

January 13, 2014

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

PRESENT:

TRUSTEE Giordano
TRUSTEE Quigley
TRUSTEE Luisi
TRUSTEE Hayes
MAYOR Ecklund

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

ADOPTION OF MINUTES

Trustee Quigley made a motion to approve minutes of the regular meeting of December 9, 2013; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5-0.

APPOINTMENTS

Trustee Giordano motioned the appointment of Appointment of Janice Barandes as AD HOC member to the Zoning Board of Appeals for a term of one year to expire January 12, 2015; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote 5-0.

PRESENTATIONS: Luigi Marcoccia gave an overview of the Eastchester budget. A house assessed in Tuckahoe for 7300 will realize a \$2.93 per year increase. Councilman Marcoccia also gave an update on Lake Isle improvements.

RESOLUTIONS

RESOLUTION #1 - "A resolution authorizing the Mayor to execute and enter into a License Agreement with the Westchester-Putnam Council, Boy Scouts of America, Troop 353 Eastchester for a three year term for use of the Community Center every Sunday from 4:30 pm to 8:30 pm plus the use of a storage room for camping gear and other related Boy Scouts materials. Insurance shall be provided by the Westchester-Putnam Council, Boy Scouts of America, Troop 353 Eastchester in accordance with the terms of the License Agreement." (Copy of license agreement are available at the Clerk's Office) Trustee Giordano made a motion to adopt resolution #1; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #2 - AUTHORIZING THE ADVERTISING FOR PUBLIC BIDS IN CONNECTION WITH THE VILLAGE OF TUCKAHOE COMMUNITY CENTER ROOFING PROJECT – 2014.

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 January 13, 2014.

WHEREAS, the roof of the Village of Tuckahoe Community Center is in need of replacement, upgrade and/or repair as determined by officials of the Village of Tuckahoe; and

WHEREAS, it is the intent of the Village of Tuckahoe to advertise for public bids for the aforesaid roofing project for the Village of Tuckahoe Community Center;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Village Clerk to advertise for bids for the Village of Tuckahoe Community Center Roofing Project – 2014.

Section 2. The Village reserves the right to schedule the date for the opening of the aforesaid bids, subject to the completion of plans and specifications for the Village of Tuckahoe Community Center Roofing Project - 2014, but at all times at least (5) days shall elapse between the first publication advertising this bid and the date so specified for the opening and reading of bids.

Section 3. That this resolution shall take effect immediately.
Trustee Quigley made a motion to adopt resolution #2; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #3- A resolution authorizing the Mayor to execute and enter into a proposal agreement with Russel Watsky, Inc. Roofing Consultant for roofing consultant services in connection with bid proposals for the Community Center Roofing Project 2014.” Trustee Luisi made a motion to adopt resolution #3; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #4 - A RESOLUTION SCHEDULING A PUBLIC HEARING ON A RESOLUTION IN SUPPORT OF CHAPTER 433 OF THE LAWS OF NEW YORK, 2013, AUTHORIZING THE PUBLIC SERVICE COMMISSION, UPON APPLICATION BY THE VILLAGE OF TUCKAHOE, TO ORDER COSTS FOR INFRASTRUCTURE MAINTENANCE AND ACCESS TO BE CHARGED TO ALL CUSTOMER CLASSES LOCATED IN SUCH MUNICIPALITY

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 January 13, 2014.

WHEREAS, Chapter 433 of the Laws of 2013 provides that a municipality as defined therein may apply to the Public Service Commission to have any infrastructure and maintenance and access it is charged by a water-works corporation to instead be charged to all customers across customer classes located in the municipality provided the municipality has held a public hearing with notice on the matter and has adopted a resolution and determined by a majority vote of the total voting strength of its governing body that it is in the overall public interest to have such costs charged to all customers across all customer classes; and

WHEREAS, the Village Board desires to have and hold a public hearing on this matter.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of applicable law, a public hearing shall be held on the 10th day of February 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 Village Board of Trustees whether a resolution shall be passed in support of Chapter 433 of the Laws of New York, 2013, authorizing the Public Service Commission, upon application by the Village of Tuckahoe, to order costs for infrastructure maintenance and access to be charged to all customer classes located within the Village of Tuckahoe.

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.

Section 3. That this resolution shall take effect immediately.

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

A RESOLUTION IN SUPPORT OF CHAPTER 433 OF THE LAWS OF NEW YORK, 2013,
AUTHORIZING THE PUBLIC SERVICE COMMISSION, UPON APPLICATION BY THE
VILLAGE OF TUCKAHOE, TO ORDER COSTS FOR INFRASTRUCTURE
MAINTENANCE AND ACCESS TO BE CHARGED TO ALL CUSTOMER CLASSES
LOCATED IN SUCH MUNICIPALITY

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 February 10, 2014.

WHEREAS, Chapter 433 of the Laws of 2013 provides that a municipality as defined therein may apply to the Public Service Commission to have any infrastructure and maintenance and access it is charged by a water-works corporation to instead be charged to all customers across customer classes located in the municipality provided the municipality has held a public hearing with notice on the matter and has adopted a resolution and determined by a majority vote of the total voting strength of its governing body that it is in the overall public interest to have such costs charged to all customers across all customer classes; and

WHEREAS, the Village of Tuckahoe duly held a public hearing with notice on this matter.

NOW, THEREFORE, BE IT RESOLVED

Section 1. After a public hearing, that the Village of Tuckahoe determines that it is in the overall public interest to have such costs charged to all customers across all customer classes.

Section 2. That the Village Treasurer with the assistance of the Village Attorney shall make application to the Public Service Commission by transmittal of this Resolution and

any other necessary papers requesting that the costs for infrastructure maintenance and access be included in the rates charged to all customer classes and apportioned among all customers located in this municipality.

Section 3. That this resolution shall take effect immediately.

RESOLUTION #5 - designating Tuesday, March 18, 2014 as election day in the Village of Tuckahoe. Polls will open at 7am and close at 9pm. Trustee Quigley made a motion to adopt resolution #5; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #6 designating locations of polling places as follows: 10th, 11th, 12th, 13th, 14th, 32nd and 33rd districts – Tuckahoe Community Center. Trustee Giordano made a motion to adopt resolution #6; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #7 appointing Matthew Perillo as custodian/technician of voting machines for the March 18th Village Elections. Trustee Giordano made a motion to adopt resolution #7; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #8 appointing inspectors to serve on Election Day, March 18th, in the seven polling places. Names of inspectors will be provided by the Democratic and Republican chairpersons. Trustee Quigley made a motion to adopt resolution #8; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #9 accepting a contribution of \$12,100 from the Generoso Pope Foundation to fund costs associated with the Winterfest, the Crestwood Holidayfest and the New Years Eve events. Trustee Luisi made a motion to adopt resolution #9; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #10 approving payment of vouchers in the amount of \$2,061,215.33, consisting of Abstract #27 for \$182,215.13, Abstract #28 for \$443,048.92, Abstract #29 for \$3,404.27, Abstract #30 for \$1,322,875.87 and Abstract #31 for \$109,671.14. The three largest invoices paid were: (1), \$834,201.00 for the Village's PFRS pension contribution for FY2013/2014, (2) \$442,722.00 for the Village's ERS pension contribution for FY2013/2014 and (3) \$170,476.08 for construction work on the Crestwood Streetscape project. Trustee Quigley made a motion to adopt resolution #10; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #11 approving and ratifying the hiring of Clair & Gjersten, Esqs. for review of a certain lease for office space at Village Hall. Trustee Quigley made a motion to adopt resolution #11; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #12 authorizing the Mayor to execute an Inter Municipal Agreement with the Town of Eastchester for the use of the Senior Nutrition Center at the Tuckahoe Community

Center. Trustee Luisi made a motion to adopt resolution #12; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #13 accepting the low bid for replacement garage door and opener at the DPW facility in the amount of \$5,728.00 from Westchester Door, Inc, Port Chester, NY. There were three bids ranging from \$5,728.00 to the highest bid \$8,250.00. Trustee Quigley made a motion to adopt resolution #13; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #14 A RESOLUTION SCHEDULING A PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 1 OF 2014 AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

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 January 13, 2014.

WHEREAS, it has been 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 wishes to conduct 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, having received proposed Local Law No. 1 of 2014, the Village Board is prepared to hold a public hearing on such proposed local law,

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Municipal Home Rule Law, a public hearing shall be held on the 10th day of February 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 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 shall be enacted.

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.

LOCAL LAW NO. 1 OF 2014

A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

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 February 10, 2014.

WHEREAS, legislation has been requested 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,

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

Section 1. Legislative Intent

It is the intent of this Local Law to allow the Village of Tuckahoe to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Section 3-c.

Section 2. Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Tuckahoe, County of Westchester, is hereby authorized to adopt a budget for the fiscal year commencing 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State. Trustee Giordano made a motion to adopt resolution #14; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #15 A RESOLUTION CONCERNING THE ACTION OF HAUSCH V. ECKLOND, ET AL, CASE NO. 13 CV 6871, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

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 January 13, 2014.

WHEREAS, an action has been commenced against the Village of Tuckahoe and certain officials, officers, employees and/or individuals concerning an alleged inspection of the premises commonly known as 99 Main Street, Tuckahoe, New York under Case No. 13 CV 6871; and

WHEREAS, in connection with that action, the Village has received requests for defense and indemnification from said officials, officers, employees and/or individuals; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Mayor and Village Board hereby accept and approve the requests for defense and indemnification concerning this matter from Mayor Steven A. Ecklund, Village Trustees Thomas Giordano, Stephen Quigley, Greg Luisi and Janette Hayes, the Village Building Inspector William M. Williams, Jr., and the Village Attorney John D. Cavallaro.

Section 2. That, the Mayor and Village Board do hereby by this resolution confer the benefits of Section 18 of the Public Officers Law of the State of New York and, in addition thereto, confer the benefits of Section 2-13 of the Village Code of the Village of Tuckahoe upon the aforesaid persons stated in Section 1 herein, namely Mayor Steven A. Ecklund, Village Trustees Thomas Giordano, Stephen Quigley, Greg Luisi and Janette Hayes, the Village Building Inspector William M. Williams, Jr., and the Village Attorney John D. Cavallaro.

Section 3. That this resolution shall take effect immediately.

Trustee Quigley made a motion to adopt resolution #15; motion was seconded by Trustee Hayes and upon roll was carried by a vote of 5-0.

POLICE –The police received a grant from the Governor’s Traffic Safety Committee to update police vehicles. The state will fund the fleet with readers.

DPW – Al Hagan has retired. Frank wished him well. The DPW is working on potholes.

BUILDING- Work on Main Street to start in couple of weeks.

TREASURER- John Pintos reviewed the hydrant law. The first budget workshop was on January 11th.

RECREATION- John Galluzzi thanked the DPW for their help cleaning and painting. He said the Community Center is a great place to have a birthday party.

11. MISCELLANEOUS BUSINESS

Mayor Ecklund announced :

1. Village Board Meeting, Monday, February 10, 2014
2. Village offices and DPW closed – Monday, January 20th in observance of the Martin Luther King holiday.
3. Residents Community Meeting, Wednesday, February 12th, 7pm, Community Center
4. DPW closed February 12th- observance of Lincoln’s Birthday.

12. BOARD OF TRUSTEES MEMBER REPORTS

► **TRUSTEE** Hayes announced the Tree Committee of the New Year will be taking place this Wednesday, January 15th at 7:30pm, and, our next Environmental Committee meeting will be taking place on Wednesday, February 5th at 7:30pm. Also, over the following month I will be working on the Village’s next edition of our Newsletter and hope to have it distributed to our residents by mid February.

Trustee Hayes read the following:

Finally, I wanted to announce to our Village Residents that over the past few months I have been thinking long and hard about my future, both professionally and personally, and have made the decision that I will not be seeking reelection for my Village Trustee seat this upcoming March.

This was by no means an easy decision, and it is my hope that many of you believe that during the past 3 years, we collectively as a board have made many positive strides for the well-being of our Village, especially during these trying economic times.

On a personal note, at a fairly young age I lost my mother a little over 10 years ago, and at that time I made three promises to her. First was to buy myself a place to live, second, to go back to school and finish my graduate degree and third volunteer in some capacity, which I decided was to give back to my community and have had the honor of doing so as a Village Trustee, in addition to becoming involved with the many wonderful organizations within our Village and helping with our numerous events that takes place during each year.

My time on this board has been extremely rewarding and have had the opportunity to work beside so many talented individuals who I have such profound respect for including our Police Chief, John Costanzo, DPW Super, Frank DiMarco, Building Inspector, Bill Williams, our Village Clerk and Deputy Clerk Susan Ciamarra and Camille DiSalvo, many of which I have worked closely with on daily basis.

Also, our Village Attorney, John Cavallaro, who has always made himself available to answer any question I may have had. And of course, our entire Village Staff of over 80 people, who truly are the ones that make our Village a safe and beautiful place to live. Each of you has provided me with guidance and a priceless education.

I cannot end this evening without saying a few words about the four gentlemen sitting to my right, each of which are true gentleman.

Mayor Ecklund, thank you for putting your faith in me by first appointing me 3 years ago to our Village board and for your unconditional guidance. I so admire your optimistic outlook and always being able to find the positive in difficult situations and your poised approach in coming to a resolution. It is truly commendable.

Tom and Steve, I so respect both of you for your patience and ability to utilize your legal expertise in reviewing an issue, topic or concern before coming to a decision, and understanding the impact on how it will affect our Village, our Residents and Staff.

Finally, Greg, my bookend all the way on the other end of the dais who has balanced out this board.

I hope you know how much respect I have for you and your logical approach in reviewing a topic or issue, and always standing firm on your decisions and by doing so it in such a way that I believe anyone who may think differently than you do, could sit back for a minute and see and understand the reasoning for your decision.

And, for all 4 of you, thank you for bringing in humor and laughter even during the most trying situations we had had to confront together as a board.

With all of this being said, I have a few months left sitting up here and we still have much work to continue to get through, including working together on our next year's budget and during my final days I will continue to give my job as Village Trustee 100%.

Above all, I'm a Tuckahoe resident and at the moment, do not have any plans on going anywhere and I will continue to give back to my community, just in a different capacity.

► TRUSTEE Giordano announced upcoming Planning meeting. He thanked Trustee Hayes for her detail oriented work on the budget. She has earned the highest respect of the board.

- ▶ TRUSTEE Quigley wished Trustee Hayes well. He said her silver notebook had everything written in it and keeps “our feet to the fire.” He announced events at the library and said they now have PS3 at the library.
- ▶ TRUSTEE Luisi wished Trustee Hayes well. Her work on the budget was phenomenal. He will miss the phone calls and e-mails. He announced up Senior events and spoke about a Pre-K program for 4 year olds at the Tuckahoe Schools.
- ▶ MAYOR Ecklund wished Trustee Hayes all the best and said the we will all miss her.

There being no further business, the unanimously voted to adjourn the meeting at 9:00PM.

Susan Ciamarra, Village Clerk