

August 13, 2007

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

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

Absent: Trustee Luigi Marcoccia

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

Mayor Fitzpatrick offered condolences to the Pinto family for the loss of Mike Pinto. The Mayor stated that he was a fine man and will be missed by the entire community. The Board's thoughts and prayers are with the Pinto family.

APPOINTMENT AND OATH OF OFFICE –

Mayor Fitzpatrick announced the appointment of David P. Bank to the position of Police Sergeant effective August 13, 2007 with a probationary period of twenty-six (26) weeks. Sgt. Bank thanked Chief Costanzo, Mayor Fitzpatrick and the Board members for their confidence and said he was excited to serve the community and was honored to be a part of this police department.

Mayor Fitzpatrick announced the appointment of Anthony F. Solano to the position of Police Officer effective July 30, 2007 with a probationary period of seventy eight (78) weeks. Officer Solano thanked Chief Costanzo, Mayor Fitzpatrick and the Board members and said he was looking forward to serving the Village.

8:08 Motion by Trustee Gorman for a 5 minute recess. Motion was seconded by Trustee Ecklund and was carried with a vote of 4 – 0.

8:17 Motion by Trustee Gorman to re-open the public meeting. Motion was seconded by Trustee Zocchi and was carried with a vote of 4 – 0.

SPECIAL PRESENTATION(S)

Mr. labelli of Bubble Mania Laundromat addressed the Board expressing concern over the increased fees for Laundromat owners. He said the fee had increased from \$5 to \$20 per machine as of July 2006 quite a substantial increase. In addition, the bond amount of \$5,000 had increased to \$15,000. He noted that his establishment follows local laws; he has an attendant on the premises at all times and keeps the Laundromat clean keeping with the image of the Village. Mr. labelli offered statistics from surrounding communities, Eastchester requires a flat fee of \$300 per year and a \$5000 bond, and Bronxville requires no fee and

no bond. He asked the Board to consider matching Eastchester's fees of approximately \$10.00 per machine.

Mayor Fitzpatrick said the bond is to insure compliance with the Village laws; however, the request will be reviewed with a response to follow in writing and making the public aware of the decision. In the meantime, he asked Mr. Labelli to pay all the fees required to stay in compliance as the Building Inspector does make annual inspections to insure safety.

PUBLIC HEARINGS

PUBLIC HEARING on resolution on offering health benefits to elected officials.

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

Mayor Fitzpatrick indicated that since the topic of health benefits has surfaced quite often, the public will have two opportunities to speak on this issue with action on this issue at the September meeting.

The mayor asked for public comments; there being none, Trustee Ecklund made a motion to close the public hearing; said motion was seconded by Trustee Zocchi and upon roll call was carried with a vote of 4 – 0.

OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

Mr. Gizzo, 37 Fairview, expressed concern with the proposed merged lots local law saying that his property, a two-family structure with a vacant lot next door, will be devalued due to falling short by 500ft.

Mayor Fitzpatrick responded that Mr. Gizzo can go forward with his present application submitted to the Building Dept. The Mayor said that since 1920 substandard lots with less than 5000 sq. ft. were always subject to a zoning variance; in 1999 the lot size for newly created lots was changed to 7500 sq.ft.

RESOLUTIONS -

1. Mayor Fitzpatrick motioned for a Resolution adopting Local Law #7 of 2007 - A LOCAL LAW AMENDING THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001 TO SUPPLEMENT SAID ZONING ORDINANCE TO PROVIDE FOR A SECTION 5-1.7., ENTITLED "MERGED LOTS"

WHEREAS, on June 11, 2007 a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 9th day of July 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties on a proposed Local Law to be proposed as Section 5-1.7. to the Zoning Ordinance of the Village of Tuckahoe of 2001 therein and to be entitled "Merged

Lots,” and, if enacted, said Section would require and mandate that nonconforming parcels of land having common ownership with an adjacent parcel, or any another parcel of land used for the development of an adjacent parcel having common ownership shall be deemed to be a single lot; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 11th day of June 2007; and

WHEREAS, said public hearing was duly held on the 9th day of July 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) it has been determined by the Village Board of said Village that adoption of said proposed Local Law would not have a significant effect upon the environment; and

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

NOW, THEREFORE,

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

Section 1. The Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended and supplemented to add the following section:

5-1.7. Merged Lots

5-1.7.1. Definitions. As used in this subsection, the following words shall have the meanings indicated:

ADJACENT PARCEL – One which abuts another parcel for a common course of ten (10) feet or greater.

COMMON OWNERSHIP – When two (2) or more parcels of land are held, in whole or in part, by the same person, business, company, corporation, partnership, limited liability company or other entity (whether for-profit or not-for-profit).

ACCESSORY LOT – A nonconforming parcel of land upon which exists an accessory building that is subordinate and customarily incidental to the principal use or principal building existing on the Adjacent Parcel and which has Common Ownership with the Adjacent Parcel.

5-1.7.2 Merger. An Accessory Lot having Common Ownership with an Adjacent Parcel shall be deemed merged into the Adjacent Parcel and said Accessory Lot and Adjacent Parcel shall together be deemed to be a single merged lot.

5-1.7.3 Effect of Merger. Merged lots must conform to the height, area, bulk, dimensional and other regulations of this Chapter, including, but not limited to, all of the requirements and limitations of the Village of Tuckahoe Schedule of Area and Bulk Requirements. No building permit or other development plan shall be issued or approved for any parcel, that is, by itself, an Accessory Lot, as defined herein. Upon meeting all of the

requirements of this Chapter, the resulting merged lot can, upon due process and compliance with this Chapter, qualify for a building permit or other development plan.

5-1.7.4 Exceptions. Lots which meet the following criteria shall be exempt from the merger provisions of this subsection:

- (a) An Accessory Lot, as defined herein, or a nonconforming lot that has been granted an area variance from the Zoning Board of Appeals before the date of enactment of this local law.

Section 2. Separability

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

Section 3. Controlling Provisions

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 4. Effective Date

This Local Law shall take effect on August 13, 2007.

Section 5. Notice of Adoption

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

Trustee Gorman motioned to adopt Local Law #7 of the year 2007, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 4 – 0.

2. Mayor Fitzpatrick motioned for a Resolution ADOPTING AND SETTING AN INVESTMENT POLICY FOR THE VILLAGE OF TUCKAHOE

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 13, 2007.

WHEREAS, the Village Board desires to adopt and set an investment policy for the Village;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village of Tuckahoe, New York hereby adopts the following investment policy:

INVESTMENT POLICY FOR THE VILLAGE OF TUCKAHOE

I. Scope

This investment policy applies to all moneys and other financial resources available for investment on behalf of the Village of Tuckahoe, NY or on behalf of any other entity or individual.

II. Objectives

The primary objectives of the local government's investment activities are, in priority order:

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- to obtain a reasonable rate of return (yield).

III. Delegation of Authority

The governing board's responsibility for administration of the investment program is delegated to the Village Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. Prudence

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Tuckahoe, NY to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment

program, or which could impair their ability to make impartial investment decisions.

V. Diversification

It is the policy of the Village of Tuckahoe to diversify its deposits and investments by financial institution, by investment instrument, and by maturing scheduling.

VI. Internal controls

It is the policy of the Village of Tuckahoe, NY for all moneys collected by any officer or employee of the government to transfer those funds to the Village Treasurer within three (3) days of deposit, or within the time period specified in law, whichever is shorter.

The Village Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. Designation of Depositories

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>
Banks Authorized by Village of Tuckahoe Board of Trustees	10,000,000.00

VIII. Collateralizing of Deposits

In accordance with the provisions of General Municipal Law Section 10 all deposits of the Village of Tuckahoe, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in Appendix to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial

paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by a least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. Safekeeping and collateralization

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledge to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising our of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Tuckahoe or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such an agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. Permitted Investments

As authorized by the General Municipal Law § 11, the Village of Tuckahoe, NY authorizes the Village Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- special time deposit accounts
- certificates of deposit
- obligations of the United States of America
- obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America
- obligations of the State of New York
- obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village of Tuckahoe, NY
- obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments
- certificates of Participation (COPs) issued pursuant to General Municipal Law § 109-b
- obligations of this local government, but only with moneys in a reserve fund established pursuant to General Municipal Law §§ 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n

All investment obligations shall be payable or redeemable at the option of the Village of Tuckahoe, NY within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Tuckahoe, NY within two years of the date of purchase.

XI. Authorized Financial Institutions and Dealers

The Village of Tuckahoe, NY shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy.

Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village of Tuckahoe, NY. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The

Village Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated annually.

XII. Purchase of Investments

The Village Treasurer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized Governmental entity pursuant to General Municipal Law Article 5-G where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Tuckahoe by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal § 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. Repurchase Agreements

Repurchase agreements are authorized subject to the following restrictions:

- all repurchase agreements must be entered into subject to a Master Repurchase agreement

- trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers
- obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America
- no substitution of securities will be allowed
- The custodian shall be a party other than the trading partner

XIV. Schedule of Eligible Securities

1. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
2. Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
3. Obligations issued by states, (other than the State of New York) of the United States rated in one of the three highest rating categories by a least one nationally recognized statistical rating corporation.
4. Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
5. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
6. Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
7. Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
8. Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

9. Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.

10. Commercial paper and bankers' acceptances issued by a bank, other than the bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

11. Zero coupon obligations of the United States government marketed as "Treasury strips".

Mr. Stephen Porpora, Treasurer, noted that this Resolution was available at Village Hall for the public to view. This is a more comprehensive policy in size and content. It is more thorough, similar to other communities with eligible securities, and does not limit the Village's investments.

Trustee Ecklund motioned to adopt the Investment Policy for the Village of Tuckahoe , was seconded by Trustee Gorman and upon roll call was approved with a vote of 4 – 0.

3. Mayor Fitzpatrick motioned for a Resolution to accept the following donations from the Generoso Pope Foundation:

\$3,000 donation to fund cost of entertainment for the Tuckahoe Day event on Sunday, September 2nd, rain date, Monday, September 3rd

\$5,800 donation to fund the cost of topographic/location survey by Link Land Surveyors of the Depot Square area;

\$5,018 donation to cover the cost of two bronze Village of Tuckahoe seals. The bronze seals have been delivered; one will be hung in the meeting/court room and the other on the 2nd floor of Village Hall.

Trustee Ecklund motioned to adopt the above resolution accepting the donations was seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.

4. Mayor Fitzpatrick motioned for a Resolution authorizing the posting of a full time position for the Village Clerk's office. Trustee Gorman motioned to adopt resolution #4, was seconded by Trustee Zocchi. On discussion for proposing this position, it was noted that this new hire, in addition to assisting with the duties in the Village Clerk's office, it will handle the phone duty of the Department of Public Works thereby allowing the DPW management to be out on the road supervising the employees of that department. **Upon roll call was approved with a vote of 4 – 0.**

5. Mayor Fitzpatrick motioned for a Resolution granting permission to Wheels of Time to utilize the Crestwood area and the Fisher Avenue parking lot for their annual Antique Car show on Sunday, August 19th, rain date, Sunday, August 26th. The appropriate insurance has been received. **Trustee Ecklund motioned to adopt Resolution #5, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 4 – 0.**

6. Mayor Fitzpatrick motioned for a Resolution authorizing the Mayor to sign an agreement between the Village of Tuckahoe and D’Arcangelo & Co., LLP as it pertained to providing assistance in preparing the Village of Tuckahoe budget for fiscal year June 1, 2007 to May 31, 2008. **Trustee Gorman motioned to adopt Resolution #6, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 4 – 0.**

7. Mayor Fitzpatrick motioned for a Resolution authorizing the Mayor to sign a letter of agreement between the Village of Tuckahoe and County of Westchester, acting by and through its Department of Environmental Facilities to provide the use of and staff necessary to operate the County’s Paper Shredder (Shred Mobile) on Sunday, November 4th between the hours of 10:00 a.m. and 2:00 p.m. at Depot Square. **Trustee Gorman motioned to adopt Resolution #7, was seconded by Trustee Zocchi. Upon roll call, the motion was approved with a vote of 4 – 0.**

8. Mayor Fitzpatrick motioned for a Resolution approving proposal of Link Land Surveyors to prepare a topographic/location survey of the area shown as Thompson Street as shown on Section 42 of the tax maps. Survey to extend 20ft. on either side of the pavement. The cost for the survey to be \$1,900 and will be included as a portion of the Village’s matching contribution towards the Intermodal Transportation Grant to Repair and Repave the Thompson Street Parking Lot. **Trustee Ecklund motioned to adopt Resolution #8, was seconded by Trustee Gorman. Upon roll call was approved with a vote of 4 – 0.**

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

- \$2,000 donation – Hudson Valley Bank
- \$ 100 donation – Fred M. Schildwachter & Sons
- \$ 500 donation – Ben Romeo
- \$ 250 donation – Eastchester Professional Firefighters L.916
- \$ 500 donation – Peconic Bay Restaurant Corp. (Brick Alley Pub)
- \$ 200 donation – The Rollins Agency
- \$ 1,500 donation – Alpha Display Company
- \$ 250 donation - Buckhurst Fish Jacquemart Inc.
- \$ 100 donation – Vito Pinto
- \$ 200 donation - Peter J. Landi, Inc.
- \$ 5,000 donation – Generoso Pope Foundation
- \$ 3,500 donation – Hudson Valley Bank
- \$ 400 donation - Elide Building Corp.

- \$ 100 donation – Garlic & Pepper
- \$ 100 donation - Angelina's Restaurant
- \$ 100 donation – Cornell's

Trustee Gorman motioned to adopt Resolution #9, was seconded by Trustee Zocchi. Trustee Gorman thanked the key sponsor Hudson Valley Bank and for being a willing partner in this community. Trustee Gorman also thanked all of the sponsors, especially the Generoso Pope Foundation. **Upon roll call was approved with a vote of 4 – 0.**

10. Mayor Fitzpatrick motioned for a Resolution scheduling a public hearing on amending the code of the Village of Tuckahoe and enacting a new chapter to the code of the Village of Tuckahoe regulating signs and awnings

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 13, 2007.

WHEREAS, the Mayor and Board of Trustees wish to consolidate and restate the Village's local regulations pertaining to signs and awnings.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Municipal Home Rule Law and/or the Village Law a public hearing shall be held on or about the 24th day of September 2007, 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 certain sections of the Code of the Village of Tuckahoe and the Zoning Ordinance of the Village of Tuckahoe shall be repealed. These sections include Article II of Chapter 3 of the Village Code, Article V of Chapter 19 of the Village Code, Section 19-62 of the Village Code, Section 4-6 of the Zoning Ordinance of the Village of Tuckahoe governing Non-Illuminated Signs, Section 4-7.7 of the Zoning Ordinance of the Village of Tuckahoe, Article VIII of the Zoning Ordinance of the Village of Tuckahoe as it pertains to the Planning Board having jurisdiction over the approval of signs and awnings and those other certain provisions of the Zoning Ordinance of the Village of Tuckahoe governing signs and awnings. In addition, at said public hearing it shall be determined by the said Board of Trustees whether a new, comprehensive chapter of the Village Code of the Village of Tuckahoe shall be enacted that shall govern and regulate signs and awnings.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in the manner provided by applicable law.

Section 3. That this resolution shall take effect immediately.

Trustee Ecklund motioned to adopt Resolution #10, was seconded by Trustee Gorman.

Discussion: Mayor Fitzpatrick said that many hours of hard work had been devoted to this project and is looking forward to public input. He added that over the summer months, a legal intern from his office provided a brief synopsis of this law. A public hearing regarding this proposed law is scheduled for September 24, 2007.

Upon roll call was approved with a vote of 4 – 0.

11. Mayor Fitzpatrick motioned for a Resolution authorizing the advertising for public bids in connection with cleaning and janitorial services for Village Hall, the Library and the Community Center.

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 13, 2007.

WHEREAS, it is the intent of the Village to advertise for public bids for cleaning and janitorial services to be provided at Village Hall, the Library and the Community Center;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Village Clerk to advertise for public bids for cleaning and janitorial services to be provided at Village Hall, the Library and the Community Center.

Section 2. The Village reserves the right to schedule the date for the opening of the aforesaid bids, subject to the completion of approved specifications for public bids for cleaning and janitorial services to be provided at Village Hall, the Library and the Community Center; but at all times at least (5) days shall elapse between the first publication advertising this bid and the date so specified for the opening and reading of such bids.

Section 3. That this resolution shall take effect immediately.

Trustee Ecklund motioned to adopt Resolution #11, was seconded by Trustee Gorman and upon roll call was approved with a vote of 4 – 0.

12. Mayor Fitzpatrick motioned for a Resolution awarding bid for the Leaf Loader to American Road Machinery of Minerva, Ohio in an amount not to exceed \$28,375. **Trustee Gorman motioned to adopt Resolution #12, was seconded by Trustee Zocchi.**

Discussion: Trustee Ecklund indicated that this accepted bid was actually the second lowest. This bid was \$1400 more than the lowest bid due to the fact that the lowest bid did not meet the very specific specs required.

Upon roll call was approved with a vote of 4 – 0.

13. Mayor Fitzpatrick motioned for a Resolution awarding bid for the Hot Box Recycling Machine to Jet-Vac Inc. of Wharton, NJ in an amount not to exceed \$29,885. **Trustee Ecklund motioned to adopt Resolution #13, was seconded by Trustee Gorman.**

Discussion: Trustee Ecklund indicated that this accepted bid was actually the second lowest. This bid was \$5301 more than the lowest bid due to the fact that the lowest bid failed to include a re-claimer which enables the Village to collect 40% reimbursement.

Upon roll call was approved with a vote of 4 – 0.

14. Mayor Fitzpatrick motioned for a Resolution authorizing the Supt. of Public Works to obtain sealed bids for sidewalk/street-scape improvements in the area of the Quarry Park. **Trustee Ecklund motioned to adopt Resolution #14, was seconded by Trustee Gorman.**

Discussion: Trustee Ecklund indicated that this included Village owned sidewalks between Fisher and Young including curb cuts, to correct access points and to replace fencing.

Upon roll call was approved with a vote of 4 – 0.

15. Mayor Fitzpatrick motioned for a Resolution authorizing the Village Clerk to issue a Limited Cabaret License to Joe's Quarry Inn for Sunday, September 2nd, between the hours of 6pm and 10pm. **Trustee Ecklund motioned to adopt Resolution #15, was seconded by Trustee Zocchi.**

Discussion: Mayor Fitzpatrick noted that since some noise complaints had been received on the first limited cabaret license issued to this applicant, the board felt it would be better to consider the three dates requested one at a time. **Upon roll call was approved with a vote of 4 – 0.**

16. Mayor Fitzpatrick motioned for a Resolution ratifying board action to close Van Duzen Place for the purpose of allowing the 4C Gospel Café of Emanuel A.M.E. Church to hold their annual Street Fair and Concert on Saturday, August 4th between the hours of 11:00am and 5:00pm. **Trustee Gorman motioned to adopt Resolution #16, was seconded by Trustee Zocchi and upon roll call was carried with a vote of 4 - 0.**

17. Mayor Fitzpatrick motioned for a Resolution authorizing the Immaculate Conception School Home School Association to conduct a walkathon in the Village on Friday, October 19th, rain date Friday, October 26th; about 300 participants consisting of children and parents; the walkathon will start at the Immaculate Conception and proceed down Winterhill Road, to Main Street, to Marbledale Road, to Marble Place, to Rogers St., to Circuit Avenue and onto Wallace stopping at Assumption Church and returning to ICS. The School will supply the necessary liability insurance. **Trustee Gorman motioned to adopt Resolution #17, was seconded by Trustee Zocchi and upon roll call was carried with a vote of 4 - 0.**

18. Mayor Fitzpatrick motioned for a Resolution authorizing the Court Clerk to file for a grant under the 2007 Justice Court Assistance Program for security equipment for the court room and two computers for the court office.

Trustee Ecklund motioned to adopt Resolution #18, was seconded by Trustee Zocchi.

Discussion: Mayor Fitzpatrick noted that he received a letter from the Office of Court Administration discussing the needs for upgrades in security in the court room.

Upon roll call was approved with a vote of 4 – 0.

19. Mayor Fitzpatrick motioned for a Resolution authorizing the Mayor to execute an agreement with the County of Westchester concerning the Union Place Park Improvements Project.

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 13, 2007.

WHEREAS, pursuant to an agreement with the County of Westchester, the Village has or will be granted a grant from the United States Department of Housing and Urban Development; and

WHEREAS, pursuant to said grant, the Village is required to enter into an agreement with the County of Westchester for, among other things, the receipt of the grant monies; and

WHEREAS, legislation has been requested authorizing the Mayor to enter into an agreement with the County of Westchester concerning the Union Place Park Improvements Project.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute an agreement with the County of Westchester concerning the Union Place Park Improvements Project.

Section 2. That this resolution shall take effect immediately.

Trustee Ecklund motioned to adopt Resolution #19, was seconded by Trustee Zocchi.

Discussion: Mayor Fitzpatrick noted that Trustee Gorman researched the property and determined that a piece that was in question as to who the rightful owner was and found that indeed it is Village property. This section will also be upgraded and the benches will be replaced.

Upon roll call was approved with a vote of 4 – 0.

20. Mayor Fitzpatrick motioned for a Resolution authorizing the advertisement to receive sealed proposals for the Union Place Park Improvements Project. **Trustee Ecklund motioned to adopt Resolution #20, was seconded by Trustee Gorman and upon roll call was approved with a vote of 4 – 0.**

21. Mayor Fitzpatrick motioned for a Resolution scheduling a public hearing concerning flood management requirements under the national flood insurance program.

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 13, 2007.

WHEREAS, the United States Department of Homeland Security and New York State Department of Environmental Protection have requested that the Village adopt a local law concerning flood management requirements under the National Flood Insurance Program; and

WHEREAS, the Department of Public Works and Department of Buildings have requested that the local law be adopted.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Village Law and/or the Municipal Home Rule Law, a public hearing shall be held on or about the 24th day of September 2007, 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 a local law concerning flood management requirements under the National Flood Insurance Program shall be enacted.

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 #21, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 4 – 0.

22. Mayor Fitzpatrick motioned for a Resolution scheduling a public hearing concerning the repeal of article VI of Chapter 19 of the Code of the Village of Tuckahoe, entitled "Newsracks"

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on August 13, 2007.

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

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Village Law and/or the Municipal Home Rule Law, a public hearing shall be held on or about the 10th day of September 2007, 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 Article VI of Chapter 19 of the Code of the Village of Tuckahoe, inclusive of sections 19-101 through 19-107, entitled "Newsracks" shall be repealed in its entirety.

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 #22, was seconded by Trustee Zocchi.

Discussion: Mayor Fitzpatrick noted that this was as a result of ongoing litigation and will address it in the future.

Upon roll call was approved with a vote of 4 – 0.

23. Mayor Fitzpatrick motioned for a Resolution authorizing the Mayor to execute an agreement with the County of Westchester concerning the Thompson Street Commuter Parking

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 13, 2007.

WHEREAS, pursuant to an agreement with the County of Westchester, the Village has or will be granted a grant from the Federal Transportation Administration through the County of Westchester for certain improvements and/or the study of pedestrian circulation and transit access improvements near and about the Thompson Street Commuter Parking Lot (the "Project"); and

WHEREAS, pursuant to said grant, the Village is required to enter into an agreement with the County of Westchester for, among other things, the receipt of the grant monies for the Project; and

WHEREAS, legislation has been requested authorizing the Mayor to enter into an agreement with the County of Westchester concerning the Project.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute an agreement with the County of Westchester concerning certain improvements and/or the study of pedestrian circulation and transit access improvements near and about the Thompson Street Commuter Parking Lot.

Section 2. That this resolution shall take effect immediately.

Trustee Ecklund motioned to adopt Resolution #23, was seconded by Trustee Zocchi.

Discussion: Trustee Ecklund stated that this will take place next year during the paving cycle. It is grant money provided by Congresswoman Lowey's office in the amount of approximately \$38000. The plan is also to repave the commuter parking lot.

Upon roll call was approved with a vote of 4 – 0.

24. Mayor Fitzpatrick motioned for a Resolution authorizing the issuance of a refund in the amount of \$1,214.97 to Arlene Moliterno as a result of a Small Claims Assessment Review Stipulation reducing the assessment for Section 31, Block 2, Lot 7K. **Trustee Gorman motioned to adopt Resolution #24, was seconded by Trustee Zocchi and upon roll call was carried with a vote of 4-0.**

25. Mayor Fitzpatrick motioned for a Resolution approving Concordia College request to close Rose Avenue from White Plains Road to Everett Street on October 20, 2007 from 10:00 AM to 3:00 PM for scheduled Homecoming festivities. **Trustee Gorman motioned to adopt Resolution #25, was seconded by Trustee Zocchi and upon roll call was carried with a vote of 4 - 0.**

26. Mayor Fitzpatrick motioned for a Resolution authorizing the Village of Tuckahoe to settle the litigation known as the Croton Landfill litigation in an amount not to exceed \$5,000.00, which shall include legal fees and expert fees in conclusion of the matter. **Trustee Ecklund motioned to adopt Resolution #26, was seconded by Trustee Zocchi.**

Discussion: Mayor Fitzpatrick noted that this was a lawsuit brought on involving many communities, which included the Village of Tuckahoe, for dumping that took place at the landfill many years ago. The Village of Tuckahoe was part of Tier IV.

John Cavallaro, Village Attorney, indicated that every community was sued; the Village of Tuckahoe was one out of 23 communities, and is required to pay \$5000. The higher tiers were required to pay significantly higher fines. **Upon roll call was approved with a vote of 4 – 0.**

27. Mayor Fitzpatrick motioned for a Resolution scheduling a public hearing on the Village of Tuckahoe Zoning Ordinance of 2001 concerning an amendment to Section 8-1 thereof that would increase the number of Planning Board members from five (5) to seven (7)

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 13, 2007.

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to an amendment to the Village of Tuckahoe Zoning Ordinance of 2001 concerning an amendment to section 8-1 thereof that would increase the number of planning board members from five (5) to seven (7).

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of Village Law § 7-706 et al., and/or other applicable law a public hearing shall be held on the 10th day of September 2007, 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 8-1 of the Tuckahoe Zoning Ordinance of 2001 shall be amended and, if such amendment is enacted, said amendment would increase the number of planning board members from five (5) to seven (7).

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 Gorman motioned to adopt Resolution #27, was seconded by Trustee Zocchi and upon roll call was carried with a vote of 4 - 0.

28. Mayor Fitzpatrick motioned for a Resolution to approve ABC Window Fashions & Interiors request to install a temporary banner for a 30 day period identical to the banner currently displayed, with red lettering over a white background reading ALL WINDOW TREATMENTS CURRENTLY ON SALE.

Trustee Ecklund motioned to adopt Resolution #28, was seconded by Trustee Zocchi.

Discussion: Mayor Fitzpatrick noted that banners may not exceed the 30 day time limit; banners will be addressed in the new code. **Upon roll call was approved with a vote of 4 – 0.**

29. Mayor Fitzpatrick motioned for a Resolution authorizing payment of vouchers in the amount of \$522,939.39; consisting of abstract #4 -\$118,042.25; abstract #6 – \$402,985.55 and abstract #9-\$1,911.59. Largest invoices: \$139,874 to International Truck for a 2007 dump truck with snow plow; \$100,327.38 to PE Control for HVA Project at Village Hall; \$46,994.30 to Griffin, Coogan & Veneruso for tax certiorari settlements; \$15,959.98 to NY Power Authority for June electrical usage on various Village properties and \$25,000 to Lovett & Gould for settlement of a law suit. **Trustee Ecklund motioned to adopt Resolution #29, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 4 – 0.**

APPROVAL OF MINUTES – Trustee Ecklund motioned to approve the minutes of the Regular Meeting of July 9, 2007; motion was seconded by Trustee Zocchi and upon roll call was carried with a vote of 4 – 0.

CORRESPONDENCE

The Village Clerk announced the next event is Tuckahoe Day on September 2nd, from 11:00am to 5:00pm. She asked the residents to come out and support this family fun filled event.

BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE GORMAN** announced t the Tuckahoe Challenge Road Race is scheduled for Sept. 9, 2007. Application form is available on the Village website at www.tuckahoe.com

The Library celebrated the adult reading program which was a great success. She thanked the reporters as well as Channel 12 for helping spread the news about the Support Our Troops program, program. The Village has sent 10 boxes and has an additional 10 boxes ready to be sent. She is working on a new recycling brochure which will be available online and in the Village Hall shortly.

- **TRUSTEE ZOCCHI** thanked all who participated in the Fireworks display event which was very enjoyable. He thanked the DPW for a great job cleaning up at Garrett Park and finally exposed piece of Tuckahoe marble at Garrett Park that has been there since 1981.
- **TRUSTEE ECKLOND** reported that the Circuit Ave. Park is almost completed. He mentioned the possibility of converting the Diesel fuel purchases to Bio-diesel fuel. Although, this would be slightly more expensive upfront, .06 cents per gallon, the Village uses approximately 900 gallons of fuel each month, but in the long run will decrease the cost of maintenance and will be more environmentally friendly. John Cavallaro, Village Attorney, noted that he would like to research the paperwork on the state contract and verify the prices through other suppliers. Mayor Fitzpatrick concurred that this would be great for the Village, the environment and he was highly in favor of this idea.
- **Mayor Fitzpatrick** thanked all involved in the Summertime Extravaganza. He thanked Susan Ciamarra, Jeff Zuckerman, Johnny Rocks and the Generoso Pope Foundation for all their involvement with this great event. He also thanked Sgt. Peggy Belles for the success National Night Out event, saying she did a superb job, the turn out was excellent and was the largest crowd ever; an event that gets better every year.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

No Public Comments

There being no further business the Board unanimously voted to adjourn the meeting at 9:20 PM.

Susan Ciamarra, Village Clerk