

April 13, 2009

Budget Hearing/ Regular Meeting of Board of Trustees
Called to order 8:00 PM

The meeting opened with the PLEDGE OF ALLEGIANCE

Present: TRUSTEE ECKLOND
TRUSTEE MARCOCCIA
TRUSTEE GORMAN
TRUSTEE COLEMAN
MAYOR FITZPATRICK

IV. SPECIAL PRESENTATION(S)

V. PUBLIC HEARINGS

PUBLIC HEARING I.

TENTATIVE BUDGET FISCAL YEAR JUNE 1, 2009 – MAY 31, 2010

Notice is hereby given that a public hearing will be held in Village Hall, 65 Main Street, Tuckahoe, New York at 8:00 PM on Monday, April 13, 2009 to consider the annual budget of the Village of Tuckahoe for the fiscal year beginning June 1, 2009 to May 31, 2010, 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	\$5,075.00

BY ORDER OF THE BOARD OF TRUSTEES

Trustee Gorman motioned to open public hearing was seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.

Treasurer Pintos gave a brief overview of the tentative budget and said every department worked very hard to bring the budget to where it is now.

A discussion followed between board members and the Treasurer about budgeted amounts for sales tax and mortgage tax revenue and the higher pension costs that will not have an affect on this year's budget but will next year. The Mayor made mention of the \$35,000 savings in dental premiums.

Trustee Gorman noted that department heads had made many cuts without jeopardizing services to the Village.

Trustee Coleman thanked the department heads for their work and the cuts that were made.

Trustee Coleman motioned to keep continue public hearing open seconded by Trustee Gorman and upon roll call was carried by a vote 5-0.

PUBLIC HEARING II.

CONTINUATION OF PUBLIC HEARING ON A PROPOSED LOCAL LAW TO REZONE THE MARBLEDALE ROAD INDUSTRIAL CORRIDOR TO A GENERAL BUSINESS OR COMMERCIAL ZONING DISTRICT IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE VILLAGE COMPREHENSIVE PLAN, ADOPTED MAY 2008.

Trustee Ecklund motioned to open public hearing was seconded by Trustee Gorman and upon roll call was carried by a vote 5-0.

Edwin Stowe, 4 Marble Place questioned and asked for a listing of the uses for the Marbledale Rd. corridor.

Village Attorney Cavallaro outlined the uses and Mayor Fitzpatrick added that presently there is a developer who seems to have an interest in that area but anything at this point is speculation.

Trustee Ecklund motioned to continue public hearing was seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.

PUBLIC HEARING III.

CONTINUATION OF PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1967, ENTITLED "DANCE HALLS AND CABARETS"

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 March 30, 2009.

WHEREAS, the Mayor has requested legislation amending Section 109 entitled "Licensing" of Local Law No. 1 of 1967 entitled, "Dance Halls and Cabarets"; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 19th day of March 2009; and

WHEREAS, said public hearing was duly held on the 30th day of March 2009, 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 102(B) entitled "License Required" of Local Law No. 1 of 1967, entitled "Dance Halls and Cabarets", is hereby amended as follows:

B. All of the provisions of this law shall apply to limited cabarets except as otherwise stated, and further except that limited cabarets shall not be required to meet the location requirements of § 1190 relating to off-street parking and that limited cabarets may be within 500 feet of a residential zoning district.

Section 2. Section 109(A)(17), entitled "Licensing" of Local Law No. 1 of 1967, entitled "Dance Halls and Cabarets", is hereby amended as follows:

(17) Affix to the application two (2) copies of a scale drawing showing the dimensions of all occupied rooms, the locations of all tables, the width of aisles between tables, the width of aisles between tables and walls, posts, poles, bars, stages and other fixtures, appurtenances and appliances and the location of all exits, exit signs and emergency lighting. This requirement shall not apply to applications for licenses pertaining to limited cabarets.

Section 3. Section 109(C), entitled "Licensing" of Local Law No. 1 of 1967, entitled "Dance Halls and Cabarets", is hereby amended as follows:

Except for applicants for limited cabaret licenses, [All] all persons described on Section 109A(1), (3), (4) and (5) shall be fingerprinted before their application for a cabaret license or [limited cabaret] dance hall license is submitted. An application shall be deemed incomplete and automatically denied if any of the persons enumerated in said subsections have not submitted their fingerprints with said application. Fingerprints shall be submitted upon the form or forms adopted by the Village Board and on applicable forms of the New York State Division of Criminal Justice Services. Fees incident to such fingerprinting shall be paid by the applicant. The fees and fingerprints shall be submitted to the New York State Division of Criminal Justice Services. Notwithstanding any provision of this local law to the contrary, the Chief of Police shall receive and review the criminal history information, if any, provided by the New York State Division of Criminal Justice Services and shall be the only officer of the Village to receive and review the criminal history information, if any, provided by the New York State Division of Criminal Justice Services. The review and determination by the Chief of Police of an applicant's suitability for licensing shall be in compliance with Article 23-A of the New York State Correction Law.

Section 4. 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 5. This Local Law shall take effect immediately.

Section 6. 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 Gorman motioned to open public hearing was seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.

Shannon Manges of the Thomas Stone Restaurant questioned whether a singer with a piano would trigger a cabaret license.

A discussion followed; Chief Costanzo explained the difference between a regular cabaret license, a limited cabaret and a special permit. Due to questions raised, the board felt additional time is needed to review this law.

Trustee Ecklund motioned to keep public hearing opened was seconded by Trustee Marcoccia and upon roll call was carried by a vote 5-0.

VI. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

RESOLUTIONS -

- 1. Mayor Fitzpatrick offered a Resolution** to waive residency requirement for Camille DiSalvo, Deputy Village Clerk, Stella Marchionna, Deputy Treasurer, John Pintos, Treasurer, John Cavallaro, Village Attorney, Bill Williams, Building Inspector/Facilities Manager.

Trustee Ecklund made a motion to adopt resolution #1, seconded by Trustee Gorman and upon roll call was carried by a vote 5-0.

- 2. Mayor Fitzpatrick offered a Resolution** authorizing payment of vouchers in the amount of \$271,526.92 consisting of abstract #40 for \$39,836.22; abstract #41 for \$217,852.90 and abstract #43 for 18,837.80. The largest are: Health Insurance premium for April \$100,168.30; NYPower Authority \$12,912.06 Electricity; United Water \$16,228.59 quarterly rental for underground piping for hydrants and for water usage.

Trustee Gorman made a motion to adopt resolution #2, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.

- 3. Mayor Fitzpatrick offered a Resolution** to accept a donation of \$2,960 from the Generoso Pope Foundation for the Easter Egg Hunt Family Event held on Saturday, April 11th.

Trustee Coleman made a motion to adopt resolution #3, seconded by Trustee Gorman and upon roll call was carried by a vote 5-0.

- 4. Mayor Fitzpatrick offered a Resolution** authorizing the issuance of a special cabaret license to Joe's Quarry Inn for April 18th from 9 pm to 12 midnight with type of music "Top 40s – 4pc band)

Trustee Ecklund made a motion to adopt resolution #4, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.

5. Mayor Fitzpatrick offered bond resolutions listed below for approval:

I. BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUCKAHOE, WESTCHESTER COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING CERTAIN IMPROVEMENTS TO THE WINDOWS AT THE VILLAGE HALL; ESTIMATING THE TOTAL COST THEREOF IS \$36,000; APPROPRIATING SAID AMOUNT THEREFORE; AND AUTHORIZING THE ISSUANCE OF \$36,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustee of the Village of Tuckahoe (the "Board") is considering the authorizing certain improvements to the windows at the Village Hall consisting of the installation of an energy-saving window coating, at a total estimated maximum cost of \$36,000 (the "Project"); and

WHEREAS, the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that it will not have a significant impact on the environment, and that no further actions or proceedings are required to be taken under SEQRA; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village's serial bonds or bond anticipation notes to finance said appropriation;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF TUCKAHOE, WESTCHESTER COUNTY, NEW YORK (the "Village") HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

Section 1. The Village is hereby authorized to issue up to \$36,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

Section 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$36,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of up to \$36,000 in serial bonds of the Village authorized to be issued pursuant to Section 1 of this resolution or bond anticipation notes issued in anticipation of such serial bonds.

Section 3. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is five (5) years, pursuant to subdivision a.32 of the Law. The final maturity of the bonds herein authorized to be issued shall not

be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this resolution.

Section 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00(d)(3)(1) of the Law.

Section 5. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

Section 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer of the Village, as the chief fiscal officer of the Village (the "Village Treasurer").

Section 8. The Village Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code")

and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 9. The Village Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 10. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Board.

Section 11. The Village Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

Section 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

The following vote was taken and recorded in the public or open session of said meeting:

Steve Ecklund	VOTING	Aye
Luigi Marcoccia	VOTING	Aye
Clare Gorman	VOTING	Aye
Margaret Coleman	VOTING	Aye
Mayor John Fitzpatrick	VOTING	Aye

This resolution shall take effect immediately. - Dated: April 13, 2009

II. BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUCKAHOE, WESTCHESTER COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE PURCHASE OF TWO TRUCKS; ESTIMATING THE TOTAL COST THEREOF IS \$125,000; APPROPRIATING

**SAID AMOUNT THEREFORE; AND AUTHORIZING THE
ISSUANCE OF \$125,000 IN SERIAL BONDS OF THE
VILLAGE TO FINANCE SAID APPROPRIATION**

WHEREAS, the Board of Trustee of the Village of Tuckahoe (the "Board") is considering the authorizing the purchase of two trucks for use by the Department of Public Works consisting of a dump truck and a truck outfitted with a "scoop" used in clearing blocked sewers, at a total estimated combined maximum cost of \$125,000 ("the Project"); and

WHEREAS, the Project constitutes an "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and therefore no further action under SEQRA with respect thereto needs be taken by the Board of Trustees; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village's serial bonds and bond anticipation notes to be issued to finance said appropriation;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF TUCKAHOE, WESTCHESTER COUNTY, NEW YORK (the "Village") HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

Section 1. The Village is hereby authorized to undertake the purchase of two trucks for use by the Department of Public Works consisting of a dump truck and a truck outfitted with a "scoop" used in clearing blocked sewers, at a total estimated combined maximum cost of \$125,000 ("the "Project"), and is hereby authorized to issue up to \$125,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

Section 2. It is hereby determined that the maximum estimated aggregate cost of the aforementioned specific objects or purposes is \$125,000, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of up to \$125,000 principal amount of serial bonds of the Village authorized to be issued pursuant to Section 1 of this resolution or bond anticipation notes issued in anticipation of such serial bonds.

Section 3. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision a.28. of Section 11.00 of the Law.

Section 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subdivision d.3(1) of Section 107.00 of the Law.

Section 5. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

Section 6. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this resolution.

Section 7. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, and Sections 62.10 and 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer of the Village, as the chief fiscal officer of the Village (the "Village Treasurer"). Further, the power to issue and sell bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the law is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of Local Finance Law. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section

57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Village Treasurer.

Section 9. The Village Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 10. The Village Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 11. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

Section 12. In accordance with Section 36.00 of the Law, this resolution is subject to permissive referendum in the manner prescribed by Article 9 of the Village Law of the State of New York (the "Village Law"). The Village Clerk is authorized and directed, within ten (10) days after the date of adoption of this resolution by the Board, to post and publish a notice with respect to this resolution satisfying the requirements of Section 9-900 of the Village Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Village for such purposes.

Section 13. In accordance with the Village Law, this resolution will take effect thirty days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Village Clerk a petition, subscribed and acknowledged by at least twenty percent (20%) qualified electors of the Village, as shown on the Village's register of electors for the last general Village election, protesting against this resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Village. If such a qualifying petition is filed, a proposition for approval of this resolution shall be submitted at a special Village election held not less than ten and not more than sixty days after the filing of such petition. As soon as reasonably possible after the date that this resolution takes effect, the Village Clerk is hereby authorized and directed to cause a copy of this Resolution to be published in full in the official

newspaper of the Village for such purposes, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

Section 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

The following vote was taken and recorded in the public or open session of said meeting, which resulted as follows:

The resolution was thereupon declared duly adopted.

Steve Ecklund	VOTING	Aye
Luigi Marcoccia	VOTING	Aye
Clare Gorman	VOTING	Aye
Margaret Coleman	VOTING	Aye
Mayor John Fitzpatrick	VOTING	Aye

The resolution was thereupon declared duly adopted. -Dated: April 13, 2009

III. BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUCKAHOE, WESTCHESTER COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE CONSTRUCTION OF A NEW OFFICE BUILDING FOR THE DEPARTMENT OF PUBLIC WORKS; ESTIMATING THE TOTAL COST THEREOF IS \$300,000; APPROPRIATING SAID AMOUNT THEREFORE; AND AUTHORIZING THE ISSUANCE OF \$300,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustee of the Village of Tuckahoe (the "Board") is considering the authorizing of the construction of a one-story, 1,440 square foot office building with gable roof, at 15 Marbledale Road located within the Village, to replace a building that was previously demolished by the Village in the south east corner of the site, to house the Village's Department of Public Works, related site work improvements, items and services, at a total estimated maximum cost of \$300,000 (the "Project"); and

WHEREAS, the Board, acting as lead agency under SEQRA, has previously determined that the Project constitutes an “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA”) and therefore no further action under SEQRA with respect thereto needs be taken by the Board of Trustees; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village’s serial bonds and bond anticipation notes to be issued to finance said appropriation;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF TUCKAHOE, WESTCHESTER COUNTY, NEW YORK (the “Village”) HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

Section 1. The Village is hereby authorized to undertake the construction of a one-story, 1,440 square foot office building with gable roof, at 15 Marbledale Road located within the Village, to replace a building that was previously demolished by the Village in the south east corner of the site, to house the Town’s Department of Public Works, related site work improvements, items and services, at a total estimated maximum cost of \$300,000 (the “Project”), and is hereby authorized to issue up to \$300,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance the estimated cost of the Project.

Section 2. It is hereby determined that the maximum estimated aggregate cost of the aforementioned specific objects or purposes is \$300,000, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of the issuance of up to \$300,000 principal amount of serial bonds of the Village authorized to be issued pursuant to Section 1 of this resolution or bond anticipation notes issued in anticipation of such serial bonds.

Section 3. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is thirty (30) years, pursuant to subdivision a.11(a) of Section 11.00 of the Law.

Section 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subdivision d.9. of Section 107.00 of the Law.

Section 5. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. This resolution shall

constitute a declaration of official intent to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

Section 6. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this resolution.

Section 7. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, and Sections 62.10 and 63.00 of the Law, the powers and duties of the Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer of the Village, as the chief fiscal officer of the Village (the "Village Treasurer"). Further, the power to issue and sell bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the law is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of Local Finance Law. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Village Treasurer.

Section 9. The Village Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status

of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 10. The Village Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 11. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

Section 12. In accordance with Section 36.00 of the Law, this resolution is subject to permissive referendum in the manner prescribed by Article 9 of the Village Law of the State of New York (the "Village Law"). The Village Clerk is authorized and directed, within ten (10) days after the date of adoption of this resolution by the Board, to post and publish a notice with respect to this resolution satisfying the requirements of Section 9-900 of the Village Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Village for such purposes.

Section 13. In accordance with the Village Law, this resolution will take effect thirty days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Village Clerk a petition, subscribed and acknowledged by at least twenty percent (20%) qualified electors of the Village, as shown on the Village's register of electors for the last general Village election, protesting against this resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Village. If such a qualifying petition is filed, a proposition for approval of this resolution shall be submitted at a special Village election held not less than ten and not more than sixty days after the filing of such petition. As soon as reasonably possible after the date that this resolution takes effect, the Village Clerk is hereby authorized and directed to cause a copy of this Resolution to be published in full in the official newspaper of the Village for such purposes, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

Section 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

The following vote was taken and recorded in the public or open session of said meeting, which resulted as follows:

Steve Ecklund	VOTING	Aye
Luigi Marcoccia	VOTING	Aye
Clare Gorman	VOTING	Aye
Margaret Coleman	VOTING	Aye
Mayor John Fitzpatrick	VOTING	Aye

The resolution was thereupon declared duly adopted. - Dated: April 13, 2009

VII. APPOINTMENTS –

Trustee Ecklund made a motion to appoint Ernie Zocchi Village Historian, seconded by Trustee Gorman and upon roll call was carried by a vote 5-0.

VIII. APPROVAL OF MINUTES –

Trustee Gorman made a motion to approve the minutes of the Regular Meeting of March 30, 2009, seconded by Trustee Ecklund and upon roll call was carried by a vote 5-0.

Trustee Gorman made a motion to approve the minutes of the Reorganization Meeting of April 6, 2009, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.

IX. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS –

X. CORRESPONDENCE

XI. MISCELLANEOUS BUSINESS –

The Village Board called for a Special Meeting on Monday, April 27, 2009, at 8PM to consider the adoption of the 2009/2010 budget.

XII. BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE ECKLOND announced Arbor Day is April 27.**

- **TRUSTEE MARCOCCIA** reminded residents that Verizon will be soliciting for FIOS services in the Village the week of April 13th to the 18th.
- **TRUSTEE GORMAN** announced the upcoming meetings of the Zoning, Planning, Sign & Awning, Environmental and Tree Committees. In response to complaints, 81 Lincoln Avenue has been cleaned up. April 19th the Shredder will be in Depot Square. April 26 will be a USO Tour at Concordia College. The Memorial Day Parade is May 25. Mike Fix showcase a Heroes display in Eastchester Town Hall on April 21 & 22.
- **TRUSTEE COLEMAN** said the Tuckahoe Eastchester Lions Spaghetti dinner is April 17 and the Youth Advisory meeting is April 16. She thanked the Generoso Pope Foundation for funding the Easter Egg Hunt event and Ginger Crosby as the Easter Bunny.
- **MAYOR FITZPATRICK** said he received a fax from Rev. Edward Robinson of the Youth Club of New York about soliciting in the Village either on April 14th or 15th; the youth will be between the ages of 14-17 and as a nonprofit group they do not need Board approval. The Clerk said they intend to solicit 4 to 8 times a year. He made mention that homes in foreclosure are being cleaned up. He asked that residents let the Village know when a home becomes vacant for concern that it may become a hang out for kids. Susan Ciamarra made mention of the Crestwood Street Fair event scheduled for May 3rd and noted that it's possible that it may not take place for lack of vendors.

XIII. SECOND OPPORTUNITY TO ADDRESS THE BOARD

Mayor John Fitzpatrick adjourned the meeting at 9:30 PM.

Susan Ciamarra