

**August 11, 2008**

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

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

**PUBLIC HEARING I.**

**Continuation of public hearing on LOCAL LAW #6 OF 2008 – A LOCAL LAW  
AMENDING SECTION 21-67 OF THE VILLAGE CODE OF THE VILLAGE OF  
TUCKAHOE, ENTITLED “PARKING VIOLATION FINES”**

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on June 9, 2008.

WHEREAS, the Mayor has requested legislation amending Section 21-67 of the Village Code of the Village of Tuckahoe, entitled “Parking Violation Fines;” 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 May 2008; and

WHEREAS, said public hearing was duly held on the 9th day of June 2008, 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 21-67, entitled “Parking Violation Fines” of the Village Code of the Village of Tuckahoe, is hereby amended and supplemented as follows:

**§ 21-67. Parking violation fines.**

- (a) The fines for various parking violations shall be designated by the Board of Trustees by resolution adopted at a regularly scheduled meeting of the Board of Trustees. A list of such fines shall be maintained by the Village Clerk and Police Department. Notice of the amount of the fines established in accordance with this section shall be provided on all parking tickets, summonses and notices of violation.
- (b) Notwithstanding Section 21-67(a) above, the amount of the fine for parking meter violations shall be \$20.00. The amount of the fine for parking meter violations only shall be reduced by [~~\$2.00~~] \$10.00 per violation if the fine is paid in person at the office of the Court Clerk of the Village of Tuckahoe Justice Court on the day of the violation or, if the violation is issued on a day that the Court Clerk's office is not open, on the next business day.
- (c) If the owner, operator or other party that may be responsible for a vehicle in accordance with the New York State Vehicle and Traffic Law fails to appear or pay the fine on or before the appearance date set forth on a parking ticket summons, in addition to the fines established pursuant to this § 21-67, such person or party shall be charged and be liable for the following penalties and administrative fees:
  - (1) The amount of the fine established pursuant to this § 21-67 for all parking violations shall be doubled if the fine is not paid or an appearance is not made before the [~~14<sup>th</sup>~~] 30<sup>th</sup> day after the original appearance date or any adjournment thereof; and
  - (2) The amount of the fine established pursuant to this § 21-67 for all parking violations shall be tripled if the fine is not paid or an appearance is not made before the 45th day after the original appearance date or any adjournment thereof; and
  - (3) An administrative fee of \$10.00 shall be charged if the fine is not paid or an appearance is not made before the 21<sup>st</sup> day after the original appearance date or any adjournment thereof.

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 [ ]

### **No Public Comments**

Mayor Fitzpatrick stated that the online payment is almost ready as he was working closely with the banks and the online service. As a result, this public hearing will remain open until next month.

**Trustee Gorman motioned to keep the public hearing open was seconded by Trustee Ecklund and upon roll call was carried with a vote of 4 – 0.**

### **PUBLIC HEARING #II**

**Continuation of public hearing on LOCAL LAW #7 OF 2008 –  
A LOCAL LAW AMENDING SECTIONS 10-17 THROUGH/OF 10-25 OF THE VILLAGE  
CODE OF THE VILLAGE OF TUCKAHOE OF CHAPTER 10, ARTICLE II, ENTITLED  
“COLLECTION” “GARBAGE, TRASH AND REFUSE”**

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 July 14, 2008. WHEREAS, legislation has been requested amending garbage, trash and refuse collection procedures utilized in the Village of Tuckahoe and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 29th day of May, 2008; and

WHEREAS, said public hearing was duly held on the 9th day of June 2008, 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. Sections 10-17, 10-18, 10-19, 10-20 and 10-21 of the Code of the Village of Tuckahoe are hereby repealed in their entirety.

Section 2. Sections 10-17, 10-18, 10-19, 10-20, 10-21, 10-22, 10-23, 10-24 and 10-25 of the Code of the Village of Tuckahoe are hereby amended and added as follows:

## S 10-17. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

- (a) DUMPSTER — A large trash receptacle for any material.
- (b) GARBAGE — Wastes resulting from the handling, Preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.
- (c) LITTER — Garbage, refuse or rubbish, as may be defined herein, and other waste material which is thrown or deposited and which tends to create a danger to the public health, safety and welfare.
- (d) MULTIFAMILY DWELLING— A detached building containing four or more dwelling units.
- (e) NONRESIDENTIAL PREMISES — Commercial, Industrial or institutional premises or a parcel of land containing four or more residential units.
- (f) PERSON — Any person, employee, servant, agent, firm, partnership, association, corporation, company or organization of any kind.
- (g) PRIVATE DWELLING — A detached building containing three dwelling units or fewer.
- (h) PRIVATE PROPERTY — Any property other than public highways, parks, parking lots and other publicly or municipally owned and/or maintained property.
- (i) PRIVATE REFUSE COLLECTION SERVICE — Any non-Village refuse collection service that collects and removes waste from dumpsters or similar containers.
- (j) PUBLIC PLACE — All parks, parking lots and any municipally owned and/or maintained property, including the park, lawn and sidewalks surrounding the Village Hall.
- (k) RECEPTACLE — Containers of galvanized metal or other durable and nonflammable material for the storage of garbage. Such containers shall include but are not limited to trash cans, dumpsters or similar such containers.
- (l) REFUSE — Combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding; noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass crockery and other mineral waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch-basin dirt and contents of litter receptacles; and automobiles not having a current valid New York State motor vehicle inspection certificate, except currently registered out-of-state vehicles. “Refuse” shall not include earth and wastes from building operations, nor shall it include solid or chemical wastes resulting from industrial processes and manufacturing operations

such as food-processing wastes, boiler-house cinders, lumber, scraps and shavings, nor shall it include recyclables as defined by the Westchester County Source Separation Law.

(m) RESIDENTIAL AREA OR ZONE — An area primarily classified as residential by the Zoning Ordinance of the Village for residential purposes, or a building legally used as a residence, even if not in a residential district.

(n) RUBBISH — Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as but not limited to yard clippings, leaves, metals, wood, glass, paper, wrapping, cardboard, cigarettes, tin cans, bedding, rags, boxes, crockery and similar materials. Noncombustible “rubbish” does not include waste, waste building material or stones, nor does it include recyclables as defined by the Westchester County Source Separation Law.

(o) SIDEWALK — That portion of a street between the curb-lines of a roadway and the adjacent property lines intended for the use of pedestrians.

(p) STREET — The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

(q) VILLAGE — The Village of Tuckahoe, Westchester County, New York.

(r) YARD RUBBISH — Miscellaneous waste material, such as tree branches, brush, Twigs, grass and shrub clippings, weeds, leaves and general yard and garden waste materials, but does not include earth or building materials or the part of any tree, shrub, tree trunk or stump which exceeds four feet in dimension nor does it include recyclables as defined by the Westchester County Source Separation Law.

#### S 10-18. Prohibitions

(a) Accumulation prohibited. The owner, lessee, contractor, tenant or other person having management or control of or occupying any lot or plot of land in the Village, excluding any location designated by the Board of Trustees of the Village of Tuckahoe or the Westchester County Department of Health for such purposes, shall keep such land, at all times, free and clear of any accumulation of garbage, refuse, rubbish, litter and waste or discarded matter of any type, including automobiles, except such as may be deposited for collection and disposal purposes as provided for herein. Upon due notice, in writing, by the Superintendent of Public Works or the Police Department of the Village, given to such owner, lessee, contractor, tenant or other person to remove said accumulation of garbage, refuse, rubbish, litter and waste or discarded matter from said lot or parcel of land and upon failure to comply within a period of five days after the service of said notice, said owner, lessee, contractor, tenant or other person shall be deemed to have violated the provisions of this chapter. Notice shall be served by regular mail, in person or by leaving a copy thereof with a person of suitable age and discretion.

(b) Dumping prohibited. No person shall dump, deposit, throw, place, cast or bury ashes, rubbish, yard rubbish, grass cuttings, tree cutting, leaves, garbage, waste matter, offal or discarded matter of any type on any lot or plot of land in the Village, other than compost heaps such as may be utilized by a home gardener when stored on his own property and appropriately screened from view, provided that such compost heaps do not develop obnoxious odors, attract rodents or otherwise create a hazard to the health and enjoyment of neighboring property owners. Discarded matter shall include any junked or abandoned vehicle which is without a currently valid license plate and is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition.

(c) Contents from vehicles prohibited. No person being the owner, driver or operator of any car or other vehicle, including construction vehicles, and no owner of an receptacle shall scatter, drop or spill or permit to be scattered, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish or hay, straw, oats, sawdust, shavings or other light materials of any sort or manufacturing, trade or household waste, refuse or rubbish of any sort or ashes, manure, garbage or other organic refuse or other offensive matter therefrom or permit the same to be blown off therefrom by the wind upon any street or sidewalk or right- of-way or public place in the Village.

(d) Liquid wastes on streets prohibited. No person shall allow any swill, brine or any offensive animal matter or any bad-smelling or noxious liquid or other matter of any kind contaminated with filth to run or fall into or upon any street, sidewalk, right-of-way or public place in the Village or be taken or put thereon.

(e) Animals wastes on sidewalks and public places prohibited. No person owning or having the care, custody or control of any domestic animals, including cats, whether leashed or unleashed, shall permit such animal to soil, deface or commit any nuisance upon any sidewalk or public place in the Village.

#### S 10-19. Authority of Superintendent of Public Works

All garbage, refuse, rubbish, litter and waste material of any type accumulated in the Village shall be collected, conveyed and disposed of under the supervision of the Superintendent of Public Works or his designee, who shall have the authority to make regulations concerning the days of collection, type, size and location of disposal containers and such other matters pertaining to collection, conveyance and disposal as he shall find necessary. The Superintendent of Public Works shall have the authority to change and modify any regulations after due notice to residents, merchants, operators of commercial establishments and any other persons so affected.

#### S 10-20. Receptacles, standards and placement.

A. Garbage, ashes and rubbish shall be placed and maintained in containers or receptacles.

B. It shall be the duty of every person having the ownership, management or control of or occupying any land or building to provide, for the exclusive use of such land or building part thereof, sufficient receptacles to hold garbage, ashes and rubbish ordinarily accumulated by the occupants of such land or building, each in separate receptacles, and allocate an area for storage of such receptacles in the interval between regular collections. Any waste material other than garbage, ashes and rubbish, which cannot be readily deposited in any receptacles, may be compacted and securely bundled, tied or packed so as to be easily handled but shall not weigh more than 75 pounds and not be likely to be scattered and, when packed and secured, may be placed at the curb on curb pickup days. Such packages or bundles should not exceed three feet in length.

C. Such receptacles shall not exceed 32 gallons capacity and, when filled, shall not exceed 75 pounds in total weight Each of such receptacles provided for in this chapter shall be commercially manufactured for the purpose, equipped with suitable handles, watertight, kept covered with a tight-fitting, flanged cover and maintained in good and sanitary condition and shall be free of water or wetted materials. Receptacles shall be protected at all times from rain or snow and from being disturbed, displaced or spread about by persons, animals or the elements. Provision must be made that debris is not scattered by wind. Residential areas are limited to three containers per any one dwelling unit. Commercial areas are limited to three containers per establishment

D. Any container or receptacle that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents shall be replaced promptly upon notice. The Superintendent of Public Works shall have the authority to suspend collection for failure to comply herewith.

E. Refuse containers shall be placed in the sidewalk area immediately in front of the buildings in business districts at specified collection times. Refuse containers shall be placed at ground level in an accessible location at the side or rear of a dwelling or building in any residential district and of residences in commercial and manufacturing districts. During the winter, a path or a way must be cleared from the street to the location of the garbage containers. At all times other than collection times, receptacles must be stored out of public view on the owner's property. The Superintendent of Public Works may authorize the removal of garbage and ashes from the receptacle storage areas, provided that such storage areas are readily accessible to the collection vehicle and collection in this manner will, in his opinion result in a more expeditious removal of garbage and ash accumulation from such receptacles.

F.  
(l) Trash containers used for one- and two-family residences are not permitted in the front yard. If a practical difficulty in locating them in the side or rear yards can be proven to the satisfaction of the Planning Board, then said containers may be placed in the front yard in a manner and location acceptable to the Planning Board. If containers are to be placed in the front yard, then the Planning Board may require enclosure, screening, or both, as may be acceptable to the Board and following the guidelines contained herein for commercial, industrial or multifamily properties.

(2) An industrial, commercial and multifamily use container shall not occupy a right-of-way or be located in a required yard (setback). The Planning Board may specify a minimum distance from the property line of an adjoining property for the proposed location.

(3) The Planning Board will exercise the following preferences with regard to the proposed location of containers:

(a) The first (most) preferred location is inside the primary structure or building on the lot.

(b) The second preferred location is the rear

(c) The third preferred location is the side yard.

(d) The fourth (least) preferred location is the front yard.

(4) The Planning Board shall use the following criteria to assess the proposed location:

(a) The more visible a proposed location is to adjoining properties, pedestrians and passing vehicles, the less preferred the location will be.

(b) A lesser preferred proposed location shall be required to have more screening and a higher quality aesthetic value than a more preferred location.

#### S 10-21. Collections

A. Generally, The Village shall make regular collections of all refuse as often and during such specified hours as shall be prescribed by the Superintendent of Public Works.

Collections shall be made from receptacles when placed on or in front of any premises at such accessible locations as shall be designated herein or by the Superintendent of Public Works. The Superintendent of Public Works shall have the right to omit collections from any premises where a vicious dog is permitted to run at large or where employees of the Village are subject to any unnecessary danger or hazard.

#### B. Residential collections.

(1) Regular collections from residential zones and residences in commercial and industrial zones shall be made from Monday through Friday on days and hours scheduled by the Superintendent of Public Works.

(2) All refuse shall be in a container commercially manufactured for this purpose and not exceeding 32 gallons in size and shall have a tight-fitting cover with a maximum filled weight of 75 pounds.

(3) Quantities of refuse to be collected are limited as follows:

(a) Garbage. The equivalent of three thirty-two-gallon containers each collection day.

Bundled and tied tree trimmings, not exceeding up to one cubic foot or in bundles not exceeding three feet in length and 24 inches in any other dimension, shall be equal to one thirty-two-gallon container.

(b) Rubbish. The equivalent of five thirty-two-gallon containers. Bundled and tied tree trimmings, not exceeding three feet in length and 24 inches in any other dimension, shall be equal to one thirty-two-gallon container. All must be placed at curbside no more than 24 hours before regular pickup.



(c) Christmas trees. Trees shall be placed at the curb area and will be collected by regular collection or special collection during the month of January each year. Christmas trees do not have to be cut to meet length requirements described otherwise herein.

(d) Large household items. All large household items, which cannot be picked up with regular garbage on the sanitation truck, shall be placed at curbside no more than 24 hours before regular pickup and shall be equal to no more than five thirty-two gallon containers in size. All large household metal items shall be placed at curbside no more than 24 hours before a scheduled metal pickup. The Superintendent of the Department of Public Works shall have the authority to decline certain materials in accordance with the Village's ability to dispose of such materials. In the event that such materials have been declined by the Village, they must be removed from curbside within 24 hours from the time of refusal.

(e) Leaf removal. During the autumn leaf-removal period, all leaves are to be picked up in bulk from the curb. At all other times, leaves must be in standard manufactured leaf bags and closed with appropriate ties.

### C. Prohibitions

(1) Use of barrels, drums, kegs, cardboard boxes or cloth bags for the containing of garbage is prohibited.

(2) Empty receptacles shall be removed from the curb area within the same day, unless otherwise prescribed by the Village.

(3) Unless otherwise provided for herein, refuse receptacles shall be stored only on private property, on a location adjacent to a principal or accessory use building, and in no case shall such receptacles be stored on public property or forward of the front building line of the principal structure.

(4) It shall be, hereafter, illegal for any person to construct, place or build facilities for the storage of receptacles below property grade (underground).

(5) Receptacles shall not be placed for collection inside or within any building, accessory use building or garage or any place above or below level.

(6) No person shall prevent or interfere with any employee of the Village in the sweeping or cleaning of any street, sidewalk or right-of-way or in the removal therefrom of sweepings, litter, snow, ice or other refuse material.

(7) No person, other than an authorized employee or agent of the Village or a private collection agency authorized by the owner or occupant of the property, shall disturb or remove any garbage, refuse, rubbish, paper or boxes that have been placed outside of private houses or lots for removal.

(8) No employee of the Village, in the course of his duties, shall be required to enter a building or structure to gather or collect any refuse.

10-22. Materials not collected.

A. The Village shall not collect or dispose of any garbage, rubbish or refuse resulting from construction, alteration or demolition of a building. Such materials include but are not limited to concrete, plaster, wood studs, asphalt, cinder blocks, brick, sawdust, sod or dirt and any material otherwise commonly known as "building materials." The Village shall not collect or dispose of any highly combustible materials, toxic or hazardous chemicals, automobile or other vehicle parts and junk vehicles. The Village shall not collect or dispose of any tree stumps or branches, unless they are split in sections six inches or less in diameter and three feet or less in length; branches shall be securely tied in bundles for easy handling. Removal of such debris shall be arranged privately.

B. In the event that the private removal of such debris requires use of a dumpster or other similar type of container, no such container shall be placed upon public property without a permit therefore having been issued by the Village in accordance with the procedures set forth in Subsection C of this section. Each such container must be properly secured after working hours for prevention of injury or accident and must be properly illuminated with lanterns or other such safety devices on the outside perimeter of the same, and under no circumstances shall such a container remain for more than 10 working days in any calendar month. No such permit shall issue unless the applicant shall place with the Village a certificate of insurance in an amount to be determined by the Superintendent of Public Works.

C. Upon issuance of said permit, the applicant shall pay a fee in the sum of \$250 for the placement of such a container upon public property for a period of time not to exceed five consecutive days. In the event that the placement of such a container exceeds said five-day period, an additional fee shall be required in the sum of \$50 per day for each additional day. In addition, upon the issuance of any such permit, the applicant shall deposit with the Village of Tuckahoe the sum of \$500 as security for the faithful performance of the requirements of this subsection.

10-23. Excessive accumulation of refuse.

A. Any accumulations of refuse resulting from failure of any person to comply with a provision of this chapter or from the failure of such person to take advantage of the regular collection service maintained by the Village and any waste building materials in excess of ordinary household refuse of such materials shall be removed by such person at his expense.

B. The Village will collect on scheduled days, amounts of all classes of refuse from the premises in accordance with limitations set forth herein, but, where abnormal amounts are placed for collection, the Superintendent of Public Works reserves the right to refuse the materials, to defer the collection, to collect the material in part or to make special collection thereof at charges authorized by the Superintendent of Public Works.

10-24. Penalties for offenses.

A. Violation of the provisions of this chapter shall be punishable, upon conviction thereof, by a fine not exceeding \$350 or imprisonment not exceeding 15 days, or both.

B. In addition to the penalties indicated in Subsection A above, the Building Inspector shall have all other remedies and techniques for the enforcement granted by this chapter or any other law, statute or regulation, including but not limited to summary action, injunctive relief and civil actions for damages to the environment

10-25. Effect of county standards.

The provisions of Article VII of the Sanitary Code of the Westchester County Health District adopted by the Westchester County Board of Health, as amended, applicable to offensive material shall apply, except as required herein, and the provisions of this chapter shall be considered to be an addition to the provisions of the Sanitary Code of the Westchester County Health District.

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

**Trustee Ecklund motioned to open the public hearing, was seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

Mayor Fitzpatrick noted that the Village Attorney has added new language to the law and the Board would need to discuss the additions before moving forward.

**Trustee Gorman motioned to keep the public hearing open, was seconded by Trustee Ecklund and upon roll call was carried with a vote of 4 – 0.**

**PUBLIC HEARING #III**

**A public hearing to obtain input on the establishment of an administrative fee under Section 6-39(e) of the Code of the Village of Tuckahoe, entitled “Building Permits,” “Fees”**

**Trustee Gorman motioned to open the public hearing, was seconded by Trustee Marcoccia and upon roll call was carried with a vote of 4 – 0.**

Mayor Fitzpatrick stated that each of the Board members have had a discussion with a member of the community about the fees. At times a resident could be working on a minor repair to their property and not know they needed to file for a permit. As a result, the Building Inspector could fine the resident \$1000, even though the project cost considerably less than the fee. Mayor Fitzpatrick stated that he could understand the mistake made by a property owner, but is not as understanding to contractors whom should know a permit is required.

Trustee Ecklund stated that the Board members will take a look at this law and try to make it more fair and equitable.

Mayor Fitzpatrick stated that the Board is at looking at the fine to be calculated at a percent of the cost of the project.

John Cavallaro, Village Attorney, asked for an additional meeting to review a survey of other municipalities and how their fee schedules were set up.

#### **No Public Comments**

Trustee Ecklund added that any resident could mail a letter, call or email their comments to Village Hall regarding this public hearing.

**Trustee Gorman motioned to keep this public hearing open, was seconded by Trustee Ecklund and upon roll call was carried with a vote of 4 – 0.**

#### **OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS**

#### **No Public Comments**

#### **RESOLUTIONS -**

#### **RESOLUTIONS -**

**1. Mayor Fitzpatrick offered a Resolution** scheduling a public hearing to amend the workforce housing law.

**Trustee Gorman motioned to adopt Resolution #1, seconded by Trustee Ecklund and upon roll call was carried with a vote of 4 – 0.**

**2. Mayor Fitzpatrick offered a Resolution** authorizing a refund in the amount of \$675.88 to Joseph Boselli of 37 Highview Avenue as a result of a small claims assessment review stipulation reducing the assessment by \$1,800 for property known as Section 46, Block 3, Lot 32 in the Village of Tuckahoe.

**Trustee Gorman motioned to adopt Resolution #2, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 4 – 0.**

**3. Mayor Fitzpatrick offered a Resolution** authorizing the closing of Rose Avenue from White Plains Rd. to Everett Street on October 25<sup>th</sup> from 10:00 AM to 3:00 PM for Concordia College's annual Homecoming festivities which includes a parade and food fest.

**Trustee Gorman motioned to adopt Resolution #3, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 4 – 0.**

**4. Mayor Fitzpatrick offered a Resolution** to permit Wheels of Time to utilize the Crestwood area and the Fisher Avenue parking lot for their "Second Annual Classic Car Show" on Sunday, August 17<sup>th</sup>, rain date, Sunday, August 24<sup>th</sup>. Appropriate insurance is on file.

**Trustee Ecklund motioned to adopt Resolution #4, seconded by Trustee Gorman.** Mayor Fitzpatrick stated that he received complaints and has spoken with the Wheels of Time. Trustee Ecklund noted that for this event he requested sanitation facilities and two police officers. Also, it was determined that it would be best if the band be placed at the bottom of Fisher Ave. where the Beautification Committee has their music situated. **Upon roll call was carried with a vote of 4 – 0.**

**5. Mayor Fitzpatrick offered a Resolution** approving payment of vouchers in the amount of \$481,807.86 consisting of abstract #5 for \$192,341.35, abstract #6 for \$103,703.29 and abstract #7 for \$185,763.22. The largest invoices paid were for Tax Certiorari settlements for \$157,642.36, health premium for July \$97,746.11, Union Park improvements \$34,156.78, United Water for underground piping for hydrants, NY Power Authority Electricity \$13,745.86.

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

**6. Mayor Fitzpatrick offered a Resolution** accepting the following donations for Tuckahoe Summertime Extravaganza Event \$100 John Burkhardt; \$200 Joe's Quarry Inn; \$250 Marshall & Sterling; \$200 Nicole Interiors; \$100 Fogarty's; \$300 Eastchester Chamber of Commerce; \$100 Antiques & Consignment on the Square; \$750 Giovanni Auto Body. Further accepting donations for the Tuckahoe Challenge Road Race scheduled for September 14<sup>th</sup>: \$3,500 Hudson Valley Bank; \$200 Westchester Funeral Home; \$400 Fitness & Recovery; \$400 Elide Building Corp and \$105 in gift certificates from the Eastchester Odessey Restaurant Diner; \$100 gift certificate from Edible Arrangements; \$200 JC Fogarty's; \$100 gift certificate Nicky's Corner Deli; \$100 Gift certificate from Mamma Assunta; \$100 donation and \$50 gift certificate from Angelina's Restaurant.

**Trustee Gorman motioned to adopt Resolution #6, seconded by Trustee Marcoccia.** Trustee Gorman thanked Hudson Valley Bank for their contribution and noted that other donations have been received but did not make this agenda, but will be mentioned at the next meeting. **Upon roll call was carried with a vote of 4 – 0.**

**7. Mayor Fitzpatrick offered a Resolution** authorizing the closure of Washington Street on September 1, 2008 for the Sanford Gardens Tenants annual family day. **Trustee Ecklund motioned to adopt Resolution #7, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

**8. Mayor Fitzpatrick offered a Resolution** authorizing Treasurer, John Pintos, to sign necessary forms to claim \$3,000 in funding received from Assemblywoman Amy Paulin for entertainment and music for Tuckahoe Summertime Extravaganza. **Trustee Gorman motioned to adopt Resolution #8, seconded by Trustee Marcoccia.** Mayor Fitzpatrick thanked the Generoso Pope Foundation for sponsoring the event and thanked Assemblywoman Paulin for the generous donation. **Upon roll call was carried with a vote of 4 – 0.**

**9. Mayor Fitzpatrick offered a Resolution** approving request of the Assumption Rosary Altar Society to utilize Wallace Street, Pleasant Avenue and Circuit Avenue for a 20 minute procession of the Blessed Mother on Friday, August 15<sup>th</sup> at 7 PM. **Trustee Marcoccia motioned to adopt Resolution #9, seconded by Trustee Ecklund and upon roll call was carried with a vote of 4 – 0.**

**10. Mayor Fitzpatrick offered a Resolution** approving request of the Immaculate Conception Home School Association the use of certain streets for their annual walkathon on Friday, October 17, 2008, rain date, Friday, October 24, 2008 starting at 10:00 AM and ending at about 11:30 Am. The walkathon starts at Immaculate Conception, proceed down Winterhill Road. Make a right at the Main Street intersection onto Marbledale Road and then a left onto Marble Place. Rogers making a left on Circuit and right on Wallace. Stop at Assumption Church and return to ICS.

**Trustee Marcoccia motioned to adopt Resolution #10, seconded by Trustee Ecklund and upon roll call was carried with a vote of 4 – 0.**

**11. Mayor Fitzpatrick offered a Resolution** authorizing the signing of a contract with Patierno Trucking & Recycling Inc. for the pick up and disposal of refrigerators and air conditioners from the Village DPW yard at a charge of \$7.00 per refrigerator and \$5.00 per air conditioner.

**Trustee Ecklund motioned to adopt Resolution #11, seconded by Trustee Gorman.** Mayor Fitzpatrick stated that the Village must remove the Freon from the appliances before pick up. **Upon roll call was carried with a vote of 4 – 0.**

**12. Mayor Fitzpatrick offered a Resolution** to accept and award bid for the Fisher Avenue Sidewalk Improvements Project to the lowest responsible bidder, Paladino Concrete Creations Corp. of Mt. Vernon, NY at the base bid of \$28,755. A total of nine bids were received ranging from \$28,755 to \$48,880.

**Trustee Ecklund motioned to adopt Resolution #12, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 4 – 0.**

**13. Mayor Fitzpatrick offered a Resolution** authorizing the mayor to sign contract between the Village of Tuckahoe and County of Westchester for funding under CDBG for the Sidewalk Project on Fisher Avenue and Marbledale Road.

**Trustee Ecklund motioned to adopt Resolution #13, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

**14. The following are revised resolution (previously adopted at the May 19, 2008 meeting) as they pertain to each project applied for under the Community Development Block Grant Program.**

**Trustee Ecklund noted that the county required a revision to the resolutions to provide the exact numbers of the how much the request was for, the contribution made by the Village and the total amount.**

**Mayor Fitzpatrick offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for “Fisher Avenue Sidewalk Improvements” in the CDBG requested amount of \$94,170. In addition, 25% of the \$125,560 total project cost or \$31,390 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Ecklund motioned to adopt this Resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

**Mayor Fitzpatrick offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for “Dial-A-Ride Senior Transportation Program” in the CDBG requested amount of \$18,750. In addition, 25% of the \$25,000 total project cost or \$6,250 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Ecklund motioned to adopt this Resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

**Mayor Fitzpatrick offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for “Young Place Sidewalks & Quarry Path Project” in the CDBG requested amount of \$107,164. In addition, 25% of the \$142,885 total project cost or \$35,721 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Ecklund motioned to adopt this Resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

**Mayor Fitzpatrick offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for “Main Street Park Improvements” in the CDBG requested amount of \$317,091. Of which, 25% of the \$422,787 total project cost or \$105,696 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Ecklund motioned to adopt this Resolution, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 4 – 0.**

**Mayor Fitzpatrick offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for “Sylvan/Park Avenue Island Improvements” in the CDBG requested amount of \$41,828. Of which, 25% of the \$55,770 total project cost or \$13,942 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Ecklund motioned to adopt this Resolution, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 4 – 0.**

**Mayor Fitzpatrick offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for “Terrace Place Sidewalk Improvements” in the CDBG requested amount of \$33,878. Of which, 25% of the \$45,170 total project cost or \$11,292 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Ecklund motioned to adopt this Resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

**Mayor Fitzpatrick offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for “Marbledale Road Sanitary Sewer Re-Lining” in the CDBG requested amount of \$333,600. Of which, 25% of the \$444,800 total project cost or \$111,200 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Ecklund motioned to adopt this Resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

**Mayor Fitzpatrick offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for “Columbus Ave. Flood Prevention Drainage & Storm Water Catch Basin Improvements” in the CDBG requested amount of \$103,988. Of which, 25% of the \$138,650 total project cost or \$34,662 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Ecklund motioned to adopt this Resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

**Mayor Fitzpatrick offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for “Columbus Avenue Sidewalk Improvements” in the CDBG requested amount of \$178,894. Of which, 25% of the \$238,525 total project cost or \$59,631 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Ecklund motioned to adopt this Resolution, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 4 – 0.**



## **APPOINTMENTS –**

**1. Mayor Fitzpatrick offered the appointment of Tom Giordano of 72 Highview Avenue as a member of the Zoning Board of Appeals for a term of 5 years to expire April 1, 2013.**

**Trustee Ecklund motioned to approve this appointment, was seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

Trustee Ecklund thanked John Kang for his service to the Village while serving on the Zoning Board. He said that Mr. Giordano comes highly recommended and as an attorney, has extensive experience in land use. Mayor Fitzpatrick added that he would be an asset to the community.

Trustee Marcoccia thanked John Kang for his service and welcomed Tom Giordano to the Board.

## **APPROVAL OF MINUTES –**

**Trustee Gorman motioned to approve the minutes of the Regular Meeting - July 14, 2008 was seconded by Trustee Ecklund and upon roll call was carried with a vote of 4 – 0.**

## **DEPARTMENT OF PUBLIC WORKS**

Frank DiMarco, Superintendent of the DPW, stated that he spoke with Con Ed and Verizon regarding the work they had done on Washington Street with the end result that they agreed to repave the entire road. DPW employees are lifting curbs in preparation of the repaving of the roads. Many streets throughout Tuckahoe will be repaved in the near future. DPW will be handing out flyers to prepare the residents for the upcoming work to be done on their street.

Mayor Fitzpatrick added that if any resident has a back up they should first call their plumber before they call DPW.

## **VILLAGE ATTORNEY**

No Report

## **BUILDING DEPARTMENT**

No Report

## **POLICE DEPARTMENT**

No Report

## **VILLAGE CLERK**

Ms. Ciamarra, Village Clerk, stated that the next scheduled event is Tuckahoe Day set for Sept. 14<sup>th</sup> from noon to 6:00pm and she encouraged the residents to come out and support the event.

## **BOARD OF TRUSTEES MEMBER REPORTS:**

- **TRUSTEE GORMAN** stated that all food establishments in the Village except one have complied with the new grease collection law. The landlord registration forms are now available. New sign law in effect, see the website or pick a copy up at Village Hall. All businesses should review the law to see if any affect their business. Senior Annual Bazaar Saturday Sept 20 at Community center. Shred Mobile Sept. 7 Depot Square. Sept. 14 - 32<sup>nd</sup> Annual Tuckahoe Road Race Challenge, please come out and support the runners. ECAP – restoration building, children will be running for sponsorship to fund the restoration. Aug. 19 - concert at Depot Square sponsored by Senator Klein. Trustee Gorman received a thank you letter from a resident for supporting the troops at Camp Phoenix in Afghanistan where her son was stationed. Please continue to support the troops. Trustee Gorman announced that any youth interested in joining the youth advisory committee headed by Trustee Coleman can email her.
- **TRUSTEE MARCOCCIA** voiced his concern regarding the handicap doors for the community center. Each time it goes out to bid, there are no bidders. John Cavallaro, Village Attorney, advised the Board that they still must put it out to bid; they may not just hire a contractor for the project. Trustee Marcoccia offered the possibility of purchasing the doors and then putting out the bid to any contractor to install the doors. Trustee Ecklund noted that he has the names of a few manufacturers of these handicap accessible doors and could research who they recommend to install the doors. As for an update on the budget, Trustee Marcoccia stated that the Village is at or above the budget with the cost of the removal of trees in the Village. The fund balance is strong, investments in Certificate of Deposits is spread out among a few banks. Mayor Fitzpatrick offered clarification about the Village being above the budget; he stated that the Village has reached the limit in that certain line due to the removal of several trees that were damaged by the recent storm.

**TRUSTEE ECKLOND** announced that residents of the 33<sup>rd</sup> district who voted at the I CS lower church now have to vote at the Community Center; the change came about as a result of the lower church not being handicap accessible. On the Marbledale Road/Fisher Avenue intersection project, he had spoken with the contractor and was told that the special order for the granite corner pieces are in transit and the project should get underway shortly. Concerning the Fisher Avenue sidewalk project, a preconstruction meeting is in the process of being set up with the County.

- **MAYOR FITZPATRICK** stated that he has received complaints from tenants at 1 Elm St. and 100 Columbus Ave. regarding the management company. Trustee Gorman added that she had also received complaints. It appears that there is no longer a representative of the management company on site to handle complaints. Trustee Gorman said that she has made many calls to the management company with very little success. Mayor Fitzpatrick made mention that THA has not complied with doing background checks on prospective tenants and he had offered to have the police department handle the background checks. At this time the Housing Authority had assured him that they are now doing the background checks. Trustee Gorman asked that any resident of 100 Columbus Ave. with any specific complaints about the building to email to her. Mayor Fitzpatrick thanked Johnny Rocks and David Pope from the Generoso Pope Foundation for the firework display. He also thanked officer Peggy Belles for a successful National Night Out.

## **SECOND OPPORTUNITY TO ADDRESS THE BOARD**

Mayor Fitzpatrick asked Mr. Tom Giordano, the new appointee to the ZBA, if he wished to speak. Mr. Giordano thanked the Board members for the opportunity to serve on the Zoning Board saying he was looking forward to contributing to the Village.

Phil Allison of Marbledale Rd. said that he has appeared before the Board to discuss property taxes and the possibility of changing the formula. He felt the County Legislatures and the County Executives continue to lead the people to believe that there is always a shortage of money; however, he felt it is more a waste of money, not a shortage of money. The Executives have doubled their staff in the past years, and the total salaries have gone from 2.2 million to 5.5 million. Mr. Allison gave several examples of abuse and misuse of the tax payers' money. He requested the following:

1. That the Board prepares a resolution in time for the November election to be placed on the proposition section to eliminate the County Executive positions and all assistants.
2. Under the heading of the propositions – Eliminate all positions of the County Legislature.
3. Put in place a financial control board.

Mr. Allison requested that the Mayor get as many other mayors throughout the county to sign onto this resolution.

Mayor Fitzpatrick agreed that he also has no tolerance for corruption. The disbanding of County government has been championed by Paul Finer from Greenburg. He noted that he was unsure if the Board could put together a referendum for the November election. There are deadlines and rules regarding referendums. As far as a resolution, the Board could put together a resolution to state that the Board is in favor of dismantling the elected officials of County Government.

Mr. Allison noted that a financial control board will be responsible to oversee the employees of the county similar to what was done in Yonkers and NYC in the 1970's.

Mayor Fitzpatrick asked Mr. Allison to return with specifics for the requested resolution. He also noted that the Village maybe interested in renting out the upper floor of Village Hall in the future, possibly to the county.

Mayor Fitzpatrick announced that a community meeting is scheduled for August 25<sup>th</sup> at 7:00pm in Constitution Park on Circuit Ave.

There being no further business, the Board unanimously voted to adjourn the meeting at 9:15 P.M.

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Susan Ciamarra, Village Clerk

