

December 8, 2008

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

Present: Mayor John Fitzpatrick
Trustee Steve Ecklund
Trustee Clare Gorman
Trustee Margaret Coleman

Absent: Trustee Luigi Marcoccia

The meeting opened with the salute to the flag and Pledge of Allegiance led by the recipient of the "Mayor for the Day" essay contest, Arthur Jacobs, along with the Deputy Mayor, Bryan Brown and Trustees Joseph Mahoney, Jessica Flamio and Nicole Nasti as well as the village attorney Ted Holden.

Mayor Fitzpatrick congratulated all the winners and asked each one to state their plan as to what change they would like the Village to consider and implement. Noted was a bike rack in Depot Square, a ban on leaf blowers, additional trash bins throughout the Village, bins for recyclable items and a "Go Green Day" where residents would volunteer and clean up the Village. The Honorable Attorney for the day, Ted Holden, requested a law to ban the use of curse words, 'Clean Language Act of 2008.'

Mayor Fitzpatrick asked the Honorary Board members to return in January to decide on the location for the bike rack and of the additional bins. He thanked all the sixth grade students who participated in the contest, their dedicated teachers, the Superintendent Dr. Marilyn Terranova and Dr. Walter Moran, Principal Eastchester Middle School.

Special Presentation – Mayor Fitzpatrick presented a Certificate of Appreciation to Mr. and Mrs. Baldassara of Circuit Avenue for their donation of the 30' Christmas tree now on display in Depot Square. Mrs. Baldassara said her family was happy to have made the donation. He then thanked Gino Secchiani for donating equipment and manpower to transport the tree to the square.

Mr. David Pope, CEO and President of the Generoso Pope Foundation, thanked the Board members for welcoming his family and his family's foundation into the Village. He noted that the Mayor, Board members, DPW, Police Dept., Village Clerk and school personnel were all dedicated individuals to this fine Village and added he was excited and eager to work with the Board on future projects for the Village and the school system.

Mayor Fitzpatrick thanked David Pope for the very generous donations to the Village. Many projects, such as the internet access for the Village Board meetings, were made possible through the generosity of the Generoso Pope Foundation. Presently the idea of bringing back the trolley, bus type resembling the trolley, is being worked on.

David Pope indicated that he was eager to provide a trolley service between Tuckahoe, Bronxville and Eastchester. The trolley may also provide residents a ride to Lake Isle during the summer months.

Ms. Ciamarra, Village Clerk, noted that her research determined that the application for federal funds may be a two year process. One town in Orange County received 80% of the cost from federal funds, 10% state funds and 10% county funds. The Village would need to contact Mr. Larry Sally with the County of Westchester to discuss the plans. The trolley would need an annual inspection by the Dept. of Transportation. One stipulation with the federal funds is that the trolley would need to charge a fare, even \$0.25, for each ride.

David Pope stated that he would rather implement the trolley this year rather than wait for federal funds. In addition, Mr. Pope would like to offer seventh graders the opportunity to enter a contest to be "CEO and President of the Generoso Pope Foundation for the Day." Each essay should include a worthy project that the student thinks the Generoso Pope Foundation should fund in the Village for.

Mayor Fitzpatrick thanked David Pope and noted that the Village is honored to have his family as well as their philanthropy foundation in the Village.

PUBLIC HEARING I.

Continuation of public hearing on LOCAL LAW #9 OF 2008 – (previously referred to as Local Law #7 of 2008) -A LOCAL LAW AMENDING SECTIONS 10-17 THROUGH 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 cuttings, 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 any 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 or 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.

- (1) 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 yard.
 - (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 therefor 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, which shall be enforceable by the Superintendent of Public Works, the Building Inspector, the Code Enforcement Officer and any police officer in the Village Police Department.
- B. In addition to the penalties indicated in Subsection A above, the Superintendent of Public Works, the Building Inspector, the Code Enforcement Officer and any police officer in the Village Police Department 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 public hearing was seconded by Trustee Coleman and upon roll call was carried with a vote of 4 - 0.

Mayor Fitzpatrick discussed the following changes - change Section B- Residential Collections (3b) from 5 – 32 gallon containers to 2 – 32 gallon containers; the word ‘rubbish’ should be changed to ‘yard waste or yard rubbish;’ the term ‘bulk’ must be defined and pg. 4 Section 10 -18(a) change 5 days to 24 hours and the term ‘maybe’ to ‘shall.’

Public Comments

Chris Kannel, 34 Westview Ave. noted that his complex does not offer residents dumpsters.

Mayor Fitzpatrick indicated that 2 cans per day, per family was such that they should not be affected by this law.

Trustee Gorman motioned to close the public hearing, was seconded by Trustee Coleman and unanimously carried with a vote of 4 – 0.

PUBLIC HEARING II. LOCAL LAW NO. 10 OF 2008

(Previously Local Law #9 of 2008) CONTINUATION OF PUBLIC HEARING – LOCAL LAW #10 OF 2008 - A LOCAL LAW TO REZONE THE MARBLEDALE ROAD INDUSTRIAL CORRIDOR TO A GENERAL BUSINESS OR COMMERCIAL ZONING DISTRICT IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE VILLAGE COMPREHENSIVE PLAN, ADOPTED MAY 2008.

Trustee Gorman motioned to open the public hearing, was seconded by Trustee Coleman and unanimously carried with a vote of 4 – 0.

No Public Comments

Mayor Fitzpatrick stated that he asked the Planning Board and Master Plan Committee to examine this law and offer comments. He invited residents and business owners to attend the public hearings to discuss this proposed law.

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

PUBLIC HEARING III. LOCAL LAW NO. 8 OF 2008

(previously Local Law #10 of 2008) CONTINUATION OF PUBLIC HEARING LOCAL LAW NO. 8 OF 2008 - A LOCAL LAW AMENDING SECTION 15-4 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "SKATING OR USING ROLLER COASTERS, ETC."

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 November 24, 2008.

WHEREAS, the Mayor and Village Board have requested legislation amending Section 15-4 of the Village Code of the Village of Tuckahoe, entitled "Skating or using roller coasters, etc.;" and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 10th day of November 2008; and

WHEREAS, said public hearing was duly held on the 24th day of November 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 15-4, entitled "Skating or using roller coasters, etc." of the Village Code of the Village of Tuckahoe, is hereby repealed in its entirety.

Section 2. Section 15-4, entitled "Skating or using roller coasters, etc." of the Village Code of the Village of Tuckahoe, is hereby restated and amended as follows:

Section 15-4 Definitions.

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

IN-LINE SKATES

Shoes, skates or footwear with a single row of wheels.

ROLLER SKATES

Shoes, skates or footwear with two or more rows of roller wheels.

SKATEBOARD

A narrow board of wood, plastic, fiberglass or similar material with roller-skate or other type of wheels attached to each end and used for gliding or moving on any hard surfaces, without a mechanism or other device for steering while being used, operated or ridden.

Section 15-4A Unlawful activities.

No person shall use or operate a skateboard/in-line skates/roller skates upon any public streets (including the entire paved and improved surfaces thereof, including gutter areas, from curb-to-curb, where curbs exist), sidewalks or on any public lands within the Village of Tuckahoe:

- A. In a careless manner without due caution and circumspection;
- B. While endangering, or in any manner to create a risk or danger to, any person or property; or
- C. In any manner to impede or interfere with pedestrian or vehicular traffic.

Section 15-4B. Precautions.

A. Every person operating a skateboard/roller skates/in-line skates shall operate the same in strict observance of Article 34 of the New York State Vehicle and Traffic Law relating to the operation of bicycles and play vehicles, except as to those provisions which by their nature can have no application.

B. The operator of a skateboard/roller skates/in-line skates emerging from an alley, driveway or building shall, upon approaching a sidewalk, yield the right-of-way to all pedestrians approaching said walk.

C. Whenever any person shall operate a skateboard/roller skates/in-line skates upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

D. No person shall operate a skateboard/roller skates/in-line skates at nighttime unless he or she is wearing reflective clothing, which shall be visible from a distance of not less than 50 feet and a maximum of 300 feet from the front, side and rear when directly in front of the lawful beams of headlight on a motor vehicle. "Reflective clothing" shall be defined, for the purposes of this article, as any shirt, vest or jacket or any other readily visible piece of apparel equipped with a reflective surface.

E. Every person operating a skateboard/roller skates/in-line skates shall wear a protective helmet.

Section 15-4C. Penalties for offenses.

Any person violating any provision of this article shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine not to exceed \$25 for the first offense and not more than \$50 for each offense thereafter.

Section 15-4D. Severability.

If any clause, sentence, paragraph, word, section or part of this article shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 3. 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. This Local Law shall take effect immediately.

Section 5. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

New Matter Underlined

Deleted Matter in Brackets []

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

No Public Comments

Trustee Gorman motioned to close the public hearing, seconded by Trustee Coleman and upon roll call was carried with a vote of 4 - 0.

Trustee Ecklund motioned to adopt Local Law # 8 of 2008 entitled "SKATING OR USING ROLLER COASTERS, ETC." was seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.

PUBLIC HEARING IV – Installation of parking meters at the bottom portion of Westview Avenue.

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

Chief Costanzo stated that there are currently 8 parking spaces at the end of Westview Ave. Some days there are as many as 10 vehicles squeezed into the 8 spaces. The proposal is to put lines and meters to delineate the spaces and provide revenue for the Village. The meters will prevent commuters from using these spaces.

Public Comments

‘Johnny Rocks’ resident on Westview Ave., read a statement making mention that there is currently not enough parking for the residents of this building. He suggested the Board to allow the residents to squeeze 10 vehicles into 8 spaces. Further, due to the lack of parking, the installation of meters in that area will add further hardship to the residents.

Mayor Fitzpatrick noted that the meters will be placed in front of a business. Residents of buildings that do not offer parking are given Village resident permits to park on the street. He added that a compromise of changing 4 spaces into metered spaces and keeping 4 the way they are may also be a possibility.

Amanda Keller, 36 Westview Ave., stated that she witnessed a vehicle parked illegally for 5 months. She notified the police dept. and they issued summons; then, the vehicle disappeared.. She felt that there are plenty of metered parking spaces available during the day at Depot Square and asked the Board not to change the available parking spaces to metered spaces.

Chris Kannel. 34 Westview Ave., asked the Board to switch the restricted parking spaces on Grant Street to metered spaces and leave these few spaces alone.

Jeff Zuckerman, Bronx St., asked the residents to continue to notify the police dept. of illegally parked cars.

Mayor Fitzpatrick asked the residents to return to the January meeting to continue the discussion.

OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

No Public Comments

RESOLUTIONS -

1. Mayor Fitzpatrick offered a Resolution authorizing free short-term street parking in the business districts to encourage shopping in the Village during the holidays. The short-term street meters will be bagged during Christmas week December 22nd through December 25th and parking will be limited to two hours.

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

2. Mayor Fitzpatrick offered a Resolution to approve salary below for Tuckahoe Housing Authority employees set by the THA Board of Commissioners for fiscal year 2008-2009 effective 10/1/2008:

Mechanic Maintenance	Annual Increase	\$1,512	New Salary	\$51,905
Mechanic Repair	“	“	\$1,050	\$36,050
Intermediate Clerk	“	“	\$1,230	\$42,230
Sr. Office Assistant	“	“	\$1,956	\$67,150
Executive Director	“	“	\$20,000	\$90,000

Trustee Gorman motioned to adopt Resolution #2, seconded by Trustee Coleman. Mayor Fitzpatrick noted that he requested that the Ex. Dir. appear this evening to discuss these salaries. He asked that the Board hold this vote until next month.

Trustee Gorman motioned to hold this vote until next month, seconded by Trustee Coleman and upon roll call was carried with a vote of 4 – 0.

3. Mayor Fitzpatrick offered a Resolution authorizing payment of vouchers in the amount of \$252,315.31 consisting of abstract # 22 for \$70,485.22; abstract #23 for \$165,277.92 and abstract #26 for \$16,552.03. Largest items paid were to: Core Contracting \$114,000 for 2008 paving of various streets; Robert’s \$10,500 clothing allowance for DPW and Police Maintenance; NY Power Authority \$15,762.96 electricity for October

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

4. Mayor Fitzpatrick offered a Resolution authorizing Crestwood Taxi to add two (2) additional cars to their present fleet of 10.

Trustee Ecklund motioned to adopt Resolution #4, seconded by Trustee Coleman. Mayor Fitzpatrick voiced his concern as to where the extra vehicles would be parked. Chief Costanzo stated that the extra vehicles would be driven home at night by the employees. He added that the license is for 6 months, if the Board is not satisfied, the Board can revisit the authorization.

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

5. Mayor Fitzpatrick offered a Resolution SCHEDULING A PUBLIC HEARING ON AMENDING THE CODE OF THE VILLAGE OF TUCKAHOE, SECTIONS 13A-1 THROUGH 13A-5, ENTITLED LANDLORD REGISTRY

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 December 8, 2008.

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to an amendment(s) to Sections 13A-1 through 13A-5 of the Code of the Village of Tuckahoe, entitled, "Landlord Registry."

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Municipal Home Rule Law, a public hearing shall be held on or about the 12th day of January 2009, at 8:00 o'clock p.m., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Board of Trustees whether a certain section(s) of the Code of the Village of Tuckahoe, to wit: Sections 13A-1 through 13A-5, entitled "Landlord Registry" shall be amended.

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.

LOCAL LAW NO. 11 OF 2008 - A LOCAL LAW AMENDING CHAPTER 13A OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "LANDLORD REGISTRY"

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 December 8, 2008.

WHEREAS, the Mayor has requested legislation amending Chapter 13A of the Village Code of the Village of Tuckahoe, entitled "Landlord Registry;" and

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

WHEREAS, said public hearing was duly held on the 8th day of December, 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. Chapter 13A, entitled "Landlord Registry," of the Village Code of the Village of Tuckahoe, is hereby amended as follows:

Chapter 13A
LANDLORD REGISTRY

§ 13A-1. Purpose and scope.

- (a) The purpose of this chapter is to establish a registry of all rental property where the owner is out of possession and does not reside at the property, as defined herein, enabling the Village to identify persons responsible for the care and management of such property which will ensure the enforcement of local, state and federal regulations.
- (b) The provisions of this chapter shall apply to all property located in the Village of Tuckahoe.

§ 13A-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

BUILDING---Any improved real property located within the Village of Tuckahoe.

MULTIPLE DWELLING---Includes a dwelling which is either rented, leased, let or hired out to be occupied or is occupied as the temporary or permanent residence or home of three or more families living independently of each other.

OWNER---Any individual or individuals, partnership or corporation, limited Liability Company, similar type of business organization or proprietary interest, whether or not for profit or otherwise, in whose name title to a building or a residence is vested.

RENTAL PROPERTY---Includes all buildings containing residential units which are either rented, leased, let or hired out to be occupied which shall be limited to two-family, multifamily, or mixed uses (commercial-residential), where the owner is out of possession and does not reside at the premises where such buildings are located.

§13A-3. Registration of Ownership of Property.

- (a) **Registration.** Every owner of rental property as defined herein shall be required to register such property with the Building Department on such form or forms as prescribed by the Building Department within a period of 60 days from the effective date of this chapter. A new form shall be filed whenever there is a change of ownership and it shall be the responsibility of the new owner to see that such form is filed within a period of 60 days from the taking of title to the property.
- (b) **Registry fee.** On or after the effective date of this subsection, every owner or prospective owner of rental property, as defined in this chapter, shall be required to

register said property with the Building Department and pay a registration fee payable to the Village of Tuckahoe, as follows:

- (i) an initial registration fee of fifty dollars (\$50.00) for up to the first five (5) residential units or apartments existing at the rental property, exclusive of any owner occupied units or apartments plus five dollars (\$5.00) for every unit or apartment existing at the rental property in excess of said first five (5) residential units or apartments; and thereafter
- (ii) an annual registration fee of fifteen dollars (\$15.00) irrespective of the number of units or apartments existing at the rental property due and payable on the day and date that is one year after payment of the initial registration fee, described in subsection (i) above, and on the anniversary date for each year ensuing thereafter.

§ 13A-4. Registry Form and Filing.

It shall be the responsibility of the owner of each property which is subject to the provisions of this chapter to timely file a registry application within 60 days of the effective date of this chapter. The form shall require the following information:

- (a) The property address, the section, block and lot number of the property as stated on the Tax Map of the Village of Tuckahoe and the number of residential dwelling units on each property.
- (b) The owner(s), owner mailing address and telephone number.
- (c) The name and names, titles, addresses and telephone numbers of any responsible person(s) of the corporation, limited liability company, partnership or other similar business entity if the ownership is held in a non-individual capacity.
- (d) The name, address and telephone number of a local responsible person over 21 years old, residing or doing business in Westchester County, who shall be responsible for the care and management of such property and is authorized by said owner to accept legal process on behalf of the owner when the owner resides or has its principal place of business outside of Westchester County.
- (e) The form shall be signed by the owner or his or her designee and witnessed by a notary public and shall contain the following declaration: "I hereby certify that all information contained in this statement is true and correct to the best of my knowledge and belief. I understand that the willful making of any false statement of material fact herein will subject me to the provisions of law relevant to the making and filing of false instruments and shall constitute a violation of this chapter."
- (f) It shall be the responsibility of each owner to timely notify the Building Department whenever the information provided in this form has become outdated or

for any reason is no longer accurate. It shall be the responsibility of each owner to recertify the aforementioned information annually.

13A-5. Penalties for Offenses.

- (a) No rental property as defined herein, shall be occupied by any tenant without compliance with the provisions herein and failure to comply shall constitute a violation of a certification of occupancy.
- (b) Any person committing an offense against any provision of this chapter shall be punishable as provided in Section 1-7 of this Code in addition to any penalties that may apply under local, state or federal law or regulation.

13A-6. Identification of Owner and Managing Agent

(a) The owner of any building defined herein as a multiple dwelling shall post and maintain in a conspicuous place in such dwelling a legible sign identifying the owner and managing agent of such dwelling, together with the residence and business addresses and telephone numbers of the owner and managing agent. Where the owner is a corporation, the sign shall contain the names, addresses and telephone numbers of the officers thereof, together with the residence and business addresses and telephone numbers of the officers and of the corporation.

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

Section 3. This Local Law shall take effect immediately.

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

New Matter Underlined
Deleted Matter in Brackets []

Trustee Gorman motioned to adopt Resolution #5, seconded by Trustee Ecklund. John Cavallaro, Village Attorney, indicated that an insertion of Living Trusts must be considered. **Upon roll call was carried with a vote of 4 – 0.**

APPOINTMENTS

Mayor Fitzpatrick offered the appointment of Tim Miller to fill the position on the Planning Board to expire on April 1, 2013.

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

Mayor Fitzpatrick added that Mr. Miller is an Urban and City Planner and a Cornell University graduate. The Board thanked Mr. Miller for his service.

APPROVAL OF MINUTES

Trustee Gorman motioned to approve the **MINUTES OF THE REGULAR MEETING OF November 24, 2008** seconded by Trustee Ecklund and upon roll call was carried with a vote of 4 - 0.

Trustee Gorman motioned to approve the **MINUTES OF THE SPECIAL MEETING OF September 24, 2008** seconded by Trustee Coleman and upon roll call was carried with a vote of 4 - 0.

Trustee Gorman motioned to approve the **MINUTES OF THE SPECIAL MEETING OF November 10, 2008** seconded by Trustee Coleman and upon roll call was carried with a vote of 4 - 0.

POLICE DEPARTMENT

Chief Costanzo announced that the Tuckahoe Police Dept. will switch the parking signs for Snow Zones. He asked residents to be mindful of the changes. Tuckahoe Annual Children's Christmas party at the Community Center from 4:00pm to 6:00pm on December 19th.

DEPARTMENT OF PUBLIC WORKS

Frank DiMarco, DPW Superintendent, noted that metal pick up will resume as of Dec. 5th. All leaves must be bagged and placed at curbside for pick up. A dumpster has been placed at DPW yard for plastic recyclable bags and Christmas trees may be put out at any time before February for pick up.

VILLAGE TREASURER

John Pintos, reported that the Village receives a mortgage tax payment twice a year from the County on mortgages and for the refinancing of homes. At this point it is unknown how much of a payment the Village will receive and whether the amount received will reflect what has been budgeted; however, with the recent drop in interest rate, homeowners may choose to refinance and as a result, the Village may possibly achieve what was received last year.

BUILDING DEPARTMENT

Bill Williams, Building Inspector, stated that the Building Dept. has mailed out 356 Landlord Registry surveys, of which only 208 were returned. He made mention of a situation at 8 Cottage Pl. where an unlicensed contractor was taking advantage of this elderly resident. His department was able to retrieve a \$4000 refund for the resident.

VILLAGE ATTORNEY

No Report

MISCELLANEOUS BUSINESS

Mayor Fitzpatrick discussed the application of Verizon Services to solicit door to door. If application is approved, the Village Code states that the minimum number of days permitted would be 90 days. He noted that he would like to amend this section of the code.

Mayor Fitzpatrick offered a Resolution to schedule a public hearing to consider the amendment of section 17-1 of the Village Code and other applicable sections.

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

Sue Ciamarra, Village Clerk, stated that Horizon Script TV Inc. has filed an application to film a portion of their movie for one day, from 12:00am to 2:00am, in Jan. or Feb. 2009 at the Crestwood railroad station and the Thompson St. parking lot with 46 vehicles, 4 trucks and 100 individuals in the area. A \$500 permit fee will be charged per day, per camera. In addition, they will need to pay \$5.00 for each parking space, per day, for the use of spaces at the Thompson St. Parking lot.

Mayor Fitzpatrick offered a resolution approving the application of Horizon Script Film Inc., in accordance with the application submitted and conditions stated by the Village Clerk.

Trustee Ecklund motioned to approve the resolution, seconded by Trustee Coleman and upon roll call was carried with a vote of 4 – 0.

Mayor Fitzpatrick announced the next Village Board Meeting Monday, January 12th.

VILLAGE CLERK

Susan Ciamarra thanked Frank DiMarco, Superintendent of Public Works and his staff for all their hard work in getting the Village decorated for the holidays; David Pope and the Generoso Pope Foundation for funding the Winterfest event; Johnny Rocks for obtaining and coordinating the entertainment; Beautification Committee as well as other volunteers for their help with the Winterfest celebration. The second half of the year tax bills have been mailed out. The 2008 residents parking permits have expired and of the 477 annual commuter parking permits, 341 have been renewed.

BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE ECKLOND** thanked the Generoso Pope Foundation, Frank DiMarco and Susan Ciamarra for all the work with the very successful Winterfest. He noted that the brown cylinders along the Bronx River Pkwy. are devices to be used in case of flooding or an accident. The fire elections will be held Dec. 9, Community Center from 4:00pm to 9:00pm.

- **TRUSTEE GORMAN** announced that the THA meeting is scheduled for Dec. 16. The Crestwood Fair – Dec. 13, 11:00am – 2:00pm with holiday music and Santa. She asked residents to please remember the troops during the holidays and donate the much needed items.
- **TRUSTEE COLEMAN** thanked the Beautification Committee and the Generoso Pope Foundation along with the Youth Advisory Board for assisting in the Winterfest activities. December 13, from 3:00 – 6:00, they will honor the seniors in the Community Center with singing and hot coco and cookies. They will also work with ECAP to provide toys for the holidays.

MAYOR FITZPATRICK reported that in following up with a letter of request for bus service to be extended from the Tuckahoe train station to the Crestwood train station, he was informed by the County that the cost would be \$408,000 for this service and, as a result, the county denied the request. He again thanked the Baldassara family for the Christmas tree donation.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

Ms. Billups, resident of South High Street, thanked the Board for their service, along with the DPW, Generoso Pope Foundation, and Susan Ciamarra. She thanked the Board for the repaving of South High Street and as Chair of the ECAP Advisory Board; she thanked all donors for the successful Thanksgiving Day drive. In addition, she thanked Jeff Zuckerman for his incredible fundraising efforts for the restoration of the ECAP building and encouraged the residents to attend the Martin Luther King breakfast on Jan. 19 at Lake Isle.

Mayor Fitzpatrick, along with the Board members, wished all a happy holiday and a safe and happy New Year.

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

Susan Ciamarra, Village Clerk