

September 10, 2007

Regular Meeting of Board of Trustees
Called to order 8:00 PM

Present: Mayor John Fitzpatrick
Trustee Steve Ecklund
Trustee Luigi Marcoccia
Trustee Clare Gorman
Trustee Ernest Zocchi

The meeting opened with the salute to the flag and Pledge of Allegiance.
Mayor Fitzpatrick called for a moment of silence to honor the sixth anniversary of Sept. 11, 2001.

SPECIAL PRESENTATION(S)
Presentation by Veterans

Representatives from both the American Legion and the Veterans of Foreign Wars presented a request calling for a Medal of Honor memorial at the site where the WWI Monument currently stands on Winterhill Rd. Robert Foster, representative of the Eastchester American Legion, presented a drawing of the proposed monument saying that the WWI monument will be shifted to the side of the site, refurbished and a bronze American eagle will be placed on top of the monument. The new Medal of Honor monument – 80 NYS residents received this prestigious medal - will be made of black granite that has been approved. He added that future plans are in the works to erect monuments for the Vietnam War Veterans, the Korean War Veterans and for the current war veterans. Frank Morgenthal said with the current WWI monument needing repairs, it would be a great opportunity since it would be at no cost to the Village. This is a statewide project with a committee to find the site for this monument. If this site is not approved, it will be placed somewhere else. He submitted petitions from residents in favor of these plans. He noted that he looks forward to work with the Board and Village to come to an agreement.

Public Comments

Anthony Lore of Wallace Street, a veteran, said he was not against the Medal of Honor monument, but was absolutely against moving the WWI monument to make room for this monument. He asked that the Veterans move the pathway and even the placement of the trees to center the two monuments. Further, he felt that other locals who had lost their lives were never properly recognized and their names don't appear anywhere.

Mayor Fitzpatrick noted that Veterans are not taken for granted. It would be quite difficult to name specific locations after the Veterans as there are so many who made sacrifices and several who lost their life. He noted that he was not in favor of moving the WWI monument saying that there is plenty of park space on the parade route and other locations throughout the Village.

Councilwoman Sheila Marcotte of 56 Winterhill Rd., said she agreed with Mr. Lore that a Medal of Honor monument is long overdue, but she is not 100% convinced that this is the correct site. The WWI monument should not be moved out of respect to the veterans who planned this monument. She noted that shifting the location of the WWI monument would be an act of disrespect.

Vito Pinto, County Legislator, summarized the history of the WWI monument and said that back when the monument was originally erected a time capsule was placed inside the monument. More recently in celebration of the Village's Centennial the old time capsule was removed and a new time capsule, a project undertaken by an Eagle Scout, was placed inside this monument. There are three sides of the monument designed to add other wars, which was never done. The monument was refurbished on two occasions as the stucco needed repairs from time to time. The concrete base will certainly be damaged if moved. The WWI veterans designed it and placed it where it is now, it would be disrespectful to move it. It is an honor that Tuckahoe was chosen, but the plans should be to redesign the walkway to center the two monuments

Mr. Pinto then thanked all officials and the public for the outpouring of sympathy on the loss of his dear father, whom passed away at 99 yrs. old.

Mayor Fitzpatrick again offered condolences to the Pinto family for the loss. He added that the property at Winterhill Road will be surveyed and added that, with several parks in the Village not having been surveyed, this is an ongoing project that he and Trustee Ecklund are working on.

Mr. Foster noted that he did not think the deceased WWI veterans would mind sharing the site with the Medal of Honor monument. He also stated that the committee was discussing Kensico Dam as well as other parks as potential sites for this monument. He would need to convince the committee to change the plans and reconfigure the site to move the pathway instead of shifting the WWI monument.

Trustee Gorman asked the Veterans to come up with a plan that would not overshadow the WWI monument and said that she would rather the monument not to be moved, adding that the site on Winterhill Rd. was perfect as it is on the parade route.

The architect of the Medal of Honor Monument stated that he would like to complete the three sides of the existing monument and add the American eagle to the top.

Mr. Lore noted that there are old springs located where the current walls are, and recommended that the walls not be moved.

Trustee Zocchi noted that a well sat where the WWI monument sits now.

Mayor Fitzpatrick thanked the Veterans for their presentation. He also thanked Frank Morgenthaler, the Veterans, and Trustee Gorman for all their work with the Bucca camp supplies and amenities. The Mayor presented Mr. Mergenthaler with a Certificate of Appreciation he had received from The Operation Iraqi Fund.

Mr. Morgenthaler said that it is very rare to find municipalities that work so well with the Veterans groups. He complimented the public for their donations and support and thanked the Board and the staff at Village Hall.

PUBLIC HEARINGS

I. Public Hearing – LOCAL LAW NO. 9 OF THE YEAR 2007

A LOCAL LAW AMENDING SECTION 8-1 OF THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001, ENTITLED “PLANNING BOARD”

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 13th day of August 2007 at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties on a proposed Local Law entitled, A LOCAL LAW CONCERNING AN AMENDMENT TO SECTION 8-1 THEREOF THAT WOULD INCREASE THE NUMBER OF PLANNING BOARD MEMBERS FROM FIVE (5) TO SEVEN (7); and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 31st day of August 2007; and

WHEREAS, said public hearing was duly held on the 13th day of August 2007, 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, 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, thus the Village Board adopts a Negative Declaration pursuant to SEQRA; and

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

Be it enacted by the Village Board of Trustees of the Village of Tuckahoe as follows:

Section 1.

Section 8-1.1. Of the Village of Tuckahoe Zoning Ordinance of 2001, entitled "Establishment" in the "Planning Board" section (Section 8-1) of said Zoning Ordinance is amended, reenacted and restated as follows:

§ 8-1. Planning Board.

8-1.1. Establishment. There shall be a Planning Board of seven [five] members pursuant to the provisions of the Village Law, with all the power and duties prescribed by law and by this chapter. The Board of Trustees shall designate one member of the Planning Board to serve as Chairperson of such Board for a period of one official year. In addition to the seven [five] regular members of such Board, the Board of Trustees may appoint two ad hoc members to the Planning Board. Such ad hoc members shall serve on the Planning Board whenever absences or conflicts of interest of regular members prevent seven [five] regular members from hearing an application or applications. The powers and duties of the Planning Board are summarized and more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of the Planning Board.

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 Gorman motioned to open the public hearing was seconded by Trustee Zocchi and upon roll call was carried with a vote of 5 – 0.

Public Comments

Melba Caliano, Member of the Planning Board, noted that she was Chair of the Seattle Landmark Preservation Board and said that Seattle has a .5 million population with an 11 member board. The Village of Tuckahoe has a population of 6200 with a proposed Planning Board of 9, consisting of 7 members and 2 ad hoc. She noted that she is the only person sitting on the Board that is trained as a planner. She urged the Board to select a person with finance or accounting experience to add to the experience that the current Board members have. Ms. Caliano also requested that the Board send one or two members of the Planning

Board to attend the NYS Planning Federation Conference as she attended last year and found it quite useful.

Mayor Fitzpatrick indicated that this year the new Treasurer was going to the conference and said that the Planning Board had received training recently. He noted that it was important to increase the size of the Planning Board to have 'more eyes' on all the new developments occurring in the Village. Mayor Fitzpatrick stated that by law the Zoning Board must have between 3 or 5 members and the Planning Board must have between 5 or 7 members.

John Cavallaro, Village Attorney, indicated that with a 5 member panel, one or two members may have a conflict of interest and the two ad hoc members would fill the shoes for the conflicting interest; however, the ad hoc member is a non voting member.

Trustee Marcoccia asked if the mayor had input from the Planning Board.

Mayor Fitzpatrick stated that he had not asked for input and noted that the Planning Board serves under the Board of Trustees. The Mayor stated that with 5 members, if one is absent or if there is a conflict, fewer members will vote on the issue. Adding more disciplines will add a greater level of oversight with these big developers coming into the Village. The developing would be more closely monitored.

Steve Alfasi, 12 Crawford Dr., asked if this was an opportunity to pack this Board with new members appointed by this Mayor. He indicated that there is no evidence of this, but voiced his concern regarding the underlining agenda.

Mayor Fitzpatrick again noted that his record shows that he works very well with the Boards and is very vocal about changes.

Trustee Gorman motioned to close the public hearing, seconded by Trustee Zocchi and upon roll call was carried with a vote of 5 – 0.

2. Public Hearing - LOCAL LAW NO. 10 OF 2007

A LOCAL LAW REPEALING ARTICLE VI OF CHAPTER 19 OF THE CODE OF THE VILLAGE OF TUCKAHOE, INCLUSIVE OF SECTIONS 19-101 THROUGH 19-107, ENTITLED "NEWSRACKS"

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 September 10, 2007.

WHEREAS, the Village Board of Trustees finds it in the best interests of the Village to repeal Article VI of Chapter 19 of the Code of the Village of Tuckahoe, entitled, "Newsracks;" and

WHEREAS, on August 13, 2007, the Village Board of Trustees passed a resolution scheduling a public hearing to provide for the opportunity to be heard and whether it shall be determined by the said Board of Trustees whether Article VI of Chapter 19 of the Code of the Village of Tuckahoe, inclusive of sections 19-101 through 19-107, entitled "Newsracks" shall be repealed in its entirety; and

WHEREAS, on September 10, 2007, the Village Board of Trustees conducted said public hearing and provided the public with the opportunity to be heard as to whether Article VI of Chapter 19 of the Code of the Village of Tuckahoe, inclusive of sections 19-101 through 19-107, entitled "Newsracks" should be repealed in its entirety.

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

Section 1. Article VI of Chapter 19 of the Code of the Village of Tuckahoe, inclusive of sections 19-101 through 19-107, entitled "Newsracks" is hereby repealed in its entirety.

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.

Trustee Gorman motioned to open the public hearing, seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.

Public Comments

John Cavallaro, Village Attorney, stated that this action is for the Newsracks ordinance to be repealed and revisited. This law predates all members of this Board.

Trustee Gorman motioned to close the public hearing, seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.

Trustee Gorman motioned to adopt Local Law #10 of 2007 was seconded by Trustee Zocchi and upon roll call was carried with a vote of 5 – 0.

OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

No Public Comments

RESOLUTIONS -

1. Mayor Fitzpatrick motioned for a RESOLUTION CONCERNING CERTAIN EMPLOYEE BENEFITS FOR VILLAGE MAYORS AND TRUSTEES

At a regular meeting of the Village Board of the Village of Tuckahoe, New York held at Village Hall, 65 Main Street, Tuckahoe, New York on September 10, 2007.

WHEREAS, the Village Board passed a resolution on January 22, 2007 concerning health insurance benefits for elected officials; and

WHEREAS, said resolution provided, in part, that Village Mayors and Trustees shall be eligible for health insurance benefits, either individual or family coverage, as appropriate, during the period of their active service, with the full premium costs to be paid by the Village; and

WHEREAS, said resolution provided further, in part, that Village Mayors and Trustees that serve the Village in one or both capacities for a minimum of twelve years, no fewer than five of which shall be contiguous, shall also be eligible for individual or family health insurance coverage into retirement, and that the Village shall pay 75% of the premium of said coverage during their period of retirement; and

WHEREAS, the appropriateness of such benefits has been raised; and

WHEREAS, it is clear that this issue has required considerable thought and the Village Board has concluded its due diligence in this regard; and

WHEREAS, in light of the considerable and ever-increasing costs to health insurance premiums, the Village Board desires to change the level of health insurance benefits that the Village provides to Mayors and Trustees during the period of their active service and further declare that Mayors and Trustees shall be ineligible for such benefits during those periods of time when they are not in active service of the Village.

NOW, THEREFORE, BE IT RESOLVED THAT

1. Effective January 1, 2008, Village Mayors and Trustees who elect to receive health insurance benefits provided to employees of the Village, either individual or family coverage, as appropriate, shall pay and contribute to the Village 50% of the premium costs of their health insurance paid by the Village, thus such persons shall only have 50% of the premium costs of their health insurance coverage paid by the Village during the period of their active service.

2. Effective January 1, 2008 and subject to Section 4 below, Village Mayors and Trustees who are not in active service to the Village or who otherwise are not serving a term of office shall be ineligible for health insurance benefits, either individual or family coverage, regardless of their number of years of service with the Village, and the Village shall have no obligation to provide health insurance benefits, either individual or family coverage, to such Village Mayors and Trustees.

3. This resolution shall apply to the current Village Mayor and Trustees, none of whom have vested in the Village's health insurance plan as of the date of the adoption of this resolution.

4. Notwithstanding any provision to the contrary, this resolution shall not apply to former Village Mayors and Trustees who are vested pursuant to the terms and conditions of the Village's health insurance plan, are currently receiving benefits under the Village's health insurance plan and who otherwise satisfy the terms, conditions and provisions of the Village's health insurance plan.

5. Nothing in this resolution shall affect, hinder or diminish a Village Mayor's or Trustee's entitlement to pension benefits and/or term life insurance so long as such Village Mayor or Trustee satisfies the terms, conditions and provisions of the Village's pension plan and life insurance plan.

6. The terms of the resolution passed by the Village Board on January 22, 2007 concerning employee benefits for elected officials is hereby repealed and this resolution shall be deemed to supersede the same.

7. Insofar as the provisions of this Resolution are inconsistent with the provisions of any other resolution, the provisions of this Resolution shall be controlling.

8. The Village Clerk is authorized to execute all documents and undertake all acts with the Village's health insurance carrier as the same shall be necessary to effectuate the terms, conditions and provisions of this resolution.

9. All references to health insurance benefits and/or the Village's health insurance plan, herein, shall be deemed to include medical, health, dental and optical/vision benefits.

10. This resolution shall take effect on the date and year stated in Sections 1 and 2 herein.

Trustee Gorman motioned to adopt Resolution #1, was seconded by Trustee Ecklund.

Discussion: Mayor Fitzpatrick noted that this will affect current and future Board members with contributing 50% for their health, eye and dental care. Past members will be 'Grandfathered' in. This will take effect January 1, 2008. John Cavallaro, Village Attorney, noted that this was an extension and modification of the resolution passed on January 22, 2007. This will not affect life insurance benefits.

Upon roll call was approved with a vote of 4-1 with Trustee Zocchi voting 'Nay'.

2. Mayor Fitzpatrick motioned for a Resolution to approve the hire of Christopher Janniello at an hourly rate of \$12 to cover a vacationing employee in the office of the court during the week of August 20th.

Trustee Marcoccia motioned to adopt Resolution #2, was seconded by Trustee Ecklund and upon roll call was approved with a vote of 5 – 0.

3. Mayor Fitzpatrick motioned for a Resolution to accept the following donations for the September 9th Tuckahoe Challenge Road Race.

*LesserEvil Brand Snack Co. - \$100 and snacks for the race

*Nature's Cradle Nursery - \$400 certificates

*Solar Electric Systems, Inc. - \$400

*Fitness & Recovery - \$200

Mamma Assunta Ristorante - \$200

*ABC Window Fashions & Interiors - \$50

Arbonne International Skin Care – Basket

*Kuzaku Japanese Restaurant - \$100 gift certificates

*Mickey Spillane's - \$100 gift certificates

*Phoenix Fitness - \$100 gift certificate

Roma Restaurant - \$100

Village Realty - \$100

*Westchester Funeral Home - \$100

Trustee Gorman motioned to adopt Resolution #3 was seconded by Trustee Zocchi and upon roll call was carried with a vote of 5 – 0.

4. Mayor Fitzpatrick motioned for a Resolution scheduling a public hearing on Monday, October 22, 2007 on a proposed local law concerning an amendment to Section 14-40 of the Village Code of the Village of Tuckahoe entitled "License Fees and Bond" whereby Laundromats pursuant to said section shall furnish a bond to the Village Clerk in an amount of at least \$5,000.

Trustee Ecklund motioned to adopt Resolution #4, was seconded by Trustee Marcoccia and upon roll call was approved with a vote of 5 – 0.

5. Mayor Fitzpatrick motioned for a Resolution authorizing the closure of Sylvan Avenue for a summer blocks party on Saturday, September 8th from 4pm on.

Trustee Gorman motioned to adopt Resolution #5, was seconded by Trustee Marcoccia.

Discussion: Mayor Fitzpatrick noted that a permit may be the only requirement for residents to close their street for a block party. The members of the Board will discuss this policy.

Upon roll call was approved with a vote of 5 – 0.

6. Mayor Fitzpatrick motioned for a Resolution approving Westchester Italian Cultural Center request to utilize the upper and lower part of Oak Avenue after 4pm and further authorizing the display of two temporary banners for 30 days. The banners will be hung between the stanchions in front of the Generoso Pope Foundation building measuring approximately 8'x19' in celebration of their grand opening to take place on September 18, 20, 22, 23 and 25.

Trustee Ecklund motioned to adopt Resolution #6, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

7. Mayor Fitzpatrick motioned for a Resolution awarding the Sidewalk Improvements Project in the Quarry Park area to the low qualified bidder Vernon Hills Contracting Corp. of Mt. Vernon, NY in the amount of \$ 29,999. A total of six bids were received ranging from \$29,999 to \$59,000.

Trustee Ecklund motioned to adopt Resolution #7, was seconded by Trustee Zocchi.

Discussion: Trustee Marcoccia indicated that there are numerous streets throughout the Village that are in dire need of sidewalk replacement. He asked if this money could better serve the Village by repairing more sidewalks than just the half block on Fisher Ave. He asked the Board to wait until next year when the grant money arrives, pool the resources and have several sidewalks done at the same time while the cement trucks are present in the Village. It will keep the cost down.

Mayor Fitzpatrick noted that he was absolutely in favor of repairing homeowner's sidewalks with damage caused by Village owned trees and their roots. He asked if the Board would consider allocating money in the budget to begin the process of sidewalk replacement and repairs. He also noted that the DPW could possibly provide crews to aid in this project. A truck load of cement could be delivered for approximately \$1200, which would keep the cost to the Village considerably low.

Trustee Gorman noted that the DPW should rate the streets and provide a plan to repair a certain number of sidewalks each year. She also noted that rubberized sidewalks were an interesting option. Homeowners should not assume the cost due to Village owned trees.

John Cavallaro, Village Attorney, noted that the Village should be given prior notice of defect from the property owner, the specific use of the sidewalk and provide proof that the Village created the defect.

Upon roll call, the motion was approved with a vote of 4 – 1, with Trustee Marcoccia voting ‘Nay’ .

8. Mayor Fitzpatrick motioned for a Resolution to approve the Columbus Day Committee of Eastchester-Tuckahoe request to utilize Depot Square and Main Street on Sunday, October 7, 2007 for the annual Columbus Day Parade and Festival. The parade begins in Eastchester, proceed down Route 22 to Main Street and ending in Depot square and in connection with this approval, the applicant is authorized to utilize Depot Square for parade purposes which shall included but not be limited speaking events, outdoor vendors, area of public assembly, music and dance and those purposes generally associated with the parade and festival. Trustee Gorman motioned to adopt Resolution #8, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

9. Mayor Fitzpatrick motioned for a Resolution authorizing the Treasurer to attend the NYCOM annual fall training conference for City and Village officials from Monday afternoon, September 17th to Thursday, September 20th. Trustee Gorman motioned to adopt Resolution #9, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

10. Mayor Fitzpatrick motioned for a Resolution designating HSBC as one of the official banks for the Village of Tuckahoe. Trustee Marcoccia motioned to adopt Resolution #10, was seconded by Trustee Ecklund and upon roll call was approved with a vote of 5 – 0.

11. Mayor Fitzpatrick motioned for a Resolution scheduling a public hearing for Monday, October 22, 2007 where all persons shall have the opportunity to be heard concerning an amendment to that certain resolution that designates and sets forth the rates and fares for public carriages and hacks as set forth in Section 22-22 of the Village Code. Trustee Ecklund motioned to adopt Resolution #11, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

12. Mayor Fitzpatrick motioned for a Resolution adopting Local Law No. 8 of 2007 - A LOCAL LAW AMENDING AND SUPPLEMENTING THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE CONCERNING A SEX OFFENDER RESIDENCY RESTRICTION LAW

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on June 11, 2007.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing held by the Village Board on the 9th day of July 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties concerning an amendment and supplement to the Village Code of the Village Tuckahoe, which would prohibit Level 2 Registered Sex Offenders and Level 3 Registered Sex Offenders from residing within a one thousand (1,000) foot radius of any park as defined by the legislation; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 29th day of June 2007; and

WHEREAS, said public hearing was duly held on the 9th day of July 2007, 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, 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.

Now, Therefore,

Be it enacted by the Village Board of Trustees of the Village of Tuckahoe as follows:

The Village Code is hereby amended and supplemented to add a Chapter 19A, entitled "Sex Offender Residency Restriction Law" as follows:

Section 1.

Chapter 19A

Sex Offender Residency Restriction Law

SECTION 19A-1.: Finding and Intent

(a) The Board of Trustees of the Village of Tuckahoe ("Village Board") recognizes that the Sex Offender Registration Act, New York's version of Megan's Law (Correction Law Article 6-C) has increased public awareness of sex offenders by requiring them to become registered with authorities and making such information available to the public.

(b) The Village Board finds that registered sex offenders pose a significant threat to the health and safety of the community and especially to children, whose age and inexperience make them particularly vulnerable to the heinous and reprehensible acts of these offenders. The Village Board also finds that the rate of recidivism is high and programs designed to treat and rehabilitate these types of offenders have been largely ineffective. The Village Board further finds that restricting registered sex offenders from residing in close proximity to places where children are likely to congregate is likely to reduce the opportunity and temptation for, and can minimize the risk of, repeated acts against minors.

(c) The Village Board further finds that Level 2 and Level 3 Sex Offenders present a particular danger when they live in close proximity to parks and playgrounds where children play and congregate. The Village's compelling governmental interest in ensuring that children and those of a vulnerable population do not become victims of sex crimes is best served by limiting the occasions for contact between vulnerable populations and these registered sex offenders, and the residency restriction contained in this article is therefore necessary to protect vulnerable populations from sex offenders who may relapse into criminal behavior.

(d) It is the intention of the Village Board to exercise its authority pursuant to Article IX of the New York State Constitution and §10 of the Municipal Home Rule Law, to protect and safeguard the lives and well-being of the community, especially minors, from registered sexual offenders, by prohibiting Level 2 and Level 3 Registered Sex Offenders from residing in close proximity to places where children could naturally congregate, such as public parks and playgrounds.

(e) This Chapter is intended to create a civil, non-punitive regulatory scheme in order to protect minors to the extent possible under the circumstances and not as a punitive measure of any kind.

SECTION 19A-2.: Definitions

For purposes of this Chapter, the following terms shall have the meanings indicated:

DOMICILE - A person's true, fixed permanent home or fixed place of habitation.

PARK - Shall mean the multipurpose basketball, tennis and playground courts known as Main Street Park, located at the corner of Main Street and Marbledale Road, Tuckahoe, New York; Constitution Park and Playground, located at the corner of Circuit Avenue and Pleasant Avenue, Tuckahoe, New York; Fisher Park and Playground, located at the corner of Fisher Avenue and Marbledale Road, Tuckahoe, New York; Garrett Park, located at or about Tuckahoe Road and Yonkers Avenue, Tuckahoe, New York; Union Park, located at the corner of Union and Washington Streets, Tuckahoe, New York; and Parkway Oval Park, located at the corner of Bronx Street and Railroad Avenue, Tuckahoe, New York.

REGISTERED SEX OFFENDER - A sex offender who is required to register with the New York State Division of Criminal Justice Services or other agency having jurisdiction pursuant to the provisions of Article 6-C of the Correction Law of the State of New York or other applicable or successor law, whether or not the sex offender has actually registered in compliance with the law of the court of competent jurisdiction.

RESIDENCE - The place where a person sleeps, which may include more than one location and may be mobile or transitory.

LEVEL 1 REGISTERED SEX OFFENDER - Shall mean a sex offender determined by the New York State Board of Examiners of Sex Offenders to pose a low risk of recidivism.

LEVEL 2 REGISTERED SEX OFFENDER - Shall mean a sex offender determined by the New York State Board of Examiners of Sex Offenders to pose a moderate risk of recidivism.

LEVEL 3 REGISTERED SEX OFFENDER - Shall mean a sex offender determined by the New York State Board of Examiners of Sex Offenders to pose a high risk of recidivism.

SECTION 19A-3.: Restrictions Established

It shall be unlawful for any Level 2 Registered Sex Offender or Level 3 Registered Sex Offender to establish a Residence or Domicile within a one thousand (1, 00 0) foot radius of any Park as defined herein.

SECTION 19A-4.: Relocation

Any Level 2 Registered Sex Offender or Level 3 Registered Sex Offender who establishes a Residence or Domicile in violation of the residency restrictions set forth in Section 19A-3 of this Chapter shall have sixty (60) days from receipt of a written notice from the Village Clerk to relocate to a location which does not violate the restrictions set forth in Section 19A-3 of this Chapter.

SECTION 19A-5.: Applicability

This Chapter shall not apply to any Level 1 Registered Sex Offender.

This Chapter shall not apply to any Level 2 Registered Sex Offender or Level 3 Registered Sex Offender if that person is required to be domiciled at a location fixed by an order of a court of competent jurisdiction or by any federal, state or county agency having jurisdiction thereof.

This Chapter shall not apply to any premises or properties that are located outside of the geographical boundaries of the Village of Tuckahoe regardless of whether said premises or properties are the Residence or Domicile of a Level 2 Registered Sex Offender or Level 3 Registered Sex Offender or said premises or properties are located within the one thousand (1,000) foot radius stated in Section 19A-3 herein.

SECTION 19A-6.: Exemption

The residency restriction of Section 19A-3 herein shall not apply to any Level 2 Registered Sex Offenders or Level 3 Registered Sex Offenders who have established

Residences or Domiciles prior to the effective date of this Chapter or to any Level 2 Registered Sex Offender or Level 3 Registered Sex Offender under the age of eighteen (18) years of age residing with his or her parents or legal guardian.

A Level 2 Registered Sex Offender or a Level 3 Registered Sex Offender does not commit a violation of this Chapter if said Level 2 Registered Sex Offender or Level 3 Registered Sex Offender has established a Residence or Domicile and thereafter a park, subject to the restrictions of this Chapter, is newly located within a one thousand (1,000) foot radius of the Residence or Domicile of said Level 2 Registered Sex Offender or said Level 3 Registered Sex Offender.

SECTION 19A-7.: Administration and Enforcement

Unless otherwise provided, the provisions of this Chapter shall be administered and enforced by the Code Enforcement Officer of the Village, as set forth in the Village Code of the Village of Tuckahoe and by the Village of Tuckahoe Police Department.

SECTION 19A-8.: Penalties for Offenses

Any person violating the provisions of this Chapter shall, upon conviction, be subject to a fine of up to \$2,500.00. Each and every day a violation continues shall be deemed a separate violation.

SECTION 19A-9.: Village Not Liable

Nothing in this Chapter shall be deemed to impose any civil or criminal liability or give rise to a cause of action against the Village of Tuckahoe or to any elected or appointed officer, official, employee or department of the Village for failing to act in accordance with this Chapter.

SECTION 19A-10.: Permission Required Rent to Certain Persons

No person may rent, lease or let residential space (including, but not limited to, a room, apartment, condominium or house) to a Level 2 Registered Sex Offender or Level 3 Registered Sex Offender without having received a letter from the Village Clerk of the Village of Tuckahoe that such rental, lease or letting is not in violation of this Chapter. A request for such letter shall be acted upon by the Village Clerk within five (5) business days of receipt of such request by the Village Clerk.

SECTION 19A-11.: Adoption of Similar Protection by Other Bodies

Upon the enactment by New York State or Westchester County of a law which purports to afford the same or greater protection of the people of the State of New York and/or the County of Westchester, including the residents of the Village of Tuckahoe, as provided by this law, any member of the Village Board may place upon the agenda of the Village Board a local law providing for the repeal of this law and the Village Board shall

consider the same at its next regular meeting. If the Village Board determines that the New York State or Westchester County law provides the same or greater protection to residents of the Village of Tuckahoe, this Chapter shall immediately be of no force and effect and the Village Board shall repeal the same by local law to that effect.

SECTION 19A-12.: Severability

If any Section, sub-Section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or other tribunal having jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

Section 2. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

Section 3. Controlling Provisions

To the extent this Local Law conflicts with any other resolutions or local laws of the Village of Tuckahoe, this Local Law shall be controlling.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Section 5. Notice of Adoption

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 Gorman motioned to adopt Resolution #12, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.**

13. Mayor Fitzpatrick motioned for a Resolution - BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUCKAHOE, WESTCHESTER COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ISSUANCE OF \$455,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE THE PAYMENT OF REAL PROPERTY TAX REFUNDS PAYABLE WITH RESPECT TO CERTAIN PARCELS OF LAND WITHIN THE VILLAGE PURSUANT TO JUDGMENTS IN PROCEEDINGS BROUGHT UNDER ARTICLE SEVEN OF THE REAL PROPERTY TAX LAW

WHEREAS, pursuant to judgments of the New York State Supreme Court, Westchester County, on the following proceedings brought under Article Seven of Real Property Tax Law, the Village of Tuckahoe, Westchester County (the "Village"), is

obligated and has agreed to pay refunds for real property tax collected for the 2000-2006 tax assessment years in the aggregate amount of \$455,000 (collectively, the "Tax Refunds"):

Scarsdale Avenue Associates, LP, Petitioners against The Assessor of the Village of Tuckahoe, The Board of Review of the Village of Tuckahoe and the Village of Tuckahoe, Respondents, Index Nos. 05738/02, 05099/03, 06331/04, 05546/05 and 06009/06,

R&F Scarsdale LLC fka Scarsdale Avenue Associates, LP, Petitioners, against The Assessor of the Village of Tuckahoe, The Board of Review of the Village of Tuckahoe and the Village of Tuckahoe, Respondents, Index No. 06008/06,

King Electronics Co., Inc., Petitioner against The Assessor of the Village of Tuckahoe, The Board of Review of the Village of Tuckahoe and the Village of Tuckahoe, Respondents, Index Nos. 05316/00, 05015/01, 05698/02, 05093/03, 06326/04, 05541/05,

Marbledale Road, LLC by Gellert & Rodner, Esqs., Agents, Petitioners against The Assessor of the Village of Tuckahoe, The Board of Review of the Village of Tuckahoe and the Village of Tuckahoe, Respondents, Index No. 07665/06; and

WHEREAS, the payment of the Tax Refunds constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and therefore no further action under SEQRA with respect thereto need be taken by the Board of Trustees; and

WHEREAS, the Board of Trustees now wish to authorize the issuance of the Village's serial bonds and bond anticipation notes to finance a portion of the cost of such Tax Refunds in accordance with the Judgment, and related costs and expenses of the Town in connection therewith.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF TUCKAHOE, WESTCHESTER COUNTY, NEW YORK (THE "VILLAGE") HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Village is hereby authorized to issue \$455,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to pay a portion of the Tax Refunds and legal fees and professional costs and expenses incidental thereto.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$455,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of the \$455,000 in serial bonds of the Village authorized to be issued pursuant to Section 1 of this resolution or bond anticipation notes issued in anticipation of such serial bonds.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is twenty (20) years, pursuant to subdivision a.33-a(c) of Section 11.00 of the Law.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00(d)(3)(l) of the Law.

SECTION 5. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 6. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to Section 1 of this resolution.

SECTION 7. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 8. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing serial bonds and bond anticipation notes and

prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board of Trustees, then the power of the Board of Trustees to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Village Treasurer, as the Chief Financial Officer of the Village.

SECTION 9. The Village Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipating thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Village, for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 11. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

The following vote was taken and recorded in the public or open session of said meeting:

Trustee Marcoccia motioned to adopt Resolution #13, was seconded by Trustee Ecklund.

Discussion: Mayor Fitzpatrick noted that the tax certiorari process is quite long and requires several resolutions each step of the process. These are the same tax certioraris being discussed and voted on the last few meetings.

Trustee Marcoccia noted that the Board was notified recently of new certioraris, the Village has no control over this.

Upon roll call was approved with a vote of 5 – 0.

John Fitzpatrick	VOTING	__ Yes
Luigi V. Marcoccia	VOTING	__ Yes
Steven A. Ecklund	VOTING	__ Yes
Clare Gorman	VOTING	__ Yes
Ernest J. Zocchi	VOTING	__ Yes

Dated: September 10, 2007

14. Mayor Fitzpatrick motioned for a Resolution scheduling a public hearing on Monday, September 24, 2007 on a proposed local law concerning an amendment to Sections 7-7 and 7-8 of the Village Code of the Village of Tuckahoe whereby the Village shall utilize the services of more than one electrical inspection company or contractor in connection with the inspection of new installations, re- inspections and all other electrical work in the Village requiring such inspections. **Trustee Ecklund motioned to adopt Resolution #14, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.**

15. Mayor Fitzpatrick motioned for a Resolution authorizing the closure of Washington Street on September 8th between the hours of 12 noon and 8pm. **Trustee Gorman motioned to adopt Resolution #15, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.**

16. Mayor Fitzpatrick motioned for a Resolution authorizing payment of vouchers in the amount of \$ 519,402.03; consisting of abstract # 8 for \$252,407.01; abstract #10 for \$76,072.39; abstract #11 for \$181,842.63 and abstract #13 for \$9,080. Largest invoices: NYS Employees health insurance premiums for August and September \$182,018; Siegel Fenchel & Peddy - certiorari settlement \$35,156.81; Mobil Vision – digital video system assembly \$14,585; Vernon Hills Contracting – Circuit Avenue Park Improvements \$28,072.50 and NY Power Authority – electrical costs for various Village properties. **Trustee Marcoccia motioned to adopt Resolution #16, was seconded by Trustee Ecklund and upon roll call was approved with a vote of 5 – 0.**

17. Trustee Ecklund offered a Resolution authorizing the hiring of a licensed surveyor to survey the premises upon which the Tuckahoe WWI Monument is presently situated for the purposes of locating a Medal of Honor Monument near and about the WWI monument. This property is the NW side of Main St., east of Midland Ave. and south of Winterhill Rd. **Mayor Fitzpatrick motioned to adopt**

Resolution #17, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

APPOINTMENTS

Mayor Fitzpatrick appointed Norman Haynes of 50 Columbus Avenue as a member of the Board of Directors of EVAC for a term of one year.

Trustee Gorman motioned to appoint Edward Keenan as a member of the Library Board to fill an unexpired term to April 1, 2011. **This motion was seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 – 0.**

Trustee Gorman noted that Mr. Keenan has experience in Finance and would be an asset to the Board. She wished him good luck.

APPROVAL OF MINUTES –

Trustee Ecklund motioned for the approval of the minutes of the Regular meeting August 13, 2007. This motion was seconded by Trustee Zocchi and carried with a vote of 4 – 0, with Trustee Marcoccia abstaining due to his absence.

REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

Susan Ciamarra, Village Clerk, stated that the Tuckahoe Beautification Committee accepted a \$500 donation from the Wheel of Time Classic Club. She thanked them for their generosity and said the donation will help with the restoration of some of the New England style wooden signs throughout the Village. She then reported on the successful Tuckahoe Day event and thanked the Generoso Pope Foundation and all involved in making this event a success.

Mention was made that Bill Williams, Building Inspector, was not present but had advised that for the second time, no one had bid on the replacement of the Handicap Accessible Doors at the Community Center.

BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE MARCOCCIA** noted that he has planned a meeting with the Disability Committee and sent out notification of the meeting date. He would like to complete the replacement of the handicap accessible door project. Mr. Paul Brand, resident of Tuckahoe, is doing well with his new heart and kidney transplant. He offered to assist anyone who needs advice in this area. Trustee Marcoccia noted that the Board wishes him well.
- **TRUSTEE ECKLOND** stated that the schools are open and urged the public to drive carefully. The Constitution Park has been completed and will have a re-open ceremony Sept. 20 at 6:45. He noted that he is working with the DPW to provide a plan to clean all park equipment periodically. The bids were open last Thursday regarding the Union Place Park and the adjacent park. The county will make recommendations. The Tuckahoe HS will celebrate the new athletic field on Sat. Sept 15, at 1:30pm.

- **TRUSTEE GORMAN** reported that the Library Board meeting will be Monday Sept. 17. She noted that while power washing the Library, a worker fell and filed a claim with the Village. Tuckahoe Senior Bazaar will be Sept 29, from 10:00am to 3:00pm at 4 Union Place. She indicated that there is a waiting list for the Sleepy Hollow Complex for seniors 62 yrs +. Seatbelt check on Sept 22, 10:00am to 2:00pm in the rear of Village Hall. Trustee Gorman announced that Camp Bucca is thrilled with the packages sent to them. This will be the third delivery. She thanked all involved in making the Tuckahoe Road Race a success.
- **TRUSTEE ZOCCHI** noted that he is still trying to get the marble polished at Garrett Park. He indicated that the DPW is selling brown leaf bags for - \$.50 each. He announced that there will be a Planning Board meeting Monday Sept. 17.
- **Mayor Fitzpatrick** displayed the new bronze plaque in Village Hall donated by the Generoso Pope Foundation. He thanked the Generoso Pope Foundation for their generosity. He also indicated that the framed piece donated by Vicki Ford has been moved to the side wall. He again thanked Vicki Ford for her generosity. The Mayor indicated that he has met with one environmental committee member and asked him to head up the committee. He asked residents interested to file an application in Village Hall.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

Phil White, former Mayor of Tuckahoe, indicated that there is a finance problem at the Tuckahoe Housing Authority caused mainly by accepting a family with a handicap. This family had been offered many options, refused all and decided to sue. The legal settlement cost the THA \$200,000. A survey was taken regarding the THA. Four prongs were reviewed, finance, physical appearance, residents feelings, and management. Management was rated well. As far as the JUMA project, former Mayor White noted that this was not low income housing, rather fair housing. He noted that this was an exceptionally good project, approved by many including Senator Schumer. There is a great need for senior housing and there will be no effect on the schools. He asked if this Board would sit down with the THA and discuss tenants buying their apartments.

Mayor Fitzpatrick noted that he has met with the HUD moderator and at the present time, there are no privatization thoughts for public housing in Tuckahoe. The THA needs improvement.

Mr. White agrees that the THA needs improvement and noted that the government is not funding it as it should.

Jeff Zuckerman, 24 Bronx St., added that he was pleased with the Board starting a program to replace sidewalks. He indicated that he will be present during the budget hearings to make sure money is allocated to sidewalk replacement.

Mayor Fitzpatrick indicated that there may not be specific line on the budget as it may fall under the DPW as this would be a much more cost productive method.

There being no further business the Board unanimously voted to adjourn the meeting at 10:55 PM.

Susan Ciamarra, Village Clerk