

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 24  
December 7, 2015  
8:00 p.m.

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

ABSENT: Trustee Hoyt

The meeting began with the Pledge to the Flag.

#### MOMENT OF SILENCE

Mayor Fixell requested a moment of silence for the following:

- Remembering those who perished on December 7, 1941 on the 74<sup>th</sup> anniversary of National Pearl Harbor Remembrance Day.
- Remembering the 14 people who were killed and 21 injured on December 2<sup>nd</sup> in a mass shooting in San Bernardino, California.

#### REPORTS

Mayor Fixell reported on the following:

- The Holiday Tree Lighting had a big turnout. He thanked the Parks and Recreation Advisory Council, the Recreation Department and for everyone who came to the event.
- The Sanitation Pilot Program started this week. If anyone has a concern, comment or question, please contact the DPW Superintendent, Howard Wessells either by email: [hwessells@tarrytowngov.com](mailto:hwessells@tarrytowngov.com) or by phone: 631-0356.
- He thanked the Little Gardens Club of Tarrytown for their donation of the beautiful holiday wreaths at Village Hall.
- The Solarize Tarrytown Campaign will end for residential homes on February 29, 2016 and will go a little longer for commercial properties. For information on the program, go to [www.solarizewestchester.com/tarrytown](http://www.solarizewestchester.com/tarrytown). If you think you have a chance to use solar at your home, this is a really good opportunity to check it out. The prices are very competitive and there is no obligation if the installer comes to your home to check on the viability of solar at your home or business.
- There are still leaves on the ground and he urged everyone to mulch your leaves into your grass or gardens instead of bagging the leaves or putting them on the curb. It saves time and money and it is good for your soil.
- If you don't mulch, the second round of leaf vacuuming is still under way. After the second vacuum leaf pickup, you must bag your leaves in biodegradable bags.

Trustee Basher reported on the following:

- He read the following letter from Police Chief Brown regarding Police Accident Reports: Effective December 1, 2015, the Tarrytown Police Department entered into an agreement with CARFAX Inc. to streamline the process for providing timely reports for persons involved in motor vehicle accidents in the Village of Tarrytown. At the accident scene, motorists will be handed a card containing the CARFAX website, department information and report number. They will then enter the information on the website, swipe their credit card and for a \$5.00 fee,

receive their report. This program is of benefit to all. CARFAX is able to obtain up to the minute accident information for their customers, insurance companies have easier access to reports and therefore can process claims in a more expeditious manner. The Village retains all fees and motorists are able to receive accident reports from the convenience of their homes. Information regarding the new program is available on the Village website at [tarrytowngov.com](http://tarrytowngov.com). Chief Brown would like to thank and commend Police Officer Lisa Carlucci for the initial suggestion and follow-up investigation and Lt. John Barbelet for his efforts to implement the program.

- He wanted to clear up a rumor that he had heard that the Village was planning to close down Riverside Hose Fire House. He said that it is not true and in fact the Village had recently made repairs to the building.

Trustee Butler noted that residents who are participating in the Sanitation Pilot Program should contact DPW Superintendent Howard Wessells with any concerns. This is a work in progress and accommodations can be made.

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.

PUBLIC HEARING - CHAPTER 225, PEDDLING AND SOLICITING

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 7<sup>th</sup> day of December, 2015, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendment to the Code of the Village of Tarrytown, Chapter 225 entitled "Peddling and Soliciting" for the purpose to correct inconsistencies between Sections 225-18(C) and 225-18(E).

A local law to amend Chapter 225 of the Code of the Village of Tarrytown entitled Peddling and Soliciting

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

Section 1: Purpose.

Chapter 225 was amended in 2010 in a manner which creates an inconsistency between sections 225-18 (C) and 225 -18 (E), the purpose of this local law is to correct that inconsistency.

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

Section 2: Amendments to Chapter 225

A. Section 225-18 (C) is amended as follows:

Not stand or permit the vehicle used by him to stand [in one place in any public place, street or on a private lot adjacent to a public street for more than 10 minutes or in front of any premises for any time] **on a private lot or on a public or private street, or sidewalk in front of any premises for any period of time** if the owner or lessee of the premises objects.

### 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.

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

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

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

Trustee Zollo 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 Code of the Village of Tarrytown, to the Code of The Village of Tarrytown by amending Chapter 225, entitled "Peddling and Soliciting" for the purpose to correct inconsistencies between Sections 225-18(C) and 225-18(E).

WHEREAS, a public hearing was held for the proposed action on December 7, 2015; and

WHEREAS, a notice of public hearing was published in the Journal News on November 20, 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. 9 of 2015.

### APPOINTMENT OF SECRETARY TO THE PLANNING BOARD, ZONING BOARD OF APPEALS AND ARCHITECTURAL REVIEW BOARD

Trustee Basher moved, seconded by Trustee Zollo, 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 appoint Lizabeth Meszaros to the position of Secretary to the Planning Board, Zoning Board of Appeals and Architectural Review Board effective December 15, 2015 at an

annual salary of \$64,796. This appointment is subject to all applicable civil service rules and regulations.

FIRE DEPARTMENT MEMBERSHIP CHANGE

Trustee McGovern moved, seconded by Trustee Zollo, 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 following Fire Department membership changes recommended at the November 17, 2015 Board of Fire Wardens meeting: Membership: Nicholas Blum and Jeffrey Asante have been elected to active membership at Hope Hose, Margaret Kling has been elected to out-of-town active membership at Riverside Hose and Dominick Coiro has been removed from active membership at Phenix Hose.

FUNDING APPLICATION TO THE NEW YORK STATE DEPARTMENT OF STATE/  
THRUWAY AUTHORITY NEW NY BRIDGE WATERFRONT REVITALIZATION  
PROJECTS 2015 REQUEST FOR APPLICATIONS FOR PATRIOTS PARK  
COMPREHENSIVE SITE IMPROVEMENTS

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

WHEREAS, the New York State Department of State and Thruway Authority are accepting applications for funding under the New NY Bridge Waterfront Revitalization Projects grant program for the design and construction of revitalization projects with an emphasis on improving the recreational, cultural, environmental and economic value and quality of the waterfront; and

WHEREAS, in furtherance of the need to upgrade park facilities and amenities in order to enhance public use, the Village of Tarrytown will submit an application that will replace the existing outdated play structure and equipment for school-age children; provide protective surfacing, benches, tables, ADA paving, and retaining/seating walls; install a new pavilion for shade; replace the existing swing set; install riprap and large stones for streambank stabilization and handrails for stairs that lead down to the Andre Brook; install new fencing and apply a new sports coating for the basketball court; and install a new water fountain.

WHEREAS, the total project cost is anticipated to cost approximately \$350,000; and

WHEREAS, the Village of Tarrytown is in support of applying for a grant in an amount not to exceed \$300,000; and

WHEREAS, the Village of Tarrytown will provide a cost-sharing match commitment not to exceed \$50,000; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Administrator is hereby authorized and directed to file an application for and to accept funds from the New York State Department of State/ Thruway Authority, and upon approval of said request to act on behalf of the Village of Tarrytown in all matters related to this financial assistance.

AWARD OF CONTRACT – PAINTING OF RIVERSIDE HOSE COMPANY

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

WHEREAS, the received three proposals for the painting of the Riverside Hose Company pursuant to the Village's Procurement Policy; and

WHEREAS, the three proposals received are as follows:

- Mike McGuire Painting \$10,850.00
- Westchester Home Improvement Specialists \$12,300.00
- G & R Bucci, Inc. \$12,500.00

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby award a contract for the painting of Riverside Hose Company to Mike McGuire Painting of Tarrytown, New York, per their proposal of \$10,850.00.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby authorize and direct the Village Administrator is execute an agreement with Mike McGuire Painting for the painting of Riverside Hose Company.

SCHEDULE A PUBLIC HEARING – MORATORIUM EXTENSION – TARRYTOWN STATION STUDY AREA

Trustee Zollo 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 schedule a Public Hearing for the regular meeting of December 21, 2015, at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider and act upon a proposed amendment to the Code of The Village of Tarrytown, Chapter 306 “Moratoria” to extend the moratorium for three months on applications and development in the Tarrytown Station Study Area.

TAX CERTIORARIS

Trustee Basher 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 approve the settlement of the following tax certiorari cases, as outlined in Ira S. Levy’s Village Certiorari Attorneys’ memoranda dated November 9, 2015:

- J.P. Morgan Chase – 425 South Broadway
- General Foods/Kraft/Montefiore Medical Center-MMC – 555 South Broadway
- 154 Wildey Street (Birritella)
- Bruno’s Realty Management – 65 South Broadway
- 460 South Broadway

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the settlement of the tax certiorari filed by the Holy Spirit Association (HSA) for Belvedere/548 Broadway/Vacant Land pursuant to the Order and Judgment issued on November 13, 2015;

and;

BE IT FURTHER RESOLVED that the Board of Trustees may fund these tax certiorari cases from a future financing resolution.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON NOVEMBER 16, 2015

Trustee Zollo 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 approve the minutes of the regular meeting of the Board of Trustees held on November 16, 2015 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

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

General	\$ 2,431,529.93
Water	255,575.69
Sewer Fund	0.00
Capital	145,248.29
Library	11,973.52
Trust & Agency	<u>12,800.32</u>
Total	\$ 2,857,127.75

The Board was polled all voting “aye” with the exception of Trustee McGee who recused herself from Voucher Numbers 2012252508 and 2012252532 Motion carried. 6-0

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

Cal Zarin, 11 Park Avenue, noted the following:

- He thanked the Board of Trustees for all their work and is impressed with the Village so far.
- Some of his neighborhood has met to discuss the safety issue of vehicles that cut through his neighborhood at dangerous speeds. We have been brainstorming ideas, for example, reducing the speed limits and the use of speed bumps. He wants to know how the neighborhood can work with the Village on solutions on this issue. Mayor Fixell noted that he can contact the Village Administrator, Michael Blau either by email or telephone or contact Trustee Tom Basher, who is the liaison to the Transportation Council. Trustee Basher invited him to come to the next Transportation Council meeting in January with his concerns.
- The speed limit is 30 mph right now and for that area, 30 mph is very fast for this neighborhood. Mayor Fixell noted that he thought that area had a 25 mph speed limit. Mr. Zarin asked if the Village can go below the speed of 25 mph. Village Attorney Silverberg noted pursuant to the New York State Vehicle and Traffic law, he doesn't know if the Village can post speed signs below 25 mph, but that he would check into it and report back to the Board of Trustees. Mr. Zarin asked if it would be possible to reduce the speed limit because the neighborhood is adjacent to a school.
- Trustee Zollo recommended that the Police Department should investigate and research this situation and make recommendations to the Board of Trustees because they have experience with traffic mitigation and safety controls.
- Mr. Zarin noted that he read Supervisor Paul Feiner's report today regarding traffic safety issues in Hartsdale with regard to pedestrian crosswalk safety. Some of the solutions they used were flashing crosswalk signs and the use of mobile radar guns that show the speed the vehicle is going.

Mark Lindberg, 15 Meadow Street, read a petition from Meadow Street residents regarding a serious parking problem on Meadow Street, between Route 119 and Millbrook Avenue. He asked why the east-side off-road shoulder parking spaces on Meadow Street were suddenly taken away and became illegal to park there. They have been parking there for 50 years and now he received a parking ticket. He doesn't have a garage or driveway to park

his vehicle. There is no other nearby parking spaces available. He also asked what the Village is doing about the lack of parking spaces at the Sleepy Hollow Garden Apartments. He noted that the residents who live around the train station were able to get on-street parking permits. He asked if something like that could be arranged for the residents who live on Meadow Street between Route 119 and Millbrook Avenue. Trustee Basher noted that he believes that in the Village Code, there is no parking on the east-side off-road shoulder parking spaces on Meadow Street. We can look into this and possibly amend the Village Code. The Board of Trustees will discuss this at the next work session. However, for on-street parking permits, he believes that the Village would need New York State legislative approval. The likelihood that on-street parking permits would be approved in a residential area would be minimal at best.

Elizabeth Lindberg, 15 Meadow Street, noted that they need a solution to park on Meadow Street at night from 10 p.m. to 6 a.m.

Mayor Fixell noted that to amend the Village Code to allow parking on the east-side off road shoulder parking spaces on Meadow Street between Route 119 and Millbrook Avenue seems reasonable. We will speak to Village Administrator Michael Blau to review this with the Police Department to be sure that this can be done.

Mitch Chalsen, 33 Meadow Street and member of the Transportation Council, noted the following:

- The parking problems with the residents from the Sleepy Hollow Garden Apartments who park on Meadow Street has been going on for many years. Approximately 10-15 cars from the Sleepy Hollow Garden Apartments park on Meadow Street every night. Other issues that come from the people who park on Meadow Street from the Sleepy Hollow Garden Apartments are that they sometime leave their cars parked for a few days, they litter the streets and their vehicle's engines have been known to leak making a mess of the Village roads. He knows it is a small chance, but he still would like the Village to look into on-street parking for residents who live on Meadow Street. Mayor Fixell noted that it has to be an extreme problem where non-residents are taking up the parking spaces on Meadow Street. Village Attorney Silverberg noted that it is very difficult to accomplish this with the State legislature.
- The Transportation Council had made a recommendation to build a sidewalk on Meadow Street from Millbrook Avenue to Sheldon Avenue. He wanted to know the status of this recommendation. The neighborhood feels it is dangerous to walk on the road in that area and that sidewalks would be very helpful.

Gary Bartolacci, 54 Crest Drive, stated that he doesn't think vehicles speeding and driving through stop signs just pertains to the Park Avenue and Independence Street area. Vehicles are constantly speeding on Crest Drive as well and not obeying the stop signs. The speed limit is 25 mph. He asked if we can increase police enforcement. Mayor Fixell noted that he should notify the Village Administrator with the specific areas and times when vehicles are speeding and not obeying stop signs and then we can arrange specific police enforcement at those areas. Mayor Fixell also noted that he is aware of Irvington's initiative, "Slow Down Irvington." Mayor Fixell noted that we can definitely look into this type of initiative as well as any other ideas the residents may have.

Peter Bartolacci, 67 Miller Avenue, stated that his wife suggested that when the Parking Enforcement Officer goes around in his area and the train commuter parking area checking for parking permits, that he/she can put a flyer on each vehicle that says something like

“please respect our neighborhoods.” The Mayor and the Board of Trustees thought that was a good idea. Mr. Bartolacci noted that he believes there is a way to get the speed limit in his area below 25 mph. He asked if the Village can get this done immediately so it gives the police something to enforce.

Patricia Fisher and Sean Holmes, Riverview Avenue, noted that they had heard that the Bus Rapid Transit route is considering going down Church Street and wanted to know if this was true. Mayor Fixell noted that at this time, there are no set routes. However, he has not seen any plan that would suggest the bus routes to go on any street other than Broadway, Central Avenue with the exception of possibly a few routes to go down Franklin Street. The primary destination of the Bus Rapid Transit is going to be in White Plains as opposed to Tarrytown. Therefore, there may be less routes coming through Tarrytown. Ms. Fisher asked if something were to change with the Bus Rapid Transit routes, how would she find out about the changes. Mayor Fixell responded that they would have to inform the Village and the Village would get that information out to the residents. It is highly unlikely that they would impose that on the Village.

#### ADJOURNMENT

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the meeting be adjourned at 8:50 p.m.

Carol A. Booth  
Village Clerk