9:30 p.m.

Carol A. Booth  
Village Clerk