

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, JUNE 13, 2011 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 Sid Albert
	Village Manager	Richard Slingerland
	Assistant Village Manager	Daniel Sarnoff
	Village Attorney	Michael McDermott
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:	None	

**PRESENTATION OF PLAQUE TO POLICE DEPARTMENT**

Nancy Joselson, Executive Director of the Pediatric Cancer Foundation appeared. On May 22, 2011, the Foundation held their eleventh bike-a-thon in the Village. For many years Detective McNally has been supporting them by doing bike inspections. Ms. Joselson presented him with a letter stating that he is one of their heroes and helped them raise over \$90,000. Ms. Joselson's son was a Chief for the Day and at that time, he asked Chief Leahy if he would help with his mom's bike-a-thon and he said that he not only would help, he would embrace it. Ms. Joselson stated that the police department raised thousands of dollars during the bike-a-thon. Ms. Joselson presented Chief Leahy with a certificate of appreciation and also stated that it would be an honor if he would be an honorary chair of their bike-a-thon.

Chief Leahy thanked Ms. Joselson and all of the officers who participated that day. He was happy to help and looks forward to next year's event.

The Mayor asked to take some New Business Items out of order.

**5. NEW BUSINESS**

E. Resolution Authorizing Appointment of the Police Chief

BOT 6/13/2011 p. 2  
RESOLUTION RE:  
AUTHORIZING APPOINTMENT BY THE BOARD OF TRUSTEES  
OF A CHIEF TO THE VILLAGE OF MAMARONECK  
POLICE DEPARTMENT

WHEREAS, the Village Board of Trustees, by resolution of August 16, 2010, appointed Christopher Leahy to the position of Chief of Police on a provisional basis until such time that a civil service test was held and a new list developed; and

WHEREAS, such a civil service exam was held in March, 2011, and the new list was developed and recently delivered to the Village of Mamaroneck.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED, that pursuant to §8-800 of New York State Village Law, the Village Board hereby appoints Christopher Leahy to the position of Chief of Police for the Village of Mamaroneck; and be it further

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

The Chief thanked the Board, Village staff and especially the members of the police force for their support.

A. Resolution Authorizing the Honorary Street Name Designations and Basketball Court

Mayor Rosenblum stated that as there are many family members of the individuals being honored in attendance, this item will be taken out of order. Since he has taken office, he has received requests to name streets in honor of Village residents. The Mayor read the following resolution. The Mayor also stated that the basketball court is a rededication as it was discovered that this dedication was approved over 30 years ago and had never been finalized with the appropriate plaque.

RESOLUTION  
ENACTING HONORARY STREET NAME DEDICATIONS  
AND RE-DEDICATING THE HONORARY NAMING  
OF THE BASKETBALL COURT AT COLUMBUS PARK

WHEREAS, the Board of Trustees of the Village of Mamaroneck would like to make an honorary street name and location name designation of several individuals with long-standing ties to the Village of Mamaroneck, in recognition of their years of service and commitment to the Mamaroneck community, and their years of efforts at making the Village of Mamaroneck a better place to live and work due to their care, hard work, and assistance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby makes the following honorary (blue-sign) street name designations in honor and recognition of the following individuals:

Name:	Street:	Location or cross street of honorary naming:
Vincent Panniccia Avenue	Fayette Avenue	at Fenimore Road
Joseph Spadaro Drive	Port Drive	at Bleeker Avenue

Basketball Court:	Location:
Wainwright Carrington Court	Columbus Park Basketball Court

Ms. Nancy Wasserman of Raleigh Road appeared to honor Mr. Carrington. Ms. Wasserman read a prepared statement. Mr. Carrington was her mentor and friend. He was Chairman of the Westchester Branch of the NAACP; member of the Village's Human Rights Commission and represented the Village at the funeral of Dr. Martin Luther King, Jr. in 1968. She and Wain worked together on many projects including the substandard conditions that people lived in during the 1970s. She made a movie to show to the Board of Trustees, which allowed her and Mr. Carrington to write the proposal that started the Washingtonville Housing Alliance. Mr. Carrington helped the youth in the community and fought the good fight for civil rights.

Mr. Vincent Panniccia appeared on behalf of his family. He thanked the Mayor for this honor to his grandfather, who devoted his life to his family, friends and this community. This honor would make him a very proud man.

Mayor Rosenblum read a letter sent to him from Kathy Spadaro on behalf of the honoring of her father, Joseph Spadaro. Ms. Spadaro spoke about her father and all that he has done for the Village and its residents. He worked very hard to get where he is, not by deceit or fraud.

Mayor Rosenblum spoke with Mike Carrington, whom he went to school with. Mr. Carrington sent a picture from the NY Times that shows his father, Wain Carrington, representing the Village at Dr. King's funeral.

Mayor Rosenblum filed for the record, background on Mr. Vincent Panniccia.

Mayor Rosenblum motioned to accept this resolution, seconded by Trustee Santoro. Trustee Ryan asked to have discussion first. She thinks this is a worthy idea and undertaking; however, she believes the Board is missing a policy for doing this. She does not know what the criteria for choosing the individuals; she does not know the cost of the signs; who will pay for them and how long they will stay up. Trustee Ryan believes that there should be guidelines, as they all know individuals whom they would like to see honored. Mayor Rosenblum stated that his office received the requests directly and the policy is simple. The Village receives requests and in his goal to celebrate the residents, there are no restrictions on anyone being considered for this honor. As far as he is concerned, the honorees are only limited by the number of streets in the Village. He also stated that the Village will pay for the signs and they will stay up as dedicated.

Trustee Santoro stated that he did research on the changing of Underhill Avenue to Monsignor Goodwine Avenue. As that was an official street change, the Village paid immensely for that. As far as he knows, there was not policy then, it was just done. Trustee Ryan stated that she was on the Board when that took place. There was a very large groundswell from many people with whom Msgr. Goodwine interacted, in his parish as well as residents not in his parish. Trustee Ryan reiterated that she does not have issue with honoring residents; she would just like to see a policy in place to do so.

Trustee Hofstetter agrees with Trustee Ryan in having a method to determine if a resident deserves a sign. He believes that there are residents who should be honored; however, he believes there should be a policy. If one is not in place, this could be fraught with problems. Mayor Rosenblum has no problem honoring these three gentlemen and he can think of at least 50 people who could be honored. He believes that anyone could be considered for this honor.

Trustee Ryan asked about the recent correspondence she read about having to change street signs. Mr. Slingerland confirmed that this is a federal mandate and will have to be done by 2016 or 2017. The Village will have to update the size of the signs to a more standard size. The honoree signs will not be of the same standard as street signs and should only cost about \$50 or \$60. Mr. Slingerland also stated that there should be no regulatory concerns as these signs will not change individual's addresses.

Trustee Albert stated that one of the main reasons he ran for this office is because he knew Wain Carrington, respected him and believed in what he stood for. He agrees with the rededication of the basketball court; however, agrees with Trustees Ryan and Hofstetter that there should be guidelines and a policy in place for street dedications.

Trustee Ryan agrees that we should right the wrong that was discovered last year and install the plaque at the Columbus Park basketball court in honor of Mr. Carrington. Trustee Ryan suggested that there are other ways to honor residents, but the Board never had that discussion, nor have they discussed the basis in which to select honorees. Trustee Hofstetter would be willing to revisit this issue if the Board enacts a policy first.

Mr. Alan Wood of Soundview Drive appeared. The comment made by the Mayor that the number of individuals honored by having streets named for them is only limited by the number of streets, makes him shudder. He believes that it is not appropriate to have fifty or more streets named after individuals and agrees with Trustee Ryan that there may be better ways to honor residents. Ms. Wasserman appeared again asking if they could make a decision on Mr. Carrington's plaque by the 23<sup>rd</sup> of July as they would like to have this ceremony on the evening of the legends game. Trustee Hofstetter stated that he believes they are all in favor of this. A vote on the above resolution read by Mayor Rosenblum was taken.

Ayes: Santoro, Rosenblum

Nays: Albert, Hofstetter, Ryan

Trustee Hofstetter stated that he would be willing to vote in favor of the rededication of the basketball court; however, he believes there should be a policy for street dedications. Trustee Ryan would like to see the Board right the wrong of thirty years ago by July 23 and she too would vote in favor of the plaque for Mr. Carrington. Trustee Santoro stated that when this was last brought up in work session, the issue of a policy was raised but there has been nothing said further about that in the last seven days. He believes that to do this now, with the families of the honorees here is an embarrassment to the Village and he apologizes. Trustee Ryan stated that she was not part of this discussion at the work session. If she were, she would have gone on record with her belief that there should be a policy in place and she would have had some suggestions, but again, she was not there. Trustee Ryan also told the families that this is not personal. She would want a policy in place no matter who was being considered for this honor.

Mayor Rosenblum finds this petty and believes that it is an insult to the individuals and to the Village itself. There are tremendous numbers of residents who deserve to be honored and this is a practice that happens in many municipalities in Westchester. He also apologized to the families.

On motion of Mayor Rosenblum, seconded by Trustee Hofstetter:

RESOLVED that the Board of Trustees recognizes and honors Mr. Wainwright Carrington by the rededication of the basketball court at Columbus Park; and

BE IT FURTHER RESOLVED that a plaque will be presented to the Carrington family at the 2011 Legions game to be held at Columbus Park on July 23, 2011.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Trustee Hofstetter stated that he did raise the issue of having a policy at the work session. He suggested that this not be put on the agenda for this very reason; not to put people in awkward positions; however, the Mayor chose to put in on the agenda anyway. Trustee Ryan suggested that we look at the policies of neighboring communities to see how they handle this issue. She also stated that the presentation of an individual to be honored is not a policy, it is simply a decision made by the Mayor and the Village needs a policy.

#### **MAYOR'S REPORT – THIS IS MAMARONECK**

Ms. Breda Leahy of Brigit appeared. This is a retail store on Mamaroneck Avenue that specializes in products made by women, including jewelry, handcrafted works and mosaics from around the world. Breda introduced some ladies that helped her get started. She has received a very good response from the women in the community and is honored that she is being treated so well. Ms. Leahy also thanked an artist who could not be here this evening. Ms. Leahy announced that on Thursday, June 17 at 7 to 9 p.m. there will be a charity event 'Cecily's Fund Benefit' to help feed and educate Zambian children orphaned by Aids. Some of Brigit's suppliers and artists appeared to tell residents about their products, as well as two employees.

## PRESENTATION BY SPORTIME

Mayor Rosenblum stated that this is an issue that has been going back and forth between the Board and Sportime for approximately 10 years. A decision needs to be made by the Board on the direction they want Sportime to take at the Harbor.

Mr. Claude Okin from Sportime appeared, for he believes the thirtieth time, before the Board. He is appearing tonight in the hopes of finding consensus from the Board. A first letter agreement, which is an agreement between Sportime and the Village to extend their original license, was signed approximately six months ago. Mr. Okin did not want to go over the license agreement; however, he is willing to explain their position to any new member of the Board. Mr. Okin did give a history of Sportime's relationship with the Village since 1999, including license fees paid and improvements to the facility made. Since the time the original license agreement was signed, Sportime has been waiting for a consensus among the Board as to whether their original plans for improvement at their existing location or moving the facility as they have presented several times to be agreed upon. He is also here this evening to avoid coming to a point of dispute with the Village. Mr. Okin briefly described their understanding of the agreement, which is that the Village acknowledges Sportime's rights under the agreement and at that time the Village requested that Sportime relocate their facility to behind the sewage treatment plant. Also at that time, the Village requested that this facility include outdoor tennis, an outdoor sports facility, both of which would be covered during the winter and a clubhouse to service both of these facilities. Mr. Okin went over the points of the letter agreement which states that Sportime will have a tennis program and outdoor recreation facilities. This agreement acknowledges that the location will be mutually agreed upon. The letter agreement also states that the Village will cooperate fully with Sportime in developing an appropriate financing plan, which could include the issuance of municipal bonds. There has been discussion on the accelerated cost of the project from \$1.9 million from the time the license agreement was signed to approximately \$6.5 million today. Most importantly it states that the Village and Sportime will negotiate in good faith promptly after the execution of this letter agreement; essentially moving forward. From Sportime's point of view, the Village has been unable or unwilling to meet their obligation under this agreement. They believe that the Village no longer wishes to cooperate in the financing and cannot make a decision on what facilities will be built and where.

Mr. Okin's greatest concern is that Sportime and the Village end up in a dispute. It is the last thing that Sportime wants. They have suggested that in absence of a resolve by the Village and their willingness to move forward, another letter agreement is signed eliminating the Village's obligation or interest in the financing ; give

the Village a set number of months to make a decision or come to a mutually agreeable decision about what should be built and where; and that Sportime will be allowed to spend \$2 million improving their facility where it stands today and that they will be allowed to operate under the original license agreement. Sportime does not believe that this is the best location for their facility; however, they have done everything in their power including meeting with Village committees and sports groups to listen to their wants and needs and come up with plan after plan showing the different options when asked by the Board to do so. Mr. Okin would like to get it out of the political arena. He would like to be able to modernize this facility, which has needed to be done since 1999, since the license agreement was signed.

Mayor Rosenblum stated that this is being pressured by a pragmatic approach and is why he asked that a dialogue be started. It is the Mayor's understanding that if the bubbles need to be replaced, it would be at a cost of approximately \$500,000 each and if this is done, it would preclude Sportime from moving the facility to behind the sewage treatment plant. If this happens, the Village would lose its options. He would like to see the Board come to some kind of resolution.

Trustee Hofstetter asked Mr. Okin if it is his belief that the Village is obligated to provide financing. Mr. Okin stated that it is not. He read the portion of the letter agreement stating exactly what the Board and Sportime agreed to. Mr. Okin understands this letter agreement to mean that Sportime is willing to walk away from certain rights under its first agreement and agrees to perform under any circumstances the Village asks it to. This may lead them to build a six or seven million dollar facility instead of spending two million dollars on improvements. This would significantly change the amount of debt service and would mean the difference between Sportime making a good profit and them making far less or no profit. Mr. Okin believes that the Village is in breach of this agreement because instead of cooperating fully, they are not cooperating at all. Mr. Okin also mentioned that when the agreement was signed, Sportime was not told that there were easements under the property that would have to be dealt with, and he believes the Village did not do its homework. In order for Sportime to move its facility to behind the sewage treatment plant, these easements have to be dealt with. The easements and different options for building behind the sewage treatment plant were discussed. Mr. Okin reiterated that he is here tonight to urge the Board to read this letter agreement and to create an "end game" for Sportime so that if a Board cannot make a decision, Sportime can move forward with the restoration of their existing facility to make it safer and nicer for their members.

Mr. Fred Rosenberg of Fairway Green appeared. He has been playing tennis at the Harbor since 1950. He is not clear as to the options and if there has been a survey asking the community what they would like done. He also asked what the economic prospects of the options are. Mr. Okin stated that this is not about



assignment of risk, as Sportime has been responsible for 100% of the costs to date and will continue to bear all of the costs. For Sportime to move the facility to the area behind the sewage treatment plant would be at a cost far exceeding the cost to renovate the existing facility. To be able to do this with the Village not receiving less of a license agreement payment and Sportime not making less of a profit would be to use the Village's borrowing advantage, as they are charged much less for borrowing money than Sportime would be. Sportime cannot borrow money to do this project for two reasons. One is that banks are not lending money to tennis companies and the second is that they cannot collateralize the loan as they don't own anything. The land and facility is owned by the Village. The Village met with bond council individually and with Sportime and found out that the bonds could be issued and projected the likely cost. This much lower debt service would be paid for 100% by Sportime. Not only was Sportime willing to pay for the new facilities, they were also willing to pay for other improvements to the park laid out in the master plan; i.e. curbing, trailer parking, improvements to fields, drainage improvements and traffic flow. The purpose of the agreement that Sportime wishes for the Village to sign tonight, is to give the Village 24 more months to decide on which direction they would like to go and if the Village cannot decide in 24 months, this allows for Sportime to improve the facility where it is, spending at least \$2 million, but staying where they are. This would also relieve the Village of certain obligations.

Mr. Scott DuFault of Soundview Drive appeared. He asked about assurance on the construction bond. Mr. Okin stated that they have not defaulted in the ten years they have been here and if they were to do so, the Village still owns the facility and could get another operator in to run it.

Ms. Randi Robinowitz of Lawn Terrace appeared. Ms. Robinowitz was part of the Board of Trustees who signed this letter agreement. She believes that this new letter agreement is simple; it gives the Village twenty-four additional months to come to a consensus and takes the financing option out of the agreement. She believes that it is in everyone's best interest to extend the time for making a decision.

Ms. Barbara Werber of The Crescent appeared. She has been playing tennis at the Harbor for over 40 years. She stated that the number of residents that use the facility has gotten much smaller, many of which are being asked to be off the courts by 10 a.m. during the summer. She believes that this facility should serve the residents better. Mr. Okin stated that the group of residents has gotten much smaller, much of which are seniors. These seniors are being charged no membership fee. Rather than escalating membership fees, they are trying to make up the monies lost by charging no fee to senior residents by getting more kids on those courts mid morning as there is such a high demand for that.

Mr. George Schieferdecker of Prospect Avenue appeared. Mr. Schieferdecker was part of the Harbor Island Master Plan Committee since its inception. He has been part of the Sportime discussion since 2004. It has occurred to him that the default position would be that the facility would remain in its current position in the park and allowed to expand. He believes that this would be very unfortunate as the HIMP Committee has always envisioned the center of the park to be an open vista. They believes that the location should be behind the sewage treatment plant and that it would take up a smaller footprint than what was presented by Sportime the last time they appeared before the Board. He believes that there is a more compact solution that would meet the goals of both Sportime and the Village. Mr. Schieferdecker gave an overview of the vision the HIMP Committee had for Harbor Island Park. He also stated that there was a solution presented in 2007, which came very close to what both sides were anticipating as a solution. Mr. Okin stated that Sportime has never wanted to be in the middle of the park; they have always wanted to be behind the sewage treatment plant; however what they don't want is to spend four million dollars more on a smaller facility, make less money and pay more license fees. The configuration that Mr. Schieferdecker remembers did not work with the easements.

Mr. Jim Desmond of Prospect Avenue appeared. He stated that in the last seven years, Sportime made \$18 million and the Village received \$1.7 million in license fees, which sounds good for both of us. He asked Mr. Okin to explain his statement that the clock has not started running on the license agreement. Mr. Okin stated that all of their accounting has been completely transparent and they provide audited financial statements each year. Until a few years ago, the Village was ahead in profit split when taking in to account all of Sportime's costs. Mr. Desmond quoted a gross revenue figure and a license fee figure. Those are not equivalent; as Sportime has expenses that are paid from those revenues. The answer to the question about the license agreement is that, according to the agreement, because Sportime has not been allowed to do anything agreed to in that license agreement, the term of that license has not begun.

Mr. Dan Natchez of Alda Road appeared. Mr. Natchez appreciates everything he has heard; however, what has not been said is if the Board agrees with this proposal. In his opinion, there is no reason for this agreement; as the two parties can get together now, bring the public in for a public hearing and make a decision. Mr. Natchez suggests reconstituting the Harbor Island Master Plan Implementation Committee and working with them on this project. Mr. Natchez suggests the Village not sign this agreement as they would be waiving certain rights and getting nothing in return for this.

Mr. Okin responded that most people would agree that Sportime has all the rights that were agreed to in the existing license agreement. They are not demanding these rights, which include building the entire

project. In his view, the Village is not giving up any rights; they would be eliminating three paragraphs and putting a time limit on these negotiations.

Mayor Rosenblum asked the Village Attorney if we need this agreement, or if we can just amend the current agreement. Mr. McDermott stated that he will review the agreements and will advise the Board at the next work session. Trustee Ryan stated that the Board and Sportime may be able to come to agreement for an option, to meet with the HIMP Committee and have an end date agreed upon.

H. Resolution Making a Determination under SEQRA for the Glendale Road Flood Control Project

Mayor Rosenblum explained that an Intermunicipal Agreement with the Town/Village of Harrison has been signed and the next step in this process before going out for a Request for Proposal is a SEQRA determination. Trustee Hofstetter asked the Village Attorney whether we should be handling SEQRA for something that is in Harrison. Mr. McDermott stated that he would have to look into that.

Ms. Peggy Jackson of North James Street appeared on behalf of the Harbor Heights Neighborhood Association. She asked that the Board keep the process moving forward. She also asked if the work could be done in July when the river is at its lowest. Mr. Slingerland stated that as we have to put out a request for proposal that is not likely.

Ms. Ellen Hauptman of Chestnut Avenue, also of Harbor Heights appeared on behalf of herself and some of her neighbors who could not make the meeting. She also urged the Board to keep moving forward with this project and reminded them of the over one million dollars of FEMA loses from the last flood.

Mayor Rosenblum noted that the resolution is based on suggestions by the building department and the Village engineer who is quite knowledgeable on the SEQRA process. This was discussed between the attorneys at the time for the Village of Mamaroneck, Steve Silverberg and the attorney for Harrison. The Mayor also spoke with Joan Walsh, the Supervisor of the Town/Village of Harrison who is also looking forward to doing this in an expedited manner.

Trustee Hofstetter again asked the attorney if we should be determining SEQRA if the project is in another municipality. Mr. McDermott stated that he does see why we cannot. As the Mayor stated, this is a complex application; however, with an IMA in place, he does not see any reason why they cannot determine

SEQRA. Trustee Ryan asked if it is because we are doing the work. Mr. McDermott stated that is a factor, as well as the fact that we would be benefiting from the work.

**RESOLUTION RE:  
SEQRA DETERMINATION FOR GLENDALE ROAD FLOOD CONTROL PROJECT – REMOVAL OF  
ROAD TO NOWHERE**

WHEREAS, the Village of Mamaroneck and Town of Harrison municipal boundaries are contiguous on the northeast and southwest ends of the Village and Town respectively, with said boundary line traversing through the Mamaroneck River (“the River”), and

WHEREAS, the location of the municipal boundary line splits the ownership of the River between the Village and Town; and

WHEREAS, the dead end of Glendale Road (“the Road”) in the Town extends into the River, commonly referred to as the “Road to Nowhere” which the Village believes exacerbates flooding in the Village, specifically in the Harbor Heights neighborhood; and

WHEREAS, by resolution of May 9, 2011, the Village of Mamaroneck Board of Trustees authorized the execution of an Inter-municipal Agreement with the Town/Village of Harrison allowing for the removal of the “Road to Nowhere”; and

WHEREAS, the action involves the removal of an approximate 20 ft. section of the road which protrudes into the River and the construction of a new stone wall river bank; and

WHEREAS, the Village of Mamaroneck Board of Trustees, as Lead Agency is conducting a SEQRA Review of this Unlisted Action.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED, that pursuant to Part 617 of the SEQR Regulations, the Village of Mamaroneck Board of Trustees, hereby confirms that it is Lead Agency for the SEQR Review of this Unlisted Action; and be it further

RESOLVED, that, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant adverse effect on the environment.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

## I. COMMUNICATIONS TO THE BOARD

Mr. Stuart Tiekert of Beach Avenue appeared to discuss the April 4, 2011 Work Session minutes. At this meeting, the Board went into Executive Session on Pine Street and when they came out, they decided on two things, which he has confirmed with attendees at the meeting. The first was that the Village would put storm drains on Beach Avenue and the second was to reach out to the developer of Pine Street with a reduced cost to fix Pine Street and if that didn't happen, an application would go before the Planning Board to determine if Pine Street is suitably approved. Mr. Tiekert is trying to confirm if the developer will go before the Planning Board, as he has not seen it on their agenda. He would also like to know if there have been any plans for the storm drains. Mayor Rosenblum stated that any discussion on Pine Street will be done through the attorney's office as the Village has been served with a law suit.

Mayor Rosenblum received a letter from John Astorino, Esq. of Stanley Avenue. He is a veteran and wrote about his concerns regarding veteran's exemptions and the process involved in applying. Mayor Rosenblum asked the Village Manager to call Mr. Astorino back and take care of the situation.

## 2. APPROVAL OF MINUTES

### A. Minutes of the BOT Work Session of April 4, 2011 (Revised and Resubmitted)

Mayor Rosenblum stated that these minutes were reviewed several times based on notes from the public. He does not believe that these minutes need to be verbatim. They are in essence a synopsis of review. Trustee Ryan stated that these do reflect what happened to the best of her recollection. There was a question raised about prepared by and submitted by and Trustee Ryan asked if someone could prepare minutes if they were not in attendance. Mr. Slingerland stated that in many cases, a staff member of the Clerk-Treasurer's office can prepare minutes without being there. In this instance, we do not have a tape recording of the meeting; perhaps someone else does. These minutes were prepared using notes taken by the Village Manager, Clerk-Treasurer and the recollection of the Village Attorney at the time. Mr. Slingerland also spoke to Board members to get their recollection and comments. Mr. Tiekert stated that these minutes are not submitted by

anyone and according to the Open Meetings Law; minutes need to be submitted by the Clerk-Treasurer. Mr. Tiekert stated that he submitted his comments on this meeting and believes that they are still not accurate.

Mr. Tiekert had questions on the May 25, 2011 minutes as well. He questioned the preparer's note on page 16. It states that Mr. Slingerland's comments are verbatim and he listened to the DVD of the meeting and they are not verbatim. The Board agreed to have Ms. Roberts review this section of the minutes and remove the word verbatim. Mr. Tiekert asked the question why the Village would pay to replace unacceptable trees received. Mr. Tiekert stated that on page 17, the minutes read that Mr. Tiekert again said that "you" have been raiding this account for most of the last five years. He believes that this was referring to Mr. Slingerland. Mr. Tiekert listened to this portion of the meeting as well and stated that he said "it" has been raiding the account, referring to the Village, not Mr. Slingerland or "you". He stated that he would never say that and that Mr. Slingerland has only been with the Village for two years. Mr. Tiekert asked that this be corrected. Mayor Rosenblum stated that the tape will be reviewed and the minutes amended if necessary.

Mr. Slingerland stated that when he said that it would cost the Village \$2,000 to replace the unacceptable oaks received from Barbato Tree (page 16), he should have said the Village deleted the red oaks on the original order as they were unacceptable and we are buying them from a local street tree provider, Hardscrabble Farms, as they have higher quality trees.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that the Minutes of the April 4, 2011 Work Session with the addition of Submitted by the Clerk-Treasurer be and are hereby approved.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

B. Minutes of the BOT Regular Meeting of April 11, 2011 (Resubmitted)

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that the Minutes of the April 11, 2011 Regular Meeting be and are hereby approved.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

C. Minutes of BOT Regular Meeting of April 25, 2011 (Resubmitted)

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that the Minutes of the April 25, 2011 Regular Meeting be and are hereby approved.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

D. Minutes of BOT Regular Meeting of May 25, 2011

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that the Minutes of the May 25, 2011 Regular Meeting with the above noted amendments made after the DVD is reviewed be and are hereby approved.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

3. AUDIT OF BILLS

Mayor Rosenblum stated that there are two audits for approval, one for fiscal year end May 31, 2011 in the amount of \$294,981.37 and the second dated June 13, 2011 for fiscal year 2011-2012 in the amount of \$676,345.86

Trustee Santoro stated that there are two items on page 9 listed under worker's comp that he would like to discuss in Executive Session.

On motion of Trustee Hofstetter, seconded by Trustee Albert:

RESOLVED that the Abstract of Audited Vouchers listed below dated June 13, 2011 for fiscal year end May 31, 2011, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$	258,159.42
Capital Fund		8,271.49
Water Fund		18,000.00
Expendable Trust		1,725.96
Agency Fund		<u>8,824.50</u>
	\$	294,981.37

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated June 13, 2011 for fiscal year 2011/2012, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$	674,143.86
Expendable Trust		<u>2,202.00</u>
	\$	676,345.86

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Heard Earlier

B. Resolution in Support of Bill to Dedicate Veterans' Memorials Parkland in the State of NY

**RESOLUTION RE: SUPPORTING LEGISLATION TO DEDICATE VETERANS' MEMORIALS  
AS PARKLAND IN THE STATE OF NEW YORK**

WHEREAS, the Village of Mamaroneck is proud to recognize and honor the veterans of our armed forces who have bravely served our State and Nation since the colonial era and continue to serve today and in the future; and

WHEREAS, many communities in New York State have constructed Veterans' Memorials on public property, an example being Kemper Memorial Park in the Village of Mamaroneck, that honor the service of our veterans and serve as a solemn reminder of those who made the ultimate sacrifice in the defense of our nation; and



WHEREAS, there is an enduring value of a Veterans' Memorial to a community, however, current New York State Law does not provide an adequate level of protection that should be afforded to such an important community asset; and

WHEREAS, there is proposed legislation, New York State Senate Bill S3639-2011 and New York State Assembly Bill A7320, which would designate Veterans' Memorials on public property as parkland and afford them the protections of existing State procedures related to the alienation of parkland to properly insure that the valuable purpose that Veterans' Memorials serve in our society will not be diminished; and

WHEREAS, as an expression of the value and appreciation that the Village of Mamaroneck has for our veterans, it is appropriate that the Village Board of Trustees affirm its support for such legislation;

On motion of Trustee Albert, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED, that the Village of Mamaroneck herein affirms its support for New York State Senate Bill S3639-2011 and New York State Assembly Bill A7320, and encourages the expeditious adoption and enactment of such legislation; and

BE IT FURTHER RESOLVED that the Board of Trustees request that the Village Manager and the Clerk/Treasurer's Office forward a copy of this resolution to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, the Senator representing the 37th Senate District, and the Assemblyman representing the 91st Assembly District.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Resolution in Support of NYS Fair Pay Act for Equal Pay for Women

**RESOLUTION RE: SUPPORTING NEW YORK STATE FAIR PAY ACT**

WHEREAS, the very first bill signed into law by President Obama was the Lilly Ledbetter Fair Pay Act, which restored the 1964 Civil Rights Act's Equal Pay Protection for persons whose jobs involved the same work; and

WHEREAS, the Ledbetter Act does not address pay inequities across different but equally valued job titles; and

WHEREAS, pay equity has not been universally achieved in New York State and legislative hearings have consistently received testimony from women performing work equal to male counterparts but paid less for their labor; and

WHEREAS, the New York State Fair Pay Act (A6130, S2200) addresses this problem by amending Labor Law to ensure pay differential is not based on a person's sex, national origin, or race; and

WHEREAS, this legislation should result in removing discrimination in job titles traditionally done by women and people of color;

On motion of Trustee Ryan, seconded by Trustee Santoro:

NOW THEREFORE BE IT RESOLVED, that the Village of Mamaroneck Board of Trustees recognizes the need for the New York State Fair Pay Act urges the New York State Assembly and Senate to pass, and the Governor to sign, this important Legislation; and

BE IT FURTHER RESOLVED that the Board of Trustees request that the Village Manager and the Clerk/Treasurer's Office forward a copy of this resolution to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, the Senator representing the 37th Senate District, and the Assemblyman representing the 91st Assembly District.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Donation of Trees by the Shore Acres Homeowners Association for Nine Trees to be planted along The Parkway

Mr. Stuart Tiekert of Beach Avenue appeared. He stated that this resolution is sorely lacking. According to this resolution, Shore Acres Homeowners Association could hire someone to plant nine saplings in a ten foot space along the parkway. During that work, they could hit gas or power lines causing severe damage to the Village and according to this, the Village would have to bear liability for that. Mr. Tiekert further stated that this Board has accepted three donations for trees in the last six months and every resolution is different. Mr. Tiekert wonders why the Village cannot have a standard resolution. In November, the Board

accepted a 5-6 inch tree for Constable Drive, which is just about dead. Mr. Tiekert asked if the Village will be responsible for removing that tree. Mr. Tiekert believes that the Village should be indemnified against such losses. Mr. Tiekert believes the resolution should state what kind of trees will be planted, where and by whom. He also believes that the Village is opening themselves up to liability if this is accepted. Mr. Tiekert stated that there was a permit submitted by the Tree Committee which he believes should be used instead of the submitted resolution. Mayor Rosenblum respectfully disagrees. Any planting of trees is subject to the rules and regulations of the Village. Mr. Slingerland stated that his office will coordinate with the Department of Public Works to assure that either our employees plant the trees or if done by an independent contractor, the proper insurance is acquired. Trustee Ryan asked if indemnification should be in writing. Mr. Slingerland stated that would be up to the Board to enact that requirement for every donation accepted. Trustee Hofstetter stated that the resolution reads that the association is giving the Village funds to purchase and plant trees. Trustee Hofstetter would like to confirm this.

Mr. Daniel Natchez, President of the Shore Acres Homeowner's Association appeared. Mr. Natchez stated that the donation is "in kind", not funds. The donation will be actual trees, not saplings, donated by nine property owners who are hiring a contractor to plant the trees, which will be coordinated with the Department of Public Works and Manager's office. Mayor Rosenblum stated that he would like this tabled as this is not what was discussed in Work Session and is not reflected on the resolution before them. The Board agreed to table this item and look at the permit process at the next Work Session.

E. Heard Earlier

F. Resolution Authorizing a Shared Services Agreement for a Police Band Radio Installation

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE AN AGREEMENT WITH WESTCHESTER COUNTY AND THE  
TOWN OF MAMARONECK FOR THE INSTALLATION OF A POLICE BAND RADIO SYSTEM**

WHEREAS, Westchester County is in the process of implementing improvements to its communications facilities located on the Westchester Joint Water Works water tower located at Winged Foot Golf Club; and

WHEREAS, in conjunction with this project, the Town of Mamaroneck approached both Westchester Joint Water Works and Westchester County to determine whether the Town of Mamaroneck Police Department, Village of Mamaroneck Police Department and Village of Larchmont Police Department

could utilize Westchester County's contractor, Goosetown Communication, to improve their communications systems by replacing antiquated equipment dating to the early 1980's with new equipment which is required to be implemented by FCC mandate by January 2013; and

WHEREAS, by using Goosetown Communication to complete such work, the municipalities will be able to share certain equipment with Westchester County, thereby reducing overall project costs;

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED, that the Village Manager is herein authorized to execute a Shared Services Agreement with the Town of Mamaroneck and Westchester County allowing for the installation of a new police band radio system to be located at the Westchester Joint Water Works water tower at Winged Foot Golf Club.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Resolution Authorizing an On-street Official Parking Space in Front of the Residence of Second Assistant Fire Chief

Trustee Hofstetter asked why some parking spaces in the Village are striped and some are not. Mr. Slingerland stated that he will look into that further and report back. He has discussed this with the Traffic Commission and they believe that this is done in areas where there is a tight spot next to a driveway.

RESOLUTION DESIGNATING AN OFFICIAL PARKING ONLY SPACE  
IN FRONT OF 415 PROSPECT AVENUE

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby designate an "Official Vehicle Parking Only" in front of 415 Prospect Avenue, Mamaroneck, NY, which may be used at that location by the Fire Chief(s) and any other authorized vehicle with "Official" plates.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Heard Earlier

I. Renewal of Prisoner Transportation Agreement

RESOLUTION RE: AUTHORIZATION TO EXECUTE AN INTERMUNICIPAL AGREEMENT  
WITH WESTCHESTER COUNTY FOR PRISONER TRANSPORTATION

WHEREAS, the Village of Mamaroneck has participated in an Intermunicipal Agreement (IMA) with Westchester County to provide transportation between the Village of Mamaroneck and the Westchester County Department of Correction, for prisoners remanded to the Westchester County Jail; and

WHEREAS, this agreement provides for reimbursement to the Village of Mamaroneck by Westchester County for the costs associated with prisoner transportation, based upon established reimbursement rates per roundtrip, including an additional reimbursement for prisoner meals; and

WHEREAS, the previous IMA expired as of December 31, 2010 and Westchester County recently proffered a new Prisoner Transportation Agreement to the Village of Mamaroneck for a two (2) year term commencing January 1, 2011 and ending December 31, 2012; and

WHEREAS, in accordance with the terms of the new agreement, Westchester County will reimburse the Village of Mamaroneck at a roundtrip rate of \$188.57 for calendar year 2011 and \$195.17 for calendar year 2012, plus \$.50 or the prevailing IRS mileage rate at the time, per mile, for each prisoner roundtrip transport;

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to execute the Prisoner Transportation Reimbursement Intermunicipal Agreement on behalf of the Village of Mamaroneck with the County of Westchester; and be it further

RESOLVED, that the Village Manager and all other appropriate Village officials are hereby authorized to undertake any administrative acts required under the terms of the agreement.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

J. Schedule Public Hearing on Zoning Map Re-adoption to correct the Zoning Map

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that a Public Hearing on Proposed Local Law F-2011 be and is hereby scheduled for June 27, 2011.

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

K. Tax Certiorari Settlement for Sweetwater Condominiums

Trustee Hofstetter stated that it is not advantageous to have condominium buildings in the Village for tax purposes, as they are considered commercial property. The builders lead residents to believe that these types of projects will greatly add to their tax base, which is just not the case. Trustee Hofstetter stated that the Village provides a great deal of services for a large group of people in a smaller area.

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER  
SWEETWATER CONDOMINIUM FOR PROPERTY LOCATED AT  
225 STANLEY AVENUE**

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$78,517.08 without interest; and

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

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes Silverberg Zalantis LLP, as special counsel, to execute the following settlement on behalf of the Village for the property listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2009	\$355,511	\$284,154	\$71,357
2010	\$355,511	\$266,488	\$89,023
2011	\$355,511	\$266,488	\$89,023

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

L. Addition of CFTE Member to the LWRP Committee

**RESOLUTION RE:**

**AUHTHORIZING MAYORAL APPOINTMENT OF A MEMBER OF THE COMMITTEE FOR THE ENVIRONMENT TO THE LWRP UPDATE COMMITTEE**

WHEREAS, in accordance with The Village of Mamaroneck's original grant application for the updating of the LWRP, the New York State Department of State requires the participation of an LWRP Update Committee; and

WHEREAS, such committee has been established with representation from the Board of Architectural Review, Planning Board, Harbor & Coastal Management Commission, Zoning Board of Appeals and Flood Mitigation Advisory Committee to make up the LWRP Update Committee; and

WHEREAS, it has been recommended that membership on the committee be expanded to include additional stakeholders, one of which being the Committee for the Environment (CFTE);

On motion of Trustee Rosenblum, seconded by Trustee Ryan:

RESOLVED, that Mayor Norman S. Rosenblum be and is hereby authorized to appoint the following individuals as members of the Village of Mamaroneck LWRP Update Committee:

Mr. Phil Horner (CFTE Representative)

BE IT FURTHER RESOLVED that the term of the LWRP Committee shall expire with the completion of the Update.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

**6. REPORT FROM VILLAGE MANAGER**

**A. File for the Record – Retainer Agreement with McDermott & McDermott Law Firm**

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

**B. File for the Record – Agreement with Molly Roze Bait and Tackle Inc.**

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

**C. File for the Record – Intermunicipal Agreement with Town/Village of Harrison**

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

**7. FLOOD MITIGATION REPORT**

Mr. Slingerland reported that his office has been coordinating with Westchester County and the Army Corps of Engineers on the study that he has shared with the Board, stating concerns with the direction of the study and its costs. He will be meeting with the Army Corps and the DEC specifically on this subject.

**8. REPORT FROM CLERK-TREASURER**

**A. Tax Reminder**

Mr. Fusco reminded residents that the first half Village taxes are due on or before July 1, 2011. Any questions or concerns should be directed to his office.

**9. REPORT FROM VILLAGE ATTORNEY**

Mr. McDermott stated that he is continuing to work with the staff on review of the Village code to see where it needs to be improved and corrected as well as certain litigations that are pending, which need to be discussed in Executive Session.

**10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES**

**A. ZBA – April 7 and April 28, 2011**

On motion of Trustee Hofstetter, seconded by Trustee Santoro:



RESOLVED that the Minutes of the Zoning Board of Appeals of April 7 and April 28, 2011 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Board of Traffic Commissioners – April 14, 2011

On motion of Trustee Hofstetter, seconded by Trustee Santoro:

RESOLVED that the Minutes of the Board of Traffic Commissioners of April 14, 2011 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Planning Board – January 27, February 9, February 23, March 9, March 23, April 13, April 27, and May 11, 2011

On motion of Trustee Hofstetter, seconded by Trustee Santoro:

RESOLVED that the Minutes of the Planning Board of January 27, February 9, February 23, March 9, March 23, April 13, April 27 and May 11, 2011 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

#### Updates from the Board

Trustee Ryan attended the Historic Harbor Street Fair. It was a great event and she congratulated Jen Graziano Mangano and Len Verrastro. She also attended the Flag Day ceremony at the Elks Club. Every year she learns something new. Trustee Ryan attended the LWRP Charrette. It made the group aware that there is a need for more discussion. Trustee Ryan wished a fond farewell to Marianne Boneo, who served the community for many years as the Director of the Hispanic Resource Center. Ms. Boneo is moving to Florida. Trustee Ryan thanked the Halstead Manor Firehouse for their 100<sup>th</sup> anniversary party held yesterday.

Trustee Hofstetter attended the D.A.R.E. graduation at Mamaroneck Avenue School. He thanked and congratulated Officer Jaeger and the kids at the school. It was a lot of fun. Trustee Hofstetter also attended the Historic Harbor Street Fair and the LWRP Charrette. He believes that it is important for residents to attend as they could lend different ideas to the same group that usually attends. He believes we should have more of these meetings.

Trustee Albert also attended a lot of these events already mentioned. He did attend the party at the Regatta. It was a little windy and rainy, but the people seemed to enjoy it and have a good time. Regarding the LWRP, Trustee Albert stated that it is truly incredible to see the types of people that live in this community and give of their time and efforts to make this community better.

Trustee Santoro stated that registration for the summer camp has ended, but numbers are up 25% over the last two years. Trustee Santoro announced that the Firemen's Carnival begins on June 28, with the parade taking place on June 29 and the fireworks on July 4. Trustee Santoro reminded residents that St. Vito's Church is having their Festa on June 23 through June 26. Trustee Santoro also attended the D.A.R.E. graduations at both Mamaroneck Avenue and the Rye Neck grammar schools. It was amazing to see the kids dedicated to this program.

Mayor Rosenblum stated that the LWRP Charrette can be seen on LMC-TV. The attendance at the Harbor Fest was double from last year. He congratulated Jennifer and Lenny. Mayor Rosenblum reminded residents of the four Mamaroneck Shares events happening this summer. Mayor Rosenblum received a letter from the Office of Consumer Policy asking that we notify the public to go to [www.askpsc.com](http://www.askpsc.com) for suggestions on how to save on your electric bill. The Mayor noted that there was an article on how great the Village of Mamaroneck is in last Saturday's Wall Street Journal.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Board of Trustees convene to Executive Session to discuss pending litigation and the issues Trustee Santoro wanted to discuss in regard to the abstract of audited vouchers.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

## ADJOURNMENT

There being no further business to come before the Board, on motion duly made and seconded, the public portion of the meeting was adjourned.

PREPARED BY:  
SALLY J. ROBERTS,  
SECRETARY

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