

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON TUESDAY, OCTOBER 13, 2009 AT 7:30 P.M. IN THE COURTROOM AT
VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Toni Pergola Ryan Randi Robinowitz John M. Hofstetter Nicholas Allison
	Village Manager	Richard Slingerland
	Village Attorney	Janet M. Insardi
	Police Department	Lieutenant James Gaffney
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

UNITED NATIONS DAY PROCLAMATION

Mr. Lee Bloom, representing the Board of Directors of the Westchester Chapter of the United Nations Association of the U.S.A. attended the meeting as the 64th anniversary of the UN Charter is on October 24. Mayor Savolt presented Mr. Bloom with a Proclamation from the Village in recognition of this important event and declaring October 24 as United Nations Day in the Village of Mamaroneck. Mr. Bloom thanked the Board for their support and informed the residents of their 8th Millennium Development Goal for this year, which is to develop a Global Partnership for Sustainable Economic Development. The United Nations Association of the United States of America in cooperation with other organizations has this goal as its theme for the 2009 United Nations Day commemorations and he encouraged all residents to participate in activities related to UN Day.

1. COMMUNICATION TO THE BOARD

Mr. Benedict Salanitro of Brook Street read a statement into the record regarding the most recent Lucas v. ZBA Article 78 decision which revoked the building permit and certificate of occupancy on his home. He is requesting that the Village Board of Trustees file a Notice of Appeal with the Appellate Division regarding this decision so as to automatically stay the decision of the court. He also asked that the Board of Trustees bring all parties together to resolve this matter at this junction.

There were many residents in the audience who were there in support of Mr. Salanitro and his requests.

Mayor Savolt stated that the decision on this case was just handed down this week and that the Board has not had the opportunity to discuss it as this has been their first meeting since receiving it. They will discuss this with counsel and do what is best for the Village.

Mr. Walter Rogers of Tompkins Avenue appeared to ask Mr. Slingerland for an update on the condemned building on Tompkins Avenue. Mr. Slingerland informed Mr. Rogers that Code Enforcement will be issuing an Order to Remedy to the owners of the building in the next couple of weeks.

Ms. Desantis of 123 Mamaroneck Avenue appeared to discuss the noise of the fire truck sirens after a Fire Department event or parade. Ms. Desantis stated that after the Annual Inspection and Fireman's Parade, fire trucks drive up Mamaroneck Avenue very late blowing their horns and sirens. She believes that this is inconsiderate of those who live in the area and that the department should show some restraint. She also asked for more police presence on Philips Park Road at night as she claims there are many "unsavory" characters walking around.

Ms. Lucia Tattavito of 123 Mamaroneck Avenue appeared to respond to a recent article in the Journal News and Sound and Town. She was offended by the Mayor's remarks. The Mayor stated that unfortunately she cannot control what the reporter wrote. The reporter also sought out Mr. Song to interview. The Mayor also stated that there have been signs put up around the Regatta to be considerate of neighbors and please be quiet.

Mr. Slingerland informed the residents that a public meeting on downtown issues was held and that he also met with the owners of Molly Spillane's. The Downtown Issues Ad Hoc Committee will have a final report and presentation to the Board in the next few weeks.

Mr. Carlo Reca of Melbourne Avenue appeared. He had heard that a study on garbage pickup was being done. Mr. Slingerland informed Mr. Reca that he initiated a study on the efficiencies of the Public Works Department at the direction of the Board and that efficiency in all Village departments will be looked at, as was done with the Police Department. Mr. Slingerland also informed the residents that if changes to the garbage pickup are suggested, a public hearing will be held.

Mr. Reca also brought up the hiring of an Assistant Superintendent of Recreation and Assistant Village Manager. Mr. Slingerland informed Mr. Reca that the position in the Recreation Department (Senior Recreation Leader) is not a new position but it is to fill an open position at a lower salary than the person previously in the job. Mr. Reca stated that like the Budget Committee, he as part of the Traffic Commission is frustrated. Mr. Slingerland informed Mr. Reca that he is planning to attend either the October or November Traffic Commission meeting. Mr. Slingerland also stated that he drove to the proposed location of the four way stop with the Chairman of the Traffic Commission before the decision was made to make it an all pedestrian stop and Dr. Tannenbaum stated that since this is a state road, it is outside of the jurisdiction of the Village's Traffic Commission and he had no comment on it.

Mr. Ofir Atia, manager of the real estate developer of the Blood Brothers and McGuire's sites, appeared. Mr. Atia stated that at the last meeting, Ms. Insardi said that a settlement on their lawsuit with the Village was proposed and he would like to know what the terms of this settlement were, as he has no information about it. Ms. Insardi informed Mr. Atia that she never made this statement. Mr. Atia informed the residents that although they did all remediation needed on these projects, they have not been given permission to begin building and they will initiate another law suit against the Village. Mr. Atia stated that if the Village is not willing to give him his building permit that he wants the \$250,000 recreation returned to him. Ms. Insardi stated that she will look into the return of his fee.

Ms. Barbara Novick of Soundview Drive appeared regarding agenda item 5D. She asked the Board to please pass this resolution from the Traffic Commission for the prohibition of parking at the end of Soundview Drive.

Ms. Andrea Sambrook of Melbourne Avenue appeared. Ms. Sambrook informed the Board that one day while walking to school with her son, she spoke with a police officer who was acting as crossing guard regarding her vehicle and how it had to continue to run in order for her headlight to stay on. On a future meeting with this officer, Grace Spano, Ms. Sambrook was informed that at Ms. Spano's request, her vehicle was rewired so that her headlight can stay on, without the vehicle idling. Ms. Sambrook thanked Ms. Spano for her concern for the environment and wanted to make the Board aware of what she had done. She was also wondering if this is something that can be done on more Village vehicles. Mr. Slingerland informed her that on this type of vehicle (PEO Cart), it is relatively simple, but cannot be done on a standard vehicle.

Mr. James Bilotta of Shore Acres Drive appeared to thank the Board for their work on behalf of the Village.

2. APPROVAL OF MINUTES

A. Minutes of BOT Work Session of September 21, 2009

On motion of Trustee Hofstetter, seconded by Trustee Allison:

RESOLVED that the Minutes of the BOT Work Session of September 21, 2009, be and are hereby approved.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

B. Minutes of Public Hearing of September 28, 2009 on PLL 11-2009

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Public Hearing of September 28, 2009 on PLL 11-2009 be and are hereby approved.

Ayes: Allison, Robinowitz, Hofstetter, Savolt

Nays: None

Abstention: Ryan

C. Minutes of BOT Regular Meeting of September 28, 2009

Ms. Insardi stated that there is a correction on page 3; litigation should read legislation. Mayor Savolt stated that on page 21, September should be deleted under Mr. Slingerland's report on the E-waste Day.

On motion of Trustee Ryan, seconded by Trustee Hofstetter,

RESOLVED that the Minutes of the Board of Trustee Regular Meeting of September 28, 2009, as amended, be and are hereby approved.

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

3. AUDIT OF BILLS

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated October 13, 2009, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$302,943.25
Capital Fund	7,220.00
Trust & Agency	8,147.87
	<u> </u>
	\$ 318,311.12

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

4. OLD BUSINESS

A. None

5. NEW BUSINESS

A. Resolution Authorizing Transfer of Funds

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

WHEREAS, during a recent mutual aid drill held within the Village of Mamaroneck, it was discovered that the Police Department needs to upgrade one of its vehicles so that it has appropriate communications and incident command capabilities; and

WHEREAS, this upgrade would include special communications equipment, cabinets and lighting which would enable a police department incident commander, in an emergency, to properly coordinate activity of all responding and assisting agencies; and

WHEREAS, the upgrade cost is approximately \$7,700 and these funds are available in the police department's overtime budget line;

NOW THEREFORE BE IT RESOLVED that the following transfer will be made to fund the purchase of the police department vehicle communications equipment.

<u>Transfer From</u>		<u>Transfer To</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A3120. Police Department 140 Overtime	\$7,700.00	A3120. Police 220 Equipment	\$7,700.00

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

B. Tax Certioraris

(1) Dance Cavise, Inc.

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER DANCE
CAVISE INC. FOR PROPERTY LOCATED AT
273 HALSTEAD AVENUE

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

WHEREAS, petitions have been filed by the property owner below challenging real property tax assessments on the Village's assessment roll; and

WHEREAS, petitioner's court challenges are now pending in Supreme Court, Westchester County; and

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Assessor has calculated that the approximate cost to the Village is \$10,782; and

WHEREAS, the Board of Trustees has had an opportunity to review this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Village of Mamaroneck;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Property Owner</u>	<u>Address/Description</u>	<u>Years</u>
DANCE CAVISE INC.	273 HALSTEAD AVENUE	2005-2009

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed Assessment</u>	<u>Amount of Reduction</u>
2005	\$25,000	\$18,200	\$6,800
2006	\$25,000	\$18,900	\$6,100
2007	\$25,000	\$17,050	\$7,950
2008	\$25,000	\$14,600	\$10,400
2009	\$25,000	\$15,150	\$9,850

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

(2) Heeler, L.P.

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER HEELER L.P. FOR PROPERTY LOCATED AT 955 MAMARONECK AVENUE

On motion of Trustee Hofstetter, seconded by Trustee Allison:

WHEREAS, petitions have been filed by the property owner below challenging real property tax assessments on the Village's assessment roll; and

WHEREAS, petitioner's court challenges are now pending in Supreme Court, Westchester County; and

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Assessor has calculated that the approximate cost to the Village is \$7,570; and

WHEREAS, the Board of Trustees has had an opportunity to review this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Village of Mamaroneck;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Property Owner</u>	<u>Address/Description</u>	<u>Years</u>
HEELER L.P.	955 MAMARONECK AVENUE	2007-2009

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed Assessment</u>	<u>Amount of Reduction</u>
2007	\$24,000	\$15,350	\$8,650
2008	\$24,000	\$14,100	\$9,900
2009	\$24,000	\$14,600	\$9,400

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

(3) Marvil Building Corporation

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER MARVIL BUILDING CORP. FOR PROPERTY LOCATED AT 418-424 MAMARONECK AVENUE

On motion of Trustee Allison, seconded by Trustee Hofstetter:

WHEREAS, petitions have been filed by the property owner below challenging real property tax assessments on the Village's assessment roll; and

WHEREAS, petitioner's court challenges are now pending in Supreme Court, Westchester County; and

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Assessor has calculated that the approximate cost to the Village is \$5,077; and

WHEREAS, the Board of Trustees has had an opportunity to review this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Village of Mamaroneck;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Property Owner</u>	<u>Address/Description</u>	<u>Years</u>
MARVIL BUILDING CORP.	418-424 MAMARONECK AVENUE	2008-2009

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed Assessment</u>	<u>Amount of Reduction</u>
2008	\$27,250	\$17,750	\$9,500
2009	\$27,250	\$18,400	\$8,850

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

C. Resolution Returning Fire Department Spaces to Metered Spaces

Ms. Insardi gave the background on this. Mr. Slingerland stated that he spoke with both the Chamber of Commerce and Fire Department and they are in favor of this change.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

WHEREAS, the Mamaroneck Village Fire Department has advised that the Hook and Ladder Company is no longer located on Mamaroneck Avenue and there is no need for the two spaces to the south of Hook and Ladder firehouse designated for apparatus drivers; and

WHEREAS, these spaces were created by resolution of the Board of Trustees dated February 24, 2003;

NOW THEREFORE BE IT RESOLVED that the amendment to Sections 80 and 81 of Chapter 326 (Vehicles and Traffic) of the Code of the Village of Mamaroneck adopted by the Board of Trustees on February 24, 2003 creating two reserved spaces on Mamaroneck Avenue for apparatus drivers is hereby rescinded and the two spaces shall be metered for additional on street parking for residents and shoppers patronizing businesses on Mamaroneck Avenue.

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

D. Request from Traffic Commission for Parking Prohibited on Soundview Drive

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

WHEREAS, on September 9, 2009, the Traffic Commission recommended the following amendment to Chapter 326 (Vehicle & Traffic), Section 80 (Schedule XIII-Parking Prohibited at All Times) of the Code of the Village of Mamaroneck to the Mayor and Board of Trustees; and

WHEREAS, the matter was discussed by the Board of Trustees at its meeting on October 5, 2009; and

THEREFORE BE IT RESOLVED that the following amendment to Section 80 of Chapter 326 (Vehicles & Traffic), which was adopted by the Board of Traffic Commissioners at its meeting of September 9, 2009, be and is hereby approved:

SECTION 80

PARKING PROHIBITED AT ALL TIMES

By adding to Chapter 326, Section 80, Schedule XIII:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Soundview Drive	South	From the north side of the driveway to 931 Soundview Drive to the south side of the driveway to 955 Soundview Drive.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

6. REPORT FROM VILLAGE MANAGER

A. File for Record – Woodard & Curran Plan for Taylors Lane

Mr. Slingerland reported that this agreement is being filed for the record with the Clerk-Treasurer’s office.

B. File for Record – Agreement with Dolph Rotfeld Engineering, P.C.

Mr. Slingerland reported that this agreement is being filed for the record with the Clerk-Treasurer’s office.

Mr. Slingerland reminded the residents that leaves should not be put out at the curb as they cannot be picked up until October 25, 2009. Before that date, any leaves should be put in brown paper bags and/or clean garbage cans. Summonses can be given to any resident who has leaves piled at the curb, as they are a traffic hazard.

Mr. Slingerland announced that there will be a Taylors Lane meeting held tomorrow at 2 p.m. in the Courtroom. The short-term plan will be discussed. A long-term plan needs to be developed by May 2010.

Mr. Slingerland informed the Board that he has filed the Village’s NIMS (National Incident Management System) Report. There is room for improvement and he assured the Board that the necessary training will be done.

Mr. Slingerland reported on the gas spill that took place today at Frank Avenue and the Boston Post Road. It appears that it is coming from below ground seepage. The County and State agencies have been notified and the DEC will be handling this matter.

7. FLOOD MITIGATION REPORT

Mr. Slingerland stated that the Army Corps reported that their Division of Regulation had not received the two letters from the Village regarding our use of the Mudcat for mechanical clean up and also the clean up by hand of the waterways. They now have these letters and we should be receiving a “no permit required” letter from them. We have also applied for a county stream clean up permit; filing the same information that was submitted to the Army Corps. Mayor Savolt thanked Mr. Slingerland on behalf of the community for the impact he has made since he began with the Village.

8. REPORT FROM CLERK-TREASURER

Mr. Fusco reported on the new meters around the train station and the cash keys available for use in the meters.

9. REPORT FROM VILLAGE ATTORNEY

Ms. Insardi requests an Executive Session at the end of the meeting to discuss the Mamaroneck Beach and Yacht Club and Lucas cases.

Ms. Insardi also reminded the residents of the Mandatory Referendum on Proposed Local Law 6-2009 that will be on the ballot in November. The information on this Referendum will be posted on the Village’s website.

10. REPORT FROM POLICE CHIEF

Lt. Gaffney reported that a Federal Grant for police body armor has been received. This pays for half of the cost of body armor for the years 2009-2011. The Board thanked the Lieutenant and Chief for getting this accomplished.

11. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

The following minutes were submitted to the Board:

- A. Planning Board – September 10, 2009
- B. Tree Committee – June 2, 2009
- C. HCZM – April 15, 2009

12. COMMUNICATON TO THE BOARD II

Mr. John Farrell of N. Barry Avenue appeared. Mr. Farrell was on Rushmore Avenue on July 4th when he saw a street sweeper out sweeping the road. He was also at Harbor Island Park on July 5th and saw many Public Works employees cleaning up the park after the fireworks. In the interest of saving money, he believes it would be prudent not to have the streets swept on a holiday and also to look at the number of men used on a holiday to clean up the Harbor. Perhaps a couple could be used to put trash in large bins and leave the major cleanup for a regular work day.

Mr. Farrell also brought up the fact that he was ruled out of order during a Board of Trustee meeting for asking a question during a meeting. As the presentation on the four-way stop came under

New Business and the Board as well as residents were hearing it for the first time, he does not understand why the Board was able to ask questions, but he was not. Mayor Savolt informed Mr. Farrell that the purpose of the Board meetings is for the elected officials of the Village to do the business of the Village.

Updates from the Board

Trustee Robinowitz announced that on Sunday, October 18, 2009 the Chamber will be holding their Halloween window painting for children.

Mayor Savolt congratulated Mamaroneck Avenue School on their 100th Anniversary. Mayor Savolt also congratulated Habitat for Humanity for their successful fundraising event for Liz Covington's house.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Board of Trustees convene to Execute Session to discuss the Lucas v. ZBA and Mamaroneck Beach and Yacht Club Case. It was noted that the Mayor will not participate in the Mamaroneck Beach and Yacht Club Case as she has recused herself.

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