

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

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

**I. COMMUNICATION TO THE BOARD**

None

Before continuing with the agenda, the Mayor announced that there was a group of residents present to discuss the flood mitigation plan and they would not be held to the five minute time limit. The Mayor also introduced and welcomed the new Village Manager, Richard Slingerland.

Mr. Norman Rosenblum of Carroll Avenue and Ms. Peggy Jackson of James Street appeared on behalf of the Old Rye Neck and Harbor Heights Neighborhood Associations. Mr. Rosenblum opined that residents are frustrated by what they perceive is the inaction by the Village in mitigating flooding. Mr. Rosenblum stated that the three major initiatives are:

Army Corps of Engineers Study. This study will cover the largest proposed actions. He stated that he believes this study will not be completed until 2012 or perhaps as late as 2016.

Leonard Jackson Study or Plan B. Mr. Rosenblum's understanding of this plan calls for raising various bridges in the Village and while being expensive is feasible although not an immediate action.

Local Initiatives. This is the reason why they are here this evening. Mr. Rosenblum stated that since 2007 there have been lists of initiatives compiled by the Flood Mitigation Advisory Committee and other groups. He believes that these were given to the Board. Mr. Rosenblum discussed some of the initiatives listed, which included removing the "bridge to no where", removing silt by I95, stricter enforcement of the dumping law, back flow valves on sewer lines and sewer maintenance and improvements.

Mr. Rosenblum stated that he believes that \$400,000 has been allocated from the Empire State Development Corporation Grant. He believes that these monies could help fund some of the local initiatives.

Mr. Rosenblum informed the Board that the group's research found various agencies willing to help in these projects and information from the DEC shows that the Village may pursue the required permits in parallel to the application for funds to cover these projects. Instructions for applying for funds were submitted to the Board.

There are other funds that Mr. Rosenblum believes have been earmarked for the Village. There is \$500,000 for sewer improvements to mitigate flooding; \$10,000,000 of Westchester County funds earmarked for flood mitigation and \$13.8 billion to state and local governments for wastewater infrastructure and \$2.5 billion in federal grants to upgrade sewer systems.

Mr. Rosenblum closed by asking that communication between the Village and residents is improved and suggested quarterly updates from the Village Manager's office.

Ms. Jackson fears that the Army Corps of Engineers study may again not be feasible due to the finances needed and asked that other avenues be explored in parallel to this study so that if the Army Corps cannot resolve our problems, the Village can be somewhat self sufficient in obtaining funding.

Mr. Rosenblum mentioned Winfield Avenue and that the bridge there is an obstruction. He also stated that a portion of Winfield Avenue was closed several years ago due to a traffic fatality. He suggested taking that bridge out as it is not being used.

Mayor Savolt stated that the Water Quality Investment Act of 2009 is money to improve the local water treatment plants and that the County needs that money for the upgrading of these plants; therefore, there is no money available to municipalities and it is not applicable to us anyway.

Mr. Andrew Spatz, Chair of the Flood Mitigation Advisory Committee appeared. Mr. Spatz pointed out that the committee has a wish list that includes very simple initiatives that cost nothing to grant initiatives. Mr. Spatz asked residents to come to their meetings and get involved. He thanked the committee and the Board for their support; however, it is a tremendous task that will require the energy and support of other boards and citizens.

Mayor Savolt thanked Mr. Spatz and the entire committee for their time and concern shown for the community. She also stated that Mrs. Lowey has been able to get money for the Village's inflow and infiltration remediation both this year and last year. We also received \$125,000 for storm sewer expansion projects.

Village Manager, Richard Slingerland, addressed the \$500,000 received from the federal government for the inflow and infiltration remediation plan and stated that he will explore whether back flow devices can be included in this program. Mr. Slingerland agrees that there should be more frequent communication and will be attending the Flood Mitigation Committee meetings. He intends to report to the community on a regular basis. As far as grants are concerned, the Village needs to apply for those that the Army Corps and DEC approve. Mr. Slingerland stated that the Jefferson Avenue Bridge obstruction needs to be dealt with and the Army Corps has given the Village permission to replace the bridge which will be done in the near future.

Mr. Slingerland reminded residents that there will be a community and river beds clean up on April 25, but that this should not be a once-a-year or even twice-a-year thing; that this should be done on an ongoing basis. The Code is also in the process of being reviewed. Mr. Slingerland announced that the Village is working on an emergency response system, which will include a reverse 911 and email notification system to prepare staff and residents in advance of any flood event.

Mayor Savolt stated that the Village of Mamaroneck is getting the largest portion of the \$10 million per year for five years from the County for flood mitigation. She reminded residents that after the flood of 2007, when the then Mayor asked the Federal government for help that set off a process and we are in the midst of that process; however the Army Corps of Engineers does not have an "all or nothing" approach as they did in the past. They will look at flood mitigation without having to completely eliminate it. The Mayor informed residents that the Village requires a local sponsor, both financially and for projects and according to State law it has to be the DEC. The Mayor announced that the County and State are partnering with the Village and are committing financing of up \$768,000 and that the funding is in place. The Mayor also stated that the Village is in the process of obtaining the permits needed to use the Mudcat that Harrison is willing to let us borrow. Money has also been moved in the budget for flood initiatives, such as the hiring of Woodard and Curran to map the river beds and to have a Village engineer on staff two days a week.

Mayor Savolt stated that there were watershed advisory reports done in the late 1990s and early 2000s that were put on a shelf and not implemented. This is something that is being revisited. The gaps in our environmental codes are also being worked on by the Village Attorney. She confirmed that things are being done, but perhaps not communicated. The Mayor stated that she is writing a weekly article in the Sound & Town, in which flooding has been the topic of her last few articles. She also mentioned the Flood News tab on the website and that Mr. Slingerland will be conducting regular flood updates at the Board of Trustee Meetings.

The Mayor also announced that the Army Corps study should be completed in 30 months from start and that they are very close to starting as the contract between the DEC and Army Corp is close to completion. At that point, funding for the suggested projects will have to be secured, as the Village cannot afford to do this on our own.

Mr. Benny Salanitro appeared. Mr. Salanitro is a member of the Flood Mitigation Advisory Committee and the Superintendent of Public Works in the Village of Scarsdale. Mr. Salanitro believes that maintenance in the Village is lacking. He met with Mr. Herbek and gave him a list of things he believes can be done quickly and at little or no cost. One unanswered issue is who owns the rivers. Mayor Savolt stated that the team has been walking the rivers and this information will be added to the GIS system so that it can be determined who exactly owns what parts of the river beds.

Trustee Hofstetter stated that the Village needs to have a clear understanding of whose property lies in the river beds before asking residents to clean it out and maintain it.

Mr. Paul Ryan appeared. Mr. Ryan is also a member of the Flood Mitigation Advisory Committee. Mr. Ryan thanked Mr. Herbek, who is on the County's Flood Mitigation Committee for his help. Mr. Ryan also stated that as some things look simple, they are not. He also stated that the Hazard Mitigation Plan is being worked on as well as the Community Rating System, which will give the residents a

discount on their flood insurance. The storm drains and weep holes are also being cleaned on a regular basis.

Mr. Carlo Reca of Melbourne Avenue appeared. Mr. Reca feels that our maintenance program has always been lacking and there are things that can be done very simply and relatively inexpensively.

2. APPROVAL OF MINUTES

A. Minutes of Public Hearing on PLL5-2009 of March 9, 2009

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Public Hearing on PLL 5-2009 of March 9, 2009 be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

B. Minutes of BOT Regular Meeting of March 9, 2009

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Board of Trustee Regular Meeting of March 9, 2009 be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

C. Minutes of BOT Work Session of February 2, 2009

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Board of Trustee Work Session of February 2, 2009 be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

D. Minutes of BOT Work Session of March 2, 2009

Trustee Ryan stated that on page 3, number 8 the paragraph should read: Members of Cool Cities approached the Director of the Farmers' Market asking if they could plan some events at the Farmers' Market during Green Week. Ms. Haas, the Director, appeared at a CFTE meeting to present the Cool Cities plan and to seek permission from CFTE to allow them to proceed. Ms. Haas was advised that CFTE's mission was to bring a market to the Village and to help it thrive. Any events or organizations

that she feels are beneficial to the market need to be pursued directly with Reverend Tammerau of St. Thomas Church.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Minutes of the BOT Work Session of March 2, 2009 as amended be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

E. Minutes of BOT Work Session of March 16, 2009

Ms. Insardi had a change on page 3, 5D, the date should read 3/23 not 2/23.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the BOT Work Session of March 16, 2009 as amended be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

3. AUDIT OF BILLS

On motion of Trustee Murphy, seconded by Trustee Robinowitz:

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

General Fund	\$253,236.57
Capital Fund	301,976.22
Water Fund	51,138.93
Trust & Agency	8,481.20
	<u>\$ 614,832.92</u>

Ayes: Murphy, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Transfer of Funds – Woodard and Curran

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

WHEREAS, the Village of Mamaroneck has entered into an agreement with Woodard & Curran for various flood related work to include the development of a GEO database, GIS Field Data Collection Form, GIS Field Data Photos and Video, and Stream Corridor ArcMap Project/Toolbar in the amount of \$25,000; and

WHEREAS it has now been determined that additional funding will be needed in the account listed below:

NOW, THEREFORE BE IT RESOLVED, that the following transfer be made as provided in Section 5-520 of New York State Village Law.

<u>Transfer From</u>		<u>Transfer To</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A1990 Contingent .999 Account	<u>\$25,000</u>	A1230 Managers .421 Contractual Services	\$ <u>25,000</u>

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

B.       Contract Amendment & Transfer of Funds – Engineering Services

On motion of Trustee Ryan, seconded by Trustee Murphy:

WHEREAS, Acting Village Manager Robert Yamuder has submitted his resignation; and

WHEREAS, Mr. Yamuder was responsible for various ongoing projects to include the Jefferson Avenue Bridge, GIS, Taylor Lane, Community Rating System, completion of the Palmer Avenue Firehouse, and the Hazard Mitigation Plan; and

WHEREAS, the Village has determined that there is a need for additional engineering services for a minimum of two full days per week in the Village; and

WHEREAS, Keith Furey of KW Furey Engineering. P.C. has been acting in the capacity of Village Engineer in a consulting capacity.

NOW THEREFOR BE IT RESOLVED that the letter agreement dated March 18, 2009 signed by Robert A. Yamuder with Keith Furey for engineering services is hereby ratified and approved.

BE IT FURTHER RESOLVED that the following transfer be made as provided in Section 5-520 of the Village Law

<u>Transfer From</u>		<u>Transfer To</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A1990 Contingent .999 Account	<u>\$23,200</u>	A1440 .210	Engineer
			Office Furniture
			\$ 700.00
			.260 Misc. Equipment
			2500.00
			.421 Contractual Services
			<u>20000.00</u>
			Total
			<u>\$23,200.00</u>

Ayes: Murphy, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

C. Waiver of Building Permit Fees – Flood Mitigation Initiative

Mayor Savolt stated that this is an incentive for those residents who are in the floodplain to take steps to mitigate their potential damages by waiving any building permit fees the Village would otherwise collect when doing work to their homes that would mitigate flooding. This is also available to any resident in the Village who does work to manage stormwater on their property.

Trustee Murphy stated that this does not cover any new development; it is only for existing structures.

On motion of Trustee Murphy, seconded by Trustee Ryan:

WHEREAS, in April 2007, the Village of Mamaroneck experienced severe flooding which devastated parts of the community; and

WHEREAS, in adopting Chapter 186 entitled “Flood Damage Prevention, Erosion and Sediment Control” in July 2007, the Board of Trustees sought to minimize the threat of flood damages, including the destruction and loss of private and public housing, and injury to and loss of human life; and

WHEREAS, in May 2007, the Board of Trustees, in an effort to aid the victims of the flood and ease the financial burden, waived building permit fees for any repair work undertaken by flood victims; and

WHEREAS, since 2007, the Board of Trustees has devoted significant time and resources to flooding issues and the development of flood mitigation initiatives; and

WHEREAS, the Board of Trustees, in an effort to better mitigate damages from flooding, is desirous of increasing on-site stormwater retention, decreasing impervious lot coverage and encouraging compliance with Chapter 186 for those structures that pre-date the Flood Insurance Rate Map (“pre-FIRM”) to better promote the health, safety and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Building Inspector to waive permit fees for work associated with bringing existing structures located in flood prone zones into compliance with Chapter 186 in order to limit future flood damage; and provided compliance is not otherwise required by Chapter 186.

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Building Inspector to waive all Village of Mamaroneck permit fees associated with any work done on a parcel with an existing structure anywhere in the Village whose sole purpose is to reduce stormwater runoff from that property and which is not related to any additional building construction.

Ayes: Murphy, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

D. Draft Letter Agreement with Sportime

This item was tabled to a future meeting.

E. Schedule Public Hearing on Fiscal Year 2009-2010 Tentative Budget

Mr. Slingerland stated that the tentative budget has been filed with the Clerk-Treasurer's office and that work sessions with the departments will be taking place over the next couple of weeks.

Trustee Murphy informed residents that 1% of the budget increase is due to a settlement payment on a lawsuit that was brought against the previous board, which needs to be paid next year.

Mayor Savolt asked those residents who have any ideas on how to cut spending, to please come to the public hearing.

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

Whereas, the tentative Village Budget was filed by the Village Budget Officer on March 20, 2009 and,

Whereas, Section 5-508 of New York State Village Law provides that a public hearing on the tentative Village Budget must be held on or before the fifteenth day of April,

Now Therefore Be It Resolved, that a Public Hearing is hereby called for April 13, 2009, at 7:30pm at the Village meeting room, 169 Mount Pleasant Avenue, in the Village of Mamaroneck, New York, for the purpose of considering and discussing such tentative budget.

Ayes: Murphy, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

**6. REPORT FROM VILLAGE MANAGER**

A. File for Record – Agreement with Stewart Amusement Company, Inc.

Village Manager Slingerland stated that this Agreement is being filed for the record with the Clerk-Treasurer's office.

B. Personnel Appointment – Ann Powers

Village Manager Slingerland advised that effective February 23, 2009, Ann Powers has been appointed to the position of Senior Office Assistant Law Department, at the annual salary of \$53,228.00.

C. Personnel Resignation – Robert Yamuder

Village Manager Slingerland advised that Robert A. Yamuder, Acting Village Manager has resigned his position with the Village of Mamaroneck effective close of business March 20, 2009.



7. REPORT FROM CLERK-TREASURER

None

8. REPORT FROM VILLAGE ATTORNEY

Ms. Insardi reported that Local Laws 5-2009 was filed with the Secretary of State on March 12, 2009.

9. REPORT FROM POLICE CHIEF

None

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

- A. Budget Committee – January 13, 2009
- B. Tree Committee – February 2, 2009
- C. Planning Board – February 26, 2009

II. COMMUNICATON TO THE BOARD II

Mr. Andrew Spatz appeared to ask the Village Attorney if it is appropriate to bring left over food to the police department. Ms. Insardi stated that according to the new Ethics Code, it is fine for food that is being shared among personnel of the Village to be accepted.

Trustee Murphy reminded residents that non perishable foods can be brought to the Food Pantry at the CAP Center.

Mr. Slingerland stated that dumping in the floodplain was noted in the area behind the Regatta building and Stillman Management has been notified and will be removing the trees and building materials that are there.

Trustee Ryan reminded residents of the Spring Clean Up on April 25, beginning at 9:30 at Columbus Park. There will also be community service letters prepared for those youngsters who need to complete community service hours for school, church or temple.

Trustee Robinowitz thanked Mr. Fusco, Clerk-Treasurer and Ms. Voss, Village Accountant for all of their excellent work done on the preparation of the budget. Trustee Robinowitz also announced that Rye Neck High School will be having their Spring Fair this coming weekend.

Trustee Hofstetter reported on the library construction. He notified residents that there will be a meeting of the Ambulance District on March 24. Trustee Hofstetter also announced that the Mamaroneck Avenue School International Fair will be held on March 28.

Mayor Savolt announced that on Saturday, March 28 from 8:30 to 9:30 p.m. it will be Earth Hour. This is an international event where people are asked to turn off their electronics for an hour to bring awareness to global warming and power consumption. Mayor Savolt also announced that the water rates are being looked and they will be increased with the April billing. As the rate is based on consumption, the Mayor wanted to inform residents so that they may control their consumption if they

choose. Mayor Savolt congratulated Village resident Brother James Liguori, President of Iona College. Brother Liguori was named Business Person of the Year by the Journal News.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

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

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

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:  
SALLY J. ROBERTS,  
SECRETARY

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