

December 14, 2015
Regular Meeting of the Board of Trustees
Called to Order at 8:00PM

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

ROLL CALL

TRUSTEE	Giordano
TRUSTEE	Luisi
TRUSTEE	Alfasi
TRUSTEE	Leo
MAYOR	Ecklund

Moment of Silence for the innocent victims in California and Paris

APPOINTMENTS- none

PRESENTATIONS-none

PUBLIC HEARINGS

Trustee Leo made a motion to open public hearing to consider proposed modifications to the village code regarding restaurants and fast food establishments; motion was seconded by Trustee Giordano; and upon roll call, motion was carried by a vote 5-0.

Continuation of a public hearing to consider proposed modifications to the village code regarding restaurants and fast food establishments

A Local Law to amend Chapter X of the Tuckahoe Village Code regarding restaurants and fast food establishments

BE IT ENACTED, by the Board of Trustees of the Village of Tuckahoe, as follows:

1. ***Definitions***

Formula Fast Food/Quick Serve Restaurant – Formula fast food and formula quick serve restaurants share a common name, trademark, or logo with 7 or more other restaurants in the area, region or country, and are generally characterized by the following:

1. food is intended to be prepared and served very quickly;

2. food is typically ordered at a stand-up counter and there is minimal or no table service
3. payment is typically made prior to consumption;
4. the menu is typically posted over the counter as a wall display and the menu selections are general consistent at every location;
5. food is typically preheated or precooked and kept hot or reheated to order (e.g., burgers and fries, burritos and tacos, pizza and pasta, etc.) or is set behind a counter, visible to the customer for immediate assembly (e.g., salads and sandwiches, ice cream and yogurt, etc.);
6. food is typically served to the customer in a packaged form for take-out (although tables may be provided for consumption on premises);
7. plates, cups and utensils are typically disposable;

Formula fast food/quick serve restaurants are prohibited within the Village of Tuckahoe

Formula Fast Casual/Quick Casual Restaurant –Formula fast casual and formula quick casual restaurants share a common name, trademark, or logo with 7 or more other restaurants in the area, region or country. Compared to formula fast food/quick serve restaurants, a formula fast casual/quick casual restaurant typically offers more customized and freshly prepared dishes in a more inviting and/or upscale atmosphere, prices are slightly higher and customers are expected to spend more time in the establishment. Formula fast casual/quick casual restaurants are generally characterized by the following:

1. food is typically ordered at a stand-up counter;
2. there is minimal table service (e.g., after an order has been placed at the

counter, a server may bring the order to customers seated at a table) or there is no table service (e.g., customers carry their orders on trays to a table;

3. payment is typically made prior to consumption;
4. the menu is typically posted over the counter as a wall display and the menu selections are generally consistent at every location;
5. menu selections are often set behind a counter, visible to the customer, and customers

are provided options in the way the food is prepared or assembled (e.g., a customer may build his/her own sandwich, burrito, rice bowl, etc. and/or may select from a variety of main and side dishes);

6. Although plates, cups and utensils may be disposable, non-disposable plates, cups and utensils are common.

Formula fast casual/quick casual restaurants are prohibited in the Village of Tuckahoe

_____Inserted
-----Deleted

This local law to take effect upon filing with the NYS Department of State

Trustee Alfasi asked the Village Attorney if a business remains grandfathered in if it moves from one side of the village to another side. Gary Gjertsen said he will look into it.

Trustee Leo made a motion to keep open public hearing to consider proposed modifications to the village code regarding restaurants and fast food establishments; motion was seconded by Trustee Alfasi; and upon roll call, motion was carried by a vote 5-0.

ADOPTION OF MINUTES

Trustee Luisi made a motion to approve the minutes of the regular board meeting of November 9, 2015; motion was seconded by Trustee Giordano; and upon roll call, motion was carried by a vote 5-0

CORRESPONDENCE

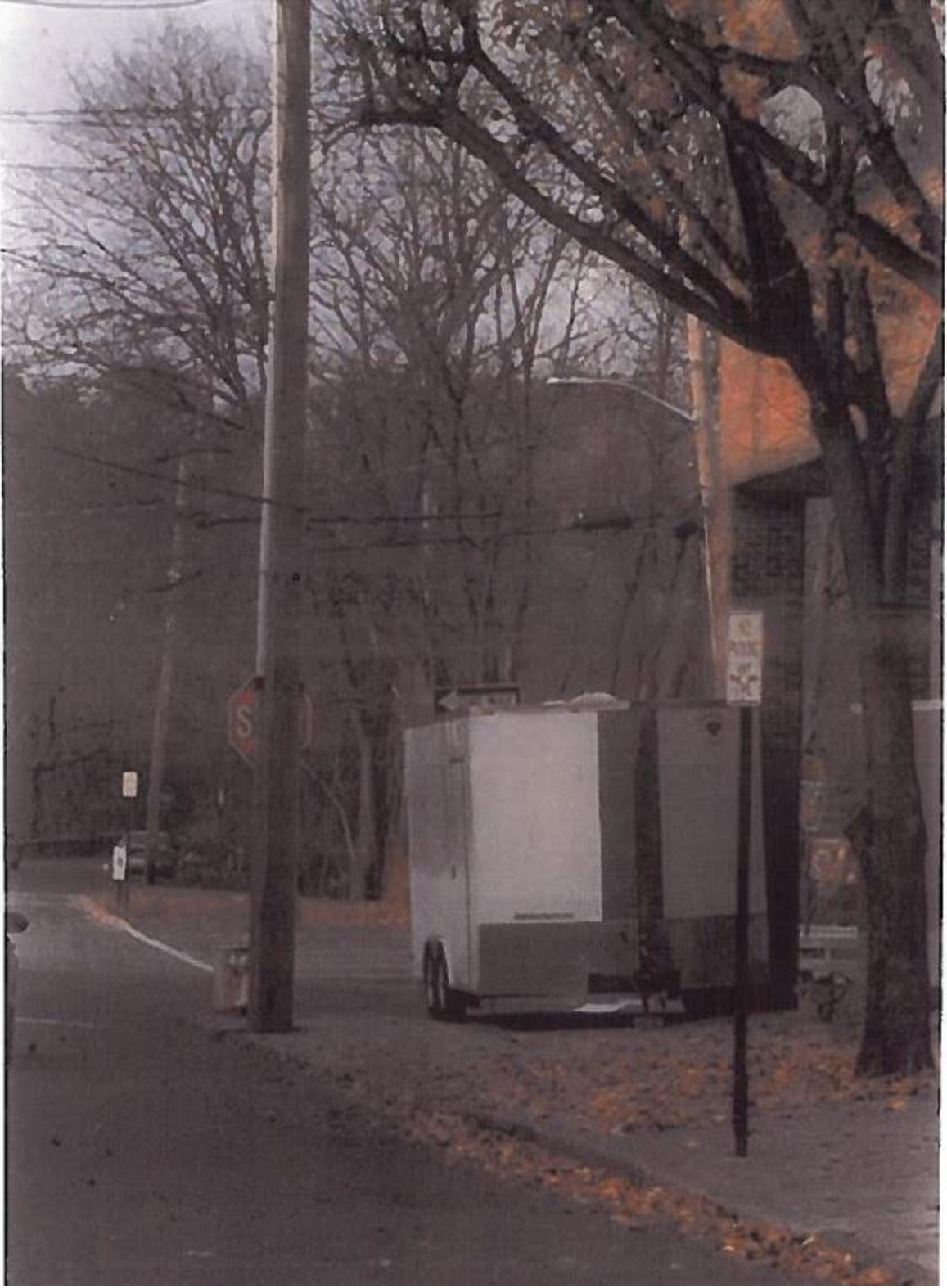
FIRST OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

Antoinette Martino informed the Board that earlier this afternoon Dr. Urbina Board of Education president sent an e-mail to the board regarding banners and she felt that it should have been read in the correspondence part of the meeting.

She expressed displeasure with the board for not reaching out to the public regarding banners.

She suggested if the Mayor wants to focus on esthetics he should look at Pyramid Squash Courts tattered window shades and focus on a trailer parked at Yonkers & Elm

She submitted photos of a parked trailer and tattered window shades at Pyramid Squash Courts.





Susan Ciamarra expressed opposition to the community bulletin board fearing that people will randomly tack on events. She suggested stricter guidelines for banners on the fence. Susan also

said that Beautification is now a non for profit and will accept to donations to keep our village beautiful. Donations may be sent to PO Box 142 Tuckahoe, NY 10707.

Melba Caliano remarked that the zoning changes were not available to the public.

Wendy Wise supports investigating banners.

Rachel from Ki-Martial Arts appreciates Beautification and also feels that communication with the public needs to be amended. She read the following.

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To the Department of Environmental Conservation, the Village of Tuckahoe Planning Board, and the Village of Tuckahoe Board of Trustees,

Please place this letter in the record.

I have resided in the Village of Tuckahoe for 84 years.
The only exception was when I served during the Korean War from 1951 to 1954.

From 1960 – 1983, I was the Chairman of the Tuckahoe Board of Police Commissioners.
During those 23 years, I was repeatedly elected as the Chairmen by a bi-partisan group.

I am a lifetime member of the Tuckahoe Veterans of Foreign Wars Post 2285
I have also served on the board of directors of the VFW Post 2285.
I am also lifetime member of the Knights Columbus.

Since 1954, when I was honorably discharged from the Army, I have continually, publicly, raised concerns about the hazardous conditions of the Marbledale Road Quarry Dump.
I have publicly stated, on the record, at many Village meetings, that the toxic and hazardous waste in the Quarry Dump poses serious health threats to our community.

When I returned from the Korean War in 1954, I got off the train, and put my duffle bag on my shoulder, and began walking home. I turned onto Circuit Avenue, the street where I was born. As I was walking up, I could not believe the foul air and the stench. I could not believe that anyone could live there.

I asked my father what was going on, my father said that they were filling the quarry with waste.
I asked what the community was doing about it, and my father said that we were told to keep our mouths shut.

Despite my father's instruction, I began to approach the owners of the property, Trap Rock Corporation and the Woodbine Corporation, and local officials.

It became clear that the horrible dumping was taking place because the local politicians and officials allowed it.

For approximately 27 years, I witnessed an immense amount of industrial and toxic dumping in the quarry.

I witnessed repeated spontaneous combustion of the site.

There were Eastchester Fire Trucks parked in front of the Quarry because of the constant fires.
As they kept filling the quarry with toxic debris, ash, and all sorts of containers of combustible chemicals, the area would ignite.

I had many conversations with the health department. We, in the community, called them about the smell, and the smoke, and the horrible air. We complained to the Health Department frequently from the 1950es through the 1970es.

There was a file kept in the Village of Tuckahoe Clerks office. The file contained all of the records of complaints about the Quarry Dump, and information of dumping in the Quarry, and the Board of Health inspection records. I saw the file in the 1970es, and it was over 10" thick. I was allowed to read it, but I was not allowed to copy it. The file contained complaints from residents, information of complaints to the Department of Health, and from Congressmen. The residents were formally complaining about the toxic health dangers of the site.

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When I requested the file again, the file containing the information about the Quarry dumping, complaints and inspections, it had disappeared. Over 27 years of history of complaints of the Quarry and inspection documentation. I would like to know where that file is.

The owners of the Quarry Dump were the Woodbine Corp, and the Trap Rock Corp. Trap Rock Corp was owned by Steve and Joe Luciano.

The owners of the Quarry Dump got paid per load.

There was a shed that was manned by 2 people, Jimmy DiMaria, and Paul Rogliano.

They were employees of Woodbine and Trap Rock.

Every time a truck pulled up, Mr. DiMaria or Mr. Rogliano had the dumper sign a sheet.

That is how they kept track of the billing, and who was charged for the loads.

I witnessed major and continual dumping by:

- 1) The Town of Eastchester, all municipal and industrial garbage, this included a lot of ash, and debris that didn't burn, from the Town of Eastchester's garbage incinerator.
- 2) The Village of Bronxville, all municipal and industrial garbage.
- 3) The Village of Tuckahoe, all municipal and industrial garbage.
- 4) Burroughs Wellcome - a pharmaceutical company, now known as Glaxo Smith Kleins, they dumped loads of chemicals, un-sellable pharmaceuticals, and pharmaceutical containers into the Quarry Dump.
- 5) US Vitamins dumped all the chemical research, compounds, and containers into the Quarry Dump.
- 6) Revlon dumped all chemicals, testing debris, compounds and chemicals into the Quarry Dump.
- 7) Lee Oil & Chemical Corp dumped oil, waste and barrels of chemicals in the Quarry Dump.
- 8) General Diaper Corporation washed diapers with chemicals & dumped all discharge and waste into the Quarry Dump.
- 9) Eastern Metal, metal works manufacturer, dumped chemicals, metals, and waste debris into the Quarry Dump.
Mr. Rocco Idria, of Eastern Metal, wrote a letter to the Village of Tuckahoe detailing many of the pollutants that Eastern Metal had dumped in the Quarry.
- 10) Acme Printing on Lake Ave, dumped lead, dyes, chemicals and debris for over 27 years.
- 11) Tuckahoe Ice Corporation dumped all of the Freon barrels, chemicals, and work product debris into the Quarry Dump.
- 12) Woodbine Corporation, dumped black top, road building debris and chemicals, construction chemicals & debris and automotive debris into the Quarry Dump.
- 13) Trap Rock Corporation, dumped black top, road building debris and chemicals, construction chemicals & debris and automotive debris into the Quarry Dump.
- 14) Freeman Industries, manufacturer of chemicals and chemical preparations, dumped chemicals and chemical preparations into the Quarry Dump.
- 15) Kings Electronics company, on Marbledale Rd., made electronic connectors & dumped waste, work byproduct, chemicals, and electrical components into the Quarry Dump.
- 16) Diesel, fuel tanks, and other chemical storage tanks were located along the Quarry, and leaked and dumped into the Quarry Dump.
- 17) Pine Sol distributorship dumped waste and debris into the Quarry Dump.
- 18) Conlin & Company, Building Supply Corp, delivered Coal, fertilizer and building materials. They dumped debris and ash into the Quarry Dump.
- 19) NY Telephone which became Bell Atlantic and is now called Verizon, dumped their damaged chemically treated telephone polls into the quarry dump. After the dump was filled to capacity, then they

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stored and treated their telephone polls on site. They would treat the telephone polls with strong chemicals that resisted rot, insects and rodents. These chemicals are highly toxic.

I have also witnessed a great amount of loss of life, over 200 people in this immediate area, died of cancer.

The contamination in the Quarry Dump seeps and travels.

This current hotel project has not correctly represented the toxic contents of the Quarry Dump.

This hotel project does not have the public interest in mind.

In the 1950s, the local politicians, and local business owners valued money over the health and beauty of our community. They turned our shining marble quarry into a dangerous toxic foul smelling dump. Now, all these years later, we are in the same situation. Business owners and local politicians value their money over the health and welfare of our community. They do not have the public interest in mind.

This is one of the most contaminated pieces of property in Westchester County.

It is very dangerous to underestimate, and misrepresent, what is in there.

There are too many unanswered questions about this project.

About 10 years ago I sent a detailed description of what I had witnessed dumped into the Quarry to the D.E.C.

Where is that information?

What will happen to the rest of the contaminated Quarry Dump?

The hotel project site is not the entire dump.

And, the toxic gasses that will be pumped into our air by venting the toxic site through the hotel?

There isn't any data showing what those toxic gasses are, and how they settle in, and impact, our community.

The proposed Hotel is huge, why have we not seen any renderings in context of the site and the ridge?

At the current size, the top of the hotel will pass the top of the ridge.

Why does it need to be so large?

Why can it not be something that is more in scale with the area?

And, the buffer zone? After the Quarry Dump was closed, and the property was subdivided, there was a 150' buffer zone. I was assured that the buffer zone would never change. But, now the buffer zone has been reduced to 25'.

I only wish that Tuckahoe could be valued and protected. There is more money to be made by proper care of a community, then by forcing a giant building onto toxic site. Our neighbors in other communities protect and value the welfare of their residents, and community. In those communities the property values are high, and those communities are confident that their welfare is valued and protected.

Joseph Marinello, Jr.
4 Coolidge St.
Tuckahoe, NY 10707



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Ellen Epstein of Yonkers is concerned with pollutants in the air from the hotel site.

RESOLUTIONS

- 1) Authorizing the renewal of the Limited Cabaret License for the following establishment: Gina Marie's Chianti for a period of one year from November 1, 2015 to October 31, 2016

Trustee Leo made a motion to approve resolution 1; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 5-0.

- 2) Authorizing free short-term street parking in the business districts of the Village to encourage local shopping during the holidays from December 22nd thru December 25th – 2-hour time limit to remain
Trustee Giordano made a motion to approve resolution 2; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 5-0.
- 3) Authorizing the Mayor and Administrator to sign an agreement for services with SourceSuite for procurement solutions by BidNet
Trustee Leo made a motion to approve resolution 3; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote 5-0.
- 4) Authorizing the Mayor and Administrator to sign a shared services agreement with NYSDOT for use of equipment
Trustee Leo made a motion to approve resolution 4; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 5-0.
- 5) Authorizing the adoption of the 2015 Westchester County Hazard Mitigation Plan update
Trustee Giordano made a motion to approve resolution 5; motion was seconded by Trustee Leo and upon roll call, motion was carried by a vote 5-0.
- 6) Authorizing the change of indirect control of the franchisee under the Village of Tuckahoe cable television franchise from Cablevision of Southern Westchester, Inc. to Altice, N.V.
Trustee Leo made a motion to approve resolution 6; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 5-0.
- 7) Authorizing the payment of vouchers in the amount of \$1,627,346.78, consisting of Abstract #19 for \$111,668.64, Abstract #18 for \$4,058.59, Abstract #20 for \$192,821.54, Abstract #21 for \$1,305,416.57 and T&A for \$13381.44; the three largest invoices paid were: (1) \$725,865.00 for NYS Retirement System PFRS, (2) \$457,617.00 for NYS Retirement System ERS and (3) \$126,223.23 for Health Insurance for the Month of December 2015
Trustee Leo made a motion to approve resolution 7; motion was seconded by Trustee Luisi and upon roll call, motion was carried by a vote 5-0.
- 8) Authorizing an amendment to the annual salary of the Deputy Village Clerk **RESOLVED**, that the annual salary of the Deputy Village Clerk is hereby amended to \$35,000 effective December 15, 2015; and be it

FURTHER RESOLVED, the following budget transfer is hereby approved:

FROM:	TO:	AMOUNT:
Contingency (A1919.491)	Personnel SVC – Dep. Village Clerk (A1410.102)	\$1,707

Authorizing an amendment to the annual salary of the Deputy Village Clerk
Trustee Leo made a motion to approve resolution 8; motion was seconded by Trustee Giordano and upon roll call, motion was carried by a vote 5-0.

DISCUSSION

- 1) Policy for use of Tuckahoe Community Event Boards
Mayor Ecklund explained that this is being discussed to create and control standardized manner for putting up banners.
- 2) Proposed amendments to the Tuckahoe Zoning Code
Gary Gjertsen said that these amendments have been forwarded to Frank Fish l

DEPARTMENTAL REPORTS TO THE BOARD

POLICE- Chief Costanzo reminded residents that winter parking rules are in effect this week. He thanked the TPO for the children's Christmas party.

DPW- Frank DiMarco said that Beautification does a great job. He reminded residents that there is no more leaf pick-up. Christmas trees must be free from lights and garland. Con Edison has extended paving depending on the weather. There is no fee to file for a sidewalk permit for residents. Crestwood has completed the pocket park. Tomorrow the DPW will receive the soil water conservation award.

ADMINISTRATOR- January 16th we will have a new website. Moody reaffirmed our A3 rating. Budget memos will be distributed to department heads this week.

MISCELLANEOUS BUSINESS

Mayor Ecklund announced the following:

- 1) Next Village Board meeting January 11, 2016
- 2) Village Offices and DPW will be closed Monday January 18th - Martin Luther King

BOARD OF TRUSTEES MEMBER REPORTS

▶ **TRUSTEE** Giordano appreciates the comments read by Susan Ciamarra on behalf of the Beautification Committee. He thanked the DPW for making the Village look beautiful for the holidays. He urged all to spend locally.

▶ **TRUSTEE** Luisi said the resolution regarding banners was tabled at the June meeting. Regarding the hotel there is something being done to remediate the site. The seniors Christmas luncheon is December 17th at Fr. Fata Hall. Thank you to the Community Fund for their generous donations. The History Committee had an open house on October 10th. Coverlets are available at the Clerk's Office. They make great Christmas gifts.

▶ **TRUSTEE** Leo gave an update on the upcoming library events.

▶ TRUSTEE Alfasi congratulated the Tuckahoe Police winners of the Chili Cook Off.

▶ MAYOR Ecklund said that we have been in negotiations with the TPO and 456. Our auditors will be at the January meeting. We had a meeting with AI Design who would like public art displayed in the village. We attended a meeting with Presbyterian Lawrence Hospital and plan a televised Q and A with Mayor Marvin and Supervisor Colavita. Mayor Ecklund thanked John Galluzzi for his work on Winterfest. This month we had a wonder Menorah lighting and 2 ribbon cuttings.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

Susan Ciamarra expressed her concern over the narrowness of the road by Crestwood. She suggested that the first two spaces for parking cars be limited to compact cars.

Anthony Fiore reminded all that the Fire Board will meet December 16th at Village Hall.

ADJOURNMENT

There being no further business, the Board unanimously voted to adjourn the meeting at 10:15PM.

Camille DiSalvo, Village Clerk