

VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
ORGANIZATIONAL AND REGULAR MEETING 7:00 P.M.
MONDAY, DECEMBER 5, 2022
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/37446> for instructions on how to join & participate via zoom.

7:00 P.M. ANNUAL ORGANIZATIONAL MEETING

The meeting will begin with the Pledge to the Flag.

1. Swearing in of Trustees Robert Hoyt, Thomas Mitchell and Paul Rinaldi

Oath of Office to be given by Village Justice Kyle McGovern

2. Note: Announcement of the Mayor's appointment of Rebecca "Becky" McGovern as Deputy Mayor for a term to expire on the first Monday in December of 2023.

3. Re-Appointment of Marriage Officers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint the following Village Officials as Marriage Officers of the Village of Tarrytown for a term to expire in December of 2023: Trustees Hoyt, Kim, McGovern, Mitchell, Rinaldi, Phillips-Staley and Village Clerk Gilligan.

4. Re-Appointment of Village Treasurer

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Antoinette Morales as Village Treasurer for a term to expire in December of 2024.

5. Re-Appointment of Deputy Village Treasurer

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Azucena "Susy" V. Molina as Deputy Village Treasurer for a term to expire in December of 2023.

6. Re-Appointment of Village Clerk

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Kristine Gilligan as Village Clerk for a term to expire in December of 2024.

7. Re-Appointment of Deputy Village Clerk

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Alissa Fasman as Deputy Village Clerk for a term to expire in December of 2023.

8. Re-Appointment of Village Attorney

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint the firm of Silverberg Zalantis LLC as Village Attorneys for a term to expire in December of 2023.

9. Re-Appointment of Village Special Prosecutor

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Steven Bettman as Village Special Prosecutor (as a contractor, not an employee) for a term to expire in December of 2023.

10. Re-Appointment of Village Acting Justice

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint George Hlapatsos as Village Acting Justice for a term to expire in December of 2023.

11. Re-Appointment of Village Registrar

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Kristine Gilligan as Village Registrar for a term to expire in December of 2024.

12. Re-Appointment of Deputy Village Registrars

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Antoinette Morales and Richard Slingerland and appoint Alissa Fasman as Deputy Village Registrars for terms to expire in December of 2024.

13. Re-Appointment of Harbormaster

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Kevin Lustyik as Village Harbormaster for a term to expire in December of 2023.

14. Re-Appointment of Police Surgeons

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Dr. Robert Raniolo, Dr. Barry Geller and Industrial Medicine Associates as Police Surgeons for a term to expire in December of 2023.

15. Re-Appointment of Chairperson of the Planning Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Joan Raiselis as Chairperson of the Planning Board for a term to expire in December of 2023.

16. Re-Appointment of Member of the Planning Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-appoint Dr. Stanley Friedlander as a member of the Planning Board for a five-year term to expire in December of 2027.

17. Re-Appointment of Chairperson of the Zoning Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Sally Lawrence as Chairperson of the Zoning Board for a term to expire in December of 2023.

18. Re-Appointment of Member of the Zoning Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Victoria Weisel as a member of the Zoning Board of Appeals for a five year term that will expire in December of 2027.

19. Re-Appointment of Chairperson of the Architectural Review Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Jane Greenwood as Chairperson of the Architectural Review Board for a term to expire in December of 2023.

20. Re-Appointment of Members of the Architectural Review Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Valerie Kopelman and Stephen Mignogna as members of the Architectural Review Board for terms that will expire in December of 2025.

21. Re-Appointment of Alternate Member of the Architectural Review Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Brian McDonough as an alternate member of the Architectural Review Board for a term that will expire in December of 2025.

22. Re-Appointment of Chairman of the Parks and Recreation Advisory Council

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint James DeSimone as Chairperson of the Parks and Recreation Advisory Council for a term to expire in December of 2023.

23. Re-Appointment of Members of the Parks and Recreation Advisory Council

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint James DeSimone and Ed Montolio as Members of the Parks and Recreation Advisory Council for a five year terms to expire in December of 2027.

24. Re-Appointment of Chairman of the Ethics Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Mary McGee as Chairperson of the Ethics Committee for a term to expire in December of 2023.

25. Re-Appointment of Members of the Ethics Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Mary McGee and Paul Rinaldi as Members of the Ethics Committee for three year terms that will expire in December of 2025.

26. Re-Appointment of Co-Chairs of TEAC

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Rachel Tieger and Dean Gallea as Co-Chairs of the Tarrytown Environmental Advisory Committee (TEAC) for terms that will expire in December of 2023.

27. Re-Appointment and appointment of Members of TEAC

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Rachel Tieger, Martin Hauser, Jenny O'Connor, Catherine Ruhland, Mai Mai Margules and Barbara Goodman Barnett and appoints Cari Newton and Mason Lee as Members of TEAC for two-year terms that will expire in December of 2024.

Note – one term of the TMHA Board appointments has to be adjusted to restore the staggered terms in which one Board Member's term expires each year.

28. Re-Appointment and appointment of Members of the Tarrytown Municipal Housing Authority (TMHA) Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Brian Burnette as a member of the Tarrytown Municipal Housing Authority (TMHA) Board for the remainder of a portion of a five-year term that will expire in December of 2026; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Jordan Becker as a Member of the Tarrytown Municipal Housing Authority (TMHA) Board for a five-year term that will expire in December of 2027.

29. Re-Appointment of Chair of Tree Commission

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Martin Hauser as Chair of the Tarrytown Tree Commission for a term that will expire in December of 2023.

30. Re-Appointment and appointment of Members of the Tarrytown Tree Commission

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Martin Hauser to the Tarrytown Tree Commission for a three year term that will expire in December of 2025, and appoints Redmond Tsao to the Tarrytown Tree Commission for a three year term that will expire in December of 2025; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby appoint Catherine Ruhland as liaison between TEAC and the Tarrytown Tree Commission for a one-year term that will expire in December, 2023.

31. Re-Appointment of Chairperson of the Tarrytown Housing Affordability Task Force

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Sadie McKeown as Chairwoman of the Tarrytown Housing Affordability Task Force for a term that will expire in December of 2023.

32. Re-Appointment of Members of the Tarrytown Housing Affordability Task Force

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Sadie McKeown, Rosemarie Noonan, Alec Roberts, Peter Feroe, Craig Singer and Gary Friedland as Members of the Tarrytown Housing Affordability Task Force for a one-year term that will expire in December of 2023.

33. Re-Appointment of Members of the Tarrytown Fire Sprinkler Appeals Board

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint David Jacoby and Albert Collado PE as members of the Tarrytown Fire Sprinkler Appeals Board for a one-year term that will expire in December of 2023 and designates the three fire chiefs as serving on this Board in an ex-officio capacity, who are currently Fire Chief Richard Tucci, 1st Assistant Fire Chief Sean Scogna Jr. and 2nd Assistant Fire Chief Frank Morabito.

34. Re-Appointment of Members of the Tarrytown Transportation and Mobility Council

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby reappoint Police Chief John Barbelet, Eleanor Ross, Henry Molina, Salvatore Denise, Ryan Lucia and Rick Reimundez as Members of the Tarrytown Transportation and Mobility Council for two-year terms that will expire in December of 2024.

Policy determinations and official designations (official newspaper, depositories, auditors, etc.)

35. Adoption of meeting schedule of the Board of Trustees for December 2022 through December 2023

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby adopts the meeting schedule for December, 2022 through December, 2023 (Note – the Board Regular Meetings are on the first and third Mondays starting at 7 p.m.; the Work Sessions are on the Wednesdays before the Regular Board meetings at 6 p.m., and the summer reduced meeting schedule will be for one work session and one regular board meeting each month during the months of July and August.)

Board Meeting schedule for Official Year Dec. 2022 through Dec. 2023

Day, Date and time	Meeting type
Monday, December 5, 2022, 7 p.m.	Organizational and Regular Board Meeting
Wednesday, December 14, 2022, 6 p.m.	Work Session
Monday, December 19, 2022, 7 p.m.	Regular Board Meeting
Wednesday, December 28, 2022, 6 p.m.	Work Session
Tuesday, January 3, 2023, 7 p.m.	Regular Board Meeting
Wednesday, January 11, 2023, 6 p.m.	Work Session
Tuesday, January 17, 2023, 7 p.m.	Regular Board Meeting
Wednesday, February 1, 2023, 6 p.m.	Work Session
Monday, February 6, 2023, 7 p.m.	Regular Board Meeting
Wednesday, February 15, 2023, 6 p.m.	Work Session
Tuesday, February 21, 2023, 7 p.m.	Regular Board Meeting
Wednesday, March 1, 2023, 6 p.m.	Work Session
Monday, March 6, 2023, 7 p.m.	Regular Board Meeting
Wednesday, March 15, 2023, 6 p.m.	Work Session
Monday, March 20, 2023, 7 p.m.	Regular Board Meeting
Wednesday, March 29, 2023, 6 p.m.	Work Session
Monday, April 3, 2023, 7 p.m.	Regular Board Meeting
Wednesday, April 12, 2023, 6 p.m.	Work Session
Monday, April 17, 2023, 7 p.m.	Regular Board Meeting
Wednesday, April 26, 2023, 6 p.m.	Work Session
Monday, May 1, 2023, 7 p.m.	Regular Board Meeting
Wednesday, May 10, 2023, 6 p.m.	Work Session
Monday, May 15, 2023, 7 p.m.	Regular Board Meeting
Wednesday, May 31, 2023, 6 p.m.	Work Session
Monday, June 5, 2023, 7 p.m.	Regular Board Meeting
Wednesday, June 14, 2023, 6 p.m.	Work Session
Tuesday, June 20, 2023, 7 p.m.	Regular Board Meeting
Wednesday, July 12, 2023, 6 p.m.	Work Session
Monday, July 17, 2023, 7 p.m.	Regular Board Meeting
Wednesday, August 9, 2023, 6 p.m.	Work Session

Monday, August 21, 2023, 7 p.m.	Regular Board Meeting
Wednesday, August 30, 2023, 6 p.m.	Work Session
Tuesday, September 5, 2023, 7 p.m.	Regular Board Meeting
Wednesday, September 13, 2023, 6 p.m.	Work Session
Monday, September 18, 2023, 7 p.m.	Regular Board Meeting
Wednesday, September 27, 2023, 6 p.m.	Work Session
Monday, October 2, 2023, 7 p.m.	Regular Board Meeting
Wednesday, October 11, 2023, 6 p.m.	Work Session
Monday, October 16, 2023, 7 p.m.	Regular Board Meeting
Wednesday, November 1, 2023, 6 p.m.	Work Session
Monday, November 6, 2023, 7 p.m.	Regular Board Meeting
Wednesday, November 15, 2023, 6 p.m.	Work Session
Monday, November 20, 2023, 7 p.m.	Regular Board Meeting
Wednesday, November 29, 2023, 6 p.m.	Work Session
Monday, December 4, 2023, 7 p.m.	Annual Org. Mtg & Regular Board Meeting

36. DESIGNATION OF THE OFFICIAL VILLAGE DEPOSITORIES AND AUTHORIZED CHECK SIGNERS.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby designates that the J P Morgan Chase Bank, Key Bank, Valley Bank, Tompkins Bank, RBC Bank (for LOSAP) and NY CLASS be designated as official depositories for the Village of Tarrytown. All checks drawn on the payroll shall be signed by Village Treasurer Antoinette Morales and all checks drawn on accounts other than payroll funds shall be signed by Mayor Brown and Village Treasurer Antoinette Morales; the signatures of Treasurer Morales and Mayor Brown may be manual or by an automatic signing device. The Deputy Mayor is authorized to sign in the absence or unavailability of Mayor Brown and Deputy Treasurer Azucena "Susy" V. Molina is authorized to sign in the absence or unavailability of the Treasurer.

37. DESIGNATION OF AN OFFICIAL NEWSPAPER

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby designates The Journal News as the Official Newspaper of the Village of Tarrytown.

38. RE-APPOINTMENT OF FINANCIAL ADVISOR SERVICES

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint the firm of Capital Market Advisors, LLC as the Official Financial Advisors for the Village of Tarrytown.

39. RE-ADOPTION OF THE VILLAGE OF TARRYTOWN BOARD OF TRUSTEES OFFICIAL RULES OF PROCEDURE

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown, pursuant to New York State Village Law, Section 4-412(2), hereby designates the following Official Rules of Procedure (as attached to the minutes of this meeting). Said Rules of Procedure also are subject to other provisions of New York Law and the Village of Tarrytown Code and shall govern the meetings of the Board of Trustees of the Village of Tarrytown.

PART A: MEETINGS

SECTION 1 - Regular Meetings

The Board of Trustees generally will hold regular meetings on the 1st and 3rd Monday of each month, with the exception of the months of July and August, when the meeting shall be held on the 3rd Monday of the month and due to conflicts with holidays, the following Tuesdays: January 3, 2023, January 17, 2023, February 21, 2023, June 20, 2023 and September 5th, 2023. All such regular meetings shall commence at 7:00 PM, unless set for another time by action of the Board of Trustees and shall be conducted in the Boardroom at the Village Hall, or by other means and location pursuant to applicable provisions of law, including but not limited to the NY State Open Meetings Law, the applicable provisions of law as may be set forth in Executive Orders of the Governor, or any other applicable provisions of law or order. Any deviation from this schedule shall be determined by the Board of Trustees.

SECTION 2 - Special Meetings

Special Meetings of the Board of Trustees are all those Board meetings other than regular meetings. A special meeting may be called by the Mayor or by three (3) members of the Board of Trustees upon notice to the entire Board. Notice shall be given in accordance with law.

SECTION 3 - Executive Sessions

Executive Sessions shall be held in accordance with the New York State Public Officers Law §105. All executive sessions shall be commenced in a public meeting (See Part C, Section 4).

SECTION 4 – Work Sessions

Work Sessions of the Board of Trustees shall be held on the Wednesday before the Monday Board of Trustees meeting noted in Section 1 hereinabove. These meetings are open to the public; however, the public shall not be permitted to comment on any issue. Individuals or groups invited to meet with the Board of Trustees at the Work Session for specific agenda items shall be permitted to comment on that specific agenda item. Notice shall be given in accordance with law.

PART B: POLICIES

SECTION 1 - Quorum

A quorum of the Board of Trustees shall be required to conduct business. A quorum of the seven (7) member Board shall be four (4).

SECTION 2 - Voting

Pursuant to Village Law each member of the Board of Trustees shall have one vote. The Mayor may vote on any matter and must vote in case of a tie. The affirmative vote of four (4) members of the Board is necessary to pass a matter unless otherwise specified by New York State Law.

SECTION 3 - Agendas

The agenda shall be prepared by the Village Clerk, in cooperation with the Village Administrator by Friday preceding the Monday meeting. An item may be placed on the agenda at any time, including during the meeting, by consent of a majority of the Board.

SECTION 4 - Order of Business

The order of business shall be:

- Call to order
- Miscellaneous and Liaison Reports
- Changes and/or Additions to the Agenda
- Village Administrator's Report
- Public Hearings and/or Public Information Meetings
- Opportunity for the Public to Address the Board only on Agenda Items
- Resolutions
- Approval of Minutes
- Approval of Audited Vouchers
- Opportunity for the Public to Address the Board
- Adjournment

The order of business need not be followed if the Mayor determines that it is appropriate to deviate.

SECTION 5 - Minutes

Minutes at all Board of Trustee meetings shall be the responsibility of the Village Clerk, who pursuant to approval from the Board of Trustees may employ the services of a person to take minutes. Minutes of an open meeting shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote

thereon. Minutes of an executive session shall be taken of any action that is taken by formal vote and shall consist of a record or summary of the final determination of such action and the vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law.

Minutes need not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board resolves to have the Clerk do so. Minutes shall be considered for approval at the next Board meeting after the minutes are received by the Village Clerk.

PART C: RULES AND PROCEDURES

SECTION 1 - General Rules of Procedure

The Mayor shall preside at meetings of the Board of Trustees. In the Mayor's absence the Deputy Mayor shall preside. In the absence of the Mayor and the Deputy Mayor, the remaining members of the Board of Trustees shall decide which member shall serve as the presiding officer. Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking. A member once recognized shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, be called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.

There is no limit to the number of times a Board Member may speak on a question.

Motion to close or limit debate may be entertained but shall require the affirmative vote of four (4) members of the Board.

Procedural questions which are not governed by New York State law or the Village Code or addressed in these Rules of Procedure shall be determined in accordance with Robert's Rules of Order.

SECTION 2 - Guidelines for Public Comment

The public shall be allowed to speak only during Public Hearings and Public Comment periods.

General Requirements

Speakers must be recognized by the presiding officer.

Speakers must step to the front of the room and speak into the microphone or at the lectern should one be provided. Speakers are not to approach the dais without invitation and are directed to make their remarks from the microphone or lectern.

Speakers must give their name, address and organization represented, if any.

No items or documents may be placed on the dais or presented to the Board unless either authorization is requested and granted by the presiding officer or a Board member specifically requests to see an item. All items for presentation that are granted authorization or requested by a Board member shall be presented to the Village Clerk who shall pass it the Board.

Public Hearings

Speakers shall have three (3) minutes to address the Board of Trustees on the specific matter that is the subject of the Public Hearing before yielding to the next speaker.

Public Comment

Speakers shall have three (3) minutes to address the Board of Trustees before yielding to the next speaker.

Board members may interrupt a speaker during the speaker's remarks, but only for the purpose of asking questions of the speaker for purposes of clarification, information or to ask follow-up questions.

All remarks shall be addressed to the Mayor and Board of Trustees.
Board members may respond to questions or comments at their discretion.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste and shall not use foul language, display unacceptable behavior, or be disruptive of the proceedings.

A timer shall be utilized that will beep or produce another sound to indicate that a speaker's three (3) minute time limit for Public Comment or three (3) minute time limit has been reached. Upon being notified that his or her time limit has been reached, a speaker shall cease speaking, leave the microphone or lectern, if one is provided, and return to his or her seat.

The presiding officer may modify these guidelines if warranted.

SECTION 3 - Use of Recording Equipment

All members of the public and all public officials are allowed to photograph and tape or video record public meetings so long as the photography or recording is done in a manner which does not interfere with the meeting. The presiding officer may make the determination that the photography or recording is being done in a manner that interferes with the meeting after taking into consideration attendant movement and activity, distance from the deliberations of the Board, noise, size of equipment, ability of the public to participate in the meeting notwithstanding the photography or recording, and any other

pertinent factor. If the presiding officer makes the determination that the photography or recording is interfering with the meeting, the presiding officer may request an accommodation to avoid the interference and if not sufficient or complied with, order the photography or recording to be stopped.

SECTION 4 - Executive Session Policy

It is the policy of the Board of Trustees of the Village of Tarrytown to conduct Village business in an open fashion and to make available as much information as may legally and practically be disseminated.

The New York State Open Meetings Law authorizes the Board to conduct business in executive session in a number of areas. These include:

1. Matters which will imperil the public safety if disclosed;
2. Matters which may disclose the identity of a law enforcement agent or informer;
3. Information relating to criminal investigations which would imperil effective law enforcement if disclosed;
4. Discussions relating to proposed, pending or current litigation;
5. Collective bargaining negotiations;
6. Personnel matters relating to particular individuals; and
7. The proposed acquisition, sale, or lease of real property or securities when disclosure would substantially affect the value.

The Board recognizes that it is authorized to use executive sessions in these and other situations, but will do so with restraint.

To maintain confidentiality and to encourage the uninhibited discussion of the subject matter in Executive Session, all statements made and positions taken by all participants must remain confidential and may not be disclosed by any participant unless and until disclosure is authorized by affirmative vote of four (4) members of the Board.

It has been and continues to be the practice of the Board that all members of the Board, acting together, come to agreement by consensus on the specific information which is to be released to the public, the suitable vehicle for reporting that information, and the timing of the reporting.

40. REVIEW AND RE-ADOPTION OF PROCUREMENT POLICY

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown has reviewed the Village of Tarrytown Procurement Policy, pursuant to Paragraph 8 of the policy and does hereby approve the said policy for the 2022-2023 year.

41. VILLAGE OF TARRYTOWN INVESTMENT POLICY

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-adopt the Investment Policy for the Village of Tarrytown which applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

42. VILLAGE OF TARRYTOWN FUND BALANCE POLICY

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby re-adopt the Fund Balance Policy to maintain an unrestricted fund balance in a range between 15% and 25% of expenditures, and that it should not go below 10% except for emergencies or other extenuating circumstances; and

BE IT FURTHER RESOLVED that if the Village realized an unrestricted fund balance in excess of 25% of expenditures at the end of any fiscal year, the Village would utilize those funds for proper uses such as capital expenses, reduction or avoidance of debt, or establishment of a reserve for defined long-term financial exposures.

REGULAR MEETING AGENDA

43. Board Miscellaneous and Liaison Reports
44. Changes and/or Additions to the Agenda
45. Administrator's Report
46. 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
47. Authorization to Issue Letter to State Historic Preservation Office Requesting Additional Time for Consideration of the John D. McKean Fireboat Application for State Historic Preservation Status

WHEREAS the Village Administrator received notice on November 1, 2022 indicating that an application on behalf of the John D. McKean Fireboat with a home port address at the Tarrytown Marina in Tarrytown, NY would be considered at the December 8 meeting of the New York State Board for Historic Preservation; and

WHEREAS the Village of Tarrytown is the sole owner of Tarrytown Marina, and the Board of Trustees is authorized to manage and protect Village property as per NY Village Law § 4-412(1); and

WHEREAS the Board of Trustees did not consent to having the John D. McKean Fireboat dock at its marina, nor were they advised prior to application by the proprietor of the vessel of an application for State Historic Preservation Status for the John D. McKean Fireboat at the Tarrytown Marina; and

WHEREAS the Board of Trustees of the Village of Tarrytown is willing to consider hosting the John D. McKean Fireboat at the Tarrytown Marina, recognizing its historic value and potential attraction as a site inviting tourism and educational opportunities on the Tarrytown waterfront; and

WHEREAS to give full consideration to the proposal, the Board of Trustees requires additional information and a detailed understanding of the long-term implications of hosting the John D. McKean Fireboat given that home port designation that is associated with State Historic Preservation status is not easily altered;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the Village Administrator to submit a letter to the New York State Parks, Recreation and Historic Preservation Office indicating that the Village requires additional time before submitting a comment on the application, and is requesting that the agenda item be continued to the next 2023 meeting of the New York State Board of Historic Preservation.

48. Renewal of Contract with Capital Market Advisors

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute the renewal agreement with Capital Markets Advisors, LLC (CMA) of Great Neck, New York for financial advisory services for the Village of Tarrytown.

49. Declaration of Surplus equipment - Parks Department

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare the following Parks Department vehicle as surplus and ready for disposal by auction:

- 2010 Mercury Mariner – the last four numbers of the vehicle identification number are 4571

50. Sale of Surplus Automatic Transfer Switch

WHEREAS, on July 18, 2022, the Board of Trustees of the Village of Tarrytown declared as surplus a 1600A 3 pole 208V Caterpillar CTG Automatic Transfer Switch with NEMA 3R enclosure, heater and exerciser package; and

WHEREAS, on November 22, 2022 the same Automatic Transfer Switch was posted for auction on GovDeals.com with an opening bid amount of \$16,500; and

WHEREAS, the Village received zero bids for the item between November 22 and December 2, 2022; and

WHEREAS, the Village received an offer to purchase the Automatic Transfer Switch from Thomas Hooper of Eastern South Dakota for the amount of \$16,500 with the full freight of collection and transport to be paid by the purchaser;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the sale of the 1600A 3 pole 208V Caterpillar CTG Automatic Transfer Switch to Thomas Hooper for the amount of \$16,500.

51. Fee Discount for Veterans for Peddler's Permit

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize an amendment to the Master Fee Schedule to allow Veterans of the United States Military to receive a twenty (20) percent discount off of the annual fee of a Peddlers Permit.

52. Authorize a step increase for Maintenance Mechanic/Utility Worker

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes a one-step increase for Filip Michalski in the position of Maintenance Mechanic Utility Position to Step 2, in the Department of Public Works Water Department at an annual starting salary of \$81,071.00, with the new salary effective December 5, 2022, subject all prior requirements of Civil Service for his appointment.

53. Approval of the Minutes of the Board of Trustees Meeting of November 21, 2022

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the Board of Trustees Meeting held on Monday, November 21, 2022 as submitted by the Village Clerk.

54. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 10 of Audited Vouchers in the total amount of \$206,041.33 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 174,312.45
Water	\$ 26,026.35
Sewer Fund	\$ 1,314.57
Capital	\$ 0.00
Library	\$ 4,387.96
Trust & Agency	\$ <u>0.00</u>
Total	\$ 206,041.33

55. Opportunity for the Public to Address the Board on items not included on the agenda. Speakers have three (3) minutes before yielding to the next speaker

56. Adjournment

PROCUREMENT POLICY
VILLAGE OF TARRYTOWN

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract, public works contract or service contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a fiscal year. The following items are not subject to competitive bidding pursuant to Section 103 of the New York State General Municipal Law:

- a. purchase contracts under \$20,000 (amended 9/20/10)
- b. public works contracts under \$35,000 (amended 3/1/10)
- c. emergency purchases
- d. certain municipal hospital purchases
- e. goods purchased from agencies for the blind or severely handicapped
- f. goods purchased from correctional institutions
- g. purchases under State and County contracts
- h. surplus and second-hand purchases from another governmental entity (note: purchases over \$10,000 of used, surplus or second-hand materials and equipment should be subject to public bid and advertised as such.)

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances:

- a. purchase contracts over \$20,000 and public works contracts over \$35,000
- b. goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law
- c. goods purchased from correctional institutions pursuant to Section 186 of the Correction Law
- d. purchases under State contracts pursuant to Section 104 of the General Municipal Law
- e. purchases under County contracts pursuant to Section 103(3) of the General Municipal Law
- f. purchases pursuant to Subdivision 6 of this policy

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings: (amended on 7/15/2002)

Estimated Amount of Purchase Contract

Method

\$1,000 - \$1,999

A minimum of 2 written/fax/emailed quotations, which shall be recorded by the Department Head and maintained in a separate purchasing file

\$2,000 - \$19,999 (amended 9/20/2010)

A minimum of 3 written/fax/emailed quotations or responses to a Request for Proposals issued by the Village

\$20,000 and above (amended 9/20/2010)

Subject to publicly advertised bid. The bid shall be circulated to a minimum of 3 prospective bidders. Award of bid and contract associated with the bid must be approved by the Board of Trustees.

The Village may require electronic bid submission for technology contracts (amended 9/20/2010).

Estimated Amount of Public Works Contract

Method

\$1,000 - \$1,999

A minimum of 2 written/fax/emailed quotations, which shall be recorded by the Department Head and maintained in a separate purchasing file

\$2,000 - \$34,999

A minimum of 3 written/fax/emailed quotations or responses to a Request for Proposals issued by the Village

\$35,000 and above

Subject to publicly advertised bid. The bid shall be circulated to a minimum of 3 prospective bidders. Award of bid and contract associated with the bid must be approved by the Board of Trustees.

A Purchase Order shall be issued for any purchase of a single item or the same items with a total value of \$2,000 or more. The Purchase Order must be approved by the respective Department Head for purchases between \$2,000 and \$5,000. The Purchase Order must be approved by the Village Administrator or the Village Treasurer for purchases over \$5,000. The signature of the Village Administrator or the Village Treasurer and the date of the signature shall be included on the Purchase Order. Should the purchase of an item(s) from a State or County contract meet these thresholds, a Purchase Order shall be issued which shall clearly note the specific contract number from the State or County contract.

A good faith effort shall be made to obtain the minimum number of proposals or written/fax/emailed quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals or quotations. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement. Documentation shall be maintained either in a separate purchasing file in each department or attached to the paperwork associated with the purchase in the Treasurer's Office. The documentation retained in a file in the respective department shall be maintained in a manner where it is easy to distinguish the purchase with the invoice/bill in the Treasurer's Office.

5. All Fire Department building and vehicle maintenance and repairs will be the responsibility of the Fire Chief. All Fire Department purchases and contracts totaling one-thousand (\$1,000.00) or more must be pre-approved prior to purchase by requisition authorized by the Village Administrator or the Village Treasurer. All purchases and contracts shall be fully compliant with this Procurement Policy. (Amended on 12/02/2002) (Amended on 10/15/12) (Amended on 9/3/13)

6. Documentation and an explanation are required whenever a contract is awarded or a purchase made to a vendor/offeree other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the lowest offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged by the offeror under any circumstance.

7. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the Board of Trustees, the solicitation of alternative proposals or quotations will not be in the best interest of the Village. In the following circumstances it may not be in the best interests of the Village of Tarrytown to solicit quotations or document the basis for not accepting the lowest responsible bid:

- a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Board of Trustees shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
- d. Goods or services under \$1,000. The time and documentation required to purchase through this

policy may be more costly than the item and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

8. This policy shall go into effect immediately upon adoption by the Board of Trustees and will be reviewed annually.

Dates of Amendments

March 18, 2002

July 15, 2002

December 2, 2002

March 1, 2010

September 20, 2010

July 18, 2011

October 15, 2012

September 3, 2013

Opns St Comp, 1981 No. 81-267 (N.Y.St.Cptr.), 1981 WL 16840

New York State Comptroller
NYCPTR Opn No. 81-267
August 11, 1981

TO: MR. I. DAVID BERGRIN, ASS'T SUPERINTENDENT FOR BUSINESS
LEVITTOWN UNION FREE SCHOOL DISTRICT

***1 General Municipal Law, § 103**

General Municipal Law, § 103(4)

1. PUBLIC CONTRACTS—BIDS—PROCEDURE WHEN NO BIDS RECEIVED

2. PUBLIC CONTRACTS—EMERGENCIES—CRITERIA FOR DETERMINING EXISTENCE OF

Where a school district has in good faith duly advertised for bids and received none, it should re-advertise in newspapers of broader circulation and directly contact vendors. If still no bids are received, it would seem that the goods or services could then be secured on the open market.

The declaration of an emergency for the purposes of dispensing with competitive bidding requirements is, in the first instance, a matter of local determination to be made, in most instances, by the local governing board.

We have received an inquiry concerning competitive bidding for the construction of an egress to a below ground music suite in a school district building. The school district advertised for bids once and received no responses. We are asked whether the school district may now proceed to contract for the construction without formally re-advertising for bids, to assure that the building will be completed prior to the opening of school in September.

Section 103 of the General Municipal Law, which generally governs competitive bidding procedures for municipalities and school districts, does not specify the procedure to be followed in the event there is advertising for bids and no bids are received. In addition, we are aware of no court determination in this regard. However, the Legislature certainly did not intend that a municipality or school district would be required to indefinitely re-advertise for bids or be estopped from acquiring the necessary goods or services in those cases where, after advertising in good faith, no bids were received. Thus, we have suggested that, in a situation where a municipality or school district has in good faith duly advertised for bids and received no bids, it should re-advertise in its official newspaper or other newspaper designated for such purpose, advertise in other newspapers having broader circulations, and directly contact vendors who are known to handle the items or perform the type of work sought. Where these steps are taken and still no bids are received, it is our opinion that the municipality or school district would have in good faith complied with competitive bidding requirements and it is doubtful that the courts, under such circumstances, would require the municipality or school district to pursue to its detriment the empty gesture of re-advertising for new bids (Opns St Comp, 1978, No. 78-523, unreported; Opns St Comp, 1973, No. 73-814, unreported; 28 Opns St Comp, 1972, p 125).

While following these suggested guidelines would seem to be the most prudent course of action in most instances, as indicated above, we are aware of no statutorily or judicially mandated procedure for situations where no bids are initially received. In a given instance, inquiries made by a governing board might indicate that advertising a second time and contacting vendors directly would prove fruitless and it may wish to dispense with these additional procedures. If the board's actions are challenged, it is possible that a court would hold that competitive bidding procedures had been fully complied with in good faith. However, we are not in a position to anticipate whether this would be such an instance.

*2 Of course, if an "emergency" situation exists, the school district could proceed without further formal advertising for bids. General Municipal Law, § 103(4) provides for the letting of purchase and public works contracts without competitive bidding in cases of public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision require immediate action which cannot await competitive bidding. The declaration of a public emergency for competitive

WICKS Reform 2008

(For all contracts advertised or solicited for bid on or after 7/1/08)

- Raises the threshold for public work projects subject to the Wicks Law requiring separate specifications and bidding for the plumbing, heating and electrical work. The total project's threshold would increase from \$50,000 to: \$3 million in Bronx, Kings, New York, Queens and Richmond counties; \$1.5 million in Nassau, Suffolk and Westchester counties; and \$500,000 in all other counties.
- For projects below the monetary threshold, bidders must submit a sealed list naming each subcontractor for the plumbing, HVAC and electrical work and the amount to be paid to each. The list may not be changed unless the public owner finds a legitimate construction need, including a change in specifications or costs or use of a Project Labor Agreement (PLA), and must be open to public inspection.
- Allows the state and local agencies and authorities to waive the Wicks Law and use a PLA if it will provide the best work at the lowest possible price. If a PLA is used, all contractors shall participate in apprentice training programs in the trades of work it employs that have been approved by the Department of Labor (DOL) for not less than three years. They shall also have at least one graduate in the last three years and use affirmative efforts to retain minority apprentices. PLA's would be exempt from Wicks, but deemed to be public work subject to prevailing wage enforcement.
- The Commissioner of Labor shall have the power to enforce separate specification requirements on projects, and may issue stop-bid orders against public owners for non-compliance.
- Other new monetary thresholds, and similar sealed bidding for non-Wicks projects, would apply to certain public authorities including municipal housing authorities, NYC Construction Fund, Yonkers Educational Construction Fund, NYC Municipal Water Finance Authority, Buffalo Municipal Water Finance Authority, Westchester County Health Care Association, Nassau County Health Care Corp., Clifton-Fine Health Care Corp., Erie County Medical Center Corp., NYC Solid Waste Management Facilities, and the Dormitory Authority.
- Reduces from 15 to 7 days the period in which contractors must pay subcontractors.

NYS Building & Construction Trades Council

Home Page	Project Labor Agreements	Legislative Information	Leadership & Members	Apprenticeship	Safety & Health
Prevailing Wages	Helmets to Hardhats	Upcoming Events	Wicks Law Information	Members Only	

Wicks Law Information

For all contracts advertised or solicited for bid on or after July 1, 2008:

The Wicks Law requires separate specifications and bidding for plumbing, HVAC, and electrical work on public construction projects over a certain threshold amount determined geographically:

- \$3 million in Bronx, Kings, New York, Queens and Richmond counties
- \$1.5 million in Nassau, Suffolk, and Westchester counties
- \$500,000 in all other counties

For projects below the threshold amount, bidders must submit a sealed list naming each subcontractor for the plumbing, HVAC, and electrical work and the amount to be paid to each. The list may not be changed unless the public owner finds a legitimate construction need, including a change in specifications or costs or use of a Project Labor Agreement, and must be open to public inspection.

State and local agencies and authorities may waive the Wicks Law by using a Project Labor Agreement.

The Commissioner of Labor is empowered to enforce separate specification requirements and may issue stop-bid orders against public owners for non-compliance.



Labor

§ 222. Project labor agreements. 1. Definition. "Project labor agreement" shall mean a pre-hire collective bargaining agreement between a contractor and a bona fide building and construction trade labor organization establishing the labor organization as the collective bargaining representative for all persons who will perform work on a public work project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform project work.

2. Contracts. Notwithstanding the provisions of any general, special or local law, or judicial decision to the contrary:

(a) Any agency, board, department, commission or officer of the state of New York, or of any political subdivision thereof as defined in section one hundred of the general municipal law, municipal corporation as defined in section sixty-six of the general construction law, public benefit corporation, or local or state authority as defined in section two of the public authorities law having jurisdiction over the public work may require a contractor awarded a contract, subcontract, lease, grant, bond, covenant or other agreement for a project to enter into a project labor agreement during and for the work involved with such project when such requirement is part of the agency, board, department, commission or officer of the state of New York, political subdivision, municipal corporation, public benefit corporation or local or state authority having jurisdiction over the public work request for proposals for the project and when the agency, board, department, commission or officer of the state of New York, political subdivision, municipal corporation, public benefit corporation or local or state authority having jurisdiction over the public work determines that its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption, and other considerations such as the impact of delay, the possibility of cost savings advantages, and any local history of labor unrest, are best met by requiring a project labor agreement.

(b) Any contract, subcontract, lease, grant, bond, covenant or other agreement for projects undertaken pursuant to this section shall not be subject to the requirements of separate specifications (referred to as the Wicks Law) when the agency, board, department, commission or officer of the state of New York, or political subdivision thereof, municipal corporation, public benefit corporation or local or state authority having jurisdiction over the public work has chosen to require a project labor agreement, pursuant to paragraph (a) of this subdivision.

(c) Whenever the agency, board, department, commission or officer of the state of New York, or political subdivision thereof, municipal corporation, public benefit corporation or local or state authority having jurisdiction over the public work enters into a contract, subcontract, lease, grant, bond, covenant or other agreement for the construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration, or improvement for a project undertaken pursuant to this section, it shall be deemed to be a public works project for the purposes of this article, and all the provisions of this

article shall be applicable to all the work involved with such project including, but not limited to, the enforcement of prevailing wage requirements by the fiscal officer as defined in paragraph (e) of subdivision five of section two hundred twenty of this article.

(d) Every contract entered into by any agency, board, department, commission or officer of the state of New York, or any political subdivision thereof, municipal corporation, public benefit corporation or local or state authority having jurisdiction over the public work for a project shall contain a provision that the design of such project shall be subject to the review and approval of the entity and that the design and construction standards of such project shall be subject to the review and approval of such state entity, if applicable. In addition, every such contract shall contain a provision that the contractor shall furnish a labor and material bond guaranteeing prompt payment of moneys that are due to all persons furnishing labor and materials pursuant to the requirements of any contracts for a project undertaken pursuant to this section and a performance bond for the faithful performance of the project, which shall conform to the provisions of state or local law, and that a copy of such performance and payment bonds shall be kept by such entity and shall be open to public inspection.

(e) Any contract, subcontract, lease, grant, bond, covenant, or other agreement for construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration, or improvement with respect to each project undertaken pursuant to this section, the entity shall consider the financial and organizational capacity of contractors and subcontractors in relation to the magnitude of work they may perform, the record of performance of contractors and subcontractors on previous work, the record of contractors and subcontractors in complying with existing labor standards and maintaining harmonious labor relations, and the commitment of contractors to work with minority and women-owned business enterprises pursuant to article fifteen-A of the executive law through joint ventures of subcontractor relationships. With respect to any contract for construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, alteration, or improvement in excess of three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state; the entity shall further require that each contractor and subcontractor shall participate in apprentice training programs in the trades of work it employs that have been approved by the department for not less than three years and shall have graduated at least one apprentice in the last three years and shall have at least one apprentice currently enrolled in such apprenticeship training program. In addition, it must be demonstrated that the program has made significant efforts to attract and retain minority apprentices, as determined by affirmative action goals established for such program by the department.

Source:

[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$LAB222\\$\\$@TXLAB0222+&LIST=SEA1+&BROWSER=BROWSER+&TOKEN=59974875+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$LAB222$$@TXLAB0222+&LIST=SEA1+&BROWSER=BROWSER+&TOKEN=59974875+&TARGET=VIEW)

Board of Trustees
Village of Tarrytown
Regular Meeting No. 23
October 1, 2018
8:00 p.m.

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

ABSENT: Trustee Brown

VILLAGE OF TARRYTOWN INVESTMENT POLICY

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

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt an
Investment Policy for the Village of Tarrytown which applies to all moneys and other financial
resources available for investment on its own behalf or on behalf of any other entity or
individual;

BE IT FURTHER RESOLVED that a complete copy of the policy will be affixed to the official
minutes of this meeting.

I, Carol A. Booth, the undersigned Village Clerk, do hereby certify that the above is a true and
correct excerpt of the minutes of the October 1, 2018 Board of Trustees Regular Meeting.



Carol A. Booth
Village Clerk

Dated: November 27, 2018

Official Seal



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

Adopted 10/1/18

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.