

**AGENDA FOR BOARD OF TRUSTEES REGULAR MEETING
VILLAGE OF IRVINGTON, NY
THURSDAY, JANUARY 4, 2018 AT 7PM
IRVINGTON VILLAGE HALL – TRUSTEES ROOM**

1. Call to order by Mayor Brian C. Smith
2. Pledge of allegiance to the flag of the United States of America
3. Announcements
4. Correspondence
5. Public comment (*please limit comments to no more than 3 minutes*)
6. Consent Agenda
 - a. Minutes of the Village Board from the Regular Meeting held on December 18, 2017
 - b. Standard Mileage Reimbursement for Business Use of Personal Vehicle
7. Public hearing to consider a Local Landmarks Law
8. Appointment of volunteer firefighter
9. Reports of Boards, Standing Committees and Officers
 - a. Trustee Liaisons reports
 - b. Village Administrator's report
 - c. Village Clerk-Treasurer's report
 - d. Village Attorney's report
10. Public comment (*please limit comments to no more than 3 minutes*)
11. Review of action items
12. Adjournment

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REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF IRVINGTON, NY
HELD ON MONDAY, DECEMBER 18, 2017 AT 7 PM
AT VILLAGE HALL, 85 MAIN STREET, IRVINGTON, NY

Present: Brian C. Smith, Mayor
Mark Gilliland, Trustee
Janice V. Silverberg, Trustee
Laurence Lonky, Trustee
Marianne Stecich, Village Attorney
Brenda M. Jeselnik, Clerk/Treasurer

Excused: Constance M. Kehoe, Trustee
Lawrence S. Schopfer, Village Administrator

Mayor Smith called the meeting to order and led those in attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Smith and others made the following announcements:

- a. Mayor Smith made a motion to set a Public Hearing to consider a Local Landmarks Law – January 4, 2018 at 7PM – Village Hall. The motion was seconded by Trustee Silverberg and unanimously approved.
- b. Happy Holidays

Mayor Smith reviewed correspondence

- a. William Rush – Commercial Parking - S. Buckhout Street
- b. NYCOM – Prepayment of 2018 Property Taxes

Mayor Smith opened the floor to public comment. There were no comments from those in attendance.

Mayor Smith offered the following resolution, which was seconded by Trustee Lonky and adopted:

RESOLVED to approve the minutes of the Organizational and Regular Meeting of the Village Board held on December 4, 2017 and Work Session held on December 13, 2017

**RESOLUTION 2017-191
APPROVAL OF 2017-18 BUDGET TRANSFERS AND MODIFICATIONS**

- 1. Transfer from Contingency for unanticipated major vehicle repair.

From: Contingency	1.1990.465	\$17,000
To: DPW Vehicle Maintenance	1.5010.473	\$17,000

- 2. Transfer from Contingency for unanticipated HVAC replacement in DPW and Court and Theater Ceiling

From: Contingency	1.1990.465	\$19,000
To: Village Hall Maintenance	1.1620.452	\$19,000

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**RESOLUTION 2017-192
APPOINTMENT OF PERSONNEL IN LIBRARY**

RESOLVED to make the following appointments in the Irvington Library:

<u>Name</u>	<u>Rate</u>	<u>Status</u>	<u>Effective</u>
Deborah Duerksen	\$30.22/hour	P/T Librarian I	December 19, 2107
Giovanna Iannace	\$30.22/hour	Substitute Librarian I	December 19, 2017

**RESOLUTION 2017-193
APPOINTMENT & RESIGNATION OF PERSONNEL IN THE IRVINGTON TOWN HALL
THEATER**

RESOLVED to accept the following resignation in the Irvington Town Hall Theater:

<u>Name</u>	<u>Rate</u>	<u>Status</u>	<u>Effective</u>
Paula F. Romanow	\$16.48/hour	Office Assistant	November 3, 2107

AND FURTHER RESOLVED to make the following appointment in the Irvington Town Hall Theater on an as need basis:

<u>Name</u>	<u>Rate</u>	<u>Status</u>	<u>Effective</u>
Reeyaz Bettencourt	\$16.48/hour	Office Assistant	December 26, 2107

**RESOLUTION 2017-194
APPOINTMENT OF PERSONNEL IN RECREATION DEPARTMENT**

RESOLVED to make the following appointment in the Recreation Department effective December 15, 2017 through April 30, 2018 on an as needed basis

<u>Name</u>	<u>Title</u>	<u>Rate</u>
Mallory Toolan	Youth Basketball Assistant	\$11.50 per hour

The vote resulted as follows:

AYES: 4 (Mayor Smith, Trustees Gilliland, Silverberg and Lonky)
NAYS: 0

**RESOLUTION 2017-195
VOLUNTEER APPOINTMENTS**

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Mayor Smith offered the following resolution, which was seconded by Trustee Silverberg and adopted:

RESOLVED to appoint the following volunteer committee members:

FACE Committee

Tracy Birkhahn	Member	2018
Stephanie Mascaluso	Member	2018
Wayne Pasternack	Member	2018
Francis O'Shea	Member	2018

Architectural Review Board

Randy Huff	1 st Alternate	2020
James Krapp	2 nd Alternate	2018

The vote resulted as follows:

AYES: 4 (Mayor Smith, Trustees Gilliland, Silverberg and Lonky)
NAYS: 0

RESOLUTION 2017-196

**AWARD OF CONTRACT 2017-23 FOR PURCHASE OF A 2017 POLICE INTERCEPTOR
4 DOOR PURSUIT RATED UTILITY AWD OR EQUAL FOR THE IRVINGTON POLICE
DEPARTMENT**

Mayor Smith offered the following resolution, which was seconded by Trustee Silverberg and adopted:

WHEREAS, sealed bids were received and opened on December 13, 2017 at 11AM in Village Hall as follows:

	COMPANY	TOTAL BID
1.	Schultz Ford Lincoln Inc. 80 Route 304 Nanuet, NY 10954	\$29,725.00
2.	Genesee Valley Ford 1675 Interstate Drive Avon, NY 14414	\$30,465.00

WHEREAS, the Village Administrator reviewed the bids submitted and determined that the bid from the low bidder is in order and responsive to the specifications;

NOW THEREFORE BE IT RESOLVED that the Clerk-Treasurer is authorized to execute a purchase contract for a 2017 Police Interceptor 4 door pursuit rated utility AWD in the amount of \$29,725.00 with Schultz Ford Lincoln Inc.

The vote resulted as follows:

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AYES: 4 (Mayor Smith, Trustees Gilliland, Silverberg and Lonky)
NAYS: 0

**RESOLUTION 2017-197
APPROVAL OF SEWER EASEMENT FOR 62 STATION ROAD**

Mayor Smith offered the following resolution, which was seconded by Trustee Lonky and adopted:

RESOLVED to approve the sewer easement for 62 Station Road and to authorize the Village Administrator and Village Attorney to execute said agreement and any additional documents necessary to complete said transaction.

The vote resulted as follows:

AYES: 4 (Mayor Smith, Trustees Gilliland, Silverberg and Lonky)
NAYS: 0

**RESOLUTION 2017-198
APPROVAL OF CONTRACT 2017-24 WITH CREIGHTON MANNING ENGINEERING LLP**

Mayor Smith offered the following resolution, which was seconded by Trustee Gilliland and adopted:

RESOLVED to approve contract #2017-24 with Creighton Manning LLP for engineering services for the Station Road Sidewalk (PIN 8761.87) and Main Street Pedestrian Improvement (PIN 8761.72) Projects and to authorize the Village Administrator to execute said contract, subject to the final approval of the Village Attorney.

The vote resulted as follows:

AYES: 4 (Mayor Smith, Trustees Gilliland, Silverberg and Lonky)
NAYS: 0

**RESOLUTION 2017-199
REGULATIONS CONCERNING BULK WASTE PICK-UP**

Mayor Smith offered the following resolution, which was seconded by Trustee Gilliland and adopted:

WHEREAS, the Board of Trustees adopted Local Law 9 of 2017 authorizing the imposition of a fee for the collection of Bulk Waste, as defined in Section 178-1 of the Village Code; and

WHEREAS, it is necessary to establish specific regulations concerning the collection of Bulk Waste; now therefore be it

RESOLVED, to set the fee of \$25 per pick-up for the collection of Bulk Waste; and

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FURTHER RESOLVED, that the collection fee will not be imposed for pick-ups that consist entirely of recyclable items as detailed on the Village's annual sanitation calendar; and

FURTHER RESOLVED, that the fees for Bulk Waste collection will be imposed for all pick-ups on or after January 1, 2018.

The vote resulted as follows:

AYES: 4 (Mayor Smith, Trustees Gilliland, Silverberg and Lonky)
NAYS: 0

RESOLUTION 2017-200

APPROVAL OF CONTRACT #2017-25 WITH LARRY CAMPBELL F/S/O LARRY CAMPBELL & TERESA WILLIAMS FOR MUSICAL SERVICES RELATED TO FACE EVENT

Mayor Smith offered the following resolution, which was seconded by Trustee Lonky and adopted:

RESOLVED to approve contract with Larry Campbell f/s/o Larry Campbell & Teresa Williams in the amount of \$20,000 for musical services related to a FACE event in April 2018 and to authorize the Village Administrator to execute said contract subject to the final review of the Village Attorney.

The vote resulted as follows:

AYES: 4 (Mayor Smith, Trustees Gilliland, Silverberg and Lonky)
NAYS: 0

Reports of boards, standing committees and officers:

Trustee Lonky reported on Recreation Department Holiday gift basket program, the Senior Holiday Luncheon and a donor who sponsor it.

Trustee Silverberg gave the Water Department report of activities noting a water main break. She also reported on the Department of Public Works noting winter storms and grinding of uneven sidewalks.

Village Clerk-Treasurer, Brenda Jeselnik, reminded residents that 2nd Half Village are due by January 2, 2018 and may be postmarked up to that date.

Mayor Smith opened the floor to public comment. There were no comments from those in attendance.

After a review of action items and there being no further business, Mayor Smith made a motion to adjourn the meeting. The motion was seconded by Trustee Silverberg and unanimously approved.

Brenda M. Jeselnik, Clerk/Treasurer

**RESOLUTION 2018-XXX
STANDARD MILEAGE REIMBURSEMENT RATE FOR BUSINESS USE OF A
PERSONAL VEHICLE EFFECTIVE JANUARY 1, 2018**

Trustee offered the following resolution, which was seconded by Trustee
and adopted:

RESOLVED that the standard mileage reimbursement rate for business use of
personal vehicle shall be set at 54.5¢ effective January 1, 2018.

**RESOLUTION 2018-X
ADOPTION OF LOCAL LAW AMENDING VILLAGE CODE TO ADD A CHAPTER
DESIGNATING AND PROTECTING LOCAL LANDMARKS**

Trustee offered the following resolution, which was seconded by Trustee and adopted:

RESOLVED to adopt a local law amending Village Code to add a chapter designating and protecting local landmarks.

LOCAL LAW ___ OF 2018

AMENDING VILLAGE CODE TO ADD A CHAPTER
DESIGNATING AND PROTECTING LOCAL LANDMARKS

Be it enacted by the Board of Trustees of the Village of Irvington that the Village Code is hereby amended as follows:

Section 1: A new chapter, to be designated Chapter 144, LOCAL LANDMARKS, is hereby added to the Village Code, to provide as follows:

Chapter 144

LOCAL LANDMARKS

§ 144-1. Findings; purpose.

The Irvington Board of Trustees finds that there exist within the Village sites, structures, buildings, markers and other objects of historic or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected and preserved to maintain the architectural and historic character of Irvington.

The purpose of this local law is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of sites, buildings, structures, markers and other objects within the Village that reflect special elements of Irvington's historical, architectural, cultural, economic or aesthetic heritage in furtherance of the following public purposes:

- A. To provide for the protection and enhancement of sites, structures, buildings, markers and objects that are illustrative of the growth and development of our nation, our state and our Village and that are of particular historic or aesthetic value to Irvington;
- B. To recognize and ensure the preservation of those elements of the Village's past that represent many and varied architectural, artistic and cultural achievements that cannot be duplicated or otherwise replaced.
- C. To promote the use of landmark sites, structures, buildings, markers and other objects as a means of providing enjoyment and unique educational benefit by perpetuating the physical evidence of Irvington's past.

- D. To protect and promote the economic and cultural benefits of historic preservation to Irvington, its inhabitants and visitors.
- E. To protect property values in the Village.
- F. To protect and enhance Irvington's attractions to tourists and visitors.
- G. To foster civic pride in those elements of Irvington's past that give the Village its unique character and set it apart from other communities.

§ 144-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD OF ARCHITECTURAL REVIEW – Board of Architectural Review of the Village of Irvington.

BOARD OF TRUSTEES – Board of Trustees of the Village of Irvington.

BUILDING – Any combination of materials forming any construction, except where entirely underground so as to permit the use of the ground above the same as if no building was present. The term “building” shall include, but not be limited to, the term “structure.”

DEMOLISH – To pull down, raze, destroy, remove or relocate all or any portion of the exterior of a building or structure.

LOCAL LANDMARK – Any site, building, structure, marker or object that has been designated as a “local landmark” by the Board of Trustees of the Village of Irvington, pursuant to the procedures and criteria set forth in this chapter.

VILLAGE – Village of Irvington.

§ 144-3. Procedure and criteria for designating local landmarks.

- A. Authority; request for designation. The Board of Trustees is authorized to designate sites, buildings, structures, markers or other objects as local landmarks and to rescind such designation pursuant to the procedures and criteria set forth in this section. The Board of Trustees may act on its own or may act in response to a request from any Village property owner, resident, committee or organization.

B. Procedure.

- (1) Any request made to the Board of Trustees for local landmark designation shall be in writing and be accompanied by a statement of how the site, building, structure, marker or object meets the applicable qualification criteria set forth in subsection D.
- (2) The Village shall send a copy of the request for designation to the owner of the property on which the site, building, structure, marker or object proposed for designation is located, along with a request that the property owner advise the Village, within 30 days, of its consent or refusal to consent to consideration of the designation.
- (3) If the property owner consents to the Board of Trustees' consideration of the designation request, the Board of Trustees shall schedule a public hearing on the proposed designation. The property owner's failure to respond to the Board of Trustees' request shall be deemed to be an objection to the designation, and no public hearing shall be scheduled.
- (4) Notice of the public hearing shall be given by publication in the official newspaper(s) of the Village at least 10 days before the date of the hearing.
- (5) The person or committee requesting local landmark designation and any interested parties may present testimony or documentary evidence at the hearing, which will become part of a record regarding the historic, architectural or cultural importance of the site, building, structure, marker or object proposed for designation. The Board of Trustees may solicit expert testimony or opinion by an architect, historian and/or other qualified professional.
- (6) If the Board of Trustees decides to designate the site, building, structure, marker or object as a local landmark, it shall do so by resolution and state its reasons for the designation.
- (7) The Board of Trustees may not designate a site, building, structure, marker or object as a local landmark if the owner of the property on which the site, building, structure, marker or object is located objects to the designation.

C. Voluntary designation. If the owner of a site, building, structure, marker or object requests that it be designated as a landmark, a public hearing may be held, but is not required. If the Board of Trustees determines that the criteria set forth in subsection D are met, and decides to designate the site,

building, structure, marker or object as a local landmark, it shall do so by resolution and state its reasons for the designation.

D. Criteria for local landmark designation.

- (1) Local landmark. A site, building, structure, marker or object may be designated a local landmark if the Board of Trustees finds, on the basis of substantial evidence, that it possesses one or more of the following characteristics:
 - (a) It is associated with persons or events of historic significance to the Village, region, state or nation.
 - (b) It is illustrative of historic growth and development of the Village, region, state or nation.
 - (c) It embodies distinctive characteristics of a type, period or method of construction or design style, or is representative of the work of a master, or possesses unique architectural and artistic qualities, or is a valuable example of the use of indigenous materials or craftsmanship.
 - (d) It is included on the National Register of Historic Places maintained by the United States Secretary of the Interior, the New York State Register of Historic Places maintained by the New York State Historic Preservation Office, or the Westchester County Inventory of Historic Places.
 - (e) It represents an established and familiar visual feature of the Village by virtue of its unique location or singular physical characteristic.
 - (f) It has yielded or may be likely to yield information important to prehistory or history.

E. Moratorium. Whenever the Board of Trustees has, by resolution, scheduled a public hearing on the local landmark designation of a site, building, structure, marker or other object, then for a period of 90 days following the date of that resolution or until the designation is approved or rejected, whichever shall be sooner, the site, building, structure, marker or object proposed to be designated as a local landmark may not be demolished.

F. Rescission. The Board of Trustees may rescind any designation of a local landmark, using the same procedure as for local landmark designation.

§ 144-4. Effect of local landmark designation.

- A. The Village Clerk shall maintain a list of sites, buildings, structures, markers and objects that the Board of Trustees has designated as local landmarks.
- B. In addition to any other requirements of the Zoning Code, no site, building, structure, marker or object designated as a local landmark may be demolished nor exteriorly altered, restored or reconstructed without the approval of the Board of Architectural Review. This requirement shall not apply to interior demolitions that do not affect the exterior appearance of the local landmark.
- C. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a local landmark that does not involve a change in design, building material, or outward appearance.

§ 144-5. Penalties for offenses.

- A. Any person violating any of the provisions of this chapter shall be subject to a penalty of not more than \$1000.
- B. In addition to any other penalties for violations of this chapter, the owner of any property on which a local landmark is located, or on which a moratorium pursuant to § 144-4.E is in effect, who violates any provision of this chapter shall be required to restore the local landmark and the property to its appearance prior to the demolition, alteration or reconstruction. Restoration would require site development plan approval, ARB approval, and any other approval and permit required by the Code.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

**RESOLUTION 2018-XXX
APPOINTMENT OF VOLUNTEER FIREFIGHTER**

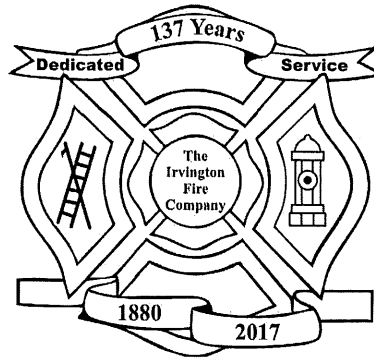
Trustee offered the following resolution, which was seconded by Trustee and adopted:

RESOLVED to approve the following new probationary member of the Irvington Fire Company:

Name

Sebastian Teunissen

Chris DePaoli, *President*
Dave Lutomski, *Vice President*
Steve Mangiacotti, *Treasurer*
Joe Kimmel, *Recording Secretary*
Max Trama, *Financial Secretary*



Howard Billings, *Trustee*
James Brennen, *Trustee*
Jerry Malota, *Trustee*
Joe Clarke, Sr., *Trustee*
Joe Clarke, Jr., *Trustee*

The Irvington Fire Company

90 Main Street, Irvington NY, 10533

December 28, 2017

We hereby request the Village of Irvington Board of Trustees approve the following new probationary member of the Irvington Fire Company, at the next village board meeting.

Name: Sebastian Teunissen
Address: 10 E. Home Place
Irvington, NY 10533

President,

Chris DePaoli