

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, SEPTEMBER 13, 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

NEW BUSINESS

Mayor Rosenblum asked if the Board would take Item 5N out of order.

**RESOLUTION
AUTHORIZING APPOINTMENT
OF A LIEUTENANT TO THE VILLAGE OF MAMARONECK POLICE DEPARTMENT**

WHEREAS, at the August 16, 2010, the Board of Trustees appointed Lt. Christopher Leahy to the position of Chief of Police for the Village of Mamaroneck on a provisional basis, beginning on or after September 26, 2010; and

WHEREAS, in order to maintain continuity in the management and administration of the Police Department the Civil Service list for Police Lieutenants was called for and obtained by the Board of Trustees so that the position vacated by Lt. Leahy may be filled; and

WHEREAS, the Board of Trustees, in their capacity as a Board of Police Commissioners, met to interview prospective candidates to assume the position of Police Lieutenant;

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that pursuant to §8-800 of New York State Village Law, the Village Board hereby appoints Sgt. Dominick Falcone to the position of Police Lieutenant for the Village of Mamaroneck commencing on or after September 26, 2010; and be it further

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

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

PRESENTATION OF NYCOM SERVICE AWARDS

NYCOM Service Awards were presented to the following employees of the Village of Mamaroneck:

Vincent Keck – 30 years

David Hammond – 30 years

William Genovese – 30 years

Richard Lanza – 35 years

Mayor Rosenblum presented Mr. Lloyd Wright, the Village Assessor, with an award for 45 years of service. Mr. Wright thanked the Board, the staff and residents for their support during his 46 years with the Village. It has been a pleasure for him.

PRESENTATION ON MAMARONECK SHARES EVENTS

Ms. Peggy Jackson and Ms. Ellen Hauptman appeared to present the monies raised at the Mamaroneck Shares events. The Larchmont Mamaroneck Community Counseling Center, the CAP Center and the Keep a Breast Cancer Research Fund were each given a check for \$4,145. Ms. Jackson gave a recap of the event and thanked all for their support. There will be six events planned for next year. Volunteers will be needed.

PRESENTATION BY WJWW ON WATER RATES

Mr. Tony Conetta of the Westchester Joint Water Work appeared to discuss the increase in the water rates. Mr. Conetta gave background on where our water comes from and what the rates have been for the last several years. The Village's water comes from the New York City water supply which originates in the Catskills through the Croton System. The Water Works services the Villages of Mamaroneck and Larchmont, the Town of Mamaroneck and the Town/Village of Harrison. Mr. Conetta reviewed the water rate increase, which was 75% in the Village. These rate increases are driven by different factors. The water supply cost increased by 28%, utilities went up 15%, chemical costs went up 13%, insurance and taxes raised by 19% and an equipment update and maintenance program went up by 200%, including increases in security and surveillance. To contain costs, an office automation system was embarked upon. EPA regulatory requirements have gone up extensively and the water works needs to assure that they are in compliance. The water works are cognizant of the increases and in an effort to control costs, decreased their labor costs by 13%. Mr. Conetta compared the cost of water to other household items. He also compared our water costs to other local municipalities. Although the cost of water didn't necessarily go up by that much, the cost to protect it has. Since 1992, the charge for water from the New York City water supply has gone up by 1400%. This is 50% of the water works budget. Data on the shortfall over the last eleven years was presented.

Mr. Conetta explained that the rate increase did take effect this summer; however, some households have doubled or tripled their usage due to the lack of rain and residents using water to irrigate their lawns. If the increase had taken effect in the winter months, Mr. Conetta stated that there would not have been as much of an impact. Trustee Ryan asked about maintenance and if any could be put off to the future. Mr. Conetta stated that automation and maintenance are desperately needed and what is budgeted is only what needs to be done this year. Mayor Rosenblum stated that until a couple of years ago, the Village subsidized water rates. Due to a change in policy, those who are using the water are paying for it. Mayor Rosenblum stated that the water works are looking at their real estate and more efficient use of their holdings. Mr. Conetta also stated that there will be major costs coming down the road in a few years as all of the water received will be UV treated and the pipeline serving the Village and Town of Mamaroneck is approaching its useful life.

Mr. Sid Albert appeared. He asked if the WJWW would televise their meetings and post their financial statements on their website. He believes that the more information that can be provided to the residents, the better, as it would help them understand what is happening. Mr. Conetta stated that all meetings are open and all financials are available. He will bring up the televising of the meetings to the Board members. Trustee Ryan suggested that the WJWW Board Members report back to their respective municipalities after their board meeting.

Mr. Doug Dunaway appeared. He asked why the Village of Mamaroneck went up so much more than the other two municipalities that make up the WJWW. Mr. Conetta explained that it is due to the shortfall over the past years. Other municipalities have been raising their rates over the last several years, where the Village had not.

Trustee Hofstetter informed residents that the WJWW Board asked for a 100% increase in their stipend, which was vetoed by the Governor. He cannot understand why the Mayor asked the Village Board to cut their stipends with only a 0.35% increase in the budget and then asked for a 100% increase in his water works stipend with the residents looking at a 75% increase in their water bill. Mayor Rosenblum suggested that Trustee Hofstetter speak with Supervisors O'Keeffe and Walsh about this.

CONTINUATION OF PUBLIC HEARING ON PLL W -2010 – (Bike & other Non-motorized Devices Law)

Mr. Slingerland gave the history of this proposed local law since it was first presented in the summer of 2009. The downtown business district is now considered to be only Mamaroneck Avenue from Halstead Avenue to the Boston Post Road. Mr. Slingerland went over the other changes to the draft which include, not prohibiting leaning of bicycles against buildings, except in the downtown area and those that would impede pedestrian traffic and the penalty structure, which is now a tiered fee: \$25, \$50 and \$100 for violations of the code in a one year period. Mr. Slingerland thanked all who commented on this proposed law as the changes were made with residents' comments and needs in mind.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

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

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ryan, seconded by Trustee Ybarra:

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

LOCAL LAW NO. 21-2010

A LOCAL LAW AMENDING THE VILLAGE CODE ON BICYCLES, ENACTING AN AMENDED SECTION ENTITLED, "BICYCLES, SKATEBOARDS, ROLLERBLADES AND OTHER WHEELED DEVICES", TO UPDATE RULES AND REGULATIONS FOR SUCH DEVICES, AND TO PROHIBIT THE USE OF BICYCLES, SKATEBOARDS AND ROLLERBLADES ON THE SIDEWALKS IN THE DOWNTOWN COMMERCIAL AREA.

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

Section 1. Enactment

The current language for Chapter 112, BICYCLES is deleted in its entirety, and a new Chapter 112 entitled, "BICYCLES, SKATEBOARDS, ROLLERBLADES AND OTHER WHEELED DEVICES" is enacted as follows:

Chapter 112, BICYCLES AND OTHER WHEELED DEVICES

§ 112-1. Legislative Findings and Intent.

The Village of Mamaroneck finds that there are benefits to community members utilizing bicycles for transportation and recreation in and around the Village of Mamaroneck. The following goals and objectives are hereby identified:

1. Bicycling is an environmentally friendly, efficient, non-polluting and inexpensive means of transportation and recreation for people of all ages, as appropriate, and such transportation and recreation are a vital part of the Village of Mamaroneck community. This includes young children properly supervised by parents or other responsible adults, and people of all ages.
2. Bicycles are used for recreation and neighborhood transportation, by commuters traveling to and from different transportation hubs such as the train station, and for other similar uses such as riding to and from local destinations.
3. There are currently provisions under NYS Vehicle and Traffic Law, specifically Article 34 of the Vehicle and Traffic Laws, OPERATION OF BICYCLES AND PLAY DEVICES which establish rules and regulations regarding safe operation of bicycles, and require use of helmets by bicyclists at and below certain ages, which the Village hereby acknowledges and enforces.
4. The Village of Mamaroneck is seeking to establish updated rules and regulations for safe bicycling and parking of bicycles in the Village, with specific rules regarding the operation and parking of bicycles along Mamaroneck Avenue between Halstead Avenue and Boston Post Road (U.S. Route 1) hereinafter referred to as the "Downtown business district", in coordination with the Village Manager's Office, the Department of Public Works, the Building Department, and the Police Department. The Village's goal is to provide for safe and adequate use of bicycles and other wheeled devices such as skateboards and rollerblades along public thoroughfares and the parking of bicycles on public areas in a manner that allows pedestrians, including the handicapped, to continue to have safe and full access along sidewalks, as well as to and from cars and other vehicles.

§ 112-2. Operation and equipment standards.

Each person operating a bicycle in the Village of Mamaroneck is required to comply with all applicable vehicle and traffic laws, as more fully delineated and set forth under New York State Vehicle and Traffic Law Article 34 – OPERATION OF BICYCLES AND PLAY DEVICES. Additional rules shall apply in the Village of Mamaroneck, as follows:

A. No person shall ride a bicycle, skateboard, non-motorized scooter, or use rollerblades or other wheeled device upon the sidewalk in the Downtown business district. In such locations, bicycles may be walked along the sidewalk.

B. No person shall ride a bicycle, skateboard, non-motorized scooter, or use rollerblades or other wheeled device upon any other public sidewalk within the Village of Mamaroneck in a manner that is unsafe for pedestrians.

C. No person shall secure a bicycle upon a public street or sidewalk in the Downtown business district other than in a bike rack or in bicycle parking locations as designated by the Village of Mamaroneck under the direction of the Village Manager.

D. Every bicycle, skateboard, non-motorized scooter, or rollerblades or other wheeled device used on a public highway shall be equipped, maintained and operated in compliance with the Vehicle and Traffic Law of the State of New York.

E. Impoundment. A bicycle may be impounded for abandonment, which is defined as being left in a location that is on village-owned property, on a public sidewalk or public right-of-way for more than seven (7) consecutive days. A bicycle may be retrieved from impoundment by an owner upon proof of valid ownership by paying a fee to the Village of fifty dollars (\$50).

§ 112-3. Penalties for offenses. [Amended 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987]

A. Any person, firm or corporation who violates any of the provisions hereof shall be liable to a forfeiture to the Village of Mamaroneck in a sum not to exceed twenty five dollars (\$25) for the first violation within one year, a sum not to exceed fifty dollars (\$50) for the second violation within one year, and a sum not to exceed one hundred dollars (\$100) for the third or more violation(s) within one year.

Section 2. Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 3. Effective Date

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

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

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

Mr. John Romans resident for over 25 years appeared. He has also been practicing law for over 40 years and in all his years he has never seen the shabby, outrageous treatment that the Mayor has perpetrated on the minority members of the Board; giving them less than one hour to digest and participate in the negotiations surrounding the Mamaroneck Beach and Yacht Club.

Ms. Robin Kramer, member of the Zoning Board appeared. During her time on this Board, an absent member has not been an issue. Ms. Kramer stated that under Village Law, Chapter 7-718, part 16, an alternate can only be appointed in the instance of a conflict of interest and she asked that if this law is adopted, this be the only time that an alternate is appointed. The Board cannot appoint an alternate if a member is absent. This is stated under Village Law, Chapter 7-712, part 11 as well. Ms. Kramer warned the Board that if an alternate is appointed under any other circumstance and a vote is taken on that application, that decision would be illegal and subject to challenge.

Mr. Stuart Sterk, member of the Planning Board appeared. Mr. Sterk agrees that this law is a bad idea. In his time on this board, no application was ever delayed due to absence. He believes that it would be very difficult for applicants to have to deal with different members at different times dealing with their application. There would be no consistency. He is also concerned about appearances; however, if the policy is changed, he suggests that the policy is changed in six months, so that there is no taint in appearances on applications currently before the board(s).

Mr. Lee Wexler, member of the Planning Board appeared. Mr. Wexler believes that this proposed local law would cause more problems than it would solve, it would add more bureaucracy and confusion to the process. He also believes that it could inject internal politics and suspicion on the boards and that it is a huge waste of a volunteer's time. He strongly encouraged the Board not to adopt the law now, but if they do, he also believes it would be a good idea to have it take effect in six months to a year.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

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

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

Trustee Ryan asked the Village Attorney to clarify if the Board should comment during the public hearing or during the voting process. Ms. Derrico stated that if a Board member would like to

make comments and have those comments considered before a vote is taken, then they should make them during the public hearing; however, if they would like to comment generally on the law, then that can be done during the voting process. Trustee Hofstetter stated that he would like to be able to make a statement before a vote is taken.

Trustee Hofstetter believes by passing this law, especially in light of what happened in the Mamaroneck Beach and Yacht Club application, the Board would have the potential of influencing how a board votes on a particular issue. He believes that having the appearance of being able to influence a board is not a good idea. Mayor Rosenblum stated that this is simply a tool for this or a future Board to be able to appoint alternates if they deem necessary or warranted, not to “cherry pick” members who will vote one way or another. Trustee Hofstetter stated that if this is the case, then the law should be effective in a year or so. The Mayor disagrees as there may always be contentious applications before the boards and waiting does not insure this.

Ms. Derrico stated that as there seems to be issues with this proposal and that Trustee Santoro has some suggested changes, she suggests that the Board open this hearing at the next meeting; re-noticing it.

Trustee Ryan commented that there have been several people from the Zoning and Planning Boards that raised the same points that those appearing tonight have. Those points are very legitimate; they have not had the experience that alternates are needed. The boards are working well now. Trustee Ryan asked if alternates are appointed, will they be considered full members; can they participate, and ask questions, and can they vote on an application. She finds some of the language confusing; as it also reads that the chair of a board may or may not have an alternate vote on an application in an instance that a member is absent or has recused themselves. The rule is either the alternate, if there is one, either votes or not. It must be consistent not on the whim of the Chair. Mayor Rosenblum agrees with Trustee Ryan on this last point, as he also does not want to put the onus on the Chair. He also agrees that only one alternate should be appointed, to negate the appearance of “cherry picking” an alternate.

Trustee Santoro contacted about a dozen of the communities that Mr. Slingerland listed on his survey. These communities informed Mr. Santoro that they cannot remember the last time they had to use an alternate; however, they are happy that this law is in place in the event that they need an alternate.

Mayor Rosenblum stated that either side can be argued; however, he believes that this is a section of law that is potentially favorable to any applicant in front of the ZBA and the Planning Board. He feels that the process before these boards takes an inordinate amount of time and is an injustice to any applicant. He also believes that this is an excellent training ground for potential full members. Trustee Ryan commented that it is usually not the absence of a board member that results in applications taking time, but because the board asks for more information than the applicant has supplied, using the Verni brothers application as an example. The Mayor also agreed.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that the continuation of the Public Hearing on PLL V-2010 be and is hereby scheduled for the September 27, 2010 Regular Meeting.

Ayes: Ybarra, Ryan, Santoro, Rosenblum

Nays: Hofstetter

1. COMMUNICATION TO THE BOARD

None

2. APPROVAL OF MINUTES

A. Minutes of BOT Regular Meeting of July 19, 2010 (Including Public Hearings)

Trustee Ryan had a few typographical errors, which were given to Ms. Roberts. She also asked if Mr. Galvin and Mr. Wexler spoke at this meeting regarding the proposed local law on term limits. Ms. Roberts stated that they spoke about this at the August meeting. Trustee Ryan asked that her comment on trying harder to have all neighborhoods of the Village represented on all committees be added under the discussion on the appointment to the Tree Committee.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the July 19, 2010 Regular Board Meeting with the above noted amendments be and are hereby approved.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

3. AUDIT OF BILLS

Mayor Rosenblum had questions which were answered. Mayor Rosenblum stated that on page 15 of 50 under taxes and assessments; he would like to know the Village's position on retrieving the \$1.5 million given to the Town, which he believes was not a proper exchange of money and is still the property of the Village of Mamaroneck.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Abstract of Audited Vouchers listed below dated September 13, 2010, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 216,609.49
Capital Project	2,400.00
H-10 Capital Projects	3,990.00
Expendable Trust	34.90
Agency Fund – Escrow Deposit	7,980.73
	<u>\$ 231,015.12</u>

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

5. NEW BUSINESS

Mayor Rosenblum stated that he would like to add an agenda item; the appointment of a member to the Harbor and Coastal Zone Management Commission, as Mr. George Belsito has resigned his position. The Mayor believes that this Commission should have a full compliment and he will be appointing Mr. Cary Sleeper, who was on the Commission previously. Trustee Hofstetter disagrees with this process, as there are other residents who have submitted resumes and they should be considered before this is just done. Trustee Ryan is not sure if Mr. Sleeper has been off of the committee long enough to be reappointed and she agrees that it is only fair to give residents the courtesy of looking at their resumes before a committee member is considered. Trustee Hofstetter stated that doing things in this manner is embarrassing and distasteful. The Village should be getting better service by their Mayor and their Attorney. Mayor Rosenblum disagrees and believes that it is important to have someone appointed before their next meeting, so that they have a full compliment.

O. Addition of Agenda Item 5 P

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Item 5P, the Appointment of a Member to the Harbor & Coastal Management Commission, be and is hereby added to the September 13, 2010 Board of Trustees Regular Meeting Agenda.

Ayes: Ybarra, Santoro, Rosenblum

Nays: Hofstetter, Ryan

A. Awarding of Contract for Jefferson Ave. Bridge Replacement Engineering & Design Services

RESOLUTION RE: AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN AND ENGINEERING SERVICES FOR THE JEFFERSON AVENUE BRIDGE OVER THE MAMARONECK RIVER (BIN 2225080) REPLACEMENT PROJECT

Mr. David Weiss the Project Manager from WSP Sells appeared. Mr. Slingerland gave the history on the process of the upcoming replacement of the Jefferson Avenue Bridge.

WHEREAS, the Jefferson Avenue Bridge over the Mamaroneck River (BIN 2225080), located in the Village of Mamaroneck, is a 2-span concrete encased steel multi-girder with an overall length of eighty (80) feet and an out-to-out width of fifty (50) feet originally constructed in 1931; and

WHEREAS, because of its continued use and damage and wear over the years from severe weather and regular and occasionally severe flooding, portions of the bridge are closed to access, including pedestrian sidewalks and sections of the bridge have fallen through and based on a NYSDOT inspection report and supplemental analyses prepared for the Village, the bridge has been identified as being in need of replacement; and

WHEREAS, in support of this effort and to help offset costs, Assemblyman George Latimer was able to secure a grant through the New York State Dormitory Authority and its Community Capital Assistance Program in the amount of \$400,000 to be used towards design and engineering services for the Jefferson Avenue Bridge Replacement Project; and

WHEREAS, in accordance with this grant award Village staff prepared a Request for Proposals (RFP) for Professional Design Services for the Jefferson Avenue Bridge Replacement Project; and

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of proposals on July 9, 2010 and sent copies of the RFP to twelve (12) firms and on the return date of July 30, 2010, three proposals were submitted; and

WHEREAS, in order to analyze the responses to the RFP, a review committee was formed with representatives from the Village of Mamaroneck and Town of Rye who share joint responsibility for the bridge replacement and interviews were conducted with all three (3) respondents; and

WHEREAS, during the interviews, all firms conveyed a clear understanding of the project scope, had quality references, displayed technical competency and their ability to work with multiple jurisdictions in designing and implementing capital projects; and

WHEREAS, based on the interviews, the RFP review committee unanimously recommended that WSP ■ Sells, 555 Pleasantville Road, Briarcliff Manor, NY, 10510 be retained as the engineering and design firm for the Jefferson Avenue Bridge Project for the following reasons:

1. Previous experience with Village of Mamaroneck. WSP ■ Sells (then Chas H. Sells) provided design and engineering services for the Fenimore Road Bridge project and the Village was pleased with the quality of their design and engineering services. WSP ■ Sells has previously provided technical assistance and analysis of the Jefferson Avenue Bridge and they are familiar with all facets of the project.
2. WSP ■ Sells has in-house staff to perform many services that other firms would need performed by sub-contractors (right-of-way, environmental, planning). By performing these services in-house, it provides greater accountability and streamlines the design and engineering process.
3. Experience with similar bridge project. Since 1999, WSP ■ Sells has been involved in 23 local bridge replacement projects.
4. Significant experience in interacting with all levels of government that are, or may be, involved with this project including the New York State Department of Transportation (NYSDOT), Federal Highway Administration (FHWA), United State Army Corps of Engineers (USACE), New York State Department of Environmental Conservation (NYSDEC) and Westchester County.

; and

WHEREAS, although engineering and design services are considered a professional service and not subject to competitive bidding requirements, WSP ■ Sells proposed cost of \$165,000 was the lowest of the three (3) respondents.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that the Village manager is herein authorized to execute a Professional Services Agreement with WSP ■ Sells, 555 Pleasantville Road, Briarcliff Manor, NY, 10510 in the amount of \$165,000 for design and engineering services for the Jefferson Avenue Bridge Replacement Project; and be it further

RESOLVED, that all costs associated with this work be charged to FY 2010/11 Capital Account # H11.5110.0360.001; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake such administrative acts as may be necessary to effectuate the agreement.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

B. Awarding of Contract 10-02 Mamaroneck River Maintenance Dredging

RESOLUTION

AWRADING CONTRACT# 10-02 – MAMARONECK RIVER MAINTENANCE DREDGING

WHEREAS, a major impact on both flooding and water quality is the accumulation of silt, especially along bridge embankments and other constructed impediments in waterways, in the Village of Mamaroneck, the major drainage conveyance systems include the Mamaroneck River, the Sheldrake River and the Beaver Swamp Brook; and

WHEREAS, the Village had originally planned to coordinate with the Town of Harrison for our staff to work with their staff using the Town's Menzi Mucker river-dredging machine, but the Town advised the Village that due to budgetary constraints and other obligations, their staff was not available to assist with this project; and

WHEREAS, in pursuit of its due diligence responsibility, Village staff identified several locations of major silt accumulation along the Mamaroneck and Sheldrake Rivers in need of remediation and prepared specifications for Contract # 10-02 – Mamaroneck River Maintenance Dredging said contract providing for dredging of the river at several locations; and

WHEREAS, it is anticipated that the removal of accumulated silt at these locations will have a positive impact on the Village both in terms of flooding and water quality in the rivers and the Long Island Sound; and

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of bids on July 28, 2010 for Contract # 10-02 – Mamaroneck River Maintenance Dredging; and

WHEREAS, on the bid opening date of August 20, 2010, two (2) sealed bids were received with the lowest responsible bid received from Peter J. Landi Construction (Landi), 13 Bradhurst Avenue, Hawthorne, NY 10528, in the amount of \$69,500; and

WHEREAS, Landi has significant experience with dredging projects and has worked for many municipalities throughout Westchester County and has an excellent reputation; and

WHEREAS, although funding for this project was not included in the FY 2010/11 Budget, the Village will realize unanticipated revenue as a result of reimbursements from the Federal Emergency Management Agency (FEMA) and the New York State Emergency Management Office (NYSEMO) as a result of the March 13-15, 2010 windstorm which will cover all costs associated with this dredging work; and

WHEREAS, in order to recognize and appropriate these funds, a budget amendment is required.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED, in order to properly fund this item, the following budget amendment is herein approved:

Budget Amendment:

<u>Debit</u>		<u>Credit</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.5100 Estimated Revenue		A.9600 Appropriations	
.0300 State Aid	\$10,781	.8140 Storm water Mgmt	
.3960 Emergency Disaster Assistance		.0421 Contract Services	\$69,500
.0400 Federal Aid	\$58,219		
.4960 Emergency Disaster Assistance	_____		_____
	<u>\$69,500</u>		<u>\$69,500</u>

and be it further

RESOLVED, that Contract # 10-02 – M amaroneck River Maintenance Dredging is hereby awarded to Peter J. Landi Construction, 13 Bradhurst Avenue, Hawthorne, NY 10528, in the amount of \$69,500; and be it further

RESOLVED, that the Village Manager is herein authorized to execute Contract # 10-02 – Mamaroneck River Maintenance Dredging with Peter J. Landi Construction, 13 Bradhurst Avenue, Hawthorne, NY 10528; and be it further

RESOLVED, that all costs associated with this work be charged to Fiscal year 2010/11 General Fund Account # A.8140.0421; and be it further

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

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

C. Awarding of Contract 10-04 for Tree Removal

RESOLUTION RE: AWARDING CONTRACT 10-04 – TREE AND DEAD BRANCH REMOVAL

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of bids and notified fourteen (14) contractors regarding Village of Mamaroneck Contract 10-04 – Tree and Dead Branch Removal; and

WHEREAS, Contract 10-04 was separated into six work categories Parts 1-6 itemized as follows: Part 1 – Itemized Tree List; Part 2 – Tree Trimming High Dead Branches – itemized multiple locations; Part 3 – Tree Removals – Add-on basis; Part 4 – Tree Bole Removals – Utility Line Trunks (CETS) – add-on basis; Part 5 – Tree Trimming High Dead Branches – add-on basis; Part 6 – Emergency Road and obstruction clearing and tree removal – add-on basis; and

WHEREAS, the base bid for this contract work consisted of the work identified in Parts 1 & 2, however, the Village advised bidders that the prices for add-on trees and hourly rates (Parts 3-6), while not added into the grand totals for the bid proposals, would be part of the Village's consideration in the award of this contract to the successful bidder; and

WHEREAS, on the bid opening date of August 31, 2010, four (4) sealed bids were received and opened with the lowest responsible bid received from Evergreen Arborists, 327 Northrup Avenue, Mamaroneck, NY 10543, with a base bid (Parts 1 & 2) of \$23,100 and the lowest cumulative rates for add-on trees and hourly rates based on their responses to Parts 3-6 identified on the spreadsheet attached hereto and made a part hereof; and

WHEREAS, the Village has previous experience with the Evergreen Arborists as they have been awarded previous contracts for similar tree removal work and the Village has been satisfied with the quality of their work.

On motion of Trustee Ybarra, seconded by Trustee Hofstetter:

RESOLVED, that Contract 10-04 – Tree and Dead Branch Removal be awarded to Evergreen Arborists, 327 Northrup Avenue, Mamaroneck, NY 10543, for the base bid amount for Parts 1 & 2 of \$23,100 and the rates for add-on trees and hourly rates for as identified in Parts 3-6; and be it further

RESOLVED, that the Village Manager is herein authorized to execute Contract 10-02 on behalf of the Village of Mamaroneck with Evergreen Arborists,, 327 Northrup Avenue, Mamaroneck, NY 10543; and be it further

RESOLVED, that all costs associated with such work be charged to Fiscal Year 2010-2011 General Fund Account # A.8560.0421; and

RESOVLED, that the Village Manager is herein authorized to undertake such administrative acts as may be necessary to effectuate the terms.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

D. Awarding of Contract for Florence Park Tennis Court Resurfacing & Appropriation of Funds

**RESOLUTION
AUTHORIZING BUDGET TRANSFER FOR FLORENCE PARK TENNIS COURTS
RESURFACING**

WHEREAS, the Florence Park tennis courts are used extensively and have developed cracks and the court color has worn away and to remedy this situation, the Village solicited quotes for resurfacing of the two (2) courts; and

WHEREAS, the Village received three (3) quotes with the lowest responsible quote submitted by DeRosa Tennis Contractors, PO Box 430, Mamaroneck, NY 10543 in the amount of \$22,500; and

WHEREAS, in accordance with §103 of General Municipal Law, this is considered to be a public works contract and can be awarded by the Village Manager, however, there are insufficient funds in the Fiscal Year 2010/2011 General Fund Budget for this work; requiring a transfer of funds.

On motion of Trustee Ybarra, seconded by Trustee Hofstetter:

RESOLVED, that the following budget transfer is herein executed:

Budget Transfer:

<u>From</u>		<u>To</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.1910 Unallocated Insurance		A.7140 Playground & Recreation	
.0401 Insurance Expenses	\$22,500	.0421 Contract Services	\$22,500
	<u>\$22,500</u>		<u>\$22,500</u>

and be it further

RESOLVED, that the Village Board concurs with the Village Manager awarding a Public Works Contract to DeRosa Tennis Contractors, PO Box 430, Mamaroneck, NY 10543 in the amount of \$22,500 to resurface the two (2) tennis courts at Florence Park; and be it further

RESOLVED, that all costs associated with this work be charged to Fiscal Year 2010/2011 General Fund Account # A.7140.0421

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

E. Awarding of Contract for Natural Area Landscaping

**RESOLUTION
AWARDING OF CONTRACT FOR NATURAL AREA MAINTENANCE**

WHEREAS, the Village of Mamaroneck worked cooperatively with the Westchester County Soil and Water Conservation District to establish and improve natural and native plant restoration areas in Columbus Park along the Sheldrake River, and in Harbor Island Park, along the West Basin; and

WHEREAS, the Village of Mamaroneck is responsible for the ongoing maintenance and care of these natural areas; and

WHEREAS, an item identified in the FY 2010/2011 General Fund Budget is maintenance of the Natural Areas at Columbus Park and Harbor Island Park; and

WHEREAS, in accordance with this appropriate, Village staff, with technical assistance from the Westchester County Planning Department, prepared and released a Request for Proposals for this Natural Area Maintenance and copies were either distributed to or picked up by seven (7) firms qualified to do this work; and

WHEREAS, on the response date of September 8, 2010, two responses were received with the lowest response received from John Jay Landscape Development, 282 Katonah Avenue, #268, Katonah, NY 10536, itemized as follows: Phase One – Autumn Herbicide Application and Weed Removal in the amount of \$10,700; Phase Two – Spring 2011 Herbicide and Weed Removal in the amount of \$10,700; Phase Three – Targeted Herbicide Application/Treatment in June, 2011 in the amount of \$10,700; Phase Four – Final Spot Application in August, 2011; and

WHEREAS, John Jay Landscaping has experience with such Natural Area Maintenance and was identified as a qualified company to perform this work by the Westchester Planning Department.

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED, that the RFP for Natural Area Maintenance is hereby awarded to John Jay Landscape Development, 282 Katonah Avenue, #268, Katonah, NY 10536, itemized as follows: Phase One – Autumn Herbicide Application and Weed Removal in the amount of \$10,700; Phase Two – Spring 2011 Herbicide and Weed Removal in the amount of \$10,700; Phase Three – Targeted Herbicide Application/Treatment in June, 2011 in the amount of \$10,700; Phase Four – Final Spot Application in August, 2011; and be it further

RESOLVED, that all costs associated with Phase One and Phase Two work be charged to Fiscal Year 2010/2011 General Fund Account # A.7110.0421; and be it further

RESOLVED, that all costs associated with Phase Three and Phase Four Work be charged to an appropriate Fiscal Year 2011/2012 General Fund Account subject to the provision of adequate appropriations in next year's budget; and be it further

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

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

F. Authorization for Parking Unit Disposal & Declaration of Surplus Property

RESOLUTION RE: DECLARATION OF SURPLUS PROPERTY

WHEREAS, in 1995, the Village of Mamaroneck purchased a Schlumberger multi-space parking meter Serial Number 001023555 at a cost of \$6141.00 and because of its age, it can no longer be serviced and replacement parts are not available; and

WHEREAS, several months ago, this multi-space parking meter, which had been located at Hunter Tier Parking Deck, was removed from service because it stopped working and since that time, it has been stored in an open common area in the basement at Police Headquarters, 169 Mount Pleasant Avenue; and

WHEREAS, the Police Department has requested that this non-functioning multi-space parking meter be relocated to a separate secured area that is used for the storage of spare parking meters and other parking meter repair supplies; and

WHEREAS, this secured area is not large enough to house the multi-space parking meter; and

WHEREAS, because the Village can no longer provide space for the storage of this parking meter and it is no longer of service, the Village Manager recommends that this item be declared as surplus property and that it be disposed of in an appropriate manner, either sold for scrap metal or otherwise disposed of.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED, that the Village Board herein declares the Schlumberger multi-space parking meter, Serial Number 001023555 as surplus property and concurs with the Village Manager's recommendation that it be disposed of in an appropriate manner.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

G. Resolution in Support of East Coast Bike Greenway Plan

**VILLAGE OF MAMARONECK, NY
RESOLUTION
ENDORING THE EAST COAST GREENWAY ROUTE
THROUGH THE VILLAGE OF MAMARONECK**

WHEREAS, the East Coast Greenway is a proposed 2600-mile, shared-use pathway that will pass through Westchester County to connect cities, towns and villages along the eastern seaboard from Calais, Maine, to Key West, Florida; and

WHEREAS, New York is one of 15 states and the District of Columbia through which the Greenway runs; and

WHEREAS, the Greenway, considered the "urban equivalent of the Appalachian Trail," will pass through sites showcasing the nation's industrial, historic, and cultural diversity; and

WHEREAS, the Greenway will spur the building of a network of pedestrian and bicycling greenways through New York, a goal encouraged by the New York Department of Transportation and other agencies; and

WHEREAS, the Greenway will serve bicyclists, walkers, equestrians, the physically challenged and other non-motorized users, both local residents and long-distance travelers; and

WHEREAS, the Greenway, by providing a largely off-road route separated from vehicular traffic, will encourage people of all ages to be outdoors more, improving their health and physical fitness while enjoying their playing fields, parks and nature preserves; and

WHEREAS, the Greenway, by offering tourists and shoppers access to cultural and historical sites, will bring economic benefits to municipalities and businesses along the route.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

NOW, THEREFORE, BE IT RESOLVED, that the Village of Mamaroneck, New York, hereby endorses the concept of the East Coast Greenway and its passage through the Village of Mamaroneck, and encourages our neighboring cities, towns and villages to do the same; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the East Coast Greenway, the Governor of the State of New York, the New York State Department of Transportation, the Westchester County Planning Department the Village of Port Chester, the City of Rye, the Town of Harrison, the Town of Mamaroneck, the Village of Larchmont, the City of New Rochelle and the Village of Pelham Manor.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

H. Authorization for Police Officer to Attend DARE Training

RESOLUTION RE: GRANTING TRAVEL AUTHORIZATION FOR POLICE OFFICER CHRIS JAEGER

WHEREAS, the New Hampshire State Police will be hosting a D.A.R.E. (Drug Abuse Resistance Education) Officer Training Seminar beginning September 13-14, 2010; and

WHEREAS, the location of this event is the New Hampshire State Police Barracks, 33 Hazen Drive, Concord, NY; and

WHEREAS, D.A.R.E.'s primary mission is to provide children with the information and skills they need to live drug-and-violence-free lives; to equip kids with the tools that will enable them to avoid negative influences and instead, allow them to focus on their strengths and potential and establish positive relationships between students and law enforcement, teachers, parents, and other community leaders; and

WHEREAS, Police Officer Chris Jaeger will attend the training seminar which will allow him to become a certified D.A.R.E. instructor, at a cost of \$600 which includes training, lodging and meals; and

WHEREAS, the estimated funds required for this training seminar are provided for in the Fiscal Year 2010/2011 Police Department Budget.

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED, that Police Officer Chris Jaeger is hereby authorized for overnight travel to attend the D.A.R.E. (Drug Abuse Resistance Education) Officer Training Seminar scheduled from beginning September 13-24, 2010 in Concord, NH; and be it further

RESOLVED, that expenses related to this seminar be charged to the appropriate budget account as provided for the adopted Fiscal Year 2010/2011 General Fund Budget.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

I. Amendment to Travel Policy

RESOLUTION RE: AMENDING VILLAGE TRAVEL POLICY

WHEREAS, the policy of the Village of Mamaroneck has been that all overnight travel requires Board of Trustees approval; and

WHEREAS, because funding for travel and conference attendance is typically provided as part of the annual general fund budget, it is appropriate that overnight travel authorizations under \$1,500 be considered an administrative act which can be approved at the discretion of the Village Manager.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED, that the Village Manager is herein authorized to approve, in his discretion, travel authorizations equal to or less than \$1,500 dollars; and be it further

RESOLVED, that Board of Trustees approval is required for travel authorizations in excess of \$1,500; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake such administrative acts as may be necessary to implement this policy; and be it further

RESOLVED, the amended travel policy, attached hereto and made a part hereof, is hereby adopted.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

J. Resolution Authorizing a Change in Fee for Flood Plain Development Permits

**RESOLUTION
ADOPTING UPDATED FEES FOR VILLAGE OF MAMARONECK FLOOD PLAIN
DEVELOPMENT PLAIN PERMIT**

On motion by Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that the following fees are adopted in relation to the Village Code, as follows:

Chapter A347, FEES

[HISTORY: Adopted by the Board of Trustees of the Village of Mamaroneck 3-9-1987; amended in its entirety 7-6-2009. Subsequent amendments noted where applicable.]

ARTICLE I, Fees Related to Material in Code

ARTICLE I, Fees Related to Code

Chapter 186, Flood Damage Prevention

Floodplain development permit ~~-\$200~~ \$0

BE IT FURTHER RESOLVED, that this change will take effect immediately upon adoption by the Board of Trustees.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

K. Authorization of Tax Certiorari Settlement for Mamaroneck Beach & Yacht Club

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER
MAMARONECK BEACH & YACHT CLUB FOR PROPERTY LOCATED AT
SOUTH BARRY AVENUE**

WHEREAS, petitions have been filed by the property owner below challenging real property tax assessments on the Village's assessment roll; and

WHEREAS, petitioner's court challenges are now pending in Supreme Court, Westchester County; and

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Assessor has calculated that the approximate cost to the Village is \$34,529 without interest; and

WHEREAS, the Board of Trustees has had an opportunity to review this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Village of Mamaroneck.

On motion of Trustee Ybarra, seconded by Trustee Santoro:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Property Owner</u>	<u>Address/Description</u>	<u>Years</u>
Mamaroneck Beach & Yacht Club	South Barry Avenue	2002-2010

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed Assessment</u>	<u>Amount of Reduction</u>
2002	\$ 77,000	\$46,200	\$30,800
2003	\$ 79,700	\$51,800	\$27,900
2004	\$ 79,700	\$55,800	\$23,900
2005	\$ 79,700	\$59,800	\$19,900
2006	\$ 79,700	\$63,800	\$15,900
2007	\$ 79,700	\$71,200	\$ 8,500
2008	\$ 79,700	\$71,700	\$ 8,000
2009	\$ 79,700	\$75,700	\$ 4,000
2010	\$ 79,700	\$78,700	\$ 1,000

Ayes: Ybarra, Ryan, Santoro, Rosenblum

Nays: Hofstetter

L. Acceptance of Donation from Gerard and Diane Koepfel

RESOLUTION ACCEPTING DONATION FROM GERARD AND DIANE KOEPEL

WHEREAS, Gerard and Diane Koepfel have generously donated two Optimist sail boats to the Village of Mamaroneck, with a total estimated value of \$2,500.

On motion of Trustee Ybarra, seconded by Trustee Ryan:

BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck gratefully accepts the donation of two Optimist sail boats from the Koepfel's with a total estimated value of \$2,500; and be it further

RESOLVED, that the Board of Trustees hereby thanks Gerard and Diane Koepfel for their generosity to the Community.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

M. Additional Authorization to close out the matter of Santangelo vs. Village of Mamaroneck, et. al.

RESOLUTION
 AUTHORIZING SETTLEMENT OF THE MATTER OF
SANTANGELO V. VILLAGE OF MAMARONECK (INDEX NO. 08-14978)
 IN AN AMOUNT NOT TO EXCEED \$7,072.89

WHEREAS, an action was commenced by Carmen Santangelo on or about July 15,2008 in connection with a claim of false arrest and unlawful detention on July 17, 2007; and

WHEREAS, a settlement was agreed to by the Village's insurance carrier whereby the Plaintiff will receive the sum of \$6,500.00 (Six Thousand Five Hundred Dollars and Zero Cents); and

WHEREAS, the Village's insurance carrier has requested an additional sum of \$572.89 (five hundred seventy two dollars and eighty nine cents), to completely close out this matter; and

WHEREAS, the Village is obligated to pay \$7,072.89 (Seven Thousand Seventy Two Dollars and Eighty Nine Cents) as and for its deductible and related expenses; and

WHEREAS, following payment of the above figure the Village will be released from all further liability.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED, that the Board of Trustees confirms the settlement of Santangelo v. Village of Mamaroneck (Index No. 08-14978) and authorizes the payment of \$7,072.89 (Seven Thousand Seventy Two Dollars and Eighty Nine Cents) as and for its deductible and related expenses towards such settlement and that upon receipt of a general release from the plaintiff's estate, in favor of the Village of Mamaroneck and its agents, officials, employees and volunteers, and receipt of a duly executed claim voucher, a check or checks totaling the sum of not more than \$7,072.89 (Seven Thousand Seventy Two Dollars and Eighty Nine Cents) as and for its deductible and related expenses may be issued.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

N. Appointment of Police Lieutenant

Heard earlier

O. Addition of Agenda Item 5P

Heard earlier

P. Appointment of Member of the Harbor & Coastal Zone Management Commission

Trustee Hofstetter stated that he will be voting no, as he does not have any information on this matter before him and he also does not agree with the process in which this was handled. Trustee Ryan stated that she will also be voting no as she believes that the resumes of residents who have shown interest in serving, should be reviewed and discussed before an appointment is made.

WHEREAS, the Board of Trustees be and hereby accepts the resignation of George Belsito from the Harbor and Coastal Zone Management Commission; and

WHEREAS, Mr. Cary Sleeper, former member of the HCZM has shown an interest in assuming this open position.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that Mr. Cary Sleeper be and is hereby appointed to the Harbor and Coastal Zone Management Commission to fill the unexpired term of Mr. George Belsito, such term to expire December 2010.

Ayes: Ybarra, Santoro, Rosenblum

Nays: Hofstetter, Ryan

6. **REPORT FROM VILLAGE MANAGER**

A. File for the Record – Employment Agreement with Chief Edward Flynn

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

B. File for Record – Retirement and Release of Claims Agreement with Chief Edward Flynn

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

C. Correspondence from NYS Department of State regarding grant for Town of Rye Dissolution Study

D. Correspondence from NYS Department of state regarding 2009-10 High Priority Planning Grant

E. Correspondence from NYS Department of State regarding 2009-10 Local Government Efficiency Grant

F. Meeting with County Planning Department regarding 2025 Build Out Analysis (Added)

Mr. Slingerland reported that a meeting has been scheduled for September 22 with the County Planning Department on their 2025 build out analysis. Mr. Slingerland recommends that the Planning and Zoning Boards be invited. Information on the venue will follow.

G. County Recycling (Added)

The County has announced that they are looking to expand the list of plastic recyclables to include numbers 3, 4, 5, 6 and 7.

H. CDBG Contract (Added)

Mr. Slingerland stated that he and Mr. Sarnoff attended a meeting for all communities who are exempt from the affordable housing settlement; as the Village is one of eight communities who have met their quota for low to moderate residents and residences. These municipalities are concerned as there is language in the new proposed IMA in regard to CDBG projects with the County that states that municipalities need to affirmatively further fair housing; however, if we are meeting the compliance, why should we be subject to that requirement. They are also concerned about the long term impacts on this language to the entire consortium. Until this is resolved, Mr. Slingerland suggests not signing the IMA on the CDBG work scheduled to be done at Old White Plains Road and Mamaroneck Avenue.

I. Polling Locations (Added)

Mr. Slingerland reminded residents that tomorrow is primary election day. Mr. Slingerland listed the polling locations in the Village.

J. Mamaroneck EMS (Added)

Mr. Slingerland asked the Board to hold an executive session on a matter of continuing litigation between the Village and Albright Electric.

7. FLOOD MITIGATION REPORT

Mr. Slingerland stated that all was covered during the Regular Meeting.

8. REPORT FROM CLERK-TREASURER

A. Audit (Added)

Mr. Fusco stated that the Village's yearly audit is in the process of being completed. Thus far, the results are very favorable.

B. Resignation of George Belsito (Added)

Mr. Fusco stated that his office received the resignation of George Belsito from the Harbor and Coastal Zone Management Commission. Mr. Fusco thanked Mr. Belsito for his service.

9. REPORT FROM VILLAGE ATTORNEY

A. Filing of Local Law 20-2010 with the Secretary of State

Ms. Derrico stated that this Local Law was filed on August 26, 2010.

10. REPORT FROM POLICE CHIEF

None

11. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

None

Updates from the Board

Trustee Ybarra reported on the camp out at Harbor Island on Saturday night. She had a great time and made new friends. Trustee Ybarra also informed the residents of the passing of former police officer Joseph Ambrose on September 3 after a long illness. She expressed her condolences to his family. Trustee Ybarra informed all that there will be a memorial service held for him on Saturday, October 9 at 11 a.m. at St. Vito's Church with a reception at the Elks Club to follow.

Trustee Ryan thanked Superintendent O'Keeffe for once again organizing the 9/11 Memorial Service held this past week. Trustee Ryan also attended the camp out at Harbor Island. Trustee Ryan thanked the Council of the Arts for all of their work in organizing the summer concert series and the DeRosa family for donating the funds for the outdoor movie.

Trustee Hofstetter also attended the joint municipal memorial service held on 9/11. It was a wonderful ceremony, making sure that we never forget the event. Trustee Hofstetter attended the camp out as well and it seemed like everyone was having a lot of fun. Trustee Hofstetter stated that he received a phone call from the Village Attorney today regarding blogs with information that he had sent out and he wanted to make it clear that he does not post things on blogs. His interpretation of the Mamaroneck Beach and Yacht Club settlement was given to residents when he was asked for it; however, he never posted these comments on any blog. He was surprised to get the phone call as he

does not see the difference between his interpretation of the settlement being on the web and the Mayor's interpretation being posted on the Village's website. Trustee Hofstetter again opined on the lack of information received before this settlement was voted on and anyone who says that the Board performed their fiduciary responsibility is wrong.

Ms. Derrico stated that she is disheartened that Trustee Hofstetter would broadcast this for whatever ends. She asked all to consider that they have a job to do for this community. She did not question him when he stated that he did not post to the blog. This conversation was confidential; and it should have remained that way. She reminded Trustee Hofstetter that he is bound by this stipulation; and to please consider this when he makes statements. Mayor Rosenblum asked that any comments on the Stipulation end as dangerous ground is being tread on.

Trustee Santoro informed residents that the fishing rodeo will be held on Monday, October 11 and the Halloween party will be on October 9. Kayak lessons and ballroom dancing are beginning again and a trip to the Museum of Natural History has been scheduled. All of this information is available on the Recreation Department page of the Village's website. Trustee Santoro received an email today from Chief Leahy on the arrest of five individuals in the Village of Larchmont. He thanked our officers for their assistance with this and a job well done. The Chamber golf outing will take place tomorrow. Trustee Santoro reported on the Kiwanis Car show. He also reported that the annual window painting will take place on October 24 and that Mamaroneck Avenue will be closed on that day from 5-8 for a Halloween parade, and other festivities. Trustee Santoro stated that Board Meeting Procedures have been passed and he suggests that Trustee Hofstetter abide by these.

Mayor Rosenblum thanked Supervisor O'Keeffe as well for the 9/11 ceremony. She led the ceremony perfectly. He also thanked all those who participated, particularly the uniformed men, women and children; including the boy and girl scouts. He asked that the Village consider their own ceremony for the 10 year anniversary and annually going forward. He thanked the Kiwanis for a great car show in spite of the weather. Mayor Rosenblum congratulated Rye Neck High School on opening their football season with a win. He also congratulated John Farris and Fred and Nancy Longacre for their work done and dedication to the Harbor Island Conservancy. The new signs at the Harbor look great. Mayor Rosenblum stated that he would like to honor and celebrate the life of Jim McDonald on his passing. He represented the ultimate definition of a volunteer. Mayor Rosenblum welcomed back Officer Ledonne after his bike accident. He also is also looking forward to the new leadership in the police department.

On motion of Trustee Ybarra, seconded by Trustee Santoro:

RESOLVED that the Board of Trustees convene to Execute Session to discuss on going litigation and personnel issues.

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,

RESPECTFULLY SUBMITTED BY:
AGOSTINO A. FUSCO,

SECRETARY

BOT 09/13/2010 p. 25
CLERK-TREASURER