

Board of Trustees
Village of Tarrytown
Regular Meeting No. 19
August 20, 2018
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Brown, Butler, Hoyt, McGee, and McGovern; Village Administrator Slingerland; Village Treasurer Hart; Village Attorney Steve Silverberg and Village Clerk Booth

ABSENT: Trustee Zollo

The meeting began with the Pledge to the Flag.

REPORTS

Trustee McGovern noted that there will be a concert in the park this Thursday night at Pierson Park at 7 p.m. She encouraged everyone to come out and enjoy the evening.

ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- We are working with Musco Lighting at Losee Park to schedule the work with the Ballfield Lighting Replacement Plan. We had some delays because they had some issues getting all the materials. The Police and Recreation Departments are working together to block out space in the field for the materials and equipment.
- We have some reports that we have to file with the state. The Losee Park project is moving ahead for the RiverWalk, but because of the complications we had with the bulkhead shoreline stabilization project and with the ballfield lighting project; it adjusted the project. Therefore, the design for the RiverWalk had to be amended to accommodate the three different projects. He will include this in the quarterly report and it will get done this week.
- We are continuing to work on two proposed local laws, the water conservation and water meter law. Within the next 12 to 14 months, the state is planning to shut down the Catskill Aqueduct's connection in Tarrytown and many other municipalities because they are going to maintain it for the first time in over 100 years. We are working with the Villages of Sleepy Hollow and Briarcliff Manor and the New York City Water Department of Environmental Protection to try to make the connection from the Delaware Aqueduct to our tap in Eastview.
- The water tank project has been completed. There was additional unforeseen work needed to be made to the tank. We went back in service the first week of August.
- The Tarrytown Lake harvesting is moving along and will be finished this week. By the time they are complete, they estimate that they will have removed approximately 7,000 or 8,000 cubic yards of weeds and algae. We hope that this is going to have a lasting affect than one season.

CONTINUATION OF A PUBLIC HEARING – ARCHITECTURAL REVIEW BOARD REQUIREMENTS

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

Peter Bartolacci, 67 Miller Avenue, asked if the Board knew what was said at the last Planning Board meeting regarding the new Architectural Review Board legislation. Mayor Fixell noted that if the Planning Board did have a discussion, the Board does not know about it. Mr. Bartolacci asked if there are any updates or amendments made to the proposed law since the last update. Administrator Slingerland noted that the Board is working with the Architectural Review Board to possibly make additional changes.

Edward Suarez, 53 John Street, noted that the fence on his property that divides his property and his neighbor's property was destroyed back in March by a hurricane. He has been trying to replace the fence, but he was told that there will be new regulations and that

he wouldn't have to go to the Architectural Review Board. He has been waiting for the Board to adopt the new law where he wouldn't have to go to the Architectural Review Board. Mayor Fixell noted that as the law stands, the new fence would need Architectural Review Board approval and it may or may not in the future. Administrator noted that he will talk to Mr. Suarez tomorrow about his situation.

Trustee Hoyt moved, seconded by Trustee Butler, 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 to Tuesday, September 4, 2018, the next regular meeting of the Board of Trustees.

PUBLIC HEARING – LOCAL LAW TO AUTHORIZE THE CHARITABLE GIFTS RESERVE FUND TAX CREDIT PURSUANT TO REAL PROPERTY TAX LAW §980-A

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

Trustee McGee moved, seconded by Trustee Brown, 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 close the public hearing.

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.

FIRE DEPARTMENT MEMBERSHIP CHANGES

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Fire Department membership changes recommended at the July 17, 2018 Board of Fire Wardens meeting: Membership Changes: Givi Urotadze has been elected to active membership at Riverside Hose. Justin Hoyt and Richard Miscioscia have been approved for membership on Fireboat 5.

APPOINTMENT OF SEASONAL EMPLOYEE IN PARKS DEPARTMENT

Trustee Hoyt 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 does hereby appoint Christopher Gasparre to the position of seasonal laborer in the Parks Department at an hourly rate of \$13.50 per hour, working forty (40) hours per week from August 21, 2018 through November 9, 2018.

APPOINTMENT OF PART TIME EMPLOYEE FOR CLERKS/TREASURER DEPARTMENT

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

BE IT RESOLVED that the Board of Trustees does hereby appoint Justin Hoyt to the position of Senior Clerk in the Clerks/Treasurer Departments, part time, at an hourly rate of \$15 per hour, working 17 ½ hours per week effective August 21, 2018.

ATTORNEY SERVICES INCREASE – VILLAGE SPECIAL PROSECUTOR

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

BE IT RESOLVED that the Board of Trustees does hereby approve an annual contractual amount for legal prosecutorial services for Steven Bettman, Village Special Prosecutor for a total annual contractual amount of \$31,500 effective September 1, 2018.

APPOINTMENT OF MEMBER OF THE PARKS AND RECREATION ADVISORY COUNCIL

Trustee McGovern moved, seconded by Trustee Brown, 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 appoint Ed Montolio as member of the Parks and Recreation Advisory Council to fill the unexpired term of Patricia Diggle to expire in December of 2022.

APPOINTMENT OF MEMBER OF THE TARRYTOWN MUNICIPAL HOUSING AUTHORITY BOARD

Trustee McGovern moved, seconded by Trustee Brown, 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 appoint Michael Fortugno as member of the Tarrytown Municipal Housing Authority Board for a term to expire in December of 2023.

AUTHORIZATION TO PURCHASE (2) PUBLIC WORKS TRUCKS

Trustee McGovern moved, seconded by Trustee Butler, 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 a purchase of a ¾ ton Pickup Truck and an F-550 Mason Dump Truck off of NJPA (now known as Sourcewell) for the Department of Public Works, as provided in the Village Capital Improvement Program for the schedule of vehicle replacements; and

BE IT FURTHER RESOLVED, that the Village Administrator is authorized to sign the necessary documents for this purchase, and the Village anticipates that the funds for the purchase will either be from operating funds, appropriation of surplus, or the future issuance of debt.

WESTCHESTER POWER – SUSTAINABLE WESTCHESTER PROGRAM (CCA)

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

WHEREAS, on February 26, 2015, the Public Service Commission of the State of New York approved implementation of the first community choice aggregation (“CCA”) pilot program in New York State, which allows Sustainable Westchester to put out for bid the total amount of natural gas or electricity being purchased by local residents or small businesses; and

WHEREAS, the program is intended to provide consumers with the ability to lower their overall energy costs; and

WHEREAS, the potential benefits of CCA programs include price stability for a fixed contract term, lower prices, more favorable contract terms, and the ability to design a program that reflects local preferences and needs, including a preference for cleaner power sources; and

WHEREAS, the Westchester pilot program, which included residential and small non-residential customers, will conclude on December 31, 2018; and

WHEREAS, Sustainable Westchester, Inc. will issue a request for proposals to suppliers to provide energy to participants and will then award a contract; and

NOW, THEREFORE, BE IT RESOLVED, that the Village of Tarrytown shall enter into an agreement to participate in a Sustainable Westchester program for its residents and business consumers who are not currently purchasing electricity from an energy service company (ESCO), only if: 1) the default price is guaranteed to be consistently less than the utility price for the same period; or 2) the default price is fixed at a level that is less than the average utility price for the same commodity, for the same customer class, over the preceding twelve month period; or 3) the default price is at first set at a level that is less than the average utility price for electricity, for the same customer class, over the preceding twelve month period, and only floats upward by less than twenty-five percent (25%) of the price increases implemented by the utilities; and

BE IT FURTHER RESOLVED that based upon the text and prior interpretations of the General Municipal Law (“GML”), a municipality may participate in a Community Choice Aggregation (“CCA”) program without undertaking the referendum requirement of GML §360, which applies only to the construction, leasing, purchasing, acquisition, use or ownership of a “public utility service” as defined in the GML.

BE IT FURTHER RESOLVED that the Village Administrator of the Village of Tarrytown is hereby authorized to execute any and all documents to give effect to this resolution.

BID AWARD – PATRIOTS PARK IMPROVEMENTS

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

WHEREAS, the Village received a grant of \$300,000 from New York State, administered by the New York State Department of State, related to performing capital improvements to the park; and

WHEREAS, the Board of Trustees authorized the purchase of parks equipment, playground equipment, a band-shell and the playground safety surface off of NJPA (now known as Sourcewell); and

WHEREAS, the contract was bid out on Monday, July 23, 2018, with a deadline and bid opening of Tuesday, August 7, 2018 at 11 a.m.; and

WHEREAS, the bid was published in the newspaper and five (5) companies were contacted and picked up bid packages, and the Village received two (2) bids, as follows:

- Cedar Hills Landscaping \$123,837.50
- Peter J. Landi, Inc. \$125,675.00

WHEREAS, upon review of the bids and confirmation of the numbers included in the bids, it is the recommendation of the staff that the bid be awarded to the lowest responsible bidder, Cedar Hills Landscaping of Katonah, New York per their unit price bid.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the Patriots Park Improvement Project to Cedar Hills Landscaping of Katonah, New York, per their unit price bid; and

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute a contract with Cedar Hills Landscaping.

AUTHORIZING THE VILLAGE OF TARRYTOWN TO ACT AS THE GRANT FUNDING RECIPIENT AND TRANSFEROR ACCEPTING A GRANT FROM THE WESTCHESTER COMMUNITY FOUNDATION AND PROCESSING THE PAYMENT TO THE JAZZ FORUM ARTS OF TARRYTOWN

Trustee McGee moved, seconded by Trustee Brown, 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 the Village of Tarrytown to act as the grant funding recipient and transferor accepting a grant from the Westchester Community Foundation to process the payment to the Jazz Forum Arts of Tarrytown and disburse them to the Jazz Forum Arts Organization in accordance with the terms of the grant. There will be no Village of Tarrytown funds nor other financial obligation will be expended through this financial partnership; and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby authorizes the Village Administrator to sign the necessary and appropriate agreement to the satisfaction of the Village Attorney, and authorizes the Village Treasurer to accept these funds from the Westchester Community Foundation and disburse them to the Jazz Forum Arts organization.

AUTHORIZING THE VILLAGE OF TARRYTOWN TO ACT AS THE GRANT FUNDING RECIPIENT AND TRANSFEROR ACCEPTING A GRANT FROM WESTCHESTER COUNTY AND PROCESSING THE PAYMENT FOR THE BENEFIT OF THE COMMUNITY OPPORTUNITY CENTER OF TARRYTOWN, NY, A SUBSIDIARY OF WESTCOP

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

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby authorize the Village of Tarrytown to enter into an Intermunicipal Agreement with Westchester County to act as the grant funding recipient and transferor accepting a grant from Westchester County to process the payment for the benefit of the Community Opportunity Center of Tarrytown for a capital grant to repair their roof and related structures and disburse the grant funds to contractor(s) for the benefit of the Community Opportunity Center, a subsidiary of Westcop, in accordance with the terms of the grant and the Intermunicipal Agreement. No Village of Tarrytown funds nor other financial obligation of the Village will be expended through this financial partnership; and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby authorizes the Village Administrator to sign the necessary and appropriate agreement to the satisfaction of the Village Attorney, and authorizes the Village Treasurer to accept these funds from Westchester County and disburse them to the contractor(s).

RESOLUTION IN OPPOSITION TO PROPOSED PLANS FOR COASTAL STORM RISK MANAGEMENT WITHOUT SUFFICIENT STUDY OR COMMUNITY PARTICIPATION

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

WHEREAS, from July 9 through July 11, 2018, the U.S. Army Corps of Engineers (US ACOE) held public meetings for the first and only time regarding its "Coastal Storm Risk Management" study (CSRM) for New York Harbor and the Hudson Valley; and

WHEREAS, four of the ACOE's proposed alternative plans (2, 3A, 3B and 4) involve outer and inner harbor barriers that almost entirely block either the Hudson River or major

New York Harbor tributaries during storm events and would alter river and tributary flow patterns at all times; and

WHEREAS, Scenic Hudson, Riverkeeper and many others have voiced their concern and opposition to storm risk management approaches that could severely compromise the health of the Hudson River and its tributaries; and

WHEREAS, the Village of Tarrytown's Comprehensive Plan and Draft LWRP acknowledge the importance of the Hudson River to the community, including the views, passive recreational uses, active boating uses, and view corridors enjoyed by thousands, and because of the drastic impacts that would be caused by the Army Corps' proposed measures, the Village would like to have more time to review and comment on them.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby register its concern with regard to these plans, and asks that the public comment period be extended by 90 days to allow for full public understanding and response to the US ACOE proposals related to this topic; and

BE IT FURTHER RESOLVED that this resolution be distributed to Nancy J Brighton, Chief, Watershed Section, US ACOE, Senator Chuck Schumer, Senator Kristen Gillibrand, Congresswoman Nita Lowey, Congressman Eliot Engel, Governor Andrew Cuomo, Secretary of State Rossana Rosado, Senator Andrea Stewart-Cousins, and Assemblyman Thomas Abinanti.

SCHEDULE A PUBLIC HEARING – 20 WOOD COURT, TARRYTOWN HALL CARE CENTER

Trustee McGovern moved, seconded by Trustee McGee, 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 schedule a Public Hearing for the regular meeting of September 4, 2018, at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider a Compatible Use Permit application for Tarrytown Hall Care Center, 20 Wood Court.

SCHEDULE A PUBLIC HEARING – PIERSON PARK HOURS

Trustee Brown 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 schedule a Public Hearing for the regular meeting of September 4, 2018, at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider a proposed amendment to the Code of the Village of Tarrytown, Chapter 221-1 regarding hours that the RiverWalk in Pierson Park is open to the public.

SCHEDULE A PUBLIC HEARING – RESIDENTIAL PARKING SYSTEM

Trustee Hoyt moved, seconded by Trustee McGee, 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 schedule a Public Hearing for the regular meeting of September 4, 2018, at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider a proposed amendment to the Code of the Village of Tarrytown, Chapter 220 to add the block of Main Street, between White Street and Windle Park, to Chapter 220-2, Residential Parking System.

TAX CERTIORARI

Trustee McGovern moved, seconded by Trustee Butler, 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 settlement of the following tax certiorari case as outlined in the Village Tax Certiorari Attorney's correspondence dated July 31, 2018:

19 South Broadway Owners Corp.
19 South Broadway
Section 1.70, Block 35, Lot 5

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON JULY 16, 2018

Trustee McGovern moved, seconded by Trustee McGee, 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 July 16, 2018 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee Hoyt 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 approve Abstract No. 2 which includes the August 6, 2018 and the August 20, 2018 of Audited Vouchers to be paid in the following amounts:

General	\$ 1,024,605.84
Water	251,531.93
Sewer Fund	0.00
Capital	884,311.35
Library	32,660.41
Trust & Agency	<u>21,594.72</u>
Total	\$ 2,214,704.25

The Board was polled all voting "aye" with the exception of Trustee Hoyt who recused himself from Voucher Number 2018005264. 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

Mayor Fixell asked whether anyone wished to address the Board on any matter. No one appeared.

HAPPY END OF SUMMER AND HAPPY LABOR DAY

The Board of Trustees and the Village Administrator Slingerland wished everyone a happy end of summer and happy Labor Day.

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Butler, and unanimously carried that the meeting be adjourned at 8:40 p.m.

Carol A. Booth
Village Clerk