

Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199
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Village Board of Trustees Minutes 05/20/2013

Board of Trustees
Village of Tarrytown
Regular Meeting No. 6
May 20, 2013
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

MOMENT OF SILENCE – ANDREA REBELLO

Mayor Fixell requested a moment of silence in honor and memory of Andrea Rebello, a resident of our Village who was a victim of a senseless crime over the weekend at the age of 21 in Long Island. She was a junior at Hofstra University. Our thoughts and prayers are with the Rebello family at this very difficult time.

REPORTS

Mayor Fixell noted that tomorrow is the School Budget Vote. The polls are open from 7 a.m. to 9 p.m. Tarrytown residents vote at the Washington Irving School.

Trustee Hoyt read a letter from JoAnne Murray and Mimi Godwin of the Rotary Club of the Tarrytowns to Joe Arduino, Supervisor of the Tarrytown Parks and Recreation Department. "On behalf of the Rotary Club of the Tarrytowns, we would like to extend our thanks to you and the Tarrytown Parks and Recreation Department for everything you did to make the Rotary Annual Rubber Duck Derby a success. Your continued commitment to help with planning, cleaning up the park, coordinating with the YMCA, Rotary and Fire Department means a lot to us. You do an amazing job! The event was a huge success with a lot of publicity and great community support. We raced 1803 rubber ducks and raised \$16,000 which goes back to the community in the form of grants and scholarships." Trustee Hoyt thanked Joe Arduino and his staff for a job well done.

PUBLIC HEARING – PARKS AND RECREATION AREAS (adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 20th 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 amendment to Chapter 221 entitled "Parks and Recreations Areas" 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 221 entitled "Parks and Recreations Areas", Article I, Rules and Regulations and Article II, Dedication of Property, Section 10, **Properties dedicated and** designated as public parks, playgrounds and recreational areas of the Code of the Village of Tarrytown.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

A review of the text of Chapter 221, Parks and Recreation Areas evidences the fact that Pierson Park is included in various regulatory sections in the Chapter, including but not limited to the time the park is open and parking, but Pierson Park is not included in the section of the Chapter dedicating and designating the property as parkland. In addition, Scenic Hudson RiverWalk Park at Tarrytown, which is the newest of the Village parks and 11.38 acres of open space land purchased by the Village in the Wilson Park area are not designated or dedicated, even though the park has been in use for several years and the Village has owned the open space for over two years. The Scenic Hudson RiverWalk Park is also not listed in Article I which establishes the hours of operation of Village parks. The Board of Trustees of the Village of Tarrytown has determined that the parks and open space need to be included in the various Articles in Chapter 221 and that the Village Code needs to be amended to provide for such inclusion.

B. Legislative Intent.

It is the intent of the Board of Trustees of the Village of Tarrytown to amend Chapter 221 entitled “Parks and Recreations Areas” of the Code of the Village of Tarrytown 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.

Material to be deleted appears in parenthesis (), material to be added is in **bold typeface**.

SECTION 2. Amendment to Chapter 221 entitled “Parks and Recreations Areas”, Article I. Rules and Regulations of the Code of the Village of Tarrytown.

(§~221-1. Hours Patriots Park closed to public; exceptions.

Patriots Park shall be open to the public every day between 1/2 hour before sunrise and 1/2 hour after sunset, except when open for organized activities under the direction or sponsorship of the Recreation Department or activities approved in advance by the Board of Trustees.)

(§~221-2. Hours Lagana Field closed to public; exceptions.

Lagana Field shall be open to the public every day between 1/2 hour before sunrise and 1/2 hour after sunset, except when open for organized activities under the direction or sponsorship of the Recreation Department or activities approved in advance by the Board of Trustees.)

(§~221-3. Hours Pierson Park and Losee Park closed to public; exceptions.

Pierson Park and Losee Park shall be open to the public every day between 1/2 hour before sunrise and 1/2 hour after sunset, except when open for organized activities under the direction or sponsorship of the Recreation Department or activities approved in advance by the Board of Trustees.)

(§~221-3.1. Hours Sarah Michaels Park closed to public; exceptions.

Sarah Michael Park shall be open to the public every day between 1/2 hour before sunrise and 1/2 hour after sunset, except when open for organized activities under the direction or sponsorship of the Recreation Department or activities approved in advance by the Board of Trustees.)

(§~221-3.2. Hours Neperan Park closed to public; exceptions.

Neperan Park shall be open to the public every day between 1/2 hour before sunrise and 1/2 hour after sunset, except when open for organized activities under the direction or sponsorship of the Recreation Department or activities approved in advance by the Board of Trustees.)

(§~221-3.3. Hours Gracemere Park closed to public; exceptions.

Gracemere Park shall be open to the public every day between 1/2 hour before sunrise and 1/2 hour after sunset, except when open for organized activities under the direction or sponsorship of the Recreation Department or activities approved in advance by the Board of Trustees.)

(§~221-3.4. Hours Village watershed properties closed to public; exceptions.

The Village watershed properties shall be open to the public every day between 1/2 hour before sunrise and 1/2 hour after sunset, except when open for organized activities under the direction or sponsorship of the Recreation Department or activities approved in advance by the Board of Trustees.)

§~221-1. Hours Village Parks closed to public; exceptions.

The following Village properties shall be open to the public every day between 1/2 hour before sunrise and 1/2 hour after sunset, except when open for organized activities under the direction or sponsorship of the Recreation Department or activities approved in advance by the Board of Trustees.

- **Gracemere Park**
- **Lagana Field**
- **Losee Park**

- **Neperan Park**
- **Patriots Park**
- **Pierson Park**
- **Sarah Michaels Park**
- **Scenic Hudson RiverWalk Park at Tarrytown**
- **Village watershed properties**

Article I. Rules and Regulations

§~221-4 shall now be §~221-2

§~221-4.1 shall now be §~221-3

§~221-5 shall now be §~221-4

§~221-6 shall now be §~221-5

§~221-7.1 shall now be §~221-6

§~221-8 shall now be §~221-7

§~221-8.1 shall now be §~221-8

SECTION 3. Amendment to Chapter 221 entitled “Parks and Recreations Areas”, Article II. Dedication of Property, Section 10 Properties dedicated and designated as public parks, playgrounds and recreational areas.

Article II. Dedication of Property

§~221-10. Properties dedicated and designated as public parks, playgrounds and recreational areas.

The following properties are hereby dedicated as public parks, playgrounds and recreational areas, entitled to all the benefits of law accorded thereto, which properties are known as:

- A. Patriots Park.
- B. Sara Michaels Park and that portion of Reverend John H. Sykes Park located in the Village of Tarrytown.
- C. Losee Park, including land leased to boat clubs but excluding the area reserved for the proposed Fire Department Training Center.
- D. The Village-owned land in Loh Park.
- E. The Village watershed properties.
- F. Lagana Field area.
- G. Village-owned areas in the Tarry Crest section.
- H. Neperan Park.
- I. Gracemere Park (Section 3, Sheet 29, Parcels P77, P78, P79 and P80).

J. Pierson Park

K. Scenic Hudson RiverWalk Park at Tarrytown

I. 11.38 acres in Wilson Park

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

Trustee Hoyt moved, seconded by Trustee McGee, 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 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.

WHEREAS, a public hearing was held for the proposed action on May 20, 2013; and

WHEREAS, a notice of public hearing was published in the Journal News on May 10, 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. 6 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.

THE FRIENDS OF THE RIVERWALK

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

WHEREAS, a group of concerned residents has created an entity known as the Friends of the RiverWalk to perform clean-up, maintenance and planting projects at the linear park on the Hudson River officially known as Scenic Hudson RiverWalk Park at Tarrytown; and

WHEREAS, Scenic Hudson RiverWalk Park at Tarrytown extends from a southerly access point in the West Main Street parking lot adjacent to the Andre Brook to the northerly terminus at Division Street; and

WHEREAS, the Friends of the RiverWalk initially contacted the Village to request permission to perform various clean-up, maintenance and planting projects and permission was granted along with Village staff assistance; and

WHEREAS, prior to the date of this resolution, the Friends of the RiverWalk have performed two such clean-up, maintenance and planting days; and

WHEREAS, the Board of Trustees believes that there is a tremendous value to the Village for volunteer groups to provide assistance to Village staff in the ongoing maintenance of Village parks.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby recognize and acknowledge the work that has been performed and will be performed at the Scenic Hudson RiverWalk Park at Tarrytown by the Friends of the RiverWalk.

TAX CERTIORARI – 612 BROADWAY

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 the tax certiorari settlement with Esposito Equities, 612 Broadway, as outlined in the Village Attorney’s memorandum dated May 13, 2013; and

BE IT FURTHER RESOLVED that financing for this tax certiorari settlement may be provided pursuant to a future financing authorization.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON MAY 1, 2013

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

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 May 1, 2013 as submitted by the Clerk.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON MAY 6, 2013

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 the minutes of the regular meeting of the Board of Trustees held on May 6, 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. 21 and hereby orders the Audited Vouchers to be paid in the following amounts:

General	\$	895,006.87
Water		37,713.35
Sewer Fund		0.00
Capital		512,716.39
Library		4,030.79
Trust & Agency		<u>4,636.12</u>
Total	\$	1,454,103.52

The Board was polled all voting “aye” with the exception of Trustee McGee who recused herself from Voucher Number 2012240980 and 2012240981. 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 Basher moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned at 8:09 p.m.

The Board of Trustees wished everyone a wonderful Memorial Day.

Carol A. Booth
Village Clerk