

VILLAGE OF TARRYTOWN
BOARD OF TRUSTEES
REGULAR MEETING 7:00 P.M.
MONDAY, August 16, 2021
Tarrytown Village Hall
One Depot Plaza, Tarrytown, New York

Pursuant to the end of the State of Emergency in New York State
pertaining to COVID-19, all meetings will now be in person.

REGULAR MEETING: 7:00 P.M.

1. Board Miscellaneous and Liaison Reports
2. Changes and/or Additions to the Agenda
3. Administrator's Report
 - a. Announcement of reinstatement of mask requirements to enter Village facilities
 - b. Aug. 11 Award of Curbing contract under joint bid with Village of Ardsley
4. Presentation- FHI Studio Multi-Modal Transportation Study
5. Public Hearing – Local Law # 8 of 2021 to amend the Village Code regarding Chapter 305, Zoning Code, regarding definitions, to add a definition of “General Offices”

Motion to Open a public hearing on the proposed local law.

Motion to Close a public hearing on the proposed local law.

If the Board is satisfied to move forward after the public hearing, it may adopt the local law.

Resolution – Local Law # 8 of 2021 to amend the Village Code regarding Chapter 305, Zoning Code, regarding definitions, to add a definition of “General Offices”

WHEREAS, a notice of public hearing of the proposed Local Law was published in the Journal News on July 23, 2021; and

WHEREAS, in accordance with GML § 239-l, 239-m, and 239-n, the Village provided notice to the Westchester County Planning Board of the proposed Local Law on July 15, 2021 and subsequently advised the County on July 20, 2021 about the revised change of hours (prohibiting visitors and patients between 9:00 pm and 7:00 am); and

WHEREAS, the Westchester County Planning Board advised by letter dated July 27, 2021 that it had no objection to the Village Board assuming Lead Agency status for this review and found “this to be a matter for local determination in accordance with the Village’s planning and zoning policies”; and

WHEREAS, in consideration of said Local Law, a public hearing was held on the proposed action on August 16, 2021; 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, the amendment to the Zoning Code clarifies the Zoning Code by adding a definition of “General Offices” (applicable to the MU and OB Zones) to specifically include offices for licensed professional services such as attorneys’ offices, engineers’ offices, architects’ offices and physician’s offices where there are no overnight stays or overnight use by any patient, physician, staff or medical personnel, and excluding veterinary offices; and

WHEREAS, the amendment is consistent with the currently existing General Office uses, which include existing uses by offices for licensed professional services; and

WHEREAS, said Local Law has been on the desks of the members of the Village Board for at least seven days, exclusive of Sunday, prior to the adoption of this resolution, and

NOW, THEREFORE,

BE IT RESOLVED, that the Board of Trustees determines this to be an unlisted action and hereby adopts a Negative Declaration pursuant to SEQRA determining this action does not have the potential to have any significant adverse environmental impacts as the Local Law will clarify permitted and existing “General Offices” uses; and

BE IT FURTHER RESOLVED, the Board of Trustees, after due deliberation, finds that in the furtherance of the health, safety and well-being of the persons and property in the Village, it is in the best interests of the Village to adopt said local law, and the Board of Trustees hereby adopts Local Law # 8 of 2021 entitled “a local law to amend Chapter 305 of the Tarrytown Code, entitled Zoning, Section 305-5 regarding definitions”; and

BE IT FURTHER RESOLVED, the Village Clerk is directed to enter said local law in the minutes of this meeting into the local law book for the Village of Tarrytown; to publish said minutes in a newspaper published in the Village, if any, or in such newspaper published in the county in which such Village may be located having a circulation in such Village, and affidavits of said publication shall be filed with the Village Clerk; and to file a copy of said local law with the Secretary of State of New York.

6. 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.
7. Scheduling a Public Hearing – Compatible Use Permit, Tallyrand LLC and ENT and Allergy Associates, LLP - 200 White Plains Road

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a public hearing to be held on Tuesday, August 31, 2021, at 8 p.m., at the Regular Tarrytown Village Board Meeting to consider a Compatible Use Permit for Tallyrand LLC and ENT and Allergy Associates, LLP, 200 White Plains Road, Tarrytown, and

BE IT FURTHER RESOLVED that this application for a Compatible Use Permit be referred to the Planning Board for their review and recommendation

8. Changes To Board Of Trustees Work Sessions and Meeting Dates

WHEREAS, the Board of Trustee set the annual meeting schedule at the December 7, 2020 Organizational Meeting, and

WHEREAS, due to the upcoming Jewish High Holy Days of Rosh Hashanah and Yom Kippur the Board has determined that the September 1, 2021 Work Session, September 7, 2021 Board of Trustees Meeting and September 15, 2021 Work Session need to be rescheduled, and

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees is cancelling the following Board Meeting dates:

- September 1, 2021 Work Session (moved due to schedule adjustment)
- September 7 and/or 8, 2021 Board of Trustees Meeting (due to Rosh Hashanah)
- September 15, 2021 Work Session (due to Yom Kippur)

And

BE IT FURTHER RESOLVED that the following is the new schedule of meetings for the upcoming weeks.

- Wednesday, August 25, 2021 Work Session at 6 p.m.
- Tuesday, August 31, 2021 Board Meeting at 8 p.m.
- Monday, September 13, 2021 Work Session at 6 p.m.
- Monday, September 20, 2021 Board Meeting at 7 p.m.

AND BE IT FURTHER RESOLVED that the Village Clerk and the Village Administrator are authorized to take the necessary and appropriate actions to effect this revised schedule of meetings.

9. Code Amendment- Vacation Permits

Note: Items have been highlighted in bold and underline to clarify the new language adopted.

BE IT RESOLVED by the Board of Trustees that the Vehicle and Traffic Code of the Village of Tarrytown Chapter 291-51 B. regarding Special Permits, including vacation permits, is amended to read as follows, in order to add Lot D as a location where a vacation permit may be issued, to allow it to be issued to non-residents, and to increase the total number of permits that may be issued for a particular period of time, as follows:

- B. Upon payment of the prescribed fee, a resident may acquire a vacation parking permit to allow them to park their vehicle in the McKeel Avenue Parking Lot, **and a resident or non-resident may acquire a vacation parking permit to allow them to park their vehicle in Parking Lot D.** A vacation parking permit shall be valid for a maximum of 14 consecutive days. Said permit shall be displayed on the driver's side dashboard of the vehicle. The Village shall not issue more than four (4) permits **for the McKeel Lot and not more than ten (10) permits for Parking Lot D for a particular period of time.**

Fee(s) for such permits shall be established by resolution of the Board of Trustees and shall be added or amended for inclusion on the official fee schedule of the Village.

10. Designation of Westchester County to Administer the Provisions of Section 305-130 in the Tarrytown Zoning Code – 21 Wildey Street and 55 LeRoy Avenue

A. BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby designate the County of Westchester as the agency responsible for administering the requirements of the Village Code Chapter 305-130 (fair and affordable housing) of the Village zoning code, as it relates to the units at 21 Wildey Street.

B. BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby designate the County of Westchester as the agency responsible for administering the requirements of the Village Code Chapter 305-130 (fair and affordable housing) of the Village zoning code, as it relates to the unit at 55 LeRoy Avenue.

11. Placemaking Committee – Revenue Trust Account

WHEREAS, the Village of Tarrytown created a Placemaking Committee, with the mission to focus on and improve places as attraction points around the Village of Tarrytown, and

WHEREAS, the Placemaking Committee realizes that since funding may be limited for some of its plans and projects, it may need a source or sources of funding for them, and it has been recommended that funds from such events be put into a Trust account under the supervision of the Village Treasurer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the Village Administrator and Village Treasurer to collect revenues from Placemaking sponsored events and activities into a Trust account under the supervision of the Village Treasurer, to be used for future placemaking projects and activities (e.g. murals, artwork, landscaping, plantings, street furniture and other similar projects), with such future expenditures subject to the normal accounting procedures of the Village of Tarrytown.

12. St. Patrick’s Day Parade Committee – St. Patrick’s Day Parade

BE IT RESOLVED that the Board of Trustees does hereby approve a request by the St. Patrick’s Day Parade Committee to hold its annual St. Patrick’s Day Parade on a date to be determined in March of 2022, with the understanding that the restrictions of COVID in the future could cause it to be postponed or cancelled.

13. Authorizing Multi-Village leading with values training

WHEREAS, the Village of Tarrytown has been in discussions with partner Villages in the Village Officials Committee (VOC) group, including the Villages of Ardsley, Dobbs Ferry, Elmsford, Hastings-on-Hudson and Irvington, to seek out and implement training to improve the understanding of diversity, equity and inclusion in Village government, and the Villages found such training through Ron Carlee and Associates, also known as Leaders2C, LLC and at this time approximately half have agreed to move forward with the training.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown

authorizes the Village Administrator to execute a consulting and training agreement with Ron Carlee and Associates, also known as Leaders2C, LLC, for leading with values training related to the enhancement of the concepts of diversity, equity and inclusion in Village government.

14. Authorizing audit proposal

WHEREAS, the Village of Tarrytown is in contractual discussions and negotiations with an outside non-Village entity and part of the review necessary relates to the audit of its revenues and expenditures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees authorizes an agreement with the Village's auditing firm, Nawrocki & Smith LLP, to perform a targeted audit, subject to the review and approval of the Village Administrator and Village Treasurer and authorizes the Village Administrator to execute and move ahead with such agreement.

15. Authorization for Purchase of Used Fire Truck from North Castle South Fire District No. 1

WHEREAS the Village of Tarrytown became aware of the advertisement of a used Seagrave Marauder Pumper for sale by the North Castle South Fire District, No.1; and

WHEREAS the apparatus being sold is a 1997 Seagrave Marauder Pumper 1500/500 Truck with approximately 25,000 miles on it, in as-is condition; and

WHEREAS the Village made an offer of \$30,000 for this vehicle to the North Castle South Fire District, No. 1 Fire District, after review by the Village's DPW mechanics to determine that the vehicle is in good running condition at the time of inspection, and such offer was accepted by the North Castle South Fire District; and

WHEREAS, the North Castle South Fire District No. 1 has put this vehicle out for sale by advertisement, and pursuant to the provisions of Section 103 of the NYS General Municipal Law, the Village of Tarrytown may purchase surplus and second-hand equipment from another governmental entity.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown authorize the purchase of a 1997 Seagrave Marauder Pumper 1500/500 vehicle with approximately 25,000 miles on it, in as-is condition, in the amount of thirty thousand dollars (\$30,000), which was accepted by the North Castle South No. 1 Fire District, and directs the Village Administrator and Village Treasurer to take the necessary and appropriate actions to effect the purchase of this vehicle through the issuance of a purchase order, to make payment and whatever other legal steps may be necessary to take possession of this vehicle.

16. Declaration of Surplus – Consolidated Engine Fire Truck

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare the following Fire Department vehicle as surplus and ready for disposal through the Village's Insurance Company. This vehicle is therefore deemed surplus and should be removed from insurance coverage.

- 2018 Consolidated Engine E-One, VIN: 1776

17. Declaration of Surplus –OCE Plotter

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby declare the OCE Plotter located in the Building Department Office, which has exceeded its useful life, as surplus, and available for disposal by auction.

18. Settlement Funds

WHEREAS, based on the settlement of a lawsuit between the Village of Tarrytown and the Village of Sleepy Hollow, certain conditions were met and the balance of monies held in escrow were released to the Village of Tarrytown in the total approximate amount of three hundred forty five thousand and six hundred dollars (\$345,600).

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown acknowledges receipt of these funds and directs the Village Administrator and the Village Treasurer to place them into a Trust account under the supervision of the Village Treasurer, to be used in the future to address issues related to traffic management, transportation and mobility, with any expenditures from this fund for Village of Tarrytown projects subject to the review and approval by the Board of Trustees, and with such future expenditures subject to the normal accounting procedures of the Village of Tarrytown.

19. Authorization of settlement stipulations with the CSEA for two positions

WHEREAS, the Village of Tarrytown and the CSEA agreed upon the settlement for a successor contract on June 21, 2021, for the period of June 1 2020 through May 31, 2022, but realized while drawing up the language for the new contract that it had to address an inequity for the title of Secretary to the Planning and Zoning Boards, and include in the contract for the first time the position and title of Recreation Leader, and since these matters relate to employee compensation they require authorization by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown authorize the Village Administrator to enter into and execute a stipulation of settlement, as agreed upon between the Village and the union, as it relates to the annual compensation for the title of Secretary to the Planning and Zoning Boards to be included in the contract between the Village and the CSEA; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown authorize the Village Administrator to enter into and execute a stipulation of settlement as it relates to the inclusion of the title of Recreation Leader in the schedule of annual compensation contained in the contract between the Village and the CSEA.

20. Non-Union Employees Salary Increases

BE IT RESOLVED that the Board of Trustees does hereby grant percentage salary increases for Fiscal Year 2021 - 2022 to the nonunion fulltime staff and percentage hourly increases to the permanent part-time staff at two percent (2%) according to the salary schedule on file in the Village of Tarrytown Treasurer's Office. Such salary increases for Fiscal Year 2021 - 2022 shall be retroactive to June 1, 2021.

21. Appointment of Part Time Intermediate Clerk in the Tarrytown Court

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the appointment of Teresa Cuva of Tarrytown, NY, as Part Time Intermediate Clerk to fill a vacancy in the Tarrytown Court, at the hourly rate of \$20 per hour, pursuant to the applicable rules and regulations of Civil Service.

22. Appointment of Recreation Leader

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby authorize the appointment of Kyle Raum of Croton-on-Hudson, NY, as Recreation Leader for the Village of Tarrytown at a starting annual salary of \$49,886, based on the provisions of the contract with the CSEA, with an appointment date of August 26, 2021, and a start date of August 30, 2021, subject to the applicable rules and regulations of Civil Service.

23. Appointment of Member of the Tree Commission

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Max Apton of Tarrytown, NY, as a member of the Tree Commission for a term to expire in December of 2022.

24. 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 July 20, 2021 Board of Fire Wardens meeting. Members: Obie Amarante, Lyndsey Rosafort, and Yemaun Baishokan have been approved for active membership at Conqueror Hook and Ladder Co. #1-Ladder 37.

25. Pool Employee Appointments – Additional Lifeguards

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby authorizes the appointment of the following additional pool employees, as 2021 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 DOH's and the CDC.

2021 Swimming Pool Staff

	Name	Position/Title	Wage Rate
1	Addie Dring	Lifeguard	\$13.50
2	Jacqueline Kinsley	Lifeguard	\$15.00
	Jacqueline Kinsley	Swim Instructor	\$16.00

26. Summer Camp Employees

Day Camp Appointments – Additional camp employees

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby authorizes the appointment of the following additional camp employees, as 2021 Summer seasonal employees to work at the Tarrytown Day Camps, provided that, in consideration of the limitations imposed by COVID-19, these appointments are expressly conditioned upon the Village's determination and ability to open the Camp and to allow a camp season to take place in accordance with the rules and regulations of the County and State DOH's and the CDC.

2021 Day Camp Employee Appointments and Hourly Rates

	Name	Position	Wage Rate
1	Bianca Delacruz	Counselor	\$9.50
2	Henry Lazo	Counselor	\$9.50

27. Softball Coordinator

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the appointment of Andres Gonzales as Softball Coordinator on an as-needed basis, at the hourly rate of \$35 per hour, pursuant to the applicable rules and regulations of Civil Service.

28. Approval of Minutes of the July 19, 2021 Regular Board Meeting

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the regular meeting of the Board of Trustees held on Monday, July 19, 2021, as submitted by the Village Clerk.

29. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 3 Audited Vouchers dated August 18, 2021 in the total amount of \$1,230,151.27 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 956,674.75
Water	\$ 143,974.39
Sewer Fund	\$ 2,853.97
Capital	\$ 23,532.10
Library	\$ 83,403.79
Trust & Agency	\$ 19,712.27
Total	<u>\$1,230,151.27</u>

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

31. Adjournment.

LOCAL LAW __ - 2021

A local law to amend Chapter 305 of the Tarrytown Code, entitled Zoning, Section 305-5 regarding definitions.

Section 1. Be it enacted by the Board of Trustees of the Village of Tarrytown as follows (Language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

Section 2. Amending Existing Section. Section 305-5 entitled “Word usage, terms defined.”, Subsection B shall be amended as follows.

GARAGE, PUBLIC

A building or part thereof, other than a private garage, used for the storage, care or repair of motor vehicles for remuneration, including any sale of motor vehicle accessories, or where any such vehicles are kept for hire.

GENERAL OFFICES

General offices shall be solely limited to offices for sales, accounting, administrative, marketing, consulting or financial services and to offices for licensed professional services such as attorneys’ offices, engineers’ offices, architects’ offices and physician’s offices where there are no overnight stays or overnight use by any patient, physician, staff or medical personnel, and excluding veterinary offices. For all general offices, there shall be no use between 9 p.m. to 7 a.m. by any patient, visitor, patron, client or customer unless otherwise approved by the Planning Board.

GRADING

Excavation or fill of material, including the resulting conditions thereof.

Section 3: Severability

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

Section 4: Effective Date

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