

July 9, 2007

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

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

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

Mayor Fitzpatrick offered condolences to the Clarke family on the passing of Paul Clarke, a longtime resident and member of the Master Plan committee.

PUBLIC HEARING #1

**CONTINUATION OF PUBLIC HEARING ON LOCAL LAW NO. 5 OF 2007
A LOCAL LAW AMENDING SECTION 22-24 OF THE VILLAGE CODE OF THE
VILLAGE OF TUCKAHOE, ENTITLED "LICENSE FEES" WITHIN CHAPTER 22
VEHICLES FOR HIRE, ARTICLE II PUBLIC CARRIAGES AND HACKS**

Trustee Ecklund motioned to continue this public hearing was seconded by Trustee Gorman and upon roll call was carried with 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 June 11, 2007.

WHEREAS, the Police Department has requested legislation amending Section 22-24 of the Village Code of the Village of Tuckahoe, entitled "License Fees" within Chapter 22 Vehicles for Hire, Article II Public Carriages and Hacks; and

WHEREAS, notice of said public hearing was duly advertised in the Hometown Report, the official newspaper of said Village, on the 25th day of May 2007; and

WHEREAS, said public hearing was duly held on the 11th day of June 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, 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 22-24 of the Village Code of the Village of Tuckahoe entitled "License Fees" as contained within Chapter 22, Vehicles for Hire, Article II Public Carriages and Hacks, is hereby amended as follows:

The following fees shall be collected by the Village Clerk for each license issued, whether original or renewal:

- a. For each taxicab license issued, the sum of one hundred seventy five dollars (\$175) [one hundred fifty dollars (\$150)] for each six-month period.
- b. For each taxi driver's license, the sum of fifty dollars (\$50) [twenty dollars (\$20)] each year.
- c. For each taxicab owners license, the sum of one hundred dollars (\$100) [sixty-two dollars and fifty cents (\$62.50)] for each six-month period.

Section 2. The amended fees, as set forth in Section 1 herein, shall become effective on July 1, 2007.

Section 3. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 4. This Local Law shall take effect immediately.

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

New Matter Underlined

Deleted Matter in Brackets []

Public Comments

Mr. Anthony Campanile, owner of the Crestwood Taxi, said he was not against the increase in the fees but would like the Board to consider a rate increase for taxi ride within the Village of Tuckahoe limits. The current \$3.50 rate, established in 1995, be increased to \$5.00 to help offset the increase in operations and gas prices. Mayor Fitzpatrick voiced his concern regarding protecting the seniors as they live on a fixed income. Mr. Capanile agreed to keep the senior rate at \$3.50, Monday – Friday 10:00am – 3:00pm. The mayor noted that the Board will take the matter under consideration.

Trustee Ecklund motioned to close public hearing seconded by Trustee Gorman and upon roll call was carried with a vote of 5 -0.

Trustee Ecklund motioned to adopt Local Law #5 of 2007 seconded by Trustee Gorman and upon roll call was carried with a vote of 5 -0.

PUBLIC HEARING #2 – Local Law #6 of 2007

**A LOCAL LAW APPROVING AND ADOPTING THE VILLAGE ZONING MAP, AS AMENDED,
AS THE OFFICIAL ZONING MAP OF THE VILLAGE OF TUCKAHOE**

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

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 9th day of July 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties on a proposed Local Law entitled, "A LOCAL LAW TO APPROVE AND ADOPT THE ZONING MAP OF THE VILLAGE OF TUCKAHOE, AS AMENDED, AS THE OFFICIAL ZONING MAP OF 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 11th day of June, 2007; and

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

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

WHEREAS, the Village Board hereby adopts a negative declaration pursuant SEQRA; and

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

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

Section 1. Official Zoning Map

The Zoning Map of the Village of Tuckahoe, as amended and annexed hereto as Exhibit "A," entitled "Zoning Map, Village of Tuckahoe," is hereby approved and adopted by the Village as the Official Zoning Map of the Village of Tuckahoe, until and unless said Map is further amended or modified by resolution or local law duly enacted by the Village Board of Trustees.

Section 2. The Zoning Ordinance

Section 2-2 of the Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended as follows:

Zoning Map.

The boundaries of said districts are hereby established as shown on the map entitled "Zoning Map, Village of Tuckahoe," dated and adopted in July 2007 [May 2000], which accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter.

Section 3. Separability

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

Section 4. Controlling Provisions

To the extent this Local Law conflicts with any other resolutions or local laws of the Village of Tuckahoe, this Local Law shall be controlling.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law. 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 State.

New Matter Underlined

Deleted Matter in Brackets []

Mr. Frank Fish, Village Consultant, said the proposed Local Law is officially have all changes that have been made in the past reflected on the map. In summary, the law will update the Zoning Map of the Village of Tuckahoe. Mr. Fish noted that the Mirado Properties which were re-zoned did not include the property occupied by ECAP. This map will correct that and reflect all the changes.

Mr. John Cavallaro, Village Attorney, noted that he filed a GML 239-m Referral and received a response from the Westchester County Planning Board indicating that they reviewed this matter and that there are no county or planning issues of concern and that this was a matter for local community.

No Public Comments

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

Trustee Gorman motioned to adopt Local Law 6 of 2007 was seconded by Trustee Zocchi and upon roll call was carried with a vote of 5 – 0.

PUBLIC HEARING #3 - LOCAL LAW NO.7 OF 2007

A LOCAL LAW AMENDING THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001 TO SUPPLEMENT SAID ZONING ORDINANCE TO PROVIDE FOR A SECTION 5-1.7., ENTITLED “MERGED LOTS”

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

WHEREAS, on June 11, 2007 a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 9th day of July 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties on a proposed Local Law to be proposed as Section 5-1.7. to the Zoning Ordinance of the Village of Tuckahoe of 2001 therein and to be entitled "Merged Lots," and, if enacted, said Section would require and mandate that nonconforming parcels of land having common ownership with an adjacent parcel, or any another parcel of land used for the development of an adjacent parcel having common ownership shall be deemed to be a single lot; and

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

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

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

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

NOW, THEREFORE,

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

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

5-1.7. Merged Lots

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

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

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

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

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

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

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

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

Section 2. Separability

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

Section 3. Controlling Provisions

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

Section 4. Effective Date

This Local Law shall take effect on _____, 2007.

Section 5. Notice of Adoption

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

John Cavallaro, Village Attorney, gave an overview of the proposed local law noting that if a resident owned a one family lot, with an adjacent parcel of land, with a structure such as a detached garage on the parcel of land, it will be merged and deemed one lot. The adjacent parcel or accessory lot can only be combined if it has a building on it, used by the main lot.

Mr. Fish noted that it is common practice within Westchester County to merge lots as it is the only way to make the lot a conforming lot.

Mayor Fitzpatrick stated that a resident called his office concerning this as he owns a one 50 x 100 lot and two 25 x 100 lots. If merged together, it would be approximately a 5000 sq. ft. lot.

John Cavallaro noted that the accessory lots will only be merged if they have a structure on them and are used by the main lot. If the lots are vacant, they will not be merged. Such structures include; garages, pools, decks, and tool sheds; this change will decrease the number of non-conforming lots, create more open space, create a greater buffer area, and prevent 'spot' building.

Mr. Fish added that neighboring communities merge accessory lots with or without buildings on them.

Public Comments

Tom McNamara, 58 Winterhill Rd., voiced his approval of the law as this law will alleviate the density problem. He asked if a property owner can knock down an existing structure on the accessory lot and replace it with bigger structure. Mr. Cavallaro indicated that a 'habitable' structure rather than a 'use' structure would trigger set back requirements, use variances, and zoning issues. He added that the Town Assessor will be notified of the merged lots; and there should be no change in the assessment as it entails just removing a lot line.

Ms. Susan Ciamarra, Village Clerk, said she received two correspondences concerning this matter. One was from Nicholas Ventresca of 229 Alpine Place who opposed this amendment and the one letter from the Westchester County Planning Board indicating that they reviewed this matter and stated that there are no county or planning issues of concern and that this was a matter for local community.

Trustee Ecklund motioned to close the public hearing was seconded by Trustee Zocchi and upon roll call was carried with a vote of 5 – 0.

PUBLIC HEARING #4 - LOCAL LAW NO. 8 OF 2007

A LOCAL LAW AMENDING AND SUPPLEMENTING THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE CONCERNING A SEX OFFENDER RESIDENCY RESTRICTION LAW

Trustee Gorman motioned to open the public hearing seconded by Trustee Zocchi and upon roll calls was carried unanimously.

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on July 9, 2007.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing held by the Village Board on the 9th day of July 2007, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties concerning an amendment and supplement to the Village Code of the Village Tuckahoe, which would prohibit Level 2 Registered Sex Offenders and Level 3 Registered Sex Offenders from residing within a one thousand (1,000) foot radius of any park as defined by the legislation; 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 June 2007; and

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

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

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

Now, Therefore,

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

The Village Code is hereby amended and supplemented to add a Chapter 19A, entitled "Sex Offender Residency Restriction Law" as follows:

Section 1.

Chapter 19A

Sex Offender Residency Restriction Law

SECTION 19A-1.: Finding and Intent

(a) The Board of Trustees of the Village of Tuckahoe ("Village Board") recognizes that the Sex Offender Registration Act, New York's version of Megan's Law (Correction Law Article 6-C) has increased public awareness of sex offenders by requiring them to become registered with authorities and making such information available to the public.

(b) The Village Board finds that registered sex offenders pose a significant threat to the health and safety of the community and especially to children, whose age and inexperience make them particularly vulnerable to the heinous and reprehensible acts of these offenders. The Village Board also finds that the rate of recidivism is high and programs designed to treat and rehabilitate these types of offenders have been largely ineffective. The Village Board further finds that restricting registered sex offenders from residing in close proximity to places where children are likely to congregate is likely to reduce the opportunity and temptation for, and can minimize the risk of, repeated acts against minors.

- (c) The Village Board further finds that Level 2 and Level 3 Sex Offenders present a particular danger when they live in close proximity to parks and playgrounds where children play and congregate. The Village's compelling governmental interest in ensuring that children and those of a vulnerable population do not become victims of sex crimes is best served by limiting the occasions for contact between vulnerable populations and these registered sex offenders, and the residency restriction contained in this article is therefore necessary to protect vulnerable populations from sex offenders who may relapse into criminal behavior.
- (d) It is the intention of the Village Board to exercise its authority pursuant to Article IX of the New York State Constitution and §10 of the Municipal Home Rule Law, to protect and safeguard the lives and well-being of the community, especially minors, from registered sexual offenders, by prohibiting Level 2 and Level 3 Registered Sex Offenders from residing in close proximity to places where children could naturally congregate, such as public parks and playgrounds.
- (e) This Chapter is intended to create a civil, non-punitive regulatory scheme in order to protect minors to the extent possible under the circumstances and not as a punitive measure of any kind.

SECTION 19A-2.: Definitions

For purposes of this Chapter, the following terms shall have the meanings indicated:

DOMICILE - A person's true, fixed permanent home or fixed place of habitation.

PARK - Shall mean the multipurpose basketball, tennis and playground courts known as Main Street Park, located at the corner of Main Street and Marbledale Road, Tuckahoe, New York; Constitution Park and Playground, located at the corner of Circuit Avenue and Pleasant Avenue, Tuckahoe, New York; Fisher Park and Playground, located at the corner of Fisher Avenue and Marbledale Road, Tuckahoe, New York; Garrett Park, located at or about Tuckahoe Road and Yonkers Avenue, Tuckahoe, New York; Union Park, located at the corner of Union and Washington Streets, Tuckahoe, New York; and Parkway Oval Park, located at the corner of Bronx Street and Railroad Avenue, Tuckahoe, New York.

REGISTERED SEX OFFENDER - A sex offender who is required to register with the New York State Division of Criminal Justice Services or other agency having jurisdiction pursuant to the provisions of Article 6-C of the Correction Law of the State of New York or other applicable or successor law, whether or not the sex offender has actually registered in compliance with the law of the court of competent jurisdiction.

RESIDENCE - The place where a person sleeps, which may include more than one location and may be mobile or transitory.

LEVEL 1 REGISTERED SEX OFFENDER - Shall mean a sex offender determined by the New York State Board of Examiners of Sex Offenders to pose a low risk of recidivism.

LEVEL 2 REGISTERED SEX OFFENDER - Shall mean a sex offender determined by the New York State Board of Examiners of Sex Offenders to pose a moderate risk of recidivism.

LEVEL 3 REGISTERED SEX OFFENDER - Shall mean a sex offender determined by the New York State Board of Examiners of Sex Offenders to pose a high risk of recidivism.

SECTION 19A-3.: Restrictions Established

It shall be unlawful for any Level 2 Registered Sex Offender or Level 3 Registered Sex Offender to establish a Residence or Domicile within a one thousand (1,000) foot radius of any Park as defined herein.

SECTION 19A-4.: Relocation

Any Level 2 Registered Sex Offender or Level 3 Registered Sex Offender who establishes a Residence or Domicile in violation of the residency restrictions set forth in Section 19A-3 of this Chapter shall have sixty (60) days from receipt of a written notice from the Village Clerk to relocate to a location which does not violate the restrictions set forth in Section 19A-3 of this Chapter.

SECTION 19A-5.: Applicability

This Chapter shall not apply to any Level 1 Registered Sex Offender.

This Chapter shall not apply to any Level 2 Registered Sex Offender or Level 3 Registered Sex Offender if that person is required to be domiciled at a location fixed by an order of a court of competent jurisdiction or by any federal, state or county agency having jurisdiction thereof.

This Chapter shall not apply to any premises or properties that are located outside of the geographical boundaries of the Village of Tuckahoe regardless of whether said premises or properties are the Residence or Domicile of a Level 2 Registered Sex Offender or Level 3 Registered Sex Offender or said premises or properties are located within the one thousand (1,000) foot radius stated in Section 19A-3 herein.

SECTION 19A-6.: Exemption

The residency restriction of Section 19A-3 herein shall not apply to any Level 2 Registered Sex Offenders or Level 3 Registered Sex Offenders who have established Residences or Domiciles prior to the effective date of this Chapter or to any Level 2

Registered Sex Offender or Level 3 Registered Sex Offender under the age of eighteen (18) years of age residing with his or her parents or legal guardian.

A Level 2 Registered Sex Offender or a Level 3 Registered Sex Offender does not commit a violation of this Chapter if said Level 2 Registered Sex Offender or Level 3 Registered Sex Offender has established a Residence or Domicile and thereafter a park, subject to the restrictions of this Chapter, is newly located within a one thousand (1,000) foot radius of the Residence or Domicile of said Level 2 Registered Sex Offender or said Level 3 Registered Sex Offender.

SECTION 19A-7.: Administration and Enforcement

Unless otherwise provided, the provisions of this Chapter shall be administered and enforced by the Code Enforcement Officer of the Village, as set forth in the Village Code of the Village of Tuckahoe and by the Village of Tuckahoe Police Department.

SECTION 19A-8.: Penalties for Offenses

Any person violating the provisions of this Chapter shall, upon conviction, be subject to a fine of up to \$2,500.00. Each and every day a violation continues shall be deemed a separate violation.

SECTION 19A-9.: Village Not Liable

Nothing in this Chapter shall be deemed to impose any civil or criminal liability or give rise to a cause of action against the Village of Tuckahoe or to any elected or appointed officer, official, employee or department of the Village for failing to act in accordance with this Chapter.

SECTION 19A-10.: Permission Required Rent to Certain Persons

No person may rent, lease or let residential space (including, but not limited to, a room, apartment, condominium or house) to a Level 2 Registered Sex Offender or Level 3 Registered Sex Offender without having received a letter from the Village Clerk of the Village of Tuckahoe that such rental, lease or letting is not in violation of this Chapter. A request for such letter shall be acted upon by the Village Clerk within five (5) business days of receipt of such request by the Village Clerk.

SECTION 19A-11.: Adoption of Similar Protection by Other Bodies

Upon the enactment by New York State or Westchester County of a law which purports to afford the same or greater protection of the people of the State of New York and/or the County of Westchester, including the residents of the Village of Tuckahoe, as provided by this law, any member of the Village Board may place upon the agenda of the Village Board a local law providing for the repeal of this law and the Village Board shall consider the same at its next regular meeting. If the Village Board determines that the

New York State or Westchester County law provides the same or greater protection to residents of the Village of Tuckahoe, this Chapter shall immediately be of no force and effect and the Village Board shall repeal the same by local law to that effect.

SECTION 19A-12.: Severability

If any Section, sub-Section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or other tribunal having jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

Section 2. Severability

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

Section 3. Controlling Provisions

To the extent this Local Law conflicts with any other resolutions or local laws of the Village of Tuckahoe, this Local Law shall be controlling.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Section 5. Notice of Adoption

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

John Cavallaro, Village Attorney, offered a brief overview of the law saying this law will make it unlawful on the local level for any Level II Registered Sex Offender or Level III Registered Sex Offender to live within a 1000 ft. radius from any park. This law does not affect Level I Registered Sex offenders or Level II and Level III Registered Sex offenders that have been ruled by the courts to live in certain areas. Additional exemptions include those under 18 years of age that reside with their parents and/or guardian, or if a park is built after the registered Sex Offender moved into their home. There will be a screening process for the landlords to screen the potential tenants, with the Village Clerk having the authority to determine and notify the landlord if the area is outside the scope to rent to the sex offender

Mayor Fitzpatrick thanked Mr. Cavallaro for his time and effort in drafting this law and commented on the importance of the 'intent' section of this law.

Trustee Gorman asked Mr. Cavallaro to comment on the history of the NYS law. John Cavallaro said that there is not a lot of court precedent. Long Beach, County of Albany, Nassau County and Mineola all have adopted this law and the law has not yet been challenged in these areas.

Trustee Gorman asked how the information would get to the landlords regarding this law. Mr. Cavallaro stated that the Village will use the new landlord registry and have a direct mailing to all properties within the radius.

Mr. Cavallaro indicated that the sex offenders are beholden to the Village, but it is not the Village's intention to enforce proceedings. The Village would like the landlords to check with the Village Clerk regarding their property and if they do not, and rent to a sex offender, they will be in violation. The violation could carry a short term imprisonment and a fine for up to \$2500.00 per day until the situation is remedied. A misdemeanor would carry up to one year in prison.

Trustee Ecklund asked that if this law is challenged, would insurance cover the cost of legal proceedings. Mr. Cavallaro indicated that the Village would have to assume the defense costs. The City of Schenectady recently had their law challenged, and the city decided to repeal and re-craft the law.

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

OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

Jeff Zuckerman, Bronx Street, asked if this restriction of 1000 ft. from any park would offer enough places for a sex offender to find a place to reside in this Village. Mr. Cavallaro referred to the law regarding Adult Entertainment centers which require at least 5%. He noted that he cannot forecast if a court would deem 5% enough for sex offenders. Mr. Zuckerman said that this law could be changed to 900 ft. Mr. Cavallaro agreed.

RESOLUTIONS -

1. Mayor Fitzpatrick motioned for a Resolution AMENDING THE RULES OF PROCEDURE FOR MEETINGS AND SESSIONS OF THE VILLAGE BOARD

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on July 9, 2007.

WHEREAS, the Village Board desires to amend its rules of procedure applicable to meetings and sessions of the Village Board; and

WHEREAS, section 4-412 of the Village Law of the State of New York provides that, "[t]he board may determine the rules of its procedure . . ."; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby amends the **Rules of Procedure** below which as amended are to be applicable to meetings and sessions of the Village Board.

Section 2. That this resolution shall take effect immediately.

VILLAGE OF TUCKAHOE RULES OF PROCEDURE FOR VILLAGE BOARD MEETINGS

Section 1. Regular Meetings

The Village Board of the Village of Tuckahoe (the "Village") shall hold regular public meetings on a monthly basis and shall be noticed. Such regular meetings shall be held on the second Monday of each month and commence at 8 p.m. and be conducted in the board room at Village Hall located at 65 Main Street, Tuckahoe, New York. In the event the second Monday of such month is a holiday or other day that is unavailable for a meeting, such meeting shall be rescheduled by the Village Board to an available date. Additional meetings, or special meetings, may also be scheduled throughout the year. The time and place of such meetings shall be determined by the Village Board. Any deviation of procedures of the foregoing paragraph shall be determined by the Village Board.

Section 2. Special Meetings

Special meetings of the Village Board are all those Village Board meetings other than regular meetings and work session meetings. A special meeting may be called by the Mayor upon one day notice to the entire Village Board, or if all five Village Board members are present. Additionally, the Mayor must call a special meeting within ten days of a written request by any two Village Board members. In the event of emergency or exigent circumstances as determined by the Mayor, such special meetings shall be noticed as practicable under the circumstances.

Section 3. Quorum

A quorum shall be required to conduct business. A quorum of the five-member Village Board shall be three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

Section 4. Executive Sessions

Executive sessions shall be held in accordance with the N.Y. Public Officers Law section 105, or other similar law then in effect. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the Village Board and any other persons authorized to attend that executive session by the Mayor.

Section 5. Agendas

The agenda shall be prepared by the Village Clerk to the Mayor. The Mayor or any Trustee may place items on the agenda. Items for the agenda shall be given to the

Clerk by 1 p.m. of the Thursday before the next scheduled regular meeting. However, the Clerk, with the Mayor's approval, if time permits, may add an item to the agenda later. Items that cannot be placed on the agenda may be brought up during the meeting.

Section 6. Voting

Pursuant to the Village Law, each member of the Village Board shall have one vote. A majority of the totally authorized voting power (i.e., three votes) is necessary to pass a matter unless otherwise specified by state law.

An abstention, silence or absence shall not be considered an affirmative vote for the purposes of determining the final vote on a matter.

A vote upon any question shall be taken by "ayes" and "noes," and the names of the members present and their votes shall be entered in the minutes.

Section 7. Minutes

Minutes shall be taken by the Village Clerk or her designee. Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be taken at an executive session of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter that is not required to be made public by the New York Freedom of Information Law.

Minutes shall also include the following:

- Name of the Village Board;
- Date, place and time of meeting;
- Notation of presence or absence of Village Board members and time of arrival or departure if different from time of call to order and adjournment;
- Name and title of other Village officials and employees present and approximate number of attendees;
- Record of communications presented to the Village Board;
- Record of reports made by Village Board or other Village personnel;
- Time of adjournment;
- Statement of the Village Clerk that the minutes have been approved or are pending approval.

The minutes need not, but may, contain a summary of the discussion leading to the action taken or include verbatim comments unless a majority of the Village Board shall resolve to have the Clerk do so.

Minutes shall be transcribed and distributed, if available, at least 2 days before the next regular meeting. Minutes shall be approved at the next Village Board meeting after they have become available. Amendments to the minutes shall require Village Board approval.

Section 8. Order of Business

A. The order of business for regular meetings may consist, but shall not be limited to the following as determined by the Mayor, or such other presiding officer:

-Call to order

-Pledge of Allegiance

-Approval of minutes of previous meeting, if available

-Public comment period, first opportunity on agenda items only

-Public hearings (if any)

-Reports of officers and committees

-Public comment period

-Old business

-New business

-Appropriations

-Public comment not limited to agenda items

-Adjournment

The order of business for work session meetings shall be determined by the Mayor, or such other presiding officer.

B. The order of business need not be followed if the Mayor determines that it is necessary to deviate.

Section 9. General Rules of Procedure

The Mayor shall preside at meetings. In the Mayor's absence, a Mayoral-selected Board member shall preside. The presiding officer may debate, move, and take other action that may be taken by other members of the Village Board.

Village Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking. Motions do require a second. A member, once recognized, shall not be interrupted when speaking unless it be to call the member to order by the Mayor, or such other presiding officer. If a member, while speaking, is called to order, such member shall cease speaking until the question of order is determined and, if in order; such member shall be permitted by the Mayor, or such other presiding officer, to proceed.

There is no limit to the number of times a member may speak or ask a question.

Motions to close or limit debate may be entertained but shall require a majority vote.

The Mayor, or such other presiding officer, shall call recesses during meetings in his or her discretion.

Section 10. Guidelines for Public Comment

The public shall be allowed to speak only during a public hearing or during the public comment period of the meeting or at such other times as a majority of the Village Board shall allow.

Speakers must give their name, address and organization, if any.

Speakers must be recognized by the Mayor, or such other presiding officer.

Village Board members may interrupt a speaker during their remarks, but only for the purpose of clarification or information.

All remarks shall be addressed to the Village Board as a body and not to any member thereof.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste, and shall limit their comments to a reasonable amount of time.

Interested parties or their representatives may address the Village Board by written communications. Written communications shall be delivered to the Clerk or to her designee. Speakers should not read written communications verbatim but should summarize their contents.

Citizens with disabilities, who require assistance in attending any meeting, or in furnishing comments and suggestions, should contact the Village Clerk to request such assistance.

The Village Board shall not be required to respond to comments offered by the public. In the event the Village Board determines to provide a response(s) to comments offered by the public, the Village Board may provide such response(s) on a speaker-by-speaker basis, or withhold such response(s) until all members of the public desiring to speak have spoken, and provide such response(s) at that time.

Section 11. Use of Recording Equipment, and Other Devices

Recording is not allowed during executive sessions. Recordings should be done in a manner which does not interfere with the meeting.

The use of wireless telephones, or such other similar devices, shall be prohibited during all meetings and sessions of the Village Board.

Section 12. Adjournment

Meetings shall be adjourned by motion.

Section 13. Amendments to the Rules of Procedure

The foregoing procedures may be amended from time to time by a majority vote of the Village Board.

Mayor Fitzpatrick indicated that this amendment would allow residents a reasonable amount of time, not limited to 5 minutes, to speak to the Board during the public meetings. Further, items may be added to the agenda by a Board member up until the last minute.

Trustee Gorman motioned to adopt Resolution #1, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

2. Mayor Fitzpatrick motioned for a Resolution to accept the following donations for the upcoming Tuckahoe Summertime Extravaganza scheduled for Saturday, July 28th, rain date, Sunday, July 29th.

- \$10,000 donation - The Generoso Pope Foundation;
- \$1,000 donation - Assemblywoman Amy Paulin
- \$1,000 donation - Mirado Properties, Inc.
- \$ 500 donation - Eastchester Chamber of Commerce
- \$ 500 donation – Medi Ray
- \$ 500 donation – Giovanni's Auto Body
- \$ 250 donation - Congresswoman Nita Lowey
- \$ 100 donation – Harpos Imported Car Service

Trustee Gorman motioned to adopt Resolution #2, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

3. Mayor Fitzpatrick motioned for a Resolution approving proposal of Link Land Surveyors to prepare a topographic/location survey with surface utilities for the Depot Square area at a cost of \$5,800. This cost will be funded by the Generoso Pope Foundation.

Trustee Ecklund motioned to adopt Resolution #3 was seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 – 0.

4. Mayor Fitzpatrick motioned for a Resolution authorizing the Mayor to execute a supplemental agreement with the New York Power Authority.

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on July 9, 2007.

WHEREAS, a request has been received by the New York Power Authority (NYPA) concerning the supply of electricity by NYPA to the Village of Tuckahoe; and

WHEREAS, NYPA has requested that the Village and other municipalities in Westchester County enter into a Supplemental Agreement concerning the same.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute a Supplemental Agreement with NYPA concerning the concerning the supply of electricity by NYPA to the Village of Tuckahoe.

Section 2. That this resolution shall take effect immediately.

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

5. Mayor Fitzpatrick motioned for a Resolution authorizing the Mayor to sign the Police Academy Instructor Training agreements between the Village of Tuckahoe and the Westchester County Department of Public Safety.

Trustee Gorman motioned to adopt Resolution #5, was seconded by Trustee Marcoccia and upon roll call was approved with a vote of 5 – 0.

6. Mayor Fitzpatrick motioned for a Resolution authorizing the Village of Tuckahoe to settle the Varian v. Village of Tuckahoe et al. action.

Trustee Ecklund motioned to adopt Resolution #6, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

7. Mayor Fitzpatrick motioned for a Resolution to approve certiorari settlement for Marbledale Road, LLC (2006)

WHEREAS, law suits have been commenced to challenge the assessments on the property currently owned by Marbledale Road, LLC (2006) and previously owned by Kings Electronics Co., Inc. (2000 through 2005), having a street address of 40 Marbledale Road, Village of Tuckahoe, and designated and described as Section 35, Block 5, Lots 10, 29 and 36E on the Tax Maps and Assessment Rolls of the Village of Tuckahoe (the “Village”) for assessment years 2000 through 2006; and

WHEREAS, the Village, through its special counsel, John F. Burkhardt, Esq., appeared in the pending litigation; and

WHEREAS, meetings were held with the attorney for the petitioner, the Assessor for the Village of Tuckahoe and Town of Eastchester and special counsel for the Village and various settlement proposals were discussed at length prior to arriving at a tentative settlement; and

WHEREAS, the Village’s special counsel and Assessor recommend approving the tentative settlement; and

NOW, THEREFORE, BE IT RESOLVED that it is in the best interests of the Village to settle this law suit with the following reductions in assessed values:

<u>Year</u>	<u>Original AV</u>	<u>Corrected AV</u>	<u>Reduction</u>
2000	\$119,350	\$119,350	\$-0-
2001	\$119,350	\$25,350	\$94,000
2002	\$119,350	\$33,450	\$85,900
2003	\$119,350	\$27,750	\$91,600
2004	\$119,350	\$37,450	\$81,900
2005	\$119,350	\$38,010	\$81,340
2006	\$119,350	\$38,000	\$81,350

BE IT FURTHER RESOLVED, that John F. Burkhardt, Esq. is authorized to execute a Stipulation, Consent Judgment and any other relevant settlement documents consistent with this Resolution on behalf of the Village; and

BE IT FURTHER RESOLVED, the Village is authorized to pay the appropriate refund of excess taxes together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, as required by the Court Order, Consent Judgment or statute.

Trustee Gorman motioned to adopt Resolution #7, was seconded by Trustee Marcoccia and upon roll call, the motion was approved with a vote of 5 – 0.

8. Mayor Fitzpatrick motioned for a Resolution to approve certiorari settlement for Scarsdale Avenue Associates, LP for assessment years 2002 through 2006.

WHEREAS, law suits have been commenced to challenge the assessments on the property currently owned by Scarsdale Avenue Associates, LP, for assessment years 2002 through 2006, having a street address of 3 River Street, Tuckahoe and designated as Section 36, Block 2, Lots 0-B, 32, 35 on the Official Assessment Map of the Village of Tuckahoe, and 3 River Street, Tuckahoe and designated as Section 36, Block 3, Lots 0-A, 7, 13, 15, 17 on the Official Assessment Map of the Village of Tuckahoe, and 8 Bronx Street, Tuckahoe and designated as Section 36, Block 2, Lot 3 on the Official Assessment Map of the Village Tuckahoe, and 9 River Street, Tuckahoe and designated as Section 36, Block 2, Lots 5, 33 and 34 on the Official Assessment Map of the Village of Tuckahoe, and River Street, Tuckahoe and designated as Section 36, Block 3, Lot 9 on the Official Assessment Map of the Village of Tuckahoe, and for assessment years 2002 through 2005 upon real property located at 10 Bronx Street, Tuckahoe and designated as Section 36, Block 2, Lot 4 on the Official Assessment Map of the Village of Tuckahoe, and 14 Bronx Street, Tuckahoe and designated as Section 36, Block 2, Lot 6 on the Official Assessment Map of the Village of Tuckahoe, and River Street, Tuckahoe and designated as Section 36, Block 3, Lot 1 on the Official Assessment Map of the Village of Tuckahoe; and

WHEREAS, the Village, through its special counsel, John F. Burkhardt, Esq., appeared in the pending litigation; and

WHEREAS, meetings were held with the attorney for the petitioner, the Assessor for the Village of Tuckahoe and Town of Eastchester and special counsel for the Village and various settlement proposals were discussed at length prior to arriving at a tentative settlement; and

WHEREAS, the Village's special counsel and Assessor recommend approving the tentative settlement; and

NOW, THEREFORE, BE IT RESOLVED that it is in the best interests of the Village to settle this law suit with the following reductions in assessed values:

<u>Year</u>	<u>Original AV</u>	<u>Corrected AV</u>	<u>Reduction</u>
2002	\$597,800	\$471,420	\$126,330
2003	\$622,500	\$415,140	\$207,360
2004	\$622,500	\$407,680	\$214,820
2005	\$622,500	\$364,715	\$257,785
2006	\$59,750	\$33,350	\$26,400

BE IT FURTHER RESOLVED, that John F. Burkhardt, Esq. is authorized to execute a Stipulation, Consent Judgment and any other relevant settlement documents consistent with this Resolution on behalf of the Village; and

BE IT FURTHER RESOLVED, the Village is authorized to pay the appropriate refund of excess taxes together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, as required by the Court Order, Consent Judgment or statute.

Trustee Gorman motioned to adopt Resolution #8, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

9. Mayor Fitzpatrick motioned for a Resolution to approve certiorari settlement for R&F Scarsdale, LLC (f/k/a Scarsdale Avenue Associates, LP) for assessment year 2006.

WHEREAS, a law suit has been commenced to challenge the assessment on the property currently owned by R&F Scarsdale, LLC (f/k/a Scarsdale Avenue Associates, LP), having a street address of 5 Scarsdale Road, Village of Tuckahoe, and designated and described as Section 36, Block 3, Lot 1 on the Tax Maps and Assessment Rolls of the Village of Tuckahoe (the “Village”) for assessment year 2006; and

WHEREAS, the Village, through its special counsel, John F. Burkhardt, Esq., appeared in the pending litigation; and

WHEREAS, meetings were held with the attorney for the petitioner, the Assessor for the Village of Tuckahoe and Town of Eastchester and special counsel for the Village and various settlement proposals were discussed at length prior to arriving at a tentative settlement; and

WHEREAS, the Village’s special counsel and Assessor recommend approving the tentative settlement; and

NOW, THEREFORE, BE IT RESOLVED that it is in the best interests of the Village to settle this law suit with the following reductions in assessed values:

<u>Year</u>	<u>Original AV</u>	<u>Corrected AV</u>	<u>Reduction</u>
2006	\$558,400	\$315,150	\$243,250

BE IT FURTHER RESOLVED, that John F. Burkhardt, Esq. is authorized to execute a Stipulation, Consent Judgment and any other relevant settlement documents consistent with this Resolution on behalf of the Village; and

BE IT FURTHER RESOLVED, the Village is authorized to pay the appropriate refund of excess taxes together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, as required by the Court Order, Consent Judgment or statute.

Trustee Gorman motioned to adopt Resolution #9, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

10. Mayor Fitzpatrick motioned for a Resolution scheduling a public hearing at the August 13th meeting to hear public comments on proposed health benefits for Elected Officials.

Trustee Ecklund motioned to adopt Resolution #10, was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

11. Mayor Fitzpatrick motioned for a Resolution authorizing payment of vouchers in the amount of \$662,555.87 consisting of abstract #1 for \$287,769.68; abstract #3 for \$362,805.16 and abstract #4 for \$14,990.03. Largest invoices: PERMA, annual premium for workers compensation insurance \$151,624; Vernon Hills Contracting for partial payment, Circuit Avenue playground improvements \$78,967.80; Marshall & Sterling, annual premium for general liability, automobile and public officers insurance \$218,606.09; NYS Employee's Health Insurance, health insurance premium for July \$84,480.92

Trustee Gorman motioned to adopt Resolution #11, was seconded by Trustee Marcoccia and upon roll call was approved with a vote of 5 – 0.

APPOINTMENTS

Mayor Fitzpatrick motioned for a resolution to reappoint James Vaughn as member of the Planning Board for a term of 5 years to expire April 1, 2012. Trustee Gorman motioned for the reappointment was seconded by Trustee Zocchi and upon roll call was approved with a vote of 5 – 0.

Mayor Fitzpatrick motioned for a resolution for the appointment of Edward Bonci as a member of the Tuckahoe Housing Authority for a term of five years to expire July 1, 2012.

Trustee Gorman motioned for the appointment and was seconded by Trustee Zocchi.

Discussion: Mayor noted that the THA has its own Board, but looks forward to some changes with the appointment of Mr. Bonci to the Board. The Mayor noted that he would like the issue of the ADA to be resolved shortly. Upon roll call, the motion was approved with a vote of 5 – 0.

APPROVAL OF MINUTES –

Trustee Ecklund motioned to approve the minutes of the Regular Meeting of June 11, 2007, was seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

Police Department

Chief Costanzo noted that National Night Out is scheduled for August 7th a crime prevention event. Information for this event can be obtained by calling Sgt. Belles. The June 16, Safe Riders and Cops for Kids events were both very successful. Adding that 21 members of the Police Dept., who normally would have the day off, participated in these events.

Building Department

Bill Williams, Building Inspector, reported that he and the code enforcement officer had notified residents and businesses located on Marbledale Road to clean up their properties. These notices of violations included improper use of storage, maintenance, improper use of the property etc. with a time to comply; the next step will be to issue summonses. Regarding the Fountains, Mr. Williams said he sent letters and summons will be sent. Residents should call Village Hall if the generator goes on at the Fountains. They are not in compliance with the approved site plan. Regarding the Library, there was a leak and Trustee Gorman stated that it was imperative that this be approved as the work could get started this Saturday. A claim was filed with the insurance company. The contractor will put in writing that the mold will not return after he cleans the carpet rather than replace the carpet.

Mayor Fitzpatrick motioned for a Resolution to sign a contract between the Village of Tuckahoe and Disaster Restoration for emergency repairs caused by a water pipe break at the Tuckahoe Library to prevent mold growth and make that portion of the Library useable at a cost not to exceed \$6,670.

Trustee Ecklund motioned to adopt this resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

Mr. Williams indicated that there were no bid offers for the installation of the ADA doors at the Community Center. He said it was merely an oversight by the contractors.

Mayor Fitzpatrick motioned for a resolution authorizing the Village Clerk to re-advertise the bid for the installation of the ADA doors at the community center.

Trustee Ecklund motioned to adopt this resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

Mayor Fitzpatrick motioned for a resolution authorizing a contract between the Village of Tuckahoe and Fireworks by Grucci for the July 28th rain date July 29th Tuckahoe Summertime Extravaganza at a cost of \$12,750. This event will be funded through donations. Mr. Cavallaro reported that changes to this contract have been incorporated and he will speak with Grucci tomorrow.

Trustee Ecklund motioned to adopt this resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

Department of Public Works

Robert Mascianica, Superintendent of Public Works, reported that the Circuit Park vendor, Vernon Hills, reported that the jungle gym has been shipped. Green warning stickers had been placed on receptacles as a notice that residents were not putting out their trash properly. Some DPW personnel will be on site during the Summer Extravaganza event. Regarding the Fountains, they had promised to have a compactor on site, if not, they need to have more trash containers.

Mayor Fitzpatrick said that the Garrett Park residents expressed concern with absent landlords and with no oversight on when items are being put out for pick up. They also complained about debris falling off Village trucks during pick ups and left on the streets.

The Mayor requested that DPW personnel cease this practice and use the brooms to clean up spilled debris.

Trustee Zocchi thanked the DPW for all their hard work with the Main St. Park. Regarding the upgrading of the Thompson St. parking lot, a letter was sent to County Legislator Vito Pinto requesting his assistance in securing money for this project. In response to Mr. Celestino of 2 Parkview Place, complaint from last month's meeting regarding difficulties with turning onto Parkview and the curbs that have sunk to street level in that area, Trustee Zochi said that the Police Chief had "no parking here to corner" giving emergency vehicles more room to make the turn onto Parkview and the DPW had raised the curbs.

Regarding the second basketball hoop at the Fisher Ave. Park, Mayor Fitzpatrick noted that the sound seems to be dulled with the use of the newly installed backboard. However, if the youth continue to destroy the property in this park, both basketball hoops will be removed.

BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE MARCOCCIA** reported that auditors will be preparing a pre-audit, will then roll into an official audit and presented to this Board and the public at a later meeting. A letter of intent has been written to apply for a state grant of \$12,000,000 for the Yonkers Ave. retaining wall. Mayor Fitzpatrick added that the alternative to this grant would be that 35% of the costs would be covered by the Army Corps, the rest by the Village or 20% by the state, with the remainder covered by the Village; this grant would be much better for the Village. Trustee Marcoccia indicated that he would be requesting bids from insurance carriers for comparable health insurance policies. He mentioned the upcoming fireworks event with local entertainment talent and food vendors on July 28, rain date July 29. He thanked Trustee Gorman, Jeff Zuckerman and Susan Ciamarra for their hard work.
- **TRUSTEE ECKLOND reported** that the Circuit Ave. Park equipment should be delivered soon; the Thompson Street parking lot is on track to be paved next year; on the proposed improvements, under CDBG grant, for the Union Place Playground, a meeting was held with the Westchester County Parks designer and the plans are in the Village Clerk's office for the public to view. Still some issues with lighting and size; will go out to bid for a base contract for the playground area and the alternate space. On behalf of the Village Board, Trustee Ecklund wished all the students a safe and wonderful summer and to enjoy the parks, library, and community center. He also offered congratulations to the 2007 graduates.

- **TRUSTEE GORMAN** reported that the Library is working on the flood issue caused by the pipe break; the summer program is in full swing; the senior citizens had their last meeting and center will be closed until September; the Tuckahoe Post Office will remove the temporary sign to rededicate the Post Office to Ronald P. Bucca and install a plaque outside and a sign on the door. She also noted that there is a Camp Bucca in Iraq housing 1000 Air Force, Army and Navy personnel. The Board has decided to adopt Camp Bucca and support our troops. Items needed are ATT Global telephone cards, CD's magazines, snack foods, and new or gently used paperback books. Please check the website. There will be a donation box set up at the Parkway Oval during the fireworks. John Cavallaro, Village Attorney, noted that the state constitution prohibits financial donations.
- **TRUSTEE ZOCCHI reported** that he had attended the Tuckahoe High School graduation saying that it was a beautiful ceremony with \$1,500,000 awarded in scholarship money to the graduating class. He thanked the Generoso Pope Foundation for the two bronze tiger statues installed at the entrance of the school and further thanked the Chamber of Commerce for their \$500 donation for the fireworks. Regarding the Historical Committee, Trustee Zocchi thanked Mayor White and his wife Alice for their hard work.
- **Mayor Fitzpatrick** stated that the community meeting at Garrett Park was well attended and quite successful. Next community meeting is set for August 2, at Village Hall. He added that Village Hall is open to any resident for relief of the heat.

Trustee Gorman added that any local resident with a family member serving in Iraq or Afghanistan should call Village Hall so care packages could be sent to them.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

No Public Comments

Trustee Ecklund stated that Paul Brand, resident, underwent surgery for a heart and kidney transplant, and is doing fine. He should return home tomorrow. Trustee Ecklund offered best wishes for a speedy recovery.

There being no further business the Board unanimously voted to adjourn the meeting at 10:10 PM.

Susan Ciamarra, Village Clerk