

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, JUNE 14, 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 OF FIRE CHIEFS FOR A DAY**

Chief Dean DeLitta introduced the Fire Chiefs for a Day, Brandon Joelson and Benjamin Canter and presented them with proclamations thanking them for their interest shown in local government.

**COMMUNICATION TO THE BOARD (Taken out of order)**

Mayor Rosenblum announced that this agenda item would be taken first as there were many residents in attendance to discuss the four way pedestrian stop at Boston Post Road and Barry Avenue.

Ms. Gabrielle Cohen of South Barry Avenue appeared. She is a member of the Rye Neck School System Safety Committee and was part of the committee who worked on the four way pedestrian stop. Ms. Cohen gave history of the Safe Routes to School initiative and their recommendation to make this corner as well as the corner of Boston Post Road and Harrison Avenue, across from The Parkway exclusive four way pedestrian stops. There was overwhelming support of this initiative by many different groups and residents of the Rye Neck area. She believes that when the Village reviews these intersections; it is imperative that they maintain the high level and quality of safety the newly implemented signal provides.

Mr. Martin Stastny, chairperson of the Rye Neck School Safety Committee appeared. Mr. Stastny stated that every community down our stretch of Route 1 has put safety first and implemented exclusive pedestrian phases in their intersections. He suggested reviewing and improving the light change operation itself, if car traffic issues need to be addressed. This would focus on the sequence and timing of the lights, as well as adding sensors to increase overall efficiency. During the discussion period, the need to tune the light operation was raised several times; however, during implementation, the pedestrian exclusive phase was simply inserted into the exiting sequence. He believes there is room for improvement. He also pointed out that the exclusive pedestrian phase is more efficient than it appears, as many times pedestrians cross both directions in one cycle, thus saving a second cycle from stopping traffic.

Ms. Chari Allison of Stuart Avenue appeared. Ms. Allison crosses Boston Post Road and Barry Avenue every day with her three children, in her car and as a pedestrian. At rush hour and school drop off and pick up times, this intersection is extremely busy; however, she believes that the exclusive

pedestrian phase is the only safe way to cross pedestrians there. She understands the traffic issues, especially the issue of the fire trucks having access down Barry Avenue during traffic back ups. She agrees that this intersection is a mess, but wants to make sure that it remains safe.

Mr. Slingerland stated that he has contacted the New York State DOT and the Traffic Engineer hired to complete the study of these intersections to revisit the functioning level of these intersections.

Ms. Nadine Van Dyke appeared. She is 11 years old and in the fifth grade at Daniel Warren School. She has been walking to school for several years as it is healthy. She believes that the only way she can continue to walk to school is to make sure the streets are safe. She told a story of when her friend was almost hit by a car crossing Boston Post Road when a crossing guard told them to cross. There was a car making a right hand turn into the crossing lane when the girls where crossing and the guard yelled at them to stop.

Mr. Nichols Beard of The Parkway appeared. He is 12 years old and walks or rides his bike to school. Last year, he was almost hit by a car at the intersection of The Parkway and Boston Post Road when a truck entered the intersection while turning left. He believes this is a dangerous intersection and the four-way stop should be left as is.

Chief Dean DeLitta appeared. Chief DeLitta stated that the Fire Department has raised this issue as a concern, as the traffic backs up on North Barry Avenue and if a fire truck or other emergency vehicle has to pass vehicles going on the wrong side of the road, the cars have to drive up on the sidewalk. North Barry Avenue is the main route used by emergency vehicles to get to fires and other emergencies in the Rye Neck area. There has always been an issue at this intersection, but it was never as bad as it is now that the exclusive pedestrian stop has been put in.

Mayor Rosenblum stated that both positions are legitimate. He asked the Chief if they have any control over the light from the trucks. Chief DeLitta stated that they do not, however, that may be a solution to the problem.

Police Chief Flynn agrees with Chief DeLitta and asked that the sequences be checked as the traffic can get backed up for miles.

Trustee Ryan stated that the Board has asked the Village Manager to have the sequence of the light checked to make sure that it is working properly. Speeding in that area is also an issue and that will be looked at as well.

Ms. Derrico suggested that the traffic engineer work with the parents and committees of the Rye Neck Schools, as there is information and history they have that the engineer may not be aware of.

Ms. Valerie Guaninni, a 15-year resident appeared. She asked the Chief how many times they have to travel on the wrong side of the road on N. Barry Avenue. Chief DeLitta stated that it happens almost every time; however, if they only have to pass three cars, the cars turning off of Boston Post Road see them coming and wait, however, if they have to pass 20 cars, the cars turning onto N. Barry Avenue don't see them until it is too late and they have to drive up on to the sidewalk. Ms. Guaninni also works at Citibank on the corner of Boston Post Road and S. Barry Avenue and she hears cars screeching to a

halt not to hit a pedestrian. She believes that there needs to be a common sense approach to the solution.

Ms. Shelly Crook of Shore Acres appeared. She has two children who walk to school every day. Ms. Crook grew up in England on a busy road. She told a story of when walking to school her friend was hit by a car from behind. Her friend died the next day, when her parents decided to switch off her life support. It was apparent that the street was dangerous and after her death, changes happened fast. She believes that it was a disgrace that her friend had to die at 11 years old before changes were made. She pleaded with the Board to not change the exclusive pedestrian stop as she does not want to see another child die due to a dangerous intersection.

Ms. Emily Crook appeared. She walks to school every day with her brother. Her mother is worried about her and sometimes the crossing guard doesn't pay attention to the children crossing; the four-way stop keeps her safe then.

Ms. Jennifer Margolis of Shore Acres appeared. She has two children who attend F.E. Bellows School. She has not yet let her children walk to school as she is frightened for them. She stated that if the Board wants people like her to leave her car in the driveway and have her children walk to school; they need to keep the exclusive pedestrian stop.

Mr. Walter Rogers of Tompkins Avenue appeared. Mr. Rogers is concerned about the emergency response time as the traffic on the Boston Post Road and N. Barry is a disaster. He stated that the Boston Post Road has always been a problem and the previous Boards have always been concerned with response time, as arriving one minute later at a fire can mean the loss of life.

Mr. Carlo Recca of Melbourne Avenue appeared. He stated that this situation has been going on for over 30 years and what was once a bad situation; is now a disaster. He is also on the Traffic Commission and they were not in favor of this change. He believes the study that was done is flawed.

Mr. Slingerland reminded all that the Boston Post Road is under the jurisdiction of the State DOT; therefore, there is only so much that the Village can do.

Mayor Rosenblum stated that this issue will remain open, so residents should continue to send in their comments.

**CONTINUATION OF PUBLIC HEARING ON PLL Q-2010 (AM ENDING CHAPTERS 348, 342, 186 & 294)**

On motion of Trustee Ryan, seconded by Trustee Ybarra:

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

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mr. Slingerland stated that at the last meeting, Trustee Ryan had issue with the use of "may" versus "shall" in many parts of the law. These were reviewed by Mr. Slingerland and Mr. Winter, the Building Inspector. There were three instances where they believed the law should remain discretionary.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that Proposed Local Law Q-2010 be and is hereby closed.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ryan, seconded by Trustee Ybarra:

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

**LOCAL LAW 16-2010**

A LOCAL LAW TO AMEND CHAPTER 348 – SUBDIVISIONS; AMEND CHAPTER 342 – ZONING; AMEND CHAPTER 186 – VILLAGE FLOOD DAMAGE PREVENTION; EROSION AND SEDIMENT CONTROL; and AMEND CHAPTER 294 -- STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL; WITH REGARD TO REQUIRING STORMWATER POLLUTION PREVENTION PLANS, AND ESTABLISHING SECTIONS OF THE LAW ON ADMINISTRATION, INSPECTION, ENFORCEMENT AND PENALTIES.

It is hereby enacted by The Board of Trustees of the Village Of Mamaroneck, to Amend the Code of the Village of Mamaroneck as follows:

**Section 1.**

New language is added to Village Code on Subdivisions, Chapter 348 - 8. B. enacting a new part (11) as follows:

§ 348-8, B.

- (11) Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 294 entitled Stormwater Management And Erosion & Sediment Control of the Mamaroneck Village Code shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards provided for in Chapter 294. The approved Preliminary Subdivision Plat shall be consistent with the provisions of Chapter 294.

**Section 2.**

Village Code on Subdivisions, Chapter 348 - 10. B. (11) is deleted, and new language is added to Village Code on Subdivisions, Chapter 348 - 10. B. enacting a new part (11) and re-numbering the old part (11) as new part (12) as follows:

§ 348-10, B.

- (11) Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan consistent with the requirements of Chapter 294 entitled Stormwater Management And Erosion & Sediment Control of the Mamaroneck Village Code and with the terms of preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 294. The approved Final Subdivision Plat shall be consistent with the provisions of this Chapter 294.

- (12) A statement reading as follows:

Approved under authority of a resolution adopted  
 \_\_\_\_\_ by the Planning Board of the Village of Mamaroneck  
 Chairman \_\_\_\_\_  
 Secretary \_\_\_\_\_ Date \_\_\_\_\_

**Section 3.**

New language is added to Village Zoning Code Chapter 342, Article XI, Site Development Plan Approval, Chapter 342 – 75, enacting a new part E. as follows:

- E. Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 294 entitled Stormwater Management And Erosion & Sediment Control of the Mamaroneck Village Code shall be required for Site Plan Approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 294. The approved Site Plan shall be consistent with the provisions of Chapter 294.

**Section 4.**

New language is added to Village Flood Damage Prevention; Erosion And Sediment Control Code, Chapter 186, Article II, Erosion and Sediment Control, Chapter 186 – 10, D. (1) (c), enacting a new part [5] as follows:

- [5] Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 294 entitled Stormwater Management And Erosion & Sediment Control of the Mamaroneck Village Code shall be required. The SWPPP shall meet the performance and design criteria and standards in Chapter 294. The approved erosion control permit shall be consistent with the provisions of Chapter 294.

**Section 5.**

New language is added to Chapter 294 entitled, “Stormwater Management and Erosion & Sediment Control” to establish new sections on Administration and Enforcement, and re-numbering Section 294-11 entitled Severability to the end of Chapter 294 as a new Section 294-15.

§294-11. Administration and Enforcement – Construction Inspections

A. Erosion and Sediment Control Inspection.

The Village of Mamaroneck’s Stormwater Management Officer(s) may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Mamaroneck enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

1. Start of construction
2. Installation of sediment and erosion control measures
3. Completion of site clearing
4. Completion of rough grading
5. Completion of final grading
6. Close of the construction season
7. Completion of final landscaping
8. Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater Management Practice Inspections

The Village of Mamaroneck’s Stormwater Management Officer(s), are responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit “as built” plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of Stormwater Facilities After Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the

typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices. Inspections may be performed by the SMO(s) or the Village Manager on consultation with the SMO(s) may designate an inspector required to have a Professional Engineer's (PE) license or Certified Professional in Erosion and Sediment Control (CPESC) certificate, as long as the designated inspector is required to submit a report.

D. Submission of Inspection Reports

The Village of Mamaroneck's Stormwater Management Officer(s) may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

E. Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Village of Mamaroneck the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 294-11 C.

§294-12. Performance Guarantee

A. Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Mamaroneck in its approval of the Stormwater Pollution Prevention Plan, the Village of Mamaroneck may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Mamaroneck as the beneficiary. The security shall be in an amount to be determined by the Village of Mamaroneck based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Mamaroneck, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Village of Mamaroneck. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

B. Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Mamaroneck with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Mamaroneck may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping

The Village of Mamaroneck may require entities subject to this law to maintain records demonstrating compliance with this law.

§294-13. Enforcement and Penalties

A. Notice of Violation.

When the Village of Mamaroneck determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

1. the name and address of the landowner, developer or applicant;
2. the address when available or a description of the building, structure or land upon which the violation is occurring;
3. a statement specifying the nature of the violation;
4. a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;

5. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
6. a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

B. Stop Work Orders.

The Village of Mamaroneck may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Village of Mamaroneck confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

C. Violations.

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

D. Penalties.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

E. Withholding of Certificate of Occupancy or Completion.

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer(s) may prevent the occupancy of said building or land.

F. Restoration of lands.

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Mamaroneck may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§294-14. Fees for Services

The Village of Mamaroneck may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Mamaroneck or performed by a third party for the Village of Mamaroneck.

§294-15. Severability

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

Section 6. Effective Date

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

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



so indicate. If the answer is left blank, it will be returned for an answer, unless its completion is not required.

- B. Use additional paper if necessary. If additional space is needed, complete the response on extra sheets of paper and clearly identify the number of the question.
- C. **Your obligation.**

The intent of this form is to disclose any conflicts or potential conflicts between the applicant and the Village of Mamaroneck. To the extent this form does not expressly request the disclosure of certain information, it remains your obligation to disclose any conflicts or potential conflicts. Please use Exhibit A to make these disclosures.

- D. Privacy request.

If there are circumstances in which a reporting individual believes that answers to any questions should not be made public, the reporting individual may request, upon submission of this completed form, that certain information be kept confidential. A privacy request cannot be considered until a completed form has been submitted.

- E. Advice in answering questions.

A reporting individual may request advice from the Board of Ethics as to the completion of this form or as to any question in this form. Questions should be addressed to the Board of Ethics, in care of the Village Clerk-Treasurer.

**You must sign before a Notary Public (do not sign and then bring to the notary.) Return notarized disclosure form in the enclosed envelope which will be opened ONLY by the Board of Ethics. Please note that the Village Clerk is a Notary.**

- 1. **Gifts.** (Completed by All) List all gifts that you or your spouse received last year from any entity or person, or agent or representative of such entity or person, who (i) within the past twenty-four (24) months has received or sought a financial benefit from the Village of Mamaroneck, has made an application to the Village of Mamaroneck, or has had business dealings with the Village of Mamaroneck or (ii) has a financial interest in any matter proposed or pending before the Village of Mamaroneck.

Gifts include, but are not limited to, tangible items of value, cash in any form, entertainment, any interest, security or item for which the donee paid less than fair consideration or did not pay for, expenses for trip or accommodations, or travel or accommodations provided at a cost of less than full value or at no cost, loans for which interest payments are deferred, no interest is paid, or interest is paid at less than prevailing rates, or other economic benefits, excluding earned income from wages derived from the Village of Mamaroneck.

Indicate whether the gift was received by you or your spouse.

Gift (Describe)	Approximate Value	Name of Donor	Self or Spouse

- 2. **Loans.** (Completed by All) List all loans in excess of \$500.00, except those from commercial lending institutions, which you and/or your spouse has received from any person or entity, or agent or representative of person or entity who is (i) employed by the Village of Mamaroneck, (ii) who within the past twenty-four (24) months has received or sought a financial benefit from the Village of Mamaroneck, has made an application to the Village of Mamaroneck, or has business dealings with the Village of Mamaroneck; or (iii) who has a financial interest in any matter proposed or pending before the Village of Mamaroneck.

Name of Creditor	Description of Obligation	Amount	Self or Spouse

- 3. **Relatives Employed by the Village of Mamaroneck or by Businesses or Persons Doing Business with the Village of Mamaroneck.** (Completed by All) List any relatives, including any spouse, child, grandchild, parent, grandparent, sibling, in-law, aunt, uncle, first cousin, niece, nephew, stepparent, stepchild, half brother or half sister, whether or not they are living with you,

employed by the Village of Mamaroneck or by persons or entities known by you to be doing business with the Village of Mamaroneck.

Name of Employer	Name of Relative	Relationship	Position Held

**4. Interest in Village of Mamaroneck Contracts.** (Completed by All) List any financial interest that you or your spouse had in any contract made or executed by the Village of Mamaroneck, excluding bonds and notes purchased on the open market.

Description of Interest	Self or Spouse

**5. Volunteer Positions.** (Completed by All) List each volunteer office or position that you currently hold with any not-for-profit organization in a policy making, administrative capacity. Do not list entities of which you were a member only or for which you volunteered only in a non-policy making, non-administrative capacity, such as a Little League coach. Provide the same information for your spouse.

Self or Spouse	Name of Entity	Position	Nature of Business

**6. Real Estate Ownership.**

(Instruction for completion by elected officials, Village Attorney, Village Clerk/Treasurer, Village Manager, and members of the following boards: Ethics, ZBA, BAR, HCZMC, and Planning.) List the address of each piece of property located in the Village of Mamaroneck that you and/or your spouse, child, grandchild, parent, grandparent, sibling, in-law, aunt, uncle, first cousin, niece, nephew, stepparent, stepchild, half brother and half sister (collectively “family members”) owns or leases, whole or in part, or otherwise have a financial interest, including your primary residence.

(Instruction for completion by Fire Chiefs and Police Chief & Lieutenants.) List the address of each piece of property located in the Village of Mamaroneck that you and/or your spouse, or other family member that resides in your household, owns or leases, whole or in part, or otherwise have a financial interest.

(If your position with the Village is not listed above, you do not need to answer #6.)

As to investment property, provide the type and percentage of ownership by you or your spouse or other relative.

Owner’s Name	Self or Spouse	Address	Investment or Primary Residence

**7. Outside Employer or Business.** (Instruction for completion by elected officials, Village Attorney, Village Clerk/Treasurer, Village Manager, Fire Chiefs, Police Chief & Lieutenants, and members of the following boards: Ethics, ZBA, BAR, HCZMC, and Planning.) List the name of your and your spouse’s outside employer or business from which you receive compensation. Also, list any entity in which you or your spouse had an Ownership interest, except a corporation of which you owned less than five percent (5%) of the outstanding stock or debt of the entity or \$10,000 whichever is less. Identify the name and type of business, and list the relationship to the business (i.e., owner, partner, officer, director, member, employee, or shareholder. (If your position is not listed above, you do not need to answer #7.)

Name of Business	Type of Business	Relationship	Self or Spouse

8. **Client Disclosure.** (Instruction for completion by elected officials, Village Attorney, Village Clerk/ Treasurer, Village Manager, and members of the following boards: Ethics, ZBA, BAR, HCZMC, and Planning.) Unless legally prohibited from doing so, list the names of your or your firm's clients or customers known to you who had matters before the Village of Mamaroneck, active clients within the last two (2) years. (If your position is not listed above, you do not need to answer #8.)

Name	Description of Matters

9. **Agreements for Future Employment.** (Completed by elected officials, Village Attorney, Village Clerk/ Treasurer, Village Manager, and members of the following boards: Ethics, ZBA, BAR, HCZMC, and Planning.) List any assurances or promises of future employment and/or contracts you received during the reporting year from any person or enterprise engaged in business with the Village of Mamaroneck. (If your position is not listed above, you do not need to answer #9.)

Future Prospective Employer	When Applicable

I attest under oath that all information given here is true and accurate to the best of my knowledge.

Sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, (year)

\_\_\_\_\_  
(Signature)  
Please Print:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address

**PPENDIX A**

**Miscellaneous Information I Would Like to Disclose:**


**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

**1. COMMUNICATION TO THE BOARD (CONTINUED)**

Mr. Jim Desmond appeared to discuss the Sportime proposal. He reminded the Board that Harbor Island is a park, not a sport/tennis facility. He does not support Sportime redesigning our park. He believes that it is not Sportime's place to redesign the park or concern themselves with our fields. He also stated that it makes no sense for the village to underwrite a \$6,000,000 bond debt for Sportime. He asked the Board to be very careful in going forward with this project; as in his mind it is a very confused presentation which we do not need. Mr. Desmond presented his statement for the record.

Mayor Rosenblum stated that in meeting with Westchester County last week, they were informed that there are two outflow pipes which go through the area where Sportime proposed their building; therefore, bringing the project back to ground zero.

Mr. Gary Strauss of Union Avenue appeared regarding the kayak ramp fees, which were recently raised to \$20/day/kayak. He and his wife kayak in the Village and he has purchased a season pass for his kayak trailer. It seems to him that the \$20/day per kayak is steep. Other parks across the county charge less. At Reed Park it is \$20/season and at Glen Island is \$4/car and \$4/boat/day.

Mr. David Hellerstein of KALM (Kayak Alliance of Larchmont and Mamaroneck) appeared representing the group. Mr. Hellerstein is a resident of Larchmont. KALM consists of between 150 – 200 members including residents of the Villages of Larchmont and Mamaroneck and the Town of Mamaroneck. He is an advocate of getting people out on the water as he believes it makes people more connected with the shoreline and more willing to take care of the environment. He believes that daily and seasonal fees are excessive in comparison to what other parks are charging. There is a strong and growing interest in kayaking and there is a large demand for kayak storage. He believes that the Village could double or quadruple the number of racks at the Harbor and that people would be willing to pay upwards of \$300/year. This would help with revenue without charging this rate for launching kayaks.

Mayor Rosenblum stated that the Village is actively looking at adding kayak storage to the Village and the Board is taking another look at this fee.

Ms. Kate Colson of Munroe Avenue appeared with her son Matthew. They like to kayak together and it is \$40 for the day for the two of them to kayak. It is an extremely low impact sport. She has been on the kayak storage wait list for five years. She appealed to the creativity of the Board for more storage space.

**2. APPROVAL OF MINUTES**

**A. Minutes of BOT Regular Meeting of April 26, 2010 (Including Public Hearings) – Resubmitted**

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of April 26, 2010 be and are hereby approved:

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

B. Minutes of BOT Regular Meeting of May 10, 2010 (Including Public Hearings) – Resubmitted

Trustee Hofstetter stated that on page 21, Trustee Ybarra is marked absent when she was present at the meeting

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of May 10, 2010 with the above change be and are hereby approved:

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

3. AUDIT OF BILLS

Mr. Fusco stated that there are two abstracts as we are just passed our fiscal year end and some bills were paid out of fiscal year 2009/2010 and some from fiscal year 2010/2011. He also stated that in the abstract dated 6/14/2010; approximately \$256,000 of the \$390,060.34 total was for health insurance.

On motion of Trustee Ryan, seconded by Trustee Santoro:

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	\$221,773.92
Capital Fund	9,323.33
Mamaroneck Health Center	213.12
Historic Harbor Street Fair	2,923.50
Escrow Deposit	<u>10,119.34</u>
	\$ 262,308.21

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

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Abstract of Audited Vouchers listed below dated June 14, 2010, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$256,388.14
Capital Fund	131,982.20
Historic Harbor Street Fair	<u>1,690.00</u>
	\$ 390,060.34

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

4. OLD BUSINESS

A. Resolution Adding Agenda Item 4B

**RESOLUTION ADDING AGENDA ITEM 4B**

WHEREAS, according to the Board of Trustees Meeting Procedures, any agenda item added after the agenda is set and posted on the website can only be added by a majority vote of the Board of Trustees; and

WHEREAS, it has come to the Board's attention that the terms for the newly appointed members to the Committee for the Environment need to be adjusted.

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that Agenda Item 4B – Resolution Adjusting the Terms of the Newly Appointed Members of the Committee for the Environment be and is hereby added to the June 14, 2010 Regular Meeting Agenda.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mr. Slingerland stated that he would like to add an additional agenda item as the Ethics Board has asked that they be allowed to hire outside counsel on a matter that has just come before them. The Board discussed the need for the Ethics Board to have outside legal assistance when necessary; however, they do not feel comfortable in issuing a “blanket” authorization; but would rather have a formal request from the Ethics Board stating why they feel outside counsel is necessary and make their decision then. Ms. Derrico stated that they believe this is a conflict as the Mayor has opined on the issue before them and as he appointed her, she cannot be objective. She does not agree. Trustee Hofstetter asked if she would be recusing herself from the issue and she said that she is not.

The Board agreed to get additional information from the Ethics Board and discuss at their next work session.

B. Resolution Adjusting the Terms of the Newly Appointed Members of the Committee for the Environment

**RESOLUTION ADJUSTING THE TERMS OF THE NEWLY APPOINTED MEMBERS OF THE COMMITTEE FOR THE ENVIRONMENT**

WHEREAS, at the May 10, 2010 Regular Board Meeting, four residents were appointed to the Committee for the Environment thereby increasing total membership to eleven individuals; and

WHEREAS, all four newly appointed members terms will expire in December 2012; and

WHEREAS, two existing members of the Committee for the Environment also have terms expiring in December 2012 and it is more appropriate that the terms to be staggered in order to avoid the expiration of term for six of the eleven members in one given year; and

WHEREAS, it is recommended that the terms of the newly appointed members be staggered based on when they showed interest in serving.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the newly appointed members of the Committee for the Environment be and shall have the following terms:

Ann Breen Metcalfe – Term to expire in December 2012

Catherine Hiller – Term to expire in December 2012

Michaela Zeuss – Term to expire in December 2011

Katherine Kaneko – Term to expire in December 2011

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

5. NEW BUSINESS

A. Resolution Authorizing Vehicle & Traffic Regulations Code Changes to Chapter 326;

(1) No left turn into Diamond Car Wash for Vehicles traveling east on Halstead Avenue

WHEREAS, at their meeting of May 12, 2010, the Board of Traffic Commissioners recommended the following amendment to Chapter 326 (Vehicle & Traffic), Section 73 (Schedule VI – Prohibited Turns at Intersection) of the Code of the Village of Mamaroneck; and

WHEREAS, the Traffic Commission determined that prohibition is necessary to reduce congestion of eastbound traffic and to provide a more orderly entrance into the car wash ; and

WHEREAS, the Board of Trustees has discussed this recommendation at their June 7, 2010 Work Session.

On motion of Trustee Santoro, seconded by Mayor Rosenblum:

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic), 73 (Schedule VI – Prohibited Turns at Intersection) of the Code of the Village of be and is hereby adopted.

Section 73, Schedule VI Prohibited Turns at Intersections  
Add:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Prohibited Turn</u>	<u>Hours</u>	<u>At Intersection of</u>
Halstead Avenue	East	Left	All	The Halstead Avenue driveway to the car wash at the intersection of Jefferson Avenue

Ayes: Ybarra, Ryan, Santoro, Rosenblum

Nays: Hofstetter

(2) No parking 20 feet either side of driveway at 625 Waverly Avenue

WHEREAS, a request was made to the Village Manager for the review of no-parking on either side of the driveway at 625 Waverly Avenue; and

WHEREAS, the Village Manager visited the site and determined that the prohibition is necessary to accommodate truck traffic in and out of 628 Waverly avenue; and

WHEREAS, the Board of Trustees discussed this request at their June 7, 2010 Work Session.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic), Section 80 (Schedule XIII – Parking Prohibited at all Times) of the Code of the Village of be and is hereby adopted.

Section 80, Schedule XIII

Add:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Waverly Avenue	North	From the Driveway of 625 Waverly Avenue to a point 20 feet east thereof
Waverly Avenue	North	From the Driveway of 625 Waverly Avenue to a point 20 feet west thereof

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(3) No parking east side of The Crescent

WHEREAS, at their meeting of January 13, 2010, the Board of Traffic Commissioners recommended the following amendment to Chapter 326 (Vehicle & Traffic), Section 80 (Schedule XII – Parking Prohibited at All Times) of the Code of the Village of Mamaroneck; and

WHEREAS, the Traffic Commission determined that prohibition is necessary due to difficulty experienced by drivers of fire apparatus when trying to navigate the street; and

WHEREAS, the Board of Trustees has discussed this recommendation at their June 7, 2010 Work Session.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic), 80 (Schedule XIII – Parking Prohibited at all Times) of the Code of the Village of be and is hereby adopted.

Section 80, Schedule XIII

PARKING PROHIBITED AT ALL TIMES

Rescind:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Crescent, The	East	From Bleeker Avenue to the driveway of 818 The Crescent

-and-

Add:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Crescent, The	East	Entire length, from Bleeker Avenue to the dead-end

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Resolution Authorizing the Acceptance of a quote from Antonio Reca for Purchase of Plants to be placed at Harbor Island

Mayor Rosenblum suggested that this be accepted by the Board pending the review of the Board of Ethics at their next meeting, as this bid was lower than any other bid, which is the intent of the law. Ms. Derrico stated that the Board may want to get a blanket opinion on this sort of issue, so that if something is of an urgent matter, it can move ahead. Mr. Slingerland suggested adding the language “subject to the concurrent approval of the Ethics Board” to the resolution.

RESOLUTION AUTHORIZING ACCEPTANCE OF A QUOTE FROM ANTONIO RECA FOR PURCHASE OF PLANTS TO BE PLACED AT HARBOR ISLAND

WHEREAS, the Village of Mamaroneck is desirous of installing plantings at the fence line adjacent to the beach at Harbor Island Park and consistent with its procurement policy and New York State General Municipal Law for Public Works Contracts, solicited quotes for this purchase and installation; and

WHEREAS, three (3) quotes were received for this work with the apparent low quote received from Antonio Reca, 515 Stanley Avenue, Mamaroneck, NY 10543 in the amount of \$930; and

WHEREAS, Mr. Reca, is the father of Carlo Reca, a member of the Village's Recreation and Parks Commission; and

WHEREAS, the potential award of any work to Antonio Reca may be inconsistent with the Village's Ethics Code; and

WHEREAS, because the submission of a quote and potential award of work to Antonio Reca may be inconsistent with the Village's Ethics Code, the Village Administration sought guidance from the Board of Ethics as to whether there was a conflict with the quote and whether the Village should grant a waiver to Antonio Reca; and

WHEREAS, the Board of Ethics met and based on their review they determined that the awarding a Public Works Contract to Antonio Reca in this case was not in conflict with the purposes and interests of the Village of Mamaroneck and that he had gained no special advantage by virtue of his son's membership on the Recreation & Parks Commission; now therefore be it

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED, that the Board of Trustees herein approves a waiver for Antonio Reca from the Village of Mamaroneck Code of Ethics as it relates to the performance of work at Harbor Island Park subject to the concurrent approval of the Ethics Board; and be it further

RESOLVED, that the Board of Trustees concurs with the Village Manager's awarding of a Public Works Contract to Antonio Reca to install plantings at the fence line adjacent to the beach at Harbor Island Park.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Schedule Public Hearing of Proposed Local Law U-2010

Ms. Derrico submitted the following resolution to schedule a Public Hearing on Proposed Local Law U-2010, a local law amending Chapter 326 (Vehicles & Traffic) Article III (Parking, Standing & Stopping) of the Code of the Village of Mamaroneck by amending parking ticket penalties and offenses.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that a Public Hearing on Proposed Local Law U-2010 be and is hereby scheduled for June 28, 2010.

BE IT FURTHER RESOLVED that the Board of Trustees has determined itself to be Lead Agency as it is the only board/agency who can take this action and this matter has been determined to be an **Unlisted Action** with no negative environmental impacts and therefore, the Board of Trustees determines that no further action is necessary.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Resolution Authorizing the Release of Retainage Fees for Palmer Ave. Firehouse

RESOLUTION AUTHORIZING ACCEPTANCE OF CHANGE ORDERS FOR THE PALMER AVENUE FIREHOUSE CONSTRUCTION PROJECT

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 field conditions necessitated certain project work be eliminated, amended or expanded, in relation to the work identified in the original bid documents; and

WHEREAS, Village staff, in conjunction with our consulting architect and the Village's construction manager have reviewed the change order requests and found them to be appropriate and have approved the following change orders:

<u>Contractor</u>	<u>Amount</u>
D & S Fire Protection Corp.	\$ 2,380.00
Frank & Lindy Plumbing & Heating, Inc.	\$23,662.47
J & M Heating & Air Conditioning, Inc.	\$37,500.00

On motion of Trustee Santoro, seconded by Trustee Ybarra:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees herein accepts these project changes orders and authorizes the amendment of the total project budget to reflect these change orders; and be it further

RESOLVED, that the Board of Trustees herein authorizes the payment of these sums including retainage to close out these contracts.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Appointment of Joan Spedafino to Recreation & Parks Commission

WHEREAS, there is an open position on the Recreation & Parks Commission with the resignation of Mr. Howard Jordan; and

WHEREAS, Ms. Joan Spedafino has graciously volunteered to serve.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that Ms. Joan Spedafino be and is hereby appointed to the Recreation & Parks Commission to fill an unexpired term, such term to expire at the Annual Organizational Meeting in December, 2012.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

F. Resolution Authorizing Year End Budget Transfer of Funds

WHEREAS, in accordance with Section 5-520 of the Village Law, when it shall appear probable that the expenditure in any budgetary account will be in excess of the original estimated budgeted amount, it is then necessary to bring these accounts in balance by transferring from other budgetary accounts; and

WHEREAS, as it is not known at this time all the accounts that will be affected as of May 31, 2010, it is requested that the following blanket resolution authorizing these transfers be approved by your Honorable Board:

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Clerk-Treasurer is hereby authorized to make the necessary transfers from the unexpended balance of certain budgetary accounts to those accounts that require additional appropriation.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Resolution Authorizing Village to Enter into License Agreement for 1612 James Street

WHEREAS, Roxann Brucciani (hereinafter "Licensee") is the owners of certain real property known as 1612 North James Street and identified on the Village of Mamaroneck Tax Map as Section 8, Block 05, Lot 15; and

WHEREAS, Licensee is desirous of repairing her driveway which entails its replacement with brick pavers as well as an in-kind replacement of two existing retaining walls which encroach on the village-owned right of way; and

WHEREAS, the Village is desirous of accommodating the Licensee by the granting of a revocable license agreement to permit such work on village-owned property; and

WHEREAS, pursuant to the terms of the license agreement, Licensee will indemnify and hold harmless the Village of Mamaroneck in all actions, claims, judgments, costs or expenses arising from said installation, maintenance and use said retaining wall; and

WHEREAS, in addition, Licensee shall provide the Village of Mamaroneck with a certificate of liability insurance naming the Village as an additional insured, at limits approved by the Village Attorney;

On motion of Trustee Ryan, seconded by Trustee Santoro:

THEREFORE BE IT RESOLVED, that the Village Manager is herein authorized to execute a revocable license agreement with Roxann Brucciani, 1612 North James Street, to install and maintain two (2) retaining walls located on the Village Right-of-Way; and be it further

RESOLVED, that Licensee herein agrees to indemnify and hold the Village of Mamaroneck harmless in all actions, claims, judgments, costs or expenses arising from said installation, maintenance and use of the foregoing and provide the Village with a certificate of liability insurance; and be it further

RESOLVED, that Licensee's failure to file a certificate of insurance with the Village does not limit or mitigate Licensee's obligation to indemnify and hold the Village harmless as described above.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Bond Resolution in the Amount of \$400,000 for Sanitary Sewer I&I Requirements and other Related Infrastructure Work

**BOND RESOLUTION, DATED JUNE 14, 2010 AUTHORIZING THE ISSUANCE OF UP TO \$400,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF MAMARONECK, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE SEWER SYSTEM .**

WHEREAS, the Board of Trustees of the Village of Mamaroneck (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition, construction and reconstruction of improvements to the Village sewer system, including storm sewers, and the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$400,000, all in accordance with the Local Finance Law;

On motion of Trustee Ryan, seconded by Trustee Santoro:

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Mamaroneck, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$400,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition, construction and reconstruction of improvements to the Village sewer system, including storm sewers, and including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto (the "Project").

Section 2. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project will not exceed \$885,000; (b) no money has heretofore been

authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds and a grant in the amount of \$485,000 from the U.S. Environmental Protection Agency; (d) the maximum maturity of the serial bonds authorized herein shall not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is of a class of object or purpose as described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is thirty (30) years. The serial bonds authorized herein shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued

in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney and such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 8. This bond resolution will become effective immediately upon its adoption by the Board of Trustees.

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

On motion of Trustee Santoro, seconded by Trustee Ybarra:

BE IT FURTHER RESOLVED that the Board of Trustees has determined itself to be Lead Agency as it is the only board/agency who can take this action and this matter has been determined to be a **Type II Action** not subject to the State Environmental Quality Review Act (SEQRA).

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

I. Schedule Public Hearing on PLL V-2010 (Adoption of Zoning Map that reflects all Prior Changes to Zoning Code) & SEQRA Determination

Ms. Derrico submitted the following resolution to schedule a Public Hearing on Proposed Local Law V-2010, a local law adopting the Zoning Map that reflects all prior changes to the Zoning Code of the Village of Mamaroneck.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that a Public Hearing on Proposed Local Law V-2010 be and is hereby scheduled for June 28, 2010.

BE IT FURTHER RESOLVED that the Board of Trustees has determined itself to be Lead Agency as it is the only board/agency who can take this action and this matter has been determined to be a **Type II Action** not subject to the State Environmental Quality Review Act (SEQRA).

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

J. Schedule Public Hearing on PLL W -2010 (Bike & other Non-motorized Devices Law)

Ms. Derrico submitted the following resolution to schedule a Public Hearing on Proposed Local Law W -2010, a local law amending Chapter 112 (Bicycles) by amending Section 112-1 (Legislative findings & intent), Section 112-2 (Operation & equipment standards) and Section 112-12 (Penalties for offenses) of the Code of the Village of Mamaroneck.

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that a Public Hearing on Proposed Local Law W -2010 be and is hereby scheduled for June 28, 2010.

BE IT FURTHER RESOLVED that the Board of Trustees has determined itself to be Lead Agency as it is the only board/agency who can take this action and this matter has been determined to be an **Unlisted Action** and the Board of Trustees has reviewed a short form EAF and determined that there are no negative environmental impacts.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

K. Resolution Authorizing Acceptance of Donation of Flowers and other Plantings from Ida S Santangelo and other residents of Washingtonville

On motion of Trustee Ryan, seconded by Mayor Rosenblum:

BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck gratefully accepts the donation of flowers and plantings from Ida Santangelo and the Washingtonville residents to be placed in the island on the corner of East Old White Plains Road.

BE IT FURTHER RESOLVED, that the value of this donation is estimated to be two hundred and fifty dollars (\$250.00).

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

The Board thanked Mrs. Santangelo for her generous donation.

L. Resolution Authorizing Tax Certiorari Settlement for Barrymore Condominiums

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 \$37,127 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 Santoro, seconded by Trustee Ybarra:

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>
Barrymore Condominiums	501 South Barry Avenue	2006-2010

  

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed Assessment</u>	<u>Amount of Reduction</u>
2006	\$118,410	\$98,783	\$19,627
2007	\$118,410	\$92,602	\$25,808
2008	\$118,410	\$86,491	\$31,919
2009	\$118,410	\$88,492	\$29,918
2010	\$118,410	\$88,492	\$29,918

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

M. Resolution Setting BOT Summer Meeting Schedule

WHEREAS, at the Annual Organizational Meeting held on December 7, 2009 the Board of Trustees resolved that the second and fourth Mondays of each and every month be designated as the Regular Meeting Nights of the Board of Trustees, such meetings to commence at 7:30 p.m. in the courtroom at Village Hall; and

WHEREAS, at this same meeting the Board of Trustees resolved that the first and third Mondays of each and every month be designated as the Work Session Meeting Nights of the Board of Trustees, such meetings to commence at 5:30 p.m. in the conference room at the Regatta.

On motion of Trustee Ybarra, seconded by Trustee Ryan:

RESOLVED that the following Summer Meeting Schedule for the Board of Trustees be and is hereby adopted:

Work Sessions will be held on Monday, July 12, 2010 and Monday August 9, 2010 at 5:30 p.m. in the conference room at the Regatta; and

Regular Meeting will be held on Monday July 19, 2010 and Monday, August 16, 2010 at 7:30 p.m. in the courtroom at 169 Mt. Pleasant Avenue.

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

6. **REPORT FROM VILLAGE MANAGER**

A. File for Record – 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.

B. File for Record – Memorial Day Congressional Proclamation – Congresswoman Nita M. Lowey

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

C. Communication from CableCARD

Mr. Slingerland stated that communication was received from CableCARD regarding a rate reduction for broadcast basic cable

7. **FLOOD MITIGATION REPORT**

Mr. Slingerland stated that the Village is finalizing the paperwork on the stream permit and will be exploring other means to clean out the accumulated silt in the streams to try to make this happen this summer. Mr. Slingerland went to several of the homes on Stonybrook Avenue. He reviewed the tax maps and obtained surveys on some of the homes. Almost each property needs to be reviewed separately to see where their property line is. It seems that the walls on most are on Village property. A plan to repair these walls will need to be done and he and Mr. Sarnoff are investigating whether the monies received from FEMA for storm damage can be used for this purpose.

Ms. Jackson, Chair of the Flood Mitigation Committee stated that if FEMA money can be used to repair retaining walls that are on Village property, there are other examples in the Village where this has happened.

Mr. Slingerland stated that tomorrow at 3 p.m., in the Courtroom, there will be a Taylors Lane kick off meeting, where a presentation will be made to the residents by the Village consulting engineer and environmental consultants. There are two Army Corps informational meetings on June 22; one at 2 p.m. and the other at 7 p.m. These will be held in the Emelin Theatre.

8. REPORT FROM CLERK-TREASURER

A. Tax Reminder

Mr. Fusco informed residents that first half Village property tax is due on or before July 1<sup>st</sup>.

9. REPORT FROM VILLAGE ATTORNEY

A. Filing of Local Laws 12, 13 & 14-2010 with the Secretary of State

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

10. REPORT FROM POLICE CHIEF

None

II. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

A. Board of Ethics – March 3, 2010

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the March 3, 2010 minutes of the Board of Ethics be and are hereby approved:

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

B. Board of Ethics – April 7, 2010

On motion of Trustee Ryan, seconded by Trustee Ybarra:

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

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

C. Board of Ethics – April 29, 2010

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the April 29, 2010 minutes of the Board of Ethics be and are hereby approved:

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

D. Planning Board – April 22, 2010

On motion of Trustee Ryan, seconded by Trustee Ybarra:

RESOLVED that the April 22, 2010 minutes of the Planning Board be and are hereby approved:

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

E. Planning Board – May 13, 2010

On motion of Trustee Ryan, seconded by Trustee Ybarra:

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

Ayes: Ybarra, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

### Updates from the Board

Trustee Ryan reported on the summer activities being brought to the Village by the Council of the Arts. Trustee Ryan congratulated all graduates; the Westchester Day School, Mamaroneck and Rye Neck High Schools. She also reported on the Harbor Fest, Flag Day at the Elks and the thank you party for Chrystal Tippet, who volunteered for 34 years with Meals on Wheels. Trustee Ryan also announced that the Bocci Court will open on June 27 at 3 p.m. She invited all residents to attend the opening.

Trustee Ybarra congratulated the Mamaroneck High School Future Business Leaders Club who placed first in NY State's Leadership conference for the third year in a row. They placed first four times in the past five years under the leadership of Eileen Multari.

Trustee Hofstetter gave a recap of a meeting with the County regarding the sewage treatment plant, with the hopes that things could get moved around so that the Village can use as much of Harbor Island Park as possible. Unfortunately, there is a second outfall pipe, which restricts use of that land. This impacts Sportime's past and present plans. Trustee Hofstetter stated that there may be a third outfall pipe as well, which was surprising to everyone. Trustee Hofstetter informed residents of the piece run by the New York Times on living in Mamaroneck. It was a great profile on Mamaroneck.

Trustee Santoro reminded residents of the Firemen's Parade and Carnival coming up. The Elks held their yearly Flag Day Ceremony, which he said was amazing. He also reported on a trip taken with the Mayor to the Montessori School in Mamaroneck.

Mayor Rosenblum stated that he performed his first wedding ceremony and it was a great experience. Mayor Rosenblum with Trustee Santoro attended a day for wounded soldiers hosted by Mr. Weisman at his home on Taylors Lane. They also played computer games against the NY Giants in New York City and attended a barbeque in Rye. Mayor Rosenblum congratulated Len Verrastro and Jennifer Graziano on another fantastic Harbor Street Fair and reminded residents of the upcoming Mamaroneck Shares events on June 24, July 29 and August 19.

On motion of Trustee Santoro, seconded by Trustee Ybarra:

RESOLVED that the Board of Trustees convene to Executive Session to discuss personal 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