

Board of Trustees
Village of Tarrytown
Regular Meeting No. 8
March 19, 2018
8:00 p.m.

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

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell noted that the New York State Department of Transportation will be hosting a public hearing on the Lower Hudson Transit Link (LHTL) with respect to Bus Service from Rockland County to the train stations. The proposed plan is that the buses that go from Rockland County to the Tarrytown Train Station will remain that way and the new express buses are planned to go from Rockland County to the White Plains Train Station. The express buses will have better service all around going to White Plains and the Village of Tarrytown doesn't want the extra bus traffic. However, there is a contingent from Rockland County that would like the express buses to go to the Tarrytown Train Station. He noted that there is a Public Hearing on this topic on Wednesday, March 21st from 6 p.m. to 8 p.m. at the New York Power Authority, Jaguar Meeting Room, 123 Main Street, White Plains, NY. He hopes residents from Tarrytown will attend to show support that the original bus service plan is best for everyone.

Trustee McGovern reported on the following:

- Pool registration has begun. You can enroll online or go to the Recreation Center.
- The Easter Egg Hunt will be held on Saturday, March 24th at Patriots Park at 10:30 a.m. This is for children from ages 1 to 8. The rain date is Saturday, March 31st.
- Summer Camp registration begins on Monday, April 2nd.
- The Recreation Department has a new program, Chair Yoga for the Tarrytown Senior residents. It will be held at the Senior Center on Wednesday's from 10 – 11 a.m.

Trustee Hoyt noted that with the upcoming snow storm, he reminded residents to be careful. He thanked all the services, Tarrytown Fire Department and Tarrytown Ambulance Corp, Tarrytown Police Department, Public Works and the Parks Department for keeping up with everything during the snow storms.

PUBLIC HEARING – CHAPTER 247-4 AND 247 10 SIDEWALK CAFÉ AND SIDEWALK VENDING CODE CHANGES (Adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 19th day of March, 2018, at 8:00 p.m. in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendments to Chapters 247-4 H and 247-10. B. (7) to update language regarding the placement of sandwich board signs in commercial districts of the Code of the Village of Tarrytown. A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

SECTION 1. PURPOSE.

A local law to amend Tarrytown Village Code Chapters 247-4 H and 247-10. B. (7) to update language regarding the placement of sandwich board signs in commercial districts

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 to be deleted~~):

Section 1. Chapter 247 – 4 H is deleted, and a new section 247 – 4. H. is adopted, as amended, to read as follows:

- H. A sandwich board sign may be permitted, associated with the operation of the sidewalk café, provided that the sandwich board sign is not placed in the required minimum clear distances included in this section. A separate permit shall be issued for the sandwich board sign, and a fee for this permit shall be established by the Board of Trustees and included in the Master Fee Schedule, which may be amended by the Board of Trustees from time to time. The permit shall be valid on a calendar year basis ~~March 15 up to and including November 30 of any calendar year.~~ Should a sandwich board sign be placed in the required minimum clear distance, the permit for the sandwich board sign shall be automatically revoked and the fee associated therewith shall be retained by the Village. There shall be no appeal of this revocation, and the applicant shall not be entitled to apply for another sandwich board sign until the following calendar year. The sandwich board sign may not be larger than 36 inches in height and 24 inches in width and may only include on the sign advertising relating to the sidewalk cafe to which the sign permit is issued. The sandwich board shall not be placed on the sidewalk prior to 9:00 a.m. and shall be removed from the sidewalk at the close of business for the sidewalk cafe or 10:00 p.m., whichever is earlier. A sandwich board shall not remain on the sidewalk overnight. Sandwich board signs are not allowed at times when they may cause a hazard to pedestrians, such as during snow storms, when snow piles remain on the sidewalk, or during times of high winds over 25 MPH, or at other times when hazardous conditions exist.

Section 2. Chapter 247 – 10. B. (7) is deleted, and a new section 247 10. B. (7) is adopted, as amended, to read as follows:

- (7) No sidewalk display shall be higher than five feet in height. A sidewalk display may be placed immediately adjacent to the business or along the curblin, provided the display does not violate Subsection B. (10) hereinbelow and there is space maintained for car doors to be opened and people to enter and exit a car. A permittee shall not be permitted to use both the area next to the business and the area next to the curb for sidewalk vending purposes. Sidewalk vending next to a tree pit shall not be nearer than three inches to the edge of a tree pit. Sandwich board signs may be utilized year-round, but may not be allowed at times when they may cause a hazard to pedestrians such as during snow storms, when snow piles remain on the sidewalk, during times of high winds over 25 MPH, or at other times when hazardous conditions exist.

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.

Trustee McGovern moved, seconded by Trustee Zollo and unanimously carried, that the hearing be opened.

Mayor Fixell asked whether anyone wished to address the Board on this matter. No one appeared.

Trustee McGovern moved, seconded by Trustee Hoyt, and unanimously carried, that the hearing be closed.

Trustee Hoyt moved, seconded by Trustee McGee, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Village Code of the Village of Tarrytown, Chapter 247-4 and 247-10 regarding Sidewalk Cafés and Sidewalk Vending permits, to allow sandwich board signs to be valid on a calendar year basis, weather permitting.

WHEREAS, a public hearing was held for the proposed action on March 19, 2018; and

WHEREAS, a notice of public hearing was published in the Journal News on March 7, 2018; 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 for the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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 Environmental Assessment Form and all other materials that were prepared for 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt Local Law No. 3 of 2018.

PUBLIC HEARING – TENTATIVE BUDGET FOR FISCAL YEAR 2018-2019

(Continued)

Trustee Brown moved, seconded by Trustee Butler and unanimously carried, that the hearing be opened.

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby open the public hearing to present the Tentative Budget of the Village of Tarrytown for Fiscal Year 2018-2019.

Administrator Slingerland presented the 2018-2019 Tentative Budget as follows:

- Mr. Slingerland noted that we have released the 2018-2019 Tentative Budget to the public today, one day earlier than the legal deadline, so we can hold a public hearing tonight. The budget this year is \$25,146,461, which is a 5.35% increase over the last fiscal year budget. This budget meets the requirements of the State tax levy cap. This year, due to addition to our rolls of new construction and housing in the Village of Tarrytown, the Village has a growth factor of 1.0311. Since this is a use-it-or-lose it allowance without overriding the tax cap, and the maximum carryover is 1.5% of the total levy at this time, this tentative Village Budget recommends using 1.6% of that growth factor. The Village was able to accomplish some additional spending to prevent things from going into debt. Therefore, the Tentative 2018-2019 Village Budget remains compliant with the NYS 2% tax cap.
- The costs as percentages of the Village's total budget are as follows:
 - 58.21% - Personnel Services and Benefits, including pensions
 - 3.65% - Interfund Transfers
 - 13.77% - Debt Expenses including principal and interest
 - 23.26% - Contractual Expenses
 - 1.10% - Equipment and other services

- The Village's tentative levy increase of 3.81% (2% for Villages, plus a tax levy growth factor for Tarrytown of 1.0311%). The Village is carrying over an unused carryover growth factor dollar amount of \$237,760, to be used in future years.
- The tentative tax rate is \$7.9909 per thousand dollars of assessed full value, based on total assessed values of approximately \$2,056,848,522. The tax rate is increasing by 1.62%.
- The Village is continuing the annual suggested appropriate of \$600,000 of unrestricted fund balance.
- Budget Highlights 2018-2019
 - The Library Fund totals \$1,751,368, an increase of \$35,968 or 2.1%
 - The Water Fund totals \$6,163,623, an increase of \$330,849.00 or 5.7%
 - The Parks Department has been established as a separate department from Recreation for the first time in the budget.
 - Pension costs account for \$1,687,932 for approximately 6.71% of total budget.
 - Medical costs account for \$2,930,353 for approximately 11.65% of total budget.
 - Salaries (100-accounts) total \$9,396,660 or 37.4% of the general fund budget.
 - Increased revenues include: Camp rates and Parking Meters – Meter rates were increased from \$.75 an hour to \$1 per hour, which is helping reduce the reliance on property tax for the upcoming budget year.
 - Our Funding for Tax Certiorari challenges has been increased by \$286,500 to reduce our reliance on debt to fund these payments, now that the assessment function has been transferred to the Town of Greenburgh, and in theory the Village's number and dollar amount of tax certiorari challenges and refunds should decline over time.
 - Fund Balance Status – The Village is subject to fund balance designations as required by Government Accounting Standards Board Statement 54 (GASB 54) which establishes five (5) new designations of fund balance. Our General Fund Total Fund Balance is \$8,618,271 which is 34% of our annual operating budget. We are in a strong financial situation and have good cash flow to keep operations moving effectively.

Trustee Brown asked how much of the Village's Budget is considered discretionary. Administrator Slingerland responded that very little of the Village's budget is discretionary. There is a New York City Conference of Mayor's standard of discretionary spending and the Village is approximately 10% below the standard.

Mayor Fixell asked whether anyone wished to address the Board on this matter. No one appeared.

Trustee McGovern moved, seconded by Trustee Hoyt, and unanimously carried, that the hearing be continued to the next Regular Board of Trustees Meeting on April 2, 2018. Approved: 7-0

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON AGENDA ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES TO ADDRESS THE BOARD OF TRUSTEES

Mayor Fixell asked if anyone wanted to address the Board on agenda items. No one appeared.

EMPLOYEE LEAVE OF ABSENCE RESOLUTION

Trustee McGovern moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown does hereby approve the following: Pursuant to Section 72 of the Civil Service Law, based upon the medical opinion of a medical officer appointed by the Westchester County Department of Human Resources, the involuntary leave of absence without pay that an employee identified in the Minutes of Executive Session of March 14, 2018 of the Village Board was placed upon for medical reasons effective January 31, 2018 is continued pending the final determination of any objections filed by the employee pursuant to the procedures provided under Section 72.

FARMERS MARKET AGREEMENT

Trustee McGee moved, seconded by Trustee Brown, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute the operating plan of Rivertowns Village Green Inc. ("RVG"), for the operation of a Farmers Market in Patriots Park for the 2018 farmer's market season.

ACCEPTANCE OF A WORK DONATION FROM THE LAKES COMMITTEE AND WILSON PARK HOMEOWNER'S ASSOCIATION

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby accept a work donation from the Lakes Committee and Wilson Park Homeowner's Association regarding Tree Work in Wilson Park, valued at \$12,500.00.

ARBOR DAY RESOLUTION

Trustee Hoyt moved, seconded by Trustee McGovern, and unanimously carried, that the following resolution be approved: Approved: 7-0

Trustee Hoyt thanked Anne O'Brien, Chair of the Tree Commission and the members for their hard work and outstanding service to the Village.

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are renewable resources giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, the Village of Tarrytown has been recognized as a Tree City USA by the National Arbor Day Foundation for 35 years and the Village desires to continue its tree-planting ways.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby proclaim Friday, April 20, 2018 as "ARBOR DAY" in the Village of Tarrytown, and urges all citizens to support efforts to care for trees and woodlands in the Village and to support the Village's forestry program.

BE IT FURTHER RESOLVED that the Board of Trustees urges all citizens in the Village to plant trees to improve the community and to promote the well-being of present and future generations.

APPROVAL OF AUDITED VOUCHERS

Trustee McGovern moved, seconded by Trustee Zollo, and unanimously carried, that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 17 of Audited Vouchers to be paid in the following amounts:

General	\$ 434,850.06
Water	236,917.91
Sewer Fund	0.00
Capital	231,495.39
Library	1,950.33
Trust & Agency	<u>19,650.38</u>
Total	\$ 924,864.07

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD. SPEAKERS HAVE FIVE (5) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER; THEN THREE (3) MINUTES FOR ADDITIONAL COMMENTS

Wes Pomeroy, 24 Summit Street, thanked the Board for their support on the traffic situation in his neighborhood. The police have been enforcing the area and he would like to see them there more often. In the past month, there has been an increase of cars parked on Meadow Street from residents who live at Sleepy Hollow Gardens. He understands that it is a public street; however, it is a rather tight area and it is difficult for two cars to pass. He worries that emergency vehicles like fire trucks and snow plows will be able to pass through. He is also concerned that there is a bus stop at the corner of Meadow and Millbrook and the parking congestion is a safety issue. He understands that the Sleepy Hollow Gardens management is in the process of establishing a new parking lot on their property. He would much rather have that be a solution than restrict parking in his neighborhood. Trustee Hoyt noted that in addition, the Village Engineer is working with the Sleepy Hollow management to free up the garages on the property for cars and not for storage. Mr. Pomeroy asked for the Board's support to get the construction for the new parking lot to move forward as quickly as possible. Mayor Fixell asked if restricting parking in the stretch by the grassy area would be helpful. Mr. Pomeroy thought that would be a good idea.

Christine Zelinsky, 23 Meadow Street, noted that the grassy area on the east side of Meadow has been used as a parking lot and she presented pictures of the damage that has been done to the field. She noted that the congestion with the parked cars near the school bus stop is difficult and unsafe for the children. She suggested that parking be prohibited on the east side of Meadow Street beginning 220 feet from White Plains Road to the 287 thruway overpass. She noted that the Talleyrand Apartments have resolved their resident overflow parking by providing additional parking at a nearby parking lot and believes that Sleepy Hollow Gardens should do the same. She has spoken to some of the Sleepy Hollow Garden residents and they don't want to park there either. They don't want to walk up a big hill to their apartment and they don't want to park on a grassy area.

Sharon Stone, 59 Meadow Street, noted that with all the cars parked by the Sleepy Hollow Garden residents, she has seen garbage left behind and they come all hours of the night. It has become a disturbance and has changed a quiet neighborhood into a messy and noisy one. She agrees to prohibit parking on the east side of Meadow Street; however, she noted that no parking signs should be put up on the west side of Meadow Street as well.

Dana Bucci, 13 Millbrook Avenue, she has lived at this address for 34 years and has never seen the parking this bad in this area. She is concerned for the safety of the children, the noise levels and the messy garbage left behind. The cars begin parking in the neighborhood around 10:30 p.m. to midnight and it gets very noisy. Vehicles are also parked on the north side of Millbrook Avenue and she is concerned that emergency vehicles like fire trucks and snow plows will not be able to pass through. She suggested putting up “no overnight parking” signs and “snow emergency” signs on the north side of Millbrook. She believes if the management at the Sleepy Hollow Gardens builds a new parking lot to park up to 40 vehicles that would be a huge help to the parking situation in this neighborhood. Trustee Hoyt noted that he will look into this with Administrator Slingerland and the Police Chief Barbelet. Ms. Bucci thanked the Board for listening.

Mitchel Chalsen, 33 Meadow Street and member of the Transportation Council noted the following:

- He asked how to initiate getting a sidewalk installed on Meadow Street to Sheldon Avenue. There are a lot of children and senior citizens that walk along Meadow Street. He understands that it would be very costly. Administrator Slingerland noted that depending on the length, it could cost several hundred thousand dollars. Mr. Slingerland noted that he can look into grants to help with the cost. Mr. Chalsen understands that installing a new sidewalk is a huge undertaking and could take a few years.
- He asked if the Village would be interested in placing a small memorial park in the grassy area on Meadow Street in memory of the employee and fireman who have passed away a few years ago. He noted that it would help beautify the neighborhood.
- He would like more police enforcement in the area with respect to how the cars park in the area. He believes that there has to be a solution to the parking situation.

Steve Yasinsac, 8 Eunice Court, noted that the neighborhood is concerned about public safety and Meadow Street is a disaster area. He is thankful that the management of Sleepy Hollow Gardens is planning to build a new parking lot; however, he also knows that it takes several years before it will be built. In the meantime, he suggested overnight parking permits for the residents in the Meadow Street neighborhood. It is a quiet neighborhood and he would like to keep it that way. Mayor Fixell noted that resident parking permits require state legislation. Mr. Yasinsac appreciates anything the Board can do to help with the parking situation in this neighborhood.

Dolores Palmer, Franklin Courts, noted her concern for the noise ordinance regarding large Maersk trucks that come and go every morning near On Track Sport Center and the American Independent Paper site. The truck noises usually start around 5:00 a.m. She hears loud banging noises that wake her up. Last night it was around 2:40 a.m. Administrator Slingerland noted that he will follow up on this with the Police Chief.

Marcie Caldwell, 11E Franklin Courts, noted that the trucks come and go every morning anywhere from 2:30 – 5:30 a.m. The people are loud and the trucks are extremely noisy. She asked if there could be a barrier wall put up to help with the noise. Right now there is only a fence. She has no privacy. They run the truck engines and she gets sick from the diesel smell. Administrator Slingerland noted that per the Village Code, they are not to make deliveries after 9 p.m. or before 7 a.m. He encouraged Ms. Caldwell to call the police when they are in violation of the Village Code and he will follow up on this with the Police Chief. Trustee McGovern noted that she has a meeting tomorrow with the Municipal Housing Authority and she will ask about a barrier wall.

Peter Bartolacci, 67 Miller Avenue, noted that if a resident doesn't park their car in their garage, they are in violation with the Village Code and would have to go to the Planning Board for a change of use. He believes it is absurd and recommends that the Village Code be modified. Mayor Fixell noted that they will look into it.

ADJOURNMENT

Trustee Hoyt moved, seconded by Trustee Zollo, and unanimously carried that the meeting be adjourned at 9:02 p.m.

Carol A. Booth
Village Clerk