

May 13, 2013

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 led by the Tuckahoe Police Explorers.

PRESENTATIONS:

The Police Explorers awards were presented by Andrew Zirolnik, Chief Costanzo, the Mayor and the Board congratulated the explorers.

Sandy Reyes-Guerra gave a presentation on behalf of the Environmental and Tree Committees on the NYSDEC Climate change pledge. Trustee Giordano questioned its necessity and inquired whether the language could be modified. Sandy felt that although it is not necessary to, she believes it could; by the Village Board making a pledge to this commitment would make the Village more favorable when applying for grant money and said there is no down side. Mayor Ecklund wanted to know if they have to adopt a specific language. Trustee Giordano didn't understand why it is necessary to formalize it and is concerned that it has strings attached noting the disclaimer at the end of it. He said that words have meaning, agreements have meaning. Ms. Reyes-Guerra said it's more of a reward to municipalities that are moving forward. Trustee Giordano suggested a further look be taken at the language. Ms. Reyes-Guerra also discussed honor walks and gateway seasonal planting.

MaryAnn Jonaitis spoke in favor of the pledge.

PUBLIC HEARINGS

RESOLUTION #1 A RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS 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 Trustees of the Village of Tuckahoe, New York (the "Village Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on May 13, 2013

WHEREAS, the Village Board of the Village of Tuckahoe is considering the enactment of a local law that would amend the Village Code of the Village of Tuckahoe concerning retail carryout bags; and

WHEREAS, the local law would amend and add 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, based on the Environmental Assessment Form ("EAF"), prepared by BFJ Planning, the Village's Planning Consultant, the Village Board has determined that there will be no significant environmental impacts from this action concerning the enactment of a local law that would amend the Village Code of the Village of Tuckahoe concerning retail carryout bags;

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the EAF prepared by BFJ Planning, the Village's Planning Consultant, and the criteria contained in the State Environmental Quality Review Act and its implementing regulations, the Village Board hereby adopts the attached Negative Declaration for this action under the State Environmental Quality Review Act.

Section 2. That this resolution shall take effect immediately.

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Project Number [REDACTED]

Date: May 13, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Tuckahoe Board of Trustees [REDACTED] as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Reusable Shopping Bag Initiative for a Local Law Concerning Retail Carryout Bags

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The proposed action is the adoption of 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." The intent of the 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.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Entire geographic area of the Village of Tuckahoe, Westchester County, NY

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The Proposed Action would not result in any significant adverse impact on the environment. In reaching this determination, the Village of Tuckahoe Board of Trustees has considered relevant areas of environmental concern and the criteria identified in 6 N.Y.C.R.R. § 617.7.

The Tuckahoe Board of Trustees' determination is based upon the January 24, 2013 short Environmental Assessment Form (the "EAF"), prepared by BFJ Planning. The EAF provided information about the potential for environmental impacts arising from the adoption of the proposed local law. In addition, the Village Board has also reviewed the Part 2 form for the EAF, also dated January 24, 2013, finding no adverse impacts. Based on a review of Part I and Part II of the EAF, the Village Board has determined that the proposed action will not significantly and adversely impact any environmental resources.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Steven A. Ecklund, Mayor

Address: 85 Main Street, Tuckahoe, NY 10707

Telephone Number: 914.961.3100

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of Tuckahoe

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany NY, 12233-1750 (Type One Actions only)

Trustee Quigley made a motion to adopt resolution #1; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

PUBLIC HEARINGS

Public Hearing #1 – PROPOSED LOCAL LAW

Trustee Quigley made a motion to open public hearing; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5-0.

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” PREVIOUSLY REFERRED TO AS “RETAIL CARRYOUT BAGS”

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, 8th day of April 2013 and 13th day of May 2013 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 Quigley made a motion to open public hearing; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5-0.

Mayor Ecklund read the following e-mail.

AGAINST !!!!!

For these reasons:

There are still plastic garbage bags made of the same plastic all over that won't go away so putting a ban on these small needed bags MAKES NO SENSE.

Needed for these reasons: the elderly carrying their groceries, mothers with babies carrying their groceries, handicap carrying their groceries large orders with heavy items inc sodas people riding bicycles and motorcycles trying to carry groceries

Brown paper bags are made much lighter today and do not hold any weight.

AGAINST !!!!

Nicky's Corner Deli

Mark from Epsteins asked about a time frame and said they have just purchased \$8000.00 worth of plastic bags that would last a year. He would comply but requests a phase in period. He added that paper bags are much more expensive and creates a hardship. Recycle bags are moderately successful but not overwhelming successful.

MaryAnn Jonaitis spoke in favor of the shopping bag initiative.

Trustee Quigley gave an overview of the below statement urging all board members to vote in favor of the initiative.

TUCKAHOE'S REUSABLE SHOPPING BAG INITIATIVE

Factors to Consider

Merchants/Businesses

In two widely publicized public hearings, only one business owner testified against the law (Deborah Scannel from Café 72). Significantly, in her second comment that evening, she asked whether there would be sufficient time and education for the public and business owners to ensure compliance.

Steve Wincele, manager of Epstein's who was interviewed for the Journal News article on March 2, 2013, and whose store arguably uses more plastic shopping bags than any other business in Tuckahoe, has not voiced an objection.

There has not been any comment from the Eastchester/Tuckahoe Chamber of Commerce which has been repeatedly informed by Camille. I was at the Chamber meeting on May 6 and introduced myself to the group as a Village Trustee. Again, no comments.

Stop and Shop, whose parent company is opposing the law in the Town of Mamaroneck, has a sign outside the entrance to its Eastchester store stating that one reusable bag saves 335 plastic bags. My personal experience as a regular Stop and Shop shopper is that fewer than 25% of the shoppers bring reusable bags.

Southampton, NY, which has a Waldbaum's supermarket, enacted the law. According to Roger Blaugh, Co-chair of the Southampton Advocates for the Village Environment and Mayor's Environmental Advisory Committee in Southampton, "The Chairman of A&P [parent company] wrote a nice letter to the Southampton Press stating that they back our reusable bag program and were 'onboard' and were proud to contribute to the effort."

Also, according to Mr. Blaugh: "McDonald's corporate office called us to say that this law is in numerous places in the US already and they were ready to comply."

Jonathan Cunitz, a legislator in Westport Connecticut, where the law was enacted in 2008, reports no fines and only one letter to a merchant that was not in compliance.

Education/Encouragement Is Not Enough

When Mayor Bloomberg proposed banning smoking in bars and restaurants ten years ago, the industry claimed that it would severely harm business; when the law *reinstating* the requirement for deposits on soda and beer cans and bottles was being considered, the beverage industry claimed it would be unworkable and unduly burdensome.

Voluntary compliance with good ideas generally requires some force of law; e.g., seat belts were in cars long before the seat belt laws were enacted which increased their use and decreased traffic fatalities.

According to Roger Blaug in Southampton: “Shoppers began bringing their own bags to the stores well in advance of the six month effective date. The Town of Southampton underwent a year-long effort to educate the public to bring reusable bags to the store and recycle their old plastic bags at designated drop-off areas ... failure. Unless there is a law, it will not get done. Since we [Village of Southampton] enacted the law, you cannot find a plastic bag in a tree, drain, bush, parking lot, park, beach, lake or bay anywhere in our village... p-bag litter is gone forever and so, seemingly is a lot of other litter. We don’t know the connection, but it is evident.”

Sara Goddard of Rye made the following points at the hearing:

- Rye (population 15,000) has no supermarkets, but does have a CVS store
- The law is a part of a broader campaign to educate the public to reduce its use of items that can be harmful to the environment.
- There have not been any negative repercussions

E Coli Study and Health Considerations

The study Vito Catagna mentioned is deeply flawed:

- It was funded in part by the American Chemistry Council.
- It was not peer reviewed.
- According to the allgiv.com web site: “Skeptics of the study have noted the small statistical sampling taken over a limited time period in a single jurisdiction known for some uncommon demographics.”
- There are no reported E Coli or salmonella cases from reusable bags in any of the local municipalities that have enacted the law.
- See www.huffingtonpost.com/2013/02/07/plastic-bag-ban_n_2641430.html

It is easy to wash the reusable bags along with the regular laundry.

Plastic bags on the ground can hold standing water which can be a breeding ground for mosquitoes.

Westchester

Westchester communities that have enacted the law: Rye (unanimous: 5 Republicans, 1 Democrat, 1 independent), Larchmont (unanimous) and Mamaroneck (unanimous).

- Rye’s statute has been in effect since May 2012.
- Former Rye Deputy Mayor Suzanna Keith (Rep.), a sponsor of the law, sent a letter to the Mayor and Board in support. A copy of this letter is attached.
- An article in the WMOA e-newsletter, quoted Larchmont’s Mayor: “A compelling

case was made for the ban of some plastic bags. The point is, we're not just banning specific bags. This is a reusable bag initiative that will help in some small way to reduce the amount of plastics in landfills."

- Monica Barach from Mamaroneck's Committee on the Environment advised that the law was supported by the Chamber of Commerce.

Comments at the Public Hearings

Sara Goddard of Rye made the following points at the hearing:

- Lifestyle changes for the residents have been "minimal"
- Plastic shopping bags came into regular use only in 1975.

Clare Gorman testified that the Environmental Committee will work with the merchants and public to ensure smooth implementation of the law.

MaryAnn Jonaitis testified regarding:

- opportunity for merchants to put their names on reusable bags
- students are growing up with the idea of reusable products including water bottles and bags – this is a generation that is embracing "reducing, reusing and recycling".

Practical Aspects

Enforcement can be done through the Code Enforcement Officer.

Plastic shopping bags will not be banned in Tuckahoe – the merchants will not be allowed to give them out when purchases are made.

Merchants will have the option to sell or give away paper bags and reusable bags,

Web Sites

- www.citizenscampaign.org
- www.plasticbaglaws.org

Conclusion

We are justifiably proud of Tuckahoe as a progressive community and all agree that the initiatives by Frank DiMarco, the DPW and our Environmental and Tree Committees have put Tuckahoe at the forefront in Westchester with respect to sustainability and environmental matters. Encouraging the use of reusable shopping bags by banning the distribution of plastic shopping bags is completely in line with these objectives. Plastic, non-biodegradable shopping bags are fast becoming an anachronism and Tuckahoe should join Rye, Mamaroneck and Larchmont at the forefront.

compiled by Steve Quigley – May 2013

Mayor Ecklund was discouraged that very few businesses gave any input. There isn't an outcry from businesses against. He asked the attorney if they could change the language. John Cavallaro said there is a ripening period if the language changes. He suggested the penalty to be reduced to maybe a dollar. A business will either adhere or not adhere to the initiative. It lets businesses know that we are trying to work with them.

Trustee Giordano thanked Trustee Quigley for a great deal of time spent. His principles are all easy for us to get around. The problem is the punitive aspect to it. He is concerned with a mixed value message. It should be an encouragement and we could put those businesses that comply on our website. He wants it revised to do away with the punitive aspect and has trouble putting a ban on it and issuing fines. Mayor Ecklund asked if he would agree with the dollar penalty. Trustee Giordano does not like the dollar penalty and would like to reward the businesses showing initiative by putting them on our website.

Trustee Luisi read the following statement: Roughly 50 billion plastic water bottles end up in U.S. landfills each year — 140 million every day! That's enough, laid end to end, to reach China and back each day.

In 2008, Americans drank an average 215 bottles of water each for a total of 66 billion bottles. Of that total, only 22% was recycled. (Back 2Tap). The previous statistics have not even taken in consideration the plastic bottles used for detergent, food products and medicine

More than 240 million tires are thrown away each year in the United States. Fewer than 7 percent are recycled, 11 percent are burned for fuel, and 5 percent are exported. The remaining 78 percent are sent to landfills, stockpiled, or illegally dumped.

It has been estimated that 500 billion to one trillion bags are made across the world each year. The U.S. goes through 100 billion plastic shopping bags annually along with 12 million barrels of oil are used each year to make these bags.

Tuckahoe is proposing banning the use of plastic bags in retail stores. It sure seems like a good idea. The before mentioned statistics are staggering. But I also considered....what effect will this ban have on everyday life in the Village of Tuckahoe? What effect will it have on business owners as they conduct their daily operations? What is the intent of this proposed ordinance? Will it dramatically enhance the quality of life here in Tuckahoe? Recently I walked up Main Street. It was a regular week day, approximately 11:00 clock in the morning. The traffic was backed up from Columbus Ave past Fairview Ave simply due to the volume of cars. Cars, trucks and buses sitting there idling with their engines running. I witnessed a similar situation on Lake Ave, with vehicles waiting for the green light on Main Street. This amount of traffic affecting air quality in an area this size seems to be a far more pressing concern from an environmental standpoint and much more obvious quality of life issue. But forgive me for moving off the topic.

I've read the about the many municipalities not only here in the United States, but around the world that have banned plastic bags. I've read about paper bags being better for the environment, and the more eco-friendly reusable bags becoming harbors of harmful bacteria if they are not washed.

But in the end, all this talk about plastics and carbon foot prints are just a byproduct of our 21st century society. It's not going away not matter how many bans are enacted. Seriously, what kind of initiative are we giving to the consumer by offering them \$.05 rebate for using a non disposable bag? The city of Seattle, Washington passed a plastic bag law in January of 2012. To date not one business has been fined. Why? Because of limited enforcement staff.

In 2008 Westchester County passed a law mandating all retail establishments over 10,000 square feet providing plastic bags to its customers as a result of a sale must also provide a recycling bin for plastics.

My family's food shopping is done at ShopRite, which is where I bring all my recyclable plastic. Since 1992, they have implemented a bag reuse program, which in the last six years has kept 260 million bags out of our landfills. In 2012, 3,193 tons of plastic was recycled at their own facility in Elizabeth, New Jersey.

Since we are never going to ban all plastic bags and containers, I strongly favor a program to encourage and further develop robust recycling programs. Plastic is not the problem, people that litter is the problem.

There are simple steps we can take as consumers to reduce the amount of plastic bags that are wasted every day:

1. Just say "no thank you" when cashiers offer you a plastic bag for your groceries or other goods
2. Bring your own reusable bag with you when going to the grocery store (or any store)
3. Reuse or recycle any plastic bags you may get.

I am in favor of allowing the residents of Tuckahoe to make their own decisions when it comes to the use of plastic bags and not burdening the business establishments with more government mandates.

Trustee Hayes said that over the past 5 years the Village has made great strides to greener and more sustainable. Our business community is small. We do not have a supermarket or big box store. Owners continue to say that struggle to keep afloat. We all put our trash out Monday and Friday in big black garbage bags. The penalty section is the most concerning and the enforcement. Are they really going to get the fine? It's not the police it's code enforcement. Trustee Hayes does not understand why the Chamber has not spoken on behalf of the businesses and is not sure if legislating is the way to go.

Trustee Quigley is willing to table this. He is surprised regarding these comments. We are the 4th municipality to pass this. He does not want this to be High School Civics project. Maybe we can work out this over the next month.

Trustee Quigley made a motion to keep open public hearing; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 4-1. Trustee Luisi opposed.

ADOPTION OF MINUTES

Trustee Hayes motioned to approve the minutes of the reorganization meeting of April 1, 2013; motion was seconded by Trustee Quigley and upon roll call, was carried by a vote 5-0.

Trustee Quigley motioned to approve the minutes of the regular meeting of April 8, 2013; motion was seconded by Trustee Hayes and upon roll call, was carried by a vote 5-0.

Trustee Quigley motioned to approve the minutes of the budget adoption meeting of April 29, 2013; motion was seconded by Trustee Hayes and upon roll call, was carried by a vote 5-0.

APPOINTMENTS

Trustee Giordano motioned the appointment of Antonio Leo as Planning Board Chairperson for a one year term to expire on April 1, 2014; motion was seconded by Trustee Quigley and upon roll call, was carried by a vote 5-0.

Trustee Hayes motioned the appointment of Chris Biaz as a member of the Sign and Awning Board for a three year term to expire April 1, 2016 ; motion was seconded by Trustee Giordano and upon roll call, was carried by a vote 5-0.

RESOLUTIONS

RESOLUTION #2 – authorizing the Mayor to sign the 2013 Annual MS4 Stormwater Report for NYSDEC. Trustee Hayes made a motion to adopt resolution #2; motion was seconded by Trustee Quigley and upon roll call was carried by a vote 5-0.

RESOLUTION #3 – authorizing the Mayor to sign Application for NYSDEC Grant project #3-MSWSS-254 / Amount Requested \$16,500.00 with a \$16,500.00 match. Mayor Ecklund made a motion to table resolution #3; motion was seconded by Trustee Quigley and upon roll call was carried by a vote 5-0.

RESOLUTION #4 – authorizing the Mayor to sign Application for NYSDEC Grant project #3-MSWSS-235 / Amount Requested \$80,000.00 with a \$80,000.00 match. Mayor Ecklund made a motion to table resolution #4; motion was seconded by Trustee Quigley and upon roll call was carried by a vote 5-0.

RESOLUTION #5 to waive residency requirement for Camille DiSalvo, Deputy Village Clerk, Yonkers resident; Patricia Janniello, Asst. Court Clerk, Mt. Vernon resident; John Pintos, Treasurer, White Plains resident, John Cavallaro, Village Attorney, Mount Pleasant resident. Trustee Quigley made a motion to adopt resolution #5; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5-0.

RESOLUTION #6 to accept a contribution from the Generoso Pope Foundation in the amount of \$2,125 to fund the Village webcasting and a contribution of \$7,500 to fund the Fireworks event scheduled for July 6th, rain date July 7th. Trustee Hayes made a motion to adopt resolution #6; motion was seconded by Trustee Quigley and upon roll call was carried by a vote 5-0.

RESOLUTION #7 approving a fee increase for Farmer's Market Vendor license effective 6/1/2013 as follows: Large Vendor \$1050; Small Vendor \$675; weekly \$35. Trustee Quigley made a motion to adopt resolution #7; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #8 approving request to close a portion of Bella Vista Street for a neighborhood block party on Saturday, September 7, 2013 from noon to 10pm with music. Residents will provide for cleanup between 10pm-11pm. Trustee Giordano made a motion to adopt resolution #8; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #9 approving Eastchester C.A.P request to utilize the Main Street Park on Saturday, July 20, 2013 rain date, Sunday, July 21, 2013 from 1:00pm – 8:00pm to host a Community Day event. The event will include food, entertainment, (DJ), basketball tournament and games. (Liability insurance will be provided) Trustee Giordano made a motion to adopt resolution #9; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #10 authorizing the Village Clerk to issue a Peddler's License to Westchester Greenhouses & Farm Inc. to participate in the Farmer's Market in Depot Square every Sunday from June 2, 2013 to November 24, 2013. Trustee Quigley made a motion to adopt resolution #10; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #11 authorizing the Receiver of Taxes to collect taxes for fiscal year June 1, 2013 - May 31, 2014 in two installments, the 1st installment on June 1, 2013; for non-payment of 1st installment, a 5% penalty shall be imposed for the month of July and a 1% penalty for each month thereafter to date of redemption and the 2nd installment on December 1, 2013; for non-payment of the 2nd half installment, a 5% penalty shall be imposed for the month of January and a 1% penalty for each month thereafter to date of redemption and further authorizing the Mayor to sign the Tax Collector's Warrant that follows:

TAX COLLECTOR'S WARRANT

Susan Ciamarra, Receiver of Taxes, Village of Tuckahoe

RESOLUTION: May 13, 2013

Budget Year – June 1, 2013 to May 31, 2014 -

You are commanded to receive and collect from the several owners of property as shown on Section, Block and Lot in the Assessment Roll hereunto attached, the several sums named in the columns headed "Village Tax" opposite the respective lot numbers for the following purposes:

ESTIMATED EXPENSES		ESTIMATED RECEIPTS	
Legislative	21,450	Interest & Penalties on Taxes	15,000
Judicial	141,748	Payments in Lieu of Tax	13,800
Executive	7,282	Non Prop. Taxes - Utilities	272,000
Auditing	32,275	Local Sales Tax	873,000
Treasurer	94,225	Departmental Income	1,241,250
Assessor	9,320	Intergovernmental Charges	38,098
Village Clerk	148,037	Use of Money & Property	207,070
Village Attorney	75,732	Licenses & Permits	367,375
Records Management	500	Fines & Forfeitures	330,200
Engineering	1,000	Minor Sales & Comp for Losses	94,500
Elections	6,125	Misc. Local Sources	37,925
Buildings - Village Hall	153,950	State Aid	257,430
Buildings - DPW	28,000	Appropriated Fund Balance	100,000
Special Items	627,104	Tax Levy	7,173,959
Police Department	2,979,429		
On Street Parking	104,836	TOTAL REVENUES:	11,021,607
Off Street Parking	42,000		
Building Department	170,980		
Civ/Def Auxiliary Police	500		
Health	11,695		
Street Maintenance	1,098,760		
Snow Removal	75,000		
Street Lighting	9,500		
Recreation Service	67,298		
Recreation Administration	55,754		
Community Center Maintenance	44,900		
Zoning Board of Appeals	3,300		
Planning Board	3,300		
Sanitary Sewer	75,897		
Refuse Collection	562,712		
Water Service/Pipe Rental	130,000		
Employee Benefits	3,497,066		
Transfer to Library Fund	442,350		
Debt Service	299,582		
TOTAL EXPENDITURES:	11,021,607		

Upon delivery of the roll and warrant too you, you shall publish in the official newspaper of the Village and post in five public places in the Village, a notice that such Tax Roll and Warrant have been left with you for the collection of Taxes levied, and shall designate the place where you will receive taxes from June 1st to July 1st from 8:30 a.m. until 4:30 p.m. except Saturdays, Sundays and holidays; said notice shall also be published one week after the first publication.

You shall proceed to collect such taxes therein levied in the manner provided in Article V of the Village Law and also in accordance with the resolution of the Board of Trustees adopted on the 13th day of May, 2013, to collect such taxes in two equal semi-annual installments in conformity with the provisions of Section 117-A of the Village Law.

For said period, you will receive all taxes paid to you without additional charge.

In accordance with Section 1432 and 924-a of the Real Property Tax Law, on all taxes remaining unpaid after July 1st, five percent shall be added for the first month and at least an additional one percent for each month or fraction thereof, thereafter, until paid on the first half.

In accordance with Section 1432 and 924-a of the Real Property Tax Law, on all taxes remaining unpaid after January 1st, five percent shall be added for the first month and at least an additional one percent for each month or fraction thereof, thereafter, until paid on the second half.

You shall attend at the time and place specified in said Notice for the purpose of receiving said taxes.

After the first of July, you shall proceed to collect the taxes remaining unpaid, with interest as herein provided, but without any other charge or fee.

All interest collected shall belong to the Village.

IN WITNESS THEREOF, the Board of Trustees of the Village of Tuckahoe has caused these presents to be signed by the Mayor and the Clerk of said Village and the seal of the Village of Tuckahoe in hereunto affixed this 13th day of May 2013.

STEVEN ECKLOND
MAYOR

ATTEST:

SUSAN CIAMARRA
VILLAGE CLERK

Trustee Quigley made a motion to adopt resolution #11; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #12 authorizing an increase of \$100.00 as of June 1, 2013, for the annual parking permit fee for the Lake, Thompson & Fisher lots. Trustee Giordano made a motion to adopt resolution #12; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #13 authorizing an increase of \$100.00 as of June 1, 2013, for non-resident commuters in all lots. Trustee Giordano made a motion to adopt resolution #13; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #14 to ratify board action authorizing the Village Clerk to issue a Special Cabaret License to The Quarry Restaurant for a fundraiser for Saturday, May 4, 2013 from 4PM-10PM. Trustee Giordano made a motion to adopt resolution #5; motion was seconded by Trustee Quigley and upon roll call was carried by a vote 5-0.

RESOLUTION #15 creating a two hour overtime parking restriction on Wallace Street between Underhill Street and Lime Kiln Road. Chief Costanzo recommends the restriction. Trustee Giordano made a motion to adopt resolution #5; motion was seconded by Trustee Quigley and upon roll call was carried by a vote 5-0.

RESOLUTION #16 approving payment of vouchers in the amount of \$370,454.09, consisting of Abstract #46 for \$32,568.79, Abstract #47 for \$237,911.86, Abstract #48 for \$3,836.83, Abstract #49 for \$932.98 and Abstract #50 for \$95,203.63. The three largest invoices paid were: (1), \$124,483.75 for medical insurance premiums for the month of May 2013, (2) \$73,388.09 for a serial bond principal and interest payment and (3) \$33,080.93 for Tuckahoe Union Free School District property taxes for 2013. Trustee Giordano made a motion to adopt resolution #16; motion was seconded by Trustee Luisi and upon roll call was carried by a vote 4-0. Trustee Hayes abstained.

RESOLUTION #17 authorizing the approval of a tax certiorari settlement for Joseph and Grazia Alfonzetti located at 47 Armourvilla Avenue, Section 26, Block 2, Lot 35 in the amount of \$2,024.19 for assessment year 2009. Trustee Quigley made a motion to adopt resolution #17; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #18 authorizing the approval of a tax certiorari settlement for 39 Elm Street Corporation/Peter Borducci located at 29 Elm Street, Section 32, Block 4, Lot 11 in the amount of \$22,895.27 for assessment years 2006 through 2012. Trustee Giordano made a motion to adopt resolution #18; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #19 authorizing the Mayor to sign an agreement amending the Collective Bargaining Agreement between the Village of Tuckahoe and Tuckahoe Police Organization for the period June 1, 2010 to May 31, 2015 as it concerns a one-time retirement incentive offered to unit members eligible to retire by June 1, 2013 under the New York State Police and Fire Retirement System. Trustee Giordano made a motion to adopt resolution #19; motion was seconded by Trustee Quigley and upon roll call was carried by a vote 5-0.

RESOLUTION #20 hiring Frank DiMarco for the position of General Foreman in the Department of Public Works. Trustee Giordano made a motion to adopt resolution #20; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #21 authorizing a new schedule of fees for the Department of Building effective June 1, 2013 as follows:

Plumbing

Gas Test \$50.00

Certificate of Occupancy

Residential One Family \$150.00
Residential Two Family \$300.00
Commercial \$300.00 + \$200.00 per floor

Certificate of Completion

Residential (Building, Plumbing, Electrical, etc.) \$100.00
Commercial (Building, Plumbing, Electrical, etc.) \$200.00

Electrical

Residential	Under \$2,499	\$50.00
	Up to \$4,999	\$75.00
	Up to \$9,999	\$100.00
	Over \$10,000	\$200.00
Commercial (per unit)	Under \$2,499	\$100.00
	Up to \$4,999	\$150.00
	Up to \$9,999	\$200.00
	Up to \$25,000	\$250.00
	Over \$25,000	\$300.00

Application Fees

One and two family residence:	
• Additions, alterations and repairs	\$150.00
• New Construction	\$250.00
Multi Family residence	
• Additions, alterations and repairs	\$200.00
• New Constructions	\$400.00
Commercial	
• Additions, alterations and repairs	\$300.00
• New Constructions	\$500.00
Resubmissions of plans	\$ 50.00

Application fee is not required for fences, driveways, roofs or siding

Administrative Fee

\$1,000 or 10% whichever is greater

Trustee Quigley made a motion to adopt resolution #21; motion was seconded by Trustee Hayes and upon roll call was carried by a vote 5-0.

RESOLUTION #22 A RESOLUTION ON BEHALF OF THE VILLAGE OF TUCKAHOE IN SUPPORT OF NEW YORK STATE ASSEMBLY BILL NO. A.4086 (AUTHORIZING THE PUBLIC SERVICE COMMISSION UPON APPLICATION BY A MUNICIPALITY, TO ORDER COSTS FOR INFRASTRUCTURE MAINTENANCE AND ACCESS TO BE CHARGED TO ALL CUSTOMER CLASSES LOCATED IN SUCH MUNICIPALITY).

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 May 13, 2013.

BE IT RESOLVED, that the Village Board of the Village of Tuckahoe does hereby support the New York State Assembly Bill No. A.4086 (authorizing the Public Service

Commission, upon application by a municipality to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality).

That this resolution shall take effect immediately.

A4086-2013 Actions

- Jan 30, 2013: referred to corporations, authorities and commissions

A4086-2013 Text

S T A T E O F N E W Y O R K

4086

2013-2014 Regular Sessions
I N A S S E M B L Y
January 30, 2013

Introduced by M. of A. PAULIN, OTIS -- read once and referred to the
Committee on Corporations, Authorities and Commissions

AN ACT in relation to authorizing the public service commission, upon application by a municipality, to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. Notwithstanding any law to the contrary, a municipality may apply to the public service commission to have any costs for infrastructure maintenance and access it is charged by a water-works corporation to instead be charged to all customers across all customer classes located in the municipality provided the municipality has held a public hearing on the matter and has adopted a resolution and determined by a majority vote of the total voting strength of its governing body that it is in the overall public interest to have such costs charged to all customers across all customer classes. Any savings achieved as a result of this action shall be applied to the property tax levy of the municipality which has adopted such a resolution in an amount equal to such savings in the following fiscal year. Within 120 days after receiving an application pursuant to this act, the public service commission is empowered and directed to issue an order requiring that costs for infrastructure maintenance and access be included in the rates charged to all customer classes and apportioned among all customers located in the municipality and that such municipality shall not be charged separately or additionally for costs for infrastructure maintenance and access. The public service commission shall have the power to request any information that it may deem necessary from the water-works corporation or municipality so that it may issue an order as required by this section and may require that such information or application be in the form and manner as the commission may request.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.
LBD05066-02-3

A. 4086

2

2. Definitions. For purposes of this act:

a. "costs for infrastructure maintenance and access" means all costs associated with maintenance and operation of infrastructure and equipment used in connection with the sale, furnishing, transmission and distribution of water for domestic, commercial, public and emergency purposes and shall also mean costs or charges associated with municipal access to infrastructure or equipment.

b. "municipality" shall mean a city, town or village located in the county of Westchester.

c. "water-works corporation" shall have the same meaning as that term is defined in section 2 of the public service law.

S 2. This act shall take effect immediately.

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

John Cavallaro explained that this bill deals with the responsibility of Fire Hydrant fees. Mayor Ecklund said this could mean that the \$130,000 budgeted line item for this purpose would be removed from the budget.

DEPARTMENTAL REPORTS TO THE BOARD

POLICE- Chief Costanzo said that the police purchased, free of charge, a 2010 Hum V and 5 patrol rifles through the government. He thanked Giovanni’s Auto repair for painting the HUM V at no charge. They also have tagged some other items, 5 or 6 water pumps that will be used by the DPW for the berm. This Saturday is the Police Memorial and the seat belt initiative begins this month.

MISCELLANEOUS BUSINESS Mayor Ecklund announced the next Village Board Meeting, Monday, June 10, 2013, the Residents Community Meeting, Wednesday, May 29, 2013 – Triangle Park and that Village offices and DPW closed on Monday, May 27th in observance of the Memorial Day holiday.

BOARD OF TRUSTEES MEMBER REPORTS

- ▶ TRUSTEE Giordano said that June 8th is Police Community Day.
- ▶ TRUSTEE Quigley gave an update on Chamber and library events.
- ▶ TRUSTEE Luisi gave an update on Senior activities.
- ▶ TRUSTEE Hayes announced upcoming Tree and Environmental Committee meetings.
- ▶ MAYOR The Mayor said that he will be meeting with the Crestwood Project representatives and the process on the project is progressing.

There being no further business, the unanimously voted to adjourn the meeting at 10:00PM.

Susan Ciamarra, Village Clerk

