

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 12  
April 1, 2019  
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

#### REPORTS

Trustee McGovern noted the following:

- The Easter Egg Hunt will be held on Saturday, April 13<sup>th</sup> at Patriots Park at 10:30 a.m. Rain date will be Saturday, April 20<sup>th</sup>. This is for children, ages from 1 to 8. For more information, please go to our website or contact the Tarrytown Recreation Department at 914-631-8347.
- Westchester County is holding a Spring Household Recycling Drop Off day on Saturday, April 6<sup>th</sup> at FDR State Park, Yorktown from 9 a.m. – 3 p.m. This notice is on our website listing what is accepted and not accepted to recycle.

Trustee Brown noted that the Sleepy Hollow/Tarrytown Chamber of Commerce is having their Casino Night on Thursday, April 11<sup>th</sup> at 5:30 p.m. at the EF Campus in the Teahouse. Come and support the Chamber of Commerce and promote your business. You can register on their website, [sleepyhollowtarrytownchamber.com](http://sleepyhollowtarrytownchamber.com).

#### ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- There is a press conference scheduled for this Wednesday, April 3<sup>rd</sup>, at 11 a.m. for the 200<sup>th</sup> Anniversary of Washington Irving's Legend of Sleepy Hollow. This will be held at the Old Dutch Church in Sleepy Hollow. This is the kick off to a series of events and celebrations to take place this year. The Lit Fest will take place on May 18, 2019 celebrating literary work at Patriots Park.
- The State Budget was adopted this morning. The Village is waiting to see exactly what was adopted and how it will affect the local municipalities.
- The Village signed the agreement with the Kayak vendor for a two-year, 2 years each contract with an additional 3<sup>rd</sup> year for a one-year contract.
- The Village will soon be issuing a request for proposal for the food vendor(s) for the Recreation/Pool at Pierson Park for the upcoming pool season. The Village will be seeking to attract a second food vendor truck.

#### PUBLIC HEARING ON THE VILLAGE OF TARRYTOWN'S TENTATIVE BUDGET FOR FISCAL YEAR 2019-2020 (Closed)

Trustee Hoyt moved, and Trustee Zollo seconded, and unanimously carried (7-0), that the hearing be re-opened.

No one appeared to address the Board.

Trustee Zollo moved, and Trustee McGovern seconded, and unanimously carried (7-0), that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby close the public hearing on the Tentative Village Budget for Fiscal Year 6/1/2019 through 5/31/2020, and directs the Village Administrator and Village Treasurer to begin preparing the resolutions for adoption of the Budget at the Regular Village Board Meeting scheduled for 8 p.m. on Monday, April 15, 2019.

CONTINUATION OF A PUBLIC HEARING – ARCHITECTURAL REVIEW  
BOARD REQUIREMENTS (Continued)

Trustee McGovern moved, and Trustee Brown seconded, and unanimously carried (7-0), that the hearing be re-opened.

No one appeared to address the Board.

Trustee Hoyt moved, and Trustee Brown seconded, and unanimously carried (7-0), that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, April 15, 2019, the next regular meeting of the Board of Trustees and submit the draft copy of the proposed ARB Requirements law to the Architectural Review Board for their input.

Note: The most recent version of the text of the draft local law is as dated September 28, 2018.

CONTINUATION OF PUBLIC HEARING - LOCAL LANDMARK  
DESIGNATION, 740 SOUTH BROADWAY (Continued)

Trustee Zollo moved, and Trustee McGovern seconded, and unanimously carried (7-0), that the hearing be re-opened.

Domenick Barber, Facilities Manager at Belvedere Estate, which also includes 740 South Broadway, noted that HSA offers no opposition to the landmark designation. He appreciated the spirit of cooperation the Village has shown HSA, particularly Administrator Slingerland and the Historical Society in helping them understand the complexities on this matter and he welcomes the Board's decision.

Trustee Zollo moved, and Trustee McGovern seconded, and unanimously carried (7-0), that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the Public Hearing to Monday April 15, 2019, the next Regular Meeting of the Board of Trustees so that the revised text may be re-published prior to adoption.

PUBLIC HEARING AMENDING THE VILLAGE CODE REGARDING OPERATING  
BICYCLES ON SIDEWALKS (Continued)

Trustee Hoyt moved, and Trustee Butler seconded, and unanimously carried (6-0), that the hearing be opened.

Ernest Uthgenannt, Martling Avenue, read a memo to the Board of Trustees from "Bike Tarrytown" signed by Daniel Convessor, Ernest Uthgenannt, Greg Pymm, Jeff Raderstrong, Joseph Nevins, Maria Schmidt, Rachael Ricker and Salvatore Denise, "On behalf of Bike Tarrytown's 90 donors and countless supporters, thank you for the opportunity to provide input for the Public Haring regarding the Village's February 27 proposal to amend Section 259-52 of the Village Code. For brevity, they will use "cycling" as stand-ins for cycling, scooting, skating, skate boarding etc.

- 1) We agree, people walking should both be and feel safe on sidewalks. When people biking behave politely, cycling on the sidewalk is completely safe. Such behavior is outlined by Section 259-52 in the Village's existing Code, which, in part, requires people exercise "due caution."
- 2) The Village's proposal strikes the word "sidewalk" from Section 259-52. Doing so inadvertently removes the "due caution" provisions for all sidewalks and all ages of users.
- 3) Sub-section 259-52 (C) (about not impeding vehicular traffic) conflicts with Section 1234 of the State's Vehicle and Traffic Law. The contradiction exists in the Code's

- present form for “in-line skates.” Adding the word “bicycles” to Section 259-52 of the Code further muddies the waters. Thus, Sub-section C should be deleted.
- 4) People bike on sidewalks because they feel unsafe on the streets. The proven way to stem sidewalk cycling is ensuring streets are safe.
  - 5) The list of sidewalks in the Village’s initial proposal is overly broad. It covers every route leading to downtown, all of which have low or modest volumes of people walking. This would turn many people into scofflaws for no benefit.
  - 6) Due to the high car, truck and bus volumes on Broadway, most people don’t feel safe cycling on it. The Village is unwilling to provide protected bike lanes on Broadway. That leaves sidewalks as the only protected option. Prohibiting cycling on Broadway’s sidewalks will end up restricting cycling.
  - 7) The initial proposal’s age cutoff is 10 years old. The public as a whole, regardless of age, has a wide range of experience and abilities. This means setting a particular age limit is arbitrary.
  - 8) When families are cycling together, would kids be riding on the sidewalk while parents ride in the street? That hinders parents’ ability to ensure kids ride in a manner safe for people walking. Let alone, such parents would be moving at the children’s pace blocking people driving the whole way.

Given all these considerations, the prudent solution is just making three simple edits to the Village Code. Section 259-52 should read as follows:

No person shall use or operate a bicycle, scooter, skateboard, in-line skates, or roller skates upon any public streets (including the entire paved and improved surfaces thereof, including gutter areas, from curb-to-curb, where curbs exist), sidewalks or on any public lands within the Village of Tarrytown:

- A. In a careless manner without due caution and circumspection;
- B. While endangering or in any manner to create a risk or danger to any person or property; or
- C. ~~In any manner to impede or interfere with pedestrian or vehicular traffic~~, we ask that this should be struck from the code.”

Mayor Fixell noted that there has been changes to the language in the proposed law since the last version. In particular, it now reads “In any manner to impede or interfere “intentionally” with pedestrian or vehicular traffic. In anticipation of the bridge opening up with bike lanes, there may be many, many bikers who will be riding on the streets, where currently, there have been no issues at all. The notion is that there may be large groups of bikers who may intentionally impede traffic. Also, the language in the proposed law was changed from 10 years of age or younger to 12 years of age or younger.

Administrator Slingerland noted that language was added to the proposed law, “The operation of bicycles on roads is allowed pursuant to New York State Vehicle and Traffic Law. The goal is not to prevent biking on roads in any fashion. The focus is to prevent people from intentionally obstructing traffic and the ability to enforce this behavior.

Mayor Fixell noted that although the Village is not opposed to a bike lane on Broadway, the Board has expressed their opposition to bike lanes through the middle of town. We would like to see a bike lane, but once you get in the middle of town, there are a different set of issues.

Trustee McGovern noted that there will be a bike rodeo in May, hosted by the Police and Recreation Department. They will be providing education to children about proper behavior while biking.

Salvatore Denise, 19 South Broadway, thanked the Board for all their hard work; the Village keeps getting better and better. His concern is regarding the proposed law about not allowing bicycles on sidewalks. He bikes to C-Town a few times a week on the sidewalk because Broadway is really dangerous for bikes. He’s a bike commuter into Manhattan. Because of the infrastructure in Manhattan, he feels very safe. He bikes to the Tarrytown Train Station and brings his foldable bike on the train and then bikes down town to work.

He understands the Mayor's point about the bikers coming over the bridge in numbers, however, those bikers will never bike on sidewalks. He doesn't know what he is going to do now that he will not be able to bike on sidewalks. He believes the future of the Village is to make it bike and pedestrian friendly. He is a utility biker, which goes as slow as pedestrians. While the Village doesn't have the infrastructure to cycle on the street, he believes a utility biker could get hurt if you push them into the street.

Mayor Fixell noted that they will take another look at the streets listed and the size of the sidewalks.

Richard Rose, Hudson Harbor, noted that there are a number of bikes on the RiverWalk and if the Village is going to anticipate an increase of bikes coming into the Village, does that mean there will be more cyclists on the RiverWalk that come from behind and scare you as they breeze by you. Is biking permitted on the RiverWalk or is there an age limit? Administrator Slingerland noted that biking is permitted on the RiverWalk.

Trustee Zollo moved, and Trustee McGovern seconded, and unanimously carried (7-0), that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the Public Hearing to Monday April 15, 2019, the next Regular Meeting of the Board of Trustees so that the revised text may be re-published prior to adoption.

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

No one was present to speak.

ACKNOWLEDGEMENT OF RECEIPT OF THE 2018 TARRYTOWN VOLUNTEER AMBULANCE CORPS SERVICE AWARD (PENSION) PROGRAM ANNUAL REPORT REGARDING QUALIFYING POINTS RECEIVED

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 acknowledge receipt of the Tarrytown Volunteer Ambulance Corps 2018 annual report of points achieved by respective members of the Ambulance Corps for qualification for Village contribution to the Ambulance Corps members service award program, which report shall be posted for public inspection and comment for 30 days prior to Board of Trustees' consideration of approving submission of the report to the pension fund underwriter, subject to final sign-off by the Mayor.

RESOLUTION AUTHORIZING AN INTER-MUNICIPAL AGREEMENT (IMA) AMONG THE VILLAGE OF TARRYTOWN, THE VILLAGE OF SLEEPY HOLLOW AND THE UNION FREE SCHOOL DISTRICT WITH RESPECT TO A SHARED SUMMER DAY CAMP

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 Administrator to sign an Inter-Municipal Agreement (IMA) among the Village of Tarrytown, the Village of Sleepy Hollow and the Union Free School District of the Tarrytowns with respect to a joint 2019 Summer Day Camp.

RENEWAL OF INTER-MUNICIPAL AGREEMENT – ENHANCED 911 SERVICE NETWORK

Trustee Butler 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 the renewal of the Inter-municipal Agreement with Westchester County for the installation and operation of Enhanced 911 Service for a five year term to expire on September 30, 2022.

DECLARE INTENT TO BE LEAD AGENCY – OLD CROTON AQUEDUCT IMPROVEMENT PROJECT

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

Trustee Brown asked how people can find out about the proposed improvements for this project and how the improvements might help cyclists. Administrator Slingerland noted that when the Village prepares and adopts the Environmental Assessment Form and then requests and awards a bid; the Village will publish information about the project.

Trustee Butler asked if the Board can see a plan for this project and asked if this is a matching grant. Administrator Slingerland responded that he can try to have a plan available for the Board at the next work session and that it is not a matching grant; it is 100% funded by New York State. Possibly Village Engineer Pennella can present the improvements in this project.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare its intent to be Lead Agency for the purposes of Article 8 (State Environmental Review Act) of the Environmental Conservation Law for the purpose of the Old Croton Aqueduct Improvement Project, which is funded through a \$300,000 grant from the New NY Bridge Community Benefit Fund; and

BE IT FURTHER RESOLVED that the Village Board hereby directs the Village Administrator and Village Clerk to take the necessary and appropriate actions to circulate this notice of intent to be lead agency to the involved and interested parties, related to the Old Croton Aqueduct Improvement Project.

AUTHORIZATION TO PURCHASE REPLACEMENT GENERATOR FOR TARRYTOWN WATER SYSTEM PUMPS

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 a purchase of an H.O. Penn Caterpillar C13 Generator Set for the replacement generator for the Tarrytown Water System Pumps off of the Sourcewell Contract #120617-CAT in the amount of \$86,098.95 (includes 37% Sourcewell discount), with an additional estimate of between \$25,000 and \$30,000 for installation, including rigging and removal of the old unit, bringing the total estimated cost to between \$111,000 and \$116,000; and

BE IT FURTHER RESOLVED that the Village Administrator is authorized to take the necessary and appropriate actions, including signing the necessary documents for this purchase, and the Village anticipates that the funds for the purchase will either be from capital funds established for water system projects, operating funds or appropriation of surplus.

BID AWARD – RIVERWALK EXTENSION AT LOSEE PARK

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

WHEREAS, the Village received a grant for approximately \$450,000 from Westchester County and approximately \$200,000 from New York State for the RiverWalk Extension at Losee Park project; and

WHEREAS, upon receipt of the permit from the NYS DEC for the project to stabilize the shoreline, so that a section of the RiverWalk can be built upon it, the Village is prepared to move ahead with the shoreline improvements so the RiverWalk can be completed after the shoreline is stabilized; and

WHEREAS, the Board of Trustees has appropriated the Village portion for this project in the 2018-2019 Capital Budget and the cost of the Riverwalk Extension Project will be approximately a 50-50 Village/Grant project; and

WHEREAS, the Village received four (4) bids on Tuesday, March 19, 2019, as follows:

<u>Company</u>	<u>Base Bid</u>	<u>Add Options</u>
- Vernon Hills Contracting Corp.	\$1,281,520	\$90,405
- Montesano Brothers	\$1,290,795	\$80,980
- Abbott & Price Inc.	\$1,484,139	\$132,346
- Paladino Concrete	\$2,969,337	\$128,055

WHEREAS, upon review of the bids and confirmation of the numbers included in the bids, it is the recommendation of the staff that the bid be awarded to the lowest responsible bidder, Vernon Hills Contracting Corp of Mount Vernon, New York, for the base bid, with the determination that there will be no award at this time on the add/alt options; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the RiverWalk Extension at Losee Park project to the lowest responsible bidder, Vernon Hills Contracting of Mount Vernon, New York, per their base bid utilizing unit prices of \$1,281,520; and

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute a contract with Vernon Hills Contracting.

#### BID AWARD – LOSEE PARK SHORELINE RESTORATION

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

WHEREAS, the Village received the permit from the DEC to do the shoreline improvements at Losee Park, and this shoreline restoration work to replace a rusting and failing section of sheet piling must be done before a section of the RiverWalk Extension at Losee Park is performed on land above the shoreline; and

WHEREAS, the lowest responsible bidder to perform the work in the vicinity of the RiverWalk is R. Pugni and Sons for a total approximate bid price of \$774,950; and

WHEREAS, the remaining portion of the shoreline between the bulk head and the kayak ramp is part of a new application to the NYSDEC for the estuary program, and the Board authorized the Village to make such application at the March 18, 2019 meeting; and

WHEREAS, based on the bid prices the Village received, we estimate the cost of the shoreline improvements from the bulkhead work to the kayak ramp to cost approximately \$735,000, based on unit prices, and adding in the docks and permits and signage, the updated estimate for the shoreline work beyond the base bulkhead repair work is a total of approximately \$850,000 based on bids we have actually received, but such work will be held in abeyance until we hear the outcome of the latest application for funding from the DEC Hudson Estuary Grant Program; and

WHEREAS, the Board of Trustees has appropriated the Village portion for this project in the 2018-2019 Capital Budget and the cost of the Losee Park Shoreline Restoration project will be a 50-50 Village/Grant project; and

WHEREAS, the Village received two (2) bids on Tuesday, March 19, 2019, as follows:

<u>Company</u>	<u>Base Bid</u>	<u>Add Options</u>
- R. Pugni & Sons, Inc.	\$774,950	\$478,601
- Legacy Supply, LLC	\$1,296,725	\$802,100

WHEREAS, upon review, it is the staff's recommendation to award the contract to the lowest responsible bidder, R. Pugni and Sons for the shoreline work and hold off on the add options portion depending on whether we receive the estuary grant.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the Losee Park Shoreline Restoration project to the lowest responsible bidder, R. Pugni & Sons, Inc. of Katonah, New York, per their base bid of \$774,950, based on unit prices; and

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute a contract with R. Pugni & Sons, Inc.

#### ARBOR DAY RESOLUTION

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

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 36 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, May 3, 2019 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.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON MARCH 18, 2019

Trustee Zollo moved, seconded by Trustee McGovern, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Mayor Fixell who abstained: Approved: 6-0-1

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 18, 2019 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

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 approve Abstract No. 18 of Audited Vouchers to be paid in the following amounts:

General	\$ 627,760.69
Water	\$ 34,117.56
Sewer Fund	\$ 13,108.25
Capital	\$ 39,768.20
Library	\$ 26,289.95
Trust & Agency	\$ <u>17,443.07</u>
Total	\$ 758,487.72

The Board was polled all voting “aye” with the exception of Trustee Hoyt who recused himself from Voucher Number 2018008361. 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

No one was present to speak.

ADJOURNMENT TO EXECUTIVE SESSION

On the motion of Trustee Butler, seconded by Trustee Hoyt, the meeting was adjourned to Executive Session for legal counsel regarding real estate negotiations at 8:55 p.m. by vote of seven in favor, none opposed.

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the meeting was adjourned at 9:20 p.m. by vote of seven in favor, none opposed.

Carol A. Booth  
Village Clerk