

**October 27, 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.

**Special Presentation**

Melissa Carapella representative of the “In the Pink Foundation,” a nonprofit organization found by two young mothers who are breast cancer survivors, explained that this organization is a support group offering various types of services to young women struggling with breast cancer. The foundation offers counseling, yoga, nutrition education, and weekly events for the families. This organization is now in its second year with a meeting place in Valhalla. The Foundation’s website – [www.inthepinkfoundation.org](http://www.inthepinkfoundation.org) has much information to offer. Mayor Fitzpatrick thanked Ms. Carapella saying the link will now appear on the Village website.

Trustee Coleman introduced the members of the newly formed Youth Advisory Committee; Virginia Jacobs, Shaniqua Gunther, Ellys Coleman, Stephanie Martino and Emily Stanson. Trustee Coleman said this group is charged with planning a serious event for 2009. She thanked the girls for their willingness to serve the community. Mayor Fitzpatrick thanked the group for their interest to serve on this committee.

**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/OF 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, said that there have been complaints about a person taking garbage out of residents' trash cans, which under this new law, is a violation. The concern is not just the removal of recyclable bottles for the deposit money; rather the mess the person leaves behind as well as the 3 or 4 bags of trash left stored in the Parkway Oval area.

Mayor Fitzpatrick stated that the Board will discuss this further and hold the public hearing open until next month. The Mayor added that DPW will handle the collection of fees.

**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 following budget transfers to close out fiscal year 6/1/07 to 5/31/08

<b><u>Account Number</u></b>	<b><u>Department</u></b>	<b><u>Line Item</u></b>	<b><u>Amount</u></b>	<b><u>Action</u></b>
010-1010-0101	Village Board	Personal Services	2	Increase
010-1010-0404	Village Board	Materials & Supplies	207	Increase
010-1110-0102	Village Justice	Acting Judge	1	Increase
010-1110-0105	Village Justice	Part-Time	245	Increase
010-1110-0404	Village Justice	Materials & Supplies	892	Increase
010-1110-0407	Village Justice	Repairs & Maintenance	332	Increase
010-1110-0408	Village Justice	Outside Services	4	Increase
010-1325-0408	Treasurer	Outside Services	15,453	Increase
010-1325-0410	Treasurer	Advertisement	1,015	Increase
010-1325-0417	Treasurer	Telephone	47	Increase
010-1325-0427	Treasurer	Education & Training	545	Increase
010-1355-0110	Assessment	Assessment Clerk	1	Increase
010-1355-0408	Assessment	Outside Services	2,300	Increase
010-1355-0410	Assessment	Advertisement	126	Increase
010-1410-0102	Village Clerk	Deputy Clerk	1	Increase
010-1410-0110	Village Clerk	Part-Time Intern	8,674	Increase
010-1410-0404	Village Clerk	Materials & Supplies	75	Increase
010-1410-0410	Village Clerk	Advertisement	400	Increase
010-1410-0414	Village Clerk	Stenographer	750	Increase
010-1420-0102	Village Attorney	Attorney	4,536	Increase
010-1450-0410	Elections	Advertisement	37	Increase
010-1450-0492	Elections	Contractual/Misc-Cust.	140	Increase
010-1620-0114	Buildings - VH	Overtime	719	Increase
010-1620-0404	Buildings - VH	Materials & Supplies	207	Increase
010-1620-0405	Buildings - VH	Heating	230	Increase
010-1620-0410	Buildings - VH	Advertisement	135	Increase
010-1620-0413	Buildings - VH	Electricity	10,368	Increase
010-1620-0418	Buildings - VH	Contractual - Water	939	Increase
010-1621-0405	Buildings - CC	Heating	3,477	Increase
010-1621-0407	Buildings - CC	Repairs & Maintenance	608	Increase
010-1621-0408	Buildings - CC	Outside Svc - Cleaning	1,143	Increase
010-1621-0413	Buildings - CC	Electricity	3,411	Increase
010-1621-0418	Buildings - CC	Contractual - Water	384	Increase
010-1622-0404	Buildings - DPW	Materials & Supplies	710	Increase
010-1622-0405	Buildings - DPW	Heating	4,471	Increase
010-1622-0413	Buildings - DPW	Electricity	369	Increase
010-1650-0461	Communications	Web Site Maintenance	138	Increase
010-1910-0467	Unallocated Insurance	Liability Insurance	15,045	Increase
010-1930-0438	Judgments & Claims	Judgments & Claims	6,174	Increase

010-1950-0441	Tax on Village Property	Taxes & Assessments	4,946	Increase
010-1964-0422	Tax Certiorari	Tax Refunds	111,119	Increase
010-1985-0201	Data Processing	Equipment	13,931	Increase
010-1985-0453	Data Processing	Computer Software	951	Increase
010-1985-0455	Data Processing	Systems Support	12,600	Increase
010-3120-0101	Police Department	Power of Arrest	5,187	Increase
010-3120-0108	Police Department	Jail Matron	216	Increase
010-3120-0114	Police Department	Overtime	7,421	Increase
010-3120-0115	Police Department	Holiday Pay	5,789	Increase
010-3120-0119	Police Department	Sick Pay Incentive	2,750	Increase
010-3120-0406	Police Department	Fuel - Police Vehicles	4,975	Increase
010-3120-0438	Police Department	Miscellaneous	803	Increase
010-3220-0113	On Street Parking	P.O. Maintenance	1	Increase
010-3620-0102	Building Inspection	Code Enforcement	1,014	Increase
010-3620-0406	Building Inspection	Fuel	1,578	Increase
010-3620-0427	Building Inspection	Education & Training	27	Increase
010-4020-0135	Health	Registrar	2	Increase
010-5010-0404	Street Administration	Materials & Supplies	1,214	Increase
010-5010-0427	Street Administration	Education & Training	35	Increase
010-5110-0110	Street Maintenance	Part Time	4,246	Increase
010-5110-0114	Street Maintenance	Overtime	6,349	Increase
010-5110-0201	Street Maintenance	Equipment	23,245	Increase
010-5110-0404	Street Maintenance	Materials & Supplies	9,751	Increase
010-5110-0406	Street Maintenance	Fuel - Trucks	12,578	Increase
010-5110-0407	Street Maintenance	Repairs & Maintenance	17,700	Increase
010-5110-0419	Street Maintenance	Energy & Street Lights	13,758	Increase
010-5110-0427	Street Maintenance	Education & Training	555	Increase
010-5110-0433	Street Maintenance	Lighting/Installation	9,514	Increase
010-5142-0201	Snow Removal	Equipment	3,654	Increase
010-5142-0404	Snow Removal	Materials & Supplies	5,439	Increase
010-5142-0407	Snow Removal	Repairs & Maintenance	744	Increase
010-5180-0201	Street Lights	Equipment	4,356	Increase
010-7140-0408	Recreation Services	Outside Services - Cable	5,673	Increase
010-7140-0450	Recreation Services	Dial-A-Ride	4,629	Increase
010-7141-0417	Recreation Administration	Telephone	345	Increase
010-8010-0415	Zoning Board	Consultant	3,426	Increase
010-8020-0415	Planning Board	Consultant	36,600	Increase
010-8120-0114	Sanitary Sewers	Overtime	838	Increase
010-8120-0201	Sanitary Sewers	Equipment	1,824	Increase
010-8120-0407	Sanitary Sewers	Repairs & Maintenance	2,125	Increase
010-8160-0101	Refuse/Recycling	Personal Services	3,187	Increase
010-8160-0406	Refuse/Recycling	Fuel (Sanitation Equipment)	4,291	Increase
010-8160-0445	Refuse/Recycling	Dumping Fees (Westchester)	4,906	Increase
010-8350-0421	Water Service	Water Service Charges	7,480	Increase
010-9010-0119	Employee Benefits	Sick Pay Incentive	250	Increase

010-9030-0802	Social Security	Social Security Expense	12,318	Increase
010-9730-0610	Bond Anticipation Notes	Debt Service - Principal	7,000	Increase
010-1010-0402	Village Board	Village Bulletin	(500)	Decrease
010-1010-0427	Village Board	Education & Training	(2,000)	Decrease
010-1010-0428	Village Board	Printing & Advertising	(32)	Decrease
010-1110-0201	Village Justice	Equipment	(701)	Decrease
010-1110-0427	Village Justice	Education & Training	(505)	Decrease
010-1210-0427	Executive	Education & Training	(2,500)	Decrease
010-1320-0437	Audit	Professional Fees	(900)	Decrease
010-1325-0101	Treasurer	Treasurer	(4,660)	Decrease
010-1355-0414	Assessment	Stenographer	(250)	Decrease
010-1355-0440	Assessment	Assessor	(1)	Decrease
010-1410-0105	Village Clerk	Part-Time Clerical	(14,272)	Decrease
010-1410-0407	Village Clerk	Repairs & Maintenance	(601)	Decrease
010-1410-0427	Village Clerk	Education & Training	(1,225)	Decrease
010-1420-0416	Village Attorney	Code Ordinance	(285)	Decrease
010-1430-0408	Records Mgt.	Outside Services	(688)	Decrease
010-1440-0415	Engineering	Consultant	(6,282)	Decrease
010-1450-0404	Elections	Materials & Supplies	(468)	Decrease
010-1450-0431	Elections	Voting Machines	(425)	Decrease
010-1450-0437	Elections	Professional Fees	(1,940)	Decrease
010-1620-0201	Buildings - VH	Equipment	(17,104)	Decrease
010-1620-0407	Buildings - VH	Repairs & Maintenance	(2,671)	Decrease
010-1620-0408	Buildings - VH	Outside Svc - Cleaning	(940)	Decrease
010-1622-0407	Buildings - DPW	Repairs & Maintenance	(4,357)	Decrease
010-1622-0418	Buildings - DPW	Contractual - Water	(850)	Decrease
010-1650-0459	Communications	High Speed Data (T1)	(700)	Decrease
010-1650-0460	Communications	Voice System/Centrex	(1,193)	Decrease
010-1920-0439	Municipal Assoc Dues	Municipal Dues	(300)	Decrease
010-1935-0437	Legal Fees	Professional Fees	(10,463)	Decrease
010-1987-0404	Office Supplies	Materials & Supplies	(4,204)	Decrease
010-1990-0491	Contingency	Contingency (Budget)	(55,000)	Decrease
010-3120-0112	Police Department	School Guards	(2,156)	Decrease
010-3120-0116	Police Department	Longevity	(975)	Decrease
010-3120-0201	Police Department	Equipment	(1,325)	Decrease
010-3120-0404	Police Department	Materials & Supplies	(2,180)	Decrease
010-3120-0417	Police Department	Telephone	(629)	Decrease
010-3120-0419	Police Department	Energy/Traffic Lights	(2,000)	Decrease
010-3120-0424	Police Department	Radio Maintenance	(993)	Decrease
010-3120-0444	Police Department	Care of Animals	(1,600)	Decrease
010-3120-0453	Police Department	Computer Software	(600)	Decrease
010-3120-0458	Police Department	Chief's Expenditures	(346)	Decrease
010-3320-0117	Off-Street Parking	Parking Enforcement	(5,185)	Decrease
010-3620-0101	Building Inspection	Building Inspector	(690)	Decrease
010-3620-0120	Building Inspection	Clerical Assistant	(134)	Decrease

010-3620-0201	Building Inspection	Equipment	(401)	Decrease
010-3620-0404	Building Inspection	Materials & Supplies	(2,391)	Decrease
010-3620-0408	Building Inspection	Outside Services	(5,200)	Decrease
010-3620-0417	Building Inspection	Telephone	(130)	Decrease
010-5010-0101	Street Administration	Superintendent (DPW)	(21,160)	Decrease
010-5010-0201	Street Administration	Equipment	(500)	Decrease
010-5010-0410	Street Administration	Advertisement	(150)	Decrease
010-5010-0417	Street Administration	Telephone	(704)	Decrease
010-5110-0101	Street Maintenance	Personnel Services	(11,938)	Decrease
010-5110-0202	Street Maintenance	Equipment (Safety)	(460)	Decrease
010-5110-0415	Street Maintenance	Outside Services	(8,456)	Decrease
010-5110-0416	Street Maintenance	Signs	(1,213)	Decrease
010-5110-0442	Street Maintenance	Street Resurfacing	(796)	Decrease
010-5110-0443	Street Maintenance	Tree Purchases	(15,707)	Decrease
010-5142-0101	Snow Removal	Personnel Services	(4,268)	Decrease
010-5142-0415	Snow Removal	Outside Services	(500)	Decrease
010-5180-0401	Street Lights	Lighting Usage	(1,241)	Decrease
010-7140-0201	Recreation Services	Equipment	(2,000)	Decrease
010-7140-0404	Recreation Services	Materials & Supplies	(218)	Decrease
010-7140-0414	Recreation Services	Water-Fountains in Park	(200)	Decrease
010-7140-0447	Recreation Services	Celebrations	(1,850)	Decrease
010-7140-0451	Recreation Services	EVAC	(8,000)	Decrease
010-7141-0404	Recreation Administration	Materials & Supplies	(1,477)	Decrease
010-7141-0461	Recreation Administration	Contractual - Part Time	(4,391)	Decrease
010-8090-0415	Environmental Control	Consultant	(2,000)	Decrease
010-8120-0101	Sanitary Sewers	Personnel Services	(1,117)	Decrease
010-8120-0202	Sanitary Sewers	Equipment (Safety)	(700)	Decrease
010-8120-0404	Sanitary Sewers	Materials & Supplies	(2,847)	Decrease
010-8120-0427	Sanitary Sewers	Education & Training	(101)	Decrease
010-8160-0404	Refuse/Recycling	Materials & Supplies	(278)	Decrease
010-8160-0407	Refuse/Recycling	Repairs & Maintenance	7,799	Decrease
010-8160-0423	Refuse/Recycling	Contractual (Uniforms)	(500)	Decrease
010-9010-0104	Employee Benefits	Health Insurance Stipend	(1,250)	Decrease
010-9010-0116	Employee Benefits	Longevity	(600)	Decrease
010-9010-0125	Employee Benefits	Merit Compensation	(2,400)	Decrease
010-9010-0801	Employee Benefits	Employee Retirement	(35,100)	Decrease
010-9015-0811	Employee Benefits	Police Retirement	(53,444)	Decrease
010-9050-0805	Employee Benefits	Unemployment Benefits	(1,312)	Decrease
010-9060-0807	Medical Insurance	Hospital & Medical Insurance	(108,022)	Decrease

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

**2. Mayor Fitzpatrick offered a Resolution** authorizing the following budget amendments to close out fiscal year 6/1/07 to 5/31/08

<u>Account Number</u>	<u>Department</u>	<u>Line Item</u>	<u>Amount</u>	<u>Action</u>
010-1964-0422	Tax Certiorari	Tax Refunds	500,000	Increase
010-0010-2592	Licenses and Permits	Permits (Buildings/Alterations)	(250,000)	Increase
010-0010-5034	Interfund Transfers	Transfers from Capital Fund	(250,000)	Increase

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

**3. Mayor Fitzpatrick offered a Resolution** “**BE IT RESOLVED THAT**, according to Section 15-104, Sub.3(a) of the New York State Election Law, there shall be nominated two nominees for the office of Trustee, said office to be held for a term of two years, beginning April 1, 2009 and one nominee for the office of Mayor, said office to be held for a term of two years beginning April 1, 2009. **BE IT FURTHER RESOLVED THAT** Elections for such office shall be held on the 18<sup>th</sup> of March 2009 in the seven election districts within the Village of Tuckahoe”

**Note. Due to the St. Patrick’s Day holiday on Tuesday, March 17<sup>th</sup>, Village Elections will be held on Wednesday, March 18<sup>th</sup>**

**Trustee Coleman motioned to adopt Resolution #3, seconded by Trustee Ecklund.** Mayor Fitzpatrick voiced his disappointment with this change. John Cavallaro, Village Attorney, noted that this was a state law and could not be avoided. **Upon roll call was carried with a vote of 5 – 0.**

**4. Mayor Fitzpatrick offered a Resolution** authorizing the opening of a new account with Hudson Valley Bank for the purpose of receiving parking ticket fines paid via the internet.

**Trustee Gorman motioned to adopt Resolution #4, seconded by Trustee Coleman.** Mayor Fitzpatrick noted that the Village does not pay a fee for this service. **Upon roll call was carried with a vote of 5 – 0.**

**5. 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 Ecklund motioned to adopt Resolution #5, seconded by Trustee Marcoccia.** Mayor Fitzpatrick noted that the \$1.7 million the Village has in the bank is protected as municipal money is safe. He stated that the Village Treasurer should discuss this resolution. **The resolution will be deferred until next month. Trustee**

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

**6. Mayor Fitzpatrick offered a Resolution** authorizing a transfer of \$10,000 from line item 010-5110-0443 Tree Purchases to line item 010-5110-0415 Outside Services.

**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** to accept \$72,500 proposal of Dolph Rotfeld Engineering for design and engineering services for the proposed new DPW garage building.

**Trustee Ecklund motioned to adopt Resolution #7, seconded by Trustee Coleman.** Anthony Alveri, representative from Dolph, Rotfeld Engineering, stated that this proposed plan will be in three stages; the conceptual phase, the preliminary phase and the design phase. The conceptual phase will be the initial plans for the location of the two buildings, the storage shed and the personnel building. The preliminary phase will be the plans to be discussed and approved by the Board of Trustees. The third phase will be the information required for the location of the electrical, utility, sewer, and water drainage.

Mayor Fitzpatrick asked about the possibility of the buildings being built with masonry materials rather than an engineered steel building. Mr. Alveri noted that the DPW in Ossining and Port Chester were both engineered steel. The DPW property would need to be tested to decide if masonry material would be efficient.

Trustee Marcoccia asked if the cost of \$72,500 would change if the materials were changed.

Mr. Alveri indicated that the \$72,500 cost includes all designs; however, the cost could be lowered if plans are simplified.

Mayor Fitzpatrick said a major concern is to be sure that everything will be done to protect the adjacent homes. The Mayor asked for walls to block the view and the exhaust fumes from the trucks.

**Upon roll call was carried with a vote of 5 – 0.**

**8. Mayor Fitzpatrick offered a Resolution** authorizing payment of vouchers in the amount of \$231,122.11 consisting of abstract #14 for \$66,612.72; abstract #15 for \$216,350.22 and abstract #18 for \$73,980.88. Largest invoices paid were to NY Power Authority, electricity for \$17,306.90, NYS Employees' Health insurance premium for October for \$100,268.25; MVM Contracting for the Marbledale Road/Fisher Avenue intersection improvement project \$54,189.00; Eastchester Receiver of Taxes for first half school taxes on Village owned property \$20,926.05.

**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** SCHEDULING A PUBLIC HEARING ON THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001 CONCERNING CERTAIN RECOMMENDATIONS CONTAINED IN THE VILLAGE COMPREHENSIVE PLAN

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 October 27, 2008.

WHEREAS, the Village Comprehensive Plan, adopted May 2008, contains certain zoning recommendations, including, but not limited to, a new zone for the Marbledale Road Industrial Corridor; and

WHEREAS, the Village Comprehensive Plan provides that, "[t]here is still a need for a general business zone in the Village but it may be possible to reclassify this zone as a 'General Business' zone to better reflect changing needs in the Marbledale Road area"; and

WHEREAS, the Village Comprehensive Plan further provides that, "[a]s a result this plan recommends that a new zone be developed for the area to expand the allowable commercial uses"; and

WHEREAS, the Mayor and Board of Trustees seek to conduct a public hearing relating to these Comprehensive Plan recommendations as it concerns the Marbledale Road Industrial Corridor and certain amendments to the Village of Tuckahoe Zoning Ordinance of 2001 and the Official Zoning Map of the Village of Tuckahoe.

**NOW, THEREFORE, BE IT RESOLVED**

Section 1. That in accordance with the provisions of Village Law § 7-706 et seq., a public hearing shall be held on or about the 24th day of November 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 Mayor and Board of Trustees whether the Marbledale Road Industrial Corridor shall be rezoned to a General Business or Commercial Zoning District in accordance with the recommendations of the Village Comprehensive Plan, adopted May 2008.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk at least ten (10) days in advance of such time and place in the manner provided by law.

Section 3. That this resolution shall take effect immediately.

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



## **APPOINTMENTS**

**Mayor Fitzpatrick offered the Reappointment of Ginger Crosby as a member of the Library Board for a 5 year term to expire April 1, 2013. Trustee Gorman motioned to accept the appointment, seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.**

**Mayor Fitzpatrick offered the Reappointment of Richard Berardi as a member of the Assessment Review Board for a term of 5 years to expire September 30, 2013. Trustee Ecklund motioned to accept the appointment, 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 SEPTEMBER 22, 2008, was seconded by Trustee Coleman and upon roll call was carried with a vote of 5 - 0.**

**Trustee Gorman motioned to approve the MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 24, 2008, was seconded by Trustee Coleman. Mayor Fitzpatrick indicated that there was an error in the number of Trustees present and asked to defer the approval until next month. Trustee Coleman motioned to defer the approval seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.**

## **POLICE DEPARTMENT**

Chief Costanzo announced that the Tuckahoe Police Dept. was awarded the AAA Gold Award for local traffic safety for the seventh year in a row. He congratulated the department. The Tuckahoe Police Dept. will participate in the ‘NY Buckle-Up’ campaign from Nov. 10 – Nov. 23. He then reported on the recent four arrests of burglaries in the village between Sept. and Oct. He reminded and encouraged residents to lock their doors and windows as each of the burglaries were gained through entrance of an open window.

Trustee Marcoccia inquired of the Chief Costanzo about the recently discussed placement of speed bump to which Chief Costanzo noted that he had met with the residents from Oak Ave. and the residents have not yet agreed the location upon the placement of the speed bump.

Trustee Marcoccia asked the chief to attend the November 3rd Residents Community Meeting to discuss speed bumps.

Trustee Coleman inquired whether the chief could shed some light about the location where the park bench was placed on Jefferson Place.

Chief Costanzo stated that he was not involved in the placement of the park bench. He noted that the senior citizens may like to rest on their way to town; however, teens congregate there after school hours.

Trustee Coleman felt that the park bench location needs to be addressed.

Chief Costanzo said that since the building on Grant St. is now utilized as a business, meters will be placed on the street and residents and non-residents may now park on that strip. Mayor Fitzpatrick added the matter would be discussed further.

### **DEPARTMENT OF PUBLIC WORKS**

Frank DiMarco, DPW Superintendent, noted that the Fisher Ave Park sidewalk will be started this week with all corners of the sidewalk made handicap accessible. Leaf pick up has started and there will be no metal pick up in November. The manhole covers are being lowered to prevent damage during the snow plowing. His department has started replacing the missing access panels on the utility poles throughout the Village and he asked residents to report any street lights that remain lit for 24 hours.

Trustee Gorman announced that the County will recycle all plastic bags including bread bags, fruit bags, grocery bags, etc. A bin will be placed at the DPW yard to allow residents to recycle these bags.

Trustee Marcoccia thanked the DPW for repairing the drainage problem at the front entrance of the Library. He asked Frank DiMarco to consider options to prevent pedestrians from jay walking along the Main St. Bridge calling this are very dangerous; perhaps he said a cast iron or architectural metal fence would look very quaint as the entrance into the Village and at the same time keep pedestrians on the sidewalk.

### **VILLAGE ATTORNEY**

No Report

### **BUILDING DEPARTMENT**

Mayor Fitzpatrick stated that he received two complaints from residents that the Code Enforcer from the Building Dept. ran into their homes to make inspections. Bill Williams, Building Inspector, stated that the Building Dept. follows the state rules that permit the inspector to enter a home only after being permitted by the contractor.

Mayor Fitzpatrick asked the Building Inspector to summarize procedure followed when an emergency repair is necessary. Bill Williams, Building Inspector, said that a resident may certainly hire a plumber or electrician in an emergency and then file the proper applications a few days later.

John Cavallaro, Village Attorney, added that local legislation could be put in place to identify the proper procedure to be followed in case of an emergency.

Bill Williams, Building Inspector, reported that the ADA doors for the community center should be completed soon. Both lights in the community center were changed and the final paperwork will be filed shortly for the generator. Regarding the necessary tile floor clean up, waxing and buffing at the community center, a buffing machine would need to be rented

to accomplish this task. Shortly, he will be taking air samples from the Library to be tested for mold etc. The procedure was followed to winterize the air conditioning unit, but will read the procedure guidelines again. The Landlord registry is 50% completed, and must be finished by Nov. 10. Mr. Williams announced that all future Zoning Board and Planning Board meetings will now begin at 7:30 pm. The thermostat for all Village owned buildings will be set for 68 degrees, required by law. He gave a status report on work being done at 30 Elm St., the site of the old Texaco station, where test borings found contaminated soil. The owner needs to dig 14 ft. to clean out the property and, as a result, there will now be a basement in the proposed building used for storage. In the meantime, a stop order has been issued and will stay in force until there is proof that it is safe again. Also, three violations were issued due for non-notification to the neighbors. The Building Dept. should receive the engineer's report soon.

John Cavallaro, Village Attorney, added that neighbors have filed complaints about cracks in their walls due to driving of pilings.

#### **MISCELLANEOUS BUSINESS**

Mayor Fitzpatrick announced that the voting location for the 33<sup>rd</sup> District will be held at the Tuckahoe Community Center and the next Village Board Meeting is set for Monday, November 24<sup>th</sup>.

#### **VILLAGE CLERK**

No Report

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

- **TRUSTEE MARCOCCIA** summarized the Library schedule and reminded residents to check the website – [www.tuckahoelibrary.org](http://www.tuckahoelibrary.org). Library will be closed on Nov. 4 and Nov. 11.
- **TRUSTEE ECKLOND – No Report**
- **TRUSTEE GORMAN** announced dates for flu shots given on Oct. 31, 9:00am to 2:00pm at the Community center, and Nov. 14, 9:00am to 2:00pm at Lake Isle. Senior Center is closed Nov. 4, 11 and 27.
- **TRUSTEE COLEMAN** stated that the Youth Advisory Board will have its first meeting November 13 at 7:00pm. She announced that the Shiloh Baptist Church will host a Halloween celebration as an alternative to Trick or Treating - 6:00pm.
- **MAYOR FITZPATRICK – No Report**

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

Edward Stowe, resident adjacent to the DPW site, voiced his concern about the view from his property of the DPW yard and asked for assurance that the view is protected when the new building is constructed.

Trustee Ecklund said construction should begin in the spring and all that is possible will be done to protect the neighbors.

Mayor Fitzpatrick added that trucks were moved to the other side of the yard to prevent fumes from spilling into the neighbors' properties. He noted that one building was scheduled for replacement, however, as a result of an accident which damaged the structure, the other building needs to be replaced.

Anthony Degrigatis, a Village resident, asked about the possibility of getting relief on the 'No Skating' law. He had been stopped a few times police officers for skateboarding and all had a different interpretation of this law. He said this is a respected sport across the country. Mayor Fitzpatrick read the law (1.5-4) dated 1931, which stated that there should not be skaters in congested areas of the Village; the board will take a look at the law.

Chief Costanzo stated that the NYS law states that all bikers must wear helmets and follow the rules of the road. He suggested that skaters be permitted to follow the bicycle safety rules. He also stated that it is accurate that skaters should not skate in the congested Business district.

John Cavallaro, Village Attorney, stated that he will draft a law and make a recommendation to the Board.

There being no further business, the Board unanimously voted to adjourn the meeting at 9:50P.M.

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Susan Ciamarra, Village Clerk

