

**VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
WORK SESSION 6:15 P.M.
WEDNESDAY, SEPTEMBER 26, 2018
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York**

Board of Trustees Concerns (with updates from 9/12 Work Session)

Open Session

1. Amendment to Village Code – Vehicles and Traffic
2. Water Restrictions Local Law
3. Investment Policy
4. Fund Balance Policy
5. Audit Presentation Scheduled for 10/1/18 Board Meeting
6. Halloween Parade – Beer and Wine Permission; 5:30 p.m. Start
7. Pilgrim Run Street Closures

Executive Session

- A. Appointment Recreation Leader
- B. Discussion – Deed Restrictions on Waterfront Land
- C. Personnel

Kathy Deufemia

From: Carol Booth
Sent: Tuesday, September 11, 2018 3:14 PM
To: Richard Slingerland; Kathy Deufemia
Subject: FW: Color Parking Permit
Attachments: White St - Linden Pl.doc

Please see attached V & T amendment. Can we put this on for the September 26th work session. This amendment should have been included in the Village Code back in the 1990's, so this is to just clean up and correct code. Thank you.

Best Regards,

Carol A. Booth
Village Clerk
Village of Tarrytown
One Depot Plaza
Tarrytown, New York 10591
914-631-1652
fax: 914-631-8770
cbooth@tarrytowngov.com

From: John Barbelet
Sent: Tuesday, September 11, 2018 2:19 PM
To: Carol Booth
Subject: FW: Color Parking Permit

These two streets need to be added to the Village Code. They are already in the NYS Vehicle and Traffic Law as they were approved by the State.

Chief John Barbelet
Tarrytown Police Department
One Depot Plaza
Tarrytown, NY 10591
914-631-5544
jbarbelet@tarrytowngov.com

From: Gregory Budnar
Sent: Tuesday, September 11, 2018 1:48 PM
To: John Barbelet <jbarbelet@tarrytowngov.com>
Subject: Color Parking Permit

Chief,

Please see the attached memo. This change is already in the NYS VTL however (2) locations were never put into the village code. If you agree with the memo can you please forward same to Carol Booth. Thank you.

Respectfully,

TARRYTOWN POLICE DEPARTMENT
OFFICE MEMORANDUM

DATE: September 11, 2018
FROM: Lt. Budnar
TO: Chief Barbelet
CC: Lt. Daly
RE: Village Code Addition - Chapter 291(Vehicles and Traffic), specifically section (291-52 Areas reserved for parking permit holders)

Section 291-52 of the Village Code addresses the specific areas reserved for parking permit holders. Currently the code does not reflect (2) street locations that on street permit parking has been permitted by the Village of Tarrytown and authorized by the New York State Vehicle and Traffic Law (Section 1640-f). The following amendment should be made to section 291-52 D of the code; (New language in bold underlined font)

§ 291-52. Areas reserved for parking permit holders. The following off-street parking areas shall be reserved exclusively for holders of parking permits issued under §§ 291-45 through 291-51 of this article. It shall be unlawful for any person to park any vehicle in such areas unless such person is the holder of a valid parking permit for such vehicle.

D. Northwest Boundary Parking District. The following is a streetby-street list of restrictions for this district effective Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m.: [Added 1-18-2000 by L.L. No. 1-2000]

(10) White Street.

(a) West Side: permit parking entire length; except for a distance of 30 feet in a southerly direction from Main Street, which shall be unrestricted.

(11) Linden Place

(a) West Side: permit parking entire length; except for a distance of 20 feet in a southerly direction from Central Avenue, which shall be unrestricted.

The reason for this change is to update the Village Code to mirror the NYS Vehicle and Traffic Law which permits on street parking at the above locations.

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LOCAL LAW _____ - 2018

A Local Law to amend the Tarrytown Village Code Chapter 297, entitled "Water" to amend the sections regarding water meters and water rents, to update the section on remote-readable water meters, to add a new section on tampering or vandalism, and to add provisions in Article II regarding Water Conservation so that water restrictions can be imposed during water supply emergencies, based on planned shut-downs by the NYC DEP.

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 297-6. Entitled "Water Meters" is amended to read as follows:

Chapter 297. Water

§ 297-6. Water meters.

A. Water meters of a type approved by the Board of Trustees shall be installed in all buildings (other than an accessory building) regardless of type, character or use.

B. ~~Water meters for the purpose of such installation shall be provided and installed by the owner of the premises.~~ **Water meters shall be furnished and installed by the Village and shall remain the property of the Village.**

C. ~~Meters shall be maintained and kept in repair by the owner, who shall replace worn, obsolete, inefficient or deficient meters.~~ **The annual rental for meters shall be payable at the time that the water bills and water rents are due and shall be made a part of such bill.**

D. The submetering of water by consumers is prohibited.

Note: Sections 297-6 E. and F. regarding upgrading of water meters are deleted in their entirety, since the upgrading of water meters to remote-read meters took place approximately ten (10) years ago, and are replaced with new sections E. and F. to be enacted to read as follows:

~~E. Upgrade of preexisting water meters in nonresidential structures.~~

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~~(1) Any preexisting meters that do not embody remote meter reading capabilities shall be upgraded so as to comply with the current requirements of the remote meter reading system currently utilized for residential structures in the Village of Tarrytown. Said upgrade must be undertaken within 60 days following the service of notice by certified mail to install said meter with remote meter reading capabilities.~~

~~(2) The cost to install a meter with remote meter reading capabilities in a nonresidential structure shall be borne by the owner of the structure.~~

~~(3) The Village Engineer or his/her designee shall develop a manual which shall provide information regarding the specific types of water meters which shall be required by the Village of Tarrytown.~~

~~(4) If after the sixty-day period noted above the property owner fails to install a meter with remote meter reading capabilities as required herein, the Village will, for a period not to exceed 180 days, continue to manually read the existing meter; however, the property owner will be charged the cost to manually read the meter and this charge will be added to the property's water bill. If the additional charge is not paid within 30 days from the date due on said bill, any outstanding balance will be added to the property's next tax bill.~~

~~(5) In addition to the penalties provided for in Chapter 1, Article II, the service of water to any premises may be discontinued by the water supplier if the upgraded water meters required by this article and regulations adopted pursuant thereto are not installed, tested and maintained; if any defect is found in an upgraded water meter; or if it is found that an upgraded water meter has been removed or bypassed. Discontinued water service resulting from this section will not be restored until such condition or defects are corrected.~~

~~F. Upgrade of water meters.~~

~~(1) All water meters shall be upgraded so as to comply with the current requirements of the remote meter reading system. Property owners must allow access to their property upon ten-day notice by certified mail. If the owner is not available to provide access on the noticed day and time, the owner must provide a date and time within a five-day period after the noticed date when access to the property will be available for the installation.~~

~~(2) If a property owner does not provide access for the installation of said new water meters, the Village will impose a penalty of \$100 for each month or part thereof that the property owner does not provide access. If the owner does not pay the penalties imposed, the amount of the penalties shall be added to the property's next tax bill.~~

~~(3) The service of water may be discontinued if an upgraded water meter required by this article is not installed or if it is found that an upgraded water meter has been removed, tampered with or bypassed. Discontinued water service resulting from this section will not be restored until such condition is corrected.~~

New Sections E. and F.

E. Remote-readable water meters – All water meters shall be able to be read remotely by Water Department personnel from outside of and off of the subject property on which they are located.

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F. Vandalism or misuse of water meters – In the event of tampering, negligence, reckless or intentional damage or modification of the water meter by the property owner or his or her agent, causing damage to the water meter or causing the water meter to become faulty or not work properly, it shall be the property owner's responsibility to pay for the cost of repairing or replacing the water meter, plus a fine subject to the provisions of chapter 297-17 of this chapter.

Section 3. Chapter 297, Article II. Water Conservation, Sections 18 through 21 are amended to read as follows:

Article II. Water Conservation

§ 297-18. Legislative intent.

The intent of this article is to restrict the wasteful, inefficient or nonessential use of water during periods of drought, **or during periods of restricted water consumption as determined by the New York City Department of Environmental Protection (NYC DEP) as the Village's water supplier** to establish penalties for violations and to provide for enforcement of water conservation measures in the Village of Tarrytown for the protection of the health, safety and welfare of the people of the village. **This section is being expanded to include water restrictions, based on reduced water availability, due to shut-down plans by the NYC DEP on short-term and long-term bases to perform mandatory maintenance on the water supply infrastructure.**

§ 297-19. Restrictions on water consumption.

A. The Board of Trustees may, by resolution, establish a Phase I, Phase II or Phase III drought emergency **or other water restriction emergency due to limited water supply** in the Village of Tarrytown. The drought emergency **or water restriction emergency** and the restrictions shall remain in effect until the Board of Trustees rescinds, by resolution, the Phase I, Phase II or Phase III drought or water restriction emergency.

B. Phase I, drought emergency or **water restriction emergency**. The following restrictions shall apply 24 hours after such a Phase I drought emergency resolution is passed by the Board of Trustees:

- (1)** Use of fire hydrants for any purpose other than fire protection is prohibited.
 - (2)** Serving water to patrons in restaurants or eating establishments is prohibited unless specifically requested by the customer.
 - (3)** All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 15%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.
 - (4)** Ornamental or display use of water, whether or not such water is recycled, is prohibited.
 - (5)** Use of hoses for street, driveway, sidewalk and/or vehicle washing is prohibited.
- "Vehicles" shall include but not be limited to automobiles, trucks and boats. Vehicles may be washed with a bucket.

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(6) Watering of lawns and gardens is restricted to the hours of 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m. Odd/even distribution will be used: odd days for odd-numbered addresses; even days for even-numbered addresses, no address number on odd days.

(7) There will be no restrictions on hand-held containers to water vegetables and fruits for human consumption. Nurseries and other commercial plant users or sellers have no restrictions on water used, provided that they submit water conservation plans for a fifteen-percent reduction.

(8) Use of water to clean building exteriors is prohibited.

(9) Leaks in house water connections shall be repaired within 48 hours.

(10) Water meters must be installed on all water-cooled air-conditioning units.

(11) Swimming pools shall not be filled more than once per year; make up water as necessary. All swimming pools must be equipped with a recirculating filter.

C. Phase II, severe drought **or severe water restriction emergency**. The following restrictions shall apply 24 hours after such a Phase II drought emergency resolution is passed by the Board of Trustees:

(1) No private swimming pools shall be filled or spillage replenished.

(2) Municipal or public-type pools fall under Phase I restrictions.

(3) Lawns and gardens shall not be watered, except that water may be used to irrigate, from hand-held containers only, vegetables or fruits grown for human consumption.

(4) All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 20%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.

D. Phase III, extreme drought **or extreme water restriction emergency**. The following restrictions shall apply 24 hours after such a Phase III drought emergency resolution is passed by the Board of Trustees:

(1) Water restrictors shall be installed in all shower heads.

(2) Water-cooled air conditioners shall be shut off for a two-hour period, either from 8:00 a.m. to 10:00 a.m. or 4:00 p.m. to 6:00 p.m. This should be posted in lobby areas. The average room temperature shall not fall below 78° F.

(3) All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 25%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.

§ 297-20. Penalties for offenses.

A. Any violation of any restrictions in this article shall be an offense punishable by a fine not to exceed ~~\$25~~ **\$50** for the first offense, not to exceed ~~\$100~~ **\$250** for the second offense and not to exceed \$500 for the third and every subsequent offense or, alternatively, by a maximum of 15 days' imprisonment for each offense after the second offense.

B. Any person violating any restrictions imposed under § **297-19D** hereinabove and who has been convicted of at least two other offenses of this article shall be subject to a fine not to exceed \$1,500.

C. Each day that such a violation continues shall constitute a separate offense for which a fine or imprisonment may be imposed.

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§ 297-21. When effective.

This article shall take effect immediately, and its provisions shall be enforced at all times during the existence of a drought, severe drought or extreme drought, or water restriction event, severe water restriction event, or extreme water restriction event in the Village of Tarrytown, as declared by the Board of Trustees.

Section 4. 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 5: 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.

Chapter 297. Water

[HISTORY: Adopted by the Board of Trustees of the Village of Tarrytown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 97.

Flood damage prevention — See Ch. 169.

Lakes and waterways — See Ch. 201.

Plumbers — See Ch. 229.

Sewers — See Ch. 243.

Streets and sidewalks — See Ch. 259.

Subdivision of land — See Ch. 263.

Article I. General Regulations

[Adopted 2-26-1959 as Ord. 9.1 of the 1959 Unified Code of Ordinances]

§ 297-1. Definitions.

For the purpose of interpreting and applying the terms of this article, the following definitions will be observed:

BUILDING

Includes any structure or enclosure to which water is supplied, whether attached to realty or not.

LICENSED PLUMBER

A master plumber licensed under the provisions of Chapter 229, Plumbers.

PREMISES

Includes all places to which water is supplied, whether the same are occupied or vacant.

WATER DEPARTMENT

The Superintendent of the Water Department or any person duly designated to act on his behalf.

§ 297-2. Applications for permits for water supply; fees.

A.

Applications for permits for water supply and for replacements or modifications of existing installations shall be made to the village, upon forms to be provided by the village, by a licensed plumber thereunto duly authorized by the owner.

B.

No permit shall be granted for the installation, replacement or modification of water supply until the fee for tapping mains and all other authorized charges have been paid.

§ 297-3. Access to premises.

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Free and full access to all parts of any premises supplied with water by the village or to which village water is believed to be supplied shall be granted at all reasonable hours to the Water Department.

§ 297-4. Installation and maintenance of privately maintained water service lines.

The installation and maintenance of all privately maintained water service lines shall be in conformity with the following regulations:

A.

No private service line from a village water main shall be installed, altered or replaced until the same has been approved by the Water Department.

B.

No opening shall be made in any village street, except in full compliance with Chapter 259, Streets and Sidewalks, Article I, and the payment of the fees and the posting of the indemnity therein specified.

C.

All taps of water mains of two inches or less shall be made by the Water Department. All taps in excess of two inches shall be made by a licensed plumber under the supervision and subject to the approval of the Water Department, and no connection shall be made without such approval. Notification to the Water Department accompanied by a tap receipt 24 hours in advance of the making of such tap is required.

D.

All private service lines shall be installed, maintained, altered or replaced with copper water tube Type K where service line does not exceed two inches in diameter and with galvanized wrought iron, brass or cast-iron pipe where service line exceeds two inches in diameter, laid not less than four feet below the established grade of the street. Where it is impractical to meet the depth requirement by ordinary conditions, the Water Department may, upon application therefor, grant a permit for some other method of installation.

E.

The Water Department shall designate the point at which the water main is to be tapped and also the position of the service pipe sweep at the tap, except as set forth in Subsection K, for all taps, which shall be at least four feet square and not less than six inches below the main.

[Amended 11-15-1982 by L.L. No. 12-1982]

F.

No new tap shall be made to a water main to connect with a service line which is intended to replace an existing service line unless the existing service line is properly disconnected at its tap to the water main. The expense of such disconnection shall be borne by the applicant.

G.

Where a service line is abandoned, the service line must be shut off at the tap and disconnected at the expense of the owner.

H.

There shall be a separate and distinct tap for the service of each building (other than an accessory building) or premises supplied with water, and no water supply service line shall be connected to any other building or premises. The siamesing of services is prohibited. Where there are separate stores

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or places of business in one building, separate and distinct taps shall be provided for each such store or place of business. No private water system shall be interconnected with the village water system.

I.

All service lines from the street main to and including the meter in the building or on the premises shall be provided, installed, maintained and repaired by and at the expense of the owner, except as set forth in Subsection K hereof.

[Amended 11-15-1982 by L.L. No. 12-1982]

J.

All outside service lines, building service pipes, outlets and fixtures shall be maintained in good order and repair, protected from frost, leaks and breaks, and must be promptly repaired, if not in good order, to prevent waste of water. If an owner fails to observe these requirements, the Water Department may shut off the water supply and the cost thereof against the real property affected, to be collected as part of the water rent.

K.

Notwithstanding anything to the contrary contained in this section, the village shall be responsible for and shall make all necessary excavations, taps and repairs from and between the water main and the shutoff valve at the curb, including the shutoff valve. In the event of a leak in a water connection between the shutoff valve at the curb and the water meter, the village shall notify the occupant, in writing, of the leak on his property, and, if the occupant or owner of the property has not corrected the leak within five business days of the delivery of such notice, the village may shut off the water to or on the premises until the leak has been corrected, unless the property owner or occupant, within such five-day period, delivers to the village written authorization to correct the leak at the owner's or occupant's expense. If the village corrects such leak, the cost thereof shall be charged to the water bill of the owner or occupant, as the case may be.

[Added 11-15-1982 by L.L. No. 12-1982; amended 11-5-1990 by L.L. No. 19-1990; 9-8-1992 by L.L. No. 12-1992]

§ 297-5. Charges for tapping mains; standards for taps.

A.

The charges for tapping water mains shall be as adopted by resolution of the Board of Trustees.⁽¹⁾

[Amended 5-6-1991 by L.L. No. 5-1991]

[1]

Editor's Note: Such charges are on file and available for inspection in the office of the Village Clerk during regular office hours.

B.

No tap to a four-inch and a six-inch main shall be larger than 1 1/2 inches. A two-inch tap can only be made to a main which is at least eight inches in diameter. If two separate buildings are to be serviced, the charge shall be as separate taps.

§ 297-6. Water meters.

[Amended 6-18-2007 by L.L. No. 3-2007]

A.

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Water meters of a type approved by the Board of Trustees shall be installed in all buildings (other than an accessory building) regardless of type, character or use.

B.

Water meters for the purpose of such installation shall be provided and installed by the owner of the premises.

C.

Meters shall be maintained and kept in repair by the owner, who shall replace worn, obsolete, inefficient or deficient meters.

D.

The submetering of water by consumers is prohibited.

E.

Upgrade of preexisting water meters in nonresidential structures.

(1)

Any preexisting meters that do not embody remote meter reading capabilities shall be upgraded so as to comply with the current requirements of the remote meter reading system currently utilized for residential structures in the Village of Tarrytown. Said upgrade must be undertaken within 60 days following the service of notice by certified mail to install said meter with remote meter reading capabilities.

(2)

The cost to install a meter with remote meter reading capabilities in a nonresidential structure shall be borne by the owner of the structure.

(3)

The Village Engineer or his/her designee shall develop a manual which shall provide information regarding the specific types of water meters which shall be required by the Village of Tarrytown.

(4)

If after the sixty-day period noted above the property owner fails to install a meter with remote meter reading capabilities as required herein, the Village will, for a period not to exceed 180 days, continue to manually read the existing meter; however, the property owner will be charged the cost to manually read the meter and this charge will be added to the property's water bill. If the additional charge is not paid within 30 days from the date due on said bill, any outstanding balance will be added to the property's next tax bill.

(5)

In addition to the penalties provided for in Chapter 1, Article II, the service of water to any premises may be discontinued by the water supplier if the upgraded water meters required by this article and regulations adopted pursuant thereto are not installed, tested and maintained; if any defect is found in an upgraded water meter; or if it is found that an upgraded water meter has been removed or bypassed. Discontinued water service resulting from this section will not be restored until such condition or defects are corrected.

F.

Upgrade of water meters.

[Added 1-7-2008 by L.L. No. 3-2008]

(1)

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All water meters shall be upgraded so as to comply with the current requirements of the remote meter reading system. Property owners must allow access to their property upon ten-day notice by certified mail. If the owner is not available to provide access on the noticed day and time, the owner must provide a date and time within a five-day period after the noticed date when access to the property will be available for the installation.

(2)

If a property owner does not provide access for the installation of said new water meters, the Village will impose a penalty of \$100 for each month or part thereof that the property owner does not provide access. If the owner does not pay the penalties imposed, the amount of the penalties shall be added to the property's next tax bill.

(3)

The service of water may be discontinued if an upgraded water meter required by this article is not installed or if it is found that an upgraded water meter has been removed, tampered with or bypassed. Discontinued water service resulting from this section will not be restored until such condition is corrected.

§ 297-7. Installation of water meters.

Water meters shall be installed as herein provided:

A.

Every meter shall be set in a horizontal position within ready access for inspection and shall be protected against frost and hot water.

B.

The meter must be connected to the service line by a union to a shutoff valve on each side of the meter.

C.

No connection in any house service line or fixture shall be made between the water main and the meter.

D.

The meter shall, after installation, be sealed by the Water Department, which shall thereafter have complete control thereof. No sealed meter may be removed without a written permit from the Water Department.

E.

The Water Department may remove a meter at any time for testing, substituting another meter temporarily or permanently.

F.

In every installation of water service hereafter, the owner shall provide facilities for setting of the meter according to specifications provided by the Water Department.

§ 297-8. Water rents.

A.

The rates payable for water supplied by the Village, designated as "water rents," by consumers within the Village and by those outside of its boundaries shall be those established by the Board of

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Trustees as authorized by the Village Law. The water rents heretofore established by the Board of Trustees and in effect at the time of the enactment of this article shall be continued in full force and effect, subject to modification and/or rescission by the Board of Trustees; however, water rents shall be subject to rate changes to the Village's water rates which are implemented by the City of New York, and water rents will increase or decrease proportionately to said rate changes.

[Amended 5-5-2003 by L.L. No. 8-2003]

B.

All water rents shall be payable at such intervals as the Board of Trustees may prescribe by resolution, and any minimum rent established by the Board shall be payable, though no water is consumed, as long as a service remains connected with a village main.

[Amended 5-9-1960]

C.

Payments for water rents shall be made at the office of the Water Department during established business hours. Payments made by check or postal money order and mailed to the Water Department shall be deemed to have been received at the time of mailing, as evidenced by the postmark.

§ 297-9. Temporary water supplies; rents and charges.

A.

The water rent for water supplied during the construction of any buildings, dwellings, structures or improvements, including sidewalks, curbs or driveways, shall be metered, and the metered rate shall apply except as herein otherwise provided.

B.

Upon application to the Water Department for a temporary supply of water for the erection of one- or two-family dwellings or for the alteration or construction of curbs, sidewalks and driveways, a fixed charge as adopted by resolution of the Board of Trustees^m shall be paid, and there shall be no requirement for the installation of a meter for such temporary supply, provided, however, that where, in the proposed construction of curbs or driveways, the estimated quantity of water consumed would exceed, at the metered rate, more than the charge as adopted by resolution of the Board of Trustees, as determined by the Water Department, the amount of said fixed charge shall be increased to an amount equal to such estimated cost.

[Amended 5-6-1991 by L.L. No. 5-1991]

[1]

Editor's Note: Such charge is on file and available for inspection in the office of the Village Clerk during regular office hours.

C.

No certificates of occupancy shall be issued by the Building Inspector until the water rents for water consumed during construction shall have been fully paid and until the Water Department certifies that a meter has been duly installed upon the premises.

§ 297-10. Water rents for consumers outside village.

A.

Water supplied to consumers outside the boundaries of the village shall be at such terms and upon such conditions as may be fixed by the Board of Trustees from time to time, including a requirement

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that there be deposited with the village a sum equivalent to the cost of water to be supplied to an applicant for every ensuing six-month period, as estimated by the Water Department, such deposits being security for the collection of water rents.

B.

Any water supplied to consumers outside the village limits shall be furnished only upon the condition that the village assumes no obligations to maintain any water mains not owned by the village.

C.

Water rents payable by consumers outside the boundaries of the village shall be 25% greater than the water rents payable by the consumers within the village.

D.

Consumers to whom water is supplied outside the boundaries of the village shall be subject to disconnection of such service if any bill for water rents is not paid within 60 days after it has been rendered.

E.

Nothing contained in this section shall be construed to relieve the consumers of water outside the village boundaries from any liabilities or obligations imposed by the law and this article upon resident users of water.

§ 297-11. Payment of water rents.

A.

The registration of each water meter shall be taken at such intervals as the Board of Trustees may prescribe by resolution, and water rentals shall be levied therefrom.
[Amended 5-9-1960]

B.

The water rentals so levied shall become due and payable at such times as the Board of Trustees may prescribe by resolution.
[Amended 5-9-1960]

C.

Bills shall be mailed for the water rentals so levied but only as an accommodation, and the failure to receive the same for any cause shall not relieve the owner of liability therefor.
[Amended 5-9-1960]

D.

All amounts due for water rentals will be received within 30 days, beginning with the date on which such water rentals became due and payable. If payment is made after 30 days, 10% will be added. Should payment not be made upon the issuance of the future bills for water rentals, 10% shall be added to the bill on both the outstanding balance and the penalty, and this 10% additional payment shall continue to accrue until the bill is either paid or placed on the property tax bill pursuant to § 297-12 herein below. The penalty shall be assessed quarterly.
[Amended 5-9-1960; 10-6-1980 by L.L. No. 17-1980; 9-20-2010 by L.L. No. 10-2010; 8-19-2013 by L.L. No. 9-2013]

E.

The payment of water rentals must include all arrears to date; no payment will be accepted leaving a former quarter unpaid.

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F.

Where water rents remain unpaid for a period of 60 days after the same become due and payable, the supply of water to the premises affected may be shut off.

[Amended 10-6-1980 by L.L. No. 17-1980]

G.

Where the supply of water is shut off because of nonpayment of water rents, a charge as adopted by resolution of the Board of Trustees^{III} shall be imposed, which must be paid before the water supply is restored. In addition, if it is found necessary for the village to dig up a curb box, curb stop, street, main, tap or any other portion of a service line for shutting-off purposes or for any reason whatsoever, the complete costs incidental thereto shall be charged against the owner of the premises affected and shall be payable by him.

[Amended 5-6-1991 by L.L. No. 5-1991]

[1]

Editor's Note: Such charge is on file and available for inspection in the office of the Village Clerk during regular office hours.

H.

The owner of the premises to which water is supplied shall be liable for the payment of the water rents chargeable thereto, whether said premises are used by tenants or otherwise.

§ 297-12. Unpaid water rents to become liens.

A.

All water rents, penalties and interest thereon and all charges for tapping and any other charges provided for by this article shall be a lien on the real property upon which or in connection with which the water is used, and such lien is prior and superior to every other lien or claim, except the lien of an existing tax.

B.

The Board of Trustees shall certify to the Village Clerk the amounts of all unpaid water rents and charges, including penalties and interest computed to the first day of the month following the month in which the fiscal year of the village commences, with a description of the real property affected thereby.

C.

The Board of Trustees shall include such amounts in the annual tax levy and shall levy the same upon the real property in default, in accordance with the provisions of § 11-1118 of the Village Law.

[Amended 5-6-1991 by L.L. No. 5-1991]

D.

Should the Board of Trustees act to include such amounts in the annual tax levy, a fee equal to 10% of the amount included in the annual tax levy shall be charged which shall be a separate fee due and owing to the Village and shall not be placed on a subsequent tax levy. Should the fee not be paid within the time frames established in § **297-11F**, the Village shall shut off the water to the customer's location.

[Added 9-20-2010 by L.L. No. 10-2010]

§ 297-13. Use of water.

2

A.

Unless in actual use, all hydrants, taps, fixtures or other outlets must be securely shut off. The unnecessary waste of water is prohibited.

B.

If the Board of Trustees at any time determines that an emergency exists threatening a shortage of water supply, it may prescribe emergency rules for the regulation and restriction of the use of the water supply, and such rules shall have the force and effect of an ordinance duly adopted.^[1]

[1]

Editor's Note: See Art. II, Water Conservation, of this chapter.

§ 297-14. Use of hydrants.

A.

No person, other than members of the Fire Department or village employees or agents in the performance of their duty, shall draw water from a village hydrant unless a permit therefor has been granted by the Water Department.

B.

No connections shall be made to hydrants except by valves or couplings which are readily detachable in the event of emergency. All couplings must be detached immediately after the use of the hydrant for supplying water has ended. In no event shall a coupling remain attached to a hydrant after sundown.

C.

Hydrants must be protected against freezing and all other injuries that would impair their efficiency by the person who uses them. If damage is caused while being used, the injured hydrant shall be repaired by the village, and the cost thereof shall be paid by the one who was using it.

D.

No hydrant shall be used for any purpose, other than supplying water for fire fighting, when the temperature is below 34° F.

E.

No wrench shall be used on a fire hydrant unless it is of a design approved by the Water Department.

F.

Cap chains and caps must be protected against breakage and loss, and caps must be replaced by permittees after every use of a hydrant.

G.

Hydrants must be made immediately available to the Fire Department upon demand at any time.

§ 297-15. Promulgation of additional rules and regulations.

Authority is vested in the Water Department to make such further rules and regulations as it deems necessary for the proper enforcement of the purposes of this article.

§ 297-16. Discontinuance of service.

2

For violation of any provision of this article, in addition to the penalties generally applicable, the Water Department is authorized to disconnect an owner's service and to withhold restoration thereof until the violation has been removed.

§ 297-17. Penalties for offenses.

[Added 5-6-1991 by L.L. No. 5-1991]

Penalties shall be as provided in Chapter 1, General Provisions, Article II.

Article II. Water Conservation

[Adopted 4-17-1989 by L.L. No. 7-1989]

§ 297-18. Legislative intent.

The intent of this article is to restrict the wasteful, inefficient or nonessential use of water during periods of drought, to establish penalties for violations and to provide for enforcement of water conservation measures in the Village of Tarrytown for the protection of the health, safety and welfare of the people of the village.

§ 297-19. Restrictions on water consumption.

A.

The Board of Trustees may, by resolution, establish a Phase I, Phase II or Phase III drought emergency in the Village of Tarrytown. The drought emergency and the restrictions shall remain in effect until the Board of Trustees rescinds, by resolution, the Phase I, Phase II or Phase III drought emergency.

B.

Phase I, drought emergency. The following restrictions shall apply 24 hours after such a Phase I drought emergency resolution is passed by the Board of Trustees:

(1)

Use of fire hydrants for any purpose other than fire protection is prohibited.

(2)

Serving water to patrons in restaurants or eating establishments is prohibited unless specifically requested by the customer.

(3)

All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 15%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.

(4)

Ornamental or display use of water, whether or not such water is recycled, is prohibited.

(5)

Use of hoses for street, driveway, sidewalk and/or vehicle washing is prohibited. "Vehicles" shall include but not be limited to automobiles, trucks and boats. Vehicles may be washed with a bucket.

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[Amended 5-15-1989 by L.L. No. 8-1989]

(6)

Watering of lawns and gardens is restricted to the hours of 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m. Odd/even distribution will be used: odd days for odd-numbered addresses; even days for even-numbered addresses, no address number on odd days.

(7)

There will be no restrictions on hand-held containers to water vegetables and fruits for human consumption. Nurseries and other commercial plant users or sellers have no restrictions on water used, provided that they submit water conservation plans for a fifteen-percent reduction.

(8)

Use of water to clean building exteriors is prohibited.

(9)

Leaks in house water connections shall be repaired within 48 hours.

(10)

Water meters must be installed on all water-cooled air-conditioning units.

(11)

Swimming pools shall not be filled more than once per year; make up water as necessary. All swimming pools must be equipped with a recirculating filter.

C.

Phase II, severe drought. The following restrictions shall apply 24 hours after such a Phase II drought emergency resolution is passed by the Board of Trustees:

(1)

No private swimming pools shall be filled or spillage replenished.

(2)

Municipal or public-type pools fall under Phase I restrictions.

(3)

Lawns and gardens shall not be watered, except that water may be used to irrigate, from hand-held containers only, vegetables or fruits grown for human consumption.

(4)

All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 20%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.

D.

Phase III, extreme drought. The following restrictions shall apply 24 hours after such a Phase III drought emergency resolution is passed by the Board of Trustees:

(1)

Water restrictors shall be installed in all shower heads.

(2)

Water-cooled air conditioners shall be shut off for a two-hour period, either from 8:00 a.m. to 10:00 a.m. or 4:00 p.m. to 6:00 p.m. This should be posted in lobby areas. The average room temperature shall not fall below 78° F.

2
(3)

All industrial and commercial businesses must formulate and implement water conservation plans to reduce water consumption by 25%. The plans shall be available at all times during normal business hours for inspection, upon request, by authorized village agents.

§ 297-20. Penalties for offenses.

A.

Any violation of any restrictions in this article shall be an offense punishable by a fine not to exceed \$25 for the first offense, not to exceed \$100 for the second offense and not to exceed \$500 for the third and every subsequent offense or, alternatively, by a maximum of 15 days' imprisonment for each offense after the second offense.

B.

Any person violating any restrictions imposed under § 297-19D hereinabove and who has been convicted of at least two other offenses of this article shall be subject to a fine not to exceed \$1,500.

C.

Each day that such a violation continues shall constitute a separate offense for which a fine or imprisonment may be imposed.

§ 297-21. When effective.

This article shall take effect immediately, and its provisions shall be enforced at all times during the existence of a drought, severe drought or extreme drought in the Village of Tarrytown, as declared by the Board of Trustees.

Article III. Cross-Connection Program

[Adopted 5-17-1993 by L.L. No. 3-1993]

§ 297-22. Purpose.

The purpose of this article is to safeguard potable water supplied from potential contamination by preventing backflow from a water user's system into the public water user's system and to comply with the requirements of the New York State Sanitary Code, Part 5, Section 5-1.31.

§ 297-23. Check valves and backflow-prevention devices required.

A.

Check valves or backflow-prevention devices conforming to the most current requirements of the New York State Department of Health and the Westchester County Department of Health shall be installed by the owner of those systems pursuant to the rules of those Departments in force at the time of the installation.

B.

Certificates of occupancy shall not be issued by the Building Inspector for new or modified/renovated/rehabilitated structures with hazardous systems without a letter from the

Superintendent of Public Works or his/her designee stating that the check valves or backflow-prevention devices have been installed.

C.

The cost to install the check valves or backflow-prevention devices shall be borne by the owner of the property.

§ 297-24. Upgrade of preexisting systems.

Any preexisting systems that do not embody cross-connection control devices shall be upgraded so as to comply with the current requirements of the New York State Department of Health and the Westchester County Department of Health within 60 days following the service of notice by certified mail to install check valves or backflow-prevention devices.

§ 297-25. Testing; owner liability for costs.

The testing of cross-connection control devices shall be performed on an annual basis by the owner of any system requiring the same, and the cost of such testing shall be borne by the owner of the system. The testing procedures shall conform to the requirements of the New York State Department of Health and the Westchester County Department of Health.

§ 297-26. Manual to be prepared.

The Superintendent of Public Works or his/her designee shall develop a manual which shall provide the cross-connection program requirements for the Village of Tarrytown. The Superintendent of Public Works shall incorporate the requirements of the New York State Department of Health and the Westchester County Department of Health.

§ 297-27. Penalties for offenses.

In addition to the penalties provided for in Chapter 1, Article II, the service of water to any premises may be discontinued by the water supplier if check valves or backflow-prevention devices required by this article and regulations adopted pursuant thereto are not installed, tested and maintained; if any defect is found in an installed check valve or backflow-prevention device; if it is found that a check valve or backflow-prevention device has been removed or bypassed; or if unprotected cross-connections exist on the premises, and service will not be restored until such condition or defects are corrected.

VILLAGE OF TARRYTOWN DRAFT INVESTMENT POLICY

1 Scope.

This Investment Policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

2 Objectives.

The primary objectives of the local government's investment activities are, in priority order:

- A. To conform with all applicable federal, state and other legal requirements.
- B. To adequately safeguard principal.
- C. To provide sufficient liquidity to meet all operating requirements.
- D. To obtain a reasonable rate of return.

3 Delegation of authority.

The governing board's responsibility for administration of the investment program is delegated to the Treasurer, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

4 Prudence.

A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Tarrytown to govern effectively.

B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own

affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

5 Diversification.

It is the policy of the Village of Tarrytown to diversify its deposits and investments by financial institution, by investment instrument and by maturity scheduling.

6 Internal controls.

A. It is the policy of the Village of Tarrytown for all moneys collected and deposited by any officer or employee of the government to report those funds to the Treasurer within three days of deposit or within the time period specified by law, whichever is shorter.

B. The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

7 Designation of depositories.

The banks and trust companies authorized for the deposit of moneys are based on the designation of depositories that may be authorized at least annually and updated from time to time by the Board of Trustees .

8 Collateralizing of deposits.

In accordance with the provisions of General Municipal Law § 10, all deposits of the Village of Tarrytown, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

A. By a pledge of eligible securities with an aggregate market value as provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

Editor's Note: Appendix A is on file in the Village offices.

B. By an eligible irrevocable letter of credit issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed-upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements. Excluded from eligible securities for collateralization are letters of credit issued by the Federal Home Loan Bank.

C. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

9 Safekeeping and collateralization.

A. Eligible securities used for collateralizing deposits shall be held by the designated depository and/or a third-party bank or trust company subject to security and custodial agreements.

B. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Tarrytown or its custodial bank.

C. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposits or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

D. The Village Treasurer, is hereby authorized to execute the Third-Party Custodian Agreement and that he be named as "authorized persons" as the term applies to the Third-Party Custodian Agreement.

10 Permitted investments.

A. As authorized by General Municipal Law § 11, the Village of Tarrytown authorizes the Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- (1) Special time deposit accounts.
- (2) Certificates of deposit.
- (3) Obligations of the United States of America.
- (4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.
- (5) Obligations of the State of New York.
- (6) Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village of Tarrytown.
- (7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments.
- (8) Certificates of participation (COPs) issued pursuant to General Municipal Law § 109-b.
- (9) Obligations of this local government, but only with any moneys in a reserve fund established pursuant to General Municipal Law § 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

B. All investment obligations shall be payable or redeemable at the option of the Village of Tarrytown within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Tarrytown within two years of the date of purchase.

11 Authorized financial Institutions and dealers.

The Village of Tarrytown shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village of Tarrytown. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

12 Purchase of investments.

A. The Treasurer is authorized to contract for the purchase of investments:

- (1) Directly, including through a repurchase agreement, from an authorized trading partner.

(2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-06, and the specific program has been authorized by the governing board.

(3) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

B. All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligation shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Tarrytown by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law § 10.

C. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

13 Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

A. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.

B. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

C. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.

D. No substitution of securities will be allowed.

E. The custodian shall be a party other than the trading partner.

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Approved
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INVESTMENT POLICY

The objectives of the Investment Policy of the Village of Tarrytown are to minimize risk; to insure that investments mature when the cash is required to finance operations; and to insure a competitive rate return. In accordance with this policy, the Treasurer is hereby authorized to invest all funds including proceeds of obligations and reserve funds in:

1. Certificates of Deposit issued by a bank or trust company authorized to do business in New York State;
2. Time Deposit Accounts in a bank or trust company authorized to do business in New York State;
3. Obligations of the United States Government;
4. Obligations of New York State;
5. In Repurchase Agreements involving the purchase and sale of direct obligations of the United States.

All funds except Reserve Funds may be invested:

1. With the approval of the State Comptroller, in Revenue Anticipation Notes or Tax Anticipation Notes of other local governments.

Only reserve funds may be invested in:

1. Obligations of the Local Government.

All investments made pursuant to this investment policy shall comply with the following conditions:

1. Certificates of Deposit and Repurchase Agreements shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments.

The Village will encourage the purchase and sale of securities and certificates of deposit through a competitive or negotiated process involving telephone solicitation of quotations for each transaction.

AUTHORIZATION OF INSTITUTIONS

The Treasurer is only allowed to invest monies with bank institutions approved at the annual meeting.

COLLATERAL

1. Certificates of deposit shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State Local Governments. Collateral shall be delivered to the Village or a Custodial Bank with which the Village has entered into a Custodial Agreement.
2. A Custodial Bank may be the Trust Department of the seller. The market value of collateral shall at all times be not less than 110% of the principal amount of the certificate of deposit. Collateral shall be monitored no less frequently than monthly, and market value shall mean the bid of closing price as quoted in the Wall Street Journal or as quoted by another recognized pricing service.
3. Collateral shall not be required with respect to the direct purchase of obligations of New York State, obligations of the United States and obligations of federal agencies the principal and interest of which are guaranteed by the United States Government.
3. Repurchase Agreements shall be fully secured by obligations of New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State Local governments. Collateral shall be delivered to the Village or a Custodial Bank with which the Village has entered into a Custodial Agreement.

The Board of Trustees has designated by a resolution duly adopted at the annual meeting by a majority vote of such board, banks for the deposit of all moneys received by the Treasurer and Collector. Such Treasurer and Collector shall deposit all moneys received by the Treasurer and Collector shall release them and their sureties from any liabilities for loss of such moneys by reason of the default or insolvency of any such depositary.

Adopted on _____, 19__ by unanimous vote of the Board of Trustees of the Village of Tarrytown.