

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, AUGUST 16, 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
Police Department Lieutenant Chris Leahy
Clerk-Treasurer Agostino A. Fusco
ABSENT: None

PRESENTATION OF HEITHAUS WALKWAY PLANS

Ms. Sunny Goldberg, Chair of the Heithaus Walkway Committee appeared. Ms. Goldberg gave background on the establishment of the committee and their fundraising efforts. The committee has high hopes for redoing the walkway to finish their dream of making Mamaroneck Avenue beautiful, as they were also in charge of the streetscape changes.

Mr. Greg DeAngelis, architect and member of the committee appeared. Mr. DeAngelis stated that grants have been obtained to complete the first phase of work. The first phase of the project would be to make this an ADA compliant ramp; including reconstructing it to the proper pitch, removing the canopy and the addition of handrails. A second phase would enhance the space including ornamental lighting and a canopy. Mr. DeAngelis gave an overview of the plan. There are still several opportunities for funding and donors to participate. A new, more esthetically pleasing bulletin board will be put up for donor participation.

A resident and business owner in the Village appeared. He is concerned about there being no canopy until the second phase of the project. The walkway is extremely slippery and dangerous, especially in the winter and in the rain. He asked that the timing of the removal of the canopy be done after the winter season. Mr. DeAngelis informed him that the replacement pavers would be non skid. Mr. DeAngelis stated that the merchants suggested the construction begin right after the 4th of July as this is a slower shopping season. The canopy is not part of phase one and it is quite possible that there may be no canopy during several seasons. This gentleman is also concerned about not being able to use the walkway during the excavation and grading. He asked that an alternate pathway be constructed so that people do not have to walk around the block.

Trustee Hofstetter inquired as to the available funds for this project. Mr. Slingerland informed him that including the Village match, there is \$190,000 available right now to complete phase one and to finish the project, including phase two, would cost between \$600 and \$700,000.

NEW BUSINESS

Mayor Rosenblum asked if the Board would take Items 5C and 5G out of order.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that Items 5C and 5G be and are hereby taken out of order.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

5 NEW BUSINESS

C. Authorization for a Compensation Agreement & Retirement Agreement with the Police Chief

Trustee Hofstetter stated that he is uncomfortable with the \$84,000 in retroactive pay increases as he believes it sets a dangerous precedent. He is also concerned as there have been problems with these kinds of payouts in other municipalities. Trustee Santoro stated that he spoke with the state and there are no issues with handling this issue in this manner. He also stated that the approximate additional cost of his pension to the Village is \$5,900.

**RESOLUTION
RETIREMENT AND EMPLOYMENT AGREEMENT WITH ED FLYNN**

WHEREAS, Edward Flynn is retiring as Chief of Police for the Village of Mamaroneck on September 26, 2010, ending an exemplary career that has spanned 37 years; and

WHEREAS, during his tenure, Chief Flynn has accrued a confirmed amount of leave time valued in current salary dollars at approximately \$109,000 for which he has requested payment, and

WHEREAS, rather than receiving full payment for this accrued leave time, Chief Flynn has requested the Board of Trustees to authorize payment as a retroactive pay increase for approximately three quarters of the total amount due to him, totaling \$84,000; and

WHEREAS, after careful deliberation, the Board of Trustees hereby agree to this payment to Chief Flynn in the total amount of \$84,000, in the form of a retroactive pay increase.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorize the Village Manager to enter into on behalf of the Village a retirement agreement and an employment agreement with Ed Flynn, that provides for retroactive pay increases in the total amount of \$84,000, and that he has accepted such payment in full settlement of claims for all leave time, and to release any and all other claims that he may have against the Village of Mamaroneck; 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.

Ayes: Ybarra, Ryan, Santoro, Rosenblum

Nays: Hofstetter

G. Appointment by the Board of the New Police Chief on a Provisional Basis under Civil

The entire Board congratulated Lt. Leahy on his appointment. There was a standing ovation for Lt. Leahy and included in the audience were many members of the police force as well as retired police officers. Both Mayor Rosenblum and Trustee Santoro stated that they are happy to be appointing a resident from within the organization and will do so whenever possible.

**RESOLUTION AUTHORIZING APPOINTMENT BY THE BOARD OF TRUSTEES OF A CHIEF
TO THE VILLAGE OF MAMARONECK POLICE DEPARTMENT ON A
PROVISIONAL BASIS**

WHEREAS, Edward Flynn is retiring as Chief of Police for the Village of Mamaroneck on September 26, 2010, ending an exemplary career that has spanned 37 years; and

WHEREAS, as there is no current civil service list for Chief of Police, the Board of Trustees, in their capacity as a Board of Police Commissioners, met to interview prospective candidates to assume the position of Chief of Police on a provisional basis until such time as a civil service examination can be held and a new list be developed; and

WHEREAS, after careful and lengthy deliberation, the Board of Police Commissioners recommended that Lt. Christopher Leahy be appointed to the position of Chief of Police for the Village of Mamaroneck on a provisional basis until such time that a civil service examination is held and a new list is developed; and

RESOLVED, that pursuant to §8-800 of New York State Village Law, the Village Board hereby appoints Lt. Christopher Leahy to the position of Chief of Police for the Village of Mamaroneck on a provisional basis commencing upon the retirement of Edward Flynn effective 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: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Lt. Leahy congratulated Chief Flynn on his 37 years of service and wished him well in his retirement. He thanked his family and friends for their support. He thanked the Board for their support and vote of confidence and he is very proud to lead the fine group of men and women in their service to the community.

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

Mayor Rosenblum stated that there are technical additions that will be made to this Proposed Local Law; therefore, the public hearing will be continued to the next Board meeting to give residents an opportunity to comment on these changes. Ms. Derrico stated that the section of the law dealing with penalties has been tightened up, taking out any reference to age, but including the staggered amounts that go up with the number of violations. She believes it is a simpler law that took into consideration the recommended changes sent in by residents.

Trustee Ryan stated that at the July meeting, the Board stated that at this meeting they would present the best law that they could. At that time she asked the Village Attorney that she look at the draft of the law before it is forwarded to the Board so that when a law, drafted by someone else, is presented they are assured that the Village Attorney has reviewed it and that it is the best law that can be presented. She is officially requesting that there is a process in place to assure that this is done. Mayor Rosenblum believes that this was done with this law. Trustee Ryan disagreed as she has not received any comments on this law from the Village Attorney before any public hearings.

Trustee Hofstetter asked about the locations and the number of signs as it seems a large number of signs will be posted. The Board discussed the phasing in of signs or allowing the leaning of bikes against store fronts as long as it does not impede pedestrian traffic.

Stuart Tiekert of Beach Avenue appeared. He believes that the law could be somewhat improved and slimmed down further. He asked if the downtown business district has been defined and was told that yes, this was done. It seems overcomplicated to him to allow the walking of bicycles to and from a parking spot in the downtown area when it does not prohibit the walking of bicycles anywhere else in the law. Would this provision disallow a person from walking their bike in any other part of the Village? The Board agreed that the sentence stating that the walking of bicycles in the downtown business district be removed from the law.

Mr. Stuart Schwartzreich of Lorraine Street appeared. Mr. Schwartzreich asked for a highlight of the changes to the law. Mr. Slingerland gave a brief history of the law and the changes suggested. Mr. Schwartzreich is an avid bike rider and believes that less is more when it comes to this law. He asked if skate boarding is being addressed as it seems the biggest issue. The Board assured him that yes, this is addressed.

Ms. Barbara Novick of Soundview Drive appeared. Ms. Novick is in support of the law. She thanked the Board as she believes it is a good and balanced law.

Mr. David Wilson, the President of the Westchester Cycle Club and Bike Alliance of Westchester and Putnam Counties appeared. He thanked the Board for taking their input and coming up with a good ordinance that seems to meet the needs of the bicyclists and pedestrians. His group is affiliated with the East Coast Greenway and he met with the Village Manager and Mayor to put up signs around the Village in regard to this Greenway.

Mr. Lee Wexler of Munroe Avenue appeared. Mr. Wexler too is in favor of the new ordinance. He thanked the Board.

Ms. Zoe Colon with the Hispanic Resource Center appeared. She asked if it would be possible to have bike parking locations on the other side of the train tracks, perhaps to the corner of Sheldrake. The Mayor stated that it is the intention of the Village to place bike racks on this side of Mamaroneck Avenue as well.

On another note, Mr. Slingerland informed Ms. Colon that there will be work done as part of a CDBG grant on the sidewalks, curbs and lights on Mamaroneck Avenue from Van Ranst to Jefferson Avenue.

Mr. Larry Caden of Weaver Street appeared. He thanked the Board for their work on this law.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the Public Hearing on PLL W -2010 be and is hereby adjourned to the September 13, 2010 Board of Trustees Regular Meeting.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

PUBLIC HEARING ON PLL X-2010 (Establishing Alternate Member Positions for Planning & ZBA)

Mayor Rosenblum stated that he will move to open the public hearing; however, the hearing will be continued at the next meeting as a technical aspect to this law was recently noted and will need to be changed.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on PLL X-2010 be and is hereby opened.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

Ms. Derrico stated that a survey done of municipalities in the county and the state that use alternates was forwarded to the Board by the Village Manager. She informed the Board that alternates can be used in accordance with state law. If the Board would like for alternates to be available in the event of lack of a quorum, because of Home Rule, that provision can be added to the law as well. Ms. Derrico stated that the entire Code would need to be reviewed to make sure that all parts of the Code that pertain to this are also changed. This will function similarly to having alternates on a jury. The alternates would not be part of deliberations; however this will not be reflected in the local law. This law would merely permit alternates and the practice of the boards would dictate how they are used.

Mayor Rosenblum stated that in light of concerns raised, alternates would attend all meetings. Trustee Santoro stated that he reached out to many communities who use alternates and none of them have been subject to litigation in regard to this. They also informed him that they use alternates as a training ground for future board and commission members.

Trustee Ryan asked for information on Home Rule so that they understand exactly how this law will be re-written.

Mr. Lee Wexler of Munroe Avenue appeared. Mr. Wexler is on the Planning Board and he does not see the value of adding alternates. He believes that it is a poor use of a volunteer's time. He would not want to spend time sitting and listening to an application when he knew that he could not give his opinion or vote on the application. Trustee asked how the Planning Board handles an absence. Mr. Wexler stated that when there is a member absent, the applicant is given the choice of whether or not they would like their application moved on and in his experience, only once did an applicant ask to have their application held to the next meeting. He does not see the benefit of this as far as the Planning Board is concerned.

Mr. Robert Galvin, Chairman of the Planning Board appeared. He believes that if this law is adopted, there should only be one alternate appointed to each board. He believes that alternates are better suited to the Zoning Board, as they have to render a decision within 60 days of closing an application. He could see it as a potential tool, but doesn't believe that it is necessary in the Planning Board. It may be a good training ground for a future board member. He spoke with a prior village superintendent and current planning board chair and the superintendent instituted it and thought it a good thing and the planning board chair did not think it is a good idea. He thought that being an alternate could be very frustrating; as you need to read and understand everything, but are not allowed to participate. Mr. Galvin believes that institutional memory is extremely important; however, it may be a better idea to have a previous board member as a consultant to the particular board.

Mr. George Mgrditchian of Orienta Avenue appeared. In his experience on the Zoning Board, he doesn't recall the absence of a member ever being an issue. Applicants are given the opportunity to adjourn their application if a member is missing; which didn't halt an application very much. He believes that there would be an administrative burden added to the Village if this law was adopted.

Trustee Ryan and Trustee Hofstetter are also concerned about having two alternates; as this could lead to issues of "cherry picking" one individual over another. Trustee Ryan commented that the wording in the proposed law stating that the Chair could choose or not choose to use an alternate under the circumstances described was troublesome to her. She felt that there should be consistency and that if a law was enacted so that alternates could be participants on Planning and Board of Appeals Commissions, then it should not be up to the Chair to choose or not to choose to use an alternate.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Public Hearing on PLL X-2010 be and is hereby adjourned to the September 13, 2010 Board of Trustees Regular Meeting.

Ayes: Hofstetter, Ybarra, Ryan, Santoro, Rosenblum

Nays: None

PUBLIC HEARING ON PLL Y-2010 (Elimination of Term Limits for Volunteer Boards & Commissioners)

Trustee Ryan stated that one question she has not been able to answer to residents is why the Board is doing this. She does not understand what prompted this. The system seems to be working. She

feels that if people serve indefinitely, that does not serve the residents who are waiting to be appointed to committees. She also believes that new eyes bring new ideas. Finally in looking at the NY State Law, she understands that if there are no term limits, members of a board or commission cannot be removed without cause and a public hearing, which could be publically embarrassing. There is a mechanism in place now that allows for members to be removed from boards graciously.

Trustee Hofstetter stated that he has the same concerns as Trustee Ryan. He does not understand why the change now when term limits have seemed to work since being put in place in 1984.

Ms. Derrico stated that she was surprised that so few of the communities that Mr. Slingerland polled had term limits. Trustee Hofstetter stated that this poll only covers 34 communities and that there are over 500 villages in the state and probably that many towns; therefore, this is a very small sampling. Trustee Ryan believes that while surveys can be helpful, our Village is different from the neighboring municipalities and we should look at what is best for us, not how we compare to our neighbors.

Mr. Robert Galvin, Chairman of the Planning Board appeared. Mr. Galvin gave history of how the term limits came to be in 1984. This was to limit the amount of time elected officials could serve; to prevent them from making it their career. There was a ground swell in the entire nation and the Village followed suit.

Mr. George Mgrditchian of Orienta Avenue appeared. Mr. Mgrditchian is in favor of abolishing term limits.

Mr. Slingerland clarified that the only change to the Code is eliminating the number of terms one can serve, not the length of terms.

Trustee Hofstetter stated that he will be voting no to abolishing term limits as he believes this law was passed in 1984 for a reason and no one has articulated what has changed since then.

Trustee Ryan stated that she too will be voting no as she believes that this has worked for many years and if it "ain't broke, don't fix it".

Mayor Rosenblum agreed that nothing has changed; the length of terms don't change and members will be appointed by the Board of Trustees as it has always been done. This will simply be a tool to perhaps help this and future Boards, when there is a board member that they would like to keep on a committee.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that the Public Hearing on PLL Y-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 Public Hearing on PLL Y-2010 be and is hereby adopted and shall read as follows:

LOCAL LAW NO. 20-2010

A local law amending Chapter 48 of the Village Code Regarding
Eliminating Term Limits for Persons Appointed to Serve on
Boards, Commissions, Councils and Committees

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

SECTION 1. Section 48-1 of the Village Code, entitled "Number of terms limited" is hereby deleted in its entirety, and a new section adopted as follows:

§ 48-1. Terms of appointment.

A. Persons appointed to serve on boards, commissions, councils and committees of the Village of Mamaroneck, shall serve for the length of term defined in the applicable section of the Village Code or, if not so defined elsewhere in the Village Code or in law, to a length of term defined at the time of appointment.

B. For the purpose of this section, the following terms shall have the meanings indicated:

TERM -- Any appointment of one year or more.

SECTION 2. Severability

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

SECTION 3. Effective Date

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

Ayes: Ybarra, Santoro, Rosenblum

Nays: Hofstetter, Ryan

1. COMMUNICATION TO THE BOARD

Mr. Samir Katen of Brook Street appeared. He is concerned regarding the Village's possibly bonding the Sportime project. He wants assurance that the Village will not have to pay if this project fails. Mayor Rosenblum stated that this is one option at a very preliminary point in this venture. There will be a public hearing when there is anything that is decided.

Mr. Stuart Tiekert of Beach Avenue appeared regarding the letter submitted by neighbors of Pine Street in June. Ms. Derrico informed Mr. Tiekert by this meeting, she would have updated the Board on the issues which are Pine Street. Today, Mr. Tiekert dropped off a package which gives a synopsis of what has been happening in the last eight years since Pine Street has been developed. Mr. Tiekert read one paragraph outlining how a developer initially deceived the Village and then ignored the agreements he made with the Village in order to enrich himself and shortchanging Village taxpayer by the construction of Village infrastructure. In eight years the Village has been passive in dealing with

this developer, by not enforcing its laws. He has pleaded with the past administrations to use the tools they have to have a plan in dealing with this. He will follow up with the Board at their next meeting. Mr. Tiekert also asked that this issue be put on a work session agenda for discussion.

Dr. Charles Morelli of Beach Avenue appeared regarding the letter Mr. Tiekert submitted. He is hoping for a decision on this issue. The only time the Board met speedily on this issue is when the Village issued him a violation regarding his parking area. Dr. Morelli had a photo of a car in the parking area showing the Village's right of way. His van sticks out by 6 inches. Dr. Morelli showed a photo of across the street, which clearly shows that his neighbor's parking area as well as the side of one house and 50% of both houses are in the Village's right of way. This has not been addressed, nor do they feel it is necessary; however, they would like gravel placed in this area to help with the flooding. He asked the Board to visit Pine Street and requests that some speed is brought to the issues at hand there as was done with his violation. He also hopes to have answers to their questions by the next meeting.

Mayor Rosenblum stated that there are open questions that the Village may not have the purvue to make a decision in a legal action. The Mayor asked Ms. Derrico if there is any issue with having gravel put down as far as the legal action is concerned. Ms. Derrico stated that she would need to talk to the Building Department.

2. APPROVAL OF MINUTES

A. Minutes of BOT Regular Meeting of June 14, 2010 (Including Public Hearings)

Trustee Ryan stated that she had minor typographical changes to these minutes as well as to those for the meting of June 28, 2010, which were given to Ms. Roberts.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the BOT Regular Meeting of June 14, 2010 with the above noted corrections made by Trustee Ryan be and are hereby adopted.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Minutes of the BOT Regular Meeting of June 28, 2010 (Including Public Hearings)

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the BOT Regular Meeting of June 28, 2010 with the above noted corrections made by Trustee Ryan be and are hereby adopted.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

3. AUDIT OF BILLS

Mayor Rosenblum had questions that were answered by Mr. Fusco and Mr. Slingerland. One issue Mr. Rosenblum has is that we are not using a local vendor to buy plumbing supplies, specifically Golden's Bridge Plumbing. Mr. Slingerland stated that there is a discount that is received by the Assistant Village Inspector at this store. Trustee Santoro believes that this may be an ethics issue and asked that it is looked into. Mayor Rosenblum asked if the Westchester Joint Water Works is charged for street openings, as the Town of Harrison charges for their street opening. He asked that this is done, so that we are not subsidizing Harrison.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated August 16, 2010, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$1,206,726.51
H-10 Capital Projects	528.00
Water Fund	17,955.00
Mamaroneck Health Center	146.00
Agency Fund – Escrow Deposit	<u>3,000.00</u>
	\$1,228,355.51

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

4. OLD BUSINESS

Mr. Slingerland stated that his office has received calls from residents regarding the issue of allowing dogs to be walked in Harbor Island Park all year long and not restricted from May to December. Mayor Rosenblum stated that there was a presentation done at a previous meeting by residents who wanted to be able to do this. Ms. Derrico stated that she has a file on this and if the Board chooses, this can be put on the next work session agenda.

Trustee Ryan also asked Mr. Slingerland to confirm that the letter of support of the Veterans Center in Montrose was sent out. Mr. Slingerland to confirm.

5. NEW BUSINESS

A. Resolution Awarding Inflow and Infiltration Corrections Project Contract 10-01A

RESOLUTION AWARDING CONTRACT 10-01A – INFLOW AND INFILTRATION CORRECTIONS PROJECT

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of bids for Contract # 10-01A – Inflow & Infiltration Corrections Project and notified at least four (4) companies and notified them that the contract was out to public bid; and

WHEREAS, on the bid opening date of August 4, 2010, one (1) sealed bid was received and opened; and

WHEREAS, the sole responsible bid was received from Reynolds Inliner, LLC, (Reynolds), 195A Norridgewock Road, Fairfield, ME, 04937, itemized as follows: Item 1 – Cured-in-Place sanitary

sewer lining – \$36.00/linear foot, which based on an estimated quantity of 11,000 LF yields a bid price of \$396,000; Item 2 – Sanitary Sewer Manholes Rehabilitation – \$1,850 per manhole, which based on an estimated 40 manholes yields an estimated price of \$74,000, or a total estimated base bid for Items 1 & 2 of \$470,000; and

WHEREAS, this bid prices compares favorably to the Village’s most recent bid (Contract 08-06) which occurred in 2008 with pricing of \$39.00/lf for cured-in-place-lining (based on estimated 11,000 linear feet) and \$1,620 per sanitary sewer manhole rehabilitation (estimated 22 manholes), or a total contract price of \$464,640; and

WHEREAS, Reynolds is a reputable company and has performed similar cured-in-place lining for the Village thorough previous contracts and the Village has been satisfied with the quality of their work.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED, that the Village Board herein awards Contract 10-01A – Inflow and Infiltration Corrections Project to Reynolds Inliner, LLC, (Reynolds), 195A Norridgewock Road, Fairfield, ME, 04937, itemized as follows: Item 1 – Cured-in-Place sanitary sewer lining – \$36.00/linear foot, which based on an estimated quantity of 11,000 LF yields a bid price of \$396,000; Item 2 – Sanitary Sewer Manholes Rehabilitation – \$1,850 per manhole, which based on an estimated 40 manholes yields an estimated price of \$74,000, or a total estimated base bid of \$470,000 with an authorization for additional work to take place up to the total amount of a pending federal grant of \$485,000 and the Village’s local match in a total amount not to exceed \$890,000 under this contract; and be it further

RESOLVED, that the Village Manager is herein authorized to execute Contract #10-01A – Inflow and Infiltration corrections Project with said Reynolds Inliner, LLC; and be it further

RESOLVED, that all costs associated with such work be charged to a Capital Budget Account to be determined by the Village Clerk-Treasurer; and be it further

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

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Resolution Awarding Harbor Master’s Boat Contract

Trustee Hofstetter stated that the Harbor Master does need a new boat; however, he would like to know who the current owner of the boat is, as Catalino facilitated the sale. He would like to know who has serviced the boat in the past. Trustee Hofstetter would like to have this information before spending this amount of money. Trustee Santoro stated that Mr. Russo sent an email stating that this information will be available tomorrow. Trustee Ryan feels that if the Board feels that this information

is necessary, have the resolution adopted stating that the information received should support everything they are looking for.

**RESOLUTION AUTHORIZING THE PURCHASE OF A BOAT FOR THE
MAMARONECK HARBOR MASTER**

WHEREAS, the Mamaroneck Harbor Master's Boat is currently in a state of disrepair and based on a mechanical inspection has been identified as being in need of replacement, said replacement being further included in the FY 2009/10 Capital Budget and Plan; and

WHEREAS, the Village had previously received a quote of \$43,000 for the private sale of a 2003 Grady White 232 Gulfstream Walkaround Cabin that had approximately 120 hours of use through J. Catalano & Sons, 34 S. Water Street, Greenwich, CT 06830; and

WHEREAS, in keeping with its due diligence responsibility and remaining in compliance with the Village's procurement policy and with the public bidding requirements as set forth in §103 of the General Municipal Law, the Village prepared plans and specifications for the purchase of a boat for the Mamaroneck Harbor Master; and

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of bids for Contract # 10-03 – Harbor Master's Boat; and

WHEREAS, at the time of the bid opening, no bids were received, however, J. Catalano & Sons did respond subsequent to the bid opening and indicated that they would honor their previous quote of \$43,000 subject to an inspection and testing by the Mamaroneck Harbor Master.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED, that the Village Board herein authorizes the Village Manager to purchase a 2003 Grady-White 232 Gulfstream Walkaround Cabin through J. Catalano & Sons, 34 S. Water Street, Greenwich, CT for the quoted price of \$43,000 based on the Harbor Master's inspection and confirmation of the ship's sea worthiness; and be it further

RESOLVED, that the funding for this purchase shall be provided for through the issuance of debt, use of contingency funds or supplemental appropriation.

Ayes: Ybarra, Santoro, Rosenblum

Nays: Hofstetter, Ryan

Trustee Hofstetter stated that he is voting no as he would like to have this information before the boat is purchased. Trustee Hofstetter also stated that he does not appreciate the Mayor telling Mr. Russo to respond to no one but him.

- C. Authorization for a Compensation Agreement & Retirement Agreement with Police Chief
This item was handled at the beginning of the meeting.

D. Request from traffic Commission for Parking Time Limit on Jefferson Avenue

WHEREAS, at their meeting of May 12, 2010, the Board of Traffic Commissioners recommended the following amendment to Chapter 326 (Vehicle & Traffic), Section 91 (Schedule XXIV – Time Limit Parking) of the Code of the Village of Mamaroneck; and

WHEREAS, the Traffic Commission determined that prohibition is necessary to reduce the number of railroad commuters parking in this residential area; and

WHEREAS, the Board of Trustees has discussed this recommendation at their August 9, 2010 Work Session.

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic), Section 91 (Schedule XXIV – Time Limit Parking) of the Code of the Village of be and is hereby adopted.

SECTION 91 TIME LIMIT PARKING

By rescinding from Chapter 326, Section 91, Schedule XXIV:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit Hours/Days</u>	<u>Location</u>
Jefferson Avenue extension	South	90 mins.: 9:00 am to 7:00 pm Monday through Saturday except holidays	From Hillside Avenue to Jefferson Avenue

-AND-

By adding to Chapter 326, Section 91, Schedule XXIV:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit Hours/Days</u>	<u>Location</u>
Jefferson Avenue extension	South	3 hrs.; 9:00 am to 5:00 pm Monday through Friday except holidays	From Hillside Avenue to Jefferson Avenue

E. Authorization for Chamber to Hold Additional Sidewalk Sale on Aug. 19-21, Raindate Aug. 23

**RESOLUTION
AUTHORIZATION FOR THE CHAMBER OF COMMERCE TO HOLD SIDEWALK SALES**

WHEREAS, the Village has received a request from the Chamber of Commerce to hold Sidewalk Sales on August 19, 20, and 21, with a rain date of August 23, 2010; and

WHEREAS, the Chamber of Commerce must provide the Village of Mamaroneck with a certificate of liability insurance naming the Village as an additional insured; and

WHEREAS, the approval of sidewalk sale days must be authorized by the Village Board of Trustees.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees approves the dates for the Chamber of Commerce Sidewalk Sales; and be it further

RESOLVED, that said approval is subject to the Chamber of Commerce providing the Village of Mamaroneck with a certificate of liability insurance prior to the commencement of Sidewalk Sale days.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

F. Resolution Setting the BOT Meeting Calendar for Remainder of 2010

WHEREAS, at the Annual Organizational meeting held on the first Monday of December, the Board sets their work session and meeting schedule for the upcoming year; and

WHEREAS, there are holidays that fall on some of these predetermined dates.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees Work Session and Regular Meeting dates for the remainder of 2010 be and are hereby scheduled as follows:

BOT Work Sessions – 5:30 p.m. at Regatta Conference Room

September 7 (Tuesday), September 20, October 4, October 18, November 1, November 15 & December 13

BOT Regular Meetings – 7:30 p.m. at Village Courtroom

September 13, September 27, October 12 (Tuesday), October 25, November 8, November 22 & December 20

Abstract Approval Meeting

August 30

BOT Annual Organizational Meeting

December 6

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Appointment by the Board of the New Police Chief on a Provisional Basis under Civil

Handled at beginning of meeting.

H. Resolution Adding Agenda Item

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

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that Agenda Item 5I, Resolution authorizing the overnight travel for a Police Officer to attend a child safety seat training workshop, be and is hereby added to the August 16, 2010 Board of Trustee Regular Meeting Agenda.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Authorization for Overnight Travel for a Police Officer to Attend Child Safety Seat Training Workshop

WHEREAS, the Village of Mamaroneck has applied for and received a 2010 Child Passenger Seats (CPS) Grant from the New York State Governor's Traffic Safety Commission for the Village to supply and teach residents to correctly install child passenger safety seats; and

WHEREAS, officers are required to be certified for this program, and the nearest training program to meet our training deadline requirements to complete the training by the end of August, 2010, is in Old Forge Pennsylvania.

On motion of Trustee Ybarra, seconded by Trustee Ryan:

BE IT RESOLVED that Police Officer Tim Galvin is hereby authorized to travel with an overnight stay to Old Forge Pennsylvania to attend the required CPS training workshop, for travel costs not to exceed \$450.00

Ayes: Ybarra, Hofstetter, Ryan, Rosenblum

Nays: None

Abstain: Santoro

6. **REPORT FROM VILLAGE MANAGER**

A. File for the Record – Agreement w/Zeltsman Associates, Inc. d/b/a Community Markets

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

B. File for Record – Renewal Term for Global Tower, LLC for Wireless Telecommunications Facility Lease

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

C. Personnel Resignation – Fire Inspector

Mr. Slingerland announced that effective July 26, 2010, Edward Kolisz has resigned his position as Fire Inspector with the Village of Mamaroneck.

D. Personnel Appointment

Mr. Slingerland announced that effective August 16, 2010, William Ciraco has been appointed to the position of Fire Inspector, at the annual salary of \$62,000.

7. FLOOD MITIGATION REPORT

Mr. Slingerland reported that there was the groundbreaking at the Garden's Lake project that he and other officials attended. This will add to the storage capacity of the lake, better known as the Duck Pond. In reference to the Jefferson Avenue Bridge project, his office received several different proposals from three different engineering firms. Interviews with these firms will be done and he will report back to the Board on this in September. Mr. Slingerland made a public service announcement regarding the catch basins and the grates at the Westchester Joint Waterworks. Everything has been very clean, due to the lack of rain. Mr. Slingerland reported that the river cleaning RFP's are due back this Friday and he will have more to report on that in September.

Trustee Santoro asked Mr. Slingerland to put a review of Local Law 11-2007 on the next work session agenda in reference to the fee charged to residents in the flood zone when applying for a building permit.

8. REPORT FROM CLERK-TREASURER

- A. File for the Record – Remedial activity Summary Report from Groundwater & Environmental Services, Inc.

Mr. Fusco stated that this report has been filed for the record with the Clerk-Treasurer's office.

- B. File for the Record – Correspondence to Library w/payment of 50% for Library District Taxes Collected

Mr. Fusco stated that this correspondence has been filed for the record with the Clerk-Treasurer's office.

- C. Notification of 520s (Loss of Tax Exemption) on Seven (7) Properties

Mr. Fusco stated that the Board was given copies of the lost tax exemptions on seven properties in the Village.

9. REPORT FROM VILLAGE ATTORNEY

- A. Filing of Local Law 19-2010 with the Secretary of State

Ms. Derrico stated that this Local Law was filed on August 5, 2010.

10. REPORT FROM POLICE CHIEF

Lt. Chris Leahy again thanked the Board for his appointment and stated that he looks forward to working with everyone on the dais.

11. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

- A. Budget Committee – February 17, April 19 & July 26, 2010

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that the February 17, April 19 and July 26, 2010 minutes of the Budget Committee be and are hereby approved:

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

B. Zoning Board of Appeals – May 6 and June 3, 2010

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that the May 6 and June 3, 2010 minutes of the Zoning Board of Appeals be and are hereby approved:

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

C. Board of Architectural Review– May 4, June 17and July 15, 2010

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that the May 12 and June 9, 2010 minutes of the Board of Architectural Review be and are hereby approved:

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

D. Board of Ethics – July 7, 2010

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that the July 7, 2010 minutes of the Board of Ethics be and are hereby approved:

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

E. Planning Board – July 8, 2010

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that the May 26, 2010 minutes of the Parks and Recreation Committee be and are hereby approved:

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

F. Harbor & Coastal Zone Management Commission – March 17, 2010

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that the March 17, 2010 minutes of the HCZM be and are hereby approved:

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

Updates from the Board

Trustee Ryan reminded residents of the third concert in the park taking place this summer at Harbor Island Park. The following week, the summer movie will be shown. Trustee Ryan reported on an event held at Archie Comics in Mamaroneck in conjunction with the Post Office and a special stamp being issued. Trustee Ryan reminded residents of the summer farmers market taking place every Tuesday at Harbor Island Park.

Trustee Ybarra reminded residents of the Mamaroneck Shares Event taking place on August 19th, where again, they will have an opportunity to Dunk the Mayor.

Trustee Hofstetter also attended the Archie Comic event with his kids. The New York Times had a feature on Archie Comics as well. He attended the event at Garden's Lake as well and looks forward to having this work done. Trustee Hofstetter also attended the Town and Village camp final days and the group programs. It was fun to see and brought back memories. He commended the camps and their workers. Trustee Hofstetter realized while going through the minutes of the last few meetings, he realized that a new zoning map was adopted. There are a couple of properties that he believes the Village should look at to make sure that they are properly zoned. He would like this put on a future work session agenda.

Trustee Santoro reminded residents of the Kiwanis car show to take place at Harbor Island Park on September 12 and two events being sponsored by the Chamber; the first being a golf outing on September 14 at Bonnie Briar and the second being a picnic in the park at Columbus Park on September 26. Lastly Trustee Santoro received more compliments on how clean the parks are now that there are workers on the weekend.

Mayor Rosenblum read a News Release regarding the CAP Center Advisory Board Members and nominations for the target area. Elections are to be held on September 13 at the CAP Center. Mayor Rosenblum congratulated Joseph and Susan Solloway on their marriage; which he officiated. Mayor Rosenblum reported on the Legends in the Park event held recently at Columbus Park and hopefully this will be an annual event.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Board of Trustees convene to Execute Session to discuss 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,
SECRETARY

RESPECTFULLY SUBMITTED BY:
AGOSTINO A. FUSCO,
CLERK-TREASURER