

April 14, 2014

Regular Meeting of the Board of Trustees
Called to Order at 8:00PM

PRESENT:

TRUSTEE Giordano
TRUSTEE Quigley
TRUSTEE Luisi
TRUSTEE Alfasi
MAYOR Ecklund

The meeting opened with the salute to the flag and Pledge of Allegiance.

APPOINTMENTS

Trustee Quigley made a motion to appoint Janice Barandes as member of the Zoning Board of Appeals to fill the unexpired term of Steve Alfasi to expire on 4/1/17; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

PRESENTATIONS

Presentation by Frank DiMarco of the 2013/2014 Annual MS4 Stormwater Report for NYSDEC
Copies are available in the Clerk's Office, Tuckahoe Library and Dept. of Public Works.

PUBLIC HEARINGS

1. Public Hearing June 1, 2014-May 31, 2015.TENTATIVE BUDGET

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held in Village Hall, 65 Main Street, Tuckahoe, NY at 8:00 p.m. on Thursday, April 14, 2014 to consider the Annual Budget of the Village of Tuckahoe for the fiscal year beginning June 1, 2014 to May 31, 2015 showing the expenses, obligations and estimated revenue for such fiscal year.

A copy of the Tentative Budget, which has been filed with the Village Clerk, is available at the office of the Village Clerk where it may be examined by any interested party during office hours.

The proposed budget provides compensation for the Mayor and Trustees as follows:

Mayor	\$7,282.00
Trustees	\$5,075.50

BY ORDER OF THE BOARD OF TRUSTEES

Susan Ciamarra
Village Clerk

Dated, Tuckahoe, NY
March 25, 2014

Trustee Giordano made a motion to open public hearing; motion was seconded by Trustee Alfasi and upon roll call was carried by a vote of 5-0.

Mayor Ecklund and the Board explained that we are under the tax cap and John Pintos gave a brief explanation of the budget process.

Trustee Quigley made a motion to close public hearing; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

2. Public hearing -LOCAL LAW NO. 2 OF 2014

A LOCAL LAW REPEALING SECTION 2-12 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "RESIDENCY OF OFFICERS, EMPLOYEES" AND RESTATING AND RE-ENACTING RESIDENCY REQUIREMENTS APPLICABLE TO CERTAIN POSITIONS WITHIN THE VILLAGE OF TUCKAHOE

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on April 14, 2014.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 14th day of April 2014 at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties concerning the repeal of Section 2-12 of the Village Code of the Village of Tuckahoe, entitled "Residency of Officers, Employees" and the enactment of Local Law No. 2 of 2014 which shall repeal Section 2-12 of the Village Code of the Village of Tuckahoe and restate residency requirements applicable to certain positions with the Village of Tuckahoe; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 15th day of March 2014; and

WHEREAS, said public hearing was duly held on the 14th day of April 2014 at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the

repeal of Section 2-12 of the Village Code of the Village of Tuckahoe, entitled “Residency of Officers, Employees” and the enactment of Local Law No. 2 of 2014 which shall repeal Section 2-12 of the Village Code of the Village of Tuckahoe and further restate residency requirements applicable to certain positions within the Village of Tuckahoe; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

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

Section 1. Section 2-12 of the Village Code of the Village of Tuckahoe, entitled “Residency of Officers, Employees”, inclusive of sub-sections (a) through (f), is hereby repealed in its entirety.

Section 2. Section 2-12 of the Village Code of the Village of Tuckahoe, as amended, shall be entitled “Residency Requirements.”

Section 3. Section 2-12 of the Village Code of the Village of Tuckahoe, as amended, entitled “Residency Requirements” shall be restated and re-enacted as follows:

Section 2-12 Residency Requirements.

(a) Purpose; Legislative Authority.

The Village Board of Trustees finds that, due to the relatively small population of the Village of Tuckahoe, it is not always possible to fill certain appointive offices, employment positions and/or nonjudicial positions in Village government requiring municipal, administrative or financial expertise with Village of Tuckahoe or Town of Eastchester residents who are duly qualified

to hold such positions. The Village Board of Trustees further finds that it is authorized to appoint qualified residents of Westchester County outside of the Village of Tuckahoe and Town of Eastchester to said offices pursuant to § 3-300 of the New York State Village Law as well as further appoint qualified residents of Westchester County to certain positions of employment. The Village Board of Trustees further finds that it is authorized under § 3-300 of the New York State Village Law and § 10 of the New York State Municipal Home Rule Law to expand such residency requirements to allow residents of Westchester County to be eligible for appointment to said offices as well as further allow for residents of Westchester County to be eligible to hold certain positions of employment.

(b) Definition.

"Residence" is defined in this Local Law and section to mean the abode or place where one actually lives and maintains a fixed, permanent and principal home.

(c) Residency within the County of Westchester required.

Notwithstanding any other general or special law, no person shall be eligible to be appointed to or hold office of the Village Clerk, Deputy Village Clerk, Village Treasurer, Deputy Treasurer, Village Assessor, Deputy Assessor, Building Inspector/Facilities Manager, Code Enforcement Officer, Village Court Clerk or Assistant Court Clerk who is not a citizen of the United States, is not at least 18 years of age and is not a resident of Westchester County, New York. No person shall be eligible to hold the position of employment as

Village Attorney or Deputy Village Attorney who is not a citizen of the United States, is not at least 18 years of age and is not a resident of Westchester County, New York. No person shall be eligible to be appointed as an election inspector in the Village of Tuckahoe unless such person is a resident of Westchester County, New York.

(d) This section shall change and supersede § 3-300, Subdivision 2, of the New York State Village Law, as last amended, § 3 of the New York State Public Officers Law, as last amended, and § 23 of the New York State Town Law, as last amended, to the extent that the provisions thereof conflict with or are contrary to the provisions of this Local Law. The provisions of the Local Law shall govern and control in the event of conflict.

(e) Insofar as the provisions of this Local Law are inconsistent with the provisions of any other Village of Tuckahoe local law or resolution and/or the terms or provisions set forth in the Village Code of the Village of Tuckahoe, the provisions of this Local Law shall be controlling and shall govern.

(f) If any section of this Local Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Local Law.

(g) This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York and shall apply to all persons currently holding the positions of Village Clerk, Deputy Village Clerk, Village Treasurer, Deputy Treasurer, Village Assessor, Deputy Assessor, Building Inspector/Facilities Manager, Code Enforcement Officer, Village Court Clerk, Assistant Court

Clerk, Village Attorney and Deputy Village Attorney as well as any persons
hereafter appointed to fill such offices or such positions of employment.

Section 4. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

New matter underlined.

Trustee Giordano made a motion to open public hearing; motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

Mayo Ecklund gave a brief explanation saying that this expands employment to residents of Westchester County not just the village.

Trustee Giordano made a motion to close public hearing; motion was seconded by Trustee Alfasi and upon roll call was carried by a vote of 5-0.

RESOLUTION #1 to adopt and enact Local Law # 2 of 2014 REPEALING SECTION 2-12 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "RESIDENCY OF OFFICERS, EMPLOYEES" AND RESTATING AND RE-ENACTING RESIDENCY REQUIREMENTS APPLICABLE TO CERTAIN POSITIONS WITHIN THE VILLAGE OF TUCKAHOE

Trustee Luisi made a motion to adopt resolution #1; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

ADOPTION OF MINUTES

Trustee Quigley made a motion to approve minutes of the regular meeting of March 10, 2014; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5-0.

Trustee Quigley made a motion to approve the correction of the February 10, 2014 minutes to reflect approval of minutes of the January 13, 2014; motion was seconded by Trustee Luisi and upon roll call was carried by a vote 5-0.

CORRESPONDENCE-none

RESOLUTION #2 -ratifying Village Board action authorizing the Village Clerk to issue a Special Permit under the Cabaret Law to Tuck'd Away for Friday, March 16th from 10am – 12 noon.

Trustee Luisi made a motion to adopt resolution #2; motion was seconded by Trustee Alfasi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #3-authorizing the Village Clerk to issue a Limited Cabaret License to Tuck'd Away to October 31, 2014.

Trustee Quigley made a motion to adopt resolution #3; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #4- authorizing the use of the Trolley by the Village of Bronxville for their Memorial Day Parade on Monday, May 26th.

Trustee Giordano made a motion to adopt resolution #4; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #5- approving the Village of Bronxville request for the use of the Tuckahoe trolley for June 8, 2014 for a garden tour from 12 noon until 4:30pm as a part of the celebration of the 350th Anniversary of the Town. The tour will start at Bronxville Village Hall and loop around 8 gardens in Bronxville, Eastchester and Tuckahoe.

Trustee Giordano made a motion to adopt resolution #5; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #6- accepting a contribution of \$2, 610 from the Generoso Pope Foundation to fund costs associated with the Easter Egg Hunt Event scheduled for Saturday, April 19th.

Trustee Quigley made a motion to adopt resolution #6; motion was seconded by Trustee Alfasi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #7-

A RESOLUTION SCHEDULING A PUBLIC HEARING ON REPEALING LOCAL LAW NO. 1 OF 2014 ENTITLED, "A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C," SUCH LOCAL LAW NO. 1 OF 2014 HAVING BEEN ENACTED ON FEBRUARY 10, 2014

At a regular meeting of the Village Board of Trustees of the Village of Tuckahoe, New York (the "Village Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on April 14, 2014.

WHEREAS, it was requested that the Village Attorney draft a local law authorizing the Village Board to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c; and

WHEREAS, the Board of Trustees conducted a public hearing relating to a local law authorizing the Village Board to adopt a budget for the fiscal year commencing June

1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c; and

WHEREAS, on February 10, 2014, the Village Board enacted Local Law No. 1 of 2014 entitled, "A Local Law Authorizing A Property Tax Levy In Excess Of The Limit Established In General Municipal Law Section 3-C;" and

WHEREAS, the Village Board is considering repealing Local Law No. 1 of 2014 in its entirety.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Municipal Home Rule Law and other applicable law, a public hearing shall be held on the 12th day of May 2014 at 8:00 o'clock p.m., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Board of Trustees whether Local Law No. 1 of 2014 entitled, "A Local Law Authorizing A Property Tax Levy In Excess Of The Limit Established In General Municipal Law Section 3-C," such Local Law No. 1 of 2014 having been enacted on February 10, 2014, shall be repealed in its entirety.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in the manner provided by applicable law and the Village Board directs that all requisite notices be published in accordance with applicable law.

Section 3. That this resolution shall take effect immediately.

Trustee Alfasi asked John Cavallaro to explain this resolution repealing the tax cap levy. John Cavallaro gave a brief explanation of the repeal.

Trustee Luisi made a motion to adopt resolution #7; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #8- approving payment of vouchers in the amount of \$837,679.49, consisting of Abstract #35 for \$15,991.72, Abstract #38 for \$216,681.92, Abstract #39 for \$54,565.58, Abstract #40 for \$3,383.62, Abstract #41 for \$222,112.71, Abstract #42 for \$106,510.51 and Abstract #43 for \$218,433.43. The three largest invoices paid were: (1) \$123,618.86 for employee health insurance premiums for the month of March 2014, (2) \$123,618.86 for employee health insurance premiums for the month of April 2014 and (3) \$71,026.45 for serial bond principal and interest.

Trustee Quigley made a motion to adopt resolution #8; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #9

A RESOLUTION DECLARING THE VILLAGE BOARD OF TRUSTEES' INTENT TO
ACT AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW
ACT AS IT CONCERNS AN AMENDMENT TO THE VILLAGE COMPREHENSIVE
PLAN

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on April 14, 2014.

WHEREAS, the Village Board is considering a rezoning petition for a portion of Lake Avenue properties and surrounding properties (the premises commonly known as 150 Lake Avenue- section 33 block 7 lot 4, 8 Cedar Street- section 33 block 7 lot 2, and 10 Cedar Street-section 33 block 7 lot 1) from an Industrial Zoning District to a Residential B Zoning District; and

WHEREAS, in connection with such rezoning, the Village Board is also considering amending the Village Comprehensive Plan in connection with such rezoning petition; and

WHEREAS, the Village Planning Consultant has recommended that the Village Board of Trustees declare its intent to act as lead agency for purposes of SEQRA for the actions described herein;

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the Environmental Assessment Form and/or the criteria contained in 6 NYCRR § 617.7, the Village Board hereby declares its intent to act as Lead Agency for SEQRA review of the proposed actions, and copies of the SEQRA material will be provided to the Involved and Interested Agencies and the public during the review of whether to amend the Village Comprehensive Plan for such rezoning petition and rezone a portion of Lake Avenue properties and surrounding properties (the premises commonly known as 150 Lake Avenue- section 33 block 7 lot 4, 8 Cedar Street- section 33 block 7 lot 2, and 10 Cedar Street-section 33 block 7 lot 1) from an Industrial Zoning District to a Residential B Zoning District.

Section 2. This resolution shall take effect immediately.

Trustee Giordano made a motion to adopt resolution #9; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #10

A RESOLUTION SCHEDULING A PUBLIC HEARING ON AN AMENDMENT TO THE VILLAGE OF TUCKAHOE COMPREHENSIVE PLAN, DATED MAY 2008

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on April 14, 2014

WHEREAS, the Village Comprehensive Plan, adopted May 2008, contains certain zoning recommendations, including, but not limited to, rezoning recommendations for the Lake Avenue Industrial Area; and

WHEREAS, the Village Comprehensive Plan provides that:

Lake Avenue Industrial Area (Rezoning)

This small industrial area is located between the Metro-North railroad tracks and Lake Avenue just north of Main Street (see Figure 9-1: Existing Industrial Areas – Area 2). Much of the area actually serves as commuter parking for the Tuckahoe Station. It is suggested that this area would be more appropriate as a business zone; (see page 45);

and

WHEREAS, the Mayor and Board of Trustees seek to conduct a public hearing relating to a Comprehensive Plan amendment that would amend the Comprehensive Plan as follows:

Lake Avenue Industrial Area (Rezoning)

This small industrial area is located between the Metro-North railroad tracks and Lake Avenue just north of Main Street (see Figure 9-1: Existing Industrial Areas – Area 2).

Much of the area actually serves as commuter parking for the Tuckahoe Station. [It is suggested that this area would be more appropriate as a business zone] It is suggested that the south side of Cedar Street be excluded from this industrial zone. There are three parcels along Cedar Street that should be zoned residential so that current residential homes are protected and both side of Cedar Street are residential. These parcels related to the Res. B district to the north and could, therefore be zoned Residential B.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of Village Law § 7-706 et seq. and other applicable law, a public hearing shall be held on or about the 12th day of May 2014, at 8:00 o'clock p.m., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Mayor and Board of Trustees whether the Village Comprehensive Plan, adopted May 2008, shall be amended as aforestated herein.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in advance of such time and place in the manner provided by law.

Section 3. That this resolution shall take effect immediately.

New matter underlined

Deleted matter in brackets []

Trustee Luisi made a motion to adopt resolution #10; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #11 authorizing the Village Clerk to issue a Special Permit under the Cabaret Law to Tuck'd Away for Friday, May 2nd from 8pm – 11pm and Sunday, May 18th from 3pm-6pm.

Trustee Quigley made a motion to adopt resolution #11; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

DEPARTMENTAL REPORTS TO THE BOARD

POLICE- Chief Costanzo explained that the police are participating in a distracted driving campaign. He thanked the Generoso Pope Foundation for new equipment for the police gym. The police took the Cooper Standard tests and performed better than last year.

RECREATION- John Galluzzi announced upcoming Easter Egg Hunt and various activities at the Community Center.

BOARD OF TRUSTEES MEMBERS REPORTS

Trustee Giordano announced the upcoming Planning meeting. No Zoning meetings is scheduled yet.

Trustee Quigley gave library highlights and Chamber upcoming events.

Trustee Luisi gave senior updates and Tuckahoe School budget updates.

Trustee Alfasi gave building project updates

Mayor Ecklund announced the Special Meeting – Village Board – Monday, April 28th – Budget Adoption, Village Board Meeting, Monday, May 12th and Residents Community Meeting, Wednesday, May 28th, 7:00 PM – Main St. Park. Mayor Ecklund gave a brief overview of all the wonderful things that the Tuckahoe Beautification Committee does for the Village. The Crestwood Street Fair is their biggest fundraiser. It is scheduled for June 1st.

There being no further business, the unanimously voted to adjourn the meeting at 9:15PM.

Susan Ciamarra, Village Clerk