

Village of Tarrytown, NY

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Village Board of Trustees Organizational Minutes 04/01/2013

Board of Trustees
Village of Tarrytown
Annual Organizational Meeting
April 1, 2013 8:00 p.m.

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

ABSENT: Trustee Zollo

The meeting began with the Pledge to the Flag.

SWEARING IN OF MAYOR: DREW FIXELL

SWEARING IN OF TWO OF THE THREE TRUSTEES: THOMAS D. BUTLER AND BECKY MCGOVERN

Doug Zollo was not present to be sworn in.

MAYOR'S APPOINTMENT OF DEPUTY MAYOR FOR A ONE-YEAR TERM

Mayor Fixell does hereby re-appoint Thomas T. Basher as Deputy Mayor for a one-year term.

APPOINTMENT OF MARRIAGE OFFICERS

Trustee Basher moved, seconded by Trustee McGovern, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee Hoyt who recused himself. Approved: 5-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint the following Board of Trustees members as Marriage Officers of the Village of Tarrytown for one-year terms: Trustees Basher, Butler, Hoyt, McGee, McGovern, Zollo and Village Clerk Booth.

RE-APPOINTMENT OF DEPUTY VILLAGE ADMINISTRATOR

Trustee McGee moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:
Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint James J. Hart as Deputy Village Administrator for a one-year term.

RE-APPOINTMENT OF DEPUTY VILLAGE CLERK

Trustee Basher moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:
Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint James J. Hart as Deputy Village Clerk for a one-year term.

RE-APPOINTMENT OF VILLAGE REGISTRAR OF VITAL STATISTICS

Trustee McGee moved, seconded by Trustee Basher, that the following resolution be approved. Motion carried, all voting "aye" with

the exception of Trustee Hoyt who recused himself. Approved: 5-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Carol A. Booth as Village Registrar of Vital Statistics for a two-year term.

RE-APPOINTMENT OF DEPUTY VILLAGE REGISTRAR OF VITAL STATISTICS

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved:
Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint James J. Hart as Deputy Village Registrar of Vital Statistics for a one-year term.

RE-APPOINTMENT OF DEPUTY VILLAGE TREASURER

Trustee Basher moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:
Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Eileen O'Brien as Deputy Village Treasurer for a one-year term.

RE-APPOINTMENT OF CHAIRPERSON OF THE PLANNING BOARD

Trustee Butler moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved:
6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Dr. Stanley Friedlander as Chairperson of the Planning Board for a one-year term.

RE-APPOINTMENT OF MEMBER OF THE PLANNING BOARD

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:
Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint David Aukland as member of the Planning Board for a term to expire in April of 2018.

RE-APPOINTMENT OF MEMBER OF THE WARNER LIBRARY BOARD

Trustee McGee moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:
Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint David L. Huber as member of the Warner Library Board for a term to expire in April of 2018.

RE-APPOINTMENT OF MEMBER OF THE WARNER LIBRARY BOARD

Trustee McGee moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be approved: Approved:
6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Liza Glover as member of the Warner Library Board for a term to expire in April of 2018.

RE-APPOINTMENT OF MEMBER OF THE ETHICS BOARD

Trustee Basher moved, seconded by Trustee McGovern, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee McGee who recused herself. Approved: 5-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Trustee Mary McGee as member of the Ethics Board for a one-year term.

RE-APPOINTMENT OF MEMBER OF THE FIRE SPRINKLER APPEALS BOARD

Trustee Hoyt moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint David Jacoby as member of the Fire Sprinkler Appeals Board for a term to expire in April of 2017.

RE-APPOINTMENT OF VILLAGE ATTORNEY

Trustee Basher moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Jeffrey Shumejda as Village Attorney for a one-year term.

RE-APPOINTMENT OF VILLAGE SPECIAL PROSECUTOR

Trustee McGovern moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Steven Bettman as Village Special Prosecutor for a one-year term.

RE-APPOINTMENT OF ACTING VILLAGE JUSTICE

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint George Hlapatsos as Acting Village Justice for a one-year term.

RE-APPOINTMENT OF VILLAGE ASSESSOR

Trustee Hoyt moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Robert Wheatley as Village Assessor for a one-year term.

RE-APPOINTMENT OF POLICE SURGEONS

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Dr. Robert Raniolo, Industrial Medicine Associates and Dr. Eric Zitzman as Police Surgeons for a one-year term.

RE-APPOINTMENT OF VILLAGE AUDITORS

Trustee Basher moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby re-appoints O'Connor, Davies, Munns & Dobbins LLP as Official Auditors for the Village of Tarrytown for a period of one year.

REVIEW OF PROCUREMENT POLICY

Trustee McGovern moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be approved:
Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown has reviewed the Village of Tarrytown Procurement Policy, pursuant to Paragraph 8 of the policy and does hereby approve the said policy for the 2013-2014 year.

DESIGNATION OF THE OFFICAL VILLAGE DEPOSITORIES AND AUTHORIZED CHECK SIGNATURES

Trustee McGee moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:
Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby designates that the J P Morgan Chase Bank, Wells Fargo Bank, Bank of America, Citibank and the Key Bank be designated as official depositories for the Village of Tarrytown. All checks drawn on the payroll shall be signed by Village Treasurer James J. Hart and all checks drawn on accounts other than payroll funds shall be signed by Mayor Fixell and Village Treasurer James J. Hart; the signature of Mayor Fixell may be manual or by an automatic signing device. Deputy Mayor Basher is authorized to sign in the absence or unavailability of Mayor Fixell and Deputy Treasurer Eileen O'Brien is authorized to sign in the absence or unavailability of the Treasurer.

DESIGNATION OF AN OFFICIAL NEWSPAPER

Trustee Hoyt moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved:
Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby designates the Gannett Journal News as the Official Newspaper of the Village of Tarrytown.

ADOPTION OF THE VILLAGE OF TARRYTOWN BOARD OF TRUSTEES OFFICIAL RULES OF PROCEDURE

Trustee McGovern moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be approved:
Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby designate the following Official Rules of Procedure Pursuant to New York Village Law §4-412(2), but subject to the other provisions of New York Law and the Village of Tarrytown Code, the following rules of procedure are adopted and shall govern the meetings of the Board of Trustees of the Village of Tarrytown:

PART A: MEETINGS

SECTION 1 - Regular Meetings

The Board of Trustees generally will hold regular meetings on the 1st and 3rd Monday of each month, with the exception of the months of June, July and August, when the meeting shall be held on the 3rd Monday of the month and due to conflicts with holidays, the following Tuesdays: September 2, 2013, January 20, 2014 and February 17, 2014. Such regular meetings shall commence at 8:00 PM and be conducted in the Boardroom at the Village Hall. Any deviation from this schedule shall be determined by the Board of Trustees.

SECTION 2 - Special Meetings

Special Meetings of the Board of Trustees are all those Board meetings other than regular meetings. A special meeting may be called by the Mayor or by three (3) members of the Board of Trustees upon notice to the entire Board. Notice shall be given in accordance with law.

SECTION 3 - Executive Sessions

Executive Sessions shall be held in accordance with the New York State Public Officers Law §105. All executive sessions shall be commenced in a public meeting (See Part C, Section 4).

SECTION 4 – Work Sessions

Work Sessions of the Board of Trustees shall be held on the Wednesday before the Monday Board of Trustees meeting noted in Section 1 hereinabove. These meeting are open to the public; however, the public shall not be permitted to comment on any issue.

Individuals or groups invited to meet with the Board of Trustees at the Work Session for specific agenda items shall be permitted to comment on that specific agenda item. Notice shall be given in accordance with law.

PART B: POLICIES

SECTION 1 - Quorum

A quorum of the Board of Trustees shall be required to conduct business. A quorum of the seven (7) member Board shall be four (4). [VL §4-412(2)]

SECTION 2 - Voting

Pursuant to Village Law each member of the Board of Trustees shall have one vote. The Mayor may vote on any matter and must vote in case of a tie. The affirmative vote of four (4) members of the Board is necessary to pass a matter unless otherwise specified by New York State Law. [VL §412; NYS Atty. Gen. 1979-1987]

SECTION 3 - Agendas

The agenda shall be prepared by the Village Clerk, in cooperation with the Village Administrator by Friday preceding the Monday meeting. An item may be placed on the agenda at any time, including during the meeting, by consent of a majority of the Board.

SECTION 4 - Order of Business

The order of business shall be:

- Call to order
- Miscellaneous and Liaison Reports
- Changes and/or Additions to the Agenda
- Village Administrator's Report
- Public Hearings and/or Public Information Meetings
- Opportunity for the Public to Address the Board Only on Agenda Items
- Resolutions
- Approval of Minutes
- Approval of Audited Vouchers
- Opportunity for the Public to Address the Board
- Adjournment

The order of business need not be followed if the Mayor determines that it is appropriate to deviate.

SECTION 5 - Minutes

Minutes at all Board of Trustee meetings shall be the responsibility of the Village Clerk, who pursuant to approval from the Board of Trustees may employ the services of a person to take minutes. Minutes of an open meeting shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes of an executive session

shall be taken of any action that is taken by formal vote and shall consist of a record or summary of the final determination of such action and the vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law.

Minutes need not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board resolves to have the Clerk do so. Minutes shall be considered for approval at the next Board meeting after the minutes are received by the Village Clerk.

PART C: RULES AND PROCEDURES

SECTION 1 - General Rules of Procedure

The Mayor shall preside at meetings of the Board of Trustees. In the Mayor's absence the Deputy Mayor shall preside. In the absence of the Mayor and the Deputy Mayor, the remaining members of the Board of Trustees shall decide which member shall serve as the presiding officer. Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking. A member, once recognized shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, be called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.

There is no limit to the number of times a member may speak on a question.

Motion to close or limit debate may be entertained but shall require the affirmative vote of four (4) members of the Board.

Procedural questions which are not governed by New York State law or the Village Code or addressed in these Rules of Procedure shall be determined in accordance with Robert's Rules of Order.

SECTION 2 - Guidelines for Public Comment

The public shall be allowed to speak only during Public Hearings and Public Comment periods.

General Requirements

Speakers must be recognized by the presiding officer.

Speakers must step to the front of the room and speak into the microphone or at the lectern should one be provided. Speakers are not to approach the dais without invitation and are directed to make their remarks from the microphone or lectern.

Speakers must give their name, address and organization represented, if any.

No items or documents may be placed on the dais or presented to the Board unless either authorization is requested and granted by the presiding officer or a Board member specifically requests to see an item. All items for presentation that are granted authorization or requested by a Board member shall be presented to the Village Clerk who shall pass it the Board.

Public Hearings

Speakers shall have ten (10) minutes to address the Board of Trustees on the specific matter that is the subject of the Public Hearing before yielding to the next speaker. Speakers may once again address the Board during the Public Hearing period for one additional five (5) minute period, but only to rebut statements made by the Board of Trustees or other speakers in regards to the matter that is the subject of the Public Hearing.

Public Comment

The public shall be allowed to speak only during Public Hearings and Public Comment periods.

Speakers must be recognized by the presiding officer.

Speakers must step to the front of the room and speak into the microphone or at the lectern should

one be provided. Speakers are not to approach the dais without invitation and are directed to make their remarks from the microphone or lectern.

Speakers must give their name, address and organization represented, if any.

No items or documents may be placed on the dais or presented to the Board unless either authorization is requested and granted by the presiding officer or a Board member specifically requests to see an item. All items for presentation that are granted authorization or requested by a Board member shall be presented to the Village Clerk who shall pass it the Board.

Speakers addressing the Board of Trustees during the portion of the meeting noted in Part B. Section 4. "Order of Business" as "Opportunity for the Public to Address the Board Only on Agenda Items" shall only speak regarding the resolutions, minutes and audited vouchers which are included on the agenda. Speakers shall have three (3) minutes to address the Board of Trustees before yielding to the next speaker. Speakers shall not be provided a second opportunity to address the Board regarding agenda items until the "Opportunity for the Public to Address the Board" at the end of the agenda.

Speakers addressing the Board of Trustees during the portion of the meeting noted in Part B. Section 4. "Order of Business" as "Opportunity for the Public to Address the Board" may speak to the Board regarding any item or issue. Speakers shall have five (5) minutes to address the Board of Trustees before yielding to the next speaker. Speakers may once again address the Board during the Public Comment period for one additional three (3) minute period after all speakers have an opportunity to address the Board for their original five (5) minute period.

Board members may interrupt a speaker during the speaker's remarks, but only for the purpose of asking questions of the speaker for purposes of clarification, information or to ask follow-up questions.

All remarks shall be addressed to the Mayor and Board of Trustees.

Board members may respond to questions or comments at their discretion.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste and shall not use foul language, display unacceptable behavior, or be disruptive of the proceedings.

A timer shall be utilized that will beep or produce another sound to indicate that a speaker's five (5) minute time limit for Public Comment or three (3) minute time limit has been reached. Upon being notified that his or her time limit has been reached, a speaker shall cease speaking, leave the microphone or lectern, if one is provided, and return to his or her seat.

The presiding officer may modify these guidelines if warranted.

SECTION 3 - Use of Recording Equipment

All members of the public and all public officials are allowed to photograph and tape or video record public meetings so long as the photography or recording is done in a manner which does not interfere with the meeting. The presiding officer may make the determination that the photography or recording is being done in a manner that interferes with the meeting after taking into consideration attendant movement and activity, distance from the deliberations of the Board, noise, size of equipment, ability of the public to participate in the meeting notwithstanding the photography or recording, and any other pertinent factor. If the presiding officer makes the determination that the photography or recording is interfering with the meeting, the presiding officer may request an accommodation to avoid the interference and if not sufficient or complied with, order the photography or recording to be stopped.

SECTION 4 - Executive Session Policy

It is the policy of the Board of Trustees of the Village of Tarrytown to conduct Village business in an open fashion and to make available as much information as may legally and practically be disseminated.

The New York Open Meetings Law authorizes the Board to conduct business in executive session in a number of areas. These include:

1. Matters which will imperil the public safety if disclosed;

2. Matters which may disclose the identity of a law enforcement agent or informer;
3. Information relating to criminal investigations which would imperil effective law enforcement if disclosed;
4. Discussions relating to proposed, pending or current litigation;
5. Collective bargaining negotiations;
6. Personnel matters relating to particular individuals; and
7. The proposed acquisition, sale, or lease of real property or securities when disclosure would substantially affect the value.

The Board recognizes that it is authorized to use executive sessions in these and other situations, but will do so with restraint.

To maintain confidentiality and to encourage the uninhibited discussion of the subject matter in Executive Session, all statements made and positions taken by all participants must remain confidential and may not be disclosed by any participant unless and until disclosure is authorized by affirmative vote of four (4) members of the Board.

It has been and continues to be the practice of the Board that all members of the Board, acting together, come to agreement by consensus on the specific information which is to be released to the public, the suitable vehicle for reporting that information, and the timing of the reporting.

ESTABLISHING STANDARD WORK DAYS FOR APPOINTED AND ELECTED OFFICIALS

Trustee Basher moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby establish the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the Clerk of this body:

Title	Name	Registration No.	Standard Work Day Hrs/day	Term Begins/Ends	Participates In Employer's Time Keeping System (Y/N)	Days/Mo. (based on Record of Activities)
Elected Officials						
Mayor	Drew Fixell	33071366	6	4/1/13-4/1/15	N	15.67
Acting Village Justice	George Hlapatsos	38283040	6	4/1/13-4/1/14	N	2.39
Appointed Officials						
Village Administrator	Michael Blau	35023092	7	4/14/13-4/14/14	Y	N/A
Deputy Village Treasurer	Eileen M. O'Brien	41300237	7	4/1/13-4/1/14	Y	N/A

BE IT FURTHER RESOLVED that all the names/titles listed in this resolution are not Tier 1 members of the New York State Retirement system; and

BE IT FURTHER RESOLVED that the Village Clerk has received a three-month record of activities from all the names/titles in this resolution who do not participate in the employer's time keeping system; and

BE IT FURTHER RESOLVED that the Village Clerk so file a copy of this resolution and an affidavit of posting with the New York State Comptroller's Office within 45 days of adoption.

BE IT FURTHER RESOLVED that the Village Clerk shall publicly post the resolution on the Village Website for at least 30 days after adoption.

LIAISONS TO VARIOUS BOARDS, COUNCILS, AND COMMITTEES, ETC.

Trustee Basher: Police Department, Tappan Zee Bridge Committee, Transportation and Safety issues

Trustee Butler: Tarrytown Environmental Advisory Council, Building Department, Department of Public Works, Planning Board, Zoning Board of Appeals and Tarrytown Lakes

Trustee Hoyt: Parks and Recreation, Communications (website, cameras etc.), Cable Television and Tree Commission

Trustee McGee: School Board, Warner Library Board, Tarrytown Volunteer Ambulance Board and Historical Society

Trustee McGovern: Affordable Income Housing, Tarrytown Municipal Housing Authority, Senior Citizens, Tourism, and Architectural Review Board

Trustee Zollo: Fire Department, Chamber of Commerce, Business Improvement, Beautification and Planting and Economic Development

ADJOURNMENT TO REGULAR MEETING

Trustee Basher moved, seconded by Trustee McGovern, and unanimously carried, that the Annual Organizational meeting be adjourned to the Regular Meeting at 8:25 p.m.