

Board of Trustees
Village of Tarrytown
Regular Meeting No. 28
One Depot Plaza
Tarrytown NY 10591
November 20, 2023
7:00 p.m.

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

REGULAR MEETING: 7:00 P.M.

The meeting started with the Pledge of Allegiance.

After the pledge, Mayor Brown asked for a moment of silence in honor of Amy Wesson who passed away earlier this month. Amy gave quite a bit of her time towards the beautification of the village. We send our love and support, thank her for her services, and we will try to honor her spirit with wonderful art projects moving forward.

BOARD MISCELLANEOUS AND LIAISON REPORTS

Trustee Mitchell reported that he attended TVAC's fundraiser this past Saturday. They are raising funds to purchase two Lucas CPR devices. More information on how to donate can be found on TVAC's website. Mayor Brown stated that at the fundraising event, TVAC was giving demonstrations with the device which performs automatic CPR and allows the EMT's to provide other services that need to be done at the same time. It really would be a lifesaving device to have on our ambulances.

Trustee Rinaldi thanked Mayor Brown for recognizing Amy Wesson. Most recently she served as president of the Tarrytown Lakes Committee, and she was instrumental in with the Placemaking Committee on having the mural painted on the Taste of China Building. She gave so much of herself volunteering, and he thanks her and her family.

Deputy Mayor McGovern reported that the Turkey Trot this past Saturday was wonderful. There were approximately 140 entrants, and 15 little turkeys participating in the trot. Thank you to the Recreation Department as well as the Recreation Advisory Council, Police Department and TVAC for all of their help. It was a real community event and we thank everyone for their hard work. Sign up has started for boy's youth basketball grades two through four, and co-ed basketball clinic for grades k to two. More information can be found on the Tarrytown Recreation website.

Trustee Hoyt reported that the 2023 Holiday Toy Drive which is being sponsored by the Tarrytown Police Department along with Sleepy Hollow, are collecting new toys for children in need in the Tarrytown School District. Please donate any new, unwrapped toys, and they will see that it gets to the children. You may drop off toys until December 15th. Drop off locations are Tarrytown Police Department, Village Hall, the Sleepy Hollow Police Department, the Warner Library, and Altogether Now Toy Store at 16 Main Street. Trustee Hoyt continued his report by stating that Riverside Hose is getting ready to sell their trees and wreaths. If you are in need of a tree or wreath, please stop by and they will be more than happy to help you get it on your car. He also thanked the members of Consolidated Engine who hosted the annual Thanksgiving breakfast this past Saturday which is open to all firefighters throughout Westchester County.

Trustee Kim reported that the Safe Streets for All Grant program will be having a kickoff meeting and grant tour at the end of the month. In addition, the study that is being conducted between us and the NYSDOT regarding Route 9 will be having their first meeting in December.

Mayor Brown announced that Tarrytown was awarded a \$500,000.00 grant to make improvements to Lagana Park which is located in the south end of town. Mayor Brown asked Administrator Slingerland to go into more detail.

Administrator Slingerland that the team from the village put in a lot of effort to obtain this grant. With this grant we intend to upgrade the tennis courts so they will include both tennis and pickleball, upgrade the basketball courts, update the picnic pavilion as well as the playground and ball fields. There is a big dip in the ball field and it will be really great to be able to invest the \$500,000.00 and the village's match to really improve and upgrade the park. The village will be reaching out to residents in the new year to get public input before we go out to bid.

ADMINISTRATOR'S REPORT

Administrator Slingerland wished everyone a Happy Thanksgiving and reported that the Village's Tree Lighting and Winter Stroll event will be held on Saturday, December 2nd. The Tree Lighting will take place at 5:15 in Patriots Park, and TaSH's Holiday Market will also be taking place in Patriots Park from 2:00 to 6:00 pm. The Village will be sharing the tree lighting duties with a child from the area in cooperation with the Make a Wish Foundation. After the Tree Lighting, the Village will be hosting our Winter Stroll Event in cooperation with the Sleepy Hollow Tarrytown Chamber of Commerce. Trolleys will be going back and forth between both villages, there will be music and other events and performances throughout the evening. We encourage everyone to come by as it will be a great time.

Administrator Slingerland continued his report by stating that there will be two water main shutdowns tonight due to a valve breaking at the Marymount Convent, and an emergency repair on Main Street. People in the Marymount area will lose water for a short time this evening as well as people on Main Street by Wendell Park.

PUBLIC HEARING ON COMPATIBLE USE PERMIT FOR 220 WHITE PLAINS ROAD

On a motion made by Deputy Mayor McGovern, and seconded by Trustee Hoyt will all voting aye, the public hearing was opened.

Dr. R.N. Bhargava addressed the Board to explain that Integrated Nano-Magnetics, Inc. is a nanotechnology company that has been in Westchester for 30 years and he has been a resident of Westchester for 53 years. Nano-Magnetics previously had laboratories in Briarcliff and in Elmsford. The work he will be conducting requires preparation of nanoparticles which are prepared below the boiling point of water, and the only thing emitted is water vapors. It is nontoxic, and whatever the chemicals they use in the process are kept separate and disposed of by the company who come and take it away. There will be no toxic waste in the water system or the air. This project is of national interest and it will be used to make a permanent magnet to be used in electric vehicles. As China currently controls 95 percent of the current magnets it is imperative that this is a priority. Time is of the essence, and we hope to have something to demonstrate in six months. This will become not only be a major achievement for us, but for Tarrytown as well. Dr. Bhargava's main priorities are the magnet technology, and finding a cure cancer using nano particles.

Dolf Beil a Tarrytown taxpayer from White Plains completely supports not only this type of work, but noted that the Comprehensive Plan calls for an effort to promote this type of activity. He thinks the Board should do everything possible to promote it.

On a motion made by Deputy Mayor McGovern, seconded by Trustee Hoyt with all voting aye, the public hearing was closed.

On a motion made by Trustee Hoyt, and seconded by Trustee Kim with all voting aye, the following resolution was passed with seven in favor and none opposed. Approved: 7-0

WHEREAS, the Village received a request from Dr. R.N. Bhargava for the Village to issue a Compatible Use Permit for 220 White Plains Road Suite 585 for a Professional Office with an Accessory Laboratory, which is required and is requested before the Village Planning Board grants site plan approval; and

WHEREAS, the proposed use will convert 975 sf of a 4,000 sf office suite into a laboratory space for research conducted by Integrated Nano-Magnetics Inc. (INM), a nanotechnology firm; and

WHEREAS, the Applicant's submission indicates there will be no medical research conducted at the facility, no overnight stays, no generation of toxic waste or production of toxic particulates in the exhaust system, and the Department of Health will need to issue an air emissions permit prior to opening the laboratory; and

WHEREAS, the Planning Board has reviewed the application and recommends approval of the Compatible Use Permit for the research and testing laboratory at Suite 585 in the 220 White Plains Road building; and

WHEREAS, a notice of Public Hearing was published in the Journal News on November 10, 2023

NOW, THEREFORE, BE IT RESOLVED. that the Board of Trustees of the Village of Tarrytown does hereby approve a Compatible Use Permit to be issued to Dr. R.N. Bhargava of Integrated Nano-Magnetics Inc. (INM) for a Professional Office with an Accessory Laboratory on the premises at 220 White Plains Road Suite 585, Tarrytown.

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

Dolf Beil noted that he completely supports two items on the agenda. The first, item number seven regarding Climate Action Committee he supports as it is called for in the Comprehensive Plan and 17 of the 70 items in the Comprehensive Plan are in the same general direction. He does hope that the committee meetings will be announced, and that the public will be able to attend. Please do that and also provide coverage in the Tarrytown Link. The second item, number nine on the agenda regarding the roller, Mr. Beil complimented the person who was responsible for purchasing the roller as it was budgeted for \$60,000 dollars, and we only spent \$22,000 dollars. He applauds whomever was responsible. Mayor Brown responded that it was Superintendent of Public Works Lou Martirano who was responsible for purchasing the equipment.

RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR A LOCAL LAW TO AMEND SECTION 297-7 TO ADD A NEW SUBSECTION REGARDING REPLACEMENT OF WATER METERS AND TO AMEND CHAPTER 297-17 OF THE VILLAGE CODE TO ADD A PENALTY FOR NON-COMPLIANCE WITH MAINTENANCE, REPAIR, OR REPLACEMENT OF WATER METER

On a motion made by Trustee Mitchell, seconded by Trustee Rinaldi with all voting aye, the following resolution was approved. Approved: 7-0

WHEREAS the Village of Tarrytown Water Department is in the process of replacing all water meters in the Village for the purposes of upgrading outdated and failing equipment; and

WHEREAS accurate water meter readings contribute to an efficient and well-maintained system that accounts for water usage, detects leaks, and identifies potential repair and maintenance needs; and

WHEREAS the cost of non-compliance with the water meter replacement project is significant in hours of labor for manual water meter reads; and

WHEREAS the Village, through the installation contractor, Saks Metering, will continue to make every effort to communicate and work with water users to schedule appointments for water meter replacement, but as the year-long project winds down, a mechanism to enforce compliance short of cutting off water service is necessary;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby schedule a public hearing to be held at 7 p.m. on Monday, December 4, 2023, at Tarrytown Village Hall, 1 Depot Plaza, during the Regular Board Meeting, on a Local Law to

amend Section 297-7 to add a new subsection regarding replacement of water meters and to amend Chapter 297-17 of the Village Code to add a penalty for non-compliance with maintenance, repair, or replacement of water meter. A copy of the proposed Local Law can be found at the end of this agenda.

ESTABLISHMENT OF AD HOC CLIMATE ACTION PLANNING INSTITUTE TASK FORCE

On a motion made by Trustee Kim, seconded by Trustee Rinaldi with all voting aye, the following resolution was approved. Approved: 7-0

WHEREAS the Village of Tarrytown is participating in the Climate Action Planning Institute (CAPI) administered by Westchester County thanks to a grant awarded by the New York State Department of Environmental Conservation; and

WHEREAS the CAPI will assist the Village in developing a Climate Action Plan for the Village's government operations including the municipal fleet and facilities; and

WHEREAS an Ad Hoc CAPI Task Force comprised of residents and staff members will assist for a period of five months from November 2023 through March 2024 in the development of recommendations for measures to reduce greenhouse gas emissions from municipal operations;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby establish the Ad Hoc Climate Action Planning Institute (CAPI) Task Force; and

BE IT FURTHER RESOLVED that Board of Trustees does hereby appoint the following Task Force members:

Dean Gallea, Chair
Peter Gaito
Josh Halickman
Emily Herman
Jia Sun
Nicole Crescimanno
Karen Bernstein
Alissa Fasman, Staff liaison

METAL PICKUP SWITCH FROM WEDNESDAYS TO FRIDAYS

On a motion made by Deputy Mayor McGovern, seconded by Trustee Mitchell, with all voting aye, the following resolution was approved. Approved: 7-0

WHEREAS, the Department of Public Work currently picks up scheduled bulk metal on Wednesdays; and

WHEREAS, on Wednesday's the Department of Public Works is already picking up refuse and recycling leaving no staff to perform other duties such as highway work; and

WHEREAS, by moving bulk metal pick up to Fridays it will free up DPW staff to perform highway tasks.

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby change bulk metal pickup from Wednesdays to Fridays with trial runs starting December 1, 2023 with the new schedule to be fully implemented by January 1, 2024.

RESOLUTION AUTHORIZING THE PURCHASE OF AN ASPHALT ROLLER FOR THE PUBLIC WORKS DEPARTMENT

On a motion made by Trustee Kim, seconded by Trustee Rinaldi with all voting aye, the following resolution was approved. Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize a purchase for the Department of Public Works, as provided in the 2023-24 Village Capital

Improvement Program for the schedule of vehicle replacements, one (1) New Komatsu Asphalt Roller off of Sourcewell Contract No. 060122-BAI for the total amount of \$22,210.00 including \$500.00 for the trade-in of the existing 1992 Dynapac T-175S Roller.

BE IT FUTHER 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 provided from operating funds, appropriation of surplus, or the future issuance of debt.

RESOLUTION TO AUTHORIZE AN AMENDMENT TO EXTEND THE SETTLEMENT AGREEMENT BETWEEN THE QUAY OF TARRYTOWN CONDOMINIUM AND THE STATE OF NEW YORK

On a motion made by Trustee Phillips-Staley, seconded by Trustee Kim with Trustee Hoyt abstaining, the following resolution was approved. Approved: 6-1-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby authorize and direct the Village Administrator to execute the Amendment to the Stipulation of Settlement among the Village of Tarrytown, the New York State Thruway Authority and the Quay of Tarrytown Condominium solely to provide for extending the time for the Quay to provide the Village with an easement related to certain proposed improvements to the Westchester Riverwalk for another six (6) months, subject to the approval of the Village Attorney.

RESOLUTION AUTHORIZING YEAR END BUDGET TRANSFER OF FUNDS FOR VILLAGE OF TARRYTOWN FISCAL YEAR 6/1/2022 THROUGH 5/31/2023

On a motion made by Trustee Hoyt, seconded by Trustee Mitchell with all voting aye, the following resolution was approved. Approved: 7-0

WHEREAS, in accordance with Section 5-520 of the NY State Village Law, when it shall appear probable that the expenditure in any budgetary account will be in excess of the original estimated budgeted amount, it is then necessary to bring these accounts in balance by transferring from other budgetary accounts; and

WHEREAS, at this time the accounts for the fiscal year ending May 31, 2023 have been reconciled and it is requested that the following resolution be approved by the Board of Trustees authorizing intra-departmental (within departments) and inter-departmental (between departments) transfers to close out the budget, to complete the work necessary for the annual audit which is in process and approaching completion for fiscal year ending May 31, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Village Treasurer is hereby authorized to make the necessary transfers from the unexpended balances of certain budgetary accounts to those accounts that require additional appropriations, in order to effect the budgetary close out for Fiscal Year 6/1/2022 to 5/31/2023, with the detail of such transfers on file in the office of the Village Treasurer.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETING OF NOVEMBER 6, 2023

On a motion made by Deputy Mayor McGovern, seconded by Trustee Mitchell, with all voting aye, the following resolution was approved. Approved: 7-0

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 Monday, November 6th, 2023 as submitted by the Village Clerk.

APPROVAL OF ACTION ITEM MINUTES

On a motion made by Deputy Mayor McGovern, seconded by Trustee Kim, with all voting aye, the following resolution was approved. Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the Action Item minutes of the Board of Trustees Work Session Meeting held on Wednesday, November 15, 2023 as submitted by the Village Administrator and the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

On a motion made by Trustee Rinaldi, seconded by Trustee Mitchell with all voting aye, the following resolution was approved. Approved: 7-0

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

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 \$3,861,797.67 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$	2,878,554.40
Water	\$	234,017.78
Sewer Fund	\$	14,722.67
Capital	\$	614,174.50
Library	\$	95,415.13
Trust & Agency	\$	24,913.19
CM (Special Funds)	\$	<u>0.00</u>
Total		\$ 3,861,797.67

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

Dolf Beil stated that a Comprehensive Plan is a community based roadmap for planning and it will develop implementable recommendations that reflect community input. The Chairman at the time it was implemented stated it was a living document, and the plan of a Comprehensive Plan Committee was to keep the Comprehensive Plan current. There were 70 identifiable action items in the plan. Last year he requested to be on the committee, and was effectively told that the committee has been disbanded or that the Trustees have taken over responsibility for that committee. One year has passed, and he does not see any action that was taken by the Trustees to discharge the responsibilities of the Comprehensive Plan Management Committee. Two items that bother him greatly are to grow a culture of representation, and to facilitate open communication. In the past, the public had fifteen minutes to speak, 10 minutes for an initial presentation, and a five minute secondary. The time was reduced right around the time of the Comprehensive Plan to three minutes. He hopes that the Board will reexamine this as they consider the rules for next year. Additionally, the plan calls for quarterly symposiums to bring boards and representatives together on specific topics. This has not been done and he thinks it's essential if you are going to involve the public and consider topics of great interest to the public to have these symposiums. Mr. Beil suggests that the Board establish a new Comprehensive Plan Committee, and if that is not possible, the public is owed a statement that you do not intend to do so. To not address this is wrong. It cost a quarter of a million dollar and four years from now it could be closer to \$300,000. He asks that at the next meeting the Board either say you're going to reinstitute the plan or it is going to be abandoned. He also requests that the Board include symposiums for action items, and to implement a plan for instituting those items.

Robert Wingate from Tarrytown first congratulated the returning Board members for their success in the elections. Community leaders and activists such as himself do not do a good enough job of saying that you to volunteers who take time out and step forward on controversial issues and take actions to benefit the community. He sees that in the charge of the climate action group you are thinking about looking at causative factors on climate in the area of municipal operations and assets and so forth. The Board might support some further study on the congestion on Broadway and Route 9 and even 287 in the last few years. There has also been an increase in poor air quality days. For those who work in health services, the increase in poor air quality days often leads to the exacerbation of asthma and particularly worrisome, pediatric asthma. One of the major cost

drivers in health services is unnecessary or avoidable emergency room admissions related to pediatric asthma, and asthma in general. Asthma is a potentially deepening challenge in our urbanized communities. He feels it would be beneficial for the village to have conversations with health services that focus on asthma. He hopes the Board does some thinking on the air quality, especially on the Route 9 corridor. This is a significant challenge for quality of life in children in the community, as well as the cost for families and health providers and institutions.

Mayor Brown thanked Mr. Wingate for the information and noted that traffic is increasing and the confluence of those two things does present a challenge for all municipalities.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned to go into Executive Session as 7:51 pm on a motion by Deputy Mayor McGovern and seconded by Trustee Hoyt with all voting aye.

LOCAL LAW __ - 2023
A local law to amend Chapter 297 entitled “Water” to amend Section 297-7 to add a new subsection regarding replacement of water meters and to amend 297-17 of the Tarrytown Code, to add a penalty for non-compliance with the Village for maintenance, repair or replacement of the Village of Tarrytown water meter

Section 1. Amending § 297 “Water”, Article 1, General Regulations, Section 297-7 “Installation of water meters” to add a new subsection as follows (language in **Bold and Underlined to be added, language in **Strikethrough and bold and underlined** to be deleted):**

- 297-7 Installation of Water Meters
- Water meters shall be installed as herein provided:
- A. Every meter shall be set in a horizontal position within ready access for inspection and shall be protected against frost and hot water.
 - B. The meter must be connected to the service line by a union to a shutoff valve on each side of the meter.
 - C. No connection in any house service line or fixture shall be made between the water main and the meter.
 - D. The meter shall, after installation, be sealed by the Water Department, which shall thereafter have complete control thereof. No sealed meter may be removed without a written permit from the Water Department.
 - E. The Water Department may remove a meter at any time for testing, substituting another meter temporarily or permanently.
 - F. The Water Department may replace, upgrade, or switch out a meter at any time.**
 - F. G.** In every installation of water service hereafter, the owner shall provide facilities for setting of the meter according to specifications provided by the Water Department.

Section 2. Amending § 297 “Water”, Article 1. General Regulations, Section 297-17. Penalties for offenses, is revoked in its entirety and replaced with the following language.

Old language to be deleted:

§ 297-17. Penalties for offenses.

Penalties shall be as provided in Chapter 1, General Provisions, Article II.

New Language:

§ 297-17. Penalties for offenses.

- A. A quarter-per-annum penalty fee of \$250.00 shall apply for not cooperating with the Village pursuant to Section 297-7, regarding the maintenance, repair or replacement of the Village water meter, until such time that the owner permits the Village to replace the meter.
- B. Other penalties for non-compliance with this chapter shall be as provided in Chapter 1, General Provisions, Article II.

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.

