

**January 9, 2012**

Board of Trustees Meeting  
Called to Order at 8PM

PRESENT:  
TRUSTEE           Giordano  
TRUSTEE           Quigley  
TRUSTEE           Luisi  
TRUSTEE           Hayes- ABSENT  
MAYOR            Ecklund

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

**PRESENTATIONS:**

Special Presentation by Donald Gunther, Isaah Gunther, and Maria McHugh-Sayegh for Children Understanding Cultural Differences. Both Donald Gunther and Maria McHugh-Sayegh spoke about the program and made mention of their first fundraiser event set for January 29, 2012 at 8:00AM at the Quarry.

Trustee Giordano motioned to approve the minutes of the regular meeting of December 12, 2011; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 4 – 0.

**CORRESPONDENCE**

Clerk Susan Ciamarra read a letter to the Mayor and the Board from Sheila Clarke voicing health concerns regarding proper testing procedures on the property behind 181 Marbledale Road.

January 9, 2012 Meeting

Correspondence received –

- 1. Pertaining to the referral review submitted to the Westchester County Dept. of Planning for the Crestwood Station Plaza project for a Special Permit, Area Variances and Site Plan Approvals; the Fleet Collision Corporation project for special use permit approval and Rocco's Car Wash and Auto Repair for site plan approval, the County has responded with their review and comments . A copy of the response was forwarded to the Building Dept. and Planning Board.**

- 2. On December 20, 2011 received an emailed letter addressed to the Chairperson of the Planning Board, from Mark Sweeney of Whiteman, Osterman & Hanna law firm – subject matter - Application of Midora Corp./Glenmark Patners, LLC for amended site plan review and approval for a mixed use development to the located at 146, 150, 160 Main Street & 233 Midland Place, Tuckahoe, NY. Letter was forwarded to the secretary of the building dept. to have it distributed to the Planning Board members.**
  
- 3. A memo dated December 18, 2011, sent by Sheila Clarke, addressed to Mayor Ecklund and Village Trustees. Subject matter “proper testing procedures for future development/new construction on all parcels of property in the Village”- the memo also has an attachment titled “The Tuckahoe Marble Quarry” A tainted Legacy. She requested that it be read at the January 9<sup>th</sup> 2012 meeting and entered into the minutes. A copy of this memo with the attachment was emailed the Village Attorney, Village PO and Planning Board members.**

2 Hollywood Avenue  
Tuckahoe, NY 10707  
December 18, 2011

TO : MAYOR STEVEN ECKLOND AND  
VILLAGE TRUSTEES

RE: PROPER TESTING PROCEDURES FOR FUTURE DEVELOPMENT/  
NEW CONSTRUCTION ON ALL PARCELS OF PROPERTY IN THE  
VILLAGE

PLEASE READ AT 12/211 MEETING AND ENTER INTO MINUTES

Dear Mayor and Trustees,

Several months ago it was made known, to the Mayor as well as the Chairman of the Planning Board, that there exists a concern among Parkview Heights Residents with regard to Testing procedures of property to be built behind 181 Marbledale Rd. , but also any development that would disturb the "Land Fill" area (formerly the Marble Quarry).

Our understanding is that a Phase I and Phase II have been completed, read and signed off on. Under SEQRA (State Environmental Quality Review Act) there are proper Phase I and Phase II procedures that are mandated. Therefore , we are asking that a second firm , known to have high quality credentials and expertise in this field, be selected by a village consultant to do the proper testing for a second opinion .

A Phase I is the research and history of how a large and deep open parcel of land had been filled over many years to become a level flat area -" Land Fill." It has been previously noted that the property in question (The Marble Quarry along Marbledale Rd.) had been used as a dump from the 1950's to the 1960's some of the 70's and an additional portion from 2003 to 2005.

The Town of Eastchester, Villages of Bronxville and Tuckahoe, were allowed to dump at this site. Contractors from the Bronx, New York City, Jersey and lower Connecticut also dumped . As can be read on the attached flyer, written a few years ago and distributed to residents, it can be noted that many local companies and to name just a few: Tuckahoe Ice (Freon dumped), General Diaper (chemical used in the cleaning of their laundry), Burroughs Welcome, USV, Revlon, and more recently, 2003 to 2005 Harold Pitts, were also dumping.

During the more recent years, from 2003 to 2005, Mr. Pitts, who owned an environmental cleanup company dumped directly behind 181 Marbledale Rd. It was observed and watched by the DEC. Oil tanks, in some cases still leaking, removed from

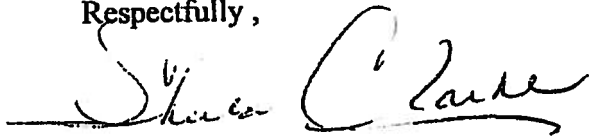
residences and businesses abandoned and buried behind this building on the vacant land where there is a proposal to build. Mr. Pitts pleaded guilty and ultimately was indicted.

It is well known that over the years, there have been many residents in the Parkview Heights area who have had respiratory illness and many who have suffered from cancer. A coincidence, perhaps, but perhaps not!!

No one objects to construction if it is done with thorough and proper testing by those who are highly qualified in this area. In the past, there have been excellent consultants who were hired to guide the Mayor and Trustees through the very complex process of development of the Revlon Property, now the site of Riverview. We would hope that this Board will have the same level of concern and care for the proper testing on all parcels of the land in the village where there is an interest in building or developing parcels where there exists suspicion of extremely toxic land.

Many young and recently newer residents to the Village are perhaps unaware of this site and others throughout the village that may be of concern.

Respectfully ,

A handwritten signature in cursive script that reads "Sheila Clarke". The signature is written in dark ink and is positioned to the right of the typed name.

Sheila Clarke

CC: Chairman, Ann Marie Ciaramella, Tuckahoe Planning Board (Please read and enter into the minutes of the December 20<sup>th</sup> Planning Board Meeting.)

Chairman, Ron Gallo, Tuckahoe Zoning Board

# THE TUCKAHOE MARBLE QUARRY: A TAINTED LEGACY

*The following is a brief history of the Marbledale Road quarries from the early 1800's to the present time. All facts cited in this history can be verified either by eyewitness testimony or researched documentation. For more information, or verification of any part of this history, please use contact number provided on bottom of the back page.*

Starting in the early 1800's, marble was quarried in Tuckahoe that was highly prized for its purity of color and its strength. Tuckahoe marble was used in the construction of buildings locally, as well as in many important structures including the Main Branch of the New York Public Library and the Washington Monument. For over one hundred years the Tuckahoe marble quarries stood as a testament to the laborers and early industry that helped build America. The marble the quarry yielded was a source of local pride for generations of local residents. This great legacy has been tainted by the events that followed in the second half of the last century.

After the quarries closed in the early 1930's they filled with water fed from underground springs and rainwater. The southern portion of Marbledale Road, where the lower quarry was located, continued to develop as an industrial area while the northern portion, north of Fisher Avenue, and the hill area to the west of the lower quarry grew as lovely residential areas.

During the next two decades, both quarries came alive with natural vegetation that, in turn, attracted wildlife such as fox and pheasant. The deep water that filled the quarries was cool and pure and, with the aid of the white marble that lined them, one could see almost to the bottom.

All of this came to an end at the lower quarry in the early 1950's when it was converted to a dumpsite. Ashes from the municipal incinerators of Tuckahoe<sup>1</sup>, Bronxville, Eastchester and Pelham

were deposited there. The quarry's water was slowly emptied into the nearby storm drains. In addition to ashes, contractors from Westchester, Rockland, New Jersey and New York City dumped their waste, trash and unwanted equipment there. A nearby paper company discarded its inks and solvents, and other local industries such as Revlon, U.S. Vitamins, Burroughs Wellcome Pharmaceuticals, and Lee Oil and Chemicals deposited their waste there as well. Eyewitnesses still living in the area today saw diesel engines, fuel tanks, oil drums, and other combustible items left in the quarry. In addition, there was dumping of car and truck batteries, air conditioners and refrigerators.

Residents can still remember the foul odors and smoke that emanated from the dump. Eastchester Fire Department records will show the number of times it was called upon to extinguish the spontaneous fires that regularly erupted there. What was once an oasis of natural beauty that stood as a testament to Tuckahoe's proud history had, by the late 1960's, turned into a smoldering, poisonous wasteland. The owners of the surrounding homes that had once overlooked a natural habitat became neighbors to stench, contamination, and rubble of all forms. They lost their buffer against the now well-established industrial area to the east of the toxic dump, where industries added to the pollution with the use and production of various chemicals and contaminants. Over the ensuing decades, an alarming number of area residents have

<sup>1</sup> It should be noted that for the past several years, residents have tried to obtain information about the dump and landfill operations from Village Hall's

records. However, despite the fact that the lower quarry served as Tuckahoe's municipal dumpsite for over 20 years, *the Village has no record of its operation, or of the landfill operation and sale.*

become ill with respiratory diseases and various forms of cancer. Many have died from these diseases. No official agency, local or otherwise, has investigated to determine what illnesses, if any, may be attributable to the contamination.

During the late 1960's, when residents learned of plans to extend the dump to the upper quarry they came out in force to protest to Tuckahoe Village officials. Thankfully their efforts prevented

the terrible conditions of the lower quarry from spreading to their residential area.

By 1973, the dump at the lower quarry was filled and sold. Last year the DEC ordered a portion of the landfill to be excavated. Some of the oil tanks have been found and removed along with over 300 tons of contaminated soil. In addition, some industries operating on Marbledale Road either are or have been involved with contaminants and dangerous materials:

**MediRay, Inc.**, operations located at 135, 150, 160, and 191 Marbledale Road, handles, stores, and recycles lead medical containers used for the containment of radioactive materials. Some of these radioactive materials are presently stored at 191 Marbledale Road.

**King's Electronics**, 40 Marbledale Road, operated a parts manufacturing plant from 1951 to 1998 that was responsible for using and on site dumping of toxic and carcinogenic solvents that have contaminated the groundwater of the surrounding area. Since 1995 the DEC has been aware of this contamination and in 2002 a voluntary clean up of the immediate area began. Last year, 6 wells were drilled further away from the site of origin, and tests and clean-up are still in progress. The extent of spread has yet to be determined.

**Freeman Industries**, 100 Marbledale Road, is a manufacturer and distributor of products such as coatings and colorings for the food, pharmaceutical, cosmetic, and flavoring industries. From 1988 through 1998, the DEC, EPA, and local and county officials were involved in toxic spill clean-ups and removal at Freeman. The most serious were in September and August 1998 involving, among other dangerous materials, picric acid, a highly explosive and very unstable material that releases very toxic fumes when it decomposes. Roads were closed. Area businesses, residents, and students from the nearby Waverly Early Childhood Center had to be evacuated until the dangerous substances were removed.

*Prepared by Active Citizens of Tuckahoe. For more information, call 914-793-4178*

## **APPOINTMENTS**

**APPOINTMENT AND OATH** – resolution to appoint Mark L. Shkreli to the position of Police Officer, Grade 5, effective January 23, 2012 with a probationary period of fifty-two (52 weeks). **Trustee Giordano motioned to adopt a resolution appointing Mark L. Shkreli to the position of Police Officer, Grade 5, effective January 23, 2012 with a probationary period of fifty-two weeks; motion was seconded by Trustee Luisi and upon roll call motion was carried by a vote of 4-0.**

Mark thanked the Village Board and police chief for the appointment. The board expressed their congratulations.

## **RESOLUTIONS**

### **RESOLUTION #1 Approving the Hazard Mitigation Plan Among the Town of Eastchester, Village of Bronxville and Village of Tuckahoe**

**Whereas**, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York at a public hearing held by the Village Board on the 22<sup>nd</sup> day of September, 2005, at 8:00 p.m., at Town Hall, Eastchester, New York, to hear all interested parties on a proposed resolution that would approve a certain Hazard Mitigation Plan among the Town of Eastchester, Village of Bronxville and Village of Tuckahoe and further authorize the Village Mayor to execute any and all documents necessary in connection with said Hazard Mitigation Plan; and

**Whereas**, notice of said public hearing was duly advertised; and

**Whereas**, said public hearing was duly held on the 22<sup>nd</sup> day of September, 2005, at 8:00 p.m., at Town Hall, Eastchester, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed resolution, 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 resolution would not have a significant effect upon the environment and a Negative Declaration is hereby adopted; and

**Whereas**, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said resolution;

### **NOW, THEREFORE, BE IT RESOLVED,**

**Section 1.** That a certain Hazard Mitigation Plan among the Town of Eastchester, Village of Bronxville and Village of Tuckahoe is hereby adopted and approved subject to the terms of this resolution.

**Section 2.** That in connection with the adoption and approval of said Hazard Mitigation Plan, as set forth in Section 1, the Village Mayor is hereby authorized to execute any and all documents and undertake all necessary acts for the initial implementation of said Plan.

**Section 3.** That each of the strategies, considerations, objectives and implementations set forth in said Hazard Mitigation Plan are subject to the specific approval of the Village Board of Trustees on an item-by-item basis before such strategy, consideration, objection and/or implementation shall be deemed a binding obligation of the Village of Tuckahoe.

**Section 4.** That the Village reserves the right to amend and/or supplement, at any time, said Hazard Mitigation Plan, subject to the approval of the Village Board of Trustees, as the same applies to the Village of Tuckahoe.

**Section 5.** Insofar as the provisions of this resolution are inconsistent with the provisions of any other resolution, the provisions of this resolution shall be controlling.

**Section 6.** This resolution shall take effect immediately.

**Section 7.** The Village Clerk be and is hereby directed to enter this resolution in the minutes of this meeting.

**Trustee Giordano motioned to adopt resolution #1; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 4-0.**

**RESOLUTION #2** authorizing the use of the Trolley by Bronxville Adult School for two (2) historic tours of Eastchester, Bronxville and Tuckahoe. Tours are scheduled for Tuesday, May 15, from 9am to 12pm and Tuesday, June 5, from 9am to 12pm and will leave from the Marble Schoolhouse on California Road, Eastchester.

**Trustee Giordano motioned to adopt resolution #2; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 4-0.**

Trustee Quigley said the trolley is retired for the winter and will be back running in April/May.

**RESOLUTION #3** AUTHORIZING THE MAYOR TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF WESTCHESTER CONCERNING THE ENFORCEMENT OF WESTCHESTER COUNTY LOCAL LAW 9-1998 REGARDING FOR-HIRE VEHICLES

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 January 9, 2012.

WHEREAS, the Mayor has requested legislation authorizing the Mayor to enter into and execute an Inter-Municipal Agreement with the County of Westchester concerning the enforcement of Westchester County Local Law 9-1998 regarding for-hire vehicles.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to enter into and execute an Inter-Municipal Agreement with the County of Westchester concerning the enforcement of Westchester County Local Law 9-1998 regarding for-hire vehicles.

Section 2. That the form of such Inter-Municipal Agreement shall be approved by the Village Attorney.

Section 3. That this resolution shall take effect immediately.

**Trustee Giordano motioned to adopt resolution #3; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 4-0.**

**RESOLUTION #4** accepting a contribution of \$6,812 from the Generoso Pope Foundation to fund costs associated with the Winterfest and Crestwood Holidayfest events held on December 3<sup>rd</sup> and 4<sup>th</sup> and 10<sup>th</sup>



. And, further accepting a contribution of \$5,000 to fund costs associated with the New Year's Eve event on December 31<sup>st</sup>.

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

**RESOLUTION #5** designating Tuesday, March 20, 2012 as election day in the Village of Tuckahoe. Polls will open at 7am and close at 9pm.

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

**RESOLUTION #6** designating locations of polling places as follows: 10<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 32<sup>nd</sup>, 33<sup>rd</sup> districts - Tuckahoe Community Center; 11<sup>th</sup> and 12<sup>th</sup> districts – Assumption Church Hall.

**Trustee Giordano motioned to adopt resolution #6; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 4-0.**

**RESOLUTION #7** appointing Matthew Perillo as custodian/technician of voting machines for the March 20<sup>th</sup> Village Elections.

**Trustee Giordano motioned to adopt resolution #7; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 4-0.**

**RESOLUTION #8** appointing inspectors to serve on Election Day, March 20<sup>th</sup> in the seven polling places. Names of inspectors will be provided by the Democratic and the Republican chairpersons.

**Trustee Quigley motioned to adopt resolution #8; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 4-0.**

**RESOLUTION #9** authorizing the filing of an application for a State Grant-In-Aid for a Municipal Waste Production and /or Recycling Project and Signing of the associated State Contract, Under the appropriate Laws of New York State for two (2) Sanitation Trucks.

**Trustee Quigley motioned to adopt resolution #9; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 4-0.**

**RESOLUTION #10** awarding bid for two (2) Harley Davidson Police Motorcycles to NYC Motorcycles, Inc., DBA Harley Davidson of New York, 42-11 Northern Blvd., Long Island City, NY, low qualified bidder, in the amount of \$42,398, pending the review and approval of the Village Attorney. Five bids were received ranging from \$42,398.00 to \$46,164.84

**Trustee Luisi motioned to adopt resolution #10; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 4-0.**

**RESOLUTION #11** authorizing the Mayor to sign a Stipulation of Agreement between the Village of Tuckahoe and Mark L. Shkreli.

**Trustee Giordano motioned to adopt resolution #11; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 4-0.**

**RESOLUTION #12** to transfer ownership of two (2) 2006 Dodge Charger police vehicles from the Village of Tuckahoe to the Town of Eastchester Auxiliary Police.

**Trustee Giordano motioned to adopt resolution #12; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 4-0.**

**RESOLUTION #13 - RESOLUTION REFERRING A PROPOSED ZONING MAP CHANGE TO THE PLANNING BOARD FOR THE PLANNING BOARD'S RECOMMENDATION**

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 January 9, 2012.

WHEREAS, the Village Board of Trustees is considering rezoning the property commonly known as 25 Oakland Avenue, Tuckahoe, New York (Section 42, Block 8 & Lot 1) and 27 Fisher Avenue, Tuckahoe, New York (Section 42, Block 8 & Lot 21) (hereinafter collectively referred to as the "Premises") from a Business Zoning District to a Residence-B Zoning District; and

WHEREAS, under Section 8-1.6 of the Village Zoning Code, "[t]he Trustees shall refer any proposed Zoning Map change to the Planning Board for the Planning Board's recommendation;" and

WHEREAS, the Village Board of Trustees has requested that the foregoing proposed Zoning Map change be referred to the Planning Board for the Planning Board's recommendation pursuant to Section 8-1.6 as it concerns the Premises;

NOW, THEREFORE, BE IT RESOLVED

Section 1. Pursuant to Section 8-1.6 of the Village Zoning Code, the Village Board of Trustees hereby refer the above-described proposed Zoning Map change to the Planning Board for the Planning Board's recommendation as it concerns the Premises.

Section 2. That this resolution shall take effect immediately.

**Trustee Giordano motioned to adopt resolution #13; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 4-0.**

**RESOLUTION #14** approving payment of vouchers in the amount of \$1,232,789.14 consisting of abstract #30 for \$2,229.61, abstract #31 for \$226,131.51, abstract #32 for \$2,016.87, abstract #33 for \$166,516.56, abstract #34 for \$18,581.40 and abstract #35 for \$17,313.19. The three largest invoices paid were: (1) \$476,665.00 for the Village's Police and Fire Retirement System (PFRS) pension contribution for Fiscal 2011/2012, (2) \$337,024.00 for the Village's Employee Retirement System (ERS) pension contribution for Fiscal 2011/2012 and (3) \$113,796.47, for employee health insurance premiums for the month of January 2012.

**Trustee Luisi motioned to adopt resolution #14; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 4-0.**

**MISCELLANEOUS BUSINESS**

Mayor Ecklund announced the next Village Board Meeting – Monday, February 6<sup>th</sup>.

Village offices and DPW closed on Monday, January 16<sup>th</sup> in observance of the Martin Luther King holiday.

**BOARD OF TRUSTEES MEMBER REPORTS**

- ▶ TRUSTEE Giordano announced the upcoming January 11<sup>th</sup> Zoning and January 17<sup>th</sup> Planning meetings.
- ▶ TRUSTEE Quigley announced that Swadesh Pachnanda had been appointed as director of the Tuckahoe Library. January 12<sup>th</sup> is the 100 Year Celebration at the Pope Foundation. January 19 is the Chamber's Comedy Night and the Chamber's Person/Business of the Year dinner is April 5<sup>th</sup> at Leewood Country Club.
- ▶ TRUSTEE Luisi reported that the Seniors' Center director, Barbara Stires, is recovering well and announced upcoming events set for the seniors. He cautioned seniors about a scam that has taken place in Yonkers - nothing has happened in Tuckahoe- whereby they claim to be fence repairmen.
- ▶ TRUSTEE Hayes- absent
- ▶ MAYOR Ecklund announced the upcoming ECAP's annual MLK Breakfast at 9:00AM at the Reformed Church of Bronxville on January 16<sup>th</sup>.

Karen Ashton, from the Army Corp. of Engineers, gave an update on the Yonkers Avenue Project.

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

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Susan Ciamarra, Village Clerk