

VILLAGE OF TARRYTOWN  
BOARD OF TRUSTEES  
REGULAR MEETING 7:00 P.M.  
MONDAY, June 6, 2022  
Tarrytown Village Hall  
One Depot Plaza, Tarrytown, New York

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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/37431> for instructions on how to join & participate via zoom.

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EXECUTIVE SESSION 5:15 – Personnel  
REGULAR MEETING: 7:00 P.M.

1. Board Miscellaneous and Liaison Reports
2. Changes and/or Additions to the Agenda
3. Administrator's Report
4. Public Hearing – Local Law 6 to Amend Chapter 221, Section 5 of the Tarrytown Code Entitled Alcoholic Beverages in Parks and Public Areas

Resolution to adopt Local Law 6-2022:

WHEREAS, a notice of public hearing of the proposed Local Law was published in the Journal News on May 19, 2022; and

WHEREAS, in consideration of said Local Law, a public hearing was held on the proposed action on June 6, 2022; 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 pursuant to the State Environmental Quality Review Act ("SEQRA") for the Proposed Action; and

WHEREAS Chapter 221 of Village Code stipulates that alcoholic beverages can only be served, consumed or sold on Village property for events approved by the Board of Trustees; and

WHEREAS the Village has implemented a permit process for the Pierson Park Picnic Pavilion to streamline the approval of organized activities, provide for appropriate maintenance and staffing when needed, and ensure awareness of and adherence to park rules; and

WHEREAS Local Law 6 brings Chapter 221, Section 5 of the Tarrytown Code Entitled Alcoholic Beverages in Parks and Public Areas into conformity with current practice with the following changes:

**Section 1. Be it enacted** by the Board of Trustees of the Village of Tarrytown as follows.

**Section 2.** Former language revoked. Existing Parks and Recreation Areas Village Code section Chapter 221-5, entitled “Alcoholic beverages in parks and public areas” is hereby repealed in its entirety. Language repealed is as follows:

The consumption, sale or service of alcoholic beverages or the possession of any opened container containing any alcoholic beverage on any public property within the Village of Tarrytown is prohibited, except for organized activities approved in advance by the Board of Trustees. This section does not apply to the sale, service and consumption of alcoholic beverages at any licensed sidewalk cafe as set forth in Chapter 247, § 247-6B and C, of the Village Code.

**Section 3. Enacting New Article** - A new Chapter 221-5 entitled Alcoholic beverages in parks and public areas, is hereby adopted as follows:

- A. The consumption or service of alcoholic beverages or the possession of any open container containing any alcoholic beverage to persons of legal age in New York State is allowed within the Pierson Park picnic pavilion and the picnic pavilion lawn area, provided that a permit has been issued by the Tarrytown Recreation Department.
- B. The sale, service and consumption of alcoholic beverages on all public property within the Village of Tarrytown is prohibited, except for organized activities approved in advance by the Board of Trustees.
- C. This section does not apply to the sale, service and consumption of alcoholic beverages at any licensed sidewalk cafe as set forth in Chapter 247, § 247-6B and C, of the Village Code.

**Section 4. Severability.** If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

**Section 5. Effective Date.** This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

NOW, THEREFORE, BE IT RESOLVED that 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.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt these changes as Local Law No. 6 of 2022.

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. Schedule a Public Hearing- Hackley School Compatible Use Permit

WHEREAS, the Hackley School submitted a site plan approval application for the demolition of the Zetkov Gymnasium and the existing Performing Arts Building and the construction of a new 54,000-sf Center for Creative Arts and Technology (CCAT) Building on property located within the unincorporated Town of Greenburgh; and

WHEREAS, the proposed construction will add 56 surface parking spaces and stormwater management improvements on property located in the Village of Tarrytown; and

WHEREAS, after reviewing over the past year potential issues related to traffic, new events, water distribution and pressure, sidewalk connections, Steep Slopes narrative, lighting for parking lots and the CCAT building, pump house views, landscape buffering, location and availability for fire protection, stormwater management, energy and sustainability, demolition and rock removal, as well as public comment on the project; the Planning Board recommends the approval of the site plan with a condition that the Applicant receive approval from the Village of Tarrytown Board of Trustees for an Amended Compatible Use Permit; and

WHEREAS, the Planning Board recommends that the Board of Trustees of the Village of Tarrytown approve the request for an Amended Compatible Use Permit based on a number of factors including that more building square footage will be removed than will be added with no increase in student enrollment or staff; the project is in compliance with Village zoning regulations; the project will not produce additional noise, fumes, vibration, lighting spillover or glare for nearby properties; the proposed parking areas are appropriately sized and buffered by landscape features; the new facility will not increase the density of the Village or add to the demand on municipal services; the proposed use for the new facility is harmonious with the current use of campus facilities; and the Hackley School will install a new sidewalk along Benedict Avenue to Midland Avenue to complete a gap in the sidewalk network and thereby improve pedestrian safety;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a Public Hearing for the regular meeting of Tuesday, June 21, 2022, at 7:00 p.m., in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider a Compatible Use Permit application for the Hackley School at 293 Benedict Avenue.

7. Insurance Renewals for Liability and Workers' Compensation

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute a one-year agreement with Brown and Brown Insurance Company, a/k/a The Spain Agency covering General Liability, Public

Officials’ Liability, Property Coverage, Automobile and Workers Compensation Insurance; and

BE IT FURTHER RESOLVED that the annual estimated premium for all Liability Coverages through NYMIR is presently \$\_\_\_\_\_; and

BE IT FURTHER RESOLVED that the annual estimated premium for the Workers’ Compensation Coverage of all employees and volunteers through Worker’s Comp Alliance is presently \$600,997, plus an estimated NYS assessment of \$21,075.

8. Resolution Authorizing Tax Certioraris

BE IT HEREBY RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve settlement of the following tax certiorari case as outlined in the Village Tax Certiorari Attorney’s recommendation, as follows:

<u>Address</u>	<u>Property ID Number</u>	<u>Amount of Refund</u>
Vanover, Andrew & Jacqueline 251 Benedict Ave	Section 1.110 Block 82 Lot 10	\$0.00

AND BE IT FURTHER RESOLVED that the Village Administrator, Village Treasurer and the Village’s Tax Attorney and other involved staff are authorized to take the necessary and appropriate actions to execute, file, process and make payment of, including through encumbered funds from this fiscal year, the aforementioned tax certiorari settlement.

a) BE IT HEREBY RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve settlement of the following tax certiorari case as outlined in the Village Tax Certiorari Attorney’s recommendation, as follows:

<u>Address</u>	<u>Property ID Number</u>	<u>Amount of Refund</u>
Racanelli, Frank 97 Roundabend Road	Section 1.230 Block 132 Lot 27.18	\$8,933.16

AND BE IT FURTHER RESOLVED that the Village Administrator, Village Treasurer and the Village’s Tax Attorney and other involved staff are authorized to take the necessary and appropriate actions to execute, file, process and make payment of, including through encumbered funds from this fiscal year, the aforementioned tax certiorari settlement.

b) BE IT HEREBY RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve settlement of the following tax certiorari case as outlined in the Village Tax Certiorari Attorney’s recommendation, as follows:

<u>Address</u>	<u>Property ID Number</u>	<u>Amount of Refund</u>
Kennedy, Patrick and Ann 11 Hudson Place	Section 1.140 Block 88 Lot 26	\$24,042.47

AND BE IT FURTHER RESOLVED that the Village Administrator, Village Treasurer and the Village’s Tax Attorney and other involved staff are authorized to take the necessary and appropriate actions to execute, file, process and make payment of, including through encumbered funds from this fiscal year, the aforementioned tax certiorari settlement.

## 9. Pool Membership

BE IT RESOLVED that due to the emergency repairs to the Village of Hastings NY municipal pool, the Board of Trustees of the Village of Tarrytown does hereby temporarily, for the 2022 pool season only, authorize fifty (50) Hastings on Hudson New York residents to become members of the Village of Tarrytown Swimming Pool for the 2022 season at the same rate as Tarrytown residents.

## 10. Peddlers Permit Pierson Park

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby grants a one day Peddlers Permit to Boy Scout Troops 22 & 5022 to allow the troops to sell water, candy chips and cookies at Pierson Park on Monday, July 4<sup>th</sup>, 2022.

## 11. Resident Recreation Parking Permits

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize that the Resident On Street Parking Permits can also be utilized as Resident Recreation Parking Permits so that residents do not have to obtain two different permits.

## 12. Water Meter Contract Award

WHEREAS, water meters are subject to wear and deterioration over a period of time, lose accuracy and may allow water to pass through without proper measurement; and

WHEREAS, replacement of inaccurate water meters will increase the Village's ability to fairly and equitably calculate water usage; and

WHEREAS, replacement of inefficient water meters will assist the Village in the reduction of non-revenue water loss and more accurately account for per capita water use; and

WHEREAS, the Village published a Notice to Bidders on February 23, 2022 and an addendum on March 9, 2022 in the Journal News; and

WHEREAS the Village received two (2) sealed bids which were opened on March 16, 2022 at 11:00 am at One Depot Plaza in Tarrytown; and

WHEREAS, the two (2) sealed bids are listed below; and

<b>Company Name Amount</b>	<b>Location</b>	<b>Bid</b>
Ferguson Water Works	New Hyde Park, NY	2,047,805.49
Rio Supply	Sicklerville, NJ	\$3,058,369.00

WHEREAS, upon review and after interviewing the lowest bidder, it is the recommendation of the Village Engineer and the Village Administrator that the bid be awarded to the lowest

responsible bidder, Ferguson Water Works of New Hyde Park, NY per their total approximate bid price of \$2,047,805.49.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the bid for the replacement and installation of new Automatic Ultrasonic Meter Readers for approximately 2,400 residential and commercial entities to Ferguson Water Works; and

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 execute the contract between the Village of Tarrytown and Ferguson Water Works.

13. Resolution to authorize the installation of a Stop Sign at McKeel Avenue and Beech Lane

WHEREAS the intersection of McKeel Avenue, Beech Lane and Suncliff Drive is currently controlled by stop signs at three of the four approaches; and

WHEREAS the lack of a stop sign at the fourth approach resulted in complaints of confusion from drivers and pedestrians; and

WHEREAS in the last five years two traffic accidents have occurred at the intersection, one involving a cyclist and a vehicle and the other involving two vehicles; and

WHEREAS the Traffic and Mobility Council worked in collaboration with DTS Provident traffic engineers to analyze the intersection and make recommendations for safety improvements at the intersection; and

WHEREAS based on the analysis, the Traffic and Mobility Council put forth a recommendation to the Board of Trustees of the Village of Tarrytown that a stop sign should be installed at the intersection of McKeel Avenue and Beech Lane.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the installation of a stop sign at the intersection of McKeel Avenue and Beech Lane; and

BE IT FURTHER RESOLVED that Chapter 291 Section 73 Schedule VIII of Village Code entitled Stop Intersections shall be amended to reflect the change.

14. Resolution authorizing an application to the New York State Department of Environmental Conservation's Trees for Tribs program

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the submission of an application to the Trees for Tribs program to utilize the expertise of the New York State Department of Conservation to assist with the planting of free native trees and shrubs for habitat restoration on the northern lakeshore of the Tarrytown Lakes in consultation with the Department of Public Works and the Building Department.

15. Resolution Authorizing the Multi-Village Road Milling and Paving Contract Award for 2022

WHEREAS, the Village of Tarrytown, in a cooperative relationship with the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings and Irvington, with the Village of Irvington taking the lead on the bid process and soliciting bids for the 2022 Road Milling and Paving Project; and

WHEREAS, on May 4, 2022, the Village of Irvington received four (4) bids for the 2022 Road Milling and Paving project and are summarized below for the proposed work in the Village of Tarrytown:

Company Name	Based out of:	Total Bid amount (6 Villages)
Montesano Bros., Inc.	New Rochelle, NY	\$1,792,812.21
ELQ Industries, Inc.	New Rochelle, NY	\$1,879,819.04
PCI Industries Corp	Mt. Vernon, NY	\$1,974,633.50
Waters Paving	Bridgeport, CT	\$2,022,567.10

WHEREAS, in accordance with the contract, each partner municipality will separately authorize the Contract and be responsible for payment of services performed within their respective municipality and the quantities of work required directly to the contractor; and

WHEREAS, the paving and milling is planned to take place on Riverview Ave, Grove Street, Detmer Ave. Doris Lane and Benedict Avenue, for a total estimated contract amount of \$868,000, based on unit prices included in the bids.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby authorize the award of the contract, for the work to be performed in the Village of Tarrytown, for the 2022 Milling and Paving Contract to Montesano Bros., Inc. of New Rochelle, NY, for a total estimated contract amount of \$868,000, in accordance with their unit prices contained in their bid of May 4, 2022; and

BE IT FURTHER RESOLVED that the Board of Trustees authorizes and directs the Village Administrator to execute an agreement for this project with Montesano Bros. Inc.

16. Resolution Authorizing the Multi-Village Curb Installation and Replacement Contract Award for 2022

WHEREAS, the Village of Tarrytown, in a cooperative relationship with the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings and Irvington, with Hastings on Hudson taking the lead on the bid process and soliciting bids for the 2022 Curb Installation and Replacement Project; and

WHEREAS, on April 29, 2022, the Village of Hastings received three (3) bids for the 2022 Curb Installation and Replacement project and are summarized below for the proposed work in the Village of Tarrytown:

Company Name	Based out of:	Total Bid amount (6 Villages)
Woodland Manor, LLC	Patterson, NY	\$860,930.00

Paladino Concrete Creations	Mt. Vernon, NY	\$965,605.00
Gianfia Corp.	Hawthorne, NY	\$1,170,085.00

WHEREAS, in accordance with the contract, each partner municipality will separately authorize the Contract and be responsible for payment of services performed within their respective municipality and the quantities of work required directly to the contractor; and

WHEREAS, the curb installation and replacement is planned to take place on Riverview Ave, Grove Street, Detmer Ave, Doris Lane and Benedict Ave. and other areas based upon the budget, with an estimated contract amount of \$164,000.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees of the Village of Tarrytown does hereby authorize the award of the contract, for the work to be performed in the Village of Tarrytown, for the 2022 Curb Installation and Repairs to Woodland Manor, LLC of Patterson NY, for a total estimated contract amount of \$164,000 in accordance with their unit prices contained in their bid of April 29, 2022; and

BE IT FURTHER RESOLVED that the Board of Trustees does hereby authorize and direct the Village Administrator to execute an agreement for this project with Woodland Manor, LLC

#### 17. Resolution to Encourage the Use of Low-Embodied-Carbon Concrete in Municipal Infrastructure Projects

WHEREAS the Village of Tarrytown is committed to implementing policies and undertaking measures to reduce its contribution to human caused climate change, including reducing greenhouse gas emissions; and

WHEREAS the construction of the built environment is a significant contributor to greenhouse gas emissions; and

WHEREAS concrete is the most widely used construction material in the world because of its low cost, strength, and durability, among other factors, and is a significant component of all building and infrastructure projects, including those of municipalities; and

WHEREAS, cement, the critical ingredient that gives the concrete its strength, is responsible for up to eight percent of the world's carbon dioxide emissions, mainly through a chemical process called calcination, as well as through the use of energy in production derived from the combustion of fossil fuels; and

WHEREAS low-embodied-carbon concrete is defined as concrete that has been verified, as measured by a Global Warming Potential (GWP) metric, to embody lower carbon emissions as compared to the baseline embodied carbon emissions of conventional concrete; and

WHEREAS lowering the embodied carbon emissions from concrete can be achieved through diverse methods and processes, including but not limited to: (A) using less cement in concrete mixes; (B) replacing or substituting cement with supplemental cementitious materials (SCMs) such as fly ash, blast furnace slag, or ground glass pozzolan; (C) using



locally produced cement and other concrete components resulting in reduced emissions from transport; (D) the utilization and mineralization of carbon in concrete materials; and

WHEREAS the New York State Department of Transportation and the Westchester County Department of Planning have identified specifications for low-embodied-carbon concrete in public infrastructure projects, and in January 2022, the State of New York passed a law to establish a low-embodied-carbon procurement standard for concrete in public construction projects;

NOW THEREFORE BE IT RESOLVED that the Village of Tarrytown encourages, and will work to promote, the use of low-embodied-carbon concrete products in building and infrastructure projects involving concrete, where the utilization of low-embodied-carbon concrete does not significantly increase the costs of or delay project completion, and where utilization does not compromise either construction integrity or public safety.

18. Acceptance of Donations towards Pollinator Plantings

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the acceptance of a cash donation of \$200.00 and additional plantings at an approximate value of \$825.00 made by John Stiloski towards the Village of Tarrytown’s Pollinator Planting program.

19. Agreement with Westchester County Youth Bureau for Tarrytown/Sleepy Hollow Summer Camp

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 between Westchester County and the Village of Tarrytown to provide funding for the 2022 Tarrytown/Sleepy Hollow Summer Day Camp program.

20. Pool Employee Appointments

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby authorizes the appointment of the following employees, as 2022 Summer seasonal employees to work at the Tarrytown Pool, with the pool season to take place in accordance with the rules and regulations of the County and State Health Departments and any applicable CDC regulations.

Jordan Lis	Head Lifeguard	\$16.00 an hour
James McCoy	Head Lifeguard	\$16.00 an hour.

21. Fire Department Membership Changes

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 May 17, 2022 Board of Fire Wardens meeting. Members: Ian Brooks and Zachary Schwartz have been approved for active membership at Consolidated Engine Co. and Scott Klami has been approved for membership of Marine 5. Drivers: The following drivers have been approved: Wes Cookingham for TL78, Tyrone Hodge for L37 and Justin Hoyt and James Riley for U61.

22. Authorization of Polling Places

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the use of Village facilities, including Conqueror & Hope Hose Firehouse, Riverside Hose Firehouse, Phenix Hose Firehouse, Washington Engine Firehouse, Consolidated Engine Firehouse and Village Hall as official polling places for the New York State Elections being held on June 28, 2022, August 23, 2022 and November 8<sup>th</sup>, 2022.

23. Agreement with Nicholas Maltese for back-up water license coverage

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby retain the services of Nicholas Maltese for a monthly stipend of \$2000.00 per month to maintain his Class 2B License and provide coverage in the absence of the Chief Water Plant Operator, and

BE IT FURTHER RESOLVED that Nicholas Maltese will be paid \$75.00 per hour for any on site water distribution work that is performed.

24. Changes To Board Of Trustees Meeting Dates

WHEREAS, the Board of Trustee set the annual meeting schedule at the December 6, 2021 Organizational Meeting, and

WHEREAS, due to the Juneteenth Holiday the Board has determined that the June 20<sup>th</sup>, 2022 Board of Trustees needs to be rescheduled.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees is cancelling the June 20<sup>th</sup>, 2022 Board of Trustees meeting, and rescheduling it to Tuesday, June 21<sup>st</sup>, 2022 at 7:00 pm.

25. Approval of the Minutes of the Board of Trustees Meeting of May 16, 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, May 16, 2022 as submitted by the Village Clerk.

21. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 22 of Audited Vouchers in the total amount of \$936,956.24 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 800,052.01
Water	\$ 98,174.95
Sewer Fund	\$ 1,338.36
Capital	\$ 1,317.50
Library	\$ 18,249.33
Trust & Agency	<u>\$ 17,824.09</u>
Total	\$ 936,956.24

22. 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

23. Adjournment