

June 11, 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 the Pledge of Allegiance.

Sandra-Reyes-Guerra made a Power Point presentation on the Village's GIS (Geographical Information System) in Local Government. The concept of the program is data collection and mapping, it is a great tool to create an inventory of trees, map Storm water Management and location of hydrants, catch basins, manholes, outfalls, pipe connections and the open storm water systems. The program is also formatted for DPW annual inspections. Residents may view the maps by going to www.tuckahoe.com. With this program in place, the Mayor said that when a spill occurs, the exact location can be detected.

PUBLIC HEARINGS

1. Continuation Public Hearing - Local Law #1 -2012 - A LOCAL LAW AMENDING SECTIONS 3-17, 3-19, 3-21, 3-23 and 3-26 OF LOCAL LAW NO. 1 OF 2008, COMMONLY KNOWN AS THE "SIGN AND AWNING LAW"

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 June 11, 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 be held by the Village Board on the 9th day of April 2012, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties as to whether Sections 3-17, 3-19, 3-21, 3-23 and 3-26 of Local Law No. 1 of 2008 shall be amended. Local Law No. 1 of 2008 is commonly known as the "Sign and Awning Law;" and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on March 13, 2012, April 19, 2012 and May

11, 2012; and

WHEREAS, public hearings were duly held on April 9, 2012, May 7, 2012 and June 11, 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 amendments to the 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.

Section 3-17 entitled, "Prohibited Signs" of Local Law No. 1 of 2008 is hereby amended as follows:

3-17. Prohibited Signs.

- a. [All signs not specifically permitted are prohibited.]
- b. Exterior signs containing product or service advertising or trade names separate from the name of the business.
- c. Neon signs and LED signs.
- d. Non-street level window signs, except in industrially zoned areas.
- e. Off-premises signs and billboards, except as expressly permitted herein.
- f. Painted signs.

- g. [Permanent interior window signs.]
- h. Pole/pylon signs.
- i. Portable signs; except as expressly permitted herein.
- j. Representational signs.
- k. Self-illuminated signs.
- l. Signs or sign supports placed on the roof of a building and signs on parapets of buildings with more than one (1) story. For the purpose of this local law, a mansard fascia shall be considered a parapet.
- m. Signs illuminated by or containing flashing, intermittent, rotating or moving lights, or which vary in intensity or color or that resembles traffic control devices.
- n. Signs with visible moving, revolving or rotating parts, or visible mechanical movement, except traditional barber pole made of non-reflective materials.
- o. Signs constructed of or containing mirrors or other reflective materials.
- p. Signs that emit smoke, vapors, particles, or sounds.
- q. Signs that, by dimension, placement or visible light sources, obstruct the traversing by or the vision of pedestrians, cyclists or motorists, traveling on or entering buildings, public streets, sidewalks or rights-of-way.
- r. Signs or exterior displays consisting of pennants, flags, (except for one American Standard) ribbons, streamers, spinners, or similar moving, fluttering, or revolving devices, except as expressly permitted herein.
- s. Signs that are painted, pasted, or printed on any wall, façade, roof, door mansard, curbstone, flagstone, pavement or any portion of any sidewalk or street except house numbers and traffic control signs.
- t. Signs placed upon any covered way, fencing or barricades other than those of the owner, tenant or occupant of the premises or the contractor engaged in the construction of the building in front of which such covered way, barricade or fence is located.
- u. Signs placed upon benches or waste receptacles, except for a plaque not in excess of thirty-six (36) square inches in area identifying the donor of the bench or the receptacle.
- v. Signs and bills placed upon fences or barriers around construction sites.
- w. Signs or sign structures that interfere in any way with free use of any fire escape or emergency exit.
- x. Signs that contain any lighting or control mechanism that may cause interference with radio, television, or other communications signals.
- y. Signs with the optical illusion of movement, changing copy or holograms.
- z. Temporary signs except as expressly permitted herein.

Section 2.

Section 3-19 and subsections (1) through (7) thereof of Local Law No. 1 of 2008 are hereby amended as follows:

3-19 Standards/General Provisions

3-19.1 Dimensions and Placement

1. Wall Mounted Signs

- a. The maximum vertical dimension or height of each sign shall be **twenty-four (24) inches** and the maximum horizontal dimension or length of each sign shall not exceed **seventy-five (75) percent** of the building housing the business which is the subject of the sign and has street frontage. In any case, the maximum horizontal dimension or length of each such sign shall not exceed **thirty (30) feet** on any street frontage for the same business establishment.
- b. The lower edge of a sign shall not be located above the level of the floor of the second story of the building upon which the sign is placed or maintained. On a one-story building, such sign may be located on the face of a parapet wall.
- c. Where the design of an existing building façade incorporates a specific area for signs, the height and length of the signs shall be restricted to the dimensions of this location.
- d. The maximum overall height of letter groups (including upper and lower case letters) and graphic symbol (including logo) shall be **eighteen (18) inches**. Where there is more than one (1) line of letters and symbols, the **combined height of letters and symbols shall not exceed eighteen (18) inches**, including span between lines. No individual letter mounted directly on the wall shall exceed eighteen (18) inches in height.
- e. The minimum thickness of letter forms and graphic symbols, other than those painted on the surface, shall be **three-eighths (3/8) inch**.
- f. Signs shall be placed parallel to the façade of the building and, except for those on awnings, no part of a sign shall project more than **two (2) inches** beyond the face of the surface to which it is applied nor extend beyond the building in any direction.

2. Monument Signs

- a. Monument signs shall be limited to the private property of the business unless the Village first consents to the sign being placed on public property.
- b. Monument signs shall not obstruct drivers' sight lines.
- c. Monument signs shall not be more than **six (6) feet** in height, measured from the grade to the top edge of the sign, and shall have an area no greater than twenty-four (24) square feet.
- d. Letters shall not exceed eight (8) inches in height.
- e. Monument Signs may be used as secondary signs.

3. Window Signs
 - a. Applicants may use exterior window signs as a secondary sign (to be included in the total number of signs) with business name and description.
 - b. Phone numbers, email addresses, fax numbers, etc. may be displayed as part of the exterior window sign, however the same shall be limited three (3) in total as part of the exterior window display.
 - c. Window signs may not exceed one-third (1/3) of the total window area.
 - d. Lettering shall not exceed **three (3)** inches in height.
 - e. Vinyl letters may be used on windows.
 - f. When the applicant uses a display window, the applicant may have window signs that do not exceed ten (10) percent of the total window area.
4. Banners
 - a. Banners not in excess of twenty-five (25) square feet in area shall follow the provisions set forth for temporary banners in section 3-18.1.
 - b. Banners greater than twenty-five (25) square feet in area shall be required to meet these additional requirements:
 - i. Apply for a permit from the Sign and Awning Review Board;
 - ii. If such permit is granted it shall be limited to thirty (30) days unless a greater amount of time is specifically requested by applicant and reasons for an extension are given and approved by the Sign and Awning Review Board.
 - c. Such banners shall be made of durable waterproof material and shall be securely affixed to the building façade or other approved surface.
 - d. Each business shall be limited to one (1) banner displayed at a time.
 - e. Banners shall at no time be hung from awnings.
 - f. Any banner which shall be displayed over any sidewalk, street or highway, shall be subject to approval from both the Building Inspector and the Superintendent of Highways, and New York State and Westchester County Departments of Transportation, if required.
5. Illuminated Signs
 - a. Self-illuminated signs (Types A and B) and product and brand name advertising signs are prohibited on the building exterior, in the window or within the interior arranged in a manner intended to be seen by passersby.
 - b. One (1) externally illuminated sign (Types C or D) identifying the name of the business and/or the principal business activity or service provided will be permitted per street façade whether on the exterior of the building, located on the window, or within the interior arranged in a manner intended to be seen by passersby. On buildings located on two (2) or more streets, a maximum of two (2) illuminated signs, with no more than one (1) per street, is permitted.
 - c. The light sources providing the illumination for Type C signs shall be one (1) of two (2) types:
 - i. Ornamental incandescent fixture mounted to the façade of the building with a maximum projection of fifteen (15) inches.
 - ii. Concealed continuous strip with LED lighting, fluorescent lamps or incandescent lighting and mounted immediately adjacent to the

plane of the building façade and enclosed, with minimum projection (four (4) inches).

- d. The design and appearance of light fixtures shall be fitting and appropriately integrated with the architectural character of the building façade and that of its neighbors.
 - e. Light sources shall be:
 - i. Shielded or screened in a manner not to be seen by passersby from a normal viewing angle. Intense or glaring light is to be avoided.
 - ii. Limited to LED lighting, fluorescent lamps or natural white incandescent lighting.
 - iii. Designed to cause a reasonable uniform distribution of light upon the full extent of the sign.
 - f. Illumination generally:
 - i. No exterior signs on any building or premises shall be illuminated after 12:00 midnight, except those places of business which shall remain open after 12:00 midnight, and they shall be extinguished at the time of closing of such business.
 - ii. Illuminated signs shall employ only lights emitting an essentially white light. No intermittent flashing or revolving illumination shall be employed nor shall any sources of illumination be exposed except as herein provided.
 - iii. No illuminated sign employing any red, green or amber light source shall be located as to be in the direct line of vision to and beyond a traffic light from any point in the street served by such traffic light.
6. Portable Signs and Additional Signs
- a. Sandwich Board Signs
 - i. Sign dimensions shall not exceed 36 inches in height and 25 inches in width;
 - ii. Limit of one sign per business establishment; this is in addition to the principal and secondary business signs;
 - iii. Signs shall be located so as to maintain pedestrian accessibility and not obstruct drivers' sight lines;
 - iv. Sandwich board signs may be displayed only during the operating hours for the business with which it is associated;
 - v. Signs must be placed directly in front of the business;
 - vi. Signs must be constructed of durable weatherproof materials; plastic is not permitted;
 - vii. Moveable type is not permitted on sandwich board signs;
 - viii. The Village reserves the right to require the removal of any sandwich board sign that does not comply with the above restrictions;
 - ix. Signs shall not be displayed during periods of high winds or during snow storms;
 - x. Whenever possible, signs shall be located on private property;
 - xi. If it is not feasible to locate the sign on private property, the sign

may be permitted within the Village right-of-way provided the applicant provides a certificate of insurance and proof of endorsement naming the Village of Tuckahoe as an additional insured in an amount no less than \$1,000,000.00 prior to the issuance of a permit. The owner, or majority shareholder if a corporation, shall sign a statement assuming sole responsibility for the maintenance and control of said sign and shall indemnify and hold harmless the Village of Tuckahoe.

b. Sidewalk Partitions

- i. Partitions are permitted to be placed on the sidewalk outside of the business as long as they are on private property and do not interfere with the public right of way.
- ii. The business name may be written one (1) time on each partition in lettering no greater than three inches in height. This is in addition to the principal and secondary signs.
- iii. Partitions shall be constructed of durable waterproof materials.
- iv. Partitions may only be outside during business hours.

c. Post and Arm Signs/Blade Signs

- i. Businesses are limited to one (1) post and arm sign in addition to their principal and secondary signs.
- ii. The bottom edge of any such sign extending over a walkway must be a minimum of seven (7) feet high.
- iii. The maximum area of any post and arm sign shall be five (5) square feet.
- iv. Letters shall not exceed three (3) inches in height.

7. Style

- a. Signs shall be in keeping with the architectural design of the building upon which they are placed, [, the design of neighboring properties and adjoining signs and the character of the Village of Tuckahoe and its commercial district as a residential village.]
- b. Signs shall be limited to three (3) colors, in addition one tint of those three colors is permitted, including the use of stripes or geometric design. A color used for the return edge of letter forms or for graphic symbols on carved signs shall be deemed a separate color. Black, white and natural finishes [and tints of the same color] shall be considered separate colors. Metallic, iridescent and bright colors are prohibited. Use of natural bronze, aluminum and stainless steel metals, and genuine gold or silver leaf, is permitted. The Village Board shall promulgate a list of acceptable and/or prohibited colors and the Building Department shall maintain the list and examples of designated colors. The acceptable color list is available for review in the Building Department Office as contained in the Pantone sample book.
- c. Except as provided in 3-19.1(a), signs shall consist of individual letters and symbols painted on or separately mounted to the appropriate area of the building façade.

- d. Signs may contain one (1) of the following: one (1) trademark[s], one (1) logo design or one (1) graphic so long as they are within the guidelines above as to the height, width, and color requirements.
- e. No streamers, pennants or similar advertising devices shall be displayed.
- f. No advertising sign shall have any reflective material, such as mirror, glass, shiny metal or plastic, which is moveable or moving.
- g. The signs for each business establishment in a building shall be coordinated in material, shape, lettering, color and/or decorative elements.

Section 3.

Section 3-19, subsection (8) entitled, "Awnings" of Local Law No. 1 of 2008 is hereby amended as follows:

8. Awnings

a. General Regulations:

- i. Awnings shall be fabricated to conform to the shape and dimensions of window and doorway openings.
- ii. Awnings extending beyond the private property line shall be stationary and extend no more than eighteen (18) inches over the public way.
- iii. Awnings that remain over private property may be retractable and extend a maximum of eighteen (18) inches over the public way.
- iv. Arms and braces shall be fully concealed from end view of the awning.
- v. Awning material, including any lettering or signs, shall be limited to three (3) colors. In addition, one tint of those three colors is permitted, including the use of stripes or geometric designs. Black and white [and tints of the same color] shall be considered separate colors. Metallic, iridescent and bright colors are prohibited. Notwithstanding any provision to the contrary, all lettering on awnings shall be a maximum of twelve inches in height and width. The Village Board shall promulgate a list of acceptable and/or prohibited colors and the Building Department shall maintain the list and examples of the designated colors and materials. The acceptable color list is available for review in the Building Department Office as contained in the Awning sample book.
- vi. The awning support and finish structure, mechanism and enclosure housing shall be of a neutral color, harmonious with the materials of the building façade and awning fabric.
- vii. All awnings on the same building shall complement those of any other awning on the building in terms of color, style, and material.
- viii. Awning material shall be of fabric and shall be made of a fire retardant material. The use of metal, plastic or other rigid materials is prohibited. Fabric shall be canvas duck or vinyl-coated canvas or

vinyl-coated polyester fabric. Solid vinyl fabric is prohibited. Minimum weight of fabric shall be ten (10) ounces per square yard for canvas and twelve (12) ounces per square yard for vinyl-coated canvas. The Sign and Awning Review Board will have samples of the acceptable materials.

- ix. The minimum height from the sidewalk to any part of the awning covering or its supporting frame shall be seven (7) feet.
- x. The awning shall be installed in a manner which does not cover the solid wall surface or architectural features of the building façade. Awnings shall be fitted and mounted within the interior or exterior of the architectural frame of the window and door openings. Any overlap of the awning onto the building façade where necessitated by the particular characteristics of the building façade shall be limited to six (6) inches. Awning enclosure housings should be integrated and recessed within the window head construction.
- xi. Every owner or occupant of any building shall at all times keep the awning in front of such building free of ice, snow, dirt or other obstructions. Merchandise or other obstructions shall not be suspended from any awning over any sidewalk.

Section 4.

Section 3-21, subsection (3) entitled, "Permit and Fee" of Local Law No. 1 of 2008 is hereby amended as follows:

3. Permit and Fee

- a. Upon the filing of the application and consent as required in this Article and upon its approval by the Sign and Awning Review Board and the Building Inspector, the Building Inspector shall issue a sign or awning construction and maintenance permit. The fee schedule for such permits shall be posted by the Building Department.
- b. Proof of insurance shall also be provided upon every permit filing and an indemnification clause to be signed by the Village of Tuckahoe.
- c. [All permits shall expire and must be **renewed three (3) years** from the date they were originally issued.]
- d. A permit shall expire and cease to exist upon the change of ownership of the business or other commercial enterprise which the sign is used to advertise.
- e. No refund shall be made or allowed for the abandonment of a permit.

Section 5.

Section 3-23, subsection (1) entitled, "Amortization" of Local Law No. 1 of 2008 is hereby amended as follows:

1. Amortization

- a. All interior window signs shall be removed within sixty (60) days of the effective date of this law.
- b. [All non-conforming signs or awnings under this Article or any sign or awning that shall become non-conforming as a result of the enactment of any future amendment to this Article shall be removed no later than **two (2) years** from the effective date of this Article or such amendment, except as may otherwise be provided in such amendment.]
- c. A non-conforming sign shall not be structurally repaired or enlarged and shall be removed if the Building Inspector declares it unsafe; a non-conforming sign shall not be re-lettered, painted or decorated.

Section 6.

Section 3-23, subsection (2) entitled, "Approval of non-conforming signs" of Local Law No. 1 of 2008 is hereby amended as follows:

2. Approval of non-conforming signs

- a. The Sign and Awning Review Board may, subject to the provisions below, grant exceptions and approve a sign that does not meet the requirements of this Article under the following circumstances:
 - i. [The proposed sign has more than two colors with the additional color(s) not being the return edge of the letters or graphic symbols on a carved sign; provided, however, that no bright or iridescent colors shall be permitted] The proposed sign has more than three colors with the additional color(s) not being the return edge of the letters or graphic symbols on a carved sign; provided, however, that no bright or iridescent colors shall be permitted;
 - ii. The sign includes lighting or is of a size that, while not in conformance with the requirements of this Article, is compatible with the architectural or design elements of the building or property where the sign is to be located;
 - iii. Such other circumstances which the Sign and Awning Review Board in its sole reasonable discretion shall consider, including, but not limited to:
 1. Economic hardship based on competent financial proof;
 2. Aesthetic and architectural characteristics;

3. [Relationship to adjoining signs, adjoining neighborhood and adjacent properties;]
 4. Public safety, general welfare and security;
 5. Minimum signage that can be designed to satisfy the needs of the applicant;
 6. Topography or other circumstances of that particular property which may affect its placement and/or size and which may differentiate it from any adjoining properties;
 7. The aggregate signage as proposed by the applicant in addition to any of those signs already in existence.
- b. All applications for approvals of exceptions pursuant to this Section 3-23.2(a) shall specifically indicate the sections of this Article which the proposed or existing sign does not conform to, state the reason such approval is requested and state why it is appropriate.
 - c. The Sign and Awning Review Board may grant an exception to a new sign that does not conform to all of the requirements of this Article through a unanimous vote under circumstances as stated above in Section 3-23.2.

Section 7.

Section 3-26, subsection (1) entitled, "Establishment" of Local Law No. 1 of 2008 is hereby amended as follows:

3-26 Sign and Awning Review Board

1. Establishment

- a. There shall be a Sign and Awning Review Board of three (3) members pursuant to the provisions of the Village Law, with all the power and duties prescribed by law and by this Article. [One of the three (3) members of the Sign and Awning Review Board shall be the Chairperson of the Planning Board, or the Chairperson's appointed designee. In the event that the Chairperson of the Planning Board changes, there shall be an automatic change to the Sign and Awning Review Board so at all times the Planning Board Chairperson is on the Sign and Awning Review Board.] All members of the Sign and Awning Review Board must be a Tuckahoe resident or a Tuckahoe business owner in good standing.
- b. The Mayor shall designate one member of the Sign and Awning Review Board to serve as Chairperson of such Board for a period of one (1) official year.
- c. The first Sign and Awning Review Board shall be composed of:
 - i. One member who shall be appointed for a term of three (3) years;

- ii. A second member who shall be appointed for a term of two (2) years; and
 - iii. The third member [, who shall be the Chairperson of the Planning Board,] who shall be appointed for a term of one (1) year.
- d. After the first Sign and Awning Review Board is constituted, each future appointee shall serve a term of three (3) years [to] on such Board.
 - e. In addition to the three (3) regular members of such Board, the Board of Trustees may appoint one (1) ad hoc member to the Sign and Awning Review Board to serve a one (1) year term. Such ad hoc member shall serve on the Sign and Awning Review Board whenever absences or conflicts of interest of regular members prevent three regular members from hearing an application or applications.
 - f. The powers and duties of the Sign and Awning Review Board are summarized and more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Sign and Awning Review Board.

2. Powers and Duties

- a. The Sign and Awning Review Board shall review each permit application and shall approve, disapprove, or approve subject to modifications or conditions being guided by the purpose and intent of this local law of the Village of Tuckahoe. The Building Inspector shall within five (5) business days of approval by the Sign and Awning Review Board or such period of time as he shall determine, or within five (5) working days of compliance with any modifications or conditions required for approval as the case may be, issue a permit for the erection of the proposed sign or awning, provided all fees and insurance requirements have been met.
- b. In instances where a construction project is in its approval stages in front of the Planning Board, the Sign and Awning Review Board will take into consideration the recommendations of the Planning Board in terms of sign placement and other issues concerning signage when deciding whether to grant approval of the sign(s) in question.
- c. The Sign and Awning Review Board shall meet once per month pursuant to a schedule of meetings available in the Office of the Village Clerk.

3. Rules and Regulations

- a. The Sign and Awning Review Board may adopt such rules and regulations as are necessary or proper to the performance of its powers and duties hereunder and may amend or repeal the same.

4. Quorum and Decision

- a. The presence of a majority of the members of the Sign and Awning Review Board shall be necessary for a quorum. The concurring vote of a majority of the total members of the Sign and Awning Review Board shall be necessary

to decide any matter before it.

5. Comprehensive Plan/Master Plan

- a. The Sign and Awning Review Board shall recommend revisions to the Village Comprehensive Plan to the Village Board of Trustees.

6. Sign and Awning Review Board Approval

- a. Signs and awnings requiring a sign permit shall be erected, constructed, reconstructed or altered only after there has been compliance with the following conditions:
 - i. Approval by the Sign and Awning Review Board as to design, colors, materials, illumination, location and size; and
 - ii. When granted a sign permit from the Building Inspector; and
 - iii. Upon payment of the required fees and the required proof of insurance.
- b. The Sign and Awning Review Board shall have a maximum of sixty (60) days from its receipt of a complete application to render a decision on the application. An application shall be deemed complete for purposes of this Section when all applications, drawings, renderings, plans, materials and other reasonable information requested by the Sign and Awning Review Board shall have been submitted to the Sign and Awning Review Board for its consideration and all necessary fees have been paid. Subject to the provisions of subsection (c) immediately below, in the event the Sign and Awning Review Board fails to render a decision within the aforesaid 60-day period, the application shall be deemed to have been approved by the Sign and Awning Review Board based on the latest application on file with the Building Department and Sign and Awning Review Board.
- c. In the event that the Sign and Awning Review Board has recommended changes to a particular sign and/or awning application within the 60-day period stated in subsection (b) immediately above, and the Applicant is implementing or considering the implementation of those changes, the Sign and Awning Review Board shall be deemed to have satisfied the 60-day period stated in subsection (b) immediately above even if the actual 60-day period shall have expired while the Applicant is implementing or considering the implementation of the changes recommended by the Sign and Awning Review Board.

Section 8.

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 9.

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 10. This Local Law shall take effect immediately.

Section 11. 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 continue 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 close public hearing; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

Trustee Giordano motioned to adopt **Local Law #1 -2012 - A LOCAL LAW AMENDING SECTIONS 3-17, 3-19, 3-21, 3-23 and 3-26 OF LOCAL LAW NO. 1 OF 2008, COMMONLY KNOWN AS THE "SIGN AND AWNING LAW"** motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

ADOPTION OF MINUTES

Trustee Luisi motioned to approve the minutes of the regular meeting of May 7, 2012; motion was seconded by Trustee Giordano and upon roll call, was carried by a vote of 5-0.

APPOINTMENTS

Trustee Hayes called for the re-appointment of Ernie Zocchi as Village Historian for a term of one year to expire April 1, 2013; motion was seconded by Trustee Giordano and upon roll call, was carried by a vote of 5-0.

Trustee Giordano called for the re- appointment of Norman Haynes as EVAC director for a term of one year to expire April 1, 2013; motion was seconded by Trustee Quigley and upon roll call, was carried by a vote of 5-0.

Trustee Giordano called for the appointment of David Scalzo as Ad-Hoc member to the Zoning Board of Appeals for at term to expire on 4/1/2013; motion was seconded by Trustee Luisi and upon roll call, was carried by a vote of 5-0.

FIRST OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

Barbara Ricci addressed the board on her request for a peddler's license to allow her to sell from a concession truck certain food items, calling it a kitchen on wheels, at Garrett Ave. for three months from Wednesday through Saturday.

A discussion followed between board members who felt that due to the enormous amount of trucks, cars, buses that come through, this type of activity is not conducive to that area and would create a traffic hazard. The board suggested she consider participating in the various Village sponsored events.

Mostafa Salem said he was also requesting the issuance of a peddler's license to allow the sale of certain food products from a coffee truck part time throughout the Village.

RESOLUTION #1 accepting the following donations from the Generoso Pope Foundation:

1. \$1,500 to pay for costs associated with the Easter Egg Hunt event held on April 7th.
2. \$7,500 to pay for costs associated with the Tuckahoe Fireworks event scheduled for Saturday, July 7th, rain date July 8th.

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.

RESOLUTION #2 approving the hiring of Jakeem Smith, part time, 25hrs. weekly to perform janitorial services for Village Hall, Community Center and Library beginning June 25, 2012. Trustee Luisi motioned to adopt resolution #2; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #3 approving the following vendors to participate in the farmers market every Sunday starting Sunday, June 3rd and ending Sunday, November 25th.

1. Westchester Greenhouses and Farm
2. Judith & Robert Gianserra d/b/a Rodwal Sales
3. Big Girl Cookie Company

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

RESOLUTION #4 authorizing the Mayor to sign the Fireworks Performance Agreement between the Village of Tuckahoe and Fireworks by Grucci, Inc. Trustee Giordano motioned to adopt resolution #4; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #5 authorizing the Mayor to sign an Inter-Municipal Agreement (Cablevision Renewal Agreement) between the County of Westchester and Village of Tuckahoe for a five year term commencing January 1, 2011. Trustee Giordano 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 approving the County Board of Elections request to utilize the Community Center as a polling place for the Federal Primary Election on Tuesday, June 26th from 5:30am to 9:30pm, for the State Primary Election on Tuesday, September 11th from 5:30am to 9:30pm and for the General Election on Tuesday, November 6th from 5:30am to 9:30pm. Trustee Quigley motioned to adopt resolution #6; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #7 authorizing the Village Clerk to issue a Limited Cabaret License to:

1. Growlers Beer Bistro from March 20, 2012 to September 19, 2012.
2. Stephens Green Bar & Rest. from May 8, 2012 to November 7, 2012.
3. Angelina's Restaurant from April 3, 2012 to October 2, 2012.
4. The Quarry Restaurant from April 10, 2012 to October 9, 2012.
5. Chianti Ristorante from April 10, 2012 to October 9, 2012.

Trustee Giordano motioned to adopt resolution #7; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION # 8 SCHEDULING A PUBLIC HEARING CONCERNING A PROPOSED LOCAL LAW FOR REGULATING SMOKING IN CERTAIN PUBLIC AREAS IN THE VILLAGE OF TUCKAHOE

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 June 11, 2012.

WHEREAS, the Village Board of Trustees wishes to conduct a public hearing concerning a proposed local law for regulating smoking in certain public areas in the Village of Tuckahoe.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Village Law and/or the Municipal Home Rule Law, a public hearing shall be held on or about the 16th day of July 2012, at 8:00 o'clock p.m., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Board of Trustees whether a proposed local law concerning the regulation of smoking in certain public areas in the Village of Tuckahoe should be adopted and enacted.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in accordance with the Municipal Home Rule Law and/or other applicable law.

Section 3. That this resolution shall take effect immediately.

Trustee Luisi motioned to adopt resolution #8; motion was seconded by Trustee Quigley and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #9 to accept a grant from the Generoso Pope Foundation in the amount of \$9,160 for the purchase of ballistic Shields. Trustee Quigley motioned to adopt resolution #9; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #10 to approve the hiring of Jackie Ferretti, full time, under the title of Administrative Intern for one year effective July 2, 2012. Trustee Quigley motioned to adopt resolution #10; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #11 authorizing the Mayor to sign an Agreement between the Community Fund of Bronxville-Eastchester-Tuckahoe and the Village of Tuckahoe as it relates to the Village's acceptance of a \$9,500 grant for Police Youth Programs (\$7,800) and the D.A.R.E. Program (\$1,700). Trustee Quigley motioned to adopt resolution #11; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #12 approving payment of vouchers in the amount of \$734,684.35 consisting of Abstract #51 for \$94,440.79, Abstract #52 for \$115,043.08, Abstract #53 for \$53,091.49, Abstract #54 for \$4,757.91, Abstract #55 for \$209,010.72 and abstract #56 for \$258,340.36.

The three largest invoices paid were: (1), \$197,285.00 for the Village's contribution to the Yonkers Avenue, Section 14 Stream-bank Protection Project, (2) \$112,060.63 for medical insurance premiums for the month of June 2012 and (3) \$88,199.75 for a tax certiorari settlement on real property located at 273 Columbus Avenue. Trustee Quigley motioned to adopt resolution #12; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #13 authorizing the Village Clerk to issue a Peddler's license to Barbara Ricci utilizing a concession truck to sell grilled fries, burgers, hot dogs, Ice Cream Cones and related products at two locations – at Parkway Oval – along Consulate Drive and at Garret Avenue for a period of 3 months.

Trustee Quigley motioned to table; with no second to the motion, motion was lost. After discussion on the application of Barbara Ricci for the issuance of a Peddler's license, motion by Trustee Giordano, seconded by Trustee Luisi that the request is denied for the protection of the public safety and general welfare. Upon roll call, motion was carried by a vote of 5-0 to deny the request.

RESOLUTION #14 authorizing the Tuckahoe Basketball Summer League to utilize the Main Street Park on July 3,5,10,12,17,19,24,26,31 from 6pm to 10pm contingent on the Tuckahoe Basketball Summer League contributing \$300.00, which is half the cost, for portable sanitation units. Trustee Quigley motioned to adopt resolution #14; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #15 authorizing the Village Clerk to issue a Peddler's License to Mostafa Salem utilizing a coffee truck to sell juice, soda, water, coffee, tea, sandwiches and candy throughout various streets in the Village for a period of either six months or a period of one year. Motion by Trustee Quigley, seconded by

Trustee Giordano that the application of Mastafa Salem for the issuance of a Peddler's license is denied for the protection of the public safety and general welfare. Upon roll call the motion was carried by a 5-0 vote to deny the request.

RESOLUTION #16 SCHEDULING A PUBLIC HEARING ON AMENDING LOCAL LAW NO. 1 OF 1967, AS AMENDED, ENTITLED "DANCE HALLS AND CABARETS"

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on June 11, 2012.

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to amendments to Sections 111 and 112 of Local Law No. 1 of 1967, entitled "Dance Halls and Cabarets."

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Municipal Home Rule Law, a public hearing shall be held on or about the 16th day of July 2012, at 8:00 o'clock p.m., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Board of Trustees whether certain sections of Local Law No. 1 of 1967, to wit: Sections 111 and 112 shall be amended to provide for: (1) an amended annual license fee; (2) a term of license of one year; and (3) a consistent expiration date of September 30th for all licenses.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in the manner provided by applicable law.

Section 3. That this resolution shall take effect immediately.

Trustee Giordano motioned to adopt resolution #16; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

RESOLUTION #17 to approve the new hire of Antonio DiMarco, Jr. as an MEO Driver for the Sanitation Department effective start date June 25, 2012 subject to a physical by the Village Physician and fingerprint check. Trustee Giordano motioned to adopt resolution #17; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote of 5-0.

Police-Lt. Belles reported on the Buckle- Up NY program whereby the department issued 121 summons, 75 of which were issued on Garrett and the incident with youth at the ICS carnival which has now prompted the department to hold meetings with the church, Town and Village prior to the event. Two new Harley Motorcycles were donated to the Police Dept. by the Generoso Pope Foundation. The motorcycle unit will be involved in community policing, special details, funerals, escorts and enhanced traffic enforcement; she thanked David Pope for the recent grant allowing the department to purchase ballistic shields and she also thanked the Community Fund for their support of the Village and the Police. The Police Annual Safety Day is June 16 at Parkway Oval with free T-shirts being provided by James Britt. The County Police test is November 17. The filing date is June 26. Prep classes will be available.

Mayor Ecklund announced the next Village Board Meeting, Monday, July 16th and reminded residents that Village offices and DPW will be closed on Wednesday, July 4th in observance of the Independence Day holiday.

BOARD OF TRUSTEES MEMBER REPORTS

- ▶ TRUSTEE Giordano reported on the Zoning and Planning Boards meetings.
- ▶ TRUSTEE Quigley reported on the various events taking place at the Library.
- ▶ TRUSTEE Luisi reported on the recent trip the seniors took to the Botanical Gardens; he noted the retirement of Raymond Palma from the Department of Public Works after many years of service to the Village.
- ▶ TRUSTEE Hayes reported on the successful Green Day celebration held at Town Hall and thanked the Environmental and Tree Committees members, Frank DiMarco and Joe Tavolilla of DP W who participated and a special thank you to Clare Gorman and Sandy Reyes-Guerra; the trolley has started running with a new schedule in place; THS graduation is June 22nd; Cottle graduation is June 20th; Mobile Shredder at Community Center on June 23rd and Con Edison is offering a rebate to those purchasing AC units.
- ▶ MAYOR Ecklund noted the AC unit at Community Center and Library has failed and are in the process of making repairs. The Town Board will hold a meeting at the Library on June 19th and the annual Village fireworks event is scheduled for July 7th, rain date July 8th. The Mayor then mentioned that recently the Wall Street Journal featured the Village of Tuckahoe.

John Wilson, who lives near Henry Street and Fulling Avenue, expressed concern with the incidents that have occurred in the last two years at the church's annual Carnival. He said the carnival is a magnet for trouble, noise, litter, etc. and changes need to be considered for the future.

There being no further business, the board unanimously voted to adjourn the meeting at 10:30PM PM.

Susan Ciamarra, Village Clerk