

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 18  
July 15, 2019  
8:00 p.m.

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

ABSENT: Trustee Brown

The meeting began with the Pledge to the Flag.

#### MOMENT OF SILENCE – JAMES MALONEY

Mayor Fixell requested a moment of silence for James Maloney, who passed away on June 23, 2019. Jim was a personal friend, a member of the Village Zoning Board of Appeals for over 35 years and an active Tarrytown Volunteer Firefighter for over 40 years. On behalf of the entire Board of Trustees, we would like to extend our deepest sympathy to the Maloney family.

#### MOMENT OF SILENCE – FLORENCE GILROY

Mayor Fixell requested a moment of silence for Florence Gilroy, who passed away this past Saturday. Florence was a life-long resident of the Village and worked for the Village for 25 years in the Water Department. On behalf of the entire Board of Trustees, we would like to extend our deepest sympathy to the Gilroy family.

#### REPORTS

Trustee McGovern noted that this Thursday at 7 p.m., there will be another concert in the park, presenting “Powder Finger.” The Jazz concert will be held on Friday.

CHANGES AND/OR ADDITIONS TO THE AGENDA – The Board of Trustees added the following resolutions: Donation of Concrete Docks and Promotion of Lead Maintenance Mechanic - Automotive

#### ADMINISTRATOR’S REPORT

Village Administrator Slingerland noted that the Village will be re-stenciling the parking spaces numbers in Lots C, F, G and the spaces along Green Street and West Main Street on Tuesday, July 30<sup>th</sup> from Midnight until approximately 5 a.m. and Lots A, B and D on Wednesday, July 31<sup>st</sup> from Midnight until approximately 5 a.m. We will be notifying the parking permit holders.

#### PUBLIC HEARING – CHAPTER 225, PEDDLING/SOLICITING (adopted)

A LOCAL LAW to amend Chapter 225 of the Code of the Village of Tarrytown entitled Peddling and Soliciting, to regulate peddling, soliciting and related activities within the Village of Tarrytown.

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 italics~~ to be deleted):

Section 2. Chapter 225 – Peddling and Soliciting, Section 225-5 entitled *Application for certificate*, Subsection A is amended to delete certain language and add new language as follows:

- A. Application for a certificate of registration shall be made upon a form provided by the ~~municipality~~ **Village**. The applicant shall truthfully, under penalty of perjury, state in full the information requested on the application as follows:

(1) The name and address of his or her present place of residence and the length of residence at such address; also his or her business address if other than his or her present address. **If the Applicant has resided at his or her present place of residence for less than two years, he or she shall provide the address(es) of his or her prior places of residence for a three-year period.**

~~(2) The address of his place of residence during the past three years if other than his present address.~~

~~(3)~~ (2) The age of the applicant.

~~(4)~~ (3) A physical description of the applicant.

~~(5)~~ (4) The name and address of the person, firm or corporation or association whom the applicant is employed by or represents and the length of time of such employment or representation.

~~(6) The name and address of his employer during the past three years if other than the present employer.~~

~~(7)~~ (5) A description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

~~(8)~~ (6) The period of time for which the certificate is applied.

~~(9)~~ (7) The date or approximate date of the latest previous application for a certificate under this chapter, if any.

~~(10)~~ (8) Whether or not a certificate of registration issued to the applicant under this chapter has ever been revoked.

~~(11)~~ (9) Whether or not the applicant has ever been convicted of a misdemeanor or a felony under the laws of the state or any other state or federal law of the United States.

~~(12)~~ (10) Whether or not the applicant or representative has ever been denied a registration or had a registration revoked; if so, from where, when and why.

Section 3. Chapter 225 – Peddling and Soliciting, Section 225-5 entitled *Application for certificate*, Subsection C is amended to add new language as follows:

C. **Within fifteen (15) business days of receipt of a complete application, the Village Clerk shall either deny the application or grant the certificate of registration with a copy to the Village of Tarrytown Police Department.** The Village Clerk shall cause to be kept in her/his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, and all certificates of registration issued under the provisions of this chapter and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

Section 4. Chapter 225 – Peddling and Soliciting, Section 225-5 entitled *Application for certificate*, Subsection D is amended to delete certain language and add new language as follows:

D. ~~No~~ **In the Village Clerk's discretion, a** certificate of registration **may not** ~~shall~~ be issued to any person who has been convicted of the commission of a crime under the laws of the state or any other state or federal law of the United States; to any person who has been denied other permits for good cause; to any person who has been convicted of a violation of any provisions of this chapter, or to any person whose certificate of registration issued hereunder has previously been revoked as herein provided or who has a history of complaints from our or other communities.

Section 5. Chapter 225 – Peddling and Soliciting, Section 225-5 entitled *Application for certificate*, Subsection E is amended to delete certain language and add new language as follows:

E. On or before the date that the person(s) with the certificate of registration commences door-to-door peddling and/or soliciting in the Village, that person(s) shall first appear at the Village of Tarrytown Police Department and provide a valid photo identification issued by a governmental agency. The Police Department shall perform identification verification ~~through the New York State Police Information Network. (“ID Verification”).~~ Should the **ID Verification of the person(s) seeking to peddle and/or solicit door to door in the Village** ~~identification verification~~ provide information to the Police Department **(1) indicating falsified information submitted to the Village; or (2) indicating charges and/or convictions relating to offenses that may put the public at risk in relation to door to door interactions, including but not limited to sexual offenses, theft and burglary offenses and fraud offenses,** ~~that past actions of the person(s) seeking to peddle and/or solicit door to door in the Village pose a concern to the Police Department,~~ that person(s) shall not be permitted to peddle and/or solicit door to door in the Village **and shall not be issued a license to be supplied by the Village Clerk’s Office Police Department.** ~~There shall be no appeal of the decision of the Police Department.~~ Should the person(s) seeking to peddle and/or solicit door to door in the Village not have a valid photo identification issued by a governmental agency, that person(s) shall not be permitted to peddle or solicit door to door **and shall not be issued a license to be supplied by the Police Department. Based upon the Police Department’s review of the ID Verification,** ~~s~~Should the person(s) seeking to peddle and/or solicit door to door approved for such peddling and/or soliciting by the Police Department, the photo identification shall be copied onto a license form to be supplied by the **Village Police Department.** This **license** form shall be carried by the peddler or solicitor and used as identification and evidence that the person(s) may peddle and/or solicit in the Village should the peddler and solicitor be questioned by a resident. **It shall be unlawful for any person to peddle and/or solicit in the Village without carrying the license supplied by the Village. Police Department.** The peddler and solicitor shall inform the Police Department of the day(s) that the peddler and solicitor intend to peddle and solicit in the Village. **Upon being presented with a valid photo identification issued by a governmental entity, the Village of Tarrytown Police Department shall within ten (10) business days complete the ID Verification and either issue or deny a license form to the person seeking to peddle and/or solicit.**

Section 6. Chapter 225 – Peddling and Soliciting, Section 225-5 entitled *Application for certificate*, Subsection G is amended to delete certain language and add new language as follows:

G. **ID Verification** ~~Background check~~ application fee.

(1) All applicants shall submit a payment pursuant to the Master Fee Schedule with their application for the cost of a background search.

(2) Any person or entity engaged in religious, political or not-for-profit activities shall be exempt for the fee requirement of this section.

Section 7. Chapter 225 – Peddling and Soliciting, Section 225-10 entitled *Hours*, is amended to delete certain language and add new language as follows:

It is hereby declared to be unlawful for any person, whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engaging in soliciting, hawking or peddling, as herein defined, prior to 9:00 am. or after ~~7:00 p.m. when daylight~~

~~saving time (spring/summer) is in effect and after 6:00 p.m. when eastern standard time is in effect (fall/winter)~~ **9:00 pm.**

Section 8. Chapter 225 – Peddling and Soliciting, Section 225-17 entitled Appeals from denial or revocation of certificate, is amended to delete certain language and add new language as follows:

§ 225-17 Appeals from denial or revocation of certificate; appeal from denial of license

Any person aggrieved by the action of the Village Clerk in the denial or revocation of a certificate **or any person aggrieved by the action of the Village Police Department in denying a license** shall have the right of appeal to the **Village Administrator Police Committee**. Such appeal shall be taken by filing with the **Village Administrator Committee**, within ten (10) **business** days after the notice of revocation or denial is mailed or served, whichever is shorter, a written statement setting forth fully the grounds for appeal. The **Village Administrator Committee** shall set a time and place for a hearing of such appeal, and notice of such hearing shall be forwarded to said person at his last known residence, as indicated in his application, by mailing such notice by first-class mail at least five days prior to the hearing. The decision of the **Village Administrator Committee** shall be final and conclusive.

Section 9. A new section shall be added to Chapter 225 – Peddling and Soliciting, as follows to be numbered as Section 225-21 and entitled *Do Not Knock Registry*:

**§ 225-21 Do No Knock Registry**

- A. The Do Not Knock Registry shall be established and maintained by the Village Clerk's office. Residents may submit their property address for inclusion on the list without charge. An updated list will be provided to the Chief of the Tarrytown Police Department or his designee monthly.**
- B. Upon approval and issuance of a certificate of registration by the Village Clerk and license by the Police Department, each person seeking to peddle and/or solicit door to door in the Village ales agent shall be provided with a copy of the Do Not Knock Registry.**
- C. Solicitors or peddlers shall not solicit and/or peddle at any address on the Do Not Knock Registry.**

Section 10: **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 11: **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 Zollo moved, and Trustee Butler seconded, and unanimously carried (6-0-1), that the hearing be opened.

Kai Yamamoto, 20 Browning Lane, noted that he thought the 9 p.m. recommendation for soliciting hours in the Village seems very late and disruptive to families. He suggested to allow soliciting to 7 p.m.

Village Attorney Zalantis noted that unfortunately court cases have been struck down as unconstitutional on regulations that restrict hours prior to 9 p.m. NYCOM has also agreed to not restrict the hours prior to 9 p.m.

Mr. Yamamoto asked what the penalties would be for solicitors who violate the “do not knock registry?”

Village Attorney Zalantis noted that there are current penalty provisions in the code. She suggested that Mr. Yamamoto call the police and the police will enforce the code. She also noted that there is a section in the code, Chapter 225-6. Revocation of Certificate, which states that a permit shall be revoked by the Village Clerk if the solicitor is convicted of a violation of any of the provisions of this chapter. In addition to calling the police, you can also register a complaint with the Village Clerk.

Mr. Yamamoto noted that the solicitor's should have a visible ID and have a full background check. Village Attorney Zalantis noted that solicitors are required to have a photo ID and an ID Verification conducted by the Police Department. A full background check is too restrictive.

Mr. Yamamoto noted that as a Village, if there is anything we can do to minimize the disruption for Village residents, it would greatly be appreciated.

Trustee Hoyt moved, and Trustee Zollo seconded, and unanimously carried (6-0-1), that the hearing be closed.

Trustee Zollo moved, and Trustee Rinaldi seconded, and unanimously carried (6-0-1), that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 225, Peddling/Soliciting to address permitted hours, fees and other language in the code.

WHEREAS, a public hearing was held for the proposed action on July 15, 2019; and

WHEREAS, a notice of public hearing was published in the Journal News on June 21, 2019; 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. 5 of 2019.

PUBLIC HEARING ON A DRAFT PROPOSED LOCAL LAW TO AMEND THE VILLAGE CODE, AND ESTABLISH THE POSITION OF SECRETARY TO THE PLANNING BOARD, ZONING BOARD OF APPEALS, AND ARCHITECTURAL REVIEW BOARD, AS REQUIRED BY WESTCHESTER COUNTY CIVIL SERVICE (adopted)

A LOCAL LAW to establish the title of Secretary to the Planning Board, Zoning Board of Appeals, and Architectural Review Board by amending Chapter 52, Residency Requirements, amending Chapter 305 – Zoning, to establish the position, and amending Chapter 9, to reference the position.

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 italics~~ to be deleted):

Section 2. Chapter 305 – Zoning, Section 305-117 entitled *Planning Board*, is amended to add a new Section C.

**D. There shall be a Secretary to the Planning Board, Zoning Board of Appeals and/or Architectural Review Boards, pursuant to the provisions of Civil Service, who shall be assigned by the Village administration to provide administrative and clerical support services.**

Section 3. Chapter 305 – Zoning, Section 305-118 entitled *Board of Appeals*, is amended to provide for new language in the opening of Section 118, as follows:

The Board of Appeals heretofore established pursuant to the Village Law is hereby continued with all powers and duties prescribed by law and by this chapter. **There shall be a Secretary to the Planning Board, Zoning Board of Appeals and/or Architectural Review Boards, pursuant to the provisions of Civil Service, who shall be assigned by the Village administration to provide administrative and clerical support services.**

Such powers and duties **of the Board of Appeals** are summarized and more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Board of Appeals conferred by general law:

Section 4. Chapter 9, Architectural Review Board, Section 9-2 entitled *Creation, Membership, Terms of Office, Organization* shall be amended to add a new Section D. to read as follows:

**E. There shall be staff assigned by the Village administration to provide administrative and clerical support services, namely a Secretary to the Planning Board, Zoning Board of Appeals and/or Architectural Review Boards, pursuant to the provisions of Civil Service.**

Section 5. Chapter 52, Residency Requirements, Section 52-2 entitled *Village, County, or bordering County residency* shall be amended to read as follows:

Notwithstanding any other general or special law, no person shall be eligible to be appointed to or hold the office of Administrator, Assistant Village Administrator, Village Clerk, Deputy Clerk, Village Treasurer, Deputy Treasurer, Engineer, Building Inspector, Superintendent of Public Works, and **Secretary to the Planning Board, Zoning Board of Appeals and Architectural Review Boards** in the Village of Tarrytown unless such person is a resident of the Village or a resident of Westchester County or a resident of a county which directly borders Westchester County during such appointment. A person shall be eligible to be appointed to or hold the nonjudicial position of Village Court Clerk, Assistant Court Clerk or Court Attendant provided such person is a resident of Westchester County or in a County in New York State, such as the five boroughs of New York City, Rockland County, Putnam County and Dutchess County during such appointment.

## **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 Zollo moved, and Trustee McGovern seconded, and unanimously carried (6-0-1), that the hearing be opened.

No one appeared to address the Board.

Trustee Hoyt moved, and Trustee Rinaldi seconded, and unanimously carried (6-0-1), that the hearing be closed.

Trustee Zollo moved, and Trustee McGovern seconded, and unanimously carried (6-0-1), that the following resolution be approved:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 9 on Architectural Review Board, Chapter 52 on Residency Requirements, and Chapter 305 on Planning Board and Zoning Board of Appeals, to establish the position of Secretary to the Planning Board, Zoning Board of Appeals, and Architectural Review Board; and

WHEREAS, a public hearing was held for the proposed action on July 15, 2019; and

WHEREAS, a notice of public hearing was published in the Journal News on June 21, 2019; 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.

BE IT FURTHER RESOLVED that since this is a ministerial action under the provisions of SEQRA, it is therefore exempt under the provisions of **Title 6 NYCRR Part 617 and no environmental review is required.**

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 6 of 2019.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON AGENDA ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES EACH TO ADDRESS THE BOARD OF TRUSTEES

There were no speakers.

APPOINTMENT OF BUILDING DEPARTMENT ENGINEERING INTERN

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Mariana Reis as Building Department Intern at an hourly rate of \$25.00 per hour with hours not to exceed 17.5 per week, effective retro-active to June 28, 2019, for a time frame that will not exceed three months.

FIRE DEPARTMENT MEMBERSHIP CHANGES

Trustee Zollo moved, seconded by Trustee McGovern, that the following resolution be approved. Motion carried, all voting “aye” with the exception of Trustee Hoyt who recused himself: Approved: 5-0-1

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 June 18, 2019 Board of Fire Wardens meeting: Members: Nolan Samford has been elected to active membership at Hope Hose and Isaisis Perdomo has been elected to active membership at Washington Engine, Luke Spencer has been elected to active membership at Conqueror Hook & Ladder and Christopher Gasparre has been approved as member of Marine 5. Drivers: Justin Hoyt has been approved as driver of Marine 5 and Scott Weaver Sr. has been approved as driver at Riverside Hose.

PROMOTION OF LEAD MAINTENANCE MECHANIC – AUTOMOTIVE

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby promote Reginald Waters to Lead Maintenance Mechanic, Automotive, to be the Mechanic Foreman in the Department of Public Works Garage, at an annual salary starting at \$83,381, effective July 15, 2019, based on the provisions of the contract between the

Village and the CSEA, and based on the provisions of Civil Service, for a probationary period of not less than 12 weeks and not more than 52 weeks.

AUTHORIZING THE ACCEPTANCE OF A DONATION OF CONCRETE DOCKS

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the acceptance of a donation of concrete docks, with an estimated value of approximately \$4,000, that were originally given to Teddy Tenenzapf by Sound Marine Construction and Salvage of Nyack, NY, to be transferred to the Tarrytown Fire Department.

LEASE AGREEMENT WITH UNITED STATES POSTAL SERVICE FOR PARKING PERMITS

Trustee Zollo moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute a renewal agreement with the United States Postal Service for parking permits, known as a ground lease, in the amount of \$9,750 annually for up to 38 parking permits, which shall be effective retro-active to June 1, 2019 with an expiration date of May 31, 2024, for a total of 5 years.

INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY – TraCS

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to enter into a renewal of the agreement between the Westchester County Department of Public Safety, the New York State Police and the Village of Tarrytown for the use of the TraCS software at no cost to the Village for a term of five (5) years.

WESTCHESTER COUNTY PRISONER TRANSPORTATION AGREEMENT

Trustee Hoyt moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an Inter-municipal Agreement (IMA) between the Village and Westchester County regarding reimbursement to the Village of Tarrytown Police Department for prisoner transportation to County jail facilities for the period January 1, 2019 through December 31, 2020.

REVISED COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT (CDBG)

Trustee Butler moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to prepare and submit (2) Community Development Block Grants (CDBG) for a matching fund grant project in the amount of (2) \$500,000 grants, which are on a 50/50 basis for sidewalk replacements and ancillary improvements (outlined below) which will be made by adhering to standard construction practices, including proper survey, design, bidding and supervision. The project will promote a suitable living environment for low to moderate income individuals and families in or near the downtown area of the Village. The Village will apply for a \$250,000 grant to



be matched by \$250,000 for year one as Phase 1 and the Village will apply for a \$250,000 grant to be matched by \$250,000 for year two as Phase 2.

- West Franklin Street – approximately 2,100 SF of the north sidewalks (six feet wide) from South Washington Street to Broadway, will be replaced including concrete curb (350 LF), driveways-drop curbs (640 SF), and replacement of a retaining wall.
- South Washington Street – approximately 4,050 SF of the north sidewalks (six feet wide), from the municipal parking lot on South Washington Street to West Franklin Street, will be replaced, including concrete curb (675 LFL), driveways-drop curbs (960 SF), and one tree removal.
- Wildey Street – approximately 4,125 SF of the sidewalks (five feet wide) will be replaced, including concrete curb (825 LF), and 10 tree replacements.
- McKeel Avenue- approximately 1,800 SF of the north sidewalks (six feet wide) east of North Broadway, will be replaced, including concrete curb (270 LF) and driveways-drop curbs (400 SF); and 1,050 SF of the south sidewalks (six feet wide) will be replaced, including curb (175 LF) and driveways-drop curbs (320 SF).
- White Street – approximately 1,200 SF of the sidewalks (six feet wide) from Main Street to West Franklin Street, will be replaced, including concrete curb (200 LF), on a steep slope.

The outcome of this project is to make the infrastructure used by the pedestrians and school children, such as sidewalks, safe and accessible. Furthermore, the project promotes livable and viable communities by removing sidewalks that are eyesores and demonstrate neglect. Of the 4,585 people that live in the project area, 2,445 people (or 53.3%) are low and moderate income and will have improved access to an infrastructure benefit – new sidewalks and curbs that replace the current substandard sidewalks and curbs.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the Village Administrator to take the necessary and appropriate actions to complete, sign and file this grant application on behalf of the Village of Tarrytown.

AUTHORIZATION TO SUBMIT A GRANT APPLICATION THROUGH THE 2019 CONSOLIDATED FUNDING APPLICATION (CFA)

Trustee Hoyt moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the submission of a grant application through the 2019 Consolidated Funding Application (CFA) as follows:

- Funding for Capital Improvements for a new sewer line that would service the Eastview Pump Station building and would also create an opportunity to install public bathrooms there which would be the only public bathrooms along the North County Trailway in Westchester between the Bronx and Putnam County for an approximate 36-mile length of public pedestrian and biking trailway.

BE IT FURTHER RESOLVED that the Village Administrator is authorized to take the appropriate actions to prepare, execute and submit the documents necessary to complete and file this CFA application.

MUNICIPAL RESOLUTION AUTHORIZING PARTICIPATION IN NEW YORK STATE CLIMATE SMART COMMUNITIES GRANT PROJECT AND PROVISION OF LOCAL MATCH

Trustee Butler moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

Whereas, the Village of Tarrytown hereby pledges to participate in the “Climate Action Planning Institute Westchester County” project that will be submitted as a grant proposal to

the New York State Climate Smart Communities Grant Program by Westchester County as lead applicant.

Whereas, the Village of Tarrytown hereby pledges to participate in this climate action planning leadership program, in partnership with the Hudson Valley Regional Council and ICLEI – Local Governments for Sustainability.

Whereas, the Village of Tarrytown certifies that it has identified and secured a minimum of \$11,007 in matching funds from donated professional services from the Village staff and volunteer time from the Village’s Conservation Advisory Council – TEAC – as contribution to the “Climate Action Planning Institute Westchester County” project, pursuant to the requirements of Environmental Conservation Law Article 54 Title 15. The balance of the match needed to meet the NYSDEC CSC grant requirement of 50% for this project will be contributed by Westchester County and other participating Westchester County municipalities.

Therefore, be it resolved, that the Village of Tarrytown hereby authorizes Richard Slingerland Village Administrator, an official of the Village, to act on its behalf for submittal of a letter of commitment for matching funds provision and participation in Westchester County’s “Climate Action Planning Institute Westchester County” application to the Consolidated Funding Application.

AUTHORIZATION OF CONTRACT RELATED TO THE NYS DEC ESTUARY GRANT FOR THE TARRYTOWN LOSEE PARK SHORELINE STABILIZATION, KAYAK LAUNCH AND EDUCATION PROJECT

Trustee Zollo moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement with the New York State Department of Environmental Conservation for a grant that was awarded to the Village in the amount of \$271,000 for the Tarrytown Losee Park Shoreline Stabilization, Kayak Launch and Education Project, and

BE IT FURTHER ESOLVED that the funding for the grant award is provided by the New York State Environmental Protection Fund, NYSDEC Hudson River Estuary Program.

OLD CROTON AQUEDUCT (OCA) CONTRACT AWARD

Trustee Butler moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

WHEREAS, the Village of Tarrytown was awarded a grant in the amount of \$300,000 from the New NY Bridge Community Benefit Fund for the purpose of the Old Croton Aqueduct Improvement Project. The work consists of landscaping, pavement, concrete sidewalk, walls, removal of asphalt paving that was installed over trails, striping, grading to improve public access to the OCA walking trails within the Village of Tarrytown; and

WHEREAS, this grant is not a matching grant; it is 100% funded by New York State; and

WHEREAS, based on the original bid deadline of September 12, 2018, by which the Village received no bids, the original contract deadline was extended until September 26, 2018, when the Village received one (1) bid and on October 15, 2018 the Village rejected the bid as it was substantially higher than the grant and project budget and the Village staff was directed to re-bid the project;

WHEREAS, upon re-bidding the project this summer, the Village received one (1) sealed bid on July 12, 2019, for the Old Croton Aqueduct Improvement Project as listed below:

| <u>Company Name</u> | <u>Base Bid Amount</u> |
|---------------------|------------------------|
|---------------------|------------------------|

- Paladino Concrete Creations Corp. (a WBE) \$289,610.00

WHEREAS, the bid is being reviewed by the Village staff and it is their recommendation that the contract be awarded to the sole responsible bidder, Paladino Concrete Creations Corporation (a WBE), per their base bid amount of \$289,600, not to exceed the grant amount of \$300,000; and

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the Old Croton Aqueduct Improvement Project to Paladino Concrete Creations Corporation (a WBE) of Mt. Vernon, New York, per their base bid amount of \$289,600, subject to final approval by the Village Engineer and the Village Administrator.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute an agreement with Paladino Concrete Creations Corporation for this project, subject to final approval by the Village Engineer and the Village Administrator.

#### VEHICLE AND TRAFFIC AMENDMENT - HANDICAPPED PARKING SPACE

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize to create a parking space reserved for handicapped persons on West Elizabeth Street in front of #23.

All new material is set forth in **bold** letters.

Section 291-92. Schedule XXVII: Handicapped Parking Spaces.

In accordance with the provisions of 291-62, the following described streets, driveways, parking lots and auto parks or parts of streets, driveways, parking lots and auto parks are hereby designated as handicapped parking spaces and are designated for use by persons with handicapped parking permits:

| <u>Name of Street</u>             | <u>Side</u>  | <u>Location</u>  |
|-----------------------------------|--------------|--|
| <b>Elizabeth Street,<br/>West</b> | <b>North</b> | <b>From a point 42 feet west of John St. for a<br/>distance of 22 feet in a westerly direction</b> |

#### VEHICLE AND TRAFFIC AMENDMENT - HANDICAPPED PARKING SPACE

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize to create a parking space reserved for handicapped persons on Tappan Landing Road.

All new material is set forth in **bold** letters.

Section 291-92. Schedule XXVII: Handicapped Parking Spaces.

In accordance with the provisions of 291-62, the following described streets, driveways, parking lots and auto parks or parts of streets, driveways, parking lots and auto parks are hereby designated as handicapped parking spaces and are designated for use by persons with handicapped parking permits:

| <u>Name of Street</u>      | <u>Side</u>  | <u>Location</u>  |
|----------------------------|--------------|--|
| <b>Tappan Landing Road</b> | <b>South</b> | <b>From a point 67 feet west of<br/>South Broadway for a distance of<br/>22 feet in a westerly direction</b> |

TARRYTOWN SELF STORAGE II, DEPOT PLAZA - ZONING TEXT AMENDMENT REQUEST

Trustee Zollo moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby refer the request from the Tarrytown Self Storage II at Depot Plaza to the Planning Board for their SEQRA review, report and recommendation for the purpose of a zoning text amendment relative to 29 South Depot Plaza (Lot 38); and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby consents to the Planning Board serving as lead agency for a coordinated SEQRA review of this action.

EMERGENCY VEHICLE DESIGNATED PARKING SPACE ON TAPPAN LANDING ROAD

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize designation of a parking space for “Emergency Vehicles Only” on the south curb of Tappan Landing Road. This space would be utilized for the emergency vehicle of 2<sup>nd</sup> Assistant Fire Chief Kelly Murphy (TFD Car #2463). The parking space would remain in effect until Fire Chief Murphy’s term expires. The parking space is as follows:

| <u>Name of Street</u>      | <u>Side</u>  | <u>Location</u>  |
|----------------------------|--------------|--|
| <b>Tappan Landing Road</b> | <b>South</b> | <b>From a point 45 feet west of South Broadway for a distance of 22 feet in a westerly direction</b> |

CHANGE ORDER - SCADA SYSTEM FOR THE DELAWARE WATER TAP CONNECTION

Trustee Butler moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

WHEREAS, the Village of Tarrytown is cooperating with the Villages of Briarcliff Manor and Sleepy Hollow on the water tap connection to the Delaware Water System. This is necessary because the Catskill Water System will be shut down on October 15, 2019; and

WHEREAS, during the field installation, it came to the attention of the three Villages that telecommunication data line had to be installed along with new pipe, for the purposes of the computer communication supervisory control and data acquisition (SCADA) system; and

WHEREAS, this was originally provided for within the budget for the project as a contingency allowance based on an estimate of \$150,000. Based on the negotiations between the engineer and the contractor, the total price for this work will be a total estimated amount of \$168,000 of which the Village will be responsible for approximately one-third based on the formula established among the three (3) Villages.

NOW, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve a change order for the SCADA System for the Delaware Water Tap Connection project in the total estimated amount of \$168,000, of which the Village of Tarrytown will be responsible for approximately one-third based on the formula established among the three (3) Villages.

SCHEDULE A PUBLIC HEARING – REZONING OF LOT 37, SOUTH DEPOT PLAZA

Trustee Zollo moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a Public Hearing for the regular meeting of August 19, 2019, at 8:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider a proposed amendment to the Zoning Code of the Village of Tarrytown, 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; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown determines that this is an Unlisted action pursuant to SEQRA and as there are no other involved agencies for the proposed rezoning, the Board of Trustees of the Village of Tarrytown hereby declares itself lead agency for the purposes of SEQRA.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON JUNE 17, 2019

Trustee Zollo moved, seconded by Trustee Rinaldi, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the regular meeting of the Board of Trustees held on June 17, 2019 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 2, which includes the July 1, 2019 and the July 15, 2019, Audited Vouchers in the total amount of \$1,400,630.28 to be paid in the following amounts:

|                |                 |
|----------------|-----------------|
| General        | \$ 293,153.02   |
| Water          | \$ 42,593.20    |
| Sewer Fund     | \$ 0.00         |
| Capital        | \$ 994,054.97   |
| Library        | \$ 49,109.23    |
| Trust & Agency | \$ 21,719.86    |
| Total          | \$ 1,400,630.28 |

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.

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 and sale of land approximately 8:56 p.m. by vote of six in favor, none opposed.

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee McGovern, the Executive Session was adjourned at approximately 9:30 p.m.

Carol A. Booth  
Village Clerk