

Board of Trustees
Village of Tarrytown
Regular Meeting No. 1
December 4, 2017
8:12 p.m.

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

ABSENT: Trustee Zollo

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell thanked the Little Gardens of Tarrytown for the beautiful, festive holiday wreaths that are on display at Village Hall and the Police Department.

Trustee McGovern noted that the Holiday Tree Lighting on Saturday was very wonderful and special. There were more people in attendance this year than in years past. She thanked TaSH Holiday Pop-Up Market, which was very well run as well. It was a nice way to spend the evening. After the tree lighting, the children had their picture taken with Santa at the library; it was a great night for Tarrytown.

CHANGES AND/OR ADDITIONS TO THE AGENDA

The Board of Trustees amended the language on Agenda Item No. 7, Authorization to Submit Grant Application

ADMINISTRATOR'S REPORT

Administrator Slingerland read the following statement on the proposed bicycle lane on Route 9:

The Village of Tarrytown is presently cooperating with a number of Villages along the Hudson River, including Hastings on Hudson, Dobbs Ferry, Irvington and Sleepy Hollow, to perform a study through the Nelson Nygaard Planning Group, which is funded by the Community Benefit Fund of the new New York Bridge, about whether a dedicated bicycle lane might work, or not work, along Route 9, and how it might work in different locations up and down the Route 9 Corridor.

In mid-October, the Board of Trustees of the Village of Tarrytown communicated our concerns to the Nelson Nygaard group, which is performing the Study, noting that the Village does not agree with the removal or elimination of parking spaces in the Downtown Business District along Route 9 in Tarrytown between Franklin Street by Washington Irving School, and Patriot's Park, which is where the border exists between Tarrytown and Sleepy Hollow.

If anyone still wants to make comments on this survey, the survey is still open through tonight. It is available at www.surveymonkey.com/r/rt9survey. You can also google Route 9 Survey in Tarrytown.

We thank all residents and business owners and workers who have taken the time to submit their opinions whether they are on one side of the issue or the other. Again, the policy position of the Village of Tarrytown is that we are not in support of eliminating parking spaces in our key area of our downtown business district along Route 9.

Trustee Hoyt noted that he would like Administrator Slingerland's statement be put on our website.

PUBLIC HEARING – ZONING DISTRICT DESIGNATION OF THE EASTVIEW
PUMP STATION (Adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 4th day of December, 2017, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed a local law to amend Chapter 305 of the Code of the Village of Tarrytown as to the Zoning District Designation of the Eastview Pump Station, Tax Map ID No. 1.061-28-1.SP from R-80 to GB District. The complete text of this legislation follows:

A local law to amend Chapter 305 of the Code of the Village of Tarrytown as to the Zoning District Designation of the Eastview Pump Station, Tax Map ID No. 1.061-28-1.SP from R-80 to GB District

Be it enacted by the Village Board of Trustees of the Village of Tarrytown as follows:

Section 1: Purpose.

The Village of Tarrytown Zoning Map designates the property known as the Eastview Pump Station as R-80. The property contains a large building that is badly in need of repair, which has historical value to the community and is not suited to the current zoning designation, if it is to be reused. The property is owned by the Village, which is looking for a way of restoring the structure and obtaining reuse that is consistent with the current needs of the Village. Therefore, the Village Board believes rezoning the property from residential to General Business (GB) would afford the opportunity to restore and maintain the structure on the site, while ultimately providing a revenue stream for the Village.

Section 2: Amendments to Zoning Code:

- A. The Zoning Map at Code § 305-7 is hereby amended to change the zoning district designation for the Eastview Pump Station, which property is designated as tax ID Number 1.061-28-1.SP, from the residential R-80 District to the General Business (GB) District.

Section 3: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgement shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 4: Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

BOARD OF TRUSTEES OF THE VILLAGE OF TARRYTOWN

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

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

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

Trustee McGee moved, seconded by Trustee McGovern, 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 amend the Zoning Code of the Village of Tarrytown, Chapter 305, as to the Zoning District

Designation of the Eastview Pump Station, Tax Map ID No. 1.061-28-1.SP from R-80 to GB District.

BE IT FURTHER RESOLVED, that the Westchester County Department of Planning has recommended that the zoning for the Pump Station limit the uses for the property to a narrower list than is provided in the proposed GB Zone, and if the property was in private ownership the Village would agree with the recommendation, as some of the uses permitted in the GB Zone are not appropriate for this site. However, as the Village now owns and will continue to own the property, and will be leasing it for reuse, any lease of the property will include limitations on the uses that may be made, in order to address the concerns of the County, without having to create an entirely new zoning district. The Board of Trustees of the Village of Tarrytown therefore overrides the Westchester County Planning recommendation.

WHEREAS, a public hearing was held for the proposed action on December 4, 2017; and

WHEREAS, a notice of public hearing was published in the Journal News on November 8, 2017; 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.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

In accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR 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 and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse impact on the environment, and hereby adopts a Negative Declaration.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 13 of 2017.

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.

AUTHORIZATION TO SUBMIT GRANT APPLICATION

Trustee Butler moved, seconded by Trustee Hoyt, 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 find the following:

- that the proposed project is consistent with the municipality's local revitalization or urban development plan;
- that the proposed financing is appropriate for the specific project;
- that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and
- that the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable.

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby notes that it is presently in negotiations with Duncan's Abbey for a long term lease

of the property to establish a brewery and associated uses (for example a café, tasting area or small restaurant), and it commits to proceeding with this project, with a match of at least \$100,000 or ten percent of the estimated grant, to cover estimated costs for the project, and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the Village Administrator to execute the application for this grant and to take the necessary and appropriate actions to submit a grant application for a Restore New York grant in the amount of \$1,000,000 for the renovation and rehabilitation of the Eastview Pump Station.

AWARD A BID FOR PHASE VII WATER MAIN REPLACEMENTS – PAULDING AVENUE AND HUDSON PLACE

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

WHEREAS, the Board of Trustees authorized the Phase VII Water Main Replacements – Paulding Avenue and Hudson Place project; and

WHEREAS, bids were opened on November 30, 2017 for the Phase VII Water Main Replacements – Paulding Avenue and Hudson Place project; and

WHEREAS, six (6) bids were received and the bids received are listed below:

<u>Contractor</u>	<u>Bid</u>
Legacy Supply, LLC	\$ 590,218
Joken Development Corp.	\$ 603,540
King's Capital Construction	\$ 639,515
ELQ Industries, Inc.	\$ 684,520
Montesano Bros. Inc.	\$ 819,235
Peter J. Landi Inc.	\$ 944,425

WHEREAS, the bids have been reviewed by the Village Engineer and Village's Water Engineering Consultant, Woodard and Curran and it is their recommendation that the contract be awarded to the lowest responsible bidder, Legacy Supply, LLC, in the approximate amount of \$ 590,218; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the Phase VII Water Main Replacements – Paulding Avenue and Hudson Place project to Legacy Supply, LLC, of Valhalla, New York, per their base bid of \$ 590,218.

BE IT FURTHER RESOLVED that the funding for this project will be included in the Village of Tarrytown's Capital Program Budget and the source of funding will come from Water Fund Operating funds, Water Fund Surplus, or the issuance of debt.

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute a contract with Legacy Supply, LLC, for the Phase VII Water Main Replacements – Paulding Avenue and Hudson Place project.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON NOVEMBER 20, 2017

Trustee McGovern 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 approve the minutes of the regular meeting of the Board of Trustees held on November 20, 2017 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern moved, seconded by Trustee Hoyt, 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. 10 of Audited Vouchers to be paid in the following amounts:

General	\$ 95,837.76
Water	214,334.26
Sewer Fund	0.00
Capital	70,380.50
Library	13,416.92
Trust & Agency	<u>1,937.32</u>
Total	\$ 395,906.76

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

PRESENTATION BY ASSEMBLYMAN TOM ABINANTI

He thanked the Mayor and Board of Trustees to allow him to stop by and say hello. He reported on the following:

- He is happy to report that he was able to acquire \$325,000 for a new Tarrytown Fireboat. With the new bridge, the Village of Tarrytown does a great job as the primary emergency responders and it is very important to have safety on the water. Mayor Fixell thanked Assemblyman Abinanti for the grant money and noted that the Fire Department is to be thanked for the great work and prompt response to all emergency calls.
- He was successful in getting the local hotel tax passed. He hopes that this will bring in a sufficient amount of money for the Village.
- Together, they managed to delay the coastguard's placing of barges along the Hudson River, which he will continue to work on.
- He hears a lot of concern, particularly from people in Tarrytown that they are against the renaming of the Tappan Zee Bridge. He has spoken out against the renaming of the bridge, but unfortunately Governor Cuomo put the renaming of the bridge as part of a bill that they had to pass. He felt that they should have at least kept the Tappan Zee as part of the name. He is still working on that and hopefully he will be able to convince the Governor, but that will require the public to speak out.
- We are having difficulty as to how the bridge toll fees are being collected. He had asked that they leave some cash lanes because some people want to pay cash. He will continue to work on this.
- He would like to develop a plan for Metro North from a suburban point of view. We are going to be asked to deal with a change in the way traffic in New York City is dealt with. It's been known as "congestion pricing." It has never come forward with major support because it is an inconvenience and a cost for a lot of people. It would require if you drove into midtown Manhattan and south, you would be charged an additional fee on your EZ pass or license plate reader. However, there is a great need to lessen the traffic in Manhattan and to increase revenue for the MTA. He plans to talk to people in his district and see what we want in exchange. If they are making us pay more or deter us from driving in the city, what's in it for us? He is looking forward to hear your suggestions and ideas to ask of Metro North. Here are a few of his suggestions:
 - 1) He would like 24/7 service from Metro North out of Grand Central, just like they have on the Long Island Railroad. Doesn't affect everybody, but it would be helpful to the emergency responders or people who want to stay out late in the city.
 - 2) Have Metro North help pay for additional commuter parking. He knows that this is something the Village of Tarrytown would be interested in.

- 3) He is looking into commuter shuttles. It was suggested to him that we have to find a way to get people to the train station without cars with cooperation among the County, Metro North and local municipalities.
- 4) Handicap accessible train stations. Tarrytown station is handicap accessible and serves as a model of how all train stations should look like.

Assemblyman Abinanti asked if the Village had any concerns to discuss tonight.

Administrator Slingerland noted the following:

- We will be looking to expand our Residential Parking Permit Program. There are streets that people are taking advantage of parking because there are gaps in the system. We will submit this as a Home Rule request by the turn of the year. Assemblyman Abinanti noted that he would like to work and help the Village to get this done. Local streets should be for local people.
- We are looking for improvements to the Real property assessment system. There are some real changes that could be put into place on how the assessments of commercial properties are valued. It is our understanding that commercial properties are undervalued. We would appreciate any attention to this matter. Assemblyman Abinanti noted that he put in a new bill based on the New York City system, which is not perfect, but is better than what we have now. The bill has not gone anywhere, but he feels that we can take a look at this if we can get some local support. If the Westchester Municipal Officials Association wants to take this challenge on, he would be happy to work on this with them. Another issue that he has started to look at is what not-for-profits should qualify for a tax break vs other not-for-profits. Tarrytown has an office building that is now owned by a hospital and all of a sudden the same office workers are now in a building that no longer is paying taxes. He doesn't know how to start that, but it will have to be a state push by local municipalities. Mayor Fixell noted that the Village of Tarrytown and the Irvington School District have to absorb the full cost of subsidizing. It may not be a question of taxing as opposed to who makes up the loss of revenue for the Village, School District and the County. Assemblyman Abinanti is working on a bill right now that would make tax breaks for veterans like the enhanced star program, which means you would have to qualify for an income level and then you would get the tax break paid by the state.
- Municipal care of private roads to preserve safe and emergency access. We understand the provisions of law, but if the state law could be made more flexible so municipalities can have a way of making it safe for our first responders by setting a base line. Assemblyman Abinanti noted that he never dealt with this in government before, but many years ago as a private lawyer he did represent a community and he would be happy to work with the Village and hear any ideas that the Village has to improve this statute.
- The Village has received requests from local not-for-profits like the Neighborhood House and the Elizabeth Mascia Child Care Center, both organizations that the Village supports. If there is a way the state can come up with grant funding for local not-for-profits that provide healthcare, daycare, nutrition or any other services for children or seniors. Assemblyman Abinanti requested a list of the not-for-profits. He doesn't know if he could do this by private funding or by a state grant.

Assemblyman Abinanti noted that he is aware that the building of the new bridge has caused some difficulty for the Village's harbor. We were hoping that the Tappan Zee Constructors were going to come through with some money, but it doesn't look like they are going to come through. He has approached the Speaker's Office to either convince them for money or to find some other source of funding for the Village.

Richard Ward, 22 Half Moon Lane, stated that he is a combat veteran of Vietnam and was at the last Board meeting speaking about Governor Cuomo's new law, which provides a reduction in school taxes by 15% for all veterans who served at a time of war and combat veterans by 25%. He believes the Governor is saying thank you to the veterans and he is very grateful. Mayor Fixell noted that our Village Attorney has information on this tax exemption law. Attorney Silverberg noted that Chapter 374 of 2017 provides specifically the governing body of a school district may, after public hearings, adopt a local law, ordinance or resolution providing for an exemption for local school purposes. It is solely in the discretion of the school board and has nothing to do with the Village Board. Mr. Ward

thanked the Mayor and Board of Trustees for their time. He will speak to the School Board.

Linda Viertel, Gracemere, congratulated newly re-elected Mayor Fixell, Deputy Mayor Butler and Trustee McGovern. Ms. Viertel noted that she wanted the Board to be aware that she and Mary Bushman Kelly have reached out to Administrator Slingerland about a month ago describing the troubling conditions of Gracemere Road between South Broadway and the stone pillars that designate Gracemere proper. The road was in decent condition when the Village took on obligation of a conservation easement on a steep slope area adjacent to the road. This road is now filled with pot holes, crumbling areas and dangerous conditions, almost becoming impassable. In the past, the Holy Spirit Association (HAS) has always fixed the roads. In her opinion, the Village created this problem against the wishes of the tax payers on this private road. She believes it is the responsibility of the Village to fix the road. Ice and snow conditions are going to make the problems worse. Accidents may start to occur again given the increased traffic on our so called private road that is now in public use. HSA drivers are still the main drivers in Gracemere, so perhaps the Village can get the church to continue fixing the road. This has to be solved by the people who created the problem, which is not any of the homeowners who suffer from the Village's poor planning and the HSA unwillingness to take care of its property. Ms. Viertel asked the Board of Trustees what the Village is going to do to solve this problem. It's a private road and the Planning Board should not have given up maintenance by the HSA until the last C of O was signed and now the residents are stuck with a very serious situation on a private road.

Attorney Silverberg noted that he had just heard about this situation a few days ago and there are a lot of legal issues of which he is not fully aware of yet; he has not reviewed all the documents. There are implications both under the state constitution about what the Village can and can't do and under Highway law and other statutes. He will need to get more background on the situation and discuss this with the Board of Trustees in Executive Session because there are potential legal implications to this that the Board needs to understand before we can indicate how we want to address this.

Mary Bushman Kelly, 103 Gracemere Road, noted that she was once able to walk on Gracemere Road and now it is far too dangerous. Since she has been communicating with Administrator Slingerland about this, the pot holes at the intersection of Emerald Woods and Gracemere Road have gotten worse. Gracemere and Sheldon have become a cut through for traffic travelling to Route 9 and the entrance to the thruway. She believes there are two very big stakeholders, HSA and the Village of Tarrytown. The Village of Tarrytown has a high standard of care and they cannot simply ignore this problem. Emergency services for first responders are going to have a problem. The most immediate problem is fixing this road; it is in very bad and dangerous condition. The long term problem is who is going to take it on. Mayor Fixell noted that it is a private road that is sub-standard in its dimensions. It is frustrating whereby the Village is unable to take over responsibility for a substandard road. Improvements to the road would mean widening the road, that nobody wants and then there's liability to the Village if we take over a road that is substandard. He urges the Administrator and the Village Attorney to try to get some kind of conclusion to know more precisely where we are at with this situation. It may be that every owner along the road may be responsible and where the Village exists will have to be determined.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Hoyt moved, seconded by Trustee McGee, and unanimously carried, that the meeting be adjourned to Executive Session to discuss a legal matter concerning private roads at 9:18 p.m.

ADJOURNMENT

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried that the Executive Session be adjourned at 9:35 p.m.

Carol A. Booth
Village Clerk