

Board of Trustees
Village of Tarrytown
Regular Meeting No. 4
April 18, 2016
8:00 p.m.

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

REPORTS

Mayor Fixell reported on the following:

- Primary Election Day is tomorrow. The polling places are open from 6 a.m. to 9 p.m. Election Districts will be at their regular polling places.
- If residents have questions regarding the Town of Greenburgh Reassessment program, please contact the Greenburgh Assessor's Office or the Town Board. The new assessment numbers would affect your town, county and school taxes. At this time, the reassessment does not affect the taxes paid to the Village of Tarrytown. The Town of Greenburgh's website has a lot of information about the reassessment program. Residents may still call Tyler Technology to setup a meeting to dispute your reassessment until April 22nd. There will be a second property assessment sent out in the mail by the end of May or beginning of June, which may be modified if you met with Tyler Technologies. If residents are still not satisfied, you can meet with the Town of Greenburgh's Assessor Office. There is still another period to contest your assessment after the meeting with the Town of Greenburgh's Assessor's Office. Mayor Fixell believes the outcome of the reassessment is similar to the reassessment in other Westchester Communities, and that is 1/3 of residents assessments went up, 1/3 of residents assessments stayed the same and 1/3 of residents assessments went down. For the residents whose assessments went up, the town is looking at mitigation measures to phase in the new assessment over 3 or 5 years. There is very limited ability for mitigation under the current law to allow phase-in periods. The towns and villages have been talking to state representatives discussing ways to be able to mitigate the impacts of the reassessment. There is a limited window of time and it is always very difficult to get legislation through the state. At this time it is unclear if there will be mitigation measures, but it is being pursued.
- The Village of Tarrytown made a historic appointment recently in the Fire Department. Kelly Murphy is Tarrytown's first female elected Fire Chief of the Tarrytown Fire Department. It was a momentous occasion and the Mayor congratulated Kelly for all her dedicated service and wished her the best.

Trustee McGovern noted that the "Slow Down Tarrytown" information meeting will be held on Monday, April 25th at 7 p.m. at the Tarrytown Senior Center. The Slow Down Tarrytown program's purpose is to improve driver awareness that their actions can prevent accidents and can contribute to the sense of security vital to the quality of life in our communities. It is an awareness building program where Tarrytown will be partnering with other river Villages and hope it gets drivers to slow down.

Trustee Brown thanked the Village residents, the Lake Committee and the Tarrytown Environmental Advisory Committee who came out and participated in the Village-wide Clean-up Day this past Saturday. The parks look so much better. Mayor Fixell noted that there were teams from the EF School, BASF and the Girl Scouts.

ADMINISTRATORS REPORT

Street Light Conversion Project – As of now, the conversion of 720 cobra head lights has been completed. Left to be converted are 30 lights on wooden poles called integrated arm and luminaires. The integrated arm and luminaires will be replaced within the next month. There are 145 decorative lights within the Village. The decorative lights have a 6-7 week

lead time and will be ordered tomorrow. Once in, it will take approximately 3 weeks for installation. The Village's annual electric savings will be approximately \$130,000 and the payoff of investment of the new lights is 4.6 years.

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.

FINDINGS PURSUANT TO ARTICLE 2 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW

Trustee McGovern moved, seconded by Trustee Butler, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee Zollo who recused himself. Approval: 6-0-1

Property owned by:	CITIBANK
Located at:	2 South Broadway, Tarrytown
Designated on the Village Tax Map as:	Sheet 1.80, Block 46, Lot 8

WHEREAS, by resolution adopted by the Village Board of the Village of Tarrytown, a duly noticed public hearing, pursuant to the New York Eminent Domain Procedure Law ("EDPL") was held on March 7, 2016 and continued to March 21, 2016, for the purpose of considering the public purpose of condemnation of a portion of the property owned by record owner Citibank, N.A., Citi Realty Services, P.O. Box 30508, Tampa, Florida, 33630 ("Citibank") and located at 2 South Broadway Tarrytown ("the Property") to be utilized for 21 public parking spaces to be acquired in fee title, along with a non-exclusive easement for access to and from such public parking spaces; and

WHEREAS, during the course of the two public hearings, there was testimony by the Village Administrator, Chief of Police, the Greater Sleepy Hollow Tarrytown Chamber of Commerce, the Tarrytown Merchants Association, members of the public and the attorney representing Citibank, the "record billing owner," and

WHEREAS, all those wishing to be heard during such hearings were permitted to testify and submit such written information as they elected to submit, and

WHEREAS, at the completion of testimony at the hearing held on March 21, 2016, the hearing was closed, and

WHEREAS, there is a record of the proceedings, including a stenographic transcript of the hearings available in the office of the Village Clerk, and

WHEREAS, less than ninety (90) days have expired since the close of the hearing.

NOW THEREFORE, the Village Board of the Village of Tarrytown makes the following findings:

Over the last two decades there has been a growing deficiency in public parking within the Village of Tarrytown's Central Business District. In an effort to address this problem, the Village has previously acquired sites for public parking.

In the case of the Property, the Village of Tarrytown ("Village") previously leased 21 parking spaces from Citibank and its predecessors-in-interest for a period of approximately 16 years, starting in 1999. During the extended period of the leases from Citibank and its predecessors-in-interest, the Village initially leased 18 spaces and ultimately leased 21 parking spaces for metered public parking with a posted two hour parking limit, which 21

spaces were all accessed over a common curb cut and internal access shared by Citibank and the public utilizing the 21 metered spaces (“the Spaces”). During 2016, Citibank abandoned the use of the building on the Property and blocked access to the Spaces, advising the Village they were no longer available.

The loss of the Spaces further exacerbated an already difficult parking situation within the Village’s Central Business District. Therefore, the Village began to look at alternatives to address the parking situation. There were several attempts to reach some understanding with Citibank that proved unsuccessful, resulting in the Village Board concluding that it was necessary to look at the alternative of condemnation.

At the public hearing, the Village Administrator presented a plan at the hearing demonstrating the exact location of the Spaces and the common access. He further noted that there would still be 15 additional spaces on the site to serve the building that had been utilized by Citibank for its business. Further, there is the potential to further expand parking on site to serve the building that had been utilized by Citibank for its business.

The testimony elicited at the hearings demonstrated that two studies by traffic engineers in 1998 and 2005 found significant deficiencies in available parking in the Central Business District. The streets and many of the buildings in the Central Business District date back to the late 19th and early 20th century when there was little automobile use and many people coming into the Central Business District lived within walking distance. The increased reliance upon the automobile has exceeded the limits of the local roads and buildings largely built before there was a need for onsite parking to accommodate the current demand for parking. Further, the redevelopment of the old GM Plant in Sleepy Hollow is about to commence. As demonstrated in studies undertaken during the SEQRA review and approval process for the redevelopment of the GM Plant site, the GM Plant’s redevelopment will create additional vehicular traffic onto the Village’s roads, including roads in the Central Business District and will place additional strain on the Village’s parking capacity, including the Central Business District. It was noted that the Merchant’s Council held a meeting with the Mayor and Administrator in January 2016 noting the difficulties caused by the loss of the Spaces.

During the hearing, the Chief of Police testified that he has been with the Tarrytown Police Department for 35 years and Chief of Police for over 20 years. He noted that the biggest single issue faced by the police on a daily basis is lack of adequate parking. In his testimony on March 7, 2016, the Police Chief noted that in the two and one half months since the closing of the Citibank lot parking, especially on the weekends, is worse than ever in the Central Business District.

Several merchants and residents also testified that the closing of the parking lot at Citibank has had an adverse impact on the community.

Mr. Alonso, the attorney for Citibank also appeared at both hearings. He acknowledged that there is a parking problem stating at the March 21, 2016 hearing “You need spots but you need more than 21 spots.”¹. It seems from this statement that the owner’s representative has acknowledged the need and therefore has acknowledged the public purpose of the proposed condemnation. However, it also appears to be the owner’s claim that the Village’s need is even greater than can be addressed by the Spaces, and therefore this fact somehow negates the entire public purpose of a condemnation of the Spaces. This Board does not agree with that analysis.

Mr. Alonso then made certain technical arguments as to why he believed the Village should either acquire the entire property or take nothing. However, the Village has no purpose in acquiring the entire site, including a bank building, and notes that in addition to the existing 15 additional parking spaces on the site that could serve the existing building, there is the ability to further expand parking to service the existing building, if needed.

¹ March 21, 2016 Transcript page 13, line 5.

In view of the foregoing the Village Board of Trustees concludes:

- (1) the proposal to acquire the Property to reinstitute the public parking previously located at the Property would continue to serve an important public purpose in relieving parking deficiencies and the related traffic congestion, resulting from drivers making additional local trips in search of parking and circulating in and around the public streets while searching for parking;
- (2) the Property's location in the Central Business District, in close proximity to a number of businesses lacking onsite parking, is a key element adding to the public purpose to be accomplished through acquisition of the Property for public parking,
- (3) as the Property's proposed use as public parking is exactly the same as the use made of the Property for approximately 16 years, prior to the closure of the site by Citibank in early 2016, the 16 years of experience with the identical use at this same location has demonstrated that the use will not only have no adverse environmental impacts, it will actually reduce traffic and pollution from traffic by providing more readily available parking options.

THEREFORE, based above the above Findings,

BE IT RESOLVED, as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"), the Board of Trustees finds that the proposed acquisition of the Property through condemnation shall have no significant adverse environmental impacts. The acquisition shall improve the quality of life of the residents and visitors to the central business district of the Village by reducing traffic congestion and the related effects of such congestion and this Board adopts the annexed SEQRA negative declaration, and

IT IS FURTHER RESOLVED: that this Board determines that acquisition of the Property shall serve a public use and purpose, the Village Administrator is directed to (a) take such steps as are required to obtain an appraisal of the Property, (b) based upon such appraisal to make an offer to acquire the Property for the within public purpose and (c) if negotiations are unsuccessful to commence an appropriate proceeding for acquisition of the Property pursuant to EDPL, and

IT IS FURTHER RESOLVED, that the Village Clerk is directed to serve and publish such notices of these findings and the brief synopsis of these findings as required by the EDPL.

ARBOR DAY RESOLUTION

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are renewable resources giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, the Village of Tarrytown has been recognized as a Tree City USA by the National Arbor Day Foundation for 33 years and the Village desires to continue its tree-planting ways.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby proclaim Friday, April 22, 2016 as “ARBOR DAY” in the Village of Tarrytown, and urges all citizens to support efforts to care for trees and woodlands in the Village and to support the Village’s forestry program.

BE IT FURTHER RESOLVED that the Board of Trustees urges all citizens in the Village to plant trees to improve the community and to promote the well-being of present and future generations.

REPAVING OF PHENIX HOSE FIREHOUSE DRIVEWAY/APRON

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 7-0

WHEREAS, the Village received three (3) price quotes for the repaving of the driveway/apron at the Phenix Hose firehouse; and

WHEREAS, the three price quotes received are:

- | | |
|---------------------------|-------------|
| - Carrea Paving & Masonry | \$7,800.00 |
| - PVS Construction | \$10,500.00 |
| - Zamora Landscaping | \$9,991.00 |

WHEREAS, all of the price quote proposals have been reviewed by Village staff and staff recommends that the project be awarded to Carrea Paving & Masonry, the company that submitted the lowest quote.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement with Carrea Paving & Masonry, Elmsford, New York, per their price quote of \$7,800.00

AWARD A CONTRACT – OLD POLICE HEADQUARTERS BUILDING ROOF REPLACEMENT

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

WHEREAS, a bid was advertised for a roof overlay and installation of one additional roof drain for the Old Police Headquarters building; and

WHEREAS, on March 3, 2016, the Village received seven (7) bids and the bids are listed below:

- | | |
|---------------------------------------|--------------|
| - Nua Construction Corporation | \$35,000.00 |
| - EQM (Elite Quality Maintenance) | \$37,000.00 |
| - United Roofing & Sheet Metal Inc. | \$38,500.00 |
| - PVS Construction | \$51,500.00 |
| - Armor-Tite Construction Corporation | \$69,100.00 |
| - Stealth Contracting Inc. | \$79,900.00 |
| - Ameri-Restoration Inc. | \$120,000.00 |

WHEREAS, all of the bids have been reviewed by the Superintendent of Public Works and he recommends that the project be awarded to the lowest responsible bidder, Nua Construction Corporation.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the roof overlay and installation of one additional drain to Nua Construction Corporation per their bid of \$35,000.00.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby authorize and direct the Village Administrator to execute an agreement with Nua Construction Corporation, Ardsley, New York.

METRO NORTH PEDESTRIAN TUNNEL AGREEMENT

Trustee Zollo moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement with Gianfia Corporation, Hawthorne, New York to perform work to provide access to the pedestrian tunnel for the Village's consultant to access the pedestrian tunnel in order to complete the feasibility study associated with the pedestrian tunnel.

APPLICATION OF SNAP FITNESS TO REVIEW CONSULTANT FEES

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 7-0

WHEREAS, the Snap Fitness has submitted an application to the Planning Board for site plan approval to operate a Snap Fitness franchise at 69 North Broadway ("Snap Fitness"); and

WHEREAS, Chapter 305 of the Village Code provides for the reimbursement of the fees charged by Village consultants for review of applications to the Planning Board; and

WHEREAS, as part of the review of the Snap Fitness application, the Planning Board requested that Michael Maris Associates, Inc. ("Maris") traffic engineers undertake a review of the adequacy of parking at the proposed site; and

WHEREAS, pursuant to the provisions of Chapter 305 Section 138, the Village received a letter on March 15, 2016, dated March 11, 2016 from Snap Fitness objecting to the fees charged by Maris; and

WHEREAS, the Village Board has, in accordance with Chapter 350 Section 138, undertaken a review of the charges by Maris and the circumstances surrounding the review by Maris of the Snap Fitness application and discussed same at its public work session on March 31, 2016.

NOW THEREFORE, the Village Board makes the following findings:

1. Snap Fitness submitted an application which failed to provide a full parking analysis;
2. Maris reviewed all of the submissions and submitted a letter dated December 29, 2015 setting forth the deficiencies in the parking analysis of the Snap Fitness application;
3. In response to the Maris report, Snap Fitness submitted a report from Stonefield Engineering setting forth the nature of its review and findings;
4. Maris reviewed the Stonefield report, did a spot check of the Stonefield parking counts and reassessed the Stonefield analysis, using a more accurate ITE

standard than was used in the Stonefield analysis and prepared a report dated February 19, 2016.

Based upon the foregoing, it is clear that Snap Fitness did not initially submit the required information, but Maris had to review the inadequate information provided and outline what

was needed. Further, once Snap Fitness submitted the Stonefield report to the Planning Board, it was necessary to review that report, verify its accuracy and then recalculate the potential parking usage by applying a more accurate ITE standard than was utilized by Stonefield. Therefore, it is the conclusion of this Board that the fees charged by Maris were reasonable under the circumstances.

NOW THEREFORE BE IT RESOLVED that the appeal is denied and the applicant is directed to pay any necessary escrow to cover outstanding and anticipated charges in accordance with Village Code 305-138.

AMENDED SEQRA – LOH PARK FLOOD MITIGATION PROJECT

Trustee Hoyt moved, seconded by Trustee McGee, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee Brown who recused herself. Approval: 6-0-1

WHEREAS, on April 20, 2009, the Board of Trustees of the Village of Tarrytown declared Lead Agency status for the Loh Park Flood Mitigation Project; and

WHEREAS, on April 20, 2009, the Board of Trustees of the Village of Tarrytown adopted a Negative Declaration with respect to the Westchester County Flood Mitigation Project for Loh Park.

WHEREAS, the scope of the project changed and the Board revised the SEQRA documents to reflect the revisions to the project on March 16, 2015; and

WHEREAS, the revised SEQRA documents were furnished to all interested and involved agencies; and

WHEREAS, the scope of the project has once again changed and it is necessary to revise the SEQRA documents for a second time to reflect the revisions to the project.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby retain lead agency status for the purposes of SEQRA with respect to the Flood Mitigation Project for Loh Park and in accordance with Article 8 of the State Environmental Conservation Law.

BE IT FURTHER RESOLVED that the revised SEQRA documents shall be provided to all interested and involved agencies for review and response pursuant to SEQRA.

SURPLUS BICYCLES AND VEHICLE

Trustee McGovern moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare the following bicycles and vehicle as surplus:

2001 Ford – Fire Department
Three (3) Police Bicycles

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON MARCH 7, 2016

Trustee McGee moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

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 March 7, 2016 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON MARCH 21, 2016

Trustee McGovern moved, seconded by Trustee Butler, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee Zollo who abstained. Approval: 6-0-1

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 March 21, 2016 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE ORGANIZATIONAL MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 4, 2016

Trustee McGee moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the organizational meeting of the Board of Trustees held on April 4, 2016 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 4, 2016

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 7-0

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 April 4, 2016 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON MARCH 16, 2016

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special meeting of the Board of Trustees held on March 16, 2016 as submitted by the Village Administrator.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON MARCH 30, 2016

Trustee Zollo moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special meeting of the Board of Trustees held on March 30, 2016 as submitted by the Village Administrator.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 8, 2016

Trustee Hoyt moved, seconded by Trustee McGovern, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustees Butler and Zollo who abstained. Approval: 5-0-2

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special meeting of the Board of Trustees held on April 8, 2016 as submitted by the Village Administrator.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 19 of Audited Vouchers to be paid in the following amounts:

General	\$	441,704.04
Water		193,686.28
Sewer Fund		0.00
Capital		12,555.25
Library		5,245.00
Trust & Agency		8,937.84
Total	\$	662,128.41

The Board was polled all voting “aye” with the exception of Trustee McGee who recused herself from Voucher Number 2012254336. Motion carried. 7-0

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

Sheila Murphy, Kaldenberg Place, noted the following:

- Regarding the latest Village’s Water Quality Report, it states that 60 places are tested, would the 60 places be public information. Administrator Blau stated that he assumed so, but that he would get back to her with that information.
- Each year, do they test 60 new places or do they re-test the same 60 places. Administrator Blau stated that they re-test the same 60 places. Typically, we test older homes that would be more likely to have lead lines in their homes. Administrator Blau noted that he will provide Ms. Murphy with more information on this.
- The lock on the gate on Broadway at the Patriots Park playground is consistently broken. She requested that the lock be reliably fixed. Mayor Fixell noted that it will be fixed.

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned at 8:35 p.m.

