

Village of Tarrytown, NY

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Village Board of Trustees Minutes 12/16/2013

Board of Trustees
Village of Tarrytown
Regular Meeting No. 21
December 16, 2013
8:00 p.m.

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

ABSENT: Trustee Butler

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell thanked the Little Garden Club of Tarrytown for the donation of three beautiful holiday wreaths, which are hung in front of Police Headquarters and Village Hall.

CHANGES AND/OR ADDITIONS TO THE AGENDA

Mayor Fixell stated that there will be one addition to tonight's agenda – a resolution to approve the operating plan for the Farmers Market.

VILLAGE ADMINISTRATOR'S REPORT

Traffic Situation on Broadway

Administrator Blau contacted Brian Conybeare who is the Governor's liaison on the Tappan Zee Bridge project with regard to the traffic Tarrytown experienced Friday night traveling south on Broadway. Administrator Blau suggested that they lengthen the time period on the traffic light at the jug handle heading eastbound to Rte. 119 to hopefully move the traffic through there to a greater extent. Mr. Conybeare responded that he would bring in the Department of Transportation and the New York State Thruway Authority to look at the situation. When they closed the bridge ramp on December 5th, they had engineers watching the traffic on December 5th and 6th. He also said he would look into the timing of the traffic lights. Mr. Conybeare said that they extended the green traffic light slightly at the jug handle heading eastbound to Rte. 119 at the time they closed the bridge ramp on December 5th. Administrator Blau noted that the bridge ramp closure will continue to be closed for the next five years as part of specification package that was given to Tappan Zee Constructors. There is a commitment that this property can be used during the construction project. Therefore, we will have to figure out how best to get the cars through the Village. Administrator Blau stated that when he gets more information from Brian Conybeare, he will share that information.

PRESENTATION BY ALAN KASSAY, PARTNER WITH O'CONNOR, DAVIES TO REVIEW THE AUDIT REPORT FOR THE FISCAL YEAR ENDING MAY 31, 2013 Note: The Audit Report is available on the Village Website

Alan Kassay, partner with O'Connor, Davies, read from the second page of the Independent Auditor's Report which stated that in their opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Village as of May 31, 2013 and the respective changes in financial position, thereof, and the respective budgetary comparison for the General and Water funds for the year then ended in accordance with accounting principles generally accepted in the United States of America. This is known as an unqualified or unmodified opinion, which is the best opinion that a municipality can receive. Mr. Kassay noted that overall the Village did very well during the fiscal year

audited and the fact that the Village increased the unassigned fund balance to approximately 16% should definitely maintain the Village's current bond rating. Mr. Kassay thanked Administrator Blau and Treasurer Hart for their cooperation during the audit. Mayor Fixell also thanked Administrator Blau and Treasurer Hart for their good work on the budget.

CONTINUATION OF A PUBLIC HEARING – HISTORIC COMMONS DISTRICT (continued to January 6, 2014)

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

Melissa Kaplan-Macey, BFJ Planning Consultant noted the following changes in the proposed Historic Commons District legislation from the last public hearing:

- What did we mean by "Senior Independent Housing?" We propose to add a definition to Chapter 305-5. Word Usage. Terms defined. "Senior Independent Housing – An age restricted housing development, which may include detached, attached and/or apartment dwelling units and may provide limited personal services which may include one meal per day and transportation. Such housing shall not include institutional housing as defined in §395-127 of this code."
- It was determined to leave the language as is regarding the two sections on permitted accessory uses to permitted uses and to compatible use permits, both of which are the same list of uses.
- The following question does not go to the local law; however, at the public hearing two weeks ago, Mayor Fixell questioned whether cluster sub-division applied to multi-family housing. She and Attorney Shumejda looked into this and responded, "Yes, it does apply."
- In the Viewshed Protection Section, Item No. 2, read "...on any existing structure." It has been changed to be consistent with the rest of that section to read "...on any existing place or structure"

Administrator Blau noted in Chapter 305-38 F. Permitted accessory uses for compatible use permits, "Public restaurant" has been deleted in this proposal, however, "Public restaurant, within an existing building," is in Chapter 305-38 E. Uses Requiring Compatible Use Permits.

Mark Fry, member of the Tarrytown Lakes Committee, stated that he is in agreement with the changes in the Historic Commons District and find the work very well done.

Andrew Tung from Divney, Tung & Schwalbe, Planning and Engineering Consultants from White Plains, representing Montefiore, respectfully asked the board if the public hearing on the HC District can be extended to the next board meeting on January 6, 2014 to give Montefiore more time to submit their comments at that time.

Trustee Zollo moved, seconded by Trustee Basher, 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 continue the public hearing for two weeks to the next regular Board meeting.

CONTINUATION OF A PUBLIC HEARING – ZONING MAP (continued to January 6, 2014)

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

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

Trustee Basher moved, seconded by Trustee Zollo, 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 continue the public hearing for two weeks to the next regular Board meeting.

CONTINUATION OF A PUBLIC HEARING – COMPREHENSIVE PLAN (continued to January 6, 2014)

Trustee McGovern 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 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 continue the public hearing for two weeks to the next regular Board meeting.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON AGENDA ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES TO ADDRESS THE BOARD OF TRUSTEES

Mark Fry, member of the Tarrytown Lakes Committee, congratulated the board for responsible fiscal management regarding the audit report and a job well done. Two years ago, the Village received an award from the AIA on the Eastview Pump Station, Adaptive Re-Use Study. The Lakes Committee continues to proceed with this project. He suggested in next year's budget, that a portion of the Water Fund's surplus be set aside for the restoration and adaptive reuse of that facility.

Mark Fry stated that since 2005, it has been a pleasure to work as a volunteer for the Village of Tarrytown and thanked the Board for their support and all they accomplish for the Village. He stated that he appreciates the Village holiday party for the volunteers and thanked Village Clerk Booth for her help in putting it together.

OPERATING PLAN FOR THE FARMERS MARKET

Mayor Fixell stated that a group of residents of Tarrytown got together to work on making our farmers market more vibrant. Although the farmers market is a great asset, this volunteer committee thought they could bring it up to another level. After a presentation to the board, the Board agreed to give them a chance. The committee formed a not-for-profit corporation and will be operating the farmers market for the following year at no cost to the Village.

Trustee McGee moved, seconded by Trustee Zollo, 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 Rivertowns Village Green Inc. (RVG), a New York not-for-profit corporation, to operate a farmers market at Patriots Park from Memorial Day weekend through the weekend before Thanksgiving.

FIRE DEPARTMENT MEMBERSHIP CHANGE

Trustee Basher moved, seconded by Trustee Zollo, 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 following Fire Department membership changes recommended at the November 19, 2013 Board of Fire Wardens meeting: Membership: Michael Usher has been approved for active membership at Conqueror Hook and Ladder and Jim Civarelli has been approved for out-of-town active membership at Phenix Hose.

WESTCHESTER COUNTY FIRE MUTUAL AID PLAN

Trustee McGovern moved, seconded by Trustee Zollo, 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 approves participation by the Village of Tarrytown Volunteer Fire Department in the Westchester County Fire Mutual Aid Plan ("Plan"), as amended from time to time, and further certifies to Westchester County, through its Commissioner of Emergency Services, that it shall comply with the provisions of the Plan; and

BE IT FURTHER RESOLVED, that there are no resolutions in effect that restrict outside service and training by the Village of Tarrytown Volunteer Fire Department; and

BE IT FURTHER RESOLVED, that there are currently no limitations, conditions or restrictions on the Fire Agency from providing prompt assistance, and the Commissioner of Emergency Services shall be notified in writing if any such limitations are imposed subsequent to the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the Village of Tarrytown Volunteer Fire Department shall respond to all calls for assistance from another Fire Agency through the Westchester County Emergency Communications Center a/k/a "60 Control," and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby acknowledges and accepts it's financial responsibility pursuant to applicable law; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed with the Westchester County Commissioner of Emergency Services.

AGREEMENT WESTCHESTER COUNTY – PRISONER TRANSPORTATION

Trustee Basher moved, seconded by Trustee Zollo, 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 Inter-municipal Agreement (IMA) between the Village and Westchester County regarding reimbursement to the Village of Tarrytown Police Department for prisoner transportation to County jail facilities for the period January 1, 2013 to December 31, 2014.

AMENDMENT TO MASTER FEE SCHEDULE – STREET AND SIDEWALK OPENING PERMITS

Trustee Basher moved, seconded by Trustee Zollo, 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 Master Fee Schedule for the Village of Tarrytown as follows:

Curb Cut Permit

Fee: \$15.00/lineal foot. Minimum Fee: \$100.00

Security Deposit - \$500.00

Street and Sidewalk Opening Permit

Fee: \$3.00/square foot. Minimum Fee: \$100.00

Security Deposit - \$1,000.00

VACATION PARKING PERMITS

Trustee Basher 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 amend the Code of the Village of Tarrytown, Chapter 291 "Vehicles and Traffic, Article VI. Permit Parking, Section 291-51. Special permits as follows:

Deletions are in [parenthesis] and additions are in **bold**.

291-51. Special permits.

B. Upon payment of the prescribed fee, a resident may acquire a vacation parking permit to allow them to park their vehicle in the [designated are of the] McKeel Avenue Parking Lot. A vacation parking permit shall be valid for a maximum of 14 consecutive days. Said permit shall be displayed on the driver's side dashboard of the vehicle. The **Village shall not issue more than four**

(4) permits for any one period of time. [equivalent of four parking spaces in the southeast corner of the McKeel Avenue Parking Lot shall be designated as "Vacation Parking Permit Holders Only."]

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON DECEMBER 2, 2013

Trustee McGovern moved, seconded by Trustee Basher, 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 December 2, 2013 as submitted by the Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern moved, seconded by Trustee Zollo, 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. 11, as revised, and hereby orders the Audited Vouchers to be paid in the following amounts:

General	\$ 240,092.66
Water	141,934.48
Sewer Fund	0.00
Capital	17,149.67
Library	11,118.00
Trust & Agency	<u>7,058.15</u>
Total	\$ 417,352.96

The Board was polled all voting "aye" with the exception of Trustee McGee who recused herself from Voucher Number 2012243546 and Trustee Hoyt who recused himself from Voucher Number 2012243396. 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

Mark Fry, member of the Tarrytown Lakes Committee, stated that with regard to the letter of intent between the Village and Hudson Harbor, which was approved at the special board meeting on November 20, 2013, he requests the Board hold a public hearing before a final decision is made to execute the agreement with respect to the changes from previous agreements pertaining to the swimming pool.

Mayor Fixell stated authorizing the execution of the revised agreement between the Village and Hudson Harbor will be done at a public meeting as an agenda item. It is not subject to a public hearing. However, the public will be able to speak and discuss this matter at the board meeting.

HOLIDAY WISHES

The Mayor and the Board of Trustees wished everyone a Merry Christmas and a very Happy and Healthy New Year!

ADJOURNMENT

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned at 8:35 p.m.

Carol A. Booth
Village Clerk

