

Board of Trustees
Village of Tarrytown
Regular Meeting No. 19
August 19, 2019
8:00 p.m.

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

ABSENT: Mayor Fixell and Trustee Zollo

The meeting began with the Pledge to the Flag.

REPORTS

Deputy Mayor Butler noted that there will be a Household Recycling Fall Drop-Off Day on Saturday, September 28th at FDR State Park, Route 202 in Yorktown, from 9 a.m. – 3 p.m. A flyer will be on the website with information as to what items are acceptable and not acceptable to recycle.

Trustee Rinaldi noted that the Tarrytown Fire Department Parade was really fun. Unfortunately, it was on a day when so many people were away, so it was not well attended. It was very impressive that our Tarrytown Fire Department hosted the parade that included 13 other fire departments within the County. There was festivities after the parade that was a lot of fun. The Fire Department did a great job.

Trustee McGovern noted the following:

- The Tarrytown Village-Wide Tag Sale will take place on Saturday, September 21st from 10 a.m. to 5 p.m., with a rain date of Sunday, September 22nd. The deadline to have your address on the map is Tuesday, September 17th. You can either call the Tarrytown Recreation Department at 914-631-8389 or email your address to ttrec@aol.com.
- The last scheduled summer concert is this Thursday, August 22nd at 7 p.m., presenting the music group, Losing our Faculties. The band members are teachers from our local Tarrytown Schools.

Trustee Hoyt noted that there will be a Historic Hudson River flyover on Thursday, August 22nd where Air Force Thunderbirds join Navy Blue Angels and Royal Air Force Red Arrows, with a formation of F-35A Lightning IIs during an aerial parade over the Hudson River at approximately 9:30 a.m. on August 22nd. Viewers can expect to see multiple iconic aircraft formations flying by the Manhattan skyline in a sequenced display of teamwork and airmanship. We will be able to view the Historic Aerial Parade over the Hudson River by the Mario Cuomo Bridge. This should be a spectacular show and Trustee Hoyt thanked all the men and women in the military for their great work and service to our country.

Trustee Brown noted that in September, the Board of Trustees will be going back to (2) board meetings a month; 1st and 3rd Monday of each month. The next Board of Trustees Work Session will be on Wednesday, August 28th and the next Board meeting will be on Tuesday, September 3rd, the day after Labor Day.

ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- Update on the 21 Wildey Street affordable apartments, which was the site of the former Village Hall property. There was a lot of interest in the community on having the 12 affordable housing units located at 21 Wildey Street. The Housing Action Council was selected and worked with Westchester County to get all of the certifications; they administered the whole process. They received 800 applications for 12 apartments. One of the things that National Resources and the Housing Action Council was waiting on from the Village was closing out the certificate of

- occupancy. That was either issued today or will be in the next day or so. They are now planning a walk-through of the building. The Village does not have a date when that will take place. The lottery is in process and hopefully within a month or two, people will begin moving into the building.
- Because of an inspection by the New York State DOT, the H-Bridge is in need of an emergency repair. The Bridge is safe, it's drivable and no reason to close it at this time, but there is a crack in one of the beams underneath on the structure. The Village will declare it an emergency and get the repairs done. This process could take from 4 to 8 weeks for the repair work to be complete. The H-Bridge does not have to be closed during the repair work.
 - The Village is cooperating and will be working with Phelps Hospital to hold a Mass Casualty Emergency Workshop. It will take place on Thursday, September 19th, between 5 and 8 p.m. at the Pierson Park RiverWalk. It will be a cooperative effort with the Police, Fire, Ambulance, DPW and Parks Departments to go over logistics on how to transport people to the hospital and how to triage people with different injuries. The Village will be alerting the commuters and members of the fitness center who may be impacted by the use of the commuter and recreation parking lots.
 - On Thursday, September 26th, the Village will host a Sustainability Forum with the Nature Conservancy to discuss the most effective solutions to the environment's most pressing challenges with neighboring Villages at the Senior Center from 8:30 a.m. to 4:30 p.m. The Village will notify the commuters and members of the fitness center who may be impacted by the use of the commuter and recreation parking lots.
 - The Village Pool is near the end of the season. The pool will be open until Labor Day and also the weekend after Labor Day. The pool membership was over 1,200 members. It was a very successful season, residents had a great time at the pool. He thanked Joe Arduino, Anthony Ross and Mike Wisniewski and all Recreation and pool staff who kept everything running at top notch. Deputy Mayor Butler noted that the Board would also like to say thank you for a job well done.

PUBLIC HEARING – REZONING OF LOT 37, SOUTH DEPOT PLAZA (continued)

Trustee Hoyt moved, and Trustee McGovern seconded, and unanimously carried (5-0-2), that the hearing be opened.

Linda Whitehead, partner with McCullough, Goldberger & Staudt, representing the petitioner, Tarrytown Self Storage II, LLC, the owners at 27 South Depot Plaza, commonly referred to as Lot 37 noted that Lot 37 is a small lot (.2 acres) with a small empty warehouse on it. Lot 38, across the street is also owned by her client and there is Lot 39, owned by a recycling facility. Lot 37 is currently zoned as WD (Waterfront District), the other lots are zoned ID (Industrial District). Lot 37 is located on the east side of the train tracks and is not located on the waterfront and is the only non-MTA parcel that is still zoned WD. She believes this could have been left zoned as WD in error. In fact, the current warehouse building is not permitted under the WD zoning, but has been there for some time. Ms. Whitehead is proposing to rezone it to ID to match the other lots on South Depot Plaza. There is no practical use for this lot under the WD zoning. Our client has a proposal for a mixed use development on Lot 38, directly adjacent to this lot and the hopes is to attract a brewery/restaurant use for Lot 37 as an adaptive re-use of the existing building. Plans are being discussed, but we cannot move forward until we know it is a permitted use. A restaurant/bar facility is a permitted use in the ID district. The Board of Trustees referred this application to the Planning Board and the Planning Board has referred it back to the Board of Trustees in favor of the rezoning request. The only concern the Planning Board had is that Lot 37 would not be another self-storage facility. Their client agreed to include this as a deed restriction that they will not be putting a self-storage facility on this property.

Trustee McGovern noted that she is concerned about the proposed micro-brewery/restaurant because of the close vicinity to Franklin Towers and Franklin Court.

Trustee McGovern noted that she is not sure it is the best use for that property considering the residents that live so close by.

Ms. Whitehead noted that they will have to come before the Planning Board for a site plan approval for that use and we will be sure that the site plan will be sensitive and direct the activity away from the residential property next door. The brewery/restaurant is the type of use that the Village's Comprehensive Plan encourages in this location.

Trustee McGovern moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby continue the public hearing to Monday, September 16, 2019 on the Village of Tarrytown Zoning Code amendment, Chapter 305, to rezone Lot 37 South Depot Plaza from Waterfront District to Industrial District in order to allow the owner's craft brewery pub proposal.

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.

FIRE DEPARTMENT MEMBERSHIP CHANGES

Trustee Hoyt moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

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 July 16, 2019 Board of Fire Wardens meeting: Members: Nicholas Morabito and Todd Goodman have been approved as members of Marine 5. Nigel Giddens's membership status at Hope Hose Company changed to associate.

GO ORANGE DAY FOR HUNGER ACTION MONTH TO SUPPORT FEEDING WESTCHESTER

Trustee McGovern moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

WHEREAS, Go Orange Day for Hunger Action Month supports Feeding Westchester, which helps food pantries across our region; and

WHEREAS, this annual, month-long (September) campaign focuses attention on the reality of food insecurity in the United States and promotes ways for individuals across the U.S. to get involved in the movement to help end hunger; and

WHEREAS, the 2019 campaign theme for the Go Orange for Hunger Action Month 2019 is "We can end hunger – one helping at a time."

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby support "Go Orange for Hunger Action Month" and declares September 12, 2019 as Hunger Action Day in the Village of Tarrytown, where the Village will participate with efforts to Go Orange to help raise awareness about hunger and encourage individuals to get involved in helping to feed their neighbors.

SURPLUS EQUIPMENT - EMERGENCY GENERATOR AND SECOND ASSISTANT FIRE CHIEF'S VEHICLE

Trustee McGovern moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare the old emergency generator at the water pump station, which has greatly exceeded its useful life and which has already been replaced, as surplus, for sale or disposal as scrap; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare the following as surplus:

- 2007 Chevrolet Tahoe, Second Assistant Fire Chief's vehicle, No. 2463, VIN: 4279; Odometer Reading: 109,579 Actual Mileage.

WARNER LIBRARY AGREEMENT – TARRYTOWN AND SLEEPY HOLLOW

Trustee Hoyt moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the Mayor to execute the Warner Library Agreement between the Village of Tarrytown and the Village of Sleepy Hollow for the five-year period from June 1, 2019 to May 31, 2024, with considerations to accommodate population changes that may arise in the 2020 Census, which agreement shall govern the annual contributions by the Villages to the operation of the Warner Library.

AMENDMENT TO THE MASTER FEE SCHEDULE – PEDDLERS/VENDORS

Trustee McGovern moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

BE IT RESOLVED that the Master Fee schedule for the Village of Tarrytown does hereby amend the Peddlers/Vendors fees as follows:

\$125/annual	1 – 5 people
\$250/annual	6 – 10 people
\$375/annual	11 – 15 people
\$500/annual	16 – 20 people

\$35 / day per person for special events

VEHICLE AND TRAFFIC AMENDMENT – SECTION 291-6 SCHEDULE II: SPEED LIMITS

Trustee McGovern moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

BE IT RESOLVED that the maximum speed at which vehicles may proceed on or along any streets or highways within the Village has been established at 30 miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule II §291-67 shall be as indicated in said schedule.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the following streets and their designated speed limits. The following addition should be made to Schedule II § 291-67 (new language in **bold** print):

<u>Name of Street</u>	<u>Speed Limit (mph)</u>	<u>Location</u>
Prospect Avenue	25	Entire Length

VEHICLE AND TRAFFIC AMENDMENT – SECTION 291-77 SCHEDULE XII: PARKING PROHIBITED AT ALL TIMES)

Trustee Brown moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the following Vehicle and Traffic amendment to prohibit vehicles to park at the entrance of the footbridge on Riverview Avenue.

Section 291-77 of the Village Code (Schedule XII: Parking Prohibited at All Times) describes the name and location of streets and their designated parking restrictions. The following addition should be made to Section 291-77 (new language in **bold print**).

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Riverview Avenue	West	From the pedestrian footbridge in a southerly direction for a distance of 25 feet and from the west curb in an easterly direction for a distance of 9 feet.

AUTHORIZING THE VILLAGE OF TARRYTOWN TO ACT AS THE GRANT FUNDING RECIPIENT AND TRANSFEROR ACCEPTING A GRANT FROM THE WESTCHESTER COMMUNITY FOUNDATION AND PROCESSING THE PAYMENT TO THE RIVERTOWNS VILLAGE GREEN

Trustee Brown moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby authorize the Village of Tarrytown to act as the grant funding recipient and transferor accepting a grant from the Westchester Community Foundation to process the payment to the Rivertowns Village Green and disburse them to the Rivertowns Village Green in accordance with the terms of the grant. There will be no Village of Tarrytown funds nor other financial obligation will be expended through this financial partnership; and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby authorizes the Village Administrator to take the necessary and appropriate actions, including to sign the agreement to the satisfaction of the Village Attorney, and authorizes the Village Treasurer to accept these funds from the Westchester Community Foundation and disburse them to the Rivertowns Village Green.

GRANT CONTRACT AUTHORIZATION – NYS DEC HUDSON RIVER ESTUARY PROGRAM

Trustee McGovern moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby accept the NYS DEC Hudson River Estuary grant of \$271,000 for the Tarrytown Losee Park Shoreline Stabilization and Education project under the 2019 NYS DEC Hudson River Estuary Program, with the elimination of the docks considered under the application, to continue work on the shoreline stabilization efforts and also include landscaping and interpretive/educational signage; and

BE IT FURTHER RESOLVED that the Board of Trustees does hereby authorize the Village of Tarrytown to enter into an agreement with State DEC and directs the Village Administrator to sign such agreement.

AWARD OF ALTERNATE BID – LOSEE PARK SHORELINE STABILIZATION PROJECT

Trustee Hoyt moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

WHEREAS, on April 1, 2019, the Village awarded a bid to R. Pagni & Sons, Inc. for the Losee Park Shoreline Restoration Project to do the shoreline improvements at Losee Park, and

WHEREAS, on March 18, 2019, the Village authorized submission of a new application to the NYS DEC for the kayak ramp as part of the estuary program; and

WHEREAS, on June 28, 2019, the Village was selected to receive a grant in the amount of \$271,000 for the Tarrytown Losee Park Shoreline Stabilization, Kayak Launch and Education project; and

WHEREAS, on August 19, 2019, the Village accepted the grant of \$271,000 for the Tarrytown Losee Park Shoreline Stabilization, Kayak Launch and Education project under the 2019 NYS DEC Hudson River Estuary Program; and

WHEREAS, on March 19, 2019, the Village received two bids through a publicly advertised and bid project, which included Alternate Options, as follows:

<u>Company</u>	<u>Alternate Options</u>
- R. Pugni & Sons, Inc.	\$478,601
- Legacy Supply, LLC	\$802,100

WHEREAS, upon review, it is the staff's recommendation to award the Add Alternate portion of the previously awarded base contract to R. Pugni and Sons to continue work on the shoreline stabilization efforts, with a separate process and contract for the landscaping and interpretive/educational signage; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the Alternate Bid for the Losee Park Shoreline Restoration project to the lowest responsible bidder, R. Pugni & Sons, Inc. of Katonah, New York, per their alternate bid of \$478,601, based on unit prices; and

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

CEDAR HILLS LANDSCAPING PROPOSAL – NATURAL LANDSCAPING FOR RIVERWALK

Trustee Rinaldi moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

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 Cedar Hills Landscaping Inc. of Katonah, NY, for weed removal remediation along the RiverWalk per their revised proposal of \$15,616.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON JULY 15, 2019

Trustee McGovern moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

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 July 15, 2019 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee Rinaldi moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 5-0-2

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 3, which includes the August 5, 2019 and the August 19, 2019, Audited Vouchers in the total amount of \$2,543,999.98, to be paid in the following amounts:

General	\$ 1,631,980.25
Water	\$ 352,158.58
Sewer Fund	\$ 0.00
Capital	\$ 484,865.65
Library	\$ 55,826.51
Trust & Agency	\$ <u>19,168.99</u>
Total	\$ 2,543,999.98

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.

There were no speakers.

LABOR DAY

Deputy Mayor and the Board of Trustees wished everyone a safe and enjoyable Labor Day.

ADJOURNMENT TO EXECUTIVE SESSION

On the motion of Trustee Hoyt, seconded by Trustee McGovern, the meeting was adjourned to Executive Session to discuss personnel matters approximately 8:36 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 9:05 p.m.

Carol A. Booth
Village Clerk