

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:00 P.M.
WEDNESDAY, MARCH 2 2016
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York**

Board of Trustees Concerns

Open Session

1. Proposal – Underwater Inspection Services – Eastview Pump Station
2. Sarah Michaels Park
3. Local Landmark Nomination
4. Home Rule Request – Hotel Tax
5. Fire Department Membership Changes
6. Environmental Review – CDBG
7. Sale of Land – Sheldon Avenue

Executive Session

- 1A. Operation of Fitness Center
- 2A. Toll Brothers – Offer of Dedication

MEMORANDUM

DEPARTMENT of PUBLIC WORKS

TO: Michael Blau, Village Administrator

FROM: Howard D. Wessells Jr., Superintendent of Public Works

DATE: 10 February, 2016

RE: Eastview Pump Station and Dam

As you are aware, during the last N.Y.S.D.E.C inspection of the Tarrytown Lakes Dam, the Village has to undertake certain steps in order to update the E.A.P and to locate the cause of a persistent wet location at the toe of the dam.

The engineering consultant for the Village, P.C.I has recommended that the piping and valves in the valve house on top of the dam be inspected utilizing a remotely controlled camera inserted into each of the pipes to determine their condition, location and if they have been plugged or capped. Currently no records have been located that suggest the pipes have been capped in the past.

By inspecting these pipes it may be possible to determine if the wet location is being caused by a leak in one of the outlet pipes without physically excavating the location. It will also allow for the Village to determine if it is possible to lower the level in the lake in a controlled manner in case of an emergency instead of relying on large pumps.

Attached is a proposal from BIDCO Marine Group, Inc to perform the inspections. BIDCO Marine Group specializes in inspections of this nature and is currently under contract by N.Y.S.D.E.C to make inspections of their dams.

I am recommending that BIDCO Marine group be contracted to perform the scope of work as outlined in the attached proposal in the estimated amount of \$20,150.

The main spillway appears to be in good condition. There is no sign of damage. The wood frame bridge has been removed.

The rip rap slope protection of the emergency spillway should be inspected and repaired as necessary. The growth of vegetation, at the east end, should be removed. At the west end, the bituminous concrete pavement should be restored. The berm at the downstream edge of the emergency spillway should be kept clear to permit free flowing water. The trench, at the downstream edge of the emergency spillway, should be opened and inspected to determine the condition of the pipes in the trench.

The treatment building should be secured to prevent access at this time. An evaluation is being made of the treatment building with respect to its future use. As a minimum, the wood frame platforms and floors throughout the structure should be removed. All steel frame structure should be inspected. If there is extensive rust, these also should be removed.

It is assumed that the presence of water in the lower level of the treatment building and the soft area in the lawn adjacent to the toe of the downstream slope of the dam are related. The specific cause is being investigated.

The theory presented is that the discharge pipe, which extends through the embankment, is under pressure. There has been a failure, or leak, at one of the pipe joints, which causes water to flow below the surface of the lawn and along the length of the pipe. The pipe then enters the lower levels of the treatment building. There is no explanation for the consistency of the depth of the water, without increase or decrease, depending upon season. There is no noticeable discharge point for the water from the treatment building.

The unknown factors associated with this theory are numerous. There is a potential that, eventually, there will be a failure, either of the pipe joint or the pipe itself, which may cause damage to the dam. Therefore, it is recommended that an exploratory program be undertaken which will locate the source of the water

and also verify some of the assumptions made about the construction of the dam.

The following recommendations were made in 2008 and will be finalized based on the current site investigations:

1. Pump the water from the lower levels of the treatment building. Maintain the pumps so that an inspection can be made of the interior surface of the treatment building floor and walls to determine a source point for the flow of water. There may be several entry points for the water. This is being done now.
2. Once the source points are located, the exterior of the building shall be inspected. This will involve digging test holes along the foundation, at the exterior, to determine the presence of water in the soil.
3. Locate and expose portions of the discharge pipe from the treatment building to the valve chamber and then in a direction of the dam. Proceed 10' to 20' from the valve chamber. The excavation should be inspected to determine the presence of water in the soil and to verify the condition of the pipe and the pipe joints.
4. Inspect the covered channel of the discharge from the spillway. The covered channel has stone masonry walls similar to the walls of the treatment building. They are in close proximity. If the invert of the discharge channel is above the floor of the treatment building, it is possible that water will penetrate through the masonry walls of the channel, through the soil, to the treatment building. While this is not a likely source of water, it should be eliminated so that there can be a close focus on the specific cause or source of the water.
5. The level of the water in the reservoir shall be dropped to an elevation below the elevation of the intake to the discharge pipe. This will permit an inspection of the upstream slope of the dam, inspection of the spillway structure,

inspection of the foundation for the valve building and inspection of the discharge pipe.

6. With the water level lowered, remove the cap from the discharge pipe. Send a TV camera through the pipe to verify the condition of the pipe and locate any open joints or rusted, or damaged, or collapsed pipe sections.
7. With the water level low, make the necessary repairs to the upstream face of the spillway, upstream face of the embankment and the edge of the emergency spillway.
8. Cap the discharge pipe directly connected to the building intake. From the record drawings it appears that one of the three 24-inch discharge pipe passes directly through the Valve House without any shut-off valve and open break. This pipe should be capped upstream of the Valve-House. This will eliminate the presence of water in the pipe and the risk of pressurized water leaking from the joints. Other pipe intakes should be maintained and Valve-House valves should be exercised on a regular basis.
9. With the water level at the lower position, the lower levels of the treatment building shall be inspected to determine if there is a continued flow of water into the treatment building. Further investigation will be required.
10. After the necessary repairs and exploratory work have been completed, the reservoir shall be allowed to return to its normal height.

5.0 CONCLUSION

Overall, the condition of the dam and its associated structures is good. There are many unknowns with respect to the details of the original construction. The previous attempts should be continued to establish the history of the use of the dam and the details of construction.

Ongoing maintenance is required to control the growth of vegetation along the edge of the dam, on the downstream slope, at the crest and along the emergency spillway. Trees and tree stumps should be carefully removed.

The primary concern is related to the source of the water within the lower floors of the treatment building and the cause of the soft spot in the lawn between the northwest corner of the treatment building and the toe of the downstream slope. In order to determine the source of the water, site investigations are being done at the treatment building, the discharge pipe from the dam to the treatment building and the dam itself. Some of this exploratory work may require the lowering of the level of the reservoir to expose the upstream slope of the dam and the discharge pipe.

Once the exploratory work has been completed, a program for repair and maintenance can be undertaken. Concurrent with this exploratory work, a master planning process should be implemented to determine the future use of the reservoir and the dam. The future use of the treatment building should also be evaluated. In its current condition, it is a hazard to the public. The structure is sound. The interior equipment is not active. There is a potential for use of this building once the source of the water has been found and corrected.

Overall, the condition of the dam is good. A regular program of inspection and maintenance shall be implemented in order to maintain the current condition.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Flood Protection and Dam Safety
625 Broadway, Albany, New York 12233-3504
P: (518) 402-8185 | F: (518) 402-9029
www.dec.ny.gov

June 18, 2015

Howard Wessells
Superintendent of Public Works
Village of Tarrytown
4 Division Street
Tarrytown, New York 10591

Re: Tarrytown Waterworks Dam, DEC ID#: 214-0271, Class C - High Hazard dam
Village of Tarrytown, Westchester County

Dear Mr. Wessells:

Berhanu Gonfa and I conducted a routine inspection of the Tarrytown Waterworks Dam on May 28, 2015, as part of the Department of Environmental Conservation's (Department) ongoing Dam Safety program. Thank you for accompanying us on the inspection. A copy of the visual observations generated from the inspection is enclosed.

The left/ right nomenclature used in this letter and in the enclosed Visual Observation Report is based on looking downstream from the middle of the dam.

The tall vegetation that was previously observed in the auxiliary spillway outlet channel has been cut. There is currently a low vegetative cover along the downstream slope of the auxiliary spillway and in the outlet channel. In addition, the tree along the left toe was cut above grade, leaving the stump in place. This stump and the stump along the right downstream groin must be monitored during your routine inspections for any change in condition, such as movement or seepage in the area of the stump.

The downstream toe area in line with the gate house, continues to be wet. As discussed in my October 2013 letter, your engineer recommends subsurface investigation to attempt to identify the cause of the wetness. In addition, and as required by Department's Guidelines for Design of Dams, your engineer recommends that you develop a method to lower the impoundment.

Observations of seepage and other areas of maintenance and potential concern should be monitored and recorded during your routine inspection program as provided in your I&M Plan.



The Compliance Status Table below details your current status for those sections of the Dam Safety regulations that had or have specific compliance deadlines.

Compliance Status Table:

<u>Citation</u>	<u>Requirement</u>	<u>Status</u>
673.6	Develop and implement an Inspection & Maintenance Plan (I&M Plan). Plan does not have to be submitted to the Department but needs to be available for inspection if requested.	I&M Plan not requested;
673.7	Develop and distribute to the local emergency responders an Emergency Action Plan (EAP). The EAP must be reviewed and updated, as needed, on an annual basis.	Violation – No Annual review (see note below)
673.8	Submit an Annual Certification to the Department January 31 of each year (certification is for the previous year).	Violation – Not submitted for calendar year 2014
673.13	Complete and submit to the Department an Engineering Assessment (EA) by August 19, 2012. The EA must be updated every 10 years after the initial submittal.	Violation – Draft document submitted

The Annual Certification is past due. Please submit immediately.

The EAP the Department has on file for the Tarrytown Waterworks Dam is dated February 2009. Review of the EAP and updates, as needed, are required annually. One EAP component that often needs updating is the Notification Flow Chart, as contacts and contact information change periodically. For instance, the Alternate Contact for Dam Safety, provided on the Flow Chart, retired several years ago and should be removed. Please review the document and update as needed. Provide any updated pages of the EAP to all holders of the document.

A Draft report has been submitted to meet the requirement of the Engineering Assessment, but has yet to be finalized. The Engineering Assessment (EA) must be finalized and stamped and signed by a professional engineer licensed in New York.

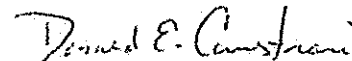
Please submit the reviewed EAP, providing all updated pages, and the complete EA by August 1, 2015.

Please note that the date provided above for the EAP and EA submittal does not alter the Department's right to seek penalties based on the original regulatory deadline, should the Department move forward with enforcement.

Please keep in mind that any repair or construction related to the dam may require permits from the Department. Well in advance of beginning work at the dam, please check with the Regional Permit Administrator in the New Paltz office (845-256-3801) to see if any permits are needed.

If you have any questions, please contact me at 518-402-8138, or by email at donald.canestrari@dec.ny.gov.

Sincerely,



Donald E. Canestrari, P.E.
Environmental Engineer 2
Dam Safety Section

ec w/ encl: Mayor, Village of Tarrytown
Michael McGarvey, Village Engineer, Village of Tarrytown
Alon Dominitz, NYSDEC, Dam Safety, Section Chief
Berhanu Gonfa, NYSDEC, Water, Region 3
Milton Johnson, Westchester County Office of Emergency Management

New York State Department of Environmental Conservation

Bureau of Flood Protection and Dam Safety
625 Broadway, Albany, New York 12233-3504

Visual Observations

DAM NAME TARRYTOWN WATERWORKS DAM

STATE ID 214-0271

Section A

Hazard Code

C

COUNTY WESTCHESTER

Inspection Date:

5/28/2015

NEAREST DS CITY/TOWN

ELMSFORD

Inspector(s):

DC/ BG

OWNER'S NAME

VILLAGE OF TARRYTOWN

DOWNSTREAM HAZARD

HIGH

TOWNSHIP

TARRYTOWN, GREENBURGH
MOUNT PLEASANT

WATER LEVEL BEHIND DAM

At spillway crest

DRAIN OPERATION

Not operable

DEFICIENCIES

☒

1) Seepage

☒

4) Maintenance

☐

7) Cracking

☐

2) Slope Stability

☐

5) Surficial Deterioration

☐

8) Movement/Misalignment

☒

3) Undesirable Growth

☐

6) Voids

☐

9) Data

Accompanied by Howard Wessells, Village of Tarrytown

Brush along upstream slope

Downstream slope maintained with grass cover; Grass 10-inches high +/-

Wet area at downstream toe, in line with gate house/ piping;

Tree along left downstream toe, near spillway outlet training wall, cut since last inspection; Stump remains;

Voids/ missing mortar in right spillway abutment with root/ plant growth; Largest roots between cap and stone wall;

Spillway stone uneven at left downstream face;

Auxiliary spillway downstream slope/ channel cleared of tall vegetation since last inspection

PHOTOGRAPH #'S



BIDCO MARINE GROUP, INC.

220 KATHERINE STREET

BUFFALO, NY 14210

(716) 847-1111 www.bidcomarine.com FAX (716) 847-1112

"Nationwide Providers of Solutions to the Waterworks Industry"

PROPOSAL

UNDERWATER INSPECTION SERVICES

**"Tarrytown Lake Intake Piping Inspection, Repairs, and Capping"
Eastview Pumping Station, Tarrytown NY**

For

**Howard Wessells
Superintendent of Public Works
Village of Tarrytown
1 Depo Plaza, 10591**

- REVISION 2 -

February 5, 2016

Costs and specifications quoted in this document shall remain valid for a period of 30 days from the date of this Proposal.

All specifications, enclosures, methods and cost quotations contained in this proposal shall be considered and treated as client, contractor privileged information. All planning documents are the proprietary property of Buffalo Industrial Diving Company and are produced under U.S. Copyright laws.



1) INTRODUCTION

- a) Buffalo Industrial Diving Company ("BIDCO") is pleased to respond to your request for proposal to investigate the current condition of the outlet works appurtenances found within or associated with the Eastview Pumping Station Valve House in Tarrytown, NY.
- b) BIDCO is a multi-faceted Industrial Diving and Marine Services Company with headquarters in Western New York. Many specialized diving and marine construction projects have been successfully completed in the 23 years the company has been in business.
- c) Our diving experience includes all types of underwater operations including, but not limited to, underwater engineering inspection for steam power generation facilities and hydroelectric dams, pipeline construction, ROV inspection and internal conditions documentation, deep pipeline penetration dives, marine/underwater demolition, deep-water decompression diving as well as nuclear facilities diving.
- d) BIDCO also provides complete and turn-key design and engineering services. Our engineering and construction professionals along with our specialized marine construction assets contribute to our successful history in completing all aspects of underwater and marine construction projects, cofferdam construction, pipeline construction, fabrication, and manufacturing services.

2) SCOPE OF WORK

- a) The scope for the investigative work to be completed at the Valve House is as follows:
 - i) Investigate the four (4) 1" taps on the 12-inch inlet pipes to determine if and how the inlet pipes are capped and if they currently sustain a watertight integrity.
 - (1) If it is determined that the 12-inch inlet pipes are in a watertight condition and can be de-watered, access will be made into the pipes from the four (4) 12-inch gate valves within the valve house. Access must allow a Inuktun Pipe Crawler ROV to enter and video inspect all four 12-inch pipes to their terminus or obstruction.
 - (a) The inspection is to determine the existing condition and configuration of each pipe.
 - (b) The four (4) 12-inch valves will also be operated, inspected and the condition documented.
 - (2) If it is determined that the 12-inch inlet pipes are not in a watertight configuration, then a subsequent **Phase II** underwater inspection may be required to locate and inspect the four water intake pipelines to determine the existing configuration and disposition/condition of each intake pipe and any surrounding headwall or intake structure.
 - ii) Investigate the tap on the 24-inch inlet pipe (A) passing directly through the valve house wall to determine if the line is in a dry or flooded state and/or is pressurized by reservoir head pressure.
 - (1) The intent of this inspection is to determine if the inlet pipe valve is in an open or closed position at the Intake Island and investigate if/does the pipeline maintain a watertight integrity.
 - (2) If the pipeline exhibits signs that it is not open to the lake waters, then the internal investigation of this 24" pipe will be assumed completed.
 - (a) Abandonment options and requirements will be presented to the engineer.

- (3) If the pipeline exhibits signs that it is open to the lake waters, a diver may be required to undertake an additional **Phase II** underwater inspection to physically investigate and determine the current exterior condition of the 24-inch intake pipeline from the valve house out to the intake island(s).
- iii) Provide a CCTV internal pipeline inspection of three (3) 24 inch pipes with our Inuktun Pipe Crawler ROV within the Valve House.
 - (1) A complete internal condition inspection, including real time video feed and DVD recording, will be undertaken to two (2) 24-inch valves and both 24-inch outlet pipes leaving the valve house (downstream) and also within the open 24-inch intake pipe heading upstream.
 - (a) The 24-inch valves will be inspected, manually operated and exercised to the full open position to allow internal inspection of the pipelines with the crawler ROV.
 - (b) The inspection will conclude at the point where each pipe terminates downstream of the dam, or as intake pipe conditions allow when heading upstream to the intake structure.
 - (c) Provide location flags or buoys in the field for each pipe location as determined to be located in the field.
 - (d) Provide inspection logs, condition report and DVD on the internal condition of the three 24" pipes heading downstream and both associated 24-inch valves. Provide same for 24" intake pipe, albeit, instead of a valve, we would assume that there is a bulkhead located offshore at the intake headwall or structure.
- b) BIDCO shall mobilize its crew and equipment from our headquarters in Buffalo, NY to the location of the Eastview Pumping Station in Tarrytown, NY.
 - i) Equipment to include:
 - Service Van
 - Inuktun Pipe Crawler ROV with DVR
 - OSHA Tri-pod, air monitoring device, fresh air ventilation fan and remote lighting as required for confined space entry.
 - Welding and burning equipment.
 - Abrasive saw, drilling and tapping tools.
 - Hydraulic Power Unit, HD Impact Wrenches
 - 185 CFM Tool air compressor with hose.
 - 5,000 psi pressure washer.
 - ii) The 3-man BIDCO inspection crew will be comprised of inspection professionals who are full time employees within our company. Most BIDCO personnel possess 10 to 20 years' experience in the trade unless they are apprentices whereas they are then undergoing specific on the job training in our specialized operations.

3) PRICING SCHEDULE

- All work to be invoiced utilizing the following unit price rates:

Item	Description	Unit	QTY	Unit Cost
1	Mob/Demobe Crew & Equipment	Lump Sum	1	\$2,000.00
2	3-Man Inspection Crew - Day Rate	8-Hr Day	3	\$4,950.00
3	Overtime Hourly Rate for Inspection Crew	1-Hr	0	\$600.00
4	Equipment Daily Charge	Day	3	\$100.00
5	Crawler ROV Per Day Charge as Utilized	Day	2	\$1,500.00
	Estimated Total			\$20,150.00

- Above 8-Hour Day Rates are straight time (ST) rates applicable Monday through Friday only. Over Time (OT) rates are applicable after the ST rate for Mon-Fri or on Saturdays. Rates are not applicable on Sundays or Holidays.
- Minimum 8-Hour charge per work day, including Saturdays.
- 3-Man inspection crew rates include crew per-diem, transportation equipment and travel related expenses, fuel and consumables.
- BIDCO can provide additional equipment as directed at blue book rates for company equipment or actual rental rates plus 15% for outside rentals.
- All work to be completed as directed.
- It is anticipated the inspection of the Valve House and outlet appurtenances will require (3) 8-hr days to undertake and complete the scope of inspection work on site.

4) METHODS AND CREWING INFORMATION

- a) All work performed by BIDCO meets or exceeds the Association of Diving Contractors "Consensus Standards for Commercial Diving Operations" and O.S.H.A. Commercial Diving Regulations 1910, Sub part 10.
- b) Where applicable, all work performed by BIDCO will meet or exceed O.S.H.A. Hazardous Waste Operations and Emergency Response regulations 1910.120 or meet client specific Health and Safety Plans.
- c) All field personnel employed by BIDCO are experienced in all phases of underwater work and are graduates of commercial diving schools sanctioned by the Association of Commercial Diving Educators. Individual personnel have also undergone additional training and certification in several specialty areas.
- d) BIDCO performs all underwater operations in the surface supplied mode. All divers are tethered to the surface by an umbilical, and receive breathing air and communications from a surface station.
- e) Federal regulations mandate that a minimum of a 3-man crew be required to safely complete a surface oriented, no-decompression diving operation. Additional personnel and specialized equipment may be required due to the logistics of the project area and associated water depth

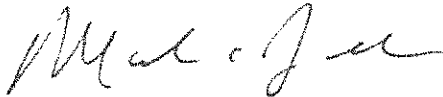
and/or conditions. An additional charge of \$150.00 per work day will be invoiced for activities in hazardous water environment for use of dry suits and decontamination.

5) GENERAL TERMS AND CONDITIONS

- a) Sales tax is not included in the above pricing.
- b) BIDCO performs all operations at local, prevailing wage rates as determined by local collective bargaining agreements having jurisdiction. The terms and conditions of such collective bargaining agreements are hereby incorporated by reference into this proposal.
- c) The services offered by BIDCO comprise the specific activities outlined herein. In providing these services, BIDCO will endeavor to perform in a manner consistent with that degree of care and skill ordinary to the industry.
- d) Unless specifically stated otherwise, client is responsible for obtaining any necessary permits or authorization to prosecute the work proposed herein. The parties agree to defend, indemnify, and hold each other harmless from any claim for injury or loss, including cost of defense, arising from damage to structures, utilities, or other property not properly identified by either party.
- e) BIDCO maintains \$6,000,000 of general liability insurance.
- f) Nothing in this agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Client or BIDCO, whose services under this agreement are being performed solely for the Client's benefit, and no other party or entity shall have any claim against BIDCO because of this agreement or the performance/non performance of services herein.
- g) If during the performance of this contract, unanticipated pollutants are discovered that pose unanticipated risks, it is agreed that the scope of services, schedule, and the estimated project cost under this contract shall become subject to renegotiation. Buffalo Industrial Diving agrees to notify client as soon as possible should unanticipated hazardous conditions be encountered. Client authorizes BIDCO to take measures that in BIDCO'S sole judgment are justified to protect the health and safety of BIDCO personnel and the public. Client agrees to compensate BIDCO for reasonable additional cost required to protect BIDCO personnel and the public, provided such additional costs are approved in writing by Client on 24 hours prior notice.
- h) With the exception of life or property threatening emergencies, BIDCO will commence work only after receipt of a properly executed contract or purchase order.
- i) BIDCO will not be held responsible for any delays in completion of any contracts caused by weather, natural disasters or any other conditions beyond our direct control. If such delays should occur, the completion of the contract will take place as soon as possible after the condition or conditions abate or are corrected.
- j) Payment terms are thirty (30) days from the invoice date. Determination of timely payments will be based on postmarks or delivery label entry date if other methods of delivery are used. A 10% annum late payment fee will be applied to late payments. If client fails to make payment when due and BIDCO incurs costs in order to collect overdue sums from the Client, the Client agrees that all such collection costs incurred shall immediately be payable to BIDCO. Collection costs shall include, without limitation, legal fees, collection agency fees and expenses, court costs, collection bonds and reasonable BIDCO staff costs at standard billing rates for time spent in efforts to collect past due amounts. The obligation of the Client to pay BIDCO collection costs shall survive the term of this agreement or any earlier termination by either party.

- k) This agreement may be terminated by either party with seven days written notice. In the event of termination, BIDCO shall be paid for work performed through the termination notice term, plus any reimbursable charges.
- l) Notwithstanding completion or termination of this agreement for any reason, all rights, duties, and obligations of the parties to this agreement shall survive such completion or termination and remain in full force and effect until fulfilled.

Respectfully Submitted by:
BIDCO Marine Group, Inc.



Mark C. Judd
President

ACCEPTANCE

Agreed Upon and Accepted by:

Authorized Signature and Date

Name

Position

MIKE -

THE PLANNING BOARD UNANIMOUSLY
RECOMMENDS TO THE BOARD OF TRUSTEES
THAT THE FOLLOWING PROPERTY BE GIVEN
LOCAL HISTORIC DESIGNATION
(DESCRIPTION AND SUPPORTING INFORMATION
IS ATTACHED)

POW T.

**Local Landmark Nomination
Village of Tarrytown**

1. NAME OF PROPERTY

Current Name: Gate entry for Edgemont Condominiums

Historic Name: Gate entry for Julian F. Detmer Estate

2. LOCATION

Address: 200 Benedict Avenue

3. CLASSIFICATION

Ownership of Property

Private: X

Public-Local:

Public-State:

Public-Federal:

Category of Property

Building(s):

District:

Site:

Structure: Gate and Fence

Object:

4. FUNCTION OR USE

Historic: Residential

Current: Residential

Sub: Estate

Sub: Multi-family

5. DESCRIPTION

ARCHITECTURAL CLASSIFICATION: Entry Gate

MATERIALS:

Foundation:

Walls:

Roof:

Other: Cast Iron, Field Stone

6. SIGNIFICANCE

Areas of Significance: Social History, Landscape History

Date(s) of Construction: ca. 1900

Significant Person(s): Julian Francis Detmer

Architect/Builder:

Historic Contexts: Estate, Arboretum

Statement of Significance

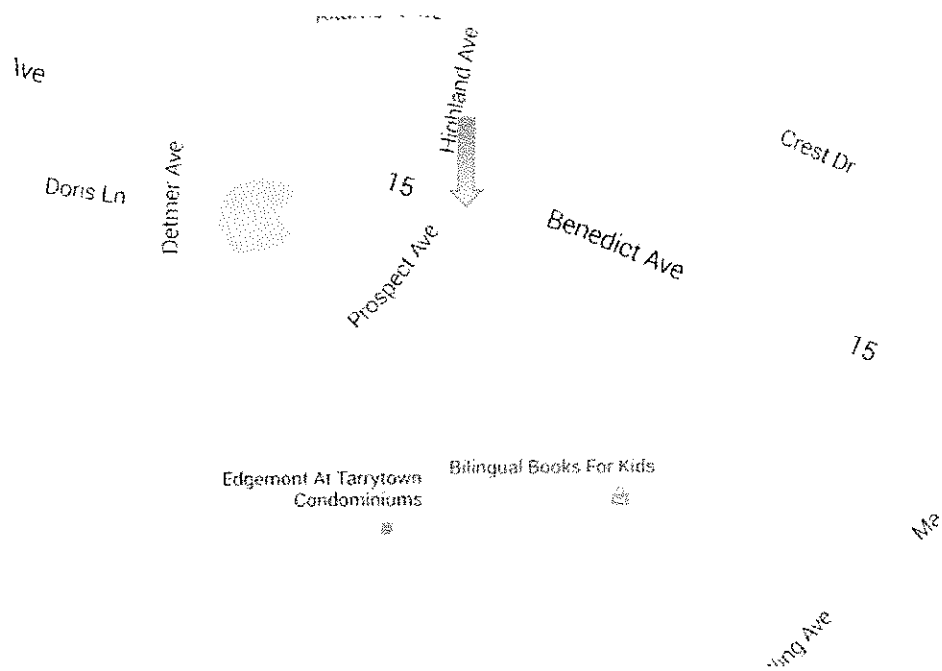
Julian Francis Detmer was born in Cleveland Ohio on December 4, 1865. As a young man he trained to be a merchant tailor and in 1888 he founded the Detmer Woolen Company. The business grew rapidly and he moved the headquarters to Chicago in 1890. Between 1899 and 1912 Detmer opened branches of his prosperous business in San Francisco, Los Angeles, Seattle, Kansas City, Boston, and New York City. Under Detmer's leadership, his company became the largest distributor of imported and domestic woolens and tailors' trimmings. In 1900 Detmer moved to New York City and began looking to purchase a country home in the surrounding area. The same year he moved to New York, Detmer purchased the Helen Thompson estate on Benedict Avenue in Tarrytown. The main residence was updated and patterned after a Normandy chateau. A grand entrance to the estate was installed with stone pillars and cast iron fence posts. Detmer's last name was carved near the top of each pillar. After purchasing the Thompson estate, Detmer also purchased a few of the surrounding properties and designed a beautiful 100-acre arboretum. The estate, which was named *Edgemont*, and listed in records as *Detmers Nurseries*, served to highlight Detmer's hobby as an amateur landscape gardener. He had over 1500 varieties of trees and shrubs shipped to the estate from Europe and displayed the finest collection of deciduous and evergreen trees in the United States. The nurseries eventually contained over one hundred thousand specimens of flowering and ornamental shrubs.

The mansion burned in 1971 and the estate was sold to a developer in 1973. Edgemont condominiums, the first in Tarrytown, were built the following year. The entry gate is the most recognizable feature of the former grand arboretum.

7. Current Photograph (s)/Historic Photograph (s)



8. Historic Map/Current Map Showing Location



Nominated By: The Historical Society, Inc. One Grove Street, Tarrytown, NY 10591

RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE
AUTHORIZE THE TOWN OF GREENBURGH AND THE VILLAGES OF
ARDSLEY, DOBBS FERRY, ELMSFORD, HASTINGS-ON-HUDSON, IRVINGTON,
SLEEPY HOLLOW AND TARRYTOWN TO ADOPT A LOCAL LAW TO IMPOSE
A THREE PERCENT (3%) HOTEL/MOTEL OCCUPANCY TAX

WHEREAS, Section 1202 of the New York State Tax Law authorizes and empowers certain cities and counties in New York State to adopt and amend local laws imposing a Hotel and/or Motel "Occupancy Tax" upon persons occupying hotels or motels in certain counties and cities; and

WHEREAS, Section 1202 is not applicable to "Permanent Residents" of a hotel or motel which are persons occupying any room or rooms in a hotel or motel for at least thirty (30) consecutive days; and

WHEREAS, Section 1202 provides that any tax imposed shall be paid by the person liable thereof to the owner of the room for hire, or to the person entitled to be paid the rent or charge for the room, and that such owner or person shall be liable for collection and payment of the tax to the chief fiscal officer of the municipality; and

WHEREAS, the New York State Legislature has, over the past few years, authorized a Hotel and/or Motel Occupancy Tax for the City of White Plains, the City of New Rochelle, the City of Peekskill, the City of Rye and the Village of Rye Brook; and

WHEREAS, there are more than 2,000 rooms for rent in the Town of Greenburgh and the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-on-Hudson, Irvington, Sleepy Hollow and Tarrytown that would be subject to the occupancy tax; and

WHEREAS, the adoption of legislation that provides for a Hotel and/or Motel Occupancy Tax by local option via local law will provide the Town and Villages another source of funds to provide much needed services to our residents that are becoming much more difficult to provide due to the economic situation impacting local governments; and

WHEREAS, the implementation of a Hotel and/or Motel Occupancy Tax will not have a cost impact upon the residents of our communities since the tax is paid by visitors to our communities and not the local residents; and

WHEREAS, the implementation of a hotel tax will more directly align the interests of the hotel industry with that of the municipalities and will provide an incentive for the municipalities and the hotel industry to work collaboratively to further those interests; and

WHEREAS, the past actions of the New York State Legislature to adopt legislation for a Hotel and/or Motel Occupancy Tax in White Plains, New Rochelle, Peekskill and Rye Brook are applauded by our communities and the Town of Greenburgh and the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-on-Hudson, Irvington, Sleepy

Hollow and Tarrytown hereby request the same consideration from the New York State Legislature.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby support the legislation sponsored by Assemblyperson Thomas Abinanti (A209A) which authorizes the Town of Greenburgh and the six Villages in the Town of Greenburgh as well as the Village of Sleepy Hollow in the Town of Mount Pleasant to adopt local laws in their respective local governments to impose a three percent (3%) hotel/motel occupancy tax.

STATE OF NEW YORK

209--A

2015-2016 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 7, 2015

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to authorizing the town of Greenburgh to adopt a local law to impose a hotel/motel occupancy tax for hotels not located in a village; authorizing specified villages in the towns of Greenburgh and Mount Pleasant to adopt local laws to impose a hotel/motel occupancy tax in such villages; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The tax law is amended by adding a new section 1202-dd to
2 read as follows:
- 3 § 1202-dd. Hotel or motel taxes in the town of Greenburgh and speci-
4 fied villages therein and in the village of Sleepy Hollow. (1) Notwith-
5 standing any other provisions of law to the contrary, the following
6 municipalities are hereby authorized and empowered to adopt and amend
7 local laws imposing a tax on persons occupying rooms in hotels or motels
8 in such towns or villages therein, as the legislature has or would have
9 the power and authority to impose, in addition to any other tax author-
10 ized and imposed pursuant to this article:
- 11 a. the town of Greenburgh, Westchester county, in those portions of
12 such town not located within a village;
- 13 b. the villages of Tarrytown, Irvington, Ardsley, Elmsford, Dobbs
14 Ferry, Hastings-on-Hudson situate in the town of Greenburgh; and
- 15 c. the village of Sleepy Hollow situate in the town of Mount Pleasant,
16 Westchester county.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

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(2) For the purposes of this section, the term "hotel" shall mean a building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" includes an apartment hotel, a motel or a boarding house, whether or not meals are served.

(3) The rate of such tax shall not exceed three percent of the per diem rental rate for each room whether such room is rented on a daily or longer basis.

(4) Such tax may be collected and administered by the commissioner of finance or other fiscal officer of the town of Greenburgh or of any specified village therein or of the village of Sleepy Hollow situate in the town of Mount Pleasant, as the case may be, by such means and in such manner as other taxes which are now collected and administered by such officers in accordance with the town or village charter or as otherwise may be provided by such local law.

(5) Such local laws may provide that any tax imposed shall be paid by the person liable therefor to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charge for the hotel or motel room occupied for and on account of the town of Greenburgh or of any specified village therein or of the village of Sleepy Hollow situate in the town of Mount Pleasant imposing the tax, and that such owner or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax; and that such owner or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the person occupying the hotel or motel room, or in respect to nonpayment of the tax by the person occupying the hotel or motel room, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the commissioner of finance or other fiscal officers of such towns or villages, specified in such local law, shall be joined as a party in any action or proceeding brought to collect the tax by the owner or by the person entitled to be paid the rent or charge.

(6) Such local laws may provide for the filing of returns and the payment of the tax on a monthly basis or on the basis of any longer or shorter period of time.

(7) This section shall not authorize the imposition of such tax upon the following:

a. The state of New York or any public corporation, including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada, improvement district or other political subdivision of the state;

b. The United States of America, insofar as it is immune from taxation; and

c. Any corporation or association or trust or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

(8) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of



1 the civil practice law and rules if application therefor is made to the
2 supreme court within thirty days after giving of the notice of such
3 final determination, provided, however, that any such proceeding under
4 article seventy-eight of the civil practice law and rules shall not be
5 instituted unless:

6 a. The amount of any tax sought to be reviewed, with such interest and
7 penalties thereon as may be provided for by local law or regulation
8 shall be first deposited and there is filed an undertaking, issued by a
9 surety company authorized to transact business in this state and
10 approved by the superintendent of financial services of this state as to
11 solvency and responsibility, in such amount as a justice of the supreme
12 court shall approve to the effect that if such proceeding be dismissed
13 or the tax confirmed the petitioner will pay all costs and charges which
14 may accrue in the prosecution of such proceeding; or

15 b. At the option of the petitioner such undertaking may be in a sum
16 sufficient to cover taxes, interest and penalties stated in such deter-
17 mination plus the costs and charges which may accrue against it in the
18 prosecution of the proceeding, in which event the petitioner shall not
19 be required to pay such taxes, interest or penalties as a condition
20 precedent to the application.

21 (9) Where any tax imposed hereunder shall have been erroneously, ille-
22 gally or unconstitutionally collected and application for the refund
23 thereof duly made to the proper fiscal officer or officers, and such
24 officer or officers shall have made a determination denying such refund,
25 such determination shall be reviewable by a proceeding under article
26 seventy-eight of the civil practice law and rules, provided, however,
27 that such proceeding is instituted within thirty days after the giving
28 of the notice of such denial, that a final determination of tax due was
29 not previously made, and that an undertaking is filed with the proper
30 fiscal officer or officers in such amount and with such sureties as a
31 justice of the supreme court shall approve to the effect that if such
32 proceeding be dismissed or the tax confirmed, the petitioner will pay
33 all costs and charges which accrue in the prosecution of such proceed-
34 ing.

35 (10) Except in the case of a willfully false or fraudulent return with
36 intent to evade the tax, no assessment of additional tax shall be made
37 after the expiration of more than three years from the date of the
38 filing of a return, provided, however, that where no return has been
39 filed as provided by law the tax may be assessed at any time.

40 (11) Revenues resulting from the imposition of tax authorized by this
41 section shall be paid into the treasury of the town of Greenburgh or of
42 the specified village therein or of the village of Sleepy Hollow situate
43 in the town of Mount Pleasant, and shall be credited to and deposited in
44 the general fund of such town or village; and may thereafter be allo-
45 cated at the discretion of the board of legislators of the town of
46 Greenburgh or of the specified village therein or of the village of
47 Sleepy Hollow situate in the town of Mount Pleasant for any town or
48 village purpose.

49 (12) If any provision of this section or the application thereof to
50 any person or circumstance shall be held invalid, the remainder of this
51 section and the application of such provision to other persons or
52 circumstances shall not be affected thereby.

53 (13) Each enactment of such a local law may provide for the imposition
54 of a hotel or motel tax for a period of time no longer than three years
55 from the date of its enactment. Nothing in this section shall prohibit
56 the adoption and enactment of local laws, pursuant to the provisions of



1 this section, upon the expiration of any other local law adopted pursu-
2 ant to this section.
3 § 2. This act shall take effect immediately, and shall expire and be
4 deemed repealed September 1, 2019.

