

**July 15, 2013**

Regular Meeting of the Board of Trustees  
Called to Order at 8:00PM

PRESENT:

TRUSTEE Giordano  
TRUSTEE Quigley -absent  
TRUSTEE Luisi  
TRUSTEE Hayes  
MAYOR Ecklund

The meeting opened with the salute to the flag and the Pledge of Allegiance led by Michael Poletti, Eagle Scout Troop #353.

**PRESENTATIONS:** Boy Scout Troop # 353- Michael Poletti –Eagle Scout Project- interior painting of the Tuckahoe Community Center.

## **PUBLIC HEARINGS**

### **Public Hearing #1 – PROPOSED LOCAL LAW**

Trustee Giordano made a motion to open the public hearing; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 3-1. Trustee Luisi opposed.

#### **A LOCAL LAW AMENDING AND ADDING ARTICLE V OF CHAPTER 15, ENTITLED “MISCELLANEOUS OFFENSES AND PROVISIONS,” SECTIONS 15-55 THROUGH 15-59 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED “REUSABLE SHOPPING BAG INITIATIVE”**

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 February 4, 2013.

WHEREAS, legislation has been requested amending and adding Article V of Chapter 15, entitled, “Miscellaneous Offenses and Provisions,” Sections 15-55 through 15-59 of the Village Code of the Village of Tuckahoe, entitled “Reusable Shopping Bag Initiative;” and

WHEREAS, according to the Clean Air Council, Americans use approximately 1 billion plastic non-biodegradable plastic shopping bags per year; and

WHEREAS, according to the United States Environmental Protection Agency, only 12% of plastic bags and plastic wraps in the U.S. were recycled in 2010; and

WHEREAS, non-biodegradable plastic bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down; and

WHEREAS, non-biodegradable plastic bags often are discarded into the environment polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter; and

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 11th day of March 2013 at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties concerning certain amendments and additions to the Village Code of the Village of Tuckahoe pertaining to Retail Carryout Bags; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, one of the official newspapers of said Village, on the 7th day of February 2013, and on the 19th day of March 2013; and

WHEREAS, said public hearing was duly held on the 11th day of March 2013, on the 8<sup>th</sup> day of April 2013, on the 13<sup>th</sup> day of May 2013; on the 10th day of June 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 certain amendments and additions to the Village Code of the Village of Tuckahoe pertaining to Retail Carryout Bags; 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, 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 V of Chapter 15, entitled “Miscellaneous Offenses and Provisions”, Sections 15-55 through 15-59, entitled “Reusable Shopping Bag Initiative” of the Village Code of the Village of Tuckahoe is hereby amended and added as follows:

**Article V. Retail Carryout Bags**

**§ 15-55. Purpose.**

The intent of this Local Law is to improve the environment and quality of life in the Village of Tuckahoe by encouraging the use of reusable carryout bags and banning the

use of plastic bags for retail carryout of purchased goods. Retail establishments are encouraged to make reusable bags available for sale.

§ 15-56. **Definitions.**

The following words and terms, when used in this Local Law, shall have the meanings ascribed to them in this section:

**Carryout Bag** – A bag that is provided to a customer at the point of sale for the purpose of carrying away goods or other materials from the point of sale. This term does not include Plastic Produce Bags, Plastic Garment Bags, or plastic bags measuring 28” by 36” or larger in size.

**Customer** – Any person purchasing goods from a Retail Store or other retail seller.

**Operator** – Any Person in control of or having responsibility for the operation of a Retail Store, who may include, but is not limited to, the owner of the Retail Store.

**Person** – Any natural person, firm, corporation, company, partnership, business, organization or group however organized.

**Plastic Garment Bag** – A flexible container made of very thin plastic material with a single opening that is used to transport clothing from a dry cleaner.

**Plastic Produce Bag** – Any bag with a single opening without handles and other packaging made of very thin plastic material that is used exclusively to carry produce, meats, fish or other food items to the point of sale in a Retail Store or to prevent such food items from coming into direct contact with other purchased items.

**Post-Consumer Recycled Material** – Material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Such material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

**Recyclable** – Material that can be sorted, cleansed, and reconstituted using available recycling collection programs.

**Recyclable Paper Bag** – a paper bag that has the following characteristics: (1) contains no old growth fiber; (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; (3) is capable of composting consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the Village of Tuckahoe, Town of Eastchester, and Westchester County; (5) has printed on the bag the name of the manufacturer, the country where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word “Recyclable” in a highly visible manner on the outside of the bag.

**Retail Sale** – The transfer to a customer of goods in exchange for payment occurring in a Retail Store. The term Retail Sale does not include sales of goods at yard sales, tag sales and other sales by residents at their home, and sales by not-for-profit organizations.

**Retail Store** – Shall include, but not be limited to, retail stores, sidewalk sales venues, farmers' markets, flea markets, restaurants, and other retail food outlets.

**Reusable Bag** – A bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other fabric; and/or (2) durable plastic that is at least 2.25 mils thick; and (3) washable or is made from a material that can be cleaned or disinfected.

§ 15-57. **Restriction on Carryout Bags.**

- A. Any person engaged in Retail Sales shall provide only Reusable Bags and/or Recyclable Paper Bags as Carryout Bags to customers.
- B. Nothing in this section shall preclude persons engaged in Retail Sales from making Reusable Bags or Recyclable Paper Bags available for sale to customers.
- C. Nothing in this section shall prohibit customers from using bags of any type that they bring to the Retail Store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.
- D. Nothing in this section shall prohibit the uses of Plastic Garment Bags or Plastic Produce Bags in the manners specified in this Local Law.

§ 15-58. **Effective date.**

This Local Law shall become effective six (6) months following its filing in the Office of the Secretary of State to allow retail establishments to dispose of their existing inventory of plastic bags and convert to alternative packaging materials.

§ 15-59. **Penalties for offenses.**

- A. The Code Enforcement Officer has primary responsibility for enforcement of this Local Law and is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Local Law, including, but not limited to investigating alleged violations, issuing fines and entering the premises of any Retail Store during business hours.
- B. In the event that there is a violation of this Local Law, the Code Enforcement Officer will issue a written notice of the violation to the Operator of the Retail Store in which the violation has occurred and the potential penalties that will apply for future violations. The notice shall be served by personal delivery or by certified mail.
- C. There shall be no penalty for the first violation. Penalties for subsequent violations shall be imposed as follows:

1. For the second violation, a fine not exceeding \$100.
  2. For the third violation, a fine not exceeding \$250.
  3. For the fourth and any subsequent violations, a fine not exceeding \$500.
- D. Each occurrence of a violation, and each day that such violation continues following receipt of the notice of violation, shall constitute a separate violation and shall be subject to the penalties set forth in Paragraph C of this Section.
- E. All fines collected pursuant to this Local Law shall be used for an environmental purpose as determined in the sole discretion of the Village Board of Trustees.
- F. Any Operator of a Retail Store who receives a notice of violation or fine may request an administrative review of the accuracy of the determination or the propriety of the violation or any fine by filing a written notice of appeal with the Village Clerk no later than 30 days after receipt of the notice or fine. The notice of appeal must include all facts supporting the appeal and any statements and other evidence, including copies of all written documentation and a list of any witnesses that the appellant wishes to be considered in connection with the appeal. The appeal shall be heard by a hearing officer designated by the Village Clerk. The hearing officer will conduct a hearing concerning the appeal within 45 days from the date that the notice of appeal is filed, or on a later date if agreed upon by the appellant and the Village, and will give the appellant 10 days prior written notice of the date of the hearing. The hearing officer may sustain, rescind, or modify the violation or fine by written decision. The hearing officer will have the power to waive any portion of the fine in a manner consistent with the decision. The decision of the hearing officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision.

**Section 2.** Nothing in this Local Law is intended to create any requirement, power or duty that is in conflict with any federal, state, county or town law or regulation.

**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 will take effect six (6) months following filing in the Office of the Secretary of State.

**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.

Trustee Giordano made a motion to keep public hearing open; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 3-1. Trustee Luisi opposed.

## **ADOPTION OF MINUTES**

Trustee Giordano made a motion to approve the minutes of the regular meeting of June 10, 2013; motion was seconded by Trustee Luisi and upon roll call was carried by a vote 3-0. Trustee Hayes abstained.

## **APPOINTMENTS**

Trustee Giordano made a motion to appoint Mary Dugan as member of the Library Board to fill the unexpired term of Keith Minarik for a term to expire on 4/1/2016; motion was seconded by Trustee Hayes and upon roll call was carried by a vote of 4-0.

## **RESOLUTIONS**

### **RESOLUTION #1 GRANTING PERMISSION TO Michael Poletti FOR THE INTERIOR PAINTING OF THE TUCKAHOE COMMUNITY CENTER IN CONNECTION WITH HIS EAGLE SCOUT PROJECT**

At a regular meeting of the Village Board of Trustees of the Village of Tuckahoe, New York (the "Village Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on July 15, 2013.

WHEREAS, Michael Poletti of Boy Scouts Troop Number # 353 is applying for his Eagle Scout designation; and

WHEREAS, in connection with applying for his Eagle Scout designation, Michael Poletti of Boy Scouts Troop Number # 353 has selected a Eagle Scout project whereby he and other members of the Boy Scouts will repaint certain interior portions of the Tuckahoe Community Center; and

WHEREAS, Michael Poletti of Boy Scouts Troop Number # 353 has requested permission from the Village Board so he and other members of the Boy Scouts may complete the Eagle Scout project whereby certain interior portions of the Tuckahoe Community Center will be repainted; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. The necessary permission is hereby granted to Michael Poletti of Boy Scouts Troop Number # 353 so he and other members of the Boy Scouts may

repaint certain interior portions of the Tuckahoe Community Center in connection with his Eagle Scout project.

Section 2. That all work in connection with this Eagle Scout project shall be coordinated with the Facilities Manager of the Village of Tuckahoe.

Section 3. That this resolution shall take effect immediately.

Trustee Hayes made a motion to adopt resolution #1; motion was seconded by Trustee Luisi and upon roll was carried by a vote of 4-0.

**RESOLUTION #2** authorizing the Village Clerk to issue a peddler's license to Rufino Rivas d/b/a Mr. Softee Ice Cream to sell ice cream throughout the Village for a period of three months subject to a fingerprint background check; and limited to the sale of ice cream only. Trustee Giordano made a motion to adopt resolution #2; motion was seconded by Trustee Hayes and upon roll was split by a vote of 2-2. Mayor Ecklund and Trustee Giordano approved; Trustee Luisi and Trustee Hayes opposed.

**RESOLUTION #3** – to ratify Village Board approval authorizing Frank DiMarco to solicit sealed bids for the purchase of a new sweeper. Trustee Hayes made a motion to adopt resolution #3; motion was seconded by Trustee Giordano and upon roll was carried by a vote of 4-0.

**RESOLUTION #4** to ratify Village Board approval authorizing the Village Clerk to issue a special permit under the Cabaret License to Mambo 64 for Mariachi band on Monday, July 8, 2013 from 7pm-9pm. Trustee Giordano made a motion to adopt resolution #4; motion was seconded by Trustee Hayes and upon roll was carried by a vote of 4-0.

**RESOLUTION #5** authorizing the Mayor to sign the 2013 Inter-municipal Agreement between the Town of Eastchester, the Village of Tuckahoe, the Village of Bronxville, the Eastchester Union Free School District and the Tuckahoe Union Free School District as it relates to Street Resurfacing and Repairs of Asphalt Concrete. Trustee Luisi made a motion to adopt resolution #5; motion was seconded by Trustee Hayes and upon roll was carried by a vote of 4-0.

**RESOLUTION #6** accepting donations associated with the Fireworks event held on July 6th: Generoso Pope Foundation \$6,000 and \$5525 from various other donors. Trustee Hayes made a motion to adopt resolution #6; motion was seconded by Trustee Luisi and upon roll was carried by a vote of 4-0.

**RESOLUTION #7** authorizing street closure from dead end on Washington Street to Main Street on Saturday, August 17, 2013 (rain date August 18th) from 10am to 10pm for the Tuckahoe Housing Authority annual Family Day event. Certificate of Liability Insurance has been provided. Trustee Hayes made a motion to adopt resolution #7; motion was seconded by Trustee Luisi and upon roll was carried by a vote of 4-0.

**RESOLUTION #8** to ratify Village Board approval authorizing street closure Depot Square area from entrance of Oak Avenue at Main Street to Bank Street on July 11th, 18th and 25th 2013 from 8:30pm.

Trustee Giordano made a motion to adopt resolution #8; motion was seconded by Trustee Hayes and upon roll was carried by a vote of 4-0.

**RESOLUTION #9** approving payment of vouchers in the amount of \$949,112.26, consisting of Abstract #1 for \$154,398.87, Abstract #2 for \$489,923.65, Abstract #3 for \$7,820.61 and Abstract #4 for \$296,969.13. The three largest invoices paid were: (1) \$242,009.53 for umbrella liability insurance for FY2013/2014, (2) \$230,324.72 Workers' Compensation insurance for FY2013/2014 and (3) \$127,114.27 for medical insurance premiums for the month of July 2013. Trustee Giordano made a motion to adopt resolution #9; motion was seconded by Trustee Hayes and upon roll was carried by a vote of 4-0.

**RESOLUTION #10** authorizing the Chief of Police to enter into a Use and Dissemination Agreement between New York State Police, the County of Westchester Department of Public Safety and Tuckahoe Police Department for TraCs (Traffic and Criminal Software) (**see attached**) Trustee Giordano made a motion to adopt resolution #10; motion was seconded by Trustee Hayes and upon roll was carried by a vote of 4-0.

**RESOLUTION #11** to accept a grant in the amount of \$9,500 from the Community Fund of Bronxville, Eastchester and Tuckahoe for Tuckahoe Police Department Youth Programs. Trustee Hayes made a motion to adopt resolution #11; motion was seconded by Trustee Giordano and upon roll was carried by a vote of 4-0.

**RESOLUTION #12** to approve the awarding of the only bid for the Tymco Regenerative Sweeper Model 435 submitted by Trius, Inc. in the amount of \$142,332.00 pending the review and approval of the Village Attorney. Trustee Giordano made a motion to adopt resolution #12; motion was seconded by Trustee Hayes and upon roll was carried by a vote of 4-0.

**RESOLUTION #13 ACCEPTING AND APPROVING THE BID FOR THE COLUMBUS AVENUE OVERHEAD UTILITY RELOCATION AND STREETScape RESTORATION PROJECT**

At a regular meeting of the Village Board of Trustees of the Village of Tuckahoe, New York (the "Village Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on July 15, 2013.

WHEREAS, the Village Board had authorized the advertising of bids for the Columbus Avenue Overhead Utility Relocation and Streetscape Restoration Project; and

WHEREAS, the Village received bids from six bidders in response to the bid specifications for the project; and

WHEREAS, the Village's Consulting Engineer James Pinto has recommended the approval and acceptance of the bid from Landi Contracting, Inc. of 13 Bradhurst Avenue, Hawthorne, New York; and

**NOW, THEREFORE, BE IT RESOLVED**

Section 1. That the sealed bid of Landi Contracting, Inc. of 13 Bradhurst Avenue, Hawthorne, New York for the Columbus Avenue Overhead Utility Relocation and Streetscape Restoration Project be accepted and approved as the lowest responsible bidder.



Section 2. That the costs of said project for the base bid sum shall not exceed \$430,000.00. Additional costs, if any, associated with the supporting sitework may be authorized by the Mayor and the Village's Consulting Engineer James Pinto.

Section 3. That this resolution shall take effect immediately.

Trustee Hayes made a motion to adopt resolution #13; motion was seconded by Trustee Luisi and upon roll was carried by a vote of 4-0.

## **DEPARTMENTAL REPORTS TO THE BOARD**

**POLICE-** Lt. Belles is attending the FBI National Training in Virginia. It is a 10 week program, academically and physically. The Chief thanked the Eastchester Auxiliary Police and Westchester County volunteers for their help with the fireworks, carnival, and larger gatherings. He also thanked Lt. Belles who was in charge of the command station for the fireworks.

## **MISCELLANEOUS BUSINESS**

Mayor Ecklund announced the next Village Board Meeting scheduled for Monday, August 19, 2013.

## **BOARD OF TRUSTEES MEMBER REPORTS**

▶ TRUSTEE Giordano reported on the successful Fireworks Event and thanked the Generoso Pope Foundation and all the sponsors. Trustee Giordano invited Ron Gallo, Chairman of the Zoning Board of Appeals, to speak on behalf of the Zoning Board of Appeals. Mr. Gallo said the Zoning Board is trying to streamline the zoning process and are looking for a volunteer with building experience.

▶ TRUSTEE Luisi announced that the Senior Center will relocate to Fr. Fata Hall at the Assumption Church site on September 5<sup>th</sup>.

▶ TRUSTEE Hayes thanked everyone who helped with the Fireworks event and announced the Roadrace is set for September 8<sup>th</sup>. Applications are available on line and in the Clerk's office. The Tree and Environmental Committees are looking to hold a joint meeting.

▶ MAYOR Ecklund asked all residents to check on their elderly neighbors during the heat wave. Lake Isle is open as a cooling center from 10-8. He mentioned that a portion of the movie "The Other Woman" was filmed in Depot Square this past Thursday. He made mention of a letter he received praising the Tree Committee and the DPW for the beautiful trees on Lawrence Avenue.

## **SECOND OPPORTUNITY TO ADDRESS THE BOARD**

Thomas Logan of 31 Midland Place made the Board aware that he has filed a lawsuit against the Tuckahoe Housing Authority.

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

---

Susan Ciamarra, Village Clerk

