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BOARD OF TRUSTEES

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VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES MEETING
TARRYTOWN VILLAGE HALL
MARCH 21, 2016
8 O'CLOCK P.M.

-----X

- MAYOR FIXELL
- DEPUTY MAYOR BASHER
- ADMINISTRATOR BLAU
- VILLAGE ATTORNEY STEVEN SILVERBERG
- TRUSTEE MCGOVERN
- TRUSTEE MCGEE
- TRUSTEE HOYT
- TRUSTEE BUTLER

1 BOARD OF TRUSTEES MINUTES

2 MAYOR FIXELL: Welcome, everyone,
3 to the March 21st meeting of the Board
4 of Trustee's and accommodations of Tom
5 Basher's, Deputy Mayor Basher's, last
6 meeting as a trustee.

7 As you know, and maybe people if
8 we get it working, the meeting is being
9 videotaped, sort of, we will see. So
10 anyone who is seeing this later is
11 going to wonder what is on, and we are
12 trying to have it videotaped.

13 We'll begin with any
14 miscellaneous agendas.

15 TRUSTEE MCGOVERN: I have
16 nothing.

17 DEPUTY MAYOR BASHER: I have
18 nothing tonight.

19 TRUSTEE MCGEE: I have nothing,
20 either.

21 TRUSTEE HOYT: Mr. Mayor, I do
22 have two things.

23 Number one, TNT baseball/softball
24 kickoff break will begin on Saturday
25 April 9th at 1:00 p.m. starting at

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2 Neperan Park and Losee Park and the
3 Tarrytown Sleepy Hollow Day Top Camp
4 registration will begin registration on
5 Monday, April 4th, during regular
6 business hours, at the senior center.
7 For more information you can contact in
8 the Joe Arduino at the recreational
9 offices at 631-8347.

10 That is all I have, Mr. Mayor.

11 TRUSTEE BUTLER: Nothing.

12 MAYOR FIXELL: That finishes up
13 the agendas.

14 We do have some additional
15 matters at the end of the meeting, in
16 honor of Tom. Some surprises from, as
17 well.

18 Village Administrator Blau?

19 MR. BLAU: Mr. Mayor, and members
20 of the board, I do have two items I
21 would like to report on.

22 Last week letters went out from
23 Tyler Technology Consulting Firm for
24 the reassessment on behalf of the town
25 of Greenberg. The cover letter

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2 included on what is it known as a

3 preliminary assessment notification.

4 The accepted value provided in the

5 notice is the preliminary 2016

6 assessment. If you are a property

7 owner, I believe that the preliminary

8 assessment does not accurately reflect

9 the market value as of July 1, 2015,

10 which is the evaluation date. You or

11 your representative may contact Tyler

12 Technology to schedule an informal

13 review. Please note, the informal

14 review is by appointment only. At the

15 meeting, Tyler Technology will discuss

16 the 2016 market value. Tyler

17 Technology will not discuss exemptions

18 or taxes at the meeting. If a property

19 owner wants to schedule an appointment

20 the property owner must call Tyler

21 Technology now through April 8th. You

22 can call 1-800-273-8605, and have all

23 the information is on the website,

24 between the hours of 9:00 a.m. and 5:00

25 p.m. You must have a notice with you

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2 when you call, because there is
3 information on the notice that you must
4 provide to Tyler Technology when you
5 are scheduling an appointment. The
6 informal meeting generally takes 15 to
7 20 minutes. Photographs of the
8 property of the building as well as
9 recent appraisals are required, but
10 such documentation is encouraged if you
11 have it for the informal meeting. It
12 is suggested you make copies for Tyler
13 Technology and bring the copies to the
14 informal meeting. Commercial property
15 owners are encouraged to bring your
16 income and expense information. If a
17 property owner cannot attend an
18 informal meeting correspondence may be
19 sent to Tyler Technology. Tyler
20 Technology's address is included on the
21 notice you just received.
22 Correspondence must be marked by
23 April 22, 2016.

24 If you choose to have an informal
25 meeting with Tyler Technology, the

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final reassessment notice will be mailed to you for the June 1 tax bills.

If you decide not to participate in the informal review process, the preliminary assessment will become your final assessment. If a property owner is dissatisfied with the outcome of the informal review process, the assessment can be challenged by filing an appeal with the Greenberg Board of Assessment Review from June 1st until June 21, 2016.

The other item I would like to talk about is the community choice aggravation -- aggregation, not aggravation. We may aggravate a few people.

MAYOR FIXELL: Before you go on, the Tyler Technology, there is a lot of information available on the web about the assessment they did. You can look up your assessment and anyone else's and the comparable they use and Google it, you can get it through the

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Greenberg website, and there is a lot of information available.

You can move on.

MR. BLAU: Now that I went through aggravation and aggregation. Last week the Board of Trustees voted to select a two year, fix price contract for renewal energy for the Village in a program that was known as Community Choice Aggregation and has been renamed the Westchester Smart Power Program. What this means is, by May 1st, if you have Con Edison as your electricity supply, you will automatically be moved to Con Edison solutions renewable electricity supply with wind power, hydroelectric power, and solar power. The average homeowner will save approximately \$18 for the year with the renewably energy source. You will be receiving a mailing where you can choose to opt out of this renewal source and choose what is known as a brown source of energy, which is a

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2 mix of gas, coal, and other sources,
3 which would save the property owner
4 another \$13 a year.

5 You may also decide not to
6 participate in the program and stay
7 with Con Edison or select any esco you
8 choose. If you are currently with an
9 esco, you cannot move to the
10 Westchester Smart Power Program, unless
11 you cancel your contract with your esco
12 and you return to Con Edison as your
13 electricity provider.

14 If you choose nothing, you will
15 receive the new renewable energy
16 supply.

17 MAYOR FIXELL: All right.

18 Our first order of business is
19 providing eminent domain with the
20 Citibank property. We began this
21 public hearing two weeks ago and do you
22 have a motion to reopen?

23 All in favor?

24 (Chorus of ayes).

25 MR. ALONSO: Good evening,

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2 Mr. Mayor. This is one of my first
3 statements is for Trustee Hoyt. Should
4 I wait for him to come back in?

5 MAYOR FIXELL: You might as well.

6 MR. SILVERBERG: I don't know if
7 you identified yourself.

8 MR. ALONSO: My name Mark Alonso
9 and I am here representing Citigroup
10 and the domain proceeding of 2 South
11 Broadway.

12 He went to get a map.

13 MAYOR FIXELL: Okay.

14 Are we set?

15 MR. BLAU: We are set.

16 MR. ALONSO: It is not a problem.
17 I have no idea if this is on, so if you
18 cannot hear me, I will speak up.

19 Let me first give you an update
20 on the negotiations of the Citigroup
21 and Mr. Blau while they engaged in
22 negotiations. It was very clear -- I
23 was not part of them, but the long-term
24 needs of Tarrytown do not support a
25 lease arrangement.

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The two key points are, the length of time in which the city needs a lease, which is decades or longer and the anticipated rent.

I would say, that the fair market rental, once I dove into this a little further, does not support a concept of a lease. It is not a good idea for you and hangs over the head of whomever purchases the Citi property, the prospector of eminent domain at a certain point. That would certainly be something of whether we did a short or long lease, and at this point, I would like to talk to you about an outline and preserve Citi's points and opposition to the proposal regarding the taking of the proposal and parcel shown on the diagram, and I would like to talk about the reasons why, because I think they fold into what my request would be about midway through me talking about the cost and procedure.

First, I believe that town

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2 attorney, village attorney, will talk
3 to you about at some point, about the
4 concept about the principle of law. If
5 you take away an essential feature of
6 the property as it exists from a
7 property owner, then the reduction of
8 what is left is something that needs to
9 be is compensated, as well. Thus, what
10 you will see is, that if you have not,
11 by this action, condemned the entire
12 property, then, by for all means and
13 purposes, you have left the building
14 and the remaining spots and the grassy
15 part, so little value, that for all
16 means and purpose, either a Court will
17 find this to be a de facto taking of
18 the whole property, which, in all
19 fairness, I think, it is a good thing
20 of Tarrytown of what I have researched
21 and if not it, is an simple
22 mathematical calculation, which a Court
23 would proceed upon, which is, that you
24 would look at what the remaining parcel
25 would be worth on the open market

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taking all the factors the into account including the inability to use enough spaces to make that building valuable for anything other than certain uses under your own zoning code.

Further, whatever that property is worth and I would not presume to say what that is, but having looked at real estate in property in Tarrytown it is a lot less than a mere mathematical division.

By taking away 21 spaces, it is possible that this property that is estimated at 2.3 to 2.5 million dollars in its present form, might only be worth, 6 to 8 hundred thousand maybe, for the building and the remaining spots; therefore, the town, a Court would find later on, the Village would have to compensate Citi for the balance. Meaning, you would purchase the spots in a neighborhood of a million five to a million seven. I am not saying that is necessarily a bad

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purchase, but at that point, you should buy the entire property and have -- I have heard the testimony and read a huge amount about this. You need spots, but you need more than 21 spots.

In persuing research and listening to the town's people here last time, I think you have to look at this as simply as the result of this is not a lot of property; so, therefore, again, if you weigh this against any property that is available for rent in town, you have to consider the fact that renting a building with a couple of parking spaces would actually be a less expensive proposition than renting an empty lot simply because there aren't any in town. Empty space is at a premium.

If we look at the property that is accurately worth now to 2.3 to 2 and a half million dollars, you can look at it in a different way and say, how could a Court look at this in how much

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2 you have to pay to acquire this lot.

3 The answer would be, if you take 21

4 spots and you go by the meter rate of

5 25 cents for 20 minutes and you say,

6 well, we all know we need the spots

7 because spots are being occupied all

8 day all the time. The Chief of Police

9 is very, very clear about that, and I

10 think that it is everyone's common

11 knowledge that it is hard to park in

12 Tarrytown, and if you contrast that

13 with what the value would be. If you

14 multiply the 75 cents per hour times 21

15 spots times 30 days you would make

16 \$8,500,005 on those spots in a month.

17 The concept that the Judge would agree

18 that the rent should still be the \$210

19 a month that was afforded to the

20 Village by multiple owners of the

21 property is not the calculations a

22 Court would use. The Court would say,

23 this might be worth 6 or \$7,000 a

24 month. So when you consider your

25 decision, I think you have to factor in

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that this property to rent it by the way the last time we were here, I believe a trustee question is, if we went down this road and voted, could we acquire the spots immediately and yes, we could make an application to do so, and the answer is, yes you could, but a Court would say, you need to compensate an owner for the fair market value and also must take the anticipated value and put it aside for security, but you will pay for the 21 spots, let's say \$6,000 or \$7,000 a month for six and seven months and take a million and a half dollars and put it away and not having looked at your budgets, that is a sizable chunk of money for 21 spots, and I do not think that gets you where you need to go in terms of space available.

Also, if you consider that in how much you make on the spots, and if it was a property owner, well, here is what you would get for those spots over

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2 the course of a full day, maybe charge
3 more for an event parking, for music
4 halls, get a full house, but
5 ultimately, you would say, the property
6 owner is worth 20 percent profit and if
7 you're making \$8,500 a month again
8 \$6,000 is not an nonrealistic rental
9 for that property.

10 Similarly, if you charge the
11 rates that you charge in this lot,
12 which is a \$1.50 an hour then you would
13 be making \$17,000 a month. I think
14 there is a need for that and I think
15 the market would bear it, but there is
16 certain other factors I want to point
17 out because these would be issues that
18 would be raised in court, when we are
19 going to do that.

20 First of all, the timing
21 argument. I believe your village
22 attorney will confirm what I am saying,
23 maybe not this second. When you do an
24 evaluation of a property today in a
25 very hot real estate market in a

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village which is a desirable place to acquire property, and then a court comes back who knows what is happening in three years and maybe the real estate market is not as pricey as it is today, you would nonetheless, having paid rent for this period of time, then be compensating Citigroup for the acquisition of this parcel at today's rates and if the market explodes further then, yes, it might turn out to be a good deal, but I submit to you, it is 21 spaces.

Excuse me, one minute, because it is not just the video.

I would also point out, based upon the public statements last time and what the chief said, I think most of you know most of the spaces are tied up all day and people who used to work in the bank know that and all you know because you live there, and people park there all day. Ms. Lavein mentioned it herself and I do not dispute people

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2 would like to park right there, but if

3 you recall, the public purpose, and

4 this touches upon one of the reasons

5 you can take someone's private property

6 is for a public purposes would be, as

7 we all heard last time, to accommodate

8 visitors and shoppers because we want

9 them to come in, shop, spend, and leave

10 and not go elsewhere. Well, one of the

11 problems with that is, if those 21

12 spaces are tied up with employees and

13 owners of the businesses, then you are

14 not serving the public purposes and the

15 way to serve that, obviously, and I am

16 not here to tell you your business, you

17 know in other spots, there is places

18 where you have 15 minute parking, 30

19 minute parking, 2 hour parking, there

20 are times where the parking rate goes

21 up and you do that to regulate traffic

22 and move people through, but here comes

23 21 spots that are set aside for all-day

24 parking at the lowest rate possible. I

25 submit to you, it is not worth taking

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private property from cooperation or a single owner to suit 21 people who do not want to park in one of the larger lots that we have noted here in this very room are not utilized as much. Now, how you could work that so there is a shuttle or transportation, you are more experienced and have more alternatives here at your disposal than I am here to suggest, but I do suggest that alternatives are there to consider what more fully serve the purposes of the town. In addition to the fact that you would want to show less drastic alternative to a Court than taking someone's private property, I submit to you that in addition, this purpose itself may not be a public purpose, but rather a purpose to serve certain people who are right in that area.

While employees would utilize blocks, maybe four, five blocks away, which you have, the flip side is, my guess is, shoppers won't. They will go

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somewhere more convenient to park. So again the filling up of this lot in the morning and filling the space all day goes against the public purpose.

At this point, I personally think you are better served as a Village by acquiring this parcel and it is your land marking on that building that dictates its use plus your zoning code. You would be able to have more uses for the property than any other future owner of the parcel and what they would pay for would place the burden on the town to pick up the difference of what it is worth today and what is it is worth for those 21 spots.

I believe at this point, and I don't know if I am wrong. I don't know if you have considered, because we, as long as we are talking about a lease and that is what we have been talking about for the last few weeks, two weeks, but I think were it possible for me to say, let's not go down this path

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and, I say it as an attorney, and if this goes to court and gets done by attorneys, which is in essence a price fix, someone says, we have to figure out the price of the parcel so the owner of the parcel, whoever that is, the next one down the line or the entire parcel and what the town pays for the 21 spots that is an issue better handled by Administrative Blau with the present owner than putting this into court and having this handled by lawyers and having it haggled over in front a Judge. It is not the best, fastest or most economic way. It is usually the worst way to do things, through court.

So with that in mind, I believe the first thing that I would ask for from this board is to, again, consider going into executive session authorizing Administrator Blau to be able to negotiate upon terms to acquire either a parcel or the real fair market

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2 value as perhaps you anticipate,
3 knowing the value of what is left.
4 Saying, okay, look, if the city is
5 worth 2.5 million today and we take
6 that much of it, then what is that
7 front piece worth and saying, well, we
8 hereby authorize you, Administrator
9 Blau, to work with Citi if you can buy
10 this and we'll sell off the other
11 parcel and either Citi sells the
12 property or sells part of the property,
13 and most expeditious economical way is
14 by not doing this by bringing it to a
15 vote on taking a property and then
16 having a judge decide how much it is
17 worth and how much you should bear and
18 how much we should bear. I believe,
19 the best way would be for Administrator
20 Blau to have the authority to work
21 within whatever parameters you set to
22 negotiate with Citi of the sale of the
23 entire parcel.
24 That is the first request I would
25 put out.

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2 If you choose not to go that
3 path, I have a few legal things that I
4 must put on the record so that if it
5 goes to court, I preserve those.

6 MR. SILVERBERG: I think we
7 should hear what counselor has to say.

8 MAYOR FIXELL: Might as well put
9 it on the record.

10 MR. ALONSO: Then let me
11 continue. First we have certain
12 defenses, which will be raised in any
13 Court proceeding, but for now, in the
14 notice provision, I believe that there
15 is a question as to the publication,
16 the notice, and the timing therefore,
17 and I believe we would raise those
18 issues in court and probably come to a
19 resolution that means that this
20 proceeding might be vacated. Not that
21 that would make any difference because
22 it would just come to you again.

23 One of the problems I would
24 mention is, and I want to say this to
25 show Citi is acting in good faith. One

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of the problems is, we keep kicking the can down the road so my partners would enter into a short lease and, you know, let the new owner -- but we have always been on the record about eminent domain and, at this point, the problem needs to be solved, and I say that in a sense that I am not looking here to be antagonistic or to pick a fight, but if we accept a lease on this premises with what is on the record about if the town does not like, they are going to go with eminent domain and that comes up with renewal. Then the new owner is going to discount the price so drastically as to make the last parcel virtually unsalable, and I say that in a sense that, it is not necessarily a bank. Whatever comes in there is going to want more spaces than are available.

Also, you must have a, by law, a reasonable determination to reach this, not that just we have a need, and I say that in the sense that I was here

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2 during the studies and I am very

3 familiar with the legal basis and

4 empirical basis upon which municipal

5 boards all over the state must act.

6 With that in mind, you do not have to

7 do a study every time, it does not have

8 to be completely focused, but relying

9 on studies from the mid '90s is not at

10 that solution. I believe that with

11 some anecdotal evidence such as the

12 person who said, I got a ticket, I was

13 driving around going to music hall, as

14 the chief related, and I am not coming

15 back here to shop, I am paying the

16 ticket, but this is unfair. I do not

17 dispute that that occurred, but I think

18 that there should have been a count of

19 how many cars are there and perhaps the

20 chief might have polled his own traffic

21 officers and said, how many tickets are

22 we giving out, how many times are we

23 chalking a tire, are noticing that cars

24 stay in one space every day. Perhaps a

25 modification of certain of our parking

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rules or prices might have a better effect rather than spending a couple million to acquire 21 spaces. There has not been a congestion study. As a person who visits places often, again, while you were on executive session last time, it is not the most efficient way to have parking. People go into lots and don't find a space and have to go to another lot and look for a space. For a town that is growing rapidly and has grown as rapidly as Tarrytown, and these are stopgap solutions, and I believe a study will show that, considering you have not done any in decades.

Again, for the Village to acquire immediate use, again, there would be the factor of cost of the fair market rent, which if I gave if you the calculation, could be hard.

Also, part of the enormity of the problem is the number of who live here, but more than that the transpiration is

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2 part of the attraction that you have
3 all these restaurants, but you also
4 have the music hall, which has 843
5 seats and not all of these people come
6 four to a car. So 21 parking spaces
7 are not the solution. You are becoming
8 a high-density area and I respectfully
9 submit that someday, perhaps your
10 children may look at this and realize
11 that is where there was a bank and a
12 lot there, and now there is a
13 four-story parking lot, but that may be
14 the route you are going and if
15 anything, the village of Tarrytown
16 needs more park something than 21
17 spaces and for the amount that I
18 believe a Court will acquire you to
19 spend for to acquire those 21 spaces, I
20 do not believe it is worth it and I do
21 not believe it is a sound decision, but
22 if it is, I submit, by the whole thing,
23 I believe this would consist of an
24 overall taking by the New York and
25 United States Constitution.

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I believe the numbers being used and contemplated for this lease are not realistic.

Finally, obviously, there is a certain sense of upset of the concept of a large bank taking this and there was accusations of greed and thoughtlessness. I can assure you that is not the case. Citi is a good neighbor and looks at the community, but by the same token, it has investigators too and many of them are personal funds, elderly people, people on a fixed income, and those people expect the people I work for and me to do my job because we cannot just take assets that were trusted to us by shareholders and then turn them over for however a good a charitable purpose without just compensation and in this case, I do fear the compensation is higher than what this board has contemplated in the past and I do not want this to turn into three years of,

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2 wow, we did not think it was going to
3 be that expensive.

4 So with that in mind, I
5 respectfully request that you adjourn
6 the closing of the meeting in order to
7 allow Administrator Blau to negotiate a
8 purchase of the property or to vote
9 down the eminent domain proceeding and
10 enter into a good faith negotiations of
11 purchasing.

12 MAYOR FIXELL: Thank you.

13 TRUSTEE BUTLER: Can I ask a
14 question, sir?

15 MR. ALONSO: Sorry.

16 TRUSTEE BUTLER: I just have a
17 question.

18 I have been here over 30 years
19 and I don't ever remember that parking
20 lot in Citibank which you currently own
21 ever being closed. My question to you
22 is if you could help me understand
23 this. Citibank has been here twice,
24 there has been other owners and we
25 never had these problems before of the

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problems of the lease. Can you help me understand why it is such a big problem to not give us the lease that is required?

MR. ALONSO: The lease that has been discussed is 25 years.

TRUSTEE BUTLER: I have been here 30.

MR. ALONSO: I understand that. To sell a property --

TRUSTEE BUTLER: That property has been sold and Citi property bought it.

MR. ALONSO: I understand that.

TRUSTEE BUTLER: So if they bought it, what is it the problem now?

MR. ALONSO: They bought it with a lease. There could be a broker in town, and a person says, oh, there is a pizzeria, but I think it is going to be a nicer restaurant and we could make money on this building because the rent would be higher if a different use was being used for it. Well, in that case,

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how much is a lease left, they have five years and in five years the lease is up. That is what a lease is.

TRUSTEE BUTLER: Sir, I understand what a lease is. I am asking you, I have been here 30 years and there has never been a problem of Tarrytown leasing to Citibank. Citibank has been here twice. So I don't understand the issue now.

MR. ALONSO: There is not an issue. There is not a bank branch now. So I could tell you several reasons.

First, Citi certainly wants to be a good neighbor as was shown by their renewal during their time here, but I don't think it is lost by anyone that banking has changed during those 30 years, and right now banks, while they were crazy about opening banks for a while, decades, I believe, that trend is changing. At that point, Citi said, we own the property and we have more people who do more banking on the phone

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2 than going to the bank and they can
3 take a picture with their phones of
4 their checks and pay a babysitter with
5 my phone. I don't need a big bank
6 branch anymore and I am sure none of
7 you go to the bank ten years ago.

8 TRUSTEE BUTLER: Sir -- sir, I
9 get it. Don't go any further.

10 MR. ALONSO: I will also say on
11 that topic. It is not necessarily
12 going to be a bank, and if you take
13 those spots, there are very few
14 businesses to survive much less want
15 that space.

16 TRUSTEE BUTLER: Sir, you are
17 repeating yourself. I got it.

18 MR. ALONSO: Were there any other
19 questions?

20 MAYOR FIXELL: And if anyone else
21 wants to say anything.

22 MR. SILVERBERG: And then you may
23 want to adjourn to executive session.

24 MAYOR FIXELL: Does anyone want
25 to make any public discussions for

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Citibank?

MS. MURRAY: Joanne Murray. 24
South Broadway Tarrytown.

It is kind of ironic that I am standing up here talking about parking with a former Mayor in the audience, because she called me 30 years ago to be on a parking committee and, since that time, I have been on several parking committees and it has been a topic of discussion at the Chamber of Commerce for many years.

Parking in Tarrytown has been a problem for many years, and in the past five years it has probably been compounded on the success of the Music Hall of Tarrytown and the movie Sleepy Hollow, which brings more tourists to Tarrytown. So evening and weekends it is almost impossible to find a parking space. Every business needs to help with the solution of the parking issue, and the Village Board needs to support solutions to resolve the issues. We

1 BOARD OF TRUSTEES MINUTES

2 should be encouraging shared parking
3 facilities during the peak parking
4 demands.

5 It concerns me that Citibank
6 continues to do business in our
7 Village, but feels no obligation to be
8 a good neighbor. Regardless of who
9 purchases this building, I would hope
10 the owner would take action to support
11 the better good of the downtown. That
12 is what has been done in the past. I
13 echo Trustee Butler's comment of why
14 now all of a sudden is that not an
15 issue.

16 The fact that we have a vibrant
17 and active downtown is a benefit for
18 everyone. I encourage the Village
19 Board to look at what our future needs
20 for parking and what parking management
21 strategies we should be pursuing.
22 There should be a comprehensive plan
23 for downtown for parking.

24 MAYOR FIXELL: Anyone else wish
25 to speak?

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MR. KAYE: My Kevin Kaye. I am the Co-President of the Chamber of Commerce. You heard Joanne Murray was also on our board who just spoke before you.

Members of the board, thank you all for considering parking as a very important issue within our community. It has been, prior to this unfortunate circumstance, already been a hot topic. We know our Village has grown. Thank you for pointing that out, and we have been working on that with other businesses, and our membership has been actively discussing among themselves solutions for this particular problem.

It is unfortunate that we have to go down a particular path in order to bring a business to the table, which we would like nothing more than to work this out amicably and I think the board has worked to that end. I don't know if at this point there is another solution, but we do know that parking,

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obviously, needs to be addressed.
Hopefully we can avoid the expense.
Hopefully we can find a solution.
Obviously, there is difference of
opinion here, and in my experience and
our membership's experience, when we
sit down and discuss solution, I don't
know, as a developer, I am in real
estate, there is a value to a lease,
there is a value to a customer, to
building owners, to having leases like
this in place. I do encourage Citibank
to take another look at this and come
to the table with a more reasonable
approach. Yes, there is value to the
property, but I do not believe it is
undermined by the lease that has been
proposed. In fact, if anything it
enhances it.

To address some of the other
issues that may accompany such a lease
and there are other uses that can avail
themselves of such circumstances.

Thank you all for pursuing this

1 BOARD OF TRUSTEES MINUTES

2 to the best interest of our community.

3 MR. MARGANELLI: Good evening,

4 everyone. Mark Marganelli, a new

5 resident of Tarrytown as of May,

6 although parking is not new to me here.

7 I began 24 years ago when the gentleman

8 we are going to honor later, Tom

9 Basher, started as a trustee and I

10 presented 22 years of jazz at the Music

11 Hall, so I know all about that 843

12 seats and I used to do two shows in one

13 night and sell them both out so we

14 would have 1,600 people in town

15 multiple times. With that said, I

16 guess, stating the obvious, there is a

17 major need for parking in the downtown

18 and I am also working with Kevin and

19 Joanne and everyone to try to serve, to

20 address that need in a long term

21 scenario, but as a loyal customer of

22 Citibank since 1978, one thing that has

23 not been voiced or even considered is

24 the idea that a company that supposedly

25 is a community involved player that is

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worth 160 billion dollars on the books could consider donating all or part of a 2 million parcel to this Village.

Thank you.

Just wanted to say that.

MAYOR FIXELL: Thank you.

Anyone else?

MS. McCABE: Catherine McCabe.

32 Miller Avenue. I agree completely about the parking in this town. Would just ask you to follow the math. If there is a need to be fiscally responsible here, we know we need these spaces and we know 21 spaces are not going to be enough to meet our growing needs, and if you look at the math and the money that would be spent on these spaces might be able to be spent on elsewhere to get 40 spaces. I think that is something you should consider. It would be great to work with Citibank to get these parking spaces here, but if it does go down the route of eminent domain I think we really need to

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understand and transparency of what the cost of that is going to be, so we can you weigh that of whether we would get more bang for our buck elsewhere, or if really acquiring the total parcel and the revenue that it could generate at higher parking rates, might really make it worthwhile for the whole thing.

I don't know. I just want to say follow the math.

DEPUTY MAYOR BASHER: We shall.

MAYOR FIXELL: Anyone else wish to speak during this public hearing? No?

MR. SILVERBERG: I would suggest, if you want to adjourn to executive session, to confer with counsel on procedural issues and the potential litigation regarding this matter.

MAYOR FIXELL: Do I have a motion to go into executive session?

DEPUTY MAYOR BASHER: I motion.

TRUSTEE HOYT: I second.

MAYOR FIXELL: All in favor?

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2 (Chorus of ayes.)

3 MAYOR FIXELL: Take a motion to
4 go back into executive session?

5 TRUSTEE MCGOVERN: Aye.

6 DEPUTY MAYOR BASHER: I second
7 that.

8 (Chorus of Ayes.)

9 (Executive session was taken.)

10 MR. SILVERBERG: As counsel
11 suggested that you go into executive
12 session and as I advised you and I will
13 say it publicly, closing a hearing
14 tonight does not preclude negotiating,
15 and the fact that the eminent domain
16 procedure law requires that even if you
17 are to openly make determination at the
18 closing of the hearing, but you want to
19 proceed with this matter, the Village
20 would have to make a good faith offer.
21 So there is nothing that precludes
22 closing the hearing and negotiating.

23 MAYOR FIXELL: I will take a
24 motion to close the hearing.

25 DEPUTY MAYOR BASHER: I motion.

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2 TRUSTEE HOYT: I second the
3 Deputy Mayor.

4 MAYOR FIXELL: All those in
5 favor?

6 (Chorus of ayes).

7 MAYOR FIXELL: Our next items are
8 public agenda items. You have three
9 minutes to address the board.

10 DEPUTY MAYOR BASHER: Any agenda
11 items?

12 MAYOR FIXELL: We will move on to
13 other agendas.

14 We have a traffic study agreement
15 being resolved at the Board of Trustees
16 Village of Tarrytown, the state would
17 authorize the Village executing an
18 agreement with VAP Engineering,
19 surveying and landscape architecture to
20 complete a] associated with the on
21 train station waterfront study.

22 TRUSTEE HOYT: So moved.

23 DEPUTY MAYOR BASHER: Second.

24 MAYOR FIXELL: All in favor?

25 (Chorus of ayes.)

1 BOARD OF TRUSTEES MINUTES

2 MAYOR FIXELL: Next we have
3 planning services. Zoning be resolved
4 by the Board of Trustees Village of
5 Tarrytown is hereby authorizing the
6 Village Administrator to execute an
7 agreement with collaborating studios to
8 complete the environmental review
9 associated with the proposed zoning
10 amendments to the office and mixed
11 districts.

12 TRUSTEE MCGOVERN: So moved.

13 MAYOR FIXELL: All in favor?

14 (Chorus of ayes.)

15 MAYOR FIXELL: Next we have an
16 adoption of an updated MO policy to be
17 resolved with the Board of Trustees and
18 the Village of Tarrytown who is hereby
19 -- has unlawful harassment policy in
20 the Village of Tarrytown, and a copy of
21 the policy will be attached to the
22 official minutes of the hearing.

23 TRUSTEE MCGOVERN: So moved.

24 DEPUTY MAYOR BASHER: Second.

25 MAYOR FIXELL: All in favor?

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(Chorus of ayes.)

MAYOR FIXELL: Adoption of an equal employment policy. Be advised that the Board of Trustee Village of Tarrytown has hereby adopted an equal employment policy for the Village of Tarrytown. A copy of the policy will be attached to the official minutes of the meeting.

DEPUTY MAYOR BASHER: So moved.

TRUSTEE MCGOVERN: Second.

MAYOR FIXELL: All in favor?

(Chorus of Ayes.)

MAYOR FIXELL: Next we have an amendment to the traffic lawyer. The Board of Trustees Village of Tarrytown has hereby approved an amendment for Chapter 291 Vehicles of Traffic with respect for Article 6, permit parking Article 5, meter parking Article 11 and 26 scheduled off-peak meter parking lot and a complete copy of the amendment to Chapter 291 will be affixed to the official minutes of the meeting.

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2 MAYOR BASHER: So motion.

3 TRUSTEE MCGOVERN: Second.

4 MAJOR FIXELL: All in favor?

5 (Chorus of ayes.)

6 MAYOR FIXELL: There are just
7 cleanups of the codes (indicating
8 papers.)

9 Next, we are going to schedule a
10 public hearing for the Storey Districts
11 and landmark, the stone work and
12 heating house at Patriots Park will be
13 resolved with the Board of Trustees
14 Village of Tarrytown will hereby have a
15 public hearing for the regular hearing
16 of April 4, 2016 at 8:00 p.m. in the
17 Judicial Building at 1 Depot Plaza,
18 Tarrytown, New York to hear and
19 consider a proposed amendment to the
20 Village of Tarrytown Chapter 191 upon
21 historic and landmark for proposed
22 stonework.

23 DEPUTY MAYOR BASHER: So moved.

24 TRUSTEE MCGEE: Second.

25 MAYOR FIXELL: All in favor?

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2 (Chorus of ayes.)

3 MAYOR FIXELL: The Board of
4 Trustees Village of Tarrytown hereby
5 approved abstract number 17 in the
6 total amount of \$659,189.05 in as
7 commended by the village treasurer.

8 TRUSTEE MCGOVERN: So moved.

9 DEPUTY MAYOR BASHER: I vote yes.

10 TRUSTEE MCGEE: I vote yes. I
11 have given the business voucher and I
12 recuse myself to my son's employment to
13 that particular venue.

14 TRUSTEE HOYT: Mr. Mayor, I vote
15 yes.

16 TRUSTEE BUTLER: Yes.

17 MAYOR FIXELL: Opportunity for
18 the public to address the board.

19 Anyone else wish to speak?

20 I think there is some people who
21 wish to speak.

22 MR. PLUNKETT: Thank you,
23 Mr. Mayor, very much.

24 Kevin Plunkett. 22 Birch Way,
25 Tarrytown, New York. It is my great

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honor to be here tonight. This is actually the first village meeting I have been to in many years, but it is my honor, particularly tonight, on behalf of our County Executive, Rob Astorino, on behalf of myself, as Deputy County of Westchester County, but more importantly on behalf of almost a million people who reside in Westchester County, to say thank you to someone who is very special. Of course, I am saying thank you to Trustee Tom Basher.

(Applause.)

DEPUTY MAYOR BASHER: I am glad we are doing this now before the golf season.

MR. PLUNKETT: By the way, I agree.

It is not often where you have someone who steps up in the local communities to dedicate their time, resources, and all of their knowledge of what is happening locally to make

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the community the type of place we like to think we have here, in Westchester County, and Tom follows the legacy of a family that has been committed to Westchester County. I enter to say, over 50 years of service that his father, Bill Basher, and his mother, Emily Basher, and now Tom Basher have provided for 24 years in Tarrytown, and it is because of people like Tom that our quality of life and what we expect from the Village officials are so important. I have a privilege of sitting for five years and served with Tom and I saw Tom in action and the caring and the knowledge that he brought to that position and good judgment or sound judgment without any hysteria throughout the years and I am proud to count Tom as a friend for over half a century.

DEPUTY MAYOR BASHER: Easy.

MR. PLUNKETT: And to know Tom and to be here on behalf of our County

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Executor as I said and on behalf of all of us.

I do not like to read proclamations, but, Mr. Mayor, if you would please give me the chance.

MAYOR FIXELL: Sure. I wish we were live.

MR. PLUNKETT: This is from the office of the County Executives of Westchester County, New York.

For all of us who live and work in Westchester County, we hold a special sense of pride and admiration of the many contributions of a public servant who has gone beyond the daily responsibilities devoting himself to improving the quality of life for this and future generations and whereas Thomas Basher, a devoted public servant, who has dedicated his time and passion to the betterment of this community in Tarrytown for many decades. Following in the footsteps of his parents, Village Trustees William

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2 and Emily Basher and whereas Thomas
3 Basher's role on the Tarrytown Board of
4 Trustees as both the trustee and Deputy
5 Mayor have shown great leadership,
6 responsibly, bringing positive change
7 to the community, working tirelessly
8 until the tasks and objectives are
9 complete, being crucial to many vital
10 initiatives in the village and whereas
11 Thomas Basher has played an
12 indispensable role over the years in
13 community organizations. Such as,
14 volunteer fire department, the police
15 department, Community Opportunities
16 Center, the Rotary, Kiwanis Club,
17 Knights of Columbus, and Tarrytown
18 Dance Club, and whereas, as his family
19 and friends and colleagues gather
20 together to celebrate him retiring from
21 the Board of Trustees for his selfless
22 services in Tarrytown and Westchester
23 County, Thomas Basher is truly
24 deserving of our reverence and
25 appreciation and therefore I, Robert

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Peastomino, County Executive of Westchester County, do hereby claim March 22, 2016 to be Thomas Basher recognition day in Westchester County and join my friends and neighbors throughout this County to mark this impressive accomplishment and to commend his dedication to Village of Tarrytown and to Westchester County.

(Applause.)

MR. PLUNKETT: And of course, Tom could not have done this unless he had large support behind with his family. It is my honor, I am going to ask my wife, Rose Mary, to come up and to present to Ann Marie Basher a token of our appreciation.

(Applause.)

MR. PLUNKETT: Thank you, Mr. Mayor.

DEPUTY MAYOR BASHER: Thank you so much.

MAYOR FIXELL: I have only known Tom for half his life and 11 years as

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Mayor and five years before that and knew him before that as well being involved in local affairs all I can say is, I will miss him.

All I can say, and this will be very short because I knew Kevin would have a long one.

Let me read this from all of us.

Whereas, Thomas Basher has ably and faithfully served the Village of Tarrytown as a member of the board of trustee for 24 years. The longest maintained Village history. And whereas, for the past 11 years, Tom has served as Deputy Major with distinction and honor. And whereas, Tom has always demonstrated a remarkable dedication to this Village and its residents. And whereas, Tom's immense contribution of wisdom, knowledge, and enthusiasm will never be matched and will be sorely missed by every Tarrytown resident, village employee, and public official, and especially by this Mayor.

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2 Now, therefore, being resolved,
3 by virtue of itself, by virtue of
4 authority invested in me as Mayor of
5 Tarrytown, I hereby declare, April 2016
6 Thomas Basher month in the town of
7 Tarrytown.

8 (Applause.)

9 MAYOR FIXELL: One more thing.

10 DEPUTY MAYOR BASHER: You might
11 have wanted people to speak about
12 something else here. You have to give
13 them time.

14 MAYOR FIXELL: Okay.

15 We wanted to name something after
16 Tom. We are going to name the bridge
17 that goes through Riverview Ave between
18 Tappan Landing, the Thomas Basher
19 Bridge.

20 DEPUTY MAYOR BASHER: Oh, thank
21 you.

22 MAYOR FIXELL: It fits.

23 DEPUTY MAYOR BASHER: Normally, I
24 am very short and sweet, but today I am
25 going to be a little long. If you

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2 remember Terry Blood, he used to come
3 in with index cards with him and say he
4 only had a few and there would be 30 of
5 them.

6 I did write down some notes to
7 keep me going here.

8 I have to start off by
9 remembering my mother and father. The
10 three of us, we served 43 years on this
11 board, but that is not counting the
12 years before I was elected, before my
13 mother was elected she was involved in
14 so many other things, and my father, so
15 as Kevin said, it was well over 50. I
16 remember them dearly.

17 (Applause.)

18 DEPUTY MAYOR BASHER: A lot of
19 thank yous have to go out because
20 members of the board relationships are
21 only as good as the people in the
22 village that work.

23 First of all, to the residents of
24 Tarrytown who have shown their support
25 for me over the years, I thank them

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dearly that they reelected me time and time again. I did not win the first two times, but they learned. I do have to throw in, I lost for Mayor, very disappointed, but seeing how this man puts the hours and hours in it, it is a blessing in disguise.

Next, to the excellent staff of the Village Hall. From the Department heads and all the dedicated warriors present and past. We have a few past employees here, Jerry, a very good friend of mine. Thank you for coming, and Joanne Murray.

(Applause.)

DEPUTY MAYOR BASHER: The employees of the Highway Sanitation and Water Department who makes sure the roads are plowed, the best of Westchester, and garbage is picked up and our waters, which we take for granted, and for what we have overheard the past few months, we should never take for granted. Thank you for

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working all hours of the night. When something is wrong, they get it fixed, so thank you for that great department over there.

Our recreation Department, has always had the best programs for the kids and the adults that a lot of people are not aware of. Very small staff and they get a lot done as well as other programs. I saw pictures on the internet of the egg hunt. They must have had four hundred kids there. It was mobbed and they did a great job. The programs, year round.

The police Department. These are the guys that keep us safe, safe at night, they are out paroling every night and go unnoticed most of the time and they put their lives on the line every day. When they respond to any report or anything of that nature, they do not know of what they are going into. We are very fortunate and there is a lot we do not hear of and they

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save and protect us every day.

(Applause.)

DEPUTY MAYOR BASHER: These are all the people who get paid to do this stuff. We have countless numbers of people who volunteer in this village who volunteer over the years to many on boards and committees. Those boards and committees, the boards suggest to this board here and we follow through to it and because of their great suggestions, shape the Village into what it is today. To all the boards and volunteers in the Village, thank you also.

It has been a great honor to serve on this board with these fine folks. Here some for 16 years, some for 10, but this board has had our differences in Westchester, but the secret to politics, which they lost in Washington is, say your piece, listen to the other person, and put your personal feelings aside, compromise,

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2 and you will come up with the right
3 solution. This board has shown, more
4 than any other board I worked with that
5 this is what this board does.

6 Thank you to all of you and
7 Duggy, who is not here. They do a
8 great job.

9 (Applause.)

10 DEPUTY MAYOR BASHER: I served
11 under three mayors over these 24 years.
12 Two of them are here tonight. Drew and
13 a very special person in my life, Mayor
14 Eileen Pilla.

15 (Applause.)

16 DEPUTY MAYOR BASHER: That was
17 the fun part.

18 Now some observations. Some are
19 good, all from the heart and some
20 people will be upset, but we'll still
21 be friends.

22 Somewhere down the road, if the
23 seniors ever decide to dedicate their
24 building or rename the building, some
25 of you know what I am going to say and

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you never thought I would do it. Great deal of thought if not unanimous should be given to Nick Morabito to name it in his honor. I say yes.

(Applause.)

DEPUTY MAYOR BASHER: It was his idea and his persistence along with Ms. Spano that got the funding that got this thing going and I tell you, somewhere down the road, he should be recognized for this.

Now Nick has fallen off his chair, I would love to see the expression on his face. Is the phone ringing yet?

Now, I waited until now to talk about the volunteer fire department. We have, if not the best, one of the best fire departments in the county. These men and women dedicate themselves to make sure they are ready day and night to protect our property. This board, as previous boards, have always equipped them with the best possible

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2 equipment we can get for them. New
3 trucks every 20 to 25 years, two new
4 fire houses, the cameras, we equipped
5 them with everything they need and
6 deserve. I do ask one thing, somewhere
7 down the line, the fire whistle is an
8 obsolete piece of equipment. You need
9 two forms of notification, your pagers
10 and something else. 52 out of the 58
11 communities of Westchester use County
12 Control as their dispatch and
13 notification. If we switch to them,
14 they would have the pager, text on cell
15 phone, and call you. If we have 300
16 members, I am saying and 998 of them
17 have pagers or cell phones, not all
18 them have pagers, so you would notify
19 more people quicker. You could still
20 keep the whistle, blow it at 12 noon to
21 make sure it works and God forbid, the
22 one day every ten years that everything
23 goes out, you have the whistle to back
24 up. Please give it serious
25 consideration.

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2 Okay. Oh, one other thing. I
3 mentioned the firehouse. I know you
4 don't want to know the reasons, but
5 please indulge me. The two firehouses.
6 When I moved back into the village
7 after an eight year absence, there was
8 a great debate as to what we are going
9 to do with the Village Hall. That was
10 in 1979 there was a referendum to go to
11 Pearson School. It failed. Years went
12 on. Years went on. This is a tribute,
13 again, to this board that finally just
14 said enough is enough. It is time to
15 make a move. They talked about the
16 Pearson School, Goldberg building was
17 one of the spots, John Charles was
18 another spot, CVS when it was used,
19 they were talking about it there.
20 Many, many, possibilities, but I think
21 they did a good job with combining the
22 police and the Village Hall together.
23 This board has done a lot in the last
24 ten years.

25 Finally, I have not forgotten

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you. Many, many thanks and love to my wife Ann Marie and my children, Tom Jr., who could not make it here today. He is up in Ithaca lieutenant in the fire department. It runs deep, and my daughter Megan and her fiance, Justin, came down here tonight.

(Applause.)

DEPUTY MAYOR BASHER: Thank you to Ann Marie, Tommy, and Megan for allowing me to serve the Village and all the committees and the meetings at night. You probably loved it when I left, the truth be told, but to my family, thank you very much.

Thank you and I will miss you.

MAYOR FIXELL: Do you want to adjourn the meeting?

DEPUTY MAYOR BASHER: Now, before we started with that nonsense, was anyone getting up to talk at all? I thought you were. Come up. Your father would be proud that you are coming up.

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2 MS. McCABE: Don't tell him I
3 said but, congratulations.

4 I don't mean to interrupt the
5 celebrations, but this is really
6 important to me. There was another
7 accident on Miller Avenue and this is a
8 place I walk with my child. We see the
9 cops there every day and it is great,
10 but it is a great dishearten that when
11 the cop car is directly in front of my
12 house and we have thrown out a bunch of
13 ideas over the last several months and
14 the traffic study shows it is more than
15 just one thing that is impacting the
16 behavior here and the truth is, the
17 minute the cops are gone people are
18 driving through like they are the
19 autobomber taking on the zombie
20 apocalypse. I want to know at this
21 point who is our champion on the board
22 to really go through all the ideas that
23 have been thrown out there and to
24 understand what the board is committed
25 to beyond the redux to 25 that is

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already happening because it is not enough when you have people crashing into walls where their kids walk, even after the redux and stop signs.

MAYOR FIXELL: Becky has been a champion.

TRUSTEE MCGOVERN: Why don't you stay after the meeting. We have partnered up with the Urban Police Department and I have gotten the information regarding the Slow Down Irvington and I got approval from the police and from the board to pursue taking on the community effort to get us aware of the pedestrian laws as well as the speeding and do it in a holistic way. So if you would like to help me with that.

MS. McCABE: I think holistic is great. There is so fewer people parking on the street because of spring break. If you drive on the streets tomorrow you will see the drastic change of next week. It ties into the

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behavior we have to have to walk our
kids up our block.

TRUSTEE MCGOVERN: Let's see what
we can do with the cooperation of the
police department.

MS. McCABE: Thank you.

DEPUTY MAYOR BASHER: A motion to
adjourn?

TRUSTEE HOYT: I am going to
second the Deputy Mayor.

DEPUTY MAYOR: All in favor?

(Chorus of ayes.)

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CERTIFICATION

I, BERNADETTE PAGE, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this day 1st of
April 2016.

BERNADETTE PAGE