

## **FEBRUARY 9, 2009**

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

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

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

### **V. PUBLIC HEARINGS**

#### **PUBLIC HEARING I.**

##### **LOCAL LAW NO.4 OF 2009**

CONTINUATION OF PUBLIC HEARING – LOCAL LAW #4 OF 2009 (previously referred to as Local Law #9 of 2008 and Local Law No. 2 of 2009) 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.

Correspondence received from the Deputy Commissioner of the Westchester County Planning Board on the proposed zoning amendment to the Village's zoning map to rezone the Marbledale Road Industrial corridor to a General Zoning District in accordance with the recommendations of the Village of Tuckahoe Comprehensive Plan, adopted May 2008, advising that under the provisions of Section 239 L,M and N of the General Municipal Law and Section 277.61 of the County Administrative Code find that there are no County or intermunicipal planning issues of concern to the County Planning Board.

**Trustee Gorman motioned to open public hearing was seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

Mayor Fitzpatrick noted that the Board is waiting to receive language on the proposed amendment from the Village consultant, Frank Fish. He then asked Bill William to follow up with a memo to Frank Fish requesting a map and proposed language.

**No public comments.**

**Trustee Coleman motioned to keep the public hearing open was seconded by Trustee Gorman and upon roll call was carried by a vote 5-0.**

**VI. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS**

**VII. No public comments**

**RESOLUTIONS -**

**1. Mayor Fitzpatrick offered a Resolution ADOPTING LOCAL LAW #1 of 2009 (previously referred to as Local Law #7 of 2008 and Local Law No. 8 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 January 12, 2009.

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, and at such other dates as follows: July 14, 2008, August 11, 2008, September 8, 2008, September 22, 2008, October 27, 2008, November 24, 2008 and December 8, 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) COLLECTION DAY – days scheduled by the Village for different types of pick-up.
- (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 three or more dwelling units.
  - (e) NONRESIDENTIAL PREMISES — Commercial, industrial or institutional premises or a parcel of land containing three 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 two 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) RECYCLABLES – materials collected and picked up by the Village destined for disposal and reprocessing or remanufacturing for further use.

- (m) 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.
- (n) 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.
- (o) BULK RUBBISH — Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as but not limited to metals, 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.
- (p) SIDEWALK — That portion of a street between the curb-lines of a roadway and the adjacent property lines intended for the use of pedestrians.
- (q) 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.
- (r) VILLAGE — The Village of Tuckahoe, Westchester County, New York.
- (s) YARD WASTE — 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 three 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, the Building Inspector, the Code Enforcement Officer 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 twenty-four (24) hours after the service of said notice, said owner, lessee, contractor, tenant or other person may 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. Notwithstanding the foregoing, owners, lessees, contractors, tenants or other persons having management or control of or occupying any lot or plot of land shall only be entitled to three (3) notices in any calendar year.
- (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 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. No person shall illicitly discharge any liquid wastes or fluids or debris into any storm drain.
- (e) Animal's 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, 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.

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 60 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 60 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 two containers per any one dwelling unit. Commercial areas are limited to two 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 60 pounds.
- (3) Quantities of refuse to be collected are limited as follows:
  - (a) Garbage. The equivalent of two thirty-two-gallon containers each collection day.
  - (b) Yard Rubbish. The equivalent of two 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 12 hours before regular pickup.
  - (c) Christmas trees. Trees shall be placed at the curb area and will be collected by regular collection yard waste during the months of January and February 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 12 hours before regular pickup and shall be equal to no more than two thirty-two-gallon containers in size. All large household metal items shall be placed at curbside no more than 12 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 12 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." Moreover, the Village shall not collect or dispose of any "building materials" generated by a contractor or resident contractor. Notwithstanding the foregoing, in the event that building materials result from or is generated by work performed by a property owner or resident, individually, the building materials may be placed at the curb for collection and pick-up by the Village provided that the quantity of such building materials does not exceed 60 pounds per collection day. In collecting such building materials, the Village shall only collect and pick-up building materials limited to wood, wooden studs, doors, trim and sawdust. 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.
- 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.

D. The Village shall have no obligation to collect, pick-up and/or remove any

refuse, garbage, bulk rubbish, yard waste, building materials, appliances and/or household furnishings which were not generated and/or created by an owner, lessee, tenant or other person having management or control of or occupying any lot or plot of land in the Village.

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  
Deleted Matter in Brackets [ ]

**Trustee Ecklund motioned to adopt Local Law No. 1 of the year 2009 as outlined in Resolution #1; motion was seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**2. Mayor Fitzpatrick offered a Resolution** establishing fees for commercial garbage pick up as follows:

1. Any food establishment (Restaurants, Delis & Luncheonettes) will pay \$15.00 per yard for each pickup.
2. All others will pay \$15.00 per yard for each pickup.
3. No charge for recyclable pickup. (Cardboard, bottles, cans, metals & E-waste)

**Trustee Ecklund motioned to adopt resolution #2, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

- 3. Mayor Fitzpatrick offered a resolution adopting Local Law No. 2 of 2009 (previously referred to as Local Law No. 3 of 2009 - A LOCAL LAW AMENDING CHAPTER 13A OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "LANDLORD REGISTRY"**

**Trustee Gorman motioned to adopt Resolution #3, seconded by Trustee Ecklund and upon roll call was carried by a vote 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 January 12, 2009.

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 16th day of December 2008; and

WHEREAS, said public hearing was duly held on the 12th day of January, 2009, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

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

Section 1. 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 dwellings, [multifamily] multiple dwellings, 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) except as provided in subsection (iii) below, 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.
  - (iii) residents of the Village of Tuckahoe who certify their Village residency in accordance with the procedures set forth in this chapter shall be exempt from payment of the annual registration fee of fifteen dollars (\$15.00).

#### § 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 business addresses and contact telephone numbers. Where the owner is a corporation or similar entity, the sign shall contain the names and contact telephone numbers of the principals thereof.

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

Section 3. This Local Law shall take effect immediately.

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

New Matter Underlined

Deleted Matter in Brackets [ ]

**4. Mayor Fitzpatrick offered a resolution to adopt - LOCAL LAW NO. 3 OF 2009 – (previously referred to as Local Law No. 4 of 2009) A LOCAL LAW AMENDING SECTIONS 17-1, 17-4 AND 17-6 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED “DEFINITIONS”, “APPLICATION FOR LICENSE; BOND” AND “LICENSE FEES, ETC.”, RESPECTIVELY, IN CHAPTER 17, ENTITLED, “PEDDLERS, HAWKERS, VENDORS AND SOLICITORS”**

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 January 12, 2009.

WHEREAS, the Village Board of Trustees has requested legislation amending Sections 17-1, 17-4 and 17-6 of the Village Code of the Village of Tuckahoe, entitled “Definitions”, “Application for license; bond” and “License Fees, etc;” respectively and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 16th day of December 2008; and



WHEREAS, said public hearing was duly held on the 12th day of January 2009, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

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

Section 1. Section 17-1, entitled "Definitions" of the Village Code of the Village of Tuckahoe, is hereby amended as follows:

**§ 17-1. Definitions.**

For the purposes of this chapter, the following definitions shall apply:

*Established place of business* means and includes a building or store in which or where a person continuously transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits for during usual business hours.

*Hawker and peddler* mean and include [, except as hereinafter expressly provided,] any person either principal or agent, who, in any public place or street or by going from house to house or place of business, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise [, except milk, newspapers and periodicals].

*Solicitor* means and includes any person who goes from place to place or house to house or who stands in any public place or street taking or offering to take orders for goods, wares or merchandise [, except newspapers or milk,] or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

Section 2. Section 17-4, entitled "Application for license; bond" of the Village Code of the Village of Tuckahoe, is hereby amended and supplemented as follows:

**§ 17-4. Application for license; bond**

(a) Any person desiring to procure a license as provided in this chapter shall file with the Village Clerk a written application upon a blank form furnished by the village and shall file at the same time satisfactory proof of good character. Such application shall give the number and kind of vehicles to be used by the applicant in carrying on the business for which the license is desired, the kind of goods, wares and merchandise he desires to sell or the kind of services he desires to perform, the method of distribution, the name, address and age of the applicant, the name and address of the person, firm or corporation he represents, the length of time the applicant desires the license, and such other information as may be required by the Village Board.

(b) An application for a license shall also be accompanied by a bond to the village approved as to form and surety by the Village Clerk and Treasurer in the penal sum of two hundred dollars (\$200.) with a sufficient surety or sureties or sufficient collateral security, conditioned for the due observance during the time of the license of any and all ordinances which are now in force or may be hereafter adopted by the Village Board respecting hawking, peddling and soliciting. In the case of solicitors who demand, accept or receive payments or deposits of money in advance of final delivery, such bond shall be further conditioned for making final delivery of goods, wares or merchandise ordered or service to be performed in accordance with the terms of such orders, or failing therein, that the advance payment on such be refunded. Any person aggrieved by the action of any such licensed solicitor shall have a right by action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect and in case of a cash deposit; such deposit shall be retained by the village for a period of ninety (90) days after the expiration of such license, unless sooner released by the Village Board.

(c) All applicants for peddler, hawker and/or solicitor permits shall be required to have their fingerprints taken by the Village Police Department. The Chief of Police may forward such fingerprint impressions to the Division of Criminal Justice Services of the State of New York for investigation and examination.

Section 3. Section 17-6, entitled "License Fees, etc" of the Village Code of the Village of Tuckahoe, is hereby amended and supplemented as follows:  
**§ 17-6. License fees, etc.**

(a) The license fees shall be as follows:

(1) For new licenses issued for the first time to an applicant: for one (1) year, four hundred dollars (\$400.); for one-half (1/2) year, two hundred dollars (\$200.); for three (3) months or less, one hundred twenty dollars (\$120.).

(2) For licenses issued to applicants who have held a valid license within nine (9) months prior to said application: for one (1) year, three hundred dollars (\$300.); for one-half (1/2) year, one hundred fifty dollars (\$150.); for three (3) months or less, ninety dollars (\$90.).

(3) The license shall be effective for such period of time as determined by the Village Board of Trustees. [No license shall be issued for less than three (3) months].

(b) Any holder of a license issued by the Clerk of Westchester under the General Business Law of the State of New York, §§ 1 and 2, and who is a resident of the Village of Tuckahoe and who has been such a resident for at least six (6) months at the time of application for a license under this chapter shall, upon presentation of proof of such facts to the Village Clerk, and who is otherwise qualified for a license under this chapter, be entitled to a license under this chapter without payment of fees.

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 adopt resolution #4, seconded by Trustee Gorman and upon roll call was carried by a vote 5-0.**

**5. 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
Executive Director	“	“	\$7,700	“ “ \$77.500

**Trustee Gorman motioned to adopt Resolution #5, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**6. Mayor Fitzpatrick** offered a resolution authorizing payment of vouchers in the amount of \$371,639.21 consisting of abstract #30 for \$33,939.35; abstract #31 for \$99,748.26; #33 \$17,352.00; abstract #34 for \$197,379.64; and abstract #35 for \$23,219.96. The largest are to NYS Employee Health Insurance for 2/09 Health Insurance \$92,245.74, Receiver of Taxes for school taxes \$20,926.04, and Atlantic Salt, Inc. for salt supply \$24,303.56.

**Trustee Gorman motioned to adopt Resolution #6, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**7. Mayor Fitzpatrick** offered a resolution ratifying board action approving the issuance of a Special Cabaret License for Mamma Assunta Restaurant for January 23, 2009 from 7:30pm to 10:30pm.

**Trustee Gorman motioned to adopt Resolution #7, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**8. Mayor Fitzpatrick** offered a resolution authorizing the Mayor to sign agreement between Village of Tuckahoe and Complus Data Innovations, Inc. (Complus) for the processing of parking tickets using the “FastTrack” Parking Ticket Management System for a period of one year.

**Trustee Gorman motioned to adopt Resolution #8, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**9. Mayor Fitzpatrick** offered a resolution authorizing the Mayor to sign a Business Associate Agreement between the Village of Tuckahoe and

Fitzharris & Company to provide certain services associated with the administration of the dental insurance policies.

**Trustee Gorman motioned to adopt Resolution #9, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**10. Mayor Fitzpatrick OFFERED A RESOLUTION SCHEDULING A PUBLIC HEARING ON AMENDING THE CODE OF THE VILLAGE OF TUCKAHOE, SECTIONS 15-46 THROUGH 15-49, ENTITLED "ALCOHOLIC BEVERAGES" AND COMMONLY KNOWN AS THE "OPEN CONTAINERS LAW"**

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 9, 2009.

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to an amendment to Sections 15-46 through 15-49 of the Code of the Village of Tuckahoe, commonly known as the "Open Containers Law."

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 2nd day of March 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 certain sections of the Code of the Village of Tuckahoe, to wit: Sections 15-46 through 15-49, entitled "Alcoholic Beverages" and commonly known as the "Open Containers Law" 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.

**Trustee Ecklund motioned to adopt Resolution #10, seconded by Trustee Gorman and upon roll call was carried by a vote 5-0.**

**11. Mayor Fitzpatrick OFFERED A RESOLUTION SCHEDULING A PUBLIC HEARING ON AMENDING LOCAL LAW NO. 1 OF 2008 COMMONLY KNOWN AS THE "SIGN AND AWNING LAW"**

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 9, 2009.

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to an amendment to Section 3-25 of Local Law No. 1 of 2008, commonly known as the "Sign and Awning Law."

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 2nd day of March 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 of Local Law No. 1 of 2008, to wit: Section 3-25, 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.

**Trustee Gorman motioned to adopt Resolution #11, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**12. Mayor Fitzpatrick** offered a resolution establishing fees for signs and awnings as follows:

1. Each establishment displaying a sign and/or awning shall be charged an annual fee of \$50.00 for each business, collected every three years.

**Trustee Ecklund motioned to adopt Resolution #12, seconded by Trustee Marcoccia and upon roll call was carried by a vote 5-0.**

**13. Mayor Fitzpatrick** offered a resolution to approve awarding the highest bid in the amount of \$4,502.00 for the sale of a 2002 Jeep Liberty from the Tuckahoe Police Department to John Cuccinello.

**Trustee Ecklund motioned to adopt Resolution #13, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**14. Mayor Fitzpatrick** offered a resolution to approve awarding the highest bid in the amount of \$1,207.00 for the sale of a 2002 Ford Contour from the Tuckahoe Police Department to Chicago Motors, Inc., 2553 W. Chicago Avenue, Chicago, IL 60622.

**Trustee Ecklund motioned to adopt Resolution #14, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**15. Mayor Fitzpatrick** offered a resolution authorizing Bill Williams, Building Inspector, as the official to make an inspection of the property known as 99 Main Street. Upon completion of inspection a written report thereon shall be submitted to the Village Board in accordance with section 6-73 code of the Village of Tuckahoe.

**Trustee Ecklund motioned to adopt a Resolution #15, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

## **VII. APPOINTMENTS –**

**Mayor Fitzpatrick recommended for appointment Chris Kannel of 34 Westview Avenue as a member of the Planning Board to fill the unexpired term of James Vaughn to April, 2011. Motion by Trustee Ecklund, seconded by Trustee Coleman and upon roll call vote was carried by 5-0 to approve the appointment. Mr. Kannel said he looks forward to the opportunity of serving the community.**

**VIII. APPROVAL OF MINUTES –**

**Trustee Ecklund motioned to approve the minutes of the regular meeting of January 12, 2009, was seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**IX. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS –**

**BUILDING DEPARTMENT:** Bill Williams reported that he received a complaint regarding the hazardous condition of the building located at 99 Main Street. He said the building is about to fall down and what is holding the façade is the street shed. He requested Board approval authorizing him, as Building Inspector, to make an official inspection of this building. (See resolution #15 above dealing with approval)

**POLICE DEPARTMENT:** Chief Costanzo reported that \$10 and \$20 counterfeit bills are circulating throughout the Village and one arrest has been made. Signs with the reduced speed limit of 25MPH have been posted on Oakland Avenue and will be strictly enforced. There was a manhunt for the Block Buster robbery and the person has been captured. Trustee Gorman thanked the police for their collection for the troops in Iraq.

**CLERK'S OFFICE:** Camille DiSalvo, Deputy Clerk, announced that Village Hall Offices will be closed on Monday, February 16, 2009 in observance of Presidents' Day. Trustee Gorman reminded the residents that DPW will be closed on Thursday, February 12, 2009 and bulk pick-up will be on Friday. Assessment property Grievance Day is scheduled for February 17<sup>th</sup>

**X. CORRESPONDENCE**

**XI. MISCELLANEOUS BUSINESS –**

**Volunteers needed for a Complete Count Committee for the 2010 Census. The committee will be made up of community political, education, religious and neighborhood leaders to provide outreach and education in order to promote awareness and importance of the 2010 Census for Tuckahoe and New York State. These individuals will attend local events, visit meetings of local organizations and prepare promotional materials for local media to encourage residents to complete the census forms.**

**The next scheduled Village Board Meetings for March are Monday, March 2<sup>nd</sup> and Monday, March 30<sup>th</sup>**

## XII. BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE MARCOCCIA** reported that the tentative budget needs to be filed by March 20, 2009 with budget hearing scheduled for the April meeting.
- **TRUSTEE ECKLOND** reported that he, Frank DiMarco, Supt. of Public Works and John Pintos, Treasurer had attended a CDBG meeting in the County to obtain funding results of the various projects applied for under CDBG funding. Of the nine projects applied for, the Village is tentatively scheduled to receive funding for four. For 2009 there will be no funded projects. In 2010, \$100,000 has been earmarked for renovations to the Main Street Park and \$33,000 for sidewalk improvements to Terrace Place. In 2011, \$125,000 has been allocated for sanitary sewer re-lining project and \$50,000 for Columbus Avenue Sidewalk improvements. This year the Village will receive \$38,000 grant money for the Thompson Street Lot repaving project. **Mayor Fitzpatrick** thanked Trustee Ecklund for his hard work.
- **TRUSTEE GORMAN** reported that the Planning Board meeting is on February 24<sup>th</sup>. Zoning Board meeting for February has been cancelled. The Environmental committee meeting is scheduled for February 11<sup>th</sup>. ECAP is celebrating African-American History Month on February 21<sup>st</sup>. The Seniors' new officers were appointed. Jennie Angelo, president; Marie Solan, vice president; Lucille Sorzo corresponding secretary; Millie Allen, recording secretary; treasurer, Adele Frances, assistant treasurer; Laura Cerasi, Elizabeth Cavatao membership chair; Dorothy Calabro, trip chair; and Joanne Tigheroller, program committee chair.
- **TRUSTEE COLEMAN** reported that the Youth Advisory committee is coordinating an event with the Tuckahoe School and My Sister's Place, in White Plains, about safe dating.
- **MAYOR FITZPATRICK** reported that due to the filming complaints received mainly due to the location of where the trucks were parked, the Mayor will now sign-off on filming projects. At the end of January a Resident's meeting was held at the community Center with a group from the Consulate being agitated with the set up of the Parkway Oval parking lot. In 2007, 14 Consulate residents erroneously received resident parking



permits. In 2009, nine individuals have purchased spaces in the Parkway Oval lot. The Board will address this matter further. Residents need to keep in mind that the 48 hour rule applies even with permits which means that no one may keep their car parked in the same spot for longer than 48 hours.

There being no further business the Board unanimously voted to adjourn the meeting at 9:23 PM.

---

Susan Ciamarra, Village Clerk