Board of Trustees

Village of Tarrytown

Regular Meeting No. 19

One Depot Plaza

Tarrytown NY 10591

September 6, 2022

7:00 p.m.

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

REGULAR MEETING: 7:00 P.M.

The meeting began with the Pledge to the Flag.

There was a moment of silence held in memory Anthony Ruggiero a Tarrytown DPW employee and John Kelly a volunteer fireman who passed away twelve years ago. We honor them for all of their work and miss them deeply.

BOARD MISCELLANEOUS AND LIAISON REPORTS

Trustee Kim reminded everyone that school is open and to drive carefully.

Trustee Hoyt reported that the Tarrytown Police Departments Family Fun Day at Pierson Park was a great success with over 125 children and their families attending. In addition, the Tarrytown Police Department has installed over 170 car seats in the community. The car seat installation program was started in 2017. In addition, the Police Department partnered with the Sky Foundation and distributed over 150 backpacks filled with back to school supplies to local students. A big thank you Tarrytown Police Department.

Trustee Hoyt also reported that this Sunday the Tarrytown Fire Department 911 Ceremony will be held at Patriots Park at 8:30 am. This year is the 21st Anniversary. Deputy Mayor McGovern noted that TVAC is having an open house on September 12th for their junior corps. Trustee Hoyt noted that TVAC is a wonderful program and there are many opportunities available.

Trustee Rinaldi reminded everyone that the 9-11 Memorial Ceremony will be held this Sunday at Patriots Park starting at 9:00 am. Trustee Rinaldi also noted that the Placemaking Committees Mural on Kaldenberg Place is coming along beautifully. If anyone wishes to make a donation towards the mural, checks can be mailed to Village Hall noting that the donation is for the mural.

Deputy Mayor McGovern noted that the pool and camp are now closed for the season. Thank you to all involved including Katie Morales our Camp Leader and Kelly Murphy the Pool Director. It was a successful season and thank you to all the staff who made this possible. Deputy Mayor McGovern reported that the Village-Wide Tag Sale is on September 24th. Please contact the Recreation Department to register so that your residence will be on the map that will be distributed prior to the 24th. In addition, the Halloween Parade is being held on October 29th. Start thinking about your costumes and preparing your float. The parade starts at 5:30 pm and a block party will be held afterwards.

Administrator Slingerland reported that the Recreation Department has a new program called Backyard Sports. The programs are for children ages 3-5 and 6-11. There are a variety of sports that your child can sign up for including soccer, tee ball, flag football and track and field. Additional information can be found on the Recreations Departments webpage or stop by the recreation department and they will have more information.

CHANGES AND/OR ADDITIONS TO THE AGENDA

Deputy Mayor McGovern reported that there will be three additional resolutions added to the agenda this evening after the bond resolutions.

ADMINISTRATOR’S REPORT

Administrator Slingerland noted that all pertinent items are on this evening’s agenda.

PRESENTATION – COMMUNITY COALITION/KIDS CLUB PRESENTATION

Jennifer Green and Char Weigel from the Kids Club of Tarrytown and Sleepy Hollow came to speak about their organization.

Jennifer Green started the presentation by noting that they are a local no profit that raises funds to support underserved children and their families who reside in Tarrytown and Sleepy Hollow. The funds raised go to grants and scholarships to many of the programs that exist right here in the community. Some programs that they support are the Food Pantry, Rivertown Dance Academy, Tarrytown Music Hall and the School District to name a few. Since our inception in 2009, we have donated over $1.3 million back to the community. In addition, in 2009 we also started an initiative called the Community Coalition of Tarrytown and Sleepy Hollow. We realized that there were many terrific nonprofit organizations that already exist in the community and wished to gather everybody to talk about issues or ways to support one another. It became an opportunity to get together and talk and during these monthly meetings. During these meetings, we came to the realization that a community calendar that combines and informs about the great work of nonprofits in both Tarrytown and Sleepy Hollow would be greatly beneficial. This summer we launched community10591.org new website which holds a community calendar and a volunteer directory. The calendar is a way to have in one place a list of all of the nonprofits and a better of understanding of the needs of the community. The link to the calendar is on the Tarrytown website.

Char Weigel first thanked Deputy Clerk Alissa Fasman for all of her assistance. Ms. Weigel described the various areas of the website such as upcoming events, after school programs, and a volunteer directory. Many items on the website can be converted to Spanish and Portuguese as well. The website is a great way to get involved in the Village. Ms. Weigel continued by showing the Board of Trustees several pages on the website and the various upcoming events as well as volunteer opportunities available. If there is a nonprofit that wishes to get involved, there are links in the directory you can access and reference. Any questions you can always contact her through the community10591.org website. Deputy Mayor McGovern asked if there is a hard copy that will be available about the volunteer opportunities. Char responded that the organization still working it and hope to have it available soon.

PUBLIC HEARING-LOCAL LAW #7-2022 TO AMEND CHAPTER 199 “COMMUNITY CHOICE AGGREGATION’ TO ENABLE THE ADDITION OF SOLAR CREDITS TO THE PROGRAM, WITH AN OPT-OUT OPTION

Leo Weigman from Westchester Power was on hand to answer any questions.

On a motion made by Trustee Kim, and seconded by Trustee Rinaldi the Public Hearing was opened.

There were no public speakers.

On a motion made by Trustee Hoyt, and seconded by Trustee Kim the Public Hearing was closed.

On a motion made by Trustee Hoyt, and seconded by Trustee Mitchell the following resolution was unanimously approved. Approved: 6-0

Public Hearing – Local Law #7-2022 to amend Chapter 119 “Community Choice Aggregation” to enable the addition of solar credits to the program, with an opt-out option

WHEREAS, the Village of Tarrytown established a Community Choice Aggregation Program in September 2015; and

WHEREAS Assistance Program Participants (low-income residents who receive support for utility payments) are not eligible to participate in the Community Choice Aggregation program, but have been approved by the State Public Service Commission for enrollment in Westchester Power’s Solar Credit Program because the cost savings are guaranteed; and

WHEREAS Westchester Power can enroll Assistance Program Participants on an opt-out basis in the Solar Credit Program for a guaranteed savings of between 5% and 10% off of their electricity bill every month; and

WHEREAS enrollment in the program will not change how participants pay their electric bill or impact their assistance benefits in any way; and

WHEREAS participation in the program will support a local solar farm while guaranteeing savings for participants; and

WHEREAS, the Village of Tarrytown must amend Chapter 119 of its Village Code entitled “Community Choice Aggregation Program” to incorporate opt-out Community Distributed Generation pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and

WHEREAS, the Board of Trustees published a notice of public hearing on July 22, 2022, and on August 22, 2022, and held a public hearing on August 15, 2022, and again on September 6, 2022.

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: that 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) the Village Board of Trustees hereby determines that Proposed Action will not have a significant adverse environmental impact and hereby adopts a Negative Declaration for the proposed action.

BE IT FURTHER RESOLVED, that the Tarrytown Village Board of Trustees does hereby adopt Local Law No.7-2022 amending Chapter 119 of the Village Code. The full text of this law can be found at the end of this Agenda.

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

There were no public speakers.

RESOLUTION AUTHORIZING A CONTRACT WITH A GRANT CONSULTANT

On a motion made by Trustee Phillips-Staley, and seconded by Trustee Mitchell the following resolution was unanimously approved. Approved 6-0

WHEREAS, after reaching out to various companies to request proposals, which resulted in the submission of three expressions of interest, and one declination; and

WHEREAS, after performing due diligence to check with professional references and other communities that have worked with the different consulting companies.

NOW, THEREFORE, BE IT RESOLVED, the proposed action is a Type II Action under SEQRA and therefore, not subject to further review under SEQRA; and

BE IT FURTHER RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby authorizes a professional services agreement with Millennium Strategies of Nanuet, NY, for grant planning, research and complete grant application writing services to the Village of Tarrytown, for a retainer of a monthly cost of three thousand dollars ($3,000) per month, and authorizes the Village Administrator to execute the agreement and to take the necessary and appropriate actions to implement it.

RESOLUTION AUTHORIZING A PUBLICATION OF A NOTICE AND UPON COMPLETION EXECUTION OF A. A NEPA DETERMINATION OF CATEGORICAL EXCLUSION AND B. AUTHORIZATION FOR RELEASE OF FUNDS FOR THE TARRYTOWN MHA FOR THE FRANKLIN TOWERS REHABILITATION PROJECT.

Debra Post from Wilder Balter spoke about the project. She first wished to reiterate that this action is only for Franklin Towers, not for Franklin Courts. We are starting the conversion process with the Tarrytown Municipal Housing Authority putting together a comprehensive rehab scope for the project. The rehab includes upgrades to the common areas, upgrading the plumbing and electric, upgrades to the community room, energy efficient improvements and ADA compliant improvements. In addition, five apartments will be fully handicapped accessible by today’s standards. Now that the comprehensive plan is put together, we go to HUD to apply for a concept call and request a NEPA review which is a federal environmental review. This has to be done prior to meeting with HUD. ABI Consultants did an environmental review under the NEPA guidelines and they determined the project is categorically excluded but not exempt. An assessment was done and the 1138 page document is complete and copies are available at Village Hall and Warner Library. You can also request it electronically and it will also be posted on the THMC website. In order for a project to be categorically excluded, the unit density can change more than 20 percent. The project does not involve changes in land use, and the estimated cost of the rehab is less than 75% of the estimated replacement cost of the project. In addition, the project will not result in a significant impact on the quality of human environment.

Ms. Post continued by stating that they are at the point where they are asking the responsible entity which is the Village of Tarrytown to move forward with the noticing period. Any public comments HUD will review. After the review, we will get a notice of release of funds, which means it is basically authorizing us to move forward with the project. Trustee Rinaldi asked how the community will be notified. Ms. Post stated that they will send something out to let everyone know where they can view the documents and what the public comment period is.

On a motion made by Trustee Hoyt, and seconded by Trustee Mitchell part A of the following resolution was unanimously approved. Approved 6-0

On a motion made by Trustee Kim, and seconded by Trustee Rinaldi part B of the following resolution was unanimously approved. Approved 6-0

1. NEPA Determination for Franklin Towers Rehabilitation Project

WHEREAS, the Tarrytown Municipal Housing Authority has embarked on a project to rehabilitate the Franklin Towers dwelling units at the 50 White Street, which includes upgrades to common areas, plumbing and electrical systems community rooms, energy efficiency, ADA compliance and modern apartment amenities; and

WHEREAS, the proposed action: (1) will not change unit density by more than 20%; (2) does not involve changes in land use from residential to non-residential; and (3) the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation; and

WHEREAS, this project will involve minimal ground-disturbing activities, and will not result in a significant impact on the quality of the human environment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the execution of a certification that the renovation and rehabilitation of the housing units located there do not exceed any thresholds under the NEPA that would warrant further environmental review or analysis and makes a determination that this project qualifies for a CATEGORICAL EXCLUSION under NEPA, and therefore authorizes Village Administrator Richard Slingerland to execute and publish and post a notice of such determination for public comment for the HUD required time period of fifteen (15) days.

1. Authorization for Release of funds for the Tarrytown MHA for the Franklin Towers rehabilitation project.

WHEREAS, the Tarrytown Municipal Housing Authority would like to issue a request to HUD for the release of funds pursuant to Section 18 of the United States Housing Act of 1937, as amended, to undertake a project known as the Franklin Towers Modernization, which will include modernization, rehabilitation and renovation of 81 residential housing units, at the project location of 50 White Street, with a conversion from public housing to project based Section 8 under a HUD RAD / Section 18 blended program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes Village Administrator Richard Slingerland to execute a certification and request that HUD release of funds pursuant to Section 18 of the United States Housing Act of 1937, as amended, to undertake a project known as the Franklin Towers Modernization, and to publish and post a notice of such determination for public comment for the HUD required time period of fifteen (15) days.

ACCEPTANCE OF A $25,000 GRANT FROM ASSEMBLYMAN THOMAS ABINANTI

On a motion made by Trustee Hoyt, and seconded Trustee Mitchell by the following resolution was unanimously approved. Approved 5-0 (Trustee Rinaldi absent for the vote)

WHEREAS, the Village of Tarrytown worked cooperatively with Assemblyman Thomas Abinanti to identify a project at the Tarrytown Lakes, that would implement a shorebank stabilization, and provide for the purchase and installation of a kayak docks and ramp to enhance the Village’s ability to provide recreation opportunities at the Tarrytown Lakes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorize the acceptance of a grant provided from New York State, with the assistance of Assemblyman Abinanti, for shorebank stabilization, and for the purchase and installation of a kayak docks and ramp to enhance the Village’s ability to provide recreation opportunities at the Tarrytown Lakes; and

BE IT FURTHER RESOLVED, the proposed action is a Type II Action under SEQRA and therefore, not subject to further review under SEQRA; and

BE IT FURTHER RESOLVED, that the Village Administrator is authorized to take the necessary and appropriate actions to execute an agreement for these grant funds, and to implement the noted grant provisions and improvements.

RESOLUTION TO ADD A HANDICAPPED PARKING SPACE IN FRONT OF 74 WILDEY STREET

On a motion made by Trustee Hoyt, and seconded by Trustee Kim, the following resolution was unanimously approved. Approved 5-0 (Trustee Rinaldi was absent for the vote)

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorize an amendment to the Vehicle and Traffic Section of the Village Code Section 291-92, Schedule XXVII – Handicapped Parking Spaces, to add the following:

Name of Street or Lot Side Number of spaces, Location

Wildey Street South 1 Space, near 74 Wildey Street

RESOLUTION OF SUPPORT FOR THE CLEAN WATER, CLEAN AIR AND GREEN JOBS BONDS ACT

On a motion made by Trustee Phillips-Staley, and seconded by Trustee Mitchell the following resolution was unanimously approved. Approved 6-0

WHEREAS, the State of New York is putting forth a proposal before voters this November, on Election Day, for a referendum on the first environmental bond act in 25 years; and

WHEREAS, the funding that would be included in this New York State Clean Water, Clean Air and Green Jobs Environmental Bond Act totals $4.2 billion in funding, which if approved would be allocated as follows:

* Open Space Land Conservation and Recreation $650 million
* Water Quality Improvement and Resilient Infrastructure $650 million
* Climate Change Mitigation (includes $ to electrify school buses) $1.5 billion
* Restoration and Flood Risk Reduction $1.2 billion
* Unallocated $300 million

WHEREAS, according to a post about this initiative listed on Ballotpedia, attributed to Jim Melius, administrator of the NYS Laborers Tri Funds, a “conservative view of this bond act suggests that it would create over 100,000 new jobs for New Yorkers ranging from management, construction, and innovative industries… and would put New York firmly on the track to becoming a leader in green technology at the cost of less than $4 per month per household.” and

WHEREAS the Board of Trustees of the Village of Tarrytown supports New York State’s efforts to encourage voters to approve this bond act and encourage investment in improving infrastructure to safeguard clean drinking water, replace lead pipes, improving sewers and water treatment facilities, preserve open space and improve access to public parks, invest in clean energy and clean air infrastructure, retrofitting of buildings, replacement of vehicles, and other initiatives that would reduce pollution and improve health and safety; and

WHEREAS, it is important to note along the lines of the old adage an ounce of prevention is worth a pound of cure that every dollar spent on storm hardening, mitigation and prevention, saves up to 6-times the cost of future storm damage that would be prevented through such prevention and mitigation measures.

WHEREAS, if approved, a portion of the funding from the proceeds authorized in this environmental bond act referendum would become available to Tarrytown through grant funding streams that would be put forth by the State of New York.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown supports the Clean Water, Clean Air, and Green Jobs Bond Act in 2022, and joins with other New York municipalities and joins the coalition supporting the passage of this New York State Environmental Bond Act on the ballot on Election Day, Tuesday, November 8, 2022.

BOND RESOLUTION A - $75,000 - VEHICLES, 5 YEARS

Administrator Slingerland noted that in order for the Village to do the things included in the Capital Plan, we need these bond resolutions to fund vehicle purchases, various improvements to buildings and facilities, water meter replacement projects and water and sewer infrastructure.

On a motion made by Trustee Hoyt, and seconded by Trustee Rinaldi the following resolution was unanimously approved. Approved 6-0

Roll Call: Trustee Hoyt; Yes, Trustee Kim; Yes, Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Trustee Mitchell; Yes; Deputy Mayor McGovern; Yes

BE IT RESOLVED, that 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.

BE IT FURTHER RESOLVED, that 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) the Village Board of Trustees hereby determines that Proposed Action will not have a significant adverse impact and hereby adopts a Negative Declaration for the proposed action.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the summary bond resolution, dated September 6th, 2022, authorizing the issuance of up to $75,000 Aggregate Principal Amount Serial Bonds of the Village of Tarrytown, County of Westchester, State of New York, Pursuant to the Local Finance Law, to Finance the Costs of (I) the Acquisition of Motor Vehicles, all in and for the Village.

BE IT FURTHER RESOLVED that the entire text of Bond Resolution A shall be included in the official minutes of this Board of Trustees meeting and as an Addendum to this agenda.

BOND RESOLUTION B – $255,000 - VARIOUS IMPROVEMENTS, 10 YEARS

On a motion made by Trustee Hoyt, and seconded by Trustee Kim the following resolution was unanimously approved. Approved 6-0

Roll Call: Trustee Hoyt; Yes, Trustee Kim; Yes, Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Trustee Mitchell; Yes; Deputy Mayor McGovern; Yes

BE IT RESOLVED, that 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.

BE IT FURTHER RESOLVED, that 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) the Village Board of Trustees hereby determines that Proposed Action will not have a significant adverse impact and hereby adopts a Negative Declaration for the proposed action.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the summary bond resolution, dated September 6th, 2022, authorizing the issuance of up to $255,000 Aggregate Principal Amount Serial Bonds of the Village of Tarrytown, County of Westchester, State of New York, Pursuant to the Local Finance Law, to Finance the Costs of (I) the Acquisition of Communications Systems, and (II) the Acquisition, Construction and Reconstruction of Interior and Exterior Improvements to Village Buildings, and (III) the Acquisition, Construction and Reconstruction of Improvements to Sidewalks and Curbs, and (IV) the Acquisition of Traffic Signs, all in and for the Village.

BE IT FURTHER RESOLVED that the entire text of Bond Resolution B shall be included in the official minutes of this Board of Trustees meeting and as an Addendum to this agenda

BOND RESOLUTION C – $1,445,000 -VARIOUS IMPROVEMENTS, 15 YEARS

On a motion made by Trustee Rinaldi and seconded by Mitchell the following resolution was unanimously approved. Approved 6-0

Roll Call: Trustee Hoyt; Yes, Trustee Kim; Yes, Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Trustee Mitchell; Yes; Deputy Mayor McGovern; Yes

BE IT RESOLVED, that 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.

BE IT FURTHER RESOLVED, that 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) the Village Board of Trustees hereby determines that Proposed Action will not have a significant adverse impact and hereby adopts a Negative Declaration for the proposed action.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the summary bond resolution, dated September 6th, 2022, authorizing the issuance of up to $1,445,000 Aggregate Principal Amount Serial Bonds of the Village of Tarrytown, County of Westchester, State of New York, Pursuant to the Local Finance Law, to Finance the Costs of (I) the Acquisition, Construction and Reconstruction of Road Improvements, and (II) the Acquisition, Construction and Reconstruction of Improvements to Parks and Recreation Areas, and (III) the Acquisition of Machinery and Apparatus for Construction and Maintenance, all in and for the Village.

BOND RESOLUTION D - $500,000 - WATER METERS, 20 YEARS

On a motion made by Trustee Rinaldi, and seconded by Trustee Hoyt the following resolution was unanimously approved. Approved 6-0

Roll Call: Trustee Hoyt; Yes, Trustee Kim; Yes, Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Trustee Mitchell; Yes; Deputy Mayor McGovern; Yes

BE IT RESOLVED, that 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.

BE IT FURTHER RESOLVED, that 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) the Village Board of Trustees hereby determines that Proposed Action will not have a significant adverse impact and hereby adopts a Negative Declaration for the proposed action.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the summary bond resolution, dated September 6th, 2022, authorizing the issuance of up to $500,000 Aggregate Principal Amount Serial Bonds of the Village of Tarrytown, County of Westchester, State of New York, Pursuant to the Local Finance Law, to Finance the Costs of (I) the Acquisition water meters for the Village.

BE IT FURTHER RESOLVED that the entire text of Bond Resolution D shall be included in the official minutes of this Board of Trustees meeting and as an Addendum to this agenda.

BOND RESOLUTION E – $240,000 - BUILDING IMPROVEMENTS, 25 YEARS

On a motion made by Trustee Mitchell, and seconded by Trustee Rinaldi the following resolution was unanimously approved. Approved 6-0

Roll Call: Trustee Hoyt; Yes, Trustee Kim; Yes, Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Trustee Mitchell; Yes; Deputy Mayor McGovern; Yes

BE IT RESOLVED, that 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.

BE IT FURTHER RESOLVED, that 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) the Village Board of Trustees hereby determines that Proposed Action will not have a significant adverse impact and hereby adopts a Negative Declaration for the proposed action.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the summary bond resolution, dated February 22, 2022, authorizing the issuance of up to $240,000 Aggregate Principal Amount Serial Bonds of the Village of Tarrytown, County of Westchester, State of New York, Pursuant to the Local Finance Law, to Finance the Costs of (I) the Acquisition, Construction and Reconstruction of Improvements to Village Buildings.

BE IT FURTHER RESOLVED that the entire text of Bond Resolution E shall be included in the official minutes of this Board of Trustees meeting and as an Addendum to this agenda.

BOND RESOLUTION F - $2,612,500 ***–*** WATER ANDSEWER IMPROVEMENTS, 30 YEARS

On a motion made by Trustee Rinaldi, and seconded by Trustee Mitchell the following resolution was unanimously approved. Approved 6-0

Roll Call: Trustee Hoyt; Yes, Trustee Kim; Yes, Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Trustee Mitchell; Yes; Deputy Mayor McGovern; Yes

BE IT RESOLVED, that 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.

BE IT FURTHER RESOLVED, that 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) the Village Board of Trustees hereby adopts a Negative Declaration for the proposed action.

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the summary bond resolution, dated September 6th, 2022, authorizing the issuance of up to $2,612,500Aggregate Principal Amount Serial Bonds of the Village of Tarrytown, County of Westchester, State of New York, Pursuant to the Local Finance Law, to Finance the Costs of (i) the Acquisition, Construction and Reconstruction of Sewer System Improvements and (ii) the Acquisition, Construction of Water System Improvements, in and for the Village.

BE IT FURTHER RESOLVED that the entire text of Bond Resolution F shall be included in the official minutes of this Board of Trustees meeting and as an Addendum to this agenda.

AMENDMENT TO RESOLUTION OF THE BOARD UPDATING THE BOARD’S AUTHORIZATION OF A NEW FINANCIAL INSTITUTION AS AN AUTHORIZED DEPOSITORY, ADDING THE NEW VILLAGE TREASURER.

On a motion made by Trustee Hoyt, and seconded by Trustee Mitchell the following resolution was unanimously approved. Approved 6-0

WHEREAS, New York Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis; and

WHEREAS, the Village of Tarrytown wishes to invest portions of its available investments funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014; and

WHEREAS, the Village of Tarrytown wishes to assure the safety and liquidity of its funds.

NOW, THEREFORE, IT IS HERBY RESOLVED AS FOLLOWS:

That Richard Slingerland, Village Administrator is hereby authorized to execute and deliver the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 14, 2014, in the name of and on behalf of the Village of Tarrytown, and Antoinette Morales, Village Treasurer, is authorized to carry out her financial and fiduciary duties as Treasurer, and sign such financial instruments as may be necessary,

Including processing wire transfers.

RESOLUTION FOR APPLICATION TO WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT PROGRAM: PHASE VIIB OF WATER MAIN IMPROVEMENTS ON MARTLING AVENUE AND WHITE PLAINS ROAD

Amendment to the Agenda for September 6, 2022 Board of Trustees Meeting

On a motion made by Trustee Mitchell, and seconded by Trustee Kim the following resolution was unanimously approved. Approved 6-0

WHEREAS the Board of Trustees of the Village of Tarrytown does hereby authorize Richard Slingerland, Village Administrator with the assistance of the Village Engineer, to submit a grant application to the New York State Environmental Facilities Corporation requesting funding through the NYS Water Infrastructure Improvement Act (WIIA) grant program in the Drinking Water Project category for Phase VIIB: Water Main Improvements on Martling Avenue and White Plains Road; and

WHEREAS Phase VIIB will replace and upsize approximately 3,325 linear feet of water main iron pipe including valves, hydrants and service connections and replace 36 hydrants to bring them up to current National Fire Protection Association standards; and

WHEREAS the total project cost is estimated to be $2.61 million, and the Village is committed to providing $1,044,000 (or 40%) toward the project cost; and

WHEREAS, the Board of Trustees of the Village of Tarrytown has committed to funding the above project by issuing a bond resolution for water improvement projects including this one on February 22, 2022 in the amount of $2,492,500, and has funds available in the Capital Fund earmarked for water system improvement projects should they be required; and

WHEREAS the total debt owed by the Village as of the beginning of the 2022-2023 fiscal year is $51,090,000.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees determines that the proposed actions are Type II Actions under SEQRA Regulation 617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”) and 617.5(c)(2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site”), and 617.5(c)(13) (“extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list,”) and therefore, no further review is required under SEQRA;

AND BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the Village Administrator to execute and file this application to the Environmental Facilities Corporation Water Infrastructure Improvement Act grant program requesting 60% of total project costs in the amounts of $1,566,000; and to take the necessary and appropriate actions to complete, file and administer this grant application by the deadline of September 9, 2022.

RESOLUTION FOR APPLICATION TO WATER INFRASTRUCTURE IMPROVEMENTACT GRANT PROGRAM: PHASE VIIIA WATER MAIN IMPROVEMENTS ON HILLSIDE PLACE, ROSEHILL AVENUE, ALTAMONT AVENUE, AND GROVE STREET

Amendment to the Agenda for September 6, 2022 Board of Trustees Meeting

On a motion made by Trustee Mitchell, and seconded by Trustee Rinaldi the following resolution was unanimously approved. Approved 6-0

WHEREAS the Board of Trustees of the Village of Tarrytown does hereby authorize Richard Slingerland, Village Administrator with the assistance of the Village Engineer, to submit a grant application to the New York State Environmental Facilities Corporation requesting funding through the NYS Water Infrastructure Improvement Act (WIIA) grant program in the Drinking Water Project category for Phase VIIIA of Water Main Improvements on Hillside Place, Rosehill Avenue, Altamont Avenue, and Grove Street; and

WHEREAS Phase VIIIA will replace and upsize approximately 4,800 linear feet of iron pipe for water mains including valves, hydrants, and lead service lines; extend the water main from Hillside Place to Cobb Lane; and install connections that ensure the safe abandonment of a historic buried reservoir; and

WHEREAS the total project cost is estimated at $3,101,500 million, and the Village is committed to providing $1,240,600 (or 40%) toward the project cost; and

WHEREAS, the Board of Trustees of the Village of Tarrytown has committed to funding the project among others by issuing bond resolutions for water improvement projects on February 22, 2022 in the amount of $2,492,500 and on September 6, 2022 in the amount of $2,492,500; and has funds available in the Capital Fund earmarked for water system improvement projects should they be required; and

WHEREAS the total debt owed by the Village as of the beginning of the 2022-2023 fiscal year is $51,090,000.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees determines that the proposed actions are Type II Actions under SEQRA Regulation 617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”) and 617.5(c)(2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site”), and 617.5(c)(13) (“extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list,”) and therefore, no further review is required under SEQRA.

AND BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the Village Administrator to execute and file this application to the Environmental Facilities Corporation Water Infrastructure Improvement Act grant program requesting 60% of total project costs in the amounts of $1,860,900, and to take the necessary and appropriate actions to complete, file and administer this grant application by the deadline of September 9, 2022.

RESOLUTION FOR APPLICATION TO WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT PROGRAM: AUTOMATIC TRANSFER SWITCH

Amendment to the Agenda for September 6, 2022 Board of Trustees Meeting

On a motion made by Trustee Rinaldi, and seconded by Trustee Hoyt the following resolution was unanimously approved. Approved 6-0

WHEREAS the Board of Trustees of the Village of Tarrytown does hereby authorize Richard Slingerland, Village Administrator with the assistance of the Village Engineer, to submit a grant application to the New York State Environmental Facilities Corporation requesting funding through the NYS Water Infrastructure Improvement Act (WIIA) grant program in the Drinking Water Project category to design and install an Automatic Transfer Switch for the Shaft 10 Pump Station; and

WHEREAS the installation of an Automatic Transfer Switch project will facilitate the fast and safe transfer of power from the 208VV 3Ph electrical service that powers the station to the diesel-powered standby generator used on an emergency basis in case of power outage; and

WHEREAS the switch from one power source to another is currently operated manually, and the Village has received a notice from the New York State Department of Health requiring the upgrade; and

WHEREAS the total project cost is estimated at $250,000 and the Village is committed to providing $100,000 or 40% of the total project cost; and

WHEREAS, the Board of Trustees of the Village of Tarrytown committed to funding the above project among others by issuing bond resolutions for water improvement projects on September 6, 2022 in the amount of $2,492,500; and

WHEREAS the total debt owed by the Village as of the beginning of the 2022-2023 fiscal year is $51,090,000.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees determines that the proposed action is a Type II Action under SEQRA Regulation 617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”) and 617.5(c)(2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site”), and therefore, no further review is required under SEQRA.

AND BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown authorizes the Village Administrator to execute and file the application to the Environmental Facilities Corporation Water Infrastructure Improvement Act grant program requesting 60% of total project cost in the amount of $150,000, and to take the necessary and appropriate actions to complete, file and administer this grant application by the deadline of September 9, 2022.

FIRE DEPARTMENT MEMBERSHIP CHANGES

On a motion made by Trustee Rinaldi, and seconded by Trustee Kim with Trustee Hoyt abstaining the following resolution was approved. Approved 5-1-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the following Fire Department membership changes recommended at the August 16, 2022 Board of Fire Wardens meeting.

Active Membership: Peter Civarelli has been elected to Active Membership of Phenix Hose Co. Evan Ashiloh Bowen has been elected to Active Membership of Riverside Hose Co.

Transfer of Membership: Michael Pereira has been released from active membership with Riverside Hose Co. and has been accepted for active membership with Conqueror Hook and Ladder 37.

ACCEPTANCE OF DONATIONS TOWARDS MURAL ON BUILDING – PLACEMAKING COMMITTEE

On a motion made by Trustee Kim, and seconded by Trustee Rinaldi the following resolution was unanimously approved. Approved 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby authorizes the acceptance of additional monetary donations in various amounts totaling $1,600.00 by multiple donors to be put towards the funding for the mural at the corner of Kaldenberg Place and Main Street.

STANDARD WORK DAY AND NYS RETIREMENT SYSTEM REPORTING RESOLUTION

On a motion made by Trustee Rinaldi and seconded by Trustee Kim the following resolution was unanimously approved. Approved 6-0

WHEREAS, the New York State and Local Retirement System requires that the Village establish a standard workday for each employee title for retirement reporting purposes,

NOW THEREFORE BE IT RESOLVED: that the Village of Tarrytown Location Code 40027 hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the Village Clerk of the Board of Trustees:

|  |  |
| --- | --- |
| Title | Standard Work Day (hours) |
| Assistant Court Clerk-Spanish | 7.00 |
| Assistant Junior Engineer | 7.00 |
| Auto Mechanic I | 8.00 |
| Auto Mechanic II | 8.00 |
| Building Inspector | 7.00 |
| Caretaker 1 | 7.00 |
| Chief Water Treatment Operator | 8.00 |
| Code Enforcement Officer | 7.00 |
| Court Clerk | 7.00 |
| General Foreman | 8.00 |
| Intermediate Clerk | 7.00 |
| Laborer | 8.00 |
| Lead Maintenance Mechanic - Automotive | 8.00 |
| Lead Maintenance Mechanic - Sanitation | 8.00 |
| Librarian I | 7.00 |
| Librarian II | 7.00 |
| Library Clerk | 7.00 |
| Library Director | 7.00 |
| Maintenance Mechanic/Utility | 8.00 |
| MEO/Road Maintainer | 8.00 |
| Motor Equipment Operator I | 8.00 |
| Office Assistant/Automated Systems | 7.00 |
| Office Assistant/Financial Support | 7.00 |
| Parks Foreman | 8.00 |
| Parks Groundsman | 8.00 |
| Parking Enforcement Officer | 8.00 |
| Parking Meter Repairer | 8.00 |
| Police Chief | 8.00 |
| Police Lieutenant | 8.00 |
| Police Officer | 8.00 |
| Police Sergeant | 8.00 |
| Recreation Assistant | 8.00 |
| Recreation Leader | 8.00 |
| Road Maintainer | 8.00 |
| Road Maintenance Foreman | 8.00 |
| School Crossing Guard | 8.00 |
| Secretary to Planning/Zoning/ | 7.00 |
| Senior Account Clerk Typist | 7.00 |
| Senior Library Clerk | 7.00 |
| Senior Office Assistant/Police | 7.00 |
| Skilled Laborer | 8.00 |
| Staff Assistant/Library | 7.00 |
| Superintendent of Public Works | 8.00 |
| Superintendent of Recreation | 8.00 |
| Village Administrator | 7.00 |
| Village Clerk | 7.00 |
| Deputy Village Clerk | 7.00 |
| Village Engineer | 7.00 |
| Village Justice | 6.00 hrs. per day  8.67 days per month |
| Acting Village Justice | 6.00 hrs. per day  2.39 days per month |
| Village Treasurer | 7.00 |
| Deputy Village Treasurer | 7.00 |
|  |  |

STANDARD WORK DAY AND NYS RETIREMENT SYSTEM REPORTING RESOLUTION – APPOINTED OFFICIALS AND ELECTED OFFICIALS

On a motion made by Trustee Kim, and seconded by Trustee Rinaldi the following resolution was unanimously approved. Approved 6-0

WHEREAS, the New York State and Local Retirement System (NYSLRS) has set certain reporting requirements that apply to elected and appointed officials whose terms started on or after August 12, 2009, who are members of the NYSLRS and who do not participate in their employee’s time keeping system; and

WHEREAS, based on this requirement, the Village must establish a standard workday for each of these elected and appointed offices, specify the expectation of each term, designate the number of days to be reported for each official and certify receipt of record of activities,

NOW THEREFORE BE IT RESOLVED: that the Village of Tarrytown hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted to the Village Clerk:

**ELECTED OFFICIALS:**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **TITLE** | **NAME** | **STANDARD WORK DAY** | **TERM BEGINS/ ENDS** | **PARTICIPATES IN A RECORD KEEEPING SYSTEM** | **DAYS**  **/MONTHS** | **TIER**  **1** | **NOT SUBMITTED**  **NO REC OF ACTIVITY COMPLETED OR TIMEKEEPING SYSTEM** |
| VILLAGE JUSTICE | KYLE MCGOVERN | 6.0 | 12/07/2019-12/04/2023 | Yes | 8.67 | NO | xxxx |
| ACTING VILLAGE JUSTICE | GEORGE HIAPATSOS JR | 6.0 | 12/03/18-12/05/22 | Yes | 2.39 | NO | xxxx |
|  |  |  |  |  |  |  |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **TITLE** | **NAME** | **STANDARD WORK DAY** | **TERM BEGINS/ ENDS** | **PARTICIPATES IN A RECORD KEEPING SYSTEM** | **DAYS/**  **MONTHS** | **TIER**  **1** | **NOT SUBMITTED**  **NO REC OF ACTIVITY COMPLETED OR TIME KEEPING SYSTEM** |
|  |  |  |  |  |  |  |  |
| VILLAGE CLERK | KRISTINE GILLIGAN | 7.00 | 4/15/2020-12/05/2022 | YES | N/A | NO |  |
| DEPUTY VILLAGE CLERK | ALISSA FASMAN | 7.00 | 12/06/2021-12/05/2022 | YES | N/A | NO |  |
| TREASURER | ANTOINETTE MORALES | 7.00 | 4/25/2022-12/05/2022 | YES | N/A | NO |  |
| DEPUTY TREASURER | AZUCENA MOLINA | 7.00 | 5/17/2021-12/05/2022 | YES | N/A | NO |  |

\*For the purpose of this resolution only

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETING OF AUGUST 15TH, 2022

On a motion made by Trustee Mitchell, and seconded by Trustee Kim the following resolution was unanimously approved. Approved 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve the minutes of the Board of Trustees Meeting held on Monday, August 15th, 2022 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

On a motion made by Trustee Hoyt, and seconded by Trustee Mitchell with Trustee Hoyt abstaining from voucher number 2023001231the following resolution was approved. Approved 6-0

Roll Call: Trustee Hoyt; Yes, Trustee Kim; Yes, Trustee Mitchell; Yes, Trustee Rinaldi; Yes, Trustee Mitchell; Yes; Deputy Mayor McGovern; Yes

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No. 04 of Audited Vouchers in the total amount of $372,866.82 as presented by the Village Treasurer, to be paid in the following amounts:

General $ 285,400.00

Water $ 39,833.23

Sewer Fund $ 5,880.00

Capital $ 26,278.72

Library $ 10,252.37

Trust & Agency $ 5,222.50

Total $ 372,866.82

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

There were no public speakers.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:20 pm on a motion made by Trustee Hoyt, and seconded by Trustee Rinaldi with all voting aye: 6-0

Kristine Gilligan

Village Clerk

**LOCAL LAW NO. 7-2022**

**LOCAL LAW TO AMEND ITS COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE Village of Tarrytown**

Be it enacted by the Board of Trustees of Village of Tarrytown as follows:

**Section 1.** Chapter 119 of the Code of the Village of Tarrytown titled “Community Choice Aggregation (Energy) Program,” is hereby amended to read as follows:

**§ 119-1. Legislative findings; intent and purpose; authority.**

1. It is the policy of both the Village of Tarrytown and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources, such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation (“CCA”), which allows local governments to procure electric and natural gas supply on behalf of its Eligible Customers.
2. The purpose of this CCA Program is to allow participating local governments, including the Village of Tarrytown, to procure Energy Services, such as energy supply and Community Distributed Generation (CDG) Credits for their r Eligible Customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the Village of Tarrytown to put out Energy Services for bid. Eligible Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment, thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.
3. The Village of Tarrytown is authorized to implement this Community Choice Aggregation (Energy) Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 20, 2016, hereinafter the CCA Program Framework Order)
4. This chapter shall be known and may be cited as the "Community Choice Aggregation (Energy) Program" Law of the Village of Tarrytown.

**§ 119-2. Definitions.**

For purposes of this chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this chapter shall have the meanings set forth below, or if not so defined, as employed in the State of New York Public Service Commission's Uniform Business Practices:

**Community Choice Aggregation Program (or “CCA Program”):** A municipal energy procurement program, that replaces the incumbent as the default electric and/or gas Supplier for all Opt-out Eligible Customers within the Village of Tarrytown. The CCA Program may include Community Distributed Generation Credits on an opt-out basis and other DER offerings on an opt-in basis.

**Community Distributed Generation (or “CDG”):** Community shared renewables program expanding customer access to the environmental and system benefits of qualifying renewable project generation located behind a non-residential host meter based on remotely sharing net metering or VDER monetary credits through a monetary credit applied to the utility bills of Participating Customers.

**Community Distributed Generation Credits (or “CDG Credits”):** The monetary credit applied to the utility bills of Participating Customers through the CDG program.

**Customers:**

**Eligible Customers**: Customers of electricity and/or natural gas eligible to participate in CCA, either on an Opt-out or Opt-in basis, as delineated in the CCA Framework Order.

**Opt-out Eligible Customers**: Eligible Customers that are eligible for opt-out treatment as delineated in the CCA Framework Order.

**Participating Customers**: Opt-out eligible customers who have been enrolled subsequent to the opt-out process and other customers who have opted in.

**Customer-specific Data**: Utility data for all Opt-out Eligible Customers including account holder name, service address, primary language, if available, any customer-specific alternate billing name and/or address, and other relevant, authorized data.

**Distributed Energy Resources (or “DER”)**: Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for participating consumers, optimize system benefits, and/or address infrastructure and demand challenges within the geography of the CCA including, but not limited to, local renewable energy projects, Community Distributed Generation, peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative initiatives.

**Distribution Utility**: Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

**Energy Services**: The provision of energy supply as electric power and/or natural gas or the provision of DER offerings.

**Public Service Commission (or “PSC”):** New York State Public Service Commission. **Suppliers:** Energy service companies (ESCOs) and/or DER providers and/or other entities with authority to provide Energy Services for Participating Customers in connection with this Chapter. **Sustainable Westchester, Inc. (or “Sustainable Westchester”)**: A not-for-profit organization comprised of member municipalities in Westchester County, New York.

**Value of Distributed Energy Resources (or “VDER”)**: REV proceeding (Case 15-E-0751) that replaces the net metering program with a weighted value stack tariff mechanism for accurately pricing Distributed Energy Resources on the grid as a reflection of their system value. Value stack components include the price of energy, capacity, avoided carbon emissions, cost savings to customers and utilities, demand reduction and locational relief. The goal of this proceeding is to increase DER penetration and benefits of DER installations.

§ 119-3. Establishment of Program.

1. A Community Choice Aggregation (Energy) Program is hereby established by the Village of Tarrytown, whereby the Village shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the CCA Framework Order, as set forth more fully herein. The Village's role under the CCA Program involves the aggregating the demand for energy of its Eligible Customers and entering into contracts for Energy Services. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.
2. The Village's participation in a CCA Program constitutes neither the purchase of a public utility system nor the furnishing of utility service. The Village will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service but will instead negotiate with Suppliers on behalf of Participating Customers.
3. In order to implement the CCA Program, the Village will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more suppliers, all as consistent with the local law and the CCA Framework Order.
4. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating Suppliers, the operation by which Suppliers provide Energy Services and the terms on which customers may be enrolled with Suppliers.

**§ 119-4. Procedures for eligibility; customer data sharing.**

* 1. As permitted by the CCA Frameowrk Order, the Village may request from the Distribution Utilities aggregated customer information by fuel type service classification and other relevant, authorized data.
  2. Sustainable Westchester, on behalf of the Village of Tarrytown, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award one or more contracts in accordance with the CCA Program.
  3. Sustainable Westchester or the Village, if the Village so chooses, will then request individual customer data from the distribution utility in accordance with the CCA Program.
  4. Sustainable Westchester or the Village, if the Village so chooses, and the selected supplier will then notify Opt-out Eligible Customers of the contract terms and their opportunity to opt out of the CCA Program energy supply and/or CDG Credits.
  5. In accordance with and for purposes of the CCA Framework Order, the Distribution Utility will provide to Sustainable Westchester Customer-specific Data (including usage data, capacity tag obligations, account numbers, and service addresses) of all Eligible Customers in the Village.
  6. Sustainable Westchester and the Village will protect customer information as required by law, subject to the CCA Framework Order and the limitations of the New York State Freedom of Information Law.

**§ 119-5. Choice of energy supplier; opt-out notice and procedure.**

1. The Village or in conjunction with the Supplier will notify, or will cause notification of, its Opt-out Eligible Customers by letter notice, of the Village establishing the CCA Program, of the contract terms with the Supplier, and of the opportunity to opt out of the CCA Program offerings.
2. The letter notice will be sent to each Opt-out Eligible Customer at the address provided by the Distribution Utility and explain the CCA Program and the material provisions of the Supplier contract, identify the methods by which the customer can opt out of the CCA Program, and provide information on how the customer can access additional information about the CCA Program.
3. The opt-out period shall be at least thirty (30) Days.

**§ 119-6. Verification and reporting.**

Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission as required in the CCA Framework Order.

Section 2. This local law shall take effect upon filing with the Secretary of State.