

April 28, 2008

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 Margaret Coleman

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

SPECIAL PRESENTATION

1. **EVAC** – Robert Cinquimani, Captain of EVAC, reviewed the 2007 call report. He announced the annual fundraiser has been mailed out and has been very successful. EVAC will participate in the National EMS Week from May 18 – May 24. He anticipates that the 2nd Annual Casino Night will be as successful as the first.

Mayor Fitzpatrick stated that EVAC performs a very important service to the community and Village has allocated funding in the 2008-09 budgets. He added that probably many of the calls received by EV AC are as a result of the number of elderly facilities in the Village.

PUBLIC HEARINGS

PUBLIC HEARING I. Continuation of Public Hearing for the Village Budget.

Mr. Pintos, Village Treasurer, noted the various areas of the budget trimmed since the preliminary budget was filed. Electricity reduced from 30% - 28%, the BAN (Bond Anticipation Note) was reduced to \$160,000, Zoning Board consultants reduced from \$6000 - \$5000 and Planning Board consultants reduced from \$13,000 - \$10,000.

Mayor Fitzpatrick noted that the cost of the consultants will be passed onto the developers rather than the Village assuming the cost. Legal expenses reduced from \$75,000 - \$60,000 and the snow removal cost was decreased slightly as there is a surplus of salt from the past winter.

Trustee Marcoccia stated that many reasons contribute to the 5.65% increase including the energy costs which have sky rocketed, the assessed value which has dropped and the Village currently earns less in the bank due to the lower interest rates. The forecast is flat for sales tax growth and there currently is a slow housing market. Trustee Marcoccia noted that there is money budgeted to pave sidewalks and streets. He stated that the budget continues to offer all the services the Village residents are accustomed to, but we need to do more with less.

Nora McAvoy, assisting the Village of Tuckahoe Treasurer, stated that tax certioraris account for part of the increase. A resident or business owner may claim that they have been over assessed, have paid too much in property taxes in the past and file for a refund. The Village, after reviewing each case, must issue a refund if found in favor of the resident. At the start of this budget, the Village was already starting with a negative 1.38% due to the refunds of tax certioraris.

Mr. Pintos noted that all municipalities need to budget conservatively. When expenses rise unexpectedly, the Village can pull from the fund balance or bond the amount.

Mayor Fitzpatrick thanked Senator Klein for an additional \$50,000 for the cost of repaving residential street in the Village.

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

Trustee Gorman motioned to Adopt the Village Budget for Fiscal Year ending May 31, 2009 was seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.

PUBLIC HEARING II. Continuation of public hearing to receive public comments on the adoption of the **Emergency Tenant Protection Act of 1974 (ETPA)**

Public Comments

Mr. Albert Annunziata, Executive Director Builders Institute of Westchester and the Mid-Hudson Region Inc., stated that he represents building owners. He stated that the Village of Ossining and the City of Peekskill were considering adopting the ETPA and decided against it, rather they decided on a more 'home grown' method. He noted that there are several negatives for the community with this act. The adopting of ETPA will not allow the normalcy in rentals as there will eventually be tenant perpetuity, which means that family members take over the rental after the death of the tenant. The ETPA locks the landlord in with the tenant, which has a negative impact on property tax base as it becomes harder for the landlord to maintain the property. There is a gradual erosive quality on the tax base which forces owners of these buildings to file for tax certioraris. This tax base erosion will then be passed onto the rest of the tax payers.

Mayor Fitzpatrick asked Mr. Annunziata for a list of the negative highlights if adopting ETPA.

Mr. Daniel Fingar, Attorney with experience in this particular issue, submitted a letter which highlights the negative issues with the ETPA. He stated that this ETPA is very restrictive, constricts the housing market, developers are not as willing to work in an ETPA community, and some buildings convert to condos/coop rather than be restrictive by the ETPA. Condos and coops in ETPA communities are taxed differently then in non-ETPA communities. Mr. Fingar noted that it is based on income, by finding an equivalent rental size apartment, if the community is an ETPA community, a comparable ETPA apartment must be found. By

stabilizing the rent roll, the Village will be stabilizing the income tax base as well. The burden will be shifted elsewhere. He stated that there are very restrictive laws and restrictions, not guidelines.

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

PUBLIC HEARING III. CONTINUATION ON THE ADOPTION OF THE VILLAGE OF TUCKAHOE REVISED COMPREHENSIVE PLAN/MASTER PLAN.

Mayor Fitzpatrick stated that the revised document is in Mr. Fish’s office for review. The Board will not be able to vote on it until it is finalized.

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

PUBLIC HEARING IV. CONTINUATION PUBLIC HEARING ON LOCAL LAW NO. 3 OF 2008 (previously referred to as Local Law #2 of 2008)—A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

Be it enacted by the Village of Tuckahoe, in the County of Westchester, as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Village. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law:

“Building Permit” shall mean a permit issued pursuant to section 4 of this local law. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Certificate of Occupancy”/ “Certificate of Compliance” shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

“Code Enforcement Officer” shall mean Building Inspector and/or the Code Enforcement Officer of the Village.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Compliance Order” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, Limited Liability Company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Temporary Certificate” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

“Village” shall mean the Village of Tuckahoe.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Village Board of Trustees of this Village;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by the Mayor subject to the approval of the Village Board of Trustees. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Mayor subject to the approval of the Village

Board of Trustees to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Village Board of Trustees of this Village.

SECTION 4. BUILDING PERMITS

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

- (1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (2) installation of window awnings supported by an exterior wall of a one or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) installation of partitions or movable cases less than 5'-9" in height;
- (4) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (5) window replacement, existing driveway and walkway replacement
- (6) replacement of gutters and leaders

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement

Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the proposed work;

(2) the tax map number and the street address of the premises where the work is to be performed;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, re-inspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required,

and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY/CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy or Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another.

Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy or Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub-classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections, and
- (2) flood hazard certifications.

(c) Contents of Certificates of Occupancy / Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) any special conditions imposed in connection with the issuance of the Building Permit; and

(10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed three (3) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy or Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy or Certificate of Compliance or for Temporary Certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION

The chief of any fire department providing fire fighting services for a property within this Village shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

SECTION 9. UNSAFE BUILDING AND STRUCTURES

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the procedures set forth in Article V of Chapter 6 of the Code of the Village of Tuckahoe, entitled Unsafe Buildings, as now in effect or as hereafter amended from time to time.

SECTION 10. OPERATING PERMITS

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Village Board of Trustees of this Village.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every eighteen (18) months.

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary:

(1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and

(4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy

not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. RECORD KEEPING

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) all applications received, reviewed and approved or denied;

(2) all plans, specifications and construction documents approved;

(3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

(4) all inspections and tests performed;

(5) all statements and reports issued;

(6) all complaints received;

(7) all investigations conducted;

(8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and

(9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 14. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Village Board of Trustees of this Village a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.

SECTION 15. VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building,

structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Village.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board of Trustees of this Village.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 16. FEES

A fee schedule shall be established by resolution of the Village Board of Trustees of this Village. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 17. INTERMUNICIPAL AGREEMENTS

The Village Board of Trustees of this Village may, by resolution, authorize the Mayor of this Village to enter into an agreement, in the name of this Village, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 18. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 19. 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.

No Public Comments

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

Trustee Ecklund motioned to adopt Local Law #3 of 2008, was seconded by Trustee Coleman 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 offered a Resolution approving payment of vouchers in the amount of \$406,791.12, consisting of abstract #39 for \$57,406.07, abstract #41 for \$219,636.98 and abstract #42 for \$129,749.07. The largest invoices paid were to NYS Employees' Health Ins. – April 2008 health insurance premium \$90,573.81; Pat Corsetti Union Park Improvements \$28,072.50; Hudson Valley Bank principal and interest on bond \$85,196.29.

Trustee Gorman motioned to adopt Resolution #1, seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.

2. Mayor Fitzpatrick offered a Resolution ratifying Village Board action authorizing Tuckahoe High School to utilize the Main Street Park for the School Varsity Boys Tennis Team for the spring 2008 season to practice on the court weekdays starting Monday, March 24th to Friday, May 16th from 3:15pm to 6pm (weather permitting). The necessary liability insurance has been provided.

Trustee Gorman motioned to adopt Resolution #2, seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.

3. Mayor Fitzpatrick offered a Resolution designating Monday, May 5th as Arbor Day in the Village of Tuckahoe.

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

4. Mayor Fitzpatrick offered a Resolution accepting the following donations from the Generoso Pope Foundation: \$2,000 to fund the Easter Egg hunt held on March 22, 2008

Trustee Gorman motioned to adopt Resolution #4, seconded by Trustee Coleman. Trustee Gorman thanked the Generoso Pope Foundation for their generous donation. Upon roll call was carried with a vote of 5 – 0.

5. Mayor Fitzpatrick offered a Resolution ratifying Village Board action approving the hanging of banners for a new exhibition from the Generoso Pope Foundation building from April 25, 2008 to July 31, 2008.

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

6. Mayor Fitzpatrick offered a Resolution authorizing the Mayor to sign the Fireworks Performance contract between the Village of Tuckahoe and Fireworks by Grucci, Inc. for this year's July 26th fireworks event.

Trustee Gorman motioned to adopt Resolution #6, seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.

7. Mayor Fitzpatrick offered a Resolution scheduling a public hearing on Local Law #4 pertaining to the Stormwater Management and Erosion and Sediment Control within the Village of Tuckahoe.

Trustee Ecklund motioned to adopt Resolution #7, was seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

8. Mayor Fitzpatrick offered a Resolution authorizing the Mayor to sign Amended Contract for the Union Place Park Improvements Project to reflect an amount of \$55,000 in CDBG funding (prior CDBG funding amount was \$40,000) between the Village of Tuckahoe and County of Westchester.

Trustee Ecklund motioned to adopt Resolution #8, was seconded by Trustee Gorman. Trustee Coleman noted that she was happy this was moving forward. Upon roll call motion was carried with a vote of 5 – 0.

9. Mayor Fitzpatrick offered a Resolution authorizing the Mayor to execute a temporary license agreement with Solar Electric permitting the use of two Village owned utility poles for temporary electrical service.

Trustee Gorman motioned to adopt Resolution #9, seconded by Trustee Marcoccia. Mayor Fitzpatrick stated that this was regarding the building located inside the Lake Ave. parking lot. The contractors are removing lead paint and need electrical power to get work done. Upon roll call was carried with a vote of 5 – 0.

10. Mayor Fitzpatrick offered a Resolution CONCERNING THE SETTLEMENT OF THE ACTION KNOWN AS THE CROTON LANDFILL LITIGATION

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 28, 2008.

WHEREAS, a contribution action was commenced under CERCLA against the Village and nearly every other municipality in Westchester County concerning the Croton Landfill (the "Croton Landfill Litigation"); and

WHEREAS, the Village and several other municipalities retained group counsel, namely Periconi, L.L.C.; and

WHEREAS, counsel has recommended the settlement of the action in an amount not to exceed \$6,174.00.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village of Tuckahoe is hereby authorized to settle the litigation known as the Croton Landfill Litigation in an amount not to exceed \$6,174.00, which shall include legal fees and expert fees in resolution of said action.

Section 2. James Periconi of Periconi, L.L.C., counsel for the group, is authorized to undertake all actions necessary in settling said litigation including, but not limited to, the execution of a settlement and/or release agreement, if any.

Section 3. That, this resolution shall supersede the resolution of the Village Board of Trustees entitled, A RESOLUTION CONCERNING THE SETTLEMENT OF THE ACTION KNOWN AS THE CROTON LANDFILL LITIGATION, dated February 11, 2008.

Section 4. That this resolution shall take effect immediately.

Trustee Gorman motioned to adopt Resolution #10, seconded by Trustee Ecklund. Mayor Fitzpatrick noted that this was the settlement regarding the lawsuit for those who dumped in the landfill. The Village of Tuckahoe has to pay the least amount in the settlement. Upon roll call was carried with a vote of 5 – 0.

11. Mayor Fitzpatrick offered a Resolution authorizing the Mayor to sign an Intermunicipal Agreement between the Village of Tuckahoe and County of Westchester to make improvements to the Thompson Street Metro North commuter parking lot.

Trustee Ecklund motioned to adopt Resolution #11, seconded by Trustee Gorman. Trustee Ecklund noted that this resolution is approving the money received to resurface the parking lot as there was a lot of red tape. Upon roll call was carried with a vote of 5 – 0.

12. Mayor Fitzpatrick offered a Resolution authorizing the Receiver of Taxes to collect taxes for fiscal year 2008-2009 in two installments, the 1st installment on June 1, 2008 and the 2nd installment on December 1, 2008 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.

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

13. Mayor Fitzpatrick offered a Resolution authorizing Building Inspector, Bill Williams and Code Enforcement Officer Michael Seminara to attend the building safety conference on May 1 and 2.

Trustee Ecklund motioned to adopt Resolution #13, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 – 0.

14. Mayor Fitzpatrick offered a Resolution authorizing budget transfers: (1) transfer \$2,000 from 1110-0427 to #1110-0105 and (2) transfer \$15,744.50 from 1420-0415 to 1420-0101.

Trustee Ecklund motioned to adopt Resolution #14, seconded by Trustee Gorman. Mr. Pinto stated that the first transfer of \$2000 was from the law department switching from the supply line to the part time line. The second transfer of \$15,744.50 is a shift from consultant to contractual. Upon roll call was carried with a vote of 5 – 0.

15. Mayor Fitzpatrick offered a Resolution ratifying board action to hire Jacqueline Ferretti of Eastchester 20hrs weekly to assist in the Clerk’s office at an hourly rate of \$13. **Trustee Gorman motioned to adopt Resolution #15, seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.**

16. Mayor Fitzpatrick offered a Resolution authorizing the Mayor to sign a letter of support to the NYS Department of Parks, Recreation, and Historic Preservation as it concerns the Tuckahoe Substation Rehabilitation. **Trustee Gorman motioned to adopt Resolution #16, seconded by Trustee Coleman. Mayor Fitzpatrick noted that the brick building located in the Lake Ave. parking lot has preservation status as the bricks are over 100 years old. The State Historical Preservation Society has reviewed the building and will issue a plan. Upon roll call was carried with a vote of 5 – 0.**

17. Mayor Fitzpatrick offered a Resolution SCHEDULING A PUBLIC HEARING CONCERNING THE DESIGNATING OF THE PARKING AREA NEAR AND ABOUT PARKWAY OVAL AS THE PARKWAY OVAL PARKING LOT

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 28, 2008.

WHEREAS, the Village Board of Trustees seeks to designate the parking area near and about Parkway Oval as the Parkway Oval Parking Lot in order to make alternative parking opportunities available for Village residents.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Village Law and the Municipal Home Rule Law, a public hearing shall be held on or about the 19th day of May 2008, at 8:00 o'clock p.m., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Board of Trustees whether the parking area near and about Parkway Oval should be designated as the Parkway Oval Parking Lot for use by Village residents at such costs, dates and times as determined by said Board of Trustees.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in accordance with the Municipal Home Rule Law and/or other applicable law.

Section 3. That this resolution shall take effect immediately.

Trustee Ecklund motioned to adopt Resolution #17, seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

18. Mayor Fitzpatrick offered a Resolution CONCERNING THE SETTLEMENT OF THE ACTION KNOWN AS ZHERKA ET AL V. THE VILLAGE OF TUCKAHOE ET AL.

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 28, 2008.

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 was commenced against the Village and certain officials, officers, employees and/or individuals concerning Local No. 5 of 1993 under Case No. 07CIV11251, entitled Zherka et al v. Village of Tuckahoe et al.; and

WHEREAS, counsel has recommended the settlement of the action in an amount not to exceed \$25,000.00.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village of Tuckahoe is hereby authorized to settle the litigation entitled Zherka et al v. Village of Tuckahoe et al. under Case No. 07CIV11251 in an amount not to exceed \$25,000.00.

Section 2. That this resolution shall take effect immediately.

Trustee Gorman motioned to adopt Resolution #18, seconded by Trustee Coleman. Mayor Fitzpatrick stated that the Guardian Newsrack was suing multiple communities under the Freedom of Press Act. The action has been settled. John Cavallaro, Village Attorney, stated that this was commenced in Federal District Court. The recommended settlement was in the amount of \$25,000. Upon roll call was carried with a vote of 5 – 0.

19. Mayor Fitzpatrick offered a Resolution authorizing the Tuckahoe-Eastchester Lions to hang a temporary banner for 30 days on Columbus Avenue.

Trustee Gorman motioned to adopt Resolution #19, seconded by Trustee Coleman and upon roll call was carried with a vote of 5 - 0.

20. Mayor Fitzpatrick offered a Resolution authorizing the Village of Tuckahoe to solicit bids for the purchase of two segways for the Department of Police.

Trustee Ecklund motioned to adopt Resolution #20, seconded by Trustee Gorman and upon roll call was carried with a vote of 5 - 0.

21. Mayor Fitzpatrick offered a Resolution authorizing a two (2) hour overtime parking restriction on Wallace Street in the area from Fulton Street south to Circle Road.

Trustee Gorman motioned to adopt Resolution #21, seconded by Trustee Coleman and upon roll call was carried with a vote of 5 - 0.

22. Mayor Fitzpatrick offered a Resolution authorizing the Village Clerk to issue a Peddler's License to Nick Giorgoudakis d/b/a Good Humor to sell ice cream, candy and soda for a period of six months beginning April 29.

Trustee Ecklund motioned to adopt Resolution #22, seconded by Trustee Gorman and upon roll call was carried with a vote of 5 - 0.

APPROVAL OF MINUTES –

Motion by Trustee Ecklund to approve the minutes of the Regular Meeting - March 3, 2008 was seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0 with Trustee Coleman abstaining as she was not present.

Motion by Trustee Ecklund to approve the minutes of the Special Meeting - March 12, 2008 was seconded by Trustee Gorman and upon roll call was carried with a vote of 3 – 0 with Trustee Coleman and Trustee Marcoccia abstaining as they were not present.

Motion by Trustee Ecklund to approve the minutes of the Reorganization Meeting - April 7, 2008 was seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

Motion by Trustee Gorman to approve the minutes of the Tentative Budget Hearing - April 14, 2008 was seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.

REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

Department of Public Works-

Frank DiMarco announced that in conjunction with the new tree committee, the DPW planted three trees in the Crestwood area with a new structural soil which leaves air gaps for the roots to spread so as not to disturb the sidewalks. Mayor Fitzpatrick requested that all tree pits in the Village be dressed with additional mulch.

Trustee Gorman noted that the newly formed tree committee will meet once a month and are committed to create a plan for the Village.

Trustee Coleman voiced her concern with the newly planted trees saying that the area they were planted in leaves only a limited amount of space of children to play.

Mayor Fitzpatrick stated that the trees were planted there to deter a group of non-residents from playing volleyball and destroying the grass.

Frank DiMarco reported that the department is currently working hard cleaning sewers and storm drains. Mayor Fitzpatrick said that hopefully by taking preventive measures, the flooding that occurred last year can be prevented from happening again.

Police Department-

Chief Costanzo announced the Annual Memorial Service for deceased members of the Tuckahoe Police Dept. will be held on May 10 at 9:00am in front of Village Hall. Mr. Frank Pelligrino, whom passed away in January, will now be added to the memorial. He reported on the new license plate reader saying that it can read up to 30 plates per second and can identify vehicles with suspended registrations, stolen license plates, stolen cars, Amber Alert, and uninsured vehicles. He said this a wonderful tool for the Village and thanked the Generoso Pope Foundation for the \$30,000 grant to purchase this unit.

As for the new segways, Chief Costanzo noted that this was a new means of patrolling the streets and parks. It travels 12.5 miles per hour, a great alternative to the bikes and allows police to address the quality of life issues. It is also a fuel savings to the Village.

Trustee Coleman asked if the Police Dept. could monitor the speed of the vehicles traveling on Columbus Ave. during rush hour. Chief Costanzo noted that he will indeed monitor the area and follow up.

Trustee Marcoccia asked about pedestrian signs at various intersections. Chief Costanzo noted that some streets in the Village are just too narrow to allow ample room for the signs which actually can create a hazard for the pedestrians.

Village Attorney

No Report

BOARD OF TRUSTEES MEMBER REPORTS:

TRUSTEE GORMAN reviewed the Library monthly schedule and congratulated the newly elected library officers – Joanne Kennedy, Edward Keenan and Ginger Crosby. The seniors will celebrate their anniversary on May 22 with the annual Memorial Day BBQ. THA meeting will be May 20 at 7:00pm. She announced that ECAP has received a \$7500 grant from Verizon for computers for the after school activities, a grant she had applied for. She reported that the Environmental Committee will meet once a month and all are welcome. Trustee Gorman thanked the Girl Scouts for collecting much needed items for Camp Bucca. She announced that a Tuckahoe flag will be sent to Camp Bucca, to be flown over the camp and be sent back to the Village.

- **TRUSTEE ECKLOND** reported that the Tuckahoe High school juniors annual carnival will be held May 17. The Union Place Park is 50% complete. The CDGB project for 2008 will be to fund replacing the sidewalks on Marbledale and Fisher. The design for the intersection of Marbledale and Fisher has been completed and will begin the bid process on May 14. May 5 will be Arbor Day in Tuckahoe. The EVAC Annual Casino night will be held on Friday May 23 at 7:00pm at Lake Isle.
- **TRUSTEE COLEMAN** announced the Beautification Committee street fair scheduled for May 4. Trustee Coleman noted that she would like to form a Youth Advisory Committee to make sure the youth have a say in the

community. She expressed concern over the issuance of residents parking permits. She suggested allowing residents to be grandfathered in for those who have paid the \$10.00 fee. Mayor Fitzpatrick noted that two public meetings were held regarding this issue. To date 500 permits have been issued compared to the 1000 permits last year and while he is concerned about parking it is necessary to enforce the law. The Village clerk does consider hardship cases. Mayor Fitzpatrick noted that he met with board members from the Consulate and the Tower Club to try to help rectify the parking situation; at 100 Columbus Ave. there were 7 or 8 spots with commercial vehicles.

- **TRUSTEE MARCOCCIA** offered congratulations to the Eastchester Italian Club on their 75 Anniversary. He stated that the residents of Oak Ave. are still awaiting the speed bumps. Mayor Fitzpatrick stated that he will approve the placement of speed bumps once the residents on Oak Ave. inform the Board as to where the speed bumps can be placed. The owners of the houses where the speed bump will be placed must agree to the location before approval. Trustee Marcoccia inquired about plans to remove the bleachers at Parkway Oval. Bill Williams, Building Inspector, stated that the initial plans for the new building for ECDC will now be downsized as per Marion Anderson. As for the bleachers, the decision is in the hands of Eastchester as they are the rightful owners of the property.
- **MAYOR FITZPATRICK** reported that the Beautification Committee would like to thank the residents for their generous donations. The Chamber of Commerce plans to honor Susan Ciamarra and the Walkers for their many years of service to the community.

VILLAGE CLERK

Susan Ciamarra commented that the Beautification Committee is very appreciative of the positive response they received to their fund raising drive.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

Former Mayor Phil White, representing the THA stated that the THA will apply for CDGB grants for the years of 2009, 2010 and 2011. Some of the grants to be applied for are the following: Two roof replacements for Sanford Gardens - \$336,600 with THA adding \$115,000 – total \$451,600; Bathroom modernization for Jefferson Gardens - \$254,314 with THA adding \$85,000 – total \$339,314; Handicap conversions at Jefferson Gardens - \$349,700 with THA adding \$125,000 – total \$474,700; Emergency generator at Jefferson Gardens \$104,200 with THA adding \$35,000 – total \$139,200; Improvement and upgrades to the grounds of Sanford Gardens - \$160,640 with THA adding \$60,000- total \$220,640 including a playground.

Mayor Fitzpatrick wished him luck and noted that these were legitimate applications which will bring needed money to these buildings. Mayor White added that most housing developments do not pay taxes whereas these do.

Frank Coleman 15 Wallace St. asked if the members of the Board with grant writing experience would offer their assistance to the THA.

Mayor Fitzpatrick stated that his experience with the THA has been that they do not accept assistance; rather they are confrontational with him. If there is a member of the public who wishes to offer assistance to the THA please offer.

Paul Brand, 3 Parkview Place, praised the Police Dept., Trustee Ecklund, and the Superintendent of the DPW Frank DiMarco for a quick response to a flooding situation at his home saying this is a great community with responsive employees and officials.

Edward Harris, non resident, submitted a petition with 135 names, to change the name of Rogers Street to Eli Strand Place or Way.

Trustee Coleman recognized her mother sitting in the audience and thanked her for coming to her first official meeting.

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

Susan Ciamarra, Village Clerk

