

Board of Trustees
Village of Tarrytown
Regular Meeting No. 18
October 24, 2016
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Brown, Butler, McGee, McGovern and Zollo; Village Administrator Blau; Village Treasurer Hart; Village Attorney Silverberg and Village Clerk Booth

ABSENT: Trustee Hoyt

REPORTS

Trustee Zollo reported on the following:

- The Tarrytown Fire Department was presented an award from the Westchester County Volunteers Firemen's Association for a very heroic act of our Marine unit. On the morning of March 12, 2016, at 5:14 a.m., the Tarrytown Fire Department, Marine Unit, was dispatched to the Hudson River for a tug boat taking in water in the area of the center channel of the Tappan Zee Bridge. Within minutes, the Marine 5 crew members responded to the emergency. AT 5:21 a.m., the Marine 5 members spotted a victim in the water with no tug boat in sight and deployed a rescue swimmer to save the victim while battling strong currents and crippling cold weather. At 5:24 a.m., 10 minutes after the original dispatch, Marine 5 had the victim on board the vessel and was performing CPR in route back to the dock. Once back at the dock, members of the Tarrytown Fire Department with assistance from the Tarrytown Ambulance and Greenburgh Paramedic Unit fought tirelessly to regain the pulse of the victim. Unfortunately, the victim was not able to be revived. Cold, tired and knowing they would be going out again into strong currents, the members of Marine 5 headed out again to look for additional victims for several more hours. Trustee Zollo commended the Tarrytown Fire Department for their heroic efforts.
- On Saturday, October 8, 2016, two Palm Springs, California, Police Officers, P.O. Jose Vega, age 63 and P.O. Lesley Zerebny, age 27, were fatally shot while responding to a call of a domestic disturbance. Tarrytown Police Officers Sonia Hennessey and Samantha Schubert, with the assistance and support of Jet Blue Airways, the DoubleTree Hotel and the Tarrytown PBA, attended the services as representatives of the Tarrytown Police Department and the Village of Tarrytown. Both officers and the aforementioned entities should be commended for their service.

Trustee McGovern noted that the Village's Halloween Parade will be held this Saturday, October 29th at 5:30 p.m. Anyone who is marching in the parade should be at Patriots Park by 4:30 p.m. The parade will begin at Patriots Park and travel south on Broadway and down Main Street. Presently, there are 25 groups and 5 bands marching. After the parade, there will be a DJ on Main Street until 8 p.m. Rain date will be Sunday, October 30th.

APPOINTMENT OF A POLICE OFFICER

Trustee Butler moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Douglas Weeks to the position of Police Officer Grade 1 in the Village of Tarrytown Police Department at an annual salary of \$108,668.00 effective at 12:01 a.m. on October 25, 2016.

BE IT FURTHER RESOLVED that this appointment is made pursuant to receipt of a letter from the Westchester County Department of Human Resources, dated October 5, 2016 granting permission for resignation/reinstatement for Douglas Weeks.

BE IT FURTHER RESOLVED that this appointment is subject to a probationary period of twelve (12) months.

PRESENTATION AND SWEARING IN OF POLICE OFFICER BADGE TO POLICE OFFICER WEEKS

Mayor Fixell along with Police Officer Week's wife presented him with his Tarrytown Police Officer badge.

ADMINISTRATORS REPORT

Administrator Blau read the following in response to an article in the River Journal:

I would like to take this opportunity to address certain statements made in the Harvest Issue of the River Journal regarding the new garbage collection program in the Village. There were a number of statements included in the article about the new collection program which are inaccurate and need to be corrected. In the very first sentence of the article, the writer of the article notes that the new garbage collection program "mysteriously began on December 3, 2015". The facts are that the Village implemented a PILOT garbage collection program in December of 2015 in specific neighborhoods to test out a program where the Village provides specific types of garbage cans that can be picked up with a mechanical arm attached to the sanitation truck. The Village staff member rolls the can to the arm and the mechanical arm lifts the garbage can and dumps the garbage into the truck, eliminating the need for Village staff working in sanitation to pick up heavy garbage cans. The PILOT program operated for nine months before the Village made the decision to expand the program to the entire Village. The issues brought forward by residents who lived in the areas where the PILOT program operated related to the size of the garbage can and either the person making the comment did not have space to store the garbage can or it was difficult to maneuver for senior citizens. Each case was addressed individually when brought to the attention of the Village.

Later in the first paragraph the writer notes, albeit with some sarcasm, that the residents are lucky that the Village has now expanded the program to the entire Village. The Village did not take lightly the implementation of the PILOT program. Tarrytown is not the first community to institute such a garbage collection program and we have attempted to be as accommodating as possible with all residents who experience an issue with the use of the garbage cans. The writer further states that the "wisdom in Tarrytown at the government level is that more trash is a good thing." There is no basis for the writer to make such a conclusion. The Village, when analyzing how to implement such a program, which includes changing from twice per week garbage collection to once per week, wanted to assure that we provided garbage cans of a sufficient size that both a small family and a large family could participate in the program without issue. This is not an issue of creating more garbage and in fact it is both the intent and desire of the Village that the program will promote additional recycling in the Village with the new program

The article notes correctly that the program is designed to reduce the amount of lifting-related injuries of Village staff, but further states that when the writer requested specific information about lifting injuries the response was that I had requested the information and it ultimately was not available for inclusion in the article. In fact, I was contacted by the writer via email at 11:36 a.m. on a Wednesday for the Workers Compensation information regarding lifting-related injuries and asked to respond the next day by 12 noon. This information had to be obtained from the Village's Workers Compensation carrier and such a request would require more than a 24 hour turnaround. The information was not available within the 24 hour period requested by the writer, but it was ultimately received within a few days. Of the 31 Workers Compensation claims between the period from June of 2015 through the end of September 2016, 16 claims were made by staff working in sanitation. Of those 16 claims, staff were out of work 412 days for lifting related claims.

The article does note, as I stated, that one benefit to be derived from the program is the ability to free up some of the Village staff that work primarily for sanitation to work on

other Public Works work tasks on Thursdays and Fridays. Utilizing our staff for more than one specific work task during the work week is an efficient and effective use of Village employees and helps to address the loss of staff in the Department of Public Works due to attrition over the years.

The article concludes by stating “who needs twice-a-week pickup of garbage”. I would first like to note that the change from twice per week to once per week garbage collection is not a new concept in Westchester County. Communities that have changed to once a week garbage collection includes the Town of New Castle, including Chappaqua, the Town of North Castle, including Armonk, the Village of Pleasantville that changed in the 1990’s and the Village of Hastings-on-Hudson, which made the change years ago. Tarrytown is not cutting edge when it comes to making this change in garbage collection and there is no reason to believe that the program cannot be successfully implemented in Tarrytown. There are many benefits to such a garbage collection program and the Village has attempted to address the concerns that such a change might create.

As Village Administrator, I have complete faith that the residents of Tarrytown will work with the Village to make the new garbage collection program a success. I also have complete faith that our staff members will work with us to make our Public Works operation more efficient and effective with the moving of sanitation staff to other work tasks on Thursday and Friday. I disagree with much of what is stated in the article, from the mysterious implementation of the program to the intimation that the benefits to be derived from the program will not be experienced in the Village.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON AGENDA ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES TO ADDRESS THE BOARD OF TRUSTEES

Mayor Fixell asked if anyone wanted to address the Board on agenda items. No one appeared.

PURPLE HEART VILLAGE

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0

WHEREAS, the Purple Heart is awarded to men and women in the U.S. Military who were wounded or killed in combat by enemy forces while defending the United States of America; and

WHEREAS, the Board of Trustees of the Village of Tarrytown salutes all the brave men and women who paid the ultimate price of freedom by leaving their families, friends and communities and placing themselves in harm’s way for the good and protection of all Americans; and

WHEREAS, the Board of Trustees of the Village of Tarrytown acknowledges the heroic contributions and sacrifices of these men and women in the military who reside in the Village of Tarrytown, who paid the ultimate sacrifice while serving in the Armed Forces and who are the recipients of the Purple Heart Medal. We honor them and commend them for their acts of bravery.

NOW THEREFORE BE IT RESOLVED, by order of the Board of Trustees of the Village of Tarrytown, does hereby declare that the Village of Tarrytown is hereby “A Purple Heart Village” and does hereby further recognize the dedication and sacrifices of all men and women in the United States Military who valiantly serve to protect the freedoms enjoyed by all Americans.

NEGATIVE DECLARATION LOH PARK

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

WHEREAS, on or about February 17, 2010 the County of Westchester and the Village of Tarrytown entered into an agreement pursuant to which the County agreed to contribute funds toward a flood mitigation project known as the Loh Park Flood Mitigation Project to be undertaken by the Village of Tarrytown (Village); and

WHEREAS, the Village initially developed a program for implementation of the flood control measures and has modified the scope of the program on a number of occasions based upon input from interested agencies and the general public which has resulted in increases in the cost of the project; and

WHEREAS, the Village Board of Trustees previously declared itself lead agency for purposes of review pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS modifications to the project have resulted in changes to the funding and require a revised Inter-municipal Agreement; and

WHEREAS, a long form Environmental Assessment Form has been prepared identifying the potential adverse environmental impacts of the proposed project; and

WHEREAS, the Loh Park Flood Mitigation Project is designed to address the flooding of the lower portion of Loh Park during periods of heavy rain; and

WHEREAS, the project includes the installation of 1,500 linear feet of 48 inch drainage piping and the installation of new catch basins, the construction of a 36" x 72" box culvert, the raising and reconstruction of two bridges, the enclosing of 60 feet of an open channel stream and stream restoration in the area of the stream in the project area not piped or enclosed; and

WHEREAS, the design of the project has been established so as to minimize both short and long term adverse environmental impacts and to avoid and/or eliminate current adverse environmental impacts caused during heavy rain events.

NOW THEREFORE, BE IT RESOLVED: the Board of Trustees finds that this Type I Action shall have no significant adverse environmental impacts and therefore it is appropriate to issue a SEQRA Negative Declaration.

AGREEMENT TO STUDY THE PERMANENT CLOSURE OF RAMP E TO TAPPAN ZEE BRIDGE

Mayor Fixell noted that Ramp E is the entrance to the bridge on Route 9 and has been closed due to the construction of the new bridge. There has been discussion whether the entrance should be re-opened upon the completion of the bridge or to keep it closed. The state has agreed to fund a study to look at the possibilities. The study will also include a hybrid solution where Ramp E would be open strictly for buses and emergency vehicles and possibly in case there is a problem on the bridge or severe traffic on Route 9.

Trustee Brown noted the following:

- Even though the State would consider our recommendation, isn't it ultimately the State's decision.
- Would there be a time period for public comment on this decision and how would the public input be received.

Administrator Blau noted that according to the environmental review of the bridge, Ramp E was always planned to be re-opened. If the decision of the state changes in anyway, they

would have to go through the whole SEQRA process again and that is when the public will be able to provide input. Administrator Blau also noted that the purpose of this study is to help the Village Board of Trustees make a decision as to whether or not the Board wants to ask the state to keep it closed or allow it to be opened strictly for buses and emergency vehicles. The New York State Department of Transportation and the New York Thruway Authority will not even consider permanently closing the ramp or the hybrid solution without a request from this Village Board of Trustees. If the Village Board remains silent, the state will re-open the Ramp E entrance to the bridge.

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

WHEREAS, the Village received seven (7) responses to a Request for Proposals to study the permanent closure of Ramp E (entrance ramp from southbound Route 9 to the Tappan Zee Bridge); and

WHEREAS, the study is being funded from a grant from the Community Benefits Fund associated with the bridge project.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby award a contract to Simco Engineering, PC to study the permanent closure of Ramp E (southbound Route 9 to the Tappan Zee Bridge) per their proposal of \$25,371.58.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby authorize and direct the Village Administrator to execute an agreement with Simco Engineering, PC.

AGREEMENT WITH WESTCHESTER COUNTY – EXTENSION TO BUS SHELTERS IMA

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees does hereby authorize and direct the Village Administrator to execute an extension to the Inter-Municipal Agreement (IMA) with Westchester County to provide bus passenger shelters in Tarrytown for three (3) months from April 1, 2016 through June 30, 2016.

AGREEMENT WITH WESTCHESTER COUNTY – BUS SHELTERS IMA

Trustee Zollo moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an Inter-Municipal Agreement (IMA) with Westchester County to provide bus passenger shelters in Tarrytown for a term of five (5) years commencing on July 1, 2016 and expiring on June 30, 2021 for the bus shelters in the Village of Tarrytown.

MIDLAND AVENUE SEWER REPAIR

Trustee McGovern moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 6-0

WHEREAS, the Village received three (3) responses to a request for cost proposals to perform repair work on the sanitary sewer on Midland Avenue; and

WHEREAS, the Superintendent of Public Works has reviewed the proposals and has recommended awarding the contract to the contractor who provided the lowest cost proposer.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby authorize the Village Administrator to execute a contract with PVS Construction to perform repairs on the sanitary sewer on Midland Avenue per their proposal of \$28,765.00.

SCHEDULE A PUBLIC HEARING – TARRYTOWN LAKES FISHING BUTTONS

Trustee McGee moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a Public Hearing for the regular meeting of November 7, 2016, at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider a proposed amendment to the Code of the Village of Tarrytown, Chapter 201 entitled “Lakes and Waterways,” Section 6, Specific restrictions; penalties for offenses, Subsection A. to determine that the Tarrytown Lakes should be open to residents of the Village of Tarrytown, residents of the Town of Greenburgh (including the villages in the town) and residents of the Town of Mount Pleasant (including the villages in the town) and all persons who are on duty with the Armed Forces for fishing purposes subject to rules and regulations promulgated by the Board of Trustees.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON OCTOBER 5, 2016

Trustee Brown moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the regular meeting of the Board of Trustees held on October 5, 2016 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 7 of Audited Vouchers to be paid in the following amounts:

General	\$ 561,500.23
Water	270,689.89
Sewer Fund	0.00
Capital	232,310.55
Library	9,400.72
Trust & Agency	<u>12,133.69</u>
Total	\$ 1,086,035.08

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD. SPEAKERS HAVE FIVE (5) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER; THEN THREE (3) MINUTES FOR ADDITIONAL COMMENTS

Mayor Fixell asked whether anyone wished to address the Board on any matter. No one appeared.

ADJOURNMENT

Trustee Butler moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned at 8:31 p.m.

Carol A. Booth
Village Clerk

