

VILLAGE OF TARRYTOWN  
BOARD OF TRUSTEES  
REGULAR MEETING 7:00 P.M.  
Monday September 18, 2023  
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/42261> for instructions on how to join & participate via zoom.

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REGULAR MEETING: 7:00 P.M.

Pledge of Allegiance

1. Board Miscellaneous and Liaison Reports
2. Changes and/or Additions to the Agenda
3. Administrator's Report
4. Presentation: Greenhouse Gas Inventory for Government Operations, Dean Gallea, Co-Chair of TEAC and volunteer contributor to Climate Action Planning Institute Project
5. Public Hearing on a Local Law # 3 to amend Chapter 259 entitled "Streets and Sidewalks" of the Tarrytown Code to amend Article XII and add private roads to the list of properties that must be maintained.

WHEREAS, in the interest of health and safety for all, private property owners currently have the responsibility of maintaining sidewalks and curbs adjoining their premises in safe, and passable condition; and

WHEREAS the Board of Trustees of the Village of Tarrytown hereby finds it useful and appropriate to adopt new provisions to add private roads to the list of properties that must be maintained in the interest of public health and safety; and

WHEREAS, a notice of Public Hearing was published in the Journal News on September 8, 2023, and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the proposed action.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law # 3 to amend Chapter 259 of the Village Code entitled Streets and Sidewalks to add private roads to the list of properties that must be maintained. The full language of the proposed Local Law can be found at the end of this agenda.

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. Resolution calling for a public hearing on a local law to amend Chapter 259 entitled “Streets and Sidewalks” of the Tarrytown Code to amend the language regarding grasses and other plants that are allowed between the curb and sidewalk

WHEREAS, in the interest of health, safety and quality of Village life, private property owners have the responsibility of proper maintenance of the planting strips between the sidewalk and curb including keeping the grass cut and free from brush, weeds, long grass, and rubbish; and

WHEREAS to diversify the types of plantings allowed in the planting strip while maintaining standards of safety and accessibility along public pathways, the Board of Trustees hereby finds it useful and appropriate to consider a local law that allows for a greater range of plantings and groundcovers as long as they are lower than 6 inches and do not cause a tripping or entanglement hazard;

NOW, THEREFORE, BE IT RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby schedules a public hearing to be held at 7 p.m. on Monday, October 2, 2023, at Tarrytown Village Hall, 1 Depot Plaza, during the Regular Board Meeting, on a local law to amend Chapter 259 entitled “Streets and Sidewalks” of the Tarrytown Code to amend the language regarding grasses and other plants that are allowed between the curb and sidewalk.

BE IT FURTHER RESOLVED that the proposed action is a Type II Action and therefore no further review under SEQRA is required.

A copy of the proposed local law can be found at the end of this agenda.

8. Bid Award for Phase 7B Water System Improvements - Martling Avenue and White Plains Road

WHEREAS, the Village of Tarrytown is seeking to replace the water mains on Martling Ave and White Plains Road/RT 119 due to their deteriorating condition; and

WHEREAS, the Village published a legal advertisement regarding the Water Main Phase B Bid on August 8, 2023; and

WHEREAS, a pre-bid site visit was held on August 17, 2023; and

WHEREAS, four sealed bids were opened on Friday, September 8, 2023 at Tarrytown Village Hall, One Depot Plaza, Tarrytown, at 11:00 a.m. E.S.T. for the Phase 7B Water System Improvements; and

WHEREAS, the four sealed bids are listed below; and

<b>Paladino Concrete Creations Corp.</b>	<b>Martling Ave</b> \$1,421,900.00	<b>White Plains Rd/RT 119</b> \$1,300,900.00	<b>Total</b> <b>\$2,722,800</b>
<b>ELQ Industries, Inc.</b>	<b>Martling Ave.</b> \$1,286,997.00	<b>White Plains Rd/RT 119</b> \$1,941,558.00	<b>\$3,228,555</b>
<b>MTS Infrastructure, Inc.</b>	<b>Martling Ave.</b> \$1,428,600.00	<b>White Plains Rd/RT 119</b> \$981,850.00	<b>\$2,410,450</b>
<b>Montesano Brothers, Inc.</b>	<b>Martling Ave</b> \$1,037,650.00	<b>White Plains Rd/RT 119</b> \$1,287,900.00	<b>\$2,325,550</b>

WHEREAS, it is the recommendation of the staff that the bid be awarded to the lowest responsible bidder, Montesano Brothers of New Rochelle, NY for their bid in the amount of \$1,037,650.00 for Martling Ave., and \$1,287,900.00 for White Plains Road Rt. 119.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the Phase 7B Water System Improvement project to Montesano Brothers of New Rochelle, New York, per their approximate total aggregate bid in the amount of \$2,325,550; and

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute a contract with Montesano Brothers of New Rochelle per their approximate total aggregate bid in the amount of \$2,325,550.

9. Resolution Authorizing Additional Repairs to the H-Bridge

WHEREAS, the Village of Tarrytown has completed the first phase of necessary repairs to the H-Bridge, funded in part by a Bridge NY grant, as part of standard upkeep and maintenance for the 100-year-old structure; and

WHEREAS, the New York State Department of Transportation requires additional repair work be completed on the H-Bridge within a near-term time frame;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the Village Administrator to submit a letter of commitment to the NYS Dept. of Transportation stating that the additional repairs specified by the Regional Structures Group of the NYSDOT will be made prior to December 31, 2025;

BE IT FURTHER RESOLVED that the funding for the next phase of H-Bridge repairs will be provided by a \$500,000 New York State grant authorized by Assemblywoman Mary Jane Shimsky and Speaker of the Assembly Carl Heastie as part of a \$2.1 million commitment to infrastructure improvements in the Rivertowns, and the Village of Tarrytown sends our thanks to our State representatives for their support of these critical needs here in Tarrytown.

10. Resolution to adjust the amount of the kayak dock installation at Losee Park / Lot G

WHEREAS, the Board of Trustees authorized the appropriation and expenditure of funds at the Board meeting of August 21, 2023, for a Kayak Dock at Losee Park / Lot G, in the amount of \$18,782.50 from EZ Dock – Playpower Inc. and

WHEREAS, during installation, the installers consulted with Village staff and jointly we determined that an additional length of dock is necessary, and additional tools and equipment were necessary, bringing the revised total to \$21,120.45.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the purchase and installation of a floating dock, kayak launch, gangway, with an additional length of dock, and additional tools and equipment for the dock system in the total amount of \$21,120.45 from EZ Dock – Playpower, Inc. off of the Sourcewell shared purchasing group “Contract 010521-LTS-2”; and

BE IT FURTHER RESOLVED that the Village Administrator and the Village Treasurer are authorized to take the necessary and appropriate actions, including signing the necessary documents for this purchase, and the Village anticipates that the funds for the purchase will be from the Capital Fund.

11. Authorization of Employee Stipulation and Release

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes a stipulation and release with employee number 279 who has resigned from the Village of Tarrytown, effective with the end of business on January 22, 2024,

accepts his irrevocable resignation effective on that date and authorizes the Village Administrator, Village Clerk and Village Treasurer to take the necessary and appropriate actions to execute, file and process the terms and provisions of said stipulation and release.

12. Appointment of Part Time Recreation Attendants

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the appointment of Heather Logan and Maria Ojito to the position of Part Time Recreation Attendant, at an hourly salary of \$15.45 effective Tuesday, September 19, 2023, subject to the provisions of Civil Service rules and regulations.

13. Marriage Officer Appointment

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Max Munn of Tarrytown as a Marriage Officer of the Village of Tarrytown for one day, Saturday, October 7, 2023.

14. 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

15. Approval of the Minutes of the Board of Trustees Meeting of September 5, 2023

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the Board of Trustees Meeting held on Tuesday, September 5, 2023 as submitted by the Village Clerk.

16. Approval of Audited Vouchers

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No.6 of Audited Vouchers in the total amount of \$1,155,285.97 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 570,799.84
Water	\$ 144,507.60
Sewer Fund	\$ 1,322.21
Capital	\$ 398,822.09
Library	\$ 32,475.48
Trust & Agency	\$ 7,358.75
CM (Special Funds)	\$ <u>0.00</u>
Total	\$1,155,285.97

17. 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

18. Adjournment

LOCAL LAW 3 - 2023

A local law to amend Chapter 259 entitled “Streets and Sidewalks” of the Tarrytown Code to amend Article XII and add private roads to the list of properties that must be maintained.

**Section 1.** Amending § 259-35 entitled “Maintenance Required”, deleting it in its entirety and replacing it with the following language:

Old language:

It shall be the duty of every property owner or occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition.

New Language:

It shall be the duty of every property owner or occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition.

It shall also be the duty of every property owner or responsible entity to keep the private road under their ownership, authority or control in safe, passable condition.

**Section 2.** Amending § 259-36 entitled “Failure to make repairs”, deleting it in its entirety and replacing it with the following language:

Old language:

For failure, upon notice by the Superintendent of Public Works or their designee of not less than 24 hours, to make such repairs as are specified as to place and manner, the Board of Trustees may cause the same to be done and may assess the expense thereof upon the adjoining land

New Language: Upon notice by the Superintendent of Public Works or their designee, repairs shall be made within 30 days unless there is an imminent threat to the health, safety or welfare of the public as determined in the sole discretion of the Superintendent of Public Works and the Village Engineer. In case of failure to make such repairs as specified, the Board of Trustees may cause the same to be done and may assess the expense thereof upon the adjoining land, or to the owner or entity responsible for such property.

**Section 3: Severability**

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

affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

**Section 4: Effective Date**

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

LOCAL LAW \_\_ - 2023

A local law to amend Chapter 259-49 of the Tarrytown Code, to amend the language regarding grasses and other plants that are allowed between the curb and sidewalk

**Section 1.** Amending § 259 Streets and Sidewalks, Article XIV Miscellaneous Provisions, Section 49 entitled “Maintenance of sidewalk area.” as detailed below.

**Section 2. Deleting the current language in Section 259-49:**

The owner and occupant of each and every premises within the Village shall keep the adjacent sidewalk area between the curb and property line free from brush, weeds, long grass, rubbish and other materials and shall keep the grass thereon cut.

**Section 3. Replacing the current language in Section 259-49 with the following language:**

Maintenance - The owner and occupant of each and every premises within the Village shall keep the adjacent sidewalk area between the curb and property line in good care, free from brush, weeds, long grass, rubbish and other materials and shall keep the grass and other low-growing plants thereon cut. The following details plants and lawn-type flowers that are allowed or prohibited.

- A. Allowed plants between curbs and sidewalks – This includes lawn grasses and other lawn-type low growing plants that do not exceed four to six inches (4” – 6”) in height, which do not create a tripping or entanglement hazard. Examples of allowed plants includes but is not limited to lawn-grasses, mosses, clovers and other plants such as sporadically spaced bulb-flowers to naturalize a lawn area such as crocuses, snow drops and other similar plants.
- B. Prohibited plants between curbs and sidewalks – This includes plants that may create a barrier, trip hazard or entanglement hazard and are prohibited between the curb and the sidewalk. Such plants include but are not limited to shrubs, decorative plants, grasses and flowers that exceed six inches in height, vines and other similar plants. This also includes noxious or poisonous plants such as poison ivy, poison oak, stinging nettles and other plants that could cause injury to persons entering and exiting vehicles, or crossing between the sidewalk and the street.

**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.