

Minutes of the Regular Meeting
Of the Board of Trustees of the
Village of Larchmont, N.Y.
held on Tuesday, September 15, 2020

The Board of Trustees held this meeting via Zoom with Mayor Walsh calling the meeting to order at 7:30 PM. Instructions to join the meeting were published on Village website calendar and meeting agenda.

PRESENT: Mayor Lorraine Walsh
Trustees Carol Casazza Herman
Peter Fanelli
Malcolm Frouman
Sarah Bauer

Also present: Attorney Staudt, Administrator Datino,
Treasurer Gutwein

Mayor Walsh welcomed all to the meeting and said that today is Election Day and if you have not voted there is still time before the polls close at 9:00PM. On the ballot for this election are for the office of mayor and 2 trustees. There is also a referendum to move the Village Elections from March to November with the General Election.

Mayor's welcome
Election Day 9/15/2020

On motion of Trustee Bauer, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to open the Public Hearing to consider a local law regulation the use of Leaf Blowers in the Village of Larchmont.

RESOLUTION
Open **Public** Hearing
Leaf Blowers

The Mayor said the Larchmont Environmental Committee, along with their liaison, Trustee Bauer brought to the Board a suggestion to amend the Villages Code to ban gas powered leaf blowers entirely in the village and restrict the use of electric powered leaf blowers to discrete time periods within the year. At a presentation in May, the committee had several experts both on landscaping and these types of materials but also environmentalists who spoke to us about the effect of gas powered leaf blowers on the health of soil and, by extension, the health of birds and insects. In crafting this proposed law is we pulled it out of the noise ordinance of the Village Code and we moved it into a new chapter 180 titled Leaf Blowers because we wanted to emphasize not just the noise and decibel level issues of leaf blowers but also highlight the environmental issues that are associated with they're use.

Mayor **Walsh**
Statement

Trustee Bauer said would like to say that I really have been incredibly impressed by the Environmental Committee and all the time and effort that they have really put into making this proposal. They've been extremely thoughtful about the way they went about it. I felt that the presentation that they did months ago is extremely compelling both from a health perspective and environmental perspective. And I'm very excited that the Board has reached this point where we're considering enacting this into law.

Trustee **Bauer**
Statement

Attorney Staudt
Add documents to
Record

Attorney Staudt suggested that somebody make a motion to incorporate into the record of the public hearing all of the audio, video and written materials you received on this topic over the course of the last six months in your various meetings, and they'll become part of the record here.

RESOLUTION
Add to P. H. record
Materials from prior
Meetings

On motion of Trustee Bauer, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to add to the record of the Public Hearing to consider a local law regulation the use of Leaf Blowers in the Village of Larchmont, all of the audio, video and written materials you received on this topic over the course of the last six months of the various Board of Trustees meetings.

Presentation LEC
5/18/2020

To view the presentation on May 18, 2020 by the Larchmont Environmental Committee on leaf blowers:
https://lmcmedia.org/videos_list/village-of-larchmont-board-of-trustees-meeting-5-18-20/

Public Discussion
6/15/2020

To view the Public Conversation held on June 15, 2020 on a proposed law to ban leaf blowers:
https://lmcmedia.org/videos_list/village-of-larchmont-board-of-trustees-meeting-6-15-20/

Trustee Fanelli said I think it's a wonderful thing that's going to take place here. My biggest issue is the timing. I still have a problem with the dates the start dates on both ends on this in the spring and in the fall, and I'd like to discuss that.

Mayor Walsh said the operation times for the electric leaf blowers would be for the month of April, in the spring, and then October 15 through December 15 for the fall cleanup.

A discussion began on the dates in the proposed local law.

Perez, L.
Kolbert, M.
McDonald, L.

Residents who commented on the proposed local law were:

Louise Perez
Marlene Kolbert
Lisa McDonald

RESOLUTION
Close P.H.

On motion of Trustee Frouman, seconded by Trustee Herman, and unanimously carried, it was:
RESOLVED, close the public hearing.

RESOLUTION
Adopt L.L No. 6-2020
Leaf Blowers

On motion of Trustee Bauer, seconded by Trustee Herman, and unanimously carried, it was:
RESOLVED, to adopt Local Law No. 6-2020 A local law regulating the use of Leaf Blowers in the Village of Larchmont.

Local Law 6 of 2020

A LOCAL LAW
Regulating the Use of Leaf Blowers in the Village of
Larchmont

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

SECTION 1. There is hereby added to the Code of the Village of Larchmont a New Chapter 180 entitled “Leaf Blowers” to read as follows:

§ 180.1 Purpose.

The Village of Larchmont finds and declares that leaf blowers represent a significant source of environmental pollution in the form of high and low-frequency noise, carbon and non-carbon emissions, and dust particulate, which represent a present and increasing threat to the public peace and to the health, safety, and welfare of the residents of the Village and its visitors. Noise generated by leaf blowers has the effect of interfering with the psychological well-being of persons, as leaf blowers generate low-frequency noise at high decibel levels, exposure to which is recognized to generate more severe adverse health effects when compared to high frequency noises, including hearing loss, tinnitus, reduced cognitive performance, heart disease, and hypertension. Additionally, leaf blowers of both an internal combustion and electric design displace significant amounts of particulate matter, spreading pollen, mold, chemical pesticides, and other fine particulates. Internal-combustion leaf blowers are also recognized as hyper-polluters, emitting significant carbon and non-carbon emissions in greater magnitudes than automobiles over similar operating periods. Accordingly, it is the policy of the Village to regulate the use of all leaf blowers to minimize and mitigate the harmful impacts of their use.

§ 180.2 Definitions.

- A. Leaf Blower. The term “leaf blower” shall mean any device which is used or designed to move leaves, grass clippings, dust, dirt, or other matter by blowing them with air emitted by such device.
- B. Electric Leaf Blower. The term “electric leaf blower” shall mean a “leaf blower” which is powered by an electric motor.
- C. Internal Combustion Leaf Blower. The term “internal combustion leaf blower” shall mean a “leaf blower” which is powered by an internal combustion engine/motor. An electric leaf blower being used while plugged into an operating generator which is powered by an internal combustion engine shall be deemed an internal combustion leaf blower.

§ 180.3 Prohibition on the Operation of Internal Combustion Leaf Blowers.

No internal combustion leaf blower shall be operated in the Village of Larchmont at any time after January 1, 2022. Until such date, no internal combustion leaf blower may be operated in the Village of Larchmont without a properly functioning muffler.

§ 180.4 Prohibition of the Operation of Leaf Blowers During Certain Months.

A Leaf Blower, whether it be an internal combustion leaf blower (prior to their absolute prohibition) or an electric leaf blower, may only be operated in the Village of Larchmont during the following periods of the year: the month of April; October 15 through December 15.

§ 180.5 Prohibition on the Operation of Leaf Blowers During Certain Hours of the Day.

During the months when leaf blowers are permitted to be operated in the Village of Larchmont, they may only be operated during the following hours:

- A. Monday through Friday, excluding holidays: between 8:00 a.m. and 5:30 p.m.
- B. Saturday: between 10:00 a.m. and 5:30 p.m.
- C. Sundays and holidays: property owners only between 10:00 a.m. and 5:00 p.m.

§ 180.6 Temporary Suspension for Storm and Hurricane Cleanup

In the event of a hurricane, tropical storm, or similar extreme weather event, the Mayor of the Village of Larchmont, in their sole discretion, may temporarily suspend provisions of this Chapter to allow the use of leaf blowers for debris cleanup.

§ 180.7 Violations and Penalties, Responsible Parties.

- A. Responsible Parties. The following parties shall have committed a violation of this law if it is not complied with:
 - 1) The party operating the leaf blower, and
 - 2) The party who employed the person to operate the leaf blower at the time of violation, and
 - 3) The party who owns the property where the violation occurs.
- B. Penalties. Any person violating any of the provisions of this chapter shall be subject to fine upon conviction thereof, not exceeding \$250 for the first offense, \$500 for the second offense, and \$1,000 for the third offense and any subsequent offenses. Conviction for violation of this law shall be deemed a violation, not a misdemeanor nor a felony.

SECTION 3. Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

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.

To view the public hearing in its entirety click below:

https://lmcmmedia.org/videos_list/village-of-larchmont-board-of-trustees-meeting-9-15-20/

Next Co-Chairs Kristen Anderson Lisa McDonald addressed the meeting. Ms. Andersen said on behalf of the Larchmont Environmental Committee, we would like to thank the Village of Larchmont Board of Trustees for passing the first complete ban on gas powered leaf blowers in the northeast of the country This is an important precedent, you are ensuring better health and higher quality of life for our residents and our landscapers and you are encouraging more sustainable property maintenance practices which protect our environment. We want to thank you all for your bold vote this evening. And for continuing large month tradition of leadership in sustainability. Thank you so much.

Andersen, K.
LEC

Mayor Walsh thanked Ms. Andersen and Ms. McDonald for all their efforts on this matter.

Attorney Staudt suggested that the Board should make a motion to determine that the enactment of this law will not have a significant adverse effect on the environment.

Attorney Staudt

On motion of Trustee Herman, seconded by Trustee Bauer, and unanimously carried, it was:

RESOLUTION
Law no effect on
Environment

RESOLVED, that this law does not present an adverse effect on the environment.

Next Mayor Walsh welcomed State Senator Shelly Mayer to the meeting. Senator Mayer congratulated the Board on the passing of the leaf blower law.

State Senator
Mayer, S.

Senator Mayer then began to discuss in detail several topics, some were:

1. Utilities Storm Preparation and Response
2. Public Service Commission
3. Absentee Ballots and Covid-19
4. Voter Registration
5. Police Reform
6. 12 billion NYS budget gap

The Board and Senator Mayer then discussed these topics and others.

Mayor Walsh thanked Senator Mayer for her speaking at this evening’s meeting.

Chief Poleway made the following report

Police Chief’s Report

1. Auto thefts
2. Alzheimer’s, autism & other developmental disabilities

On motion of Trustee Fanelli, seconded by Trustee Bauer, and unanimously carried, the following resolution was adopted: **WHEREAS**, the Village owned sidewalk along the frontage of Constitution Park has deteriorated and is in need of replacement; and

RESOLUTION
Trans. Funds repair
Sidewalk
Constitution Park

WHEREAS, the work on the renovation project is nearing completion and the park is expected to be re-opened to the public on October 3, 2020; and

WHEREAS, replacing the sidewalk would complete the yearlong project of which a majority of the funding has been through outside fundraising efforts and donations, providing for drainage & irrigation improvements, a new gazebo, performance patio, play area, lighting, retaining wall and other hardscape; and

WHEREAS, Village staff have negotiated a change order with the contractor performing the renovation work at Constitution Park to replace the existing sidewalk in its entirety at a favorable rate of \$14.00 per square foot; now therefore be it resolved

RESOLVED, that a sum of \$25,000 be transferred within the Capital Fund accounts as specified below:

FROM:

H 5197.4.5110.500-05 Road Resurfacing, Curbing
\$25,000

TO:

H 7197.4.7140.500-08 Constitution Park
\$25,000

RESOLUTION

Auth. A Administrator
Execute CBA w/ CSEA
6/1/2020-5/31/2022

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, the following resolution was adopted:

WHEREAS, the Village of Larchmont (“Village”) and Civil Service Employees Association Local 1000 (“CSEA”) are parties to a Collective Bargaining Agreement that expired on May 31, 2020; and

WHEREAS, changes to the terms and conditions of employment were agreed upon by the parties and placed in the form of a Memorandum of Agreement on September 10, 2020; and

WHEREAS, the membership of CSEA ratified the terms and conditions contained in the Memorandum of Agreement; and

WHEREAS, the Memorandum of Agreement between the Village and CSEA regarding the terms and conditions of employment for the period June 1, 2020 through and including May 31, 2022 is being presented for approval by the Village of Larchmont Board of Trustees; now therefore be it

RESOLVED, that the Memorandum of Agreement between the Village and CSEA dated September 10, 2020 regarding the terms and conditions of employment for the period June 1, 2020 through and including May 31, 2022 is hereby approved; and be it further

RESOLVED, that the Village Administrator is hereby authorized to execute a Collective Bargaining Agreement for the period June 1, 2020 through and including May 31, 2022 between the Village and CSEA incorporating the terms and conditions of said Memorandum of Agreement.

RESOLUTION

Auth. Treasurer trans.
\$43,700 for
Capital Project

On motion of Trustee Herman, seconded by Trustee Bauer, and with the vote as follows:

YEA: Mayor Walsh, Trustee Herman, Trustee Frouman, Trustee Bauer

NAY: Trustee Fanelli

Abstain: None

The following resolution was adopted:

The Village Treasurer is hereby authorized to transfer \$43,700 from the Engineering line of the Village Budget to a capital project account to be determined by the Village Treasurer.

On motion of Trustee Frouman, seconded by Trustee Bauer, and unanimously carried, the following resolution was adopted:

WHEREAS, the Village Board has an interest in expanding parking within the Village, both on-street and off-street; and

WHEREAS, the Village of Larchmont, through a lease agreement with the Metropolitan Transit Authority (MTA), operates and maintains 60 parking spaces in proximity to the Larchmont Commuter Railroad Station; and

WHEREAS, the Village Board is desirous of constructing parking spaces in the Palmer Avenue Business district on a previously relinquished opportunity on MTA property along North Avenue, providing for approximately 32 additional parking spaces; and

WHEREAS, the MTA is aware of the Village’s interest, has reviewed the preliminary plan and is willing to amend the current lease to expand the leased area, providing for the additional parking spaces along North Avenue between East and West Avenues; and

WHEREAS, the Village prepared an Request for Proposals (RFP) to solicit responses from qualified engineering firms, with experience in construction of retaining walls/parking on or adjoining MTA property, the RFP was distributed on January 31, 2020 and the Village has received responses from three (3) qualified firms; and

WHEREAS, Village staff and the Village’s Consulting Engineer reviewed the responses and determined that Provident Design Engineering (PDE) was fully responsive to the RFP and met the selection criteria outlined in the RFP and further recommended that PDE be retained for this project; and

WHEREAS, PDE detailed the Scope of Work in their response dated July 6, 2020 which is included as Attachment “B” of the Professional Services Agreement, attached; and

WHEREAS, the proposed fee for the required design, bid document preparation, review and general engineering is \$43,700, with PDE available to begin work immediately upon execution of the agreement; now therefore be it

RESOLVED, that the Village Administrator is herein authorized to execute a professional services agreement with Provident Design Engineering, 7 Skyline Drive, Hawthorne, NY 10532, in an amount not to exceed \$43,700, in substantially the form as attached hereto, for Design, Engineering and Construction Bid Document services; and be it further

RESOLVED, that the Village Administrator is here in authorized to undertake all the administrative acts required pursuant to the Agreement.

Chief Poleway report continued.

- 3. School traffic safety
- 4. Interview w/ 2 students from OCRA (Original Civic Research & Action)
- 5. See Something, Say Something

RESOLUTION

Auth. AAdministrator
Execute agreement w/
Provident Design

**Police Chief’s Report
Con’t.**

Fire Chief's Report

Chief Caparelli made the following report.

1. New firefighters in academy
2. Fire Prevention Week 10/4-10/10/2020
3. Smoke & Carbon Monoxide Detectors
Code Enforcement:
 1. Monitoring new State Covid-19 outdoor dining compliance rules.

Treasurer's Report

Treasurer Gutwein gave the following report.

1. With regard to the audit status. The orders will be in for preliminary work next week. The audit fieldwork will begin October 19th. Most of the small funds are reconciled and we will be moving forward with the reconciliation of the Capital Fund and the fund in the final balance of the general fund with urine adjusting journal entries. We're working on capital assets with an outside company that's asset management that we use in our opeb. audit is in process. In regards to revenue and expenditures for the first quarter the general fund appropriations were 21.3 spent as of August 31 2020. The general fund inter-fund transfers were 100% allocated after the first quarter in September. We're monitoring revenue and as of today, we are projecting a \$1.2 million annual loss in revenue. The Covid impact to the revenue are the following accounts are expected not to meet budget and that is field permits, summer camp tennis permits parking, fines and clerk fees. The actual collection of Village taxes through August 31 is 990 6.1%. And in regards to our COVID grant status, we had several meetings with FEMA and the application is in process a portion of the expenses may not meet may not the FEMA guidelines and will have to be allocated to the general fund. However, they are not expected to be significant or material. FEMA did come out with some changes this week. And as of September 15, they're only paying for cleaning and public building. Cleaning of public buildings that are set up for emergency operation and the application we submitted the end of the calendar year.

The Board and Treasurer Gutwein continued to discuss financial matters.

Trustees Reports

Trustee Fanelli gave the following report.

1. The Flint Park Tennis Courts are open with clinics available. Go to the Village website.
2. The Fire Department needs volunteers. Call Trustee Fanelli at 403-2387 if interested.
3. Thanks to LMC Media for covering the 9/11 Remembrance.

Trustee Herman made the following report.

1. The Parks and Trees group is looking to do a minimum minimal amount of full planting. We have eight trees so ready to go. They have also submitted a grant application to Tree City USA, the New York State Urban Forest. After we submitted that grant application and if we receive it, we'll be able to plant to meaningful native trees. I think there's a an oak and large tree in the grant application, because the beautiful large tree in front of Village Hall is getting on in age and has been losing branches every year since I've been here, and we're thinking we might want to get ahead of that situation.

On motion of Trustee Fanelli, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to approve the minutes of August 17, 2020.

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to approve the bills paid ahead of the Board of Trustees review, in the amount of \$548,304.77.

On motion of Trustee Fanelli, seconded by Trustee Bauer, and unanimously carried, it was:

RESOLVED, that Abstract Audit voucher #15, dated September 15, 2020, in the amount of \$275,923.52, per copies filed with the Clerk, be paid, subject to review by Trustee Herman.

On motion of Trustee Frouman, seconded by Trustee Bauer, and unanimously carried, the meeting adjourned with the intention to reconvene at approximately at 9:35PM, when the Village Administrator/Clerk should return with the results from the election held this day.

On motion of Trustee Fanelli, seconded by Trustee Herman, and unanimously carried, the meeting reconvened.

Mayor Walsh read the results of today's election.

For Mayor: Lorraine Walsh- 266 Votes

For Trustee: Sarah Bauer- 250 Votes
Peter Fanelli- 249 Votes

Write-ins: Greg Randolph- 1 Vote
Mike McEvily- 1 Vote

For the Referendum to move the Village Elections from March to November:

YES - 252 Votes
NO - 17 Votes

On motion of Trustee Fanelli, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, that the Board of Trustees of the Village of Larchmont hereby certifies the results of the Village of Larchmont Election held today, Tuesday, September 15, 2020.

On motion of Trustee Fanelli, seconded by Trustee Herman, and unanimously carried, the meeting was adjourned.

Trustees Reports
Con't.

RESOLUTION
Approve minutes
8/17/2020

Election Results
Mayor
Lorraine Walsh-266

Trustees
Sarah Bauer-250
Peter Fanelli- 249
Write-In
Greg Randolph- 1
Mike McEvily- 1

Referendum-move
Village Elections to Nov.
Yes-252
No- 17

RESOLUTION
Certify results of
Village Election held on
9/15/2020