

Board of Trustees
Village of Tarrytown
Regular Meeting No. 14
September 8, 2015
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell noted that the Tarrytown Fire Department will hold a 9/11 Memorial Service on Saturday, September 12, 2015, at Patriots Park at 8:30 a.m. Public is welcome.

Trustee McGee noted that on Saturday, September 26th, the Headless Halloween Mini-Golf is returning to the Warner Library. It was a tremendous success last year. The Day Golf, a more “family friendly” experience is from 10 a.m. to 4 p.m. The Night Golf, a more “Halloween scary” experience is from 6 p.m. to 9 p.m. She hopes to see you there.

Trustee Hoyt reported on the following:

- The Parks and Recreation Fall/Winter Brochure is now available on the Village website, tarrytowngov.com.
- The Tarrytown Village-wide Tag Sale will be held on Saturday, September 19th from 10 a.m. to 5 p.m. For more information, contact the Recreation Department at 631-8347.

CHANGES AND/OR ADDITIONS TO THE AGENDA

The Board of Trustees removed Item No. 9 from the agenda, the appointment of Office Assistant/Financial Support.

PUBLIC INFORMATION MEETING – PARKING SPACES ON WILSON PARK DRIVE

Administrator Blau noted on March 11, 2011, the Village purchased 11.38 acres of land in the Wilson Park area known as the Wilson Park Open Space. On May 20, 2013, the Board of Trustees added the Wilson Park Open Space to the listing of properties dedicated and designated as public parks, playgrounds and recreation areas. What is before the Board and public tonight is the concept of possibly creating 5 parking spaces on Wilson Park to allow people to come and utilize the open space. Administrator Blau presented a drawing showing where the proposed 5 parking spaces would be located. Administrator Blau noted that he asked the Police Chief if the Chief had any safety concerns with people parking in these spaces and backing up on Wilson Park Drive and the Police Chief said based upon the amount of traffic on Wilson Park Drive, he does not have any safety concerns with the proposed 5 parking spaces on Wilson Park Drive.

Ann Hull, 111 Wilson Park Drive, asked if cars are parking on a diagonal and pulling out on Wilson Park Drive, how do the cars turn around to exit. Administrator Blau responded that they can drive down Wilson Park Drive to Cobb Lane or Tower Hill Road.

Judy Cohen, 193 Wilson Park Drive, stated that she did not see where the Wilson Park Open Space is listed anywhere on the website that she could find. Administrator Blau noted that it is included in the Village Code, which is on the website.

Mayor Fixell stated that the open space on Wilson Park is in a preliminary and pre-development stage, which conceptually would have trails in the open space.

It is not listed on the Recreation literature because it is not yet an active recreation space. This is a design proposal to put before the public for the first of other possible modifications to the open space for future development. It is not an active park at this point.

Roger London, 185 Wilson Park Drive, noted that as a passive park, he doesn't understand how the decision of creating a parking space or 5 parking spaces came about. There is plenty of parking at the Tarrytown Lakes and on the streets. He believes the 5 parking spaces will be a safety issue and a constructive nuisance, which will need to be patrolled. He believes that we should see if there is an increase of public use that would warrant more parking before we create the 5 parking spaces. Mr. London noted that many cars cut through Wilson Park and once all the construction in the Wilson Park area is complete, the traffic may increase and he believes it is very dangerous for cars to back up on Wilson Park Drive.

Mayor Fixell noted that once it is a park with some trails, for people to access the park without any parking, people will park on nearby roads which are narrow roads and are not suited for parked cars. That is basically the genesis of why we are proposing to create 5 parking spaces there.

Tom Hinds, 122 McKeel Avenue, stated the following:

- He has gone to the park for many years and he doesn't see a great demand from the public to create the proposed 5 parking spaces.
- Right in front of the proposed location of the 5 parking spaces, large puddles of water and/or ice forms due to poor drainage, which is extremely dangerous. He suggests using the money for proper drainage in that area instead of creating parking.

Greg Hull, 111 Wilson Park Drive, stated the following:

- He has lived on Wilson Park Drive for about 15 years and about 8 or 9 years ago, the property where the Village is proposing 5 parking spaces became a de facto parking lot. He asked the Board how that particular site became the proposed location for a parking lot. He has observed cars parked there and along the streets. Before the Village acquired the land, he saw up to 10 to 15 cars parked at a time, mostly to walk their dogs. Then the next wave of cars would come at night that would leave beer bottles and miscellaneous garbage, which he would clean up every Monday.
- The drainage is a problem at that site and the runoff is incredible. The runoff would go through his hedges and has started to damage his property.
- He is against creating 5 parking spaces at the proposed Wilson Park open space site.

Francesca Spinner, Wilson Park Drive, stated the following:

- A few years ago, we didn't know we were going to have that open space on Wilson Park, so we thank the Village for preserving that space for the public. She likes the idea of a passive park with trails. It would be great if the trails can be linked from the lakes parking lot through to the schools.
- The Hulls have suffered a great deal with the parking that occurred at the proposed parking lot and it doesn't seem fair for them to go through that all over again.

- She asked if the Village Engineer can take another look at the proposed parking. She suggests looking at the entire Wilson Park Drive to see if there are areas where the Village can create maybe 3 parallel parking spaces along Wilson Park Drive. She believes backing onto Wilson Park Drive is very dangerous. She also suggested at the very end of Wilson Park Drive, there may be room for a couple of parallel parking spaces along the road.

Trustee Butler noted that Ms. Spinner has brought up good ideas and asked if the Friends of Wilson Park would work with the Village Engineer to look at locations where parking spaces can be created on Wilson Park Drive.

Leonard Cohen, 10 River Terrace, stated that he believes the proposed 5 parking spaces on Wilson Park Drive is extremely dangerous and backing up on Wilson Park Drive is a safety hazard.

Dierdre Dobson Carsto, 143 Wilson Park Drive, asked what type of material will be used for the proposed parking spaces. Administrator Blau responded Item 4. Ms. Carsto's biggest concern is the very old red oak tree that is located very close to the proposed parking. She believes the tree is 150 years old and one of the oldest trees in Tarrytown. She feels that this tree has suffered a lot of stress from the construction of the two nearby Toll Brothers homes and the nearby wall that was built. This tree is showing damage on the side where the parking spaces are proposed. She is concerned with additional construction and digging into the tree's root system. She doesn't believe we need any parking spaces, but if the Village believes that we do, she believes there are safer areas along Wilson Park Drive. She was happy to hear that the material for the parking spaces is not asphalt. However, she believes that certain types of pervious pavers would be a better choice for the tree and the environment than Item 4.

Ann Hull, 111 Wilson Park Drive, stated that the majority of people who use the open space at Wilson Park are people who bring their dogs to run and relieve themselves. Many dog owners and their dogs would come all hours of the day. She has dealt with this for 10 years and does not want to go through this again. She believes that we shouldn't make any decisions until we have a comprehensive plan of the entire area and we can sit down with Friends of Westchester Parks and put something together regarding the use of the soccer field, the park and how it will be managed.

Carla, 120 Cobb Lane, stated the following:

- She walks her dogs at all of the parks in the Village. She doesn't drive to the parks, she walks to the parks.
- Some of the vehicles on Wilson Park Drive go above the speed limit and run stop signs. She believes it is very dangerous to have vehicles backup on Wilson Park Drive. She wants to know if the Village is going to re-landscape the corner of Nancy Curry's property because there are a lot of bushes there that hinder driver's site. She noted that there are no lights near the open space and it is very dark.
- If the Village is going to make it a park in the future, she thinks the Village should have a wait and see attitude on the parking spaces until the Village knows what they are going to do with the park. She would like to see Wilson Park be known as a pastoral park.
- She doesn't mind people parking on Wilson Park Drive. She doesn't like the proposed 5 parking spaces plan.

Trustee Hoyt asked if we can have a police presence in the Wilson Park area.

Trustee Zollo asked the Village Attorney if the Village can put speed limit signs on Wilson Park Drive. Attorney Silverberg noted that he didn't think we can put speed limit signs on Wilson Park Drive because it is a private road. However, the Village can enforce the stop signs. Attorney Silverberg also didn't know if we can allow parking on Wilson Park Drive for the same reason that it is a private road, but he would look into it.

Francesca Spinner, Wilson Park Drive, stated that when she was in the U.K., they had informal signs that said "Twenty is plenty." She realizes that it is not an official sign, but it can be used as a reminder to vehicles not to speed.

Nancy Curry, Wilson Park Drive, stated that Wilson Park Drive is a difficult road to navigate and she has gotten a flat tire moving over to let another car drive by. She thinks the proposed 5 parking spaces are dangerous and encourages the Village to look for parking in another place near the park.

Rob DeRocker, 3 Warner Lane, and one of the organizers of the Friends of Wilson Park, stated that the Friends of Wilson Park met and the following are some of the concerns:

- The Friends of Wilson Park do not want to keep people away from Wilson Park. It is a beautiful park that he encourages people to come and enjoy. He thanked the Board for creating this extraordinary green space.
- The idea that cars will be backing up onto Wilson Park Drive near an intersection, which drivers routinely sail through stop signs is frightening and unsafe. After the development of 1,200 units in Sleepy Hollow, Wilson Park Drive's volume of vehicles will increase.
- The parking spaces are a concern without a constituency. There doesn't seem to be a need for parking.
- The condition of the roads that lead up to Wilson Park Drive are horrible, particularly Cobb and Warren Avenue. Mayor Fixell noted that Cobb Lane is going to be repaved hopefully before the winter.
- He would like the Village to allow Friends of Wilson Park to work with the Village and help come up with other creative ideas for parking.
- The environmental quality of the direct neighbors to the proposed parking spaces would be compromised by the proposal. He believes the parking spaces will encourage people to come to the park to drink beer at night and during the day; it will encourage people to haul barbeque and sports equipment to the open space for a space that was never envisioned as a playground or a picnic area.

Mark Fry, member of the Tarrytown Lakes Committee, noted the following:

- Toll Brothers, the developer, must build a permeable path in the 11.38 acres parcel of open space.
- Mr. Fry does not believe the location for the proposed 5 parking spaces is a good idea. The Planning Board approved public parking for Wilson Park at the end of Wilson Park Drive on the corner of Wilson Park and Tower Hill Road. It is a safely designed parking area with proper drainage.

Javier Dyer, 7 Warner Lane, stated that he sees cars cutting through and driving fast and it is a safety concern that cars backing up on Wilson Park Drive would be dangerous. He has seen teenagers at night walking into the park with a keg of beer. He believes the 5 parking spaces will be inviting the wrong crowd of people.

Trustee Basher thanked the public for their great ideas. He believes we should look into what the Village wants to do with the park and then address the parking. But he believes there should be parking nearby.

PUBLIC HEARING – COMMUNITY CHOICE AGGREGATION (ENERGY) PLAN

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

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 8th day of September, 2015, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendment to the Code of the Village of Tarrytown, by adding a new Chapter 119, entitled “Community Choice Aggregation (Energy) Program to establish a Community Aggregation (Energy) Program in the Village of Tarrytown.

Section 1. The Code of the Village of Tarrytown is hereby amended by adding a new Chapter 119, entitled “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM,” to read as follows:

ARTICLE I

§1. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the Village of Tarrytown and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for residential and Small Commercial customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation, which allows local governments to determine the default supplier of electricity and natural gas on behalf of its residential and Small Commercial customers.
- B. The purpose of this CCA Program is to allow participating local governments including the Village of Tarrytown to procure energy supply service for their residential and Small Commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the Village of Tarrytown to put out for bid the total amount of natural gas and/or electricity being purchased by local residential and Small Commercial customers. Bundled Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.
- C. The Village of Tarrytown is authorized to implement this COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part (issued February 26, 2015) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0564 (collectively, the “Order”). Order shall also mean orders of the Public Service Commission related to State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued December 15, 2104) to the extent that orders related to Case No. 14-M-0224 enable actions by the Village of Tarrytown not otherwise permitted pursuant to orders related to Case 14-M-0564; provided,

however, that in the event of any conflict between orders from Case No. 14-M-0564 and orders from Case No 14-M-0224, orders from Case No 14-M-0564 shall govern the CCA Program.

- D. This Chapter shall be known and may be cited as the “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM.

§2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission’s Uniform Business Practices or, if not so defined there, as indicated below:

Bundled Customers – Residential and Small Commercial customers of electricity or natural gas (“fuels”) who are purchasing the fuels from the Distribution Utility.

Small Commercial - Non-residential customers as permitted by the Order.

Community Choice Aggregation Program or CCA Program– A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the Village.

Distribution Utility – Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

Public Service Commission – New York State Public Service Commission.

Suppliers – Energy service companies (ESCOs) that procure electric power and natural gas for Bundled Customers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

Sustainable Westchester – A not-for-profit organization comprised of member municipalities in Westchester County, New York.

§3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

- A. A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM is hereby established by the Village of Tarrytown, whereby the Village shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The Village’s role under the CCA Program involves the aggregating of the electric and/or natural gas supply of its residents and the entering into a contract with one or more Suppliers for supply and services. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.
- B. The Village’s purchase of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Village will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of participating residential and Small Commercial customers.
- C. In order to implement the CCA Program, the Village will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more Suppliers, all as consistent with the Local Law and the Order.
- D. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§4. Procedures for Eligibility; Customer Data Sharing.

- A. As permitted by the Order, the Village may request from the Distribution Utilities aggregated customer information by fuel type and service classification on a rolling basis.
- B. Sustainable Westchester, on behalf of the Village of Tarrytown, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA Program.
- C. Sustainable Westchester or the Village if the Village so chooses, will then request individual customer data from the Distribution Utility in accordance with the CCA Program.
- D. Sustainable Westchester or the Village if the Village so chooses, and the selected Supplier will then notify Bundled Customers of the contract terms and their opportunity to opt out of the CCA Program.
- E. In accordance with and for purposes of the Order, the existing Distribution Utility, Consolidated Edison Company of New York, Inc. will provide to Sustainable Westchester aggregate and customer-specific data (including usage data, capacity tag obligations, account numbers, and service addresses) of all Bundled Customers in the Village not currently enrolled with an ESCO.
- F. Sustainable Westchester and the Village, will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

§5. Choice of Energy Supplier; Opt-Out Notice and Procedure.

- A. The Village or in conjunction with the ESCO will notify its residential and Small Commercial customers, by letter notice, of the Village's decision to establish the CCA Program, of the contract terms with an ESCO, and of the opportunity to opt out of the CCA Program.
- B. The letter notice will be sent to each customer at the address provided by the Distribution Utility and explain the CCA Program and the material provisions of the ESCO contract, identify the methods by which the customer can opt out of the CCA Program, and provide information on how the customer can access additional information about the CCA Program.
- C. The opt-out period shall be twenty (20) days.
- D. CCA Program Bundled Customers, upon enrollment, will receive a welcome letter that will explain the customers' options for canceling the enrollment if they believe they were enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another Supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated Three (3) Day rescission period as detailed in Section 5(B)(3) of the Uniform Business Practices.

§6. Verification and Reporting.

- A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission, which identifies the number of customers enrolled in the CCA Program by municipality and customer class, the number of customers who returned to utility service or service with another Supplier during the reporting period, and the average cost of commodity supply by month for the reporting period.

Section 2. This local law shall take effect upon filing with the Secretary of State.

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF TARRYTOWN

Mayor Fixell noted that a member from Sustainable Westchester will outline the program for us tonight.

Glen Weinberg from Sustainable Westchester, stated that Sustainable Westchester is a non-profit organization that has been selected by the Public Service Commission to launch and implement the first community choice aggregation demonstration program in New York State for its members in Westchester County. Community Choice Aggregation (CCA) is an energy procurement model, which allows municipalities to switch the default supplier of their electricity and natural gas. Currently in Tarrytown, Con Edison is the default supplier for natural gas and electricity and is the same utility that delivers the energy. Con Edison owns all the poles and wires and the distribution network and they charge you a bill based on usage to deliver the energy and for the energy supply you are buying (they are both listed on one bill). In New York State, you can buy energy from whoever you want. You can buy the energy from the default supplier, the utility, or you can choose your own private supplier, usually called Esco's. What Community Choice Aggregation allows the Village to do as a local government is to transfer who the default energy supplier from the utility to whomever the Village chooses. The idea behind CCA, is that you gather as many residents and small businesses forming the negotiating clout to go out in the open market together to negotiate the lowest possible price and/or to access renewable power.

Mayor Fixell asked if residents can stay with Con Edison. Mr. Weinberg responded yes. He explained that the Village would pass a local law if they wish to participate with the CCA program. Once the local law is passed, a subsequent resolution would have to be approved that says that the Village wants to participate in the CCA program. Each resident and small business owner has the no cost option to opt out of the CCA program if they choose to stay with Con Edison or if they are already with an Esco, they would never be migrated in, they would stay with that company.

Trustee Basher asked if the entire population of the Village gets noticed about opting out and choosing a different energy supplier or just the Con Edison customers. Mr. Weinberg responded that they are only allowed to notice the Con Edison customers. Trustee Basher asked if he can opt out of his Esco and go with the new default energy company. Mr. Weinberg responded that a customer who is with an Esco would have to determine if they can change providers based upon their contract with the Esco. They may have pay a fee to opt out of their Esco contract. Mr. Weinberg noted that the Village of Irvington along with other Villages are choosing to send out a mailing to the residents who are with Esco's to ask if they want to opt out of their current energy company and opt in the new default energy company the Village chooses.

Trustee Butler asked how the program would handle if someone has two different energy companies one for gas and one for electric. Mr. Weinberg stated that if one of the suppliers is Con Edison, that energy utility would default to the new energy supplier. If the other supplier is an Esco, the Village could choose to notify that resident of the opportunity to go with a new supplier. The resident can opt out, minding its contract or stay with their Esco.

Mayor Fixell asked if there will be two companies; one for gas and one for electric. Mr. Weinberg responded that there will be two RFP's that go out, one for gas and one for electric. Mayor Fixell asked if Tarrytown chooses the supplier or is it part of larger group. Mr. Weinberg responded that the Village would be part of the larger group. Sustainable Westchester has an energy procurement committee of experts who are writing the RFP's and then will review the bids and it is Sustainable Westchester that makes the selection. However, the Village of Tarrytown will have a chance to review the bids. The contract structure is a tri-party; there's the municipality, supplier and Sustainable Westchester.

Trustee Basher asked if Sustainable Westchester chooses an energy supplier for gas and electric for "X" amount of years, and then when the contract ends, do they go out and request RFP's again. Mr. Weinberg responded that Sustainable Westchester is hoping to

get a low fixed rate for 3 years because natural gas prices are really low right now. Once the contract is about to expire, Sustainable Westchester will go out again and find another contractor.

Trustee Butler asked if he had an estimate on the savings that could be made by going with a new energy supplier. Mr. Weinberg responded that the experience in the northeast states is about 10 – 14% of savings versus the utility rate, just on the supply portion, not on the total bill. The residents will still get their bills from Con Edison and it will state on the bill the name of the energy supplier. The residents will also save money on the sales tax on the delivery portion of the bill according to the structure of New York State Public Service laws.

Trustee Hoyt noted if something should happen to the gas lines or the utility poles that would still be the responsibility of Con Edison. Mr. Weinberg responded that the entire infrastructure is still the responsibility of Con Edison. If there is an outage, the Village would still call Con Edison.

Lakis Polycarpou, Co-Chairperson of Tarrytown Environmental Advisory Committee, asked how Sustainable Westchester is planning on balancing the need of renewable resources over the need for cost savings. Mr. Weinberg responded that the criteria for a compliant bid would be that it will be lower than the trailing 12-month average of Con Edison or it has to be guaranteed that is lower than Con Edison all the time. In addition to it being lower, we are going to ask for a 100% renewable option. Each resident will have an option on the renewable option and it will come at a small premium. The new default energy supplier will be at the lowest cost. If a resident chooses to go with the renewable option, they will have to opt into that program.

Trustee Basher moved, seconded by Trustee Hoyt, and unanimously carried, that the hearing be closed.

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown by adding a new Chapter 119, entitled “Community Choice Aggregation (Energy) Program” to allow the Village of Tarrytown to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail commercial customers in those markets.

WHEREAS, a public hearing was held for the proposed action on September 8, 2015; and

WHEREAS, a notice of public hearing was published in the Journal News on August 21, 2015; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action, and is therefore the Lead Agency for the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

In accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c) and based upon review of the Environmental Assessment Form and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action is an Unlisted action that will not have a significant adverse impact on the environment, and hereby adopts a Negative Declaration.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 6 of 2015.

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

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

The Board made the decision to modify the agenda to allow the people remaining to speak to the Board as opposed to waiting for the completion of the rest of the agenda.

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

Maureen Barbelet, Board member of “It Takes a Village 10591” (ITAV), which is a volunteer program to help seniors stay in their own home spoke to the Board about the program. It is part of a national program called Aging in Place. She invited everyone to their second Soup Soiree on Sunday, September 20th from 4:30 – 6:00 p.m. at the Kathryn W. Davis RiverWalk Pavilion at Kingsland Point Park in Sleepy Hollow. ITAV 10591 will be recruiting more volunteers to join this worthwhile service for our seniors. Thank you for your interest in this organization and look forward to seeing you at the Soup Soiree.

APPOINTMENT OF POLICE OFFICER

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Michael A. Gagliardi to the position of Police Officer Grade 2 in the Village of Tarrytown Police Department at an annual salary of \$96,348 effective September 9, 2015. This appointment is made from Eligible List #69-589 is subject to a probationary period of eighteen (18) months and to all civil service rules and regulations.

APPOINTMENT OF PARKING ENFORCEMENT OFFICER – SCHOOL CROSSING GUARD

Trustee McGovern moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Michelle A. Isaacs to the position of Parking Enforcement Officer – School Crossing Guard, Step 1, at an annual salary of \$42,628 effective September 9, 2015. This appointment is made from Eligible List #63-103, is subject to a probationary period of twelve (12) months and is subject to all civil service rules and regulations.

APPOINTMENT OF PART-TIME PARKING ENFORCEMENT OFFICER

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Daniel Flores of Sleepy Hollow, New York, to the position of part-time Parking Enforcement Officer at an hourly rate of \$18.50 effective September 9, 2015 subject to all civil service rules and regulations.

FIRE DEPARTMENT MEMBERSHIP CHANGE

Trustee Hoyt moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 7-0

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 August 18, 2015 Board of Fire Wardens meeting: Membership: Cheryl Butler and Kerry Swanson have been removed from active membership at Hope Hose Company and Alicia Goldstein has become a member of Marine 5.

VILLAGE JUSTICE COURT – INDEPENDENT AUDITOR’S REPORT

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby acknowledge receipt of the Statement of Cash Receipts, Cash Disbursements and Cash Balances for the Tarrytown Justice Court for the year ended May 31, 2015.

AWARD OF BID(S) FOR SANITATION PILOT PROGRAM

Administrator Blau noted that the Board of Trustees and staff have been in discussions about creating a Sanitation Pilot Program whereby the Village would provide roll out 95-gallon garbage receptacles to the residents and install tippers on two of our sanitation trucks. Garbage collection would go to once a week and the tippers would pick up the 95 gallon receptacles and dump the garbage into the sanitation truck. The common size receptacle is usually a 32 gallon size. The areas that will be participating in this program are the Crest and Wilson Park area. The residents will receive a letter explaining the Sanitation Pilot Program.

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

WHEREAS, The Village of Tarrytown is participating in the Pilot Program for Sanitation; and

WHEREAS, in order to participate in the Pilot Program for Sanitation, it is necessary to obtain the proper containers and tippers; and

WHEREAS, sealed bids were opened on January 8, 2015 for the purchase of Refuse and Recycling Cart and installation of Tippers; and

WHEREAS, the following two (2) bids were received for the purchase of Refuse and Recycling Carts:

<u>Contractor</u>	<u>95 Gallon Cart</u>
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Sanitation Equipment Corp. South 122 Route 17 North Paramus, NJ 07652 Board of Trustees – Agenda September 8, 2015 Page Four	\$54.71/per container
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Rehrig Pacific Company 1738 West 20 th Street Erie, PA 16502	\$57.33/per container
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WHEREAS, the following two (2) bids were received for the purchase and installation of Tippers:

<u>Contractor</u>	<u>Unit Price for (2) Per Truck</u>
Sanitation Equipment Corp. South 122 Route 17 North Paramus, NJ 07652	\$11,240
Long Island Sanitation Equip. Co. 1670 New Highway Farmingdale, NY 11735	\$14,271

BE IT RESOLVED that after review by the Superintendent of Public Works, it is recommended that the purchase of the Refuse and Recycling Carts and the purchase and installation of the tippers to be installed on two sanitation trucks be awarded to the lowest bidder, Sanitation Equipment Corporation.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement with Sanitation Equipment Corporation for the purchase of the Refuse and Recycling Carts and the purchase and installation of the tippers.

AWARD OF A BID - PIERSON PARK NORTH PLATFORM REPAIR

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

WHEREAS, there are two major sinkholes that have formed in the northern half of the RiverWalk Park; and

WHEREAS, sealed bids were opened on August 21, 2015 for the Pierson Park North Platform Repair project and two bids were received as follows:

Trevcon Construction Company, Inc. 30 Church Street (POB 0811) Liberty Corner, NJ 07938	\$1,703,205
D’Onofrio General Contractors Corp. 202 28 th Street Brooklyn, NY 11232	\$6,067,000

WHEREAS, sealed bids were previously opened on May 29, 2015 for the Pierson Park North Platform Repair project and one bid was received as follows:

Caldwell Marine International, LLC 1433 Route 34 South, B1 Farmingdale, NJ 07727	\$2,794,750
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and;

WHEREAS, the Board of Trustees rejected the single bid on June 15, 2015; and

WHEREAS, the bid of the low bidder, Trevcon Construction Company Inc. has been reviewed by the Village’s consulting engineer for this project, McLaren Engineering Group as well as the Village Engineer and it is recommended by the engineers that the contract be awarded to Trevcon Construction Company, Inc.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the Pierson Park North Platform Repair project to

the lowest responsible bidder, Trevcon Construction Company, Inc. per their bid of \$1,703,205.

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute an agreement with Trevcon Construction Company, Inc.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby appropriate \$950,000 in fund balance from the General Fund for this Capital project.

ASBESTOS REMOVAL AT MAIN STREET FIREHOUSE BOILER ROOM

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

WHEREAS, the following three (3) written quotes were received for the Asbestos Removal at the Main Street Firehouse Boiler Room:

ACA Environmental Services, Inc. \$25,900
791 Nepperhan Avenue
Yonkers, NY 10703

Pinnacle Environmental Corp. \$28,850
200 Broad Street
Carlstadt, NJ 07072

PAR Environmental Corporation \$42,750
313 Spook Rock Road
Suffern, NY 10901

WHEREAS, the Village Engineer has reviewed the written quotes and has recommended that the Asbestos Removal project at Main Street Firehouse Boiler Room be awarded to the proposer with the lowest quote, ACA Environmental Services, Inc.

NOW THEREFORE 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 ACA Environmental Services, Inc. for the asbestos removal project at Main Street Firehouse Boiler Room per their quote of \$25,900.

SCHEDULE A PUBLIC HEARING – FIRE PREVENTION

Trustee Hoyt moved, seconded by Trustee Basher, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a Public Hearing for the regular meeting of September 21, 2015, to hear and discuss and act upon a proposed amendment to the Code of The Village of Tarrytown to add Section 4 to Chapter 165, Fire Prevention to address parking of vehicles designated for official use by the Fire Chief, First Assistant Fire Chief and Second Assistant Fire Chief.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON AUGUST 17, 2015

Trustee McGee moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the regular meeting of the Board of Trustees held on July 20, 2015 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON AUGUST 12, 2015

Trustee Basher moved, seconded by Trustee Zollo, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustees Butler and McGovern who abstained. Approved: 5-0-2

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the special meeting of the Board of Trustees held on August 12, 2015 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 4 of Audited Vouchers to be paid in the following amounts:

General	\$	406,533.48
Water		22,472.01
Sewer Fund		0.00
Capital		168,950.52
Library		11,197.90
Trust & Agency		<u>7,962.38</u>
Total	\$	617,116.29

The Board was polled all voting “aye” with the exception of Trustee Hoyt who recused himself from Voucher Number 2012251348. Motion carried. 7-0

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Basher, and unanimously carried, that the meeting be adjourned at 9:39 p.m.

Carol A. Booth
Village Clerk