

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, OCTOBER 25, 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
	Assistant Village Manager	Daniel Sarnoff
	Village Attorney	Christie McEvoy-Derrico
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:	None	

**PRESENTATION OF POLICE SERVICE AWARDS**

Service Awards were given to the following police officers for service displaying alertness, efficiency and dedication to duty:

Officer Plinio (PJ) Trujillo  
Officer Maria Rojas  
Officer Christopher McLeod  
Officer Mark Ballantyne  
Officer Tyron Davis

**REPORT BY HARBOR ISLAND CONSERVANCY**

Mr. John Farris and Ms. Julia Longacre appeared. Mr. Farris reported on the work done at Harbor Island Park beginning with the gazebo and including the landscaping, lamppost and new signs posted. He thanked all those involved with helping make these things happen, including members of the conservancy, local merchants, the Board of Trustees and members of the Department of Public Works. They have one more request, that the Village or the County redo the road going into and around the Park.

Mayor Rosenblum thanked Mr. Farris and Ms. Longacre and everyone who was involved. Trustee Ryan thanked all as well as it looks very beautiful.

CONTINUATION OF PUBLIC HEARING ON PLL AA-2010 (Allow Dog Walking in Village Parks & Recognition of Goose Corps Dogs)

Mayor Rosenblum stated that it is the intention of the Board to appoint a committee representing both sides of this issue to study this proposed law. The Parks Department and Parks and Recreation Committee will also be represented. This Public Hearing was postponed until a time after this committee has met.

CONTINUATION OF PUBLIC HEARING ON PLL AB-2010 (Changes to Ethics Law)

Ms. Derrico reviewed the changes made from the last meeting.

The Board thanked the Ethics Board for their work on this. They appreciate their efforts made on the issues that come before them.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that PLL AB-2010 be and is hereby adopted and shall read as follows.

**LOCAL LAW NO. 23-2010**

A local law amending Chapter 21 (Ethics, Code Of) Section 21-3 (Definitions), Section 21-4 (Standards of Conduct), Section 21-12 (Review of Lists and Disclosure Statements), and Section 21-13 (Investigations) of the Code of the Village of Mamaroneck.

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows:

**SECTION 1.** Section 3 of Chapter 21 (Ethics, Code Of) is hereby amended to read as follows:

**§21-3. Definitions**

INTEREST - Any participation, connection or involvement which may result in a direct or indirect pecuniary or material benefit accruing to an officer or employee as a result of a business or professional transaction with them or Village. For the purpose of this Chapter, an officer or employee shall be deemed to have a direct interest in the affairs of:

- (1) His/her spouse, children, stepchildren, mother, father, brothers, sisters, grandparents, grandchildren, in-laws and other dependents or relatives.

**SECTION 2.** Section 4 of Chapter 21 (Ethics, Code Of) is hereby amended to read as follows:

**§ 21-4. Standards of Conduct.**

E. Nepotism.

- (1) Policy. Employees' relatives will not be employed by the Village under any of the following circumstances:

- (a) Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
  - (b) Where one party would be responsible for auditing the work of the other;
  - (c) Where both parties would report to the same immediate supervisor. Every other option, including reassignment within the Village workforce, would be considered in good faith before layoff;
  - (d) Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the Village; or
  - (e) Where one of the parties is an elected official, except when the family member is currently employed by the Village prior to the elected official obtaining office or if the family member is currently employed by the Village and becomes a family member of an official.
- (2) Any employee currently employed prior to the adoption of this Chapter or employed prior to a relative being elected as an officer of the Village shall be exempt.
- P. Village employees. No officer or employee shall direct or cause any subordinate officer or employee to do or perform any service or work outside of the scope of his or her public work responsibilities or employment. Subordinate officers and employees may voluntarily perform such service or work, with or without compensation, outside of the hours during which they are assigned to perform duties for the Village, but they shall not wear any Village-issued uniform while engaged in any such activity. Nothing contained herein shall be construed to prohibit wearing a dress uniform at an officially authorized function or event.

**SECTION 3.** Section 12 of Chapter 21 (Ethics, Code Of) is hereby amended to read as follows:

**§21-12. Review of lists and disclosure statements.**

A. The ethics board shall review:

- (1) The lists of officers, board members and employees prepared pursuant to sections 21-10 and 21-11 of this Chapter to determine whether the lists are complete and accurate.

**SECTION 4.** Section 3 of Chapter 21 (Ethics, Code Of) is hereby amended to read as follows:

**§21-13. Investigations.**

- C. Each person who has filed a sworn complaint with the Ethics Board and each person who is the subject of said sworn complaint shall be notified in writing of the disposition of the complaint, to the extent permitted by law.

**SECTION 5. 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 6. 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.

Ayes: Hofstetter, Ybarra, Ryan, Rosenblum

Nays: None

Abstain: Santoro

## 1. COMMUNICATION TO THE BOARD

Ms. Nancy Wasserman of Raleigh Road appeared. She read a statement which included a copy of the Mamaroneck Village Democratic 2010 Contribution List, submitted to the New York State Board of Elections as required by law. She noted the contributions from Bennett Golub, on September 1, 2010 and Cynthia Golub, on August 23, 2010. These contributions were made one and two weeks prior to the presentation of the Mamaroneck Beach & Yacht Club settlement stipulations. Also attached were minutes of a Board of Trustees meeting where Ms. Golub was present. Ms. Wasserman's recollection of the meeting was that Ms. Golub stated that she had an endless amount of money to fund litigation against the Village if they settled with Mamaroneck Beach & Yacht Club. Ms. Wasserman also read from minutes of a Board of Trustee Work Session dated September 7, 2010 where Mr. Kass, attorney for the Golub's and the Shore Acres Property Owner's Association stated that "we will see you in court" if the stipulation was agreed upon. Ms. Wasserman noted that Trustees Ryan and Hofstetter voted against the stipulation. She also noted that Trustee Hofstetter's parents live in Shore Acres and are members of the Shore Acres Property Owner's Association and she believes that this is reason for him to recuse himself from this matter. She also believes that in light of the most recent contributions by potential litigants, this is another reason why he should have recused himself. She read from the Ethics Law the sections that she believes highlight the reasons why both Trustees Ryan and Hofstetter should have recused themselves from this matter and had the donated monies contributed by those individuals returned. Ms. Wasserman stated that Ms. Rita Rabin also made a contribution; Ms. Rabin is the mother of Ms. Golub. She asked that all of these contributions be returned to neutralize the appearance of votes for sale.

Trustee Hofstetter addressed what Ms. Wasserman said. He stated that the reason why Ms. Wasserman has this information is because documentation required was filed by the Democratic Party at the time when it was necessary unlike his counterparts. He suggested that if she has issue with the contributions, this should be brought to the Ethics Board's attentions. Trustee Ryan stated that she does not know who contributes to their campaign. Trustee Ryan assured all that there is no connection between the Golub's contributions and her vote.

Mr. Gregory Sullivan of Highview Street appeared. Mr. Sullivan is running for Trustee. He informed the Board that a friend of his who owns a local deli suggested that Greg put his campaign sign in his window. At first Mr. Sullivan didn't want to do this, but his friend insisted. He received a phone call from a resident who informed him that a customer in this deli asked that the owner put up a sign supporting the democrats. His friend declined. The customer stated that if he didn't put the democrat's sign up, that she would tell all her friends not to shop in his store. Mr. Sullivan stated that he does not need to be Trustee that bad to make these kinds of threats and he does not appreciate his friend being put in this position. If he found out that someone associated with his campaign said this, he would be extremely upset. He does not believe that Trustees Ryan or Hofstetter had anything to do with this; however, he asks that they echo his sentiment.

Mr. Lee Wexler of Munro Avenue appeared regarding Harbor Island Park. He has been playing soccer on the fields and the situation with the goose excrement is intolerable. He realizes that this is not a new problem and that dogs are being considered for this job; however, he asked if the Village has considered paying a service to simply pick it up. He believes that it would be worth the investment. Mr. Slingerland stated that the Village is looking to contract out dogs to chase away the geese. He has spoken with a couple of companies; however, this can be expensive and has to be done continuously. He has spoken with DPW to have more goose guns available and they are looking at decoys. Having a company clean up the parks has not been looked at nor is it funded for this year. Mr. Wexler looked at vacuum cleaners for picking this up on line. He believes that having someone walk around once a week to sweep this up, perhaps on a Friday, would be a good idea. Mr. Slingerland stated that he will look into this.

Mr. Stuart Tiekert of Beach Avenue appeared. He emailed the Mayor and Trustees last week with three important questions in regard to following the law in the Village of Mamaroneck. Mr. Tiekert was told that the Pine Street issues were going to be discussed in Executive Session. Mayor Rosenblum stated that he believes that it should be decided in Executive Session whether or not it needs to be discussed in Executive Session or in a public meeting. Ms. Derrico stated that she does not see any issues that need to be discussed in Executive Session; however, it is up to the Board to put it on a Work Session agenda. Trustee Hofstetter believes that the three issues brought forward are policy issues and can be discussed in an open meeting. Trustee Ryan and Mayor Rosenblum agreed. Trustee Hofstetter also stated that he is concerned as he is getting legal advice from staff other than the attorney. Mr. Slingerland stated that he has not been giving legal advice; he has only been relaying

situations in his experience. Trustee Hofstetter also brought up the FOIL policy and has asked for clarification from the Village Attorney.

Mr. Tiekert again stated his concern that a Planning Board resolution was changed by one member after the resolution was adopted and not at a public meeting, particularly with the application in front of the Planning Board at this time.

Dr. Charles Morelli appeared on the Pine Street issue as well. He read the as-built resolution on Pine Street adopted by the Planning Board. He stated that Trustees Ybarra and Santoro promised him last year during their campaigning that this Board would be different and something would be done; he is still waiting for something to be done. Dr. Morelli stated that it has been nine years and it is ridiculous that it has been allowed to go on for so long.

The Board will discuss Pine Street at a future work session.

Fire Chief Dean DeLitta appeared to thank the Board for moving ahead with the replacement of the ladder truck. He understands that under the economic circumstances, this was not an easy decision and he and the Department appreciate the support.

## 2. APPROVAL OF MINUTES

### A. Minutes of BOT Regular Meeting of September 27, 2010 (Including Public Hearings)

Trustee Ryan and Trustee Hofstetter had changes to the minutes, which were noted for the record and will be changed.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the September 27, 2010 Regular Board Meeting with the amendments made be and are hereby approved.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

## 3. AUDIT OF BILLS

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Abstract of Audited Vouchers listed below dated October 27, 2010, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 469,158.12
Capital Fund	65,742.06
Mamaroneck Health Center	146.00
DARE Program	206.57
Guarantee & Bid Deposits	<u>1,000.00</u>
	\$ 551,450.93

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

**4. OLD BUSINESS**

Trustee Ryan stated Lori Henry will be the Liaison from the Council of the Arts for the Ad-Hoc Jazz Festival Committee recently appointed.

**5. NEW BUSINESS**

**A. Resolution Accepting American Medical Chest Challenge**

Mayor Rosenblum stated that this is an extremely important issue as he has read that misuse of prescription drugs is the number one cause of drug deaths in the United States.

Ms. Janet Buchbinder, coordinator of RADAR for the Mamaroneck/Larchmont area appeared. Ms. Buchbinder thanked the Board for passing this resolution and the Police Department for their support and hosting one of the drop-off sites. She expects this campaign to be a great success. Trustee Santoro suggested having a drop-off day at the senior center. Ms. Buchbinder stated that as long as there is a police officer present, that should not be a problem. Trustee Santoro stated that he would speak with the Police Chief about this. Trustee Ryan suggested that this be sent to the New York Conference of Mayors and Village Managers as a way of including other municipalities in this undertaking. Mr. Slingerland stated that he would forward the information.

**RESOLUTION**  
**AUTHORIZING THE VILLAGE OF MAMARONECK POLICE DEPARTMENT**  
**TO PARTICIPATE IN THE AMERICAN MEDICINE CHEST CHALLENGE**  
**TO COLLECT AND DESTROY UNUSED, UNWANTED AND EXPIRED MEDICINE**

WHEREAS, the abuse of prescription and over the counter medicine is a serious threat to our community's residents; and

WHEREAS, allowing these surplus and often forgotten medications to remain in the community creates a risk of their mis-use or abuse in ways that are not intended; and

WHEREAS, allowing these surplus medications to be flushed down the toilet or down the drains creates issues with our drinking water supplies such as the New York City watersheds in upcounty Westchester County and upstate New York State and other impacted waterways such as the Long Island Sound, which is a critical and impacted water body; and

WHEREAS, the American Medicine Chest Challenge provides five steps to help prevent the abuse, misuse, and improper disposal of prescription drugs, and provides direction on how to safely dispose of unused, unwanted, and expired medicine, in coordination with local police departments and the US Drug Enforcement Agency.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

NOW, THEREFORE, BE IT RESOLVED, that the Village of Mamaroneck, in the State of New York, does hereby proclaim November 13, 2010 from 10 a.m. to 2 p.m., as The American Medicine Chest Challenge in the Village of Mamaroneck, NY, and authorizes the Mamaroneck Police Department to participate in this program, authorizes the Police Chief and the Village Manager to execute and effect any necessary agreements or paperwork necessary for this program, and encourages its citizens to safely dispose of their unused, unwanted, and expired medicine through this program offered by the Mamaroneck Police Department.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Resolution Authorizing Cost Proposal by BFJ for Preparation of Zoning Text Amendments

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE AN AGREEMENT WITH BFJ PLANNING FOR  
REVISION TO THE DRAFT COMPREHENSIVE PLAN**



WHEREAS, by resolution dated May 22, 2006 the Village retained the consulting firm of Buckhurst, Fish & Jacquemart, Inc (BFJ Planning) to assist the Village in updating its Comprehensive Plan; and

WHEREAS, certain aspects of the plan have already been adopted relative to Floor Area Ratio (FAR) and other zoning matters, while other items are still being reviewed; and

WHEREAS, the Village has asked BFJ Planning to revise the scope of the original project to prepare additional zoning text amendments and BFJ submitted a proposal to prepare such amendments on a time and expense basis.

On motion of Trustee Ybarra, seconded by Trustee Hofstetter:

RESOLVED, that the Village Manager is herein authorized to execute an agreement with BFJ Planning to provide such comprehensive plan updates and preparation of zoning text amendments in an amount not to exceed \$10,000.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Resolution Authorizing the Submission of the Justice Court Assistance Program (JCAP) Grant

#### RESOLUTION RE JUSTICE COURT ASSISTANCE PROGRAM

WHEREAS, pursuant to §849-h of the Judiciary Law of the State of New York, the Justice Court Assistance Program (JCAP), established since 1999, provides opportunities for cities, towns and villages to apply to the Chief Administrative Judge for state grant funds to assist in the operation of their municipal justice courts, and

WHEREAS, eligible grant items include court room facility and court security enhancement projects as well as the purchase of office equipment, and

WHEREAS, the Village of Mamaroneck Justice Court is desirous of submitting a grant application seeking funding consideration for renovation to the Court's record storage area at 169 Mount Pleasant Avenue, new court room carpeting and new window treatments; and

WHEREAS, in accordance with the JCAP grant guidelines, the local legislative body must adopt a resolution authorizing and supporting the municipal grant application.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that the Village of Mamaroneck Board of Trustees herein supports and authorizes the submission of an application for a Justice Grant Assistance Program Village of Mamaroneck Justice Court facility improvements; and be it further

RESOLVED, that the Mayor is herein authorized to execute said grant application in accordance with the terms and conditions of the JCAP application process; and be it further

RESOLVED, that the Village is herein authorized to submit said grant application to the State of New York Office of Court Administration.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Resolution Authorizing the Acceptance of the Local Government Records Management Improvement Fund

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ACCEPT LOCAL GOVERNMENT RECORD MANAGEMENT IMPROVEMENT FUND (LGRMIF) GRANT

WHEREAS, on January 25, 2010, the Board of Trustees authorized the Village Manager's office to file an LGRMIF grant application with the New York State Education Department; and

WHEREAS, New York State Education Department tentatively awarded the Village of Mamaroneck a grant for \$4,492, for the purchase of scanning equipment and a new shredder; and

WHEREAS, the 2011 budget did not include funds for the acquisition of this equipment.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

NOW THEREFORE BE IT RESOLVED, that if the grant is awarded, the Board of Trustees will authorize the Village Manager's office to accept this grant and record the following budget amendment:

<u>Debit</u>		<u>Credit</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.5100 Estimated Revenue	\$4,492	A.1325 Clerk-Treasurer	\$4,492
A.0300.3060 NYS Records Mgmt		0220 Office Equip.	

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Resolution Authorizing the Award of Contract 2010-12 for Tree, Shrub and Plant Landscaping & to Furnish, Supply & Plant Trees, Shrubs and Plants

Mr. Stuart Tiekert of Beach Avenue appeared. He stated that he believes that the contract is in violation with New York State labor laws. Mr. Tiekert read from the Department of Labor's law covering workers on public works contracts. He also believes that there are other problems with the contract in reference to the size and diameter of the trees. He asked that the Board vote no and would hope that the Tree Committee would be involved with a new contract. Mr. Slingerland stated that the diameter should not be part of the contract; however a 5-7 foot tree properly staked should be fine. Mr. Slingerland stated that the Tree Committee has been involved with this contract and the weeding and preparation of the land will be done before the trees are planted. With regard to the wage rates, these were attached to the addendum of the contract and upon checking with the Department of Labor, the Village is in compliance with the law.

Mr. Carlo Reca of Melbourne Avenue appeared. He agrees with Stuart that a 5-7 foot 1.5 inch caliber tree is too small to plant. He also believes that the planting should be done in house. Many communities do it in house and it is cheaper to do so. Mr. Slingerland respectfully disagrees. He has worked with municipalities that plant 5-7 foot trees and they are viable and supportable trees. Mr. Slingerland stated that we are in prime leaf collection season and Mr. Iacovelli has informed him that the Department of Public Works is too busy to plant trees. Mr. Tiekert also believes that DPW could do the planting even into the winter. Trustee Ryan believes that Mr. Tiekert and Mr. Reca made very interesting points and asked if we could possibly look at using the Department of Public Works to plant the trees. Mr. Slingerland stated that as he would prefer the DPW do the work; however the department head told him that his staff was too busy to plant the trees. He also believes that the Village

received very fair prices to have the work done. Mr. Reca stated that he can get prices on the trees and that the trees can be stored until DPW can do the planting. Again, Mr. Slingerland stated that he believes that the price received from the bids for the purchase and planting of the trees is extremely reasonable. He also stated that there is nowhere on Village property to store the trees. Trustee Santoro also would like to see this work done in house and perhaps it can wait until the spring. Mr. Slingerland stated that there are areas that need to be planted this fall due to a commitment made to have trees planted in Shore Acres and also the permits from the county to plant the trees in Meighan Park have been secured. If this work is put off until the spring, new permits and bonding will have to be done, which will be at additional costs. Mr. Slingerland reiterated that the Village staff can be trained to plant trees; however there is still a cost involved, as their labor costs money. Also as we are planning to plant 90 trees and several hundred plants at this time, using a landscape company makes sense. Trustee Ryan suggested planting less now and more next spring. Mr. Slingerland stated that if this contract is changed, the entire contract would have to be scrapped. Mayor Rosenblum believes that this contract can be awarded and have the Village use in house workers for the next tree planting event and the costs can be compared. Trustee Ryan would be comfortable with this if it is added to the body of the resolution. It was agreed to add this to the resolution. Trustee Ryan suggested that perhaps some of the planting can be done by residents in the neighborhood.

#### RESOLUTION

#### AUTHORIZING THE AWARD OF CONTRACT NUMBER 2010-12 TREE, SHRUB AND PLANT LANDSCAPING TO FURNISH, SUPPLY AND PLANT TREES, SHRUBS AND PLANTS TO ASCAPE LANDSCAPING OF BLAUVELT, NY

WHEREAS, the Village Of Mamaroneck issued a Notice to Bidders and Request For Bids for Contract #2010-12 – Tree, Shrub and Plant Landscaping to Furnish, Supply and Plant Trees, Shrubs and Plants including Meighan Park Landscaping, The Parkway median landscaping, and Village-wide tree planting; and

WHEREAS, a public notice was published on Wednesday, October 13, 2010, in the Journal News, an official newspaper of the Village of Mamaroneck; and

WHEREAS, during the notice period approximately nineteen (19) companies were contacted by the Village, or contacted the village, and were sent document copies; and

WHEREAS, at 11 a.m. E.S.T., Wednesday, October 20, 2010, the Village of Mamaroneck publicly opened and read seven (7) proposals, of which five (5) were complete and acceptable; and

WHEREAS, on reviewing the proposals, the following is a list of the proposals, based from lowest to highest, as follows:

	<u>Company</u>	<u>Total Base Bid</u>
1.	Ascape Landscaping of Blauvelt, NY	\$35,543
2.	Pat Scanlan Landscaping of New City, NY	\$46,645.25
3.	Casa Verde Landscaping of White Plains, NY	\$48,408
4.	Good Look Landscaping of Eastchester, NY	\$53,605
5.	Spacavento Landscaping of Armonk, NY	\$69,646

AND WHEREAS, the Village Manager Richard Slingerland and Assistant Village Manager Daniel Sarnoff have reviewed the bids and determined that the lowest responsible bidder who meets requirements is Ascape Landscaping of Blauvelt, NY.

On motion of Trustee Rosenblum, seconded by Trustee Santoro:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby award Contract 2010-12 for Tree, Shrub and Plant Landscaping to Furnish, Supply and Plant Trees, Shrubs and Plants to Ascape landscaping of Blauvelt, NY, at the total approximate bid price for this unit price contract in the amount of thirty five thousand five hundred forty three dollars (\$35,543) as stated above; and be it

FURTHER RESOLVED, that the Village of Mamaroneck and the Village Manager are authorized to take the necessary and appropriate actions to sign, execute and award this contract for these services; and be it

FURTHER RESOLVED, that the Board hereby establishes policy that the next planting of trees will be through purchase only and all tree planting will be done by Village forces.

Ayes: Santoro, Rosenblum

Nays: Ybarra, Hofstetter, Ryan,

Trustee Hofstetter asked Mr. Slingerland if he could get something on this back to the Board quickly and Mr. Slingerland stated that he will have to meet with the DPW Foreman and redo an RFP for the purchase of trees only and this will take time. He does not know if it can be done in time for a fall planting. Mayor Rosenblum also asked that a labor cost using DPW workers be established. It was

suggested that this go on a work session agenda so that Mr. Slingerland has clear direction and does not waste more time.

F. Resolutions Adopting Recommendations of the Board of Traffic Commissioners

(1) Laura Joy Circle

WHEREAS, at their meeting of October 13, 2010, the Board of Traffic Commissioners recommended the following amendment to Chapter 326 (Vehicle & Traffic), Section 86 (Schedule XIX – No Stopping) of the Code of the Village of Mamaroneck; and

WHEREAS, the Traffic Commission determined that prohibition is necessary to allow access by fire equipment.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic Section 86 (Schedule XIX – No Stopping) of the Code of the Village of Mamaroneck be and is hereby adopted.

Section 86, Schedule XIX NO STOPPING

Rescind:

Time Limit

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Laura Joy Circle	Both	From Harrison Avenue (N.Y. Route 127) to a point 20 feet north thereof (see footnote)

Add:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Laura Joy Circle	North	From Harrison Avenue (N.Y. Route 127) to a point approximately 135 feet west thereof at the cul-de-sac
Halstead Avenue	South	From Harrison Avenue (N.Y. Route 127) to a point 20 feet west thereof

Prohibition is necessary to allow access by fire equipment

Source of complaint: Fire Department

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(2) East Boston Post Road

WHEREAS, at their meeting of October 13, 2010, the Board of Traffic Commissioners recommended the following amendment to Chapter 326 (Vehicle & Traffic), Section 86 (Schedule XIX – No Stopping) of the Code of the Village of Mamaroneck; and

WHEREAS, the Traffic Commission determined that prohibition is necessary to improve safety of vehicles exiting Hornidge Road and school children walking at the intersection.

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic Section 86 (Schedule XIX – No Stopping) of the Code of the Village of Mamaroneck be and is hereby adopted.

Section 86, Schedule XIX

NO STOPPING

Add:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
East Boston Post Road (U.S. Route 1)	North	from Hornidge Road to a point 20 feet west thereof

Prohibition is necessary to improve safety of vehicles exiting Hornidge Road and school children walking at the intersection.

Source of complaint: Dr. Peter Mustich

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Addition of Agenda Item 5H

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 Ybarra:

RESOLVED that Agenda Item 5H resolution authorizing the Village to enter into a license agreement with Christopher Fisher and Suzanne McCloskey-Fisher of 132 Frank Avenue, be and is hereby added to the October 25, 2010 Board of Trustee Regular Meeting Agenda.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Authorization to Execute License Agreement with Christopher & Suzanne Fisher of 132 Frank Avenue

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT WITH CHRISTOPHER  
FISHER AND SUZANNE McCLOSKEY-FISHER OF 132 FRANK AVENUE**

WHEREAS, Christopher Fisher and Suzanne McCloskey-Fisher (hereinafter "Licensee") are the owners of certain real property known as 132 Frank Avenue and identified on the Village of Mamaroneck Tax Map as Section 4, Block 51, Lot 18; and

WHEREAS, Licensee needs to make repairs to collapsing retaining walls within their property which extend and encroach onto the village-owned right of way; and

WHEREAS, the Village is desirous of accommodating the Licensee by granting 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 Ybarra:



RESOLVED, that the Village Manager is herein authorized to execute a revocable license agreement with Christopher Fisher and Suzanne McCloskey-Fisher, 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.

6. **REPORT FROM VILLAGE MANAGER**

Mr. Slingerland stated that the first meeting was held on the consolidation or dissolution of government with the Villages of Rye Brook, Port Chester and Mamaroneck and Town of Rye. An RFP will be put together for the services to perform the study under the grant and also an Intermunicipal Agreement will be performed to complete the study. He also recognizes the importance of keeping the affected Towns and City involved, which will be done.

7. **FLOOD MITIGATION REPORT**

Mr. Slingerland reported that the grant project for the removal of the Road to Nowhere was rejected by FEMA and SEMO. The Village is working with them on finding other projects to improve the flood impacts on other areas. A new generator for MEMS is being looked at as well as flood gates for MEMS and the Volunteer's Fire House. This needs to be done within a two week time frame. The Village is working with Leonard Jackson on putting together narratives and summaries on their study of the Mamaroneck and Sheldrake Rivers. When the study was done limited narrative was included. This study needs to be completed and finalized. Mr. Slingerland stated that the work on the rivers should begin at the end of this month or the first week of November.

8. **REPORT FROM CLERK-TREASURER**

Mr. Fusco filed for the record the Village Justice Court Independent Auditor's Report.

9. **REPORT FROM VILLAGE ATTORNEY**

Ms. Derrico requested an Executive Session to discuss Sheldrake Estates vs. Village of Mamaroneck and the Mamaroneck Beach & Yacht Club litigation.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

A. Board of Ethics – September 1 and September 15, 2010

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the September 1 and September 15, 2010 minutes of the Board of Ethics be and are hereby approved:

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Committee for the Environment – May 18, 2010

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the May 18, 2010 minutes of the Committee for the Environment be and are hereby approved:

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Planning Board – September 23 and September 30, 2010

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the September 23 and September 30, 2010 minutes of the Planning Board be and are hereby approved:

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Zoning Board of Appeals – July 29 and September 2, 2010

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the July 29 and September 2, 2010 minutes of the ZBA be and are hereby approved:

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Updates from the Board

Trustee Hofstetter read a thank you letter from Mamaroneck Avenue School PTA President Tina Maresca for their support of the Family Tag Sale Day.

Trustee Ybarra attended the St. Vito's reunion; which was an awesome event. She also attended the Halloween Festivities on Mamaroneck Avenue yesterday and had a great time.

Trustee Ryan attended the swearing in ceremony of Chief Leahy and Lt. Falcone. It set a tradition and set the bar very high for the Village of Mamaroneck Police Department. Trustee Ryan also attended the Halloween Spooktacular and she was terrified. Trustee Ryan reminded residents that digital cameras are now being accepted for recycling at Village Hall.

Trustee Santoro announced that on November 11 at 11 a.m. a Veteran's Day service will be held at the American Legion Post 90. He too attended the St. Vito's reunion and had a great time. There will be another gala ball held in February which will be in celebration of the 100<sup>th</sup> anniversary. Trustee Santoro also attended the Spooktacular yesterday and thanked all who were involved.

Mayor Rosenblum also attended the St. Vito's reunion. He also had a wonderful time and it is great to see the growing congregation. Mayor Rosenblum had the pleasure of going to the Chocolations Ribbon Cutting. He also informed residents of the Holiday cards being sold at the CAP Center. Mayor Rosenblum congratulated Judy Martin for being honored by Hadassah for a Hand Helping of American Award. Mayor Rosenblum read a thank you email from Sunny Goldberg for all efforts in making the Spooktacular such a wonderful event.

On motion of Trustee Ryan, 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: Ybarra, 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