

August 10, 2009

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

Present: Mayor John Fitzpatrick
Trustee Steve Ecklund
Trustee Clare Gorman

Trustee Luigi Marcoccia (absent)
Trustee Margaret Coleman (absent)

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

PUBLIC HEARINGS

PUBLIC HEARING I.

CONTINUATION OF PUBLIC HEARING ON A PROPOSED LOCAL LAW TO REZONE THE MARBLEDALE ROAD INDUSTRIAL CORRIDOR TO A GENERAL BUSINESS OR COMMERCIAL ZONING DISTRICT IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE VILLAGE COMPREHENSIVE PLAN, ADOPTED MAY 2008.

Trustee Ecklund motioned to open public hearing was seconded by Trustee Gorman and upon roll call was carried with a vote of 3 – 0.

John Cavallaro noted that the EAF is still being worked on. After further discussion, **Trustee Gorman motioned to keep the public hearing open was seconded by Trustee Ecklund and upon roll call was carried with a vote of 3 – 0.**

PUBLIC HEARING II.

PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING SECTION 12-8 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED “DEFINITIONS” WITHIN CHAPTER 12 ENTITLED, “HOUSING”

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 August 10, 2009.

WHEREAS, legislation has been requested amending the definition of “Dwelling Unit” as the same is set forth in Section 12-8 of the Village Code of the Village of Tuckahoe, entitled “Definitions” within Chapter 12 entitled, “Housing” and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 22nd day of July 2009; and

WHEREAS, said public hearing was duly held on the 10th day of August 2009, 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. The definition of " Dwelling Unit " as the same is set forth in Section 12-8, entitled " Definitions " of the Village Code of the Village of Tuckahoe, is hereby amended as follows:

§ 12-8. Definitions.

Dwelling unit means one (1) or more rooms with living, cooking, sanitary and sleeping facilities therein, arranged with one (1) family [with whom may reside not more than four lodgers or boarders].

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

Section 3. This Local Law shall take effect immediately.

Section 4. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

New Matter Underlined
Deleted Matter in Brackets []

Trustee Ecklund motioned to open public hearing open was seconded by Trustee Gorman and upon roll call was carried with a vote of 3 – 0.

The question is whether to keep the boarder language in the code. The new proposed legislation would help eliminate boarders. Mayor Fitzpatrick then read the following letter sent by a resident:

Response regarding Resolution 1 - Vitoria Guarino (45 year resident of Tuckahoe whose grandfather and father built their home here when Tuckahoe was still a wooded area)

PLEASE READ AT MEETING ON MONDAY EVENING! MANY THANKS!

A not uncommon headline that can be found in a variety of newspapers these days is: *US homeowners turn to roommates during recession*. The fact is that, as the economy worsens, even gainfully employed people in Westchester, who are forced to pay some of the highest taxes in the country, are seeking "roommates" as a means of survival.

Today's situation is not unlike the situation faced by many of the hardworking blue-collar immigrants who built Tuckahoe. Although the trendy luxury condos and storefronts help us to forget our roots, we need remember that those immigrants (many of our grandparents) had to make ends meet by living not only with immediate family, but also extended family, friends and, yes, even "boarders" or "roommates." We also need remember that Tuckahoe was intended as an affordable place to live in Westchester -- Obviously, *that* is no longer the case.

Today we have a growing population of seniors who have lived here all their lives. They are on fixed incomes and, because of ridiculously high taxes, they are being forced to leave rather than live out the remainder of their years in the comfort of their own homes. If they cannot allow one or two "roommates" or boarders, many cannot afford to remain. It seems that our seniors are having their homes & lives stolen from them by those who want to remove the current "boarder" law from our books.

The fact is that the **CURRENT law and housing maintenance codes ALREADY cover those situations that we fear most**: The development of *actual boarding houses*, overcrowded single family homes illegally re-partitioned to house ten or fifteen residents. **The law itself needs NO CHANGES**. Any change to the two boarder maximum would force even more of our elderly out of their homes. It would force single income homeowners (many single parents & divorced people) to move as well.

In addition, Tuckahoe's version of the "revised" definition of family is oddly arbitrary and blatantly exclusionary. It seems terribly unfair that, with a revised law, a single woman can own a home, pay exorbitantly high taxes, use FEWER town facilities (schools, garbage pickup, etc.) and be forced to live ALONE, while FAMILIES throughout Tuckahoe continue to fill their homes with as many "relatives" as they can fit. More importantly, perhaps, is the fact that the revision **AND the removal of the current two boarder limit would be ENTIRELY prejudicial**: Life partners (heterosexual or same-sex) as well as single homeowners with guests would be open to suspicion and questioning. In fact, technically - if we are "family", according to our building inspector, we are not allowed to have even simple PRIVACY locks on our bedroom or bathroom doors.

If we continue to strip homeowners of their rights, especially when **our CURRENT boarder law is SAFELY RESTRICTIVE, we will have to justify having guests, roommates and extended family members stay in our homes for any length of time.**

Leave well enough alone. We already have laws that disallow boarding houses. We KNOW which homes are currently run as boarding houses -- they ARE NOT - I repeat - **NOT homes in which a roommate or two share a kitchen with a homeowner. I say we use our current laws to "close" large boarding houses and we MAINTAIN the two boarder maximum so law abiding tax paying citizens can make ends meet.**

Thank you for your time!

Upon further discussion, Trustee Ecklund motioned to keep the public hearing open was seconded by Trustee Gorman and upon roll call was carried with a vote of 3 – 0.

RESOLUTIONS -

1. Mayor Fitzpatrick offered a RESOLUTION SCHEDULING A PUBLIC HEARING ON THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001

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 August 10, 2009

WHEREAS, § 4-1.1.4. of the Village Zoning Ordinance permits, as an accessory use, the keeping of not more than two boarders or lodgers by a resident family or person, provided that the resultant density does not exceed two persons per separate bedroom; and

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to the keeping of boarders or lodgers under § 4-1.1.4. of the Village Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of Village Law § 7-706 et al. and the Municipal Home Rule Law a public hearing shall be held on or about the 14th day of September 2009, at 8:00 o'clock P.M., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Board of Trustees whether Section 4-1.1.4. of the Village Zoning Ordinance, which permits the keeping of not more than two boarders or lodgers by a resident family or person, as an accessory use, shall be amended, supplemented and/or omitted in its entirety.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk at least ten (10) days in advance of such time and place in the manner provided by law.

Section 3. That this resolution shall take effect immediately.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

2. Mayor Fitzpatrick offered a RESOLUTION waiving insurance requirements for the Oak Avenue block party for August 15, 2009.

Trustee Gorman made a motion to adopt the above resolution, seconded by Trustee Ecklund and upon roll call was carried by a vote 3-0.

3. Mayor Fitzpatrick offered a RESOLUTION approving payment of vouchers in the amount of \$424,525.08 consisting of abstract #7 for \$139,934.27, abstract #8 for

\$3,291.95, abstract #9 for \$193,257.60 and abstract #10 for \$88,041.26. The three largest invoices paid were for: (1) Fiscal 2009/2010 Workers' Compensation insurance premium of \$119,207.99, (2) August 2009 employee health insurance premium of \$99,928.94 and (3) bond anticipation note principal and interest of \$59,063.00.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

4. Mayor Fitzpatrick offered a RESOLUTION to accept the following donations for the upcoming Tuckahoe Challenge Roadrace: \$2,500 from Hudson Valley Bank, \$200 Westchester Funeral Home, \$100 Cornell's Hardware, \$100 Village Realty, \$100 Giovanni Auto Body, \$100 Tuckahoe Paint & Glass, \$100 Harpos Imported Car Service, \$400 Elide Tuckahoe Terrace Corp.; Gifts for raffle donated by: Camelot Limousine, Arbonne (Skin Care), Office Products Central, Toscano, Stephen's Green, Olde Stone Mill and further accepting a donation of \$700 from Giovanni Auto Body and \$1,000 from CSC (Cablevision) for the Fireworks event.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

5. Mayor Fitzpatrick offered a RESOLUTION authorizing ratification for the issuance of a Special cabaret License to Joe's Quarry Inn by the Village Clerk for Friday, July 24th from 7pm – 11pm. – top 40s music, July 28, and Sept. 4.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

6. Mayor Fitzpatrick offered a RESOLUTION authorizing the closure of Roger Street to Marble Place for the official Eli Strand, Jr. Day on Saturday, August 22nd, rain date August 29th from 12 noon to 6pm. Liability insurance will be provided.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

7. Mayor Fitzpatrick offered a RESOLUTION authorizing the Mayor to execute a contract between the County of Westchester and Village of Tuckahoe relative to the Sanitary Sewer Relining and Improvement Project for CDBG funding in the amount of \$65,000.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

8. Mayor Fitzpatrick offered a RESOLUTION awarding bid for the Sanitary Sewer Relining Project to Evergreen Pipeline Services of Bethel, Vermont low qualified bidder with a total bid price of \$54,475. Four bids were received and ranged from \$54,475 to \$163,250.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

9. Mayor Fitzpatrick offered a RESOLUTION approving and authorizing the settlement of the action entitled County of Westchester v. United Water New Rochelle v. Village of Tuckahoe and Gentile. In accordance with the terms of the settlement, the Village's contribution towards the settlement shall be in an amount not to exceed \$35,000.00 payable in two installments of \$17,500.00. The resolution and settlement of said action also resolves and settles the action entitled Village of Tuckahoe v. United Water New Rochelle.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

John Cavallaro spoke about the cause of the water break and the reason for the settlement. Trustee Ecklund added that this break occurred on Sept. 10, 2004.

10. Mayor Fitzpatrick offered a RESOLUTION authorizing the closure of Hughes Place between Governs and Leonard Road on Saturday, Sept. 12th, rain date, Sept. 13th, between 4 and 6pm for a block party. Liability insurance will be provided.

Trustee Gorman made a motion to adopt the above resolution, seconded by Trustee Ecklund and upon roll call was carried by a vote 3-0.

11. Mayor Fitzpatrick offered a RESOLUTION authorizing the closure of Sagamore Road by the Generoso Pope Building and of Oak Avenue September 12 and September 19 from 5pm until the event is over for two outdoor film screenings. September 12th at 7:30pm the film "La Vita E' Bella" (Life is Beautiful) directed by Robert Benigni in Italian with English subtitles and on September 19th at 7:30pm the film "Pane e Tulipani" (Bread and Tulips) directed by Silvio Soldine. In Italian with English subtitles. Liability Insurance will be provided.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

12. Mayor Fitzpatrick offered a RESOLUTION to accept \$6,500 proposal from John Meyer Consulting of Armonk, NY for Topographic and Utility Survey Services in conjunction with the Columbus Avenue Utility Underground Project. Three prices were solicited and ranged from \$6500 to \$7500. Funding for this to be provided from the NYS-ESDC Project #U609 Grant.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

13. Mayor Fitzpatrick offered a RESOLUTION SCHEDULING A PUBLIC HEARING ON AMENDING THE CODE OF THE VILLAGE OF TUCKAHOE, SECTION 21-147 ENTITLED "PARKING AND STORAGE OF COMMERCIAL VEHICLES, TRAILERS, BUSES"

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on September 14, 2009, 2009.

WHEREAS, § 21-147(a) of the Code of the Village of Tuckahoe sets forth that:

(a) *Restrictions.*

(1) No vehicle that displays or has visible the following, or any dump truck, shall be permitted to be parked or stored on the street or on any public or private property in the Residence A-10 and Residence A-5 Zoning Districts in the village, except if such vehicle is stored in an enclosed garage.

a. Signs or lettering.

b. Ladders, equipment, tools or machinery.

c. Debris or supplies.

d. Temporary or permanent carrying racks designed and/or used for the carrying or storage of any items listed in Subsection (a)(1)a, b and c above, except that racks installed by the original manufacturer at the time of assembly of the vehicle shall be permitted.

(2) Any covering of the items listed in Subsection (a)(1)a, b, c and d above by any means shall not excuse such vehicle from the foregoing restrictions.

(3) The restrictions described in Subsection (a)(1) and (2) above shall not apply when such vehicle is parked on a temporary basis when the operator of the vehicle

is in the process of delivering or rendering services to premises in the immediate vicinity or is the owner or tenant of the premises in the immediate vicinity and such parking period does not exceed two hours; and

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to amending said Section 21-147(a);

NOW, THEREFORE, BE IT RESOLVED

vehicles as the same is set forth in said Section 21-147(a) of the Village Code. Section 1. That in accordance with the provisions of the Municipal Home Rule Law a public hearing shall be held on or about the 14th day of September 2009, at 8:00 o'clock P.M., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Board of Trustees whether Section 21-147(a) of the Code of the Village of Tuckahoe shall be amended so as to modify the description of commercial vehicles as the same is set forth in said Section 21-147(a) of the Village Code.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk at least ten (10) days in advance of such time and place in the manner provided by law.

Section 3. That this resolution shall take effect immediately.

Trustee Ecklund made a motion to adopt the above resolution, seconded by Trustee Gorman and upon roll call was carried by a vote 3-0.

On the subject of commercial vehicles, Tonia Gallo of Wallace Street expressed her hopes that a major distinction will be made between a van, a truck, a flat bed and bus. She went on to say that the village is blue collar and many of the vans are used for work and that her husband while he has a choice of either residential or commercial plates for his van, commercial is necessary due to the fact that in Manhattan vans with residential plates would be ticketed continuously. This issue comes up every so often but one must keep in mind that many of the houses do not have driveways and many of the garages are not high enough to accommodate a van.

APPOINTMENTS:

Trustee Gorman made a motion to appoint Janette Hayes to the Tuckahoe Housing Authority for a term of 5 years to expire July 5, 2014, seconded by Trustee Ecklund and upon roll call was carried by a vote 3-0.

Trustee Gorman made a motion to appoint Vitoria Guarino as a member of the Library Board for a term of 5 years to expire April 1, 2014, seconded by Trustee Ecklund and upon roll call was carried by a vote of 3-0.

Trustee Ecklund made a motion to approve the minutes of the regular meeting of July 13, 2009, seconded by Trustee Gorman and upon roll call was carried by a vote of 3-0.

Community Meeting is scheduled for August 24th , 7:00PM, at Circuit Park; rain location Community Center.

Volunteers needed to form a Complete Count Committee for the 2010 US Census who will promote awareness and the importance of the Census count for Tuckahoe.

- **TRUSTEE ECKLOND** - reported on the pedestrian bridge closure and said the board is looking into the possibility of retro fit or remove it. Street paving of Oak Ave, Lawrence Ave, Sagamore Rd . from Oak Terrace to Depot Square and Thompson Lot is nearing completion.
- **TRUSTEE GORMAN** – reported that the Zoning and Planning boards would not meet in August. Concert “Strawberry Fields” sponsored by Senator Klein is set for August 19th, at 7:00PM in Depot Square. Those with old medications can be bring them to the Tuckahoe Senior center at 4 Union Place on October 6th and a reminder to all residents to recycle.

The Mayor picked the Beautification raffles; winners were as follows:

1 st Prize	Flat Screen TV	John Gildea 24 Hollywood Ave
2 nd Prize	2 Needle Point Pillows & throw	Rossi family 183 Lake Ave
3 rd Prize	\$40 Crestwood Pizzeria Gift Card	N. Viggiani
4 th Prize	Geranium hanging basket	Lou Serico 99 Oakland Ave

The Mayor asked residents to support the Westchester’s Food Drive set for August 19th and 20th. Items may be dropped off at Village Hall and will then be brought to ECAP.

There being no further business, meeting adjourned at 9:10 PM.

Susan Ciamarra

