

Board of Trustees
Village of Tarrytown
Regular Meeting No. 43
August 21, 2017
8:00 p.m.

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

REPORTS

Mayor Fixell noted the following:

- The next regular meeting of the Board of Trustees will be held on Tuesday, September 5, 2017, the day after Labor Day.
- The Village-wide Tag Sale will be held on Saturday, September 23rd from 10 a.m. – 5 p.m. For more information, please contact the Recreation Department at 631-8347.
- The opening of the westbound span of the Tappan Zee Bridge is planned to shift to the new NY Bridge beginning overnight this Friday into Saturday morning.

Trustee Brown noted the following:

- The Lyndhurst Mansion offers free tours to Tarrytown residents on Thursdays and Fridays through September.
- For businesses who want to increase their presence here in Tarrytown, you are welcome to attend the first fall meeting of the Chamber of Commerce on September 12th at the Sheraton Hotel at 8 a.m. For more information, please visit greaterleepyhollowtarrytown.com.

CHANGES AND/OR ADDITIONS TO THE AGENDA

The Board of Trustees removed Item No. 11, Amendment to the Master Fee Schedule regarding Photo Shoot Fees and will reconsider after the Film Code Amendment is adopted.

ADMINISTRATORS REPORT

Administrator Slingerland noted the following:

- The Village had a water main break last Thursday. Thanks to Jim Hart and the staff in the water department, water service was restored at approximately 11:30 that evening. The paving should have been completed today.
- The Village Pool will be opened through Labor Day weekend with an addition of the first two weekends in September.
- The contract has been awarded by the Board for the Loh Park Drainage Project. The contract is in the process of getting signed as well as getting all the information and insurance certificates and performance bonds from the contractor. We will be scheduling a meeting with the contractor before the project begins to discuss the overview and costs of the project.

CONTINUATION OF A PUBLIC HEARING – EMINENT DOMAIN (adopted)

Local Law Number 6 of 2017

A local law to add Chapter 305 of the Code of the Village of Tarrytown entitled Zoning to address the Impact of Eminent Domain Upon the Portions of Lots Remaining in Private Ownership After the Exercise of Eminent Domain

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

Section A: Purpose.

The purpose of this Local Law is to clarify the zoning status of property remaining in private ownership after a portion of a lot has been subject to a taking by eminent domain.

Section B: Add a new section 305-62 (C) which shall read as follows:

305-62 (C) If a portion of a lot has been acquired through eminent domain, and as a result of such acquisition, the remaining portion of the lot has been rendered non-conforming with respect to lot area, setbacks, building coverage, impervious surface coverage, parking, total gross floor area or FAR, such remaining portion of the lot shall be deemed and considered a legal non-conforming lot to the extent of any nonconformity resulting solely from such exercise of eminent domain. Notwithstanding any provision of section 305-62, in connection with any proposed change of use or change of occupancy involving any lot that has had a portion of it acquired through eminent domain (the "Remaining Lot"), for purposes of calculating the Remaining Lot's conformity with lot area, setbacks, building coverage, impervious surface coverage, parking, total gross floor area or FAR, the Remaining Lot shall be credited as if the lot area acquired through eminent domain remained, except that no structure may be extended or expanded to a location that is further into any required setback than any building existing at the time of the acquisition through eminent domain..

Section C: Supersession of other laws.

All laws, ordinances, rules and regulations of the Village are modified and superseded by this article with respect to their application to parking and enforcement.

Section D: 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 E: 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 Butler and unanimously carried, that the hearing be re-opened.

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

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

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, entitled Zoning to address the impact of Eminent Domain upon the portions of lots remaining in private ownership after the exercise of Eminent Domain.

WHEREAS, a public hearing was held for the proposed action on July 17, 2017 and August 21, 2017; and

WHEREAS, a notice of public hearing was published in the Journal News on

June 28, 2017; 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. 6 of 2017.

PUBLIC HEARING - CHAPTER 221, PARKS AND RECREATION AREAS (adopted)

Local Law Number 7 of 2017

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 21st day of August, 2017, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear, discuss and to act upon an amendment to Chapter 221 entitled "Parks and Recreation Areas". A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A local law to amend Tarrytown Village Code Chapter 221 entitled Parks and Recreation Areas to prohibit loud music and other similar acts.

Be it enacted by the **Board of Trustees** of the **Village of Tarrytown** as follows (language in **Bold to be added**):

Section 1. A new Section 221-10 entitled Playing of Loud Music and/or using Sound Amplification Devices is enacted:

§ 221-10. Playing of Loud Music and/or using Sound Amplification Devices.

No person shall use a radio, music amplifier or other sound amplification device, speaker of any kind and/or any other kind of device, except for authorized Village-sponsored or Village-approved events (for example village-sponsored summer music concerts), in any park, ball field or playground located within the Village for the purposes of playing loud music. Loud music is determined as any music or sound being heard from 25 feet from the source and is considered prima facie evidence for enforcement. Park shall be defined as any public property owned by the Village of Tarrytown and designated primarily for use and recreation.

Section 2. Current Chapter 221-10 is re-numbered to be Chapter 221-11 and current Chapter 221-11 is re-numbered to be Chapter 221-12.

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

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

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

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 221, Parks and Recreation Areas to prohibit loud music and other similar acts in any park or public property owned by the Village of Tarrytown.

WHEREAS, a public hearing was held for the proposed action on August 21, 2017; and

WHEREAS, a notice of public hearing was published in the Journal News on July 21, 2017; 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. 7 of 2017.

PUBLIC HEARING – FILMING (continued)

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

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

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to the second regular Board of Trustees meeting in September.

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

Mayor Fixell asked if anyone wanted to address the Board on agenda items. No one appeared.

APPOINTMENT OF BUILDING INSPECTOR

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby provisionally appoint Feliciano Valvano to the position of Building Inspector at an annual salary of \$115,000.00 effective September 5, 2017. Said appointment is subject to all Westchester Civil Service rules and regulations.

APPOINTMENT OF CODE ENFORCEMENT OFFICER

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby provisionally appoint Dennis Sullivan to the position of Code Enforcement Officer, part-time, effective September 5, 2017 at a salary of \$25.00 per hour subject to all Civil Service rules and regulations.

FIRE DEPARTMENT MEMBERSHIP CHANGES

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Fire Department membership changes recommended at the July 18, 2017 Board of Fire Wardens meeting: Membership Changes: Jacinto Tola has been elected to out of town active membership at Riverside Hose Company. Felix Sartario has been dropped from active membership from Riverside Hose Company and Jorge Guzman has been dropped from active membership from Hope Hose Company. Driver: Joseph Vercesi has been approved as a driver for Hope Hose Company.

AMENDMENT TO THE MASTER FEE SCHEDULE

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

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

Building Permit Application Fee:	\$60.00 plus*	\$100.00 plus*
*Renovation:	\$18.00 per \$1,000.00 of construction	\$19.00 per \$1,000.00 of construction
*New Residential (All Floor Areas):	\$2.50 per s.f.	\$3.00 per s.f.
* New Commercial (All Floor Areas):	\$3.50 per s.f.	\$4.00 per s.f.
Copy of Certificate of Occupancy:	\$20.00	\$25.00
Re-inspection Fee:	\$90.00	\$100.00
Plan Amendment Fee:	\$0.00	\$100.00 each submission
Plumbing Permit (4 fixtures or less) :	\$60.00	\$100.00
Roughing Inspection:	\$50.00	\$50.00 (No change)
(Charge for additional fixtures over 4):		\$10.00 each fixture
Testing:	\$50.00	\$50.00 (No change)
		August 21, 2017
In ground sewer or gas test:	\$50.00	\$50.00 (No change)
Gas test:	\$50.00	\$50.00 (No change)
Final Inspection:	\$50.00	\$50.00 (No change)
Re-inspection Fee:	\$90.00	\$100.00
Electrical Permit Fees:		

0 - \$499	\$60.00	\$100.00
\$500-\$999	\$70.00	\$110.00
\$1,000- \$1,999	\$85.00	\$125.00
\$2,000 - \$3,999	\$95.00	\$135.00
\$4,000 - \$9,999	\$150.00	\$190.00
\$10,000 - \$50,000	\$235 + 2.35% of value over \$10,000	\$275 + 2.35% of value over \$10,000
\$50,000 and over	\$1,750.00	\$1,790.00
Architectural Review Board Application Fee:	\$50.00 + \$2.00 per \$1,000 of construction	\$100.00 + \$2.00 per \$1,000 of construction
Cross Connection Control	\$50.00	\$100.00
Zoning Board Of Appeals	\$200.00 \$750.00	\$300.00 1-2 Family \$900.00 Commercial
Planning Board	\$500.00 + \$25/parking space + \$50 each dwelling unit	\$600.00 + \$30/parking space + \$60 each dwelling unit

AWARD A BID – SENIOR CENTER MECHANICAL, ELECTRICAL AND
PLUMBING ALTERATIONS

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

WHEREAS, on July 26, 2017, the Village requested bids for the mechanical, electrical and plumbing alterations for the senior center and no bids were received; and

WHEREAS, on August 15, 2017, the Village received one (1) bid in response to the rebid for the Senior Center Mechanical, Electrical and Plumbing Alterations; and

WHEREAS, based on the provisions of the CDBG funding source, this project is under a completion deadline of December 31, 2017; and

WHEREAS, the 1 bid received and the bid amount is listed below:

Contractor	Bid Amount
J & M Heating and AC, Inc. of New Rochelle, NY	\$424,000

WHEREAS, the sole bid has been reviewed by the Village Engineer and it is his recommendation that this project be awarded to the lowest responsible bidder, J & M Heating and AC of New Rochelle, NY, per their low approximate bid price of \$424,000, with advice to the Village Administrator and Village Engineer to discuss eliminating unit price items in the contract (for instance the upgraded emergency backup generator), in coordinating with the CDBG funding entity, to bring the project more in line with the planned project budget.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement with J & M Heating and AC, Inc., of New Rochelle, NY, for the mechanical, electrical and plumbing alterations for the senior center per their bid amount of their approximate bid price of \$424,000, with advice to the Village Administrator and Village Engineer to discuss eliminating unit price items in the contract (for instance the upgraded emergency backup generator), in coordinating with the NY State CDBG funding entity, to bring the project more in line with the planned project budget.

COMMUNITY BENEFITS FUND AWARD AGREEMENT – NEW LIGHTS AT LOSEE
PARK

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby accept the grant from the New NYBridge Community Benefits Fund Program and hereby authorizes and directs the Village Administrator to enter into an agreement with the New York State Thruway Authority for the new lights at Losee Park.

COMMUNITY BENEFITS FUND AWARD AGREEMENT – PAVING PROJECT - VAN WART AVENUE

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby accept the grant from the Community Benefits Fund Program and does hereby authorize and direct the Village Administrator to enter into an agreement with the New York State Thruway Authority for the paving project on Van Wart Avenue.

COMMUNITY BENEFITS FUND AWARD AGREEMENT – MARINE DREDGING FOR FIRE BOAT

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby accept funding from the Community Benefits Fund Program and does hereby authorize and direct the Village Administrator to enter into an agreement with the New York State Thruway Authority for their support to enhance emergency response in the area of the New NY Bridge through the funding of marine dredging to support emergency services in the amount of \$300,000.00.

NEW YORK STATE DORMITORY AUTHORITY GRANT AGREEMENT FOR FIRE EMERGENCY RESPONSE BOAT GRANT, PROJECT ID 8177

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

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby accept funding from the Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) for a grant in the amount of three hundred twenty five thousand dollars (\$325,000) and does hereby authorize and direct the Village Administrator to enter into an agreement with the DASNY for their support to enhance emergency response through the use of an emergency response Fire Boat along the Hudson River, and thanks our state representatives and officials for their assistance and support in securing this grant for the benefit of all Tarrytown residents and all visitors to the nearby areas along the Hudson River near Tarrytown.

SUSTAINABLE WESTCHESTER EV DISCOUNT PROGRAM

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

WHEREAS, the Village of Tarrytown, as a member of Sustainable Westchester, has joined the energy-saving and cost saving program for the Nissan Leaf EVs; and

WHEREAS, Sustainable Westchester, through its electric vehicle consultant, EarthKind Energy, has secured a special offer for a \$10,000 discount and combined with New York State and Federal tax credits, the total discount comes to over \$19,000.00 for the Village to purchase Nissan Leaf EVs, with the proviso that the Village has to purchase the vehicle(s) through a corporation (proposed lease or financing arrangement) in order to avail ourselves of the State and Federal Tax Credits.

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement to

purchase two (2) 2017 all-electric Nissan Leafs, with the condition that the Village is able to obtain the maximum reduction in purchase price in this program, and authorizes the Village Administrator to sign a lease or financing agreement, subject to the approval of the Village Attorney.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON JULY 17, 2017

Trustee McGovern moved, seconded by Trustee Zollo, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Mayor Fixell and Trustees Brown and Butler who abstained. Approved: 4-0-3

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 July 17, 2017 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON AUGUST 2, 2017

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special meeting of the Board of Trustees held on August 2, 2017 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 3 of Audited Vouchers which includes the August 7, 2017 and the August 21, 2017 Vouchers to be paid in the following amounts:

General	\$ 1,332,562.30
Water	470,284.69
Sewer Fund	0.00
Capital	363,813.44
Library	31,413.30
Trust & Agency	<u>10,237.66</u>
Total	\$ 2,208,311.39

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD. SPEAKERS HAVE FIVE (5) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER; THEN THREE (3) MINUTES FOR ADDITIONAL COMMENTS

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

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned at 8:32 p.m.

Carol A. Booth
Village Clerk