

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, OCTOBER 26, 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	Chief Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

1. COMMUNICATION TO THE BOARD

Mr. Jordan Geller of Underhill Avenue appeared regarding the Mamaroneck Beach and Yacht Club v. Village of Mamaroneck litigation. He does not understand why the Yacht Club cannot commence construction. He believes that they should be allowed to. Ms. Insardi informed Mr. Geller that these are complicated cases that have been pending since 2005 and she will be preparing a synopsis of the cases for the general public. Ms. Insardi stated that in the 1980's the Village, in conjunction with the State, developed the LWRP and that what the club proposed was inconsistent with the Master Plan. She further stated that the Planning Board had approved construction of 14 units, after making their determination in accordance with SEQRA, but that the club wanted to build additional housing. The court recently dismissed one of Mamaroneck Beach and Yacht's actions, the decision is posted on the website and Ms. Insardi believes that the Article 78 against the Planning Board should be concluded in relatively short order. Mr. Geller asked that the Village expedite this matter.

A letter from Mr. John DeRosa, expressing his disappointment regarding the way in which the Board have been handling the continued lawsuits regarding the Mamaroneck Beach and Yacht Club, was read for the record. Ms. Insardi stated that she believes the attorneys handling the cases have been very responsible and as she appreciates his concern, she believes that these cases are coming to the end of the road. Mr. Slingerland stated that in the statement, it reads that the club is proposing an as of right improvement and that this is not correct, as the case would not be before the courts if it was an as of right improvement.

Ms. Mary Lou Greco of Center Avenue appeared. She believes the Yacht Club should be allowed to go forward with the construction as it would contribute to the Village's tax base. She doesn't care when these cases began, she would like them ended.

Mr. Michael Marianni of Mamaroneck Avenue appeared. He asked what the revenue of increasing the meters around the train station will bring to the Village. Mr. Slingerland stated that it should be approximately \$20,000. He asked how the Village will pay for the Mamaroneck Beach and Yacht Club case if the club should win. Ms. Insardi stated that the Village not gotten to that stage yet; however, should we; there are insurance policies for this purpose. Mr. Marianni also does not

understand why this project was not allowed to go forward as it could bring jobs and money to the Village. Ms. Insardi again explained that this application, as all land use applications, have to go through an environmental impact study and after this study a downsizing of the project was approved by the Planning Board. Ms. Insardi informed Mr. Marianni that the court will look at the Planning Board's determination to see if the downsizing was justified. She also informed Mr. Marianni that the Environmental Impact Study is a public record and that he may want to review it. Mayor Savolt reiterated that Ms. Insardi has stated at public meetings that there were settlement discussions; however, you have to have two willing parties to reach an agreement. Trustee Ryan stated that during the application process before the Planning Board, there was a period of time for public comment.

Mr. Richard Hammer of Mamaroneck Avenue appeared. He asked for an update from the Downtown Issues Task Force. Mr. Slingerland stated that the committee had some personal issues so they were not able to hold their last scheduled meeting. Another meeting will be scheduled soon to put together their final report.

Mr. Benedict Salanitro of Brook Street read a statement into the record regarding the situation with his home at 609 Brook Street.

Ms. Insardi responded to Mr. Salanitro informing him that after the last meeting, the Board asked her to collect information which they discussed at some length at their last work session. The Board's decision is based on a court of appeals case and that the case Mr. Salanitro is citing is distinguishable. Ms. Insardi read her letter to Mr. Salanitro dated October 21, 2009 into the record.

Mr. Salanitro stated that he takes exception with Ms. Insardi's letter.

Mayor Savolt stated that the Board took the advice of their attorney who cited case law regarding what comes under the purview of the Board of Trustees and the Zoning Board will be considering whether or not to appeal.

Mr. Ray Romani of Wagner Avenue asked for an update on the McGuire's site and the return of the recreation fee. The Board informed Mr. Romani that a recreation fee was not paid on this site, but was paid on the Blood Brothers site and they believe that possession of the McGuire's site has been taken over by the banks.

Ms. Allison Stable of The Parkway appeared as she was compelled to speak on the Mamaroneck Beach and Yacht Club case as she feels there are things being said that are not agreed to by many residents. She was on a committee during the time of the application and read the environmental study. She does not agree that the building of 32 units will solve the problems of the Village, nor benefit anyone in the community and this would impact the work done to protect the waterfront. She also recognized and thanked the Board for the good work that they have done over the past couple of years.

Ms. Cindy Goldstein of Seahaven Drive appeared. Ms. Goldstein also applauded the work of the Board.

Ms. Sue Odierna of Monroe Avenue appeared on the McGuire's site. Her neighborhood association, together with several other neighborhood associations came before the Board when this

application was being heard by the Planning Board with their concern for overdevelopment. They also spoke up on their concern regarding the environmental issues that the proposed Mamaroneck Beach Club project could have.

2. APPROVAL OF MINUTES

A. Minutes of BOT Work Session of October 5, 2009

On motion of Trustee Hofstetter, seconded by Trustee Robinowitz:

RESOLVED that the Minutes of the BOT Work Session of October 5, 2009, be and are hereby approved.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

B. Minutes of Public Hearing of October 13, 2009 on PLL 12-2009

On motion of Trustee Robinowitz, seconded by Trustee Allison:

RESOLVED that the Minutes of the Public Hearing of October 13, 2009 on PLL 12-2009 be and are hereby approved.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

C. Minutes of BOT Regular Meeting of October 13, 2009

Trustee Ryan and Trustee Robinowitz had corrections on pages 2 and 3. On page 2, the word fee should follow recreation on the last sentence and on page 3, change Police Officer to PEO in the comments made by Ms. Sambrook.

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter,

RESOLVED that the Minutes of the Board of Trustee Regular Meeting of October 13, 2009, as amended, be and are hereby approved.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

3. AUDIT OF BILLS

Mr. Slingerland noted that there was a payment on page 7 to Post Marine for \$210 that should be subtracted. This item was already purchased and paid for in the amount of \$156.

On motion of Trustee Ryan, seconded by Trustee Allison:

RESOLVED that the Abstract of Audited Vouchers listed below dated October 26, 2009, copy being filed with the Village Clerk, as amended, be and the same are hereby ordered paid:

General Fund	\$ 415,022.78
Capital Fund	1,362.04
Trust & Agency	414.80
	<u>\$ 416,799.62</u>

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

4. OLD BUSINESS

A. Resolution for Home Rule Legislation to correct Pension System Matter

Mayor Savolt stated that there was correspondence received from a resident on this matter. Mr. Slingerland gave the history of this case. At a point in time, the retirement system was changing and not all employees got notice of the changes thereby resulting in two employees not being registered in the correct retirement system. If these employees were in the correct system, the Village would have been paying the monies owed over time; however, since they were not in the correct system, the Village has to pay this money now. The state offered to amortize the money to the Village at a rate of 8%; however the Village can get a loan for 1.9%. Mr. Slingerland also stated that part of this resolution is asking the State of New York to enact special legislation approving the home rule law. As it is late in the State's session, he was informed that the State may not get to it this session and it may have to be readopted.

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

WHEREAS, Scott A. Fraoli and Dominic Lanza ("the officers") are presently employed by the Village of Mamaroneck Police Department; and

WHEREAS, pursuant to New York State Retirement and Social Security Law § 384-d the Village of Mamaroneck elected to provide an optional twenty (20) year retirement plan for police officers who chose to enroll in said plan; and

WHEREAS, in accordance with New York State Retirement and Social Security Law § 384-d ("Section 384-d"), any member of the New York State Retirement System who is a police officer in the Village of Mamaroneck may elect to contribute to the twenty (20) year plan within one (1) year after he or she becomes a police officer; and

WHEREAS, Village Police officers Scott A. Fraoli and Dominic Lanza failed to enroll in the twenty (20) year retirement plan under § 384-d within the one (1) year time period and instead unintentionally enrolled in the twenty (20) year retirement plan covered by § 375-i; and

WHEREAS, in order for the officers to join the twenty (20) year retirement program the State of New York must enact special legislation and the Village must make a home rule request; and

WHEREAS, the Village of Mamaroneck is requesting the legislation in order to correct an inequity that resulted from the actions or inactions of the officers; and

WHEREAS, the fiscal implications of this home rule request would result in a past service cost contribution of approximately \$188,000 from the Village of Mamaroneck and an increase of approximately \$7,700 in the annual contribution of the Village; and

WHEREAS, the Board of Trustees of the Village of Mamaroneck believes that it is in the best interests of the Village to request the New York State Legislature to adopt such home rule legislation;

NOW, BE IT RESOLVED, that the Board of Trustees has directed the Village Manager to request the New York State Assembly (Bill number 9182) and New York State Senate (Bill number S6152) to enact legislation to allow Police officers Scott A. Fraoli and Dominic Lanza to enroll in the twenty (20) year retirement plan pursuant to New York State Retirement and Social Security Law § 384-d;

BE IT FURTHER RESOLVED, that the Board of Trustees does hereby authorize the Village Manager to sign any and all documentation necessary to secure this home rule legislation and any subsequent documentation required.

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

5. NEW BUSINESS

A. Authorization for Village Manager to Execute Extension of Grant Agreement (C006442)

On motion of Trustee Ryan, seconded by Trustee Allison:

WHEREAS, the Village of Mamaroneck has the need to update our Local Waterfront Revitalization Plan (LWRP), in relation to including plans for the future improvement of our local Non-Point Source Pollution Reduction laws and regulations; and

WHEREAS, the Village has a current grant with the New York State Department of State under Grant Agreement #C006442 in the amount of \$50,000 to fund the update of our LWRP to cover the improvement of our local Non-Point Source Pollution Reduction plans, laws and regulations.

THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck authorizes the Village Manager to sign the grant extension agreement for Grant Agreement #C006442 in the amount of \$50,000 for the update of this plan, to be extended until October 31, 2010, and for appropriate Village staff to take the necessary and appropriate actions to effect this agreement and update the Village of Mamaroneck's LWRP in relation to the future improvement of our local Non-Point Source Pollution Reduction plans, laws and regulations.

B. Adoption of Identity Theft Policy

Mayor Savolt stated that the Federal Government is mandating the adoption of an Identity Theft Prevention Program on or before November 1, 2009 for all entities that extend credit. Ms. Insardi stated that municipalities fall under the definition of entities that extend credit.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

WHEREAS, Section 114 of the Fair and Accurate Credit Transactions Act and the applicable regulations adopted by the Federal Trade Commission, known as the “Red Flags Rule,” require the development and adoption of an Identity Theft Program on or before November 1, 2009; and

WHEREAS, the goal is to ensure that organizations, including municipalities like the Village of Mamaroneck, detect warning signs or “red flags” of identity theft in their operations; and

WHEREAS, the Village of Mamaroneck’s Identity Theft Prevention Program has been developed, with the oversight and approval of the Village Manager and Clerk Treasurer, and was reviewed by the Board of Trustees in two work sessions; and

NOW, THEREFORE, BE IT RESOLVED, that the Village of Mamaroneck hereby adopts the Identity Theft Program dated October 16, 2009.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

C. Refunding of \$3,085,000 Serial Bonds

Mr. Fusco informed the Board that by refinancing outstanding bonds that are coming due, the Village will see a savings of up to \$150,000 over the next 10 years, net of any refinancing charge.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

WHEREAS, the Village of Mamaroneck, located in the County of Westchester, State of New York (the “Village”) previously issued \$5,223,000 principal amount of Public Improvement Serial Bonds, Series 1999 (the “Series 1999 Bonds”) pursuant to a certificate of determination of the Village Clerk/Treasurer (sometimes referred to herein as the “Chief Fiscal Officer”), which Series 1999 Bonds are dated April 1, 1999 and matured or mature in annual installments on February 1 in each of the years 2000 to 2019, inclusive, as follows:

\$203,000 in the year 2000,
\$170,000 in the year 2001,
\$180,000 in the year 2002,
\$190,000 in the year 2003,
\$195,000 in the year 2004,
\$205,000 in the year 2005,
\$215,000 in the year 2006,

\$225,000 in the year 2007,
\$235,000 in the year 2009,
\$245,000 in the year 2009,
\$255,000 in the year 2010,
\$270,000 in the year 2011,
\$280,000 in the year 2012,
\$295,000 in the year 2013,
\$305,000 in the year 2014,
\$320,000 in the year 2015
\$335,000 in the year 2016
\$350,000 in the year 2017
\$370,000 in the year 2018; and
\$380,000 in the year 2019

WHEREAS, the Series 1999 Bonds were authorized pursuant to several serial bond resolutions duly adopted by the Board of Trustees of the Village for the objects or purposes described therein on October 25, 1993, March 25, 1996, June 8, 1998 and October 13, 1998 and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$3,160,000 aggregate principal amount of the Series 1999 Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the Village to refund \$2,905,000 of the said outstanding \$3,160,000 aggregate principal amount Series 1999 Bonds, maturing in 2011 and thereafter, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK, IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK (BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE VOTING STRENGTH OF THE BOARD OF TRUSTEES OF THE VILLAGE), AS FOLLOWS:

Section 1. For the purpose of refunding \$2,905,000, being a portion of the \$3,160,000 outstanding principal amount of the Series 1999 Bonds, maturing in 2011 and thereafter, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay: (i) the principal amount of the Refunded Bonds; (ii) the aggregate amount of the unmatured interest payable on the Refunded Bonds to and including the date on which any series of the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan (as hereinafter defined) and attached hereto as Exhibit B and made a part of this resolution; (iii) the costs and expenses incidental to the issuance of the Series 1999 Refunding Bonds hereinafter referred to as (the "Refunding Bonds") as hereinafter authorized and as described in Exhibit A, including without limitation, the development of the Refunding Financial Plan, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as hereinafter defined), and any securities supply contract, the premium with

respect to any bond insurance policy or policies acquired with respect to the Refunding Bonds (as defined below), discount or compensation of underwriters, fees of bond counsel and financial advisors, rating agency fees, printing and service agency fees and expenses, and fees and charges of the Escrow Holder (as hereafter described); and (iv) the redemption premium, if any, to be paid on any series of the Refunded Bonds which are to be called prior to their respective maturities; there are hereby authorized to be issued in one or more series not exceeding \$3,200,000 aggregate principal amount of refunding serial bonds of the Village pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$3,085,000 as provided in Section 4 hereof. The proposed principal amounts and dates of maturity of such Refunding Bonds are set forth in the Refunding Financial Plan attached hereto.

Section 2. It is hereby determined pursuant to Section 90.10 that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph (b) of Section 90.10 of the Local Finance Law with respect to each series of the Refunded Bonds;

(b) the aggregate amount of estimated present value savings computed in accordance with subparagraph (a) of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is not expected to be less than \$130,000 subject to changes in market interest rates.

(c) The Village Clerk/Treasurer is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the Village Clerk/Treasurer shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. In addition, the Escrow Contract may include a forward supply or purchase contract or agreement as part thereof or as a separate agreement for the provision of acquiring obligations of the United States of America or unconditionally guaranteed by the United States of America or other obligations or instruments qualified under Section 90.10 of the Local Finance Law or may be necessary for the completion of the Refunding Financial Plan. The Escrow Contract shall contain such terms and conditions as shall be necessary or required, including terms and conditions required for the completion of the Refunding Financial Plan, including provisions for the Escrow Holder, without further authorization or direction from the Board of Trustees of the Village, except as otherwise provided therein, including, without limitation, (i) to make all required payments of principal, interest and any redemption premiums to appropriate paying agents with respect to the Refunded Bonds, (ii) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of

the Escrow Contract by the Escrow Holder, (iii) at the appropriate time or times, to cause to be given on behalf of the Village in the manner provided by law the notice of redemption authorized to be given pursuant to Section 8 hereof, and (iv) to invest the moneys held by the Escrow Holder pursuant to the terms of the Escrow Contract and consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the owners of the Refunding Bonds.

(d) The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the Village with the Escrow Holder pursuant to the terms of the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America, in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or in obligations or instruments qualified under Section 90.10 of the Local Finance Law, which obligations or instruments shall mature or be subject to redemption at the option of the Escrow Holder not later than the respective dates when such moneys will be required to make payments in accordance with the Escrow Contract and the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the performance in full of the Escrow Contract by the Escrow Holder shall be returned to the Village and shall be applied by the Village Clerk/Treasurer to the payment of the principal of or interest on the Refunding Bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection of with the refunding of the Refunding Bonds or to the payment of or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds. In connection with the investment of moneys held by the Escrow Holder under the Escrow Contract, the Village Clerk/Treasurer is authorized to execute on behalf of the Village any forward purchase or supply contract for the purchase or supply of the securities described in this subsection (d) at a date subsequent to the delivery of the Refunding Bonds, as is needed to accomplish the purposes of the Refunding Financial Plan.

Section 3. It is hereby determined that the maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is no less than as shown on Exhibit A attached hereto and made a part of this resolution taking into account the earlier of the original date of issuance of any such series of serial bonds or bond anticipation notes funded by such series of Refunded Bonds; and

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$3,085,000 if fully insured and will

mature, be of such terms, and bear such interest as set forth in the Refunding Financial Plan. The Board of Trustees of the Village recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions for redemption thereof prior to maturity and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings are likely to vary from such assumptions and that the Refunding Financial Plan will likely vary from that attached hereto as Exhibit B. The Village Clerk/Treasurer is hereby authorized and directed to determine the principal amount of the Refunding Bonds to be issued, the series and designation or designations thereof, the time or times of the sale thereof, the maturities and terms thereof, the provisions relating to the redemption of the Refunding Bonds prior to maturity, if any, the rate or rates of interest to be borne thereby, whether or not the Refunding Bonds will be insured in whole or in part or uninsured, and to prepare, or cause to be provided, a final Refunding Financial Plan, all in accordance herewith, and all powers in connection therewith may be exercised by the Village Clerk/Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Village Clerk/Treasurer shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Village Clerk/Treasurer within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The faith and credit of the Village are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. To the extent that the same are not paid from other sources, there shall be annually levied on all the taxable real property in the Village a tax sufficient to pay the principal of and interest on the Refunding Bonds as the same become due and payable.

Section 6. Proceeds from the sale of the Refunding Bonds, including any accrued interest and, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Refunded Bonds, including any redemption or call premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the owners of the Refunded Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided by this resolution shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract, equity, at law or otherwise against the Village irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 7. In accordance with the terms of the Refunded Bonds and the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, and subject only to the issuance of the Series 1999 Bonds, as herein authorized, the Village hereby elects to call in and redeem all Series 1999 Bonds maturing on and after February 1, 2010 on February 1, 2010. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, if any, as provided in the issuance proceedings for the Series 1999 Bonds and the accrued interest to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Village in the manner and within the times provided in the issuance proceedings for the Series 1999 Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the applicable portion of the callable Series 1999 Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice, requirements of paragraph (a) of Section 53.00 of the Local Finance Law, or any successor law thereto. It is hereby determined that with respect to the series of Refunded Bonds to be called in and redeemed as provided in this Section 7, it is to the financial advantage of the Village not to charge, impose and collect or receive from registered owners of the Refunded Bonds mailing, shipping, insurance or other similar charges in connection with such redemption or calls. Accordingly, pursuant to paragraph (c) of Section 70.00 of the Local Finance Law, no such charges shall be so charged, collected or received by the Chief Fiscal Officer, as fiscal agent.

Section 8. The Refunding Bonds shall be sold at a private sale, and the Village Clerk/Treasurer is hereby authorized to execute a purchase contract on behalf of the Village for the sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller and further provided that, prior to the issuance of the Refunding Bonds the Village Clerk/Treasurer shall have filed with the Board of Trustees of the Village a certificate approved by the State Comptroller pursuant to subdivision 2 of paragraph (g) of Section 90.10 of the Local Finance Law setting forth the present value savings to the Village resulting from the issuance of the Refunding Bonds. In connection with such sale, the Board of Trustees of the Village hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution, all in accordance with applicable State and Federal securities laws, rules and regulations.

Section 9. The Board of Trustees of the Village hereby appoints the law firm of Squire, Sanders & Dempsey L.L.P., of New York, New York, as bond counsel in connection with the issuance and sale of the Refunding Bonds. The Board of Trustees of the Village hereby appoints the firm of Capital Markets Advisors, LLC of Hopewell Junction, New York, as financial advisor in connection with the issuance and

sale of the Bonds. The Board of Trustees of the Village is hereby authorized to appoint an Escrow Holder, as that term is referred to herein, at a future date.

Section 10. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Refunding Bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the taxable real property within the Village, without limitation as to rate or amount.

Section 11. The Village Clerk/Treasurer, pursuant to Sections 50.00, 90.00, 90.10 and 168.00 of the Local Finance Law, and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including to correct or amend the documents and certificates authorized to complete the transactions contemplated by this resolution.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds consistent with the provisions of Section 90.10 of the Local Finance Law shall be determined by the Village Clerk/Treasurer and the powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Village Clerk/Treasurer.

Section 13. The Village intends to issue the obligations authorized by this resolution to finance the costs of the purposes described herein for the completion of the Refunding Financial Plan. The Village covenants for the benefit of the holders of the Refunding Bonds that it will not make any use of (a) the proceeds of the Refunding Bonds, any funds reasonably expected to be used to pay the principal of or interest on the Refunding Bonds or any other funds of the Village, and (b) the purposes financed with the proceeds of the Refunding Bonds, which would cause the interest on which 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 the Refunding Bonds or the proceeds thereof, if such action or omission would cause the interest on the Refunding Bonds 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 the Refunding Bonds or any other provision hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Refunding Bonds may be applied to reimburse expenditures or commitments made for the purposes on or after a date which is not more than sixty (60) days prior to the adoption date of this resolution by the Village.

Section 14. For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the Village agrees, in accordance with and as an obligated person with respect to the Refunding Bonds 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 Clerk/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 the Refunding Bonds in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the Village and that are approved by the Village Clerk/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 Clerk/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 Clerk/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 15. The validity of the Refunding Bonds may be contested only if such obligations are authorized for objects or purposes for which the Village is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of publication, or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 16. When this bond resolution takes effect, it shall be published in full by the Village Clerk/Treasurer, together with a notice in substantially the form prescribed by Section 81.00 of the Local

Finance Law, and such publication shall be in The Journal News a newspaper having a general circulation in the Village and which is hereby designated as the official newspaper of the Village for such purpose.

Section 17. This bond resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

D. Resolution Authorizing Settlement of Santangelo v. Village of Mamaroneck

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

WHEREAS, an action was commenced by Carmen Santangelo on or about July 15, 2008 in connection with a claim of false arrest and unlawful detention on July 17, 2007; and

WHEREAS, a settlement was agreed to by the Village's insurance carrier whereby the Plaintiff will receive the sum of \$6,500 (Six Thousand Five Hundred Dollars and Zero Cents); and

WHEREAS, the Village is obligated to pay \$6,500 (Six Thousand Five Hundred Dollars and Zero Cents) (as and 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 Santangelo v. Village of Mamaroneck (Index No. 08-14978) and authorizes the payment of \$6,500 (Six Thousand Five Hundred 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 \$6,500 (Six Thousand Five Hundred Dollars and Zero Cents) may be issued.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

E. Award of CDBG Boston Post Road Sidewalk Improvement Contract

Mr. Slingerland gave history on this project and also read the list of bids and bidders.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

WHEREAS, the Village Of Mamaroneck Issued A Notice to Bidders and Request For Bids for Contract 2009-04 for the CDBG Boston Post Road Sidewalk and Curb and related Streetscape Improvements Project, advertised and bid as a qualifications based bid and contract in the Village Of Mamaroneck; and

WHEREAS, a public notice was duly published on Tuesday, September 8, 2009, in the Gannett Westchester Newspaper, an official newspaper of the Village of Mamaroneck; and

WHEREAS, during the notice period about ten (10) companies picked up the contract documents and plans; and

WHEREAS, at 10 a.m. E.S.T., on Friday, September 25, 2009, the Village of Mamaroneck publicly opened and read eight (8) proposals; and

WHEREAS, on reviewing the proposals, the base bids were as follows:

	Total Bid
1. Let it Grow Inc. of Riveredge, NJ	\$239,922.50
2. Landi Contracting Inc. of Hawthorne, NY	\$251,410.00
3. Paladino Concrete Creations Corp of Mt. Vernon, NY	\$273,669.50
4. ELQ Industries Inc. of New Rochelle, NY	\$298,697.00
5. Con Tech Construction Technology Inc. of Yorktown Hts., NY	\$302,022.90
6. DeCarvalho Landscaping Service Inc. of Crugers, NY	\$308,613.00
7. Yonkers Paving Concepts of Yonkers, NY	\$396,555.00
8. Coppola Paving and Landscaping of the Bronx, NY	\$418,000.00

WHEREAS, Village Manager Richard Slingerland has checked and received positive references for Let it Grow, and has reviewed the qualifications and experience of the company with the Westchester County Planning Department which oversees the CDBG program and they have jointly determined that the lowest responsible bid that meets requirements is Let it Grow Inc. of Riveredge, NJ.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby award 2009-04 for the CDBG Boston Post Road Sidewalk and Curb and related Streetscape Improvements Project, advertised and bid as a qualifications based bid and contract in the Village Of Mamaroneck to Let it Grow Inc. of Riveredge, NJ, at the base total approximate base bid price for this unit price bid in the amount of two hundred thirty nine thousand nine hundred twenty two dollars and fifty cents (\$239,922.50) as provided in the bid and contract; and be it

FURTHER RESOLVED, that the Village Manager is authorized to sign this contract and all other appropriate Village officers and officials are authorized to take the necessary and appropriate actions to effect this contract for these services.

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

6. REPORT FROM VILLAGE MANAGER

Mr. Slingerland reported that according to weather experts, this will be an El Nino winter with equal changes of above or below precipitation and temperatures. He also informed the Board that he notified the Traffic Commission of the State DOT's upgrades on Rt. 1. The State is not asking for input, just as an FYI. There will be a four way pedestrian stop at Richbell Road and Boston Post Road at the request of Mamaroneck High School and cross walks will be added at Greenhaven Road and Sterling.

Mr. Slingerland has also communicated with the Town of Rye on the Continental View Manor foot bridge and they are moving forward with the project.

7. FLOOD MITIGATION REPORT

Mr. Slingerland will be attending a federal workshop being held by the NYSEMO and the Department of Homeland Security for pre-disaster hazard mitigation. Mr. Slingerland also stated that he received approval from the Army Corps on hand cleaning the streams and rivers but is still waiting for approval from the State DEC and County. He is also waiting for a call back on the state grant from the Army Corps.

Mayor Savolt reported on the upcoming meeting of the Scarsdale Planning Board and the two projects that are directly up river from the Village. One is on Mamaroneck Road and the Board asked that a wetlands study be done. The second project is on Garden Road. The Mayor will be attending the meeting.

8. REPORT FROM CLERK-TREASURER

None

9. REPORT FROM VILLAGE ATTORNEY

Ms. Insardi informed the Board that Local Laws 8 and 9 have been filed with the Department of State on October 19, 2009.

10. REPORT FROM POLICE CHIEF

None

11. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

The following minutes were submitted to the Board:

A. Board of Architectural Review – September 17, 2009.

12. COMMUNICATON TO THE BOARD II

Ms. Suzanne McCrory of The Crescent appeared. She had a comment on the Benmar project. She believes that the Board has no authority to appeal regarding Mr. Salanitro's project, but if Mr. Salanitro would like the Zoning Law changed, then it should be changed for all and in that instance, the BOT would have the authority to change the law.

Ms. McCrory brought to the Board's attention a flood zone issue. She believes the most severe flooding would come from the coastal area and one of her neighbors has requested a change in the flood zone, removing their property from the flood map. She believes this revision is creating a separate rule for one property from that which is applied to the other properties on the street and she is going to appeal this change. She asks that the Board also appeal it as it is an ill-considered practice for the community as a whole.

Ms. McCrory also informed the Board that she was told by FEMA that she could get the original modeling that FEMA based the flood map on. When applying for a copy, she was told that FEMA cannot locate it. She asked the Village to urge FEMA to update the coastal analysis for the entire community, not just this property.

Mr. Slingerland stated that the DEC uses aerial data and surveys to create the flood map. He was told, when having a problem with the flood map for Pelham that the municipality would have to hire an engineer and surveying firm to show elevations. He understands that the Ottingers hired

Leonard Jackson and Associations and they put together data and information that was submitted to FEMA and the DEC and they accepted it. Ms. McCrory stated that coastal analysis is different from river flooding analysis.

Mayor Savolt informed Ms. McCrory that in addition to her communication, the Board received information from the homeowners and FEMA and will be discussed in an executive session. Ms. Insardi informed the Board that the appeal period or request for reconsideration would have to include scientific information and needs to be submitted by December 20, 2009.

Updates from the Board

Trustee Ryan reported on the fishing rodeo and teen dance that took place recently at Harbor Island Park. Trustee Ryan informed residents of an upcoming Halloween Party at the Harbor and the Kiwanis Club trip to the Museum of Natural History in December. Also the Council of the Arts is sponsoring "Animal Wisdom" an interactive and family concert to take place at the Emelin Theatre on November 22 at 2 p.m. Lastly, Trustee Ryan reminded residents of the Turkey Trot also being held on November 22.

Trustee Hofstetter reported on the Oktoberfest celebration at the Senior Center.

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