

Board of Trustees
Village of Tarrytown
Regular Meeting No. 20
December 1, 2014
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell reported on the following:

- On December 2nd there is a Blood Drive at the Village Hall Court Room between 11 a.m. and 4 p.m. It is sponsored by OnTrack Sports, Watercooler and Tarrytown Village Court for the Phelps Memorial Hospital Center.
- On December 6th at 5 p.m. is the annual Holiday Tree Lighting. After the tree lighting, children may visit Santa Claus in the Warner Library. This year the holiday tree will have several thousand brand new white lights on the tree. It should look great and he hopes to see the residents at the event.

ADMINISTRATORS REPORT

Administrator Blau reported on the following:

At the last Board of Trustees meeting, a resident asked a question regarding the conversion of the decorative lighting on Main Street. I had noted that the conversion of the lighting was part of a larger energy efficiency project for the Village, which included the conversion of lighting in the majority of Village owned buildings. The energy efficiency project was based upon an energy audit completed by a contractor working for the New York Power Authority. The audit was completed in December 2011 and included an estimated installed cost of \$189,408 and an estimated annual energy cost savings of \$23,154. The Village Board made the decision to bid the energy efficiency project work as opposed to working directly with the NYPA contractor with the thought that the Village could obtain costs that were less than the estimated installed cost of \$189,408. The bid generated a contract with an electrical contractor of \$100,000, a savings of 53% over the estimated installed cost numbers from NYPA. Based upon the estimated annual energy cost savings included in the energy audit, the project will be paid off from the energy savings after 4.3 years.

PRESENTATION BY ALAN KASSAY, PARTNER WITH O'CONNOR, DAVIES TO REVIEW THE AUDIT REPORT FOR THE FISCAL YEAR ENDING MAY 31, 2014

Alan Kassay, partner with O'Connor, Davies, read from the second page of the Independent Auditor's Report which stated that in their opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Village as of May 31, 2014 and the respective changes in financial position, thereof, and the respective budgetary comparison for the General and Water funds for the year then ended in accordance with accounting principles generally accepted in the United States of America. This is known as an unqualified or unmodified opinion, which is the best opinion that a municipality can receive. Mr. Kassay noted that overall the Village's revenues were budgeted on a very conservative basis, which is the right thing to do and the Village has a healthy fund balance. Mr. Kassay noted that he did issue an informational letter on internal controls and he is happy to report that there were no material weaknesses or significant deficiencies. There were a few control deficiencies, which were basically informational. There was no fraud or suspicions of fraud and overall the finances of the Village are in good shape.

CONTINUATION OF A PUBLIC HEARING – CHAPTER 281: TREES (tabled)

Mayor Fixell noted that the Board will open the public hearing tonight and then we will be tabling the public hearing on the Tree Law until further notice.

Trustee Basher moved, seconded by Trustee Zollo and unanimously carried, that the public hearing on “Trees” be opened.

Peter Bartolacci, 67 Miller Avenue, noted the following:

- He believes that the Village can achieve a reasonable tree law without creating a law that he thinks is overbearing and isn't right. He understands the Village does not want someone to cut trees down on a vacant land, but there should be a level of reasonableness on what you allow people to do on their property and what you don't. It is difficult for him to understand how the Village thinks it is okay to say that you need permission to cut a tree down on the persons own property. He thinks the Village should want to maintain enough trees to make the Village a beautiful place, but also give property owners a right to do what they want to do on their property.

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby table the public hearing until further notice.

PUBLIC HEARING – REMOVAL OF SNOW AND ICE (adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 1st day of December, 2014, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear, discuss and to act upon an amendment to Chapter 259 entitled “Streets and Sidewalks”. A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A LOCAL LAW to amend the Code of the Village of Tarrytown, Chapter 259 entitled “Streets and Sidewalks”, by amending Article XIII, “Removal of Snow and Ice”, Section 259-37. “Removal by owner or occupant required”.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.**A. Findings of Fact.**

During the 2013-2014 winter snow season, a number of businesses and residents were issued summons for failure to clear their sidewalks of snow and ice within the two hour requirement in the Village Code. Requests have been received for the Board of Trustees to revisit the two hour requirement in the law due to the short window to clear the sidewalks and families with both spouses working who are unable to clear the sidewalks because they are at work. This amendment is designed to provide additional time for businesses and residents to clear the sidewalks of snow and ice, but to also assure that sidewalks in commercial districts are clear of snow and ice so that pedestrians may walk along the sidewalks to access the commercial establishments.

B. Legislative Intent.

The intent of this legislation is to amend the Village Code to provide more time for businesses and residents to clear their sidewalks of snow and ice and to provide safe walking conditions for pedestrians to access commercial establishments.

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

SECTION 2. Amendment to §259-37, “Removal of Snow and Ice”.

§259-37. Removal of Snow and Ice.

A. The owner or occupant of any premises shall cause the contiguous sidewalks and, in the case of multifamily dwellings, all driveways and access and exit roads on the premises to be cleared of snow and ice within **eighteen** [two] hours after such snowfall shall have ceased or ice shall have formed, [the time between 9:00 p.m. and 7:00 a.m. being excluded from the computation of said period of two hours] **except in the case of properties in the Restricted Retail Zoning Districts and the Neighborhood Shopping Zoning Districts in the Village, which shall have the snow and ice removed at all times between the hours of 7:00 a.m. and 9:00 p.m.**

B. Where snow **has melted and shall be frozen or where there has been an ice storm and the contiguous sidewalks shall be frozen, the ice shall be removed within two hours. The two hour period shall not apply between the hours of 10:00 p.m. and 5:00 a.m. Should the snow have melted and shall be frozen or where there has been an ice storm and the contiguous sidewalk shall be frozen during the period from 10:00 p.m. and 5:00 a.m., the snow and ice shall be removed by 7:00 a.m. If the melted snow and ice shall be frozen to a degree that it cannot be removed within said period by customary means, the owner or occupant of the abutting premises shall cause salt, sand, ashes, sawdust or other suitable material to be strewn upon the sidewalks, driveways and access and exit roads within the said period. The said sidewalk [and] shall as soon thereafter as weather conditions permit be thoroughly [clean the same] clear the snow and ice.**

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

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

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

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

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

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 amend the Code of the Village of Tarrytown, Chapter 259 entitled "Streets and Sidewalks," by amending Article XIII, "Removal of Snow and Ice," Section 259-37 to modify the time requirements for businesses and residents to clear their sidewalks of snow and ice.

WHEREAS, a public hearing was held for the proposed action on December 1, 2014; and

WHEREAS, a notice of public hearing was published in the Journal News on November 21, 2014; 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 hereby adopts Local Law No. 12 of 2014.

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 MOTOR EQUIPMENT OPERATOR (MEO)

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 appoint Lawrence Bernetti to the position Motor Equipment Operator (MEO) effective December 2, 2014, at an annual salary of \$69,850, Step 5, subject to all civil service rules and regulations.

APPOINTMENT OF COURT ATTENDANT

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 appoint Nicholas Maffei to the position of Court Attendant, part-time, effective December 2, 2014 at a salary of \$20.00 per hour subject to all Civil Service rules and regulations.

FIRE DEPARTMENT MEMBERSHIP CHANGES

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 approve the following Fire Department membership change recommended at the September 16, 2014 Board of Fire Wardens meeting: Membership: Jephthe Perez has been elected to out-of-town active membership at Riverside Hose; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Fire Department membership change recommended at the October 21, 2014 Board of Fire Wardens meeting: Membership: Christopher Gasparre has been elected as active membership at Consolidated Engine.

APPOINTMENT OF MEMBER OF THE TREE COMMISSION

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 of the Village of Tarrytown does hereby appoint Lisa Montana as member of the Tree Commission for a term to expire in April of 2017.

DECLARING THE DATE, POLLING HOURS, DESIGNATED POLLING PLACES WITH RESPECT TO THE VILLAGE ELECTION TO BE HELD ON MARCH 18, 2015

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

BE IT RESOLVED, that Election Law 4-106(2) requires all villages whose March elections are conducted by the County Board of Elections; submit to the County Board of Elections a list of polling places; and

BE IT RESOLVED, that the Village of Tarrytown has the following ten (10) election districts in the Village Election to be held on Wednesday, March 18, 2015; and

BE IT FURTHER RESOLVED that the following polling places be open from 6 a.m. to 9 p.m. on Election Day:

- District No. 1 - Riverside Hose Firehouse, 149 Franklin Street, Tarrytown, NY
- District No. 2 - Phenix Hose Firehouse, 87 Central Avenue, Tarrytown, NY
- District No. 3 - Main Street Firehouse, 50 Main Street, Tarrytown, NY
- District No. 4 - First Baptist Church, 56 South Broadway, Tarrytown, NY
- District No. 5 - Temple Beth Abraham, 25 Leroy Avenue, Tarrytown, NY
- District No. 6 - Village Hall, One Depot Plaza, Tarrytown, NY
- District No. 7 - Consolidated Engine Firehouse, 177 Sheldon Avenue, Tarrytown, NY
- District No. 55 - Washington Engine Firehouse, 157 White Plains Road, Tarrytown, NY
- District No. 74 - Village Hall, One Depot Plaza, Tarrytown, NY
- District No. 76 - Consolidated Engine Firehouse, 177 Sheldon Avenue, Tarrytown, NY

AWARD FOR LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND GRANT (LGRMIF)

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

WHEREAS, the Village of Tarrytown has been awarded a 2014-2015 Local Government Records Management Improvement Fund (LGRMIF) grant in the amount of \$8,706.00 by the New York State Education Department to provide for a Laserfiche Content Management System and scanning services for the Planning Board, Zoning Board of Appeals and Architectural Review Board Minutes from 1987 to present.

WHEREAS, the Village obtained two (2) proposals associated with the scope of work in the grant application as follows:

General Code, Rochester, NY	\$9,508.60
Imaging & Microfilm Access, Bohemia, NY	\$8,040.00

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the Laserfiche Content Management System/Scanning project to the lowest responsible proposer, Imaging & Microfilm Access (IMA), Bohemia, New York, per their proposal of \$8,040.00

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute a contract with IMA for the Laserfiche Content Management System/Scanning project.

HUDSON RIVER VALLEY GREENWAY GRANT

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 authorize and direct the Village Administrator to execute an Agreement with the Greenway Conservancy for the Hudson River Valley, Inc. grant to develop plans for the Gracemere Trail.

APPROVAL OF AUDITED VOUCHERS

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 Abstract No. 10 of Audited Vouchers to be paid in the following amounts:

General	\$ 2,583,609.61
Water	207,860.93
Sewer Fund	0.00
Capital	200,345.54
Library	6,241.50
Trust & Agency	<u>8,047.26</u>
Total	\$ 3,006,104.84

The Board was polled all voting “aye” with the exception of Trustee Hoyt who recused himself from Voucher Number 2012248066. Motion carried. 7-0

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.

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 8:30 p.m.

Carol A. Booth
Village Clerk