

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, SEPTEMBER 22, 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

RECRUITMENT PRESENTATION – VOM FIRE DEPARTMENT

Ex-Chief Robert Deshensky of the Village Fire Department appeared with other representatives from the department to present to the Board and residents what the Fire Department does and the importance of volunteers as the department is an all volunteer organization. Chief Deshensky gave the history of the department. He stated that the Village's Fire Department is the only all volunteer department in the Sound Shore community. Over the last five years, the department has averaged 700 calls per year. He informed the residents of the different fire houses, where they are located and their primary duties. Chief Deshensky reported on the training needed to qualify to be an interior fire fighter and there are additional state and federal training courses that are offered. In addition, each house conducts their own drills on a monthly basis and department level drills are done on a quarterly basis. This is all done at no cost to the volunteers. Chief Deshensky talked about the fire prevention programs the department offers at the local schools. They also present a program on drunk driving at the high schools. The requirements to join the department and responsibilities of members were reviewed. Reasons why a resident would want to join the department and how to go about volunteering were presented by Chief Deshensky. Benefits of joining the department were discussed; some of which are tuition assistance, free physicals, scholarship program, and a federal tax credit. Chief Deshensky also stated that volunteers may be eligible to participate in the Village's healthcare program, at their own cost.

Mayor Savolt stated that she has had the opportunity to witness the Fire Department during emergencies. She was extremely impressed with the professionalism and swiftness in which everyone worked. The Mayor thanked the department for their presentation.

1. COMMUNICATION TO THE BOARD

Mr. Jeremy Skehan of Tompkins Avenue appeared to petition for oversight be added to how the police department works. Mr. Skehan has issue with the length of time members can be suspended from the department without pay. In most of the state there is a 30-day limit. Villages in the County are governed by a different law that does not specify a time limit. Mr. Skehan contacted the Village about the suspension of a particular Sergeant. He was told that the suspension has gone on for four and one-

half years. He understands that there may be complications in relation to this case, but has concerns about the lack of due process that leaves individuals in a state of limbo. Without a disciplinary hearing, nothing can be defended and nothing resolved. Mr. Skehan has contacted the State Senator and also Assemblyman Latimer regarding this. He has voiced his concern with the law and his desire to have it changed. He asked the Board members to consider petitioning legislators to change this law.

Mr. Skehan also informed the Board that although he does not have the facts, he has heard that this Sergeant has been ordered back to work and at this time he has been declared disabled by the Federal government. He hopes that as a Board and as Police Commissioners they exercise their right of oversight in insuring that the Village does not walk into another potentially detrimental situation.

## 2. APPROVAL OF MINUTES

### A. Public Hearing – Proposed Local Law 9-2008 (August 25, 2008)

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, that the Minutes of the Public Hearing on Proposed Local Law 9-2008 held on August 25, 2008 be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

### B. Public Hearing – Proposed Local Law 9-2008 (September 8, 2008)

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED, that the Minutes of the Public Hearing on Proposed Local Law 9-2008 held on September 8, 2008, with the typographical errors corrected, be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

### C. BOT Regular Meeting - September 8, 2008

On motion of Trustee Ryan, seconded by Trustee Murphy:

Trustee Ryan asked that comments made by Chief Flynn during the discussion on how people are sleeping on the fishing docks and that Park Rangers and Police Officers would be monitoring this as well as informing people of the correct place to fish, be added to the minutes.

RESOLVED that the Minutes of the BOT Regular Meeting of September 8, with the aforementioned additions made, be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

3. AUDIT OF BILLS

On motion of Trustee Murphy, seconded by Trustee Ryan:

Trustee Robinowitz informed the Board that the payment for the reimbursement of a fire fighters personal cell phone lost during a fire call is being pulled from the abstract and is being reviewed. The abstract will be amended by removing this item from page 12, in the amount of \$494.47 from General Fund expenditures.

RESOLVED that the Abstract of Audited Vouchers listed below, dated September 2, 2008 and for FY 2008-09, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 449,161.80
Capital Fund	602,272.30
Trust & Agency	<u>12,614.79</u>
	\$ 1,064,048.89

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

4. OLD BUSINESS

A. Request to Attend National Recreation & Parks Association Annual Conference

This was tabled from the August 9, 2008 meeting. Mr. Verrastro informed the Board that Recreation Superintendent, Roseanne Saracino has withdrawn her request to attend. She will attend the New York State Parks and Recreation Conference in the spring.

5. NEW BUSINESS

Mayor Savolt requested that Item 5D be taken first as the principals of the property are present to make a presentation to the Board and public, in connection with their application to rezone the property.

D. Change of Zone and Related Land Use Approvals – Mamaroneck Train Station Building

Ms. Insardi informed the Board that the applicants propose the adaptive reuse of the Mamaroneck Train Station Building. This evening the Board will be declaring their intent to be lead agency. The action has been preliminarily classified as an Unlisted Action, but there will be a coordinated review and the EAF will be circulated to other involved and interested agencies.

Mr. Chris Verni, resident of Larchmont and principal in Parkview Station, LLC, owner and manager of One Station Plaza appeared. Mr. Verni thanked the Board for allowing him to present their

vision for the rehabilitation and use of this historic building. Mr. Verni gave a brief history of the building that was once the Mamaroneck Train Station Building. The main area of the building will be used as a specialized destination restaurant. Many restaurateurs have contacted the owners to voice an interest in managing a restaurant here. The owners also envision some sort of transient commuter retail facility to serve the residents and commuters. Upstairs is a loft area which will be converted to professional space. Mr. Verni stated that his company is considering moving their office to this location.

To bring this vision to fruition, the matter of zoning needs to be addressed. Mr. John Verni presented this portion of the proposal to the Board. Mr. John Verni is an attorney specializing in land use. Mr. Verni stated that the zone change needs to be made in connection with the re-development of this property. He also stated that 12 parking spaces in front and one space in back for loading purposes have been acquired from the MTA, by a 99 year lease, with the purchase of the building and sidewalk surrounding the building. The MTA has informed them that the other parking spaces owned by them will be available in the evenings and on weekends when not used by commuters who pay for the spots. This site is currently zoned R-20, which is a residential zone; however he believes it was never intended to be a residential zone. Mr. Verni further stated that they are petitioning a zone change to a C-1 zone. The Building has not been deemed Historic, but is eligible for Historic status and therefore the owners will work with the State agency for Parks, Recreation and Historic Preservation and follow their guidelines.

Mr. Stephan Tilly, Architect for the project presented the history and details of the building and their plans for the building.

Trustees brought up the issue of the MTA needing to work with the Village on their plans for commuters to get from one level to the other with the possible closing of the tunnels and the need to get feedback from the Planning Board and the Zoning Board of Appeals before the public hearing. Trustee Hofstetter stated that in other stations, the MTA has put in elevators so that commuters can access both levels and insuring that access to these levels is ADA compliant.

Mr. Verni indicated that they will attempt to get on the Planning Board and Zoning Board of Appeals meeting agendas as soon as possible.

Ms. Insardi explained that the Board will be sending the application to other interested and involved agencies for their comments and 30 days from the date of mailing, the Board can declare itself Lead Agency on the Rezoning. If the Board is inclined it can schedule a public hearing on this matter at the October 27 meeting.

On motion of Trustee Murphy, seconded by Trustee Ryan:

**RESOLUTION DECLARING BOARD OF TRUSTEE'S INTENT TO ASSUME LEAD AGENCY STATUS ON THE MAMARONECK TRAIN STATION REZONING**

**WHEREAS**, the Board of Trustees has received a Petition for a zone change in connection with the re-development of the Mamaroneck Train Station by Park View Station LLC as applicant; and

WHEREAS, the Petition has been accompanied by an EAF; and

WHEREAS, the Board of Trustees, with the assistance of BFJ, has reviewed the EAF and makes the following determinations;

NOW, THEREFORE, BE IT RESOLVED:

1. That this project will require SEQRA review and additional land use approvals by other Village Boards.
2. That the proposed action is an unlisted action.
3. That there are a number of involved agencies, including the Planning Board and the Board of Zoning Appeals.
4. That the Board of Trustees wishes to assume lead agency status in connection with the SEQRA review.
5. That the Board of Trustees directs that a lead agency coordination letter be circulated among the various involved agencies together with the Petition for a zone change, including the EAF and any other application or information prepared and submitted by the applicant to date.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt  
 Nays: None

A. Transfer of Funds – Retirement System

In connection with the amounts which will be due to be paid to the New York State Retirement System, which includes an adjustment based on actual employee salaries through March 2008 and prior years adjustments, it will be necessary to make a transfer of the budgeted amounts from the account provided for Unallocated Insurance to the Employees’ and the Police Retirement System Account.

Fortunately, Mr. Verrastro reported that we have had a substantial savings in our unallocated insurance account based on the actual renewals of our general liability, auto, public officials and umbrella policies.

Based on the above, Mr. Verrastro recommended the Board approve the following transfer:

<u>From</u>		<u>To</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A1910		A9010 State Retirement	
.401 Unallocated Insurance	\$118,148	.800 Employees Retirement	\$ 51,410
		A9015 State Retirement	
		.800 Police Retirement	\$ 66,738
			<u>\$118,148</u>

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, that the above noted transfer of the budgeted amounts from the account provided for Unallocated Insurance to the Employees' and the Police Retirement System Account in the amount of \$118,148 be and is hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

B. Additional Transfer of Funds – Asbestos Testing & Mitigation

In connection with the sewer pipe that broke and leaked into the Police locker room and muster area last week, it is necessary that the asbestos pipe insulation be removed and the area be properly cleaned. At the same time, asbestos removal and mitigation will need to be done in the room that will be used as the evidence storage facility.

Since this work needs to be done on an immediate basis, it is recommended that the Village utilize the same companies that did the previous cleanup and monitoring.

The cost for the removal, cleanup and monitoring will be as follows:

Avant-Garde Group, Inc.

Asbestos removal in each room \$4,900 x 2	\$ 9,800
Installation of new thermal insulation	<u>3,600</u>
	\$ 13,400

Omega Environmental Services for monitoring	<u>2,090</u>
	<u>\$15,490</u>

Based on the above, the Village Manager requests that the Board approve the following transfer of funds, since these costs were not anticipated in the adopted budget.

<u>From</u>		<u>To</u>		
AI990	Contingent	AI620	Public Safety Bldg.	
.999	Account	.420	Building Maintenance	
	<u>\$15,490</u>			<u>\$15,490</u>

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED, that the additional transfer of funds for asbestos testing and mitigation noted above in the amount of \$15,490 be and is hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

C. Bond Resolution – Water Improvements

Clerk-Treasurer Fusco explained that this resolution is for projects that were approved in December 2001 and January 2003. These projects were funded through inter-fund transfers that resulted in a "Due To" General Fund in the Capital Funds Ledger. The resolution will satisfy the resulting liability.

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

BOND RESOLUTION, DATED SEPTEMBER 22, 2008, AUTHORIZING THE ISSUANCE OF UP TO \$545,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF MAMARONECK, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE WATER SYSTEM.

WHEREAS, the Board of Trustees of the Village of Mamaroneck (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition, construction and reconstruction of improvements to the Village water system, including improvements to the Knollwood Avenue water main (\$173,000) and the Orienta Avenue water main (\$366,000) and the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$545,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Mamaroneck, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$545,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition, construction and reconstruction of improvements to the Village water system, including improvements to the Knollwood Avenue water main (\$173,000) and the Orienta Avenue water main (\$366,000) and including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto (the "Project").

Section 2. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project will not exceed \$545,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; (d) the maximum maturity of the serial bonds authorized herein shall not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is of a class of object or purpose as described in subdivision 1 of paragraph A of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such

serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this



paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney and such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

E. Schedule Public Hearing – PLL 11-2008 (Building Construction/Additional Standards)

Village Attorney Insardi informed the Board that our Volunteer Fire Department has been very busy in assisting with this proposed local law which amends Chapter 126, adding Article III, which will permit full access to all buildings and structures for life saving and fire fighting purposes. This proposed law has been reviewed by the Board during a work session and Ms. Insardi is requesting that a public hearing be scheduled for October 14, 2008.

Trustee Murphy elaborated on Ms. Insardi's comments by informing the residents that there will be a box installed in apartment buildings and multi-family dwellings that only the Fire Department will have a key to which will house the keys to all of the doors in the building.

Trustee Robinowitz thanked Ms. Insardi, the Building Department and Fire Department for their work on this.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that a Public Hearing on Proposed Local Law 11-2008 be and is hereby scheduled for October 14, 2008.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

F. Amendment to Chapter 326 – Vehicles and Traffic

The Mayor read the recommendation from the Traffic Commission requesting that a handicapped parking space be provided in front of 628 Wood Street to allow a severely handicapped resident to be able to access their home from the end of their ramp, which is blocked at times by other vehicles.

On motion of Trustee Hofstetter, seconded by Trustee Murphy:

RESOLVED that the following amendment to CHAPTER 326, SECTION 82 (VEHICLES AND TRAFFIC) of the code of the Village of Mamaroneck be, and the same hereby is approved.

SECTION 82            HANDICAPPED PARKING SPACES, ON-STREET

By adding to Chapter 326, Section 82, Schedule XV:

Name of Street	Side	Location
Wood Street	West	In front of 628 Wood Street, the first parking space north of the driveway to 624 Wood Street

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

**6. REPORT FROM VILLAGE MANAGER**

- A. File for Record – Agreement with HD& R Architecture & Engineering, P.C.

The agreement between the Village of Mamaroneck and Henningson, Durham & Richardson Architecture and Engineering, P.C. for work to be done on behalf of the Planning Board is being filed for the record with the Clerk-Treasurer.

- B. Personnel Appointment

Mr. Verrastro advised the Board that effective September 15, 2008, David Hammond has been appointed to the position of Heavy Motor Equipment Operator, in the Department of Public Works at the annual salary of \$62,475.00.

**7. REPORT FROM CLERK-TREASURER**

None

**8. REPORT FROM VILLAGE ATTORNEY**

None

**9. REPORT FROM POLICE CHIEF**

None

**10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES**

The following Minutes have been received by the Board of Trustees:

- A. ZBA Meeting of July 9, 2008
- B. BAR – August 21, 2008

## II. COMMUNICATON TO THE BOARD II

Mr. Irving Scharf of Richbell Road appeared to recommend identifying losses of potential law suits before deciding to settle or pursue.

Mr. Carl Alterman of Indian Cove Road appeared and asked Ms. Insardi to repeat what the Board had voted on concerning Item 5D as he did not hear the entire presentation. Ms. Insardi informed him that the resolution acknowledged that this is an action pursuant to SEQRA, that this is an unlisted action, that there will be a coordinated review and that the application will be circulated to the other interested and involved agencies, including the Planning Board and at the expiration of that 30 day period, if there are no objections by any of the involved agencies, the Board of Trustees will declare itself Lead Agency for purposes of SEQRA review.

Trustee Ryan announced that the Committee for the Environment has been working with the Village Manager on permanent, changeable signs that will be posted at various spots in the Village announcing the recycling and organic pick up days. The first will be placed in front of the Post Office. Trustee Ryan also reminded the residents of the upcoming Fiesta on October 4 at Harbor Island Park.

Trustee Robinowitz reported that she recently attended a NYCOM Conference in Lake Placid with Messrs. Verrastro and Fusco. It was extremely informative and she believes that Village officials should be as educated as possible. Trustee Robinowitz gave a synopsis of the seminars she attended.

Trustee Murphy talked about what has been happening in the financial markets and how Mamaroneck is very much affected by what goes on on Wall Street. He believes that all levels of government will have to tighten their belts.

Trustee Hofstetter stated that he attended a portion of the Taylors Lane meeting and hopefully by the end of October readings will be done and we can then tap into the County's sewer system. After that, plans for the use of that space will be discussed. Trustee Hofstetter announced that resume are being accepted for the Harbor Master position.

Mayor Savolt gave a progress report on the Village Manager search. She also announced that all of the parties have signed on with the Army Corps of Engineers and they are preparing to begin the engineering study analysis of the Mamaroneck and Sheldrake Rivers. A planning meeting is being scheduled for October and a public meeting will be held after that meeting takes place.

### ADJOURNMENT

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