

Board of Trustees
Village of Tarrytown
Regular Meeting No. 50
November 6, 2017
8:00 p.m.

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

ABSENT: Trustees Brown and Hoyt

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell noted the following:

- Election Day is tomorrow and the polling places are open from 6 a.m. to 9 p.m. He encouraged everyone to come out and vote.
- There will be a Veterans Day Ceremony this Saturday, November 11th at 10:30 a.m. at Patriots Park. The public is invited.
- Mayor Fixell read the Fall Leaf Collection resident letter. “The bulk leaf collection in the Village is broken up into ten districts with each district having two bulk leaf collection dates. Please do not place leaves in piles curbside for collection until the weekend prior to your collection dates. For your convenience, the leaf collection schedule is attached and posted on the Tarrytown website tarrytowngov.com. The bulk leaf collection for the Village of Tarrytown does not begin until November 13th and ends on December 14th or until the last route is completed. Leaves placed curbside prior to the beginning of the bulk leaf collection schedule and after the conclusion of the collection schedule must be placed curbside in biodegradable bags or garbage cans not containing garbage. These bags are collected village-wide on Thursdays (maximum of 6 bags per property). Notices of violation or Notices to Remedy will be issued to the property owners of any property in the Village who place or who have placed for them, leaves curbside for bulk collection prior to the start of the collection schedule. If not corrected within the allotted time frame, this could lead to the issuance of Court Appearance Tickets. During this year’s collection of bulk leaves, do not place any leaf piles in the gutter or roadway. All piles must be placed neatly along the back of the curb. Piles of leaves containing sticks, brush or garden debris will not be collected. You or your landscaper can always mow the leaves and mulch them in place instead of placing leaves in biodegradable leaf bags or in curbside piles. For more information on mulching in place visit leeny.org.” Mayor Fixell recommended the love ‘em and leave ‘em program of mulching your leaves in place. It saves money, time, it’s good for the soil and it saves energy. He has been doing it for years now and it saves him a lot of work and time instead of moving leaves around.

Trustee Butler stated that since the leaves are late coming down, should the leaf collection schedule be revisited to possibly change the dates. Administrator Slingerland noted that he will discuss this with the Superintendent of Public Works.

Trustee Zollo read a statement from Police Chief Barbelet regarding recent police activities. “Recently the Tarrytown Police Department has been active aside from its normal course of duties. On October 10, 2017, an individual had their suitcases stolen from a driveway in Wilson Park. On the same date, a resident of Castle Heights Avenue was the victim of a residential burglary. After the Police Department was made aware of these crimes, the Department immediately started their investigation. Based on information obtained during the investigation, the Department sent out a Reverse911 notification to residents in the area asking for their assistance and described the behavior of the perpetrators. On October 12, 2017, a resident who had received the message contacted the Department and provided information that lead to patrol officers stopping a suspect vehicle 5 minutes later. Based on the professional work of the Tarrytown Police Department and the assistance of one of our residents, the two individuals who were stopped were charged

with burglary and larceny. On October 18, 2017 a resident of the Village was walking her dog along the newly enhanced walking path which runs adjacent to the Tarrytown Lakes. While she was walking her dog she encountered a male, unclothed, who was performing a lewd act. The resident contacted the police department and responding officers pursued the individual with the assistance of the Westchester County Police. The suspect eluded the police that evening. Based on the police department's subsequent investigation, the suspect was located on October 20th hiding in the attic of a home in Rockland County. The suspect was placed into custody with the assistance of the Clarkstown Police Department and charged with Public Lewdness, Obstructing Governmental Administration and Resisting Arrest. On October 24, 2017 a Verizon store in the Town of Greenburgh was robbed at gunpoint. This has significance to our Village because back on March 3, 2017 the Verizon store in Tarrytown was also robbed at gunpoint. Soon after the robbery, our department joined forces with surrounding departments and the FBI to investigate what had become a string of Verizon store robberies in and around Westchester County. Due to measures that were taken by our department and other involved agencies the two individuals who committed the robbery in Greenburgh were apprehended the same day. These two individuals have since been charged with federal offenses that include robbing the store here in Tarrytown." Trustee Zollo noted that this is great work performed by our police department.

Trustee McGovern noted the following recreation events coming up:

- The Village Pilgrim Run 5K, now named the Trudy Dunbar Memorial Pilgrim Run, will be held this Sunday, November 12th, starting at 9:30 a.m. at Hackley School.
- The Village's Holiday Tree Lighting and the TaSH Holiday Pop-Up Market will take place on Saturday, December 2nd at Patriots Park. The TaSH Holiday Pop-Up Market will run from 2 – 5:30 p.m. and the Tree Lighting will take place at 5 p.m. Visit with Santa will be available at the Warner Library.

ADMINISTRATOR'S REPORT

Administrator Slingerland reported on the following:

- Mayor Fixell just signed off on a letter to our state leaders in support of transit oriented development and encouraging them to work with us as the Regional Plan Association releases its fourth Regional Plan.
- We just received notification from the New York State Environmental Facilities Corporation that we did not receive the grant for the water projects; the water tank improvements and for the Phase VII Water Main upgrades. However, we will re-apply for next year's grant just by checking the box and submitting the letter.
- The Treasurer's Office has just sent out a letter to all our residents who live in the neighborhoods that are included in our On-Street Parking System to inform them that effective January 1, 2017, the old permits will no longer be valid. In order to receive the new on-street parking permits and guest passes, residents will have to complete an application that can be processed on our website or mail the application or bring the application to Village Hall in person including proof of residency. The new On-Street Parking permits and passes will be issued with an annual expiration date. There is no cost for these permits. The On-Street Parking System consists of Blue Permit Streets, Franklin Street, Miller Avenue, Riverview Avenue, Independence Street, Glen Street, Bridge Street, MacArthur Lane, Church Street, Park Avenue, Hamilton Place, and 18. N. Broadway (Landmark). The Orange Permit Streets, White Street, Cottage Place, Mechanics Avenue, Linden Avenue/Ann Street, Wood Court, Hanford Place, Windle Park, Storm Street, #42 – 100 Wildey Street and #56 – 123 Central Avenue. By state law, this doesn't include commercial properties. It is the owner's responsibility to notify their tenants about this new parking system. We hope that the new system having the permit and passes expire annually will help with the misuse of parking and will free up parking in these areas.

PUBLIC HEARING - SEASONAL BAN ON GAS-POWERED LEAF AND GARDEN BLOWERS (Adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 6th day of November, 2017, 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 Chapter 205-3.1 Seasonal ban on gas-powered leaf and garden blowers of the Code of the Village of Tarrytown. A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A local law to amend Tarrytown Village Code Chapter 205-3.1 Seasonal ban on gas-powered leaf and garden blowers to increase accountability of company owner's and encourage effective oversight of the current Village Code.

Be it enacted by the **Board of Trustees** of the **Village of Tarrytown** as follows
Language in **Bold** to be added, language in [parenthesis to be deleted]:

§ 205-3.1. Seasonal ban on gas-powered leaf and garden blowers. [Added 5-5-2008 by L.L. No. 8-2008]

- A. The operation of a gasoline-powered leaf and garden blower is prohibited from June 15 through September 15 of each year and on Saturdays, Sundays and holidays during the period September 16 through June 14 each year. Person(s) who own or rent a one to three-family home, who are using the gasoline-powered leaf and garden blowers at the home where they reside, are exempt from the provisions of this section. During times of emergency caused by a storm, the Village Engineer may declare a temporary moratorium on the operations of this provision. [Amended 9-20-2010 by L.L. No. 16-2010]
- B. The Village Engineer may, in his discretion and upon application, grant temporary special permits for the temporary operation of gasoline-powered leaf and garden blowers otherwise subject to this section to accommodate special circumstances, including but not limited to the cleanup of temporary work sites, and shall charge and collect a fee of \$35 for each permit so granted.
- C. **No owner of a Green Industry Company shall cause or permit the operation of a gasoline-powered leaf or garden blower from June 15 through September 15 of each year or on Saturdays, Sundays or holidays during the period September 16 through June 14 each year.**

Section 2: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 3: Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

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

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

Dan Gallea, 28 Wildey Street, noted that he believes that it is difficult to enforce the seasonal ban on leaf blowers law. By the time the police department responds to the

complaint about a landscaper using a leaf blower, it is usually too late because the landscaper has already finished the work. He believes it should be considered adequate to issue a violation if a homeowner is able to take a time-stamped video of the leaf blowing and submit that to the police department as evidence of violation. It is an idea that would increase enforcement. Mayor Fixell noted that they can discuss this with the Village Attorney to see if there is anything we can do about that.

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

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 205-3.1, Seasonal Ban on Gas-Powered Leaf and Garden Blowers to include the owner of a Green Industry Contractor business responsible to adhere to the seasonal ban on gas-powered leaf and garden blowers per the Village Code.

WHEREAS, a public hearing was held for the proposed action on November 6, 2017; and

WHEREAS, a notice of public hearing was published in the Journal News on October 19, 2017; 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 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. 11 of 2017.

PUBLIC HEARING – OFFICERS; COMMISSIONER OF PARKS (Adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 6th day of November, 2017, 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, Chapter 36 entitled “Officers” to abolish Chapter 36-1 and 36-2, Commissioner of Parks; for the purpose to abolish the Parks Commissioner position. The complete text of this legislation is available in the Clerk’s Office at Village Hall. This local law shall take effect immediately, as provided by law. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

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

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

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

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

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 36, Officers to abolish Chapter 36-1 and 36-2, Commissioner of Parks; for the purpose to abolish the Parks Commissioner position.

WHEREAS, a public hearing was held for the proposed action November 6, 2017; and

WHEREAS, a notice of public hearing was published in the Journal News on October 19, 2017; 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 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. 12 of 2017.

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.

VILLAGE OF TARRYTOWN TREE PERMIT: INFORMATION AND APPLICATION

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the updated tree permit information and application form with no change in Village policy. A copy of the updated tree permit information and application will be affixed to the official minutes of this meeting.

EXTENSION SNOW AND ICE AGREEMENT WITH STATE OF NEW YORK

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to enter into an Agreement for the 2016 – 2017 Extension Snow and Ice Agreement with the State of New York for reimbursement for the Village's snow plowing of Route 9/Broadway.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON OCTOBER 16, 2017

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 5-0

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 October 16, 2017 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES HELD ON SEPTEMBER 27, 2017

Trustee McGovern moved, seconded by Trustee Zollo, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee McGee who abstained. Approved: 4-0-1

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 September 27, 2017 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 8 of Audited Vouchers to be paid in the following amounts:

General	\$ 557,050.69
Water	73,496.13
Sewer Fund	1,540.22
Capital	452,292.23
Library	28,386.68
Trust & Agency	<u>9,299.37</u>
Total	\$1,142,065.32

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

Paul Cancro, 18 Short Street, commented on the following:

- Did the Village receive state approval to clean the island and plant trees on Route 119 from Meadow Street to the Greenburgh line? Mayor Fixell noted that he believes there is an agreement, but we will follow up with the Superintendent of Public Works and will provide Mr. Cancro with an answer. Administrator Slingerland received an email during the meeting that the Village has an agreement with the state for the Village to maintain portions of Route 119.
- Bulk Leaves are getting picked up two times throughout the Village. Residents are expected to keep the leaves on their lawns until one week before their leaves are scheduled to be picked up? Trustee Butler noted that he has already asked Administrator Slingerland to have the bulk leaf schedule looked at again.
- He noticed that maintenance of public areas has been very neglectful over the summer. For example, the lawn at Village Hall is cut, but the weeds are a foot high in the island. Mayor Fixell noted that DPW works hard to keep everything trimmed and encouraged Mr. Cancro to let the Village Administrator know when there is something that needs attention. Mr. Cancro encouraged the Board of Trustees to take a ride around town to see what’s going on. Mayor Fixell noted that they already do contact the Village Administrator regularly when they see things around the Village that need attention.

- He would like the Village to take better care of the bushy area along the guide rails around the lakes.
- He heard a rumor that the assessed valuation of everybody's house is going to go up 2% every year. Mayor Fixell noted that he doesn't believe that is accurate. If everybody's value of their homes goes up by 2%, that doesn't raise your taxes. The amount of tax we collect depends on the budget, not on the assessment roll. The re-assessment of your home is based upon an estimate by professional assessors of what your house would sell for in the market place if you put it up for sale. You can always challenge your assessment.
- He asked that the Village scroll be cleaned up and have outdated information removed.

Dean Gallea, 28 Wildey Street, noted that he had emailed the Building Department about the driveway in front of the 21 Wildey Street building site, which is a complete mess and very hazardous. The sidewalk was complete up to the driveway. There has been no activity at this building site for weeks. They have not put the final layer of pavement down. He believes this will be a very big hazard once the bad weather comes. He would like the Village to follow up to have the sidewalk safe for pedestrians. Mayor Fixell noted that the Village Administrator will immediately follow up on this.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee Butler moved, seconded by Trustee Zollo, and unanimously carried, that the meeting be adjourned to Executive Session to discuss a personnel matter at 8:40 p.m.

ADJOURNMENT

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried that the Executive Session be adjourned at 8:55 p.m.

Carol A. Booth
Village Clerk