

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, NOVEMBER 22, 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
Marianne V. Ybarra
Village Manager Richard Slingerland
Village Attorney Christie McEvoy-Derrico
Deputy Clerk Sally J. Roberts
ABSENT: None

Mayor Rosenblum announced that as a result of an Executive Session held, the following items are being removed from the agenda; Item 5D – Authorization for the Village to enter into Revised Stipulation Agreement with Mamaroneck Beach and Yacht Club; Item 5I – Addition of Agenda Item 5J and 5J – Discussion of Individual Board or Commission Members Actions & Relationship to the Established Laws. Mayor Rosenblum asked for a motion to remove these items.

On motion of Trustee Hofstetter, seconded by Trustee Santoro:

RESOLVED that Agenda Items 5D, 5I and 5J of the Regular Board Meeting of November 22, 2010 be and are hereby removed from the agenda:

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

PROCLAMATION HONORING WILLIAM E. KRELL

Mayor Rosenblum read the proclamation honoring Mr. Krell on his 100th Birthday. He will present the proclamation to Mr. Krell at his scheduled birthday party.

PUBLIC HEARING ON PLL AC-2010 (Chapter 318-9 on Locations Where Trees can be Planted in Relation to Distance from Curbs & Sidewalks)

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 22nd day of November, 2010, at 7:30 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 AC-2010, a local law amending Chapter 318 (Trees) Section 318-9 (Distance from curbs and sidewalks), of the Code of the Village of Mamaroneck regarding the planting of Village trees in the public right of way.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law AC-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: November 12, 2010

Mr. Slingerland reviewed the changes to the law which were recommended by the Tree Committee.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the Public Hearing on PLL AC-2010 be and is hereby opened:

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

Mr. Stuart Tiekert of Beach Avenue appeared. Mr. Tiekert is a member of the Tree Committee and when writing these guidelines, he thought that these would be set as guidelines, not constituted as a Village law. He does not see any reason to make this a law, it should be treated the same as the guidelines for planting a tree. Mr. Tiekert stated that there have been 24 laws brought forward this year, which he believes are too many. He also stated that the state law reads that all proposed local laws be brought forward by a member of the legislative body. Mr. Slingerland stated that he has checked on this with the New York Conference of Mayors and the Pace Municipal Law Institute and they both concur that a proposed local law does not need to be sponsored by a specific member of the

Board. That is a requirement at the county or state level. Mr. Tiekert believes that it is important that the residents know who is responsible for bringing forward a local law. Mr. Tiekert had a suggested change to the law, which Ms. Derrico requested be forwarded to her.

Ms. Sue McCrory of The Crescent appeared. She believes that as this law is only meant for Village staff as residents cannot plant in the Village right of way and having it constituted as a local law it seems that it is trying to govern the residents' actions.

Mr. Dan Natchez appeared. He believes that where the center of a tree is planted should have to do with the tree that is being planted, as some root systems could lift a sidewalk.

Mr. Slingerland suggested adjourning this hearing to a future date and referring it back to the Tree Committee for their comments.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on PLL AC-2010 be and is hereby adjourned.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

1. COMMUNICATION TO THE BOARD

Dr. Charles Morelli of Beach Avenue appeared on the Pine Street issue. He thanked the Board for meeting with him at the work session. It was a productive meeting; however he didn't know what action would be next. He asked the Board to clarify the actions they will take and the time frames for those actions.

Mr. Slingerland stated that this was referred to the Building Inspector and Village Engineer asking for their analysis of what the Village should do in regard to this issue and he expects to have these reports within two weeks. Dr. Morelli shared pictures of the ponding problem on Pine Street. The pictures were submitted for the record. He informed the Board and residents that Pine Street has a Facebook page and these pictures are posted on this page.

Assemblyman George Latimer appeared. It is six weeks before the new legislative session and he asked that if there are any Home Rule bills that the Village has, they should begin working on them. He is happy to do any legwork needed so that on day one; the legislation is ready to be submitted to

both the Assembly and Senate. Assemblyman Latimer stated that this past year Rye Brook, Rye City and New Rochelle received Home Rule authority to collect up to 3% of hotel tax revenue. This is something the Village of Mamaroneck can do as well if they like.

Ms. Sue McCrory of The Crescent appeared to follow up on the issue that it appears that we are paying \$825,000 to an entity that she believes does not exist. Ms. McCrory submitted documentation from the Department of State regarding this matter. She cannot find any evidence that Mamaroneck Beach and Yacht Club LLC does exist and asked if the Village was able to verify this. Mr. Slingerland read into the record correspondence from our attorney, Callahan and Fusco. This document was filed for the record. Ms. McCrory prepared a chart of all of the club's entities, which she shared with the Board. Because of all the different entities, she does not understand how we can be sure that a financial study of the property will include all entities involved. Ms. McCrory believes that if the Village wants to pay the owner of the property, they should pay Mamaroneck Beach and Yacht, no club; as this entity is well documented. She strongly urged the Board to correct this error so that we settle with the owner of the property. She is also concerned that we may not be dealing with people who are authorized to act on behalf of each of the corporations listed. One of the entities listed is a Type A corporation which is governed by a Board of Directors. She asked who these Directors are and are we sure that we are settling with the authorized legal body governing the activities of the corporation.

Trustee Hofstetter hopes that we have checked this carefully. Mayor Rosenblum suggested that Ms. McCrory also speak with the Planning Board regarding this. Ms. Derrico stated that all of this information has been forward to Steve Silverberg, counsel for the Planning Board.

2. APPROVAL OF MINUTES

A. Minutes of BOT Regular Meeting of October 12, 2010 (Including Public Hearings) – resubmitted
Trustee Ryan had sent grammatical corrections to Ms. Roberts earlier today, which the Board received and approved of. Trustee Hofstetter stated that the proposed resolution he read into the record was not included and asked that it be added to the minutes. The Board agreed to add this.

On motion of Trustee Santoro, seconded by Mayor Rosenblum:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of October 12, 2010 with the above noted addition be and are hereby approved.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

B. Minutes of BOT Regular Meeting of October 25, 2010 (Including Public Hearings)

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of October 25, 2010 be and are hereby approved.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

3. AUDIT OF BILLS

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED that the Abstract of Audited Vouchers listed below dated November 22, 2010, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 462,935.17
Capital Fund	34,738.79
Escrow Deposit	317.49
	<hr/>
	\$ 497,991.45

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

4. OLD BUSINESS

5. NEW BUSINESS

A. Resolution Authorizing Additional Charges for Red Oak Consulting to Review all Collection Routes

Mr. Slingerland reviewed the resolution and the work that is going to be done by Red Oak Consulting. Mayor Rosenblum asked that there be a date of completion added to the resolution. The Board agreed and suggested that a completion date of February 15 be added to the resolution. The Board also discussed and agreed to add the monitoring of one recycling route which would include the downtown area for a cost of \$1200 be added to the resolution.

RESOLUTION
AUTHORIZATION TO EXECUTE AN AMENDMENT TO A PROFESSIONAL SERVICES
AGREEMENT WITH RED OAK CONSULTING IN CONNECTION WITH ITS ANALYSIS OF
VILLAGE DPW AND PARKS OPERATIONS

WHEREAS, by resolution dated February 22, 2010, the Village Board of Trustees authorized the execution of a professional services agreement with Red Oak Consulting to review certain Village operations to determine if efficiencies could be realized through the reallocation of Village resources specifically of the DPW and Parks operations for a not-to exceed cost of \$28,500, with a reduction in the amount of work enacted in order to control costs; and

WHEREAS, upon commencement of the work monitoring and investigating the actual routes, subsequent to the execution of the original agreement, the Village has requested that Red Oak expand its scope of work to include “ride-along” reviews of all six (6) sanitation routes and additional recycling routes as it will provide for a more thorough and comprehensive analysis that is necessary to perform a complete review of the Sanitation function, as it relates to the functions of the rest of the Department of Public Works and the Parks Department; and

WHEREAS, this expanded enhanced scope of services will add several additional weeks to the project and Red Oak has submitted a proposal of \$15,700 to complete the work requested for monitoring of all sanitation routes by February 15, 2010, with an additional cost of \$1,200 per recycling route of monitoring.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Village Manager is hereby authorized to execute an expanded agreement and cost amendment to the professional services agreement with Red Oak Consulting in the amount of \$15,700 for all sanitation routes, and an additional expense of twelve hundred dollars (\$1,200) for one recycling route to include the downtown area to be monitored.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

B. Authorization for Execution of Contract with High Road for 2011 Historic Harbor Street Fair

RESOLUTION

AUTHORIZING VILLAGE MANAGER TO EXECUTE AGREEMENT WITH THE HIGH ROAD INCORPORATED FOR HARBOR FEST CONSULTING SERVICES

WHEREAS, the 2011 Historic Harbor Street Fair is scheduled to take place on June 5, 2011; and

WHEREAS, the Village has received a Proposal and Scope of Work from the High Road Inc. of Springfield, Virginia, for Consulting and Event Planning Services for the 2011 season; and

WHEREAS, the fee in the amount of \$18,000.00 for Consulting and Event Planning Services will be paid from vendor receivables and funding sources other than the Village of Mamaroneck.

On motion of Trustee Ryan, seconded by Trustee Santoro:

NOW THEREFORE BE IT RESOLVED, that the Mayor and Board of Trustees approves the selection of the High Road Inc. for Consulting and Event Planning Services and

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to execute said agreement with The High Road, Inc. for Consulting and Event Planning Services for the 2011 Historic Harbor Street Fair.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

C. Resolution Authorizing Settlement of Small Claims Assessment Review Stipulations

Mr. Slingerland stated that one property needs to be severed from the resolution and voted on separately as it is owned by the Mayor's brother; the property owned by James Rosenblum at 1402 Fairway Green.

On motion of Trustee Hofstetter, seconded by Trustee Ybarra:

WHEREAS, a number of Small Claims Assessment Review Proceedings were filed by various property owners; and

WHEREAS, the Village of Mamaroneck and the Petitioners have reached mutually agreeable resolutions; and

WHEREAS, the Board of Trustees has had an opportunity to review the stipulations of settlement and have been satisfied that the settlements are just, reasonable and in the best interests of the Village of Mamaroneck;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck ratifies the settlements previously reviewed and presented to them at the Executive Session on November 15, 2010 as follows:

<u>Sec Blk Lots</u>		<u>Address</u>	<u>PRESENT</u>		<u>SETTLEMENT</u>	
			<u>ASSESSED</u>	<u>REDUCTION</u>	<u>ASSESSED</u>	<u>REDUCED</u>
			<u>VALUE</u>	<u>REQUEST</u>	<u>VALUE</u>	<u>AMT</u>
4 21 10B	Carol Corsa	474 Halstead	10,300	5,495	8,200	2,100
4 25 10A	Maria Perrone	412 Melbourne	11,100	7,065	9,000	2,100
4 28 12	D. Lagani	400 Carroll Ave	22,200	15,700	18,850	3,350
4 38 21	John Corsa	1507 Barbara Lane	9,300	5,102	8,300	1,000
4 43 14	Mark Menniti	1311 Park Ave	9,900	6,280	7,425	2,475
4 49 52	B. Kosakowski	286 Fourth St	11,400	8,500	9,100	2,300
4 49 76-17	Margaret Leddy	1515 Pine Knoll Lane	10,100	7,550	8,300	1,800
4 51 55	Michael Castaldi	209 Wagner Ave	12,500	6,080	10,700	1,800
4 53 2A7	Danny Fanelli	200 N Barry Ave	15,200	8,635	11,500	3,700
4 60A 210	Jack Colety	615 Guion Drive	18,200	15,700	18,200	0
4 65 2L	Tom Gisin	303 Hornidge Rd	11,850	9,420	9,600	2,250
4 68 26B2	Robert Ryan	540 The Parkway	29,100	19,650	25,500	3,600
4 74 1	Dorothy McGowan	420 S Barry Ave		10,500	10,500	2,500
4 74 34B	Richard Kelley	756 Soundview Drive	21,200	15,300	16,300	4,900
4 75 9	Mary Lenard	607 The Parkway	20,700	14,994	17,300	3,400
4 77 23B	Ruediger J. Flik	835 Taylors Lane	68,000	6,800	62,800	5,200
4 77 63	Peter Dufault	847 Soundview Drive	18,600	13,973	15,000	3,600
4 79A 8	Neil Powell	695 Barrymore Lane	32,000	8,000	29,850	2,150
4 79B 1	Emily Cohen	1304 Colonial Ct	24,600	15,386	18,450	6,150
8 1B 1	S & N Maiolo	1600 Mamaroneck Ave	13,300	8,243	10,000	3,300
8 1B 10	James Angley	131 Sunset Road	11,350	8,264	8,525	2,825
8 4 1B	A & J Danoy	114 Villa Ave	12,800	11,750	12,000	800
8 4 2	Stewart Geldin	1611 Winfield Ave	10,500	7,065	7,900	2,600
8 6A 13	Anna Sullivan	1312 Birch Hill Lane	11,200	6,600	8,400	2,800
8 6A 45	Greg Galasso	1327 Birch Hill Lane	12,000	6,280	9,000	3,000
8 12 17	Robert Goetz	232 Knollwood Ave	9,900	7,950	8,500	1,400
8 17 7	E & N Talgo	419 Warren Ave	11,100	8,243	9,100	2,000
8 23 20	S & L Bhandari	414 Soundview Ave	13,300	8,200	10,000	3,300
8 31 11-13	Max Heisler	1203 James St	12,000	8,000	9,000	3,000
14A						
8 41B 3B	Dorothea Lipton	2 Rock Ridge Rd	14,400	11,540	11,550	2,850

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8 53 30	Renato DiVito	970 Louise Ave	11,100	8,200	8,700	2,400
8 55 20	G & T Sullivan	203 Highview St	16,700	10,990	15,000	1,700
8 55 21	Joseph Angiletta	205 Highview St	17,700	10,990	15,000	2,700
8 81 7	Frank Loffredo	138 Washington St	14,800	10,598	11,100	3,700
8 105 10,11	R & J Degen	919 Harmon Dr	11,500	8,900	9,500	2,000
12						
9 14 16	Anthony D'Onofrio	551 Palmer Ave	20,200	10,100	15,200	5,000
9 27 2	Nina Spies	219 Delancey	13,000	6,280	9,800	3,200
9 29 5B	Joan Baker	317 Prospect Ave	15,850	7,065	13,700	2,150
17B,18,19						
9 37 13,14	Leon Potok	535 Munro Ave	14,800	13,830	14,450	350
9 46 10	Robert Sieperman	616 Munro Ave	15,500	6,280	12,000	3,500
9 47 1,2,3A	Robert English	525 Cortland	17,300	14,005	15,700	1,600
9 48 4B	Estate V Petruzzo	313 Livingston Ave	14,200	6,280	10,700	3,500
9 58 42	Jane Fastiggi	701 Old Post Rd	11,400	8,635	9,400	2,000
9 65 3	Rita Iavarone	341 Orienta Ave	22,600	16,507	18,200	4,400
9 69 2	Brad Kreinces	369 Orienta Ave	20,900	16,250	19,400	1,500
9 69 6	Loung Tang	945 Protano Lane	18,900	14,389	15,700	3,200
9 69 10	Edward Reich	937 Sylvan Lane	24,500	2,450	19,100	5,400
9 70 5	Lloyd Green	407 Orienta Ave	18,200	15,700	17,500	700
9 70 19	Henriette Abraham	925 Sylvan Lane	21,000	15,200	16,700	4,300
9 71 1C2	Heather McSpedon	355 Rushmore Ave	17,200	13,345	14,200	3,000
9 72 19A	David Kass	601 Orienta Ave	22,800	12,250	20,800	2,000
9 72B 4-2	Louis Mazzio	402 Fairway Green	19,255	10,000	14,441	4,814
9 72B 4-5	M & M Ackerman	405 Fairway Green	18,817	10,000	14,113	4,704
9 72B 6-1	Charles Burton	601 Fairway Green	17,100	13,000	12,825	4,275
9 72B 11-1	G & D Gudel	1101 Fairway Green	17,155	11,000	12,900	4,255
9 72B 11-4	Janine Goldentainer	1104 Fairway Green	19,612	10,000	14,709	4,903
9 72B 12-2	Robert Leftwich	1202 Fairway Green	14,900	11,383	11,750	3,150
9 72B 14-2	JHR Associates	1402 Fairway Green	15,700	6,280	11,800	3,900
	James Rosenblum					
9 72B 15-3	Linda Markowitz	1503 Green Way	14,500	10,975	11,000	3,500
9 75 12	D & T Koltai	551 Claflin Ave	24,300	16,500	18,250	6,050
9 75 14	J & L Jacks	545 Claflin Ave	40,900	20,410	31,400	9,500
9 82 4,5,6	Robert Katz	706 Fairway Ave	22,800	20,000	20,400	2,400
9 84 4	B & A Farber	622 Seney Ave	19,500	14,915	15,900	3,600
9 87 10,11	Susan McCallion	711 Forest Ave	26,600	18,248	21,300	5,300
9 88 2	Norman Steiger	615 Bleeker Ave	25,000	16,485	20,700	4,300
9 89A 1	G&A Hochhauser	801 Orienta Ave	27,000	Withdrawn	No Grievance	Filed
9 89A 13A	West. Properties	1100 Cove Rd S	32,000	Not Filed	With	County
9 90 17	Howard Feldman	821 Bleeker Ave	20,200	9,000	18,800	1,400
9 93A 14	Benjamin Cohen	1115 Greacen Point Rd	58,800	47,100	54,200	4,600
9 93B 11	Betram Siegel	1140 Greacen Point Rd	74,800	70,650	70,800	4,000
9 94 8	Neil Sandler	839 Orienta Ave	54,550	31,400	44,000	10,550

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9 101 4	A. Siskind	4 Skibo Lane	42,500	30,930	31,900	10,600
9 103 9A	Donald Coleman	1030 Greacen Point Rd	41,900	23,550	34,000	7,900
9 105 2,3,4	I & D Millstein	1240 Flagler Drive	61,800	30,900	51,025	10,775
9 105 27	J Urbinati	1380 Flagler Drive	73,000	39,250	54,800	18,200
9 105 86B	Arnold Turtz	1241 Flagler Drive	46,400	26,098	39,250	7,150
9 106 A	Muriel Cylkowski	1037 Orienta Ave	24,600	17,750	20,000	4,600
9 108 17	Clifford Wolf	1025 Constable Drive	29,800	19,650	23,000	6,800
9 109 9	W & F Weinberg	1055 Seven Oaks Lane	58,200	5,820	51,000	7,200
9 109 13	Caryl Feldman	1015 Seven Oaks Lane	30,800	23,550	24,500	6,300
9 110 2	Emily Grant	1016 Orienta Ave	135,000	67,800	117,650	17,350
9 111 5	Robert Ivosevich	1020 Seahaven Drive	30,700	21,000	23,050	7,650
9 112A 6	Andrew Gerringer	1005 Nautilus Lane	31,600	20,000	23,700	7,900
9 112A 8	B& A Cohn	1025 Nautilus Lane	31,000	20,400	23,250	7,750

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Hofstetter, seconded by Trustee Ybarra:

WHEREAS, a number of Small Claims Assessment Review Proceedings were filed by various property owners; and

WHEREAS, the Village of Mamaroneck and the Petitioners have reached mutually agreeable resolutions; and

WHEREAS, the Board of Trustees has had an opportunity to review the stipulations of settlement and have been satisfied that the settlements are just, reasonable and in the best interests of the Village of Mamaroneck;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck ratifies the settlements previously reviewed and presented to them at the Executive Session on November 15, 2010 as follows:

<u>Sec Blk Lots</u>	<u>Name</u>	<u>Address</u>	<u>Request</u>	<u>Settlement</u>	<u>Amt.</u>
9 72B 14-2	JHR Associates James Rosenblum	1402 Fairway Green	15,700	11,800	3,900

Ayes: Hofstetter, Ybarra, Ryan, Santoro

Nays: None

Abstain: Rosenblum

- D. Authorization for the Village to enter into Revised Stipulation Agreement w/Mamaroneck Beach & Yacht

This item was removed from the agenda.

- E. Authorization for Retention of Bond Counsel for Ensuing Year

RESOLUTION
RETAINING BOND COUNSEL
Pursuant to a request for proposals

WHEREAS, the Village of Mamaroneck is seeking to control and maintain costs and expenses, including costs for the Village's legal counsel for bond related work by attorneys specialized in this regard; and

WHEREAS, for years the Village has retained the services of Squire, Sanders and Dempsey as Bond Counsel, and has been satisfied with their quality service; and

WHEREAS, upon receipt of the proposals as requested, it is noted that the Village received proposals from:

Orrick
Cahill/Wink, and
Squire Sanders and Dempsey; and

WHEREAS, upon review of the proposals as requested in coordination with the Village's Financial Advisors, it is noted that the Village finds the most acceptable proposal from Squire, Sanders and Dempsey.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Manager to execute the agreement between the Village of Mamaroneck and Squire, Sanders and Dempsey, and authorizes the Manager and the Clerk-Treasurer

to take the necessary and appropriate administrative actions to effect this agreement, and retain these services from Squire, Sanders and Dempsey, through the ensuing year ending in December, 2011, with the opportunity for extensions as may be authorized by future Boards.

F. Adoption of Tree Committee's Recommended Guidelines

Mr. Stuart Tiekert, member of the Tree Committee appeared. He asked that clarification of who is authorized to give approval allowing special requests or exceptions to the tree list be added to the resolution. The Board discussed and agreed that it will be the Village Manager in conjunction with the Tree Committee. This change as well as the grammatical correction of adding the word basis after-case by-case will be made.

RESOLUTION
ADOPTING THE TREE COMMITTEE'S RECOMMENDED TREE PLANTING GUIDELINES
PURSUANT TO CHAPTER 318-7 OF THE VILLAGE CODE

WHEREAS, the Village of Mamaroneck Tree Committee has been working on a project to update the recommended tree planting guidelines for trees planted by the Village in public spaces, parks, and on roads and rights-of-way; and

WHEREAS, the Village of Mamaroneck Tree Committee prepared and have recommended a set of "Guidelines for Planting Street and Park Trees pursuant to Chapter 318-7 of the Village Code.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

NOW THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Mamaroneck hereby adopts the Village of Mamaroneck Tree Committee's Guidelines for Planting Street and Park Trees pursuant to Chapter 318-7 of the Village Code, with the proviso that the Suggested Street Tree Species List shall remain a suggested, and not a mandatory, planting list, with the understanding that trees on the Suggested Tree List are priority trees, and that exceptions may be made on a case-by-case basis by the Village Manager in conjunction with the Tree Committee to allow special requests or considerations, so long as the requested tree is included under the plant hardiness zone that applies to our region; and

BE IT FURTHER RESOLVED, that the appropriate village staff and officials are hereby directed to take the necessary and appropriate actions to effect this resolution, including notification by the

Village Clerk to the Village of Mamaroneck Tree Committee and the Village of Mamaroneck Department of Public Works about the enactment of this policy

BE IT RESOLVED, THAT the following is hereby adopted as policy of the Village of Mamaroneck:

Guidelines for Planting Street and Park Trees pursuant to Section 318-7

In addition to complying with all applicable village code requirements, the following guidelines will be followed when planting street and park trees in the Village of Mamaroneck:

It is recommended that tree species and cultivars on the filed "Suggested Street Tree Species List" shall be planted on streets or in parks, with the understanding that exceptions may be made on a case-by-case basis to allow special requests or considerations, so long as the requested tree is included under the plant hardiness zone that applies to our region, and is appropriate for the location.

No trees that mature at a height greater than 30 ft are to be planted below Con Ed distribution lines.

Trees that mature at less than 40 ft shall be planted at least 30 ft. from any adjacent tree.

Trees that mature at more than 40 ft shall be planted at least 40 ft. from any adjacent tree.

When planting trees or issuing RFPs for planting trees the following standards are requirements:

- Excavation of twelve inches (12") wider than root ball
- Planting and backfilling
- Add topsoil if needed
- Removal of excess soil
- Removal of all twine, burlap and wire from the top nine inches (9") of the root ball
- Top of the root ball of planting material shall be at or no more than one inch (1") above existing grade, but never below the existing grade after planting.
- Watering to saturation at time of planting
- Three to four inches (3"-4") of mulch over area of excavation

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

- G. License Agreement with the Library to Accommodate for the Retaining Wall Supporting Front Steps

EXECUTE A LICENSE AGREEMENT WITH THE MAMARONECK PUBLIC LIBRARY 136 PROSPECT AVENUE

WHEREAS, the Mamaroneck Public Library (hereinafter "Licensee") is the owner of certain real property known as 136 Prospect Avenue and identified on the Village of Mamaroneck Tax Map as Section 9, Block 50, Lot 8B; and

WHEREAS, Licensee is constructing a renovation and expansion of its facility and as part of the project has built retaining walls to support the front stairs which extend and encroach approximately sixteen (16) inches into the village-owned right of way; and

WHEREAS, the Village is desirous of accommodating the Licensee by the granting of a revocable license agreement to permit such work on village-owned property; and

WHEREAS, pursuant to the terms of the license agreement, Licensee will indemnify and hold harmless the Village of Mamaroneck in all actions, claims, judgments, costs or expenses arising from said installation, maintenance and use of said retaining wall; and

WHEREAS, in addition, Licensee shall provide the Village of Mamaroneck with a certificate of liability insurance naming the Village as an additional insured, at limits approved by the Village Attorney.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED, that the Village Manager is herein authorized to execute a revocable license agreement with the Mamaroneck Public Library, to install and maintain two (2) retaining walls located on the Village Right-of-Way; and be it further

RESOLVED, that Licensee herein agrees to indemnify and hold the Village of Mamaroneck harmless in all actions, claims, judgments, costs or expenses arising from said installation, maintenance and use of the foregoing and provide the Village with a certificate of liability insurance; and be it further

RESOLVED, that Licensee's failure to file a certificate of insurance with the Village does not limit or mitigate Licensee's obligation to indemnify and hold the Village harmless as described above.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

H. Schedule Public Hearing on PLL AD-2010 (Licensing of Dogs & Collecting of Fees)

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that a Public Hearing on Proposed Local Law AD-2010 be and is hereby scheduled for December 20, 2010.

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: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

I. Addition of Agenda Item 5J

This item was removed from the agenda.

J. Discussion of Individual Board or Commission Members Actions & Relationship to the Established Law

This item was removed from the agenda.

K. Addition of Agenda Item 5L

WHEREAS, in accordance with the BOT Rules of Procedure, any item or items added to the agenda after the agenda was prepared, finalized and posted on the Village's website requires a vote.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that Agenda Item 5L Acceptance of Donated Tree from Marc Kramer, be and is hereby added to the November 22, 2010 Board of Trustee Regular Meeting Agenda.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

L. Acceptance of Tree Donation

Mr. Stuart Tiekert of Beach Avenue appeared. He stated that it is unfortunate that the Tree Committee was not brought into this process, as they are tasked with accepting donations. He also stated that large trees should not be planted underneath the utility line. Mr. Slingerland stated that this tree will not be planted under the utility line, but will hide the view of the utility pole across the street from their home.

RESOLUTION ACCEPTING DONATION OF TREE

WHEREAS, Mr. Marc Kramer contacted the Village Manager notifying him that a old, large tree outside of his property at 1045 Constable Drive died and was cut down by the Village; and

WHEREAS, given the size of the tree that was lost and the fact that it impacts the Kramer's sight lines of a utility pole, Mr. Kramer requested that the Village replace the tree with a more mature, substantial tree; and

WHEREAS, Mr. Kramer graciously offered to donate a 5-6" diameter "October Glory" Red Maple tree to replace the tree that was lost; and

WHEREAS, this tree is appropriate for the site and is on the list of recently approved Tree Committee recommendations; and

WHEREAS, Mr. Slingerland has visited the site and confirmed that the site is acceptable with Mr. Kramer and his landscaper.

On motion of Trustee Ybarra, seconded by Trustee Santoro:

NOW THEREFORE BE IT RESOLVED that the Board of Trustees is and hereby accepts the donation of a 5-6" diameter "October Glory" Red Maple tree from Mr. Marc Kramer; and

BE IF FURTHER RESOLVED that the planting of said tree will be done by Mr. Kramer's landscaper in compliance will all Village laws at no cost to the Village.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

6. REPORT FROM VILLAGE MANAGER

- A. File for Record – Agreement with NYS Department Environmental Conservation for Taylor’s Lane Composting 360021

Mr. Slingerland stated that this agreement for the closure of the Taylor’s Lane composting site has been filed for the record with the Clerk Treasurer’s office.

Mr. Alan Wood of Soundview Drive appeared to ask if there are any current plans for the Taylor’s Lane property or remediation. He was informed that there is ongoing remediation, but no plans for the property. Mr. Slingerland informed Mr. Wood that a study to lower the groundwater is being done.

- B. File for Record – Agreement with Reynolds Inliner LLC for Contract 10-01 A Inflow and Infiltration Correction Project

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 that he and the Mayor attended a discussion and presentation on flooding by the League of Women Voters, which was also attended by the Army Corps of Engineers. A grant for a Village wide emergency notification system has been filed. The Village is also seeking to install a back up generator for the ambulance corps building and the last thing we are applying for is a study of critical infrastructure. Mayor Rosenblum announced that the river clean up will begin the first week of December. Ms. Peggy Jackson, Chair of the FMAC appeared regarding the Anita Lane Bridge, which carries the sewer line across the river. She has been told that that bridge is our property, not the county’s. She asked that the Village confirm that information as there is a wing wall that extends into the river that prevents water flow.

Trustee Hofstetter asked that the Village get back to the county regarding their build out analysis map recently presented, as it needs to be substantially corrected.

8. REPORT FROM CLERK-TREASURER

- A. Reminder of Second Half Taxes

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

B. Library Vote

Ms. Roberts reminded residents of the Library vote that will take place on Tuesday, December 7, 2010.

9. REPORT FROM VILLAGE ATTORNEY

A. Filing of Local Law 23-2010

Ms. Derrico reported that this Local Law has been filed with the State on November 9, 2010.

Ms. Derrico requested an Executive Session to discuss ongoing litigation.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

A. Board of Traffic Commissioners – July 14, 2010

On motion of Trustee Hofstetter, seconded by Trustee Ybarra:

RESOLVED that the July 14, 2010 minutes of the Traffic Commission be and are hereby approved:

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

B. Board of Ethics – October 6, October 13 & October 19, 2010

On motion of Trustee Hofstetter, seconded by Trustee Ybarra:

RESOLVED that the October 6, 13 & 19, 2010 minutes of the Ethics Board be and are hereby approved:

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

Updates from the Board

Trustee Ryan attended a performance at the Emelin of a book by local author, Lee Stringer, with him reading his part. It was very interesting. She thanked Post 90 for their wonderful Veterans Day Service.

Trustee Hofstetter thanked all who volunteered for the Turkey Trot. It was a great turnout. He thanked all who turned out for the election; especially with the new system. To those who ran with him and against him, he thanked them for their participation and is glad that residents had a choice.

Trustee Santoro announced that on December 5 the Recreation Department will be holding the Tree Lighting Social. He attended the Veterans Day Ceremonies and thanked all those involved.

Trustee Ybarra stated that although the elections are not final, she would like to read the following statement into the record:

“I would like to thank the Village of Mamaroneck residents who voted for me as well as those who voted and took part in the democratic process. I would like to thank the Village staff for all the help that they offered which made my job easier. I would like to thank the Mayor and Board of Trustees for a very interesting and educational year. This past year has shown me support of friends and new friends. I also want to extend to Sid my congratulations and leave him with what I said to him when this election started, “no matter what the outcome is, we will still be friends.” I meant that then and I still mean it now, and I offer him my hand in friendship. I would like to say one more thing; I always put the needs of the village first. In closing I would like to say Thank you Mamaroneck.”

Mayor Rosenblum read a thank you note from the American Legion for the Village's support of veterans. Mayor Rosenblum thanked all who held the Veteran's Day ceremonies. He also attended the presentation of Lee Stringer's book and it was great. Mayor Rosenblum attended the performance by a Barbara Streisand impersonator and in the Mayor's opinion; he was a better singer than Barbara. Mayor Rosenblum announced that in the final minutes of the game, the Mamaroneck High School Field Hockey Team, finished 2nd in the NY State Championship. Mayor Rosenblum congratulated Mamaroneck High School athletes for their accomplishments. The Mayor attended a ceremony for Eagle Scout candidate Adam Bernstein on the completion of his Eagle Scout project at the VFW building. The newly surfaced tennis courts at Florence Park are open. There are new restaurants opening in the Village and we are expecting more to open soon. The Mamaroneck Shares committee is planning their activities for next year. The Mamaroneck Avenue School fundraiser breakfast will be held on December 11 & 12 at Applebee's. There are holiday cards available, designed by Lee Stringer, being sold through the CAP center and other locations. Mayor Rosenblum thanked the Chamber for the Spooktakular event held in October. On January 7, 2011 the Chamber will hold their annual dinner dance honoring outgoing president, Jennifer Graziano is being held at the Beach Point Club. The Mayor

performed another wedding for Lisa Spinella and Eric Mandell. Lastly, the Mayor encouraged all to see the lights in front of House of Flowers. He also encouraged all shopkeepers to light the trees in front of their stores, with the approval of the Village Manager.

Mr. Slingerland reminded all residents that the Annual Organizational Meeting will take place in December so if there are any residents interested in serving, they should contact the Village.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that the Board of Trustees convene to Executive Session to discuss ongoing litigation on the subjects noted by the Village Attorney.

Ayes: Hofstetter, Ybarra, 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