

# Village of Tarrytown, NY

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## Village Board of Trustees Minutes 04/21/2014

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 3  
April 21, 2014  
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

### REPORTS

Mayor Fixell announced that the Tarrytown Police Benevolent Association is hosting a fundraiser to support E.M.T. Brett Roberts of the Tarrytown Ambulance Corp. Brett and Dawn's son, Trevor, has remained in the hospital since birth due to serious health ailments. Please join in this benefit to help defer the rising medical costs for Trevor's care on Thursday, April 24, 2014 from 7 – 11 p.m. at J.P. Doyle's Restaurant on Beekman Avenue in Sleepy Hollow. \$50 donation at door includes dinner and open bar; there will be a raffle. Monetary donations can be made by check to Brett Roberts and mailed to: Tarrytown P.B.A., P.O. Box 242, Tarrytown, NY 10591. Any questions, please contact Chris Cole at 914-260-6276.

Trustee McGee reminded everyone that this coming Saturday and Sunday, the Friends of the Warner Library will hold their annual Spring Book Sale from 10:00 a.m. to 5:00 p.m., rain or shine. She urged everyone to come out and support the library.

### CHANGES AND/OR ADDITIONS TO THE AGENDA

Mayor Fixell noted that a resolution to approve the minutes of the March 18, 2014 will be added to tonight's agenda.

### ADMINISTRATORS REPORT

Administrator Blau reported on the following:

Potholes - Trustee Butler asked a question at the last Board meeting about the Villages activities in regards to potholes. I posed the question to the Superintendent of Public Works who noted that some staff members were dedicated to filling potholes every day prior to the April 7. The potholes were being filled with cold patch, which is only a temporary repair until hot mix asphalt is available. The hot mix is now available and staff will be going out to repair potholes subject to weather and staffing. The past two weeks, staff has been making permanent patches on Cottontale, Oak Rise, Sheldon, Heritage Hill and Altamont in locations where the Village had to repair water main breaks during the winter season.

Neperan Road Culvert – The Village is still planning on replacing the culvert on Neperan Road, just east of Sunnyside Avenue, by the end of the month, provided we can complete our coordination of the work with Con Edison. There are two gas lines in the vicinity of the culvert. Neperan Road will be closed for one day to complete the repair work. If the road is not closed, the time to complete the project and the cost virtually doubles. Notice of the closure will be provided by signage, the website and the scroll.

Paving - The paving work authorized with funding from the current Capital budget is scheduled for this Thursday and Friday. No Parking signs have been erected and paving will occur on Barnes Road, from Kerwin to a point 250 feet west, Midland Avenue from Benedict to Lower Crest Drive; Warren Avenue, from McKeel to the 90 degree curve in the road; McKeel Avenue from Warren to Beech; Neperan Road from Hamilton to Marymount and the northeast, southeast legs of the H-Bridge, the ramps will remain open with flag persons during milling and paving of the legs of the H-Bridge and Cortlandt Street.

Trustee McGovern asked if lower Crest Drive was being paved from Benedict Avenue to Midland Avenue. Administrator Blau stated that Crest Drive is not being paved at this time; however, he will make a note to put it on the paving schedule for next time.

She requested that the pot holes be filled on lower Crest Drive.

CONTINUATION OF A PUBLIC HEARING TO HEAR AND DISCUSS THE TENTATIVE BUDGET FOR FISCAL YEAR 2014-2015

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

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

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby close the public hearing.

CONTINUATION OF A PUBLIC HEARING – HISTORIC COMMONS DISTRICT (Continued to May 5, 2014)

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

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

Trustee McGovern 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 continue the public hearing to the next regular Board meeting on May 5, 2014.

CONTINUATION OF A PUBLIC HEARING – ZONING MAP (Continued to May 5, 2014)

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

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

Trustee Butler moved, seconded by Trustee McGee, 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 next regular Board meeting on May 5, 2014.

CONTINUATION OF A PUBLIC HEARING – COMPREHENSIVE PLAN (Continued to May 5, 2014)

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

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

Trustee Hoyt moved, seconded by Trustee Basher, 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 next regular Board meeting on May 5, 2014.

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

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

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON MARCH 18, 2014

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special meeting of the Board of Trustees held on March 18, 2014 as submitted by the Clerk.

CERTIFICATION OF THE RE-CANVASS OF VOTES CAST AT THE MARCH 18, 2014, VILLAGE ELECTIONS

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

WHEREAS, On Tuesday, March 18, 2014, the Board of Trustees met pursuant to Section 4-430 of the Village Law and proceeded to canvass the returns of the Election Inspectors for the annual Village Election as follows. These election results have been certified by the Election Inspectors from the results submitted by the districts; and

WHEREAS, On March 19, 2014, the Village Clerk received a request to re-canvass the votes cast in the Village Election held on March 18, 2014; and

WHEREAS, On April 3, 2014, a re-canvass of votes cast for the Office of Village Trustee at the March 18, 2014 Village Election was completed by the Westchester County Board of Elections.

NOW BE IT RESOLVED that the Official Statement of Votes cast and canvassed in Westchester County at the Village Election of March 18, 2014, for the Office of Trustee, for the Village of Tarrytown. (Vote for three) are as follows:

Total number of ballots voted:	1,281
Blank and Void	80
Total number of ballots canvassed:	1,201

BE IT FURTHER RESOLVED that for the Office of Trustee, Village of Tarrytown, the candidates named below received the number of votes set opposite their respective names.

The undersigned Board of Trustees, acting as Board of Canvassers on the 21<sup>st</sup> day of April, 2014, does hereby certify the results of the re-canvass as follows:

Thomas T. Basher, Democratic & Tarrytown United, received:	341
Robert Hoyt, Democratic & Tarrytown United, received:	337
Mary McGee, Democratic & Tarrytown United, received:	330
Frank Morabito, received:	60
Margaret Murphy, received:	69
Ronnie Diaz, received:	55
Robert Smith, received:	4
Nick Morabito, received:	1
Joseph Callahan, received:	1
Diaz Ramirez, received:	2
Clarice Pollack, received	1

NOW THEREFORE BE IT RESOLVED, pursuant to law, we do hereby determine and declare that Thomas T. Basher, Robert Hoyt and Mary McGee having received the greatest number of votes cast for the office of Trustees are duly elected Trustees of the Village of Tarrytown for a two-year term each.

ARBOR DAY RESOLUTION

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

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are renewable resources giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, the Village of Tarrytown has been recognized as a Tree City USA by the National Arbor Day Foundation for 32 years and the Village desires to continue its tree-planting ways.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby proclaim April 25, 2014 as "ARBOR DAY" in the Village of Tarrytown, and urges all citizens to support efforts to care for trees and woodlands in the Village and to support the Village's forestry program.

BE IT FURTHER RESOLVED that the Board of Trustees urges all citizens in the Village to plant trees to improve the community and to promote the well-being of present and future generations.

THIRD FRIDAY AGREEMENT

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 authorize and direct the Village Administrator to execute an agreement with Sandro Ore of Tarrytown, New York, for the operation and management of the Third Friday program for the 2014 Third Friday season subject to review and approval of the agreement by the Village Attorney.

SYKES PARK

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

WHEREAS, the Village of Sleepy Hollow has applied for and received a grant from the New York State Office of Parks, Recreation and Historic Preservation for improvements to Reverend Sykes Park; and

WHEREAS, the improvements to the park include resurfacing of the basketball court and playground, replacing the basketball court backboards and hoops, replacing benches and picnic tables, repairing or replacing the chess tables, installation of a storage bin and addressing landscaping in and around the park; and

WHEREAS, the park is owned by both the Village of Sleepy Hollow and the Village of Tarrytown; and

WHEREAS, since the Village of Tarrytown is part owner of the park, the Village of Sleepy Hollow must provide proof to the New York State Office of Parks, Recreation and Historic Preservation that the Village of Tarrytown supports the improvements to the park that are to be funded with grant funds.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby support the improvements to Reverend Sykes Park proposed by the Village of Sleepy Hollow and the funding of the improvements with grant funding from the New York State Office of Parks, Recreation and Historic Preservation.

BE IT FURTHER RESOLVED that there shall be no contribution toward the improvements to Reverend Sykes Park committed to or paid by the Village of Tarrytown.

**APPROVAL OF TENTATIVE AGREEMENT BETWEEN THE CIVIL SERVICE EMPLOYEES ASSOCIATION AND THE VILLAGE OF TARRYTOWN**

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

WHEREAS, the negotiating committees for the Village and the Civil Service Employees Association, Village of Tarrytown Unit #8212, Westchester County Local 860 ("CSEA") executed a Tentative Agreement on March 24, 2014 for a successor collective bargaining agreement to commence on June 1, 2012; and

WHEREAS, it was fully understood by the parties that the Tentative Agreement required ratification by the membership of the CSEA and approval by the Board of Trustees; and

WHEREAS, the Village was notified on April 16, 2014 that the membership of the CSEA voted to ratify the Tentative Agreement on April 16, 2014; and

WHEREAS, the authorized salary increases associated with the four-year agreement are: June 1, 2012 through May 31, 2013 – 2.0%; June 1, 2013 through May 31, 2014 – 2.5%; June 1, 2014 through May 31, 2015 – 2.5%; June 1, 2015 through May 31, 2016 – 3.0%.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the terms of the Tentative Agreement dated March 24, 2014 for a successor collective bargaining agreement to commence on June 1, 2012 through May 31, 2016.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby authorize and direct the Village Administrator to execute the successor collective bargaining agreement with the CSEA.

**SCHEDULE BOARD OF TRUSTEES SPECIAL MEETING**

Trustee McGovern moved, seconded by Trustee McGee, 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 schedule a special meeting to hear and discuss the proposed Tentative Budget for Fiscal Year 2014-2015 on Wednesday, April 30, 2014 at 6:00 p.m.

**SCHEDULE A PUBLIC HEARING – PROPERTY TAX LEVY CAP**

Mayor Fixell stated that the budget does not exceed the tax levy cap, but by small chance there is a mistake made, there are penalties associated with exceeding the cap unless you authorize the override of the tax levy cap.

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 schedule a public hearing for the special meeting of April 30, 2014, to hear and discuss a proposed local law authorizing the Village to exceed the property tax levy cap pursuant to General Municipal Law §3-c.

SCHEDULE A PUBLIC HEARING – AFFORDABLE HOUSING LEGISLATION

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a Public Hearing for the regular meeting of May 5, 2014, to hear and discuss a proposed amendment to the Zoning Code of the Village of Tarrytown, Chapter 305-130 entitled “Affordable Housing,” to address the issue of fairness and the prohibitive costs associated with the Village Code relating to the purchase of units to be dedicated as affordable housing in compliance with the Westchester County Affordable Housing Program.

SCHEDULE A PUBLIC HEARING – MORATORIUM, HISTORIC COMMONS DISTRICT

Trustee McGovern 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 schedule a Public Hearing for the regular meeting of May 5, 2014, to hear and discuss and act upon a proposed amendment to the Code of the Village of Tarrytown, Chapter 305-78 Zoning entitled “Moratorium on Development in the Historic Commons HC Zone,” to extend the period of time to the existing Local Law No. 5 of 2013, “Moratorium on Development in the Historic Commons HC Zone of the Village of Tarrytown.”

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 7, 2014

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

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 April 7, 2014 as submitted by the Clerk.

APPROVAL OF THE MINUTES OF THE ORGANIZATIONAL MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 7, 2014

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the organizational meeting of the Board of Trustees held on April 7, 2014 as submitted by the Clerk.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 4, 2014 AT 8:30 A.M.

Trustee Basher moved, seconded by Trustee Zollo, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustees Butler and Hoyt who recused themselves. Approved: 5-2

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 April 4, 2014 at 8:30 a.m. as submitted by the Village Administrator.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 4, 2014 AT 6:00 P.M.

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 approve the minutes of the special meeting of the Board of Trustees held on April 4, 2014 at 6:00 p.m. as submitted by the Village Administrator.

APPROVAL OF AUDITED VOUCHERS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 19 of Audited Vouchers to be paid in the following amounts:

General	\$ 375,617.92
Water	141,237.40
Sewer Fund	0.00
Capital	2,897.25
Library	2,615.04
Trust & Agency	<u>2,281.63</u>
Total	\$ 524,649.24

The Board was polled all voting "aye" with the exception of Trustee McGee who recused herself from Voucher Number 2012245099. Motion carried. 7-0

**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**

John Lanzetta, 59 Rosehill Avenue, stated that he would like to speak about the Village's letter he received for the removal of his pillars from Village property. Several months ago, he submitted photos of similar pillars around the Village. He didn't receive information if any of those properties were in violation. Attorney Shumejda stated that the Board of Trustees enacted a policy dealing with pillars and right-of-ways. The policy states if the pillars were built prior to zoning or if the pillars were built prior to the time the streets on which the pillars are located were dedicated to the Village; those pillars are permitted to remain on Village property. He noted that in the case of Mr. Lanzetta's pillars, the pillars were built in recent times and totally within the Village's right-of-way. Therefore, your situation is different from all the other examples that were submitted. Trustee Butler suggested that he dig up the footings under the pillars and possibly move the pillars onto his property. Mr. Lanzetta asked if the Board would consider a compromise if he reduced the height of the pillars and hollowed them out to basically look like planters, could the pillars remain. Attorney Shumejda responded "no" to the compromise because it is still a structure and it is still located totally within the Village's right-of-way. Mr. Lanzetta asked if the Board could push back the date to remove the pillars. The current date to remove the pillars is April 30, 2014. He will need more time to figure out what he wants to do with the pillars. Administrator Blau asked Mr. Lanzetta to email him with a reasonable date for removal.

**ADJOURNMENT**

Trustee Basher moved, seconded by Trustee Hoyt, and unanimously carried, that the meeting be adjourned at 8:30 p.m.

Carol A. Booth  
Village Clerk