

**June 8, 2009**

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 Margaret Coleman

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

**SPECIAL PRESENTATION(S)**

Lauren Kavanaugh, one of the six students who interned at Village Hall as part of the Eastchester High School WISE program, spoke about the opportunity she was given to intern in the court offices giving her an overview of the process as well as gaining much knowledge that she is happy to take with her since she has an interest in pursuing a law career.

Peter McCartt, Chair of Eastchester Environmental Committee, gave an overview on the upcoming Green Day Celebration and Summit event on June 13<sup>th</sup> starting at 10 in the morning at Eastchester Town Hall and said that Tuckahoe serves as a role model. The celebration will open with a ceremony by the Scouts and the jam band *Solar Punch* will perform; at 11:00 the children's band *Annie and the Natural Wonder Band*, followed by many other events. There are many different organizations, illustrations, speakers, and live animals from the Greenburgh Nature Center.

**V. PUBLIC HEARINGS**

**PUBLIC HEARING I.**

**CONTINUATION OF PUBLIC HEARING ON A PROPOSED LOCAL LAW TO REZONE THE MARBLEDALE ROAD INDUSTRIAL CORRIDOR TO A GENERAL BUSINESS OR COMMERCIAL ZONING DISTRICT IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE VILLAGE COMPREHENSIVE PLAN, ADOPTED MAY 2008.**

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

The Mayor and Trustees discussed set back language from curb and adding an open space area on the site with grass and trees. Parking in this district should refer to Article 5 of the zoning ordinance noting that parking by law must be on site. Trustee Marcoccia questioned the flooding on Marbledale Rd and the amount of storm drains needed for new establishments. Bill Williams said it's in our code under Storm water management. Regarding environmental standards Frank Fish, Village Consultant, will draft memo listing environmental incentives.

Public Comments:

Ricky Garguiolo is in support of rezoning Marbledale Rd. One issue he had was with housing which has been clarified. Mayor Fitzpatrick said that since residence is not allowed in this zone there will be no impact on the schools.

**Trustee Goreman motioned to keep public hearing opened was seconded by Trustee Ecklund and upon roll call was carried by a vote 5-0.**

**PUBLIC HEARING II.**

**PUBLIC HEARING ON A PROPOSED LOCAL LAW OF 2009 AMENDING LOCAL LAW NO. 1 OF 1967, ENTITLED "DANCE HALLS AND CABARETS"**

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 8, 2009.

WHEREAS, the Mayor has requested legislation amending Section 109 entitled "Licensing" of Local Law No. 1 of 1967 entitled, "Dance Halls and Cabarets"; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 19th day of March 2009; and

WHEREAS, said public hearings were duly held on the 30th day of March 2009, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, as well as April 13, 2009, 2009 and May 18, 2009 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 102(B) entitled "License Required" of Local Law No. 1 of 1967, entitled "Dance Halls and Cabarets", is hereby amended as follows:

B. All of the provisions of this law shall apply to limited cabarets except as otherwise stated, and further except that limited cabarets shall not be required to meet the location requirements of § 1190 relating to off-street parking and that limited cabarets may be within 500 feet of a residential zoning district.

Section 2. Section 103 entitled "Exceptions" of Local Law No. 1 of 1967, entitled, "Dance Halls and Cabarets", is hereby amended as follows:

## § 103. Exceptions.

A. The provisions of this law shall not apply to the following:

(1) A lodge, a country club, a golf club or a fraternal organization as set forth and described in the Benevolent Orders Law of the State of New York; veterans' organizations.

(2) A church, a religious organization or a convention or association of churches.

(3) An educational institution.

(4) A police or fire department of a political subdivision or to a benefit for a retirement pension or disability fund of such police or fire department or individual member thereof.

(5) A corporation, association or any community chest, fund or foundation organized and operated exclusively for charitable purposes.

(6) The singing of Karaoke music in any establishment in the Village.

Section 3. Section 109(A)(17), entitled "Licensing" of Local Law No. 1 of 1967, entitled "Dance Halls and Cabarets", is hereby amended as follows:

(17) Affix to the application two (2) copies of a scale drawing showing the dimensions of all occupied rooms, the locations of all tables, the width of aisles between tables, the width of aisles between tables and walls, posts, poles, bars, stages and

other fixtures, appurtenances and appliances and the location of all exits, exit signs and emergency lighting. This requirement shall not apply to applications for licenses pertaining to limited cabarets.

Section 4. Section 109(C), entitled "Licensing" of Local Law No. 1 of 1967, entitled "Dance Halls and Cabarets", is hereby amended as follows:

Except for applicants for limited cabaret licenses, [All] all persons described on Section 109A(1), (3), (4) and (5) shall be fingerprinted before their application for a cabaret license or [limited cabaret] dance hall license is submitted. An application shall be deemed incomplete and automatically denied if any of the persons enumerated in said subsections have not submitted their fingerprints with said application. Fingerprints shall be submitted upon the form or forms adopted by the Village Board and on applicable forms of the New York State Division of Criminal Justice Services. Fees incident to such fingerprinting shall be paid by the applicant. The fees and fingerprints shall be submitted to the New York State Division of Criminal Justice Services. Notwithstanding any provision of this local law to the contrary, the Chief of Police shall receive and review the criminal history information, if any, provided by the New York State Division of Criminal Justice Services and shall be the only officer of the Village to receive and review the criminal history information, if any, provided by the New York State Division of Criminal Justice Services. The review and determination by the Chief of Police of an applicant's suitability for licensing shall be in compliance with Article 23-A of the New York State Correction Law.

Section 5. 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 6. This Local Law shall take effect immediately.

Section 7. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

New Matter Underlined  
Deleted Matter in Brackets [ ]

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

**Trustee Ecklund motioned to close public hearing 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**

## **RESOLUTIONS -**

**1. Mayor Fitzpatrick offered a Resolution** to ratify board action that the Board of Trustees go on record with The State Insurance Fund as becoming a participant in the New York State Public Entities Safety Group 497 comprised of municipalities, public authorities/entities, volunteer fire districts, and public libraries in New York State, and will abide by its rules and regulations effective June 1, 2009 as it relates to workers comp. insurance.

**Trustee Gorman made a motion to adopt resolution #1, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**2. Mayor Fitzpatrick offered a Resolution** authorizing the Mayor to sign contract/agreement between Zambelli Fireworks Manufacturing Co. and Village of Tuckahoe as it relates to the fireworks event scheduled for July 25<sup>th</sup>, rain date July 26<sup>th</sup>.

**Trustee Gorman made a motion to adopt resolution #2, seconded by Trustee Marcoccia and upon roll call was carried by a vote 5-0.**

**3. Mayor Fitzpatrick offered a Resolution** authorizing the payment of vouchers in the amount of \$323,016.47 consisting of abstract #49 for \$188,926.38, abstract #51 for \$43,529.41 and abstract #1 for \$90,560.68. The three largest payments were to New York State Employees Health Insurance for \$93,353.40, representing employee's health insurance premiums for the month of June 2009, to Hudson Valley bank for \$36,647.41 for BAN principal and interest payment and to the New York Power Authority for \$11,630.51 representing electricity charges for the month of April 2009.

**Trustee Ecklund made a motion to adopt resolution #3, seconded by Trustee Marcoccia and upon roll call was carried by a vote 5-0.**

**4. Mayor Fitzpatrick offered a Resolution authorizing** the Treasurer to close out the Wachovia general fund money market account and the Hudson Valley parking ticket account.

**Trustee Marcoccia made a motion to adopt resolution #4, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

Trustee Marcoccia questioned the reconciliation of paid tickets to which the Treasurer responded that a report is presented to his department and the court.

**5. Mayor Fitzpatrick offered a Resolution** approving request of the Immaculate Conception Church for the use of certain streets for the Corpus Christi procession on Sunday, June 14<sup>th</sup> starting at 1pm. The procession will start at the Immaculate Conception Church proceed down Winterhill Road, then right onto Marbledale Rd., left onto Marble Place/The Rev. Charles E. Houston Place, right onto Rogers Street, left onto Lime Kiln Road and right onto Wallace Street to Assumption Church.

**Trustee Gorman made a motion 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 ratification of the Memorandum of Agreement between Local 456, I.B.T. and the Village of Tuckahoe for the June 1, 2008 to May 31, 2011 Contract.

**Trustee Ecklund made a motion to adopt resolution #6, seconded by Trustee Coleman and upon roll call was carried by a vote 5-0.**

**VII. APPOINTMENTS –**

**VIII. APPROVAL OF MINUTES –**

**Trustee Ecklund motioned to approve the MINUTES OF THE REGULAR MEETING OF May 18, 2009 seconded by Trustee Coleman and upon roll call was carried with a vote of 5 - 0.**

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

Police Chief Costanzo gave a brief description of Officer Fred Cioffi's progress since his accident on May 22<sup>nd</sup>. He thanked officers Vinny Pinto and Emily Yankowski, EVAC, paramedics, EMT's and Eastchester Fire Department, who performed advanced life support. He also thanked Eastchester, Bronxville, Yonkers, and State police. He offered a special thanks to the Board and the public. He stated that Fred has a tremendous attitude and fortitude. Fred sends his thanks to everyone in the community. Trustee Ecklund said that we are all praying for Fred. Trustees Coleman and Gorman wished him well.

The Chief reported that Steven Klika retired and said that he has been a valuable member of the police force. He will be greatly missed and wished him the best.

Mayor Fitzpatrick wished him and his family well thanking him for his 20 years of service.

Safe Riders Day and Cops for Kids, which are funded by the Community Fund, will be held on June 20<sup>th</sup> at Parkway Oval. The Mayor added that it's a great day and acknowledged the Community Fund for the grant and although they had reductions we are very grateful to have received the funding. The Community Fund has already promised funding for next year.

Renovations to the Police Department communication desk have begun and special thanks to Congresswoman Nita Lowey for providing the department with a grant to make this possible. Mayor Fitzpatrick noted that the Congresswoman has also helped with the Yonkers Avenue project and is always good to Tuckahoe.

**X. CORRESPONDENCE**

**XI. MISCELLANEOUS BUSINESS –**

The Mayor reached out for volunteers to form a Complete Count Committee for the 2010 US Census who will promote awareness and importance Census count for Tuckahoe.

The Mayor reminded the residents that Village offices and DPW will be closed on Friday, July 3<sup>rd</sup> in observance of the July 4<sup>th</sup> holiday. The Mayor announced that the Residents Community Meeting is at Union Park, on Monday, June 29<sup>th</sup>, at 7PM and the next Village Board Meeting is July 13, 2009

## **XII. BOARD OF TRUSTEES MEMBER REPORTS:**

- **TRUSTEE MARCOCCIA-** extended best wishes to deputy treasurer, Stella, who had resigned and added that the Village Board may eventually fill this position with a part time person.

Mayor Fitzpatrick wanted everyone to know how extensively the Deputy Mayor works and he and the board appreciates his work.

- **TRUSTEE ECKLOND-** reported that negotiations for the DPW contract have been finalized and thanked Frank DiMarco and the Mayor for their input adding that it's a very good contract for both sides. The Mayor noted a new stipulation in the contract that newly hired for DPW will work the full day as opposed to going home at the end of the route. The Thompson Street project bids were opened and will be voted on at the next meeting for which the Village has a \$38,000 grant to make these renovations. The recently performed street paving is not wearing as well as it should; the matter is being investigated to ascertain whether quality work was performed. The emergency generator project is scheduled for bid opening on July 1<sup>st</sup> for which the Village received a \$100,000 grant from Assemblywoman Amy Paulin. Due to dramatic flooding last spring Yonkers Avenue was undermined and corrections will be made in the near future. The Mayor added that test borings will be done possibly before the next meeting. The design engineers have made some additional design changes and a final draft should be ready in the next few weeks. Regarding the senior parking space raffle, the Seniors Citizens Council can purchase a parking space from the Village and raffle it off.
- **TRUSTEE GORMAN** announced the various upcoming meetings. She asked for volunteers to help or create a website for the Housing Authority. Anyone interested in joining the Tuckahoe Seniors to call Barbara Stires. She urged everyone to attend and support the Green day celebration.
- **TRUSTEE COLEMAN** thanked the children for participating in the recent poetry event and noted that the Shiloh Church will be having an event at June 13.

- **MAYOR FITZPATRICK** thanked Assemblywoman Paulin on behalf of the Mayor for a Day project for which she gave the Village a \$17,000 for a solar trash compactor and a bike rack.

**XIII. SECOND OPPORTUNITY TO ADDRESS THE BOARD**

No public comments

**XIV.** There being no further business the Board unanimously voted to adjourn the meeting at 9:40PM.

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Susan Ciamarra, Village Clerk