

**May 19, 2008**

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 PRESENTATIONS**

1. Mayor Fitzpatrick thanked the Girls Scouts for their support with items to Camp Bucca, Iraq. The Girl Scouts representing Troops 2506 and 2508 were presented with an award for their service and hard work. In addition to the Girls Scouts present, he thanked Girl Scouts Troops 2516, 1522, 2439, 2515, 2564, and 2541 for their participation. Trustee Gorman thanked the Eastchester and Tuckahoe residents for their continued support saying that forty boxes were recently shipped to Camp Bucca, Iraq and Camp Phoenix, Afghanistan from the Girl Scouts donations.

2. Mayor Fitzpatrick presented a certificate of appreciation from the members of the Village Board to Maybelle Callender recognizing her for 39 years of service as a member of the Tuckahoe Library Board. The Mayor said that she is an example to all for her service and immeasurable contributions to the community.

Ms. Joanne Kennedy, President of the Library Board, stated that she worked with Ms. Callender for 23 years and she was a "Lady of all respects." She was never absent from a meeting in all her 39 years and will be missed.

Each member of the Board thanked Ms. Callender for her tremendous service to the Village of Tuckahoe.

**PUBLIC HEARING I.** Continuation of public hearing to receive public comments on the adoption of the **Emergency Tenant Protection Act of 1974 (ETPA)**

Mayor Fitzpatrick stated that he has received letters from Mr. Shirley's landlord, Mr. Church, and asked that he send any further letters to Village Hall rather than his residence. He noted that the vacancy survey in the Village is still in progress and is approximately 50% done.

**No Public Comments**

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

**PUBLIC HEARING II.**

**LOCAL LAW #4 OF 2008 -A LOCAL LAW PROVIDING FOR THE REGULATION OF NON-STORM WATER DISCHARGES TO THE STORM DRAINAGE SYSTEM**

Be it enacted by the Village of Tuckahoe, in the County of Westchester, as follows:

**Section I. Purpose/Intent.**

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of the Village of Tuckahoe through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user
2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

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**Section II. Definitions.**

For the purposes of this law, the following shall mean:

**Authorized Enforcement Agency.** employees or designees of the director of the municipal agency designated to enforce this law.

**Best Management Practices (BMPs).** schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Construction Activity.** Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health,

safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illegal Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section X of this ordinance.

**Illicit Connections.** An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Non-Storm Water Discharge.** Any discharge to the storm drain system that is not composed entirely of storm water.

**Person.** means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Storm Drainage System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**Stormwater Pollution Prevention Plan.** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

**Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

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### **Section III. Applicability.**

This law shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

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### **Section IV. Responsibility for Administration.**

The Building Department shall administer, implement, and enforce the provisions of this law. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

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### **V. Severability.**

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

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### **VI. Ultimate Responsibility.**

The standards set forth herein and promulgated pursuant to this law are minimum standards; therefore this law does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

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### **VII. Discharge Prohibitions.**

#### **Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this law: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
2. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### **Prohibition of Illicit Connections.**

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
  2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  3. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
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#### **VIII. Suspension of MS4 Access.**

##### **Suspension due to Illicit Discharges in Emergency Situations.**

The Building Inspector or Superintendent of Public Works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may

take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

### **Suspension due to the Detection of Illicit Discharge.**

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

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### **IX. Industrial or Construction Activity Discharges.**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Building Inspector prior to the allowing of discharges to the MS4.

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### **X. Monitoring of Discharges.**

#### **A. Applicability.**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

#### **B. Access to Facilities.**

1. The Building Inspector shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
2. Facility operators shall allow the Building Inspector ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. The Building Inspector shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The Building Inspector has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All

devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Building Inspector and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Building Inspector access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
7. If the Building Inspector has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

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## **XI. Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.**

The Village Board of Trustees will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

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## **XII. Watercourse Protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

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### **XIII. Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Building Inspector within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

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### **XIV. Enforcement.**

#### **A. Notice of Violation.**

Whenever the Building Inspector finds that a person has violated a prohibition or failed to meet a requirement of this law, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

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### **XV. Appeal of Notice of Violation.**

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 10 days from the date of the



Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

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#### **XVI. Enforcement Measures After Appeal.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, 10 within days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

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#### **XVII. Cost of Abatement of the Violation.**

Within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the village by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 12 percent per annum shall be assessed on the balance beginning on the 10th day following discovery of the violation.

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#### **XVIII. Injunctive Relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

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#### **XIX. Appeal of Notice of Violation.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this law, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

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**XX. Violations Deemed A Public Nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

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**XXI. Criminal Prosecution.**

Any person that has violated or continues to violate this law shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$250 dollars per violation per day and/or imprisonment for a period of time not to exceed 10 days.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

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**XXII. Remedies Not Exclusive.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

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**XXIII. Adoption of Law.**

This local law shall take effect immediately. All prior laws and parts of laws in conflict with this ordinance are hereby repealed.

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

John Cavallaro, Village Attorney, stated that this regulation is reviewed annually and the purpose of this law is to provide for the health, safety, and general welfare of the citizens of the Village of Tuckahoe through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

**No Public Comments**

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

Trustee Gorman motioned to adopt Local Law #4 of 2008, was seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.

**PUBLIC HEARING NO. III**

**LOCAL LAW #5 OF 2008 – A local law supplementing Sections 21-115 through 21-118 of the Code of the Village of Tuckahoe concerning a Village Parking Lot to be designated as the Parkway Oval Parking Lot.**

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 May 19, 2008.

WHEREAS, the Mayor has requested legislation designating the parking area known as the Parkway Oval Parking Lot and for the issuance of permits for parking at said parking lot;" and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 14<sup>th</sup> day of May 2008; and

WHEREAS, said public hearing was duly held on the 19 day of May 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, 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 the Village of Tuckahoe, as follows:

Section 1. Sections 21-115 through 21-118 of the Village Code of the Village of Tuckahoe are hereby amended as follows:

**§ 21-115. Parkway Oval Parking Lot**

- (a) There shall be created a municipal, Village-owned parking lot known as the Parkway Oval Parking Lot located near and about Consulate Drive and Parkway Oval in the Village of Tuckahoe, New York
- (b) The Parkway Oval Parking Lot shall consist of approximately 25 parking spaces and shall be used for the purpose of parking motor vehicles of residents of the Village.

**§ 21-116. Permit required; costs of permit**

- (a) The driving or parking of a motor vehicle in the Parkway Oval Parking Lot shall be prohibited unless a Parkway Oval Parking Lot permit is affixed to such motor vehicle.
- (b) A Parkway Oval Parking Lot permit shall mean a license issued by the Village Clerk of the Village of Tuckahoe authorizing the parking of a specified vehicle in the Parkway Oval Parking Lot in accordance with reasonable priorities and conditions established by the Village.
- (c) The parking of any motor vehicle is prohibited in such parking area unless such vehicle is parked wholly within a space designated by the Village for the parking of a single motor vehicle.
- (d) Subject to availability and the capacity of the Parkway Oval Parking Lot, the Village Clerk or her designee shall issue a Parkway Oval Parking Lot permit to a Village resident who files an application and meets all of the requirements herein. The application and Parkway Oval Parking Lot permit shall be in such form as the Village Clerk determines. The Village Clerk may require any proof of residency which is determined to be necessary before issuing a Parkway Oval Parking Lot permit.
- (e) A Parkway Oval Parking Lot permit shall be obtainable, subject to availability, at the office of the Village Clerk.

**§ 21-117. Permit size and placement; proof of residency; penalty**

- (a) Parkway Oval Parking Lot permits shall be placed on the rear windshield and are not transferable.
- (b) Subject to availability and the capacity of the Parkway Oval Parking Lot, Village residents may be issued a Parkway Oval Parking Lot permit upon submission to the Village Clerk of at least the following proof: a valid vehicle registration showing place of residence and a signed affidavit or application form as prepared

by the Village Clerk that said applicant does in fact reside at said residence in the Village.

- (c) For a motor vehicle to be eligible for a Parkway Oval Parking Lot permit, a Village resident must furnish proof of ownership either in the form of a registration for a personally owned vehicle, or a letter on company letterhead, for a vehicle owned by the resident's employer but utilized as a company car on a regular basis by the resident employee.
- (d) The fee for the Parkway Oval Parking Lot permit shall be six hundred (\$600.00) dollars, subject to amendment by resolution of the Board of Trustees with each permit being valid for the twelve-month (12) period commencing on June 1<sup>st</sup> and ending on May 31<sup>st</sup>, and said permit must be renewed annually. When the subject motor vehicle is sold or disposed of, it shall be the owner's responsibility to remove the Parkway Oval Parking Lot permit and provide proof of removal if applying for a new Parkway Oval Parking Lot permit.
- (e) There shall be no reduction in the costs of the permit, pro rata or otherwise, for permits issued after the beginning of or during the twelve-month (12) period covering the permit. There shall be no refunds for the costs of the permit, pro rata or otherwise, for permits returned to the Village after the beginning of or during the twelve-month (12) period covering the permit.
- (f) No Village resident shall give or sell a permit to another person or otherwise allow it to be placed on a vehicle other than the vehicle listed on the permit application. Any Village resident who violates the provisions of this subsection shall be liable for a fine of \$250.00, shall have such permit revoked and shall not be entitled to be issued a new permit for a period of one (1) year after such revocation.
- (g) Subject to availability and the capacity of the Parkway Oval Parking Lot, each household in the Village shall be permitted a maximum of one (1) Parkway Oval Parking Lot permit.
- (h) Vans and other vehicles with commercial license plates shall not be eligible for Parkway Oval Parking Lot permits.
- (i) The fees, if any, that are collected by the Village for Parkway Oval Parking Lot permits shall be credited to the general fund.
- (j) The Village may revoke a Parkway Oval Parking Lot permit of any area resident when it is found that a false or fraudulent application has been filed or it is found that the Parkway Oval Parking Lot permit was improperly or wrongfully issued. The Village Clerk shall provide notice of such revocation, and the effective date of such revocation shall be the date of such notice. Such notice shall provide

that the Parkway Oval Parking Lot permit shall be removed from the vehicle or vehicles.

**§ 21-118. Impoundment of illegally parked motor vehicles; redemption; revocation of permits for scofflaws; no permits to be issued**

- (a) The provisions of Sections 21-113 and 21-114 set forth in this Article shall be deemed to apply to the Parkway Oval Parking Lot and Parkway Oval Parking Lot permits.

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

Section 3. This Local Law shall take effect immediately.

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

New Matter Underlined

Deleted Matter in Brackets [ ]

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

Mayor Fitzpatrick said that he is exploring whether there is a demand for a parking lot in the Village for residents, not commuters, for use during the hours of 7:00am and 6:00pm. The fee would be \$600.00 per year, \$50.00 per month, less than a commuter parking permit. In the meantime the he had met with Board members from the Consulate, Tower Club, and with the management of 100 Columbus Ave. to discuss the demand for this lot which if it comes about, would be on a 'first come first serve basis.'

Trustee Coleman wondered what the effect, if any, this permit lot would have on the use of the baseball field and the park spaces for the games.

Trustee Gorman noted that the lot would not be enforced after a certain hour which would free up the spaces for the attendees to the baseball games.

Trustee Marcoccia noted that this lot is closest to The Consulate, where the residents are in need of parking spaces.

John Cavallaro, Village Attorney, stated that it would be illegal for a Village owned lot to give one condo group preference over another group of residents.

## **No Public Comments**

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

## **Appointments**

**Mayor Fitzpatrick offered the appointment for Peter Costa as a Community Development Advisory Group representative. Trustee Gorman motioned to adopt the appointment, was seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.**

Mayor Fitzpatrick noted that Mr. Costa will need to be a signatory for CDGB grants and as a former Trustee, he was an excellent representative.

## **PUBLIC HEARING NO. IV**

Receive public comments in considering the submission of several applications outlined the various resolutions below under the Community Development Block Grant Program (CDBG).

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

**1 Deputy Mayor Ecklund offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for

“Fisher Avenue Sidewalk Improvements” in the amount of \$125,560, in addition, \$31,390 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Mayor Fitzpatrick motioned to adopt Resolution #1, seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.**

**2 Deputy Mayor Ecklund offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for

“Dial-A-Ride Senior Transportation Program” in the amount of \$25,000, in addition, \$6,250 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Gorman motioned to adopt Resolution #2, seconded by Trustee Coleman. Trustee Marcoccia noted that the contribution made by the Village would not take effect if the grant was not approved. Upon roll call was carried with a vote of 5 – 0.**

**3 Deputy Mayor Ecklund offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for

“Young Place Sidewalks & Quarry Path Project” in the amount of \$142,885, in addition, \$35,721 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Gorman motioned to adopt Resolution #3, seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.**

**4 Deputy Mayor Ecklund offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for

“Main Street Park Improvements” in the amount of \$422,787, in addition, \$105,696 will be contributed by the Village of Tuckahoe towards the completion of this project.

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

**5 Deputy Mayor Ecklund offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for

“Sylvan/Park Avenue Island Improvements” in the amount of \$55,770, in addition, \$13,942 will be contributed by the Village of Tuckahoe towards the completion of this project.

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

**6 Deputy Mayor Ecklund offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for

“Terrace Place Sidewalk Improvements” in the amount of \$45,170, in addition, \$11,292 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Gorman motioned to adopt Resolution #6, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 5 – 0.**

**7 Deputy Mayor Ecklund offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for

“Marbledale Road Sanitary Sewer Re-Lining” in the amount of \$444,800, in addition, \$111,200 will be contributed by the Village of Tuckahoe towards the completion of this project.

**Trustee Marcoccia motioned to adopt Resolution #7, seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.**



**8 Deputy Mayor Ecklund offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for

“Columbus Ave. Flood Prevention Drainage & Storm Water Catch Basin Improvements” in the amount of \$138,650, in addition, \$34,662 will be contributed by the Village of Tuckahoe towards the completion of this project.

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

**9 Deputy Mayor Ecklund offered a Resolution** endorsing the submission of an application to the Westchester Urban County Consortium for the Community Development Block Grant (CDBG) Program for

“Columbus Avenue Sidewalk Improvements” in the amount of \$238,525, in addition, \$59,631 will be contributed by the Village of Tuckahoe towards the completion of this project.

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

Mayor Fitzpatrick thanked Deputy Mayor Ecklund for all the hard work in completing all the applications for these grants, along with the assistance from Frank DiMarco, DPW Superintendent, and John Pintos, Village Treasurer. These grants are for the time period of 2009 – 2011 and the projects will be spaced out as the money is available.

#### **OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS**

No Public Comments

#### **RESOLUTIONS -**

**1. Mayor Fitzpatrick offered a Resolution** adopting SEQR Negative Declaration as it relates to the Master Plan.

**Trustee Ecklund motioned to adopt Resolution #1, seconded by Trustee Gorman.** Mayor Fitzpatrick stated that this Negative Declaration means that there is no significant negative impact on the environment. **Upon roll call was carried with a vote of 5 – 0.**

**2. Mayor Fitzpatrick offered a Resolution** adopting the Village of Tuckahoe revised comprehensive plan/master plan.

**Trustee Gorman motioned to adopt Resolution #2, seconded by Trustee Ecklund.** Mayor Fitzpatrick noted that some language was changed by the Board members but the document itself was crafted by the Master Plan Committee. It has now been printed and will be available at Village Hall. The recommendations made by the Master Plan Committee may be implemented in the future. He thanked the committee for all their work and effort. **Upon roll call was carried with a vote of 5 – 0.**

**3. Mayor Fitzpatrick offered a Resolution AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BOND, SCHOENECK AND KING, PLLC**

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 May 19, 2008.

WHEREAS, the Mayor has requested legislation authorizing the Village to enter into a Retainer Agreement with Bond, Schoeneck and King, PLLC for professional legal services concerning labor and employment matters.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute a Retainer Agreement with Bond, Schoeneck and King, PLLC for professional legal services.

Section 2. The retainer agreement with the Village and Bond, Schoeneck and King, PLLC shall be for professional legal services concerning labor and employment matters.

Section 3. That this resolution shall take effect immediately.

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

**4. Mayor Fitzpatrick offered a Resolution** ratifying board action authorizing the purchase two storage sheds housed in the back of Village Hall at a cost of \$8,020.

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

**5. Mayor Fitzpatrick offered a Resolution** scheduling a public hearing on Monday, June 9, 2008 with regard to imposing a fee for trash and garbage collection services to business establishments.

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

**6. Mayor Fitzpatrick offered a Resolution** approving payment of vouchers in the amount of \$260,426.06 consisting of abstract #43 for \$82,821.02; abstract #44 for \$163,691.22 and abstract #47 for \$13,913.82. The largest invoices paid were: NYS Employees' Health Insurance for \$94,781.92 May health insurance premium; Receiver of Taxes for \$27,835.20 town tax on Village owned properties; NY Power Authority for \$12,179.77 electricity; Con Edison for \$10,621.90 gas supplied to Village owned buildings and Griffin, Coogan & Veneruso for \$7,195.62 certiorari settlement.

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

**7. Mayor Fitzpatrick offered a Resolution** authorizing the Village Clerk to issue a limited cabaret license to Joe's Quarry Inn at 174 Marbledale Road for Sunday, May 25<sup>th</sup> from 5:30pm to 10:00pm.

**Trustee Ecklund motioned to adopt Resolution #7, was seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.**

**8. Mayor Fitzpatrick offered a Resolution** granting permission to Wheels of Time Classic Car Club to utilize Marbledale Road between the intersections of Glen Road to the driveway entrance of Phoenix Gym for their semi-annual Antique Car show to be held on Sunday, June 29<sup>th</sup>, rain date, Sunday, July 5<sup>th</sup> from 7am to 6pm with appropriate insurance to be received.

**Trustee Ecklund motioned to adopt Resolution #8, was seconded by Trustee Gorman.** Mayor Fitzpatrick noted that the applicant must provide bathrooms, Police officers etc. Trustee Ecklund stated that he spoke with the operator of the event and he agreed to pay for the two police officers and provide bathroom facilities. He also noted that the applicant has complied willingly with all specific requests including not revving up the engines. **Upon roll call motion was carried with a vote of 5 – 0.**

**9. Mayor Fitzpatrick offered a Resolution SCHEDULING A PUBLIC HEARING ON AN AMENDMENT TO SECTION 21-67 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, AS AMENDED, REGULATING PARKING VIOLATION FINES**

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 May 19, 2008.

WHEREAS, legislation has been requested amending Section 21-67 of the Village Code of the Village of Tuckahoe, which regulates parking violation fines.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Village Law and the Municipal Home Rule Law, a public hearing shall be held on or about the 9th day of June 2008, 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 Section 21-67 of the Village Code shall be amended concerning parking violation fines. Specifically, whether said Section 21-67 shall be amended to reflect that: (i) the amount of the fine for parking meter violations shall be twenty (\$20.00) dollars; (ii) the amount of the fine for parking meter violations shall be reduced to ten (\$10.00) dollars if the fine is paid in person at the office of the Court Clerk of the Village of Tuckahoe Justice Court on the day of the violation or, if the violation is issued on a day that the Court Clerk's office is not open, on the next business day; (iii) the amount of the fine established pursuant to Section 21-67 for all parking violations shall be doubled if the fine is not paid or an appearance is not made before the 30<sup>th</sup> day after the original appearance date or any adjournment thereof; and (iv) the amount of the fine established pursuant to Section 21-67 for all parking violations shall be tripled if the fine is not paid or an appearance is not made before the 45<sup>th</sup> day after the original appearance date or any adjournment thereof.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in accordance with the Municipal Home Rule Law and/or other applicable law.

Section 3. That this resolution shall take effect immediately

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

**10. Mayor Fitzpatrick offered a Resolution** authorizing the Village Clerk to issue a limited cabaret license to Mamma Assunta for Friday, June 20<sup>th</sup>.

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

#### **APPOINTMENTS –**

1. Mayor Fitzpatrick offered an appointment for Ernest Zocchi – Village Historian for a term of one year. Trustee Marcoccia motioned to approve the appointment, was seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.

2. Mayor Fitzpatrick offered an appointment for Raymond Nerenberg – Planning Board member for a term of 7 years to expire April 1, 2015. Trustee Ecklund motioned to approve this appointment was seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

3. Mayor Fitzpatrick offered an appointment Nicole Pushkal – Sign and Awning Review Board for a term of two (2) years to expire April 1, 2010. Trustee Gorman motioned to approve this appointment was seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.

4. Mayor Fitzpatrick offered an appointment for Christopher Baez – Ad Hoc member Sign and Awning Review Board for a term of one (1) year to April 1, 2009. Trustee Gorman motioned to approve this appointment was seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.

5. Mayor Fitzpatrick offered an appointment Anne Marie Ciaramella – Sign and Awning Review Board for a term of one (1) year to expire April 1, 2009. Trustee Gorman motioned to approve this appointment was seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.

#### **APPROVAL OF MINUTES –**

**Motion by Trustee Gorman to approve the minutes of the Regular Meeting - April 28, 2008 was seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.**

#### **VILLAGE ATTORNEY**

No Report

#### **VILLAGE CLERK**

No Report

## BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE COLEMAN** thanked Trustee Ecklund, Frank DiMarco and the Police Dept. for responding to an incident at her home last week. She announced that she will be attending the meetings for Parks and Recreation and the Chamber of Commerce and noted that residents can contact her with any issues they would like to discuss. Trustee Coleman inquired about the safety of the intersection of Highview and Westview. Mayor Fitzpatrick noted that the residents asked for a 'Children at play' sign which was installed and then they asked for a 'One Way Street' sign that also was installed. He noted that this was the location of a recent accident. Mayor Fitzpatrick stated that vehicles do not stop, but pause slowly at that intersection due to the right turn the vehicle must make. If a vehicle is traveling at a high speed, it will not be able to make the right hand turn and will cause an accident. Another sign will not deter the driver from speeding. As far as the 911 response is concerned, that has been rectified.
- **TRUSTEE GORMAN** announced that a group of local residents provide services, for a fee, to seniors in the area which would permit them to continue to live in their own homes. Such services include; lawn care, hair cuts, handyman services, nursing and education etc. A presentation from this group will be given at the June 9 meeting. She noted that she will be the liaison for the Building dept. Trustee Gorman stated that the Environmental Committee scheduled an energy audit by the NY Power Authority for May 30 to identify areas where the Village can cut energy usage and costs. Trustee Gorman thanked the Girl Scouts for their support for Camp Bucca, as well as John Cavallaro, Village Attorney, and his firm, Trustee Ecklund, Sans Signs and Phil Denning for paying for the past few shipments. Storage Deluxe once again provided all the boxes for all the deliveries. The Village Flag was flown over the camp and was signed by many troops at the camp and will be on display in Village Hall.
- **TRUSTEE MARCOCCIA** announced that the Disability Committee will have a meeting May 29 at 7:30 in Village Hall. He noted that due to the lack of handicap accessibility at the Immaculate Conception lower church, the 33<sup>rd</sup> District site for voting has been moved from Immaculate Conception Church to the Community Center. Trustee Marcoccia stated that he will now be the liaison to the Library Board, Finance and fire.
- **TRUSTEE ECKLOND** reminded residents of the school budget vote and school elections. The Union Place Park will be completed in two days. He thanked Frank DiMarco for his assistance with the CDGB grant applications. He announced that the Arbor Day celebration, May 5, was a success and along with Councilwoman Sheila Marcotte and elementary school children a tree was planted at the WWI Memorial Park on Winterhill Road.

- **MAYOR FITZPATRICK** announced that tonight's Village Board meeting was live on the internet. This was a trial run and asked residents to view it. He noted that business owners as well as residents snow birds may now view the meetings as they do not have access to the local station. The Board will have further discussion on this matter. May 31 – Child safety seat check sponsored by the Police Dept. at Village Hall. May 31 – from 11:00am – 2:00pm Tim Iodini's passport mobile. June 1 – shred mobile. Mayor Fitzpatrick thanked the Beautification Committee for the recent successful street fair and thanked all the residents for their support. He announced that there are three high school students working at Village Hall earning school credit and work experience.

## **SECOND OPPORTUNITY TO ADDRESS THE BOARD**

A representative from P & S Electric stated that there was a miscommunication between him and his partner. His partner tried to file the papers for an electrical permit with the Building Dept. but the Village Offices closed early on Good Friday. The partner went out of town, never notifying the company that the correct papers were not filed yet. The representative from P & S asked for leniency with regards to the \$1000.00 fine served by the Building Dept.

Mayor Fitzpatrick stated that the representative from P & S should appear before the judge at court tomorrow.

Phil Allison, 283 Marbledale Rd., asked the Board to review the property tax procedure. He submitted a Journal News newspaper article which he read into the record.

## **COMMUNITY VIEW**

# Let us rethink our taxation concepts

**ERWIN H. WEBSTER**

Every age has its taboos. Perhaps bur most ludicrous one mandates that we be brain dead to an honest appraisal of the archaic practice of using a property tax to raise local revenue. This tax was valid two centuries ago when farm land was the criterion of wealth. Today, consider the massive wealth untaxed at the local level: that derived from stock market speculation, computer technology, commercialized sports, and television and movie entertainment — all nonproductive activities. Think for a moment: Does not this tax act as an agent of corporate welfare?

The United States government and the states recognize that it is an immutable truth that revenue should be based on income because income is the true criterion of ability to pay. The only justification for any tax based on the market value of our homes should be that it is levied on the profit ensuing from, their sale. Instead, we have an annual market-value penalty we suffer for the privilege of simply living in our homes.

We have a local jerry-built system of revenue arbitrarily derived from the inflated and constantly variable market value of real estate. This unstable policy necessitates three bandages: equalization rates, reassessments and writs of certiorari — all exercises in futility at cross purposes to each other.

Reassessment is a perennial threat to all those on fixed incomes. At present, we have the usual movement for reassessment in Westchester County. The estimated cost of the procedure is a senseless waste of \$21 million of our taxpayer dollars. How many more millions are wasted statewide by reassessment procedures? With a sane tax policy this farce would be eliminated.

Basing taxation on ownership of property rather than the ability to pay automatically exempts a large class of citizens — those who rent Ironically, no attempt has ever been made to justify this situation. (If one were made, logic indicates it must be that they are second-class citizens unable to support their community — not a compliment!

Nothing could be further from the truth. How many multimillionaires, in effect, evade local taxes by renting in Manhattan alone? How great an increase would occur in the local revenue base if all renters, for the first time, contributed to their community, and the truly wealthy, for the first time, did likewise? As Adam Smith strongly indicated, all should support civilization according to their ability to do so — no more and no less.

Would not counties, municipalities and school districts be relieved of the financial straits they suffer under the present restricted revenue base? Would not the continual internecine conflict be eliminated? Witness the anxieties and tensions that accompany each school budget alone! The hodgepodge of formulas and factors used by the state to determine school aid would disappear. We never hear the answers to our questions. Publishers and TV and radio moguls maintain too tight a leash on their investigative reporters.

With reform, landlord property-tax cancellations would be passed on to tenants as reduced rates. Moreover, tenants would receive a windfall of reduced federal income taxes resulting from the trade-off of reduced rents (not deductible) and increased local income taxes (deductible) to the tune of hundreds of millions of dollars statewide annually.

Most businesses would benefit from the transfer of property taxes (fixed costs) to corporate franchise taxes (variable costs). Homes would be more marketable and would increase in value. As income falls, unlike today, taxes would fall. As income rises, taxes, appropriately, would increase. Families would no longer be forced to sell their homes and leave the state. They would not be evicted through foreclosure for inability to pay taxes on their homes. Who could question this return to sanity?

Let's repeal the inequitable and regressive property tax — a tax with no justification since long ago it lost its relationship to ability to pay; a tax that penalizes the elderly, the retired, the widowed, the unemployed and, all those who desire to live in the domestic tranquility of their homes. We would strike a blow at the most critical problem facing Americans — the splitting into two nations — a rich one and an impoverished one.

The remedy is a statewide bill, and therein lies the rub. Perhaps mine is the voice of one crying in the desert. Perhaps Pogo was correct when he said, "We have met the enemy and they is us."

And perhaps not.

*The writer is a  
Mamaroneck resident.*

Mayor Fitzpatrick stated that the Board could create a resolution regarding the tax procedures and present it to the Mayor's Council.

Jeff Zuckerman 24 Bronx St. thanked all involved in the Camp Bucca donations and noted that his wife, Trustee Gorman, has put a tremendous amount of effort into this wonderful cause.

Trustee Coleman congratulated the Police Officers honored this week.

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

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Susan Ciamarra, Village Clerk

