

Board of Trustees
Village of Tarrytown
Regular Meeting No. 5
February 5, 2018
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Butler, Hoyt, McGee and McGovern;
Village Administrator Slingerland; Village Treasurer Hart and Village Attorney Silverberg

ABSENT: Trustees Brown and Zollo

The meeting began with the Pledge to the Flag.

POLICE DEPARTMENT PROMOTION AND SWEARING IN CEREMONY OF
SERGEANT BRIAN MACOM

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby promote Police Officer Brian Macom to the position of Police Sergeant effective February 6, 2018 at an annual salary of \$129,357.00 subject to the provisions of Civil Service and subject to the provisions of the collective bargaining agreement between the Village and the Local Unit of the Police Benevolent Association (PBA); and

BE IT FURTHER RESOLVED that this appointment is being made from the promotional list for Police Sergeant, Certification #77-705.

Mayor Fixell, along with Police Sergeant Brian Macom's Dad, a retired City of Mount Vernon Police Officer, presented him with his official Tarrytown Police Sergeant badge. Mayor Fixell and the Board of Trustees congratulated Brian Macom.

REPORTS

Trustee McGovern reminded all senior citizens who are attending the senior's meeting tomorrow at 1 p.m., to please bring your Con Edison bill with you. We will be reviewing the Community Choice Aggregation (Energy) Program and how to enroll.

CHANGES AND/OR ADDITIONS TO THE AGENDA

Item #12, Standard Workday and Reporting Resolution was tabled due to lack of quorum. This resolution will be put on the 2/20/18 Board of Trustees Agenda.

ADMINISTRATOR'S REPORT

Administrator Slingerland reported on the following:

- The paving of Paulding and Van Wart Avenue has been delayed until the fall. The state called last week to inform us that the bridge construction will not be done before the end of June. We don't want the construction trucks to continue using these roads on a newly paved road. This will not affect the paving contract with the other Villages and we are in the process of letting the residents know about the change of date.
- Last Friday, the Village filed (2) Assistance to Firefighter Grants (AFG). One is for new turn-out gear, totaling \$62,000 and the other grant is for a new, smaller Utility Rescue vehicle for the Fire Department to use for highway and thruway accidents, totaling \$125,000. This will allow us to dispose of the 20-year old Utility Van that is constantly in the repair shop.
- We are working on the 2018-2019 Tentative Budget with the Treasurer and all of the Department Heads and plan to submit the tentative budget to the Board of Trustees either on or before March 20, 2018. Possibly having the Budget Hearing at the March 19th Board Meeting. That will give us two more work sessions and

- two more Board meetings to discuss the budget and make any changes with the goal to stay under the 2% tax cap.
- This week, we are submitting permanent applications to the DEC and the Army Corp of Engineers for the Shore Bank Stabilization at Losee Park. This will be to replace the rotting steel bulkhead, beginning at the Softball Field and around to the Kayak Launch Pad area. Once this is put out to public bid, we will see what the actual cost will be. This is a grant that has to be done by June 30th.
 - We are working with Musco Lighting at Losee Park to proceed with the Ballfield Lighting Replacement Plan, which is also funded by the state, totally \$300,000. We estimate the total cost of the project to be \$600,000. Today, we were digging test pits at Losee Park, to see what the old foundations were, so we can use a similar setup to hold the new poles and lights in place.
 - The Final Public Workshop for the formulation of the Comprehensive Plan for the entire Village will be held on Tuesday, February 27th at the Warner Library from 5:30 – 8 p.m. Once the Comprehensive Plan is prepared, there will be public hearings held for public input and the plan will be available for public review on our website, at Village Hall and the Warner Library.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON AGENDA ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES TO ADDRESS THE BOARD OF TRUSTEES

Kevin Miller, 191 Union Avenue, noted that the roads around the JCC should be considered to be a safe place to walk and bicycle. He believes the plan to open the ramp will not make it safer. What is special about the Rivertowns is that we have the possibility to connect to the other towns, Irvington and Sleepy Hollow and for people to feel comfortable moving around either by walking, running or bicycling. He understands the volume of vehicles on a Friday night that travel over the bridge, but he doesn't believe the needs for transporting ourselves other than by car has been addressed well. He does not support the opening of Ramp E as an entrance to the bridge.

Cathy Ruhland, 17 Walden Road, noted that when there is an accident on the bridge, the traffic backs up and Route 9 and the side roads in Tarrytown becomes a parking lot. She believes that on Route 119, there is a little bit more of a queue than on Broadway.

Peter Bartolacci, 67 Miller Avenue, noted that he supports the re-opening of Ramp E as an entrance to the bridge. He believes that more people will be impacted if the ramp were to stay closed.

Mayor Fixell noted that 1) the state is going to make improvements for pedestrian and bicycle traffic in that area with the shared use paths upgrades on the bridge and 2) he does not entirely believe that opening the Broadway entrance to the bridge or having the traffic on the jug handle will make that much difference on safety. Having one more crossing will have an impact, but they are proposing to improve those crossings and he believes the marginal deterioration of the second crossing is probably pretty low. He had suggested having Ramp E open only in case of an emergency on the bridge. The state was not interested in that approach. He believes the benefits of opening Ramp E, with improvements, is probably the better choice. Two more factors in favor of opening Ramp E is 1) it allows mass transit vehicles to quickly exit and hope that will get more people to use the bus transit system that they are putting in place and 2) it allows better emergency access onto the bridge.

APPOINTMENT OF BUILDING INSPECTOR

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Feliciano Valvano to the position of Building Inspector at an annual salary of

\$115,000 effective February 5, 2018. Said appointment is made from Certification #62-888 and is subject to all Westchester Civil Service rules and regulations.

RESOLUTION IN SUPPORT OF IMMEDIATE STATE AGENCY RULE-MAKING FOR TANKER-AVOIDANCE ZONES

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0

WHEREAS, in 2016 the U.S. Coast Guard proposed establishing new anchorage grounds along the Hudson River between Yonkers and Kingston; and

WHEREAS, Governor Cuomo signed A.6825a/ S.5197b into law and positioned New York State to continue to fulfill its responsibility to the Hudson River and its communities from the many potential dangers presented by oil-carrying vessels on the Hudson River and the proposed additional barge anchorage grounds; and

WHEREAS, the federal government and New York State share concurrent jurisdiction over the Hudson River, and as long as action by the state is not inconsistent with existing federal regulation and does not unreasonably burden interstate commerce, New York has significant authority to regulate navigable waters like the Hudson when the state's interest warrants special precautionary measures; and

WHEREAS, it remains a top priority of the Village of Tarrytown to prevent any new anchorage grounds in the Hudson River from being sited at locations where they pose a clear and direct threat to the environment, quality of life, and regional economic development goals of the Hudson Valley; and

WHEREAS, the Village of Tarrytown is home to the Hudson River, the integrity of which would be threatened by the establishment of new barge anchorage grounds; and

WHEREAS, the Village of Tarrytown has documented its concerns about the anchoring of petroleum-carrying tankers, including disrupting the economic vitality of the waterfront, endangering drinking water supplies, damaging fish habitat and detracting from scenic beauty and quality of life along the river (see Resolution from August 15, 2016 Board of Trustees' meeting); and

WHEREAS, the USCG recently conducted two Ports and Waterways Safety Assessment (PAWSA) workshops for the stretch of the Hudson River between the Tappan Zee Bridge and the Port of Albany, and a recommendation to establish new anchorage grounds was discussed and could be part of the USCG's PAWSA report; and

WHEREAS, New York State has secured important victories that have been essential to public health, the environment and the economy of the state, including the administration's support for the Environmental Protection Fund, the ban on hydraulic fracturing, increasing funding for the state's Oil Spill Response Fund, and issuance of water quality permit decisions relating to energy development and transport have been among these many accomplishments; and

WHEREAS, the new law gives the Department of Environmental Conservation the ability to establish areas of the Hudson River where it shall be unlawful for petroleum-bearing vessels to enter, move or anchor; now therefore be it

RESOLVED that the Village of Tarrytown requests that DEC Commissioner Seggos immediately advance a rulemaking process to establish Tanker Avoidance Zones for petroleum-bearing vessels, implementing the strongest possible regulations allowed under the law; and be it further

RESOLVED that the Village Administrator of the Village of Tarrytown, New York be hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; the Hon. Basil Seggos, Commissioner of the Department of Environmental Conservation, the Hon. Senator Charles Schumer, Hon.

Senator Kristen Gillibrand, Hon. Congresswoman Nita Lowey, Hon. Congressman Eliot Engel, Hon. Secretary of State Rossana Rosado, Hon. Senator Andrea Stewart-Cousins, Hon. Assemblyman Thomas Abinanti, Hon. Assemblywoman Didi Barrett and Hon. Senator Sue Serino in order to effectuate the purpose of this resolution.

VEHICLE AND TRAFFIC AMENDMENT – METERED PARKING

Trustee McGovern moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following amendment to Chapter 291 of the Code of the Village of Tarrytown entitled “Vehicles and Traffic” that will create new time limits on the (6) meters on the North Side of Main Street from Cottage Place to the Asbury Terrace Driveway.

New material is set forth in bold letters. Material to be deleted is in (parenthesis).

§ 291-41 Maximum parking time limit; exceptions.

- A. On-street parking meter zones. The maximum parking time limit in parking meter spaces in parking meter zones on public streets shall be two hours, except:
 3. Parking meter spaces located on the east and west sides of Cortlandt Street, the north side of Main Street west of the driveway to **Asbury Terrace**, (Rivercliffe Condominiums,) the south side of Main Street west of White Street and the west side of Franklin Street north of White Street, where the time limit shall be 12 hours.

SURPLUS AUDIO/VIDEO EQUIPMENT

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare the following audio/video equipment used in the Village’s A/V Room as surplus:

- (1) Panasonic DVX100 Camcorder Digital Video Camera/Recorder with Leica Dicomar Lens (10 x Optical Zoom 72 mm dia.)
- (7) Desk Top Electro Voice (EV) Microphones
- (1) Ashly Protea ne24.24M Matrix Processor
- (1) Ashly RD-8C Remote Level Control

REVIEW OF STUDY FROM SIMCO ENGINEERING – EVALUATION OF PERMANENT CLOSURE OF RAMP E TO BRIDGE

Trustee Hoyt moved, seconded by Trustee Butler, that the following resolution be approved: Motion carried, all voting “aye” with the exception of Trustee McGovern who voted “no.” Approved: 4-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby accept the final evaluation of the permanent closure of Ramp E to Tappan Zee Bridge prepared by SIMCO Engineering, P.C.

BE IF FURTHER RESOLVED that it is recommended that Ramp E be re-opened to traffic upon completion of the new Tappan Zee Bridge as currently planned.

NEW NY BRIDGE COMMUNITY BENEFITS PROGRAM

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and accept the following grants from the New NY Bridge Community Benefit Fund Program:

Police Department

- \$7,000 for a security camera to be installed at Main Street and Broadway
- \$45,000 for two variable message boards
- \$53,000 for a Ford F150 pickup truck to deploy the message boards and assist with placing barricades and equipment around the Village.

Old Croton Aqueduct

- \$300,000 for improvements that the Village is working on with Scenic Hudson and the New York State Office of Parks, Recreation and Historic Preservation.

Shore Bank Improvements

- \$300,000 for shore bank improvements at Losee Park to replace the failing and rusted out bulkhead on the southwest corner of the park.

AUTHORIZING THE ELIZABETH MASCIA CHILD CARE CENTER TO HOLD A MUSIC FESTIVAL AT PIERSON PARK ON MAY 19, 2018 AT WHICH THE SALE OF BEER AND WINE WILL BE AUTHORIZED

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 5-0 Trustee Butler noted that he thought it was approval to serve beer and he was surprised tonight to find out that the permit is for beer and wine.

WHEREAS, the Village is desirous of permitting the Elizabeth Mascia Child Care Center to allow them to hold a Music Festival at Pierson Park on Saturday, May 19, 2018 at which beer will be sold for consumption by persons of legal age; and

WHEREAS, the Village has worked with the Elizabeth Mascia Child Care Center's Board and staff to establish a plan for this date, to be implemented subject to the approval of the Village Attorney, Police Chief and Village Administrator.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Trustees of the Village of Tarrytown does hereby grant permission for the sale and consumption of beer and wine in a controlled, outdoor portion of Pierson Park by the Elizabeth Mascia Child Care Center and its contracted vendors; and

BE IT FURTHER RESOLVED THAT the following requirements must be complied with:

1. A Village of Tarrytown Parks event permit must be obtained from the Village, at the normal fee;
2. The Elizabeth Mascia Child Care Center must provide insurance naming the Village of Tarrytown as additional insured and listed on the center's insurance policy for this event, and proof of such coverage provided in advance to the Village of Tarrytown for all activities associated with the event, including the sale and consumption of beer and wine;
3. The expenses incurred by the Village on this event related to overtime expenses for Police, Public Works and Parks employees shall be reimbursed to the Village by the Mascia Center;
4. A New York State Liquor Authority (SLA) event permit must be obtained and a copy provided to the Village of Tarrytown, as well as displayed at all points of sale;
5. Permitted hours for the sale of beer and wine will be 12 Noon to 10 p.m., and all servers will be T.I.P.S. trained and certified;
6. The sale and consumption of beer and wine must be in a controlled and defined area.
 - a) The establishments that sell and serve alcohol will be required to issue a bracelet to each person who possesses and has shown legal identification and proof as being of legal age to purchase alcohol.

BE IT RESOLVED, that the Board of Trustees authorizes the Elizabeth Mascia Child Care Center to utilize Pierson Park for the music festival including the sale and consumption of beer and wine, as provided in the Tarrytown Village Code, Chapter 221-5 with the consumption of alcoholic beverages being allowed in Pierson park within the enclosed and monitored area(s) of the festival, with additional time authorized for the setup and breakdown times noted in a permit, conditioned on the timely receipt of all aforementioned insurances, licenses and permits; and

BE IT FURTHER RESOLVED, that the Police Chief, Recreation Supervisor, Village Attorney and Village Administrator are hereby authorized to take the necessary and appropriate actions to allow this event, and to implement such further requirements or rules as may be necessary for the health, safety and welfare of the public.

AMENDMENT TO THE MASTER FEE SCHEDULE

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Master Fee Schedule as follows:

Increase Recreation Fees

- Softball Fees from \$1,300 to \$1,400 per Team
- Volleyball Fees from \$600 to \$650 per Team

Increase Parking Permits Fees

- Resident Parking Permit Fees (Annual) from \$410 to \$425
- Resident Parking Permit Fees (Semi-Annual) from \$300 to \$310
- Non-Resident Parking Permit Fees (Annual) from \$1,225 to \$1,275
- Non-Resident Parking Permit Fees (Semi-Annual) from \$795 to \$825
- Resident Commercial Parking Permit Fees – (Annual) from \$575 to \$600
- Resident Commercial Parking Permit Fees – (Semi-Annual) from \$350 to \$365
- Non-Resident Commercial Parking Permit Fees – (Annual) from \$750 to \$780
- Non-Resident Commercial Parking Permit Fees – (Semi-Annual) from \$450 to \$470
- Resident Commercial (oversized vehicle) Parking Permit Fees (Annual) from \$840 to \$875
- Resident Commercial (oversized vehicle) Parking Permit Fees (Semi-Annual) from \$500 to \$520
- Non-Resident Commercial (oversized vehicle) Parking Permit Fees (Annual) from \$1,090 to \$1,135
- Non-Resident Commercial (oversized vehicle) Parking Permit Fees (Semi-Annual) - \$625 to \$650
- Abolish – Cash Key parking system
- Amendment to the Master Fee Schedule – Summer Camp Fees

2018 Village of Tarrytown Summer Camp Fees:

Tot Camp:

<u>Fee per 2-week Session, if paid by</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Scholarship rate</u>
April 1 through 30	\$260	\$310	\$180
May 1 through 31	\$280	\$330	\$200
June 1 through 15	\$300	\$350	\$220

Day Camp:

<u>Fee per 2-week Session, if paid by</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Scholarship rate</u>
April 1 through 30	\$300	\$340	\$220
May 1 through 31	\$320	\$360	\$240
June 1 through 15	\$340	\$380	\$260

SIGN REVIEW – RIVERWALK

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the acceptance of a donation from the friends of the RiverWalk of (2) wayfinding signs to be placed one on the H-Bridge and one at the end of West Main Street, subject to approval of the Village Attorney.

TAX CERTIORARIS

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve settlement of the following tax certiorari cases as outlined in the Village Tax Certiorari Attorney's correspondence dated January 21 and January 22, 2018:

- DCD Holdings, 480 S. Broadway
- Lookout II Condominium, River Edge Drive
- Ridgcroft Estate Owners, 154 Martling Avenue
- Stop & Shop, 350 S. Broadway
- Tarrytown Professional Center, 200 S. Broadway
- Tarrytown Waterfront LLC/Ferry Landing, Division Street

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON JANUARY 17, 2018

Trustee McGee moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0

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 January 17, 2018 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 14 of Audited Vouchers to be paid in the following amounts:

General	\$ 694,038.58
Water	56,493.19
Sewer Fund	161.00
Capital	106,886.37
Library	22,172.67
Trust & Agency	<u>10,510.00</u>
Total	\$ 890,261.81

The Board was polled all voting "aye" with the exception of Trustee Hoyt who recused himself from Voucher Number 2018003032. Motion carried. 5-0

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

Peter Bartolacci, 67 Miller Avenue, noted that he has challenged many of the charges on his escrow account for his Planning Board application. The response he received from his challenge is that the charges were reasonable. He provided the Board with a schedule of expenses. He noted that for the same meeting, the attorney and the planner billed for different amounts of time. Administrator Slingerland noted that after reviewing the charges with the consultants, it was not just billing for the time at the meetings; it was for other services rendered.

Village Attorney Silverberg suggested that the consultants should receive Mr. Bartolacci's letter challenging some of the escrow charges and for the consultants to provide an explanation of their bills. Then we can schedule a meeting with the Board of Trustees to review the explanations and to hear Mr. Bartolacci's concerns on this matter.

Mr. Bartolacci noted that his planning board application should proceed and not be suspended. Administrator Slingerland noted that at the next Planning Board meeting, the Planning Board will decide whether Mr. Bartolacci's application is suspended. Mr. Bartolacci also noted that the Board should review the Village Code, Section 305-138-Fees, Sections B. Review Services and Section C. Escrow Accounts regarding that an applicant shall be provided with copies of the invoices charged against the escrow deposit.

Trustee Butler noted that the total escrow bill is \$6,000 and the disputed amount is \$1,500. Trustee Butler asked Mr. Bartolacci if he would pay the \$4,500 of undisputed bills at this time while we continue to examine the \$1,500 of charges that are being challenged. Mr. Bartolacci noted that he would not object to that.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried, that the meeting be adjourned to Executive Session to discuss a personnel matter at 9:22 p.m.

ADJOURNMENT

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried that the Executive Session be adjourned at 9:35 p.m.

Carol A. Booth
Village Clerk