

Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199
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Village Board of Trustees Minutes 05/06/2013

Board of Trustees
Village of Tarrytown
Regular Meeting No. 5
May 6, 2013
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

MOMENT OF SILENCE – KATHRYN WASSERMAN DAVIS

Mayor Fixell requested a moment of silence in honor and memory of Kathryn Davis, who recently passed away at the age of 106. Mrs. Davis was a remarkable, philanthropic woman who was incredibly generous to the Village, to the Country and to the World.

REPORTS

Mayor Fixell thanked the following people who participated in the Village-wide Clean-up Day on April 20, 2013 and also thanked the people who participated that are not on the list:

Maria Donovan, Betty Tondreau and Patrick O’Neill, Jenna Harbus, Tibor Hinge, Patricia Halpin, Rose Cohen, Martin Smolin, Martin Hauser, Rachel Tieger, Lakis Polycarpou and family, Barbara Goodman-Barnett, Susan Goodwin, Geg Galloway, Carole Griffiths, Chairperson of TEAC, who is responsible for this great event, Gilbert and Brittnay Baewisil, Ivan Ortiz, Mika Hori, Chris Walk, and Ryoko Ado.

Trustee McGee noted the following:

- She congratulated Brett Roberts of our Volunteer Ambulance Corp. He has been named Regional BLS (Basic Life Support) provider of the year. She thanked Bret and all of the members of the Tarrytown Volunteer Ambulance Corp for the wonderful work they do for our community.
- On behalf of the Friends of the Warner Library, she thanked all the people that came out to the Library Book Fair and for their support. They made \$12,400, which will be used for programming at the Warner Library.

Trustee Hoyt noted that as the warm weather approaches, we are getting ready for Summer Camp registration. Please contact the Recreation Department at 631-8347.

PUBLIC HEARING – JITNEY FUND (adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 6th day of May, 2013, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon an amendment to Chapter 305 entitled "Zoning". A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A LOCAL LAW to amend the Code of the Village of Tarrytown, Chapter 305 entitled “Zoning”, by amending Section 305-63, “Off-Street Parking and Loading”, Subsection C.7(d) relating to the jitney fund.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees has found that there continues to be a tremendous demand for parking in the downtown commercial area and the concept of a jitney fund has not and will not address the ongoing parking issues. Property owners and the developers who are interested in creating commercial establishments in those properties in the downtown commercial area have noted that greater flexibility is necessary to help to address the ongoing parking needs. This amendment is designed to provide greater flexibility for the Boards and staff that have to address the parking and commercial needs in the downtown commercial area to keep the area vibrant.

B. Legislative Intent.

The intent of this amendment is to provide tools that will benefit both the commercial property owners, the developers interested in opening businesses in those commercial properties and the Village of Tarrytown. Material to be deleted appears in parenthesis [], material to be added is in **bold typeface**.

SECTION 2. Amendment to §305-63.C.7(d) "Off-Street Parking and Loading".

§~305-63. Off-street parking and loading.

(d) Upon the establishment of a [jitney] **parking** fund for the Restricted Retail Zone by the Village Board of Trustees, should the Planning Board or the Zoning Board of Appeals, depending upon which of these two Village agencies is responsible for the review and approval of the particular parking requirement, determine that such parking requirement cannot be fulfilled because applicant does not have land on site available for parking or has land on site that cannot be accessed from public rights-of-way, said Board may require that a monetary contribution **in-lieu of the provision of parking spaces, up to a maximum of fifteen (15) parking spaces. The amount to be placed in the parking fund shall be as follows:**

From 1 to 5 parking spaces, \$2,500 per parking space.

From 6 to 10 parking spaces, \$5,000 per parking space.

From 11 to 15 parking spaces, \$10,000 per parking space.

[in the amount of \$1,000 per parking space to a maximum of five spaces, in lieu of such off-street parking, be paid into a jitney fund established by the Village.] These procedures shall be limited to the off-street requirements within the RR Restricted Retail Zone. The **parking** [jitney] fund, when established, shall be used exclusively for the [operation of a jitney] **creation of new parking in the downtown commercial area or for the maintenance of the existing parking in the downtown commercial area.**

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped.

Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

**BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF TARRYTOWN**

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

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

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

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 305 entitled "Zoning," by amending Section 305-63, "Off-Street Parking and Loading," Subsection C.7 (d) relating to the jitney fund and parking requirements in the Restricted Retail zoning district.

WHEREAS, a public hearing was held for the proposed action on May 6, 2013; and

WHEREAS, a notice of public hearing was published in the Journal News on April 19, 2013; 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 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 hereby adopts Local Law No. 3 of 2013.

PUBLIC HEARING – SIDEWALK CAFES (adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 6th day of May, 2013, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendments to Chapter 247 entitled “Sidewalk Café, Vending and Musicians” of the Code of the Village of Tarrytown. A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A LOCAL LAW to amend Chapter 247, Sidewalk Café and Vending, Article I, Section 3, Permit Required of the Code of the Village of Tarrytown.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees conducted an analysis of the fee structure associated with permits issued for the operation of a sidewalk café and made the decision to increase the fees associated with the issuance of the permit. The Board of Trustees received input from the Chamber of Commerce and the Merchants Association regarding the new fee structure and has determined that it is no longer necessary to require a deposit for possible damage associated with the operation of the sidewalk café or failure of a permittee to comply with the requirements of this Chapter or any requirements in their respective permit, provided there is protection for the Village in this Chapter to address the loss of the deposit. This amendment is intended to eliminate the deposit and to protect the Village and the Village’s property.

B. Legislative Intent.

It is the intent of the Board of Trustees of the Village of Tarrytown to amend the Code to eliminate the requirement for a deposit and to provide necessary protections for the Village associated with the operation of the sidewalk café.

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

SECTION 2. AMENDMENT TO CHAPTER 247, ARTICLE I, SIDEWALK CAFES, SECTION 3 PERMIT REQUIRED.

The Village Administrator is authorized to issue a permit for the seasonal operation of a sidewalk cafe, provided that all of the requirements of §~247-4, Conditions for issuance of permit, and §~247-5, Fees [and deposits]; failure to comply; **damage to Village property**, have been complied with by the applicant. The permit shall be valid from March 15 up to and including November 30 of any calendar year. This permit may be renewed annually, subject to the conditions of §§~247-4 and 247-5.

SECTION 2. AMENDMENT TO CHAPTER 247, ARTICLE I, SIDEWALK CAFES, SECTION 3 PERMIT REQUIRED.

§~247-5. Fees[and deposits]; failure to comply; **damage to Village property**.
[Amended 5-21-1990 by L.L. No. 11-1990; 5-6-1991 by L.L. No. 5-1991]

- **A fee as adopted by resolution of the Board of Trustees is required upon the issuance or annual renewal of the permit.**
- [In addition, a refundable deposit as adopted by resolution of the Board of Trustees, or equivalent bond, shall be retained by the Village until expiration of the permit as security for the faithful performance by the permittee of all the terms, agreements, covenants and conditions of the permit on the permittee's part to be done or performed.] Upon the failure or default by the permittee of any of the terms, agreements and conditions of the permit on its part to be done or performed, [said deposit may be used by the Village by reason of such failure or default on the part of the permittee and without prior notice thereof to the permittee, and said permittee shall

have no claim against the Village for loss of anticipated profits or for any losses by reason thereof. Any balance left after the expense of such failure or default, as determined and certified by the Village Administrator, which has been paid and deducted from the amount of the deposit shall be refunded to the permittee. Any excess cost above the deposit shall be charged to the permittee.] **the Village shall provide seven (7) days' notice to the permittee of the failure or default. The permittee shall correct the failure or default and should the permittee fail to correct the failure or default within the seven (7) days, the Village Administrator shall suspend the permit until the failure or default is corrected. Should the permittee receive notice of a failure or default a second time during a sidewalk café season, the permit shall be revoked for the remainder of the season. Said permittee shall have no claim against the Village for loss of anticipated profits or for any losses by reason thereof.**

- **Should any Village property be damaged due to the operation of a sidewalk café, the Village shall conduct the necessary repairs to the Village property and shall bill the permittee for the costs associated therewith, including but not limited to staff time, materials and supplies. An invoice for the repair work shall be sent to the permittee. Should the permittee fail to pay the Village for the repair work, the Village Administrator shall not issue a new sidewalk café permit.**

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SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TARRYTOWN

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

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

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

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 247 entitled "Sidewalk Café, Vending and Musicians," for the purpose to eliminate the requirement for a deposit and to provide necessary protections for the Village associated with the operation of a sidewalk café.

WHEREAS, a public hearing was held for the proposed action on May 6, 2013; and

WHEREAS, a notice of public hearing was published in the Journal News on April 19, 2013; 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 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 hereby adopts Local Law No. 4 of 2013.

PUBLIC HEARING – HISTORIC COMMONS DISTRICT (adopted)
VILLAGE OF TARRYTOWN
NOTICE PURSUANT TO VILLAGE LAW §7-706
ENACTMENT OF PROPOSED AMENDMENT ENACTING
MORATORIUM ON DEVELOPMENT IN HISTORIC COMMONS HC ZONE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 6th day of May 2013, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, at 8P.M. to hear, discuss and to act upon a proposed amendment to the Code of the Village of Tarrytown by adding a new Chapter, to be entitled Moratorium on Development in the Historic Commons HC Zone of the Village of Tarrytown, which will provide a brief period for the Village to analyze adequately and thoroughly research the current zoning code and adopt and/or enact laws which will reasonably and rationally complement Chapter 305-28 entitled "Historic Commons HC Zone" originally adopted in 2001. A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A LOCAL LAW to amend the Code of the Village of Tarrytown by adding a new Chapter to be entitled Moratorium on Development in the Historic Commons HC Zone of the Village of Tarrytown, which will provide a brief period for the Village to analyze adequately and thoroughly research the current zoning code and adopt and/or enact laws which will reasonably and rationally complement Chapter 305-28 entitled "Historic Commons HC zone".

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees of the Village of Tarrytown adopted Chapter 305-38 entitled "Historic Commons HC Zone" in 2001.

The Board of Trustees has been informed that the requirements of the Historic Commons HC Zone are not clear and the language of the Zoning Code as it applies to the Historic Commons HC Zone provides minimal guidance as to the developmental potential, or lack thereof, of property found within the Historic Commons HC Zone. Examples of some of the issues brought to the attention of the Board of Trustees are as follows:

[i] The sole permitted use without obtaining a "Compatible Use Permit" is a single family residence. However the code section lists "Permitted Accessory Uses" as 1) Public restaurant; 2) Recreation facilities; 3) Parking lots; 4) Tennis courts; 5) Swimming pools; and 6) Accessory private garage space. The only accessory uses that are valid accessory uses to single family residence are items 4, 5 and 6.

[ii] The Historic Commons HC Zone establishes the minimum lot area for "permitted uses" as 5 acres. It is not clear whether 5 acres is the intended minimum lot area for the uses that are subject to a compatible use permit.

[iii] The Historic Commons HC Zone list 8 uses that can be developed on the site and require the issuance of a compatible use permit.

[iv] There is an issue as to whether a developer can create a mixed use on the site, providing a number of the uses subject to a compatible use permit on the site.

Therefore, a temporary moratorium of all development within the Historic Commons HC Zone except for single family houses is necessary pending review of the zoning code.

B. Legislative Intent.

The intent of this Moratorium is to provide a brief period of time wherein the Village Board of Trustees can review the entire zoning code and adopt and/or enact laws necessary to reasonably and rationally complement Chapter 305-38 "Historic Commons HC Zone". It is the intention of the Board of Trustees of the Village of Tarrytown to analyze within the designated moratorium period the current zoning code and if necessary adopt any resolution and or enact any local law to ensure that any development within the Historic Commons HC Zone is consistent with the intent of Chapter 305-38 "Historic Commons HC Zone" and the health, safety and general welfare of the current and future residents of Tarrytown. These actions are to be taken pursuant to the Board's power to protect and enhance the Village's physical environment and to protect the well being of persons or property within the Village. Since a period of time will be necessary to enable the Board of Trustees to accomplish these actions the Board does hereby adopt a temporary moratorium on the following:

[1] Construction of any new structure – except single family residential homes - within the Historic Commons HC Zone of the Village of Tarrytown.

SECTION 2. SCOPE OF CONTROLS

During the effective period of this law as provided in Section 8 below, the Building Inspector of the Village of Tarrytown shall not issue any building permit upon an application which would result in the following:

[1] Construction of any new structure – except single family residential homes - within the Historic Commons HC Zone of the Village of Tarrytown, in the area of application as set forth in Section 4 below. Furthermore, during the effective period of this law as provided in Section 8 below, the Planning Board, the Architectural Review Board nor the Zoning Board of Appeals will approve any application which would result in the circumstances enumerated above in the area of application as set forth in Section 4 below.

SECTION 3. PENALTIES

Any person, firm, entity or corporation that shall violate any of the provisions of this local law shall be subject to penalties as otherwise provided by law or ordinance of the Village of Tarrytown for violation of the provisions of a local law, and shall be subject to injunctive relief for actions which may have taken place in violation of this local law.

SECTION 4. APPLICATION

This law shall apply to all real property within the Historic Commons HC Zone of the Village of Tarrytown.

SECTION 5. VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

SECTION 6. SUPERSEDING OTHER LAWS

A. All ordinances or local laws or parts thereof in conflict with the provisions of this local law are hereby suspended or superseded to the extent necessary to give this local law full force and effect during the effective period.

B. During the duration of this law, it shall supersede inconsistent provisions of the New York State Village Law, including but not limited to sections 7-706, 7-712-a, 7-712-b, 7-718, 7-725-a, 7-725-b, 7-728, and 7-730.

SECTION 7. HARDSHIP

A. The Board of Trustees shall have the power to vary or modify the application of any provision of this local law upon its determination, in its absolute legislative discretion, that such variance from strict compliance with this local law will not be detrimental to the Village's physical and/or visual environment or the well-being of persons or property within the Village and upon finding that the application of the provisions of this local law to a specific property will cause unnecessary hardship and that such hardship is unique to that specific property.

B. Upon receiving written application for such variance, the Board of Trustees shall hold a public hearing within forty five (45) days of the receipt of such application. Within thirty (30) days of the close of the public hearing the Board shall render a written decision either granting or denying the application. If the Board of Trustees determines that the strict application of this local law creates unnecessary hardship to the particular property, then the Board of Trustees shall vary the application of this local law to the minimum extent necessary. The granting of an appeal for relief by the Village Board of Trustees shall authorize and permit the Planning Board, Zoning Board, Architectural Review Board and/or Building Inspector to accept, review, consider and/or otherwise act.

C. Pursuant to Article 78 of the Civil Practice Laws and Rules, any party aggrieved by the determination of the Board of Trustees on an application for a variance may appeal said decision to the Supreme Court, State of New York, within thirty (30) days of the filing of said decision in the office of the Village Clerk.

SECTION 8. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law, and shall remain in force until February 6, 2014, unless extended by local law.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

**BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF TARRYTOWN**

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

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, by adding a new Chapter to be entitled Moratorium on Development in the Historic Commons HC Zone of the Village of Tarrytown, which will provide a nine month period for the Village to adequately analyze and thoroughly research the current zoning code and adopt and/or enact laws which will reasonably and rationally complement Chapter 305-28 entitled "Historic Commons HC Zone."

WHEREAS, a public hearing was held for the proposed action on May 6, 2013; and

WHEREAS, a notice of public hearing was published in the Journal News on April 19, 2013; 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 Proposed Action is an Exempt Type II Action pursuant to 6 NYCRR (Part 617.5 (c)(30).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby adopts Local Law No. 5 of 2013.

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.

RE-APPOINTMENT OF CHAIRPERSON OF THE ZONING BOARD OF APPEALS

Trustee McGee 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 re-appoint Sally Lawrence as Chairperson of the Zoning Board of Appeals for a one-year term.

RE-APPOINTMENT OF MEMBER OF THE ZONING BOARD OF APPEALS

Trustee Zollo 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 re-appoint Jack Jolly as member of the Zoning Board of Appeals for a term to expire in April of 2017.

RE-APPOINTMENT OF MEMBER OF THE ZONING BOARD OF APPEALS

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

BE IT RESOLEVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Victoria Weisel as member of the Zoning Board of Appeals for a term to expire in April of 2017.

RE-APPOINTMENT OF MEMBER OF THE ARCHITECTURAL REVIEW BOARD

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 re-appoint Brian Carr as member of the Architectural Review Board for a term to expire in April of 2016.

RE-APPOINTMENT OF MEMBER OF THE ARCHITECTURAL REVIEW BOARD

Trustee Basher 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 re-appoint Stephen Mignogna as member of the Architectural Review Board for a term to expire in April of 2016.

RE-APPOINTMENT OF ALTERNATE MEMBER OF THE ARCHITECTURAL REVIEW BOARD

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 re-appoint Jane Greenwood as alternate member of the Architectural Review Board for a term to expire in April of 2016.

RE-APPOINTMENT OF MEMBER OF THE PARKS AND RECREATION ADVISORY COUNCIL

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 re-appoint John P. Hill as member of the Parks and Recreation Advisory Council for a term to expire in April of 2018.

Mayor Fixell stated that we are about to appoint J. P. Hill as Chairperson of the Parks and Recreation Advisory Council. He will be taking the place of Henry Crepeault who has been the Chair of the Recreation Commission since 1997 and a member of the Recreation Commission since April of 1975; 38 years of dedicated service. Henry will continue serving as a member, but has decided to step down as Chairperson. The Mayor and Board of Trustees thanked Henry for 38 incredible years of service.

APPOINTMENT OF CHAIRPERSON OF THE PARKS AND RECREATION ADVISORY COUNCIL

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 appoint John P. Hill as Chairperson of the

Parks and Recreation Advisory Council for a one-year term.

RE-APPOINTMENT OF CHAIRPERSON OF THE ETHICS BOARD

Trustee McGee 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 re-appoint Frederic M. Mauhs as Chairperson of the Ethics Board for a one-year term.

RE-APPOINTMENT OF MEMBER OF THE ETHICS BOARD

Trustee McGee 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 re-appoint Klaus Schreiber as member of the Ethics Board for a term to expire in April of 2016.

RE-APPOINTMENT OF CHAIRPERSON OF THE ENVIRONMENTAL ADVISORY COUNCIL

Trustee Basher 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 re-appoint Dr. Carole Griffiths as Chairperson of the Environmental Advisory Council for a one-year term.

RE-APPOINTMENT OF MEMBER OF THE TREE COMMISSION

Trustee Hoyt 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 re-appoint Anne O'Brien as member of the Tree Commission for a term to expire in April of 2017.

RE-APPOINTMENT OF CHAIRPERSON OF THE WATERFRONT ADVISORY COMMITTEE

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 re-appoint Linda Viertel as Chairperson of the Waterfront Advisory Committee for a one-year term.

RE-APPOINTMENT OF HARBORMASTER

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 re-appoint Kevin Lustyik as Harbormaster for a one-year term.

RE-APPOINTMENT OF VILLAGE HISTORIAN

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 re-appoint Richard Miller as Village

Historian for a one-year term.

FIRE DEPARTMENT MEMBERSHIP CHANGES

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 approve the following Fire Department membership changes recommended at the April 16, 2013 Board of Fire Wardens meeting: Membership: Daniel Lopez, and Colby Klein have been approved for active membership at Riverside Hose; Michael Coffey III has transferred from Washington Engine to Riverside Hose; and Thomas Pardo has resigned from membership in Washington Engine.

APPOINTMENT OF SEASONAL EMPLOYEES, RECREATION AND PARKS DEPARTMENT

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 does hereby appoint Carlos Luis to the position of seasonal laborer in the Recreation and Parks Department at an hourly rate of \$11.25 per hour working sixteen (16) hours per week, commencing on May 7, 2013 and ending on September 30, 2013.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby appoint Lou Ballas to the position of seasonal laborer in the Recreation and Parks Department at an hourly rate of \$9.00 per hour working forty (40) hours per week, commencing on May 7, 2013 and ending on September 2, 2013.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Trevor Byrnes to the position of seasonal laborer in the Recreation Department at an hourly rate of \$9.00 for the period from June 3, 2013 through September 2, 2013.

NEW YORK POWER AUTHORITY AGREEMENT

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 authorize and direct the Village Administrator to execute an agreement with the New York Power Authority for the development of three charging stations at the Tarrytown Metro North Railroad Station subject to review and approval of an agreement acceptable to the Village Attorney and Village Administrator.

KAYAK LICENSE AGREEMENT

Trustee Basher moved, seconded by Trustee Hoyt, 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 a license agreement with Hudson River Kayak Outfitters, LLC d/b/a Hudson River Recreation, Croton-on-Hudson, New York subject to the inclusion of contract items required by the Board of Trustees.

TAPPAN ZEE BRIDGE MONITORING AGREEMENT

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 authorize and direct the Village Administrator to execute an Agreement between the Village of Tarrytown and Tappan Zee Constructors to install and maintain a monitoring unit to assess noise, vibration and air quality from the construction of the new Tappan Zee Bridge.

SCHEDULE A PUBLIC HEARING – PARKS AND RECREATION AREAS

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 20, 2013, to hear and discuss and act upon a proposed amendment to the Code of the Village of Tarrytown, Chapter 221 entitled "Parks and Recreation Areas" in order to designate and dedicate Pierson Park and Scenic Hudson RiverWalk Park at Tarrytown and to establish hours of operation for Scenic Hudson RiverWalk Park at Tarrytown.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 15, 2013

Trustee Zollo 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 approve the minutes of the regular meeting of the Board of Trustees held on April 15, 2013 as submitted by the Clerk.

APPROVAL OF AUDITED VOUCHERS

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

BE IT RESOLVED the Board of Trustees hereby approves the Audited Vouchers included in Abstract No. 20 and hereby orders the Audited Vouchers to be paid in the following amounts:

General	\$	522,104.82
Water		102,271.51
Sewer Fund		0.00
Capital		34,727.37
Library		6,208.97
Trust & Agency		<u>7,870.25</u>
Total	\$	673,182.92

The Board was polled all voting "aye" with the exception of Trustee Hoyt who recused himself from Voucher Number 2012240643. 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

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 8:24 p.m.

Carol A. Booth
Village Clerk