

VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
REGULAR MEETING 7:00 P.M.
Tuesday January 16, 2024
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York

Members of the Public may attend in person or remotely. For those members of the public interested in viewing and/or participating in the meeting remotely, visit <https://www.tarrytowngov.com/home/events/46371> for instructions on how to join & participate via zoom.

REGULAR MEETING:

Pledge of Allegiance

1. Presentation – County Executive George Latimer on the Westchester County Budget
2. Board Miscellaneous and Liaison Reports
3. Changes and/or Additions to the Agenda
4. Administrator's Report
5. Opportunity for the Public to address the Board only on items listed on the agenda, other than Public Hearing items. Speakers shall have three (3) minutes each to address the Board of Trustees
6. LOSAP Fingerprinting Verification

WHEREAS the Village of Tarrytown Fire Department participates in the Length of Service Award Program (LOSAP) whereby volunteer firefighters earn credit points for their service toward a post-retirement pension; and

WHEREAS, in addition to years of service, firefighters earn points by participating in fire department activities including responding to incidents; and

WHEREAS tracking member participation involves cumbersome and time-consuming record-keeping and reports for volunteer fire department officers, while the Red Alert digital records management software program would facilitate easier tracking of incident attendance and generate automatic reports;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the purchase and implementation of the Red Alert Records Management Software System from Alpine Software; and

BE IT FURTHER RESOLVED that the Village Administrator, the Village Treasurer and the Fire Chief are authorized to take any necessary and appropriate actions to implement the project.

7. Resolution scheduling a public hearing on an update to the Tarrytown Village Code Chapter 269 regarding the Tax Reduction for Emergency Responders

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby schedules a public hearing on a Draft Proposed Local Law to amend Chapter 269 of the Village Code on Taxation, to update the Village Code regarding recent changes to the NYS RPTL Chapter 466-d to become 466-a, and updating other provisions in the Village Code; and

BE IT FURTHER RESOLVED that pursuant to Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617 and based upon review of the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action is a ministerial action and is included under the listing of actions defined as Type 2 actions and therefore no further review is required under SEQRA.

8. Resolution scheduling a public hearing on an update to the Tarrytown Village Code Chapter 269 Taxation, to update the Village Code to more closely follow tax law for taxable income.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby schedules a public hearing on a Draft Proposed Local Law to amend Chapter 269 of the Village Code on Taxation, Article III Senior Citizens Exemption, to update the Village Code regarding recent changes to State Law that provides for the inclusion of IRA distributions in the calculation of taxable income; and

BE IT FURTHER RESOLVED that pursuant to Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617 and based upon review of the Proposed Action, the Village Board of Trustees hereby determines that the Proposed Action is a ministerial action and is included under the listing of actions defined as Type 2 actions and therefore no further review is required under SEQRA.

9. Resolution to authorize execution of a (1) Stormwater Facilities Maintenance and Access Easement Agreement; and (2) Stormwater Drainage and Access Easement with the developers of 62 Main Street

WHEREAS, the Village of Tarrytown has been requested to enter into: (1) Stormwater Facilities Maintenance and Access Easement Agreement; and (2) Stormwater Drainage and Access Easement with 62 MAIN HOUSING DEVELOPMENT FUND COMPANY, INC., an Article XI New York private housing finance law corporation and a New York not-for-profit corporation, having its principal office located c/o Housing Action Council, Inc., 55 South Broadway, Tarrytown, New York 10591 (the "HDFC"), as nominee of 62 MAIN LIMITED PARTNERSHIP, a New York limited partnership, having its principal

office located c/o Wilder Balter Partners, Inc., 480 Bedford Road, Chappaqua New York 10514 (the "Partnership").

WHEREAS, pursuant to a certain Declaration of Interest and Nominee Agreement entered into on March 3, 2021, the HDFC is the bare legal or record owner, and the Partnership will be the beneficial and equitable owner, of certain real property located in the Village of Tarrytown, County of Westchester, State of New York, and identified on the Tax Map of the Town of Greenburgh as Section 1.70, Block 33, Lots 23..V and 23..R) (the "Property");

WHEREAS, the Village is the fee owner of the adjacent property known as South Washington Street West Lot, located at S. Washington Street, Tarrytown, New York, also known and designated on the tax assessment map of the Town of Greenburgh as Section 1.70, Block 33, Lot 11, which is used as a municipal parking lot and consists of twenty-five (25) metered parking spaces (the "Municipal Lot"); and.

WHEREAS, the Partnership intends to redevelop the Property with a new affordable mixed-income senior multi-family building consisting of a 50-foot, four-story building (the "Building") with 109 dwelling units (14 efficiency/studio units and 95 one (1) bedroom units), and a parking structure (the "Garage") in which 69 parking spaces on the ground floor level will be designated exclusively for Village/public use (the "Municipal Spaces"), which Municipal Spaces will be accessible only from the Municipal Lot and 121 parking spaces on a portion of the ground floor level and two below-ground levels will be for building residents (collectively, the "Project").

WHEREAS, by Resolution adopted on November 23, 2020, the Planning Board of the Village of Tarrytown ("Planning Board") granted site plan approval for the Project (the "Approval") for development of the Project in accordance with Civil Drawing and Landscape Plans prepared by Kimley-Horn of New York, P.C. dated February 5, 2020 and last revised November 13, 2020, Proposed Elevations prepared by Beyer Blinder Belle Architects & Planners LLP dated November 13, 2020, and Building Floor Plans prepared by L&M Design LLC dated November 13, 2020, as well as the Stormwater Pollution Prevention Plan (SWPPP) prepared by Kimley-Horn of New York, P.C (the "Plans"); and

WHEREAS, in accordance with the Plans, the Property will be improved with certain stormwater management and erosion and sediment control facilities referenced in the SWPPP and shown on the Plans ("Stormwater Facilities"), which, among other things, convey and distribute storm water from the Property to the Village operated storm water catch basin at the public road known as Windle Park Avenue; and

WHEREAS, the Village and the NYSDEC request that the Partnership and HDFC construct, maintain, repair and/or replace as necessary certain stormwater management and erosion and sediment control facilities in connection with the SPDES Construction General Permit which are referenced in the SWPPP and shown on the Plans; and

WHEREAS, the Village requires an easement for drainage of storm water collected at and through a drainage inlet and stormwater drainage line located on the Municipal Lot (collectively the "Municipal Lot Drainage Facilities") through, into, and across the Stormwater Facilities on the Property. The drainage inlet is to be repaired as part of the Lot Work referenced and defined in a license agreement entered into between the Village and 62 Main Owner on or about March 31, 2021; and

NOW, THEREFORE, BE IT RESOLVED that in furtherance of the development of the Project, the Board of Trustees of the Village of Tarrytown does hereby authorize the Village Administrator to enter into the: (1) Stormwater Facilities Maintenance and Access Easement Agreement; and (2) Stormwater Drainage and Access Easement; and

BE IT FURTHER RESOLVED, that the Village Administrator is hereby authorized to execute any and all recording documents and other documents to effectuate the filing of the agreements in the land records with the Westchester County Clerk and consistent with this resolution.

10. Water Rate Adjustment and Water Meter Rents

WHEREAS, since the Village of Tarrytown has not had a water rate increase since July, 2021, but has experienced increases in costs for water from New York City, as well as increases in other operating expenses for the Water Department; and

WHEREAS, the Village of Tarrytown has also been implementing a water meter replacement program, to replace outdated and failed water meters through the Ferguson Water Meter company, using the Master Meter Magnaflo meters, which the Village of Tarrytown is installing and will operate and maintain, and the Village will be adding charges to customers to rent the water meters to provide for coverage of the current and future capital costs for the water department, while allowing residential and business customers to no longer pay for the full cost of a replacement meter, should one fail now or in the future; and

WHEREAS, since the New York City Department of Environmental Protection (NYC DEP) adopted water rate increases of 1.385% in 2022 and 6.332% in 2022, after the last Village increase in 2021, the Village is proposing an increase in water rates by approximately 7.8% in January, 2024, and the Village is proposing a regular fee for water meter rents, based on whether the customer is billed monthly or quarterly, on a sliding scale based on the cost of the meter installed; and

WHEREAS, the rate of the increased NYC DEP rates to the Tarrytown water system requires an overall seven point eight percent (7.8%) increase in water rates to be charged to Tarrytown Water System consumers, and a corresponding increase in the out-of-district water system rates for water supplied by the Village to customers outside of Tarrytown, and a new water meter rental fee.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby enacts a seven point eight percent (7.8%) increase in water rates to be charged to Tarrytown Water System consumers, along with the institution of water meter rent charges, with the proceeds of such water meter rents to be used for current and future capital needs of the Tarrytown Public Water Supply effective with the water bills that will go out starting after January, 2024, as follows:

Tier	Former rate	Classification	New Rate 7.8% increase
R1	\$88.50	Regular residential	\$95.40
R2	\$132.75	Outside Village Residential	\$143.10
R3	\$65.99	Senior (w/tax exemption)	\$71.14

Village Non-Residential (Commercial)

R5	\$91.02	per 1,000 cubic ft. for first 2,000 c.f.	\$98.12
	\$109.24	per 1,000 cubic ft. for next 5,000 c.f.	\$117.76
	\$131.08	per 1,000 cubic ft. for next 5,000 c.f.	\$141.30
	\$157.30	per 1,000 cubic ft. thereafter	\$169.57

Outside Village Non-Residential (Commercial)

R5	\$136.53	per 1,000 cubic ft. for first 2,000 c.f.	\$147.18
	\$163.84	per 1,000 cubic ft. for next 5,000 c.f.	\$176.62
	\$196.60	per 1,000 cubic ft. for next 5,000 c.f.	\$211.93
	\$235.92	per 1,000 cubic ft. thereafter	\$254.32

S1 Sewer	\$2.63	per 1,000 cubic ft.	\$2.84
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Water Meter Rents:

Water Meter Rents	Meter size	Quarterly Rent (whole dollars)	Monthly rent (whole dollars)
	5/8" meter installed	\$ 12	\$ 4
	3/4" meter installed	\$ 13	\$ 4
	1" meter installed	\$ 15	\$ 5
	1 1/2" meter installed	\$ 56	\$ 19
	2" meter installed	\$ 58	\$ 19
	3" meter installed	\$ 107	\$ 36
	4" meter installed	\$ 140	\$ 47
	6" meter installed	\$ 219	\$ 73
	8" meter installed	\$ 271	\$ 90
	10" meter installed	\$ 422	\$ 141
	8" fire service meter installed	\$ 353	\$ 118
	10" fire service meter installed	\$ 503	\$ 168

BE IT FURTHER RESOLVED that the Village Administrator, Village Treasurer, Superintendent of Public Works and Village Engineer are authorized to take the necessary and appropriate actions to charge these new rates and water meter rents immediately with the next water billing cycle.

11. Resolution to prohibit parking along Green Street by the Recyclables Collection area

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby amend Chapter 291-77 as the schedule of areas where Parking is Prohibited at all times, to add spaces 1241 through 1245 on the west side of Green Street south of the entrance to Lot F, where the Food Scrap Collection area and Textile Recycling Collection area are currently placed.

12. Food Scrap Curbside Collection Grant

WHEREAS, the Village of Tarrytown supports a planning study of a joint program of curbside collection of food scraps for composting; and

WHEREAS, the study will assess the feasibility of a collaborative initiative including the Villages of Ardsley, Elmsford, Dobbs Ferry, Hastings, Irvington, Sleepy Hollow and Tarrytown; and

WHEREAS, the Hudson River Valley Greenway Planning Grant Program has been identified as a funding source appropriate for the study, which is estimated to cost \$95,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown supports the project and application to the Hudson River Valley Greenway and, upon approval of said request, commits to provide up to \$10,000 for the project; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the Village Administrator to execute the agreement and to take the necessary and appropriate actions to implement it.

13. Fire Department Membership Changes

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the following membership changes recommended at the December 19, 2023 Board of Fire Wardens Meeting.

Officers: Sawyer Herschman was elected to Captain and Sam Langer to 1st Lieutenant of Hope Hose.

Membership: Conqueror Hook and Ladder approved Michael Pereira for Mutual Aid Membership. Consolidated Engine removed Justine Cochrane from Active Membership not in good standing. Riverside Hose approved Randy Tavarez for Mutual Aid

Membership. Hope Hose moved Adam Konwerski and Joe Vercesi from Active Membership to Associate Members.

Drivers: Justin McCarthy has been approved as a driver of Tower Ladder 78.

14. Approval of the Minutes of the Board of Trustees Meeting of January 3, 2024

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the Board of Trustees Meeting held on Wednesday, January 3, 2024 as submitted by the Village Clerk.

15. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No.14 of Audited Vouchers in the total amount of \$862,345.69 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 665,670.30
Water	\$ 89,199.80
Sewer Fund	\$ 2,896.79
Capital	\$ 0.00
Library	\$ 96,600.85
Trust & Agency	\$ 7,977.95
CM (Special Funds)	\$ <u>0.00</u>
Total	\$ 862,345.69

16. Opportunity for the Public to address the Board on not included on the agenda. Speakers shall have three (3) minutes each to address the Board of Trustees

17. Adjournment

LOCAL LAW ___ - 2024

A local law to amend Chapter 269 of the Tarrytown Code, entitled "Taxation", Article III entitled "Senior Citizens Exemption" to amend 269-7 entitled "Criteria for grant of exception", Sub-section B.

Be it enacted by the Village Board of the Village of Tarrytown as follows:

Section 1. Amending Chapter 269-7 entitled Criteria for grant of exemption, with language as further noted below (language in **Bold and Underlined** to be added, language in **Strikethrough and bold and underlined** to be deleted):

Section 2. Amending the current language in Section 269-7, B. as follows:

§ 269-7 Criteria for grant of exemption.

- B. As of the taxable status date, May 1, 2023, the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making the application for exemption does not exceed the sum of \$50,000. Where title to the property is vested in either the husband or wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest dividends, rental income, salary or earnings, **IRA distributions** and income from self-employment but shall not include gifts or inheritances. In connection with any application for exemption, the applicant shall furnish the Board of Assessors such evidence of the income or combined income as the Board of Assessors may require.

Section 3: 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 4: 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.

LOCAL LAW __ - 2024

A local law to amend Chapter 269-37 through 39, to amend the language regarding the recently updated NYS RPTL 466-d which becomes 466-a, changes the minimum years of service from 5 years to 2 years, and allows for the continuation of the benefit by an unremarried spouse upon death of the volunteer service member.

Section 1. Amending Chapter 269 37 through 39 entitled Article VII Volunteer Firefighters and Ambulance Corps Exemption with language as further noted below (language in Bold and Underlined to be added, language in ~~Strikethrough and bold and underlined~~ to be deleted):

Section 2. Amending the current language in Section 269-37 entitled *Findings of Fact*, and changing the reference in the law from RPTL § 466-d to § 466-a:

The Board of Trustees of the Village of Tarrytown has determined that the voluntary firemen and members of the Volunteer Ambulance Corps who provide invaluable service to the Village of Tarrytown are entitled to the expanded ten-percent real property exemption pursuant to Real Property Tax Law ~~§ 466-d~~ § 466-a.

Section 3. Replacing the current language in Section 269-38 entitled *Legislative Intent*, and adding a sentence to allow for the switch from RPTL § 466-d to become RPTL § 466-a:

The intent of this amendment is to adopt the expanded ten-percent real property exemption pursuant to Real Property Tax Law § 466-d, which was amended by the NYS Legislature to be Real Property Tax Law § 466-a.

Section 4. Replacing the current language in Section 269-39 entitled *Exemption Adopted*, and adding a sentence to allow for the switch from RPTL § 466-d to become RPTL § 466-a:

The Village of Tarrytown hereby adopts the expanded ten-percent real property exemption pursuant to Real Property Tax Law ~~§ 466-d~~ § 466-a, as follows.

- a. The Board of Trustees hereby adopts a provision to allow the minimum volunteer service requirement for participation in this program to be two (2) years.
- b. This provision shall apply to real property in the Village of Tarrytown and shall only reduce Village taxes, to a maximum of ten percent (10%). Other taxing jurisdictions such as the Town or Schools have to adopt their own exemption provision(s).
- c. ~~However,~~ Real property owned by an enrolled member and/or spouse of an incorporated volunteer fire company member and/or an incorporated ambulance service member shall be limited to a total of 10% property tax exemption under this article.

- d. This shall only apply to the principal residence of the volunteer.
- e. The Board of Trustees hereby allows the continuation of the benefit for an un-remarried spouse upon the death of the volunteer service member.

Section 5: 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 6: 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.