

Board of Trustees
Village of Tarrytown
Regular Meeting No. 6
May 4, 2015
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

REPORTS

Trustee Basher noted that the new New York State Bridge project is holding its annual public information meeting on Tuesday, May 12, 2015 from 6:30 – 8:00 p.m. at the Washington Irving Middle School.

PUBLIC HEARING – FIRE LANES AND FIRE ZONES

Mayor Fixell asked Attorney Silverberg to summarize the legislative changes regarding Fire Chiefs to have the authority to enforce fire lanes and fire zones.

Attorney Silverberg noted that the original ordinance was adopted in 1959. In 1978, the state changed the criminal procedure law requiring appearance tickets or summonses could only be authorized by local laws adopted by the municipal board. The current provision in the Village Code is technically not enforceable by fire chiefs because it was not done by local law. This legislation is an attempt to bring it in line with the statute of 1978. The language eliminates the authority of fire chiefs to issue summonses. Attorney Silverberg interprets the current law that fire chiefs were authorized to issue summonses only on interior streets, roadways and driveways. For example, a roadway within an apartment and/or condominium complex, office building complex and strip malls.

Administrator Blau noted that the list of fire lanes and fire zones have to be established by the Board of Trustees, which are listed in the Village Code.

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 4th day of May, 2015, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider and to act upon a proposed amendment to Chapter 163 entitled “Fire Lanes and Fire Zones”. The complete text of this legislation follows:

A LOCAL LAW A local law to amend Chapter 163 of the Code of the Village of Tarrytown entitled Fire Lanes and Fire Zones.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

Chapter 163 was adopted in 1959, prior to amendments to State law modifying the requirements for a municipality in establishing who may issue a summons for violation of designated fire lanes and fire zones. The purpose of this local law is to ensure that such designations in the Village are consistent with the requirements of State law.

B. Legislative Intent.

The intent of this amendment to is to bring Chapter 163 into conformance with the requirements of State law.

Material to be deleted appears in [parenthesis], material to be added is in **bold typeface**.

Section 2: Amendments to Chapter 163

A. § 163-2. Enforcement of fire zone.

Summonses for violation of §163-1 hereof may be issued by any officer of the Tarrytown Police Department. [the Fire Chief or an Assistant Fire Chief. The Fire Chief, an Assistant Fire Chief or] **An** [an] officer of the Tarrytown Police Department shall be empowered should [they] **he/she** deem necessary to have any vehicle/object occupying a fire zone towed or removed at the expense of the owner.

B. § 163-5. Enforcement of fire lane.

Summonses for violation of §163-4C hereof may be issued by any officer of the Tarrytown Police Department. [the Fire Chief or an Assistant Fire Chief. The Fire Chief and Assistant Fire Chief or] **An** [an] officer of the Tarrytown Police Department shall be empowered should they deem necessary to have the vehicle/object occupying a fire lane towed or removed at the expense of the owner.

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 judgment 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.

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF TARRYTOWN

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

Robert Goldstein, member of the Fire Wardens, stated that at Monday night's Fire Warden meeting, they came to an agreement with the Fire Chief that tickets would only be issued by a Fire Chief if Police Officers were not available to issue the tickets. It is a life-safety issue if a car is blocking a fire hydrant or a fire lane regardless of whether it is on a public or private street. The Fire Chief would be instructed to call the police department first and if police officers are not available, the Fire Chief would issue the summons. Mayor Fixell asked for clarification if the Fire Chief would have the authority to have a vehicle towed or just to issue a ticket. Attorney Silverberg responded that they would only have the authority to ticket a vehicle, not to have the vehicle towed.

Terrence Murphy, 20 Kaldenberg Place, Fire Chief of the Tarrytown Fire Department, stated that this is a life-safety issue. As a life-long resident, he has seen an increase in vehicle traffic in the Village. As dedicated members of the fire department, we are safeguarding the residents and business owners of this Village. He disagrees with the interpretation of the Code only applying to private property and interior roads adjacent to multiple residences. He believes the law and the authority granted is broader than that.. He reviewed the criminal procedure law and municipal home rule law and he believes it doesn't seem that there is anything that would prevent a local law adopted by the Board of Trustees to provide parking enforcement by the fire department. He knows other municipalities that allow fire chiefs to enforce codes, municipal laws and parking violations. He asked the Board to consider allowing the fire chiefs have authority to enforce parking violations in regard to fire lanes, fire zones and fire hydrants.

Sheila Murphy, 20 Kaldenberg Place, as a member of the community, a mother, and a member of a firefighter family, she is concerned about the issue of reducing parking

enforcement of fire hydrants and fire zones. She believes the Fire Chief supports the police department in enforcing public safety by ticketing vehicles parked in these restricted areas. The Fire Chiefs are volunteers who would be helping the police department. People should know that parking by a fire hydrant or a fire zone is illegal and they should get a ticket. Enforcement of hydrant and fire zone parking is most critical to the fire department. When a fire alarm goes off, members of the fire department respond to protect and serve this community and time matters in an emergency situation. If someone is parked by a fire hydrant or a fire zone, it could have serious consequences for the people and property the fire department is trying to protect. Mrs. Murphy asked the Board to continue to allow the Fire Chiefs to ticket vehicles parked in restricted fire zones since the fire department is most impacted by this action.

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

Trustee Hoyt moved, seconded by Trustee Zollo, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee McGovern who voted "nay". Approved: 6-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 163, Fire Lanes and Fire Zones, Section 163-2 Enforcement of Fire Zone and Section 163-5 Enforcement of Fire Lane for the purpose to make this Chapter consistent with State law.

WHEREAS, a public hearing was held for the proposed action on May 4, 2015; and

WHEREAS, a notice of public hearing was published in the Journal News on April 24, 2015; 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. 2 of 2015.

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.

APPOINTMENT OF PARK GROUNDSKEEPER

Trustee Basher 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 appoint Edward McClain to the position of Park Groundskeeper, Step 6, at an annual salary of \$70,355.00, effective May 5, 2015, subject to all civil service rules and regulations.

APPOINTMENT OF PARK GROUNDSKEEPER

Trustee Butler 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 appoint Edward Greene to the position of Park Groundskeeper, Step 6, at an annual salary of \$70,355.00, effective May 5, 2015, subject to all civil service rules and regulations.

APPOINTMENT OF PARK GROUNDSKEEPER

Trustee Zollo moved, seconded by Trustee McGee, 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 appoint Pedro Ramirez to the position of Park Groundskeeper, Step 4, at an annual salary of \$66,689.00, effective May 5, 2015, subject to all civil service rules and regulations.

APPOINTMENT OF SEASONAL LABORERS, PARKS AND RECREATION DEPARTMENT

Trustee Basher 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 does hereby appoint Carlos Luis to the position of seasonal laborer in the Parks and Recreation Department at an hourly rate of \$11.25, working sixteen (16) hours per week, commencing on May 5, 2015 and ending on September 18, 2015; and

BE IT FURTHER RESOLVED that the Board of Trustees does hereby appoint Trevor Byrnes to the position of seasonal laborer in the Parks and Recreation Department at an hourly rate of \$11.00, working forty (40) hours per week, commencing May 18, 2015 and ending August 28, 2015.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby appoint Mitchell Toolan to the position of seasonal laborer in the Parks and Recreation Department at an hourly rate of \$10.00 working forty (40) hours per week, commencing May 18, 2015 and ending August 21, 2015.

RE-APPOINTMENT OF CHAIRPERSON OF THE PLANNING BOARD

Trustee Butler 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 re-appoint Dr. Stanley Friedlander as Chairperson of the Planning Board for a one-year term.

RE-APPOINTMENT OF MEMBER OF THE PLANNING BOARD

Trustee Basher 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 re-appoint Ron Tedesco as a member of the Planning Board for a term to expire in April of 2020.

RE-APPOINTMENT OF ALTERNATE MEMBER OF THE PLANNING BOARD

Trustee Butler 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 re-appoint Sally Lawrence as an alternate member of the Planning Board for a term to expire in April of 2018.

RE-APPOINTMENT OF MEMBER OF THE ZONING BOARD OF APPEALS

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 re-appoint Sally Lawrence as a member of the Zoning Board of Appeals for a term to expire in April of 2020.

RE-APPOINTMENT OF CHAIRPERSON OF THE ZONING BOARD OF APPEALS

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 re-appoint Sally Lawrence as Chairperson of the Zoning Board of Appeals for a one-year term.

RE-APPOINTMENT OF CHAIRPERSON OF THE ARCHITECTURAL REVIEW BOARD

Trustee Hoyt moved, seconded by Trustee McGee, 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 re-appoint Jane Greenwood as Chairperson of the Architectural Review Board for a one-year term.

RE-APPOINTMENT OF CHAIRPERSON OF THE PARKS AND RECREATION ADVISORY COUNCIL

Trustee Hoyt 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 re-appoint John P. Hill as Chairperson of the Parks and Recreation Advisory Council for a one-year term.

APPOINTMENT OF MEMBER OF THE PARKS AND RECREATION ADVISORY COUNCIL

Trustee Hoyt 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 appoint Shelly Colley as a member of the Parks and Recreation Advisory Council for a term to expire in April of 2020.

APPOINTMENT OF VILLAGE HISTORIAN

Trustee Hoyt moved, seconded by Trustee McGee, 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 appoint Richard Rose as Village Historian for a one-year term.

RE-APPOINTMENT OF HARBORMASTER

Trustee Butler moved, seconded by Trustee McGee, 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 re-appoint Kevin Lustyik as Harbormaster for a one-year term.

RE-APPOINTMENT OF MEMBER OF THE ETHICS BOARD

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 re-appoint Frederic M. Mauhs as a member of the Ethics Board for a term to expire in April of 2018.

RE-APPOINTMENT OF CHAIRPERSON OF THE ETHICS BOARD

Trustee Basher 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 re-appoint Frederic M. Mauhs as Chairperson of the Ethics Board for a one-year term.

RE-APPOINTMENT OF MEMBER OF THE ETHICS BOARD

Trustee Butler moved, seconded by Trustee McGee, 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 re-appoint Dr. Paul J. Rinaldi as a member of the Ethics Board for a term to expire in April of 2018.

RE-APPOINTMENT OF MEMBER OF THE ETHICS BOARD

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Trustee Mary McGee as a member of the Ethics Board for a one-year term.

RE-APPOINTMENT OF CO-CHAIRPERSONS OF THE ENVIRONMENTAL ADVISORY COUNCIL

Trustee Butler 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 re-appoint Lakis Polycarpou and Rachel Tieger as Co-Chairpersons of the Environmental Advisory Council for a one-year term.

RE-APPOINTMENT OF MEMBER OF THE TARRYTOWN MUNICIPAL HOUSING AUTHORITY

Trustee Butler 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 re-appoint Sharon Bryan-Morgan as a member of the Tarrytown Municipal Housing Authority for a term to expire in April of 2020.

RE-APPOINTMENT OF CHAIRPERSON OF THE TREE COMMISSION

Trustee Hoyt 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 re-appoint Anne O'Brien as Chairperson of the Tree Commission for a one-year term.

APPOINTMENT OF A MEMBER OF THE TRANSPORTATION COUNCIL

Trustee Basher moved, seconded by Trustee McGee, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee Hoyt who recused himself. Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Donald Hoyt as a member of the Transportation Council.

RESOLUTION OF APPROVAL FOR SUBMISSION OF GOVERNMENT EFFICIENCY PLAN

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

WHEREAS, the NYS Legislature has enacted the Property Tax Freeze Credit; and

WHEREAS, the Villages of Dobbs Ferry has opted to participate and agreed to act as Lead Agency; and

WHEREAS, the 2015-16 Budget for the Village of Tarrytown has been adopted within the allowable increase in tax levy and eligible to participate in the program of rebate by New York State; and

WHEREAS, the Village of Tarrytown is joining with the Villages of Hastings-on-Hudson, Irvington, Sleepy Hollow, Elmsford, Dobbs Ferry and Ardsley to prepare and submit a qualified Government Efficiency Plan (GEP); and

WHEREAS, the Board of Trustees has reviewed and approved the portion of the Government Efficiency Plan (GEP) that applies to the Village of Tarrytown.

NOW THEREFORE BE IT RESOLVED that the Village of Tarrytown approves the submission of the Government Efficiency Plan (GEP) to the New York State Division of the Budget by June 1, 2015; and

BE IT FURTHER RESOLVED that the Village Administrator, as Budget Officer, and the Treasurer be and hereby are authorized to sign required certifications to accompany the submission of the Government Efficiency Plan.

CONSULTING SERVICES

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 Stuart Myers Consulting for insurance consulting services.

EXTENSION SNOW AND ICE AGREEMENT WITH STATE OF NEW YORK

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 authorize and direct the Village Administrator to enter into an Agreement for the Extension Snow and Ice Agreement with the State of New York from July 1, 2015 through June 30, 2016 for reimbursement for the Village's snow plowing of Route 9/Broadway.

CONSTRUCTION OF BENCH – VIEWING PLATFORM

Trustee Basher 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 PVS Construction for the construction of a viewing station bench at the viewing platform at RiverWalk Park.

TRAFFIC MITIGATION SERVICES

Trustee Butler moved, seconded by Trustee Basher, 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 No Parking Today, Inc. (NPT) of Mount Vernon, New York for traffic mitigation services on the H-Bridge.

SCHEDULE A PUBLIC INFORMATION MEETING

Trustee Zollo moved, seconded by Trustee Basher, 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 schedule a Public Information session for the regular meeting of June 15, 2015, to discuss the proposed Tarrytown Local Waterfront Revitalization Program (LWRP) document.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 20, 2015

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 regular meeting of the Board of Trustees held on April 20, 2015 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 15, 2015

Trustee Hoyt moved, seconded by Trustee Basher, 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 April 15, 2015 as submitted by the Village Administrator.

APPROVAL OF AUDITED VOUCHERS

Trustee Zollo moved, seconded by Trustee Basher, 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. 20 of Audited Vouchers to be paid in the following amounts:

General	\$ 268,974.68
Water	9,992.94
Sewer Fund	0.00
Capital	12,753.50
Library	7,622.84
Trust & Agency	<u>11,684.07</u>
Total	\$ 311,028.03

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

Terrence Murphy, Fire Chief, stated that he was disappointed with the Board’s vote on the enforcement of fire zone and fire lane violations. The Fire Department will continue to serve the community and work with the police department for the public’s safety.

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned at 8:30 p.m.

Carol A. Booth
Village Clerk