

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, NOVEMBER 9, 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

Ms. June Ottinger of The Crescent appeared. Ms. Ottinger was at the meeting in reference to correspondence that was sent to the Board from her engineer, Leonard Jackson Associates dated November 4 and November 9, 2009. This correspondence is regarding the Letter of Map Revision (LOMR) prepared by Leonard Jackson Associates and approved by FEMA. Ms. Ottinger asked that the Village adopt the approved LOMR and not allow this to be subverted by a neighbor's objections.

Mayor Savolt stated that as she told Ms. Ottinger's neighbor, the process is being managed by the Village Engineer and Building Inspector and they will let the Village know what the procedural steps are and what needs to be done.

Mr. Slingerland informed the Board that he has been in contact with Mr. Jackson and reached out to Mr. Nechamen, who is the New York State Floodplain Manager and he will lead the forces to apply a fair standard to all residents.

2. APPROVAL OF MINUTES

A. Minutes of BOT Work Session of October 19, 2009

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that the Minutes of the BOT Work Session of October 19, 2009, be and are hereby approved.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

B. Minutes of BOT Regular Meeting of October 26, 2009

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter,

RESOLVED that the Minutes of the Board of Trustee Regular Meeting of October 26, 2009, as amended, be and are hereby approved.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

3. AUDIT OF BILLS

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that the Abstract of Audited Vouchers listed below dated November 9, 2009, copy being filed with the Village Clerk, as amended, be and the same are hereby ordered paid:

General Fund	\$ 324,088.54
Trust & Agency	<u>86.63</u>
	\$ 328,550.17

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

4. OLD BUSINESS

A. None

5. NEW BUSINESS

A. Resolution for Standardized Source Certificate – Excelsior Garage

Mr. Slingerland stated that this is something that came up during the audit process. There are provisions under state law that allows the Village to designate a standardized source if they meet certain requirements, which Excelsior Garage does.

DETERMINATION OF STANDARDIZED VENDOR FOR FIRE APPARATUS MAINTENANCE AND SERVICE AS MANUFACTURER'S AUTHORIZED DEALER

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

WHEREAS, the Excelsior Garage at 904 Mamaroneck Avenue has been the Village's selected vendor to service fire apparatus due to the fact that they are the Seagrave Fire Apparatus manufacturer's authorized dealer and service provider, which constitutes approximately half the Village's fire apparatus fleet. They are also the authorized service provider for Pierce, RD Murray/Spartan and Sutphen; and

WHEREAS, since Excelsior Garage is an authorized service provider for these vehicles, and operates within the Village of Mamaroneck's municipal boundaries which saves the Village on travel and transportation of vehicles in the event of failure or emergency.

NOW, THEREFORE, BE IT RESOLVED, that for reasons of efficiency and economy, and the fact that they are an authorized service provider for all of the Village's fire apparatus (which protects and preserves the warranties for these vehicles), that the Excelsior Garage at 904 Mamaroneck Avenue is hereby designated as the Village's standardized vendor for these services.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

B. Resolution Declaring Hook and Ladder Truck 21 ID #F75100 as Surplus

Mr. Slingerland stated that an evaluation was provided in 2008 on Ladder 21. Based on the age of the vehicle, it is no longer effective or safe to use.

RESOLUTION AUTHORIZING THE SALE OF A FIRE VEHICLE

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

WHEREAS, Hook and Ladder Truck 21 (1976 Seagrave vehicle, identification number F75100) has been retired by the Fire Department as it has exceeded its useful life and purpose; and

WHEREAS, the Village is desirous of selling the vehicle at public auction; and

WHEREAS, the Board of Trustees has indicated its desire to offer such vehicles/equipment for sale using a no cost online internet auction service or other standard method;

THEREFORE BE IT RESOLVED, that the Board of Trustees hereby authorizes the disposal of the following by public sale:

<u>YEAR</u>	<u>VEHICLE</u>	<u>VIN #</u>	<u>HOURS</u>	<u>MILEAGE</u>
1976	Seagrave Rear Admiral 100 foot Ladder Truck	F75100	1,932.32	24,898

BE IT FURTHER RESOLVED that the disposal of this vehicle is authorized in compliance with the requirements of law, and the Village Manager and all necessary and appropriate officials are authorized to take the actions necessary to dispose of this vehicle.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

C. Authorization of Change Order – Shaw Environmental Taylors Lane Site Evaluation

Mr. Slingerland stated that due to the results of the tests conducted on the Taylors Lane site by Shaw Environmental, the DEC determined that additional tests needed to be done. Mayor Savolt stated that 75% of the fees paid in relation to the Taylors Lane evaluation will be reimbursed by the state.

RESOLUTION AUTHORIZING CHANGE ORDER FOR SHAW ENVIRONMENTAL INC. FOR ADDITIONAL SERVICES AND TESTS REQUIRED BY THE NYS DEC

On motion of Trustee Hofstetter, seconded by Trustee Allison:

WHEREAS, it has been determined that additional services and tests are necessary for the

Taylor Lane property, as required by the NYS DEC; and

WHEREAS, based on the additional services required by the NYS DEC, Shaw Environmental Inc. has determined the cost to be \$19,748.00; and

WHEREAS, a change order is necessary to increase the amount of the contract from \$62,000 to \$81,748; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck approves the change order and authorizes Village Manager Richard Slingerland to enter into agreement with Shaw Environmental Services Inc. to authorize this testing in order to facilitate this management plan.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

D. Resolution to Schedule Public Hearing on Proposed Local Law 13-2009

Ms. Insardi stated that the current provision of the zoning code pertaining to site plan review contains a default approval that is not authorized by state law. The proposed amendment would bring this provision in line with state law.

On motion of Trustee Ryan, seconded by Trustee Allison:

RESOLVED that a Public Hearing on Proposed Local Law 13-2009 be and is hereby scheduled for November 23, 2009.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

E. Resolution Authorizing Renewal of Agreement with Rye YMCA for Yoga Program

Mr. Slingerland stated that the Village has an agreement with the Rye YMCA for holding yoga classes at the Pavilion. This agreement is expiring and they would like to continue to offer the program at Harbor Island Park.

RESOLUTION AUTHORIZATION
RENEWAL OF MEMORANDUM OF AGREEMENT WITH RYE YMCA

On motion of Trustee Ryan, seconded by Trustee Allison:

WHEREAS, the Rye YMCA seeks to continue to offer social, recreational and fitness programs for residents as a pilot program at Harbor Island in the Village of Mamaroneck; and

WHEREAS, the Rye YMCA will be providing programming and skilled, certified personnel to conduct these activities; and

WHEREAS, the Village of Mamaroneck, along with the Mamaroneck School District, Rye Neck School District, the municipalities and school districts in the City of Rye, the Town of Harrison, Town of Mamaroneck, Village of Larchmont, are members of the Activate America Coalition, spearheaded by the Rye YMCA; and

WHEREAS, the Activate America Coalition is desirous of combating obesity, and we are committed to the same goals as Activate America since we are a member of the Activate America Coalition; and

WHEREAS the Village of Mamaroneck and Rye YMCA will finalize the Memorandum of Agreement;

RESOLVED, that the Village Manager is hereby authorized to execute said renewal agreement.

Ayes: Allison, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

6. REPORT FROM VILLAGE MANAGER

Mr. Slingerland congratulated the Village officials who were elected into office. He reported on the CDBG sidewalks. The Village is moving forward, but will not begin construction until March as you need warmer weather to insure proper curing of the concrete. He will keep residents and businesses informed on when the construction will begin.

A. File for Record – Bay Fireworks Display Agreement – July 4, 2010

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

B. File for Record – Dept. of Army Corps of Engineers Approval Number NAN-2009-0113-ESP

Mr. Slingerland reported that the approval for the stream clean up permit from the Army Corps of Engineers is being filed for the record with the Clerk-Treasurer's office.

7. FLOOD MITIGATION REPORT

Mr. Slingerland reported that he has finally talked with the County Department of Public Works who are reviewing the stream cleaning permit submitted to the County. He also gave them a copy of the Army Corps approval, as it is a coordinated review. The DEC informed Mr. Slingerland that they cannot find the original letters and packages sent to them regarding the stream clean up project. His staff reproduced everything and it was resent. He will continue to follow up with them.

Mayor Savolt gave an update on the meetings in Scarsdale. She attended the Planning Board meeting and testified in reference to two projects there. The Parloto subdivision on Mamaroneck Road was approved but major changes to the site plan were made, keeping the wetlands intact. There is a new project on Garden Road. The Village will send a letter asking that the Village be considered an interested agency as this project is where the Sheldrake River begins.

8. REPORT FROM CLERK-TREASURER

A. File for the Record – Village Justice Court Auditor's Report

Mr. Fusco stated that the Village Justice Court Auditor's Report is being filed for the record.

B. Mamaroneck Public Library Vote

Mr. Fusco informed residents that the Library will be holding its vote on the budget and the election of three trustees on Tuesday, December 15, 2009.

Mr. Fusco also reminded residents that second half taxes are due by December 31, 2009.

9. REPORT FROM VILLAGE ATTORNEY

A. Ms. Insardi reported that the Village has received the unofficial results of the referendum, which was to appoint a hearing officer on police disciplinary actions, who would report to the Board of Police Commissioners. This was Proposed Local Law 6-2009 passed subject to the adoption of this referendum.

10. REPORT FROM POLICE CHIEF

None

11. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

The following minutes were submitted to the Board:

- A. Board of Architectural Review – October 6, 2009
- B. HCZM – June 17, July 15 (not accepted) and September 16, 2009
- C. Park & Recreation Commission – September 23, 2009
- D. Board of Ethics – September 2, 2009
- E. Budget Committee – June 16, 2009
- F. Planning Board – September 24, 2009

The Board had issue with the Harbor and Coastal Zone Management Commission minutes of July. They asked that the stenographer make the necessary corrections and resubmit to the Commission before resubmission to the Board.

12. COMMUNICATON TO THE BOARD II

None

Updates from the Board

Trustee Ryan reported on the Recreation Department's Halloween Party; 137 people attended. The Turkey Trot will take place on November 22, as well as the Animal Wisdom show at the Emelin. Trustee Ryan reminded resident of the upcoming trip to the Museum of Natural History.

Mayor Savolt reminded residents that Wednesday is Veterans Day and that the Village will be commemorating this day at 11 a.m. in front of the war memorial on Mt. Pleasant Avenue.

Trustee Hofstetter announced that the Tree Lighting Ceremony will take place on December 6.

On motion of Mayor Savolt, seconded by Trustee Ryan:

RESOLVED that the Board of Trustees convene to Execute Session to discuss matters leading to the employment of a particular individual.

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

