

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON TUESDAY, MAY 26, 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	

OPPORTUNITY FOR PUBLIC COMMENT ON ANNUAL 2008 MS-4 REPORT

Mr. Slingerland thanked Janet Insardi and Keith Furey for their work on this report. During review of the files, it was discovered that there were some items related to storm water management that should have been completed, one specific item not done is passing a local law adopting a watercourse protection law. A law is being drafted and will be reviewed soon. A local law managing storm water is also being drafted by the Village Attorney. There were some issues with the MS-4 report that are being corrected, and will be do so before this report needs to be filed on June 1<sup>st</sup>. Mr. Slingerland stated that there is no action required by the Board and that this is just an opportunity for residents to comment on the draft.

Mr. Rosenblum noted that under Section MM3, page 2, there are 33 illicit discharges noted and as only 11 have been noted as corrected, he asked what is happening with the other 22. Mr. Slingerland informed him that there is a plan to pinpoint the source of these discharges so that they can be corrected and that it is not always an easy fix.

Mayor Savolt informed the Board that at the Westchester Joint Water Works Board meeting she attended it was stated that they have never reported a MS-4 and have asked that we include them and their efforts in our report, as we do with the Library. Mr. Slingerland stated that they have done good work on the river bank and the Village will include this on the MS-4 report.

**1. COMMUNICATION TO THE BOARD**

Mr. Irving Scharf of Richbell Road appeared to voice his concern over a possible revaluation done in the Village of Mamaroneck. The Mayor reminded Mr. Scharf that the Village is not considering a revaluation. This is being considered by the Town of Mamaroneck and also the Town of Rye has announced their intention of updating their assessments.

**2. APPROVAL OF MINUTES**

A. Minutes of BOT Work Session of May 4, 2009

On motion of Trustee Hofstetter, seconded by Trustee Robinowitz:

RESOLVED that the Minutes of the Board of Trustee Work Session of May 4, 2009 be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

B. Minutes of BOT Regular Meeting of May 11, 2009

Mayor Savolt asked that the first sentence be clarified, as Mr. Markowitz was at the meeting to present to property owners of the Town of Rye, not residents, with regard to how commercial properties are accessed. She believes that this should be stated right up front.

On motion of Mayor Savolt, seconded by Trustee Robinowitz:

RESOLVED that the Minutes of the Regular Meeting of May 11, 2009 as amended be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

3. AUDIT OF BILLS

Mr. Slingerland stated that due to a coding error, there is an amendment to the Audit of Vouchers.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, the Gunderboom Inc. expenditures of \$35,291.00 on page 14 & 15 will be charged to Capital fund H09.7180.0302 along with the respective budget.

<u>FROM</u>		<u>TO</u>	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
A7317 Youth Programs – Day Camp		H09.7180 Beach	
.0130 Seasonal Salaries	\$20,291.00	.0302 Gunderboom	35,291.00
.0410 Supplies	5,000.00	Replacement	
.0422 Fees	10,000.00		
	<u>\$35,291.00</u>		<u>\$35,291.00</u>

and;

RESOLVED that the Abstract of Audited Vouchers, as amended above, listed below dated May 26, 2009 and for FY 2008-09, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 392,511.41
Capital Fund	236,418.58
Trust & Agency	7,315.84
	<u>\$ 636,245.83</u>

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Authorization for Village Manager to Execute Agreement with Southeast Consortium

Mr. Slingerland stated that this is a not-for-profit corporation that offers recreational services for our disabled residents along with residents of eleven neighboring communities. He also informed the Board that an alert was received from the consortium stating that the New York State Office of Mental Retardation and Developmental Disabilities has advised the Village that substantial long-term funding provided via a Family Support Services grant is to be converted to a Medicaid Wavier-based system effective in 2010. They are concerned that this will have a major shift in the funding and the Village is supporting the efforts to preserve the grant.

Meanwhile, the Village will enter into an agreement with the Conservation to continue to provide services to our eligible residents.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

WHEREAS, the Southeast Consortium for Special Services, Inc.; a not-for-profit corporation of the State of New York has furnished the Village of Mamaroneck with an agreement to continue to provide its special recreational services for youths and adults with disabilities, for the amount of \$6,232 for year 2009;

RESOLVED that the Board of Trustee of the Village of Mamaroneck hereby approves the agreement between the Southeast Consortium for Special Services, Inc., a not-for-profit corporation of the State of New and the Village of Mamaroneck for to continue to participate in the Southeast Consortium for our disabled population to continue to participate in its special recreational services program; and

BE IF FURTHER RESOLVED, that the Village Manager is hereby authorized to execute said agreement:

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

B. Authorization of Agreement with Klassic Soccer

A draft of the Agreement between the Village and Klassic Soccer to provide soccer clinic/instruction services for an additional one week period was received by the Board and has been reviewed by the Village Attorney.

On motion of Trustee Ryan, seconded by Trustee Murphy:

WHEREAS, a draft of the Agreement between the Village and Klassic Soccer to continue to provide soccer clinic/instruction services for an additional one week period in August was submitted to the Board;

RESOLVED that Richard Slingerland, Village Manager be and is hereby authorized to execute the Agreement on behalf of the Village with Klassic Soccer subject to the review and approval of the Village Attorney.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

C. Authorization for Village Manager to Execute COPS Grant Application

Chief Flynn informed the Board that this grant was brought to his attention by Rye Neck Schools Superintendent Peter Mustich. It is to pay for a program that has been very successful in keeping the area around schools safer in neighboring communities.

The Chief also informed the Board and residents of an Explorer Program, which is being offered in the Village to any resident between the ages of 14-20 years old interested in learning more about police enforcement. He asked those interested young people to contact Sgt. Regan Kelly, who will be coordinating the program. Information on this program will be posted on the Village's website.

On motion of Trustee Murphy, seconded by Trustee Robinowitz:

WHEREAS the Village of Mamaroneck Police Department is interested in filing an application to the Federal COPS program for the following purposes:

1. Project Title – Secure Our Schools Program
2. Purpose – Community Oriented Policing Services to improve security in and around the schools
3. The grant project amount is \$92,800. The Federal Grant Request amount is for \$46,400 with no Village match required
4. The grant will fund the purchase of equipment for the Police Department including Mobile License Plate Readers (LPR), Field Control Unit (computer) for the LPR, installation, software and the grant will fund the purchase of portable radios for school personnel;

RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby authorizes the COPS grant application to be filed with the COPS program, nunc pro tunc, as necessitated by the application deadline of Friday, May 15, 2009; and

BE IT FURTHER RESOLVED that the Village Manager is hereby authorized to execute said grant application and all necessary and appropriate related documentation.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

D. Year-End Transfer of Funds

In accordance with Section 5-520 of the Village Law, when it shall appear probable that the expenditure in any budgetary account will be in excess of the original estimated budgeted amount, it is

then necessary to bring these accounts in balance by transferring from other budgetary accounts. Since it is not known at this time all the accounts that will be affected as of May 31<sup>st</sup>, it is requested that the following blanket resolution authorizing these transfers be approved by your Honorable Board:

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Clerk-Treasurer is hereby authorized to make the necessary transfers from the unexpended balance of certain budgetary accounts to those accounts that require additional appropriation.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

E. Authorization for Annual Sidewalk Sales

A request was received from the Mamaroneck Chamber of Commerce to hold their Annual Sidewalk Sales.

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

WHEREAS a request was received from the Mamaroneck Chamber of Commerce to hold Sidewalk Sales;

RESOLVED that the Chamber of Commerce be and is hereby authorized to hold their Annual Sidewalk Sales on the following days:

Thursday, June 18, 2009, Friday, June 19, 2009, Saturday, June 20, 2009 with a rain date of Monday June 22, 2009 and

Thursday, September 10, 2009, Friday, September 11, 2009, Saturday, September 12, 2009 with a rain date of Monday September 14, 2009 and

Thursday, October 8, 2009, Friday, October 9, 2009, Saturday, October 10, 2009 with a rain date of Monday October 12, 2009.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

F. Resolution Establishing Board of Trustee Summer Meeting Schedule

On motion of Trustee Ryan, seconded by Trustee Murphy:

WHEREAS the yearly schedule of the Board meetings was set at the Annual Organizational Meetings; and

WHEREAS this resolution hereby cancels the meetings scheduled for July and August, 2009 and sets alternative dates as proposed below;

RESOLVED that the Board of Trustees Work Sessions are hereby scheduled as follows:

Monday, July 13 and Tuesday, August 18, 2009; and

BE IT FURTHER RESOLVED that the Board of Trustee Regular Meetings are hereby scheduled as follows:

Monday, July 20 and Monday, August 24, 2009.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

G. Resolution in Support of NYS Legislation to Limit Liability

Village Attorney Insardi stated that a letter was received from NYCOM in support of this legislation changing the CPLR, preventing municipal employees the ability to have what essentially is a double recovery.

On motion of Trustee Ryan, seconded by Trustee Murphy:

WHEREAS there is a bill proposed by the NYS Trial Lawyers Association which has been introduced into the Legislature (S4080-A and A7504-A) which ends the unfair double-recovery process against public employers and removes an impediment to the settlement of tort actions; and

WHEREAS the bill would protect all parties in the lawsuit (including the public employer defendants) who settle cases from then being subjected to an additional claim by a health benefit provider, or other collateral source payor for reimbursement, thereby encouraging settlements;

RESOLVED that the Board of Trustees of the Village of Mamaroneck supports these bills and urges both houses of the NYS Legislature to vote them into law; and

BE IT FURTHER RESOLVED that the Village Clerk is directed to forward a copy of the resolution to the Counsel to the Governor, the Counsel for the NYS Senate, the Counsel for the NYS Assembly, and the New York Conference of Mayors (NYCOM).

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

6. REPORT FROM VILLAGE MANAGER

A. File for Record – Agreement with County for Sidewalk Improvement (C-67-07-S28)

This agreement with the County Department of Planning for the Sidewalk Improvement Project on Boston Post Road in the amount of \$159,500 is being filed for the record with the Clerk-Treasurer's office.

B. File for Record – Amendment B with New York State DOT 2007-08 Snow Season  
This Agreement is being filed for the record with the Clerk-Treasurer's office.

C. File for Record – Annual MS-4 2008 Report on Storm Water Activities  
The Agreement when finalized will be filed for the record with the Clerk-Treasurer's office.

D. Community Development Block Grants

Mr. Slingerland reported that HUD has approved the FY 2009-2013 Consolidated Plan including the Fiscal Year 2009 action Plan for the Westchester Urban County Consortium. HUD has also approved the release of all previously approved grants.

E. Communication from County Health Department

Mr. Slingerland reported that he received a communication from the Department of Health ordering the Village to find the source and remove the cross-connection between the sanitary sewer and storm water sewer systems on Frank Avenue. Consulting Engineer, Keith Furey is working with the Department of Health to pinpoint the location through die testing and any other testing we can avail ourselves of. The County is asking for our plan to eliminate the problem within 15 days from receipt of this letter, which was May 15, 2009. The response will be prepared and filed with them by May 29<sup>th</sup>.

Trustee Murphy informed Mr. Slingerland that a few years ago the County spent approximately \$500,000 die testing Frank Avenue and parts of Orienta and if they knew there was a problem, are they in any way culpable as they did not find the source of the problem. This study was done by the DEF. The Board asked Mr. Slingerland to insure that the Department of Health is aware of this study.

## 7. FLOOD MITIGATION REPORT

Mr. Slingerland reported that there is an issue with the possible sale of the Ridgeway Golf Course in White Plains, which the Mayor has addressed in a letter to the Editor of the Journal News, copying local officials. Since that time, White Plains elected officials, as well as the Executive Director of the Westchester Land Trust, working with local residents have contacted Mayor Savolt as they are interested in preserving this land and required an environmental public benefit and this letter from the Village provided them with that. They can now go forward with pursuing money for land preservation through available grants.

The second issue is a proposed subdivision in Harrison. The Mayor has looked at plans at 350 Mamaroneck Avenue, which is the property right past the Water Works. There was a previous application for a condominium there which the Town did not approve. The developer has now gone to the Planning Department with an application for seven single family homes. The Board immediately

went on record asking that we be listed as an interested agency in regard to their SEQRA review. It was announced at the Harrison Planning Board meeting that they received this request and they will do a coordinated review with the Village of Mamaroneck on the project. Leonard Jackson is the consulting engineer on the project. Harrison does have a very strict water retention law, requiring that any new development retain water from a 100-year storm on their property. The Board will be working with Harrison and monitoring the project.

Mr. Slingerland informed the Board that he has sent an email to the Town of Harrison regarding trees down along the Mamaroneck River that Harrison has said they do not have the money or staff to handle. Mr. Slingerland will send an official letter stating that they need to take care of their responsibilities.

Mr. Slingerland has been touring the Village and Town and has visited the Sheldrake River, Dam and Duck Pond with Town Administrator Steve Altieri. Mr. Altieri informed him that there will be a good deal of silt and debris removed from the pond. Mayor Savolt mentioned that she received a newsletter at her home regarding a project at Saxon Woods Park that should help with water retention. Finally, Mr. Slingerland reminded residents that the Village is trying to define the projects that will have the most benefit for the money spent when it comes to flood mitigation and are working with all involved agencies to make a priority list.

**8. REPORT FROM CLERK-TREASURER**

**A. GP Parking Reminder**

Mr. Fusco reminded residents that General Parking Lot stickers are expiring at the end of May. Stickers for 6/1/09 – 5/31/10 are on sale at Village Hall at the Regatta.

**B. Commencement of Collection of Taxes**

Mr. Fusco reminded residents that the first half Village property taxes are due the month of June and that tax bills will be mailed this week.

**8. REPORT FROM VILLAGE ATTORNEY**

None

**9. REPORT FROM POLICE CHIEF**

The Chief reported that the Bay Constables at the Harbor have been trained on bikes and will now be patrolling on bicycles.

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

- A. Flood Mitigation Advisory Committee – March 24, 2009
- B. Board of Ethics – April 1, 2009
- C. BAR – April 16, 2009
- D. Planning Board – April 23, 2009
- E. Board of Traffic Commissioners – April 29, 2009



II. COMMUNICATON TO THE BOARD II

Mr. Norman Rosenblum of Carroll Avenue, who is an announced candidate for the elections in November, appeared regarding the Riverbend Project in Harrison. At first blush, this development sounded very nice, however, he has been informed that the proposed developer is going to use only 4.5 of the 7 available acres and because of that will not have to do a SEQRA review and will not have to go before Harrison's Planning Board. Mayor Savolt assured residents that we are monitoring this closely.

Trustee Robinowitz thanked Leonard Verrastro and Jen Graziano for their work on the Harbor Fest Event. It was a very successful event considering the weather. She believes it will be even more successful if it is decided to proceed again next year. The little league baseball schedule will be considered next year if this event does take place. She also thanked all volunteers involved.

Trustee Robinowitz mentioned that the summer camp is accepting applications until June 4 and that the sailing program is also being offered.

Trustee Hofstetter mentioned the upcoming Memorial Day celebrations around the Village and Town.

Mayor Savolt gave an update on the Town of Rye's resolution passed in April to study the consolidation or dissolution of the Village and consolidation of services. Shortly after the last Board meeting the Mayor did get a communication from Town Supervisor Carvin and a meeting was held between the Mayors of Rye Brook, Port Chester and Mamaroneck with Supervisor Carvin, where they discussed their concerns with the action taken. Supervisor Carvin agreed not to move forward with studying the consolidation of services at either the Town or Village level until the Village of Mamaroneck could coordinate with the Town of Mamaroneck. There are others parts of their study that they are going to go forward with. There will be future meetings to share information and work forward on this plan.

Mayor Savolt announced that the Village of Mamaroneck took the second annual Mayor's Trophy at the Larchmont/Mamaroneck Babe Ruth Girls Softball Tournament. The Mayor thanked everyone involved and announced the participants of the two teams.

The Mayor received a call from a local real estate agent complimenting the building department and stated how things have changed there for the better. She wanted the Mayor to know how friendly and helpful everyone is. The Mayor thanked John Winter and his staff.

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED that the Board of Trustees convene to Execute Session to discuss personnel of a particular individual and the Mamaroneck Beach and Yacht Club litigation.

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