

Board of Trustees
Village of Tarrytown
Regular Meeting No. 10
September 5, 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; and Village Clerk Booth

The meeting began with the Pledge to the Flag.

REPORTS

Administrator McCabe stated that the Village of Tarrytown survived the weekend storm with no significant flooding, however, branches and trees were down and some power outages were experienced. He thanked the Police Department, the Fire Department and the Department of Public Works for all their help. He noted that those who do have tree limbs or brush should put them out curbside and the DPW will be making special runs all week long to pick them up.

Trustee Hoyt reported on the following Recreation items:

- The Fall / Winter Recreation brochure was in the general mail as of Tuesday, August 22nd. If you have not received the brochure, please contact the Recreation Dept. at 631-8347.
- Our Fitness Center at the Recreation building has been completely over-hauled with new equipment and a complete cleaning was done from top to bottom.
- The Fall “one” pitch softball begins Thursday, September 7th at Losee Park. The league has expanded from six teams to eight.
- Youth Soccer begins at Pennybridge Field and W.I. School this coming Saturday 9/09.
- Youth football (Wolfpack) also begins this month at the W.I. School field.
- The last concert of the season at Pierson Park is scheduled for Saturday, 9/09 at 6:30p.m. at the Gazebo. This will be a great concert to end the season on. The 12-piece Swing band (Van Martin Band) is a favorite of many residents.
- New programs to watch this fall: Chess for grades 1st - 8th and defensive driving for 18 and older.

Trustee Butler stated that the Planning & Zoning Boards have taken the following actions: 1) Approved site plans for the new Village Hall and the two new firehouses on White Plains Road and Sheldon/Meadow; 2) Approved house additions at 21 Union Avenue and 15 Birch Way; 3) Approved an addition to Abigail Kirsch at Tappan Hill – 81 Highland Avenue; and 4) Declared the FEIS for Crescent Associates, 155 White Plains Road complete and set a public hearing for September 25th.

Trustee Pollack stated the following:

- 1- She thanked the members of Hope Hose and Conquer Hook and Ladder for the invitation to their annual picnic. Although it was held on Saturday in the pouring rain, they had a decent turnout and the food was excellent.
- 2- On Sunday, September 10th, the Village of Sleepy Hollow and Tarrytown along with their respective Firehouses will be commemorating services for 9-11. Tarrytown services will start at 8:15 a.m. at the Main Street Firehouse and then proceed to Patriots Park where we will join together with Sleepy Hollow for additional services. This is the 5th anniversary of September 11th. This is something that we cannot forget. Hopefully you will come and join us.
- 3- She also thanked Frank Morabito for his help at the Senior Center when the air conditioning broke during the heat wave in July. Frank quickly responded and purchased and installed the part and saved the Village a few thousand dollars.
- 4- The Tarrytown Beautification and Enhancement Foundation which is a not for profit organization will be planting daffodils the end of October. Their goal is to plant approximately 10,000 bulbs. They’re going to start on the corner of Broadway and McKeel Avenue and other public places throughout the Village. They are doing some fundraising; so if you would like to make a donation, please contact the organization. They are prepared to match grants.

- 5- She sent out best wishes to our Fire Chief, Robert Scogna, who recently sustained some injuries for which he had to undergo a couple of surgeries. Best wishes to you for a speedy recovery.

CONTINUED 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

Mayor Fixell asked Attorney Shumejda for an update.

Attorney Shumejda stated as Trustee Butler said the Planning Board approved the site plan for this project and it is now scheduled for the Zoning Board of Appeals on September 11th. He, therefore, recommends the hearing be continued to September 18th. This project will remove the trailers that have been used for a number of years for offices and storage. The applicant has agreed to not only handle on site the run-off from the impervious surface caused by the new construction, but also an additional amount, so it's actually improving the drainage from the whole property. This addition will not be seen from the public roads or by the neighbors. After this application is approved by the Zoning Board and assuming the Board of Trustees grants the amendment to the special use permit, then the trailers will be removed.

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

John Lynch, 10 Crest Drive, stated that the special use permit should be updated with respect to the use of 18-wheelers for that property. There needs to be consideration in this neighborhood whether 18-wheelers is appropriate. This should also go to the Traffic Committee. His understanding is that they have increased the storm water retention on site beyond the 3500 sq. ft., particularly because it's in the Loh Park basin moratorium. He believes that Dr. Mankiewicz should take a look at this because we are trading off storm water for ground water. On the corner of Midland and Benedict Avenue there is a continuous water stream source that goes through the Crest and back down into the pond and down to the Loh Park basin. It's a continuous stream that basically is now collecting ground water into the storm water retention system for Tarrytown which displaces when we actually do have a storm.

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

CONTINUATION OF A PUBLIC HEARING REGARDING A PROPOSED FRANCHISE AGREEMENT BETWEEN THE VILLAGE OF TARRYTOWN AND THE VERIZON, NEW YORK INC.

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

(The entire public hearing transcript is attached to the minutes in its entirety.)

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

Mayor Fixell stated that the Board will hold a special work session on this proposed Verizon franchise agreement on Thursday, September 14th at 7:00 p.m. at Village Hall.

ANNOUNCEMENT OF A PUBLIC HEARING TO BE HELD ON SEPTEMBER 18, 2006, REGARDING A PROPOSED DEFINITION OF A "FAMILY" FOR ZONING CODE PURPOSES

Mayor Fixell asked Attorney Shumejda to explain.

Attorney Shumejda stated that this is a proposal to update the current definition of "family" in the zoning code. The current definition is more than 10 years old. It is out of sync with the case law that's out there. This definition provides a mechanism where the building inspector can make a determination whether someone is in violation of the law. It allows 4 or more unrelated people to reside in a household as long as they are the functional equivalent of a traditional family. There cannot be separate locked sleeping rooms and all occupants have access to the whole house. The other criteria include the sharing of normal activities like cooking. If they meet the criteria in the proposed law, then they are the equivalent of a family and therefore, they would be allowed to continue. If they do not meet those criteria, then they would be subject to a building code violation.

ANNOUNCEMENT OF A PUBLIC HEARING TO BE HELD ON SEPTEMBER 18, 2006, REGARDING A PROPOSED AMENDMENT TO CHAPTER 218 OF THE VILLAGE CODE TO REPLACE EXISTING PROVISIONS WITH RESPECT TO PARADES WITH A FORMAL PERMIT PROCESS FOR ALL PUBLIC ASSEMBLIES

Mayor Fixell stated that this would provide criteria and standards for applying for a parade permit in the Village. Currently, there is almost nothing in the code.

ANNOUNCEMENT OF A PUBLIC HEARING TO BE HELD ON SEPTEMBER 18, 2006 REGARDING A PROPOSED AMENDMENT TO THE "CERTIFICATE OF OCCUPANCY" PROVISIONS OF THE VILLAGE CODE IN ORDER TO MANDATE THAT UPON THE SALE OR TRANSFER OF ANY IMPROVED PROPERTY, AN UPDATED "CERTIFICATE OF OCCUPANCY" BE OBTAINED FOR THE PROPERTY AS USED OR OCCUPIED

Mayor Fixell stated that this would create the resident to get an update for a certificate of occupancy upon the sale or transfer for any improved property.

ANNOUNCEMENT OF A PUBLIC HEARING TO BE HELD ON SEPTEMBER 18, 2006, REGARDING A PROPOSED AMENDMENT TO THE "TAXICAB" PROVISIONS WITH RESPECT TO THE DEFINITION OF THE LICENSING OFFICIAL

Attorney Shumejda stated that within the taxicab law there is a term licensing official. Under the current law, the Mayor is the licensing official. The proposed legislation will make the Village Administrator the licensing official. New to the law will be an appeal process. Anyone who feels aggrieved by the decision of the Village Administrator under the law can appeal to the Police Committee.

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 the following:

- The School Board is over promising and under delivering. They're spending all our money on the high school rather than the Washington Irving elementary education. What was submitted in the original proposal and what was promised in the FEIS for Ferry Landings as well as the GM site is nowhere near what we have right now. In his opinion this has gone beyond mismanagement and the Mayor's have to get involved.

- Collado site, 116 S. Broadway has been approved with a waiver from the Planning Board and no variances granted by the Zoning Board for steep slopes. He believes that this is wrong. Mayor Fixell stated that the Board will take this up with our Attorney. This is an issue that this Board is not acquainted with or prepared to comment on.

- Down by the river, Ferry Landing is paving 10 ft. from the river's edge. Engineer McGarvey stated that he did go down to the Ferry Landing's site and ceased the paving of a strip by the waterfront's edge. Mr. Cotter said it was in conjunction with the DEC approval. Mr. McGarvey stated that he has stopped the work and is waiting to speak to Paul Cimonello, with Eco Systems Strategies, our Environmental Consultant. He is also following up with the DEC to make sure that this is in conformance with our regulations along with the DEC. Even if this is approved by the DEC, they still have to obtain a building permit with the Village.

Dean Gallea, 28 Wildey Street, asked the Board if the paving on Neperan Road was complete because he has observed steep drop offs on some of the road sides. Engineer McGarvey stated that the work is not complete yet. It needs to be feathered in and new guide rails will be installed.

CONSIDERATION OF THE AWARD OF A CONTRACT FOR THE
REHABILITATION OF THE ALTAMONT AVENUE RETAINING WALL

Trustee Pollack moved, seconded by Trustee McGee, and unanimously carried that the following be approved: Vote passed: 7-0

In response to a Request for Proposal, No. 06-04, the following proposals were received:

Altamont Ave. Retaining Wall Rehabilitation Bid Date: August 30, 2006 @ 1:00 p.m.

Contract No. RFP 06-04

<u>Contractor</u>	<u>Bid Amount</u>
1. Vernon Hills Landscaping	\$46,400
2. Abbott & Price Inc.	\$59,030
3. Realife Land Improvements Inc.	\$59,330
4. Concrete Creations	\$63,800
5. Maple Leaf Association Inc.	\$69,243
6. Peter J. Landi Inc.	\$86,050
7. Picco Construction	\$89,600

WHEREAS, the Village received seven (7) sealed bids for the Rehabilitation of the Altamont Avenue Retaining Wall, Contract No. RFP 06-04, and

WHEREAS, it is the recommendation of the Village Engineer that the bid be awarded to the low bidder, Vernon Hills Landscaping, and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown, hereby awards Contract No.06-04 for the Altamont Avenue Wall Rehabilitation project to the low bidder Vernon Hills Landscaping of Mt. Vernon, New York in the amount of \$46,400.

CONSIDERATION OF A RESOLUTION WITH RESPECT TO A CHANGE
ORDER FOR THE SIDEWALK REPLACEMENT PROJECT ON CENTRAL
AVENUE

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried that the following be approved: Vote passed: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves a change order for the Sidewalk Replacement Project on Central Avenue to add to the project the removal and replacement of the existing sidewalk from the bottom of Main Street to Depot Plaza, for an additional cost to the Village of \$41,427.

RESOLUTION WITH RESPECT TO THE APPOINTMENT OF JENIFER ROSS, A PART-TIME PROVISIONAL ASSISTANT TO THE VILLAGE ADMINISTRATOR

Trustee Basher moved, seconded by Trustee Zollo, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee Pollack who voted “no” for two reasons: 1 – She asked for additional information and never received it; and 2 – She feels that since this position is subject to all applicable civil service rules and regulations that this position should be posted. Vote passed 6-1.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the appointment of Jenifer Ross, a part-time provisional Assistant to the Village Administrator at an annual salary of \$55,000 for a 30-hour work week effective retro-active to July 27, 2006. Said appointment is provisional and pursuant to the approval of the Westchester County Department Human Resources and is subject to all applicable civil service rules and regulations.

RESOLUTION WITH RESPECT TO THE APPOINTMENT OF A PARKING ENFORCEMENT OFFICER – SCHOOL CROSSING GUARD – PAUL ZEKUS

Trustee Pollack moved, seconded by Trustee McGee, and unanimously carried that the following be approved: Vote passed 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the appointment of Paul Zekus as Parking Enforcement Officer – School Crossing Guard from provisional to probationary status at an annual salary of \$33,438 effective September 6, 2006. Said appointment is pursuant to the Westchester County Exam List #60-795 and is subject to all applicable civil service rules and regulations.

RESOLUTION – FIRE DEPARTMENT PERSONNEL CHANGE

Trustee Basher moved, seconded by Trustee Hoyt, and unanimously carried that the following be approved: Vote passed 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown approves the following Fire Department membership change recommended by the Board of Fire Wardens’ August 15, 2006 meeting: New Membership: Timothy Arduino of Tarrytown was elected to active membership to the Phenix Hose Company.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON AUGUST 21, 2006

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried that the following be approved: Vote passed: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the board meeting held on August 21, 2006 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS #4

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

RESOLVED: The following Abstract bearing No. 4, dated September 5, 2006 containing Vouchers No. 001086 through No. 001225 is hereby ordered paid in the following amounts as presented:

General	\$ 206,313.24
Water	16,743.50
Capital	412,831.18
Library	5,831.12
Trust & Agency	<u>145,177.61</u>
Total	\$786,896.65

The Board was polled all voting “aye” with the exception of Trustee McGee who abstained from Voucher Numbers 001197 and 001222; Trustee Butler abstained from Voucher Number 001225; and Trustee Pollack abstained from Voucher Number 001215. Motion carried 7-0.

ADJOURNMENT TO EXECUTIVE SESSION REGARDING A LEGAL MATTER

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried, that the meeting be adjourned to Executive Session to discuss a legal matter at 8:45 p.m.

Carol A. Booth
Village Clerk