

MINUTES OF THE ANNUAL ORGANIZATIONAL MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, DECEMBER 7, 2009, AT 7:30 P.M. IN THE EMELIN THEATRE, MAMARONECK NEW YORK.

PRESENT:	Mayor	Norman S. Rosenblum
	Trustees	Louis N. Santoro Toni Pergola Ryan John M. Hofstetter Marianne V. Ybarra
	Village Manager	Richard Slingerland
	Village Attorney	Christie Derrico
	Police Department	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

SWEARING IN OF NEWLY ELECTED MAYOR AND TRUSTEES

Justice Sirlin swore in Mayor Norman S. Rosenblum. Justice Sirlin stated that this is a very special day for the Sirlin and Rosenblum family and he is extremely proud to be swearing in his cousin as the Mayor of the Village of Mamaroneck. Justice Sirlin informed residents that their family came to Mamaroneck in 1904. He acknowledged Mayor Rosenblum's sister and brother who were at the ceremony. Justice Sirlin stated that there have been five generations who have lived in this community. Justice Sirlin spoke of the attributes of Mayor Rosenblum, which are his care, concern and commitment to the Village. Mayor Rosenblum has a vision for the Village for openness and inclusiveness and Justice Sirlin is sure that he will succeed. Mayor Rosenblum thanked Justice Sirlin. He reiterated that the Village of Mamaroneck is his extended family and the Board will operate in that manner. All opinions will be listened to and considered. He thanked all residents for entrusting him and he will do his best to do what is good, fair and just for the Village of Mamaroneck.

Justice Sirlin swore in Trustee Louis N. Santoro. Justice Sirlin spoke about Trustee Santoro and that he has been a life long resident of the Village of Mamaroneck. Justice Sirlin stated that former Village Manager Busty Santoro who coined the phrase "The Friendly Village" was a cousin of Trustee Santoro's father. Trustee Santoro is a retired employee of the Westchester Joint Water Works and has been committed to the Village his entire career.

Trustee Santoro thanked Justice Sirlin. He also thanked all those who came to the meeting. He is honored and privileged to serve the Village of Mamaroneck.

Justice Sirlin swore in Trustee Marianne V. Ybarra. Justice Sirlin informed residents that Trustee Ybarra has volunteered in the Village for over 21 years and has given of her life to our community. He believes that she will be a splendid asset to the Board.

Trustee Ybarra thanked everyone for coming. It means very much to all of the newly appointed Trustees and she is appreciative of the chance to serve the Village as a Trustee.

Mayor Rosenblum acknowledged all of the dignitaries on the stage and in the audience. He

also thanked all those who volunteer their time on Village Boards and Commissions.

AGENDA ITEMS

1. **APPOINTMENT OF DEPUTY MAYOR (MAYORAL APPOINTEE)**

Mayor Rosenblum appointed Trustee Louis N. Santoro as Deputy Mayor.

2. **APPOINTMENT OF TRUSTEE TO THE POLICE PENSION FUND (MAYORAL APPOINTEE)**

Mayor Rosenblum appointed Trustee Louis N. Santoro as Trustee of the Police Pension Fund.

3. **MAYOR'S APPOINTMENTS TO SEXUAL HARASSMENT COMMITTEE**

Pursuant to the Village's Sexual Harassment Policy, the Mayor shall annually appoint one (1) member of the Village Board and three (3) department heads and/or Supervisors, one of which shall be from the Police Department and one from the Department of Public Works.

Appointments:

Mayor Rosenblum

Police Department – Det. Sandra DiRuzza

Department of Public Works - Robert Welsh

Department Head - John Winter

4. **APPOINTMENT OF VILLAGE PROSECUTOR**

ON NOMINATION OF: Mayor Rosenblum

RESOLVED, that Joseph Notaro be and he hereby is appointed Village Prosecutor to the Village of Mamaroneck, to serve at the pleasure of the appointing authority, at a compensation to be fixed by the Board of Trustees.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

5. **APPOINTMENT OF SPECIAL COUNSEL**

ON NOMINATION OF: Mayor Rosenblum

RESOLVED, that Silverberg & Zalantis LLP be and they hereby are appointed Special Counsel to the Zoning Board of Appeals of the Village of Mamaroneck, to serve at the pleasure of the appointing authority, at a compensation to be fixed by the Board of Trustees.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

6. **TERMINATION OF CURRENT VILLAGE ATTORNEY**

Trustee Ryan made the following statement for the record:

The dismissal of the Attorney requires three votes to pass. The previous Board was still in office when the Attorney was advised that her last day of employment by the Village of Mamaroneck would be December 7. Yet it was only that Mayor and that Board that had the authority to dismiss her in mid to late November, the time she was given notice, and that Board

did not vote to do so. So who did vote to dismiss her?

My understanding of what happened is that the Mayor Elect who was still Mr. Rosenblum told the Village Manager to terminate the Village Attorney effective December 7. Mr. Rosenblum was not sworn in, was not officially Mayor, had no right to give the order since her dismissal would require three votes and the only time he could call for a vote would be at this reorganization meeting, tonight, December 7.

The Attorney does not report to the Village Manager, yet it was the Village Manager who was asked to terminate her. So actually, the way it appears to me is the order to Mr. Slingerland was illegal and the transmittal of that order to Ms Insardi from Mr. Slingerland was improper since neither party had the authority to fire Ms Insardi.

In the interest of a smooth transition, Ms. Insardi asked that her dismissal date be extended. That request was denied. Unfair, not only to Ms. Insardi, but to the incoming attorney, and to Village residents as well.

Because of attorney/client privilege, it was unethical for Ms. Insardi to share ongoing case information until the new attorney was sworn in. That's why she asked for the extension. What will it cost in time for the new attorney to play catch up on what couldn't be discussed with her before her official appointment. And let's not forget that with a part-time attorney, time is money.

And let's talk about time and money and part time attorneys. In 2004-2005 the Village paid \$527,089.12 to our part-time legal firm, \$805,534.78 in 2006-2007, and \$321,249.39 in 2007-2008, and that number is lowest because we terminated the part time law firm in 2007. Ms. Insardi's salary is \$130,000 per year. There were no additions to the Legal Department Staff when she was hired. A full-time secretary was already employed. According to Mayor Rosenblum, the dismissal of Ms. Insardi will save the Village \$100,000. I'd like to know how he came to that conclusion.

In addition to giving legal counsel to the Mayor and Board of Trustees, the Village Manager, the Board of Ethics and other Village department heads, Ms. Insardi represents the Village in civil litigation and related work as required. She also attends meetings of the Harbor and Coastal Zone Management Commission, the Ethics Board, and the Planning Board. She is never not available for Department Heads or Board members who have questions. We get 100% of her attention- she works for only this Village. I don't know how many hours a week she works, but I can guarantee it is often close to 50 and she does all of that for that \$130,000 salary.

Ms. Insardi was one of over 40 applicants for the Village Attorney position and was chosen because her experience on land use issues and her expertise in municipal law surpassed our expectations and more than fit our needs. Recommendations were stellar. What process was used to select the new attorney?

MOST IMPORTANT, in a democracy the work of the people is done in public to assure transparency. Maybe when Mr. Rosenblum asked the Village Manager to give Ms. Insardi notice he knew he would have the votes to dismiss her on December 7, but to do so before that date, without a public vote and without input from his entire board and the public was unfair, unjust and not good for the Village. So the answer to my question- who did vote to dismiss Ms. Insardi is that no one did. The action came before Mayor Rosenblum had the authority to do so. There was no democratic process; there was no transparency.

I vote NO for all the reasons above.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Janet Insardi is hereby terminated as Village Attorney, effective immediately, with her effective date of termination being the end of business today, December 7, 2009.

Ayes: Ybarra, Santoro, Rosenblum

Nays: Hofstetter, Ryan

7. APPOINTMENT OF VILLAGE ATTORNEY

Trustee Hofstetter made the following statement for the record:

- The newly elected members campaigned on the issue of wanting a more open and inclusive government. One that would involve our volunteer committees.
- The decision to replace the full-time Village attorney was made without consulting the Budget Committee or some other members of the Village Board.
- A decision that was in my view neither in the open nor inclusive.
- I have not seen any analysis that went into determining the Mayor's contention that savings of over \$100,000 could be realized.
- In my opinion the Village Attorney position is in fact a full-time position that can only be converted into a part-time position only by outsourcing additional work to outside counsel and thereby ending up with higher costs.
- Replacing the current Full-Time attorney with a part-time attorney and expecting savings contravenes recent Village history where part-time attorneys were paid in excess of \$1 million a year because there was no incentive to supervise the bottom line ...for the taxpayer.
- Obviously recent history shows outside lawyers do not have the same incentives to minimize legal expenses as inside counsel.
- In my opinion replacing the current attorney with any new attorney and not providing any transition period makes things more difficult and puts the Village in an unnecessary position
- I would like to know the process for selecting Ms. Derrico
 - To hire the current village attorney we advertised the position and received approximately 40 resumes
 - The pool was narrowed to a manageable number
 - The finalists were selected and interviewed

- What are the parameters of the contract with Ms. Derrico? I have not seen even a draft of that contract if it exists
 - The public does not know which specific days will she be working?
 - How many hours a week would she be working for the Village?
 - Where will she be working out of? The offices at Village Hall?
 - Will she receive benefits?
 - The Village had issues in the past with the appearance of conflicts of interest. To borrow a line from Ms. Derrico - we need to have to have a Chinese wall between her private practice, her work for the Village and the work that her husband's firm does for the Village. If this nomination passes I will ask the Ethics Board for an interpretation on we how can build such a wall to protect the Village.

- Lastly – Section 34 of tonight's agenda – Disclosure of Interest if Any
 - This section of the General Municipal code has been updated
 - The revised General Municipal code should be read and included.

I ran this section of the code past the current Village Attorney and she immediately notified me that the code included in the packet had been revised by the State and advised me that the Village Ethics Code was also applicable

Trustee Ryan made the following statement for the record:

Spiraling, out-of-control legal costs led to the adoption of Local Law 13-2007. One of the reasons I originally ran for office was because I believed there was a better way to handle our legal needs than with a part-time attorney whose meter was always running.

At the request of former Village Trustee Tom Murphy, three prominent attorneys, Ira Millstein, John Romans, and Eric Rieder, all Village residents considered ways the Village could reduce legal costs and avoid adverse litigation results. In their letter of recommendation dated May 8, 2006, they recommended, "hiring a Village Attorney who is not a partner or employee of an outside law firm retained by the Village". They said they believed that "the Village of Mamaroneck would benefit from having its own legal officer to provide wise counsel, and to monitor, supervise, and in some cases handle directly some of the Village's legal matters". Additionally, "the Village Attorney would not be associated with the outside law firms retained by the Village, but would be a Village employee who would either perform the work, or advise the Trustees in selecting, only as needed, the outside counsel best suited to the issues at hand, to ensure that the work is performed in a cost-effective manner." Also, "A Village Attorney could also provide advice to Village officials about potential disputes before they ripen into lawsuits, minimizing unnecessary litigation".

On September 11, 2007, the Village's Budget Committee wrote "The Budget Committee strongly recommends that the Village of Mamaroneck Board of Trustees hires a full-time lawyer. At this point and time, it would be more cost effective to hire a lawyer as a Village employee."

On October 22, 2007, Local Law No. 13-2007 was adopted by the Board of Trustees of the Village of Mamaroneck. Updates to the Code were made on July 1, 2009. It appears in our Code under Chapter 78, VILLAGE ATTORNEY and states under Chapter 78-5. Term; compensation; status; dismissal

"...the Village Attorney...shall be an employee of the Village employable by the Village and

shall be subject to dismissal by a majority of the Board of Trustees.”

This is the law under which we are to hire and dismiss a Village Attorney. It is clearly stated that the Attorney is an employee of the Village. I don't know if the new attorney will be an employee of the Village.

I have other concerns as regards the proposed part-time attorney.

- How was this candidate chosen? Who was involved in that process and what, in fact, was the process?
- What are the requirements for the position – how many days a week will she be required to spend in Village Hall?
- Where is her resume and more important the Contract explaining her responsibilities, her salary, the expectations this Board has of her, and who had input into creating this information?
- What is her experience in municipal law?
- Is anyone else concerned about what appear to me to be conflicts of interest:
 1. Her law firm appears before Village boards and commissions. I'd like the opportunity to check with the New York Conference of Mayors legal department as well as our own Ethics Committee to make sure this is, in fact, not a conflict.
 2. Her husband is the Chair of the Republican Party in the Town of Mamaroneck, and he works for a legal firm that we had a relationship with in the past. Based on his own email to the Village Mgr on November 28, 2006, is the potential for future business with his firm a concern?

Again, the lack of process in advancing this appointment is of major concern to me. People on the street knew about it before I, a member of the Board, knew about it.

I would like to suggest this appointment be tabled until this Board can discuss some of these concerns and at least see the contract and the resume.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Christie Derrico be and she hereby is appointed Village Attorney, to serve at the pleasure of the appointing authority, at a compensation to be fixed by the Board of Trustees.

Ayes: Ybarra, Santoro, Rosenblum

Nays: Hofstetter, Ryan

8. APPOINTMENT OF CLERK-TREASURER

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that Agostino A. Fusco be and he hereby is appointed Clerk-Treasurer of the Village of Mamaroneck for a term of one year to expire on December 6, 2010.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

9. APPOINTMENT OF BOND COUNSEL

On motion of Trustee Louis Santoro, seconded by Trustee Ybarra:

RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Clerk-Treasurer to execute the agreement between the Village of Mamaroneck and the firms of:

- Squire, Sanders & Dempsey, LLP; and
- Cahill/Wink LLP

as the Village's Bond Counsel to handle all bond issues and Bond Anticipation Notes.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

10. AUTHORIZATION FOR FIDELITY BONDS FOR EMPLOYEES

On motion of Trustee Hofstetter, seconded by Trustee Ybarra:

RESOLVED, that Crime and Fidelity Bonds as examined by the Board of Trustees, be executed to the Village and filed with the Village Clerk for the following officers and employees:

Clerk-Treasurer	\$110,000
Deputy Treasurer	60,000
Deputy Clerk	35,000
Mayor	35,000
Court Clerks	20,000 each
Village Justices	10,000 each
Village Marshalls	10,000 each
Treasurer-Police Pension Fund	10,000
All other employees, including volunteers, while employed by the Village	10,000

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

11. DESIGNATION OF DEPOSITORIES

On motion of Trustee Ryan, seconded by Trustee Ybarra

RESOLVED that J. P. Morgan Chase Bank, Wachovia Bank, Hudson Valley Bank, and TD Bank, be and they hereby are designated as depositories for the Village funds for the ensuing official year.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

12. **DESIGNATION OF SIGNATURES**

On motion of Trustee Ybarra, seconded by Trustee Hofstetter:

RESOLVED that the Clerk-Treasurer shall inform the depositories for Village funds, that the following combinations of signatures on any Village of Mamaroneck checks are authorized.

Drawn on General Fund, Capital Fund, Police Pension Fund, Trust & Agency Endowment & Gift Funds, Water Fund, and Clerk-Treasurer Accounts Payable Account:

Mayor Norman S. Rosenblum or Louis Santoro, Deputy Mayor

AND

Agostino A. Fusco, Clerk-Treasurer or Carole Popick, Deputy Treasurer

Drawn on Payroll Account, Petty Cash Account, Trust and Agency Insurance Deduction, Trust & Agency Group Disability, Trust & Agency Fund State Retirement Systems, Trust & Agency Guarantee & Bid Deposits, and Money Market Accounts:

Only that of Agostino A. Fusco, Clerk-Treasurer or

Carole Popick, Deputy Treasurer

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

13. **DESIGNATION OF OFFICIAL NEWSPAPERS**

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that The Journal News, The Sound and Town Report and Soundview Rising be and are hereby designated as the official newspapers of the Village of Mamaroneck for the ensuing official year.

FURTHER RESOLVED that the representatives of The Journal News, The Sound and Town Report and Soundview Rising be authorized to attend all meetings of the Board of Trustees with representatives being granted the right in its sole discretion to use any and all information learned during the course of such meetings as it and it alone may deem proper.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

14. **DESIGNATION OF MEETING NIGHTS OF BOARD OF TRUSTEES**

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the second and fourth Mondays of each and every month be designated as the Regular Meeting Nights of the Board of Trustees, such meetings to commence at 7:30 p.m. in the courtroom at Village Hall.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

15. **DESIGNATION OF WORK SESSION NIGHTS OF BOARD OF TRUSTEES**

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the first and third Mondays of each and every month be designated as the Regular Meeting Nights of the Board of Trustees, such meetings to commence at 5:30 p.m. in the conference room at the Regatta.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

16. **WRITTEN INVESTMENT POLICY**

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

WHEREAS, the Board of Trustees adopted a Written Investment Policy in May of 1993 in accordance with Section 39 of the General Municipal Law; and

WHEREAS, Section 39 requires that the Investment Policy be reviewed at least annually; and

WHEREAS, the Clerk-Treasurer has updated the Written Investment Policy for our review;

NOW, THEREFORE, BE IT RESOLVED, that the following Investment Policy is hereby adopted for the Village of Mamaroneck:

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

HISTORY: Adopted by the Board of Trustees of the Village of Mamaroneck 12-4-2006.

Editor's Note: This resolution superseded former Ch. 37, Investment Policy, adopted 12-5-2005.

Amendments noted where applicable.]

§ 37-1 Scope.

This Investment Policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

§ 37-2 Objectives.

The primary objectives of the local government's investment activities are, in priority order:

- A. To conform with all applicable federal, state and other legal requirements.
- B. To adequately safeguard principal.
- C. To provide sufficient liquidity to meet all operating requirements.
- D. To obtain a reasonable rate of return.

§ 37-3 Delegation of authority.

The governing board's responsibility for administration of the investment program is delegated to the Clerk-Treasurer, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

§ 37-4 Prudence.

- A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Mamaroneck to govern effectively.
- B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.
- C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

§ 37-5 Diversification.

It is the policy of the Village of Mamaroneck to diversify its deposits and investments by financial institution, by investment instrument and by maturity scheduling.

§ 37-6 Internal controls.

- A. It is the policy of the Village of Mamaroneck for all moneys collected and deposited by any officer or employee of the government to report those funds to the Clerk-Treasurer within three days of deposit or within the time period specified by law, whichever is shorter.
- B. The Clerk-Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

§ 37-7 Designation of depositories.

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are:

Depository Name	Maximum Amount	Officer
P Morgan Chase Bank	\$10,000,000	Peter Johnsen
Wachovia Bank	\$5,000,000	Paul Degrado
TD Bank	\$10,000,000	Michael Griffen
Hudson Valley Bank	\$5,000,000	Rose Silvestro

§ 37-8 Collateralizing of deposits.

In accordance with the provisions of General Municipal Law § 10, all deposits of the Village of Mamaroneck, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

A. By a pledge of eligible securities with an aggregate market value as provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

Editor's Note: Appendix A is on file in the Village offices.

B. By an eligible irrevocable letter of credit issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed-upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

C. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

§ 37-9 Safekeeping and collateralization.

A. Eligible securities used for collateralizing deposits shall be held by the designated depository and/or a third-party bank or trust company subject to security and custodial agreements.

B. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Mamaroneck or its custodial bank.

C. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposits or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

D. Agostino A. Fusco, Clerk-Treasurer, is hereby authorized to execute the Third-Party Custodian Agreement and that he be named as "authorized persons" as the term applies to the Third-Party Custodian Agreement.

§ 37-10 Permitted investments.

A. As authorized by General Municipal Law § 11, the Village of Mamaroneck authorizes the Clerk-Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- (1) Special time deposit accounts.
- (2) Certificates of deposit.
- (3) Obligations of the United States of America.
- (4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.
- (5) Obligations of the State of New York.
- (6) Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village of Mamaroneck.
- (7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments.
- (8) Certificates of participation (COPs) issued pursuant to General Municipal Law § 109-b.
- (9) Obligations of this local government, but only with any moneys in a reserve fund established pursuant to General Municipal Law § 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

B. All investment obligations shall be payable or redeemable at the option of the Village of Mamaroneck within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Mamaroneck within two years of the date of purchase.

§ 37-11 Authorized financial institutions and dealers.

The Village of Mamaroneck shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be

creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village of Mamaroneck. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Clerk-Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

§ 37-12 Purchase of investments.

A. The Clerk-Treasurer is authorized to contract for the purchase of investments:

(1) Directly, including through a repurchase agreement, from an authorized trading partner.

(2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-06, and the specific program has been authorized by the governing board.

(3) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

B. All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligation shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Mamaroneck by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law § 10.

C. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ 37-13 Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

A. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.

B. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

C. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.

D. No substitution of securities will be allowed.

E. The custodian shall be a party other than the trading partner.

17. **PROCUREMENT POLICY (tabled)**

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, that the Procurement Policy as updated and amended be and is hereby tabled to a future Board of Trustee Regular Meeting.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

18. **BOARD OF APPEALS (VILLAGE LAW 7-712 & CHAPTER 342-VILLAGE CODE)
FIVE YEARS - 5 MEMBERS**

Trustee Hofstetter stated that he believes that Mr. Neufeld was a driving force behind a legal matter with the Westchester Day School and he believes that there is a better alternative. Trustee Ryan stated that she does not know David Neufeld, but she knows of him in regard to the Westchester Day School lawsuit, a very difficult time in our history. She feels that, in her opinion, not enough water has gone under the bridge for his contributions to the ZBA to be as productive and meaningful as she is sure he would like them to be. As a result, she said she could not support his nomination as a member of or as chairman of the ZBA.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that David Neufeld be and he hereby is appointed a member and Chairman of the Board of Appeals for a term of five years, such term to expire December 2014.

Ayes: Ybarra, Santoro, Rosenblum

Nays: Hofstetter, Ryan

19. **BOARD OF ARCHITECTURAL REVIEW (CHAPTER 6-VILLAGE CODE)**
3 YEARS - FIVE MEMBERS

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that Carl Finer be and he hereby is appointed a member of the Board of Architectural Review for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ybarra, seconded by Trustee Hofstetter :

RESOLVED that Carl Finer be and he is appointed **CHAIRPERSON** of the Board of Architectural Review for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

20. **BOARD OF ETHICS (CHAPTER 21 – VILLAGE CODE)**
3 YEARS – FIVE MEMBERS

On motion of Trustee Hofstetter, seconded by Trustee Ybarra:

RESOLVED that Charles Mitchell be and he hereby is appointed a member and Chairman of the Board of Ethics for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

21. **BOARD OF TRAFFIC COMMISSIONERS (CHAPTER 72-VILLAGE CODE)**
3 YEARS- 7 MEM BERS

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that Radames Brendolan be and he hereby is appointed a member of the Board of Traffic Commissioners, as Fire Department liaison, for a term of one year, such term to expire December 2010.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Edward Parisen be and he hereby is appointed Member of the Board of Traffic Commissioners for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that Joseph Mazzullo be and he hereby is appointed Member of the Board of Traffic Commissioners for a term of three years, such term to expire December 2012.

Ayes:

Nays:

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED that Frank Spedafino be and he hereby is appointed Member of the Board of Traffic Commissioners for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that Harry Hazelwood be and he hereby is appointed a member of the Board of Traffic Commissioners, as Village non-voting liaison, for a term of one year, such term to expire December 2010.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

22. **BUDGET COMMITTEE (EST. BY RESOLUTION 5/29/90 – (3 YEARS) 7 MEMBERS**

On motion of Trustee Hofstetter, seconded by Trustee Santoro:

RESOLVED that Leon Potok be and he hereby is appointed a member of the Budget Committee for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ybarra, seconded by Trustee Hofstetter:

RESOLVED that Doug Capasso be and he hereby is appointed a member of the Budget Committee for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Manny Enes be and he hereby is appointed a member of the Budget Committee for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

23. **COMMITTEE FOR THE ENVIRONMENT (Established by Resolution 4/22/02)**
3 YEARS - 7 MEMBERS

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that Joan Heilman be and she hereby is appointed a member of the Committee for the Environment for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ybarra, seconded by Trustee Hofstetter:

RESOLVED that Kevin LaFollette be and he hereby is appointed a member of the Committee for the Environment for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

24. **COUNCIL OF THE ARTS (CHAPTER 16 - VILLAGE CODE)**
3 YEARS 7 MEMBERS

On motion of Trustee Ybarra, seconded by Trustee Hofstetter:

RESOLVED that Joyce Washburn be and she hereby is appointed a member of the Council of the Arts for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that Lee Stringer be and he hereby is appointed a member of the Council of the Arts for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that Chari Topol-Allison be and she hereby is appointed a member of the Council of the Arts for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

25. **FLOOD MITIGATION ADVISORY COMMITTEE(ADOPTED BY BOARD OF TRUSTEES 6/26/07, RECONSTITUTED BY BOARD OF TRUSTEES 12/3/08) 7 MEMBERS**

On the motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Benny Salanitro be and he hereby is appointed a member of the Flood Mitigation Advisory Committee for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On the motion of Trustee Ybarra, seconded by Trustee Santoro:

RESOLVED that Peggy Jackson be and she hereby is appointed a member of the Flood Mitigation Advisory Committee for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

26. **HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION – CHAPTER**

240

ADOPTED 6/14/04, VILLAGE CODE) 3 YEAR TERMS – 7 MEMBERS

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Bertram Siegel be and he hereby is appointed a member of the Harbor & Coastal Zone Management Commission for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

On motion of Trustee Ybarra, seconded by Trustee Santoro:

RESOLVED that Peter Jackson be and he hereby is appointed a member of the Harbor & Coastal Zone Management Commission for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

**27. MAMARONECK AVENUE TASK FORCE COMMITTEE - BY RESOLUTION 5/9/94
3 YEARS - MEMBERSHIP INCREASED BY RESOLUTION 11/10/97 - 7 MEMBERS**

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Bradley Gaiser be and he hereby is appointed a member of the Mamaroneck Avenue Task Force Committee for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that Mary Reed be and she hereby is appointed a member of the Mamaroneck Avenue Task Force Committee for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

28. PLANNING BOARD (VILLAGE LAW 7-718) 5 YEARS - 5 MEMBERS

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that Michael Ianniello be and he hereby is appointed a member of the Planning Board for a term of five years, such term to expire December 2014.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

**29. RECREATION & PARKS COMMISSION (ESTABLISHED 4-26-76 - RESOLUTION)
3 YEARS - 9 MEMBERS**

On motion of Trustee Hofstetter, seconded by Trustee Santoro:

RESOLVED that Carlo Reca be and he hereby is appointed a member of the Recreation and Parks Commission for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Howard Jordan be and he hereby is appointed a member of the Recreation and Parks Commission for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays:

On motion of Trustee Ybarra, seconded by Trustee Santoro:

RESOLVED that Maryanne Genovese be and she hereby is appointed a member of the Recreation and Parks Commission for a term of three years, such term to expire December 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

30. **TREE COMMITTEE (VILLAGE LAW 1-1998/ADOPTED BY BOARD OF TRUSTEES 1-25-88) 3 YEARS - 5 MEMBERS**

On motion of _____, seconded by _____:

RESOLVED that _____ be and he/she hereby is appointed a member of the Tree Committee for a term of three years, such term to expire December 2012.

Ayes:
Nays:

On motion of _____, seconded by _____:

RESOLVED that _____ be and he hereby is appointed a member of the Tree Committee for a term of three years, such term to expire December 2012.

Ayes:
Nays:

On motion of _____, seconded by _____:

RESOLVED that _____ be and he/she is appointed **CHAIRPERSON** of the Tree Committee for a term of three years, such term to expire December 2012.

Ayes:
Nays:

31. **HARBOR ISLAND MASTER PLAN IMPLEMENTION COMMITTEE - INACTIVE (2)**

Two open positions – no term limits

32. **APPOINTMENT TO CABLE TV ADVISORY COMMITTEE (1)**
2 VOM MEMBERS 2 YEAR TERMS

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that Michael Witsch be and he hereby is appointed a member of the Larchmont-Mamaroneck Cable TV Advisory Committee for a term of two years, such term to expire December 2011.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

33. **ANNOUNCEMENT OF LIAISONS**

Budget – Trustee Hofstetter

CFTE – Trustee Ryan

Council of the Arts – Trustee Ryan

Larchmont/Mamaroneck Cable TV Board of Control – Trustee Ybarra

Mamaroneck Avenue Task Force – Trustee Santoro

Recreation and Parks – Trustee Santoro

Tree – N/A

Flood Mitigation Advisory Committee – Mayor Rosenblum

Harbor Island Master Plan Committee (no longer meet) – Mayor Rosenblum

Fire Council: Mayor Rosenblum/Trustee Santoro

Traffic Commission: Trustee Ybarra

Consolidation Committee: Trustee Hofstetter

34. **DISCLOSURE OF INTEREST, IF ANY**

Trustee Hofstetter stated that the law included in the packets have been updated. He read the updated law and it follows.

The following extract from the GENERAL MUNICIPAL LAW was read into the records:

GENERAL MUNICIPAL LAW

Section 803. Disclosure of Interest

1. Any municipal officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements,, with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body.

2. Notwithstanding the provisions of subdivision one of this section, disclosure shall not be required in the case of an interest in a contract described in subdivision two of section eight hundred two hereof.

(added L.1964, c. 946, § 2; amended L.1965, c. 1043, § 4; L.2005, c. 499, § 1, eff. Aug. 16, 2005)

There was no disclosure of interest by anyone at this time.

35. **RESCHEDULING OF DECEMBER REGULAR MEETING**

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Board of Trustees Regularly Scheduled Meeting for December 21, 2009 and/or December 28, 2009 be and are hereby cancelled; and

BE IT FURTHER RESOLVED that the Board of Trustees will hold a Regular Meeting on

December 14, 2009.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

ADJOURNMENT

There being no further business to come before the Board, on motion duly made and seconded, the meeting was adjourned.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

SALLY J. ROBERTS,
SECRETARY

AGOSTINO A. FUSCO,
CLERK-TREASURER