

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON TUESDAY, JULY 20, 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 Nicholas Allison
	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

Mr. Louis Santoro of 324 Palmer Terrace appeared. Mr. Santoro declared his candidacy for Trustee in the November 2009 election. Mr. Santoro read correspondence he received from Mr. Norman Rosenblum, candidate for Mayor in the November 2009 election, requesting that a sign congratulating the Mamaroneck High School baseball team for winning its second consecutive New York State championship be erected outside of Harbor Island. Mr. Santoro was told that the sign at Mamaroneck High School was paid for by the taxpayers and that the Village Manager is working with the DPW Foreman on having a sign erected for outside of the Harbor.

Mr. Norman Rosenblum of Carroll Avenue, declared candidate for the Mayoral seat in the November 2009 election, appeared to discuss Item 5A on the agenda; authorization for Village Manager to execute agreement with Howard Lampert. Mr. Rosenblum is confused by Mr. Lampert's letter of July 9th as it seems that the work has already been done. He is questioning if the \$125/hour fee will be paid retroactively for the work already completed. The Mayor stated that this will be addressed when that item is discussed. Mr. Rosenblum questioned Item 7B, asking what the original claim amount was. On Item 7C, Mr. Rosenblum asked that any conference the Village Manager or Assistant Village Manager attend be approved by the Board before they commit to paying for it with the Village issued credit card and on Item 7D, Mr. Rosenblum suggests adding two members; one from the Mamaroneck Avenue Task Force and the other from the Mamaroneck Chamber of Commerce. His final concern is the scheduling of the public hearing on Proposed Local Law 9-2009 (Streets & Sidewalks). He asked that this public hearing be scheduled for a meeting in September and not August, so that the Board may get comments from all residents, some of whom may be on vacation during August.

Ms. Lucia Tattavito of 123 Mamaroneck Avenue appeared regarding Molly Spillane's garbage being left on Prospect Avenue in the early morning. Mr. Slingerland informed her that the garbage is put out on the morning that it is being picked up and prior to pick up, it is held in a refrigerated dumpster inside. She also asked about the delivery trucks parking on Prospect which block traffic. The Mayor stated that there are delivery trucks blocking many side streets in the Village and that this is something that needs to be reviewed. Ms. Tattavito asked if she were making noise on her balcony, would she be asked to go inside. The Police Chief said that it would depend on the circumstances.

Ms. Rachel Zinhausen of 123 Mamaroneck Avenue appeared. She has seen patrons of Molly Spillane's parking in the General Parking lot behind the Regatta illegally. She feels that the signage is bad and the police do not ticket. This causes her a problem as there are times that she cannot find a space.

Mr. Dominick Ruggerio of 123 Mamaroneck Avenue appeared. Mr. Ruggerio is President of the Regatta Condominium Association. He clarified the parking situation at the Regatta.

Mr. Song of 123 Mamaroneck Avenue appeared. He presented an article on the health effects of noise, which was published in the New York Times. Mr. Song brought this to the Board's attention as noise has been found to be a health risk and the article described some of the things New York City did to lessen noise.

2. APPROVAL OF MINUTES

A. Minutes of BOT Regular Meeting of June 22, 2009

On motion of Trustee Ryan, seconded by Trustee Allison:

RESOLVED that the Minutes of the Board of Trustee Regular Meeting of June 22, 2009 be and are hereby approved.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

B. Minutes of BOT Work Session of June 29, 2009

On motion of Mayor Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Work Session of June 29, 2009 be and are hereby approved.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

C. Minutes of BOT Regular Meeting of July 6, 2009

On page three, Mayor Ryan, should be changed to read Trustee Ryan:

RESOLVED that the Minutes of the BOT Regular Meeting of July 6, 2009 as amended be and are hereby approved.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

3. AUDIT OF BILLS

Mayor Savolt stated that there are two abstracts to approve as there are still bills being paid from last fiscal year.

On motion of Trustee Allison, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated July 20, 2009 and for FY 2008-09, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 44,317.93
Capital Fund	119,775.35
Trust & Agency	<u>6,629.50</u>
	\$ 170,722.78

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated July 20, 2009 and for FY 2009-10, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 839,728.49
Capital Fund	21,397.37
Trust & Agency	<u>8,306.03</u>
	\$ 869,431.89

It was stated by the Mayor that a large portion of the monies paid from the General Fund, over \$400,000 is the annual insurance premium. Trustee Allison questioned the refund on property tax for 309 Fayette. Ms. Insardi informed the Board that this is an annual payment on the Suburban Carting tax certiorari settlement.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

4. OLD BUSINESS

A. None

5. NEW BUSINESS

A. Authorization for Village Manager to Execute Agreement with Howard Lampert

Mr. Slingerland has been working with Mr. Lampert for several years. Mr. Lampert is a former city and traffic engineer working with several communities. This proposal is both for work that he has already done, which Mr. Slingerland discussed with Mr. Lampert as well as future projects including looking at our equipment and work on grants. The immediate project is to address some of our overconsumption of energy; one of which is switching to LED lights on traffic lights, which will save the Village between 80 and 90% on our energy costs and reduce our carbon footprint.

On motion of Trustee Allison, seconded by Trustee Hofstetter:

WHEREAS, it has been determined that there is a need for a Traffic Engineering Consultant with respect to LED installation in Traffic Signals; and

WHEREAS, the Board of Trustees has received and reviewed a proposal from Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees authorizes the Village Manger to retain Howard L. Lampert, P.E. to provide traffic engineering services to the Village of Mamaroneck for a total aggregate amount not to exceed \$10,000.00 without further Board approval.

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

B. Authorization for Settlement of the Matter of Lozito v. Village of Mamaroneck

Ms. Insardi informed the Board that this was an incident where a woman fell and suffered fractures in her spinal column in 2006. This had proceeded to trial and settled on the eve of trial. An expert was going to testify that the Village caused the defect resulting in her fall. Therefore, counsel determined that it was in the best interests of the Village to settle this matter. Ms. Insardi agrees.

On motion of Trustee Allison, seconded by Trustee Hofstetter:

WHEREAS, an action was commenced by Carolyn Lozito on or about July 26, 2007 in connection with a personal injury (slip and fall) she sustained on Dec. 27, 2006; and

WHEREAS, on the eve of trial a settlement was agreed to by the Village's insurance carrier whereby the Plaintiff will receive the sum of \$30,000 (Thirty Thousand Dollars and Zero Cents); and

WHEREAS, the Village is obligated to pay \$25,000 (and is for its deductible) towards the settlement; and

WHEREAS, following payment of the above figure the Village will be released from all further liability;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees confirms the settlement of Lozito v. Village of Mamaroneck and authorizes the payment of \$25,000 (Twenty-Five Thousand Dollars and Zero Cents) towards such settlement and that upon receipt of a general release from the plaintiff, in favor of the Village of Mamaroneck and its agents, officials, employees and volunteers, and receipt of a duly executed claim voucher, a check or checks totaling the sum of not more than \$25,000 (Twenty-Five Thousand Dollars and Zero Cents) may be issued.

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

C. Authorization of Village Credit Card for Village Manager and Assistant Manager

Mayor Savolt stated that the resolution also includes authorization for a credit card for the Clerk-Treasurer. Mayor Savolt also stated that the former Village Manager and Assistant Village Manager had credit cards. The Clerk-Treasurer has a credit card, but it is with another bank. That account will be closed and he will receive a card from TD Bank. All purchases and travel will be in compliance with the purchase and travel policies.

On motion of Trustee Ryan, seconded by Trustee Allison

WHEREAS, the Village Manager, Assistant Village Manager, and Clerk-Treasurer attend many conferences and a credit card account will facilitate making payments for Village related expenses; and

WHEREAS, authorization is requested from the Board of Trustees to apply for and utilize a credit card account; and

WHEREAS, the Clerk-Treasurer will cancel his current Village of Mamaroneck credit card account with Wachovia Bank;

NOW THEREFORE BE IT RESOLVED, the Village Manager, Assistant Village Manager and Clerk-Treasurer are hereby authorized to apply for a TD Bank N. A. Credit Card Account to be used only for Village related expenses in compliance with the Village's purchasing policy.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

D. Formation of Downtown Issues Ad-Hoc Task Force

Mr. Slingerland reported that in light of all of the requests and complaints from the Regatta residents regarding noise and other concerns in the downtown area, i.e., parking, lighting, security and signage, it was agreed to form a Downtown Issues Task Force. Representatives will be Trustee Robinowitz; Rose Silvestro, current Chair of the Mamaroneck Avenue Task Force and former President of the Chamber of Commerce; Dawn Saidur, owner of Café Mozart and member of the Mamaroneck Avenue Task Force; Dominick Ruggiero, President of the Regatta Board; Village Manager Richard Slingerland; Police Chief Ed Flynn; Clark Neuringer, Chairman of the ZBA as well as a member of the Planning Board to be named at a later date. Mr. Neuringer and the Planning Board member will alternate with only one vote between the two members.

Trustee Robinowitz stated that the Board has listened to the residents and will discuss some of their ideas and suggestions, such as a trolley taking patrons to and from their cars that can be parked either at the harbor or train station.

Trustee Hofstetter also thought it a very good idea to have members of the land use boards involved as they may not be aware of how businesses influence the quality of life of all of our residents.

Trustee Ryan stated that she believes that all of the stakeholders are represented and the affected residents will have Mr. Ruggiero looking out for their interests.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

WHEREAS, the Village of Mamaroneck has been experiencing growth and development, expansion of existing businesses, and the establishment of new businesses, which have raised the importance of ongoing Downtown issues and impacts, as well as new issues and impacts caused by the success of new businesses who have been added to the Downtown; and

WHEREAS, additional areas remain where new businesses can be developed and added to the Downtown, which could bring new issues of concern to the Downtown area businesses, residents, shoppers, and the expanding list of restaurateurs.

BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck authorize the creation of a Downtown Issues Ad-Hoc Task Force, which will be dissolved upon the submission of its recommendations to the Board of Trustees, with a deadline for these recommendations of October 1, 2009; and

BE IT RESOLVED, that the makeup of the Committee shall include stakeholders representing the various interests of the Village and the Downtown, including members as follows:

1. Trustee Member Randi Robinowitz;
2. Representative of the Downtown Business Community Rose Silvestro;
3. Representative of the Downtown Residents Dominick Ruggiero;
4. Representative of the Downtown Restaurateurs Dawn Saidur;
5. Village Manager Rich Slingerland;
6. Police Chief Ed Flynn; and
7. Two Planners from the Village of Mamaroneck's Land Use Boards as equal alternates, with only one vote between the two members (Clark Neuringer and a Planning Board member to be named at a later date).

AND, BE IT FURTHER RESOLVED, that the list of issues to be reviewed by the Committee is established as follows, to include but not necessarily be limited to, the following list:

1. Noise
2. Parking
3. Downtown Events and Performances
4. Improving Transportation and Access, for example through a Bus Loop or Trolley Loop
5. Security
6. Lighting
7. Establish a longer term Downtown Strategy for the Village to consider and include in the update of our Comprehensive Master Plan
8. And such other related concerns as may be raised and agreed upon by the Committee.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

E. Schedule Public Hearing on Proposed Local Law 9-2009

Mayor Savolt reminded residents that this was previously Proposed Local Law 8-2009 and that a public hearing took place on July 20. At that meeting, substantive changes to the law were suggested; therefore, the hearing was closed and a new proposed law drafted.

Ms. Insardi reiterated the Mayor's statement and that the comments made by the public were reviewed and discussed. She stated that a revised draft should be ready and posted on the website well before the meeting.

On motion of Trustee Hofstetter, seconded by Trustee Allison:

RESOLVED that a Public Hearing on Proposed Local Law 9-2009 (Streets and Sidewalks) be and is hereby scheduled for August 24, 2009.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

6. REPORT FROM VILLAGE MANAGER

A. File for the Record – Agreement with Bond, Schoeneck & King PLLC (listed as 6B on Agenda)

This agreement is being filed for the record with the Clerk-Treasurer.

B. File for the Record – TRC Engineers, Inc and Village of Mamaroneck (listed as 6A on Agenda)

This agreement is being filed for the record with the Clerk-Treasurer.

C. Bid for Police Uniforms (Bid 09-02)

Mr. Slingerland submitted a Tabulation of Bid Proposals received in response to the above referenced bid. All received proposals have been rejected and the Village will re-bid this after the specifications have been revised.

Mr. Slingerland announced that the CDBG sidewalk project was only supposed to go from Grand to New Streets on Old White Plains Road; however, this will be extended to include a portion of Mamaroneck Avenue to the bend at Jefferson Avenue. All of the work on the sidewalks will be bid out together to get a better price, but will be paid for from different sources.

7. FLOOD MITIGATION REPORT

Mr. Slingerland reported on his meeting with the Army Corps of Engineers which took place the second week of July. They discussed the status of the study which is still in negotiations between the state and federal governments. As the language has to go through additional reviews, this is holding up the progress. Mr. Slingerland stated that the multiple bridges in the Village as well as possible channel widening were discussed. He asked the residents to keep in mind that the Village's goals for this stage are to do the projects that will have the greatest effect on the largest number of residents and work advised by the Army Corps that will not harm or reduce the economic viability of the federal improvements after they do their study. There were a few projects that are not viable; one of which is retention at Saxon Woods Park as this is not economically feasible and would not necessarily help the flooding. They are looking at the cost benefit ratio of all possible projects.

In essence, there was no new news. The bridge to nowhere and road to nowhere projects were discussed as they both could benefit the flooding issue and would not harm the economic viability of the study. However, the Village has no ownership of the bridge to nowhere, this would have to be done by the Town/Village of Harrison. The Jefferson Avenue Bridge can be replaced and the Waverly Avenue Bridge can be as well. Both of these bridges are shared with neighboring Towns; Jefferson Avenue with the Town of Rye and Waverly Avenue with the Town of Mamaroneck.

Mr. Slingerland stated that on a related matter, the Village is in the process of applying for a permit to remove the sand bars and silt buildup and are looking to get parameters from the DEC on what can be done regarding everyday maintenance.

8. REPORT FROM CLERK-TREASURER

None

9. REPORT FROM VILLAGE ATTORNEY

Ms. Insardi stated that she will be requesting an executive session to discuss pending litigation on the Mamaroneck Beach and Yacht and Lucas 3, 4 & 5 cases, as well as pending negotiations on a possible lease.

10. REPORT FROM POLICE CHIEF

11. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

None

12. COMMUNICATON TO THE BOARD II

Mr. Irving Sharf of Richbell Road appeared regarding the viaducts on Halstead Avenue. Mr. Slingerland informed Mr. Sharf that he spoke with the Army Corps regarding this and this is a key point of their study.

Mr. Jeff Hammer of 123 Mamaroneck Avenue appeared. Mr. Hammer lives at the Regatta and he believes that the Board does not realize just how bad the noise is. A police officer came to his home over the weekend and heard the noise and when asked informed Mr. Hammer that there is nothing that can be done. Mr. Hammer does not understand why when the police hear the level of noise, that nothing can be done. Chief Flynn stated that the police have responded to the restaurant several times asking them to turn down their televisions and/or music; however, summonses are not yet being issued as the situation is still being addressed. Reports are being given to the Chief and they are being evaluated. Trustee Hofstetter stated that he was outside of Molly Spillane's one evening and was surprised at how loud one person in particular was, screaming into his cell phone as the ambient noise around him was so loud. He believes that if the owner knew about this, that it could possibly be moderated. Mayor Savolt stated that the owner has volunteered to invest more money into the building to address at noise attenuation.

Mr. Song of 123 Mamaroneck Avenue appeared again. He appreciates those who are serving on the Ad-Hoc Task Force and he wants to be sure that they understand that it is a quality of life issue for the residents and this needs to be monitored as the businesses grow.

Mayor Savolt summarized that having all of these new restaurants coming into our downtown area seemed great at first blush; however, this is a mixed-use area and this is not something that the Village actively sought, but what the market place is driving and there are more coming. The Village needs to get a jump on this, looking at the impact this growth has had and possible solutions. One solution is putting up signs that say "please respect your neighbors". Whatever the Village does, it needs to have balance and compromise.

Ms. Lucia Tattavito of 123 Mamaroneck Avenue appeared and asked if there is anything that can be done immediately to help remedy the problem and not have to wait until October. Mr. Slingerland informed her that as soon as the Task Force has any suggestions that can be implemented, they will be.

Mr. Norman Rosenblum of Carroll Avenue appeared. Mr. Rosenblum asked for an update on the Mamaroneck Beach and Yacht Club and Comblo cases. He has overheard disturbing allegations that he would like either put to bed or acted upon. He directed these allegations specifically to the Board of Trustees as they would be responsible for establishing policy and sit as the Board of Police Commissioners. Mr. Rosenblum asked if there is any truth to the allegation that, during the time of the original acquisitions against Detective Comblo, in addition to the \$32,000 missing from the Detective safe there was an additional \$28,000 missing from the Village safe at the Regatta. The second question was if there were monies missing either from a safe or register at the Recreation Building at Harbor Island. Another incident he has heard about was a check being stolen from the safe at the Regatta and the signature forged at a check cashing business in Mt. Vernon. There was allegedly a picture taken of this individual and that this individual was an employee of a cleaning company used by the Village of Mamaroneck. If any of these allegations are true, Mr. Rosenblum would like them acted upon and if they are not, he would like them "put to bed" as they are damaging.

Chief Police Flynn stated that there are no active investigations for any money missing from any of those departments. The Board stated that they have no knowledge of any of these allegations except for the money missing from the Police Evidence Locker of December 2007.

When asked, Mr. Fusco stated that there was an incident at Recreation approximately 18 months ago. Chief Flynn confirmed that this was investigated and an arrest made.

Ms. Insardi answered Mr. Rosenblum's inquiry into the two law suits stating that in the Comblo case, they are in the midst of discovery and in the Mamaroneck Beach and Yacht cases, on the 8818/05 case, depositions are pending and in regard to the other two cases against the Planning Board, answers will be filed on that case.

Updates from the Board

Trustee Ryan reminded the community about the Summer Concert Series and movie being shown at the Harbor. Trustee Ryan also mentioned that Beverly Brewer Villa has resigned as Director from the CAP Center. She will continue to volunteer with the Hispanic Resource Center and Washingtonville Housing Alliance. Trustee Ryan wishes her well.

Mayor Savolt congratulated Beverly Brewer Villa for all of her accomplishments and thanked her on behalf of the community for all of her work over the past 38 years.

Mayor Savolt announced that she recently found out that for those residents who live in the Town of Rye, a revaluation of properties will be done and the process has begun. The Town has a deadline of April 10, 2010 to have the revaluation done.

Mayor Savolt thanked Officers Maresca and Gonzalez for their professionalism and help answering a personal assistance call at the home of a resident the past week. The Mayor received a note of thanks which will be put in the officers' files.

On motion of Trustee Hofstetter, seconded by Trustee Robinowitz:

RESOLVED that the Board of Trustees convene to Executive Session to discuss the Mamaroneck Beach and Yacht Club litigation and Lucas 3, 4 and 5 litigation. It was noted that the Mayor will not participate in the Mamaroneck Beach and Yacht Club litigation discussion as she has recused herself from this matter.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, 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