

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, MARCH 22, 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
	Village Manager	Richard Slingerland
	Assistant Village Manager	Daniel Sarnoff
	Village Attorney	Christie McEvoy-Derrico
	Police Department	Chief Edward Flynn
	Deputy Clerk	Sally J. Roberts
ABSENT:	Trustee	Marianne V. Ybarra

PUBLIC HEARING ON PLL 4-2010 – STORMWATER MANAGEMENT LAW (CONTINUED)

This is a continuation of a Public Hearing from the last Board meeting of March 8, 2010. Mayor Rosenblum stated that the Village has a fiduciary responsibility to move forward on this law and as with any law passed, this can be changed in the future.

The Village's consulting engineer, Mr. Keith Furey gave background and history of this stormwater law. He stated that in 2003 when the Village was awarded their SPEDES permit, one of the things necessary, was the passing of a Stormwater Law, which should be in compliance with the State's model law. The Village is two years late in adopting this law. Mr. Furey stated that an audit of our MS-4 permit was done by the Department of Environmental Conservation a couple of weeks ago and the Village was in compliance with this audit with the promise that this law would be adopted at this meeting. Mr. Furey again reviewed the salient points of the law, which he reviewed at the public hearing of March 8, 2010.

Ms. Derrico stated that there were many comments received on this proposed local law. Most of which were culled through and incorporated; however, she agrees with the Mayor that this law needs to get adopted and changes can be made at a future time.

Ms. Suzanne McCrory of The Crescent appeared. Ms. McCrory asked if the proposed local law has changed since the first hearing. Mr. Furey stated that the law has not substantively changed. Trustee Hofstetter stated that changes for clarity were made. Ms. McCrory believes that the law should have been re-noticed whenever any changes, other than typographical, were made. She also believes that this is a jurisdictional defect, and not a wise thing to do.

Mr. Furey stated that the potential fine for violation of our SPEDES permit is \$37,500 per day maximum, which could be retroactive for two years. This would total \$27,000,000 if the state chose to make this retroactive.

Mayor Rosenblum stated that the Board is happy with the potential law; however, they would be open to review of this law as there were many comments received in the last 24 hours.

Ms. McCrory found this law one of the most difficult law to comprehend. She respectfully requested that the law be fixed before it is adopted. She looked at the model law and it is quite clear, unlike the Village's law. The law seems to be contradictory and out of scope. She believes that it is micromanaging, offensive and will not be followed. She also believes that the state will not levy fines if the Village is working towards a better law. She suggested adopting the model law.

Ms. Robin Kramer of Delancy Avenue appeared. Ms. Kramer is a member of the Zoning Board of Appeals. She applauds the action of passing a stormwater law; however she believes that this proposed local law has serious problems, as it is not clear what the law is intended to accomplish. If the Board feels that it must adopt the law today, they must do so with the intent to immediately work on a re-draft of this law. As a member of the ZBA, she will not know what to do in regard to this law when an applicant comes forward.

Trustee Ryan stated that she is concerned about Ms. Kramer's comments about how the changes will affect the Zoning Board of Appeal as she certainly does not want to tie their hands in allowing them to perform their duties. She said that because of the strong possibility of being fined, she will vote in favor of this proposed law with the understanding that amendments to it based on expressed concerns, such as Ms. Kramer's, will be addressed immediately.

Mr. Furey stated that the Building Inspector, who is the stormwater managing officer, as well as the Planning Board chair, do not have a problem with this law or the interpretation of it.

Mr. Slingerland stated that as part of the LWRP Update process, this law will again be reviewed and changed, if necessary.

Trustee Hofstetter agrees that there is ambiguity in the language; however, because of the potential fines, he will vote to adopt the law. He does want to see a new draft of the law at the next meeting for the Board's review that addresses the issues brought forward.

Trustee Ryan also appreciates the comments received and she believes that amendments need to be addressed.

Trustee Santoro thanked the staff who worked on the law and also the residents who made their comments.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 4-2010 be and is hereby closed.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED that Proposed Local Law 4-2010 be and is hereby adopted and shall read as follows:

LOCAL LAW 10-2010

A local law enacting a new Chapter 294 entitled,
“Stormwater Management and Erosion & Sediment Control”

SECTION 1.

A new Chapter 294 - STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL

§294-1. Findings of Fact

Due to its location, the Village of Mamaroneck is faced with great challenges relative to the management of stormwater and the prevention of flooding and there is a pressing need for additional and innovative stormwater management. It has been determined by the New York State Department of Environmental Conservation that uncontrolled drainage and runoff associated with land development have a significant impact upon the health, safety and welfare of the community. Specifically:

- A. Improperly managed stormwater can increase the incidence of flooding and the levels of floods which occur, endangering property and human life.
- B. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- C. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- D. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- E. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- F. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- G. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- H. Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- I. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- J. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

K. The Village of Mamaroneck, as the community at the bottom of the watershed, is faced with additional challenges relative to the management of stormwater runoff in that the floodway and overall floodplain receives significant contributions from the upstream communities. For this reason, certain unique approaches to the management of stormwater, especially within the 100-yr floodplain, as well as carefully regulated management practices outside of the floodplain need to be implemented.

§294-2. Purpose

The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in §294-1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- B. Require all land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- D. Require calculation for stormwater detention and retention on existing properties with proposed improvements/modifications by a Licensed Engineer to upgrade the stormwater management practices on these properties, by requiring property owners to upgrade stormwater management systems in accordance with the requirements of this chapter and subject to the approval of the Stormwater Management Officer (SMO) and/or Village Engineer, in connection with the construction of an addition to an existing structure or other land disturbing activity so that stormwater management practices for the entire site (including retention, run-off and discharge into a public storm drain) are in full compliance with this chapter.
- E. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- F. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- G. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, and ensure that these management practices are properly maintained and eliminate threats to public safety wherever possible, through stormwater management practices.
- H. Control erosion and sedimentation so as to prevent it from being deposited in streams, brooks, rivers, watercourses and other receiving water bodies.

- I. Facilitate the removal of pollutants in stormwater runoff so as to perpetuate the natural biological and recreation functions of streams, rivers, water bodies and wetlands.
- J. Regulate discharge of pollutants to the MS4 and promote public awareness of the hazards of the improper discharge of pollutants into the MS4.

§294-3. Statutory Authority.

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Board of Trustees of the Village of Mamaroneck has the authority to enact and amend local laws for the purpose of promoting the health, safety or general welfare of the Village of Mamaroneck and for the protection and enhancement of its physical environment. The Board of Trustees of the Village of Mamaroneck may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§294-4. Applicability.

- A. This local law shall be applicable to all land development activities as defined in §294-6.
- B. The Building Inspector shall be designated as the local Stormwater Management Officer who shall accept and review all Stormwater Pollution Prevention Plan (SWPPP) and forward such plans to the applicable local land use board. The Stormwater Management Officer may (1) review the plans; (2) engage the services of the Village Engineer to review the plans, specifications and related documents at a cost to be reimbursed to the Village for such services. In either case, said SWPPP shall be certified by a licensed professional under the employ of the applicant
- C. All land development activities subject to review and approval by any Village board of the Village of Mamaroneck under the Village's Code shall be reviewed subject to the standards contained in this Chapter. The Village Engineer, the cost of which shall be reimbursed to the Village for such services, shall carry out such review.
- D. All land development activities not subject to review as stated in Section C shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law as outlined in B. above.

§294-5. Exemptions.

The following activities may be exempt from review under this law.

- A. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- B. Land development activities for which a building permit has been approved on or before the effective date of this law.
- C. Cemetery graves.

- D. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- E. Emergency activity immediately necessary to protect life, property or natural resources as determined by the SMO.
- F. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family and as further defined as being excepted from the requirements of a Site Development Permit in §186.10, B. 3.
- G. Landscaping and horticultural activities in connection with an existing structure and as further defined as being excepted from the requirements of a Site Development Permit in §186.10, B. 3.

§294-6. Definitions.

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

ADDITION – Any work on an existing structure that changes the external dimensions of such structure.

ADJOINING PROPERTY - Any property facing a work site across any right-of-way, street or highway shall be deemed "adjoining property," as well as any property contiguous on any side.

APPLICANT - A property owner or agent of a property owner who has filed an application for a land development activity.

AUTHORIZED ENFORCEMENT AGENCY - Employees or a designee of the municipal agency designated to enforce this chapter.

BEST MANAGEMENT PRACTICES (BMPs) - Schedule of activities, prohibitions, general housekeeping practices, pollution prevention and educational practices, maintenance procedures and other practices to prevent or reduce the discharge of other pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems; procedures and methods pertaining to construction activities which are intended to minimize water pollution, retain valuable topsoil and prevent erosion and sedimentation and include, but are not limited to, those practices contained in the most recent versions of the New York State Stormwater Management Design Manual and the New York Standards and Specifications for Erosion and Sediment Control. BMPs are to be complied with on all plans submitted with an application for a stormwater management permit regardless of the size of the land disturbance.

BEST MANAGEMENT PRACTICES MANUALS - The most recent editions of a series of manuals published by the State of New York, consisting of various volumes on best management practices for certain described activities and, specifically, the publications titled "New York State Stormwater Management Design Manual" and the "New York Standards and Specifications for Erosion and Sediment Control."

BUILDING - Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL- A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEAN WATER ACT - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

CLEARING - Any activity that removes the vegetative surface cover.

CONNECTION PERMIT - An authorization for the connection as well as the discharge permitted under § 294-13 of this chapter, as well as a discharge permitted under a SPDES permit, waiver, or waste discharge order issued by the NYSDEC. This permit is subject to special terms and conditions set by the Village or its designated consultant. This permit expires on or before the expiration of the NYSDEC SPDES permit, waiver or order or upon changes of ownership or use of the property.

CONSTRUCTION ACTIVITY - Includes activities subject to NYSDEC permits and SPDES permits or activities covered by erosion and sediment control and pollution prevention laws. These activities include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT - The New York State Department of Environmental Conservation

DESIGN MANUAL - The New York State Stormwater Management Design Manual, most recent version including applicable updates that serve as the official guide for stormwater management principles, methods and practices.

DETENTION - A practice to store stormwater runoff by collection as a temporary pool of water and provide for its gradual (attenuated) release; a practice which is used to control peak discharge rates and which provides gravity settling of pollutants.

DEVELOPER - A person who undertakes land development activities.

DEVELOPMENT - To make a site or area available for use by physical alteration. Development includes but is not limited to providing access to a site, the clearing of vegetation, grading, earth moving, providing utilities and other services such as parking facilities, stormwater management and erosion control systems, altering landforms or construction of a structure on the land.

DISCHARGER - Any person or entity, permitted by law or not, that is releasing, emptying, conveying or unloading fluids and materials, including but not limited to hazardous materials and illicit discharges, as defined by this chapter, into the municipal storm sewer system.

EMERGENCY RESPONSE AGENCY - Any governmental agencies, including but not limited to the New York State Department of Environmental Conservation, the Westchester County Department of Health and the Village of Mamaroneck Police and Fire and other appropriate Village departments.

EROSION - The removal of soil particles by the action of water, wind, ice or other meteorological or geological agents.

EROSION CONTROL MANUAL - The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

EXISTING GRADE - The vertical location of the existing ground surface prior to excavation or filling.

FINAL GRADE - The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

FLOODPLAIN - For a given flood event, that area of land temporarily covered by water which adjoins a watercourse. Land within the floodplain is property within the onehundred-year flood boundary as shown on Flood Insurance Rate Map (FIRM) dated September 28, 2007, for the Village of Mamaroneck as issued by the Federal Emergency Management Agency (FEMA) as amended from time to time.

FOREBAY - An extra storage area or treatment area, such as a sediment pond or created wetland, near an inlet of a stormwater management facility to trap incoming sediments or take up nutrients before they reach a retention or extended detention pond.

GRADING - Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

HAZARDOUS MATERIALS - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

ILLICIT CONNECTION - An illicit connection is defined as any of the following: any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm sewer system, including, but not limited to, any conveyances which allow any non-stormwater discharge, including treated or untreated sewage, process wastewater and wash water, to enter the storm sewer system; any connections to the storm sewer system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; any drain or conveyance connected from a commercial or industrial land use to the storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE - Any discharge through an unauthorized connection, including a direct or indirect non-stormwater discharge to the storm sewer system, except as exempted in this chapter.

IMPERVIOUS - Surfaces, such as, but not limited to, pavement, walks, patios, terraces, decks, rooftops, gravel surfaces, tennis courts and swimming pools, which prevent or inhibit the percolation of water into the soil.

IMPERMEABLE SURFACE - Any surface not consisting of soil and vegetative cover. For the purpose of this article, pavers, gravel and other "semi-permeable" surfaces shall be considered impermeable to the extent that they alter the surface water runoff characteristics of the site. Calculations as to the difference in stormwater runoff from these surfaces shall use the appropriate

TR-55 Curve Numbers for calculation of the amount of surface water being discharged from these areas. Decks constructed above the ground surface, that allow 100 % pass through of stormwater to the ground surface below said decks shall be considered to be permeable.

INDUSTRIAL STORMWATER PERMIT - A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries, which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION - A practice designed to promote the recharge of groundwater by containment and concentration of stormwater into porous soils.

JURISDICTIONAL WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DEVELOPMENT ACTIVITY - Any construction activity including clearing, grading, excavating, soil disturbance or placement of fill that that could potentially result in soil erosion and/or any change in movement of stormwater on the site. For the purposes of this article, any new construction on a given lot (or reconstruction which meets the definition of substantial improvement or total reconstruction) shall assume the entire area of the lot to be subject to disturbance.

LAND-DISTURBING ACTIVITY - Any change to land which may result in soil erosion from water or wind and the movement of soil into water or onto lands, alteration of a drainage system, or increased runoff of waters, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

LANDOWNER- The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LICENSED/CERTIFIED PROFESSIONAL - An Engineer duly licensed by the New York State Department of Education to practice engineering.

MAINTENANCE AGREEMENT - A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MUNICIPAL PERMIT - Any permit or license issued by the Village of Mamaroneck, including, but not limited to, building, grading, demolition, clearing, topsoil removal, excavation, tree removal, and special use permits, and subdivision and site plan approval.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - A conveyance or system of conveyances and retention and infiltration facilities (including roads with drainage systems, curbs and gutters on municipal streets, manholes, catch basins, ditches, man-made channels, storm drains, stormwater basins, drainage reserve areas, dry wells and/or any other component of a stormwater system) that is owned and/or operated by the Village or another municipal entity, designed and/or used for collecting, conveying, storing, infiltrating, or managing stormwater, which is not a

combined sewer and which is not part of a publicly owned treatment works as defined at 40 CFR 122.2.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT - A permit issued by the Environmental Protection Agency (EPA) or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NONPOINT SOURCE POLLUTION - Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NONSTORMWATER DISCHARGE - Any discharge to the storm sewer system that is not composed entirely of stormwater.

OUTFALL - The terminus of a storm drain where the contents are released.

OUTFLOW CONTROL STRUCTURE - A permanent structure placed at the discharge point of a stormwater conveyance system designed to control discharge of stormwater from the system.

PEAK FLOW - The maximum rate of flow of water at a given point and time resulting from a storm event.

PEAK FLOW ATTENUATION - The reduction of the peak discharge of stormwater runoff by detention and gradual release of that storage.

PERSON - Any corporation, partnership, association, trust, estate, or any other entity recognized by law and acting as either the owner or the owner's agent, including state and local governments and agencies, authorities, or other political subdivisions thereof, and one or more individuals.

PHASING - Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT - Anything that causes or contributes to pollution. Pollutants that may cause or might reasonably be expected to cause pollution of the waters within New York State may include, but are not limited to, dredged soil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hazardous materials, heat, wrecked or discarded equipment, rock, sand, industrial and agricultural waste, ballast discharged into water, paints, varnishes and solvents, oil and other automotive fluids, non-hazardous liquid, yard waste, refuse, rubbish, garbage, litter, or other discarded or abandoned

objects and accumulations so that same may cause or contribute to pollution, floatables, pesticides, herbicides, particulate metals, animal waste, waste and residue resulting from constructing a building or structure and noxious or offensive matter of any kind.

PREMISES - Any building, lot, parcel of land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking areas wholly within the property boundaries of a particular site.

PRIMARY STRUCTURE(S) - All structures on a premises used for the primary use of said premises, including all garages, workshops, basements, pools, cabanas, but excluding sheds used exclusively for incidental storage.

PROJECT - Any land development activity and/or other construction associated with such land development

RECHARGE - The replenishment of underground water reserves through infiltration.

RETENTION - A practice designed to store stormwater runoff by collection as a permanent pool or tank of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity of the permanent pool or tank.

SEDIMENT CONTROL - Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS - Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

STABILIZATION - The use of practices that prevent exposed soil from eroding.

START OF CONSTRUCTION - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of utilities, streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and the installation of temporary or accessory buildings such as construction sheds or trailers and garages.

STOP WORK ORDER - An order issued which requires that all construction activity on a site be stopped.

STORM SEWER CONNECTION PERMIT - An authorization for the connection to the MS4 and the discharge of stormwater, or authorized non-stormwater, under Article III of this chapter from all properties.

STORMWATER - Any surface flow, runoff, and/or subsurface drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER APPURTENANCES - Structures such as dry wells, catch basins, piping, storm drains and detention/retention basins designed to control and manage the flow of stormwater.

STORMWATER CONVEYANCE SYSTEM (DRAINAGE SYSTEM) - Publicly owned facilities on public land or privately owned facilities on private land by which stormwater is collected and/or conveyed, including but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other stormwater appurtenances to control and manage the flow of stormwater.

STORMWATER HOTSPOT - A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT - The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT, EROSION, SEDIMENT AND POLLUTION CONTROL PLAN - A plan prepared or certified by a New York State Licensed Engineer. These plans shall indicate the specific measures and sequencing to be used in controlling erosion, sediment and pollution on a development site during and after construction, showing the proposed use of the site and showing the methods, techniques and improvements that will be employed to control erosion, sedimentation and pollution, which shall employ best management practices.

STORMWATER MANAGEMENT FACILITY - One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER (SMO) - The Building Inspector of the Village of Mamaroneck and/or his designated agent(s) who will review stormwater pollution prevention plans, forward the plans to the applicable municipal board when necessary and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs)- Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF - Flow on the surface of the ground, resulting from precipitation

SUBSTANTIAL IMPROVEMENT - Any project or series of projects taken cumulatively for the preceding ten (10) year period whose cost equals or exceeds fifty percent (50%) of the value of the primary structure(s) on said property at the beginning of the first such project as represented in the Village of Mamaroneck Assessment rolls and/or any such project(s) within the same 10-year period

which result in 50% or more of the gross floor area of the primary structure(s) on said property being changed and/or renovated.

SURFACE WATERS OF THE STATE OF NEW YORK - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons, which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to manmade bodies of water, which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TOTAL RECONSTRUCTION - Any project or series of projects taken cumulatively for the preceding ten (10) year period whose cost equals or exceeds fifty percent (50%) of the value of the primary structure(s) on said property at the beginning of the first such project as represented in the Village of Mamaroneck Assessment rolls and/or any such project(s) within the same 10-year period which result in 50% or more of the gross floor area of the primary structure(s) on said property being changed and/or renovated.

VILLAGE ENGINEER - The Village Engineer or Consulting Engineer appointed by the Board of Trustees to function as the Village Engineer.

WATERCOURSE - Any natural or artificial, intermittent, seasonal or permanent and public or private water body or watercourse. A "water body" is intermittently, seasonally or permanently inundated with water and contains a discernible shoreline and includes ponds and lakes. A "watercourse" includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

WATERWAY - A channel that directs surface runoff to a watercourse or to the public storm drain.

§294-7. Permit Required

No person shall commence or carry out any development or land disturbing activity on any lot in the Village of Mamaroneck without first obtaining a Stormwater Control Permit from the Building Department, submitting a SWPPP and thereafter complying with the requirements of this Chapter

§294-8. Stormwater Pollution Prevention Plans (SWPPP)

A. Stormwater Pollution Prevention Plan Requirement

No application for approval of any land development activity that results in the disturbance of land greater than 1,000 square feet shall be reviewed until the SMO and/or appropriate board

has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

B. Contents of Stormwater Pollution Prevention Plans

- (1) All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project.
 - (b) Site map/construction drawing(s) at a scale not smaller than 1"=50', or as otherwise approved by the SMO, for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
 - (c) Description of the soil(s) present at the site;
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - (f) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill-prevention and response;
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
 - (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (j) Temporary practices that will be converted to permanent control measures;
 - (k) Implementation schedule for staging temporary erosion and sediment control practices,

including the timing of initial placement and duration that each practice should remain in place;

- (l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (m) Name(s) of the receiving water(s);
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - (p) Any existing data that describes the stormwater runoff at the site.
- (2) Post Construction Runoff Controls
- (a) All construction activities resulting in a land disturbance greater than 1,000 square feet and less than 2,000 square feet shall include water quantity controls, as described in the New York State Stormwater Management Design Manual capable of mitigating the water quantity impacts resulting from the increase in impermeable surfaces on the site for twenty-five (25)-year design storm.
 - (b) All construction activities resulting in a land disturbance greater than 2,000 square feet and less than one Acre shall include and water quality controls (post-construction stormwater runoff controls), as set forth in Section 3 and described in the New York State Stormwater Management Design Manual and post-construction water quantity controls as described below. Quantity controls shall provide stormwater attenuation methods appropriately sized, to detain on site, the entire volume of site runoff for all (both existing and proposed) impervious surfaces, resultant from the 25-year design storm.
 - (c) All construction activities resulting in a land disturbance greater than one acre but less than 5 acres shall include water quantity and water quality controls (post-construction stormwater runoff controls), as set forth in Section 3 and described in the New York State Stormwater Management Design Manual. Quantity controls shall provide stormwater attenuation methods appropriately sized, to detain on site, the entire volume of site runoff for all (both existing and proposed) impervious surfaces, resultant from the 25-year design storm in addition to any other stormwater quantity controls required for compliance with the NYS DEC Phase II Stormwater Rules.
 - (d) All construction activities resulting in a land disturbance greater than 5 acres and/or for any subdivision greater than 3 lots, shall include water quantity and water quality controls (post-construction stormwater runoff controls), as set forth in Section 3 and described in the New York State Stormwater Management Design Manual. Quantity controls shall provide stormwater attenuation methods appropriately sized, to detain on

site, the entire volume of site runoff for all (both existing and proposed) impervious surfaces, resultant from the 100-year design storm in addition to any other stormwater quantity controls required for compliance with the NYS DEC Phase II Stormwater Rules.

- (e) Additionally, Stormwater runoff from land development and redevelopment activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment shall comply with the requirements for Post-Construction Stormwater Control as outlined in (c) above

(3) SWPPP Requirements:

- (a) All information in Section 294-7 of this local law;
- (b) Description of each post-construction stormwater management practice (practices shall be as approved in Chapter 4 of the NYS DEC Stormwater Design manual);
- (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- (e) Comparison of post-development stormwater runoff conditions with predevelopment conditions;
- (f) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;
- (g) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice.
- (h) Maintenance easements, if applicable, to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management practices in accordance with § 294-9 of this local law.
- (j) The SWPPP shall be prepared by a NY State Licensed Professional Engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.

C. Exceptions – Construction and development activities as annotated above may be excepted from the on-site stormwater retention requirements only, if they meet all of the following criteria:

- (1) Lots are located wholly within the 100 year floodplain
- (2) The applicant can show, to the satisfaction of the Village Stormwater Management Officer

(SMO), that, to the maximum extent practical, impervious surfaces have been limited on the site.

(3) In the opinion of the SMO, the retention of stormwater on such site would exacerbate flooding on the property and/or contribute to an increase in the 100- yr floodplain

(4) If the applicant can show, to the satisfaction of the SMO, that the release of stormwater from the site, without said retention, will not have an adverse effect on any downstream properties

D. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

E. Contractor Certification

(1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

(2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(3) The certification statement(s) shall become part of the SWPPP for the land development activity.

F. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§294-9. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

A. Technical Standards

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

(1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)

(2) New York Standards and Specifications for Erosion and Sediment Control, (Empire State

Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

- (3) Westchester County Best Management Practices Manual series, specifically the volume for "Construction Related Activities"

B. Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in § 294-8 and the SWPPP shall be prepared by a licensed professional.

C. Water Quality Standards

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§294-10. Maintenance, Inspection and Repair of Stormwater Facilities

A. Maintenance and Inspection During Construction

- (1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
- (2) For land development activities as defined in Section 6 of this Article and meeting Condition A, B or C in 294-8(B)(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site logbook.
- (3) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

B. Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Mamaroneck to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The

easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Mamaroneck.

C. Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances), which are installed or used, by the owner or operator to achieve the goals of this law.
- (2) Written procedures for operation and maintenance and training new maintenance personnel.
- (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with §294-8.

B. Maintenance Agreements

The Village of Mamaroneck shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be in a form acceptable to the Village Attorney. The Village of Mamaroneck, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§294-II. 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 2. Effective Date

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

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

PUBLIC HEARING ON PLL I-2010 (AMENDING CHAPTER 318 AND ABOLISHING AND RECONSTITUTING TREE COMMITTEE)

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 22nd of March, 2010, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW I-2010, a local law amending Chapter 318 (Trees) abolishing and reconstituting the Tree Commission and revising the related Tree Regulations of the Code of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law I-2010 is on file with the Clerk-Treasurer of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Dated: March 15, 2010

On motion of Trustee Santoro, seconded by Mayor Rosenblum:

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

Ayes: Ryan, Santoro, Rosenblum
Nays: Hofstetter
Absent: Ybarra

Mr. Slingerland stated that there was an issue of concern regarding the operations of the Tree Committee as it was felt that the committee had contacted outside agencies as representatives of an administrative authority, which he feels oversteps their bounds. The proposal makes this a more practical committee, including Village staff and public members, as well as a professional consultant, either a landscape architect or arborist. This committee would adopt a list of approved trees for planting within the Village. Mr. Slingerland believes the proposed changes make this a more collaborative and cooperative group effort.

Trustee Ryan asked that those comments sent to the Board from residents who cannot be at the meeting and requested that they be read into the record, be read. Mayor Rosenblum stated that due to the time constraints, the comments would be a part of the permanent record, but not read at the meeting. Mr. Slingerland stated that either way would be acceptable. Mr. Slingerland gave a summation of some of the comments and questions received. He also answered some of Ms. Roney's questions. The letters (and Mr. Slingerland's comments) follow:

Doreen Roney
143 Highview St.
Mamaroneck, NY 10543

March 22, 2010

Dear Mayor Rosenblum, Trustees Hofstetter, Santoro, Ryan and Ybarra,

I would hope that you all will strongly consider that the impact of any changes in our laws should only improve our current code, but also add more stringent requirements than County, State or Federal

mandates due to Municipal Home Rule authority as a village. I think using Municipal Home Rule authority allows for a clearer statement of a vision for Mamaroneck as a community which has specific needs and differs from the rest. Unfortunately, this is not the case with the current revisions on all Proposed Local laws before you for adoption. A first step in the revision of any law is the historical perspective of what has occurred in the past to date and then why the amendment is necessary to improve standards, which is lacking here in my opinion.

I wish to provide some details and focus on proposed LL-I 2010 only because I've had a past personal experience with the Tree Committee when Mayor Rosenblum was then the Chairman. The issue at hand was Con Edison's disregard for upholding their tree pruning and notification policy requirements, instead totally removing approx. 7 apparently healthy trees in the village right of way (ROW), one on personal property, and leaving another remaining with obvious rot throughout its trunk base which remains today. I witnessed that our Tree Committee took appropriate action on this matter within their scope of authority, investigating the details and holding meetings/communications with a representative from Con Edison to formulate an advisory action plan going forward to the Mayor, Village Manager and Attorney. In my opinion what was lacking from this plan was: involvement and follow up from village officials; any conclusion re replacing the lost assets-village trees in the ROW, and the supposed list of future work to be done in the village by Con Ed's contractor with communication via the Village Manager. This situation just ended without any follow up in our village, but apparently is now a county wide problem drawing much focus and attention.

I offer the following questions for your reply before you consider adopting Proposed Local Law I-2010:

1. A statement was made at the last BOT meeting re the Tree Committee (TC) operating outside of its mandate. Can someone please explain specifically how and under what circumstances the TC has done so The Tree Committee contacted the Westchester County Planning Department demanding that they review a public works project, rather than dealing with the Village. [Mr. Slingerland stated that the committee also contacted Con Edison directly, without going through his office. These events should have been orchestrated through the Village Manager's office.](#)
2. What circumstances lead you to choose that the Tree Committee may be the ONLY village advisory board not dominated by resident volunteers rather by village administrative officials? Will this soon happen with other boards or even the Fire Department since they are also made up of resident volunteers? [Many municipalities where Mr. Slingerland has previously been employed constitute committees with volunteers as well as staff and experts.](#)
3. What qualifications does our current or any future Village Manager (or his designee) need to possess to be Chairman of the Tree Committee? (I think residency in the village may be a good start to be invested in the community one resides in.) [Mr. Slingerland deferred this to the Board.](#)
4. Within all of the Manager's responsibilities, what amount of time does the Village Manager's office have currently, and in the future to devote as Chairman of the Tree Committee? [Mr. Slingerland deferred this to the Board.](#)
5. The proposed law refers to "an arborist, professional landscape architect, or other related field" as having membership in the Tree Committee. Is this a new employment or contract position available within the village? If so, how did the need arise/can the BOT justify for this? [Mr. Slingerland deferred this to the Board.](#)

I would appreciate your thoughtful consideration, as well as publically responding to my questions posed here during the Public Hearing on March 22, 2010 as I am unable to personally attend.

Sincerely,
Doreen Roney

Stuart R. Tiekert
130 Beach Avenue
Mamaroneck, New York 10543
914-698-7495

March 22, 2010

Dear Mayor Rosenblum and Board of Trustees,

I am writing to urge the Board to vote "no" on Local Law I which would abolish and reconstitute the Village's Tree Committee. I am not against a rewrite of the Village tree code, but it should be done in a way that will improve how the Village tree assets are managed, this version does not.

The new version:

- Ends the Village's 28 year history as a Tree City by eliminating the two primary requirements of membership - 1) a volunteer Tree Board and 2) that the volunteer Board is responsible for "writing and implementing an annual community forestry work plan."
- Changes the committee purpose from advisory to oversight.
- Eliminates the requirement of the Committee to review site plans upon the request of the Planning Board.
- Incorporates a flawed Suggested Street Tree list unnecessarily into the code

Let me give you one clear example of the flaws in this proposed legislation made vivid by the recent storm. You know, as I do, that many Village residents suffered days without power because of trees felled in the recent storm. Yet this legislation authorizes the planting of trees that will grow to 40 feet tall under power lines. There is simply no reason to endanger our Village residents by such foolish practices.

Here are the reasons that we should keep the law we currently have.

(1) Residents know more and care more about our Village trees than non-resident administrators.

As Mayor Rosenblum, past chairman of the Tree Committee, has said, the village should "take advantage of the most valuable asset the Village enjoys - that being the immeasurable depth of experience and knowledge of its residents and volunteers". Mayor Rosenblum should follow his own credo, and vote against this local law because it does just the opposite - it replaces knowledgeable residents with inexperienced administrators who have too many responsibilities to do the job well.

Those who volunteer to serve on committees bring the ability to bring an intense focus on specific issues that village administrators don't have the time for, given their broad responsibilities. Before the formation of our present Tree Committee,

- The village was overpaying for maintenance work because of routine billing errors;
- The newly purchased trees on Mamaroneck Avenue were being maintained in a manner detrimental to their long term viability;
- Tree planting funds were being mismanaged so that the Village was losing trees at 4 times the rate we were replacing them;
- When trees were planted, no consideration was given to site constraints, for example - overhead utility lines, proximity to adjacent trees, gas lines, fire hydrants, intersections etc;
- The Village purchased a \$50,000 dollar stump grinder despite the fact that the maintenance contract required the contractor to grind stumps when necessary;

(2) The Village spends approximately \$100,000 annually for tree maintenance and planting of our urban forest -- to little to merit the services of an expert professional and too much to oversee in a lax manner.

The Village of Mamaroneck pruned, removed and planted trees as directed by Village administrators during decades when the Tree Committee was dormant because no members had been appointed.

During those years, taxpayer dollars were misspent by failure to plan systematically for tree removal and replacement and by foolish planting and contracting policies. The resident composed Tree Committee has worked hard with Village officials to provide much needed advice and oversight to bring efficiencies to our programs. Once residents were appointed to the Tree Committee, we were able to,

- Stop the routine over billing by contractors;
- Work to bring in a first class tree company to do corrective pruning to the Mamaroneck Avenue trees;
- Create a chronological list of tree removals in order to generate a vetted list of new planting sites to efficiently and fairly replace trees throughout the Village;
- Help obtain \$10,000 of state funds to replace trees.

There is more work to do. Our tree maintenance, removal and replacement programs need to become systematic, not haphazard, and that is what the tree committee has been striving for. It is important to create a process where trees are inventoried, their health is assessed, their maintenance made routine, and they are planted in a systematic way to preserve their benefits. Every dollar spent on trees should give taxpayers a solid return on investment. Devoted citizens will do a better job of guiding the investments in trees than non-resident administrators who have no expertise and too little time to oversee tree work in a systematic way. If we make this investment wisely, trees will yield numerous economic, health and aesthetic benefits. Our trees, both public and private comprise our "urban forest" which is our community's most important natural resource after our citizens. The urban forest adds everyday to our quality of life by,

- Reducing air pollution by filtering the air we breath, absorbing particulate matter, ozone, carbon dioxide, and sulfur dioxide and in return giving off oxygen;
- Reducing storm water runoff that causes flooding;
- Reducing siltation into Long Island Sound;
- Increasing real estate values;

- Creating wildlife habitat;
- Providing important symbolic links to our history as in the pre-Revolutionary Tompkins Farm Oak.

We use committees comprised of citizens to manage our harbor and coastal resources, our ethics, our planning, our zoning, our traffic issues, our environmental concerns and even use resident volunteers to fight fires yet for some reason trees do not merit the same citizen oversight and involvement. Please vote no on this law and preserve and value all volunteer committees in our village.

Thank you for your consideration,

Sincerely,
Stuart Tiekert

Trustee Hofstetter believes that Village staff have more important things to do than be part of the Tree Committee. He stated that the next agenda item is increasing the number of resident volunteers on a committee. He believes that as residents have expressed an interest in serving on the Tree Committee, this work should be left to them as is done on all other Village committees. He also does not agree with the appointments of this committee being done solely by the Mayor. They should be done by the entire Board, which is how the other committees are handled.

Trustee Ryan was on the Board when this committee was created. It seemed to work very well. She believes that with clashes of beliefs and values, sometimes, these committees have issues; however, in other communities, they specify the need for volunteers with certain abilities or skill set. She believes in and would like to continue to promote volunteerism. She would also like preference given to the existing members to be able to continue to serve on the reconstituted committee. She does not believe that this committee should be different from the other committees in the Village; and perhaps all that needs to be done is to make sure that the role of the committee and its members is clear and understood.

Mr. Stuart Tiekert read his letter sent to the Board and filed for the record. Mr. Tiekert also believes there are numerous problems with the law. He stated that in his opinion, the committee never worked outside of their mandate and their biggest obstacle was getting cooperation from the Village. Mr. Tiekert read a portion of a letter written by Mayor Rosenblum when he was chair of the committee. The suggestions of which never came to fruition. There were incidences that took place in the last few months that could have been better handled if the Tree Committee was involved. Mr. Tiekert believes that if a professional is on the committee, it should be either a certified or consulting arborist. He had additional questions about the law that the Board will review.

Mr. Slingerland stated that the intent of the appointing authority is based on his experience. There is one person who makes the appointment; either the Chief Executive or the Chief Appointed Officer, with the consent of the Board of Trustees. Trustee Hofstetter believes that this is not how it is done on the other committees.

Mayor Rosenblum stated that the concept of a volunteer Tree Committee is supported by everyone on the Board. He and Dan Goetz were instrumental in the formation of the committee. While he was Chair of the committee, there were loud and confrontational meetings with the then-Mayor, Village Manager and DPW Foreman. The way this committee is being reconstituted, is as an advisory committee, not an investigatory committee. Two of the remaining committee members contacted the Mayor informing him that they will not continue to serve on the committee if it remains as is.

Mr. Tiekert stated that it was the responsibility of the committee to determine what it should cost to maintain the trees in the Village. He asked how one can do that if you don't know what is being spent? You can't make these decisions in a vacuum. The new language says monitor. He does not believe that there is much of a difference between investigate and monitor.

Ms. Suzanne McCrory of The Crescent appeared. Ms. McCrory believes that the word investigate may not be appropriate; however, she hopes that all committees evaluate or audit how things are managed within the Village. She believes that this is a very appropriate activity for the citizens of the Village as they have a right to know how resources are spent. Ms. McCrory stated that Mr. Tiekert in his investigating found that where the Village was invoiced for the planting of 21 trees, only 13 were planted and that we also were charged for pruning on a daily rate, when we were paying an hourly rate. Mr. Slingerland addressed these accusations. He spoke with Mr. Tiekert about this and stated that he believes that the best way to purchase services and trees is on a unit price basis. This was met with some resistance by staff. There may have been miscommunication in the past on what was on paper and what was actually done. His office is working on changing this and it should not be the responsibility of the tree committee to assure that things are being done properly; however all Village residents have a right to know. Ms. McCrory also believes that there are many Village residents who have skills and experience and they are not used or listened to.

Mr. Tiekert asked who the sponsor was on this proposed law; as he believes that an elected official needs to sponsor all proposed laws.

Mr. Slingerland suggested that the Board close the hearing so that the staff can look at other municipalities and how they handle their tree maintenance and hopefully come up with a law that suits all concerns.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

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

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

PUBLIC HEARING ON PLL J-2010 (CHAPTER 20-CFTE MISSION STATEMENT AND MEMBERSHIP EXPANSION)

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 22nd of March, 2010, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW J-2010, a local law amending Chapter 20 (Environment, Committee for) Section 20-1 (Formation; purpose) and Section 20-2 (Membership; terms; compensation; vacancies) of the Code of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law J-2010 is on file with the Clerk-Treasurer of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Dated: March 15, 2010

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

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

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

Trustee Ryan, as liaison to this committee, stated that the Committee for the Environment did a lot of work and research to come up with their new Mission Statement. It is a more comprehensive statement; touching on everything that has to do with the environment. When this law was created, people did not know as much as they do now about the environment. Trustee Ryan also explained why the committee would like to increase its number of members. They feel that more work will get done, as some individuals have special interests that they would like to pursue and see through from beginning to end. Other groups will work on mutual goals. They have observed this in other communities and it has worked well. Trustee Ryan stated that the ICLEI study has been started and this is one example of how individual members have taken on the responsibility of entering data and as this project demands a great deal of time and attention, they have separated themselves from the other work being done by the committee.

On motion of Trustee Ryan, seconded by Trustee Santoro:

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

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

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

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

LOCAL LAW NO. 8-2010

A local law to adopt a Mission Statement for the Committee for the Environment,
and to expand its membership from seven (7) to eleven (11) members

SECTION 1.

Chapter 20, Environment, Committee For, Section § 20-1 is deleted in its entirety.

SECTION 2.

A new Chapter 20, Section § 20-1 is hereby enacted as follows:

§ 20-1. Formation; purpose; mission.

Existing language to remain:

The Board of Trustees approves the formation of a standing Committee for the Environment for the purposes of considering matters related to environmental issues affecting the Village of Mamaroneck.

New Language to be added:

Mission Statement:

The mission of the Village of Mamaroneck's Committee for the Environment is to advise and make suggestions to the Village Board of Trustees about ways to protect our natural resources from further damage, and to initiate, promote and recommend to the Board of Trustees programs and the adoption of laws designed to improve the health of the land, water, and air in and around this unique waterfront village, which is located on Long Island Sound and serves as the watershed for many Westchester County communities.

The Committee is responsible for providing information about environmental concerns to residents, businesses, and public officials; raising awareness of these serious problems facing all of us today and in the future; promoting the quality of life in the Village; and encouraging participation in programs to reduce waste, increase recycling, decrease pollution, reduce energy consumption and carbon footprint, cut back on noise and litter, and eliminate the use of harmful pesticides and fertilizers.

SECTION 3.

Chapter 20, Environment, Committee For, Section § 20-2 is deleted in its entirety.

SECTION 4.

A new Chapter 20, Section § 20-2 is hereby enacted as follows:

§ 20-2. Membership; terms; compensation; vacancies.

The Committee for the Environment would be comprised of eleven (11) members to be appointed by the Board of Trustees who shall serve terms of three years, each term to expire at the end of the official year of the Village, except for the initial appointments, where three shall be appointed to serve for three years, two shall be appointed to serve for two years, and two shall be appointed to serve for one year. The members of the Committee shall serve without compensation. The Chairperson of the Committee shall be appointed by the Board of Trustees and shall serve as Chairperson for the duration of his or her term. Any vacancy on the Committee shall be filled for the unexpired term in the same manner in which the original appointment was made.

SECTION 5. Effective Date

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

PUBLIC HEARING ON PLL K-2010 (CHAPTER 347, FEES FOR SERVICE AND WORK FLOATS [CHAPTER 240])

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

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

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 22nd of March, 2010, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW K-2010, a local law amending A347 Fees, Article 1, Fees related to material in the Code, under Chapter 210, to add the definition of Work Floats under A347, with an associated fee, and to amend A347 with regard to the fee for Service Floats of the Code of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law K-2010 is on file with the Clerk-Treasurer of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Dated: March 15, 2010

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

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

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

Mr. Slingerland stated that this came up as a result of some additional research and discussion by the Harbor Master with his colleagues in other communities. There was a significant increase in float fees last year and Mr. Russo suggested that these fees be clarified by boat size.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

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

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

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

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

LOCAL LAW 9-2010

A local law to amend Chapter A347 Fees, Article 1, Fees related to material in the Code, under Chapter 210, to add the definition of Work Floats under Chapter A347, with an associated fee, and to amend A347 with regard to the fee for Service Floats.

SECTION 1.

Chapter A347, under Chapter 210, regarding Offshore Service Floats, per float, is deleted in its entirety.

SECTION 2.

A new Chapter A347, under Chapter 210, regarding Offshore Service Floats, and Work Floats, with a new fee per float, is hereby enacted as follows:

Offshore service floats, per float, up to 400 s.f. (2010)	\$1,250
Work floats, per float, over 400 s.f., not to exceed 2,000 s.f. (2010)	\$1,500

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 the Municipal Home Rule Law.

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

1. COMMUNICATION TO THE BOARD

Ms. Mary Lou Greco of Center Avenue appeared. Ms. Greco commended the Village of Mamaroneck staff and first responders during the last storm. She asked if more information on impending storms could be put on the Village's website. Mr. Slingerland stated that he is working on a list of residents to send information blasts out to during storm events. He gave an update on the work done during the storm including a reverse 911 message that was sent out to the Orienta residents.

Ms. Greco asked about the pictures given to Trustee Ybarra on debris in the river coming from the area of a dumpster and construction site on Center Avenue. She believes that the dumpster is misplaced, next to the river. Trustee Ryan stated that this has been an ongoing problem and it is being monitored by the Village Manager and Department of Public Works.

Trustee Ryan thanked the Police Department Explorers for their assistance during this event.

Mayor Rosenblum received and read correspondence from Con Edison thanking the staff and administration for their support during the storm. Mayor Rosenblum stated that this Village is blessed with its volunteers and that was very evident during this storm event. He also thanked the offices of Mr. Latimer and Mrs. Lowey for all of their assistance in getting what the Village needed to get power back.

Ms. Peggy Jackson of N. James Street appeared to also thank Mrs. Lowey's and Mr. Latimer's office, the Village staff and fire and police departments for keeping them informed during the storm.

2. APPROVAL OF MINUTES

A. Minutes of Public Hearing on PLL 3-2010 of March 8, 2010

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the Board of the Public Hearing on PLL 3, 2010 of March 8, 2010, be and are hereby approved.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

B. Minutes of Public Hearing on PLL 4-2010 of March 8, 2010

On motion of Trustee Santoro, seconded by Trustee Hostetter:

RESOLVED that the Minutes of the Public Hearing on PLL 4-2010 of March 8, 2010, be and are hereby approved.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

C. Minutes of Public Hearing on PLL 5-2010 of March 8, 2010

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Public Hearing on PLL 5-2010 of March 8, 2010, be and are hereby approved.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

D. Minutes of Public Hearing on PLL 6-2010 of March 8, 2010

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Public Hearing on PLL 6-2010 of March 8, 2010, be and are hereby approved.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

E. Minutes of Public Hearing on PLL 7-2010 of March 8, 2010

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Public Hearing on PLL 7-2010 of March 8, 2010, be and are hereby approved.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None
Absent: Ybarra

F. Minutes of BOT Regular Meeting of March 8, 2010

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOVLED that the Minutes of the Board of Trustee Regular Meeting of March 8, 2010 be and are hereby approved.

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

3. AUDIT OF BILLS

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated March 22, 2010, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$362,403.23
Capital Fund	663.92
Escrow Deposit	9,291.44
	<u>\$ 372,358.59</u>

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

4. OLD BUSINESS

A. Authorization for Village Manager to Execute Agreement with State DEC for Taylors Lane Composting Site

This item was tabled.

B. Budget Amendment & Transfer of Funds for LWRP Project

RESOLUTION

AUTHORIZING BUDGET AMENDMENT AND TRANSFER TOTALING \$100,000 IN THE GENERAL FUND, REFLECTING A \$50,000 GRANT FROM THE NYS DOS AND A \$50,000 VILLAGE MATCH

WHEREAS, the Village of Mamaroneck was awarded a grant by the NY State Dept. of State for the purpose of non-point source pollution in the amount of \$100,000; and

WHEREAS, as part of this grant program, the Village will update its Local Watershed Revitalization Plan (LWRP) and implement other improvements targeted towards the reduction of non-point source pollution; and

WHEREAS, the Village Manager was previously authorized to execute an agreement with BFJ Planning for the Local Waterfront Revitalization Program (LWRP) update, and has received proposals from other consultants to augment and enhance this update; and

WHEREAS, the funds for this grant project were not appropriated in the 2009-10 Budget,

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

NOW THEREFORE BE IT RESOLVED, in order to properly fund this item, the Board of Trustees authorizes the execution of the following budget amendment and fund transfer.

Budget Transfer:

<u>Transfer From</u>		<u>Transfer To</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.1990	\$50,000	A1440 Engineering	\$50,000
0999 Contingent Fees.		0421 Contract Services	

Budget Amendment:

<u>Debit</u>		<u>Credit</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.5100 Estimated Revenue	\$50,000	A1440 Engineering	\$50,000
A.0300.3085 NYS DOS		0421 Contract Services	

Total	<u>\$100,000</u>	Total	<u>\$100,000</u>
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- Ayes: Hofstetter, Ryan, Santoro, Rosenblum
- Nays: None
- Absent: Ybarra

5. NEW BUSINESS

- A. Authorization for Village Manager to Execute Agreement with the High Road, Inc.

RESOLUTION

AUTHORIZING VILLAGE MANAGER TO EXECUTE AGREEMENT WITH THE HIGH ROAD INCORPORATED FOR HARBOR FEST CONSULTING SERVICES

WHEREAS, the Village has selected Co-Chairs of the 2010 Historic Harbor Street Fair which is scheduled to take place on June 6, 2010; and

WHEREAS, they have received a Proposal and Scope of Work from the High Road Inc. of Springfield, Virginia, for Consulting and Event Planning Services for the 2010 season; and

WHEREAS, the fee for Consulting and Event Planning Services will be paid from vendor receivables and resources other than the Village of Mamaroneck and the amount will not exceed \$18,000.00.

On motion of Trustee Ryan, seconded by Trustee Santoro:

NOW THEREFORE BE IT RESOLVED, that the Mayor and Board of Trustees approves the selection of the High Road Inc. for Consulting and Event Planning Services and

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to execute the agreement with The High Road, Inc. for Consulting and Event Planning Services after the review and approval of the Village Attorney.

Ayes: Ryan, Santoro, Rosenblum

Nays: Hofstetter

Absent: Ybarra

B. Authorization for Village Manager to Execute Snow and Ice Agreement with NY State DOT

RESOLUTION
TO AUTHORIZE EXECUTION OF SNOW AND ICE REMOVAL AGREEMENT EXTENSION WITH
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

WHEREAS, the Village has received the snow and ice removal agreement extension from the State of New York for the year 2010/11; and

WHEREAS, this agreement calls for a lump sum payment to be paid to the Village of Mamaroneck for snow removal of 11.9 lane miles of state roads; and

WHEREAS, the Village will receive \$1,565.00 per lane mile for a total of \$18,623.50.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, that the Board of Trustees of the Village of Mamaroneck authorizes the use of the lump sum method of payment for the provision of snow and ice removal services pursuant to the agreement between the State of New York and the Village of Mamaroneck and it is further

RESOLVED, that the Village Manager, is hereby authorized to execute the Lump Sum Municipal Snow and Ice Agreement with the State of New York covering the period July 1, 2010, through June 30, 2011.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

C. Authorization for Village Manager to Execute Agreement with Fire Council for the Volunteer Fire Department

RESOLUTION
AUTHORIZING VILLAGE MANAGER TO RENEW AGREEMENT WITH THE
FIRE COUNCIL OF THE VOLUNTEER FIRE DEPARTMENT OF THE
VILLAGE OF MAMARONECK

WHEREAS, the Village desires to continue the services provided by the Fire Council including coordination of volunteers, oversight of the education and training of fire department volunteers, and assistance to the building department with inspection of buildings and premises within the Village for the prevention and correction of fire hazards; and

WHEREAS, the Fire Council is willing to provide such services and programs during the period commencing June 1, 2009 and ending May 31, 2014.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

NOW THEREFORE BE IT RESOLVED that payment to the Fire Council shall be \$7,200.00 per year commencing June 1, 2009 increasing to \$7,900.00 per year commencing June 1, 2012.

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to execute the agreement with the Fire Council.

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

D. Issuance of Waiver for K-Con Site Developer for Hook & Ladder Firehouse Roof Repair

RESOLUTION AUTHORIZING WAIVER TO DO BUSINESS PURSUANT TO ETHICS CODE
CHAPTER 21

WHEREAS, in an e-mail dated December 4, 2009, the Assistant Building Inspector notified the Village Manager that based on his inspection of the roof at the old Hook & Ladder Firehouse located at 147 Mamaroneck Avenue, immediate action was necessary as the roof was in a major state of disrepair in several areas; and

WHEREAS, based on this report, the Village, consistent with its procurement policy and New York State General Municipal Law for Public Works Contracts, solicited quotes for repairs to the roof at the Hook & Ladder Firehouse; and

WHEREAS, five (5) quotes were received for this work with the apparent low quote received from K-Con Site Developers, Inc (K-Con) in the amount of \$14,500; and

WHEREAS, a principal of K-Con is George Mgrditchian, a former member of the Zoning Board of Appeals whose term ended on December 6, 2009 with his last meeting occurring the evening of December 3, 2009; and

WHEREAS, the potential award of any work to Mr. Mgrditchian's may be inconsistent with the Village Ethics Code §21-4(K) (1) which states the following with respect to conducting business activities with the Village of Mamaroneck:

"No Village officers, board members or employees obligated under this chapter to file financial disclosure forms will accept present or future employment, within two years following separation from his or her service, with any person or entity with any business dealings with the Village of Mamaroneck unless such potential employment is disclosed to the Board of Trustees before being accepted by the officer or employee and is approved prospectively by such board;"

and

WHEREAS, Mr. Mgrditchian submitted a letter to the Village requesting a waiver from this provision of the Code of Ethics code in order that he may complete such work for the Village of Mamaroneck; and

WHEREAS, because the submission of a quote and potential award of work to Mr. Mgrditchian 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 K-Con bid and whether the Village should grant a waiver to Mr. Mgrditchian; and

WHEREAS, the Board of Ethics met on March 3, 2010 and based on their review and in accordance with Village Code § 21-15(A), they determined that the awarding a Public Works Contract to Mr. Mgrditchian 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 prior position as member of the Zoning Board of Appeals, said determination based on the impartial quote solicitation process utilized by the Village and the fact that Mr. Mgrditchian's quote was the first quote received by the Village thereby negating any possibility of "insider information;" now therefore be it

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that the Board of Trustees herein approves a waiver for George Mgrditchian from the Village of Mamaroneck Code of Ethics as it relates to the performance of work at the old Hook & Ladder Firehouse Building; and be it further

RESOLVED, that the Board of Trustees concurs with the Village Manager's awarding of a Public Works Contract to K-Con Site Developers for roof repairs at the Hook & Ladder Firehouse located at 147 Mamaroneck Avenue.

Ayes: Ryan, Santoro, Rosenblum
Nays: Hofstetter
Absent: Ybarra

E. Appointment of Monsignor White to Constituent Committee

RESOLUTION
APPOINTMENT OF MONSIGNOR JAMES WHITE TO CONSTITUENT COMMITTEE
(OPEN POSITION)

WHEREAS, as mandated by the Judge in the Consent Decree in the Day Laborer Case, a Constituent Committee has been formed; and

WHEREAS, there is an open position on the Committee, as Father James Healy has left St. Vito's Church and the Village of Mamaroneck

On motion of Trustee Ryan, seconded by Mayor Rosenblum:

THEREFORE BE IT RESOLVED that Monsignor James White be and is hereby appointed to the Constituent Committee to fill an unexpired term.

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

F. Appointment of Lori Henry to the Council of the Arts

Trustee Ryan stated that there are open positions on this Council and individuals have been invited to attend meetings to see if they would be interested in participating. Ms. Henry attended the last meeting and immediately began work. Trustee Ryan stated that Ms. Henry has vast experience in the arts and is honored that she agreed to serve.

RESOLUTION
APPOINTMENT OF LORI HENRY TO COUNCIL OF THE ARTS
(OPEN POSITION)

WHEREAS, there is an open position on the Council and Ms. Henry has volunteered to serve;

On motion of Trustee Ryan seconded by Trustee Santoro:

THEREFORE BE IT RESOLVED that Lori Henry 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, 2011.

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

G. Schedule Budget Hearing for the Meeting of April 12, 2010

Mayor Rosenblum thanked the staff for all of the work done getting the tentative budget complete. The Mayor also asked that an amendment to the resolution be made reducing the salary of the Mayor and Board by 10%. Trustee Hofstetter stated that as he does not see a problem with this, he would have liked to have discussed this before the Mayor announced this in public. Trustee Hofstetter stated that the Mayor's compensation could be brought down to the same amount of the Trustees as that position receives a stipend from the WJWW.

Mr. Irving Scharf of Richbell Road appeared. Mr. Scharf believes that the Trustees should make more money, not less, as they work very hard and attend many meetings. Trustee Ryan thanked Mr. Scharf, as they do attend a lot of meetings and she too would have like to talk about this in private before tonight.

On motion of Trustee Santoro, seconded by Mayor Rosenblum:

RESOLVED that the Compensation of the Mayor and Board be changed to the following amounts:

Title	Positions	Annual Compensation
Mayor	(1)	\$8,100
Trustees	(4)	\$4,500

Ayes: Hofstetter, Santoro, Rosenblum

Nays: Ryan
Absent: Ybarra

**RESOLUTION
SCHEDULING A PUBLIC HEARING
ON THE 2010-2011 TENTATIVE BUDGET**

On motion of Trustee Hofstetter, seconded by Trustee Ryan

BE IT RESOLVED, that pursuant to Section 5-508 of the NYS Village Law, the Board of Trustees of the Village of Mamaroneck hereby gives notice that there will be a Public Hearing held on Monday, April 12, 2010, at 7:30 p.m. in the Village Court Building at 169 Mount Pleasant Avenue, Mamaroneck, New York, on the Tentative Budget of the Village of Mamaroneck for Fiscal Year 2010-2011.

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

A copy of the budget is available at the office of the Village Clerk/Treasurer in compliance with New York State Law at 4:30 p.m. on Friday, March 19, 2010. Any interested person may inspect the proposed budget there or request a copy during normal office hours of 9 a.m. to 4:30 p.m., Monday through Friday.

H. Addition of Agenda Items

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

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED that Agenda Item 5I resolution authorizing Westchester Joint Water Works to participate in an Intermunicipal Agreement with Westchester County to conduct an engineering study for water treatment infrastructure improvement alternatives, be and is hereby added to the March 22, 2010 Board of Trustee Regular Meeting Agenda.

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

I. Authorization for WJWW to Participate in IMA with Westchester County

Trustee Santoro asked if all of the costs will be looked at in this study. Mr. Slingerland stated that he expects that this will be done. Trustee Hofstetter asked if we could limit the dollar amount that the Village is committed for. Mr. Slingerland believes that the Board of Trustees may not have the authority to do this as it is an operating expense of the WJWW. Trustee Ryan stated that this may be

an answer to not going forward on a much more expensive option and the Board owes it to the residents to look at other less expensive options.

RESOLUTION

AUTHORIZING THE WESTCHESTER JOINT WATER WORKS (WJWW) TO ENTER INTO AN IMA WITH WESTCHESTER COUNTY TO SHARE THE COST OF A STUDY, ESTIMATED AT \$75,000 REGARDING ALTERNATIVES IN RELATION TO TRANSMISSION LINES AND WATER TREATMENT FACILITIES TO BE BUILT BY THE COUNTY, WHICH COULD INCLUDE PROVISIONS FOR FUTURE PARTICIPATION BY THE WJWW IN A WATER TREATMENT FACILITY CAPITAL PROJECT

On motion of Trustee Ryan, seconded by Trustee Santoro:

BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck authorizes the Village and the WJWW to participate in the study of water treatment transmission line and facility alternatives, such study to be performed under the auspices of Westchester County, at no direct cost to the Village of Mamaroneck; and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Mamaroneck authorizes the necessary and appropriate officials of the Village and the Water Works to sign the necessary documents in order to participate in this study.

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

6. REPORT FROM VILLAGE MANAGER

- A. File for Record – Agreement with County to Utilize Harbor Island Park as Staging Area for Treatment Plant

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

- B. Correspondence received from Cablevision regarding Notice of Temporary Network Changes
Mr. Slingerland read a copy of the correspondence.

- C. Correspondence received from Cablevision regarding LATV Channel Deletion
Mr. Slingerland read a copy of the correspondence.

7. FLOOD MITIGATION REPORT

Mr. Slingerland reported that a press announcement meeting has been scheduled for April 1st on the signing of the contract between the state, county and DEC at the county offices. There will be a kick off meeting on May 3rd where different information will be available for residents to make their properties more flood safe. Mayor Rosenblum stated while this is a great photo opportunity, the study by the Army Corps will not be complete until 2015. At that time, funding to implement the results of the study will have to begin, which could add another 4 – 5 years. He believes that this underscores the

importance of the Village doing all they can on their own and to begin trying to secure funds to complete larger projects in the future. A River Walk is also being planned.

8. REPORT FROM CLERK-TREASURER

A. Filing of Tentative Budget for Fiscal Year 2010 - 2011

Ms. Roberts reported that the tentative budget for fiscal year 2010-2011 has been filed for the record with the Clerk-Treasurer's office.

B. Correspondence Received from County Clerk

Ms. Roberts read correspondence received from the County Clerk notifying municipalities of the release of Westchester Records Online, a web-based application form which customers can search for information and records filed in the county clerk's office.

Mayor Rosenblum thanked Mr. Fusco and Mr. Slingerland on the "yeoman's" job done on the budget, bringing it in under 1%. Mr. Slingerland stated that the budget reviews with department heads will begin tomorrow. The scheduled of these meetings has been posted. The hearing on the tentative budget will be on April 12.

9. REPORT FROM VILLAGE ATTORNEY

Ms. Derrico gave an update on the amendment done on the disclosure form pursuant to the suggestion of the Ethics committee. Ms. Derrico will be meeting with this committee to review all of the issues brought forward and potential changes in the code.

Ms. Derrico reported that to date her office has reduced the legal bills by \$4,696.94. Many bills were reduced by over 10%. The goal is to have the Village's outside contractors utilize the procedure put in place in their billing practices to avoid extensive audits. Ms. Derrico thanked Ms. Powers, her assistant for all of her work on this project.

10. REPORT FROM POLICE CHIEF

Chief Flynn reminded residents of the Safe Senior Seminar to take place at Sarah Neuman on April 24 at 1 - 3 p.m. There was also a food drive conducted by the Explorers held recently, that was very successful.

II. MINUTES - COMMISSIONS, BOARDS, COMMITTEES

A. Board of Ethics - February 3, 2010

On motion of Trustee Santoro, seconded by Trustee Ryan:

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

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

B. Board of Ethics - February 28, 2010

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the February 28, 2010 minutes of Board of Ethics be and are hereby approved:

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

C. Planning Board – February 10, 2010

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the February 10, 2010 minutes of the Planning Board be and are hereby approved:

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

D. Zoning Board of Appeals – February 4, 2010

On motion of Trustee Hofstetter, seconded by Trustee Santoro:

RESOLVED that the February 4, 2010 minutes of the Committee for the Environment be and are hereby approved.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

Updates from the Board

Trustee Hofstetter thanked everyone on the Fire, Police and Public Works Departments and Village staff for their diligent work during the recent storm event. He was out and saw how bad things were and knew how bad they could have been if all of these people were not out doing what they do. He also reported on the St. Patrick's Day event at the senior center. It was an entertaining and fun event.

Trustee Hofstetter also reported that the Tri-Municipal Shared Services and Consolidation Committee announced their report. Anyone who is interested can visit the Village's website for further information.

Trustee Ryan reported that the Committee for the Environment is going to be part of a Tri-Municipal Sustainability Expo at the Hommock Middle School on April 24th. The Committee is looking for volunteers to work that day. Anyone interested can email the Chair of the Committee, Elsa Puerto Rubin. They are also looking for groups or organizations looking to sponsor an event and also organizations who could forward on flyers. These groups can also contact Ms. Puerto Rubin.

On April 25, at 4 p.m., the Council of the Arts in partnership with the Emlin Theatre is sponsoring the event "Poetry Live". This is an event for middle and high school students who will be presenting original poetry. Trustee Ryan also reminded all about the luncheon honoring Mary Louise Cox, our Poet Laurite on April 9.

Trustee Santoro thanked all emergency service organizations for their work during the storm. He witnessed a police department training today and believes that our force is second to none. They continue to train and get better and better.

Mayor Rosenblum congratulated the eighth-graders of the Westchester Day School who gathered food donations and brought them to the CAP center. He also congratulated the Police Explorers and Scouts who passed out flyers in the Heights after the last storm. Mayor Rosenblum also congratulated Mike Hynes the Grand Marshall of the St. Patrick's Day Parade. The Mayor reported on the first teen night held at Harbor Island Park. This will be an ongoing program.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

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

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Ybarra

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