

**February 10, 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.

## **PUBLIC HEARINGS**

### **PUBLIC HEARING #1 - 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**

Trustee Giordano made a motion to open public hearing #1; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

Trustee Giordano made a motion to close public hearing #1; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

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.

Mayor Ecklund made a motion to adopt Local Law #1 of the year 2014; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

**PUBLIC HEARING #2 –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 within the Village of Tuckahoe.**

Trustee Giordano made a motion to open public hearing #2; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

Trustee Quigley made a motion to close public hearing #2; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

**RESOLUTION #1. 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.

Trustee Quigley made a motion to adopt resolution #1; motion was seconded by Trustee Luisi 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 December 9, 2013; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5-0.

### **CORRESPONDENCE**

Mayor Ecklund read a letter from JoAnne Kennedy praising the DPW on snow removal.

**RESOLUTION #2** authorizing the Mayor to sign a Consulting Agreement between the Village of Tuckahoe and First Niagara Risk Management, Inc. with regard to health care reform activities related to changes in health and welfare benefits programs mandated by the Patient Protection and Affordable Care Act.

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

**RESOLUTION #3** – authorizing the Mayor to sign the Fireworks Performance contract between the Village of Tuckahoe and Fireworks by Grucci, Inc. for the fireworks event scheduled for Saturday, July 19th, rain date Sunday, July 20th. Trustee Quigley 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 –AUTHORIZING THE MAYOR TO EXECUTE A REVISED RETAINER AGREEMENT WITH HAROLD, SALANT, STRASSFIELD & SPIELBERG**

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 February 10, 2014.

WHEREAS, the Mayor has requested legislation authorizing the Village of Tuckahoe to enter into a revised retainer agreement with HAROLD, SALANT, STRASSFIELD &

SPIELBERG for professional legal services concerning labor relations for union and nonunion employees.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute a revised retainer agreement with HAROLD, SALANT, STRASSFIELD & SPIELBERG for professional legal services concerning labor relations for union and nonunion employees.

Section 2. The revised retainer agreement between the Village of Tuckahoe and HAROLD, SALANT, STRASSFIELD & SPIELBERG shall cover labor relations, advice, consultation, correspondence, negotiations and meetings involving the Village's union and nonunion employees.

Section 3. That this resolution shall take effect immediately.

**(Copies of the revised retainer agreement are available in the Clerk's office.)**

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.

**RESOLUTION #5 AUTHORIZING THE MAYOR TO EXECUTE A GRANT DISBURSEMENT AGREEMENT AMENDMENT FOR THE PROJECT KNOWN AS COLUMBUS AVENUE OVERHEAD UTILITY RELOCATION & STREETScape RESTORATION AT CRESTWOOD STATION-CRESTWOOD STREETScape**

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 February 10, 2014.

WHEREAS, the Village of Tuckahoe and Empire State Development executed a Grant Disbursement Agreement ("GDA"), dated October 26, 2006, for the project known as Columbus Avenue Overhead Utility Relocation & Streetscape Restoration at Crestwood Station-Crestwood Streetscape; and

WHEREAS, the Village of Tuckahoe requested an extension of the GDA; and

WHEREAS, Empire State Development granted an extension of the GDA to December 31, 2014; and

WHEREAS, it is necessary to execute an amendment to the GDA to reflect the extension date of December 31, 2014; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute a Grant Disbursement Agreement Amendment for the project known as Columbus Avenue Overhead Utility Relocation & Streetscape Restoration at Crestwood Station-Crestwood Streetscape extending the expiration date to December 31, 2014 and further ratifies the Mayor's execution of the same.

Section 2. That this resolution shall take effect immediately.

**(Copies of the Grant Disbursement Agreement are available in the Clerk's office)**

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

**RESOLUTION #6** to approve and accept the lowest responsible bidder, Colortone Audio Visual, in the amount of \$64,225.15 for Court Room and Media Room Upgrade and authorizing the Mayor to execute a contract pertaining to same. Trustee Quigley made a motion to adopt resolution #6; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

**RESOLUTION #7** to approve the new hire of John Saviano as an MEO driver for the Department of Public Works effective with the start date of February 11, 2014 subject to a physical by the Village Physician and fingerprint check clearance. 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** approving payment of vouchers in the amount of \$324,959.94, consisting of Abstract #32 for \$271,088.60, Abstract #33 for \$18,907.34 and Abstract #34 for \$34,964.00. The three largest invoices paid were: (1) \$125,504.16 for medical insurance premiums for the month of February 2014, (2) \$15,174.82 for membership in the Westchester Library System for the period January 1 to June 30, 2014 and (3) \$11,756.80 for electric charges for the month of December 2013. 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** designating Friday, April 25th as Arbor Day in the Village of Tuckahoe. 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.

**DPW-** Frank DiMarco welcomed John Saviano. He urged residents not to throw snow in the street and to bear with the DPW crew as they clear the roads.

**Trustee Giordano** reported the Zoning meeting has been changed to February 20<sup>th</sup>. Planning will meet on February 19<sup>th</sup>. He thanked the DPW for a job well done in clearing the snow.

**Trustee Quigley** announced the upcoming Library events and thanked DPW for snow removal.

**Trustee Luisi** announced upcoming Seniors' events; a guest speaker will be speaking about the history of St. Paul's Church in Mt. Vernon at Fr. Fata Hall on February 11<sup>th</sup>. He thanked all who donated canned goods for the ECAP drive. He urged residents to be patient during snow removal and to abide by the snow emergency street signs.

**Trustee Hayes** reported on the following: Environmental Committee meeting will be taking place next Wednesday, February 19th at 7:30pm; Tree Committee will meet this Wednesday, March 5<sup>th</sup> at 7:30pm. The next edition of the Village Newsletter is being worked on and expect to have it completed next week and then will be distributed to all residents and posted on the Village website. She thanked DPW and the police for their work during the snow storm.

Motion by Mayor Ecklund seconded by Trustee Luisi and unanimously carried for the Village Board to go into Executive Session.

Motion by Mayor Ecklund seconded by Trustee Giordano to allow Camille DiSalvo and John Cavallaro in the Executive Session unanimously carried to allow Camille DiSalvo and John Cavallaro in the Executive Session.

Motion by Mayor Ecklund seconded by Trustee Quigley and unanimously carried to end Executive Session.

There being no further business, the unanimously voted to adjourn the meeting at 10:00PM.

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Susan Ciamarra, Village Clerk