

May 9, 2011

BOARD OF TRUSTEES
REGULAR MEETING

The meeting opened with the salute to the flag and the Pledge of Allegiance

PRESENT:

TRUSTEE	Giordano
TRUSTEE	Quigley
TRUSTEE	Luisi
TRUSTEE	
MAYOR	Ecklund

Mayor Ecklund appointed Janette Hayes, Village Trustee, to fill the unexpired term of Steven Ecklund to April 1, 2012. The Mayor then called on Judge David O. Fuller to administer the Oath of Office to Janette Hayes.

Mayor Ecklund welcomed Trustee Hayes and commended her work while serving as a member of the Tuckahoe Housing Authority as well as her participation in many Village events.

Trustees Giordano, Quigley and Luisi welcomed her and looked forward to a wonderful exchange of ideas.

Trustee Hayes said she was honored and humbled in having been asked to serve and will work closely with the Village departments, take an active participant with the various organizations and is anxious to start on the assignment given to her by the Mayor to start a quarterly newsletter and upgrade the Village's website. She thanked her stepfather, father and stepmother and Unitex, the company where she is employed, for their support.

Supervisor Colavita, the president of Unitex, Councilman Marcoccia, and former Mayor Martino said Trustee Hayes was a great choice and wished her well.

Roll call followed with the following being present:

TRUSTEE	Giordano
TRUSTEE	Quigley
TRUSTEE	Luisi
TRUSTEE	Hayes
MAYOR	Ecklund

Commander Robert Foster of VFW Post #2285 and Anthony Lore, on behalf of the Veterans Ceremony and Parade Committee, made a presentation about the upcoming Memorial Day Weekend Parade on May 22nd with the Parris Island Marine Corp Band Concert at 6:00PM on May 21st in Depot square. The parade will honor Medal of Honor recipient, Vietnam Veteran, Gary Beikirch.

PUBLIC HEARINGS

a) PUBLIC HEARING -

LOCAL LAW NO. 5 OF THE YEAR 2011

A LOCAL LAW AMENDING SECTION 22-33 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "COLOR SCHEMES, EMBLEMS AND IDENTIFICATION" OF CHAPTER 22 ENTITLED "VEHICLES FOR HIRE"

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 May 9, 2011.

WHEREAS, legislation has been requested amending Section 22-33 of the Village Code of the Village of Tuckahoe, entitled "Color Schemes, Emblems and Identification" of Chapter 22 entitled "Vehicles for Hire"; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 17th day of April 2011; and

WHEREAS, said public hearing was duly held on the 9th day of May 2011, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

NOW, THEREFORE, be it enacted by the Village Board of the Village of Tuckahoe, as follows:

Section 1. Section 22-33, entitled "Color Schemes, Emblems and Identification" within Chapter 22 entitled "Vehicles for Hire" of the Village Code of the Village of Tuckahoe, is hereby amended as follows:

§ 22-33. Color schemes, emblems and identification.

- (a) All vehicles belonging to the same hack owner shall have the same distinctive color scheme or combination of colors and striping.

- (b) The name and telephone number of the hack owner shall be printed on both the front doors of each taxicab in such a manner as shall be prescribed by the Board of Trustees as part of the approved emblem. The taxicab identification number issued for each taxicab by the Police Department or the Board of Trustees shall be painted on the front doors and the rear and front of each taxicab licensed hereunder. The size and color

of the name, telephone number and identification number shall be between three (3) and four (4) inches in height and three (3) and four (4) inches in width with a quarter-inch stroke in a color contrasting with the portion of the taxicab upon which the number is painted, so as to provide visible figures considering operating conditions when the taxicabs are likely to be used.

(c) The Board of Trustees shall grant to any hack owner, upon proper application therefor, the exclusive right to use one distinctive color scheme and/or emblem as follows:

(1) All vehicles belonging to the same hack owner shall have the same distinctive color scheme or combination of colors and striping.

(2) One (1) or more distinctive emblems or other identifying designs to be displayed on all or part of the vehicles of such hack owner. Applications for approval must include color sketches of the proposed color schemes and/or emblems or designs together with such other and further information as the Board of Trustees may require.

(3) The Board of Trustees may conduct a hearing for the purpose of resolving any dispute as to the use of a color scheme where the use of such color scheme tends to confuse the public as to the identity of the vehicle being used or of the identity of the hack owner or where the use of such color scheme creates an unfair competition or business practice.

(d) *Advertising limitations (external)*. Advertising material shall not be displayed on the exterior of taxicabs, except that advertising shall be permitted if the advertising is limited to a standard unlighted plaque in back of the taxicab without any projections beyond the width and the height of the body of the taxi and without any projection beyond the rear bumper of the taxi and provided that there is no obstruction of the driver's view or vehicular lights. The dimensions, placement and construction of such advertising plaque must be approved by the Board of Trustees. [No advertising for political purposes is permitted.]

(e) *Advertising limitations (internal)*. Internal advertising will be permitted on the

back of a driver's seat or on the inside of the doors of the taxicab. [No advertising for political purposes is permitted.]

Section 2. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 3. This Local Law shall take effect immediately.

Section 4. 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 open the public hearing; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 4-1; Trustee Hayes abstained from voting.

Trustee Quigley motioned to close the public hearing; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 4-1; Trustee Hayes abstained from voting.

Trustee Quigley motioned to adopt Local Law #5 of the year 2011; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 4-1; Trustee Hayes abstained.

b) PUBLIC HEARING - Inter-Municipal Agreement with the County of Westchester for Community Development Block Grant Funding Program For Fiscal Year 2012-2014.

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

Irina Matveevskii, Director of the Tuckahoe Housing Authority. expressed her need for the CDBG approval by the board. The anticipated amount of the application by THA for CDBG funding is \$770,000. and the THA contribution would be \$192,500.

Trustee Giordano inquired whether there are any other avenues where these projects could be applied to. The Director explained that HUD allows funding for Capital Projects; however, it is not enough.

Mayor Ecklund asked for total units to which the Director responded there are 150 units including senior housing and 175 Section 8 subsidies.

Trustee Quigley asked if there is an ongoing Capital improvements fund and Irina said yes.

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

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

RESOLUTION #1 AUTHORIZING THE MAYOR TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING PROGRAM

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 May 9, 2011.

WHEREAS, the County of Westchester has requested that the Village of Tuckahoe enter into an Inter-Municipal Agreement ("IMA") for Community Development Block Grant ("CDBG") funding; and

WHEREAS, under the IMA the Village would have an obligation to affirmatively further fair housing as the same is set forth in the IMA; and

WHEREAS, the Village Board finds that because the CDBG funding will enable the Village to make various improvements and upgrades to the Village's streets, parks and infrastructure, it is in the best interest of the Village to execute the IMA;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Mayor is hereby authorized to execute an Inter-Municipal Agreement with the County of Westchester for Community Development Block Grant funding.

Section 2. That this resolution shall take effect immediately.

c) PUBLIC HEARING – Community Development Block Grant Funding For Fiscal Year 2012-2014 Application - Please take notice that a public hearing will be held on Monday, May 9, 2011, at 8:00 P.M. in the Meeting Room, Village Hall, 65 Main Street, Tuckahoe, NY. At the hearing the Village Board will receive public comments in considering the submission of several applications outlined below under the Community Development Block Grant program (CDBG).

The following are the new proposed CDBG projects for the 2012-2014 application year.

- Fisher Avenue, Alpine Place & Oakland Avenue Curb & Sidewalk Project
- Lincoln Avenue & Marbledale Road Curb & Sidewalk Project.
- Marbledale Road Curb & Sidewalk Project
- Monroe Street & Dante Avenue Curb & Sidewalk Project.
- Marbledale Road Drainage Improvement Project
- Main Street Sewer Relining Project
- Community Center / Library Roof Replacement Project

By Order of the Board of Trustees/Susan Ciamarra, Village Clerk

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

Frank DiMarco, Supt. of Public Works, explained that these projects were picked based on the low mod areas which has become increasingly smaller over the years due to improvements made.

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

Trustee Quigley motioned to table Resolution #2; motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 5-0.

RESOLUTION #2 endorsing the submission of an application to the Westchester Urban County Consortium for Community Development Block Grant (CDBG) for Fiscal Year 2012-2014 cycle for the following projects :

1. Fisher Avenue, Alpine Place & Oakland Avenue Curb & Sidewalk Project – total cost of project is \$119,660.00 The Village of Tuckahoe is requesting \$89,745.00 in CDBG funding; the Village of Tuckahoe will contribute \$29,915.00 toward the completion of this project.

2. Lincoln Avenue & Marbledale Road Curb & Sidewalk Project – total cost of project is \$130,175.00. The Village of Tuckahoe is requesting \$97,631.25 in CDBG funding; the Village of Tuckahoe will contribute \$32,543.75 toward the completion of this project.

3. Marbledale Road & Main Street Sidewalk Project – total cost of project is \$121,211.00. The Village of Tuckahoe is requesting \$90,908.25 in CDBG funding; the Village of Tuckahoe will contribute \$30,302.75 toward the completion of this project.

4. Monroe Street & Dante Avenue Curb and Sidewalk Project – total cost of project is \$155,656.00. The Village of Tuckahoe is requesting \$116,742.00 in CDBG funding; the Village of Tuckahoe will contribute \$38,914.00 toward the completion of this project.

5. Marbledale Road Drainage Improvement Project – total cost of project is \$122,890.00. The Village of Tuckahoe is requesting \$92,167.50 in CDBG funding; the Village of Tuckahoe will contribute \$30,722.50 toward the completion of this project.

6. Main Street Sewer Relining Project – total cost of project is \$166,650.00. The Village of Tuckahoe is requesting \$124,987.50 in CDBG funding; the Village of Tuckahoe will contribute \$41,662.50 toward the completion of this project.

7. Community Center/Library Roof Replacement Project - total cost of the project is \$111,750.00. The Village of Tuckahoe is requesting \$111,750.00 in CDBG

funding; the Village of Tuckahoe will contribute \$37,250.00 toward the completion of the project.

Trustee Quigley motioned to approve the minutes of the regular meeting of April 11, 2011; motion was seconded by Trustee Luisi and upon roll call was carried by a vote of 4 – 1 - Trustee Hayes abstained from voting.

Trustee Quigley motioned to approve the minutes of the special meeting of April 25, 2011; motion was seconded by Trustee Giordano and upon roll call was carried by a vote of 4 – 1 - Trustee Hayes abstained from voting.

Mayor Ecklund called for the Re-Appointment of Barbara Nieminen as member to the Sign & Awning Board for a term to expire on 04/01/2014; Trustee Quigley motioned to appoint Barbara Nieminen motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5-0.

Mayor Ecklund called for the Re-Appointment of Ann Marie Ciaramella, as Chairperson to the Sign & Awning Board for a term to expire on 04/01/2012; Trustee Giordano motioned to appoint Ann Marie Ciaramella motion was seconded by Trustee Luisi and upon roll call was carried by a vote 5-0.

Mayor Ecklund called for the Re-Appointment of Keith Minarik, as member to the Tuckahoe Library Board for a term to expire on 04/01/2016; Trustee Quigley motioned to appoint Keith Minarik motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5-0.

RESOLUTIONS

Mayor Ecklund offered resolution #3 approving Tuckahoe Basketball Summer League request for the use of the Main Street park from early July to mid-August.

Trustee Quigley made a motion to adopt resolution #3; motion was seconded by Trustee Luisi and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #4 authorizing the Mayor to sign an Inter-municipal Agreement between the County of Westchester and the Village of Tuckahoe for a five (5) year term beginning January 1, 2011 and continuing through December 31, 2015 as it relates to the STOP-DWI Patrol Project Reimbursement contract.

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

Mayor Ecklund offered resolution #5 approving the renewal of the Limited Cabaret License for The Quarry Restaurant for the period of six months beginning April 10, 2011 and ending October 9, 2011.

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

Mayor Ecklund offered resolution #6 approving and authorizing the Village Clerk to issue a Farmers' Market General Business license to Westchester Greenhouses and Farms, Inc. to sell fruits and vegetables beginning Sunday, June 5, 2011 and ending Sunday, November 27, 2011.

Trustee Quigley made a motion to adopt resolution #6; motion was seconded by Trustee Luisi and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #7 approving the renewal of the Limited Cabaret License for Stephens Green Bar & Restaurant for the period of six months beginning May 8, 2011 and ending November 7, 2011.

Trustee Quigley made a motion to adopt resolution #7; motion was seconded by Trustee Luisi and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #8 RESOLUTION AMENDING THE SCHEDULE OF FINES FOR OVERTIME PARKING VIOLATIONS 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 May 9, 2011.

WHEREAS, Section 21-67(a) of the Village Code of the Village of Tuckahoe authorizes that "the fines for various parking violations shall be designated by the Board of Trustees by resolution adopted at a regularly scheduled meeting of the Board of Trustees. A list of such fines shall be maintained by the Village Clerk and Police Department. Notice of the amount of the fines established in accordance with this section shall be provided on all parking tickets, summonses and notices of violation;" and

WHEREAS, the Village Board of Trustees desires to amend the Schedule of Fines for overtime parking violations in the Village of Tuckahoe; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby amends the Schedule of Fines for overtime parking violations in the Village of Tuckahoe as follows:

<u>Former Amount</u>	<u>Current & Amended Amount</u>
\$20	\$25

Section 2. To the extent that this Resolution conflicts with the Schedule of Fines currently maintained by the Office of the Village Clerk or the Department of Police, this Resolution shall be controlling.

Section 3. That this resolution shall take effect on June 13, 2011.

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

Mayor Ecklund offered resolution #9 **SCHEDULING A PUBLIC HEARING ON AMENDING SECTION 21-67 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "PARKING VIOLATION FINES"**

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 May 9, 2011.

WHEREAS, the Chief of Police has requested legislation amending Section 21-67 of the Village Code of the Village of Tuckahoe, entitled "Parking Violation Fines;" and

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to an amendment to Section 21-67 of the Village Code of the Village of Tuckahoe, entitled "Parking Violation Fines;" and

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 13th day of June 2011, 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 Section 21-67 of the Village Code of the Village of Tuckahoe, entitled "Parking Violation Fines" shall be amended so as to increase the parking meter violation fine by \$5.00.

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 Quigley made a motion to adopt resolution #9; motion was seconded by Trustee Luisi and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #10 **AMENDING THE RATES FOR SHORT-TERM PARKING METERS LOCATED 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 May 9, 2011.

WHEREAS, Section 21-121 of the Village Code of the Village of Tuckahoe authorizes that "[t]he rates for the parking meters located in the parking permit and meter zones designated in Section 21-119 shall be designated by the Board of Trustees by resolution adopted at a regularly scheduled meeting of the Board of Trustees. A list of such rates shall be maintained by the Village Clerk and Police Department. Notice of the parking meter rates established in accordance with this section shall be provided on all parking meters;" and

WHEREAS, the Village Board of Trustees desires to amend the Schedule of Rates for all short-term parking meters (4 hours or less) located in the Village of

Tuckahoe; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby amends the Schedule of Rates for all short-term parking meters (4 hours or less) located in the Village of Tuckahoe as follows:

<u>Amount</u>	<u>Minutes Allocated</u>
\$0.05	4
\$0.10	8
\$0.25	20
\$1.00	80

Section 2. To the extent that this Resolution conflicts with the Schedule of Rates currently maintained by the Office of the Village Clerk or the Department of Police, this Resolution shall be controlling.

Section 3. That this resolution shall take effect immediately.

Trustee Quigley made a motion to adopt resolution #10; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #11 authorizing the Receiver of Taxes to collect taxes for fiscal year June 1, 2011 - May 31, 2012 in two installments, the 1st installment on June 1, 2011; 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, 2011; 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 9, 2011

Budget Year – June 1, 2011 to May 31, 2012 - 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

Legislative	21,275
Judicial	143,448
Executive	7,282
Auditing	30,000
Treasurer	91,650
Assessor	6,140
Village Clerk	168,567
Village Attorney	74,782
Records Management	1,300
Engineering	4,500
Elections	6,125
Buildings – Village Hall	166,000
Buildings – DPW	15,996

ESTIMATED RECEIPTS

Payments in Lieu of Taxes	15,000
Interest & Penalties on Taxes	11,000
Non Property Taxes – Utilities	215,000
Local Sales Tax	775,000
Departmental Income	1,065,450
Intergovernmental Charges	38,098
Use of Money & Property	157,580
Licenses & Permits	238,300
Fines & Forfeitures	350,200
Minor Sales & Comp. for Losses	180,500
Miscellaneous Local Sources	17,250
State Aid – Revenue	248,621
Tax Levy	6,673,838

Special Items	479,000		
Police Department	2,871,227		
On Street Parking	103,450	TOTAL REVENUES:	<u>\$9,985,837</u>
Off Street Parking	44,551		
Buildings Department	184,951		
Civil/Defense Auxiliary Police	875		
Health	11,695		
Street Administration	95,359		
Street Maintenance	849,328		
Snow Removal	75,500		
Street Lighting	9,800		
Recreation Services	66,698		
Recreation Administration	82,450		
Community Center Maintenance	53,790		
Zoning Board of Appeals	3,000		
Planning Board	5,000		
Environmental Consultant	500		
Sanitary Sewers	141,144		
Refuse Collection	594,974		
Water Service – Pipe Rentals	70,000		
Employee Benefits	2,688,605		
Transfer to Library Fund	471,500		
Debt Service	345,374		
TOTAL EXPENDITURES:	<u>\$9,985,837</u>		

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 9th day of May, 2011, 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 10th day of May 2011.

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

Mayor Ecklund offered resolution #12 approving and authorizing the Village Clerk to issue a Farmers' Market General Business license to Rodwal Sales to sell assorted breads beginning Sunday, June 5, 2011 and ending Sunday, November 27, 2011.

Trustee Quigley made a motion to adopt resolution #12; motion was seconded by Trustee Luisi and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #13 authorizing the use of the Tuckahoe Trolley and Driver for the Memorial Day Parade on Sunday, May 22nd.

Trustee Giordano made a motion to adopt resolution #13; motion was seconded by Trustee Luisi and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #14 authorizing the use of the Tuckahoe Trolley and Driver for a Historic Tour of Tuckahoe, Eastchester and Bronxville, narrated by Town Historian Richard Forliano on Tuesday, May 10th from 9 am – noon.

Trustee Quigley made a motion to adopt resolution #14; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #15 authorizing the use of the Tuckahoe Trolley and Driver for the Tuckahoe Senior Citizens for transportation to their Thanksgiving Luncheon at Father Fata Hall on Tuesday, November 22nd from 11:30 am – 2:30 pm.

Trustee Giordano made a motion to adopt resolution #15; motion was seconded by Trustee Quigley and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #16 authorizing the closure of Fulling Avenue between Winterhill Road and Gifford Street for a block party on August 6, 2011, rain date August 7, 2011 from 10 am to 5 pm.

Trustee Giordano made a motion to adopt resolution #16; motion was seconded by Trustee Quigley and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #17 approving payment of vouchers in the amount of \$334,591.95 consisting of abstract #53 for \$3,079.45, abstract #54 for 202,661.64 and abstract #55 for \$128,850.86. The three largest invoices paid were: (1) \$109,272.73, for employee health insurance premiums for the month of May 2011, (2) \$29,638.18 for 2011 Town & School taxes on Village owned property and (3) \$23,921.92 for road paving.

Trustee Giordano made a motion to adopt resolution #17; motion was seconded by Trustee Quigley and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #18 **AUTHORIZING A HOME RULE REQUEST TO THE STATE LEGISLATURE**

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 May 9, 2011.

WHEREAS, in 1998, the State Legislature enacted Section 1640-g of the New York State Vehicle and Traffic Law; and

WHEREAS, Section 1640-g authorized the Village Board of Trustees, by local law or ordinance, to provide for a residential parking permit system, and further fix and require the payment of fees applicable to parking within the area in which such parking system is in effect; and

WHEREAS, Section 1640-g limited the parking permit system area to the following described area:

- (a) the southerly corporate boundary between the village of Tuckahoe and the village of Bronxville to Midland Avenue;
- (b) Midland Avenue to its intersection with Winter Hill Road;
- (c) Winter Hill Road from its intersection with Midland Avenue to its intersection with Main Street;
- (d) Marbledale Road from its intersection with Main Street to a point where it intersects with the northerly corporate boundary between the village of Tuckahoe and the town of Eastchester;
- (e) the northerly corporate boundary between the village of Tuckahoe and the town of Eastchester to the westerly corporate boundary between the village of Tuckahoe and the city of Yonkers; and
- (f) the westerly corporate boundary between the village of Tuckahoe and the city of Yonkers to the southerly corporate boundary between the village of Tuckahoe and the village of Bronxville; and

WHEREAS, the Village Board of Trustees, after hearing public comment and having had due deliberation thereon, and having received comment from the Department of Police have determined to request from the Legislature that the parking permit system area be expanded to include:

- (a) Fisher Avenue to the easterly corporate boundary between the Village of Tuckahoe and the Town of Eastchester;

(b) The easterly corporate boundary between the Village of Tuckahoe and the Town of Eastchester to the northerly corporate boundary between the Village of Tuckahoe and Town of Eastchester; and

(c) An extension of the southerly corporate boundary to White Plains Road; and

WHEREAS, the Village Board of Trustees has determined to make the following Home Rule Request to the State Legislature.

NOW, THEREFORE, BE IT RESOLVED

1. That the Village Board of Trustees of the Village of Tuckahoe approve and issue the Home Rule Request, set forth below, to the State Legislature.

2. That the Village Board of Trustees seek, approve and request an amendment to Section 1640-g(2) of the New York State Vehicle and Traffic Law, which would expand the residential parking permit system area within the Village of Tuckahoe.

3. That the Village Board of Trustees seek an amendment to Section 1640-g(2) of the New York State Vehicle and Traffic Law so the same provides for the following:

2. Such residential parking permit system may only be established within the area bounded by the following

(a) the southerly corporate boundary between the village of Tuckahoe and the village of Bronxville to White Plains Road [Midland Avenue];

(b) Midland Avenue to its intersection with Winter Hill Road;

(c) Winter Hill Road from its intersection with Midland Avenue to its intersection with Main Street;

(d) Marbledale Road from its intersection with Main Street to a point where it intersects with Fisher Avenue [the northerly corporate boundary between the village of Tuckahoe and the town of Eastchester];

(e) Fisher Avenue to the easterly corporate boundary between the Village of Tuckahoe and the Town of Eastchester;

(f) The easterly corporate boundary between the Village of Tuckahoe and the Town of Eastchester to the northerly corporate boundary between the Village of Tuckahoe and Town of Eastchester;

(g [e]) the northerly corporate boundary between the village of Tuckahoe and the town of Eastchester to the westerly corporate boundary between the village of Tuckahoe and the city of Yonkers; and

(h [f]) the westerly corporate boundary between the village of Tuckahoe and the city of Yonkers to the southerly corporate boundary between the village of Tuckahoe and the village of Bronxville.

4. That this resolution shall take effect immediately.

New Matter Underlined

Deleted Matter in Brackets []

HOME RULE REQUEST

To the Legislature:

Pursuant to the New York State Constitution, Article IX,

The Village of Tuckahoe requests the enactment by the Senate and Assembly of of an amendment to Section 1640-g of the New York State Vehicle and Traffic Law.

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

[x] The local government does not have the power to enact such legislation by local law; and such other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

Pursuant to Laws of 1998, chapter 239, the State Legislature enacted Section 1640-g of the New York State Vehicle and Traffic Law, which permitted the Village of Tuckahoe, by the adoption of a local law or ordinance, to provide for a residential parking permit system, and further fix and require the payment of fees applicable to parking within the area in which such parking system is in effect.

Section 1640-g(2) required that the residential parking permit system may only be established within the area bounded by the following:

(a) the southerly corporate boundary between the village of Tuckahoe and the village of Bronxville to Midland Avenue;

- (b) Midland Avenue to its intersection with Winter Hill Road;
- (c) Winter Hill Road from its intersection with Midland Avenue to its intersection with Main Street;
- (d) Marbledale Road from its intersection with Main Street to a point where it intersects with the northerly corporate boundary between the village of Tuckahoe and the town of Eastchester;
- (e) the northerly corporate boundary between the village of Tuckahoe and the town of Eastchester to the westerly corporate boundary between the village of Tuckahoe and the city of Yonkers; and
- (f) the westerly corporate boundary between the village of Tuckahoe and the city of Yonkers to the southerly corporate boundary between the village of Tuckahoe and the village of Bronxville.

The Village of Tuckahoe presently requests to expand the residential parking permit system area to include:

- (a) Fisher Avenue to the easterly corporate boundary between the Village of Tuckahoe and the Town of Eastchester;
- (b) The easterly corporate boundary between the Village of Tuckahoe and the Town of Eastchester to the northerly corporate boundary between the Village of Tuckahoe and Town of Eastchester; and
- (c) an extension on the southerly corporate boundary to White Plains Road.

Hence, if amended, VTL Section 1640-g(2), would provide for the following:

2. Such residential parking permit system may only be established within the area bounded by the following

- (a) the southerly corporate boundary between the village of Tuckahoe and the village of Bronxville to White Plains Road [Midland Avenue];
- (b) Midland Avenue to its intersection with Winter Hill Road;
- (c) Winter Hill Road from its intersection with Midland Avenue to its intersection with Main Street;
- (d) Marbledale Road from its intersection with Main Street to a point where it intersects with Fisher Avenue [the northerly corporate boundary between the village of Tuckahoe and the town of Eastchester];

(e) Fisher Avenue to the easterly corporate boundary between the Village of Tuckahoe and the Town of Eastchester;

(f) The easterly corporate boundary between the Village of Tuckahoe and the Town of Eastchester to the northerly corporate boundary between the Village of Tuckahoe and Town of Eastchester;

(g [e]) the northerly corporate boundary between the village of Tuckahoe and the town of Eastchester to the westerly corporate boundary between the village of Tuckahoe and the city of Yonkers; and

(h [f]) the westerly corporate boundary between the village of Tuckahoe and the city of Yonkers to the southerly corporate boundary between the village of Tuckahoe and the village of Bronxville.

New Matter Underlined
Deleted Matter in Brackets []

In connection with the enactment of Section 1640-g, the Legislature found that:

"Legislative findings and intent. The legislature finds that the village of Tuckahoe encompasses only one square mile, however has within its boundaries two railroad stations maintained and operated by the Metro North division of the Metropolitan Transportation Authority. The Tuckahoe Station and Crestwood Station are within one-half mile of each other and attract large numbers of commuters and travelers from outside of the village. The stations generate significant traffic and congestion and while there are public and private off-street parking areas, commuters and train passengers park on local streets adjoining the stations. The residential neighborhoods adjoining the train stations are among Tuckahoe's oldest neighborhoods and lack sufficient off-street parking to serve local residents. Many homes lack adequate off-street parking. The additional burden of commuter parking has resulted in traffic hazards, congestion and air and noise pollution. In addition the overflow of commuter parking on the residential streets poses a hazard to residents and pedestrians in the area.

"The legislature further finds that a residential parking system will reduce such hazards and will reduce pollution levels as well. The legislature therefore declares the necessity of this act to authorize the village of Tuckahoe in the county of Westchester to adopt a residential parking system in accordance with the provisions of this act."

The foregoing findings remain true and consistent within the Village of Tuckahoe. However, additionally the Village's population continues to increase and traffic hazards, congestion, air and noise pollution remain a concern to the Village Board of Trustees. Thus, the expansion of the residential parking permit area would aid in the minimization of such hazards.

Moreover, the residential parking permit system has demonstrated that it has been very effective in addressing all of the stated safety, environmental and quality of life issues in the designated area, while providing relief of overtime parking restrictions to residents living these areas. Further, this system has provided more than ample available parking without hardship to non-residents.

Such request is made by:

The local legislative body of such local government, at least two--thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

A. If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two--thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) _____
(chief executive officer)

[Print or type name below signature]

Date: _____, 20____ _____
[Title of chief executive officer]

CLERK'S CERTIFICATION

I, Susan Ciamarra, do hereby certify that I am Clerk of the Village of Tuckahoe of the County of Westchester and that on the _____ day of _____, 20____, such legislative body, at least a two-thirds of the total membership having voted in favor thereof, approved the foregoing request.

[SEAL OF LOCAL GOVERNMENT]

[Signed] _____
Susan Ciamarra, Village Clerk

Date: _____, 20____

INSTRUCTIONS

Copies required:

Two signed copies of this form, specifying the final bill number and title must be filed with each House of the Legislature.

Examples:

(a) If the bill has been introduced in only one House of the Legislature, four copies of the request form must be filed, i.e., two with the Senate and two with the Assembly.

(b) If the identical bill has been introduced in both Houses, eight copies of the request form must be filed, i.e., two with the Senate and two with the Assembly for the Senate bill and the same for the Assembly bill.

Date of request:

The signing of a home rule request or the adoption of a resolution by the local legislative body approving such request cannot precede the date on which the bill is actually introduced in the Legislature. In the case of prefiled bills, the actual date of introduction is the first day of the legislative session. The request may be signed or the resolution adopted the same day as the date of introduction.

Amended bills:

Each time the bill is amended a new request must be filed (with the appropriate number of copies) and the new request must correctly identify the bill number as last amended. The signing of the request, and the date of the supporting resolution, cannot precede the date of the amendment.

Transmittal:

The signed forms should be sent as follows:

To the Senate
Home Rule Counsel
Senate Post Office
The Capitol
Albany, N. Y. 12224

To the Assembly:
Journal Clerk of the Assembly
Assembly Post Office
The Capitol
Albany, N. Y. 12224

Definition of terms:

Chief executive officer.

In the case of a county, the elective or appointive chief executive officer, if there be one, or otherwise the chairman of the board of supervisors; in the case of a city or village, the mayor (not manager); and in the case of a town, the supervisor. (Municipal Home Rule Law § 40)

Local legislative body.

The board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective governing board or body vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws or ordinances. (Municipal Home Rule Law § 2)

Local government.

A county, city, town or village (NY Const, Art IX, § 3; Municipal Home Rule

Law § 2)

Special law

A state statute which in terms and in effect applies to one or more, but not all, counties (other than those wholly included within a city) cities, towns or villages. (NY Const, Art IX, § 3; Municipal Home Rule Law § 2)

Total membership.

The total voting power of a legislative body. (Municipal Home Rule Law §§ 20,

Trustee Quigley made a motion to adopt resolution #18; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5 -0.

Chief Costanzo explained that this gives us the authority to expand the area to issue resident parking permits.

Mayor Ecklund offered resolution #19 AUTHORIZING THE ADVERTISING FOR PUBLIC BIDS IN CONNECTION WITH THE PROJECT KNOWN AS THE VILLAGE OF TUCKAHOE VILLAGE HALL PARKING LOT PAVING PROJECT

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 May 9, 2011.

WHEREAS, it is the intent of the Village to advertise for public bids for the project known as the Village of Tuckahoe Village Hall Parking Lot Paving Project;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Village Clerk to advertise for public bids for the project known as the Village of Tuckahoe Village Hall Parking Lot Paving Project.

Section 2. The Village fixes June 1, 2011 as the date for the opening of the aforesaid bids, subject to the provision that at all times at least (5) days shall elapse between the first publication advertising this bid and the date so specified for the opening and reading of bids.

Section 3. That this resolution shall take effect immediately.

Trustee Quigley made a motion to adopt resolution #19; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #20 authorizing an increase, as of June 1, 2011, for the annual parking permit fee for all commuter parking lots, except for the Lake Avenue Lot, Thompson Street Lot and the Fisher Avenue Lot, as follows:

- | | |
|-----------------------------------|-------------------|
| · Tuckahoe Resident | \$750 (no change) |
| · Tuckahoe Merchant | \$800 (no change) |
| · Eastchester/Bronxville Resident | \$1,260 |
| · Non- Resident | \$1,365 |

Trustee Quigley made a motion to adopt resolution #20; motion was seconded by Trustee Giordano and upon roll call was carried by a vote 5 -0.

Mayor Ecklund offered resolution #21 authorizing an increase, as of June 1, 2011, for the annual parking permit fee for the Lake Avenue Lot, the Thompson Street Lot and the Fisher Avenue Lot to \$1,365.

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

Frank DiMarco, Supt. of Public Works, presented an overview of the Annual Stormwater Report to NYSDEC for the MS4 annual application with the information being made available on the Village's website and in the Village Clerk's office.

Chief Costanzo asked residents to lock their cars. There have been some car break-ins and May 14th is the Police Memorial Service at Village Hall.

**Mayor Ecklund announced the next Village Board Meeting – Monday, June 13th and the Residents' meeting is on June 1st at Circuit Park.
Village Offices and DPW Closed Monday, May 30th in observance of the Memorial Day Holiday.**

- ▶ TRUSTEE Giordano- no report
- ▶ TRUSTEE Quigley reported that the Library has several things going on that are available on the website. A new business, Advanced Audiology, was welcomed into Tuckahoe. June 11 is Green Day at Eastchester Town Hall.
- ▶ TRUSTEE Luisi said he had met with the Tuckahoe School Board liaison regarding the Main Street Development. He will meet with them at their upcoming meeting. The Tuckahoe School Budget meeting is May 17th. Tuckahoe High School Varsity Football Car Wash, June 4, a Blood Drive June 9, and Defensive Driving Course, May 21, scheduled at the Community Center.
- ▶ TRUSTEE Hayes reported that the Westchester County Passport mobile will be in Depot Square on May 15 from 11-2; May 11 is Zoning Board meeting, May 11, Environmental meeting, May 17 Planning Board meeting and May 25 Tree Committee meeting.
- ▶ MAYOR Ecklund also reported that Giana Torres, a fourth grader from Cottle School, sent the Mayor a letter regarding recycling which he will cherish. A Yonkers Avenue Project meeting was held with the end result being that they will be ready to proceed with the project either mid-July or August. That section of Yonkers Avenue will be closed off after the July 4th weekend. He then explained that his decision to appoint Clare Gorman was based on her experience, her position as liaison to Planning & Zoning, her environmental ideas, and her availability and willingness to serve. Regarding the Main Street Development Project, Frank DiMarco said that DPW has used the property for storage; however, everything has been moved out with the exception of the salt which will be removed within the next few weeks. A decision the Mayor had made to take everything off the Main Street property.

Joe Pregiato congratulated the Board and then inquired about the Crestwood project as to how the Mayor had voted. Mayor Ecklund said he had voted against the project citing the three story issue; he

preferred a two story building but supports the board's decision. Mr. Pregiato asked "Is it fair to assume that you are against the Main Street project?" Mayor Ecklund replied that this matter is not before this board but is before the Planning Board. Further, the Mayor believes that all board members will weigh all the issues, he wants the board to make their own decisions and he does not want to sway them. Mr. Pregiato believes that taxes generated will not cover the cost of the children in the schools. A further discussion followed between the Board and Mr. Pregiato regarding the Crestwood project and the Main Street project.

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

Susan Ciamarra, Village Clerk