

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, JUNE 28, 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 Chief Edward Flynn
Clerk-Treasurer Agostino A. Fusco
ABSENT: None

PRESENTATION BY TINA MARESCA

Mayor Rosenblum read a letter of thanks from the Mamaroneck Avenue School PTA Co-President, Tina Maresca, for the Board's support of their International Fair, by donating the positions of Mayor, Manager, Fire Chief and Police Chief for a Day. She also thanked Mr. Slingerland for his generous personal donation of a beach and parking pass for the season.

Mayor Rosenblum stated that he has met with Ron Tucci, head of veterans' affairs in New York State, and Valerie O'Keeffe regarding the veterans' hospital in Montrose. There is a move to turn this over to private development. There is a petition that he asked the Village to support, which is the development of a veterans' village at Montrose urging the Department of Veterans Affairs to grant the lease of this property so that the work of the veterans' village can proceed. If there are no objections the Mayor asked that Rich draft a resolution in support of this effort.

On motion of Trustee Ryan, seconded by Trustee Ybarra,

RESOLVED that the Village Manager be and is hereby authorized to prepare a resolution in support of the effort of the Veterans' Affairs petition to develop a Veterans' Village in Montrose New York.

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

Trustee Ryan informed residents that there is a website where they can show their support and electronically sign the petition. Mayor Rosenblum stated that time is of the essence as the Department of Veterans' Affairs will make a decision in the next few weeks.

PUBLIC HEARING ON PLL U-2010 (AMENDING CHAPTER 326, ARTICLE III, PARKING TICKET PENALTIES AND OFFENSES)

Mr. Slingerland stated that this Public Hearing is being tabled to the next meeting as an incorrect title was used in the Public Hearing Notice.

PUBLIC HEARING ON PLL V-2010 (ADOPTION OF ZONING MAP THAT REFLECTS ALL PRIOR CHANGES TO ZONING CODE)

Mr. Slingerland reminded residents that this is not adopting any zoning changes in the Village, this is adopting the updating of the zoning map reflecting all changes made to the zoning code since the last map was produced in the late 1970's.

On motion of Trustee Santoro, seconded by Trustee Ryan:

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

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Trustee Hofstetter asked why this needs to be done and why now? Mr. Slingerland informed him that the Building Department has been working on this for some time so that we can have an updated, completed and comprehensive zoning map that reflects all changes made to the zoning code in the last 30 years.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the Public Hearing on PLL V-2010 be and is hereby closed.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOVLED that PLL V-2010 be and is hereby adopted and shall read as follows:

LOCAL LAW NO. 18-2010

A LOCAL LAW TO AMEND THE VILLAGE CODE ON ZONING CHAPTER 342-6, ENTITLED, "ZONING MAP", TO ADOPT AN UPDATED ZONING MAP THAT REFLECTS ALL PRIOR CHANGES TO THE ZONING DISTRICTS OF THE VILLAGE OF MAMARONECK AS REFLECTED IN THE VILLAGE CODE.

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

Section 1. Enactment

The current language for Chapter 342-6, ZONING MAP is deleted in its entirety, and new language is enacted as follows:

§ 342-6 Zoning Map.

The boundaries of said districts are hereby established as shown on the Zoning Map, Village of Mamaroneck, dated June 28, 2010, which accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter. Said Map, indicating the latest amendments, shall be kept up-to-date in the offices of the Director of Building, Code Enforcement and Land Use Administration for the use of the public.

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: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

PUBLIC HEARING ON PLL W -2010 (BIKE AND OTHER NON-MOTORIZED DEVICES LAW)

On motion of Trustee Ybarra, seconded by Trustee Ryan:

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

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mr. Slingerland informed the Board that the incorrect version of the law was sent out with the Board's packages last Friday; however, they all had copies of the correct version, dated June 12, 2010. Trustee Ryan had typographical changes to the draft. Mr. Slingerland gave copies of the correct version with Trustee Ryan's corrections to the Board. During discussions of this law, it was decided to disallow the riding of bicycles and other non-motorized devices (skateboards, scooters) on the sidewalk in the downtown area. The section of the Code requiring registration of bicycles has been deleted as this practice has not been done for years. The state vehicle and traffic law is cited in regard to the use of helmets. The goal of the law is to insure for the safe and adequate use of bicycles and other non-motorized devices as well as motorized wheel chairs. Mr. Slingerland believes it is a comprehensive law. Mayor Rosenblum stated that there are existing state vehicle and traffic laws stating that bicycles are supposed to ride as close to the side of the road as possible, riding two abreast and he believes that the many bicyclists that ride in large groups on Halstead Avenue and Boston Post Road do not adhere to these laws. He believes that this makes for a very dangerous situation and when he had a police officer address the situation, the bicycle riders ignored her. He asked the Police Chief to assure that any bicycle riders breaking the law be ticketed.

Ms. Derrico asked if the issue of abandoned bicycles is covered in the law. She will review the law to ensure that this issue is addressed. Trustee Hofstetter has issue with the length of what is determined to be the downtown business district as this would deter children from riding their bikes to Mamaroneck Avenue School. Ms. Derrico suggested omitting this language as she believes that this is part of the state's vehicle and traffic laws and should be left up to the discretion of the officer.

Mr. George Mgrditchian of Orienta Avenue appeared. He believes that riding a bicycle on the sidewalk is dangerous and especially with outdoor restaurant seating. He is also concerned about locking bikes on Mamaroneck Avenue on anything but a bicycle rack, as this could interfere with pedestrians walking on the sidewalk.

Mr. Stuart Tiekert of Beach Avenue appeared. Mr. Tiekert is an avid bike rider. Mr. Tiekert encouraged the Board to go over the law as it is redundant with state law. There is a section that would essentially disallow a left hand turn without dismounting the bike and walking it across the street. In section E, it reads, "Every person operating a bicycle upon the roadway of a public highway shall ride as near to the right-hand side of such roadway as practicable and shall not ride two (2) abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway." In the state code, the statement that follows this is "unless preparing to make a left hand turn." The way our code reads without this statement implies that you cannot make a left hand turn. One of the most common problem for bike riders is "getting doored" which happens when a motorist opens their door without seeing a bike rider. Another common problem is motorists backing out from Mamaroneck Avenue. Bikers look very closely at cars parked parallel to avoid being doored and if someone is about to get out of the car, they move to the left. This would not be allowed under the new law.

He would also encourage that bike parking not be so restrictive. The way that the law was written allowed bikers to lock their bikes if it did not interfere with pedestrian travel. He believes that bikers need to act responsibly and when they don't, the law is enforced. One of the appeals of riding a bike is that you can get very close to where you are going. The way this is being re-written, you would have to park your bike in a specific place and walk to your destination. He also believed that the section on wheelchairs is covered under the Americans with Disability Act.

Dr. Myron Tannenbaum of Travers Avenue appeared. Dr. Tannenbaum is the Chair of the Traffic Commission. He believes that having bikes lock up to polls would impede pedestrian traffic.

Mr. Bill Reed of Carroll Avenue appeared. Mr. Reed believes that the language should read that locked bicycles should not impede pedestrian traffic.

Mr. George Mgrditchian appeared again. He believes that the intent of the streetscape was to keep the Avenue clear and not to have anything strapped or locked to meters or light poles.

Ms. Michaela Zeuss of The Parkway appeared. She is originally from Germany, where there is an age limit on when children can ride their bicycles on the sidewalk. Ms. Derrico stated that this is a good point and that she will get sample legislation to see how the issue of children riding bikes is handled in other municipalities.

The Board asked residents to submit any other comments they have in regard to this local law for a future public hearing.

On motion of Trustee Ryan, seconded by Trustee Santoro,

RESOLVED that Proposed Local Law W -2010 be and is hereby adjourned.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

SPECIAL HEARING REGARDING TAXI COMPANIES & TAXI DRIVERS OPERATING IN THE VILLAGE

Mayor Rosenblum stated that there have been many complaints about the taxi drivers in the Village. He, himself, was almost hit by a taxi recently when they ran a stop sign at the corner of Diamond Car Wash. Mayor Rosenblum stated that this kind of behavior will not be tolerated and asked that any resident or taxi company who would like to communicate with the Board as they are also the Board of Taxi Commissioners to please do so, as this issue will be reviewed.

1. COMMUNICATION TO THE BOARD

Dr. Charles Morelli of Beach Avenue appeared. Dr. Morelli appeared regarding the issue on Pine Street and a letter sent by him and other neighbors urging the Board to resolve the drainage and construction issues that have plagued their neighborhood for more than eight years. Dr. Morelli submitted a copy of this letter for the record. Dr. Morelli asked that the Board take a few basic policy positions, including setting a deadline for the street to be suitably improved to the standard approved by the Planning Board and free from flooding as of September 30, 2010; having the developer be financially responsible for resolution of the Pine Street construction errors and using the enforcement tools at the Village's disposal to meet these basic policy goals.

Ms. Derrico informed Dr. Morelli that she has given the Board her opinion on this matter. The history is somewhat clouded and the facts in this case are not as clear as she would like.

Dr. Morelli does not understand why the Village returned the developer's bond money as this could have been used to fix the issues. He also believes that the temporary certificate of occupancy given to the developer should have a time limit on it as this has gone on long enough.

Before going on to the rest of the agenda, Mayor Rosenblum informed the residents that due to some of the comments received on the all pedestrian stop at N. Barry Avenue and the Boston Post Road, the scope of the study has been expanded.

Ms. Gabrielle Cohen of S. Barry Avenue appeared regarding the all pedestrian stop at this corner. She asked if the Board could share any specific information or plans. Mayor Rosenblum stated that whatever the Village decides to do to mediate this situation; it needs to be sure that these fixes will not cause other problems. Trustee Ryan stated that not only will the timing of the light be looked at, but also how this affects the whole area. Other issues including speeding and why there are back ups will be looked at. Mr. Slingerland has asked the Department of Transportation to look at the timing. He has also spoken with the Chief of Police to assure that the crossing guards are working correctly in relation to the light. The scope of the engineering study will be expanded to look at the broader issue of the neighboring streets.

Mr. Peter Ybarra of Standish Place appeared regarding this intersection. He believes that there should be a sign posted that there is a left turn signal and that other drivers should wait for the green light. Mr. Slingerland stated that this would be up to the State DOT, and will pass this information along.

Dr. Myron Tannenbaum of Travers Avenue appeared as Chairman of the Traffic Commission.

Dr. Tannenbaum asked why the Commission was not involved in the decision of making this corner an all pedestrian stop and why they are not involved now, instead of the Village hiring an engineer. Mr. Slingerland informed Dr. Tannenbaum that the Village will ask the Commission for their input on this subject.

Mr. Mgrditchian from Orienta Avenue appeared regarding traffic lights that can be timed for special hours and specific days. There are also computer chips that can be installed in these lights to control traffic flow. The timing of the light at Orienta and Boston Post Road differs on weekends and weekdays. Trustee Hofstetter stated that this corner is not an all pedestrian stop.

2. APPROVAL OF MINUTES

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

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of May 27, 2010 be and are hereby approved:

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

3. AUDIT OF BILLS

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the Abstract of Audited Vouchers listed below dated May 31, 2010, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 254,722.95
Capital Fund	29,643.55
Historic Harbor Street Fair	1,695.35
Guarantee & Bid	840.00
Disability Insurance	<u>1,162.35</u>
	\$ 288,064.20

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

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the Abstract of Audited Vouchers listed below dated June 28, 2010, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$351,753.15
Historic Harbor Street Fair	<u>2,599.64</u>
	\$354,352.79

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

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Acceptance of Donation from Pace BMW

WHEREAS, the Village of Mamaroneck Recreation Department's annual Turkey Trot road race is scheduled for Sunday, November 21, 2010; and

WHEREAS, last year's event attracted 438 runners; and

WHEREAS, Pace BMW has offered to contribute funds and present awards to the winners after the race; and

WHEREAS, the name and logo of Pace BMW will be displayed and inscribed on all awards, brochures, registration applications and materials announcing the race.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck gratefully accepts the donation from Pace BMS in support of the annual Turkey Trot race.; and

BE IT FURTHER RESOLVED that the value of this donation is one thousand dollars (\$1,000).

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Request from Mamaroneck Post 90 to hold Annual Fourth of July Picnic

WHEREAS, the Village has received a request from the American Legion's Post 90 to hold its annual Fourth of July picnic in the upper tier parking lot next to Legion Hall; and

WHEREAS, Mamaroneck Post 90 will post no parking signs for the event notifying the public of the time and date; and

WHEREAS, Mamaroneck Post 90 will provide the Village of Mamaroneck with a certificate of liability insurance prior to the event.

On motion of Trustee Santoro, seconded by Trustee Ryan:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees authorizes Post 90 to hold its annual Fourth of July Picnic in the upper tier parking lot next to Legion Hall; and

BE IT FURTHER RESOLVED that said approval is subject to the American Legion providing the Village of Mamaroneck with a certificate of liability insurance prior to the commencement of the picnic.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Authorization of Change Order for Firehouse Sound Wall

WHEREAS, the construction of the new Palmer Avenue Firehouse helps meet a critical need for the Village of Mamaroneck by allowing the Village of Mamaroneck Fire Department to remain competitive with technology and training requirements and continue to excel as a progressive fire department benefiting the entire community in its mission of protecting the life, property and safety of the residents of the Village of Mamaroneck, and

WHEREAS, during the course of construction it was determined that it was appropriate to construct a sound barrier around the generator and HVAC unit located at the southwest corner of the building to mitigate the effect of its noise on the adjacent residents; and

WHEREAS, because a sound barrier was not part of the original project scope of work, Village staff, in conjunction with our consulting architect and an acoustical engineering expert have reviewed this matter and prepared specifications and requests for quotes; and

WHEREAS, Village staff, in conjunction with our consulting architect have reviewed the change order requests for this work and found them to be appropriate and have approved the following change orders:

<u>Contractor</u>	<u>Amount</u>
H2M (Design)	\$ 5,550.00
Summit Installations	\$19,750.75
Aero (Panels & Steel)	\$28,496.00

; and

WHEREAS, because funds for this project were not originally provided for in the overall project budget, a transfer of funds is required.

On motion of Trustee Santoro, seconded by Trustee Ryan:

NOW THEREFORE BE IT RESOLVED that the following transfer is hereby executed:

<u>From</u>		<u>To</u>	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
A.General Fund		H.3410 Fire Department	
5990 Appropriated Fund		.0304 New Fire House	
Balance	<u>\$55,000.00</u>		<u>\$55,000.00</u>
(Attrib. to FY 09/10)			
	\$55,000.00		\$55,000.00

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Appointment of Barbara Weiss to the Council for the Arts

WHEREAS, there is an open position on the Council of the Arts; and

WHEREAS, Ms. Barbara Weiss has graciously volunteered to serve.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that Ms. Barbara Weiss be and is hereby appointed to the Council of the Arts to fill an unexpired term, such term to expire at the Annual Organizational Meeting in December, 2010.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mr. Stuart Tiekert asked why vacancies have remained on the Tree Committee for eight months as the Village has a Tree Committee with three members; two of whom refuse to come to meetings. Mr. Tiekert is concerned that the Village is sending a public message that it is okay to refuse to attend meetings and also one that ignores volunteers willing to serve. Mayor Rosenblum stated that the Tree Committee has requested that the Tree Law be reviewed and until the time that the law is reviewed and perhaps rewritten, they will not meet. Mr. Tiekert stated that the Committee could not have done requested this as they have not met since Mr. Rosenblum became Mayor, but that a member or members of the Committee could have made that request. Mr. Slingerland stated that he will take Mr. Tiekert's concerns under advisement.

Trustee Hofstetter stated that during the time the Ethics Law was being rewritten the Ethics Board still met. Trustee Ryan stated that she has been contacted by a resident who has submitted their resume for the Tree Committee regarding the status. She does not believe this is fair. Mr. Tiekert agrees that this does not encourage residents to volunteer for committees.

E. Authorization of Summer Farmer's Market on Tuesdays at Harbor Island Park

Ms. Miriam Haas of Community Markets appeared. Ms. Haas gave an overview of the program and the need to have a farmer's market more than one day a week in the area. Trustee Ryan stated that the Committee for the Environment has been trying to get a week day market in the Village of Mamaroneck and therefore she is extremely happy that this is happening, for a variety of reasons. Mr. Slingerland noted that this market comes at no cost to the Village.

WHEREAS, in the furtherance of the public interest and consistent with sustainability efforts, good eating habits, and providing a vast array of services for our residents it would be appropriate to permit a weekly Farmers Market on Village property for selected regional farmers and vendors to sell goods and produce grown locally in the Hudson Valley; and

WHEREAS, the Village is interested in retaining Miriam Haas, Community Markets, as a Market Manager to recruit Farmers/Vendors and manage such a Farmers Market to be conducted in the parking lot adjacent to the locker rooms located at Harbor Island Park on successive Tuesdays from July 20, 2010 – November 23, 2010; and

WHEREAS, in order for Farmers/Vendors to participate in such a Farmers Market, they must provide the Village with a Certificate of Insurance identifying the Village as an additional insured.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that the Village Manager is authorized to enter into a Professional Service Agreement with Community Markers, to manage and operate the "Village of Mamaroneck Farmers Market" at Harbor Island Park; and

BE IT FURTHER RESOLVED that all Farmers/Vendors desirous of participating in the Village of Mamaroneck Farmers Market must provide the Village with a Certificate of Insurance naming the Village as an additional insured.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

F. Authorization of Summer Parks Department Weekend Work-Schedule Agreement

Trustee Santoro stated that this is something that has come out meetings with the Recreation Commission, the CSEA and the Village Manager to utilize two DPW workers on the weekends during the time of year when the parks are being used. Mr. Slingerland stated that this is a pilot program that will run through October 15. The individuals will rotate this duty as there were many workers who were interested in the flexibility.

WHEREAS, the Village of Mamaroneck (hereinafter "Village") and CSEA Local 1000 AFSCME, AFL-CIO, Village of Mamaroneck Unit #9157, Westchester County Local 860 (hereinafter "CSEA") are parties to a collective bargaining agreement setting forth certain hours of work for Parks Department employees, specifically, Monday through Friday from 7:00 am – 3:30 pm; and

WHEREAS, because of increased usage of the Village's parks and recreational facilities on Saturdays and Sundays during the spring and summer months, the current work schedule provided for in the collective bargaining agreement may not provide an adequate level of service for Village residents; and

WHEREAS, in order to provide adequate levels of service during this period of the year when there is increased usage of the Village's parks and recreational facilities, the Village Administration and CSEA have negotiated a Stipulation of Agreement to institute an alternative work schedule on a trial basis which would provide a set number Parks Department employees to work both Saturdays and Sundays at straight time and have two (2) days off between Monday and Friday.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

NOW THEREFORE BE IT RESOLVED that the Village Manager is herein authorized to execute a Stipulation of Agreement, on behalf of the Village of Mamaroneck with CSEA Local 1000 AFSCME, AFL-CIO, Village of Mamaroneck Unit #9157, Westchester County Local 860 establishing an alternative work schedule; and

BE IT FURTHER RESOLVED that the Village is authorized to undertake such administrative acts as may be required pursuant to the terms of the Stipulation of Agreement

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Revision to Kayak Parking and Launch Fees

Mayor Rosenblum stated that because of all of the feedback received on the change of kayak parking and launch fees, this issue was reviewed and the fees are being revised:

On motion of Trustee Ybarra, seconded by Trustee Hofstetter:

BE IT RESOLVED that the applicable sections of the current fees set forth in Chapter A347 of the Code of the Village of Mamaroneck are deleted in relation to the Harbor and Watercraft and Ramp Fees and the following updated schedule is adopted as follows:

Chapter A347 FEES

ARTICLE I Fees Related to Material in Code

§ A3471-1 Fee schedule

Section 1.

The following sections are hereby deleted

Chapter 240 Harbor and Watercraft:

Ramp fees

Daily use of ramp and parking for car-top boats:	\$20
Daily use of ramp and parking for cars with trailers:	\$30

Section 2

The following sections are hereby enacted

Ramp fees

Daily parking for cars with kayak(s):	\$5
Daily use of the ramp or beach, per kayak:	\$5 per kayak
Daily use of ramp and parking for car-top boats:	\$20
Daily use of ramp and parking for cars with trailers:	\$30

Section 3

This amendment shall take effect immediately and the Village Clerk is directed to file this Code change immediately with the Village code publisher.

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

H. Resolution Authorizing Tax Certiorari Settlement for Societe Generale v. VOM

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 \$2,003 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 Ryan:

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>
Societe Generale	1040 Seven Oaks Lane	2010

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed Assessment</u>	<u>Amount of Reduction</u>
2010	\$30,000	\$23,550	\$6,450

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

6. **REPORT FROM VILLAGE MANAGER**

A. File for Record – Westchester County Stream Control Permit

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

B. File for Record – GARDA CL Atlantic, Inc. and Village of Mamaroneck

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

C. File for Record – Retainer Agreement with Wormser, Kiely, Galef & Jacobs, LLP

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

D. Correspondence – Thank you from St. John’s Lutheran Church

Mr. Slingerland read the thank you letter for the record.

E. Correspondence – NY State Thruway Authority’s Bridge Washing Schedule for I-95

Mr. Slingerland read the bridge washing schedule for April 2011 – June 2011 for the record.

F. Personnel Appointment – Building Department

Mr. Slingerland advised that William Ciraco has been appointed to the open position of Code Enforcement Officer, Building Department, at the annual salary of \$60,000.

7. **FLOOD MITIGATION REPORT**

Mr. Slingerland reported on the June 22 meeting with the Army Corps of Engineers.

Unfortunately, there was a light turnout of residents; between both meetings, only 15 residents attended. The Army Corps is kicking off their study. They are on a three year time frame to complete it in draft form and the Village will work with them every step of the way. Once the study is done, the funding for the work would be done on a 65% federal and 35% non-federal basis. The Village would need to find other levels of governments to assist us with the funding. Mr. Slingerland stated that the Army Corps study is being funded by the federal government, the state DEC and Westchester County.

Mayor Rosenblum stated that the Army Corps informed the Village that we have the blessing and the right to perform any work that we have permits for. He also stated that the Village is looking at several options to go ahead with the local projects scheduled; including purchasing a Menzi Mucker, perhaps with another municipality.

Mr. Slingerland informed the Board that he is working on a RFP for the Jefferson Avenue Bridge project and is hoping to get that out by the end of the month. The stream cleaning permit is completed and we are working on hiring a contractor or other means for the removal of silt.

8. REPORT FROM CLERK-TREASURER

A. Tax Reminder

Mr. Fusco reminded residents that the first half Village property taxes are due on July 1, 2010.

9. REPORT FROM VILLAGE ATTORNEY

A. Filing of Local Laws 15-2010 with the Secretary of State

Ms. Derrico stated that this Local Law was filed on June 11, 2010.

10. REPORT FROM POLICE CHIEF

Chief Flynn warned the public to be alert of returning calls to area codes that they are not aware of. If they call these numbers, the phone company will charge \$100 per minute. The area codes look like they are coming from the United States. Mayor Rosenblum stated that in Rye, a six year girl was attacked by a coyote. More and more coyotes are being spotted. The Mayor believes that all patrol cars should be outfitted with rifles and that all police officers are trained to shoot coyote. The Chief agreed to look into ways to deal with this growing issue.

II. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

A. Board of Ethics – May 13 2010

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the May 13, 2010 minutes of the Board of Ethics be and are hereby approved:

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

B. Board of Architectural Review – June 1, 2010

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the June 1, 2010 minutes of the Board of Architectural Review be and are hereby approved:

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

Updates from the Board

Mr. Slingerland informed residents that the June 30 meeting of the Ethics Board has been rescheduled to take place on July 1st as the Fireman's Parade is on the 30th. Mr. Slingerland also reported on the Food Drive that recently took place in the Village.

Trustee Hofstetter reported on the seasonal opening of the bocce court that took place the previous weekend.

Trustee Santoro reported on the programs being held by the Recreation Department, including junior sailing and the camp. He also announced that the beach will be closed on July 4th in preparation of the fireworks. Trustee Santoro also informed residents of the upcoming Family Fun Night to take place at Harbor Island Park on July 18. He reminded residents that there are hot weather tips from Con Edison on the Village's website. Trustee Santoro also reported on the major fire on Halstead Avenue. He thanked the neighboring municipalities who helped. There were 16 families whose homes were affected. Trustee Santoro thanked our fire and police departments for an excellent job done.

Trustee Ryan thanked Ida Santangelo, Frank Sarlo and Antonio Reca for all of their work done on the bocce court. Trustee Ryan announced the artists who will be performing on Sunday evenings at Harbor Island Park as well as the movie in the park; and that residents can call the number set up by the Council of the Arts, which is 825-8180 for a recorded message on upcoming events. Trustee Ryan attended the Mamaroneck Shares event and she believes it was a wonderful night for the Village.

Trustee Ybarra also reported on the opening of the bocce court, which she attended and participated in a bocce game. She also attended the Mamaroneck Shares Event and believes it was a phenomenal event. Trustee Ybarra informed residents that they will have an opportunity to dunk the Mayor at the next Mamaroneck Shares event on July 29th.

Mayor Rosenblum thanked all those who worked on the Mamaroneck Shares event. He knew that it was going to be a success; but he had no idea how big of a success it would be. He looks forward to the next two events.

Mayor Rosenblum also thanked the fire and police departments for the outstanding job done at the recent fire on Halstead Avenue.

Mayor Rosenblum reported on his 50th high school reunion, which he attended this past weekend. He congratulated the class of 1960 from both Rye Neck and Mamaroneck High School.

Mayor Rosenblum announced that the bike racks are up and lastly he congratulated the Town of Rye on their 350 year anniversary.

On motion of Trustee Ybarra, seconded by Trustee Santoro:

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

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