

Board of Trustees
Village of Tarrytown
Regular Meeting No. 2
One Depot Plaza
Tarrytown NY 10591
December 20th, 2021
7:00 p.m.

PRESENT: Mayor Brown presiding; Trustees: Hoyt, Kim, McGovern; Mitchell Rinaldi and Phillips-Staley; Village Administrator Slingerland; Village Attorney Zalis; Village Treasurer Hart; Village Clerk Gilligan and Deputy Village Clerk Fasman

The meeting began with the Pledge to the Flag.

REGULAR MEETING: 7:00 P.M.

BOARD MISCELLANEOUS AND LIAISON REPORTS

Trustee Hoyt reported that the Tarrytown Police Department collected over 125 toys which were given to the COC for their holiday party on December 11th. In addition Tarrytown Police Department has partnered with the Sleepy Hollow Police Department and have collected almost 200 gifts which will be distributed on December 21st. This is the first year that the two departments have partnered to provide toys to those in need in both communities. Thank you to everyone who donated this holiday season, and thank you to the Tarrytown and Sleepy Hollow Police Departments.

Deputy Mayor McGovern reported that the Recreation Department received over sixty letters to Santa. Santa was in the office daily responding to the letters. Deputy Mayor McGovern noted everyone was good this year.

CHANGES AND/OR ADDITIONS TO THE AGENDA

Administrator Slingerland noted that the Town of Greenburgh had to cancel the Youth Basketball Program this upcoming season due to the spike in COVID cases.

ADMINISTRATORS REPORT

The Village has mandated that anyone entering Village Hall wear a mask at all times regardless of vaccination status. There have been a few close calls with staff members, but so far everyone has tested negative. The Village wishes a speedy recovery to those members of the community who have tested positive.

Mayor Brown wished everyone a Merry Christmas and encouraged smaller gatherings so that 2022 can be a better year. Trustee Rinaldi reminded residents that everyone is eligible for vaccines and boosters.

PUBLIC HEARING: PROPOSED LOCAL LAW 11-2021, TO CONSIDER "OPTING OUT" OF ALLOWING (COMMERCIAL) PLACES OF ON-SITE CANNABIS CONSUMPTION, INCLUDING LOUNGES, PURSUANT TO NEW YORK STATE LAW.

Deputy Mayor McGovern motioned to open the Public Hearing, seconded by Trustee Rinaldi with all voting "aye" 7-0

Mayor Brown stated that the Board of Trustees of the Village of Tarrytown is holding a Public Hearing for a proposed law to opt out of onsite cannabis consumption lounges. The Village is not taking action on dispensaries which means that the Village will entertain licenses for dispensaries. Mayor Brown then read section two of the proposed Local Law.

SECTION 2. Purpose and Intent. It is the intent of this local law to opt-out of allowing on-site consumption (as that term is defined in New York Cannabis Law § 3) sites or

establishments in the Village of Tarrytown that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4. The Village Board is considering this local law because New York Cannabis Law only gives municipalities the option to opt-out before December 31, 2021 and if municipalities do not do so, they no longer have the option to do so. This does not preclude the Village Board from enacting another local law in the future to withdraw or revoke this law and allow on-site consumption sites or establishments. This local law does not opt the Village out of allowing cannabis retail dispensaries within the Village of Tarrytown.

Harley Denbert from Main Street feels that the Village should not opt out of consumption lounges. He has previously resided in Amsterdam where they been legal for decades. Alcohol consumption is legal and we have bars. Why not have places where consumption of marijuana can be done. It would also be a tremendous revenue source for Tarrytown and he does not believe there would be an issue with rowdy crowds in the consumption lounges. He believes that people should have a dedicated place to go instead of trying to go to a place that might not be as comfortable.

Administrator Slingerland stated that the Village received approximately two dozen comments over the past few weeks. The Board of Trustees have received those comments including a communication they received today from the PTA of the Tarrytown Sleepy Hollow School District which noted that the PTA opposes allowing on site marijuana consumption lounges.

Rob Singer from Park Ave. feels that the Village should take things slowly and not rush into allowing this immediately. He prefers to see how things evolve elsewhere first before allowing on site consumption lounges.

Trustee Rinaldi noted that the Board had discussions about this at the work session. He agrees with Harley and has looked at overall evidence, science, and research and its effects on communities. The research shows the effect on communities is pretty flat. Any rise in usage flattens out and there is no real evidence that there is a negative. The data is on dispensaries, but there is very scant data on consumption lounges. He understands the waiting and seeing, but he is concerned that the opportunity will not present itself again, and we will be locked out of on-site dispensaries.

Mayor Brown takes seriously the feedback she has received from law enforcement officials who note that there is no tried and true scientific way of dealing with people who have over consumed marijuana and are out driving. While she is in favor for opting in on dispensaries, the only hesitancy she has about lounges is that there is not a clear model on how these operate at this time. There is a lot of data available regarding dispensaries, but limited data available for consumption lounges. Without the data, she is not comfortable moving forward on lounges at this time.

Trustee Kim stated that he is in favor for opting in on dispensaries and the hesitancy he has about consumption lounges is due to the fact that there is no real business model here in the United States. He suggests that is we opt out of consumption lounges now, and we revisit this in six months or so down the line. Trustee Rinaldi stated that we should continuously look at what other states are doing and monitor the situation. Trustee Kim noted that he has spoken with people who own dispensaries, and has looked at many examples. He suggests that in a few months there might be more information available regarding consumption lounges and we will see if it fits the Village of Tarrytown.

Deputy Mayor McGovern stated that she is disappointed that the guidance from the State seems a bit vague, and they haven't really given us the tools to make a sound decision regarding the consumption lounges. She really had to educate herself and adapt the way she thinks on this subject because she grew up at a time when cannabis was illegal. Deputy Mayor McGovern feels that this is an opportunity for the Village in several ways, and she's willing to see how it unfolds in regards to getting a dispensary. The Board will be able to pass legislation to allow us to have control over zoning which will help us control where the dispensaries can be located. Deputy Mayor McGovern has great faith in our Police Department and in our Police Chief John Barbelet who will be working with the Board, and she feels the Village will do a great job with it.

Mayor Brown noted that she is also uncomfortable with the smoking, not necessarily that it is marijuana, but smoking in general. Would the lounges only allow edibles, or would

smoking be allowed indoors? Until that is understood, we can move to vote on the proposed local law.

Deputy Mayor McGovern moved to close the Public Hearing, seconded by Trustee Kim, with all voting “aye” 7-0

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

WHEREAS, a notice of public hearing of the proposed Local Law was published in the Journal News on December 9, 2021;

WHEREAS, New York State legalized adult-use cannabis on March 31, 2021 by passing the Marijuana Regulation & Taxation Act (MRTA); and

WHEREAS, pursuant to Cannabis Law Section 131, the Village of Tarrytown is authorized to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of on-site consumption licenses within the jurisdiction of the Village of Tarrytown, and is subject to permissive referendum, the procedure of which is governed by New York Municipal Home Rule Law § 24 and New York Village Law, Article 9; and

WHEREAS the option to opt-out of licensing on-site cannabis consumption sites or establishments in the Village of Tarrytown expires on December 31, 2021; and

WHEREAS the Village is not precluded from enacting another local law in the future to withdraw or revoke this law and allow on-site consumption sites or establishments; and

WHEREAS the Village held a public educational forum on September 28, 2021, meetings to allow continued discussion and feedback from the public on November 15, 2021, and on Monday, December 6, 2021,

WHEREAS, in consideration of Local Law 11-2021, a duly noticed public hearing was held on December 20, 2021 and closed on December 20, 2021;

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 the State Environmental Quality Review Act determining this action does not have the potential to have any significant adverse environmental impacts as the ability to opt out of allowing on-site cannabis consumption establishments was a right afforded to the Village by State law and this local law will maintain the status quo of not allowing on-site cannabis consumption establishments within the Village while the State implements its new licensing program and the Village can more definitively assess, based upon empirical evidence, the benefits and risks of allowing such establishments within the Village; and

BE IT FURTHER RESOLVED, the Board of Trustees, after due deliberation, finds that in the furtherance of the safety, health and well-being of the persons and property in the Village, it is in the best interest of the Village to adopt said local law, and the Board of Trustees hereby adopts Local Law 11-2021 entitled “‘Opting Out’ of allowing (commercial) places of on-site cannabis consumption, including lounges, pursuant to New York State Law”; and

BE IT FURTHER RESOLVED, the Village Clerk is directed to, within ten days of the adoption of this local law, in the same manner as is provided for notice of a general village election, post and publish a notice which shall set forth the date of the adoption of the local law and contain an abstract of such local law concisely stating the purpose and effect thereof, and indicating that such act or resolution is subject to a permissive referendum.

BE IT FURTHER RESOLVED, that this local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24 and Village Law, Article 9, and thus the local law may not be filed with

the Secretary of State until the applicable time period has elapsed to file a petition or, if a valid petition has been filed, a referendum has been conducted approving this local law; and

BE IT FURTHER RESOLVED, that this local law shall take effect immediately upon filing in the office of the New York State in accordance with Section 27 of the Municipal Home Rule Law.

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

Rob Singer from Park Avenue commented on the agenda item that has to do with the guide rail. He has witnessed multiple accidents over the years on Broadway, and several others that went through poor George's fence. It is a really dangerous intersection, especially in the winter. He is requesting that the Board advocate strongly to New York State to have a curb installed. Mr. Singer also suggested that there are other parts of Broadway that are dangerous and while a guide rail might not be aesthetically pleasing, possibly doing some curb enhancements would be helpful. There are many places without a curb and the sidewalk is almost level with the street. As for the resolution regarding the no turn on red, he supports the no turn on red onto Benedict, he just questions whether there needs to be a four way no turn on red as on the other roads as well since there is not a lot of traffic on the other roads such as Prospect and Highland.

24 PARK AVENUE: APPROVAL OF REQUEST FOR CURB CUT

Deputy Mayor McGovern moved, Trustee Rinaldi seconded, and the motion was unanimously carried that the following resolution be approved: Approved 7-0

WHEREAS, the owner of 24 Park Ave. is requesting the authorization to create a curb cut not to exceed eighteen feet (18') wide and in accordance with the Village standards at the end of the subject property between 16 and 24 Park Ave. from the Board of Trustees in conjunction with a request for an addition at the rear of the house; and

WHEREAS, this approval is subject to approval of the application to the Planning Board for the proposed addition to the existing home; and

WHEREAS, this approval is subject to approval of the application to the Zoning Board of Appeals for the parking variances, side yard variances, and maximum floor area variances sought at 24 Park Ave.; and

WHEREAS, this approval is subject to approval of the application to the Architectural Review Board for the replacement or introduction of new exterior features that are not the same kind and style of existing features.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the creation of a curb cut not to exceed eighteen feet (18') wide and in accordance with the Village standards between 16 and 24 Park Ave. pursuant to the plans submitted and subject to (for) approval by the Planning Board, the Zoning Board of Appeals, and the Architectural Review Board. The applicant will undertake and pay any and all associated expenses and obtain all permits required to create the curb cut and improvements within the Village right-of-way.

PROPOSED VILLAGE CODE AMENDMENT: PROHIBIT RIGHT TURNS ON RED IN ALL FOUR DIRECTIONS AT THE INTERSECTION OF HIGHLAND AVENUE AND PROSPECT AVENUE AT BENEDICT AVENUE

Trustee Kim noted that there are a number of intersections along Benedict that could use review or the safety aspects of it be improved. He requested that we ask the Transportation

and Mobility Council to review the intersections at Fairview, and Grove and also review down by Route 9. Trustee Kim stated it might be possible to utilize some of the funds that the Village received from the Sleepy Hollow settlement to engage an Engineer to review it not only for intersection safety, but speed as well. Trustee Hoyt suggested that we also get the Police Chiefs input.

Trustee Rinaldi moved, seconded by Trustee Phillips-Staley, and the motion was unanimously carried that the following resolution be approved. Approved: 7-0

WHEREAS, currently the Village Code does not prohibit “no right turn on red” at the intersections of Highland Avenue to Prospect Avenue, and Prospect Avenue to Benedict Avenue; and

WHEREAS, at the request of the Village Board and the request of the Transportation and Mobility Council (TMC), the following code should be implemented in order to increase safety for pedestrians and motorists at the above intersections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the following code change:

§ 291-71. Schedule VI: Prohibited Turns at Intersections.

A. In accordance with the provisions of § 291-9, no person shall make a turn of the kind designated below at any of the following locations:

Name of Street	Direction of Travel	Prohibited Turn	Hours / Days	At Intersection of
Benedict Ave.	East	Right on Red	All	Prospect Ave.
Benedict Ave.	West	Right on Red	All	Highland Ave.
Highland Ave.	South	Right on Red	All	Benedict Ave
Prospect Ave.	North	Right on Red	All	Benedict Ave.

RENEWAL OF MULTI-MUNICIPAL RECYCLING APP: AUTHORIZATION TO SIGN INTERMUNICIPAL AGREEMENT AND ACT AS LEAD APPLICANT FOR NYS DEC GRANT FOR “RECYCLING APP”

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

WHEREAS, since 2018 the Village of Tarrytown has acted as the lead agent, and applied for and received a grant from the NYS DEC for a Recycling App on behalf of a group of municipalities, with the proceeds of the grant to be shared by the partnering municipalities in order to reduce the cost of the app for each municipality by approximately fifty percent (50%); and

WHEREAS, the participating municipalities are as follows;

- Ardsley
- Bronxville (Village)
- Cortlandt
- Elmsford
- Greenburgh (Town)
- Harrison (Town)
- Hastings on Hudson (Village)
- Irvington (Village)
- Mamaroneck (Village)
- New Rochelle (City)

- Ossining (Town)
- Pelham (Village)
- Tarrytown (Village)
- Tuckahoe (Village)

AND, WHEREAS, pursuant to the provisions of the grant with the NYS DEC, the Village of Tarrytown must be the entity making payment, and the municipalities must submit their payments to the Village, the Village of Tarrytown must make the payment to the App provider, then the Village must seek reimbursement from the NYS DEC pursuant to the grant, and upon receipt of the grant reimbursement the Village of Tarrytown will disburse all funds reimbursed by the grant to the participating municipalities; all while preserving the individual rights and privileges of each municipality with the App provider.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize the renewal of this agreement and directs the Village Administrator to execute a Shared Service IMA with the municipalities listed above for a multi-municipal grant to the New York State DEC for a shared “recycling app” in recognition of the need to undertake efforts designed to increase sustainability of natural resources and encourage progress toward the goal of improving efforts to recycle municipal waste, as well as implementing a shared service with the named municipalities.

RESTRICTED COVENANTS FOR AFFORDABLE HOUSING AND PARKING AT 14 NORTH BROADWAY/ 12 HAMILTON PLACE (SHEET 1.80), BLOCK 1, LOT 13) AND 18 HAMILTON PLACE (SHEET 1.80, BLOCK 1, LOT 12)

Deputy Mayor McGovern moved, seconded by Trustee Kim, and the motion was 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 the Restrictive Covenants required by the Village of Tarrytown Planning Board, so that the owner of the property shall henceforth maintain the two parking lots at 14 North Broadway/12 Hamilton Place in common ownership to allow the continued use of shared parking on both lots; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize one affordable housing unit in compliance with the provisions of Section 305-130 (Affordable Housing) of the Village Code. The newly constructed unit has been identified as a two-bedroom apartment (Unit #5) on the first floor of 12 Hamilton Place.

RESOLUTION REQUESTING NEW YORK STATE DOT TO IMPLEMENT PEDESTRIAN AND SCHOOL CHILD SAFETY IMPROVEMENTS ON SOUTH BROADWAY AT BENEDICT AVENUE SOUTH-BOUND SIDE

Trustee Kim asked if the Village could add South Broadway at Benedict to this resolution as well. While police enforcement is already there, they are in danger as well. He requested that the Transportation Mobility Council be allowed to do a review. Administrator Slingerland informed the Board that a separate resolution would need to be done for that request.

Trustee Hoyt moved, seconded by Trustee Phillips-Staley, and the motion was unanimously carried that the following resolution be approved. Approved: 7-0

WHEREAS, the Village of Tarrytown for many years has been dealing with significant traffic issues along Broadway/Route 9, due to the fact that Route 9 is a regional state road, and also due to the fact that Route 9 is a major feeder road to and from the I-87/I-287 corridor, with passenger cars and trucks in constant flow north-bound and south-bound along Route 9; and

WHEREAS, some of the traffic and the impacts from it result in effects that are dealt with on a daily basis during the school year, since there is an elementary school, the Washington Irving Intermediate School, located at 103 S. Broadway, Tarrytown; and

WHEREAS, there have been several accidents, including one that involved a fatality, on South Broadway at the intersection of Benedict Avenue, and another accident which involved a landscaping truck that rolled over and lost its load, resulting in the severe injury of a school aged child who was on his bicycle on the sidewalk on the west side of the road at the intersection of South Broadway and Benedict Avenue; and

WHEREAS, the Tarrytown Board of Trustees, Village Administrator's Office and Police Department would all like to convey our concerns to the New York State Department of Transportation, and resubmit a request and recommendation that a guardrail be installed on the west side of South Broadway / Route 9, at the intersection with Benedict Avenue, for a distance of approximately sixty three feet (63') between the two cross-Broadway pedestrian crosswalks, in order to protect the health, safety and welfare of drivers and pedestrians, including families with school children going to and from classes at the Washington Irving School at 103 South Broadway.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby adopt this resolution to convey our concerns to the New York State Department of Transportation, and our urgent request and recommend to the NYS DOT that a guardrail be installed on the west side of South Broadway / Route 9, at the intersection with Benedict Avenue, for a distance of approximately sixty three feet (63') between the two cross-Broadway pedestrian crosswalks, in order to protect the health, safety and welfare of drivers and pedestrians, including families with school children going to and from classes at the Washington Irving School at 103 South Broadway; and

BE IT FURTHER RESOLVED that the Village Administrator and the Village Clerk are authorized to convey this resolution to the regional and Albany offices of the NYS DOT, and our elected representatives including Assemblyman Thomas Abinanti, Senate Majority Leader Andrea Stewart Cousins, and Governor Kathy Hochul for their review and consideration, with an informational copy sent to Superintendent of Schools Christopher Borsari.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES
ORGANIZATIONAL MEETING AND THE BOARD OF TRUSTEES REGULAR
MEETING OF DECEMBER 6, 2021

Trustee Rinaldi moved, seconded by Deputy Mayor McGovern, and the motion was 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 minutes of the Organizational Meeting and Board of Trustees Regular Meeting held on Monday, December 6, 2021 as submitted by the Village Clerk.

APPROVAL OF THE MINUTES OF THE ACTION ITEMS OF THE WORK SESSION
OF DECEMBER 15, 2021

Deputy Mayor McGovern moved, seconded by Trustee Hoyt, and the motion was 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 Action Item minutes of the Board of Trustees Work Session Meeting held on Wednesday, December 15, 2021 as submitted by the Village Administrator and the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Deputy Mayor McGovern moved, seconded by Trustee Kim, and the motion was 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. 11 Audited Vouchers dated December 22, 2021 in the total amount of \$734,464.91 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 498,583.26
Water	\$ 129,984.33
Sewer Fund	\$ 2,629.64
Capital	\$ 73,674.33
Library	\$ 29,593.35
Trust & Agency	\$ 0.0
Total	\$ 734,464.91

Roll Call: Trustee Hoyt; Yes, Trustee Kim; Yes, Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Trustee Phillips-Staley; Yes, Deputy Mayor McGovern; Yes, Mayor Brown; Yes

Approved: 7-0

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.

Rob Wingate from North Broadway stated that he spends a fair amount of time working on disaster relief and COVID relief in the health services sector. A lot of that extends to helping organizations with financial planning and sustainability during periods of emergencies. The deadline is December 31, 2021 for any business or nonprofit that wants to apply for an Economic Injury Disaster Loan with the US Small Business Administration. These loans have very advantageous terms to them and can be paid back over thirty years. The first couple years are deferred payments. For incorporated businesses the interest rate is 3.5 percent and for nonprofits it is 2.5 percent with minimal underwriting required for both. If you own a small business and are struggling for capital because of the pandemic, there are options available.

ADJOURNMENT

On a motion made by Trustee Hoyt, seconded by Trustee Kim, the meeting was adjourned at approximately 7:52 pm by a vote of seven in favor, none opposed.

Kristine Gilligan
Village Clerk