

April 30, 2007

Regular Meeting of the Board of Trustees

Called to Order at 8:00 pm

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

Meeting opened with the salute to the flag and Pledge of Allegiance.

Mayor Fitzpatrick announced that he would be making an appointment to fill the Trustee vacancy. He went on to appoint Ernest J. Zocchi as Village Trustee to April 1, 2008 to fill his Trustee vacated seat on April 1, 2007.

Judge O'Toole administered the oath of office to Ernest J. Zocchi. Upon signing the Oath Book, he joined the board.

Mayor Fitzpatrick introduced Ernest Zocchi as a longtime resident of the Village, a retiree, a current owner of commercial property and a Village historian.

Trustee Zocchi thanked the Mayor, friends and family and Village residents. for their support and added that the Village has a special place in his heart and looked forward to working with the Board for the good of Tuckahoe. Special signs prepared by Trustee Zocchi were displayed by board members reading, **"WORKING TOGETHER EVERYONE WINS."**

IV. PUBLIC HEARING –

LOCAL LAW #4 – 2007 - A LOCAL LAW AMENDING SECTION 15-41 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "SPECIFIC PROHIBITIONS WITHIN ARTICLE II ENTITLED "NOISE AND OTHER ENUMERATED NUISANCES"

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 March 26, 2007

WHEREAS, the Department of Buildings has requested legislation amending Section 15-41 of the Village Code of the Village of Tuckahoe, entitled "Specific Prohibitions;" 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 2007; and

WHEREAS, said public hearing was duly held on the 30th day of April 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, 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 15-41, entitled "Specific Prohibitions" of the Village Code of the Village of Tuckahoe, is hereby amended and supplemented as follows:

§ 15-41. Specific prohibitions.

(a) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article. Any enumeration herein shall not be deemed to be exclusive.

(1) Noise from a burglar alarm or other alarm system of any building, motor vehicle or boat that is continual and exceeds 15 minutes.

(2) The operation of air-conditioning or air-handling devices, including heat pumps, that produce a sound pressure level greater than 55 dBA at a property line of a residential property is prohibited, except when said operation produces a less than five dBA increase in the background sound level. In order to determine the difference between ambient and background sound levels, sound level measurements may be taken on the property of the sound-emitting use.

(3) The sounding of any horn on any motor vehicle, motorcycle, bus or other vehicle except as a warning or danger signal.

(4) The creation, by means of any such horn listed above in (3) of any unreasonably loud or harsh sound or the sounding of any such device for an unnecessary and unreasonable period of time.

(5) The operation of any amplified electronic equipment or sound reproduction system such as a stereo, radio or tape player, television, tape deck or similar device or use of any musical instrument in such manner or with such volume as to be heard 60 feet from its source or over any real property boundary or line.

(6) The keeping of any animal or bird which makes a noise disturbance that exceeds 15 minutes.

(7) The use of any motor vehicle, motorcycle or vehicle so out of repair, so loaded, so equipped or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise or squealing or excessive noise of the tires.

(8) The blowing of any stationary whistle, siren or other warning device except to give notice of the time to begin or stop work or as a warning of danger, not including the use of whistles, horns or other signals customarily used at sports activities.

(9) The construction or demolition of any building or upon any property is prohibited during the following times: Monday through Friday from 7:00 p.m. to 7:00 a.m.; Saturday 12:01 a.m. to 9:00 a.m.; Saturday 5:00 p.m. to midnight; Sunday all day; Monday 12:01 a.m. to Monday 7:00 a.m.; and legal holidays all day. The aforementioned time limits shall not apply when such work is conducted in the interior of a building and no noise or other evidence of such work is evident or may be detected outside of the building or by other tenants or occupants of the building. Exceptions may be made in case of emergency work in the interest of public safety.

(10) The creation of any noise disturbance on any street adjacent to any school, institution of learning or court or church while the same is in session or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution, provided that conspicuous signs are displayed in such streets indicating the presence of a school, hospital, court or church.

(11) The creation of loud, excessive and continual noise in connection with loading or unloading any vehicle or the opening and/or destruction of bales, boxes, crates and containers.

(12) The shouting and crying of peddlers, hawkers and vendors that disturbs the peace and quiet of the neighborhood.

(13) The operation within the limits of the village of a motor vehicle or motorcycle that is not equipped with a suitable and effective muffler attached to the engine and in use.

(b) Exceptions may be granted to these regulations in cases of urgent necessity in the interest of public safety and then only after prior notice to and approval by the Police Department or Village Board or, if the necessity relates to construction or demolition requiring a building permit, approval by the Building Inspector. Additionally, in order to protect the health, safety and welfare of the residents of the village, vehicles and equipment owned or employed by the village for the purpose of street repair and cleaning and the removal of snow and refuse shall be exempt from these regulations.

Section 15-41(i) Building Permit Requirement

(1) Notwithstanding and in addition to the provisions of Section 15-41(a)(9) above, the construction or demolition of any building or upon any property within the Village on a Saturday prior to 9:00 a.m. or after 5:00 p.m. shall require a building permit from the Building Inspector.

(2) Notwithstanding and in addition to the provisions of Section 15-41(a)(9) above, the construction or demolition of any building or upon any property within the Village on a Sunday or a Legal Holiday at any time shall require a building permit from the Building Inspector.

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.

Motion by Trustee Ecklund to open public hearing was seconded by Trustee Gorman and unanimously carried by the Board.

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Public Comments on proposed Local Law #4 of 2007.

No Comments

No Written Comments

Trustee Marcoccia noted that the 55 DBA seemed too high and requested the Board review this further.

John Cavallaro, Village Attorney, noted that the 55 DBA is stated in the current noise ordinance.

Mayor Fitzpatrick stated that the Board will hold on the -the- vote -open, as per council advice, until next month's meeting.

Motion by Trustee Ecklund to close the public hearing was seconded by Trustee Gorman and unanimously carried by the Board.

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V. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

Rev. Frank Coleman said he was disappointed that Mover Mayor Fitzpatrick had not returned his wife's phone calls regarding the vacant Trustee position.

Mayor Fitzpatrick said he did not want to mislead Margaret adding said he did not want to mislead Mrs. Coleman and that there will probably be several openings on boards and commissions and would be very happy to have the Reverend and Margaret Coleman serve and continue to be involved in Village government.

some vacancies that need to be filled on the various boards/committees of the Village and would be very happy to have the Rev. and Mrs. Coleman serve

**RESOLUTIONS –
TENTATIVE BUDGET FISCAL YEAR 6/1/07-5/31/08**

Discussion on Tentative budget.

Mr. Al Thoebin, Acting Treasurer, said this was a \$10,000,000 budget with a tax rate increase of 5.98% over the prior year's tax levy; this rate is not too high, as it started with a negative -2.89%. He indicated that the Board worked very hard to keep the rate low and maintain the current level of services.

Trustee Marcoccia noted that the Village has a surplus of \$200,000 in the fund balance; \$85,000 of this fund balance will be used to pay a portion of the tax certiorari payments with balance rolled over. The remaining tax certiorari amount of \$415,000 to be paid out will be bonded.

Mayor Fitzpatrick thanked the department heads for staying within the budget. He noted that with some police officers having retired will give cost savings to the Village.

1. Resolution adopting budget for fiscal year 6/1/07 to 5/31/08.

Motion by Trustee Marcoccia to adopt the budget for fiscal year 6/1/07 – 5/31/08 was seconded by Trustee Ecklund and upon roll call, all voted "AYE." Motion carried.

2. Resolution accepting a donation from the Generoso Pope Foundation in the amount of \$3,000. These funds will pay for the entertainment at the 2007 Easter egg hunt and 10,000 eggs for next year's 2008 Easter egg hunt.

Motion by Trustee Marcoccia to approve this resolution was seconded by Trustee Gorman and upon roll call, all voted "AYE." Motion carried.

3. Resolution authorizing the Mayor to execute an Indemnification and Hold Harmless Agreement with 380 New Rochelle Road, LLC and Elide Building Corp., concerning the training of Village Police Officers

Motion by Trustee Marcoccia to approve this resolution was seconded by Trustee Ecklund and upon roll call, all voted "AYE." Motion carried.

4. Resolution authorizing the Receiver of taxes to collect taxes for fiscal year 2007-2008 in two installments, the 1st installment on June 1, 2007 and the 2nd installment on December 1, 2007 and further authorizing the Mayor to sign the Tax Collector's Warrant. Tax payments not received by June 30th will be subject to a 5% penalty as of July 2nd and an additional 1% will be applied thereafter for every month that payment is not received and the same penalties will apply for the 2nd installment due by December 30th.

Motion by Trustee Gorman to approve this resolution was seconded by Trustee Marcoccia and upon roll call, all voted "AYE." Motion carried.

5. Resolution approving AMCA Services, Inc. d/b/a Crestwood Taxi request to increase their fleet from seven (7) to ten(10) vehicles. The added vehicles are warranted based

on increase in call volume from seniors; increase in call volume to local restaurants/bar; the added vehicles needed to accommodate call volume when other vehicles are being serviced as well as to accommodate weather related incidents.

Motion by Trustee Ecklund to approve this resolution was seconded by Trustee Gorman.

Discussion: Mayor Fitzpatrick indicated that he was assured by the company that the additional vehicles will not block handicap spaces, fire hydrants and additional parking spaces. Trustee Zocchi noted that all 10 vehicles are not kept at the location.

Upon roll call, all voted "AYE." Motion carried.

6. **Resolution** authorizing the Village Clerk to issue a Peddler's License to Niki Georgioudokis d/b/a Good Humor to sell ice cream and related products for a period of six months May 1st to October 31, 2007.

Motion by Trustee Gorman to approve this resolution was seconded by Trustee Marcoccia and upon roll call, all voted "AYE." Motion carried.

7. **Resolution** authorizing door-to-door solicitation by two representatives of 212 Marketing Solutions, as authorized door-to-door agent for Verizon, offering Verizon FIOS services for a period of four weeks beginning May 2, 2007 and ending May 30, 2007.

Motion by Trustee Ecklund to approve this resolution was seconded by Trustee Marcoccia.

Discussion: Ms. Ciamarra indicated that the representatives would be required to display name tags and photo identification and they must report to the Police Dept. at the start and finish of the solicitation. The necessary insurance and background check have been completed.

Upon roll call, all voted "AYE." Motion carried.

8. **Resolution** authorizing the Village Clerk to advertise and receive sealed bids for three in-car digital video recording system for the Tuckahoe Police Department.

Motion by Trustee Gorman to approve this resolution was seconded by Trustee Marcoccia and upon roll call, all voted "AYE." Motion carried.

9. **RESOLUTION CONCERNING LOCAL LAW NO. 5 OF 1993, ENTITLED, "NEWSRACKS"**

At a regular meeting of the Village Board of Trustees of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on April 30, 2007.

WHEREAS, in 1993, the Village enacted Local Law No. 5 of 1993, entitled "Newsracks" and said Local Law was codified as Sections 19-101 through 19-107 of the Village Code; and

WHEREAS, an action has been commenced against the Village and certain officials, officers, employees and/or individuals concerning Local No. 5 of 1993; and

WHEREAS, in connection with that action, the Village has received requests for defense and indemnification from said officials, officers, employees and/or individuals.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Mayor and Village Board hereby accept and approve the requests for defense and indemnification concerning this matter received from Mayor John Fitzpatrick (formerly Village Trustee John Fitzpatrick), Village Trustees Steven A. Ecklund and Luigi V. Marcoccia, the Village Clerk Susan Ciamarra, the Village Attorney

John D. Cavallaro, the Superintendent of Public Works Robert Mascianica, former Mayor Michael J. Martino and former Village Trustee Tony Sayegh.

Section 2. That, the Mayor and Village Board do hereby confer the benefits of Section 18 of the Public Officers Law of the State of New York and/or Section 2-13 of the Tuckahoe Village Code upon the aforesaid persons stated in Section 1 herein and the Village will be responsible for the costs incurred under those aforesaid provisions of law.

Section 3. That this resolution shall take effect immediately.

Motion by Trustee Gorman to approve this resolution was seconded by Trustee Marcoccia and upon roll call, all voted "AYE." Motion carried.

10. RESOLUTION ADOPTING, APPROVING AND RATIFYING A VILLAGE OF TUCKAHOE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

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 April 30, 2007.

WHEREAS, the Village Board desires to adopt, approve and ratify a Village of Tuckahoe Comprehensive Emergency Management Plan; and

WHEREAS, the Village Board has received a recommendation from the Chief of Police concerning the adoption of said Comprehensive Emergency Management Plan; and

WHEREAS, the Village Board has distributed said Comprehensive Emergency Management Plan to other departments within the Village, and no department has objected to the adoption of said Plan; and

WHEREAS, the Comprehensive Emergency Management Plan is needed to enhance the Village's ability to manage the range of emergency/disaster situations to which the Village and its residents may be exposed.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby adopts, approves and ratifies the Village of Tuckahoe Comprehensive Emergency Management Plan, dated March 2007, which shall constitute the Comprehensive Emergency Management Plan of the Village.

Section 2. That this resolution shall take effect immediately.

Motion by Trustee Ecklund to approve this resolution was seconded by Trustee Gorman.

Discussion: Mayor Fitzpatrick indicated that this plan may need to be tweaked again with some additions.

Upon roll call, all voted "AYE." Motion carried.

11. Resolution authorizing the following closing of Capital Project numbers:

1. Project# 2005-0027 Village Hall Roof
2. Project# 2005-0028 HVAC Controls-71 Columbus Ave
3. Project# 2006-0029 Pick-up Trucks
4. Project# 2006-0030 Tractor-DPW
5. Project# 2006-0031 Large Snow Plow

Motion by Trustee Ecklund to approve this resolution was seconded by Trustee Gorman and upon roll call, all voted "AYE." Motion carried.

12. Resolution authorizing the transfer of the total balance of \$8,797.42 for the following Capital Projects to the General Fund restricted to debt service:

1. Project# 2005-0027 Village Hall Roof transfer from General Fund \$7,630
2. Project# 2005-0028 HVAC Controls-71 Columbus Ave transfer from General Fund \$909.18

3. Project# 2006-0029 Pick-up Trucks transfer to General Fund \$7,556.70
4. Project# 2006-0030 Tractor-DPW transfer to General Fund \$3,555.00
5. Project# 2006-0031 Large Snow Plow transfer to General Fund \$6,224.90

Motion by Trustee Ecklund to approve this resolution was seconded by Trustee Marcoccia.

Discussion: Trustee Marcoccia indicated that these numbers represent excess funds that will be moved to the general fund.

Upon roll call, all voted "AYE." Motion carried.

VI. APPOINTMENTS

Resolution appointing Stephen A. Porpora to the position of Village Treasurer for a two year term effective May 7, 2007.

Each Trustee welcomed Mr. Porpora to the Village and indicated that he was more than qualified for the position.

Mr. Porpora indicated that he has been a resident of the Village for the past 11 years and has a vested interest in this Village. He has 30 years experience and will try to keep the costs low.

Motion by Trustee Marcoccia to appoint Mr. Porpora, was seconded by Trustee Gorman and upon roll call, all voted "AYE." Motion carried.

VII. APPROVAL OF MINUTES –

A) APPROVAL OF MINUTES OF THE MARCH 26, 2007 VILLAGE BOARD MEETING

Trustee Ecklund offered a motion to approve the Minutes of the March 26, 2007 Village Board Meeting, was seconded by Trustee Marcoccia.

Due to only two sitting Trustees being present at this meeting, Trustee Marcoccia assured the Mayor that he reviewed the tape and was comfortable voting to approve the minutes. Upon roll call, the motion was carried with a vote of 3-0, with Trustee Gorman and Trustee Zocchi abstaining.

B) APPROVAL OF MINUTES OF THE APRIL 3, 2007 REORGANIZATION MEETING

Trustee Ecklund offered a motion to approve the Minutes of the April 3, 2007 Reorganization meeting, was seconded by Trustee Gorman and upon roll call was carried with a vote of 4-0 with Trustee Zocchi abstaining.

C) APPROVAL OF MINUTES OF THE APRIL 9, 2007 VILLAGE BOARD MEETING

Trustee Gorman offered a motion to approve the Minutes of the April 9, 2007 Village Board Meeting, was seconded by Trustee Ecklund and upon roll call was carried with a vote of 3-0 with Trustee Marcoccia and Trustee Zocchi abstaining.

VIII. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS –

A) POLICE DEPARTMENT REPORT

Chief Costanzo congratulated Trustee Zocchi and thanked the Board for adopting the Emergency Management Plan. The next step would be to identify everyone's role in preparation for an emergency and provide the necessary training. Creating an emergency operation center is an important step in the process. Chief

Costanzo stated that the approved budget will now allow for 26 police officers which will potentially save the Village overtime expenses.

May 12, 2007 will begin the celebration of National Police Week starting with a police memorial at 9:00am at the monument. All invited.

The Chief indicated that the additional taxis approved this evening will not cause any problems.

He described the additional police officer's position as one that will provide programs at the school and related functions and dedicate more time to DARE. Chief Costanzo reminded residents that although the employee at the Villarina shop was brave, he advised residents not to put their life in danger over a few dollars.

B) VILLAGE ATTORNEY

C) HIGHWAY DEPARTMENT

Supt. of Public Works reviewed and presented a summary of the annual report of the Stormwater Discharges from Municipal Separate Storm Sewer Systems and asked for comments from the board and the public on the summary. (A copy of the full report is available for inspection at the Village Clerk's office)

Mr. Mascianica, Supt. of Public Works, indicated that the Storm Sewer System functions fine, although it was inundated with water during the past storms. This was a 25 year storm event. The system is getting more water each year with less impervious surface, due to the construction of buildings, parking lots etc, and all this water must be drained into the system.

The retaining wall along the Bronx River on Yonkers Ave. has been examined by the state. The state indicated that Yonkers Ave. is a Federal Hwy., a Class 14 road, and will fix the retaining wall in a timely fashion.

Mayor Fitzpatrick reminded residents that FEMA Recovery center is located in the Eastchester library. Residents should take pictures of the damages for FEMA and insurance companies to review. The DPW will pick up all damaged goods.

IX. MISCELLANEOUS BUSINESS

Each Trustee congratulated Trustee Zocchi and welcomed him to the Board.

X. BOARD OF TRUSTEES MEMBER REPORTS:

• TRUSTEE ECKLOND

Trustee Ecklond noted that the Circuit Ave. Park is 50% completed. The Fisher Ave. fence has been installed and looks beautiful. He indicated that he attended a meeting last Thursday with Metro North representatives to discuss the restoration of the Old Crestwood Train Station. He will keep the residents updated.

• TRUSTEE MARCOCCIA

Trustee Marcoccia voiced his concern regarding Metro North employees pushing water off the tracks onto private properties along the tracks, which ultimately caused additional flooding.

Mr. Mascianica indicated that he was present while the employees pumped water into the storm system located in the parking lot. Metro North acted in compliance. There was no evidence of wrongdoing.

- **TRUSTEE GORMAN**

Trustee Gorman congratulated and thanked the Lake Isle staff for the wonderful treatment given to the flood victims. Crestwood Street Fair sponsored by Tuckahoe Beautification will be held on Sunday, May 6th from 10am – 4pm. The \$25.00 raffles could be purchased at Village Hall, Curves and the First Stop Café. Trustee Gorman announced that ECAP will host a Blue Bird class on May 7, 14, and 21 from 4:00pm – 5:00pm. The Blue Bird is the NYS bird and the class will train students to track and monitor the birds.

Trustee Gorman attended the 16th Annual Community Holocaust memorial and noted that the artwork was magnificent which was provided by the children from all three school districts.

- **TRUSTEE ZOCCHI**

Trustee Zocchi noted that the Crestwood Street Fair is a wonderful event.

Ms. Ciamarra, Village Clerk, announced that this was the Beautification Committee's only fund raiser. She asked the residents to come enjoy the fair and support the event. The hanging baskets amount to approximately \$10,000 which is purchased with donations and proceeds from the street fair.

- **MAYOR FITZPATRICK**

Mayor Fitzpatrick indicated that the Metro North would like the Village to take over the Old Crestwood Station. He stated that he would require an Environmental Assessment Form to be submitted. He noted that the Village would have to plan a fundraiser to fund this project. He will keep the public informed during this process.

XI. SECOND OPPORTUNITY TO ADDRESS THE BOARD

Ms. O'Bradovich, Lake Ave., voiced her concern regarding the pedestrian bridge over the Metro North Train tracks. It is her belief that the bridge is unsafe and an eyesore.

Trustee Ecklund noted that this was the Village's responsibility which could amount to approximately a \$2,000,000.00 project. He stated that he has applied for grants to cover the expense without success.

Mayor Fitzpatrick indicated that the new treasurer will be asked to provide a two year plan to try to fund this and other projects.

Mr. Mascianica indicated that the State Bridges Inspector examines the bridge annually and concluded that the bridge is structurally sound. The State Inspector requires that the DPW not paint the bridge so the Inspector can examine the rust and point out the spots that need to be sanded and repaired.

Ms. O'Bradovich asked about public safety during the fireworks at the Parkway Oval. Mayor Fitzpatrick noted that the Police Chief will provide a plan.

Rev. Coleman congratulated Steve Porpora. He thanked the Board for approving the additional taxis as his senior citizens require this. He asked the Board to consider having the police officers 'walk the beat' to improve the relationship between the officers and the residents.

Mayor Fitzpatrick indicated that he would like the School Board and the Village Board to work together to discuss the tax certioraris.

XII. ADJORNMENT

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

Susan Ciamarra, Village Clerk