

Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199
 ph: (914) 631-1885

Village Board of Trustees Minutes 09/03/2013

Board of Trustees
 Village of Tarrytown
 Regular Meeting No. 12
 September 3, 2013
 8:00 p.m.

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

ABSENT: Mayor Fixell

The meeting began with the Pledge to the Flag.

MOMENT OF SILENCE – ANTHONY RUGGIERO JR. AND JOHN KELLY

Deputy Mayor Basher requested a moment of silence in honor and recognition of the third-year anniversary of the deaths of John Kelly and Anthony Ruggiero Jr.

REPORTS

Deputy Mayor Basher stated that Consolidated Engine 77 is sponsoring the 3rd Annual Anthony Ruggiero & John Kelly Memorial Car, Truck & Bike Show this Saturday, September 7th from 9 a.m. to 4 p.m. at the Green Street South Municipal Lot, in Tarrytown. (Rain Date will be Saturday, September 14th)

Trustee McGee stated that the Warner Library will be holding free U.S. citizenship classes, a 10-week course, covering the material on the U.S. citizenship exam. Registration is September 10th and September 13th from 10 a.m. to 1 p.m. Classes will run from September 17th to November 22nd on Tuesdays and Fridays from 10 a.m. to 1 p.m. Any questions, please contact the Library at 631-7734

Trustee Hoyt stated the following:

- Village Wide Tag Sale will be held on Saturday, September 21st, from 10:00 am to 5:00 pm. Call the Recreation Department @ 631-8347 or e-mail ttrec@aol.com to have your address included on the tag sale location map. Deadline to have your address on the map is Tuesday, September 17th. Rain date is Sunday, September 22nd.
- Tarrytown 3rd Friday – Main Street and Broadway – 5 p.m. to 9 p.m.

September 20th, 3rd Friday will be celebrating Back to School. In October there will be a Spooktacular Halloween Celebration and in November the 3rd Friday will turn toward the Holidays! For full details of upcoming events, please go to their website at www.tarrytownthirdfriday.com.

Trustee Butler asked the Village Administrator if there was an update on the opening of Pierson Park. Administrator Blau stated that he would reach out to the contractor and get a timeline for when they believe the park will open. The park does look much greener than it did in the past and the irrigation system is complete at this time.

PUBLIC HEARING – ARB APPLICATION SUBMISSION (Adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 3rd day of

September, 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 9 entitled "Architectural Review Board". 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 9 entitled "Architectural Review Board", by amending Section 9-3, "Meetings; records; rules; expenditures" by adding a new subsection regarding submission of plans and modifying the language regarding expenditure of funds.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees has found that there have been questions that have arisen regarding time frames for the submission of applications to the Architectural Review Board. In addition, there is language in the existing Chapter that provides for the expenditure of Village funds absent an authorization from a Village official. The Board of Trustees believes it is necessary to take action to address both of these issues to establish specific time frames for the submission of applications and to control prospective expenditures by the Architectural Review Board.

B. Legislative Intent.

The intent of this amendment to establish specific time frames for the submission of initial applications and subsequent submissions to the Architectural Review Board. It is further the intent of this amendment to establish specific guidelines to obtain the assistance of consultants and the payment thereof.

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

SECTION 2. Amendment to §9-3 "Meetings; records; rules; expenditures", Subsection C, D and E.

§93-3.C. The Board shall have the power, from time to time, to adopt, amend and repeal rules and regulations, not inconsistent with law or the provisions of this chapter, governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in §~9-4 below. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the offices of the Board and the Village Clerk and shall be a public record.

§93-3.D. **An application shall be submitted to the Secretary to the Architectural Review Board at least eighteen (18) calendar days prior to the date of the meeting of the Board. An application not submitted within the time frame herein established shall not be heard by the Board until the minimum time frame requirement has been met. Submissions for subsequent meetings to the Board after the submission of the initial application shall be submitted to the Secretary to the Architectural Review Board at least ten (10) days prior to the meeting.**

§93-3.E. **The Board may request the assistance of consultants as part of their review of an application or other matter before the Board. In those cases, the Board shall submit a request for an appropriation of funds to the Board of Trustees in order for the Board** [shall have the power] to employ consultants and to pay for their services and such other expenses as may be necessary and proper.[.] **The Board may not exceed**[ing in all] the appropriations that may be provided for such purposes by the Board of Trustees.

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.

Deputy Mayor Basher 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 Butler, and unanimously carried, that 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 9. Architectural Review Board to require that applications be submitted at least eighteen (18) calendar days prior to the date of the meeting of the Board.

WHEREAS, a public hearing was held for the proposed action on September 3, 2013; and

WHEREAS, a notice of public hearing was published in the Journal News on August 21, 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. 10 of 2013.

PUBLIC HEARING – ZONING BOARD OF APPEALS APPLICATOIN SUBMISSION (Adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 3rd day of September, 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- Article XIV. "Administration and Enforcement, Section 118, Board of Appeals" by adding a new subsection regarding the submission of plans.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees has found that there have been questions that have arisen regarding time frames for the submission of applications to the Zoning Board of Appeals. The Board of Trustees believes it is necessary to take action to address the issue of establish specific time frames for the submission of applications to the Zoning Board of Appeals.

B. Legislative Intent.

The intent of this amendment to establish specific time frames for the submission of initial applications and subsequent submissions to the Zoning Board of Appeals.

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

SECTION 2. Amendment to §305, Article XIV. "Administration and Enforcement, Section 118, Board of Appeals", subsection D. (2) by adding a new subsection regarding the submission of plans.

§305.118.D. Procedure.(2). **Submission of Application. An application shall be submitted to the Secretary to the Board of Appeals at least eighteen (18) calendar days prior to the date of the meeting of the Board of Appeals. An application not submitted within the time frame herein established shall not be heard by the Board of Appeals until the minimum time frame requirement has been met. Submissions for subsequent meetings to the Board of Appeals after the submission of the initial application shall be submitted to the Secretary to the Board of Appeals at least ten (10) days prior to the meeting.**

Subsection D.(2) shall become Subsection D.(3). Subsection D.(3) shall become Subsection D.(4).

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

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

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

Trustee Butler moved, seconded by Trustee Zollo, and unanimously carried, that 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. Zoning Board of Appeals to require that applications be submitted at least eighteen (18) calendar days prior to the date of the meeting of the Board.

WHEREAS, a public hearing was held for the proposed action on September 3, 2013; and

WHEREAS, a notice of public hearing was published in the Journal News on August 21, 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. 11 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

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

PARKING – SUNNYSIDE AVENUE

Trustee Zollo moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 291 entitled "Vehicles and Traffic, Sections 291-77, as follows:

New material is set forth in capital letters.

291-77. Schedule XII: Parking Prohibited at All Times

In accordance with the provisions of 291-16, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
SUNNYSIDE AVENUE	WEST	FROM A POINT 290 FEET NORTH OF UNION AVENUE FOR A DISTANCE OF 445 FEET IN A NORTHERLY DIRECTION

VILLAGE JUSTICE COURT – INDEPENDENT AUDITOR’S REPORT

Trustee Zollo moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby acknowledge receipt of the Statement of Cash Receipts, Cash Disbursements and Cash Balances for the Tarrytown Justice Court for the fiscal year ending May 31, 2013.

AGREEMENT TOWN OF GREENBURGH – USE OF TARRYTOWN SEWER SYSTEM

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0

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 Town of Greenburgh permitting Greystone on Hudson to connect with and use the Village’s sanitary sewer system and water distribution system.

AMENDMENT TO PROCUREMENT POLICY

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 6-0

BE IT RESOLVED that the Procurement Policy of the Village of Tarrytown is hereby amended to change the threshold for Fire Department purchases requiring a pre-approval of the purchase from \$100 to \$1,000.

BE IT FURTHER RESOLVED that Paragraph 5 of the Village of Tarrytown Procurement Policy shall read as follows:

All Fire Department building and vehicle maintenance and repairs will be the responsibility of the Fire Chief. All Fire Department purchases and contracts totaling one thousand dollars (\$1,000.00) or more must be pre-approved prior to purchase by requisition authorized by the Village Administrator or the Village Treasurer. All purchases and contracts shall be fully compliant with this Procurement Policy.

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

Trustee Zollo moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 6-0

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 July 15, 2013 as submitted by the Clerk.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON AUGUST 19,

2013 (Tabled)

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON AUGUST 22, 2013

Trustee McGee moved, seconded by Trustee Butler, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee McGovern who recused herself. Approved: 5-1-1

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 August 22, 2013 as submitted by the Administrator.

APPROVAL OF AUDITED VOUCHERS

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:
Approved: 6-0

BE IT RESOLVED the Board of Trustees hereby approves the Audited Vouchers included in Abstract No. 4 and hereby orders the Audited Vouchers to be paid in the following amounts:

General	\$ 640,625.78
Water	13,186.85
Sewer Fund	1,850.00
Capital	519,727.45
Library	5,593.35
Trust & Agency	<u>1,816.63</u>
Total	\$1,182,800.06

The Board was polled all voting "aye" with the exception of Trustee McGee who recused herself from Voucher Number 2012242117. Motion carried. 6-0

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

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

Deputy Mayor wished everyone of the Jewish faith a very happy New Year.

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Butler, and unanimously carried, that the meeting be adjourned at 8:14 p.m.

Carol A. Booth
Village Clerk

