

Board of Trustees
Village of Tarrytown
Regular Meeting No. 24
One Depot Plaza
Tarrytown NY 10591
October 4th, 2021
7:00 p.m.

PRESENT: Mayor Butler presiding; Deputy Mayor McGovern; Trustees: Brown, Hoyt, Kim, Rinaldi and Zollo; Village Administrator Slingerland; Village Attorney Addona; Village Treasurer Hart and Village Clerk Gilligan

The meeting began with the Pledge to the Flag.

REGULAR MEETING: 7:00 P.M.

Mayor Butler asked for a moment of silence in memory of World War II Veteran Armando 'Chick' Galella who passed away on September 29, 2021. Chick was 100 years old.

BOARD MISCELLANEOUS AND LIAISON REPORTS

Deputy Mayor McGovern reported that the Scarecrow Making will be taking place on Saturday October 9 at 10:45 am to 1:00 pm in Parking Lot D, the Trunk or Treat will be taking place on Saturday October 16 in Parking Lot F from 4:30-6:30, and the Pilgrim 5k Run will be taking place on November 21st. Deputy Mayor McGovern continued by reminding everyone that there will be a senior meeting on October 5th, and it's a great opportunity to sign up and become a member. Lastly, Greenburgh will be having a Farmers Market on Thursday, October 7, from 2:00 pm to 6:00 pm and the Pfizer Booster Vaccine will be available to anyone who is eligible to receive the vaccine.

Mayor Butler reported that there were two articles in the New York Times this past week that were about Tarrytown. The first article was titled Tarrytown New York, a 'Quiet and Idyllic' Place with Notable Diversity, and the second by the same author was A Diverse Village with a Norman Rockwell Vibe. Both articles talked about the Villages diversity and how far we have come.

CHANGES AND/OR ADDITIONS TO THE AGENDA

There were no changes or additions to the agenda

ADMINISTRATORS REPORT

Administrator Slingerland introduced Liliana Tschanett from the Small Business Administration who spoke briefly about the Federal Disaster Loans that are available to business owners. Ms. Tschanett explained that the deadline to apply for a loan is November 4th for a property damage loans, and June 6th for economic injury impact loans. She continued by stating that there is a SBA Business Recovery Center located in White Plains which is open Monday-Friday 9-5 to assist the businesses affected by Hurricane Ida. Homeowners and renters affected by Hurricane Ida can apply for loans as well to replace or repair items lost in the storm. The SBA who has partnered with FEMA and other agencies is here to help. Please go to the SBA's website for additional information. <https://disasterloanassistance.sba.gov/ela/s/>

Administrator Slingerland reported that zoom availability with resume for Board of Trustees Meetings starting at the October 18, 2021 meeting, and moving forward unless the NYS Law is changed. Members of the public can call in and participate in Board Meetings via zoom with the exception of presentations. Members of the public who wish to make a presentation and share materials must still be present in person. Administrator Slingerland then reported that the total number of positive COVID cases in Tarrytown is down to 14, with the total number of Westchester County cases at 1634. If we keep up the good work (social distancing, getting

vaccinated), the numbers will keep declining. Village Employees and Firefighters are at a 90% vaccination rate.

Administrator Slingerland continued his report by speaking about the MTA and how their finances have a precarious financial outlook with a financial gap of billions of dollars. The MTA is receiving federal aide to be able to continue their operations through 2025. New York City and the MTA have recently held hearings to possibly implement surge pricing. The Village will be following this to see how it develops.

Administrator Slingerland then spoke about the RFQ's and RFI's regarding the Washington Irving Boat Club. Five responses were received. The Village Board will be reviewing the reports and decide at some future point if the Village will move ahead with interviews, or proceed in another direction and approach this comprehensively. Administrator Slingerland said there were several inquiries on if the Village was going to move forward with development of the property. He reiterated that the Village is not at that stage in the process at all. Mayor Butler wanted to be clear that the Village asked for requests of qualifications, but some people submitted proposals. At this time the Village is just looking, nothing is concrete and it is an ongoing process. Trustee Brown stated that all of the plans are on the Village website, and the public has been reviewing them. Mayor Butler summarized that everything will be looked at carefully, it's possible that a professional planner might be involved, the Village will be seeking community involvement, and it will all happen in a designed controlled process.

Administrator Slingerland finished his report by speaking about the Cannabis Public Information Session that was held on September 28th. There were multiple questions presented that evening, and Village Attorney Katherine Zalantis put together a memo (attached to these minutes) which answered many of the questions asked that evening. Administrator Slingerland did note that the Board of Trustees have not yet made a decision as whether to opt in or out of the new legislation, and the current Village laws only prohibit smoking or vaping of any kind in our parks. While smoking or vaping is banned at any indoor restaurant or bars in Westchester County, the Village can permit a business to open that would allow smoking such as a cigar bar, hookah or cannabis lounge. Such businesses would be subject to the New York State licensing regulations. As for the zoning of such lounges, there are already provisions in the state law regarding their distance from schools, and daycare facilities but the Village cannot make the zoning unreasonably impractical. Administrator Slingerland then read several questions that were asked during the Cannibals Presentation that are state regulations, not Village. As for the sales tax, the law states that the sales tax is four percent which would be split equally between the Village and the Town unless an alternate agreement is reached. Trustee Brown noted that the nine percent sales tax that New York State receives is separate from the local tax, and also inquired about how many licenses will be distributed in Westchester County. Administrator Slingerland replied that he believes that the licensing process will be done on a gradual basis so that the businesses are successful. Trustee Rinaldi noted that banking will be difficult for a cannabis business with the current restrictions in place. Deputy Mayor McGovern asked if edibles will be FDA regulated. The answer to that is unknown at this time. Attorney Addona reiterated to the Board that the state regulations have not been fully flushed out at this time, but she believe there will be strict guidelines for anyone wishing to obtain a license to distribute cannabis. Mayor Butler requested that Village Administrator Slingerland find out how many businesses will/can be minority owned. Trustee Rinaldi stated that he believes the intent is to promote social justice.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON ITEMS LISTED ON THE AGENDA, OTHER THAN PUBLIC HEARING ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES EACH TO ADDRESS THE BOARD OF TRUSTEES.

Annie Cauthren a Board Member from Rivertowns Village Green which runs the TaSH Farmers Market thanked the Board of Trustees for allowing them to hold their Winters Farmers' Market again for the second year.

JCAP GRANT – COURT

On a motion made by Deputy Mayor McGovern, seconded by Trustee Zollo, the following resolution was approved: Yes-7 No-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the Tarrytown Village Court to apply for a JCAP grant in the 2021-22 grant cycle up to \$30,000.00, and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the Village Administrator and the Court Clerk to execute and submit the grant agreement, and for the Village to take any other necessary and appropriate actions to move this grant agreement forward.

TaSH- WINTER MARKET

On a motion made by Trustee Brown, seconded by Trustee Zollo, the following resolution was approved: Yes-7 No-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute the operating plan and agreement with TaSH, for the operation of a Farmers Market in Parking Lot D for the January-May 2022 Winter Farmer's Market season.

TRAVEL STORYS AGREEMENT

On a motion made by Trustee Zollo, seconded by Trustee Kim, the following resolution was approved: Yes-7 No-0

WHEREAS Travel Storys developed an audio tour app in coordination with the Villages of Tarrytown, Irvington and Sleepy Hollow as the result of the receipt of a grant, and

WHEREAS now that the app has been fully developed, an annual maintenance agreement is required; and

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 Travel Storys for the continued operation of a self-guided mobile app that will promote the Village of Tarrytown.

FEE AMENDMENT-COMMERCIAL PARKING PERMIT

On a motion made by Trustee Zollo, seconded by Trustee Kim, the following resolution was approved: Yes-7 No-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize an amendment to the Master Fee Schedule to allow commercial parking permits to be sold on a quarterly basis in the amount of 187.50 per quarter, and

BE IT FURTHER RESOLVED that the quarterly schedule will be as follows; June-August, September-November, December-February and March-May.

APPROVAL OF MINUTES OF THE SEPTEMBER 20, 2021 REGULAR BOARD MEETING

On a motion made by Deputy Mayor McGovern, seconded by Trustee Rinaldi, the following resolution was approved: Yes-7 No-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 Monday, September 20, 2021, as submitted by the Village Clerk.

APPROVAL OF MINUTES OF THE SEPTEMBER 28, 2021 CANNABIS (MARIJUANA) LEGALIZATION PUBLIC INFORMATION SESSION

On a motion made by Deputy Mayor McGovern, seconded by Trustee Kim, the following resolution was approved: Yes-7 No-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 Cannabis Public Information Session held on Tuesday, September 28, 2021, as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

On a motion made by Trustee Zollo, seconded by Trustee Kim, the following resolution was approved: Yes-7 No-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 6 Audited Vouchers dated October 6, 2021, in the total amount of \$573,923.31 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 101,285.88
Water	\$ 99,172.21
Sewer Fund	\$ 797.94
Capital	\$ 363,318.38
Library	\$ 8,848.90
Trust & Agency	\$ 500.00
Total	\$ 231,875.63

Roll Call: Trustee Brown; Yes, Trustee Hoyt; Yes, Trustee Kim; Yes, Trustee Rinaldi; Yes, Trustee Zollo; Yes Deputy Mayor McGovern; Yes; Mayor Butler; Yes

Approved: 7-0

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON ITEMS NOT INCLUDED ON THE AGENDA. SPEAKERS WILL HAVE THREE (3) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER.

There were no public speakers

ADJOURNMENT

On a motion made by Trustee Hoyt, seconded by Deputy Mayor McGovern, the meeting was adjourned at approximately 7:49 pm by a vote of seven in favor, none opposed.

Kristine Gilligan
Village Clerk



Memorandum

TO: Mayor and Board of Trustees
Richard Slingerland
Joshua Ringel

FROM: Kathy Zalanta

DATE: 10-4-2021

RE: Questions Raised at Marijuana Presentation

You asked that I respond questions raised by members of the public at the September 28, 2021 Marijuana Presentation. In italics are the questions (recorded by Village staff) and the answers follow:

What are the BOT's thoughts on opting in vs opting out?

The Village Board has not made any decisions on opting out. Nonetheless, to be clear, the Village Board only has to affirmatively act if it wants to opt-out of potentially having either or both retail dispensaries or on-site consumption establishments in the Village, because by default, retail dispensaries and on-site consumption establishments are allowed in every municipality in the State. If the Village Board does not opt-out by December 31, 2021, it is no longer able to do so in the future.

How is the decision made to choose to do a permissive referendum or not? How exactly does a permissive referendum work?

For the Village to opt-out of either or both retail dispensaries or on-site consumption establishments, the Village Board would have to adopt a local law before December 31, 2021. The local law would also be subject to permissive referendum, which is directed by State law and the Village Board has no discretion to choose not to have the law be subject to permissive referendum. For a Village, this means that if 20% of the electors (as shown on the register of electors for the previous general village election) sign and acknowledge a petition objecting to the local law, then the local law opting-out would have to then be approved by majority of those voting at a general or special election (see Village Law § 9-902(1)). If no petition is submitted, the local law would go into effect after the 30-day time period to file a petition expires (see Village Law § 9-902(1)).

Are there any public areas (including businesses) where smoking is permitted already?

As for public areas, such as Village sidewalks, smoking (both cigarettes and cannabis) is permitted, except in Village parks and recreation areas. New York Public Health Law Article 13-E regulates smoking and vaping "in certain public areas" and has



been amended to include references to cannabis. PHL § 1399-o, entitled “Smoking and Vaping Restrictions” and § 1399-o-1 entitled “Smoking and Vaping restrictions; Certain Outdoor Areas” contain an extensive list of areas (both indoor and outdoor) where smoking (both tobacco and cannabis) is prohibited. Prior to State’s adoption of the Marijuana Regulation and Taxation Act (“MRTA”), the Village Code § 221-9 prohibited smoking of tobacco products in Village parks, playgrounds or ball fields and this provision has been amended to also bar smoking of cannabis.

As a general rule, where tobacco smoking is allowed, so will cannabis smoking. However, while State law limits tobacco smoking in outdoor dining establishments to only certain areas (if: (1) the outside smoking area is no more than 25% of the outdoor seating capacity; (2) it is at least 3-feet away from designated outdoor non-smoking area; and (3) is designated as a smoking area with signage), State law prohibits smoking or vaping of cannabis in any outdoor eating areas of food establishments.

As for specific businesses, New York Public Health Law’s prohibitions against smoking do not apply to certain uses such as retail tobacco businesses and cigar bars under certain circumstances, and retail tobacco businesses are already allowed in certain districts in the Village. There is no specific zoning provision barring tobacco-based businesses.

What does zoning mean in the context of Marijuana (what can Village do with regard to zoning)?

Under State law, retail dispensaries or on-site consumption establishments cannot be within 500 feet of a school grounds or within 200 feet of a house of worship. Further, as part of the State licensing process, the municipality will have to be notified of an application pending within its boundaries and the municipality will have an opportunity to respond to the State Board and express whether the municipality believes the license should be granted or denied. The Board must respond to the municipality and explain how the municipality’s view was considered in the Board deciding whether to grant or deny the application.

While the Village is not authorized to adopt any law regulating the operation or licensure of these establishments, the Village Board can adopt local zoning regulations and regulations regarding the time/place/manner of those establishments so long as it does not make their operation “unreasonably impractical.” For example, the Village can adopt zoning legislation limiting retail dispensaries or on-site consumption establishments to certain districts, but the Village cannot make the zoning so restrictive that these uses would not be allowed anywhere in the Village.

What should we expect in terms of “Traffic” for cannabis retail establishments? (In terms of traffic I would think foot and vehicular)?

Like any other use, these types of uses would have to go through site plan approval (and potentially a special use permit) and one of the considerations for the land use boards will have to be traffic issues. As there are no traffic data for New York for these types of uses, the traffic analysis may have to rely upon data from other states where the use has been legal.



Are Alcohol and Marijuana Mutually exclusive? (i.e. can alcohol and Marijuana be sold or consumed at same place of business)

Under the State law, no cannabis retail licensee is permitted to sell alcoholic beverages and the State law prohibits someone from having a license or permit to sell alcoholic beverages on the same premises where cannabis products are sold. In addition, the State law also prohibits certain activities by an on-site consumption licensees including, but not limited to, gambling, exposing or simulating, contests, or fireworks . . .” and other activities prohibited under New York Alcoholic Beverage Control Law or other matters provided for by the State board.

Are schools eligible to receive any of the sales tax revenue? If so, how are they affected if Village opts out?

The State law addresses distribution of sales tax and it is unclear how funds will be distributed to other local government subdivisions (such as schools) that do not directly benefit from the sales tax, but such distribution would be governed by the State and would not be within the Village’s control or purview. But local municipalities that do not opt-out will have the potential to obtain sales tax revenue from retail sales of cannabis at these establishments. There will be a 4% sales tax that will go to the County. Quarterly, the County will distribute the funds with 25% of the tax staying with the County and 75% being distributed to the local municipalities (the town and incorporated village, if any) based upon the percentage of sales that took place within their municipality. If a municipality opts-out it will not receive this revenue.

Will local dispensaries be able to sell weed online (e-commerce) or deliver locally, similar to food delivery?

How difficult will the licensing process be?

Will the State or Municipalities provide financial assistance to those disadvantaged from a social justice perspective?

Will retail be able to accept credit card/debit card and have bank accounts and what will municipalities (or state) do to facilitate this?

The above questions go beyond the Village’s control and purview and are issues that will be governed by the State law and state agencies. Retail dispensaries and on-site consumption establishments will be required to be licensed, monitored and overseen by the Cannabis Control Board and the Office of Cannabis Management. The MRTA provides certain requirements for eligibility and the Cannabis Control Board will likely adopt additional regulations.

