

August 20, 2012

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

PRESENT:

TRUSTEE Giordano

TRUSTEE Quigley

TRUSTEE Luisi

TRUSTEE Hayes

MAYOR Ecklund

The meeting opened with the Salute to the Flag and Pledge of Allegiance.

Mayor Ecklund recognized Raymond Palma on his retirement from the Dept. of Public Works after 31 years of service and presented him a plaque on behalf of the board. Ray thanked the Mayor and the Board.

Mayor Ecklund recognized Melvin Banks on his retirement from the Dept. of Public Works after 32 years of service and presented him with a plaque from the board.

Melvin thanked the Board and the Mayor and said that Tuckahoe is one of the greatest places to live and work.

Frank DiMarco said that the two men are testaments to what this department does. He also made mention that Ray served as the Shop Steward and played an important role in making the department run cost effectively.

John Richman made a presentation on behalf of Streetworks Development outlining the various public and Off-site improvements that will be made in connection with the recently approved development for the 300-308 Columbus Avenue site.

A presentation by Karen Ashton of the US Army Corp of Engineers on the status of the Yonkers Avenue Streambank Project has been postponed.

PUBLIC HEARINGS

RESOLUTION #1 A RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF TUCKAHOE DETERMINING THAT THERE ARE NO ADVERSE IMPACTS ON THE ENVIRONMENT FROM THE ADOPTION OF A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1967, ENTITLED "DANCE HALLS AND CABARETS," AS AMENDED

WHEREAS, the Village Board of Trustees is adopting a Local Law to amend Sections 111 and 112 entitled "License" and "License Fees" respectively of Local Law No. 1 of 1967 entitled, "Dance Halls and Cabarets," as amended; and

WHEREAS, the possible environmental impacts of the adoption of this Local Law have been considered by the Village Board;

NOW THEREFORE BE IT RESOLVED,

Section 1. That the Village Board of Trustees has determined that the adoption of a Local Law to amend Sections 111 and 112 entitled "License" and "License Fees" respectively of Local Law No. 1 of 1967 entitled, "Dance Halls and Cabarets," as amended will not have significant adverse impacts on the environment.

Section 2. That this resolution shall take effect immediately.

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

PUBLIC HEARING 1.

Trustee Quigley motioned to reopen public hearing; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

LOCAL LAW NO. 2 OF 2012

A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1967, ENTITLED "DANCE HALLS AND CABARETS," AS AMENDED

At a regular meeting of the Village Board of Trustees ("Village Board") of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on August 20, 2012.

WHEREAS, the Village Clerk has requested legislation amending Sections 111 and 112 entitled "License" and "License Fees" respectively of Local Law No. 1 of 1967 entitled, "Dance Halls and Cabarets," as amended; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 21st day of June 2012; and

WHEREAS, said public hearing was duly held on July 16, 2012 and August 20, 2012, 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, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) it has been determined by the Village Board of said Village that adoption of said proposed Local Law would not have a significant effect upon the environment; and

WHEREAS, the Village Board adopts a negative declaration pursuant to SEQRA and its implementing regulations; 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 111 entitled “License” of Local Law No. 1 of 1967, as amended, and entitled “Dance Halls and Cabarets” is hereby amended as follows:

Upon compliance with the terms of this law by the applicant or applicants, the Village Clerk, upon payment of the license fee herein fixed, shall issue to the applicant a license to conduct and maintain a cabaret or public dance hall in the location applied for during the term and in accordance with the other provisions of this law. Licenses issued pursuant to this section, except conditional licenses, shall be issued for a maximum of [six] twelve months. The effective periods of all licenses shall be November 1 through October 31. All licenses shall expire on October 31. The Clerk, after approval by the Board of Trustees, may issue a conditional license for a period of not less than one month.

Section 2. Section 112 entitled “License Fees” of Local Law No. 1 of 1967, as amended, and entitled “Dance Halls and Cabarets,” is hereby amended as follows:

The license fee shall be the sum of [\$75] \$150 per [six-month] twelve-month license period or any fraction thereof for a public dance hall or cabaret and said sum is hereby determined to be the reasonable cost to the Village for the investigation of the application, the issuance and recording of the license and the subsequent supervision of the premises as herein provided.

Section 3. If any section of this Local Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Local Law.

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

Trustee Quigley motioned to adopt Local Law #2 of the Year 2012; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION 2. A RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF TUCKAHOE DETERMINING THAT THERE ARE NO ADVERSE IMPACTS ON THE ENVIRONMENT FROM THE ADOPTION OF A LOCAL LAW AMENDING AND SUPPLEMENTING CHAPTER 15, ARTICLE II, SECTIONS 15-30 THROUGH 15-34 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE CONCERNING THE REGULATION OF SMOKING IN CERTAIN PUBLIC AREAS

WHEREAS, the Village Board of Trustees is adopting a Local Law to amend and supplement Chapter 15, Article II, Sections 15-30 through 15-34 of the Village Code of the Village of Tuckahoe concerning the regulation of smoking in certain public areas; and

WHEREAS, the possible environmental impacts of the adoption of this Local Law have been considered by the Village Board;

NOW THEREFORE BE IT RESOLVED,

Section 1. That the Village Board of Trustees has determined that the adoption of a Local Law to amend and supplement Chapter 15, Article II, Sections 15-30 through 15-34 of the Village Code of the Village of Tuckahoe concerning the regulation of smoking in certain public areas will not have significant adverse impacts on the environment.

Section 2. That this resolution shall take effect immediately.

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

PUBLIC HEARING #2

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

Makeda James from the Westchester Coalition for POW'R Against Tobacco praised and thanked the Village Board for promoting smoke free living.

LOCAL LAW NO.3 - 2012

A LOCAL LAW AMENDING AND SUPPLEMENTING CHAPTER 15, ARTICLE II, SECTIONS 15-30 THROUGH 15-34 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE CONCERNING THE REGULATION OF SMOKING IN CERTAIN PUBLIC AREAS

At a regular meeting of the Village Board of Trustees of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on August 20, 2012.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 16th day of July 2012, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties as to whether a proposed Local Law concerning the regulation of smoking in certain public areas in the Village of Tuckahoe should be adopted and enacted; and

WHEREAS, the proposed Local Law would amend and supplement Chapter 15, Article II, Sections 15-30 through 15-34 of the Village Code of the Village of Tuckahoe; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on June 21, 2012; and

WHEREAS, a public hearing was duly held on July 16, 2012 and August 20, 2012, 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, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) it has been determined by the Village Board of Trustees of said Village that the adoption of said proposed Local Law would not have a significant effect upon the environment; and

WHEREAS, the Village Board of Trustees adopts a negative declaration pursuant to SEQRA and its implementing regulations; and

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

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

Section 1.

Article II of Chapter 15, entitled “Miscellaneous Offenses and Provisions,” of the Village Code of the Village of Tuckahoe is hereby supplemented (by adding an Article II entitled, “Ban on Smoking”) and amended as follows:

Section 15-30. Definitions.

As used in this article, the following terms shall have the meanings indicated:

Ball Field

Any public property owned or maintained by the Village of Tuckahoe, Town of Eastchester or County of Westchester and, which is located within the Village of Tuckahoe, which is to be used for sporting events, such as but not limited to, baseball, softball, basketball, soccer or football.

Playground

An outdoor area owned or maintained by the Village of Tuckahoe and designated for children to play, often containing equipment, including, but not limited to, a seesaw, merry-go-round, swingset, slide, jungle gym, chin-up bars, sandbox, springrider, monkeybars, overhead ladder, trapeze rings, playhouses, and mazes, now or hereafter under the jurisdiction, charge or control of the Village Department of Public Works.

Smoking

The burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco.

Section 15-31. Ban on Smoking in Municipal Buildings.

The Village Board of Trustees of the Village of Tuckahoe does hereby ban smoking in all municipal buildings in the Village of Tuckahoe and within and on or within fifty (50) feet of the children's play area located within the Village Hall parking lot.

Section 15-32. Ban on Smoking in the Department of Public Works Yard.

The Village Board of Trustees of the Village of Tuckahoe does hereby ban smoking in all parts of the Village Department of Public Works Yard, except as to that specific area designated as a smoking area within such yard.

Section 15-33. Ban on Smoking in Village Parks and Ball Fields.

The Village Board of Trustees of the Village of Tuckahoe does hereby ban smoking in all Village Parks and Ball Fields located within the Village of Tuckahoe.

Section 15-34. Ban on Smoking in Village Playgrounds.

The Village Board of Trustees of the Village of Tuckahoe does hereby ban smoking in any Village Playground, or within fifty (50) feet of any play equipment under the jurisdiction of the Village Department of Public Works; provided, however, that this Section shall not apply to the sidewalks immediately adjoining the playgrounds.

Section 15-35. Enforcement.

Any violation of Chapter 15, Article II shall result in a penalty and/or fine in accordance with the general penalty and continuing violations provisions of Section 1-7 of the Village Code of the Village of Tuckahoe.

This Local Law shall be enforceable by the officers of the Village of Tuckahoe Police Department and the Code Enforcement Officer of the Village of Tuckahoe.

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.

Should any section, sub-section, paragraph, sentence, clause, provision or phrase of this Local Law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any other portion of this Local Law.

Section 4. This Local Law shall take effect immediately.

Section 5. 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 Hayes and upon roll call, motion was carried by a vote of 5-0.

Trustee Quigley motioned to adopt Local Law #3 of the year 2012; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

Trustee Quigley motioned to approve the minutes of the regular meeting of Jul 16, 2012; motion was seconded by Trustee Luisi and upon roll call, was carried by a vote of 5-0.

APPOINTMENTS

Mayor Ecklund called for the re-appointment of Frank Travers as a member of the Ethics Board to a three year term to expire April 1, 2015; Trustee Giordano motioned to re-appoint Frank Travers, was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

Mayor Ecklund called for the appointment of Donald Crosby as member of the Tuckahoe Housing Authority for a five year term to expire on July 5, 2017; Trustee Quigley motioned to appoint Donald Crosby, was seconded by Trustee Hayes and upon roll call was carried by a vote of 5-0.

FIRST OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

Andrew Zirolnik, TPO President, gave a brief overview of the recently negotiated Tuckahoe Police contract.

RESOLUTION #3 Ratifying Village Board action approving Tuckahoe Housing Authority request to close Washington Street beginning at Main Street and to close Union Place to that portion that meets Washington Street for THA's annual family day on August 18th, rain date August 19th from 9am to 11pm. Trustee Quigley motioned 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 Ratifying Village Board action approving the Westchester Cultural Center request for a \$2,500 grant to help fund three outdoor movies "Cinema Sotto Le Stelle" to be shown over the summer months. Trustee Quigley motioned 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 to approve the hiring of Joseph Marzella as Laborer for the Department of Public Works with the effective start date of August 21, 2012. Trustee Quigley motioned to adopt resolution #5; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #6 authorizing the Mayor to sign an Inter-municipal agreement between the Village of Tuckahoe and the County of Westchester for the enforcement of For-Hire Vehicles law. Document is available for inspection at the Village Clerk’s office and at meeting. Trustee Quigley motioned to adopt resolution #6; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #7 creating a two hour overtime parking restriction on Rogers Street between Circuit Avenue and Maynard Street. Trustee Luisi motioned to adopt resolution #7; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #8 authorizing the ceremonial renaming of Dante Avenue Extension (between Columbus Avenue and Dante Avenue) located in the Village of Tuckahoe to “Medal of Honor SSGt. Robert C. Murray Way.” Trustee Quigley motioned to adopt resolution #8; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #9 approving request received from Alex Bonci, Athletic Director, Tuckahoe High School, for permission to use the Tennis Court at Main Street Park for the High School Varsity Tennis Team during Fall 2012 and Spring 2013 season. The Girls Varsity team will use the court from Monday, August 20, 2012 – Friday, November 30, 2012 from 3:15pm to 6pm and the Varsity Boys team beginning Monday, March 11, 2013 – Friday, June 21, 2013 from 3:15pm to 6pm. A certificate of insurance will be provided. Trustee Giordano motioned to adopt resolution #9; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #10 authorizing the advertising for bids in connection with the project know as the Village of Tuckahoe Police Department Youth Bureau Project. Trustee Giordano motioned 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 authorizing the Mayor to execute an agreement between the Village of Tuckahoe and Wheelabrator Westchester, L.P, One Charles Point Avenue, Peekskill, N.Y. for the destruction of seized control substances. Document is available for inspection at the Village Clerk’s office and at meeting. Trustee Quigley motioned to adopt resolution #11; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #12 ratifying the Mayor’s execution of a Memorandum of Agreement between the Village of Tuckahoe and the Tuckahoe Police Organization for the period June 1, 2010 to May 31, 2015.

VILLAGE OF TUCKAHOE
And
TUCKAHOE POLICE ORGANIZATION

MEMORANDUM OF AGREEMENT

June 1, 2010 to May 31, 2015

Amended

1. All terms and conditions of prior contract continue except as amended by this Memorandum of Agreement.
2. Duration: Five Year Contract. (Article 28)
3. Medical Plan (Article 13): Employee Contribution (family or individual coverage)
 - < 6 months: 100%
 - ≤ 6 months to completion of 4 years of employment for those hired before June 1, 2012: 25%
 - ≤ 6 months to completion of 6 years of employment for those hired on or after June 1, 2012: 25%

Thereafter:

For Employees hired on or after June 1, 2012, commencing upon completion of 6 years: 12%

For Employees hired before June 1, 2012, commencing upon completion of 4 years:

Effective: June 1, 2012: 5%

Effective: June 1, 2014: 8%

Adopt contribution formulation applicable in the event that alternative forms of coverage are adopted other than individual and family coverage.

4. Salaries: (Article 4) Effective 6/1/10 no increase
 - “ “ 6/1/11 2.7% increase
 - “ “ 6/1/12 2.5% increase
 - “ “ 6/1/13 2.5% increase
 - “ “ 6/1/14 2.25% increase

5. Detective Differential: (Article 4 (B)) Effective 6/1/10

1 through 5 years in grade.....\$3,000.00
6 years and above.....\$6,000.00

Detective Clothing allowance shall be increased by \$200.00 per year effective June 1, 2012.

6. Longevity: (Article 5): Increase at all levels:

\$200 effective June 1, 2012, and an additional
\$300 effective June 1, 2014

7. Vacations: (Article 8): Increase entitlement at each level by 2 days, effective June 1, 2012. These additional vacation days shall be part of the mandatory pick, and shall not be treated as Reserved Vacation Days.

8. Drug/Alcohol Testing Procedure. See attached language.
9. No fitness test required on day following midnight tour. (Article 28)
10. Longevity payments pro-rated for members retiring before June 1. (Article 5C)
11. This agreement is subject to ratification by the members of the bargaining unit and by the Village Board of Trustees. The negotiating committees shall recommend ratification to their respective bodies.

Dated: August 2, 2012

ACCEPTED AND AGREED TO AS STATED ABOVE:

For the Village of Tuckahoe

For the Tuckahoe Police Organization

By: Mayor Steven A. Ecklund

By: Andrew Zirolnik, Pres.

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

Mayor Ecklund stated the last contract expired a little over 2 years ago May 31, 2010. Negotiations actually started in 2009 with former Mayor John Fitzpatrick. After taking office he continued negotiations with Deputy Mayor Giordano and labor attorney Chris Harold. Earlier this year we agreed to an impasse in our negotiations and we were at a stalemate. This allowed us to continue the negotiations with a mediator which was done by ways of mediation. Factors in the bargaining were to require the Tuckahoe Police Dept. members to contribute to the medical plan and were successful in that endeavor. In addition, he was looking to secure a longer term contract to help stabilize expenses for the next couple of years. Had this gone to binding arbitration, it would have produced a 2 year contract that would have expired a couple of months ago. The Mayor said he was pleased to announce that a 5 year contract was agreed to with an average salary increase of less than 2 percent a year. He added that the Board has done their job reflecting the economic climate that we live in today and the members will contribute to the cost of medical insurance. He thanked Deputy Mayor Giordano and Chris Harold.

Trustee Giordano echoed the Mayor's sentiments. He acknowledged prior discussions regarding what has occurred and the accomplishment of finalizing this win for both parties. There is an underlying problem of assumptions of growth that have not occurred. This agreement makes an effort on both sides. It won't solve the problem but reflects that everyone is going to contribute otherwise the only losers are the children. The children will suffer the burden in generations to come. Trustee Giordano thanked both sides. The duty at hand is sustaining and bettering our Village. We hope in the future the economy will be better and that these problems are less. He applauded both sides. To be able to move forward and not focus on the fight is where there is real value.

Trustee Quigley said that this was discussed at length at Thursday's work session. It is always a tricky proposition to keep a balance with what the employees are entitled to and what the tax payers are entitled to. Going forward new hires will contribute more. We are trying not to undermine what has been promised. In law we know we have a good agreement when both parties are unhappy. We are all unsatisfied but we are all equally unsatisfied.

Trustee Luisi felt he did not have as much time as he would have liked to digest this contract and discuss it with fellow board members. He was going to speak out of both sides of his mouth saying he hopes everyone understands where he is coming from. He commented that a zero on a contract, from a union standpoint it is a no-no. From the Village standpoint it is a major con to be able to have the union agree to a zero increase in the first year of contract the benefit being that there is no retro being paid. On the other side he applauds that the police officers are now paying into the medical program. On the other side, I don't like when the rules of the game are changed midway. Unfortunately, municipalities across the state are paying for their benefits. Suffolk County just froze their police department's contract until 2020 sitting at \$42,000, Mt. Kisco has them paying retro into their medical contributions. It's a trend that's becoming more and more popular during collectively bargaining processes. This is what is called a collective bargaining. I know it was a hard fought battle on both sides. Not everyone is happy but it is the best that we can come up with.

Trustee Hayes thanked Officer Andrew for coming and speaking. Being a numbers and a hands-on person she would have liked to have had the opportunity to look at the numbers to analyze them, see where they are going and to see what the trends are. The Chief will attest to that. Over the past few days, from the time the agenda was received, she tried to do what she could with what she had; however, she would have liked more time to muddle through everything. Here we are this evening, while the process has been going back and forth over two years, it's finally come to the point where we can take a step forward and finalize this process. She wished she had played a bigger part of that process; perhaps the next go around because it would be a good learning experience to have a more participative input. With that being said we all walk away from this feeling okay.

RESOLUTION #13 accepting donations associated with the Fireworks event held on July 7th: Generoso Pope Foundation \$6,000 and \$4,375 from various other donors. Trustee Quigley motioned to adopt resolution #13; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #14 ratifying Village Board action approving the Westchester Cultural Center request for temporary street closure of Depot Square, Generoso Pope Place and Oak Avenue entrance by Starbucks for three outdoor films scheduled for Thursday, August 16th, Thursday, August 23rd and Thursday, August 30th from 6pm until the end of the event. Trustee Quigley motioned to adopt resolution #14; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #15 authorizing a tax certiorari settlement for Westchester Tile & Marble located at 173 Marbledale Road, Section 39, Block 4, Lot 8 in the amount of \$10,355.43 for assessment years 2007 through 2010. Trustee Giordano motioned to adopt resolution #15; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #16 authorizing a tax certiorari settlement for Grazia Realty LLC located at 181 Marbledale Road, Section 39, Block 4, Lot 7 in the amount of \$12,351.82 for assessment years 2005 through 2011. Trustee Giordano motioned to adopt resolution #16; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #17 to accept proposal of PPI (Power Performance Industries) of 940 Nepperhan Avenue, Yonkers, NY in the amount of \$49,925.00 for emergency repairs to replace a generator at the Department of Public Works. Two other proposals were received ranging in price from \$53,782 to \$55,326. Trustee Giordano motioned to adopt resolution #17; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #18 approving the Eastchester Historical Society request to use the Trolley for a historic presentation of the Ward House hosted by Thomas Jefferson on Thursday, September 13th from 5:30pm to 8:30pm. Trustee Hayes motioned to adopt resolution #18; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #19 authorizing the use of Village streets for the ICS students' Walkathon on Friday, August 26th, rain date, Friday, November 2nd. Walkathon will start at the Church on Winterhill Road at 10:30 AM and proceed down Main Street to the Generoso Pope Foundation returning back to the school at 12noon. Trustee Giordano motioned to adopt resolution #19; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #20 approving payment of vouchers in the amount of \$560,978.61 consisting of Abstract #07 for \$78,696.85, Abstract #08 for \$17,697.70, Abstract #09 for \$385,906.29, Abstract #10 for \$14,349.28, and Abstract #11 for \$64,328.49. The three largest invoices paid were: (1), \$128,453.90 for tax certiorari settlements for real property located 109 Lake Avenue, 164-172 Marbledale Road, 29 Columbus Avenue and 191 Marbledale Road, (2) \$114,581.01 for medical insurance premiums for the month of August 2012 and (3) \$12,975.00 for tree cutting and pruning services throughout the Village. Trustee Giordano motioned to adopt resolution #20; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #21 authorizing John Pintos, Village Treasurer, to attend the NYCOM Fall Training School in Lake Placid, NY from September 10 - 14, 2012. Trustee Giordano motioned to adopt resolution #21; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION # 22 A RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS A CERTAIN APPLICATION FOR APPROVAL OF OFF-SITE AND PUBLIC IMPROVEMENTS FOR THE PREMISES 300-308 COLUMBUS AVENUE, TUCKAHOE, NEW YORK

At a regular meeting of the Village Board of Trustees of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on August 20, 2012.

WHEREAS, the Village Board of Trustees of the Village of Tuckahoe is considering the grant of a certain approval for off-site and public improvements for the premises commonly known as 300-308 Columbus Avenue, Tuckahoe, New York; and

WHEREAS, the project consists of the development of the site with a mixed-use building consisting of 47 residential units (43 studio units and 4 one-bedroom units), 3,600 square feet of commercial space and 61 off-street parking spaces; and

WHEREAS, based on the Environmental Assessment Form (“EAF”), submitted by the Applicant, and any supplemental materials thereto, the Village Board has determined that there will be no significant environmental impacts from this action as it concerns the proposed Project.

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the EAF submitted by the Applicant, and any supplemental materials thereto and the criteria contained in the State Environmental Quality Review Act and its implementing regulations, the Village Board hereby adopts the attached Negative Declaration for this Unlisted Action under the State Environmental Quality Review Act.

Section 2. That this resolution shall take effect immediately.

Trustee Quigley motioned to adopt resolution #22; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION # 23 A RESOLUTION APPROVING THE PUBLIC AND OFF-SITE IMPROVEMENTS IN CONNECTION WITH THE APPLICATION OF STREETWORKS-DEVELOPMENT, LLC FOR THE PREMISES 300-308 COLUMBUS AVENUE, TUCKAHOE, NEW YORK

At a regular meeting of the Village Board of Trustees of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on August 20, 2012.

WHEREAS, STREETWORKS-DEVELOPMENT, LLC (hereinafter the “Applicant”) filed applications with the Village of Tuckahoe Zoning Board of Appeals and Village of Tuckahoe Planning Board to improve the premises commonly known as 300-308 Columbus Avenue, Tuckahoe, New York (hereinafter the “Premises”) with a project consisting of no more than 47 residential units (43 studio units and 4 one-bedroom units) with 3,600 square feet of commercial space and 61 off-street parking spaces (hereinafter the “Project”); and

WHEREAS, in connection with the Project the Applicant proposed certain off-site and public improvements (collectively hereinafter referred to as the “Off-Site Improvements”) as shown on the Approved Plans hereinafter listed below that necessitate the approval of the Village Board of Trustees because such Off-Site Improvements are being made, completed and/or installed in the public right-of-way or on properties owned by the Village of Tuckahoe; and

WHEREAS, on February 8, 2012, the Applicant received conditional approval from the Village of Tuckahoe Zoning Board of Appeals. The Village of Tuckahoe Zoning Board of Appeals granted certain variances and a Special Use Permit to the Applicant in connection with the Project conditioning, among other things, the Zoning Board of Appeals approval on the Applicant's conformance and compliance with certain Approved Plans then submitted in connection with the Project; and

WHEREAS, on July 9, 2012, the Applicant received site plan approval from the Planning Board of the Village of Tuckahoe. The Planning Board of the Village of Tuckahoe, among other things, conditioned its site plan approval on the Applicant's conformance and compliance with certain Approved Plans hereinafter listed below; and

WHEREAS, the Approved Plans hereinafter listed below illustrate, depict, diagram and otherwise show the Off-Site Improvements that are to be made at the Applicant's sole cost and expense in the public right-of-way and on certain properties owned by the Village of Tuckahoe in connection with this Project; and

WHEREAS, the Applicant presently appears before the Village Board of Trustees of the Village of Tuckahoe seeking approval from the Village Board of Trustees for the Off-Site Improvements; and

WHEREAS, the Village Board of Trustees of the Village of Tuckahoe finds it in the best interest of the Village to grant approval for the Off-Site Improvements; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) it has been determined by the Village Board of Trustees of said Village that the adoption of this resolution would not have a significant effect upon the environment; and

WHEREAS, the Village Board of Trustees adopts a negative declaration pursuant to SEQRA and its implementing regulations;

NOW THEREFORE BE IT RESOLVED,

Section 1. That, the Village Board of Trustees of the Village of Tuckahoe hereby approves the Off-Site Improvements as illustrated, depicted, diagramed and otherwise shown on the following Approved Plans. The approval of the Off-Site Improvements granted herein is conditioned upon the development of the Project and use of the property as set forth in the following plans and drawings as listed below (herein referred to as the "Approved Plans"):

1. John Meyer Consulting, PC Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev.</u>	<u>#/Date</u>
SP-1	"Cover Sheet"	10	07/2/2012
SP-2	"Existing Conditions"	8	07/2/2012
SP-3	"Layout and Striping Plan"	15	07/2/2012
SP-4	"Grading & Utilities Plan"	11	07/6/2012
SP-5	"Sediment & Erosion Control Plan"	11	07/6/2012

SP-6	"Landscaping Plan"	10	07/2/2012
SP-7	"Site Cross Sections"	9	07/2/2012
SP-7A	"Site Cross Sections"	7	07/2/2012
SP-7B	"Retaining Wall Elevations"		07/2/2012
SP-8	"Site Details"	8	07/2/2012
SP-9	"Site Details"	8	07/2/2012
SP-10	"Site Details"	9	07/6/2012
SP-11	"Site Details"	9	07/6/2012
SP-12	"Site Lighting Intensity Plan"	1	07/2/2012
SP-13	"Overall Site Plan"		07/2/2012
AT-1	"Automotive Turning Analysis"	6	07/2/2012
AT-2	"Truck Turning Analysis"	6	07/2/2012

2. Street-Works Consulting, LLC Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev. Date</u>
A-101	"Columbus Ave. Plan"	07/02/2012
A-102	"Typical Upper Level "	07/02/2012
A-103	"Top Level Plan"	07/02/2012
A-104	"Roof Plan"	07/02/2012
A-201	"Exterior Elevations"	07/02/2012
A-202	"Exterior Elevations"	07/02/2012
A-301	"Building Perspective"	07/06/2012
A-301a	"Building Perspective w/Trees"	07/06/2012
A-302	"Building Perspective"	07/02/2012
A-302a	"Building Perspective w/Trees"	07/02/2012
A-303	"Shadow Study"	07/02/2012
A-304	"Residential Entry"	07/02/2012
A-305	"Walkway"	07/02/2012
A-306	"Proposed Pocket Park Plan"	07/02/2012
A-307	"Proposed Pocket Park Aerial Perspective"	07/02/2012
A-308	"Proposed Pocket Park Eye-Level Perspective"	07/02/2012
A-401- 404	"Materials"	07/02/2012
A-501	"Architectural Light Fixture"	07/02/2012

Section 2. That, the approval granted herein for the Off-Site Improvements is granted subject to the following conditions:

- a. Any material deviations by the Applicant from the Approved Plans submitted to the Village Board of Trustees and/or this approval with conditions without approval of the Village Board of Trustees shall be deemed a violation of this approval, subjecting the same to such remedies in accordance with law as

- the Village deems appropriate. Any such material deviation shall require the further approval of the Village Board of Trustees;
- b. Exclusive of the costs for the Off-Site Improvements, the Applicant shall relocate all overhead utility lines existing along the site's frontage underground on Columbus Avenue as recommended by the Eastchester Fire Department;
 - c. All work within the Village of Tuckahoe's right-of-way and on public premises will be in accordance with the specifications determined by the Village Board of Trustees of the Village of Tuckahoe as set forth on the Approved Plans and constructed and installed in accordance with the Approved Plans;
 - d. In coordination with the Village of Tuckahoe Police Department, the Applicant shall supply, install and locate all parking meters near, along and adjacent to the site as shown on Approved Plans;
 - e. Construction specifications for the Off-Site Improvements are to be coordinated with the Village Superintendent of Public Works in accordance with Approved Plans prior to the start of work;
 - f. The Applicant shall obtain all necessary approvals and permits from the other governmental agencies having jurisdiction as it concerns the Off-Site Improvements and any other public improvements to be constructed and installed in accordance with the Approved Plans;
 - g. Subject to the conditions herein and in the Planning Board's July 9, 2012 site plan approval, all Off-Site Improvements in front of, adjacent to, and across from the proposed building, including, but not limited to, sidewalks, curbs,

benches, planters, trees, striping, landscaping, and streetscape furniture are to be built at the Applicant's cost and expense according to the Approved Plans and this work must be completed and accepted by the Village before the issuance of a Certificate of Occupancy;

- h. The Applicant, at its sole cost and expense, shall cause to be constructed, subject to the conditions herein and in the Planning Board's July 9, 2012 site plan approval, the Off-Site Improvements that are adjacent to the Project and across from the Project and are to be located beyond its property lines and beyond the curb lines of Columbus, Lincoln and Fisher Avenues (cumulatively, the "Off-Site Improvements"); such Off-Site Improvements being those depicted on the Approved John Meyers Consulting Plans and Street-Works' drawing A-306 Proposed Pocket Park Plan as finally approved by all applicable governmental agencies having jurisdiction. The Off-Site Improvements shall be completed, subject to the conditions herein, in a first class workmanlike manner prior to the issuance of any Certificate of Occupancy for the Project.

The Applicant shall construct and install and be solely financially responsible for the following Off-Site Improvements as shown on the Approved Plans: 1) those improvements lying between Applicant's property lines and the curb lines on Fisher, Columbus and Lincoln Avenues; 2) the crosswalks and other improvements in the intersection of Columbus and Lincoln Avenue; 3) the curb relocation and other

improvements at the northeast corner of the Columbus and Lincoln Avenues intersection.

In addition, the Applicant shall not be responsible for incurring more than \$40,000 toward the construction cost of the proposed Pocket Park plan shown on the Street-Works' drawing A-306 ("Applicant's Cost Responsibility").

Thus, in accordance with Section 7-725-a(7) of the Village Law, the Applicant shall post a performance bond(s) or letter of credit(s) along with a construction budget listing each item's cost for which the bond applies, the provisions of which shall be approved by the Village Attorney and Village Consulting Engineer, in the amount of \$150,000 to secure the Applicant's construction of the Off-Site Improvements for which the Applicant is solely responsible as set forth in the preceding paragraph, plus the Applicant's Cost Responsibility (\$40,000 for the Pocket Park) for the Off-Site Improvements on or before the receipt of a Building Permit. As the Applicant constructs such Off-Site Improvements, upon presentation to the Village Building Department of the proof of the certified costs incurred, and approval by the Village Building Department, the Applicant shall be entitled periodically to request reductions in the amount of said security equating to the amount of said costs incurred to date against the budget on file with the Village and the Village shall diligently provide written authorization to the Applicant or its bonding company or financial institution, as the case may be, for such reduction and ultimately, for the final complete release of said security when the Off-Site

Improvements have been constructed, installed and accepted pursuant to the Approved Plans as set forth herein and approved by the Village Building Department. Notwithstanding the foregoing, sufficient security to secure the replacement of any contiguous off-site plantings, including, but not limited to, contiguous street trees shall not be released for a period of one (1) year after acceptance by the Village of such plantings and trees to ensure the continued viability to such plantings and trees. Such acceptance by the Village of the plant and tree materials will not be unreasonably withheld.

In connection with the construction of the proposed Pocket Park, the Applicant shall provide certified, itemized invoices and/or bills for the Applicant's Cost Responsibility of \$40,000.00;

- i. The Applicant shall be required to procure and obtain all necessary and applicable approvals and permits from the County of Westchester as it concerns this Project;
- j. The conditions contained herein and the improvements associated therewith must be completed, complied with and/or installed prior to the issuance of any final Certificate of Occupancy for the Project; and
- k. Each of the conditions contained herein shall be satisfied by the Applicant at the Applicant's sole cost and expense.

Section 3. If any section of this Resolution shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Resolution.

Section 4. This Resolution shall take effect immediately.

Trustee Quigley motioned to adopt resolution #23; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION # 24 approving and authorizing the Village Clerk to issue a Special Permit under the Cabaret License to Growlers Beer Bistro for their Beer Dinner on Wednesday, August 29, 2012 from 10PM-Midnight- Music/Rhythm & Blues. Trustee Quigley motioned to adopt resolution #24; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

DEPARTMENTAL REPORTS TO THE BOARD

Police- Chief Costanzo reported on the recently received accreditation which is based on administration, training, and operations. He thanked Lt. Belles for all her work and he was proud to announce that the police are also being awarded the Community Safety Traffic AAA Platinum award.

Chief Costanzo noted that Police Night Out, run by Sgt. Bautista, was a great success. He thanked the Community Fund, Westchester County Canine Unit, Dept. of Corrections and all the members of the department for their support. Regarding police negotiations, he thanked the mayor and commended Andrew Zirolnik for his hard work.

DPW- Frank DiMarco reported that the streets slotted for paving are Governors Road, Ridge Road and Hughes Place. He announced a recycling meeting scheduled for Sept. 20 at 7:00PM at Village Hall and residents are welcome. He said that after having been in touch with MTA about the poor maintenance in the area of the two railroad stations, MTA has finally sent a maintenance crew to work on correcting it. He also reported that, he along with Sheila Marcotte, are working on making some street lighting improvements; the plan is to convert the existing 400 watt fixtures to 90 watt LED lighting.

Village Attorney- John Cavallaro gave an update on 99 Main Street and said that on June 25th a motion for default judgment was submitted to the court and should have a decision shortly. Mayor Ecklund said the Village is looking to have closure on this dilapidated building by having the structure stabilized or have it taken it down.

Mayor Ecklund announced the Village Office will be closed Monday, September 3rd for Labor Day. The next Village Board Meeting – Monday, September 10, 2012 and Community Meeting, Wednesday, September 19th at 7pm – Garret Park.

BOARD OF TRUSTEES MEMBER REPORTS

- ▶ **TRUSTEE** Quigley reported on the upcoming Chamber of Commerce Golf outing and library events.
- ▶ **TRUSTEE** Luisi commended the DPW on their services with a bare minimum staff. The senior center will reopen on Sept. 6 and their annual bazaar is scheduled for Oct. 13.
- ▶ **TRUSTEE** Hayes reported that the Environmental Group will be meeting on Wednesday, September 12th at 7:30pm and the Tree Committee will be meeting the following week on Wednesday, September 19th at 7:30pm. Planning for the 36th Annual Tuckahoe Challenge is in full swing - The race will be taking place on Sunday, September 9th, at 9am which includes a 1 mile then 5 mile race. Registrations have been mailed to past participants and are available for new runners in the Village Clerks office and on the website; early registrants receive a discount.

► MAYOR Ecklund addressed the issue of train noise at all hours of night. Mayor Marvin did a noise study and the MTA is disputing her data. The Mayor asked Frank DiMarco to speak to his Metro North contact on this matter.

Mayor Ecklund said that the Army Corp and the contractor going to make a presentation; however, after meeting with them earlier, it was realized that a productive special presentation was not possible for this evening. A conference call is scheduled for tomorrow to address work issues and should receive an update on the project.

The Mayor reminded all residents that school is open.

There being no further business, the board unanimously voted to adjourn the meeting at 9:30PM.

Susan Ciamarra, Village Clerk