

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, SEPTEMBER 27, 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
	Deputy-Clerk	Sally J. Roberts
ABSENT:	None	

SWEARING IN OF POLICE CHIEF AND POLICE LIEUTENANT

Mayor Rosenblum officially swore in Police Chief Provisional Christopher Leahy and Police Lieutenant Dominick Falcone.

Chief Leahy thanked the Board for their support. He thanked his family, friends and co-workers for their patience. He thanked the Village of Mamaroneck staff for all of their help during his first days in preparing for this new position. Chief Leahy congratulated Lieutenant Falcone on his well deserved promotion.

Lieutenant Falcone thanked the Board for the promotion. He has been working for the force for a long time and looks forward to working with the PD in his new position. He thanked his family for their support.

Mayor Rosenblum stated that he now believes that the Village of Mamaroneck has the number one police department in the County. Deputy Mayor Santoro congratulated both gentlemen and invited all residents to attend the upcoming Swearing in Ceremony to take place on October 13, 2010 at 7 p.m.

CONTINUATION OF PUBLIC HEARING ON PLL X-2010 (Establishing Alternate Member Positions for Planning and Zoning Boards)

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the continuation of the Public Hearing on PLL X-2010 be and is hereby opened:

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

Trustee Ryan had questions. She asked for clarification of what “otherwise” means in the statement on the second page, when a member “otherwise” is not able to vote. She believes that this is subjective and broad. She asked for the direct guidelines in this instance. She also asked if the substitution of a member will be at the very opening of an application; so that the alternate has an opportunity to participate in the entire hearing. She asked how one alternate will be chosen over another if there are two alternates.

Ms. Derrico replied that in regard to the statement on a member otherwise not being able to vote, they can look at examples of what is done in other communities and that this will come down to a local custom and practice. She said that this will be something to work out with the Chairs. Ms. Derrico also feels that whether or not an alternate is appointed at the opening of a hearing will be determined on a case by case basis. She can put together some guidelines for the Chairs.

Trustee Ryan asked what “from time to time” means in the statement further down the page in regard to the Mayor appointments. Mr. Slingerland believes that would be in the case of a vacancy in an appointed position. Trustee Ryan suggested that be made clear in the law.

Trustee Hofstetter asked if we ever found out if the other municipalities that were polled and use alternates use two and how many require a recusal. Ms. Derrico stated in her own research she determined that Bronxville, Briarcliff and Scarsdale do allow for the broader interpretation of when an alternate can be used. Mr. Slingerland stated that they did not look at the legislation of the thirty or so municipalities polled, so he cannot answer that question. Trustee Hofstetter has issue with the appointment of two alternates as it can be perceived as cherry picking members who will vote one way or the other. He still does not understand why this is being changed when many land use members expressed that there is no need for it.

Mr. Clark Neuringer of Stiles Avenue appeared. Mr. Neuringer is also a member of the Zoning Board of Appeals. Mr. Neuringer feels that this law is unnecessary and that it could be interpreted as a bad law. He does not understand the need for this change. He asked how the use of alternates would help expedite the application process. Mr. Neuringer served on the Planning Board and BAR as well as

the ZBA and in all of his experience he does not remember a time when an alternate would have helped any situation. He doesn't understand what precipitated the need for this law and what the perceived problem is and the solution. He did ask the Board to appoint only one alternate if they decide to adopt this law because the last thing we should do is give the Chair of a board the discretion of appointing members to that board.

Ms. Derrico stated that with the recent opinion by the Ethics Board in regard to recusals, board members may feel more comfortable recusing themselves if they know that there is an alternate able to take their place.

Mr. Greg Sullivan, member of the Zoning Board of Appeals appeared. Mr. Sullivan agrees with Mr. Neuringer; however, in the case of recusals, he can understand using an alternate. He strongly suggests having only one alternate appointed to each board if this law is adopted.

Mr. Neuringer appeared again and he did agree that there are times when a member has recused themselves and that it has never been an issue. He reminded the Board that there were many land use board members that stated that alternates are not necessary and that the Board should listen carefully to them.

Ms. Mary Vozza of Soundview Avenue appeared. She was present at the last meeting when members of the Planning and ZBA spoke about the potential issues that may arise due to the use of alternates. She asked that if this Board is inclined to pass this law, a balance test or standard be implemented whereby the competing values and interests of both the ZBA and Planning Boards are weighed against a benefit an alternate may serve an applicant. She believes that this law should be passed only when quality and fairness is achieved between those competing values.

Trustee Hofstetter stated that he will be voting no as the option of having two alternates could lead to potential problems and "funny business" and it was never made clear to him what the existing problems are and how this local law will solve them. He believes the system should be left as is.

Trustee Ryan stated that she will also be voting no as she does not understand why a law is going to be enacted if no problems have been communicated. This Board has heard from many members of the land use boards stating that they do not see the need for this change; that things work very well the way they are. She believes that the Board should listen to the volunteers who have voiced their concerns.

Trustee Santoro stated that he will be voting yes and that he has listened to the different board members. If he believes that if an alternate is ever needed, this law will be on the books.

Mayor Rosenblum takes objection to the comment that “funny business” could take place as everyone who serves on our boards takes an oath to uphold the constitution of the United States, the constitution of the state of New York and the rules and regulations of the Village of Mamaroneck. To insinuate otherwise, he believes is an insult. He also stated that there are differences in opinions and for the last decade that he has observed many boards and commissions, he found it objectionable when an applicant was forced to either accept an approval when there was not a full board present or to put their application off another month, at the risk of increasing the costs associated with this application.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Public Hearing on Proposed Local Law X-2010 be and is hereby closed:

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Proposed Local Law X-2010 be and is hereby adopted and shall read as follows:

LOCAL LAW NO. 22-2010

A LOCAL LAW AMENDING CHAPTER 58 OF THE VILLAGE CODE REGARDING THE PLANNING BOARD, AND TO AMEND CHAPTER 342 OF THE VILLAGE CODE REGARDING THE ZONING BOARD, TO FORMALIZE THE NUMBER OF BOARD MEMBERS AND THEIR TERMS FOR THE PLANNING BOARD, AND TO AUTHORIZE ALTERNATE MEMBERS FOR PLANNING AND ZONING TO BE APPOINTED PURSUANT TO NYS VILLAGE LAW.

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

SECTION 1. Section 58-1 of the Village Code on the Planning Board, entitled, PLANNING BOARD, Section 1 “Statutory authorization; powers” is hereby deleted in its entirety, and a new section adopted as follows:

§ 58-1 Statutory authorization; powers; board membership; alternate members; terms.

A Planning Board is hereby created pursuant to Chapter 7-718 of the Village Law of the State of New York hereby giving and granting to said Planning Board all of the powers enumerated in said Chapter 7-718 of the Village Law of the State of New York, or any amendments thereto, including, but without limiting the generality of the foregoing, the power to approve plans showing new streets or highways and, simultaneously with the approval of such plans, either to confirm the zoning regulations of the land so platted as shown by the Official Zoning Map of said village or to make any reasonable change therein in accordance with the provisions of said Act or amendments thereto. Board membership shall include a total of five (5) members, with up to two (2) alternate members, as authorized under Chapter 7-718, Part 16, of the Village Law of the State of New York. Terms of membership for members and alternate members shall be five (5) years.

Each alternate member of the Planning Board shall attend meetings of the Planning Board and shall be entitled to participate in all activities of the Planning Board as if such alternate was a member, but shall vote only in the event that a member is absent, has a conflict of interest or is otherwise unable to vote with respect to a particular matter and the Chairman designates such alternate to so vote. The chairperson of the Planning Board may designate an alternate member to substitute for a member when such member is absent, has a conflict of interest or is otherwise unable to vote with respect to a particular matter. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

This subsection is adopted pursuant to the authority granted by § 10, Subdivision (1)(e)(3), of the Municipal Home Rule Law and shall supersede any provision of the Village Law which is inconsistent herewith.

SECTION 2. Section 342-88 of the Village Code on the Board of Appeals, entitled, "Continuation of existence" is hereby deleted in its entirety, and a new section adopted as follows:

§ 342-88 Continuation of existence; board membership; alternate members; terms.

The Board of Appeals is hereby created pursuant to the provisions Chapter 7-712 of the Village Law the State of New York and shall consist of five (5) members with up to two (2) alternate members appointed from time to time by the Mayor subject to the approval of the Board of Trustees. Board membership shall include a total of five (5) members, with up to two (2) alternate members as authorized under Chapter 7-712, Part 11, of the Village Law of the State of New York. Terms of membership for members and alternate members shall be five (5) years.

Each alternate member of the Board of Appeals shall attend meetings of the Board of Appeals and shall be entitled to participate in all activities of the Board of Appeals as if such alternate was a member, but shall vote only in the event that a member is absent, has a conflict of interest or is otherwise unable to vote with respect to a particular matter and the Chairman designates such alternate to so vote. The chairperson of the Board of Appeals may designate an alternate member to substitute for a member when such member is absent, has a conflict of interest or is otherwise unable to vote with respect to a particular matter. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Board of Appeals meeting at which the substitution is made.

This subsection is adopted pursuant to the authority granted by § 10, Subdivision (1)(e)(3), of the Municipal Home Rule Law and shall supersede any provision of the Village Law which is inconsistent herewith.

SECTION 3. 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 4. 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: Ybarra, Santoro, Rosenblum

Nays: Ryan, Hofstetter

Mayor Rosenblum read a letter from David Neufeld, Chair of the Zoning Board of Appeals who is in agreement with the use of alternates, in the instance of a conflict of interest. He also believes that the use of an alternate may be helpful in the instance when a board member is absent, especially if they will be absent for a longer period of time. Trustee Hofstetter stated that it would have been helpful to get a copy of the letter before it was read this evening.

Mayor Rosenblum stated that although the law does allow for the appointment of two alternates, it is his intention to only appoint one alternate to each board unless there are drastic circumstances presented. Mayor Rosenblum also stated that while the Mamaroneck Beach and Yacht Club application is before the Planning Board, an alternate will not be appointed.

1. COMMUNICATION TO THE BOARD

None

2. APPROVAL OF MINUTES

A. Minutes of BOT Regular Meeting of August 16, 2010 (Including Public Hearings)

Both Trustee Ryan and Trustee Hofstetter had minor changes to the minutes, which were made. Trustee Hofstetter also had a change to one of the votes.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Minutes of the August 16, 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

Trustee Hofstetter had a question on Callahan and Fusco’s bill on page 5. He thought that the legal billing was being done on a timelier basis. Ms. Derrico stated that she has asked Callahan and Fusco to bill us monthly; however, that has to be approved by the insurance carrier and they have not yet approved this; therefore, they are on quarterly billing. She agrees that they should be more current and perhaps with the new insurance carriers this can be straightened out. Trustee Ryan and Trustee Santoro had questions which were answered by the Village Manager.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

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

General Fund	\$ 522,349.39
Expendable Trust	983.00
Agency Fund – Escrow Deposit	6,600.00
	<u>\$ 529,932.39</u>

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

5. NEW BUSINESS

A. Requests from Traffic Commission

(1) Parking Prohibited at All Times, Sophia Street West

WHEREAS, at their meeting of September 14, 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 for vehicles exiting the driveway in a southerly direction; and

WHEREAS, the Board of Trustees has discussed this recommendation at their September 20, 2010 Work Session.

On motion of Trustee Ryan, seconded by Trustee Santoro:

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 PARKING PROHIBITED AT ALL TIMES

By adding to Chapter 326, Section 80, Schedule XIII:

<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

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

(2) No Stopping Halstead Avenue Both Sides of Street

WHEREAS, at their meeting of September 14, 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 provide a clear line of sight for vehicles exiting Florence Street and vehicles exiting the driveway 55 feet west of Florence Street; and

WHEREAS, the Board of Trustees has discussed this recommendation at their September 20, 2010 Work Session.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

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 NO STOPPING

By rescinding from Chapter 326, Section 86, Schedule XIX:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Halstead Avenue	Both	From Florence Street to a point 20 feet west thereof

-AND-

By adding to Chapter 326, Section 86, Schedule XIX:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Halstead Avenue	North	From Florence Street to a point 20 feet west thereof
Halstead Avenue	South	From Florence Street to the first driveway 55 feet west thereof

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

(3) Space Relocation on Gertrude Avenue

WHEREAS, the following amendments to Chapter 326 (Vehicle & Traffic), Section 80 (Schedule XXI – Parking Prohibited Certain Hours) and Section 86 (Schedule XIX – No Stopping) of the Code of the Village of Mamaroneck were suggested so that the Code coincides with the existing signage; and

WHEREAS, the Village Manager met with Carrie Amon, the Principal of Mamaroneck Avenue School which is across the street from the proposed amendments and she was agreeable to the change; and

WHEREAS, the changes proposed would reduce the bus waiting area on Gertrude Avenue by six (6) feet, closes to Mamaroneck Avenue; and

WHEREAS, the Board of Trustees has discussed these recommendations at their September 20, 2010 Work Session.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED, that the following amendments to Chapter 326 (Vehicle & Traffic), Section 80 (Schedule XXI – Parking Prohibited Certain Hours and Section 86 (Schedule XIX – No Stopping) of the Code of the Village of Mamaroneck be and is hereby adopted.

Rescind:

Section 86 - Schedule XIX: No Stopping

Name of Street	Side	Location
Gertrude Avenue	South	From Mamaroneck Avenue to a point 40 feet west thereof

Section 80 - Schedule XXI: Parking Prohibited Certain Hours

Name of Street	Side	Hours/Days	Location
Gertrude Avenue [Added 1-26-2009; amended 4-13-2009]	South	8:00 a.m. to 4:00 p.m./school days	From the driveway exiting Mamaroneck Avenue School to a point 40 feet west of Mamaroneck Avenue

Add:

Section 86 – Schedule XIX: No Stopping

Name of Street	Side	Location
Gertrude Avenue	South	From Mamaroneck Avenue to a point 86 feet west thereof

Section 80 - Schedule XXI: Parking Prohibited Certain Hours

Name of Street	Side	Hours/Days	Location
Gertrude Avenue [Added 1-26-2009; amended 4-13-2009]	South	8:00 a.m. to 4:00 p.m./school days	From the driveway exiting Mamaroneck Avenue School to a point 86 feet west of Mamaroneck Avenue

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

- B. Resolution Amending the Village Code Chapter 326.5II to Recognize Parking Meters on East Prospect Avenue between Mamaroneck Avenue and Tompkins Avenue

RESOLUTION

Amending The Village Code Chapter 326-51 I. to add to the Village Code the Parking Meters on East Prospect Avenue between Mamaroneck Avenue and Tompkins Avenue to Zone 9, with the same rates as Mamaroneck Avenue (25¢ for 20 minutes).

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

BE IT RESOLVED by the Board of Trustees of the Village of Mamaroneck, that the Village Code Chapter 326-51 I. is hereby amended as follows (words underlined are being added):

I. Zone 9: both sides of Mamaroneck Avenue between Boston Post Road (U.S. Route 1) and Halstead Avenue, and the south side of East Prospect Avenue between Mamaroneck Avenue and Tompkins Avenue, designated as "Metered Parking Zone 9."

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

C. Authorization of Credit Card for Superintendent of Recreation

RESOLUTION - AUTHORIZATION FOR TD BANK N.A. CREDIT CARD ACCOUNT

WHEREAS, during the summer the Recreation Superintendant makes many purchases that require immediate payment and a credit card account will facilitate making payments for Village related expenses; and

WHEREAS, authorization is requested from the Board of Trustees to apply for and utilize a credit card account.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

NOW THEREFORE BE IT RESOLVED, the Recreation Superintendant is hereby authorized to apply for a TD Bank N. A. Credit Card Account to be used only for Village related expenses with a limit of \$5,000 in compliance with the Village's purchasing policy.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

D. Authorization for Sheldrake Yacht Club to Serve Alcohol at May 1, 2011 Picnic

RESOLUTION

Authorizing Sheldrake Yacht Club to Serve Alcohol on May 1, 2011 from 4:00 PM TO 8:00 PM at the Harbor Island Park Pavilion Patio

WHEREAS, the Village of Mamaroneck has received a request from the Sheldrake Yacht Club to serve Champagne to commemorate opening day on Sunday, May 1, 2011, from 4:00 pm until 8:00 pm in the Pavilion Patio at Harbor Island Park; and

WHEREAS, the Board of Trustees must approve the use of alcohol on Village property.

On motion of Trustee Ryan, seconded by Trustee Santoro:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby approves the request from the Sheldrake Yacht Club to serve Champagne on opening day on Sunday, May 1, 2011 in the Pavilion Patio at Harbor Island Park; and

BE IT FURTHER RESOLVED that such approval is subject to Sheldrake Yacht Club providing the Village of Mamaroneck with a certificate of insurance naming the Village as an additional insured.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

- E. Authorization to Extend NYSHIP coverage for Volunteer Village Fire Fighters and Ambulance Workers (at no cost to the Village)

**RESOLUTION RE:
EXTENDING NEW YORK STATE HEALTH INSURANCE PROGRAM (NYSHIP) COVERAGE TO
VOLUNTEER FIREFIGHTERS**

WHEREAS, Chapter 71 of the Laws of 2010 amended Section 163 of Article 11 of Civil Service Law to extend New York State Health Insurance Program (NYSHIP) eligibility to include “active members of volunteer fire and volunteer ambulance companies” serving one or more municipal corporation pursuant to §92(A)(7) of the General Municipal Law; and

WHEREAS, should a municipality choose to extend such coverage to volunteer firefighters, those individuals participating in the program would be responsible for paying the full cost of the coverage premium; and

WHEREAS, in order to participate in this program, and extend NYSHIP coverage to the Village’s Volunteer Firefighters and Volunteer Ambulance Workers, the Village must complete and submit the appropriate paperwork, attached hereto and made a part hereof.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED, that the Village Manager is herein authorized to execute the Notice of Election to Extend Coverage to Volunteer Firefighters and Volunteer Ambulance Workers attached hereto and made a part hereof; and be it further

RESOLVED, that this program is at no cost to the Village; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake such administrative acts as may be required to implement this program.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

- F. Schedule Public Hearing on PLL AA-2010 (Allow Dog Walking in Village Parks and Recognition Of Goose Corps Dogs)

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED that a Public Hearing on Proposed Local Law AA-2010 be and is hereby scheduled for October 12, 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

- G. Schedule Public Hearing on PLL AB-2010 (Changes to Ethics Law in Accordance with Recommendations Made by Ethics Committee)

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that a Public Hearing on Proposed Local Law AB-2010 be and is hereby scheduled for October 12, 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

H. Acceptance of Donation from John & Margit Derosa for the Council of the Arts

On motion of Trustee Ryan, seconded by Trustee Ybarra:

BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck gratefully accepts the donation from John and Margit DeRosa for Council of the Arts in the amount of two thousand seven hundred seventy one dollars (\$2,771.00).

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

I. Adoption of Revised Resolution for Police Chief's Retroactive Pay Increase

Trustee Hofstetter questioned how this agreement is different from the previous agreement approved by the Board. Mr. Slingerland asked that this be addressed in Executive Session.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the Board of Trustees enter into Executive Session to discuss personnel and contractual matters.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

The Board returned from Executive Session.

Ms. Rene Henry from the Larchmont/Mamaroneck Patch publication appeared. She asked how this has been revised from the last resolution passed.

Mr. Slingerland stated that the Village was contacted by the State and that the wording of the resolution has been changed. The amount of the money remains the same.

Trustee Hofstetter stated that he will again be voting no on this as he did the previous resolution.

Trustee Ryan stated that she will also be voting no with the new information received.

WHEREAS, Chief Edward Flynn approached the Board of Trustees and requested a retroactive pay increase that would span a three year time frame, which the Mayor and Board of Trustees considered; and

WHEREAS, upon consideration of his request, and after careful deliberation, the Board of Trustees hereby agree to this retroactive pay increase to Chief Flynn, starting October 1, 2007, and ending on September 30, 2010, in the total amount of \$84,000.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby agree and authorize the Village Manager to enter into on behalf of the Village an employment agreement with Ed Flynn, that provides for retroactive pay increases in the total amount of \$84,000 (\$14,000 the first year, \$28,000 the second year, and \$42,000 the third year), and also provides that he agree to release any and all claims that he may have against the Village of Mamaroneck in this regard; and be it further

RESOLVED, that the Village Manager and the Clerk/Treasurer are authorized to undertake such administrative acts as may be necessary and appropriate to enact and execute this employment agreement.

Ayes: Ybarra, Santoro, Rosenblum

Nays: Hofstetter, Ryan

6. **REPORT FROM VILLAGE MANAGER**

A. File for the Record – Contract 10-04 Tree and Dead Branch Removal

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

Mr. Slingerland reported on the Chamber clean up that took place this previous Saturday. There was a very good turnout of volunteers. Mr. Slingerland reported that the graffiti clean up has started in the Village. The post office is taking care of the mail boxes. The Mayor asked that the Village Attorney review the law on this issue and to make sure that it is as stringent as possible. He would also like it to include required community service and payment of damages. If the guilty party is a minor, he would like for the law to state that their parents are then responsible. Mr. Slingerland stated that if there is a private property that the Village has to clean up, such as a utility, the Village can lien that amount on their taxes.

Mr. Slingerland reported that the audit is almost complete and the management letter should be coming soon.

7. FLOOD MITIGATION REPORT

Mr. Slingerland reported that the contract on the stream and river clean up has been awarded. He will be having a kick off meeting with them next week. He has also been in contact with the Army Corps asking for their help with the obstruction of Glendale Road, the "road to nowhere" and what benefit we will achieve by this improvement. The Army Corps did inform us that removing this will not adversely affect our study, or harm our future benefit for a major project.

8. REPORT FROM CLERK-TREASURER

A. File for the Record – Semi-Annual Monitoring Report on Former Mobile Service Station #17-EQN

Ms. Roberts reported that this has been filed for the record with the Clerk-Treasurer's office.

9. REPORT FROM VILLAGE ATTORNEY

None

10. REPORT FROM POLICE CHIEF

None

11. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

None

Updates from the Board

Trustee Hofstetter thanked everyone who volunteered and was involved in the Habitat for Humanity event this past weekend. He also reported on the Village of Mamaroneck being name the #5 place to live in Westchester County by Westchester Magazine. Trustee Hofstetter reported on a meeting that took place between the Board and the Budget Committee. Trustee Hofstetter asked to receive a copy of the RFP that went out on the fire truck and to whom it was sent. Mr. Slingerland will send a copy to the entire Board.

Trustee Santoro reminded residents of the change of command ceremony to take place next week and the Turkey Trot to take place on November 21. The fishing rodeo will take place on October 24 as will the Halloween Fest being sponsored by the Chamber. Trustee Santoro read a letter from a resident thanking the current Board on their work done on the flooding and listening to resident's concerns.

Trustee Ybarra reported on the Habitat event and how gorgeous Liz Covington's house is. Habitat also asked that if there is any senior, veteran or handicapped resident that needs help renovating their home, to please contact them. Trustee Ybarra said that although she was not at the 100th Anniversary of St. Vito's parish, she heard that it was a very nice event.

Trustee Ryan was at the St. Vito's event and it was a wonderful experience. There was a great turnout and a very moving experience. There was a picnic in Columbus Park yesterday sponsored by the Chamber. There was a wonderful band, but we need to get more residents to attend. Trustee Ryan was asked to bring to the attention of the residents an art show to take place at Constitution Park in Larchmont.

Mayor Rosenblum reported that Cindy's Hair Salon celebrated their 10th Anniversary. He also reported that there will be a giant tag sale and family fun day event at Mamaroneck Avenue School on October 17. Mayor Rosenblum received an email on a senior law day being hosted by Westchester County on October 14. Information on this day will be posted on the website. A letter from Supervisor O'Keeffe was received thanking the Village for their participation in the 911 ceremony. Mayor Rosenblum reported that he and the Deputy Mayor Santoro as well as some Village staff attended an event at the Liberty Montessori School when the first lady of Sri Lanka visited. The Mayor also attended an event at the Waldorf to meet the President of Sri Lanka. Mayor Rosenblum also reported on the year long celebration of the 100th anniversary of St. Vito's church.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the Board of Trustees convene to Executive Session to discuss on going litigation.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

The Board returned from Executive Session and asked that two items be added to the agenda; 5K and 5L.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Agenda Items 5K and 5L be and are hereby added to the September 27, 2010 Regular Board Meeting Agenda.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

K. Albright Electric vs. the Village of Mamaroneck and Subolo Contracting vs. the Village of Mamaroneck

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the Board of Trustees of the Village of Mamaroneck authorizes the settlement of the law suits and closure and release of claims as follows:

Albright Electric	\$ 40,000
Subolo Contracting	\$343,464.50

BE IT FURTHER RESOLVED that the Village Manager is authorized to sign and take all necessary and appropriate actions necessary to effect this agreement.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

L. The Matter of Mamaroneck Beach and Yacht Club

Trustee Hofstetter stated that he will be voting no as he did the first time this matter was voted on as he did not have the materials in a timely manner and believes that procedurally this is flawed.

Trustee Ryan stated that she will also be voting no as she did not support the settlement, nor does she support this agreement.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that the Board of Trustees of the Village of Mamaroneck authorizes the Village Manager to execute the settlement agreement with Mamaroneck Beach and Yacht Club; and

BE IT FURTHER RESOLVED that the Board of Trustees does hereby authorize the Village Manager to sign and take all necessary and appropriate actions necessary to effect this agreement.

Ayes: Ybarra, Santoro, Rosenblum

Nays: Hofstetter, Ryan

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