

Board of Trustees
Village of Tarrytown
Regular Meeting No. 27
November 19, 2018
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

THANK YOU TO TRUSTEE MCGEE

Mayor Fixell thanked Trustee McGee for her 12 plus years of service as Trustee of the Village Board. Mary's presence on the Board of Trustees has been calming, intelligent and wise and her contributions, although not the loudest, were always the deepest. He wished Mary the best with her future endeavors.

Trustee Hoyt thanked Trustee McGee for her wonderful service on the Board of Trustees. He was fortunate to have the pleasure to run with Mary since 2006. They have been through many elections campaigning in the cold weather together. He noted that he loved her and will miss her very much.

Trustee McGovern thanked Trustee McGee for being her mentor and for everything she brought to the Board was always spot on. She also thanked her for her friendship.

Trustee Brown noted that Trustee McGee was also a former member of the Tarrytown School Board for many years and she thanked Mary for taking leadership positions before it was fashionable for woman. She thanked Mary for her service and showing us the way to do it.

Trustee McGee thanked her supporters and her family, John, Stephen, Christopher, Marianne, Tara and her grandchildren, James and Cecelia for always having her back and having the patience to keep up with things at home while she was on her way out to meetings. She thanked her past and present fellow board members. She enjoyed the opportunity working with each and every member. We were 7 individuals with different views, but always managed to work together and come to a consensus. She thanked and recognized Administrator Slingerland, Village Attorney Zalantis, Treasurer Hart and Clerk Booth. The public appreciates all that the staff does as it adds to their quality of life in the Village. She thanked all the Village volunteers. Their actions and their advice are a tremendous addition to our Village. She thanked the residents of the Village, who gave her the opportunity to represent them for the past 12 years. They trusted me to do the best for the Village, for its residents and for its visitors. She leaves as member of the Board of Trustees in a good place, with good hands to continue to take care of the Village and its residents. She will always be around and be a part of this community for the rest of her life. She thanked everyone for the opportunity to serve this wonderful community.

Trustee Butler thanked Trustee McGee for helping the Village grow in a positive direction. He thanked her for her service on the Tarrytown School Board as well as her service on the Board of Trustees. He wished her well, to enjoy her grandkids and asked her to stop by and visit.

Trustee Zollo thanked Mary for her service and noted that the present board is made up of democrats, a republican, independents, conservatives and liberals. He has been on the board for 14 years and has previously been on the board for 2 years, approximately 4 years prior to his 14 years. During his first 2 years, it was with a different board, it was a fractured board, a lot of in-fighting and very difficult to come to a consensus. During his current 14 years on the Board, it has been a terrific board. We have disagreements, but at the end of the night, everyone goes home with no hard feelings and most of the time, we come to a consensus. This Board has done a very good job with development, keeping up with the infrastructure and having wonderful volunteer boards and committees. This is a

great board and is the reason why he has stayed on the Board for all these years. It is a big commitment, no one on this board has an agenda; we are all here for the betterment of the Village of Tarrytown. Mary has a calming force on the Board, very level headed, voice of reason and has contributed tremendously.

REPORTS

Trustee McGovern noted the following:

- Yesterday, the Village held their 2nd annual Trudy Dunbar Memorial 5K Pilgrim Run and it was a great success. It was a beautiful day with a new course down by the river, 81 people participated in the run and many with incredible times. Our Village Administrator, Rich Slingerland participated in the run. It was a lot of fun and she encouraged people to come out next year.
- The annual Tree Lighting Festival will take place on Saturday, December 1st. A visit from Santa will begin at 3:30 p.m., the Tree Lighting will take place at 5 p.m. and the TaSH Holiday Market will begin at 2 p.m. There will be food, craft and gift vendors, live music performances, kid's activities from the Warner Library and complementary treats from the Village of Tarrytown.

Trustee Hoyt encouraged everyone to visit our new website, tarrytowngov.com, it is user friendly and easy to search for information. The Tree Commission has provided two articles that will be available on our website regarding the harmful practice of volcano mulching and tips on how to grow a healthy tree.

Trustee Brown noted the following:

- This Saturday, November 24th is the start of "shop small with us." She encouraged residents to gift shop, have lunch or dinner and support our local merchants in Tarrytown.
- On behalf of herself, Trustee Hoyt and our new Trustee-Elect Rinaldi, even though the election was uncontested in Tarrytown, she thanked everyone for their votes and that they take it very seriously and will continue to work really hard to pay back the voters faith in them.

Trustee Hoyt also thanked the Tarrytown voters for their support and confidence and will continue to do his best for every resident in Tarrytown.

ADMINISTRATOR'S REPORT

Administrator Slingerland reported on the following:

- Sanitation schedule for the Thanksgiving Holiday week:
Monday, Tuesday and Wednesday garbage and recycling pickup remains the same. Thursday, condominiums will not have Thursday pickup. Friday, there will be no downtown garbage or cardboard pickup and a handout will be distributed by DPW tomorrow. Saturday and Sunday downtown baskets will be emptied. Next week everything returns to the normal sanitation schedule.
- As the snow melts, we ask people to rake the leaves back into piles at the side of the curb. Leaf collection will continue through December. Mayor Fixell noted that mulching leaves in place is the best way to get rid of leaves, it's easy to do and good for the soil. He stressed not to pile leaves in the road, it's very dangerous.
- As people already know, Tarrytown was hit with the same snow storm as everybody else in the region on Thursday, November 15th. We were following the snow forecast very closely for several days and the forecast fluctuated quite a bit until the day of the storm. The final result is that we got 7 inches of snow and rain did not start until much later than predicted. The traffic was horrendous due to the slippery snow and icy conditions and the fact that the Tappan Zee Bridge was closed. The Village staff has already reviewed the affects from the snow storm and will plan to have additional evaluations on what we can do to make improvements.

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

Peter Bartolacci, 67 Miller Avenue, asked the Board the following in regard to what would be impacted or not impacted with respect to the amended ARB requirements:

- Changing your garage door
- Changing your exterior, front door
- Changing or installing a new banister or a guard rail on a porch or a stoop
- Repaving a driveway or changing material on a driveway, for example, black top to pavers
- Replacement of material for a walkway
- Changing the paint color on your house
- Installing or replacing shutters
- Replacing or installing new siding, different style and/or different color

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the hearing be continued.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, December 3, 2018, the next regular meeting of the Board of Trustees so that the revised text may be re-published prior to adoption.

CONTINUATION OF A PUBLIC HEARING – VILLAGE OF TARRYTOWN
COMPREHENSIVE PLAN (adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a Public Hearing for the regular meeting of November 19, 2018, at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and discuss an amendment to the draft copy of the Village of Tarrytown Comprehensive Plan.

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

Dean Gallea, 28 Wildey Street and Co-Chairperson of the Tarrytown Environmental Advisory Council (TEAC), noted that he believes this Village Comprehensive Plan is very comprehensive and he applauds David Aukland and the Comp Plan Committee and the WXY Consultants for putting together a document that could potentially make some real improvements to the Village. Mr. Gallea noted that some of the TEAC members felt that they would have liked to be proactively included into the process to help develop the new Comp plan, specifically, sustainability, reliability and mobility. Although looking at the final plan, it looks like most of the areas where we would like to see changes, have been pretty well covered. In the plan, it talks about appointing a climate smart community coordinator. He would like to know if this appointment has already been made. He believes that this is an area that TEAC could provide some expertise.

David Aukland, Chairman of the Comprehensive Plan, noted that the Plan is a policy document and any action that results from the Plan, including an appointment, would be covered by the Board of Trustees.

Dean Gallea noted that he believes that people have already been chosen to be on the Management Committee for the Comprehensive Plan. Administrator Slingerland noted that the Board of Trustees has already discussed this as the Comprehensive Plan was working through its entire process. The Comprehensive Plan's Management Committee is made up of a group of people. Upon the completion of the Plan, all of the Committees and

Sub-Committees that were working on the Plan have now completed their job. He believes that the Board of Trustees plans to re-appoint the Comprehensive Plan Management Committee to continue to work on the implementation aspect of the Plan. Mr. Gallea noted that one of the TEAC members has become a member on the Management Committee. He suggested that the members of the management team be continually looked at to be sure there is enough expertise within the group to cover the managing and implementing of the Plan. If not, there are resources like the TEAC organization that could be very helpful.

Mayor Fixell, noted that the notion that the Management team to be the only individuals who would be responsible for the Plan's implementation would be incorrect. They will oversee and manage the process. Part of the thought is that there are areas that would require a much deeper analysis. That would be a second phase that would come out of the management team. They would then look at how best to implement, for example, the environment, we would look to TEAC to do the hard work to figure out exactly what should or should not be done.

Dean Gallea noted that his personal area of great interest is renewable energy production and there is a section in the plan about expanding local renewable energy generation. It doesn't particularly address new construction and whether or not there is going to be a requirement with new construction or extensive remodeled structures to make sure they have looked at and reported on the renewable energy generation potential. He believes this is very important for climate change going forward and to utilize as much as our Village's infrastructure as we can and for renewable generation. It's a larger issue than just working with Sustainable Westchester and installing solar panels.

Mayor Fixell noted that the Comp Plan provides the broad guidelines and then the specific goals could be possibly developed by members of TEAC.

Administrator Slingerland noted the Village's efforts to bring in the Community Aggregation Program and working with Sustainable Westchester. There is production and consumption issues on the question of energy. The Village has done quite a bit to reduce our consumption of electricity. The technology is not there yet to convert our diesel fuel vehicles to a more sustainable fuel. This is a big issue and we look forward in the future to work with TEAC to do whatever we can to improve our community.

Trustee Butler noted that this Plan is a living document and can be updated. Mr. Gallea noted that he understands and appreciates that.

Susan Schwartz, 249 Marling Avenue, noted that she seconds everything that Mr. Gallea spoke about and would like to speak about workforce housing. She thinks that it is a mistake not to include in the Comp Plan a required percentage baseline for workforce housing for new development in the Village. Mayor Fixell noted that our current zoning law requires 10% affordable housing for new construction, which we adopted from Westchester County's ordinance. Administrator Slingerland noted that in our Village Code it states, within all residential developments of 10 or more units created by subdivision or site plan, no less than 10% of the total number of units must be created as affordable.

Peter Bartolacci, 67 Miller Avenue, noted that the Comp Plan speaks about promoting pedestrian and bicycle travel, but he didn't see anything about a strategy or a plan to improve pedestrian and bicycle safety by the police department. He feels that if we are moving in the direction to get more people out walking and bicycling, we also need a strategy to keep those people safe. In his opinion, what we have now in place is still not working; people are still speeding and ignoring stop signs all over the Village.

Trustee Brown noted that the Village received a tremendous amount of public input on the Comprehensive Plan and she encouraged the residents to continue to volunteer their expertise to help implement the goals in the Plan. She also encouraged residents to let the Board know if anyone would like to volunteer on a Village committee.

David Aukland, Chairman of the Comprehensive Plan, noted that once the Village's Comprehensive Plan is adopted by the Village Board of Trustees, it will be a living document and one of the tasks of the Comprehensive Plan Management Committee will be

to keep the Comp Plan current. The Comprehensive Plan will be a document that may be amended to include any ideas or suggestions that may be brought to the Village Board or the Comprehensive Plan Management Committee. Once the policy is adopted, the Committee will then have to begin working on the action items; there are approximately 70 identified action items, which then may be adopted by the Board of Trustees.

Trustee Butler noted that this has been a four-year journey, the last two years have been working on the Comprehensive Plan document. This is a well thought out document that involved a lot of people in the process. Trustee Butler thanked all the people who have worked so diligently on this well-planned Comprehensive Plan document.

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

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

WHEREAS, the Village of Tarrytown has been working on the effort to update the Village of Tarrytown's Comprehensive Plan – Tarrytown Connected, through an effort that started in April, 2017, and quite some time before that as well, which is approaching completion after a year and a half-long process including many public meetings, workshops, and opportunities for public input and comment; and

WHEREAS, the Comprehensive Plan is to guide policy and land use decisions in the Village of Tarrytown over the next ten to twenty years, and

WHEREAS, over the past year, the following public meetings and discussions were held, as well as the time frames for public comment on the initial draft of the plan, as follows:

- Comment period on the Draft of Tarrytown Connected - Comprehensive Plan was June 4 through August 6, 2018:
- Three Village-wide Public Outreach Workshops were held including:
 - September 17, 2017 at Warner Library, Tarrytown
 - November 5, 2017, at Warner Library, Tarrytown; and
 - February 27, 2018; at Warner Library, Tarrytown; and
- A targeted Neighborhood meeting was held with residents of the Station Area neighborhoods, especially Asbury Apartments, and Franklin Courts and Towers.

WHEREAS, on October 5, 2018, the Village of Tarrytown circulated a notice on behalf of the Board of Trustees, to declare their intent to act as Lead Agency under the New York State Environmental Quality Review Act (SEQRA), for the SEQRA review and determination of significance for the adoption of the updated Village of Tarrytown Comprehensive Plan – Tarrytown Connected; and

WHEREAS, also on October 5, 2018, the Village of Tarrytown referred the proposed update to the Village's Comprehensive Plan to the Westchester County Planning Board in accordance with New York State General Municipal Law § 239-m and the Westchester County Code; and

WHEREAS, in accordance with New York State General Municipal Law §§ 239-m, 239-l; 239-n, the Westchester County Planning Board issued a review letter dated November 2, 2018 offering comments but did not recommend changes to the proposed Village of Tarrytown Comprehensive Plan – Tarrytown Connected; and

WHEREAS, on November 5, 2018, the Village of Tarrytown Board of Trustees authorized and adopted Lead Agency for the purposes of Article 8 (State Environmental Review Act) of the Environmental Conservation Law for the Village of Tarrytown Comprehensive Plan; and

WHEREAS, on November 5, 2018, 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 Board of Trustees of the Village of Tarrytown determined that the Proposed Action will not have a significant adverse impact on the environment, and adopted a Negative Declaration, based on the SEQRA Part 1 that was circulated with the Notice of Intent, as well as the new Parts 2 and 3 that have been completed and are now adopted and included as part of the record in this action; and

WHEREAS, a notice of public hearing was published in the Journal News on September 7, 2018, and

WHEREAS, public hearings were held for the proposed action on October 15, 2018, November 5, 2018 and November 19, 2018.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt the Village of Tarrytown Comprehensive Plan which will be filed with the official minutes of this meeting.

PUBLIC HEARING – WATER (adopted)

A Local Law to amend the Tarrytown Village Code Chapter 297, entitled “Water” to amend the sections regarding water meters and water rents, to update the section on remote-readable water meters and to add a new section on tampering or vandalism.

Section 1. Be it enacted by the **Board of Trustees** of the **Village of Tarrytown** as follows (Language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

Section 2. Chapter 297-6. Entitled “Water Meters” is amended to read as follows:

Chapter 297. Water

§ 297-6. Water meters.

A. Water meters of a type approved by the Board of Trustees shall be installed by the Village of Tarrytown or its designated representative in all buildings (other than an accessory building) regardless of type, character or use.

B. ~~Water meters for the purpose of such installation shall be provided and installed by the owner of the premises.~~ **Water meters shall be furnished and installed by the Village and shall remain the property of the Village.**

C. ~~Meters shall be maintained and kept in repair by the owner, who shall replace worn, obsolete, inefficient or deficient meters.~~ **The annual water meter rents shall be payable at the time that the water consumption bills are due and shall be made a part of such bill.**

D. The submetering of water by consumers is prohibited.

Section 3. Sections 297-6 E. and F. regarding upgrading water meters are deleted in their entirety, since the upgrading of water meters to remote-read meters took place approximately ten (10) years ago, and are replaced with new sections E. and F. to be enacted to read as follows:

~~E. Upgrade of preexisting water meters in nonresidential structures.~~

~~(1) Any preexisting meters that do not embody remote meter reading capabilities shall be upgraded so as to comply with the current requirements of the remote meter reading system currently utilized for residential structures in the Village of Tarrytown. Said upgrade must be undertaken within 60 days following the service of notice by certified mail to install said meter with remote meter reading capabilities.~~

~~(2) The cost to install a meter with remote meter reading capabilities in a nonresidential structure shall be borne by the owner of the structure.~~

~~(3) The Village Engineer or his/her designee shall develop a manual which shall provide information regarding the specific types of water meters which shall be required by the Village of Tarrytown.~~

~~(4) If after the sixty-day period noted above the property owner fails to install a meter with remote meter reading capabilities as required herein, the Village will, for a period not to exceed 180 days, continue to manually read the existing meter; however, the property owner will be charged the cost to manually read the meter and this charge will be added to the property's water bill. If the additional charge is not paid within 30 days from the date due on said bill, any outstanding balance will be added to the property's next tax bill.~~

~~(5) In addition to the penalties provided for in Chapter 1, Article II, the service of water to any premises may be discontinued by the water supplier if the upgraded water meters required by this article and regulations adopted pursuant thereto are not installed, tested and maintained; if any defect is found in an upgraded water meter; or if it is found that an upgraded water meter has been removed or bypassed. Discontinued water service resulting from this section will not be restored until such condition or defects are corrected.~~

~~F. Upgrade of water meters.~~

~~(1) All water meters shall be upgraded so as to comply with the current requirements of the remote meter reading system. Property owners must allow access to their property upon ten-day notice by certified mail. If the owner is not available to provide access on the noticed day and time, the owner must provide a date and time within a five-day period after the noticed date when access to the property will be available for the installation.~~

~~(2) If a property owner does not provide access for the installation of said new water meters, the Village will impose a penalty of \$100 for each month or part thereof that the property owner does not provide access. If the owner does not pay the penalties imposed, the amount of the penalties shall be added to the property's next tax bill.~~

~~(3) The service of water may be discontinued if an upgraded water meter required by this article is not installed or if it is found that an upgraded water meter has been removed, tampered with or bypassed. Discontinued water service resulting from this section will not be restored until such condition is corrected.~~

New Sections E. and F.

E. Remote-readable water meters – All water meters shall be able to be read remotely by Water Department personnel from outside of and off of the subject property on which they are located.

F. Vandalism or misuse of water meters – In the event of tampering, negligence, reckless or intentional damage or modification of the water meter by the property owner or his or her agent, causing damage to the water meter or causing the water meter to become faulty or not work properly, it shall be the property owner's responsibility to pay for the cost of repairing or replacing the water meter, plus a fine and/or penalty subject to the provisions of chapter 297-17 of this chapter.

Section 4. 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 5: 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.

Trustee McGee moved, seconded by Trustee Butler 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 Hoyt moved, seconded by Trustee McGee, and unanimously carried, that the public hearing be closed.

Trustee Zollo 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 Village Code of the Village of Tarrytown, Chapter 297, Water, Section 297-6. Water Meters and Water Rents to update the section on remote-readable water meters and to add a new section on tampering or vandalism.

WHEREAS, a public hearing was held for the proposed action on November 19, 2018; and

WHEREAS, a notice of public hearing was published in the Journal News on November 9, 2018; 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. 15 of 2018.

PUBLIC HEARING – TAXICABS AND LIVERIES (adopted)

*Currently section 273-5 of the Village Code regulates taxi licensing. The proposed changes to section (273-5) of the code would read as follows: (**Changes marked in yellow bold underlined print.** Language to be removed in italic single struck print). The purpose for this code change is to allow the licensing agent, the Village of Tarrytown, to effectively oversee those operating a taxi or livery within the Village. The proposed changes will allow the Village to monitor a taxi business which looks to have vehicles operate under their business name but are registered to owners that are NOT associated with the business in any other manner.*

Chapter 273. Taxicabs and Liveries

273-5. Application for a taxicab license or livery license; transfers. [Amended 9-15-1997 by L.L. No. 9-1997; 6-18-2001 by L.L. No. 5-2001; 1-22-2002 by L.L. No. 2-2002; 10-3-2011 by L.L. No. 10-2011]

- A. An application for a taxicab license or livery license shall be made by the owner of the vehicle upon blank forms furnished by the licensing official.
1. Such application shall contain:
 - a. The owner's full name and present residence.
 - b. If the vehicle is owned by other than an individual person, the name and address of the firm, partnership, corporation or other. If a corporation,

indicate the state in which incorporated or chartered and the date of such official recognition.

- c. The full names, addresses, **and driver's license number** and dates of birth of all owners, officers, partners, managers, **and** members of the Board of Directors *and holders of 10% or more of the outstanding stock or indebtedness* of such firm.
 - i. **If the vehicle is owned by an individual person the application shall contain the full name, address, driver license number and date of birth of the individual owner.**
 - ii. **Individual vehicle owners shall also submit a notarized letter from the firm, partnership, corporation or other, in which they will be operating under, acknowledging and permitting the individual to operate under the firm, partnership, corporation or others name.**
 - d. Whether the applicant or any of the above named have ever been arrested for any crime or offense other than a traffic violation and, if so, that person's name and the charge, jurisdiction, date and disposition of each offense.
 - e. All individual **vehicle owners, company** owners, officers, partners, managers, **and** members of the Board of Directors *or holders of 10% or more of the outstanding stock or indebtedness as identified in § 273-5A(l)(e) of this chapter* shall be fingerprinted by an outside agency recommended by the Tarrytown Police Department, which fingerprints shall be forwarded to the New York State Division of Criminal Justice Services for identification processing. The applicant(s) will tender the fees as established by the New York State Department of Criminal Justice Services for the taking of such fingerprints. Said fingerprints to be taken every two years upon renewal. Should additional persons be added during the license year, those person(s) shall be immediately subject to the fingerprints requirements of this section.
 - f. Model and year of taxicab or livery.
 - g. Vehicle identification number of taxicab or livery.
 - h. Vehicle registration number and a copy of the current New York State vehicle registration for taxicab or livery.
 - i. Date of current New York State motor vehicle inspection of taxicab or livery.
 - j. Places and dates of previous taxicab licenses or livery licenses.
 - k. Whether owner's license to operate a taxicab or livery has ever been revoked in the Village or elsewhere and, if so, for what cause.
2. Such statement shall be signed and sworn to by the owner and filed with licensing official as a permanent record.
 - i. **In addition to the application, all applicants must submit a Certificate of Insurance to the Village Clerk naming the Village of Tarrytown as the certificate holder.**

B. False Statements.

- 1) Each application shall contain the following statement: "It is a crime punishable as a Class A misdemeanor to knowingly make a false statement herein."
 - 2) Any false statements by the owner for a taxicab license or a livery license shall be promptly reported by the licensing official to the Village Attorney. The licensing official is hereby authorized and empowered to require such additional information as he may deem necessary.
- C. All applications shall be reviewed by the Police Department to determine the veracity of the information included in the application and compliance with the requirements of this chapter.
- D. Applications for renewal of a taxicab license or a livery license shall be filed in the office of the Village Clerk at least 45 days prior to the expiration of said license. Anyone failing to submit said renewal application within the time frame stated herein shall forfeit said license to the Village.
- E. An application to transfer a taxicab license or a livery license from one vehicle to another vehicle owned by and registered to the same person, firm, corporation or partnership during a licensing year shall be considered a new application, and all provisions of this chapter shall apply except that an administration fee of \$25 and not an application fee would apply.

F. Any individual vehicle owner operating under a firm, partnership, corporation or other entity who begins operating under a different firm, partnership, corporation or other entity during a licensing year shall be considered a new application, and all provisions of this chapter shall apply except that an administration fee of \$25 and not an application fee would apply.

- G. A taxicab license or a livery license may not be transferred or sold by the person, firm, corporation, partnership or entity that holds the license to any other person, firm, corporation, partnership or entity. Any attempt to sell or transfer a taxicab license or livery license as defined herein will result in the forfeiture of said license to the Village.

*Currently section 273-8 of the Village Code regulates penalties for offense as well as suspension and revocation of licenses. The proposed changes to section (273-5) of the code would read as follows: (**Changes marked in yellow bold underlined print.** Language to be removed in italic single struck print).*

273.8 Penalties for offenses; suspension or revocation of license

- A. Any owner of a taxicab or livery not licensed, inspected or equipped in accordance with the provisions of this chapter, or of a taxicab or livery, the license of which has been suspended or revoked, who engages in the business of a taxicab or livery as defined herein or attempts to engage in such business or solicits passengers for hire, or any owner of a taxicab or livery who permits a taxicab or livery driver not licensed under this chapter to drive a taxicab or livery shall, upon conviction, be punished by a fine of not less than \$100 and of not more than \$250 or imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.
- B. Upon conviction of any person for any violation of a provision of this chapter for which no punishment is specifically provided, the punishment, upon conviction for such violation, shall be a fine of not less than \$100 and of not more than \$250 or imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

- C. Each and every day that a violation of this chapter continues shall constitute a separate and distinct violation of this chapter.
- D. Suspension and revocation of license. In addition to the fine or imprisonment, or both, authorized by this chapter, any licensee shall be subject to the suspension or revocation of his/her license upon conviction for any violation of this chapter. The Village Administrator may suspend or revoke a license granted under any provision of this chapter, pending or in advance of criminal prosecution of the license.
- E. Forfeiture of license. In addition to any penalty authorized by this chapter, any owner of a taxicab and/or livery license, **or any firm, partnership, corporation or other entity permitting operation under their business name,** shall be subject to the forfeiture of ~~that~~ **their taxicab, livery or business** license, with the license reverting back to the Village, upon conviction for any violation of this chapter.

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 Hoyt moved, seconded by Trustee McGovern, and unanimously carried, that the public 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 Village Code of the Village of Tarrytown, Chapter 273. Taxicab and Liveries with respect to the taxi corporation structure including the application for a taxicab or livery license and transfers.

WHEREAS, a public hearing was held for the proposed action on November 19, 2018; and

WHEREAS, a notice of public hearing was published in the Journal News on November 9, 2018; 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. 16 of 2018.

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.

APPOINTMENT OF PART TIME CODE ENFORCEMENT OFFICER

Trustee Zollo 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 provisionally appoint Scott Dougherty to the position of Code Enforcement Officer, part-time, effective December 3, 2018 at a salary of \$25.00 per hour subject to all Civil Service rules and regulations.

HOLIDAY METER PARKING

Trustee Zollo 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 holiday parking meter program for the 2018 holiday season by designating certain parking meters to be covered to allow free parking subject to a two-hour time limit, for the period from Monday, December 3, 2018 through Friday, December 28, 2018 at the following locations: all downtown business district street meters, municipal lots on South Washington Street East, South Washington Street West, McKeel Avenue, Neperan Road, South Broadway and the West Elizabeth Street lot.

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 TARRYTOWN MUSIC HALL

Trustee Butler moved, seconded by Trustee Brown, 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 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 Tarrytown Music Hall and disburse them to the Tarrytown Music Hall 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 Tarrytown Music Hall.

PARTICIPATION IN THE NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA)

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

WHEREAS, the Village of Tarrytown pursuant to the authority granted in General Municipal Law, Article 5A (Public Contracts), Section 103 desires to participate in the National Cooperative Purchasing Alliance (NCPA); and

WHEREAS, Section 103 of the General Municipal Law permits the Village of Tarrytown to make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by the Village of Tarrytown therein through the use of a

contract let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section and made available for use by other governmental entities; and

WHEREAS, the Village of Tarrytown desires to participate for the purpose of fulfilling and executing its respective public governmental purposes, goals, objectives, programs and functions; and

WHEREAS, the Village of Tarrytown has reviewed the benefits of participating in this program and based on this review has concluded the program will provide the best value to taxpayers of this Village of Tarrytown through the anticipated savings to be realized.

NOW, THEREFORE, BE IT RESOLVED, that by the Board of Trustees of the Village of Tarrytown is authorized to participate in the National Cooperative Purchasing Alliance (NCPA) and that the Village Administrator or designee is authorized to register and participate in the National Cooperative Purchasing Alliance (NCPA) program on behalf of the Village of Tarrytown.

BOND RELEASE REQUEST FOR TOLL BROTHERS – WILSON PARK
SUBDIVISION

Trustee Butler 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 authorize the Bond Release Request for Toll Brothers - Wilson Park Subdivision as it pertains to Bond No. SUR23000025 from \$60,000 to \$0.00.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF
TRUSTEES HELD ON NOVEMBER 5, 2018

Trustee Zollo 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 November 5, 2018 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee Brown 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. 9 of Audited Vouchers to be paid in the following amounts:

General	\$	195,784.54
Water		16,707.48
Sewer Fund		0.00
Capital		1,642,618.58
Library		7,488.74
Trust & Agency		<u>5,148.03</u>
Total	\$	1,867,747.37

The Board was polled all voting “aye” with the exception of Trustee Hoyt who recused himself from Voucher Number 2018006516. Motion carried. 7-0

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

Rachel Tieger,, 1 Linden Place and Co-Chairperson of the Tarrytown Environmental Advisory Council (TEAC), introduced the new Tarrytown Food Scrap Drop Off Program. The drop off point is located between the Senior and Recreation Center. The Home Starter Compost Kits are available to purchase at Village Hall, the Warner Library or the Recreation Center for \$20/kit. A starter kit includes a small countertop white pail, a larger green pail and transportation bin, and a roll of 25 compostable liner bags. Once the compostable bag is full, it goes into the larger green pail, which should be kept in the mud room, basement or in the garage and should be brought to the drop off location once a week. Instructions as to what scraps are acceptable or not acceptable are listed on the top of the green pail and also included in the smaller white pail. When using the green larger pail, be sure to keep the handle in the lock position. This food scrap program takes meat, bones, fish, egg shells, pizza boxes, wax paper and other paper products, while the normal back yard compost would not. This program is also great for people who don't have a back yard and can't compost on their own. The Food Scrap Program is a huge effort to keep it out of the waste stream and will also improve our Village's Municipal recycling totals and reduce cost. She thanked the Board and Administrator Slingerland for all their hard work and support.

Sean Roach, 17 Storm Street, noted the following:

- Regarding the Comprehensive Plan, he reiterated the importance of policing and having a strategy for pedestrian and bicycling safety.
- Regarding the final Route 9 Active Transportation Conceptual Design Plan, he was disappointed to see that Tarrytown is not connecting a bike trail through the town. With the adoption of the new Comprehensive Plan and the commitment to pedestrian and cycling safety, he believes a safe cycling corridor, especially once the final bridge is completed with pedestrian and cyclist access, is going to very important to this town. He urged the Board to push forward a vision for this Village to have as a cycling connection that connects to Sleepy Hollow, to the paths and trails that we do have and especially to the schools.

Cathy Ruhland, 17 Walden Road, noted that the releasing of the bond for the Toll Brothers subdivision at Wilson Park means that all the work has finally been completed since the beginning of this project in 2010. She noted that it was not a very cooperative relationship and not a very helpful organization. While things got done, she encouraged the Board to remember that it was a very difficult time to get all of the required work done from this company. She noted that this corporation has not done anything for the Village residents. For example, they didn't expand parkland or they didn't provide engineering services for the benefit of the Village residents. In the future, when we work with corporations, we should try to get a feel for that before we step into the deep water and really have to suffer as we did with this corporation. She was very disappointed that Toll Brothers tore down the Brace Cottage, which was a beautiful historic building.

HAPPY THANKSGIVING

The Board of Trustees wished everyone a Happy Thanksgiving.

ADJOURNMENT TO EXECUTIVE SESSION

Trustee McGee moved, seconded by Trustee Hoyt, and unanimously carried that the meeting be adjourned to Executive Session at 9:10 p.m. to discuss legal advice.

ADJOURNMENT OF EXECUTIVE SESSION

Trustee McGee moved, seconded by Trustee Zollo, and unanimously carried that the Executive meeting be adjourned at 9:25 p.m.

Carol A. Booth
Village Clerk