

Minutes of the Joint Public Hearing
Of the Board of Trustees of the
Village of Larchmont, N.Y. and the Town Board
Of the Town of Mamaroneck
held on Wednesday, January 20, 2021

This meeting was held via Zoom with Mayor Walsh and Supervisor Seligson calling the meeting to order at 7:03 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 at 7:39PM
Sarah Bauer

Supervisor Nancy Seligson
Town Council Jaine Elkind Eney
Abby Katz
Sabrina Fiddelman
Jeff King at 7:13PM

Also present: Dep. Clerk Riley, Town Clerk Battalia, Town Administrator Altieri, Town Attorney Maker

On motion of TOM Councilwoman Eney, seconded by TOM Councilwoman Katz, and unanimously carried, it was: **RESOLVED**, to open the meeting.

On motion of VOL Trustee Fanelli, seconded by VOL Trustee Bauer, and unanimously carried, it was: **RESOLVED**, to open the meeting.

TOM Supervisor Seligson said that we have already held a public hearing on this subject. And we've been discussing this subject for many, many months, not only in the public hearing, but as individual boards as well. And all of that conversation and information is captured in our minutes of our meetings. And of course our meetings are public and open to the public. So anyone could have heard them or seen them. But the amendment to the solid waste law is to provide for curbside pickup only of trash, no longer backyard pickup. And the reasons that we have explored are that we find that it is a substantial savings for this sanitation commission of over \$200,000. And it provides a much safer work environment for the employees and staff of the sanitation commission because they don't have to travel around people's yards. And it also positions us with far more flexibility going forward for trying to reduce waste further, and it is more efficient to be doing it. Obviously we've been in this mode for curbside pickup since the coronavirus pandemic started. But there's some other changes to this law that have recently been added to it. And I was going to ask Bill Maker the Town Attorney if he would mention those regarding the cans that we mentioned and the exemption policies

TOM Attorney Maker said the policy of the law would provide that the cans would be would have to have tight fitting plastic covers capacity not greater than 64 gallons. There's a limit to the number of gallons that can be collected from any site on any given day. For multiple family dwellings and multi-purpose buildings are non-residential buildings, the plastic covered containers can have capacity of no greater than 96 gallons. The limit on the on the residential was 3-64 gallon cans. The garbage has to be put up by 6:30 in the morning. I think the current law says 7AM.

VOL Mayor Walsh said she has received emails from residents and feels there's some confusion or a little misinformation that she wants to clarify. The new draft of the law does not require that anyone use the larger trash can size, we just changed the law to reflect what is the status

quo. The Commission has been selling larger cans, and we've been picking the larger cans up for a while. If that's what suits your household, you can use those. If it doesn't, then you can continue to use the smaller trash cans as always. And the second item is that we did not remove the exemptions for age or for disability, what we did was decide to make them mentioned in the law, but the rules associated with them would be handled through policy that the commission would approve. And what that does is it allows for there to be some flexibility. If we determine that there's a need for the age limit to change up or down or some other requirement or process to be changed, we can do it through the policy. We don't have to draft another law, etc. This way we can quickly adapt to whatever the conditions are that are required within the community. There will still be a policy for those exemptions. And I think that we will discuss them briefly after we finish with this public hearing.

On motion of TOM Councilwoman Eney, seconded by TOM Councilwoman Katz, and unanimously carried, it was: **RESOLVED**, to open the Public Hearing.

On motion of VOL Trustee Herman, seconded by VOL Trustee Fanelli, and unanimously carried, it was: **RESOLVED**, to open the Public Hearing.

Both Boards began to discuss items associated with the proposed law: resident's approval and disapproval, back door pick-up, workers compensation and age limits.

Next residents commented on the proposed law.

Wendy Weinstein, VOL: Opposed

Jared Kutzin, TOM: Opposed

Michael Gottfried, VOL: Approved

Karin Kohr, VOL: Approved

Lindsay Luft of the Town Administrator's office read emails from residents, Mark Kramer, Nicole Gasman, Matt Thomas, Katherine Sears and Bonnie Weinbach.

The Boards discussed the resident's comments and what improvements to sanitation can be made in the future.

On motion of TOM Councilwoman Eney, seconded by TOM Councilwoman Fiddelman, and unanimously carried, it was: **RESOLVED**, to close the Public Hearing.

On motion of VOL Trustee Herman, seconded by VOL Trustee Frouman, and unanimously carried, it was: **RESOLVED**, to close the Public Hearing.

On motion of TOM Councilwoman Katz, seconded by TOM Councilman King, and unanimously carried, the vote on the resolution to adopt Local Law No. 1-2021 was as follows:

Supervisor Seligson: Aye

Councilwoman Eney: Aye

Councilwoman Katz: Aye

Councilman King: Aye

Councilwoman Fiddelman: Aye

On motion of VOL Trustee Herman, seconded by VOL Trustee Bauer, and unanimously carried, it was: **RESOLVED**, to adopt Local Law No. 1-2021.

**VILLAGE OF LARCHMONT
LOCAL LAW NO. 1 OF 2021**

**A LOCAL LAW TO AMEND THE SOLID WASTE LAW OF THE CODE OF THE VILLAGE OF
LARCHMONT, CHAPTER 241, AMENDING REQUIREMENTS AND PROCEDURES INCLUDING
CHANGING TO CURBSIDE COLLECTION**

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

Section One. Section 241-12 “Definitions” of the Code of the Village of Larchmont is hereby amended to revise the definitions of PRIVATE DWELLING and RECYCLABLES to read as follows:

“PRIVATE DWELLING

A building containing only one or two dwelling units”

“RECYCLABLES

Such items as may be determined to be such from time to time by the Commission and may include such items as cardboard, paper, newspaper, glass, metals and plastics.”

Section Two. Subsections (A), (B), and (C) of Section 241-13 “Required containers and storage” of the Code of the Village of Larchmont are hereby amended to read as follows:

“A. Every person in charge within the Village of Larchmont is required to store the solid waste that may accumulate on the premises over which he/she has charge in the type of solid waste container required by this law. All containers shall be stored in the manner required by the Village of Larchmont or the Commission.”

“B. Unless otherwise determined by the Village of Larchmont or the Commission, solid waste to be collected from private dwellings shall be placed in watertight, sturdy plastic containers, having tight-fitting plastic covers and a capacity not greater than 64 gallons. The weight of any such container plus its contents cannot exceed 100 pounds. No portion of any such container shall be located below the surrounding grade level. Solid waste shall not be placed out in plastic bags. Material which is too large to be placed in containers shall be bundled and securely tied. Such bundles shall not exceed four feet in length. Any tree branches included in such bundles shall not exceed six inches in diameter. No bundle shall exceed 75 pounds in weight.”

“C. The Commission or the Village of Larchmont may require multifamily dwellings, multiple-purpose buildings or nonresidential buildings to use watertight, sturdy plastic containers, having tight-fitting plastic covers and a capacity not greater than 96 gallons, or specific metal containers, such as dumpsters. Such containers shall be located in enclosures which shall screen them from view. Such enclosures:

- (1) Shall be constructed of stockade fence material with hinged gates and with latches to hold the gates closed;
- (2) May be constructed of other material with the approval of the Village of Larchmont Board of Architectural Review; and
- (3) Shall have a height of the greater of five feet or 12 inches higher than the containers which they enclose.”

Section Three. Subsections (B)(1), (3), and (4) of Section 241-14 “Collection Procedures” of the Code of the Village of Larchmont are hereby amended to read as follows:

“(1) Solid waste to be collected from private dwellings shall be placed immediately adjacent to the curb in front of the dwelling. It shall be placed to the house side of the curb, not in the street. If there is no curb, it shall be placed on the edge of the property adjacent to the paved area of the street, but not in the street. Solid waste shall be set out for collection no earlier than dusk of the day before a scheduled collection day and no later than 6:30 am (prevailing time) on a scheduled collection day.”

“(3) Other material collected by the Commission or the Village of Larchmont shall be placed on the curb (or if no curb, on the edge of the property adjacent to the paved area of the street or roadway, but not in the street or roadway) readily accessible to the collection vehicle. Such material shall be set out for collection no earlier than dusk of the day before a scheduled collection day and no later than 6:30 am (prevailing time) on a scheduled collection day. If collection vehicles are required to enter private property for collection of material, such entry will be at the sole risk of the property owner.”

“(4) Recyclables shall be placed in containers purchased from the Commission or in other containers approved by the Commission. The containers shall be placed to the building side of the curb, not in the street. If there is no curb, they shall be placed on the edge of the property adjacent to the paved area of the street, but not in the street. Recyclables shall be set out for collection no earlier than dusk of the day before a scheduled collection day and no later than 6:30 am (prevailing time) on a scheduled collection day.”

Section Four. Subsection (B)(6) of Section 241-14 "Collection procedures" of the Code of the Village of Larchmont is hereby repealed.

Section Five. Subsection (A)(1) of Section 241-20 "Limitations on collections" of the Code of the Village of Larchmont is hereby amended to read as follows:

"(1) The equivalent of no more than three sixty-four-gallon containers of solid waste shall be collected from each private dwelling each collection day."

Section Six. Section 241-23 "Exemptions" of the Code of the Village of Larchmont is hereby amended in its entirety to read as follows:

"If a person in charge of a private dwelling satisfies the criteria for exemptions from the requirements of Section 241-14 (B) (1), (3) or (4) of this chapter, as set forth from time to time by the Commissioners of the Larchmont-Mamaroneck Joint Garbage Disposal Commission, the Superintendent shall grant such exemption upon such terms and conditions as may be considered just. Any such exemption must be renewed every two (2) years."

Section Seven. 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 Eight. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

A discussion began about the draft exemption policy for 70 years or older from the adopted law.

The meeting adjourned at 8:03 PM.