

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, FEBRUARY 23, 2009 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT: Mayor Kathleen Savolt  
Trustees Toni Pergola Ryan  
John M. Hofstetter  
Randi Robinowitz  
Acting Village Manager Robert Yamuder  
Village Attorney Janet M. Insardi  
Police Department Chief Edward Flynn  
Clerk-Treasurer Agostino A. Fusco  
ABSENT: Trustee Thomas A. Murphy

1. COMMUNICATION TO THE BOARD

Mr. Norman Rosenblum of Carroll Avenue appeared to state that he fully approves of Item 5F on tonight's agenda. He thinks it is a fantastic idea.

Mr. Irving Scharf of Richbell Road appeared to talk about revaluation of properties and how this can be a simple item if handled properly. Mayor Savolt reminded Mr. Scharf and residents that the Village is not considering a revaluation at this point, this is being considered by the Town of Mamaroneck.

2. APPROVAL OF MINUTES

None

3. AUDIT OF BILLS

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated February 23, 2009 and for FY 2008-09, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$475,784.23
Capital Fund	518,807.55
Trust & Agency	<u>7,735.75</u>
	<b>\$1,002,327.53</b>

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

Absent: Murphy

4. OLD BUSINESS

None

5. NEW BUSINESS

A. (1) Transfer of Funds – Weather Reports

Acting Village Manager Yamuder reported that this service was recommended by Interim Village Manager, Rick Herbek. This service gives much more detailed weather reports therefore enabling the Village to better plan for storm events. He and the Department of Public Works General Foreman feel that this can and will save the Village money as they will be able to plan more efficiently. There will be weather alerts sent to individual computers. Mr. Yamuder reviewed some of the services offered by The National Weather Station.

Trustee Ryan stated the \$1200 is an introductory offer and this will go to \$1500 next year. Upon receiving this, Trustee Ryan called other communities to see what they use. She reported on another program (NOAA) that is very similar in what they offer. This is a free service and she believes that the Village should try this before spending any additional funds. Trustee Ryan informed the Board that the County uses this service and this was the service used during the flood of 2007.

At the Mayor's request, Mr. Herbek appeared. Mr. Herbek used this service for the last five years that he was Village Manager at Croton and he found it to be very helpful as weather reports are emailed on a regular basis. The initiative does not have to be taken to gather weather information, it is sent to your computer or Blackberry regularly. He is not familiar with NOAA and therefore cannot compare the services. Mr. Herbek found that his municipality saved money with this service, given the price of salt. Mr. Herbek suggested the Village try the service for one year at the introductory offer and if after the year they feel it is not worthwhile, it can be discontinued.

Mayor Savolt agrees that the Board needs to be mindful of its pennies and dollars; however, in the Vision Statement recently adopted by the Board, "to the be best run village ever", it was agreed that one way to achieve this goal is to give the staff the technology and resources needed to do their best.

Trustee Hofstetter remembers relying on NOAA during the flood. He is in favor of trying the new service for a year, but asked that an analysis is done at the end of the year to determine if it was useful.

Trustee Ryan asked if the Board was willing to table this issue until a comparison of the two services could be done. The other members of the Board were not willing to table.

Trustee Robinowitz does not want to put this off as she reminded the Board that we are coming into our Flood season. She also believes it differs from NOAA as it is "push technology", which means that information is sent directly to the subscribers and does not have to be asked for.

Trustee Ryan also wants to give the staff all of the tools necessary to do their jobs; however, she believes this can be done without the expenditure of any money.

On motion of Trustee Robinowitz, seconded by Mayor Savolt:

WHEREAS, a request has been made by the General Foreman of Public Works to purchase the services of The National Weather Station. A transfer of \$1,200 will be needed to fund this expenditure; and

WHEREAS, due to the unpredictable nature of forecasting weather, this service will help the Depart of Public Works track storms and make necessary arrangements including alerting the Police and Fire Departments; and

WHEREAS, we have had a substantial saving in Street Maintenance – Miscellaneous Equipment to fund the above appropriation; and

WHEREAS, it has now been determined that there will be need for additional appropriation in the account listed below; and

NOW, THEREFORE, BE IT RESOLVED, that the following transfer be and is hereby made as provided in Section 5-520 of the Village Law.

<u>Account No.</u>	<u>From</u>	<u>Amount</u>	<u>Account No.</u>	<u>To</u>	<u>Amount</u>
A.5110	Street Maintenance		A1490	Public Works Admin.	
.260	Miscellaneous Equipment	<u>\$1,200.00</u>	.421	Contractual Services	<u>\$1,200.00</u>

Ayes: Robinowitz, Hofstetter, Ryan, Savolt  
 Nays: Ryan  
 Absent: Murphy

A. (2) Authorization of Agreement

On motion of Trustee Hofstetter, seconded by Trustee Robinowitz:

RESOLVED that Robert Yamuder, Acting Village Manager, be and is hereby authorized to negotiate and enter into an agreement with The National Weather Station to provide for the installation of their software and services in connection with the forecasting of the weather; and

BE IT FURTHER RESOLVED that the agreement conform to the terms as outlined and be subject to the approval of the Village Attorney.

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

B. Transfer of Funds – \$11,400 (Legal Department Personnel)

Ms. Insardi informed the Board that after this item was requested, it was discovered that there are significant funds available in the Legal Department Budget to fund this expenditure and therefore these funds do not have to be transferred from the contingency fund. As the transfer of funds within a

department does not require Board approval, Ms. Insardi is withdrawing this request. Mayor Savolt stated that the money is available due to the savings in outside litigation fees.

C. NYS Recreation and Park Society Annual Conference

Superintendent of Recreation, Roseanne Saracino has made a request to attend the New York State Recreation and Park Society Annual Conference to be held at the Hyatt Regency Long Island, Hauppauge New York, from April 19 through April 22, 2009. She has highlighted the work shops that she plans on attending in the curriculum sent to the Board.

The cost will be approximately \$690.00, which includes the early registration fee, hotel accommodations and continuing education credits. The estimated funds required for the conference are provided in the Recreation Department's Budget.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that Rosanne Saracino, Superintendent of Recreation be and is hereby authorized to attend the New York State Park & Recreation Conference to be held April 19, 2009 through April 22, 2009 in Hauppauge, New York.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

Absent: Murphy

D. Bond Resolution - \$1,274,000. – Settlement Claim Various Capital Projects

There were three Bond Resolutions presented to the Board for their review and approval. These settlements/projects have already been approved by the Board; however, the Bond Resolutions require Board approval.

1. Settlement Claim - \$188,000

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

**BOND RESOLUTION, DATED FEBRUARY 23, 2009, AUTHORIZING THE ISSUANCE OF UP TO \$188,000 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 A SETTLED CLAIM.**

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 a settled claim (\$188,000), being a past service contribution for a retired village employee under the Retirement and Social Security Law, in and for the Village, together with preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$188,000, in accordance with the Local Finance Law;

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

Section 1. There is hereby authorized to be issued serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds of the Village in the aggregate principal amount of up to \$188,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific object or purpose, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of such specific object or purpose, the principal amount of serial bonds authorized herein, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific object or purpose, and the period of probable usefulness of such specific object or purpose or class of objects or purposes pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The financing of a settled claim, being a past service contribution for a retired village employee under the Retirement and Social Security Law, in and for the Village, together with preliminary and incidental costs related thereto, at an estimated maximum cost of \$188,000 for which \$188,000 principal amount of serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 33 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds 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 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$188,000; (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, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, as authorized herein; (d) the 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 any costs of the Project for which proceeds of any obligations authorized herein are to be applied to reimburse the Village, if any, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

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 the 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 sell, issue 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) to 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 is 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 the publication of this bond resolution, or a summary thereof, are 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 are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, as authorized herein, to

finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of serial bonds issued under this bond resolution or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds, as authorized herein, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), 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 the 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 or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution will take effect immediately upon its adoption by the Board of Trustees of the Village.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

Absent: Murphy

2. Various Capital Projects - \$1,046,000

On motion of Trustee Hofstetter, seconded by Trustee Robinowitz:

**BOND RESOLUTION, DATED FEBRUARY 23, 2009, AUTHORIZING THE ISSUANCE OF UP TO \$1,046,000 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, OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE, (I) THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO VILLAGE STREETS, INCLUDING PARKWAY DRAINAGE AND IMPROVEMENTS TO VILLAGE SIDEWALKS (II) THE ACQUISITION OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE AND (III) THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF ADA RAMPS.**

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, (i) the acquisition, construction and reconstruction of improvements to Village streets, including parkway drainage and improvements to Village sidewalks (\$983,000) (ii) the acquisition of machinery and apparatus for construction and maintenance (\$43,000) and (iii) the acquisition, construction and reconstruction of ADA ramps (\$20,000), each in and for the Village, including the acquisition of any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$1,046,000, 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 \$1,046,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or classes of objects or purposes, to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes, or classes of objects or purposes, pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition, construction and reconstruction of improvements to Village streets, including parkway drainage and improvements to Village sidewalks and ramps, and including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$983,000 for which \$983,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) 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.

(b) The acquisition of machinery and apparatus for construction and maintenance and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$43,000 for which \$43,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) 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.

(c) The acquisition, construction and reconstruction of ADA ramps, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$20,000 for which \$20,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 12(a) 2 of paragraph a of Section 11.00 of the Local Finance Law, such structures being classified as class B buildings. Such serial bonds shall have a maximum maturity of fifteen

(15) 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 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project will not exceed \$1,046,000; (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 such serial bonds authorized herein shall not be in excess of fifteen (15) 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 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/Treasurer 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/Treasurer 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. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution, or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which

is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Board of Trustees of the Village.

Section 9. 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/Treasurer, 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.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk/Treasurer.

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

3. Fire Chief Vehicle - \$40,000

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

**BOND RESOLUTION, DATED FEBRUARY 23, 2009, AUTHORIZING THE ISSUANCE OF UP TO \$40,000 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 OF A VEHICLE.**

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 a the acquisition of a vehicle for the fire chief (\$40,000), in and for the Village, together with preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$40,000, in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Mamaroneck, in the 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 \$40,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition of a vehicle for the fire chief, in and for the Village, including the acquisition of any applicable equipment, machinery, apparatus, land, rights-in-land, and studies and surveys necessary therefore and any preliminary and incidental costs related thereto and any preliminary and incidental costs related thereto (collectively, 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 are not to exceed \$40,000; (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 such 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 a specific object or purpose, or of a class of object or purpose, as described in subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is five (5) years. The serial bonds authorized herein shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of issuance of such serial bonds, or (b) the date of issuance of the first 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 the 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 sell, issue 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) to 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 is 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 the publication of this bond resolution, or a summary thereof, are 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 are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental

Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, as authorized herein, to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of serial bonds issued under this bond resolution or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds and bond anticipation notes issued in anticipation of the issuance of such serial bonds, as authorized herein, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), 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 the 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 or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution will take effect immediately upon its adoption by the Board of Trustees of the Village.

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

E. Schedule Public Hearing – PLL 5-2009 (Fees)

Ms. Insardi stated that this law addresses two issues. The first is that the Board is desirous in reviewing the Village's fee schedule at least annually to keep pace with the economic times. The Board is cognizant that the fees have not kept pace with the times and some have not been raised in several years. Second is that the process of raising fees be done by resolution and not by local law. This proposed local law will allow both of these processes to go forward.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that the Public Hearing on Proposed Local Law 5-2009 be and is hereby scheduled for the Board of Trustee Regular Meeting of March 9, 2009



Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

Absent: Murphy

F. Petition to Name Street Corner

Mayor Savolt announced that the Senior Class of Rye Neck High School has petitioned the Board to name the corner of Harrison Avenue and Keeler Avenue in honor of Sal Yannuzzi, the long time crossing guard at Daniel Warren School. There were 132 signatures on the petition. It was noted that this senior class was the first kindergarten class that Mr. Yannuzzi crossed on his first year as a guard. The Board all remembered Mr. Yannuzzi and commended the senior class for having the thought and taking the initiative get this accomplished.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that the corner of Harrison Avenue and Keeler Avenue in the Village of Mamaroneck will be named in honor of Sal Yannuzzi.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

Absent: Murphy

G. NYS Enforcement Agency Accreditation Program

Chief Flynn reported that the Police Department is interested in continuing participation in the Law Enforcement Accreditation Program and the Mayor needs to execute the agreement. He informed residents that there are ten police departments in the County that are accredited. Mayor Savolt commended the Chief on his pursuit of excellence.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

Whereas: the Village of Mamaroneck Police Department is interested in participating in the Law Enforcement Accreditation Program sponsored by the New York State Division of Criminal Justice Services and

Whereas: the application requires that the Chief Elected Officer of the political subdivision sign the application form on behalf of the Law Enforcement Agency seeking accreditation status and

Whereas: the Board of Trustees is supportive of this application and is also desirous of having the Village of Mamaroneck Police Department achieve accreditation in this program;

RESOLVED that Mayor Kathleen Savolt is hereby authorized to sign the New York State Law Enforcement Accreditation Application Form.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

Absent: Murphy

H. 2009 Day Camp Fees

Mr. Herbek, Interim Village Manager, gave an overview of the camp situation last year and the negotiations that took place this year. The Village is happy to announce that their day camp will again be held in the Rye Neck School System at Bellows Elementary School. It will be a 5-week day camp: the first three weeks of camp being held in the school, the last two weeks of camp will be held in a large tent, so that the school can prepare for its start in September. Mr. Herbek stated that the Annex will be available for use the entire five weeks. In order to accomplish this, there will be additional custodial costs for the use of the school and the cost of tent. After analyzing the costs and looking at the estimated number of campers, a schedule was prepared for the Board looking at what the costs would be for a self-sustaining camp, with a 10%, 20% and 30% subsidy. It recommended going with a 10% Village subsidy. Those costs would be:

For Kindergarten: \$639.00; Grades 1-6: \$714.00; Grades 7-7: \$794.00

Mr. Herbek stated that these fees seemed fair and equitable when compared to other day camps in the area. He also announced that there will be scholarships offered for those families who find these costs burdensome and that they will be income based. There will also be multiple child discounts.

Trustee Ryan remembered the times when her son was camp age and she would figure out how much camp costs per hour. The proposed fees break down to \$3.65/hour for Kindergarten; \$4.08/hour for Grades 1-6 and \$4.54/hour for Grades 7-9. She also reminded residents that these fees include all trips.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

Whereas: the Village has been working with the Rye Neck School District to utilize the Bellows School for the 2009 Village Day Camp, and

Whereas: in addition to the normal expenses of salaries, training, supplies and fees for trips the Village will have to pay for certain overtime expenses for Rye Neck School District custodians and tent rental for the Day Camp operation, and

Whereas: this was discussed by the Village Manager and Superintendent of Recreation at the last two Village Board work sessions,

RESOLVED that Day Camp fees are approved as follows:

Kindergarten	\$639.00
Grades 1 – 6	\$714.00
Grades 7 – 9	\$794.00

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

Absent: Murphy

I. Beach and Parking Fees

Mayor Savolt reviewed the proposed fee increases. She stated that these fees have not been raised in several years and that even with the increase are still much lower than neighboring communities.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

Whereas: the Village Superintendent of Recreation has recommended that Beach and Parking Fees be increased modestly for the 2009 season and

Whereas: this was discussed by the Interim Village Manager and Superintendent of Recreation at the last two Village Board work sessions,

RESOLVED that Beach and Parking Fees for 2009 are established as follows:

Beach Daily  
Adult \$3.50  
Child \$2.00

Beach – Seasonal Pass  
Resident Individual \$30.00  
Resident Family \$60.00

Parking – Daily Fees  
Weekday \$4.00  
Weekend/ Holiday \$6.00

Parking – Seasonal Permit  
Resident \$25.00  
Non Resident \$50.00

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

6. REPORT FROM ACTING VILLAGE MANAGER

A. Westchester County IT - 1046

The Agreement with Westchester County IT-1046 for Enhanced 911 Services July 11, 2008 through July 11, 2013 is being filed for the record with the Clerk-Treasurer.

B. Klassic Soccer

The Agreement with Klassic Soccer is being filed for the record with the Clerk-Treasurer's office.

C. NYS Emergency Management Office

The Agreement with the New York State Management Office is being filed for the record with the Clerk-Treasurer's office.

7. REPORT FROM CLERK-TREASURER

None

8. REPORT FROM VILLAGE ATTORNEY

Ms. Insardi reported that in connection with the Westchester Day School case, the Village received a \$100,000.00 check. In October 2006, the Village was advised that the insurance company was not responsible for reimbursement in connection with any attorney's fees for defense of this case. Mr. Silverberg has negotiated with the insurance company and was able to garner this amount.

9. REPORT FROM POLICE CHIEF

Chief Flynn reminded residents that the monthly Police Department reports are posted on the Village's website.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

- A. Park and Recreation – July 2008
- B. Park and Recreation – August 2008
- C. Park and Recreation – September 2008
- D. Park and Recreation – October 2008
- E. Park and Recreation – November 2008
- F. Park and Recreation – January 2009
- G. Traffic Commissioners – December 2008

II. COMMUNICATON TO THE BOARD II

Ms. Louise Yannuzzi of Richbell Road appeared to thank the students, teachers and parents of Rye Neck High School as well as the Board for naming the corner in honor of her uncle Sal.

Mr. Irving Scharf of Richbell Road appeared to complain of graffiti on the construction of a new bank. The Board notified Mr. Scharf that as this is private property, the owner will be contacted.

Trustee Ryan reminded residents of the Farmer's Market will not be open this coming Saturday; but will be open every other Saturday until May 23 at St. Thomas Church.

Trustee Robinowitz announced that the next Taylors Lane meeting will be held on Wednesday 2/25 at 2 p.m. in the Courtroom. She also announced that there will be a R.A.D.A.R. meeting on Thursday, 2/26 at Larchmont Avenue church and on Friday, 2/27 there will be "The Big Read" at the Pavilion at Harbor Island Park.

Mayor Savolt thanked the Mamaroneck and Larchmont Rotary Clubs for hosting the Valentine's Day Party at the Senior Center. She also thanked the Elks Club for hosting a luncheon for our seniors last week. Mayor Savolt announced that she received correspondence and a phone call complimenting Village employees. She received a call from a neighbor who complimented Kevin Jameson, Electrician for his professionalism in taking care of a street light in front of their home. A letter was received from the General Manager of the McMichael Rushmore Boat Yard commending Sgt. Dominick Lanza and Officers Brian Welsh and Joseph Gaglione for their professionalism, competence and courtesy during a call made

on February 11. Mayor Savolt thanked those residents who take the time to compliment a Village employee.

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

RESOLVED that the Board of Trustees go into Executive Session to discuss pending litigation on the Mamaroneck Beach and Yacht Club case.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

Absent: Murphy

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