

Board of Trustees
Village of Tarrytown
Regular Meeting No. 9
March 16, 2020
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Hoyt, McGovern, Rinaldi and Zollo;
Village Administrator Slingerland; Assistant Village Administrator Ringel; Village
Attorney Kathy Zalantis and Village Clerk Booth

ABSENT: Trustees Brown and Butler and Treasurer Hart

The meeting began with the Pledge to the Flag.

REPORTS

Trustee McGovern noted that everyone should have received the first Census 2020 mailing this past week. It's an invitation for everyone to go online using the registration number provided to complete the census form or it can be done via telephone.

Trustee Rinaldi noted that it is best for people to respond right away to the Census 2020 form to avoid future mailings or possibly physical visits from the Census 2020 committee.

CHANGES AND/OR ADDITIONS TO THE AGENDA – The Board of Trustees added (3) three resolutions; 1) Westchester County's Non-Disclosure Agreement, 2) Appointment of DPW Laborer and 3) Appointment of (2) two part-time DPW Laborers.

ADMINISTRATOR'S REPORT

- Coronavirus Update – As of today, Village Hall is closed to the public and tonight's meeting is being held practicing the proper social distance guidelines. The public will not be able to attend the meeting tonight, but the public can email or send questions or comments and they will be shared with the Board. The following are some of the key state guidelines per the COVID-19 virus: 1) No social gathering of 50 people or more in New York State. 2) Gyms and theatres are closed. Bars and restaurants are closed except for take-out service and delivery. Village Parks, Playgrounds and Village Halls are all closed to the public. We will be complying with the Governor's orders that non-essential business in-office staff will be reduced by 50%. Village Hall lobby is open with a box for each department. The public can come into the lobby and drop off applications, payments etc. The Village of Tarrytown declared a State of Emergency as of Sunday, March 15, 2020 at 8 a.m. What that will do is allow the Village to review its laws and suspend parking regulations. The New York State's Court System issued a directive that all local courts have been cancelled for 45 days. Schools have been closed until March 31st, but that may be extended. On-line teaching at the schools will begin this Friday. The Village will continue to post COVID-19 updates on our website, tarrytowngov.com.

Mayor Fixell noted that the hope is that everyone practices 6-feet social distancing to avoid spreading the illness and ultimately to flatten the curve.

PUBLIC HEARING ON THE VILLAGE OF TARRYTOWN'S TENTATIVE BUDGET FOR FISCAL YEAR 2020-2021, TO BE OPENED THIS EVENING, AND CONTINUED THROUGH TO THE NEXT MEETING OF THE BOARD OF TRUSTEES, WHICH IS APRIL 6, 2020, WITH THE ADOPTION OF THE BUDGET SCHEDULED FOR APRIL 20, 2020

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

Administrator Slingerland noted the following: The Village's Tentative Budget for Fiscal Year 2020 – 2021 has officially been filed and distributed to the Board of Trustees on Friday, March 13, 2020. Tonight is the first public hearing on the budget, the Board will have a budget discussion at the next work session on April 1st. We are planning to have all future meetings via Zoom Video Conferencing. Instructions on how to view the meetings live will be on the website. The Village's budget has to be adopted on or before May 1st by law. Tentatively, the budget is scheduled for adoption on Monday, April 20, 2020. As we all know there has been recent changes to our society's financial picture due to the COVID-19 virus. This budget has been prepared, filed and issued to the Board prior to the COVID-19 pandemic. The Board will have to review this budget and services and may have to make some hard choices due to the new financial picture.

In the proposed tentative budget, the General Fund Budget for FY 20-21 is \$27,469,283, the Library Fund Budget is \$1.79 million, the Water Fund Budget is \$5.7 million and the Sewer Fund Budget is \$196,000. The total of all Fund Budgets is \$35,128,028 million. The General Fund Budget spending increased by 4.56%. The largest increases are in debt service by \$300,000, transfer to Capital and judgements and claims, by \$201,000. Workers Compensation insurance decreased this year by \$100,000. He thanked all the department heads for their contributions and participating in our safety meetings, which one will be held tomorrow remotely. We have been able to reduce and prevent injuries to all of our employees. Police Department salaries have increased by \$301,000, which reflects the conversion of a sergeant position into a 3rd lieutenant position to handle the extra workload that has been generated for the Police Department by the State's criminal justice reform and especially the new discovery requirements. The two pension budget funds increased by \$67,000 or roughly a 4.1% increase. But a key statistic if you look at the pension funds in relation to the Village's overall budget, pension costs account for \$1.685 million, which is approximately 6.14% of the total overall budget, which is actually a smaller percentage of the budget this year, which is an interesting change. Tentative tax rate is proposed at \$8.42 per thousand dollars of value, up from 8.06% last year. Before the onset of the Coronavirus to our economy, the total taxable property values were \$2.153 billion, which is an increase of only \$13 million over last year, which is an extremely small increase. The tax levy rate increase is proposed for 4.45%. The total tax rate levy is \$18,143,160, which is an increase of \$879,000 over last year. The total tax levy increase as tentative is 5.1%, which includes 1.78% for the Villages plus the Village of Tarrytown's growth factor of 1.0324%, and we have a carry-over of \$73,000 to next year. Our values increased by only \$13 million or less than 1%. The average house value is \$699,000. The Library Fund has only increased by .35%, Water Fund increased by .71%, pension costs went down as a percentage of the budget, although they did increase, medical costs account for approximately 11.3% of our total budget and the funding for tax certioraris challenges have increased by \$201,000 to reduce our reliance on debt to fund these payments. The chart that calculates all the non-taxable revenues, as he refers to them as the "big 5", sales tax, mortgage tax, building permits, hotel tax and parking permits. Because the impacts on the economy recently, he expects sales tax and hotel tax to drop significantly. The Village's Fund Balance is strong, it is approximately \$6.8 million. We are currently in financial good shape, but we will have to re-evaluate everything over the next 6 weeks before the Board adopts the budget. He has never had to do this, but in an extreme case, if the Village runs short on cash, which he doesn't think it will, we may want to issue tax anticipation notes in order to maintain the Village's cash flow and to continue to pay for services.

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, April 6, 2020, the next regular meeting of the Board of Trustees.

PUBLIC HEARING – ARCHITECTURAL REVIEW BOARD REQUIREMENTS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, April 6, 2020, the next regular meeting of the Board of Trustees.

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.

APPOINTMENT OF LABORER IN DEPARTMENT OF PUBLIC WORKS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Carlos Leon to the position of Laborer effective Tuesday, March 23, 2020, at an annual salary of \$50,355.00 subject to all Civil Service rules and regulations, and subject to the provisions of the contract between the Village and the CSEA.

APPOINTMENT OF TWO PART-TIME LABORERS IN DEPARTMENT OF PUBLIC WORKS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the appointments of John Foreman and Bryan Meade as part time Laborers for the Department of Public Works in the Village of Tarrytown at an hourly salary of \$18.00, effective March 23, 2020, subject to all Civil Service rules and regulations.

WESTCHESTER COUNTY NON-DISCLOSURE AGREEMENT

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

WHEREAS, on January 31, 2020, the Health and Human Services Secretary declared a public health emergency for the United States in light of the Covid-19 (coronavirus) outbreak;

WHEREAS, on March 7, 2020, the governor declared a state of emergency in New York as the virus spread to this state;

WHEREAS, on March 10, 2020, the governor announced the establishment of a containment area in the Westchester City of New Rochelle;

WHEREAS, the Covid-19 outbreak is clearly a serious threat to the health and safety of the people of Westchester County;

WHEREAS, the Westchester County Department of Health ("DOH") has issued a number of isolation orders under the guidance of the New York State Department of Health;

WHEREAS, the names and addresses of the patients subject to these isolation orders is Protected Health Information ("PHI") as defined by the federal Health Insurance Portability and Accountability Act ("HIPAA");

WHEREAS, Westchester County has a good-faith belief that, pursuant to 45 C.F.R. §164.512(j), the use or disclosure of these names and addresses is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public;

WHEREAS, pursuant to 45 C.F.R. §164.512(j), such use or disclosure must be limited to persons reasonably able to prevent or lessen the threat;

THEREFORE, Westchester County (“the County”) hereby enters into the following non-disclosure agreement (“Agreement”) with the below-named Municipality:

1. The County will provide the Municipality with the names and addresses of persons who have been issued isolation orders in the Municipality. The Municipality agrees that it will limit the disclosure of any PHI it receives from the County and use the PHI only for the purpose of preventing or lessening a serious and imminent threat to the health or safety of the Municipality’s residents.
2. The Municipality agrees that the use of any PHI it receives from the County will be limited to effectuating DOH isolation orders and protecting the safety and well-being of its residents.
3. The Municipality agrees that its respective employees will take all necessary steps to safeguard any PHI they receive, and protect the privacy of any persons subject to a DOH isolation order.
4. The Municipality agrees that it will defend and indemnify the County for any and all legal or administrative actions that are based upon unauthorized disclosure or dissemination of PHI by the Municipality or any of its employees.
5. By signing this agreement, the representative of the Municipality is representing that he/she has the authority to enter into this Agreement.
6. This Agreement may be enforced under any applicable provisions of law.
7. The Agreement is effective immediately and shall remain in effect until terminated in writing by the County.

IN WITNESS WHEREOF, the County of Westchester and the Municipality have caused this Agreement to be executed.

APPOINTMENT OF MEMBER OF THE COMPREHENSIVE PLAN MANAGEMENT COMMITTEE (CPMC)

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Thomas Mitchell as member of the Comprehensive Plan Management Committee for a term to expire in December of 2020.

APPOINTMENT OF MEMBER OF THE HOUSING AFFORDABILITY TASK FORCE

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Gary Friedland as member of the Housing Affordability Task Force for a term to expire in December of 2021.

ARBOR DAY RESOLUTION

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

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are renewable resources giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, the Village of Tarrytown has been recognized as a Tree City USA by the National Arbor Day Foundation for 37 years and the Village desires to continue its tree-planting ways.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby proclaim Friday, April 24, 2020 as “ARBOR DAY” in the Village of Tarrytown, and urges all citizens to support efforts to care for trees and woodlands in the Village and to support the Village’s forestry program.

BE IT FURTHER RESOLVED that the Board of Trustees urges all citizens in the Village to plant trees to improve the community and to promote the well-being of present and future generations.

CHANGE ORDER PHASE 6 – LOSEE PARK SHORELINE RESTORATION PROJECT ENGINEERING OVERSIGHT

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the Village Administrator to enter into an amendment with McLaren Engineering Group to provide supplemental construction administration services (Phase 6) relating to the Losee Park Shoreline Restoration project for a total not to exceed \$25,000.

INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR POSITIVE YOUTH DEVELOPMENT

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to enter into an agreement with Westchester County for the Positive Youth Development Program to provide funds for the Tarrytown Recreation Pool Program, not to exceed \$2,329.00.

BID AWARD FOR CLEANING SERVICES OF VARIOUS VILLAGE BUILDINGS

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

WHEREAS, the Village of Tarrytown has been working with the Village of Hastings-on-Hudson to perform a joint bid for cleaning services, which was last performed approximately two years ago, in January, 2017, for a contract that ran for two years from January 2017 through January 2019, with a one-year extension through the end of January 2020; and

WHEREAS, the Village published a legal advertisement on December 20, 2020, and received a number of bids, but had to reject the bids and re-advertise the contract due to confusion amongst the bidders regarding the length of time on which they were to calculate and submit their bid; and

WHEREAS, the Village published a legal advertisement on January 17, 2020, and contacted several different companies that had expressed interest in this bid; and

WHEREAS, on January 27, 2020, the Village of Tarrytown held a walk-through at Tarrytown Village Hall, Police Stations, Recreation Center, Senior Center and the Public Works Facility regarding the scope of work to the interested companies; and

WHEREAS, six (6) sealed bids were opened on Friday, February 7, 2020 at Tarrytown Village Hall, One Depot Plaza, Tarrytown, at 11:00 a.m. E.S.T. for the cleaning of various Village buildings including the Village Hall, the Police Department, the old Police Department headquarters, the Senior Center, the Recreation Building and the Public Works Facility; and

WHEREAS, the bid specification is a two-year contract, with an additional one-year renewal at the municipality option, which allows for the Village to renew the contract with the cleaning contractor awarded the bid for a third year, subject to a set bid amount included in the bid; and

WHEREAS, six (6) sealed bids were received and the bids received are listed below; and

| <u>Company Name</u> | <u>Two-Year Contract</u> | <u>Third Year Municipal Option</u> | Total w/o Windows | Windows |
|------------------------------|--------------------------|------------------------------------|-------------------|------------|
| Divine Professional Cleaning | \$77,300.00 | \$40,000.95 | \$117,300.95 | \$650.95 |
| Y.E.S. Enterprises | \$96,150.00 | \$49,520.00 | \$145,670.00 | No Bid |
| Crown United | \$96,196.00 | \$51,734.00 | \$147,930.00 | \$1,000.00 |
| Building Service Industries | \$184,172.00 | \$93,390.00 | \$277,562.00 | \$3,000.00 |
| A & A Maintenance | \$282,519.12 | \$149,734.70 | \$432,253.82 | No Bid |
| Anago of Hudson Valley | \$290,000.00 | \$150,000.00 | \$440,000.00 | \$3,200.00 |

WHEREAS, on February 11, 2020, the Village accepted the bid withdrawal of Divine Professional Cleaning; and

WHEREAS, it is the recommendation of the staff, that the bid be awarded to the lowest responsible bidder, Y.E.S. Enterprises Inc., per their bid of \$96,150.00 for the first and second year, and \$49,520.00 for the Municipal Option third year.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the cleaning of various Village buildings to Y.E.S. Enterprises Inc. of Croton-on-Hudson, New York, per their bid of \$96,150.00 for the first and second year, and \$49,520.00 for the Municipal Option third year.

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute a contract with Y.E.S. Enterprises Inc., per their bid of \$96,150.00 for the first and second year; and

BE IT FURTHER RESOLVED that the Village Administrator may extend the cleaning contract for a third year at the end of the second year of the contract, per the bid amount of \$49,520.00, should the contractor perform in a manner acceptable to the Village and pursuant to the requirements of the bid specification.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON MARCH 2, 2020

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the regular meeting of the Board of Trustees held on March 2, 2020 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No.17 of Audited Vouchers in the total amount of \$449,144.42 to be paid in the following amounts:

| | |
|----------------|---------------------|
| General | \$ 304,483.60 |
| Water | \$ 93,784.44 |
| Sewer Fund | \$ 736.28 |
| Capital | \$ 18,513.25 |
| Library | \$ 5,833.35 |
| Trust & Agency | <u>\$ 25,793.50</u> |
| Total | \$ 449,144.42 |

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

There were no speakers.

Mayor Fixell noted the following on the COVID-19 pandemic:

- He wished everyone good health and to stay safe. Practice social distancing and wash your hands.
- While many restaurants and small businesses will be closed other than the restaurants who provide take-out and delivery, he suggests that people consider purchasing gift certificates from our local businesses. This can help our local small businesses right now while they are hurting economically.

ADJOURNMENT TO EXECUTIVE SESSION

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the meeting was adjourned to Executive Session regarding personnel approximately 8:33 p.m. by vote of five in favor, none opposed.

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee McGovern, the Executive Session was adjourned at approximately 8:50 p.m. by vote of five in favor, none opposed.

Carol A. Booth
Village Clerk