

Board of Trustees
Village of Tarrytown
Regular Meeting No. 1
December 2, 2019
8:00 p.m.

PRESENT: Mayor Fixell presiding; Trustees: Brown, Butler, Hoyt, McGovern, Rinaldi and Zollo; Village Administrator Slingerland; Assistant Village Administrator Ringel; Village Treasurer Hart; Village Attorney Kathy Zalantis and Village Clerk Booth

The meeting began with the Pledge to the Flag.

REPORTS

Mayor Fixell noted for people to be extra careful outdoors tonight and tomorrow morning for the possibility of black ice due to the drop in the temperatures tonight.

Trustee McGovern noted the following:

- The Annual Holiday Tree Lighting and TaSH Holiday Market will take place on Saturday, December 7th from 2 p.m. to 5:30 p.m. The lighting of the tree will take place at 5 p.m. The Holiday Tree has been trimmed with new lights and she urged everyone to come and take a look at the beautiful tree. Visit with Santa will be from 2 p.m. to 4:45 p.m. There will be 40 vendors, food, crafts, gifts etc. sponsored by TaSH. There will be Holiday music and family activities. There will be a snow globe that you can go inside and take pictures. The Fire Department will be making s'mores. She encouraged everyone to come out and join in on the fun.

Trustee Hoyt thanked the Tarrytown PBA, especially PBA President, Sergeant Dennis Smith for their invitation to the Police Department's Annual Senior Breakfast. The Police Department did a great job preparing breakfast for our seniors.

Trustee Brown thanked the leaders of the TaSH Farmer's Market. The TaSH Farmer's Market just ended their regular season. The Market has become an integral part of Tarrytown and Sleepy Hollow. She thanked Suzanne, Tammy, Linda and Rachel and all of the people and vendors who work every weekend to make it a wonderful shopping experience for the Village and its visitors.

ADMINISTRATOR'S REPORT

Administrator Slingerland noted the following:

- In preparation for the snow storm this past weekend into tonight, DPW crews were out removing leaves over the weekend to keep the roads as safe as possible.
- This year's Turkey Trot was very successful; there were 110 participants, despite that it was a cold and miserable day. Josh Ringel completed the run. It was a great turnout, the Village gave out turkeys to the top 20 runners in each group.

PUBLIC HEARING – RESIDENT RECREATION PARKING PERMITS (adopted)

Article VI Permit Parking (Residential Parking Permits, Section 291-46)

Section 291-46 of the Village Code describes and regulates residential parking permits. Currently the Village Code does not contain language describing and regulating Residential Recreation Parking Permits. The following Village Code amendment is requested (**new language in bold underlined print**):

§ 291-46.1 Resident recreation parking permits.

Upon submitting to the Village Treasurer, Recreation Supervisor or their designee a properly completed application, the Office of the Treasurer or Recreation Department shall issue to any owner of a passenger or suburban vehicle who is a resident of the Village of Tarrytown, a resident recreation parking permit consisting of a numbered

permit. Such permit shall be valid for a period of no more than one year and shall expire, in any event, on December 31 of each year. The permit shall only be valid for one vehicle.

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

There were no speakers.

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

Trustee Zollo moved, seconded by Trustee McGovern, 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 an amendment to the Village Code of the Village of Tarrytown, Chapter 291-46. Recreation Parking Permits to authorize the issuance of Resident Recreation Permits, which will expire on December 31 of each year and to incorporate Resident Recreation parking permits into the existing Village Code.

WHEREAS, a public hearing was held for the proposed action on December 2, 2019; and

WHEREAS, a notice of public hearing was published in the Journal News on November 22, 2019; and

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 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. 12 of 2019.

PUBLIC HEARING – KEEPING OF CHICKENS (continued)

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

Michael Forte, Tarrytown resident, noted that signatures have been gathered and that there is wide public support to be able to keep chickens. He thanked the Mayor and Board of Trustees for addressing this idea.

Dean Gallea, 28 Wildey Street and Co-Chair of TEAC, noted that the setbacks for a chicken coop are going according to the current zoning. His concern, for example in R5, some of the lots are only 25 ft. wide, which would be almost impossible to have side-yard setbacks. He asked if there would be an opportunity to appeal for a zoning variance.

Trustee Brown asked that in a R5 district, where the houses are so close to one another, would it be a good idea to allow chickens in such a dense area. The houses are very close together and maybe if the chicken coop size doesn't fit, it is for good reason.

Village Attorney Zalantis noted that they can file a zoning appeal for setback of an accessory structure. You would have to comply with whatever the zoning codes minimum requirements are for that particular lot. The use in the proposed law in Chapter 125 would not be able to be appealed, but if you want the opportunity for somebody to make an application to the Zoning Board of Appeals for a variance with regard to the chicken coop structure, you can add language, "shall be required to meet the minimum setback

requirements governing accessory buildings as set forth in Chapter 305, unless a variance is obtained by the Zoning Board of Appeals.

Mr. Gallea noted that the proposed law does not state that there shall be no runoff to adjacent properties.

Village Attorney Zalantis noted that's why the proposed law had minimum set back requirements from the property line so that there would be a buffer between the chicken coop and the property line. Mr. Gallea noted that if setbacks are maintained, there shouldn't be a problem with runoff.

Mr. Gallea asked if it was the intent of the proposed law to have a minimum size chicken coop. The general recommendation is to have approximately 10 square feet per chicken. The proposed law doesn't seem to have a minimum size stipulated.

Village Attorney Zalantis noted that there is no minimum lot size in the proposed law, the only control is the minimum set back requirements.

Rachel Tieger, Co-Chair of TEAC, noted that if the chickens are confined to a chicken coop, the standard is 10 sq. feet per chicken. Her concern is that in the proposed law, the chickens have to be kept in a chicken coop, it is allowing up to 12 chickens and the coop size is allowed up to 25 sq. feet, she feels that the space is not enough.

Jeannie Williams, Tarrytown resident, supports the proposed law to allow residents to keep chickens and thanked the Mayor and Board of Trustees for addressing this issue and not just shutting it down. She believes, if managed correctly, this could be something really great for the Village residents.

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the hearing be continued.

The Board of Trustees of the Village of Tarrytown does hereby continue the public hearing on the proposed amendment to Chapter 125 of the Village Code regarding Keeping Chickens to Monday, December 16, 2019.

PUBLIC HEARING – ARCHITECTURAL REVIEW BOARD REQUIREMENTS
(continued)

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

There were no speakers.

Trustee McGovern moved, seconded by Trustee Brown, and unanimously carried, that the hearing be continued.

The Board of Trustees of the Village of Tarrytown does hereby continue the public hearing on the proposed amendment to Chapter 9 of the Village Code regarding Architectural Review Board Requirements to Monday, December 16, 2019.

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

There were no speakers.

REPLACEMENT VEHICLE FOR SUPERINTENDENT OF PUBLIC WORKS

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

BE IT RESOLVED that the current vehicle that has been used by the General Foreman of the Department of Public Works is in need of replacement, and the Superintendent's vehicle will rotate down to the General Foreman, and in turn a new vehicle is required for the Superintendent of Public Works, and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize a purchase of a 2020 Ford Interceptor Hybrid All Wheel Drive w/3.3L HEV V6 Engine, Administrative Vehicle with Emergency Lighting, off of the Westchester County Government "Contract for Municipal Subdivisions," Contract # RFB-WC-19023 from Beyer Ford, Morristown, NJ, for the Superintendent of Public Works, for a total approximate bid price of \$36,606; and

BE IT FURTHER RESOLVED that the Village Administrator is authorized to sign the necessary documents for this purchase, and the Village anticipates that the funds for the purchase will either be from operating funds, appropriation of surplus, or the future issuance of debt.

MARRIAGE OFFICER APPOINTMENT

Trustee Zollo moved, seconded by Trustee McGovern, that the following resolution be approved. Motion carried, all voting "aye" with the exception of Trustee Hoyt who recused himself: Approved: 6-0-1

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby appoint Kyle Booth as a Marriage Officer of the Village of Tarrytown for one day, December 14, 2019.

CHANGE ORDER TO SHORELINE STABILIZATION CONTRACT

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

WHEREAS, during storms over the past several years, there has been continuing erosion and loss of shoreline at the end of West Main Street, west of the RiverWalk along the stormwater drainage outfalls entering into the Hudson River; and

WHEREAS, in order to maintain and restore this area using larger stone and trap rock, the Village Engineer requested a quantity change order from R. Pugni and Sons, which is doing the shoreline stabilization under an awarded contract at Losee Park, in order to do this work; and

WHEREAS, the Village received a proposal from R. Pugni & Sons Inc. to perform the Overlook Shoreline Repairs at Hudson Harbor for a lump sum price of \$48,000.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby award the Change Order to Shoreline Stabilization Contract to R. Pugni & Sons Inc. per their quantity change order proposal of \$48,000, and

BE IT FURTHER RESOLVED that the Village Administrator is hereby authorized and directed to execute this quantity change order with R. Pugni and Sons, and the Village anticipates that the funds for the purchase will either be from operating funds, appropriation of surplus, or the future issuance of debt.

YMCA WATER ARREARS PENALTY

Trustee Butler moved, seconded by Trustee Rinaldi, 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 reduce the outstanding penalty for the Tarrytown Family YMCA from \$16,195.53 to \$8,097.77, provided that the outstanding balance of \$69,937.05, plus the unbilled amount due for November, 2019, are resolved and paid in full to the Village of Tarrytown, on or

before the end of business on December 16, 2019, subject to an admission agreement that shall be to the satisfaction of the Village Attorney, and signed by the Village Administrator.

APPROVAL OF WATER RATE INCREASE

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

WHEREAS, since the Village of Tarrytown has not had a water rate increase in over a year, but has experienced increases in costs for water from New York City, as well as increases in other operating expenses for the Water Department; and

WHEREAS, since New York City raised their water rates by approximately 9.2% in 2019, and the Village budgeted other cost increases for the Water Fund including salaries and benefits at an increased rate of approximately 2.5%; and

WHEREAS, the blended rate of these interest rates amounts to a four point seventy-seven percent (4.77%) increase in water rates to be charged to Tarrytown Water System consumers.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Tarrytown hereby enacts a four point seventy-seven percent (4.77%) increase in water rates to be charged to Tarrytown Water System consumers, increasing the rate from \$80.45 per 1,000 c.f. to eighty-four dollars and twenty nine cents (\$84.29) per 1,000 c.f.; and

BE IT FURTHER RESOLVED that the Village Administrator and Village Treasurer are directed to take the necessary and appropriate actions to begin charging this new rate with the billing cycle effective December 1, 2019.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON NOVEMBER 18, 2019

Trustee Zollo 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 minutes of the regular meeting of the Board of Trustees held on November 18, 2019 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

Trustee Zollo moved, seconded by Trustee McGovern, 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. 10 of Audited Vouchers in the total amount of \$148,904.19 to be paid in the following amounts:

General	\$ 123,587.58
Water	\$ 13,268.64
Sewer Fund	\$ 0.00
Capital	\$ 220.00
Library	\$ 11,799.03
Trust & Agency	\$ 28.94
Total	\$ 148,904.19

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON ITEMS NOT INCLUDED ON THE AGENDA. SPEAKERS HAVE FIVE (5) MINUTES

BEFORE YIELDING TO THE NEXT SPEAKER; THEN THREE (3) MINUTES
FOR ADDITIONAL COMMENTS.

Dean Gallea, 28 Wildey Street, noted that he continues to see the crosswalk signs on Cortlandt Street at Wildey and also at the end of Main Street either inoperative or bagged by the state. This is a busy crossing area and this needs to be resolved. People don't know when to cross and it becomes very dangerous. He noted that there should be a "no turn on red" sign on the north exit off of the H-Bridge.

Mayor Fixell noted that they had a meeting on this topic a month ago and that there's a problem that they are trying to resolve with regard to property lines as to who owns what, which is tying them up. We will follow up with them to see if they have resolved this issue.

ADJOURNMENT TO EXECUTIVE SESSION

On the motion of Trustee Hoyt, seconded by Trustee Zollo, the meeting was adjourned to Executive Session to discuss personnel approximately 8:45 p.m. by vote of seven in favor, none opposed.

ADJOURNMENT

On the motion of Trustee Hoyt, seconded by Trustee McGovern, the Executive Session was adjourned at approximately 9:10 p.m. by vote of seven in favor, none opposed.

Carol A. Booth
Village Clerk