

November 24, 2008

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

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

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

PUBLIC HEARING I.

Continuation of public hearing on LOCAL LAW #8 OF 2008 – (previously referred to as Local Law #7 of 2008)

A LOCAL LAW AMENDING SECTIONS 10-17 THROUGH 10-25 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE OF CHAPTER 10, ARTICLE II, ENTITLED “COLLECTION” “GARBAGE, TRASH AND REFUSE”

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the ‘Village’) held at Village Hall, 65 Main Street, Tuckahoe, New York on July 14, 2008.

WHEREAS, legislation has been requested amending garbage, trash and refuse collection procedures utilized in the Village of Tuckahoe and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 29th day of May, 2008; and

WHEREAS, said public hearing was duly held on the 9th day of June 2008, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

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

Section 1. Sections 10-17, 10-18, 10-19, 10-20 and 10-21 of the Code of the Village of Tuckahoe are hereby repealed in their entirety.

Section 2. Sections 10-17, 10-18, 10-19, 10-20, 10-21, 10-22, 10-23, 10-24 and 10-25 of the Code of the Village of Tuckahoe are hereby amended and added as follows:

S 10-17. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

(a) DUMPSTER — A large trash receptacle for any material.

(b) GARBAGE — Wastes resulting from the handling. Preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

(c) LITTER — Garbage, refuse or rubbish, as may be defined herein, and other waste material which is thrown or deposited and which tends to create a danger to the public health, safety and welfare.

(d) MULTIFAMILY DWELLING— A detached building containing four or more dwelling units.

(e) NONRESIDENTIAL PREMISES — Commercial, Industrial or institutional premises or a parcel of land containing four or more residential units.

(f) PERSON — Any person, employee, servant, agent, firm, partnership, association, corporation, company or organization of any kind.

(g) PRIVATE DWELLING — A detached building containing three dwelling units or fewer.

(h) PRIVATE PROPERTY — Any property other than public highways, parks, parking lots and other publicly or municipally owned and/or maintained property.

(i) PRIVATE REFUSE COLLECTION SERVICE — Any non-Village refuse collection service that collects and removes waste from dumpsters or similar containers.

(j) PUBLIC PLACE — All parks, parking lots and any municipally owned and/or maintained property, including the park, lawn and sidewalks surrounding the Village Hall.

(k) RECEPTACLE — Containers of galvanized metal or other durable and nonflammable material for the storage of garbage. Such containers shall include but are not limited to trash cans, dumpsters or similar such containers.

(l) REFUSE — Combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding; noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass crockery and other mineral waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch-basin dirt and contents of litter receptacles; and automobiles not having a current valid New York State motor vehicle inspection certificate, except currently registered out-of-state vehicles, “Refuse” shall not include earth and wastes from building operations, nor shall it include solid or chemical wastes resulting from industrial processes and manufacturing operations such as food-processing wastes, boiler-house cinders, lumber, scraps and shavings, nor shall it include recyclables as defined by the Westchester County Source Separation Law.

(m) RESIDENTIAL AREA OR ZONE — An area primarily classified as residential by the Zoning Ordinance of the Village for residential purposes, or a building legally used as a residence, even if not in a residential district.

(n) RUBBISH — Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as but not limited to yard clippings, leaves, metals, wood, glass, paper, wrapping, cardboard, cigarettes, tin cans, bedding, rags, boxes, crockery and similar materials. Noncombustible “rubbish” does not include waste, waste building material or stones, nor does it include recyclables as defined by the Westchester County Source Separation Law.

(o) SIDEWALK — That portion of a street between the curb-lines of a roadway and the adjacent property lines intended for the use of pedestrians.

(p) STREET — The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

(q) VILLAGE — The Village of Tuckahoe, Westchester County, New York.

(r) YARD RUBBISH — Miscellaneous waste material, such as tree branches, brush, Twigs, grass and shrub clippings, weeds, leaves and general yard and garden waste materials, but does not include earth or building materials or the part of any tree, shrub, tree trunk or stump which exceeds four feet in dimension nor does it include recyclables as defined by the Westchester County Source Separation Law.

S 10-18. Prohibitions

(a) Accumulation prohibited. The owner, lessee, contractor, tenant or other person having management or control of or occupying any lot or plot of land in the Village, excluding any location designated by the Board of Trustees of the Village of Tuckahoe or the Westchester County Department of Health for such purposes, shall keep such land, at all times, free and clear of any accumulation of garbage, refuse, rubbish, litter and waste or discarded matter of any type, including automobiles, except such as may be deposited for collection and disposal purposes as provided for herein. Upon due notice, in writing, by the Superintendent of Public Works or the Police Department of the Village, given to such owner, lessee, contractor, tenant or other person to remove said accumulation of garbage, refuse, rubbish, litter and waste or discarded matter from said lot or parcel of land and upon failure to comply within a period of five days after the service of said notice, said owner, lessee, contractor, tenant or other person shall be deemed to have violated the provisions of this chapter. Notice shall be served by regular mail, in person or by leaving a copy thereof with a person of suitable age and discretion.

(b) Dumping prohibited. No person shall dump, deposit, throw, place, cast or bury ashes, rubbish, yard rubbish, grass cuttings, tree cutting, leaves, garbage, waste matter, offal or discarded matter of any type on any lot or plot of land in the Village, other than compost heaps such as may be utilized by a home gardener when stored on his own property and appropriately screened from view, provided that such compost heaps do not develop obnoxious odors, attract rodents or otherwise

create a hazard to the health and enjoyment of neighboring property owners. Discarded matter shall include any junked or abandoned vehicle which is without a currently valid license plate and is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition.

(c) Contents from vehicles prohibited. No person being the owner, driver or operator of any car or other vehicle, including construction vehicles, and no owner of an receptacle shall scatter, drop or spill or permit to be scattered, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish or hay, straw, oats, sawdust, shavings or other light materials of any sort or manufacturing, trade or household waste, refuse or rubbish of any sort or ashes, manure, garbage or other organic refuse or other offensive matter therefrom or permit the same to be blown off therefrom by the wind upon any street or sidewalk or right- of-way or public place in the Village.

(d) Liquid wastes on streets prohibited. No person shall allow any swill, brine or any offensive animal matter or any bad-smelling or noxious liquid or other matter of any kind contaminated with filth to run or fall into or upon any street, sidewalk, right-of-way or public place in the Village or be taken or put thereon.

(e) Animals wastes on sidewalks and public places prohibited. No person owning or having the care, custody or control of any domestic animals, including cats, whether leashed or unleashed, shall permit such animal to soil, deface or commit any nuisance upon any sidewalk or public place in the Village.

S 10-19. Authority of Superintendent of Public Works

All garbage, refuse, rubbish, litter and waste material of any type accumulated in the Village shall be collected, conveyed and disposed of under the supervision of the Superintendent of Public Works or his designee, who shall have the authority to make regulations concerning the days of collection, type, size and location of disposal containers and such other matters pertaining to collection, conveyance and disposal as he shall find necessary. The Superintendent of Public Works shall have the authority to change and modify any regulations after due notice to residents, merchants, operators of commercial establishments and any other persons so affected.

S 10-20. Receptacles, standards and placement.

A. Garbage, ashes and rubbish shall be placed and maintained in containers or receptacles.

B. It shall be the duty of every person having the ownership, management or control of or occupying any land or building to provide, for the exclusive use of such land or building part thereof, sufficient receptacles to hold garbage, ashes and rubbish ordinarily accumulated by the occupants of such land or building, each in separate receptacles, and allocate an area for storage of such receptacles in the interval between regular collections. Any waste material other than garbage, ashes and rubbish, which cannot be readily deposited in any receptacles, may be compacted and securely bundled, tied or packed so as to be easily handled but shall not weigh more than 75 pounds and not be likely to be scattered and, when packed and secured, may be placed at the curb on curb pickup days. Such packages or bundles should not exceed three feet in length.

C. Such receptacles shall not exceed 32 gallons capacity and, when filled, shall not exceed 75 pounds in total weight Each of such receptacles provided for in this chapter shall be commercially manufactured for the purpose, equipped with suitable handles, watertight, kept covered with a tight-fitting, flanged cover and maintained in good and sanitary condition and shall be free of water or wetted materials. Receptacles shall be protected at all times from rain or snow and from being disturbed, displaced or spread about by persons, animals or the elements. Provision must be made that debris is not scattered by wind. Residential areas are limited to three containers per any one dwelling unit. Commercial areas are limited to three containers per establishment

D. Any container or receptacle that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents shall be replaced promptly upon notice. The Superintendent of Public Works shall have the authority to suspend collection for failure to comply herewith.

E. Refuse containers shall be placed in the sidewalk area immediately in front of the buildings in business districts at specified collection times. Refuse containers shall be placed at ground level in an accessible location at the side or rear of a dwelling or building in any residential district and of residences in commercial and manufacturing districts. During the winter, a path or a way must be cleared from the street to the location of the garbage containers. At all times other than collection times, receptacles must be stored out of public view on the owner's property. The Superintendent of Public Works may authorize the removal of garbage and ashes from the receptacle storage areas, provided that such storage areas are readily accessible to the collection vehicle and collection in this manner will, in his opinion result in a more expeditious removal of garbage and ash accumulation from such receptacles.

F.

(1) Trash containers used for one- and two-family residences are not permitted in the front yard. If a practical difficulty in locating them in the side or rear yards can be proven to the satisfaction of the Planning Board, then said containers may be placed in the front yard in a manner and location acceptable to the Planning Board. If containers are to be placed in the front yard, then the Planning Board may require enclosure, screening, or both, as may be acceptable to the Board and following the guidelines contained herein for commercial, industrial or multifamily properties.

(2) An industrial, commercial and multifamily use container shall not occupy a right-of- way or be located in a required yard (setback). The Planning Board may specify a minimum distance from the property line of an adjoining property for the proposed location.

(3) The Planning Board will exercise the following preferences with regard to the proposed location of containers:

(a) The first (most) preferred location is inside the primary structure or building on the lot.

(b) The second preferred location is the rear

(c) The third preferred location is the side yard.

(d) The fourth (least) preferred location is the front yard.

(4) The Planning Board shall use the following criteria to assess the proposed location:

(a) The more visible a proposed location is to adjoining properties, pedestrians and passing vehicles, the less preferred the location will be.

(b) A lesser preferred proposed location shall be required to have more screening and a higher quality aesthetic value than a more preferred location.

S 10-21. Collections

A. Generally, The Village shall make regular collections of all refuse as often and during such specified hours as shall be prescribed by the Superintendent of Public Works. Collections shall be made from receptacles when placed on or in front of any premises at such accessible locations as shall be designated herein or by the Superintendent of Public Works. The Superintendent of Public Works shall have the right to omit collections from any premises where a vicious dog is permitted to run at large or where employees of the Village are subject to any unnecessary danger or hazard.

B. Residential collections.

(1) Regular collections from residential zones and residences in commercial and industrial zones shall be made from Monday through Friday on days and hours scheduled by the Superintendent of Public Works.

(2) All refuse shall be in a container commercially manufactured for this purpose and not exceeding 32 gallons in size and shall have a tight-fitting cover with a maximum filled weight of 75 pounds.

(3) Quantities of refuse to be collected are limited as follows:

(a) Garbage. The equivalent of three thirty-two-gallon containers each collection day. Bundled and tied tree trimmings, not exceeding up to one cubic foot or in bundles not exceeding three feet in length and 24 inches in any other dimension, shall be equal to one thirty-two-gallon container.

(b) Rubbish. The equivalent of five thirty-two-gallon containers. Bundled and tied tree trimmings, not exceeding three feet in length and 24 inches in any other dimension, shall be equal to one thirty-two-gallon container. All must be placed at curbside no more than 24 hours before regular pickup.

(c) Christmas trees. Trees shall be placed at the curb area and will be collected by regular collection or special collection during the month of January each year. Christmas trees do not have to be cut to meet length requirements described otherwise herein.

(d) Large household items. All large household items, which cannot be picked up with regular garbage on the sanitation truck, shall be placed at curbside no more than 24 hours before regular pickup and shall be equal to no more than five thirty-two gallon containers in size. All large household metal items shall be placed at curbside no more than 24 hours before a scheduled metal pickup. The Superintendent of the Department of Public Works shall have the authority to decline certain materials in accordance with the Village's ability to dispose of such materials. In the event that such materials have been declined by the Village, they must be removed from curbside within 24 hours from the time of refusal.

(e) Leaf removal. During the autumn leaf-removal period, all leaves are to be picked up in bulk from the curb. At all other times, leaves must be in standard manufactured leaf bags and closed with appropriate ties.

C. Prohibitions

- (1) Use of barrels, drums, kegs, cardboard boxes or cloth bags for the containing of garbage is prohibited.
- (2) Empty receptacles shall be removed from the curb area within the same day, unless otherwise prescribed by the Village.
- (3) Unless otherwise provided for herein, refuse receptacles shall be stored only on private property, on a location adjacent to a principal or accessory use building, and in no case shall such receptacles be stored on public property or forward of the front building line of the principal structure.
- (4) It shall be, hereafter, illegal for any person to construct, place or build facilities for the storage of receptacles below property grade (underground).
- (5) Receptacles shall not be placed for collection inside or within any building, accessory use building or garage or any place above or below level.
- (6) No person shall prevent or interfere with any employee of the Village in the sweeping or cleaning of any street, sidewalk or right-of-way or in the removal therefrom of sweepings, litter, snow, ice or other refuse material.
- (7) No person, other than an authorized employee or agent of the Village or a private collection agency authorized by the owner or occupant of the property, shall disturb or remove any garbage, refuse, rubbish, paper or boxes that have been placed outside of private houses or lots for removal.
- (8) No employee of the Village, in the course of his duties, shall be required to enter a building or structure to gather or collect any refuse.

10-22. Materials not collected.

A. The Village shall not collect or dispose of any garbage, rubbish or refuse resulting from construction, alteration or demolition of a building. Such materials include but are not limited to concrete, plaster, wood studs, asphalt, cinder blocks, brick, sawdust, sod or dirt and any material otherwise commonly known as "building materials." The Village shall not collect or dispose of any highly combustible materials, toxic or hazardous chemicals, automobile or other vehicle parts and junk vehicles. The Village shall not collect or dispose of any tree stumps or branches, unless they are split in sections six inches or less in diameter and three feet or less in length; branches shall be securely tied in bundles for easy handling. Removal of such debris shall be arranged privately.

B. In the event that the private removal of such debris requires use of a dumpster or other similar type of container, no such container shall be placed upon public property without a permit therefore having been issued by the Village in accordance with the procedures set forth in Subsection C of this section. Each such container must be properly secured after working hours for prevention of injury or accident and must be properly illuminated with lanterns or other such safety devices on the outside perimeter of the same, and under no circumstances shall such a container remain for more than 10 working days in any calendar month. No such permit shall issue unless the applicant shall place with the Village a certificate of insurance in an amount to be determined by the Superintendent of Public Works.

C. Upon issuance of said permit, the applicant shall pay a fee in the sum of \$250 for the placement of such a container upon public property for a period of time not to exceed five consecutive days. In the event that the placement of such a container exceeds said five-day period, an additional fee shall be required in the sum of \$50 per day for each additional day. In addition, upon the issuance of any

such permit, the applicant shall deposit with the Village of Tuckahoe the sum of \$500 as security for the faithful performance of the requirements of this subsection.

10-23. Excessive accumulation of refuse.

A. Any accumulations of refuse resulting from failure of any person to comply with a provision of this chapter or from the failure of such person to take advantage of the regular collection service maintained by the Village and any waste building materials in excess of ordinary household refuse of such materials shall be removed by such person at his expense.

B. The Village will collect on scheduled days, amounts of all classes of refuse from the premises in accordance with limitations set forth herein, but, where abnormal amounts are placed for collection, the Superintendent of Public Works reserves the right to refuse the materials, to defer the collection, to collect the material in part or to make special collection thereof at charges authorized by the Superintendent of Public Works.

10-24. Penalties for offenses.

A. Violation of the provisions of this chapter shall be punishable, upon conviction thereof, by a fine not exceeding \$350 or imprisonment not exceeding 15 days, or both.

B. In addition to the penalties indicated in Subsection A above, the Building Inspector shall have all other remedies and techniques for the enforcement granted by this chapter or any other law, statute or regulation, including but not limited to summary action, injunctive relief and civil actions for damages to the environment

10-25. Effect of county standards.

The provisions of Article VII of the Sanitary Code of the Westchester County Health District adopted by the Westchester County Board of Health, as amended, applicable to offensive material shall apply, except as required herein, and the provisions of this chapter shall be considered to be an addition to the provisions of the Sanitary Code of the Westchester County Health District.

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

Section 3. This Local Law shall take effect immediately.

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

New Matter Underlined

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

Bill Williams, Building Inspector, stated that the law should incorporate the Village DPW Superintendent, Code Enforcer, Building Inspector and any official from the police department that may enforce the penalties and have the right to issue a summons for the offenses.

Trustee Marcoccia suggested the Board consider keeping the rate set for a two year period.

Trustee Ecklund noted that the law being discussed is to regulate the collection; the fee schedule has not been discussed.

John Cavallaro, Village Attorney, said this is a two-step process; adoption of the law and then to establish a fee schedule which will be decided by the Village Board in consultation with the DPW Superintendent.

Frank DiMarco, Superintendent of the Dept. of Public Works, said he would recommend charging approximately half of the rate the private carters charge.

Mayor Fitzpatrick stated that the Board will discuss this further and hold the public hearing open until next month.

No Public Comments

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

PUBLIC HEARING II. LOCAL LAW NO. 9 OF 2008

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

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

Mayor Fitzpatrick noted that the Board needs to consider expanding the use of this corridor. Under the current zoning code, this industrial zone is restricted to mostly automotive body shops and the like. The Village is not receiving the value on tax revenue from this corridor.

John Cavallaro, Village Attorney, noted that he had received a letter from Mr. Rocco Salerno, an attorney in Eastchester representing Slotnick Properties, regarding the possibility of erecting a Starwood Hotel with 160 rooms on Marbledale Rd.

Mayor Fitzpatrick noted that with the current zoning code, this would be unacceptable. He stated the need for a public hearing to get feedback from the community as well as to hear from the Mr. Salerno and his client.

Trustee Coleman recommended that, if Marbledale Rd. zoning is changed that the current businesses be grandfathered in.

John Cavallaro, Village Attorney, noted that the Board would need to amend the Master Plan. The Master Plan committee did make the suggestion to create a new Zoning classification such as a general business zone for that area. The Zoning Ordinance must be amended to apply to other areas besides Marbledale Rd.

Mayor Fitzpatrick stated that this corridor needs a new purpose to benefit the community financially. He announced that there is a new legal intern from Pace University who will be assisting in this matter.

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

PUBLIC HEARING III. LOCAL LAW NO. 10 OF 2008

A LOCAL LAW AMENDING SECTION 15-4 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE ENTITLED "SKATING OR USING ROLLER COASTERS, ETC."

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 November 24, 2008.

WHEREAS, the Mayor and Village Board have requested legislation amending Section 15-4 of the Village Code of the Village of Tuckahoe, entitled "Skating or using roller coasters, etc.;" and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 10th day of November 2008; and

WHEREAS, said public hearing was duly held on the 24th day of November 2008, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

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

Section 1. Section 15-4, entitled "Skating or using roller coasters, etc." of the Village Code of the Village of Tuckahoe, is hereby repealed in its entirety.

Section 2. Section 15-4, entitled "Skating or using roller coasters, etc." of the Village Code of the Village of Tuckahoe, is hereby restated and amended as follows:

Section 15-4 Definitions.

As used in this article, the following terms shall have the meanings indicated:

IN-LINE SKATES

Shoes, skates or footwear with a single row of wheels.

ROLLER SKATES

Shoes, skates or footwear with two or more rows of roller wheels.

SKATEBOARD

A narrow board of wood, plastic, fiberglass or similar material with roller-skate or other type of wheels attached to each end and used for gliding or moving on any hard surfaces, without a mechanism or other device for steering while being used, operated or ridden.

Section 15-4A Unlawful activities.

No person shall use or operate a skateboard/in-line skates/roller skates upon any public streets (including the entire paved and improved surfaces thereof, including gutter areas, from curb-to-curb, where curbs exist), sidewalks or on any public lands within the Village of Tuckahoe:

- A. In a careless manner without due caution and circumspection;
- B. While endangering, or in any manner to create a risk or danger to, any person or property; or
- C. In any manner to impede or interfere with pedestrian or vehicular traffic.

Section 15-4B. Precautions.

A. Every person operating a skateboard/roller skates/in-line skates shall operate the same in strict observance of Article 34 of the New York State Vehicle and Traffic Law relating to the operation of bicycles and play vehicles, except as to those provisions which by their nature can have no application.

B. The operator of a skateboard/roller skates/in-line skates emerging from an alley, driveway or building shall, upon approaching a sidewalk, yield the right-of-way to all pedestrians approaching said walk.

C. Whenever any person shall operate a skateboard/roller skates/in-line skates upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

D. No person shall operate a skateboard/roller skates/in-line skates at nighttime unless he or she is wearing reflective clothing, which shall be visible from a distance of not less than 50 feet and a maximum of 300 feet from the front, side and rear when directly in front of the lawful beams of headlight on a motor vehicle. "Reflective clothing" shall be defined, for the purposes of this article, as any shirt, vest or jacket or any other readily visible piece of apparel equipped with a reflective surface.

E. Every person operating a skateboard/roller skates/in-line skates shall wear a protective helmet and wrist guards.

Section 15-4C. Penalties for offenses.

Any person violating any provision of this article shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine not to exceed \$25 for the first offense and not more than \$50 for each offense thereafter.

Section 15-4D. Severability.

If any clause, sentence, paragraph, word, section or part of this article shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

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 []

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

John Cavallaro, Village Attorney, summarized the law as no person shall use or operate a skateboard or inline skates, or roller skates in any public streets in a careless manner without due caution; while endangering or creating a risk to any person or property; and in any manner to impede or interfere with a pedestrian or traffic.

A discussion evolved pertaining to protective gear. It was determined that the law should require helmets, but not wrist guards.

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.

OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

No Public Comments

RESOLUTIONS -

1. Mayor Fitzpatrick offered a Resolution authorizing the Village to invest funds with MBIA Asset Management in their New York Cooperative Liquid Asset Securities System (NYCLASS).

Trustee Gorman motioned to adopt Resolution #1, seconded by Trustee Coleman.

Mr. Pintos, Village Treasurer, stated that a MBIA is an alternate investment vehicle formed for municipalities. They are rated AAA, which is the highest rating, use very conservative investment policies, funds are totally liquid, no minimum deposit required, and no withdrawal penalty. There is no FDIC backing, just collateral with 630 investors, and 12 billion dollars in assets. Mayor Fitzpatrick noted that the Village has approximately 1.7 million dollars distributed among 4 banks. He stated that he would not take any risks with the Village money. The Board will discuss this further. **Upon roll call was carried with a vote of 5 – 0.**

2. Mayor Fitzpatrick offered a Resolution to ratify Village Board action allowing emergency roof repairs to the DPW building at a cost of \$3,425. Three proposals were received ranging from \$3,425 to \$3875.

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

3. Mayor Fitzpatrick offered a Resolution to accept a \$2,000 donation from Ernie Zocchi to convert Tuckahoe's history from the present micro fiche system to CD ROM making it easier for future generations to access.

Trustee Gorman motioned to adopt Resolution #3, seconded by Trustee Ecklund. Trustee Gorman thanked Mr. Zocchi for this generous contribution. **Upon roll call was carried with a vote of 5 – 0.**

4. Mayor Fitzpatrick offered a Resolution to approve salary below for Tuckahoe Housing Authority employees set by the THA Board of Commissioners for fiscal year 2008-2009 effective 10/1/2008:

| | | | | |
|----------------------|-----------------|---------|------------|----------|
| Mechanic Maintenance | Annual Increase | \$1,512 | New Salary | \$51,905 |
| Mechanic Repair | " | " | \$1,050 | \$36,050 |
| Intermediate Clerk | " | " | \$1,230 | \$42,230 |
| Sr. Office Assistant | " | " | \$1,956 | \$67,150 |

Executive Director “ “ \$20,000 “ “ \$90,000

Trustee Ecklund motioned to adopt Resolution #4, seconded by Trustee Gorman. John Cavallaro, Village Attorney, advised the Board to invite the Chairman of the Board or the Executive Director to explain the increases. **Mayor Fitzpatrick recommended that the Board defer this resolution until next month.** **Trustee Gorman motioned to defer this resolution, was seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.**

5. Mayor Fitzpatrick offered a Resolution authorizing the Mayor to sign an agreement between Computel Consultants and Village of Tuckahoe for the purpose of examining utility accounts, telephone, electric (including street lighting), natural gas and Cable TV to indentify prior and present overcharges, or, in the case of Cable TV, to identify underpayment of franchise fees, to prepare necessary documentation and negotiate with the appropriate utility company, telephone and/or communications company to have any identified errors corrected, and to obtain refunds and/or credits as well as to make specific recommendations for the purpose of reducing future billing.

Trustee Ecklund motioned to adopt Resolution #5, seconded by Trustee Gorman. Mayor Fitzpatrick stated the Village has joined with the Towns of Eastchester and Bronxville to hire these consultants. This firm has been very successful with other municipalities. The firm will take 33% of the refunded amount. **Upon roll call was carried with a vote of 5 – 0.**

6. Mayor Fitzpatrick offered a Resolution authorizing payment of vouchers in the amount of \$294,048.11 consisting of abstract #17 for \$61,163.95; abstract 19 for \$176,239.64 and abstract #21 for \$56,644.52. Largest invoices paid were: \$89,747.08 November health insurance premium, \$18,787.25 September electricity for various Village properties, \$19,890 August and September Village share of fines and fees paid to State comptroller, \$15,200.16 interest payment on BAN to Hudson Valley Bank.

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

7. Mayor Fitzpatrick offered a Resolution approving Eastchester Fire Dept. request to utilize the Community Center as a polling place for the Fire District’s 2008 Annual Election from 4pm to 9pm as well as to use the Center on Monday, December 8th at 7pm to swear in the election inspectors.

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

8. Mayor Fitzpatrick offered a Resolution accepting a \$10,000 donation from the Generoso Pope Foundation to defray costs of the upcoming Winterfest, Crestwood Holidayfest and New Year’s Eve events.

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

9. Mayor Fitzpatrick offered a Resolution AUTHORIZING THE ADVERTISING FOR PUBLIC BIDS IN CONNECTION WITH RETAINING THE SERVICES OF A COLLECTION AGENCY FOR DELINQUENT PARKING 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 November 24, 2008.

WHEREAS, it is the intent of the Village Board to advertise for public bids in connection with retaining the services of a collection agency for delinquent parking fines;
NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Village Clerk to advertise for public bids in connection with retaining the services of a collection agency for delinquent parking fines.

Section 2. The Village reserves the right to schedule the date for the opening of the aforesaid bids, subject to the completion of approved specifications for public bids in connection with retaining the services of a collection agency for delinquent parking fines, but at all times at least (5) days shall elapse between the first publication advertising this bid and the date so specified for the opening and reading of bids.

Section 3. That this resolution shall take effect immediately.

Trustee Gorman motioned to adopt Resolution #9, seconded by Trustee Coleman. Mayor Fitzpatrick noted that 25% to 30% of the unpaid fines do not fall under the auditors' area of responsibility and must therefore be put out to bid. The mayor stated that this is an enormous amount of revenue for the Village. **Upon roll call was carried with a vote of 5 – 0.**

10. Mayor Fitzpatrick offered a RESOLUTION SCHEDULING A PUBLIC HEARING ON AMENDING THE CODE OF THE VILLAGE OF TUCKAHOE, SECTIONS 13A-1 THROUGH 13A-5, ENTITLED LANDLORD REGISTRY

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 November 24, 2008.

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to an amendment(s) to Sections 13A-1 through 13A-5 of the Code of the Village of Tuckahoe, entitled, "Landlord Registry."

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Municipal Home Rule Law, a public hearing shall be held on or about the 8th day of December 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 a certain section(s) of the Code of the Village of Tuckahoe, to wit: Sections 13A-1 through 13A-5, entitled "Landlord Registry" shall be amended.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in the manner provided by applicable law.

Section 3. That this resolution shall take effect immediately.

Trustee Gorman motioned to adopt Resolution #10, seconded by Trustee Coleman. Mayor Fitzpatrick noted that this will be reopened for the residents with two homes in the Village. He suggested placing a plaque in the lobby of rental buildings listing the name and phone numbers of the owner and/or Management Company. **Upon roll call was carried with a vote of 5 – 0.**

11. Mayor Fitzpatrick offered a RESOLUTION AUTHORIZING A REQUEST FOR PROPOSALS FROM REAL ESTATE BROKERS IN CONNECTION WITH LEASING SPACE LOCATED WITHIN VILLAGE HALL

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 November 24, 2008.

WHEREAS, it is the intent of the Village Board to seek requests for proposals from real estate brokers in connection with leasing space located within Village Hall;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Village Clerk to seek requests for proposals from real estate brokers in connection with leasing space located within Village Hall.

Section 2. That this resolution shall take effect immediately.

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

12. Mayor Fitzpatrick offered a Resolution accepting bid in the amount of \$6,600 from Kawer's Tuckahoe Paint and Glass Co. to furnish and install one pair of Aluminum Doors with Transom Glass above and continuous hinges at the front entrance of the Community Center. The doors will accommodate the new ADA closures. A total of three (3) bids were solicited. **NOTE:** These doors and the \$5400 ADA closures are funded from the \$14,500 grant already secured.

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

13. Mayor Fitzpatrick offered a Resolution to accept \$9,700 proposal of Busing Architects, LLP of White Plains, NY for Architectural and Engineering services to prepare Contract Bid Documents for the Emergency Generator and related items. **NOTE:** This service along with the procurement and installation of the generator are to be funded from the \$100,000 grant secured from Assemblywoman Amy Paulin.

Trustee Ecklund motioned to adopt Resolution #13, seconded by Trustee Coleman. Trustee Ecklund stated that this generator will allow the community center to be used as an emergency shelter. **Upon roll call was carried with a vote of 5 - 0.**

14. Mayor Fitzpatrick offered a Resolution scheduling a public hearing to consider the installation of parking meters at the bottom portion of Westview that abuts Sagamore Road in the Business zone.

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

15. Mayor Fitzpatrick offered a Resolution expanding the two-hour parking zone from the area of 110 Oakland Avenue North to the Eastchester border.

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

APPROVAL OF MINUTES

Trustee Gorman motioned to approve the minutes of the regular meeting of October 27, 2008 seconded by Trustee Coleman and upon roll call was carried with a vote of 5 - 0.

The Board deferred the approval of the minutes of the SPECIAL MEETING OF SEPTEMBER 24, 2008 and the SPECIAL MEETING OF NOVEMBER 10, 2008.

POLICE DEPARTMENT

Chief Costanzo announced that the department concluded the 'Buckle Up' campaign which had a 90% compliance rating.

Mayor Fitzpatrick stated that letters were sent out to the residents on Oakland Ave. and Oak St. regarding the speed bumps. As of this date, 18 responded 'yes', 13 'no' and 13 did not respond. There are presently not enough consensuses of the residents to place the speed bump on the street. He noted that a reminder letter needs to be sent to those who did not respond.

Chief Costanzo stated that he will discuss policies for petitioning for speed bumps in the future.

DEPARTMENT OF PUBLIC WORKS

Frank DiMarco, DPW Superintendent, reported that the Fisher Ave Park sidewalk is completed. The DPW is currently working on the second planter with bench by the Main St. parking lot. Due to one truck currently under repairs, the leaf pick up has been slow; however, this week all the leaves should be picked up. There has been no overtime by the DPW employees.

VILLAGE ATTORNEY

No Report

BUILDING DEPARTMENT

Bill Williams, Building Inspector, reported that the Building Dept. is busy receiving phone calls regarding the landlord registry. The residents are requesting permits for construction on their homes. There are still residents complaining about people going through their garbage. A mold test had been conducted at the Library and will call for an air sampling company soon.

MISCELLANEOUS BUSINESS

Mayor Fitzpatrick announced that the next Village Board Meeting is on Monday, December 8th.

BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE MARCOCCIA** summarized the Library schedule and reminded residents to check the website – www.tuckahoelibrary.org. He announced that the Library will hold its annual ‘Giving Tree’ program. This program offers the residents an opportunity to purchase a book in someone’s honor for the Library.
- **TRUSTEE ECKLOND** congratulated all elected and reelected public officials. The Village will try a solar powered trash receptacle, which will be placed at Depot Square. This receptacle costs approximately \$4500 each. Trustee Ecklund will meet with the insurance company regarding the Village Hall renovations. The contractor the Village hired has now gone out of business. He attended the Tuckahoe High School ribbon cutting ceremony to mark the opening of the 13 million dollar expansion and congratulated Dr. Yazurlo for a fine job. He also enjoyed reading the essays submitted by the sixth grader students for the ‘Mayor for the Day’ and ‘Deputy Mayor for the Day’ contests and said because of the fine job they all did, it will be difficult to choose the winner.
- **TRUSTEE GORMAN** announced that the THA meeting has been cancelled. The website is running great; all residents interested in email alerts may sign up through the webpage. Trustee Gorman announced that Verizon Channel 26 has not been working too well. Verizon is aware of the problem and is working on it. She announced that the Village is still accepting donations for Camp Bucca. One kind resident just donated 15 warm blankets for our soldiers to enjoy. Many thanks.
- **TRUSTEE COLEMAN** stated that the Youth Advisory Board is very eager with their plans. Their first event is on December 13, from 3:00 – 6:00; they will honor the seniors in the Community Center with singing and hot coco and cookies. They will also work with ECAP to provide unwrapped toys for the holidays. She announced that a bus trip to NYC to view the sites is planned for the holiday season. There will be a liability waiver letter sent to the schools and adults are also welcome.

- **MAYOR FITZPATRICK** stated that the tax certiorari attorney has requested an increase in his hourly rate. He currently charges \$185 per hour. Verizon has requested permission to solicit in the Village, door to door, for a period of one year. Mayor Fitzpatrick stated that a one year period was too long and suggested the Board consider allowing for a very limited time.
Chief Costanzo said that it was not in the best interest of public safety to allow solicitation for a long period of time.
Mayor Fitzpatrick asked Mr. Pintos to report on the online parking ticket payment system. Mr. Pintos stated that 225 people have paid their ticket through the service and it is working great.
Mayor Fitzpatrick announced that the Winterfest Weekend will celebrate with the tree lighting at 6:00pm at Depot Square. The mayor noted that he too is enjoying reading the essays sent in by the sixth graders for the 'Mayor for the Day' contest.

VILLAGE CLERK

Ms. Sue Ciamarra announced that the Winterfest will begin on Saturday, December 6, featuring skating and holiday music from 4:00pm – 9:00pm with the tree lighting at 6:00pm. On Sunday, December 7th from 12:00 – 9:00pm there will be pictures with Santa from 12:00 – 5:00pm in the Generoso Pope Building and ice-skating, hayrides, and live reindeer in Depot Square.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

Chris DiGiorgio, 50 Columbus Ave, thanked the Generoso Pope Foundation for their continued generosity to the Village and then thanked the Board for considering rezoning Marbledale Rd. He noted that the proposed hotel on Marbledale Rd. could possibly be a Four Point by Sheridan as Starwood is the parent company of Sheridan. Each Four Point has hotel and residence. He also congratulated the Board for being creative in getting revenue for the Village. He asked about a shortfall in public pensions.

Mr. Pintos stated that he has received a letter from the Comptroller's office which indicated that the pension fund was in 'good shape.'

Mayor Fitzpatrick noted that the projected budget was in 'pretty good shape' and he asked all department heads to cut back where they can. He also said the Board will continue to look for the best rates from banks to generate more revenue as well as other creative ways.

Mr. DiGiorgio announced that there is a lack of food in the County's food pantries, as well as the need for new blankets and used clothing. He urged all residents to consider donating these much needed items.

There being no further business, the Board unanimously voted to adjourn the meeting at 10:00P.M.

Susan Ciamarra, Village Clerk

