

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, DECEMBER 20, 2010 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT: Mayor Norman S. Rosenblum
Trustees Louis N. Santoro
Toni Pergola Ryan
John M. Hofstetter
Sid Albert
Village Manager Richard Slingerland
Village Attorney Steven Silverberg
Clerk-Treasurer Agostino A. Fusco
Assistant Village Manager Daniel Sarnoff

ABSENT: None

Mayor Rosenblum read the official notification of the Village elections from Westchester County.

PUBLIC HEARING ON PLL AD-2010 (Chapter 156 Dogs and other Animals)

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 20th day of December, 2010, at 7:00 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW AD-2010, a local law amending Chapter 156 (Dogs and other animals) of the Village Code to amend the law regarding the licensing of dogs pursuant to the change in NYS Agriculture and Markets Law delegating the responsibility to license dogs to local municipalities and the collection of fees.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law AD-2010 is on file with the Clerk-Treasurer of the Village of Mamaroneck and on the Village of Mamaroneck website.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Dated: December 10, 2010

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Public Hearing on PLL AD-2010 be and is hereby open.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Public Hearing on PLL AD-2010 be and is hereby closed.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that PLL AD-2010 be and is hereby adopted and shall read as follows:

LOCAL LAW 1-2011

A LOCAL LAW AMENDING CHAPTER 156 OF THE VILLAGE CODE, TO AMEND THE LAW REGARDING THE LICENSING OF DOGS PURSUANT TO THE CHANGE IN NYS AGRICULTURE AND MARKETS LAW DELEGATING THE RESPONSIBILITY TO LICENSE DOGS TO LOCAL MUNICIPALITIES.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK, AS FOLLOWS:

SECTION 1. Section 156 of the Village Code on Dog Licensing, is hereby deleted in its entirety, and a new section adopted as follows (track changes was used for the mark-up copy, to show the changes in the law between the existing code and the new code):

New Law proposed:

Chapter 156, DOGS AND OTHER ANIMALS

[HISTORY: Adopted by the Board of Trustees of the Village of Mamaroneck as indicated in article histories. Amendments noted where applicable.]

ARTICLE I. Purpose:

Purpose.

New York's dog licensing and animal population control programs were significantly changed by amendments to Article 7 of New York's Agriculture and Markets Law in 2010. Pursuant to this change, dog licensing was made a local government function. The purpose of this local law is to provide for the

licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

ARTICLE II, Dogs at Large; Enclosures [Adopted 7-25-1955 as Secs. 3, 4 and 5 of Ch. 2 of the Unified Code of Ordinances, effective 10-2-1955]

§ 156-1. Running at large prohibited; nuisances. [Amended 2-11-1963, effective 2-19-1963]

Dogs, whether licensed or not, shall be subject to the following restrictions:

A. No person owning or having the custody and control of a dog shall permit such dog to be at large in the Village of Mamaroneck elsewhere than on the premises of the owner, except that it may be on the premises of another person with the knowledge and assent of such other person, or as may otherwise be permitted in § 260 of this Code.

B. The owner or person having the custody and control of a dog in said Village of Mamaroneck which is not on the premises of the owner or upon the premises of another person with the knowledge and assent of such person shall control and restrain such a dog by a leash.

C. The fact that a dog is at large in the Village of Mamaroneck elsewhere than on the premises of the owner shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog.

D. No person owning or having the custody and control of a dog shall permit said animal to soil, deface or commit any nuisance on any public property or any cemetery, graveyard or burial ground located within the Village of Mamaroneck. [Added 5-9-1977 by L.L. No. 7-1977, effective 5-13-1977; amended 5-14-2001, effective 5-17-2001]

§ 156-2. Penalties for offenses. [Amended 2-11-1963, effective 2-19-1963; 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987]

A violation of this article shall be punishable by such penalties as set forth in § 119 of the Agriculture and Markets Law.

§ 156-3. Enclosures and runs.

A. No person shall construct, erect or maintain a dog enclosure or dog run within 30 feet of any building used for residential purposes.

B. No person shall construct, erect or maintain a dog enclosure or dog run within the front yard area of any building. [Added 7-8-1968, effective 7-18-1968]

§ 156-4. Effect on other provisions.

The foregoing section shall in no wise be deemed to change or alter in any respect laws or ordinances or regulations covering the licensing of dogs within the Village.

ARTICLE II, Licensing [Adopted 9-25-1978 by L.L. No. 12-1978, effective 9-28-1978]

§ 156-5. Licensing of Dogs required, rabies vaccination required, identification of dogs

- A. No person shall own or harbor a dog within the Village unless such dog is licensed with the Village Clerk pursuant to §109 (1) and (2) of the Agriculture and Markets Law of the State of New York.
- B. All dogs within the Village of Mamaroneck four (4) months of age or older, unless otherwise exempted shall be licensed.
- C. The owner of each dog required to be licensed shall obtain, complete and return to the Village Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Village of Mamaroneck.
- D. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required.
- E. Each license issued shall be valid for a period of one year from the date of issuance and shall not be transferrable.
- F. Pursuant to §111, Subdivision 1, of the NY State Agriculture and Markets Law on the identification of dogs, owners of dogs are required to have identification tags issued by the Village Clerk's Office of the Village of Mamaroneck assigning each dog with a municipal identification number.
- G. The identification number shall be carried by the dog on an identification tag which shall be affixed to a collar of the dog at all times, except while the dog is participating in a dog show. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the identification number has been assigned to.

§ 156-6. Fees. [Amended 10-12-1978 by L.L. No. 14-1978, effective 10-17-1987; 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987; 6-12-1989 by L.L. No. 12-1989, effective 6-19-1989]

- A. The fees for licensing a dog shall be as established by resolution of the Village Board pursuant to §110 of the Agriculture and Markets Law of the State of New York.
- B. No refund of fees shall be made once an application has been submitted to the Village Clerk.
- C. Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs.
- D. As required by Section 110 of the NYS Agriculture and Markets Law, in addition to the license fee established by (reference) of this law/ordinance, each applicant for a dog license shall pay the mandatory surcharge of at least one dollar (\$1.00) if the dog to be licensed is spayed or neutered, or a surcharge of at least three dollars (\$3.00) if the dog sought to be licensed is not spayed or neutered.

§ 156-7. Penalties for offenses. [Added 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987]

Any person violating this Article shall be subject to such penalties as set forth in § 118 of the Agriculture and Markets Law.

ARTICLE III, Collection of Fees [Adopted 1-23-1984 as L.L. No. 6-1984, effective 1-30-1984]

§ 156-8. Authority to collect redemption and adoption fees.

Pursuant to Article 7 of the New York State Agriculture and Markets Law, the Village of Mamaroneck is hereby authorized to collect redemption and adoption fees for seized dogs.

ARTICLE IV, Waste Removal [Adopted 6-17-1985 as L.L. No. 16-1985, effective 6-28-1985]

§ 156-9. Immediate removal required.

Any person who is the owner, keeper, harbinger, person in charge of or person walking a dog shall immediately pick up any feces expelled by such dog on any public property in the Village, or on any private property the owner of which has not given permission therefore and deposit them in a container lawfully used for the disposal of refuse. However, this provision shall not be applicable to a blind visually impaired person while actually using a guide dog licensed as such pursuant to the Agriculture and Markets Law of the State of New York and this chapter.

§ 156-10. Penalties for offenses. [Amended 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987]

Any person violating this Article shall be subject to a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both.

SECTION 2. Severability

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such adjudication shall have been rendered.

Section 3. Effective Date

This Local Law shall take effect immediately upon adoption and filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

1. COMMUNICATION TO THE BOARD

Ms. Marla Schneider of Melbourne Avenue and Ms. Gina Calcagni of Hunter Street appeared in reference to the safety issue around Daniel Warren School. They appeared at the Traffic Commission meeting and brought their issues to the attention of the Commission. There is an enforcement issue, which the Police Chief and the School Superintendent are aware of. The other issues raised at the Traffic Commission meeting are on the agenda and the Board will be voting on them later in the

meeting. The issue of speeding on Florence Street was also raised and how lowering the height of the speed limit signs could help. Mr. Slingerland will speak with Chief Leahy regarding this.

2. APPROVAL OF MINUTES

A. Minutes of BOT Regular Meeting of November 8, 2010(Including Public Hearings)

Trustee Ryan had sent grammatical corrections to Ms. Roberts earlier today, which the Board received and approved of.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of November 8, 2010 be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Abstain: Rosenblum

B. Minutes of BOT Regular Meeting of November 22, 2010 (Including Public Hearings)

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of November 22, 2010 be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

3. AUDIT OF BILLS

Trustee Ryan stated that she questioned the monthly retainer for the Village Attorney as she only worked a partial month. She understands that it was prorated; however, on page 5 the amount shown covers some expenses from legal services from December 2009 through December 2010. Trustee Ryan would expect for those expenses to have been submitted in a timelier manner. She has not had an opportunity to audit these expenses. She asked that the other members of the Board look at these expenses as well. Trustee Hofstetter recalls asking if the Village Attorney would be submitting bills with time sheets attached so that there would be no surprises. The Attorney informed Trustee Hofstetter that would not be the case as her contract did not require that. He is very concerned about that and that the Village is getting this bill at this time, as he was told several times that there would be

no additional billing by Ms. Derrico other than her retainer. Mayor Rosenblum believes that if we look at the number of hours that the Village Attorney worked and the pay she received, the Village got a very good deal. Trustee Ryan would have liked to see a breakdown of what the expenses were for specifically. Trustee Hofstetter suggested that this be removed from the abstract, until further information is received and reviewed. Mayor Rosenblum stated that none of the legal bills are broken out and perhaps all legal fees should be broken out. Trustee Albert believes that would be a good thing. Trustee Hofstetter stated that he is not comfortable paying anything other than the pro-rated salary amount for December. Trustee Santoro asked what the \$900 retainer fee paid to Jackson Lewis is for. He asked to get clarification of this charge. Trustee Hofstetter stated that he will make a motion to approve the audit with the amount of \$8,507.50 deducted, which represents the fees billed by Ms. Derrico for work other than the retainer agreement until further review can be done. Trustee Ryan requested reviewing Ms. Derrico's retainer agreement to see if the Board should have approved the meetings attended.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated December 20, 2010, with the amount of \$8,507.50 deducted, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 580,284.17
Capital Fund	52,168.05
Water Fund	17,995.00
Expendable Trust	455.35
Agency Fund	15,471.01
	<u>\$ 666,333.58</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: Santoro, Rosenblum

Mr. Slingerland asked for clarification from Mayor Rosenblum and Trustee Santoro that they are in favor of paying the abstract, but not in favor of deducting the amount of \$8,507.50 in which they agreed.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers covering prepaid invoices listed below dated December 20, 2010 be and hereby approved.

General Fund:	\$338,964.29
Agency Fund:	<u>9,125.00</u>
Total:	\$348,089.29

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: Santoro, Rosenblum

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Authorization of BOT to pre-order three Police Cars for 2011 Model Year for 2011-12 Budget

**RESOLUTION
AUTHORIZING THE VILLAGE OF MAMARONECK TO
PRE-ORDER THREE (3) 2011 MODEL FORD CROWN VICTORIA
POLICE PACKAGE VEHICLES OFF OF NYS CONTRACT**

WHEREAS the Village of Mamaroneck Police Department makes constant, heavy use of its police vehicles for law enforcement, pursuit, aided cases, and other police activities, and the vehicles function on a 24-hour a day, 7-day per week schedule, which requires that the front-line patrol vehicles be replaced on a regular basis, after which the front-line vehicles are rotated back to second-line vehicles for use by the detectives and lieutenants, after which they are transferred over to the other non-emergency departments for transportation use by the Assessor's Office, Building Department, and Traffic/Parking functions; and

WHEREAS the Village of Mamaroneck Police Department has determined that the most cost-effective purchase of new front-line police vehicles at this time is to continue with the Ford Crown Victoria Police Package vehicles, which the Village has been informed are scheduled to be discontinued after on or about the 2011 model year; and

WHEREAS the Village of Mamaroneck Board of Trustees determines that it is a matter of substantial enough importance to pre-order these vehicles now, to ensure delivery to the Village of the

vehicles necessary to continue to provide the quality of law enforcement services the Village of Mamaroneck Police Department provides.

On motion of Trustee Ryan, seconded by Trustee Santoro:

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Mamaroneck authorize and direct the Village Manager and the Police Chief to take the necessary and appropriate actions to submit a pre-order purchase order for three (3) new 2010 or 2011 model Ford Crown Victoria Police Package vehicles and to take the necessary and appropriate actions, including signing contracts, to effect the purchase of and payment for these vehicles in the next Fiscal Year starting on or after June 1, 2011.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Items and Requests for consideration by the NY State Legislature

1. Resolution supporting the NYCOM Mandate Relief Package

RESOLUTION
SUPPORTING NEW YORK STATE CONFERENCE OF MAYOR'S (NYCOM)
MANDATE AND PROPERTY TAX RELIEF PACKAGE
FOR CONSIDERATION BY THE NEW YORK STATE LEGISLATURE

WHEREAS, the Village of Mamaroneck, and all other municipalities across New York State are in tight economic times; and

WHEREAS, over many decades the State of New York has enacted programs and requirements that apply to all levels of government, including counties, cities, towns, villages and school districts, without providing the requisite funding needed to comply with these programs, which have come to be known as unfunded mandates; and

WHEREAS, for decades NYCOM has been analyzing the issues facing local governments and has made recommendations to the New York State Legislature on behalf of cities and villages seeking to reduce or eliminate these mandates; and

WHEREAS, NYCOM has produced a package of policy issues and mandate relief initiatives which include requests for New York State to address issues that would give real and meaningful mandate relief to local governments in these economically challenging times.

On motion of Trustee Albert, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED, that the Village of Mamaroneck hereby acknowledges its support for NYCOM's Mandate Relief Package entitled, "You Can't Cap What You Can't Control" and asks the New York State Legislature and Governor's Office to give full consideration for the items included in it, in particular for mandate relief proposals ranging from reforming public employment laws and regulations regarding benefits, revising the Taylor Law, addressing the impact of PERB Decisions, and raising the limits applicable to Prevailing Wage Requirements from the current limit of \$1,500 enacted in 1971 to the current state limit for publicly bid contracts which is contracts in excess of \$35,000; and

BE IT FURTHER RESOLVED that the Board of Trustees directs the Village Manager and the Clerk/Treasurer's Office to forward a copy of this resolution to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, the Senator representing the 37th Senate District, the Assemblyman representing the 91st Assembly District, and the New York State Conference of Mayors.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(2) Resolution opposing the enactment by NYS of a Mandatory Property Tax Cap on Municipalities

RESOLUTION

A NEW YORK STATE ENACTED PROPERTY TAX CAP MUST INCLUDE MANDATE RELIEF

WHEREAS the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS New York leads the nation in property taxes in large part because we lead the nation in imposing inefficient state mandates on local governments; and

WHEREAS two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS as a solution to New York's property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

WHEREAS a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates, and an agreement not to impose new mandates, that require local governments to increase spending and property taxes; and

WHEREAS a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees;

On motion of Trustee Albert, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED by the Village of Mamaroneck that the Governor of the State of New York and the members of the New York State Senate and Assembly must reform the cost drivers that lead to high property taxes in New York – especially including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.

BE IT FURTHER RESOLVED that the Board of Trustees directs the Village Clerk/Treasurer's Office to forward a copy of this resolution to the Governor, Senate Majority and Minority Leaders,

Assembly Speaker and Minority Leader, the Senator representing the 37th Senate District, the Assemblyman representing the 91st Assembly District, and the New York State Conference of Mayors.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- (3) Resolution requesting Home Rule Legislation to enact the establishment of a Hotel Tax applicable to hotels in the Village

**RESOLUTION RE:
HOME RULE REQUEST FOR SPECIAL LEGISLATION TO ESTABLISH A HOTEL TAX IN THE
VILLAGE OF MAMARONECK**

WHEREAS, there are multiple hotels/motels in the Village of Mamaroneck that receive various municipal services including police and fire protection for the transient guests who stay at these facilities; and

WHEREAS, Chapter 381 of the Laws of 2010 provided for the establishment of a three percent (3%) hotel tax in the Village of Rye Brook, making it the first Village in New York State to be authorized to establish such a tax; and

WHEREAS, in recognition of the various municipal services provided to the transient guests of these hotels/motels in the Village of Mamaroneck and the importance of developing non-property tax revenues, it is appropriate that the Village request such similar special legislation.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that the Village Manager is herein requested to draft a letter to be submitted to State Senator Suzi Oppenheimer and Assemblyman George Latimer to make a home rule request for the consideration and enactment of special legislation to establish hotel tax in the Village of Mamaroneck.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- C. Resolution declaring Official Record of Time Worked by Local Officials

**RESOLUTION RE:
ESTABLISHING STANDARD WORK DAYS FOR ELECTED AND APPOINTED OFFICIALS
OF THE VILLAGE OF MAMARONECK**

WHEREAS, the New York State and Local Retirement System (NYSLRS) has set certain reporting requirements that apply to elected and appointed officials whose terms started on or after August 12, 2009, who are members of the NYSLRS and who do not participate in their employee's time keeping system; and

WHEREAS, based on this new regulatory requirement, the Village must establish a standard workday for each of these elected and appointed offices, specify the expectation of each term, designate the number of days to be reported for each official and certify receipt of records of activities.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, the Village of Mamaroneck hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted to the Clerk of this Body:

Title	Name	Social Security (Last 4 digits)	Registration Number	Standard Work Days (Hrs/Day)	Term Begin/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on record of activities)
Elected Officials							
Mayor	Norman Rosenblum	XXXX	XXXXXXXX	4	12/7/2009 – 12/4/2011	N	20
Trustee	John Hofstetter	XXXX	XXXXXXXX	3	12/6/2010 – 12/3/2012	N	20
Trustee	Toni Ryan	XXXX	XXXXXXXX	3	12/6/2010 – 12/3/2012	N	20
Trustee	Sid Albert	XXXX	XXXXXXXX	3	12/6/2010 – 12/3/2012	N	20
Judge	Daniel Gallagher	XXXX	XXXXXXXX	9	12/7/2009 – 12/4/2011	N	2
Judge	Christie Derrico	XXXX	XXXXXXXX	9	12/6/2010 – 12/3/2012	N	2
Appointed Officials							
Village Manager	Richard Slingerland	XXXX	XXXXXXXX	7.5		Y	20
Clerk-Treasurer	Agostino Fusco	XXXX	XXXXXXXX	7.5	12/7/2009 – 12/4/2011	Y	20
Deputy Treasurer	Carole Popick	XXXX	XXXXXXXX	7.5	12/7/2009 – 12/4/2011	Y	20
Deputy Clerk	Sally Roberts	XXXX	XXXXXXXX	7.5	12/7/2009 – 12/4/2011	Y	20

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Resolution to Enter into Agreement with the Friendship Ambassadors Foundation regarding Jazz Fest

This item was tabled for discussion at the next Work Session.

- E. Schedule Public Hearing on PLL AE-2010 (Change of Doubling Period(s) for Delinquent Parking Tickets

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that a Public Hearing on Proposed Local Law AE-2010 be and is hereby scheduled for January 10, 2011.

BE IT FURTHER RESOLVED that the Board of Trustees has determined itself to be Lead Agency as it is the only board/agency who can take this action and this matter has been determined to be an **Unlisted Action** and the Board of Trustees has reviewed a short form EAF and determined that there are no negative environmental impacts.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- F. Authorization for Village Manager to Execute Revised County IMA for CDBG Streetscape Project for Mamaroneck Ave. and Old White Plains Road

RESOLUTION RE:

AUTHORIZATION TO EXECUTE AN INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR CDBG FUNDS FOR THE MAMARONECK AVENUE AND OLD WHITE PLAINS ROAD AND MAMARONECK AVENUE STREETSCAPE IMPROVEMENT PROJECT

WHEREAS, Westchester County has awarded a the Village of Mamaroneck a CDBG grant in the amount of \$350,000 for streetscape improvements on Mamaroneck Avenue between Jefferson Avenue and Van Ranst Place and Old White Plains Road between Grand Street and Center Avenue; and

WHEREAS, based on this CDBG award, the planned funding for the aforementioned streetscape improvements is displayed as follows:

Village of Mamaroneck	-	\$350,000
CDBG	-	\$350,000
TOTAL	-	\$700,000

; and

WHEREAS, Westchester County recently proffered a CDBG Program Agreement to the Village, which stipulates the terms and conditions for accepting the \$350,000 grant award.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED, that the Village Manager is hereby authorized to execute a Community Development Block Grant (CDBG) Program Agreement for a \$350,000 grant award to be used for the Old White Plains Road and Mamaroneck Avenue Streetscape Improvement Project; and be it further

RESOLVED, that the Village Manager is hereby authorized to undertake such administrative acts as may be required pursuant to the terms of the agreement.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Authorization for Village Manager to Execute Snow and Ice Agreements for (1) New York State and (2) County DOT

**RESOLUTION RE:
NEW YORK STATE INDEXED LUMP SUM MUNICIPAL SNOW AND ICE AGREEMENT
EXTENSION FOR 2011/2012**

WHEREAS, pursuant to Section 12 of the New York State Highway Law, the maintenance of State highways includes control over snow and ice removal authorized by the New York State Department of Transportation (NYSDOT), in order to make these roads safe and passable; and

WHEREAS, there are 11.9 lane miles of New York State-owned roads located within the Village of Mamaroneck; and

WHEREAS, the snow and ice control on these State roads may be done by the host municipality, pursuant to an agreement entered into by the municipality and the NYSDOT; and

WHEREAS, the State of New York, in the interest of public safety, has historically contracted with the Village for snow and ice removal services on these roads, the most current contract set to expire as of June 30, 2011; and

WHEREAS, the NYSDOT recently sent the Village an agreement to extend the fixed lump sum municipal snow agreement another one year extension for consideration for the 2011/2012 season; the extension proposed to commence on July 1, 2011 and terminate June 30, 2012 with the estimated index lump sum expenditure at \$1,552 per lane mile, or a total of \$18,468.80.

On motion of Trustee Santoro, seconded by Trustee Albert:

RESOLVED, that the Village Board of Trustees hereby authorizes the Village Manager to execute the New York State Index Lump Sum Municipal Snow and Ice Extension Agreement for Seasons 2011/12, between the Village of Mamaroneck and the New York State Department of Transportation for snow and ice removal services, in substantially the same form as attached hereto; and be it further

RESOLVED, that the Village Manager is, herein, authorized to undertake all administrative acts required pursuant to the terms of the Agreements including the execution of any amendments to the above cited extension.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

**RESOLUTION RE:
AUTHORIZATION TO EXECUTE WESTCHESTER COUNTY SNOW AND ICE AGREEMENT**

WHEREAS, Westchester County owns 2.35 lane miles of road within the Village of Mamaroneck, and

WHEREAS, Westchester County desires to obtain services for snow and ice removal from these roads in order to provide reasonable passage and movement of vehicles; and

WHEREAS, in the interest of public safety the Village of Mamaroneck has historically provided this service to Westchester County through previous agreements; and

WHEREAS, the reimbursement rate received from the County for services rendered by the Village shall total approximately \$10,512.47 for the 2010/11 season; and

WHEREAS, any annual increase in reimbursement payments to the Village during this agreement shall be based on a percentage increase in the Consumer Price Index (C.P.I.) from the previous twelve months but not to exceed 3 ½ % from the preceding year's amount.

On motion of Trustee Santoro, seconded by Trustee Albert:

RESOLVED, that the Village Manager is hereby authorized to sign and execute an agreement between the Village of Mamaroneck and Westchester County for snow and ice removal on County-owned roads; and be it further

RESOLVED, that the Village Manager is herein authorized to complete all other administrative acts necessary pursuant to this agreement.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Authorization for Village Manager to Execute Agreement w/Northern Praying Mantis and Tai Chi Martial Arts Center

RESOLUTION RE:

**AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH
NORTHERN PRAYING MANTIS AND TAI CHI MARTIAL ARTS CENTER**

WHEREAS, a mission of the Village of Mamaroneck Recreation Department is to provide a wide variety of activities that enhance and promote the cultural, social and educational experiences of the residents of the Village of Mamaroneck; and

WHEREAS, in pursuit of this mission, the Village is desirous of offering a martial arts instruction program to Village residents; and

WHEREAS, the Village has negotiated a professional services agreement with Northern Praying Mantis and Tai Chi Martial Arts Center to provide such a program.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the Village Manager is herein authorized to execute a professional services agreement with Northern Praying Mantis and Tai Chi Arts Center, 822 Mamaroneck Avenue, Mamaroneck, NY 10543.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Authorization for Village Manager to Execute Agreement w/U.S. Sports Institute
This item was tabled for clarification.

J. Authorization for Village Manager to Execute Change Order for River Dredging Project

RESOLUTION
AUTHORIZING A CHANGE ORDER
TO ELIMINATE ONE LOCATION, REPLACING IT WITH ANOTHER LOCATION
AWARDED UNDER CONTRACT 2010-02 FOR REMOVAL OF SILT AND DEBRIS PILES
FROM THE MAMARONECK AND SHELDRAKE RIVERS
IN THE VILLAGE OF MAMARONECK

WHEREAS, the Village awarded contract 2010-02 for River Maintenance Dredging to Landi Contracting Inc. of Hawthorne, NY; and

WHEREAS, upon reviewing the locations to be cleaned, it was determined that one of the silt and debris build-up locations in the award was not as great a priority as a location in the Shel Drake River, on both sides of the Fenimore Road bridge, which has significant silt damming and narrowing of the river by between 5 and 10 feet.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck authorizes the elimination of the Mamaroneck River dredging location to be replaced by the Shel Drake River dredging location, for a credit of \$6,000 for Hillside Avenue, and a gross increase in expense of \$21,000, which is an overall net increase in expense to the Village by \$15,000, and authorizes the Village Manager to sign this change order and to take the necessary and appropriate actions to effect this change in work.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

K. Approval of Recommendations from Traffic Commission

(1) Harrison Avenue to improve safety for school drop off and pick up traffic

WHEREAS, at their meeting of November 10, 2010, the Board of Traffic Commissioners recommended the following amendment to Chapter 326 (Vehicle & Traffic), Section 88 (Schedule XXI – Parking Prohibited Certain Hours) of the Code of the Village of Mamaroneck; and

WHEREAS, the Traffic Commission determined that prohibition is necessary to improve queuing and safety of vehicles lining up to drop-off and pick-up students from the Daniel Warren School, and to improve the safety of pedestrians walking to school.

(Since Harrison Avenue runs North/South, this amendment also eliminates erroneous compass directions in the existing code)

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic Section 86 (Schedule XXI – Parking Prohibited Certain Hours) of the Code of the Village of Mamaroneck be and is hereby adopted.

Section 88, Schedule XXI

PARKING PROHIBITED CERTAIN HOURS

RESCIND:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Harrison Avenue (N.Y. Route 127)	North	From 8:00 a.m. to 9:00 a.m. and from 2:30 p.m. to 3:30 p.m.	From a point 20 feet west of Laura Joy Circle to the driveway of the School house at 1320 Harrison Avenue
Harrison Avenue (N.Y. Route 127)	North	From 8:00 a.m. to 9:00 a.m. and from 2:30 p.m. to 3:30 p.m./ Monday through Friday on school days	From Laura Joy Circle to a point 15 feet east of the fire hydrant in front of 1420 Harrison Avenue

-and-

ADD:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Harrison Avenue (N.Y. Route 127)	West	From 8:00 a.m. to 9:00 a.m. and from 2:30 p.m. to 3:30 p.m. on school days	From the northern most driveway of the Daniel Warren School to West Street

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(2) Parking Prohibited at all times both sides of Seney Avenue – Walton to Claflin

WHEREAS, at their meeting of November 10, 2010, the Board of Traffic Commissioners 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; and

WHEREAS, the Traffic Commission determined that prohibition is necessary due to the narrowness of the roadway and problems which exist with accessibility by emergency vehicles.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that 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 be and is hereby adopted.

Section 80, Schedule XIII

PARKING PROHIBITED AT ALL TIMES

Add:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Seney Avenue	Both	From Walton Avenue to Claflin Avenue

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(3) Parking Prohibited all times Tompkins Ave. South from church driveway to a point 30 feet Feet west thereof

WHEREAS, at their meeting of November 10, 2010, the Board of Traffic Commissioners 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; and

WHEREAS, the Traffic Commission determined that prohibition is necessary to provide safety to vehicles exiting the church/nursery school parking lot and parents and children walking to the nursery school.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, that 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 be and is hereby adopted.

Section 80, Schedule XIII

PARKING PROHIBITED AT ALL TIMES

Add:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Tompkins Avenue	South	From the church driveway to a point 30 feet west thereof

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- (4) Parking Prohibited all times Sophia Street West from first driveway south of Boston Post Road to a point 18 feet south thereof

WHEREAS, at their meeting of November 10, 2010, the Board of Traffic Commissioners 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; and

WHEREAS, the Traffic Commission determined that prohibition is necessary to improve safety of vehicles exiting the driveway of 14 Sophia Street.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that 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 be and is hereby adopted.

Section 80, Schedule XIII

PARKING PROHIBITED AT ALL TIMES

Rescind:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Sophia Street	West	From the first driveway south of Boston Post Road, to a point 18 feet south thereof

-and-

Add:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Sophia Street	West	From the first driveway south of Boston Post Road to the driveway of 14 Sophia Street

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- L. Motel License Renewals
(1) Mamaroneck Motel

RESOLUTION FOR RENEWAL OF MOTEL LICENSE

WHEREAS the application for motel license renewal for 2010 was sent to Mamaroneck Motel;
and

WHEREAS the Clerk-Treasurer's office is in receipt of inspection reports from both the Building
and Police Departments; and

WHEREAS there were no violations noted and the records appear in good order, a resolution for
renewal of the license needs to be approved by the Board.

On motion of Trustee Albert, seconded by Trustee Santoro:

RESOLVED that the Motel License for Mamaroneck Motel be and is hereby renewed for a one
year period, such period to expire on December 31, 2011.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- (2) Vincent & Sons Motel

WHEREAS the application for motel license renewal for 2011 was sent to Vincent & Sons Motel;
and

WHEREAS the Clerk-Treasurer's office is in receipt of inspection reports from both the Building and Police Departments; and

WHEREAS there were no violations noted and the records appear in good order, a resolution for renewal of the license needs to be approved by the Board.

On motion of Trustee Albert, seconded by Trustee Santoro:

RESOLVED that the Motel License for Vincent & Sons Motel, Inc. be and is hereby renewed for a one year period, such period to expire on December 31, 2011.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

M. Approval of 2011 dates for Mamaroneck Shares Events

**RESOLUTION AUTHORIZING THE CLOSURE OF MAMARONECK AVENUE BETWEEN
SPENCER & PROSPECT FOR THE MAMARONECK SHARES EVENTS 2011**

WHEREAS, Mamaroneck Shares is a community action, non-profit organization dedicated to providing services and programs to at-risk members of the community; and

WHEREAS, in their first year of operation, Mamaroneck Shares held three events and raised in \$12,435 which was in-turn distributed to local charities; and

WHEREAS, Mamaroneck Shares is planning four events for the summer of 2011 that embrace family, festival, ethnic food and fun; and

WHEREAS, all four events will be held on Mamaroneck Avenue, transforming it to a pedestrian mall from Mount Pleasant Avenue to Boston Post Road starting at 7 p.m.; and ending at 11 p.m.

WHEREAS, Mamaroneck Shares has requested that commencing at 6:45 p.m., Mamaroneck Avenue from Mount Pleasant Avenue to Boston Post Road be closed to vehicular traffic on June 16 and July 28, August 18 and September 9, 2011.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

NOW THEREFORE BE IT RESOVLED that the Board of Trustees hereby approves the closure of Mamaroneck Avenue from Spencer Avenue to Prospect Avenue for the Mamaroneck Shares events to take place on June 16 and July 28, August 18 and September 9, 2011.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

6. **REPORT FROM VILLAGE MANAGER**

A. File for Record – Agreement with Red Oak Consulting

Mr. Slingerland stated that this agreement has been filed for the record with the Clerk Treasurer's office.

B. File for Record – Camden Technologies, Inc. Telecommunications Services Agreement

Mr. Slingerland stated that this agreement has been filed for the record with the Clerk Treasurer's office.

C. File for Record – NYS DOT Extension of Fixed Lump Sum Snow & Ice Agreement

Mr. Slingerland stated that this agreement has been filed for the record with the Clerk Treasurer's office.

D. File for Record – Fireworks Display Agreement with Pyro Engineering, Inc.

Mr. Slingerland stated that this agreement has been filed for the record with the Clerk Treasurer's office.

E. File for Record – License Agreement between VOM and Roxann Brucciani

Mr. Slingerland stated that this agreement has been filed for the record with the Clerk Treasurer's office.

7. FLOOD MITIGATION REPORT

Mr. Slingerland reported the Village is moving quickly on the river dredging and three areas have been completed. The Village is also looking to buy a Menzi Mucker. The Flood Committee has asked the Board to input an annual expense for stormwater management and river dredging at an amount of \$20,000. Mr. Slingerland and Mr. Sarnoff spoke with the State Emergency Management office and Mr. Sarnoff reported that the grant application for an All Hazard Mitigation Plan has been awarded in the amount of \$37,500. The program guidelines have been reviewed and an RFP is being prepared to get proposals from qualified consulting firms to work on this plan. Mr. Slingerland stated that last week, he, Mr. Sarnoff, the Police Chief and Police Lieutenant attended a quarterly emergency training workshop and it turned out that we had a situation here in the Village with a potential bomb scare. Although this turned out to be a false alarm, the proper precautions and steps were taken to assure that all were safe. Mayor Rosenblum and Trustee Hofstetter both spoke about this emergency as they were there. They commended all involved.

8. REPORT FROM CLERK-TREASURER

A. Reminder of Second Half Taxes

Mr. Fusco reminded residents that second half taxes are due on or before December 31, 2010

B. File for Record – Official Election Results from County

Mr. Fusco filed for the record the Official Election results from Westchester County.

C. File for Record – Elections Results from Library Vote

Mr. Fusco filed for the record the election results from the Library.

D. File for Record – Fact Sheet Prepared by Groundwater & Environmental Services on Former Mobile Site

Mr. Fusco filed for the record the fact sheet prepared and submitted by Groundwater & Environmental Services on the former Mobile gas station site.

9. REPORT FROM VILLAGE ATTORNEY

None

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

A. Board of Traffic Commissioners – October 13, 2010

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the October 13, 2010 minutes of the Traffic Commission be and are hereby approved:

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

B. Board of Architectural Review – October 21, 2010

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the October 21, 2010 minutes of the Board of Architectural Review be and are hereby approved:

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

C. Committee for the Environment – October 19, 2010

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the October 19, 2010 minutes of the Committee for the Environment be and are hereby approved:

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

D. Planning Board – October 28, November 11 & 29, 2010

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the October 28, November 11 and November 29, 2010 minutes of the Planning Board be and are hereby approved:

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum
Nays: None

Updates from the Board

Trustee Ryan reported on the Tree Lighting Social. She believes that it was the most successful we have had in years. Trustee Ryan reported on the moving ceremony with Wreaths Across America when they stopped at Kemper Memorial.

Trustee Hofstetter reported on the Holiday concerts at the area school. The children did a wonderful job. He wished all a happy holiday season.

Trustee Albert attended the senior holiday party at the VFH. It was a good time and he wished all a happy holiday.

Trustee Santoro reminded residents of the Recreation Department's third annual trip to the Museum of Natural History to take place on December 28 and that there are only 5 tickets remaining. Trustee Santoro read a letter received by Wreaths Across America thanking the Village for all of the accommodations and the wonderful ceremony.

Mayor Rosenblum also attended all of the holiday events. He also reported on the work being done at the African American ceremony in Rye Brook and encouraged all residents to visit.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Board of Trustees convene to Executive Session to discuss personnel matters.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

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