

Board of Trustees
Village of Tarrytown
Regular Meeting No. 14
Via Zoom Video Conferencing
May 4, 2020
8:00 p.m.

PRESENT via Zoom Video Conferencing: Mayor Fixell presiding; Trustees: Butler, Hoyt, McGovern, Rinaldi and Zollo; Village Administrator Slingerland; Assistant Village Administrator Ringel; Village Attorney Kathy Zalantis; 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/28654> for instructions on how to join & participate.

REPORTS

Mayor Fixell thanked all of the Village employees, all of the emergency service workers including the police department, fire department and the department of public works. They have all been out there doing incredible work. The Mayor and Board of Trustees are very thankful for everything they have done during these difficult times over the last six or seven weeks. Governor Cuomo has made it very clear that we are still isolating and if you can't be six feet away from someone, you need to wear a facial covering or mask. He urged everyone to continue wearing masks and practicing social distancing.

ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- There has been some movement on the state level in terms of tennis courts. The Village is waiting to see exactly whether we could open our tennis courts. The Village needs information from the health department and double check on some of the standards that would actually apply. He will look into this further and report back to the Board of Trustees.
- He suggested that the Board hold an executive session after this meeting to discuss the fire department elections.
- The Village had a sewer break today at or near 60 Leroy Avenue. The Department of Public Works was able to get in and clear the break and put the sewer line back in service. The DPW crew will be able to do the work, what we call a point repair. While that work is being done, that portion of the road will not be paved until the work is complete. The paving company will then come back and complete the road in a week or two. Trustee Hoyt asked that the paving of that portion of the road get done as soon as possible. This project has taken a lot of time, effort and money and he doesn't want the completion of the paving project to be held up. Administrator Slingerland noted that Trustee Hoyt is absolutely right. We are waiting for a utility mark out, the key one they are waiting for is Con Edison. Trustee Hoyt thanked and noted that the Village did a great job on the Loh Park Project. Administrator Slingerland thanked Dan Pennella, Village Engineer and Howard Wessells, former Superintendent of Public Works for all their hard work on that project. Engineer Pennella made a special effort keeping everything within budget and did an amazing job keeping the project moving along.

PUBLIC HEARING – ARCHITECTURAL REVIEW BOARD REQUIREMENTS

(adopted)

Chapter 9 – Architectural Review Board

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 2nd day of December, 2019, at 8:00 p.m. in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear and consider enacting an amendment to Chapter 9 of the Code of the Village of Tarrytown entitled Architectural Review Board.

A local law to amend Chapter 9 of the Code of the Village of Tarrytown entitled Architectural Review Board to amend the review of certain building permit applications by the Architectural Review Board

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

Section 2. Chapter 9, Section 4. (A) “Referral of applicants for building permits” shall be amended to read as follows:

Chapter 9, Section 4. (A) shall be re-titled – Referral of applicants for building permits or other work for Architectural Review.”

Section 3. Chapter 9, Section 4. (A) “Referral of applicants for building permits or other work for Architectural Review” shall be amended to read as follows:

Section 4. (A) Referral of applicants for building permits or other work for Architectural Review:

Except where an application for a certificate of appropriateness must be submitted to the Architectural Review Board pursuant to the Landmark and Historic District Act (Chapter 191, Historic Districts and Landmarks), every application for a building permit ~~shall be referred by the Building Inspector to the Architectural Review Board, provided that:~~

~~(1) There will be construction, reconstruction or alteration of any building or structure that affects the exterior appearance of the building or other structure and is visible from any public street;~~

~~(2) The proposed plans include construction, reconstruction or alteration of any deck or uncovered porch that affects the exterior appearance of the building or other structure, is visible from any public street and exceeds 25 square feet, including steps;~~

~~(3) The proposed plans include construction, reconstruction or alteration of existing/new windows or security grills that affect the exterior appearance of the building or other structure and are visible from any public street; or~~

~~(4) The proposed plans include construction, reconstruction or alteration of any fence or wall exceeding three feet in height or 20 feet in length that is visible from any public street.~~
involving any of the following shall be referred by the Building Inspector to the Architectural Review Board:

ARB review is required for applications requiring Planning Board approval, as well as other projects which are detailed as follows:

1. **Construction of a new building**
2. **Reconstruction or rehabilitation of buildings with prior Architectural Review Board approval, which differs from that prior ARB approval;**
3. **Renovation or rehabilitation of buildings that involves replacement or introduction of new exterior features (including but not limited to, windows, doors, shutters, siding, garage doors and roofing) that are not**

of the same kind and style as the existing building, and which are visible from a public street. For example, while replacement of wood double-hung windows with vinyl double hung windows would not require ARB approval, replacement of double-hung windows with casement windows would.

4. **All additions of any size for buildings built before 1929. For buildings built in 1929 or later, either: (i) additions to existing buildings where the proposed addition increases the footprint of the existing building by 25% or more or results in a square footage or FAR increase of 50% or more; or (ii) additions of any size that either: (a) introduce new exterior features (including but not limited to, windows, doors, shutters, siding, garage doors and roofing) that are not of the same kind and style as the existing building; or (b) paint that is not the same color as the existing building.**
~~additions that increase the existing building footprint by 25% or more.~~

5. **Fences that are in the front yard (See Schematic Plan (1) or within the required minimum front yard setback (See Schematic Plan (2) and higher than thirty inches (30")).**

6. **Walls, including retaining walls that are in a front yard (See Schematic Plan (1) or within the required minimum front yard setback (See Schematic Plan (2) and are visible from a public street.**

7. Walls, including retaining walls that are over 30 inches (30") and that are within the required minimum side yard or rear yard setback.

8. **Applications for signage or awnings;**

9. **Applications for a property within the Restricted Retail RR Zone or commercial properties outside the RR Zone involving:**

(a) Construction, reconstruction or alteration of any building or structure that affects the **portion of the** exterior appearance of the building or other structure that is visible from any public street, **except applications involving only fences, retaining walls, steps, and /or sidewalks;**

(b) Construction, reconstruction or alteration of any deck or uncovered porch that affects the exterior appearance of the building or other structure, is visible from any public street and exceeds 25 square feet **(such size calculation shall include any steps);** or

(c) Construction, reconstruction or alteration of existing/new windows or security grills that affect the exterior appearance of the building or other structure and are visible from any public street.

(d) Painting using different colors than those that exist on the building, that affect the exterior appearance of the building or other structure and are visible from any public street.

4. B. Exceptions that apply in every zoning district except for the RR Zone, historic districts and historic designated structures– **Since it is the intent of the Board of Trustees to provide a process for routine maintenance or changes and upgrades to buildings that do not result in major, detrimental departures from the original construction and design of a structure,** applications that are excepted from ARB review include:

1. For buildings built after 1929, additions that do not increase the footprint of the existing building by 25% or more or result in a square footage or FAR increase of 50% and either: (i) are not visible from a public street; or (ii) do not introduce either: (a) new exterior features (including but not limited to, windows, doors, shutters, siding, garage doors and roofing) that are not of the same kind and style as the existing building; or (b) paint that is not the same color as the existing building.

2. Fences that are only in the rear yard or side yard setback, less than 48” and not fronting on a street. (Finish of the fence must face the adjoining property.)

3. Walls with Planning Board approvals. ~~under Planning Board Review.~~

4. **Walls that are less than 30 inches (30”) in height but not within the required minimum side yard or rear yard setback.**

~~**a. less than thirty inches (30”) in height and not in the side and rear yard setbacks; and**~~

~~**within a required minimum front yard, side yard or rear yard setback.**~~

5. Steps, and/or sidewalks

6. **Painting a building or structure the same colors**

7. Painting a building or structure and changing colors from the existing colors, provided that the colors are in the Benjamin Moore Historical Color Chart, and the Benjamin Moore White and Off-White Color Charts, as they may be updated from time to time, maintained in the Building Department, or an equivalent color palette that has only slight variations in color hues.

8. Adding storm widows to existing windows without making further changes.

9. Replacement in kind of structures or fences that obtained prior building permit with ARB approvals.

Section 4: The current Section 9-4 (B), (C), and (D) should be renumbered to 9-4 (C), (D) and (E).

Section 5: Supersession of other laws.

All laws, ordinances, rules and regulations of the Village are modified and superseded by this article with respect to their application to parking and enforcement.

Section 6: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 7: Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

Administrator Slingerland noted that the Village worked on this proposed law for some time. It took a lot of effort and involvement from our Building Department and members of the Architectural Review Board. Mayor Fixell and Trustee Butler spent a lot of time working on changes and edits to this proposed law to try to simplify the ARB process for the public. Some key changes was to define areas where people can have a fence without having to go to architectural review. Standards were also setup so people could paint their homes within a defined color palate without having to go for architectural review.

There were no other speakers.

Trustee Brown moved, seconded by Trustee Zollo, and unanimously carried, that the public hearing be closed.

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

Roll Call – Trustee Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Zollo, Yes, Trustee McGovern, yes, Trustee Rinaldi, Yes, Mayor Fixell, Yes.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve an amendment to the Village Code of the Village of Tarrytown, Chapter 9, entitled “Architectural Review Board” to amend the review of certain building permit applications by the Architectural Review Board (ARB); and

WHEREAS, the original draft of this proposed law to change the Village Code with regard to requirements set forth as to the ARB reviews was created and circulated in April, 2018, at which time the Mayor and Board of Trustees referred it to the Architectural Review Board for review and recommendation, after which the public hearings on the draft proposed law were continued in 2018 and 2019 with continued reviews and edits, and later the public hearing was continued for the proposed action on December 2, 2019, December 16, 2019, January 6, 2020, January 21, 2020, February 3, 2020, February 18, 2020, March 2, 2020, March 16, 2020, April 6, 2020, April 27, 2020 and May 4, 2020; and

WHEREAS, a notice of public hearing was published in the Journal News on January 10, 2020, February 29, 2020 and March 6, 2020; and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action and is therefore the Lead Agency for the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

In accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c) and based upon review of the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action will not have a significant adverse impact on the environment, and hereby adopts a Negative Declaration.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 4 of 2020.

CONTINUATION OF A PUBLIC HEARING – CHAPTER 305 ZONING – NEW ARTICLE FOR THE STATION AREA OVERLAY (SAO) ZONE

Administrator Slingerland noted that this proposed public hearing was planned to come back on the agenda on May 18, 2020, however, with all the impacts and time spent with the COVID-19 pandemic, staff hasn't had time to get to this.

Dolf Biel, 108 Main Street, noted that he really didn't have anything to say, but he felt it was perfect that the public hearing on the SAO was going to be continued until the July 20, 2020 Board meeting.

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

Roll Call – Trustee Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Zollo, Yes, Trustee McGovern, yes, Trustee Rinaldi, Yes, Mayor Fixell, Yes.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing on the draft proposed SAO law to the July 20, 2020 Regular Meeting of the Board of Trustees in order to take the necessary and appropriate actions to amend the proposed local law with staff and work with George M. Janes & Associates, for ongoing consideration and public discussion.

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

New York State Senator Andrea Stewart-Cousins noted that she is glad to be joining with everyone tonight. She hopes that everybody in our lives are doing well. This has been an incredibly difficult time for everyone and she knows in her life and probably in your lives you've already lost or know of people who have lost people to the COVID-19 virus. New York State is the epicenter of the COVID-19 virus in the country. As of today, we had 318,953 positive cases, Westchester has 30,000 and we have managed to test according to the Governor 100,000 people in Westchester. New York State has seen almost 20,000 deaths and we are still losing lives in the 200 range every day. The number of deaths are

declining, but at a very slow pace. On the state level, on March 2nd, the Senate returned back in session at 7:30 p.m., where they passed the first \$40 million for the corona virus and also gave the Governor some powers to be able to act and react as he thought was appropriate. On March 3rd, we had our first case in Westchester in New Rochelle. The Senate passed the budget a month later on April 2, 2020; it was a budget that they knew they had a deficit going in. In January, when the first budget presentation was made and we had budget hearings in February, we still thought they were on a normal track. And then everything blew up in March, due to COVID-19. By April 2, they had to really fight to keep education and Medicaid the same as last year. She was grateful that Senator Schumer led the fight to bring in some money for the state and local governments. She was also grateful to Senator Gillibrand and her congressional colleagues, which is the reason they were able to keep the funding flat rather than lose money. She was able to restore money for county police and so on. But the reality is that they know that unless there is going to be additional federal funding, they are not going to be able to dig themselves out of this hole. The last time she was with the municipal officials, there was concern on the bail reform and discovery. They were able to pass changes regarding discovery. They were able to put aside about \$40 million to help deal with discovery and was able to make changes to prolong the period of time the police have to file paperwork. You now have 20 days if the person is in custody and 35 days if the person is out of custody. Now the police will have more time to gather data if video is involved, body cam, 911 calls etc. Traffic tickets went back to the way it was. The Senate usually takes a two-week break after the adoption of the budget, but that didn't exist because of all the work that they are doing on the ground for the COVID-19 virus. As the senate leader, her life has been working for all the people of New York State, getting PPE where it needs to be, opening testing centers, there is now a walk-in site in New Rochelle. They are trying to keep up with testing centers in the communities that are of color and more dense. The amount of virus is really taking its toll and the testing isn't happening there. They are trying to keep up with testing where it is needed. They have their first hearing with the Assembly on Wednesday, May 13th, to take a look and see what the federal government's infusion has done, if anything, for small businesses in Westchester County. The Senate is working remotely and will come back in session if there is something important to do to help citizens with hardships from losing jobs or businesses etc. There are a lot of challenges that we are continuing to face. As we are the epicenter and most hard hit, everyone has been remarkable, as a state and as a county and all the different levels of government, all the people really have done tremendous work. She has a tremendous debt of gratitude to pay to our essential workers, our first responders and those people on the front line every day making sure that we get through this together. If there is something that we need to follow up on for the citizens of Tarrytown, we certainly will be happy to do so. They will do whatever people need us to do.

Administrator Slingerland thanked Senator Stewart-Cousins and appreciated her joining us tonight and giving us an update from the state.

Trustee Brown noted that next year the Village will probably get hit with a lot of tax certioraris because people will feel that their properties have been devalued. She asked Senator Stewart-Cousins that maybe this would be a good time to change the rules in favor of municipalities because we can't afford these certioraris anymore. Senator Stewart-Cousins noted that you always have strength in numbers. Whether it's the association of towns or NYCOM, it would have to be a collective effort and show how that can move forward. She feels that you should start having the conversation with larger organizations and come up with a plan. She will listen and if she can help, she will.

Anonymous caller asked what the definition of a tax certiorari is. Administrator Slingerland noted a tax certiorari is basically when you have a professional appraiser review the value of your house and then they file it with the town to reduce the total value, so it reduce your taxes. There's a whole set of laws at the state level about how these are managed. The question that Trustee Brown raised to the majority leader is if there are things we can do to prevent how these things change and how the refunds go that the municipalities would have to pay. The Village has a \$27 million budget, give or take. And this year, we're looking at close to \$750,000 in tax certiorari refunds. People should keep in mind that no matter how big or small it is, the pie is a pie. It's divided up into 2000 pieces. So if somebody shrinks their portion of the pie by getting it revalued, everybody

else is paying for it. It should be fair across the board. It's been a great benefit for us to be partnering with the Town of Greenburgh, since we abolished our tax assessment division here in the Village of Tarrytown, it's gone to the town. They have been maintaining their role, so it's a lot more fair and current. The Village tax rolls were approximately 60 years out of date.

SUMMARY BOND RESOLUTION, DATED MAY 4, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$3,633,370 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF TARRYTOWN, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF (I) THE ACQUISITION OF MOTOR VEHICLES, (II) THE ACQUISITION OF BALLISTICS EQUIPMENT, (III) THE ACQUISITION AND INSTALLATION OF COMMUNICATIONS EQUIPMENT, (IV) THE ACQUISITION OF STREET LIGHTS, (V) THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF PARKING IMPROVEMENTS, (VI) THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF VILLAGE STREETS, (VII) THE ACQUISITION OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE, (VIII) THE PAYMENT OF JUDGMENTS AND SETTLED CLAIMS TO BE PAID BY THE VILLAGE RESULTING FROM TAX CERTIORARI PROCEEDINGS BROUGHT PURSUANT TO ARTICLE 7 OF THE NEW YORK REAL PROPERTY TAX LAW, (IX) THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF BRIDGE IMPROVEMENTS, (X) THE ACQUISITION OF A GENERATOR SHAFT, AND (XI) THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF WATER IMPROVEMENTS, ALL IN AND FOR THE VILLAGE

Trustee Brown noted that the items that are listed in the bond resolution are not new purchases, they are items that were already in the budget. This bond will allow the village to have cash on hand due to the covid-19 pandemic.

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

Roll Call – Trustee Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Zollo, Yes, Trustee McGovern, yes, Trustee Rinaldi, Yes, Mayor Fixell, Yes.

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action, and is therefore the Lead Agency for the Proposed Action.

BE IT FURTHER RESOLVED, that in accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c) the Village Board of Trustees hereby determines that Proposed Action will not have a significant adverse impact and hereby adopts a Negative Declaration for the proposed action.

WHEREAS, the Board of Trustees of the Village of Tarrytown (the "Village"), located in the County of Westchester, in the State of New York (the "State"), hereby determines that it is in the public interest of the Village to authorize the financing of the costs of (i) the acquisition of motor vehicles (\$249,600), (ii) the acquisition of ballistics equipment (\$10,700), (iii) the acquisition and installation of communications equipment (\$433,500), (iv) the acquisition of street lights (\$77,400), (v) the acquisition, construction and reconstruction of parking improvements (\$484,500), (vi) the acquisition, construction and reconstruction of Village streets (\$494,970), (vii) the acquisition of machinery and apparatus for construction and maintenance (\$251,600), (viii) the payment of judgments and settled claims to be paid by the Village resulting from tax certiorari proceedings brought pursuant to Article 7 of the New York Real Property Tax Law (\$800,000), (ix) the acquisition, construction and reconstruction of bridge improvements (\$29,700), (x) the acquisition of a generator shaft (\$108,000), and (xi) the acquisition, construction and reconstruction of water improvements (\$693,400), all in and for the Village, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and

any preliminary and incidental costs related thereto, at a total cost not to exceed \$3,633,370, all in accordance with the Local Finance Law;

WHEREAS, the total amount of the payment of such judgments and settled claims resulting from tax certiorari proceedings is more than three (3%) per centum and less than five (5%) per centum of the real property tax levy of the Village levied for its municipal purposes in the year for which the payment is to be made.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Tarrytown, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$3,633,370, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to the bond resolution summarized herein (collectively, the "Project"), the respective estimated maximum cost of such specific object or purpose, or class of object or purpose, the principal amount of serial bonds authorized by the bond resolution summarized herein for such specific object or purpose, or class of object or purpose, and the period of probable usefulness of such specific object or purpose, or class of object or purpose, thereof pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition of motor vehicles for the Village, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$249,600, for which \$249,600 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition of ballistics equipment for the Village, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$10,700, for which \$10,700 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 86 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(c) The acquisition and installation of communications equipment, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$433,500, for which \$433,500 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of ten (10) years pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(d) The acquisition of street lights for the Village, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$77,400, for which \$77,400 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of ten (10) years pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(e) The acquisition, construction and reconstruction of parking improvements, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$484,500, for which \$484,500 principal amount of serial bonds, or bond

anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of ten (10) years pursuant to subdivision 20(f) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(f) The acquisition, construction and reconstruction of Village streets, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$494,970, for which \$494,970 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(g) The acquisition of machinery and apparatus for construction and maintenance for the Village, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$251,600, for which \$251,600 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(h) The financing of the payment of judgments and settled claims to be paid by the Village resulting from tax certiorari proceedings brought pursuant to Article 7 of the New York Real Property Tax Law, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$800,000, for which \$800,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of ten (10) years pursuant to subdivision 33-a(b) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(i) The acquisition, construction and reconstruction of bridge improvements, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$29,700, for which \$29,700 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of twenty (20) years pursuant to subdivision 10 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(j) The acquisition of a generator shaft for the Village, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$108,000, for which \$108,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of thirty (30) years pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(k) The acquisition, construction and reconstruction of water improvements, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at an estimated maximum

cost of \$693,500, for which \$693,500 principal amount of serial bonds, or bond anticipation notes issued in anticipation of such serial bonds, are authorized by the bond resolution summarized herein and appropriated therefore, having a period of probable usefulness of forty (40) years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$3,633,370; (b) except as provided in the records of the Village, no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized by the bond resolution summarized herein, or from the proceeds of bond anticipation notes issued in anticipation of such serial bonds; (d) the maturity of the obligations authorized by the bond resolution summarized herein may not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs of the Project, for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize capital financing of such item.

Section 4. Each of the serial bonds authorized by the bond resolution summarized herein and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to the bond resolution summarized herein as the same shall become due.

Section 5. A complete copy of the bond resolution summarized herein is available for public inspection or by contacting the Village Clerk during regular business hours at the Office of the Village Clerk, 1 Depot Plaza, Tarrytown, New York 10591, (914) 631-1652, for a period of twenty days from the date of this publication.

AUTHORIZING AN EMERGENCY SEWER REPAIR AT 2 SUMMIT STREET, ON A VILLAGE-OWNED PUBLIC SEWER

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

Roll Call – Trustee Butler, Yes, Trustee Brown, Yes, Trustee Hoyt, Yes, Trustee Zollo, Yes, Trustee McGovern, yes, Trustee Rinaldi, Yes, Mayor Fixell, Yes.

BE IT RESOLVED, that in the interests of the public health, safety and welfare, and based on the discovery of a damaged and collapsing Village sewer pipe, the Board of Trustees authorizes the Village Administrator to execute an agreement with Enecon North East of Farmingdale, New York, at the current estimated amount of \$87,500 to implement emergency sewer repairs and site restoration for a village-owned public sewer in the Village's Right-of-Way and village-owned sewer easement through the property 2 Summit Street, under the supervision of the Superintendent of Public Works.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 20, 2020

Trustee Rinaldi moved, seconded by Trustee Butler, 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 approve the minutes of the regular meeting of the Board of Trustees held on April 20, 2020 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE SPECIAL BUDGET MEETING OF THE BOARD OF TRUSTEES HELD ON APRIL 27, 2020

Trustee Zollo moved, seconded by Trustee McGovern, 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 approve the minutes of the Special Meeting of the Board of Trustees to adopt the Budget held on April 27, 2020 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 as amended: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 20 of Audited Vouchers in the total amount of \$842,018.63 to be paid in the following amounts:

General	\$ 129,016.48
Water	\$ 65,476.38
Sewer Fund	\$ 6,057.50
Capital	\$ 626,262.17
Library	\$ 3,312.85
Trust & Agency	\$ <u>11,893.25</u>
Total	\$ 842,018.63

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

Andrew Eifler, 158 Crest Drive, asked the Mayor and Board of Trustees if they can speak to the approach Tarrytown is going to use to either opening or keeping closed the playgrounds and pools in the summer, given the current pandemic. Mayor Fixell noted that at this time, we don't know. I believe we will primarily rely on the guidance and edict from the state and the county as we go forward. Right now, we are pretty much under state guidance on all of these things. Until the governor lifts various orders that are in place, we are not likely to make any moves to change things at this point. It looks like it's going to be difficult to impossible to have a summer camp program. But, we will see what happens over the next month and try and make a decision as best we can based on the information that we receive. At this point, we really don't know.

Trustee Brown asked Mr. Eifler what he would want the Village to do, open pool and camp or keep them closed. Mr. Eifler noted that he personally would err on the side of caution, even if the playgrounds and pools were open, it would take a lot of evidence that the transmission rate has declined in Westchester and the Village of Tarrytown for him to let his children go to camp or to the pool or playground. He is aware that other folks are not as conservative as he is. If other people in the community are doing this, it puts a greater risk as well. That's why he was looking to understand the approach the town was taking.

Mayor Fixell noted that it is very difficult at this juncture to know what rules we will be operating under and how much discretion we would even have. Basically, it is in the Governor's hands right now. Virtually, all the rules that we're operating under have been dictated by the governor in emergency orders. The Village of Tarrytown added a few things in our parks to make them a little bit stricter than the official rules of the state. It seems very difficult to imagine how we could safely open any of these sort of gathering places until there is massive testing, treatments

and/or the assurance that new cases are not out there. We are still seeing new cases on a regular basis. It's a real problem.

ADJOURNMENT TO EXECUTIVE SESSION

On the motion of Trustee Hoyt, seconded by Trustee Butler, the meeting was adjourned to Executive Session to discuss the Fire Department's elections at approximately 8:53 p.m. by vote of seven in favor, none opposed.

ADJOURNMENT

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

Carol A. Booth
Village Clerk