

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, AUGUST 25, 2008 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Thomas A. Murphy Toni Pergola Ryan John M. Hofstetter Randi Robinowitz
	Village Manager	Leonard M. Verrastro
	Village Attorney	Janet M. Insardi
	Police Department	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

Mayor Savolt announced there are two public service announcements before the start of the meeting. The first, presented by Trustee Murphy is regarding service from Cablevision. He announced that all Cablevision customers who have an analog television must get a converter box to continue receiving PEG channels (LMC-TV) after September 15. These boxes are being given to customers, free of charge by calling Cablevision at 800-353-9821 before October 16, 2008.

Village Manager Verrastro announced that there have been magnets produced for residents in the area of the Covanta (previously Suburban Carting) transfer station. These magnets have the Odor Hotline number printed on them. They will be available at Village Hall for any resident who would like one.

PRESENTATION OF NYCOM SERVICE AWARDS

Mayor Savolt announced and presented the following Service Awards from the New York State Conference of Mayors and Municipal Officials:

Barry Casterella – 25 years of service
James Mancusi – 25 years of service
Robert Morrtti – 40 years of service
Edward E. Flynn – 35 years of service

Mayor Savolt also announced that Mr. Mancusi will be retiring in September 2008.

I. COMMUNICATION TO THE BOARD

Mr. Phil Capillo of Harmon Drive appeared to address a problem with fishing at Harbor Island Park. Mr. Capillo has a boat in the west basin at Harbor Island. His boat has been hit many times with lures and fishing hooks with the running of the blue fish. Mr. Capillo showed the Board the lures and hooks that he has collected off of his boat. Mayor Savolt informed Mr. Capillo that this was brought to

the Board's attention and will be addressed at the next meeting. Police Chief Flynn offered to have Police Officers suggest people fishing move to the fishing pier until this is addressed.

2. APPROVAL OF MINUTES

None

Mayor Savolt announced that Item 5G will be taken out of order.

5G. Declaration of Public Emergency – Sewer Repairs

Village Manager Verrastro stated that on June 28, he was contacted by the General Foreman of a broken sanitary sewer pipe on Park Avenue and he declared it a Public Emergency. Mr. Verrastro also authorized the General Foreman to repair the pipe by the best method available based on its condition. Mr. Iacovelli informed the Manager that the broken section had collapsed and could not be slip lined. It would need to be excavated and replaced. ELQ Industries, Inc. was contacted to commence the work. The total cost to replace 50 feet of 8" collapsed sewer pipe was \$23,897.00

Since this amount exceeds the public bid threshold of \$20,000 for public works contracts, the Village Manager has prepared a resolution for the Board's approval declaring this a public emergency.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

WHEREAS, on June 28, 2008, an unforeseen break in the Village sanitary sewer line was discovered on Park Avenue; and

WHEREAS, as a result of the break, raw sewage was leaking and backing up into homes; and

WHEREAS, the Village was required to retain the necessary contractor to investigate the cause of the leak and to take immediate steps to repair the sewer line.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees finds and declares there to be a "public emergency" within the meaning of General Municipal Law, Section 103 (4) and that the Village Manager acted properly and was authorized to perform the emergency repairs to the sanitary sewer line on Park Avenue.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

3. AUDIT OF BILLS

Mayor Savolt stated that the reason agenda item 5G was taken out of order is that a public emergency needed to be declared as there is a bill from the contractor for the work done on this sewer pipe in the Audit of Bills. She also stated that \$375 will be subtracted from the Agency Funds as the vendor withdrew the request for payment.

On motion of Trustee Robinowitz, seconded by Trustee Murphy:

RESOLVED that the Abstract of Audited Vouchers listed below, dated August 25, 2008 and for FY 2008-09, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 656,450.55
Capital Fund	972,858.97
Guarantee & Bid	18,834.24
Mamaroneck Health Center	88.18
Historic Harbor Street Fair	<u>235.14</u>
	\$ 1,648,467.08

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

4. OLD BUSINESS

Nothing on agenda

5. NEW BUSINESS

A. Transfer of Funds - \$7,436 and \$4,045 – Asbestos Testing & Mitigation

In connection with a report of suspected asbestos pipe insulation being disturbed in the basement area of 169 Mt. Pleasant Avenue, which is primarily used by the Police Department, it was necessary to bring in a company to survey and test the affected areas to determine if it was definitely asbestos and what areas in the basement were required to be cleaned and mitigated.

The Village Manager's office contacted and entered into an agreement with Omega Environmental Services, Inc. (Omega) to survey and determine if immediate abatement and removal was necessary. The cost for the above, including the project monitoring and air sampling was \$2,536. Omega has previously performed services for the village and we have been very satisfied with their services.

Next the Manager received proposals from two companies to perform the abatement, which was awarded to Avant-Garde Group, Inc. at a cost of \$4,900 for their asbestos removal services. The asbestos removal and abatement was completed on Saturday, August 9th.

Since neither of the above costs was anticipated in the adopted budget, Mr. Verrastro is requesting a transfer of funds from the Contingent Account as follows:

<u>From</u>		<u>To</u>	
A1990 Contingent		A1620 Public Safety Bldg.	
.999 Account	<u>\$7,436</u>	.420 Building Maint.	<u>\$7,436</u>

In addition, the Manager's office has received a proposal from Omega to perform a complete asbestos survey of the rest of the building, including Lab samples for a cost of \$4,045. It is the staff's recommendation that we also proceed with this next phase, which will also be required for any future construction. If the Board agrees, the following additional transfer of funds will be needed:

<u>From</u>			<u>To</u>	
A1990	Contingent		A1620	Public Safety Bldg.
.999	Account	<u>\$4,045</u>	.420	Building Maint.
				<u>\$4,045</u>

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED that the above requested transfer of funds in the amounts of \$7,436 and \$4,045 for asbestos testing and mitigation of the basement area of 169 Mt. Pleasant Avenue be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

B. Transfer of Funds - \$5,000 – Village Attorney Salary

In connection with the agreement with the Village Attorney, her salary was going to be reviewed and adjusted after six (6) months. Based on her performance, the Board has increased her salary to \$127,500 effective August 19, 2008.

In order to reflect the increase for the balance of the fiscal year in the applicable budget account, the following transfer of funds will need Board approval.

<u>From</u>			<u>To</u>	
A1990	Contingent		A1420	Law
.999	Account	<u>\$5,000</u>	.110	Regular Personnel
				<u>\$5,000</u>

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the above transfer of funds from the Contingent Account for the salary increase of the Village Attorney in the amount of \$5,000 be and is hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

The Board thanked Ms. Insardi for her long hours, diligent review of materials and all the hard work she does on behalf of the Village. Mr. Verrastro thanked Ms. Insardi as well on behalf of the staff.

C. Capital Fund Authorization – Evidence Storage Facility

A request from Edward Flynn, Police Chief for the purchase and installation of a new evidence storage facility was received from the Village Manager’s office.

The storage facility would be purchased under a New York State Contract and would be installed in the current supply room in the basement of Village Hall just off of the Police Locker room. Although the Police Chief is not aware of any pre-installation costs, the Manager has added \$1,500 to the price of

the storage facility to cover any unanticipated costs, for a total Capital Fund authorization being requested of \$38,000.

This item was not included in the 2008-09 Capital Plan presented to the Board, however as noted in the Police Chief's memo, this would create an up to date, secure evidence facility.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that \$38,000 be and is hereby appropriated in the Capital Projects Fund for the purchase and installation of a Police Evidence Storage Facility; and

Be it further RESOLVED that the financing for this project be provided by the future adoption of the required board resolution.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

D. Notice to Proceed for HCZM Review Services

The Village Manager's office received a copy of the Notice to Proceed with EEA, Inc. in connection with providing environmental consulting and review services for the Harbor and Coastal Zone Management Commission (HCZM).

In accordance with Section 240-38 of the Village Code, HCZM may hire any consultant and/or expert necessary to assist them in reviewing and evaluating any applications before it, the cost of which shall be borne by the applicant.

Mr. Verrastro has executed the Notice to Proceed on behalf of the Village on a time and material basis and is now requesting that the Board of Trustees authorize his signing of the notice to proceed "non pro tunc" by approving a resolution:

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that Leonard M. Verrastro, Village Manger be and is hereby authorized to execute the Notice to Proceed with EEA, Inc. to provide environmental consulting and review services on an "as-needed" basis for the Harbor and Coastal Zone Management Commission.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

E. Authorization Regarding Agreement with Telecommunications Consultant

Based on a Request for Proposals sent out by the M anager's office for review services in connection with Metro PCS Wireless's Telecommunications Facility application to the Planning Board, it is

recommended that the Village enter into an agreement with Henningson, Durham & Richardson Architecture and Engineering, PC (HDR).

The Board was given a copy of their Short Form agreement, which has been reviewed and revised by the Village Attorney, including the Scope of Services as outlined on Exhibit A. Their estimated fee of \$6,000 will be paid by the applicant from escrow funds placed on deposit with the Village.

In order to proceed, the Village Manager is requesting that the Board authorize his executing the agreement on behalf of the Village.

On motion of Trustee Robinowitz, seconded by Trustee Murphy:

RESOLVED that Leonard M. Verrastro, Village Manager be and is hereby authorized to execute the agreement with Henningson, Durham & Richardson Architecture and Engineering, PC (HDR) for review services in connection with Metro PCS Wireless's Telecommunications Facility application to the Planning Board.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

F. Grant Application – Justice Court

It was advised that the State of New York Unified Court System is offering grant funds to Justice Courts to be used for a variety of purposes, including automation recording devices, security equipment, legal reference material, etc. It is the desire of the Justice Court to apply for grant funds totaling \$5,727 to purchase new office chairs and carpeting for their offices.

In order to submit a grant application, a resolution will have to be adopted by the Board of Trustees authorizing the submission of the grant application. Should it be the Board's desire to move this matter forward, the following resolution is recommended:

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED, that the Board of Trustees for the Village of Mamaroneck does hereby authorize the submission of an application to the Unified Court System pursuant to the Justice Court Assistance Program for grant funding; and it is further

RESOLVED, that the Village Justices are hereby authorized to sign the grant application on behalf of the Village; and it is further

RESOLVED, that the Village Manager is hereby authorized and directed to sign the certification for the grant application.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

H. NYCOM Fall Training School

NYCOM's 53rd Annual Fall Training School is scheduled for September 15, 2008 through September 18, 2008 in Lake Placid, New York.

The Village Manager is requesting authorization, for the Clerk-Treasurer, Trustee Robinowitz and him to attend. The cost will be approximately \$1000.00 each, which includes the early registration fee and hotel accommodations.

On motion of Trustee Ryan, seconded by Trustee Murphy:

RESOLVED, that the Village Manager, Trustee Robinowitz and Clerk-Treasurer be and are hereby authorized to attend the 53rd Annual NYCOM Fall Training School to be held in Lake Placid, New York from September 15, 2008 – September 18, 2008, with the expenses to attend to be charged to the respective budget accounts as provided in the adopted budget.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

I. Chamber of Commerce September Sidewalk Sales

A letter from the Mamaroneck Chamber of Commerce requesting to hold Sidewalk Sales from September 11, through September 13, 2008, with a rain date of September 15, 2008, was received by the Manager's office. This will require approval by the Board.

On motion by Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Mamaroneck Chamber of Commerce be and is hereby authorized to hold Sidewalk Sales from September 11, through September 13, 2008, with a rain date of September 15, 2008.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

6. REPORT FROM VILLAGE MANAGER

A. File for Record – Agreement with Clarity Testing for Vaccinations & Related Services

The agreement between the Village of Mamaroneck and Clarity Testing for vaccinations and related services for the Police Department and Physicals for the Fire Department is being filed for the record with the Clerk-Treasurer.

B. File for Record – Agreement with Law Enforcement Systems, Inc.

The agreement between the Village of Mamaroneck and Law Enforcement Systems, Inc. is being filed for the record with the Clerk-Treasurer. This is the company that issues the parking ticket software for the Village.

C. File for the Record – Agreement with RFH Management

The agreement between the Village of Mamaroneck and RFH Management is being filed for the record with the Clerk-Treasurer. This is the firm retained to recruit the new Village Manager.

D. File for Record – Agreement with ELQ Industries, Inc. – Contract No. 08-07

The agreement between the Village of Mamaroneck and ELQ Industries, Inc. is being filed for the record with the Clerk-Treasurer. This is for the paving of Village streets.

E. File for the Record – Agreement with Evergreen Arborists, Inc. – Contract No. 08-09

The agreement between the Village of Mamaroneck and Evergreen Arborists, Inc. is being filed for the record with the Clerk-Treasurer. This is for the maintenance and removal of trees.

F. File for the Record – Sidewalk/Curb Replacement & Catch Basin Cleaning
Contract No. 08-10

A tabulation of Bid Proposals was received in response to the above referenced bid. NAC Industries, Inc. is being awarded the contract for Proposal A, Sidewalk and Curb Replacement and Fred A. Cook Jr. Inc. is being awarded the contract for Proposal B, Catch Basin Cleaning as the lowest bidders.

7. REPORT FROM CLERK-TREASURER

None

8. REPORT FROM VILLAGE ATTORNEY

Ms. Insardi reported that Local Law 6-2008 has been filed with the Secretary of State as required by law. She also reported that a draft ethics law had been provided to the Board for its review.

9. REPORT FROM POLICE CHIEF

None

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

None

II. COMMUNICATON TO THE BOARD II

Mr. John DiCresenzo appeared to remind the Board about the dangerous condition of the storm drains around the Rye Neck School area on the Boston Post Road. Mr. Verrastro informed him that steel

plates have been ordered, however they are not in yet. They are coned at this time. Mr. Verrastro also stated that until the state repairs the road and curb line it is difficult to repair the catch basins because in a few years, the same thing will happen.

Trustee Ryan announced the concert series put on by the Arts Council was very successful. She also informed the residents of an upcoming Fiesta to be held in Harbor Island Park in October, which is Latin American History Month.

Trustee Murphy commented on a resident's statement linking tonight's public hearing on the leaf bagging law with the public hearing on the leaf blowing law. Trustee Murphy stated that the leaf blowing ban was brought about because of serious health concerns and as a public official you need to weigh your decisions and with the health issues, this was an easy decision to make.

Trustee Robinowitz reported that the Village summer camp went extraordinarily well. She thanked Roseanne Saracino and her staff for all of their hard work in making it a success. Trustee Robinowitz also announced that the Chamber of Commerce is in the process of updating their publication "This is Mamaroneck". Trustee Robinowitz reported that the Avenue is looking beautiful and asked that residents pick up trash if they see it on the street. She also announced that photos of the Village are being sought for the new website. If residents have digital photos with fairly high resolution, they should send them to photos@vomny.org. She asked that residents keep the number to 3-5.

Mayor Savolt reported that the Village has received their report card from the County on our recycling efforts. In the first six months our recycling is up 27% over the same period last year and 31% over the same period in 2006. This saves the Village money as tipping fees are less. The Village Manager search is underway. Mayor Savolt stated that over 50 individuals in the Village were sent a questionnaire on what they would like the new Manager to know about the Village, some of the challenges they feel are facing the Village. That information is being gathered and the search will begin after Labor Day. The Mayor received a compliment given to Mr. Iacovelli and his staff for responding after a storm on a Friday evening for a tree that was blown down blocking a car. An email was also received from a resident praising the day camp staff.

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED, that the Board of Trustees convene to Executive Session at 9:45 p.m. to discuss small claim settlements and potential contract negotiations.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

ADJOURNMENT

The Board came out of Executive Session at 10:00 p.m. and there being no further business to come before the Board, on motion duly made and seconded, the meeting was adjourned.

PREPARED BY:
SALLY J. ROBERTS,
SECRETARY

RESPECTFULLY SUBMITTED BY:
AGOSTINO A. FUSCO,
CLERK-TREASURER