

Board of Trustees
Village of Tarrytown
Regular Meeting No. 27
Via Zoom Video Conference
November 2, 2020
8:00 p.m.

PRESENT via Zoom Video Conference: Mayor Butler presiding; Trustees: Brown, Hoyt, Kim, McGovern, Rinaldi and Zollo; Village Administrator Slingerland; Assistant Village Administrator Ringel; Village Attorney Kathy Zaltantis; Village Treasurer Hart and Village Clerk Booth

The meeting began with the Pledge to the Flag.

Members of the Public interested in viewing the meeting should visit <https://www.tarrytowngov.com/home/events/31961> for instructions on how to join & participate.

Members of the public who wish to have an item “screen shared” (i.e. displayed during the meeting) during their public comment period, must submit their document(s) to Administrator@tarrytowngov.com no later than 12PM the day of the Board of Trustees Meeting

REPORTS

Mayor Butler reminded everyone that tomorrow is Election Day and urged everyone to go out and vote. Assistant Administrator Ringel presented the polling places and noted that there were polling location changes for (5) Election Districts in the Village of Tarrytown. Postings will be placed at all the old polling places. If you voted at Phenix Hose Company, tomorrow you will vote at Village Hall. If you voted at Temple Beth Abraham, tomorrow you will vote at Riverside Hose Company. If you voted at Consolidated Fire Company, tomorrow you will vote at Irvington High School. If you voted at Washington Engine Fire Company, tomorrow you will vote at Main Street Firehouse. In addition, if you want to know where to vote, go to citizensparticipationcenter@westchestergov.com/find-polling-place, then click on “locate polling place.” Just by typing in your street, it will tell you the location where you go to vote.

Mayor Butler noted with regard to election security, tomorrow looks to be one of the most significant elections in our Country’s history. It is important for the people of Tarrytown to feel safe during this process while exercising the most precious right this Country has afforded us, the right to vote. Our dedicated police officers will be out in the streets serving the community and ensuring that the voting process goes smoothly for all who wish to participate. The Police Department in conjunction with other departments in law enforcement have been engaged in numerous conversations, discussing the best practices in keeping our community safe. Rest assure the Tarrytown Police Department will be there to protect and serve the people of this great community.

Trustee McGovern noted that the Trunk or Treat Halloween Event that took place this past Wednesday at Lot F parking lot was a great event. She thanked the members of the Parks and Recreation Advisory Council, the Parks and Recreation Departments, Joe Arduino, Mike Wisniewski and Anthony Ross and staff. We had a wonderful time. There were about 120 cars and she gave out approximately 250 bags of candy. Pictures from the event will be put on the website.

Trustee Brown noted that there is a program run by Community Housing Innovations that will help people who may have trouble paying their mortgage. They can help anyone who may be fearing of falling into foreclosures. If you need help with this, please contact Community Housing Innovations.

Trustee Rinaldi thanked the Parks and Recreation Department and Council for doing a great job with the Trunk or Treat event. Especially working around the pandemic guidelines, it was a wonderful event. He hopes everyone either has voted or will go out to vote and for everyone to stay safe.

Trustee Kim noted that the Parking Task Force has wrapped up its work. They have drafted recommendations for consideration by the Board of Trustees. He suggested that maybe this report could be put on the next Board of Trustees work session.

Mayor Butler noted the following:

- He and Deputy Mayor McGovern had a great introduction meeting last week with the County Executive George Latimer. We also had a meeting with State Senator Andrea Stewart-Cousins and Matthew Driscoll, Executive Director with the New York State Authority. The conversations were about working together and how we can help each other. It was a positive meeting and we look forward to working with them.
- Last week, the Mayor raised some concerns he had at a work session with his colleagues on the Board and to the public and to the Village's professional staff about land use process here in the Village of Tarrytown. Having seen what can happen in other communities, he wanted to make sure that nothing similar was happening or is happening here in Tarrytown. Moving forward, he wants everyone to know in his capacity as Mayor, working with his fellow Trustees, that the Board, the Village staff and law enforcement professionals will continue to keep an eye on everything to make sure that the land use process remains above board.

ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- The Village went to bid last week on the bond sale and the rates were extremely positive. The Village is about to finalize the sale of about \$34 million in bonds in mid-November. Over the life of the debt, the Village will be saving about \$2.7 million. They actually had to remove \$5 million from the refunding because it was too recent and the interest rates had adjusted before the bid, so we were not able to get the benefit of the current interest rates based on the market and the timing.

Village Clerk Booth noted that the Mobile Shredder is coming to Tarrytown this Saturday, November 7 from 10 a.m. to 1 p.m. on Green Street for anyone who has documents to shred.

Assistant Administrator Ringel noted the following:

- The leaf schedule has been posted on the Village's website.
- The Village had a pretty successful first virtual open house for residents to learn about volunteering for the Village. If you didn't get a chance to attend, go to the Village's website and hover over the "how do I" tab and you will see information, opportunities and a volunteer application to volunteer for one of the Village's boards or council.

Trustee Brown thanked Assistant Administrator Josh Ringel, who has brought the Village into the 21st century with Zoom, running Zoom meetings for all of the Boards and Committees of the Village and holding the very first successfully run virtual meeting for potential volunteers of the Village. Mayor Butler agreed that the open house for volunteers was very professional and well done. It was a way for residents to learn about our community, become involved and help the Village grow. Administrator Slingerland agreed and thanked Josh for all his hard work and competency, job well done.

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

There were no speakers.

(NOTE: THIS PUBLIC HEARING IS TO BE CLOSED AND THE MATTER WITHDRAWN) ON A PROPOSED LOCAL LAW TO AMEND THE VILLAGE CODE TO EXPAND THE NUMBER OF MEMBERS ON THE PLANNING BOARD

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 close and withdraw the item that is the subject of a public hearing regarding an amendment to the Zoning Code of the Village of Tarrytown, Section 305-117, to add additional members to the Planning Board.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND THE VILLAGE CODE RELATING TO PROTESTS, DEMONSTRATIONS AND RALLIES AND PERMIT APPLICATION

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

Village Attorney Zalantis noted that the purpose of this proposed law is not to prevent protest or demonstrations but jut to ensure there is a uniform procedure in the Village's Code. The Board intends to have applications that can be filled out so that there's a clear understanding of what the applicant wants to do. The goal is to ensure the public's safety and to prevent interference to the extent possible of local businesses. We modeled this code after the New York City Code, which has gone through a lot of challenges and have been upheld. There is a lot of exceptions to the time limits, so nothing is set in stone. There are specific provisions that allow for current, timely events that may lead to a protest.

Charles Scheiner, Altamont Avenue, noted that he has organized and participated in hundreds of demonstrations. More than 200 years ago, the Bill of Rights guaranteed freedom of speech, assembly and the right to petition. These have been recognized world-wide as universal human rights. This proposed law contradicts the spirit in the letter of those historic documents. He believes the Village already has laws to cover the kinds of things that he thinks has motivated this proposal. There are traffic laws against blocking streets and obstructing traffic, going through red lights. There are laws against assault to prevent you from attacking an individual. There is a legal obligation in the state code to comply with lawful orders of traffic and public safety officers. Protesters from any perspective and about any issue should reject violence, respect bystanders and try to persuade, not to overcome those who don't agree with them. This is fundamental to democracy and to human decency. It cannot be coerced by law; it must be learned and practiced by example. Nobody needs a permit to exercise free speech. Why should Village officials have the burden of deciding whose constitutional rights should be denied? There will inevitably be lawsuits and appeals and will cost the Village money and will embarrass us in front of our neighbors. Although the motive for this proposal is wrong, the specifics are outrageous. Tarrytown is rightfully proud of our diversity, including a variety of opinion and culture. A better alternative would be to encourage anyone organizing an event to communicate in advance with Village and police authorities, not to ask their permission, but to avoid surprises and to ensure that the event goes smoothly. Please accept the challenge of supporting our residents and neighbors to exercise their civic responsibilities and not try to suppress them.

Lucia Hermo, Deputy Director for the Hudson Valley Chapter of the New York Civil Liberties Union, which encompasses Westchester County, she is not an attorney, but she had the proposed amendment looked at by their attorney's and received the following feedback. The proposed changes invite unconstitutional enforcement in a variety of ways.

- Section 218-a(a) fines "parade" as "any procession or race" consisting of a "recognizable group of 20 or more pedestrians, vehicle, bicycles or other devices oved by human power, etc." "upon any street, roadway or public area." While the Village does not propose to amend this definition, it is too problematic and too intertwined with the rest of the ordinance for us not to address its constitutional flaws. "Parade" is defined so broadly that any "recognizable" group of 20 or more people traversing any public park or road in Tarrytown would qualify as a parade. A group of 20 pedestrians peacefully marching on the sidewalk or a group of 20 passing cyclists training for a race.
- Section 218-1(b) defines "Demonstration as a "group activity or congregation including, but not limited to a meeting, assembly, protest, rally or vigil, moving or otherwise, which involves the expression of views or grievances, involving more than 12 people." While the Village does not propose to amend this definition, it too is notably flawed. Indeed, this broad, vague provision is

– colloquially put – a lawsuit waiting to happen.” Under this language, a socially-distanced book club meeting of more than 12 people in a local park is a demonstration. Indeed, any group of 12 or more people in which someone offers an opinion on anything would, technically, find itself in need of a permit. Moreover, because the ordinance applies only to groups expressing “views” or “grievances,” it imposes a content-based prior restraint on speech in a traditional public forum, which, like all content-based restrictions, is presumptively unconstitutional.

- Section 218-2 and 218-3 Notice Periods and Spontaneous Demonstrations require organizers to notify the Village in advance of parades, demonstrations and special events, with no exception for spontaneous demonstrations that develop in response to topical events. Notice requirements restrict free expression, and so must be drawn narrowly. In general, while a municipality may require some “short period of advance notice,” the period can be no longer than necessary to meet the City’s “urgent and essential” traffic management, crowd control, and public safety needs. Tarrytown’s proposed amendments extending the notice period for parades from 15 to 30 days, the period for special events from 21 to 30 days, and that for demonstrations from 10 to 15 days, would likely violate the First Amendment.
- Section 218-2(B)(4) the “Extraordinary Public Interest” Exception allows the Village Administrator, with the Mayor’s written approval, to waive the ordinance’s requirements and permit a parade at anytime, anywhere in town, for “occasions of extraordinary public interest.” However, “occasion of public interest” isn’t defined, leaving that determination to the broad discretion of the Village Administrator and Mayor, and leaving the public vulnerable to arbitrary, or even discriminatory, enforcement.
- Section 218-2(C)(3), Grandfather Clause, which exempts from parade permitting requirements groups who’ve “marched annually upon the streets for more than ten years prior to” the ordinance, would likely favor religious, military, police and other more well-established groups to the detriment of newer organizations. This could easily be seen as content-based favoritism.
- Section 218-3(G) Limits on Large Events in Pierson Park, Patriots Park and Losee Park applies to demonstrations and special events in these parks and limits “large” gatherings – currently defined as any demonstration or special event with more than 150 people (pending amendment to 250) – in those parks to no more than two per year. First, when applied in conjunction with Section 218-3(G), which would be amended to prohibit all permit-required demonstrations and special events in Wilson Park, Tarrytown Lakes Park, the Losee Park ballfields and Wilson Park, soccer field, these amendments would completely deny access to all of Tarrytown’s public parks to anyone looking to hold a large event once annual event quotas were reached. Second, the amendments could incentivize some organizers to shut less popular or more controversial groups out of these parks by holding two large events in each park as early in the year as possible.

Joe Cesarano, 5 Main Street, noted that he is very concerned about the proposed legislation and that it may impose restrictions on his ability to freely exercise his first amendment rights. This would be the most restrictive legislation governing protests and demonstrations in any Westchester County municipality. It is even more restrictive than New York City’s law. He understands the event that led to this draft, most of us agree that some sort of procedure and permitting process is called for, but it shouldn’t be easier to hold a protest in New York City than in Tarrytown. Applications may be denied for arbitrary and subjective criteria, among them listed in the proposed law, environmental conditions not suitable for an event, proximity to the Hudson River or other environmentally sensitive areas, and the event would interfere unreasonably with the enjoyment of the public space by other users. Will organizers who participate in spontaneous demonstrations without a permit be protected by this law or be subject to arrest? Parades and large event permits would not require review by the Board of Trustees, solely granted at the discretion of the Village Administrator in consultation with the Police and Fire and Public Works Departments. He feels that the public relies on the Board, elected officials of the Village to protect the citizens of the Village. The notion that the review of applications would be done behind closed doors, is disturbing to him. He suggests that a process of a public notice and review by the Board of Trustees should be necessary for any event that may be destructive of normal life and business in the Village. He requested that the Board goes back to the drawing board on this, work with first amendment lawyers, and bring in interested parties from the public, such as activists and organizers as well as any business owners that may be impacted by these changes.

Administrator Slingerland noted as the Village Administrator and the Police Chief as well as all the Village staff are always trying to work with the policies that the Mayor and Board of Trustees adopt

and the policies and procedures that might be set forth in Village rules and regulations of the Code. The Village wants in all cases to have a fair standard that applies to all. Gatherings like Village sponsored events like a yoga class or a concert, they don't qualify as demonstrations. However, the Village is very eager to work with everybody and come up with a reasonable solution that the Board can feel is appropriate to adopt for the Village and that meets the test of law. As stated before, the Village does not have a policy and procedure right now, which is what we are trying to accomplish.

Jonathan Gleit, 64 Barnes Road, noted that he is concerned about the proposed code and it does seem that it can easily be construed or applied unconstitutionally. He feels that a parade is very different from a gathering. Parades use roadways, it requires police involvement for public safety, which is very different from a protest event. No reason to have a code that conflates those two things. Regulation of a parade seems appropriate, regulation for a political rally is very different and you don't need to conflate the two. His wife, Kimberly Marcus, has organized many events that have arose quite spontaneously with a day or two's notice. We have had several gatherings, they have been spontaneous, they have been safe, and they have been coordinated with the police and to suggest that you have to go through a 15 or 30 day time period to obtain a permit would be unconstitutional.

Kimberly Marcus, 64 Barnes Road, noted that when an event to protest or demonstrate spontaneously comes up, she immediately contacts the police to let them know about the gathering. They confirm with the police that they will not block the sidewalks or the roadway. The police would appear at the event and they were always quite pleasant.

Lynn Goodman, 15 N. Washington Street AND THE Co-Chair of the Town of Greenburgh Human Rights Advisory Committee, noted that she opposes the proposed amendment and agrees with the the speaker from the NYCLU. Tarrytown's greatest asset is its community spirit, a spirit that is nurtured through community gatherings. This proposed law limits this, without a valid rationale for the hurdles it wants to set up before groups can peacefully assemble. She appreciates that the Board and Village Attorney are listening to these comments. It was said at a work session, that there needs to be a process for granting permission to use public parks. But this proposal is way too broad. The regulation of time, place and manner must be narrowly tailored to address the Village's concerns in the least restrictive way. This law doesn't do that and it will invite expensive litigation that this Village cannot afford. She is concerned with the provisions that trigger a permit requirement for a demonstration or special event with more than 12 people, the provision limiting the number of permits an applicant can get to 2 per year, and the provisions requiring that the permit application be submitted with 30 days advance notice for a demonstration, and 2 months advance notice for a special event in Pierson Park, Patriots Park or Losee Park. Requiring a permit for a gathering of more than 12 people is way overbroad. The proposal limits each applicant to two permits a year. What is the public purpose for that? That limit is unreasonably restrictive. A permit might be a good idea if a gathering involves more than 200 people, band stands, trucks, loudspeakers, disruption and extensive use of the park. In that case, the Village should determine how long it would take for the clerk to look at their calendar, determine what else is planned for that location and determine if the sponsor was providing the requisite assurances for the safety of the park and the public. For all other types of events, there is no need at all for regulation. The proposal is not saved by the catch all proposed exceptions which allows the Village Administrator to issue a demonstration permit "whenever submitted" on topical issues or if the Applicant can demonstrate "exigent circumstances." The Village Administrator should not be empowered to decide when more than 12 people can gather in one of our parks, or more than 50, for that matter, if the group is peacefully assembling. This proposed law is too broad, over-inclusive, unconstitutional and inconsistent with the democratic spirit of the people who live here. Please slow down this process, identify the specific problems this law seeks to address, regulate only what is needed for the public's benefit, and get input from the NYCLU before another draft is submitted for public review.

Mark Fry, Ossining, New York, noted as a procedural issue when the Board of Trustees changed the length of time for public comment about a month ago, Administrator Slingerland said clearly that it did not apply for the length of time for speakers to speak at public hearings. Another procedural issue he noted was during public comment, not being able to share his screen, not being able to present text are all unconstitutional. He suggests that the Board of Trustees not consider this unconstitutional proposed law regarding public gatherings, but also the unconstitutional procedure regarding public comment.

Mike Love, 88 Main Street and owner of Coffee Labs at 7 Main Street, noted that demonstrations and protests are very different from parades or rallies. Parades interfere with traffic flow and safety

of the community. This is an egregious lean into the community's civil rights. There's less restrictions on movies coming into town and taking up time, parking and interfering with businesses. He believes that this is opening the town to potential law suits. He noted that he was told in a meeting with Police Chief Barbelet, that the traffic pattern would not be interfered with during the parade on September 12. For over an hour, westbound traffic was held up at Broadway. He was told that the parade couldn't go up Franklin or Central Avenue because there were no traffic lights, yet the traffic light on Main Street and Broadway was disregarded.

Administrator Slingerland noted that according to the Village's records, the intersection on Main Street and Broadway during the September 12 event was only held up for 22 minutes. The Police Chief worked with the parade organizers, which is a standard procedure in order to protect the public health, safety and welfare to expedite the exit of the traffic of an event that was taking place at the Tarrytown waterfront. The police did everything they could to expedite their exit from the Village. The Village staff reviewed all the information on the event with the Board, however, there were some things that the Village did not have information on the event before it took place.

Trustee Zollo noted that he stood at the top of Main Street during that parade and he timed the parade at 23 minutes. He concurs that it wasn't over an hour. Trustee Zollo noted that the last two speakers were not on point. This is a public hearing about demonstrations and applications.

Village Attorney Zalantis noted that she welcomes and will take all the comments back tonight on this proposed law and wants to make a law that works. She certainly doesn't want to proceed with a law that organizations think are unconstitutional.

Christina Kharem, Elizabeth Street introduced her daughter, Maya and her husband, Al.

Maya Kharem, Elizabeth Street, noted that she is appalled that this proposed law is even being considered. It seems that this is a reaction to fear caused by an event that was held. The answer to disagreement is to be able to protest, not suppression. The protests in Tarrytown have not been violent or caused hate speech. She feels that people should have a right to respond to events that happen in the Village and in the Country through protesting.

Al Kharem, Elizabeth Street, noted that Tarrytown is a nice town, we have a nice tourist population and with all the contentious activities that have been going on, it feels like this law is trying to hush that activity. Especially what's going on nationally, he feels that Tarrytown needs to be on board to stay awesome and progressive.

Sitara Herur-Halbert, Leroy Avenue, noted that she believes there is a complete difference between having a small intimate rally that stays in one place and doesn't take any resources from the Village. Then the event that happened this past weekend, which was a complete disruption on the Bridge (even though it is not in Tarrytown). There's a difference between providing a platform for hatred and giving space for the community. People cannot schedule protests in advance, 30 days in advance, due to the spontaneous nature of events that happen. There is concern about the repercussion of this law, what would occur if this law is violated. If the consequence is an arrest, that could be life threatening. She does not trust that her physical safety will be maintained within a police station. She asked the Board to reconsider what this does, not only to first amendment rights, but what it does to maintain and uphold systems of white supremacy and continue keeping voices of black and brown voices of Tarrytown residents silent.

Fatima deCarvalho-Gianni, 37 Lake Avenue, noted that a right to assemble, protest in order to express their American right of freedom of speech. This regulation proposal should be dismissed. She believes the coordination between Village Police and someone from the Village as an event coordinator to be a liaison to make sure that the event and/or parades are run with the freedom to be able to express themselves for all matters, gatherings or parades. She was at the farmer's market when the parade passed by. She was not bothered by the parade at all. It was democracy at its best and that all groups in the Village are able to express their political beliefs regardless of their political parties. She did not see any violence at any of the protests or parades in the Village, which is really commendable on all sides. She wants her child, a high school student to be able to protest and speak his beliefs, he's learning as a young adult and by suppressing that in a young teenager would be detrimental. She hopes the Board analyzes the constitutional law and implications of law suits in the future. She suggests to try coordinating events with the organizer, police and liaison from the Village, before implementing a law and having people arrested will become a nightmare.

Police Chief John Barbelet, noted to be clear, he and the police department believe in peaceful protests and he believes he has shown that. He has supported and will continue to support protests and rallies as they happen in this community. The police department's job is to keep people safe to allow peaceful protests to occur. He takes exception to lies that have been spoken about himself, in particular, by Mr. Love. He had a meeting with Mr. Love in his office and he told him how the event was going to take place and that is exactly what occurred. If he needs to prove it, he can and will. This is two meetings in a row that his name has been dragged through the mud by Mr. Love and he will not tolerate it anymore. The last speaker mentioned having a Village liaison to work with the police and the organizer of the event, which is exactly what we did and which is why the Board enacted this proposed law because some of the residents accused the police department and the Village for basically organizing a rally, but were only involved to keep the community safe.

Mayor Butler noted that as we hear from people tonight, it is very important that the public understands what is truth, fact or an opinion. The Board welcomes everyone's speech and comments, but he asks that people be truthful.

Rob Wingate, 42 North Broadway, noted his appreciation to Lucia and the NYCLA who has done a tremendous amount of work to provide a technical analysis of the proposed law to be very valuable. He asked that the Board look for a more collaborative process on the proposed law. His recommendation to the Board is to look at the effects of moving ahead with this proposal as written will have on some of the other important areas of community relations right now, specific in reference to the work from the Police Chief and the Village's Police Advisory Committee.

Deputy Mayor McGovern noted that the Board will not be voting on the proposed law tonight.

Indira Ranganathan, 18 North Broadway, she is an attorney and works with anti-bias work, noted that we can all probably agree the reason that most of us live here is because of the open-mindedness, even if we disagree, we can gather and come together as a community. Even if the intent of this proposal is not to shut that down, the problem is the impact of the proposal is going to do exactly that. Even though the intent might be good, might be to keep the peace, the impact of the law is far reaching and can actually lead to repercussions that will actually stifle the very reason for the law and that is to protect our community. When you start enacting laws that suppress people's ability to communicate with each other, then the whole meaning of community falls away. She doesn't think that that is the intent of this law. Think about the impact of this law, it's impacting a small group of peaceful protesters who gather on foot, using very few Village resources. She has attended many of the protests in the Village and she has not seen any violence or threat.

Village Administrator Slingerland noted that the Village has had several protests over the last 5 or 6 months, which is unusual for the Village. The Village is trying to find a fair standard that would apply to all while allowing people the right to speak and voice their constitutional rights to be heard. The Board was asked if the Village had rules in the Village Code about managing protests or demonstrations. We have never had anything like this in our code and we are looking to have something like this in the code and we welcome everyone's comments and input. The goal of the Village along with the Police Department, is to find a fair standard that would apply to everybody.

Lucia Hermo, Deputy Director for the Hudson Valley Chapter of the New York Civil Liberties Union, noted regarding Section 218-5, Violations and Penalties, while the Village does not propose to change this section, we noted that regulating speakers' efforts to "advertise any special event or demonstration requiring a permit under this Chapter via posting, print media, radio, television or the internet prior to obtaining a permit," imposes a content-based prior restraint on speech, which, like the aforementioned restriction on groups expressing "views or grievances," is presumptively unconstitutional under the First Amendment. She noted that she would be very happy to work with the Village of Tarrytown on these proposed changes to the law and that usually when looking to impose some type of restriction to ensure that people are safe to protest in large gatherings, the main thing we should be looking for is that it should be content neutral so that no imposition should be based on content, for example, not to ask what the people want to say. It should be the least restrictive as possible. And there should always be an exception for breaking the code, so people can react to the news of their day.

Mike Love, 88 Main Street and owner of Coffee Labs at 7 Main Street, noted that he totally supports the Police Department. This is not a personal attack on Police Chief Barbelet, but he asked Police Chief Barbelet if there is a conflict, please let him know. He noted that the back the blue event was a parade led by horses and it should have gotten a permit. He is in full support of people protesting

and having freedom of speech. The Village needs to differentiate between what is a rally, what is a parade and what is a protest. Because they are very different things. He feels that this law will limit people's voices who have been peaceful and adhering to the law.

Jill Sternberg, Altamont Avenue, noted that the proposed law is quite repressive and takes away freedom of speech through regulation for everyone in the community. It's time to look how we can embrace everyone in the community. She thinks it's time to listen to people, not get defensive and to talk about what the problems that our community is feeling. Maybe bring the community together to do this and to build respect for relations across different perspectives while we are doing it. The Village should be proud of not regulating the freedom of expression. With that comes challenges, but she feels the Village can embrace these challenges without repressing anybody's freedom of speech. Restorative Justice offers a process of building community and healing harms through deep listening that we as a Village can undertake and she will be happy to talk to anybody in the Village about this further. It is the work that she does.

Joe Cesarano, 5 Main Street, asked when they can expect to see a revision of the proposal and where should we send any questions or comments.

Administrator Slingerland noted that if anybody has any comments or questions that you would like to submit to the Village, please address them to Administrator Slingerland and he will share them with the Village Board of Trustees and the Village Attorney. Please send emails to administrator@tarrytowngov.com.

Mark Fry, Ossining, New York, asked if Lucia from the NYCLU's letter can be put on the website as well as his letter.

Trustee Brown asked if these letters can be part of the official minutes of the meeting.

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, December 21, 2020, at 8:00 p.m., at the Regular Tarrytown Village Board Meeting to be held either via in-person meeting, or Zoom Video Conference, depending on the State's directives about gatherings under NY on Pause, to add a Section to the Code of the Village of Tarrytown relating to Protests, Demonstrations and Rallies and Permit Application.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

APPOINTMENT OF LABORER IN DEPARTMENT OF PUBLIC WORKS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Michael Morales to the position of Laborer, Step 1, in the Department of Public Works at an annual salary of \$50,355, effective Tuesday, November 3, 2020 and shall be subject to a probationary period and to all applicable Civil Service rules and regulations.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

FIRE DEPARTMENT MEMBERSHIP CHANGES

Trustee Zollo moved, seconded by Trustee McGovern, that the following resolution be approved: Motion carried, all voting "aye" with the exception of Trustee Hoyt who recused himself. Approved: 6-0-1

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

October 20, 2020 Board of Fire Wardens meeting. Members: Campbell Allan has been approved for active membership at Conqueror Hook and Ladder and Angel Basora has been approved for active membership at Washington Engine.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Recusal, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

VILLAGE OF TARRYTOWN POLLINATOR PATHWAY RESOLUTION

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

WHEREAS, bees and other pollinators are crucial component of a healthy ecosystem and a vital link in our food system, providing the pollination responsible for over three quarters of the world's plant species, and for one out of every three bites of food that we eat; and

WHEREAS, pollinator populations are in sharp decline due to human land use practices that are causing ongoing habitat loss and fragmentation, the expansion of pesticide use by consumers and professionals, the spread of pathogens and parasites and global climate change; and

WHEREAS, extensive research has documented the neonicotinoids and other systemic pesticides have been shown to cause illness and death to honey bees, native bees, butterflies, moths and other insect pollinators, and beneficial insects; and

WHEREAS, guidelines for land management best practices are available that allow residents, businesses, farms, towns, and land trusts to manage their land in ways that increase pollinator forage and nest sites while decreasing maintenance costs.

NOW, THEREFORE, BE IT RESOLVED the Village of Tarrytown is hereby declared a Pollinator-Friendly Community and that the Village encourages the adoption of policies and practices that support pollinator health by minimizing the use of insecticides.

BE IT FURTHER RESOLVED that the Village of Tarrytown will set an example by adopting the pollinator friendly practices below and encourage property owners, residents, Village Departments, business owners and land trusts to adopt pollinator-friendly practices including:

- Planting more pollinator-supporting forage on their property, emphasizing native plant species, and adopting organic or chemical-free lawn and landscaping practices, whenever possible;
- Avoiding the planting of flowering plants that are treated with systemic insecticides and avoiding the use of seeds coated with systemic neonicotinoids;
- Avoiding the use of insecticides, including systemic insecticides on their property;
- Reduce the mowing schedule to no more than once a week, and once every two weeks, where practicable
- Encourage leaf and grass-cycling which involves mowing leaves and grass into lawns, whenever practicable.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

CDBG SIDEWALK PROJECT ENVIRONMENTAL REVIEW

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

WHEREAS, the Board of Trustees of the Village of Tarrytown has been granted funding through the CDBG program by Westchester County, acting through the Urban County Consortium, giving the Village of Tarrytown two rounds of funding in one year totaling \$300,000 in grants with regard to replacement of existing sidewalks through the CDBG program, and since this is a 50/50 program, the Village is required per the terms of the grant agreements to match the grant funds on a 50/50 basis.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby determine this project to be a Type II Action and not requiring further review under

Article 8 (State Environmental Review Act) of the Environmental Conservation Law for the 2020 Community Development Block Grant Program (CDBG).

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

APPROPRIATION OF MATCHING FUNDS FROM GENERAL FUND FUND-BALANCE – SEWER JET/VACUUM TRUCK

Trustee Brown 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 authorize an appropriation of funds for a funding source payment for a new Sewer Jet/Vacuum truck from the unrestricted Fund Balance of the General Fund estimated at \$150,000, as a match for a grant in the amount of \$250,000, sponsored for the Village by Assemblyman Thomas Abinanti through the Dormitory Authority (DASNY).

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

SHARED SERVICE IMA – NYS DEC GRANT FOR “RECYCLING APP”

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute a Shared Service IMA for a multi-municipal grant to the New York State DEC for a shared “recycling app” that Tarrytown and at least 11 other municipalities have recognized the need to undertake efforts designed to increase sustainability of natural resources and encourage progress toward the goal of improving efforts to recycle municipal waste.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

AMENDMENT AND RENEWAL OF THE SHARED SERVICE AGREEMENT FOR WASTE & RECYCLING COMMUNICATIONS PLATFORM WITH SUSTAINABLE WESTCHESTER

Trustee Hoyt 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 and direct the Village Administrator to execute a renewal agreement for a 3-year term with Sustainable Westchester for the amendment and renewal of the Shared Service Agreement for the Waste & Recycling Communications Platform.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

WESTCHESTER COUNTY IMA – MUTUAL AID AND RAPID RESPONSE PLAN

Trustee Hoyt 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 authorize and direct the Village Administrator to execute a Westchester County IMA for the purpose of the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County to formalize operational procedures for Law enforcement assistance to participating agencies.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

STIPULATION SETTLEMENT AGREEMENT – NEW YORK STATE THRUWAY AUTHORITY

Trustee Zollo moved, seconded by Trustee Rinaldi, that the following resolution be approved: Motion carried, all voting “aye” with the exception of Trustee Hoyt who recused himself. Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute the Stipulation Settlement Agreement among the Village of Tarrytown, the New York State Thruway Authority and the Quay of Tarrytown Condominium subject to the approval of the Village Attorney.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Recusal, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

AMENDMENT OF THE VILLAGE OF TARRYTOWN BOARD OF TRUSTEES OFFICIAL RULES OF PROCEDURE

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 authorize the following amendment to the Village of Tarrytown Board of Trustees Official Rules of Procedure, effective January 4, 2021, as follows:

PART A: MEETINGSSECTION 1 - Regular Meetings

The Board of Trustees generally will hold regular meetings on the 1st and 3rd Monday of each month, with the exception of the months of June, July and August, when the meeting shall be held on the 3rd Monday of the month. Such regular meetings shall commence at **7:00 PM** and be conducted in the Boardroom at the Village Hall. Any deviation from this schedule shall be determined by the Board of Trustees.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule the Board of Trustees Organizational Meeting, to be held on Monday, December 7, 2020, at 7:00 PM, either via in-person meeting, or Zoom Video Conference, depending on the State’s directives about gatherings under NY on Pause.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON OCTOBER 19, 2020

Trustee McGovern 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 the minutes of the regular meeting of the Board of Trustees held on Monday, October 19, 2020 as submitted by the Village Clerk.

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

APPROVAL OF AUDITED VOUCHERS

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 Abstract No. 8 of Audited Vouchers in the total amount of \$\$287,638.02 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 159,157.03
Water	\$ 56,210.93
Sewer Fund	\$ 155.12
Capital	\$ 58,528.50
Library	\$ 8,720.19
Trust & Agency	\$ <u>4,866.25</u>
Total	\$ 287,638.02

Roll Call –Mayor Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Kim, Yes, Trustee McGovern, Yes, Trustee Rinaldi, Yes, Trustee Zollo, Yes

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON ITEMS NOT INCLUDED ON THE AGENDA. SPEAKERS HAVE FIVE (5) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER; THEN THREE (3) MINUTES FOR ADDITIONAL COMMENTS UNLESS THERE ARE TEN (10) OR MORE POTENTIAL SPEAKERS, THEREBY, SPEAKERS HAVE THREE (3) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER; THEN ONE AND A HALF (1.5) MINUTES FOR ADDITIONAL COMMENTS

Mark Fry, Ossining, New York, noted that a letter was sent on behalf of the Tarrytown Legacy Connection regarding the issue on public protocol about public comment. He requested the Board to put this issue on the next Board Work Session and hold a public hearing in order to discuss all the points raised on public comment protocol.

Assistant Administrator Ringel noted that this issue was discussed with the Board of Trustees and almost all municipalities are doing their meetings the same as we are. It’s an issue of the new forum. People will have the option of submitting documents to screen share by 12 noon the day of a Board meeting for the Board of Trustees and the Friday before a Planning Board meeting. The Village has to protect itself from a possibility of “zoom bombing” or showing or saying something inappropriate.

Village Administrator Slingerland is not seeking to regulate content, this has nothing to do with expletives or curse words. The intent is to prevent indecency or inappropriate pictures from occurring on camera. It’s in the best interest of the public.

Mark Fry, Ossining, New York, noted that he believes that if someone presents something at a Planning Board meeting, than every member of the public must under the constitution have the same right to use the same media because it has to be content neutral.

Trustee Brown thanked everyone for joining in on the Board meeting tonight and reminded everyone to go out and vote tomorrow.

ADJOURNMENT TO EXECUTIVE SESSION

On the motion of Trustee Hoyt, seconded by Trustee Rinaldi, the meeting was adjourned to Executive Session to discuss matters with the Village Attorney at approximately 10:15 p.m. by vote of seven in favor, none opposed.

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the Executive Session was adjourned at approximately 10:35 p.m. by vote of seven in favor, none opposed.

Carol A. Booth
Village Clerk