

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 18  
October 19, 2015  
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

#### REPORTS

Trustee Hoyt noted the following:

- The Village's Annual Halloween Parade will take place on Saturday, October 24<sup>th</sup>, starting at 5:30 p.m. Following the parade, there will be a block party on Main Street with a D.J. and a live band that will perform from 8 – 10 p.m. He asked that everyone come out and enjoy and noted that it is an award winning Halloween Parade.
- He thanked everyone for coming out last week to the Scarecrow Making event. The scarecrows are decorating our streets along Main Street and Broadway and they look great. The residents did a great job and he thanked the Recreation Department for running a successful event.

#### CHANGES AND/OR ADDITIONS TO THE AGENDA

The Board of Trustees tabled Item No. 16 on the agenda, Handicapped Parking Space – Kaldenberg Place

#### PRESENTATION OF A PROCLAMATION – GUNPOWDERSKIDS

Whereas, the children recognized by GunpowdersKids have given back to the Village of Tarrytown by volunteering to help others; and

Whereas, these children have beautified our village and encouraged others to do so by cleaning around the Tarrytown Lakes and the inner village and by weeding tree wells on Broadway; and

Whereas, these children organized and ran the TWKH Color Fun event as part of the Horseman Color Run and worked on projects and art for the Christ Church auction; and

Whereas, these children have created a mini-golf hole for the Warner Library Headless Horseman Mini-Golf fundraiser and assisted in the set-up and take-down; and

Whereas, these children have cooked dinners at the Ronald McDonald House, donated their Halloween Parade Winnings to a family in need and made holiday cards for shut-ins; and

Whereas, these children assisted with shelving at the Food Pantry and raised funds for the Middle School Recess Redesign bench; and

Whereas, these children have planted sunflowers at the Historical Society, tulips at Morse School and flowers at the Veterans Memorial in Patriots Park.

Now, Therefore Be It Resolved that I, Drew Fixell, Mayor of the Village of Tarrytown, New York, thank and commend the children recognized by GunpowdersKids and hereby declare Tuesday, October 20, 2015, GunpowdersKids Day in the Village of Tarrytown, New York.

PUBLIC HEARING – PARKS LEGISLATION

Administrator Blau noted that on tonight's agenda, the Board is proposing a local law to create a position of Commissioner of Parks. The purpose of this law is to provide for a staff member with a level of training and expertise in the field of landscape architecture or natural resources that would benefit the Village in the on-going maintenance of the parks and open space around the Village. The person in this position will have knowledge of turf management, trees, shrubs and flowers. This person will have knowledge on how to address issues on plantings in the parks and throughout the Village. The person in this position would serve as a management employee and department head responsible for parks. This person would not manage anything to do with recreation. The Recreation Supervisor will remain a management employee and department head responsible for recreation. The Recreation Supervisor and the Parks Commissioner would both report to the Village Administrator and would be equals on the management team. They would work cooperatively; but one would not be answerable or report to the other. In addition, no staff member is losing their job due to the creation of the Commissioner of Parks position.

Mayor Fixell noted that tonight's proposed local law is to create the position; we are not hiring at this point. He also added that the position of Commissioner of Parks would be a working employee, not just a management employee.

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

Edward Greene, 88 Franklin Courts, noted the following:

- He doesn't understand how this position can be a working position if it is a management position and is this permitted by the CSEA contract. Administrator Blau noted that there is no restriction that says a management employee cannot be a working employee.
- He doesn't think the Parks and Recreation Department needs two generals; they need more soldiers in the field. The department covers a lot of territory from the riverfront to the Tarrytown Lakes and from Patriots Park to the former General Foods property with a 3-man staff and some part-time personnel.
- He believes that the money to hire a new manager can be better used. He believes the Board of Trustees' decisions should be in the best interest for the Village of Tarrytown. He doesn't believe this is a good decision for Tarrytown.
- He asked the Board to reconsider its decision to create the position Commissioner of Parks.

Mayor Fixell noted that the proposed position would be a working employee for the reason that parks maintenance does cover a lot of territory which is expanding with the addition of new parks and open space. With the new recreation facility and the pool, it will require more concentration from the Recreation Supervisor to facilitate the recreation operations, which will free the Recreation Supervisor's time and energy that would have been spent on directing the parks operations. It is the plan to get someone with specialization and expertise in the field of park management and landscape architecture and at the same time we would be getting another working employee. This doesn't exclude the possibility that we could hire more working staff in the future.

George Angevine – 50 Union Avenue, asked if the proposed Commissioner of Parks position was ever voted on before tonight's meeting. Mayor Fixell responded, "No." Mr. Angevine noted that the announcement of this new position was presented at a senior citizen's meeting and he wanted to know if the Board of Trustees was aware that the seniors were not happy with this decision. Mayor Fixell responded that Trustee McGovern had attended the senior's meeting and informed the Mayor and the Board of Trustees of their response. Mayor Fixell noted that people did not understand all of the aspects of the proposed position. The fact that this position would be a working management employee

and the fact that it would not displace the Recreation Supervisor or any member of the Recreation Department staff.

Trustee Basher noted that if the proposed Commissioner of Parks position is created and a person is hired, that would benefit the senior citizens. The Recreation Supervisor would have more time to concentrate on the senior programs.

Mr. Angevine asked the Board if they were making an assumption that the only person that would have expertise in parks would be a "management position." He asked if the Board would consider finding that person by looking at the current recreation department staff. Mayor Fixell noted that the Board's sees a need for both the working skill set as well as a management skill set to organize the parks department in a more effective and efficient manner.

Mr. Angevine asked the following:

- What is the salary range for the proposed Commissioner of Park's position? Administrator Blau responded that it would be approximately \$85,000.
- Where is the Village of Tarrytown for the upcoming year with respect to the Governor's tax cap? Administrator Blau responded that the Village is well below the tax cap in the current fiscal year and the Village has always been within the tax cap since its inception.
- He is concerned that the new position could snowball and have tax ramifications where the Recreation Department suddenly grows beyond its current budget. He believes the new Commissioner of Parks position is a "nice to have" in the current financial environment. Mayor Fixell noted that the Board will work to stay within the tax cap, which the Board has continually done.

John Hill, 118 Leroy Avenue and Chairperson of the Parks and Recreation Advisory Council, asked the following questions:

- Was there any thought given by the Board that instead of creating a new full-time position, to hire an outside consultant to come in on a quarterly or semi-annual basis to review the landscape and upkeep of the parks. Mayor Fixell noted that the Board feels there is a need for an on-the-ground person as well as a parks manager and consultants are not cheap. Mayor Fixell thought it might be difficult for a consultant to understand the day-to-day duties and operations in taking care of the parks.
- He doesn't see this as a full time position and if we were to hire a Commissioner of Parks, that person may see ways to improve the parks which may increase the budget for the parks maintenance and upgrades, such as additional plantings etc. Mayor Fixell noted that if there is a recommendation to increase staff and/or redesign parks or add plantings, the Board of Trustees would make those decisions as well as keeping an eye on the budget.
- He feels there is a greater need for more parks groundkeepers than management.
- He asked if the Board would keep this public hearing open to give the Parks and Recreation Advisory Council a chance to look over the legislation.

Rachel Tieger, 1 Linden Place and Chairperson of the Tarrytown Environmental Advisory Council asked the following questions:

- Who would the proposed Commissioner of Parks report to? Mayor Fixell responded, the Village Administrator.
- When the Village is considering candidates for the position, she asked the Board to consider someone with knowledge in environmental conservation.

Mayor Fixell responded that the Village will be looking for someone with knowledge and experience in all areas of landscape architecture as well as environmental conservation.

Henry Crepault, 26 Bridge Street and member of the Parks and Recreation Advisory Council asked how the staff will perform duties for both the Recreation Supervisor to setup and assist in recreation events and the Commissioner of Parks to maintain the parks. Administrator Blau noted that in order for the staff to perform duties in both the Recreation

Department and the Parks Department, it will be up to both the Recreation Supervisor and the Commissioner of Parks to communicate and outline their needs to accomplish their tasks.

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

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANTS FOR THE 2015 GRANT CYCLE

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

The Board of Trustees noted that they supported the submission of the grant application to upgrade the senior center and had a brief discussion regarding the percentage that the Village would fund.

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

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried to close the public hearing.

Trustee Basher 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 does hereby authorize the submission of an application for funding through the Community Development Block Grant program for the 2015 Office of Community Renewal Westchester County Request for Proposals for the following facility improvements to the Village of Tarrytown Senior Center:

- Heating, Ventilation and Air Conditioning
- Lighting
- Plumbing
- Fire Alarm System
- Fire Protection
- Natural gas distribution
- Upgrade of generator

BE IT FURTHER RESOLVED that the Board of Trustees does hereby commit to funding 25% of the cost of the improvements funded through the CDBG program.

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.

TARRYTOWN BOAT AND YACHT CLUB APPLICATION FOR A VARIANCE FROM THE INTERIM DEVELOPMENT MORATORIUM FOR TARRYTOWN STATION STUDY AREA WITHIN THE VILLAGE OF TARRYTOWN

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

WHEREAS, the Tarrytown Boat and Yacht Club ("Applicant"), has applied for a variance pursuant to the provisions of section 9 of Local Law No. 4 of 2015, entitled Interim

Development Moratorium for Tarrytown Station Study Area within the Village of Tarrytown ("the Moratorium"), based upon a claimed hardship; and

WHEREAS, the Applicant has submitted two letters, dated September 15 and October 4, 2015, supporting the application; and

WHEREAS, a duly noticed public hearing was held before the Board of Trustees on October 5, 2015; and

WHEREAS, the Applicant, presented the grounds for granting a hardship variance; and  
WHEREAS, no one appeared in opposition to the application.

The Board of Trustees finds, based upon the uncontroverted record, as follows:

1. The Applicant owns the property located at 236 West Main Street (the "Property"), which suffered major damage in October, 2012 due to Superstorm Sandy.
2. As a result of the damage, the Applicant is having financial difficulties resulting from the loss of revenue generated from the restaurant that was located on the site and was rendered unusable.
3. The lack of a restaurant at the Property to attract boaters has also contributed to a significant reduction in the number of boat slips rented during the season.
4. The Applicant advises that there has been a 60% reduction in revenue since 2012.
5. The Applicant has an agreement which expires on or about October 31, 2015 for a developer to begin construction of a new meeting facility, which is required before reconstruction of the restaurant can begin and is a pre-condition in the Applicant's agreement with the developer to the processing of a proposal to rebuild the restaurant.
6. A building permit application has been submitted for the construction of the meeting facility but is being held up due to the Moratorium.
7. The timing associated with the Moratorium will prevent the issuance of a building permit before the agreement to reconstruct the meeting space expires and accordingly, will inhibit the Applicant from being able to move forward with reviving its business.
8. The Applicant has a hardship as contemplated by the provisions of section 9 of the Moratorium.
9. Due to the nature of the operation and the location of the Property, the granting of a hardship variance will not substantially undermine the land use review study nor will it adversely impact the health, safety or general welfare of the Village and its residents.

NOW THEREFORE, BE IT RESOLVED the within application is a Type II action pursuant to the State Environmental Quality Review Act that requires no further environmental review.

BE IT FURTHER RESOLVED that the application for a hardship variance from the Moratorium is hereby granted.

#### PARKING – FIRE CHIEF'S VEHICLE

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

WHEREAS, the Board of Trustees adopted Local Law #7 of 2015 to amend Chapter 165 entitled Fire Prevention to address parking issues experienced by some Fire Chiefs in the parking of their Village owned Fire Chiefs vehicle; and

WHEREAS, in response to the adoption of the Local Law, Fire Chief Terrence Murphy submitted a request to the Village Administrator, pursuant to Section 4. B. to address parking issues he is experiencing on Kaldenberg Place in the parking of the Village owned Fire Chiefs vehicle; and

WHEREAS, pursuant to Section 4.B.1.b.i. of Chapter 165, the Village Administrator met with the Chief of Police and the Superintendent of Public Works to view the location and determine where a parking space could be created to address the parking issue experienced by Chief Murphy in the parking of the Village owned Fire Chiefs vehicle; and

WHEREAS, pursuant to Section 4B.1.b.ii, the Village Administrator, in consultation with the Chief of Police and the Superintendent of Public Works recommended to the Board of Trustees the creation of a reserved parking space on Kaldenberg Place for the parking of the Village owned Fire Chiefs vehicle; and

WHEREAS, the parking space recommended is the northernmost metered parking space on the west side of Kaldenberg Place, designated as parking meter space # 297.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby establish the northernmost metered parking space on the west side of Kaldenberg Place as a reserved parking space for the Village owned Fire Chiefs vehicle issued to Chief Terrence Murphy.

BE IT FURTHER RESOLVED that the only vehicle that may be parked in this reserved parking space is the Village owned Fire Chiefs vehicle issued to Chief Terrence Murphy.

BE IT FURTHER RESOLVED that the parking space hereby created as a reserved parking space shall revert to a public metered parking space the day after Chief Terrence Murphy is no longer a Fire Chief in the Tarrytown Fire Department.

#### H-BRIDGE – PROFESSIONAL SERVICES

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 authorize and direct the Village Administrator to execute an agreement with EDG Engineering, New York, New York, to provide professional services to complete a condition analysis and Condition Report for the “H-Bridge.”

#### AGREEMENT WITH NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYCDEP) – WATER DEMAND MANAGEMENT

Mayor Fixell noted that this agreement will be at no cost to the Village.

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 authorize and direct the Village Administrator to execute a Water Demand Management Plan agreement with New York City Department of Environmental Protection (NYCDEP).

#### CURB CUT – 17 BAYLIS COURT

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 approve a 20 ft. curb cut at 17 Baylis Court in order to facilitate the creation of two off-street parking spaces.

BE IT FURTHER RESOLVED that this approval is conditioned upon the actual construction of a two-car garage at 17 Baylis Court.

MAIN STREET FIREHOUSE BOILER REPLACEMENT PROJECT

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

WHEREAS, the following four (4) written proposals were received for the Main Street Firehouse Boiler Replacement project in response to a Request for Proposals issued by the Village:

AA Heating Service Corporation P.O. Box 1322 Mt. Vernon, NY 10551	\$34,000.00
HS Environmax Heating & Cooling Corp. P.O. Box 13 Verplanck, NY 10596	\$34,985.00
John Royce Plumbing & Heating Inc. 55 Clinton Place Mt. Vernon, NY 10550	\$36,000.00
Guglielmi Plumbing & Heating 95 Edgewood Avenue Thornwood, NY 10594	\$38,500.00

WHEREAS, the Village Engineer has reviewed the written proposals and has recommended that the Main Street Firehouse Boiler Replacement project be awarded to the lowest proposer, AA Heating Service Corporation.

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 AA Heating Service Corporation for the Main Street Firehouse Boiler Replacement project per their quote of \$34,000.00.

HANDICAPPED PARKING SPACE – 34 BENEDICT AVENUE

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

BE IT RESOLVED that the Village of Tarrytown does hereby authorize the creation of a parking space reserved for handicapped persons in front of 34 Benedict Avenue.

All new material is set forth in CAPITAL letters. No material is to be deleted.

Section 291-92. Schedule XXVII: Handicapped Parking Spaces.

In accordance with the provisions of 291-62, the following described streets, driveways, parking lots and auto parks or parts of streets, driveways, parking lots and auto parks are hereby designated as handicapped parking spaces and are designated for use by persons with handicapped parking permits:

Name of Street, etc.      Side      Location

BENEDICT AVENUE      SOUTH      IN FRONT OF #34 BENEDICT AVENUE

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON SEPTEMBER 21, 2015

Trustee McGovern moved, seconded by Trustee Zollo, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustees Hoyt who abstained. Approved: 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 September 21, 2015 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON OCTOBER 5, 2015

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 approve the minutes of the regular meeting of the Board of Trustees held on October 5, 2015 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: 7-0

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	\$	368,262.73
Water		34,038.66
Sewer Fund		0.00
Capital		163,444.60
Library		7,288.65
Trust & Agency		444.69
Total	\$	573,479.33

The Board was polled all voting “aye” with the exception of Trustee McGee who recused herself from Voucher Numbers 2012252005, 2012252006, 2012252008 and 2012252012 and Trustee Butler recused himself from Voucher Number 2012252015. 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

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

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Basher, and unanimously carried, that the meeting be adjourned at 8:58 p.m.

Carol A. Booth, Village Clerk