

FEBRUARY 8, 2010

**Regular Meeting of the Board of Trustees
Called to Order at 8:00 PM**

**PRESENT: MAYOR FITZPATRICK
 TRUSTEE ECKLOND
 TRUSTEE MARCOCCIA
 TRUSTEE GORMAN
 TRUSTEE QUIGLEY
 MAYOR FITZPATRICK**

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

APPOINTMENTS –

1. Mayor Fitzpatrick called for the appointment of Frank Travers of 276 Marbledale Road as a member of the Ethics Board for a term to expire April 1, 2012. Trustee Ecklund motioned to appoint Frank Travers; motion was seconded by Trustee Gorman and upon roll was carried by a vote of 5-0.

2. Mayor Fitzpatrick called for the appointment of Sandy Reyes-Guerra – AD HOC member to Planning Board for a one year term to expire February 8, 2011. Trustee Gorman motioned to appoint Sandy Reyes-Guerra; motion was seconded by Trustee Quigley and upon roll was carried by a vote of 5-0.

3. Mayor Fitzpatrick called for the appointment John Palladino – AD HOC member to the Zoning Board of Appeals for a one year term to expire February 8, 2011. Trustee Quigley motioned to appoint John Palladino; motion was seconded by Trustee Ecklund and upon roll was carried by a vote of 5-0.

PUBLIC HEARINGS

PUBLIC HEARING I. CONTINUATION

Motion to open public hearing on a proposed Local Law amending the code of the Village of Tuckahoe, Article II entitled “Public Carriages and Hacks” of Chapter 22 entitled “Vehicles for Hire”

Trustee Marcoccia motioned to open the public hearing; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

After discussion on some of the proposed changes, **Trustee Gorman motioned to keep public hearing open; motion was seconded by Trustee Marcoccia and upon roll call was carried by a vote of 5 – 0.**

PUBLIC HEARING II - CONTINUATION

MOTION TO OPEN PUBLIC HEARING CONCERNING A PROPOSED LOCAL LAW AMENDING AND SUPPLEMENTING THE CODE OF THE VILLAGE OF TUCKAHOE AS IT CONCERNS THE REGULATION AND PRESERVATION OF TREES

Trustee Gorman motioned to open public hearing; motion was seconded by Trustee Ecklund and upon roll call was carried by a vote of 5 – 0.

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 7, 2009.

WHEREAS, the Village Board of Trustees has requested legislation amending and supplementing the Code of the Village of Tuckahoe as it concerns the regulation and preservation of trees; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 4th day of December 2009; and

WHEREAS, said public hearing was duly held on the 7th day of December 2009, January 11, 2010, 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 adopts a Negative Declaration pursuant to SEQRA and its implementing regulations; and

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

NOW, THEREFORE, be it enacted by the Village Board of the Village of Tuckahoe, as follows:

Section 1. The Village Code of the Village of Tuckahoe is hereby amended and supplemented to add a Chapter 21A, entitled "Trees" as follows:

Chapter 21A, TREES

Section 21A-1. Findings and Purpose.

The Village of Tuckahoe has a vital interest in the planting and preservation of trees within its borders. Trees provide necessary shade, green space and aesthetic appeal; they impede soil erosion, inhibit excess runoff and flooding, reduce air pollution, aid in mitigating noise, and provide other environmental benefits. The uncontrolled destruction of trees deprives the community of all these benefits. The purpose of this Local Law is to preserve trees and minimize damage and removal, thereby enhancing the health, property values and general welfare of the residents of the Village of Tuckahoe.

Section 21A-2. Definitions.

ACTUAL ONGOING EMERGENCY CONDITION – a condition in which severe weather, storms, natural or non-natural causes severely affect the integrity of a tree and such condition poses an immediate threat to life, property or the general public.

CALIPER – the diameter of a tree trunk measured at a point 6 inches above the root crown or as defined by the American Nursery Association (ANA).

CERTIFIED ARBORIST – an arborist or firm certified by the International Society of Arboriculture or another nationally recognized arboricultural organization.

DBH (Diameter Breast Height) – the diameter of a tree measured at a point 4-1/2 feet above ground level at the base of the tree on the uphill side.

HERITAGE TREE – a tree designated by the Village with the consent of the owner upon a finding that the tree is unique and/or of importance to the community.

INJURY TO TREES – any action, during the course of permitted or non-permitted work that causes significant damage to a tree that causes or is likely to cause death of the tree.

INVASIVE SPECIES – a non native species that adversely affects the habitats they invade economically, environmentally or ecologically and are listed in the Invasive Plant Atlas of New England (IPANE) as amended.

PERSON – any individual, firm, partnership, association or corporation or other legal entity.

PUBLIC TREE OR SHRUB – trees, shrubs, bushes on land within the property lines of all streets or avenues, rights-of-way, park areas and/or other property owned by the Village.

REPLACEMENT TREE – any tree planted under the provisions of this Local Law or required by a decision of the Building Inspector, Superintendent of the Department of Public Works or the Planning Board. Replacement trees shall not be an invasive species or smaller than three (3) inches in diameter at the time of planting, unless specifically approved as part of a tree replacement plan.

TREE PRESERVATION FUND - a fund established by the Village to receive payments pursuant to this Local Law, as well as voluntary donations which are to be used in accordance with this Local Law or to augment the planting of public trees.

Section 21A-3. Public Trees – Prohibited Acts.

(a) No person shall knowingly remove, break, injure, deface, kill or destroy any public tree or shrub.

Section 21A-4. Trees on Private Property – Prohibited Acts.

(a) No person shall knowingly cut down, kill or otherwise destroy a tree on private property except in accordance with the registration and permit requirements set forth in this Local Law.

Section 21A-5. Tree Removal on Private Property -- Registration and/or Permit Requirements.

(a) Trees less than 8 inches DBH:

(1) Removal is permitted with no registration or permit required.

(b) Trees 8 inches DBH or greater:

(1) Removal of one tree per year per residential lot is permitted with two week prior notification to the Building Department. Required notification shall include the size, location, type of tree and reason for removal.

(c) Removal of more than one tree per year measuring 8 inches DBH or greater requires a permit from the Building Department. The fee shall be set by the Village Board and will be posted in the Building Department.

(d) Removal of trees 20 inches DBH or greater must comply with Village insurance policies.

Section 21A-6. Granting of Permits.

(a) The decision by the Building Department in the granting or denial of a permit shall be based upon, but not limited to:

(1) the condition of the tree with respect to disease and safety;

(2) the necessity of the removal for a building project;

- (3) the effect of the removal on ecological systems; and
- (4) the effect of the removal to other trees on the same or adjoining property.

(b) Factors taken into consideration shall include, but are not limited to:

- (1) Whether the location of the tree clearly endangers the health, safety, welfare or property of the general public, the property owner or an adjoining property owner.

- (2) Whether the location of the tree prevents compliance with state, county or local standards for sight lines, driveways or intersections.

- (3) Whether the location of the tree prevents the property owner from undertaking otherwise approved construction or alteration because the location of the tree substantially interferes with a permitted use of the property and the construction or alteration cannot be reasonably modified to accommodate the tree. Written explanation may be required describing how the tree interferes with construction or alteration, and why the construction or alteration cannot be modified to reasonably accommodate the tree.

- (4) Whether the tree, due to death, disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain.

- (5) Whether the tree is dead, or so substantially diseased that it constitutes a danger to persons, property or other trees.

(c) The Building Department, at the expense of the applicant, may enlist the services of a certified arborist whenever necessary to make the above determinations.

(d) There shall be no site disturbance and the status quo shall be maintained until such time as a tree removal permit is granted or denied and the appeal process is completed. In no event shall a tree permit be issued for the removal of any tree specifically designated to be saved by the Planning Board, unless said tree is determined to be dead, dying, diseased or hazardous to life or property or as subsequently approved by the Planning Board.

(e) All building permits that involve exterior work shall show the location of all trees on the plans as defined herein within the area of disturbance, and identify the impact, if any, on any trees on the same or adjacent property. The applicant may be required to furnish sub-division plans, site plans and/or additional information as deemed necessary by the Building Department, Zoning Board or Planning Board.

Section 21A-7. Certificate of Occupancy.

(a) No certificate of occupancy shall be issued by the Building Inspector until all tree planting and/or associated restoration work is completed to the reasonable satisfaction of the Building Inspector or his designee. In the event that seasonal planting requirements prevent timely completion of all planting and restoration work, the Building Inspector may issue a temporary certificate of occupancy, together with prescribed conditions, including but not limited to a requirement of the posting of a bond in an appropriate amount to ensure compliance.

Section 21A-8. Replacement Trees.

(a) An applicant may be required, as a condition to granting the application for a permit, to replace any tree which is the subject of the application under conditions specified in the issued permit. Replacement trees shall be at minimum 3 inch caliper. Invasive species shall be prohibited.

(b) Any person who (a) removes or causes to be removed a tree without first obtaining a required permit, or (b) any person who removes or causes to be removed any public tree, may be required by the Village to plant one or more replacement trees. When restoration is determined by the Village to be impractical an additional fine may be imposed in accordance with the Penalties For Offenses section set forth herein. Any such fine will be deposited into the Tree Preservation Fund.

(c) All restoration shall be done in accordance with good and acceptable planting practices. Trees that fail to survive as a result of the restoration work required for a period of two calendar years following planting shall be replaced by the property owner.

Section 21A-9. Emergency Removal.

(a) Trees on private property: in the event of (a) an actual or ongoing emergency condition when such immediate tree removal is necessary for the protection or preservation of life and/or property and (b) there is not sufficient time to wait for the granting of a permit, then removal of the tree shall be permitted without the otherwise required authorization.

(b) Public Trees: In the event of an emergency caused by a tree being in a dangerous condition imposing an immediate threat to person or property, any member of the Police or Fire Department, or the Superintendent of the Department of Public Works, or the Building Inspector, may authorize the removal of such tree immediately.

Section 21A-10. Responsibilities of Village.

(a) It is the responsibility of the Village to plant and maintain public trees. The Village may remove any tree which is in an unsafe condition or is harmful to sewers, electric power lines, gas lines, water lines or other public improvements.

(b) The Village shall not remove, top off, or substantially alter the shape of any living tree in the absence of one of the above conditions. Trees that are severely damaged by storms or other causes, or trees under utility wires or other obstructions where pruning practices are impractical, may be exempted from this provision.

(c) Where public trees are to be planted under utility lines, selections shall be made of a species compatible to be planted under power lines and other utilities. This section does not prohibit the planting of public trees by property owners provided that the Superintendent of the Department of Public Works has reviewed and approved such plantings.

Section 21A-11. Responsibilities of Property Owners.

(a) Any owner of a tree or shrub on private property overhanging any right of way within the Village shall prune the branches so that they do not obstruct the light from any street lamp, or the view of any street intersection, or any traffic control device. Owners shall remove all dead, diseased or dangerous trees or broken limbs which may be unsafe. Should owners fail to comply with this section upon written notification from the Building Department, the Department of Public Works shall have the right to (a) prune any tree or shrub on private property when it interferes with any of the aforementioned obstructions, and (b) bill the owner for the work at a rate to be determined by the Superintendent of the Department of Public Works.

Section 21A-12. Responsibilities of Utility Companies.

(a) Utilities, or their agents, responsible for maintaining rights of way in the Village shall follow the tree maintenance practices established by the National Arbor Day Foundation.

(b) Trimming of habit shall be in a reasonable manner to protect the health and appearance of the tree. Utilities performing work at street level or below shall take reasonable precautions against inflicting injury to any tree and/or its roots. If a utility proposes to remove any tree, advance permission must be obtained from the Superintendent of the Department of Public Works, except in the event of an emergency when a tree has fallen on a distribution line.

Section 21A-13. Designation of Historic Trees.

(a) The Superintendent of the Department of Public Works, with the assistance of experts in forestry and arboriculture and the consent of the property owner, may establish a register of historic trees to consist of those trees in the Village determined to be worthy of inclusion because of their age, size or specimen. Trees designated as historic may not be removed unless a certified arborist

determines, because of their condition, they are a danger to persons or property or that they are diseased and cannot be saved.

Section 21A-14. Appeal.

(a) Any person who is the subject of a decision under this Local Law, within 10 days of receiving such decision, may appeal to the Village Board of Trustees by giving written notice to the Village Clerk. The decision of the Village Board of Trustees on any appeal shall be the final decision.

Section 21A-15. Penalties for Offenses.

(a) Any person violating any of the provisions of this Local Law shall be fined \$500 for each offense. Each week's continued violation of any provision of this Local Law shall constitute an additional violation and may result in fines of up to \$500 per day. Fines will be deposited into the Tree Preservation Fund.

Section 21A-16. Enforcement.

(a) The Superintendent of the Department of Public Works, the Building Inspector, or their designees are hereby authorized to issue appearance tickets and stop work orders for violations of this Local Law.

Section 21A-17. Disclaimer of Liability.

(a) Nothing contained in this Local Law shall be deemed to impose any liability upon the Village, its officers, committees or employees, nor to relieve the owner of any private property from the duty to keep any tree or shrub on his/her property or under his/her control to prevent it from becoming a hazard, or an impediment to travel or vision, upon any street, park, or public space within the Village.

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.

A discussion ensued about changing the language in the law to include ornamental, fruit trees, and flowering tress which ended with no change in the language. Supt. of Public Works Frank DiMarco demonstrated visual aids showing an 8", 10", 12" and 14" DPH.

John Cavallaro made a note to amend the DPH to 10 inches.

Mayor Fitzpatrick questioned the banking of trees. Dennis Lucente said it would be economical for the homeowner to cut two trees at a time than one a year.

After discussion, it was agreed to amend the proposed law to reflect DPH of 10 inches and 2 trees in a 24 month period may be cut down.

Trustee Gorman motioned to close public hearing; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.

PUBLIC HEARING III

Motion to open public hearing on a proposed Local Law to amend Local Law No. 1 of 2009 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 February 8, 2010.

WHEREAS, legislation has been requested amending the garbage, trash and refuse collection procedures utilized in the Village of Tuckahoe so as to impose a fee for garbage collection by the Village from commercial establishments; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on September 23, 2009; on October 14, 2009 and on the 16th day of January 2010; and

WHEREAS, said public hearing was duly held on the 5th day of October 2009, and at such other dates as follows: February 8, 2010 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 10-17 of Local Law No. 1 of 2009 is hereby amended by adding the following definitions:

§ 10-17. Definitions.

Business – A building or property used for business, manufacturing or other commercial purposes, including senior living facilities, hotels and nursing homes.

Commercial Use – Any business use, including senior living facilities, hotels and nursing homes.

Mechanically Emptied Container – A 0.25 through 8 cubic yard container, the make and model of which is compatible with Village collection trucks. All such containers shall be on functioning casters or located to allow collection by Village vehicles and shall be equipped with lift bars and lift hooks compatible with Village equipment.

Section 2. Section 10-19 of Local Law No. 1 of 2009 is hereby amended as follows:

§ 10-19. Authority of Superintendent of Public Works

(1) 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, [fees to be charged] and such other matters pertaining to collection, conveyance, [fees] 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.

(2) Commercial uses within the Village will be designated as Class A through Class J depending on size, use, number of dwelling units or number of business uses. Property owners will be charged a fee as set by the Board of Trustees by resolution for such services. Fees will be billed on a quarterly basis and must be paid before services will be rendered.

(3) In order to use the Village services for pick-up of mechanically emptied containers, the business owner will be required to sign a collections agreement approved by the Village Superintendent of Public Works and pay the user fees as adopted by the Board of Trustees. Any commercial user may opt out of the Village collection and instead have his or her garbage and/or recyclables collected by a private carter. Such private collection shall be made at least once per week. Any such owner choosing to have his or her garbage collected by a private carter who had previously had his or her garbage collected by the Village shall notify the Village in writing that Village pick-up will not be necessary and advising which day of the week the private collection will be made.

(4) The Superintendent of Public Works shall promptly discontinue service to any person, residence, business, store, factory, restaurant or other commercial establishment for which the user fee is not timely paid.

(5) Where the property owner or tenant has provided a mechanically emptied container, the Superintendent of Public Works may authorize Village trucks to enter upon such property with the written permission of the owners. The location of the container must be approved by the Superintendent of Public Works.

Section 3. The provisions of this section shall be severable, and if any clause, sentence, paragraph, subdivision or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confirmed in its

operation of the clause, sentence, paragraph, subdivision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. 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 5. This Local Law shall take effect immediately.

Section 6. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

New Matter Underlined

Deleted Matter in Brackets []

Trustee Ecklund motioned to open public hearing; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.

Mr. DelGuidice of 111 Lake Ave, Dennis Lucente of Columbus Ave, 93-95 Phyllis McDonald, Select Insurance of 93-95 Main St, Terry Burd of 115 Main St, and the Mason Lodge voiced their opposition against the Village’s proposal to charge for commercial pick up.

Mayor Fitzpatrick read letters from Nicole Pushkal, Anthony Carpenito, and Tim Kelly also expressing opposition to the charge.

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

Village of Tuckahoe
Commercial Refuse and Rubbish Disposal Fees

The following schedule lists the class of commercial properties and how they will be billed for monthly Refuse and Rubbish disposal.

<u>CLASS</u>	<u>MONTHLY FEE</u>	<u>TYPE</u>
A	\$25.00	Barber shop, beauty or nail salon, small professional offices (not in class B), travel agency, real estate
B	\$30.00	Stationary store, drug store, office supply, doctor , dentist, lawyer office, medical or psychological institution, small retail store, laundromat & cleaners
C	\$50.00	Liquor store, banks, day care, car wash, coffee shops (no lunch or dinner served), ice cream parlor, occupied vacant lot (vehicle storage etc.) medium retail stores, gyms & courts
D	\$100.00	Auto body, bakery, delis, bars, small restaurant,

		gas station, large retail, small warehouse, manufacturing or auto repair shop, medium office
E	\$200.00	Medium restaurant, warehouse, manufacturing, auto repair shop, large offices
F	\$250.00	Large restaurants, auto repair shops
G	\$300.00	Large warehouse & manufacturing
H	\$500.00	Small assisted or senior living facility & hotels & nursing homes
I	\$750.00	Medium assisted or senior living facility, hotel & nursing home
J	\$1,000.00	Large assisted living or senior living facility, hotel or nursing home

Thursday pick up is not included in this fee schedule. An additional Thursday pick up will be charged class rate plus half per month. (Ex. Assisted living that has additional Thursday pick up will be charged \$500.00+\$250.00=\$750.00 per month).

A combination or multiple classes at one single establishment will be added accordingly. (Ex. Drug store Class B with retail Class C= \$30.00+\$50.00=\$80.00)

Definition of Class Size of Establishment (August 28, 2009)

	<u>RETAIL HOTELS</u>	<u>RESTAURANTS</u>	<u>OFFICES, WAREHOUSE,</u>	
	<u>ASSISTED & SENIOR</u>		<u>MANUFACTURING REPAIR FACILITY</u>	<u>LIVING</u>
	<u>NURSING HOME</u>			
SMALL	UP TO 1000 SF RESIDENCE	1-4 TABLES	UP TO 1000SF	1-50
MEDIUM	1000-2000 SF RESIDENCE	5-15 TABLES	1000-2000 SF	50-100
LARGE	2000 SF ON UP RESIDENCE	16 TABLES ON UP	2000 SF ON UP	100-150

RESOLUTIONS -

1. Mayor Fitzpatrick offered a resolution to accept a \$3,700 donation from the Generoso Pope Foundation for the New Year's Eve event. **Trustee Gorman motioned to adopt resolution #1; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.**

2. Mayor Fitzpatrick offered a resolution authorizing the Mayor to sign an Inter-municipal Agreement (IAM) between the County of Westchester and Village of Tuckahoe for Solid Waste and Recyclables Disposal for Refuse Disposal District #1. **Trustee Ecklund motioned to adopt resolution #2; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.**

3. Mayor Fitzpatrick offered a resolution approving membership into ICLEI – International Council for Local Environmental Initiatives and authorizing Frank DiMarco to act as representative of the Village of Tuckahoe . **Trustee Ecklund motioned to adopt resolution #3; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.**

4. Mayor Fitzpatrick offered a resolution AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH A CONSORTIUM OF MUNICIPALITIES TO CHALLENGE THE RATE INCREASES IMPOSED BY UNITED WATER NEW ROCHELLE

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 February 8, 2010.

WHEREAS, United Water New Rochelle (UWNR) provides water service, among other things, to the residents of the Village of Tuckahoe; and

WHEREAS, UWNR has proposed significant rate increases for water usage and significant increases to the inspection and service fees charged for fire hydrants within the municipal borders of the Village; and

WHEREAS, a consortium of municipalities, including the Village, have agreed to challenge the rate increases and inspection and service fees through the retaining of counsel; and

WHEREAS, the consortium have agreed to retain the law offices of David Wise, Esq. in connection with such challenge to rate increases and inspection and service fees; and

WHEREAS, as part of the consortium each municipality has agreed to set aside a sum certain to cover the costs of counsel in connection with such challenge to rate increases and inspection and service fees; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute an agreement with a consortium of municipalities for the retaining of counsel to challenge the aforesaid rate increases and inspection and service fees.

Section 2. In connection with the authorization granted in Section 1 hereof, the Village agrees to set aside a sum not to exceed \$5,000.00 for the retaining of counsel in connection with challenging the aforesaid rate increases and inspection and service fees.

Section 3. That this resolution shall take effect immediately.

Trustee Gorman motioned to adopt resolution #4; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.

5. Mayor Fitzpatrick offered a resolution SCHEDULING A PUBLIC HEARING CONCERNING A PETITION RELATING TO A PROPOSED AMENDMENT TO THE OFFICIAL ZONING MAP AND ZONING CODE OF 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 February 8, 2010.

WHEREAS, Crestwood Plaza, LLC (the "Petitioner") has submitted a petition, dated January 4, 2010, to the Village Board of Trustees for the rezoning of the premises known as 300 – 308 Columbus Avenue, Tuckahoe, New York and designated on the Tax Assessment Map of the Village of Tuckahoe as Section 42, Block 8, Lots 5 and 10 (collectively the "Premises"); and

WHEREAS, in connection with said petition, Petitioner seeks to have the Premises rezoned from the Business (B) Zoning District to the Business/Residence (BR) Zoning District as defined and described in the Village of Tuckahoe Zoning Ordinance of 2001; and

WHEREAS, also in connection with said petition, Petitioner seeks to implement certain zoning text amendments to the Village of Tuckahoe Zoning Ordinance of 2001; and

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to a proposed amendment to the Official Zoning Map of the Village of Tuckahoe as it concerns the rezoning of the Premises from the Business (B) Zoning District to the Business/Residence (BR) Zoning District; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of Village Law § 7-706 et seq. and other applicable law, a public hearing shall be held on or about the 22nd day of March 2010, 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 may be determined by said Board of Trustees whether the Official Zoning Map of the Village of Tuckahoe shall be amended to rezone the Premises from the Business (B) Zoning District to the Business/Residence (BR) Zoning District and further whether certain zoning text amendments shall be implemented in connection with said rezoning.

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 #5; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.

6. Mayor Fitzpatrick offered a resolution approving payment of vouchers in the amount of \$417,252.67 consisting of abstract #33 for \$63,131.26, abstract #34 for \$2,983.34, abstract #35 for \$254,798.33 and abstract #36 for \$96,339.74. The three largest invoices paid were for: (1) \$101,152.80 in employee health insurance premiums for January 2010, (2) \$79,750.00 for the second installment of work performed to date on the new DPW building and (3) \$19,885.00 for New York State's share of Justice Court fines and fees for the month of December 2009. **Trustee Ecklund motioned to adopt resolution #6; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.**

7. Mayor Fitzpatrick offered a resolution authorizing the Treasurer to close out the Internet Parking Ticket account with Hudson Valley Bank. **Trustee Quigley motioned to adopt resolution #7; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.**

8. Mayor Fitzpatrick offered a resolution SCHEDULING A PUBLIC HEARING CONCERNING THE REPEAL OF LOCAL LAW NO. 1 OF 1966, ENTITLED "SHADE TREE COMMISSION"

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 February 8, 2010.

WHEREAS, the Village Board of Trustees is considering the adoption of a new local law concerning the regulation and preservation of trees; and

WHEREAS, the Village Board of Trustees finds it in the best interests of the Village to repeal Local Law No. 1 of 1966, entitled, "Shade Tree Commission."

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 1st day of March 2010, 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 Local Law No. 1 of 1966, entitled "Shade Tree Commission" 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 #8; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

9. Mayor Fitzpatrick offered a resolution to award the Police Uniform Bid to the lowest responsible bidder, Paul's Police Equipment, 2630 East Tremont Avenue, Bronx, N.Y. in the amount of \$16,369.50 pending the approval of the Village Attorney. The Police Uniforms bids were opened on Friday, February 5, 2010 at 10 am in the Village Clerk's Office. **Trustee Ecklund motioned to adopt resolution #9; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.**

10. Mayor Fitzpatrick OFFERED A RESOLUTION EXTENDING THE EFFECTIVENESS OF TAXICAB LICENSES AND TAXICAB OWNERS' LICENSES THROUGH AND INCLUDING JANUARY 31, 2010 AMENDED INCLUDING FEBRUARY 28, 2010. **Trustee Marcoccia motioned to adopt resolution #10; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.**

Trustee Marcoccia motioned to approve the minutes of the regular meeting of January 11, 2010; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS –

Building Department - Bill Williams reported on the 2009 activities for his department showing that fees collected were down. The Mayor and Building Inspector discussed the change in the certified mail service saying that the post office No longer makes 3 attempts – only one - for certified mail. As a result, the Village has instituted a policy requiring the posting of a sign on the property that is going before Zoning or Planning.

Department of Public Works- Supt. of Public Works Frank DiMarco reported that the work on Midland Avenue is almost complete and the DPW facility is coming along.

Police Department- Chief Costanzo warned of Fraudulent Solicitation by two companies who claim to represent the Tuckahoe School District in soliciting fund for a Tuckahoe High School 2010 Spring Sports Poster/Calendar.

Mayor Fitzpatrick informed the residents that tax receipts will not be mailed. The top half of the tax bill is the receipt which needs to be removed before mailing. For those requiring a copy, for tax purposes, to call the Clerk's Office.

MISCELLANEOUS BUSINESS –

Next Village Board meeting is March 1st – 8PM.

Village offices will be closed on Monday, February 15th in observance of the Presidents Day holiday.

DPW is closed on Friday, February 12. Garbage is picked up the day before Thursday. DPW is also closed on Monday, February 15th. Garbage will be picked up on Tuesday and Tuesday's bulk material will be picked up with Thursday's pick up.

BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE MARCOCCIA-** Snow angels need volunteers; the Amanda Law will go into effect on February 22, 2010 and all homes must have carbon monoxide detectors.
- **TRUSTEE ECKLOND-** DPW sprayed the streets with brine to gear up for the storm; Village hall is ongoing minor renovations and the DPW pickup schedule is available on the Village's website.
- **TRUSTEE GORMAN-** announced Zoning, Sign & awning, THA, Tree, and Environmental meeting dates; planning is cancelled.
- **TRUSTEE QUIGLEY –** The Tuckahoe School Foundation had its fundraiser last Friday.

MAYOR FITZPATRICK- the Eastchester St. Patrick's parade will be held March 14th. He read a letter from Cablevision regarding Cable's TV guide. A sketch, prepared by Sandy Reyes-Guerra, was viewed showing what trees would be suitable to plant as street trees.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

Linda Cohen from Senator Klein's office said that the Senator will be celebrating Black History month at the Mt. Vernon Armory on Feb. 28th.

Jeff Zuckerman reported that Senator Klein had given \$100,000 to the Tuckahoe School Foundation. With regard to the proposed price increases by United Water, he suggested a web link for residents to utilize to send e-mails to express their views.

There being no further business, the Board unanimously voted to adjourn the meeting at 9:45 P.M.

Susan Ciamarra, Village Clerk