

September 8, 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 #6 OF 2008 – A LOCAL LAW AMENDING SECTION 21-67 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED “PARKING VIOLATION FINES”

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on June 9, 2008.

WHEREAS, the Mayor has requested legislation amending Section 21-67 of the Village Code of the Village of Tuckahoe, entitled “Parking Violation Fines;” and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 22nd 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. Section 21-67, entitled “Parking Violation Fines” of the Village Code of the Village of Tuckahoe, is hereby amended and supplemented as follows:

§ 21-67. Parking violation fines.

- (a) The fines for various parking violations shall be designated by the Board of Trustees by resolution adopted at a regularly scheduled meeting of the Board of Trustees. A list of such fines shall be maintained by the Village Clerk and Police Department. Notice of the amount of the fines established in accordance with this section shall be provided on all parking tickets, summonses and notices of violation.
- (b) Notwithstanding Section 21-67(a) above, the amount of the fine for parking meter violations shall be \$20.00. The amount of the fine for parking meter violations only shall be reduced by [~~\$2.00~~] \$10.00 per violation if the fine is paid in person at the office of the Court Clerk of the Village of Tuckahoe Justice Court on the day of the violation or, if the violation is issued on a day that the Court Clerk's office is not open, on the next business day.
- (c) If the owner, operator or other party that may be responsible for a vehicle in accordance with the New York State Vehicle and Traffic Law fails to appear or pay the fine on or before the appearance date set forth on a parking ticket summons, in addition to the fines established pursuant to this § 21-67, such person or party shall be charged and be liable for the following penalties and administrative fees:
 - (1) The amount of the fine established pursuant to this § 21-67 for all parking violations shall be doubled if the fine is not paid or an appearance is not made before the [~~14th~~] 30th day after the original appearance date or any adjournment thereof; and
 - (2) The amount of the fine established pursuant to this § 21-67 for all parking violations shall be tripled if the fine is not paid or an appearance is not made before the 45th day after the original appearance date or any adjournment thereof; and
 - (3) An administrative fee of \$10.00 shall be charged if the fine is not paid or an appearance is not made before the 21st day after the original appearance date or any adjournment thereof.

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

Section 3. This Local Law shall take effect immediately.

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

New Matter Underlined

Deleted Matter in Brackets []

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

Mayor Fitzpatrick noted that the online system is now up and running. He thanked John Pinto, Village Treasurer and the village web master for a job well done. If a ticket is paid on the same day as written, there will be a savings of \$10.00 on a \$20.00 ticket. Also a credit card machine is now available for payments at Village Hall.

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

Trustee Gorman motioned to adopt Local Law #6 of 2008, was seconded by Trustee Coleman and upon roll call was carried with a vote of 5 - 0.

PUBLIC HEARING #II

**Continuation of public hearing on 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 the public hearing, was seconded by Trustee Coleman and upon roll call was carried with a vote of 5 – 0.

Mayor Fitzpatrick noted that the Village Attorney has added new language to the law and provided definitions.

Bill Williams, Building Inspector, stated that there was a conflict in the ordinances regarding the fees for dumpsters. The original fee was \$25.00 and the new fee was increased to \$250.00 and an additional \$50.00 per day. He also stated that the Building Dept. should administer the dumpster permits and not the DPW. There is confusion between the roll off dumpsters and the large dumpsters. He asked for the language to be tightened up. He said that there was no language for the Superintendent of the DPW to issue summons, only the code enforcer.

No Public Comments

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

PUBLIC HEARING #III

LOCAL LAW #8 OF 2008 – A LOCAL LAW AMENDING SECTIONS 11-4, 11-6, 11-7 and 11-8 OF ARTICLE XI OF THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001, ENTITLED “WORKFORCE HOUSING”

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 September 8, 2008.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 8th day of September 2008, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties on a proposed Local Law concerning whether Sections 11-4, 11-6, 11-7 and 11-8 of Article XI of the Village Zoning Ordinance entitled, “Workforce Housing” shall be amended and/or supplemented; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 26th day of August 2008; and

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

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

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

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

Section 1.

Section 11-4 of the Village of Tuckahoe Zoning Ordinance of 2001, entitled "Eligibility and preference to purchase or rent a workforce housing unit" is hereby amended, reenacted and restated as follows:

§ 11-4. Eligibility and preference to purchase or rent a workforce housing unit.

11-4.1. To be eligible to purchase or rent a workforce housing unit, the household's aggregate annual income must be 80% or lower of the Westchester County median family income for a family of a particular size as determined annually by the United States Department of Housing and Urban Development (HUD).

11-4.2. Preference to purchase or rent.

(a) Among income-eligible households, preference to purchase or rent workforce housing units shall be given to the following types of households, in order.

1. Employees of the Village of Tuckahoe.
2. Members of the Village of Tuckahoe's Police or Fire Department.
3. Employees of the Tuckahoe and Eastchester School District.
4. Elderly (65 years or older) or disabled residents of the Village.
5. Honorably discharged US veterans who are residents of the Village.
6. All other Village residents.

7. People who work at a business within the Village.

8. Others.

Any lists of potential applicants shall be made available to the public upon request.

(b) In the event that the number of applicants exceeds the number of available units, the [Village Housing Authority] Building Department, pursuant to § 11-7 below, shall allot the units:

1. By category; and

2. Within a category, by chronological order of filing.

Section 2.

Section 11-6 of the Village of Tuckahoe Zoning Ordinance of 2001, entitled “Calculation of permissible rent” is hereby amended, reenacted and restated as follows:

§ 11-6. Calculation of permissible rent.

Maximum monthly rent (including estimated utilities) shall be set by the Village [Housing Authority] Building Department, as amended from time to time, after review of relevant information that may be provided by federal and state affordable housing departments as well as developers. The rent {including the estimated cost of utilities (heat, hot water and electricity)} shall not exceed 30% of income for a moderate-income household.

Section 3.

Section 11-7 of the Village of Tuckahoe Zoning Ordinance of 2001, entitled

“Responsibilities of Housing Authority” is hereby amended, reenacted and restated as follows:

§ 11-7. Responsibilities of [Housing Authority] Building Department.

The Village [Housing Authority] Building Department shall have the following responsibilities:

- (a) Be responsible for the administration of workforce housing units pursuant to the provisions of this article.

- (b) Prior to the initial offering of each workforce housing unit, the [Authority] Building Department shall notify the owner or manager of each development containing workforce housing units as to the price and income eligibility requirements for each unit.

- (c) The owner and/or manager, as appropriate, shall annually certify to the satisfaction of the [Authority] Building Department that the requisite percentage of workforce housing units have been assigned to moderate-income workforce households and that any new tenants of workforce housing units meet the income guidelines in effect when the new tenants take occupancy. Annual certification shall include the address of the workforce housing units, the name of the occupant, and the occupant(s)' tax returns and signature(s).

- (d) The [Authority] Building Department shall promulgate and maintain the information and documentation relative to all workforce housing units; the number thereof available for sale or lease at all times; the sale price and monthly rent; and the names and addresses of eligible moderate-income households to purchase or lease same, together with a priority list of such households. The Department shall maintain such other records and documents as shall be required to properly administer the provisions of this article.

- (e) Whenever the Building Inspector shall receive an application for and/or issue a building permit, a certificate of occupancy or any other permit or authorization affecting a workforce housing unit, a copy thereof shall be filed with the [Authority] Building Department.

(f) The sale or lease of workforce units must meet the guidelines established by the [Authority] Building Department. These guidelines shall be reviewed on an annual basis, and address the sales price and/or lease amounts for workforce housing units. The [Authority] Building Department shall administer the guidelines, shall review the qualification of potential buyers or lessees, and shall approve each proposed sale or lease of a workforce housing unit.

(g) Any covenant, restriction, or other encumbrance to be placed on a workforce housing unit must be approved by the Village Attorney and the [Authority] Building Department.

(h) No lease term for a workforce housing unit shall exceed two years. Notwithstanding this restriction, a lessee still eligible to rent a workforce housing unit may renew a lease term. If a household's aggregate annual income increases beyond the maximum to allow eligibility for the workforce housing unit, the household may continue to occupy that rental unit, provided that the monthly rental payment (including estimated utilities) shall be increased so as to constitute 30% of the household's income. If the household chooses not to execute a lease at the adjusted rent within a three-month timeframe, the household may continue to occupy the unit for up to one year after the expiration of its current lease.

(i) Any applicant for a workforce housing unit aggrieved by a determination by the [Authority] Building Department shall have the right to appeal such determination to the Village Zoning Board of Appeals.

Section 4.

Section 11-8 of the Village of Tuckahoe Zoning Ordinance of 2001, entitled "Resale; calculation of permissible resale price" is hereby amended, reenacted and restated as follows:

§ 11-8. Resale: calculation of permissible resale price.

11-8.1. Workforce housing units for moderate-income households may be resold only to eligible moderate-income households of substantially similar size for the purposes of calculating aggregate annual income and subject to the [Authority's] Building Department's

approval.

11-8.2. The owner of a workforce housing unit shall notify the [Authority] Building Department of the intent to sell prior to contact with any purchaser.

11-8.3. The maximum resale price may not exceed the purchase price plus the cost of permanent fixed improvements, adjusted for the increase in the consumer price index during the period of ownership of the period of ownership of the workforce housing unit and such improvements plus reasonable and necessary resale expenses. Notwithstanding the foregoing, in no case shall the resale price exceed the income restrictions for moderate-income households.

Section 5. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 6. This Local Law shall take effect immediately.

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

New Matter Underlined

Deleted Matter in Brackets []

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

Mayor Fitzpatrick said this is a meaningful legislation for the community and all municipal employees. Under this legislation, a contractor would be permitted bonus density credits, additional units to sell, if extra units were available, it would be at a significant savings to municipal employees. There have not been any interested parties in the past seven years. Further, in the past, the THA was the agency that took care of the list of applicants. The mayor asked if the Village Clerk's office would be the appropriate office to handle the list of applicants.

A discussion evolved between the Board members and the attorney as to which department would be best suited to handle the list.

John Cavallaro, Village Attorney, noted that there is more to the task than just the list itself, such as, administration, notification, and documentation. The Building Dept. is very involved in the application process of a project and could possibly suggest the bonus density credits to the developers.

Trustee Coleman suggested both departments work in conjunction with one another.

Sue Ciamarra, Village Clerk, suggested that the Village Board would be the appropriate panel to handle the list of applicants, the rent and to use the correct formula for the rent.

John Cavallaro, Village Attorney, noted that the process would take many months and therefore, the Village Board would be able to handle the additional task; however, the responsibilities could be distributed among a few departments.

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.

PUBLIC HEARING #IV

A public hearing to obtain input on the establishment of an administrative fee under Section 6-39(e) of the Code of the Village of Tuckahoe, entitled "Building Permits," "Fees"

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

Mayor Fitzpatrick noted that the Board must still decide on a number, an ascending scale, a percentage or a flat fee for these permit fees.

John Cavallaro, Village Attorney, stated that Eastchester charges 10% of the cost of the project with a \$1000.00 minimum. Larchmont charges 3% of the project with a \$500.00 minimum.

Bill Williams, Building Inspector, noted that professional contractors should know enough to apply for permits; these fines would be for residents whom were not aware of the application practice.

Trustee Gorman stated that a 5% fee with a maximum of \$1000.00 would be appropriate.

No Public Comments

Trustee Ecklund motioned to close the public hearing, was seconded by Trustee Marcoccia 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 closure of Oakland Avenue between Lincoln and Benedict for a block party on September 21, 2008 from 11:30 am to 4:30 pm.

Trustee Gorman motioned to adopt Resolution #1, seconded by Trustee Marcoccia. Sue Ciamarra, Village Clerk, noted that the required petition has been filed. **Upon roll call was carried with a vote of 5 – 0.**

2. Mayor Fitzpatrick offered a Resolution to approve and ratify fixed compensation for the Tuckahoe Housing Authority employees in accordance with Section 32 of the NYS Public Housing Law as follows: Executive Director \$70,000; Sr. Office Assistant, HA \$65,200; Intermediate Clerk \$41,000; Maintenance Mechanic Repair (On-Site) \$50,392.75; Maintenance Worker Repair \$35,000; Part time Intermediate Typist \$15/hr (19hrs/week)

Trustee Marcoccia motioned to adopt Resolution #2, seconded by Trustee Ecklund. John Cavallaro, Village Attorney, advised the Board to do their due diligence before adopting this resolution. Trustee Gorman requested a copy of the THA budget along with their payroll to verify the salaries. After this discussion, the Board members decided to table this resolution.

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

3. Mayor Fitzpatrick offered a Resolution authorizing the County Board of Elections the use of the Community Center for the Primary election on September 9th and the General Election on November 4th

Trustee Gorman motioned to adopt Resolution #3, seconded by Trustee Marcoccia and upon roll call was carried with a vote of 4 – 0.

4. Mayor Fitzpatrick offered a Resolution ratifying Village Board action approving 30 days accumulated vacation payout for Susan Ciamarra.

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

5. Mayor Fitzpatrick offered a Resolution approving payment of vouchers in the amount of \$ 404,735.88 consisting of abstract #8 for \$191,094; abstract #10 for \$44,300; abstract #11 for \$144,250 and abstract #13 for \$25,090. Largest invoices were for dumping fees \$12,750; Sept. health insurance premium \$91,782.89; August health insurance premium \$95,968.97; Village share of court fines and fees \$12,570 and July electrical billing \$15,256.77.

Trustee Marcoccia motioned to adopt Resolution #5, seconded by Trustee Ecklund. John Pintos, Village Treasurer, explained that the health insurance could differ between two months as credits for Medicare and changes made to the plan such as additions of families etc. could account for the difference. **Upon roll call was carried with a vote of 5 – 0.**

6. Mayor Fitzpatrick offered a Resolution accepting the following donations for the Tuckahoe Challenge Road Race for September 14th: \$100 Cornell's; \$100 Village Realty; \$400 & 10 cases water Walgreens; \$100 Roma Restaurant; \$400 product of LesserEvil Brand Snack Co.; \$200 gift basket Arbonne International Skin Care; \$250 gift certificate Camelot Limousine; \$100 Casa Brusco; \$100 gift certificate Mickey Spillane's; \$100 gift certificate Nature's Cradle; \$100 gift from Office Products Central; \$100 gift certificate The Taphouse; \$400 Solar Electric.

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

7. Mayor Fitzpatrick offered a Resolution establishing a full time position of Maintenance Mechanic Mason at a salary of \$60,000.

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

8. Mayor Fitzpatrick offered a Resolution authorizing the closing of the following Capital Projects:

- | | |
|------------------------|---|
| 1. Project #909B-H | Heating System Upgrade |
| 2. Project #909C-H | DPW Vehicle Purchase |
| 3. Project #909I-H | Lake Avenue Parking Lot Acquisition |
| 4. Project #909J-H | Main Street Sidewalks |
| 5. Project #2002-0005 | Village Hall Security Equipment |
| 6. Project #2003-0020 | Crestwood Streetscape Phase II |
| 7. Project #2004-0022 | Community Center Sidewalks |
| 8. Project #2004-0023 | Main Street Park Bathrooms |
| 9. Project #2005-0025 | Police Department Training Room |
| 10. Project #2005-0026 | Police Department Utility Van |
| 11. Project #2006-0033 | Sidewalk Improvements - Jefferson, Union & Washington Streets |

Trustee Ecklund motioned to adopt Resolution #8, seconded by Trustee Coleman. John Pintos, Village Treasurer, indicated that these projects need to be

deemed closed. The first four projects have a surplus which needs to be transferred to the general fund. A discussion evolved regarding the Main Street Park bathrooms. Mayor Fitzpatrick noted that there would need to be research as to how the bathrooms would be cleaned and safety issues. **Upon roll call was carried with a vote of 5 – 0.**

9. Mayor Fitzpatrick offered a Resolution authorizing the transfer of the total balance of \$259,392.14 for the following Capital Projects to the General Fund Restricted to Debt Service:

Project #909B-H	Heating System Upgrade - \$140,000 transfer to General Fund
Project #909C-H	DPW Vehicle Purchase - \$113,000 transfer to General Fund
Project #2003-0020	Crestwood Streetscape Phase II - \$1.14 transfer to General Fund
Project #2006-0033	Sidewalk Improvements - Jefferson, Union & Washington Streets - \$6,391 transfer to General Fund

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

10. Mayor Fitzpatrick offered a Resolution authorizing the following inter-project transfers:

\$7,359.66	
From Project #2002-0004	Village Hall Partial Renovation
To Project #2002-0005	Village Hall Security Equipment
\$10,750.00	
From Project #2004-0023	Main Street Park Bathrooms
To Project #2002-2006	Construction of DPW Building

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

11. Mayor Fitzpatrick offered a Resolution approving \$7,794 in additional costs to MVM Contracting for additional work, due to field condition, to complete the Marbledale Road/Fisher Avenue intersection.

Trustee Ecklund motioned to adopt Resolution #11, seconded by Trustee Gorman. Trustee Ecklund noted that the job was well done, but the additional costs were due to drainage issues. Frank DiMarco, DPW Superintendent, noted that there were elevation issues which would potentially create water back up for residents. The contractor took the necessary steps to prevent the drainage problems. Mayor Fitzpatrick stated that the contractor must return to burn off the yellow line to prevent confusion. **Upon roll call was carried with a vote of 5 – 0.**

12. Resolution to approve the Westchester Cultural Center request to hang the Columbus Day event banners from the Generoso Pope Foundation Building from Monday, Sept. 15 to Sept 30, 2008

Mayor Fitzpatrick motioned to approve this resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.

13. Resolution authorizing the Village Board to issue an RFP for privatizing sanitation. **Trustee Marcoccia motioned to adopt the resolution, seconded by Trustee Ecklund and upon roll call was carried with a vote of 5 – 0.**

APPOINTMENTS –

1. Mayor Fitzpatrick offered the appointment of Trudy Gunther as a member of the Tuckahoe Housing Authority to fill the unexpired term of Edward Bonci to July 1, 2012. Mayor Fitzpatrick stated that he received many applications since he asked for the resignation of the Board members of the THA. Trudy Gunther is presently an elected member representing the residents of Sanford Gardens. If made an appointed member, this would allow the residents the opportunity to elect another resident to represent them. He noted that he received applications from Mr. Coleman and Mr. Zuckerman, both of which would be great additions to the Board, but the mayor noted that he decided against choosing any of the spouses of the current Board of Trustees. Ms. Gunther must resign as Tenant Commissioner and sign the oath book as an appointed member.

Trustee Coleman motioned to approve this appointment, was seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

2. Mayor Fitzpatrick offered the appointment of Peter Costa as a member of the Tuckahoe Housing Authority for a term of five years to expire July 1, 2013.

Trustee Gorman motioned to approve this appointment was seconded by Trustee Ecklund. Trustee Coleman stated that she spoke at length with Mr. Costa and was confident in his abilities to serve as a member of the THA. **Upon roll call was carried with a vote of 5 – 0.**

APPROVAL OF MINUTES –

Trustee Ecklund motioned to approve the minutes of the Regular Meeting - August 11, 2008 was seconded by Trustee Gorman and upon roll call was carried with a vote of 5 – 0.

CORRESPONDENCE

Mayor Fitzpatrick announced that the Election District 33 traditionally housed at the Immaculate Conception Church-Lower Church has been relocated to the Tuckahoe Community Center.

DEPARTMENT OF PUBLIC WORKS

No Report

VILLAGE ATTORNEY

No Report

BUILDING DEPARTMENT

No Report

POLICE DEPARTMENT

Chief Costanzo announced that the Westchester County Police Department Civil Service test was scheduled for Nov. 15, 2008, which lists the qualified applicants for the next four years. Applications due Sept. 22, 2008. A free review class will be held at the Community Center on Nov. 1, 2008 from 10:00am – 4:00pm. He thanked Congresswoman Nita Lowey for a generous grant - 'Cops Technology Grant' to update the technology at the police desk and at Village Hall. Chief Costanzo also stated that the Tuckahoe Police Dept. received a grant of \$28,000 for a Thermal Imaging System from the Commercial Assistance Program. One police officer has received training with this device.

VILLAGE CLERK

Ms. Ciamarra, Village Clerk, announced the upcoming Tuckahoe Day event for Sept. 14, 12:00pm – 6:00pm.

BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE COLEMAN** thanked the police dept. and the DPW for the crosswalk at Washington and Union intersection. The Chamber of Commerce will provide a tour of Tuckahoe on Oct. 4 beginning at the Old Stone Mill. Trustee Ecklund and Trustee Coleman will coordinate with the Tuckahoe schools for students to volunteer on the Youth Advisory Committee, which will count for their required service hours. Trustee Coleman announced the 93rd Homecoming Celebration at the Shiloh Baptist Church.
- **TRUSTEE GORMAN** stated that the required landlord registry was sent out to all landlords of two families or more dwelling. The fee is not applicable if the landlord resides in the building. To review the sex offender law, please check the website, www.tuckhoe.com or call Village Hall. The environmental committee approved the application of a solar protection coating on the windows in the mayor's office. This protection should keep the office cool in the summer and warm in the winter. It should pay for itself in 2 years. Trustee Gorman announced that the flag sent to Camp Bucca is now hanging up in Village Hall and has been signed by the troops serving our country. The Girls Scouts received teddy bears from the troops at Camp Phoenix for their generous donations.

- **TRUSTEE ECKLOND** welcomed all the students back to school and asked the residents to please drive carefully. He is still reviewing the DPW building designs and would be meeting shortly to discuss the Crestwood Utility Underground project. Regarding the handicap doors for the Community Center, he had located two companies that manufacture these doors and would contact them to inquire as to who they would recommend for the installation of same. DPW Superintendent, Frank DiMarco, announced the paving schedule as follows: Harrison, South High, Monroe, Dante, Wallace, Maple and Chestnut. Washington St. will be paid for by Con Ed.
- **TRUSTEE MARCOCCIA** announced that the Library will be hosting a computer class on the internet for beginners. He asked the treasurer for an update on the handicap door bids. Mr. Pintos stated that he was awaiting the specs from Mr. Williams to provide to the contractors. As for the speed bumps, Trustee Marcoccia noted that a meeting should be held with the residents of the blocks to determine where the bumps should be placed. If all residents agree, the bumps could be installed.
- **MAYOR FITZPATRICK** announced the Eastchester Rotary Club will host a blood drive on Sept. 11 from 3:00pm to 8:00pm. He requested that the DPW place signs to remind residents to pick up after their dogs. Signs should be placed on Van Duzen and Wallace, and in the parks. Mayor Fitzpatrick noted that the Rivervue is applying for an additional parking lot on their property and they had solicited the Village Board to support their project. He asked John Cavallaro, Village Attorney, to review the letter. He also noted that the Board must consider offering relief of 11 parking spaces to 108 Sagamore. Mayor Fitzpatrick asked John Cavallaro, Village Attorney, about the need for a RFP for information to study the costs of private sanitation. John Cavallaro stated that the need was for a resolution for an RFP.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

Frank Caperer, 88 Fisher Ave, complained and asked for relief with the sanitation trucks picking up garbage early in the morning between 6:15 am and 6:30 am. Frank DiMarco said he would direct his drivers to pick up the trash at 88 Fisher Ave. on their return trip.

Mr. Caperer also inquired about the noise level of the motorcycles.

Chief Costanzo stated that he will make his officers aware of the complaint and ask them to check the motorcycles to see if the pipes are baffled correctly.

Trustee Coleman announced the annual Spaghetti Dinner on Sat. Sept. 14 at Immaculate Conception Church. Beginning Sept. 15 is National Hispanic Heritage Month.

There being no further business, the Board unanimously voted to adjourn the meeting at 9:57P.M.

Susan Ciamarra, Village Clerk

