

June 13, 2011  
Regular Meeting Board of Trustees

**PRESENT:**

TRUSTEE Giordano  
TRUSTEE Quigley  
TRUSTEE Luisi  
TRUSTEE Hayes  
MAYOR Ecklund

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

**PUBLIC HEARINGS**

**a) PUBLIC HEARING LOCAL LAW #6 of the year 2011  
A LOCAL LAW AMENDING SECTION 21-67 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE,  
ENTITLED "PARKING VIOLATION FINES"**

**Trustee Giordano motioned to open public hearing; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 4-0. Trustee Luisi was not present at this point.**

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on June 13, 2011.

WHEREAS, the Chief of Police has requested legislation amending Section 21-67 of the Village Code of the Village of Tuckahoe, entitled "Parking Violation Fines;" and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 14th day of May 2011; and

WHEREAS, said public hearing was duly held on the 13<sup>th</sup> day of June 2011, 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 said proposed Local Law, or any part thereof; and

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

NOW, THEREFORE, be it enacted by the Village Board of the Village of Tuckahoe, as follows:

Section 1. Section 21-67, entitled "Parking Violation Fines" of the Village Code of the Village of Tuckahoe, is hereby amended as follows:

**§ 21-67. Parking violation fines.**

- (a) The fines for various parking violations shall be designated by the Board of Trustees by resolution adopted at a regularly scheduled meeting of the Board of Trustees. A list of such fines shall be maintained by the Village Clerk and Police Department. Notice of the amount of the fines established in accordance with this section shall be provided on all parking tickets, summonses and notices of violation.
- (b) Notwithstanding Section 21-67(a) above, the amount of the fine for parking meter violations shall be [~~\$20.00~~] \$25.00. The amount of the fine for parking meter violations only shall be reduced by [~~\$10.00~~] \$15.00 per violation if the fine is paid in person at the office of the Court Clerk of the Village of Tuckahoe Justice Court on the day of the violation or, if the violation is issued on a day or a time that the Court Clerk's office is not open, on the next business day.
- (c) If the owner, operator or other party that may be responsible for a vehicle in accordance with the New York State Vehicle and Traffic Law fails to appear or pay the fine on or before the appearance date set forth on a parking ticket summons, in addition to the fines established pursuant to this § 21-67, such person or party shall be charged and be liable for the following penalties and administrative fees:
  - (1) The amount of the fine established pursuant to this § 21-67 for all parking violations shall be doubled if the fine is not paid or an appearance is not made before the 30<sup>th</sup> day after the original appearance date or any adjournment thereof; and
  - (2) The amount of the fine established pursuant to this § 21-67 for all parking violations shall be tripled if the fine is not paid or an appearance is not made before the 45<sup>th</sup> day after the original appearance date or any adjournment thereof; and
  - (3) An administrative fee of \$10.00 shall be charged if the fine is not paid or an appearance is not made before the 21<sup>st</sup> day after the original appearance date or any adjournment thereof.

Section 2. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 3. This Local Law shall take effect immediately.

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

Deleted Matter in Brackets [ ]

Trustee Quigley motioned to close public hearing; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 4-0. Trustee Luisi was not present at this point.

Mayor Ecklund offered Resolution #1 to adopt Local Law #6 of the year 2011; motion was seconded by Trustee Hayes and upon roll call was carried by a vote of 4-0. Trustee Luisi was not present at this point.

## **ADOPTION OF MINUTES**

Trustee Quigley motioned to approve the minutes of the regular meeting of May 9, 2011; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 4-0. Trustee Luisi was not present at this point.

Trustee Giordano motioned to approve the minutes of the special meeting of May 16, 2011; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 4-0. Trustee Luisi was not present at this point.

Trustee Quigley motioned to approve the minutes of the special meeting of May 23, 2011; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 4-0. Trustee Luisi was not present at this point.

Trustee Quigley motioned to approve the minutes of the special meeting of May 31, 2011; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 4-0. Trustee Luisi was not present at this point.

Trustee Luisi arrived at meeting.

## **APPOINTMENTS**

Mayor Ecklund called for the Re-Appointment of Melba Caliano as member of the Tuckahoe Planning Board for a term to expire on 04/01/2018; Trustee Giordano motioned to appoint Melba Caliano motion was seconded by Trustee Hayes and upon roll call was carried by a vote of 5-0.

Mayor Ecklund called for the appointment of John Palladino to the Tuckahoe Zoning Board of Appeals to fill the vacancy of John Santos for a term to expire on 04/01/2015; Trustee Giordano motioned to appoint John Palladino was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.

Mayor Ecklund called for the Appointment of Steve Alfasi to the Tuckahoe Zoning Board of Appeals to fill the vacancy of Kevin McBride for a term to expire on 04/01/2012; Trustee Giordano motioned to appoint Steve Alfasi was seconded by Trustee Hayes and upon roll call was carried by a vote of 5-0.

Mayor Ecklund called for the Appointment of Ron Gallo, as Chairperson to the Tuckahoe Zoning Board of Appeals for a term to expire on 04/01/2012; Trustee Giordano motioned to appoint Ron Gallo was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.

Mayor Ecklund thanked Kevin McBride for his 22years of service to the Zoning Board of Appeals.

**SPECIAL PRESENTATION: Tuckahoe Varsity Baseball Team**

Mayor Ecklund congratulated the team and coaches on winning the State championship and presented certificates to each player, scorekeeper and coaches. He announced a parade to start at Tuckahoe High School and ending in Depot Square, in their honor, is scheduled for Friday, June 17, 2011 at 6:00PM.

Trustee Luisi, along with Trustees Giordano, Quigley and Hayes, congratulated the players, the coaches, the parents and fans.

**RESOLUTIONS**

Mayor Ecklund offered **RESOLUTION #2** approving a \$2,500 funding contribution to the Westchester Italian Cultural Center to help fund three outdoor movies. Trustee Quigley made a motion to adopt resolution #2; motion was seconded by Trustee Hayes and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #3** authorizing the Big Girl Baking Co. to participate in the Farmers Market beginning June 5<sup>th</sup> and ending November 27<sup>th</sup>. Trustee Quigley made a motion to adopt resolution #3; motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #4** authorizing the Mayor to sign an Inter-municipal Agreement between the County of Westchester Department of Correction and the Village of Tuckahoe for a two (2) year term beginning January 1, 2011 and continuing through December 31, 2012 as it relates to Prisoner Transportation Reimbursement. Trustee Giordano made a motion to adopt resolution #4; motion was seconded by Trustee Hayes and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #5** authorizing the Chief of Police to attend the New York State Association of Chiefs of Police Annual Training Conference in Lake Placid, New York from July 17<sup>th</sup> to July 20<sup>th</sup> 2011. Trustee Quigley made a motion to adopt resolution #5; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #6 - A RESOLUTION IN OPPOSITION TO ASSEMBLY BILL A06764 – A BILL TO IMPOSE A 1% CITY EARNINGS TAX ON INCOME OF NON-RESIDENTS WHO WORK IN NEW YORK CITY**

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on June 13, 2011.

WHEREAS, on or about March 28, 2011, in the New York State Assembly, a new bill was proposed to create a new "city earnings" or "commuter" tax on the income of Westchester residents who work in NYC but do not reside there, and;

WHEREAS, this "earnings tax" will tax 1% of a non-residents earned income, and;

WHEREAS, said tax is essentially a "commuter" tax and the revenue from this tax will be divided equally between the City of New York and the M.T.A., and;

WHEREAS, the residents of Village of Tuckahoe who work in New York City will be subject to this "commuter" tax, and;

WHEREAS, Village businesses already contribute to the MTA, and;

WHEREAS, the Village of Tuckahoe is located in Westchester County, the highest taxed county in the nation, and;

WHEREAS, the Mayor and the Village Board of Tuckahoe are absolutely against the imposing of any new taxes on the residents of the Village of Tuckahoe;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Mayor and the Tuckahoe Village Board hereby adopt this Resolution in opposition to the "Commuter Tax" which in effect transfers the cost of running New York City transportation and the MTA operations to already overburdened taxpayers.

Section 2. A copy of this resolution shall be sent to the appropriate State representatives.

Section 3. That this resolution shall take effect immediately.

Trustee Giordano made a motion to adopt resolution #6 motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION # 7**-Rejecting all bids received and opened on June 8, 2011 for the Municipal Building Parking Lot Paving project. Two bids were received; said bids were above budget. Trustee Giordano made a motion to adopt resolution #7; motion was seconded by Trustee Hayes and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #8** - Authorizing rebidding for the Municipal Building Parking Lot Paving project with bid opening on June 22, 2011. Trustee Quigley made a motion to adopt resolution #8; motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #9** - Authorizing the use of the Tuckahoe Trolley and Driver for transportation of Children from the Main Street Park to Lake Isle Pool Facility between the hours of Noon-2:30pm on Six (6) Thursdays Jul 07, 14, 21, 28, Aug 04, 11. The free program is in cooperation with Eastchester Community Action Program and the Eastchester Recreation Department. Trustee Quigley made a motion to adopt resolution #9; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #10** - approving payment of vouchers in the amount of \$421,556.15 consisting of abstract #56 for \$23,276.94, abstract #57 for 60,043.50, abstract #58 for

\$3,371.23, abstract #59 for \$88,776.18, abstract #1 for \$101,015.54 and abstract #2 for \$145,072.76. The three largest invoices paid were: (1) \$111,042.80, for employee health insurance premiums for the month of June 2011, (2) \$80,000.00 for repairs to the Village Hall retaining wall and (3) \$13,941.55 for electricity charges for the month of April 2011. Trustee Quigley made a motion to adopt resolution #10; motion was seconded by Trustee Hayes and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #11** - approving a tax certiorari settlement for Elena Corporation for property located at 97 Lake Avenue, Section 32, Block 4, Lot 6 in the amount of \$3,359.30 for assessment years 2000 through 2007. Trustee Giordano made a motion to adopt resolution #11; motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #12** - approving a tax certiorari settlement for 97 Lake Avenue Partners for property located at 97 Lake Avenue, Section 32, Block 4, Lots 4 & 6 in the amount of \$5,738.49 for assessment years 2008 through 2010. Trustee Quigley made a motion to adopt resolution #12; motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #13** approving a tax certiorari settlement for Belron F. Inc. for property located at 170 Marbledale Road, Section 39, Block 3, Lots 6 & 4A in the amount of \$8,542.06 for assessment years 2006 through 2009. Trustee Quigley made a motion to adopt resolution #13; motion was seconded by Trustee Hayes and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #14** approving a tax certiorari settlement for Helen Levin & Associates/William Levin Trust/Marbledale Realty, LLC, for property located at 210 Marbledale Road, Section 39, Block 3, Lots 1 & 2 in the amount of \$3,944.78 for assessment years 2006 through 2009. Trustee Quigley made a motion to adopt resolution #14; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #15** approving a tax certiorari settlement for Campus Family 2000 Trust, for property located at 42 Oak Avenue, Section 32, Block 5, Lot 3 in the amount of \$12,075.30 for assessment years 2002 through 2009. Trustee Quigley made a motion to adopt resolution #15; motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #16** approving a tax certiorari settlement Joseph and Diane Piedmont, for property located at 30 Young Place, Section 43, Block 2, Lot 39 in the amount of \$895.38 for assessment years 2009 and 2010. Trustee Giordano made a motion to adopt resolution #16; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #17** authorizing the Mayor to execute a letter agreement with Antonio Leo Architects for architectural and engineering services in connection with the Youth Bureau renovation of the lower level located at 65 Main Street, Tuckahoe, New York at a cost not to exceed \$8,000.00. Trustee Quigley made a motion to adopt resolution #17; motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #18** authorizing J & J speculations to participate in the Farmers Market June 19<sup>th</sup> to November 27<sup>th</sup>. Trustee Quigley made a motion to adopt resolution #18; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION #19** authorizing the use of the Trolley and driver to transport the Tuckahoe Varsity Baseball team from Tuckahoe High School to Depot Square on Friday, June 17<sup>th</sup>. Trustee Quigley made a motion to adopt resolution #19; motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

Mayor Ecklund offered **RESOLUTION # 20** authorizing the filing of an application for a State Grant-in-Aid for a municipal waste reduction and/or recycling project and signing of the associated State Contract, Under the Appropriate Laws of New York State. Trustee Quigley made a motion to adopt resolution #20; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 5-0.

Supt. of Public Works, Frank DiMarco, explained the grant-in-aid funding would allow for the purchase of recycling bins throughout the Village. He also mentioned that the Quarry Restaurant will host a fundraiser on Thursday, June 16, 2011 for the Tuckahoe Varsity Football team.

Chief Costanzo reported on the successful DARE picnic and noted that Saturday June 18<sup>th</sup> is Safe Riders day sponsored by the Community Fund.

- ▶ TRUSTEE Giordano- announced upcoming Zoning and Planning meetings
- ▶ TRUSTEE Quigley- announced upcoming library events. The Chamber will sponsor a technology class at the Westchester Italian Cultural center on June 29<sup>th</sup>.
- ▶ TRUSTEE Luisi – noted that the senior center enrollment is low and is in need of new members.
- ▶ TRUSTEE Hayes- reported that Supt. of Public Works, Frank DiMarco, was honored on June 2<sup>nd</sup> by the Audubon group for his environmental efforts . Local Law #4 prohibiting gas powered leaf blower is in effect from June 1-Sept. 30 and the County Shredder will be at the Community Center June 25<sup>th</sup>.
- ▶ MAYOR Ecklund -reminded residents that the next Village Board Meeting is Monday, July 11<sup>th</sup>. Village offices and DPW closed on Monday, July 4<sup>th</sup> in observance of Independence Day. June 14 is Flag Day and Yonkers Avenue will be closed starting July 5<sup>th</sup> through the fall.

Mike Grubiak from Senator Klein's office introduced himself to the Board.

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

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Susan Ciamarra, Village Clerk