

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, JULY 18, 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
	Consulting Land Use Attorney	Lester Steinman
ABSENT:	Clerk-Treasurer	Agostino A. Fusco

Mayor Rosenblum sadly noted the passing of Keith Furey, the Village's engineer, an irreplaceable asset of the Village for the past twenty years and also the passing of Jean Rogers, wife of Walter Rogers, past Trustee and Deputy Mayor. The Mayor asked for a moment of silence to remember these individuals.

The Mayor also noted that the Village of Mamaroneck has become a prime destination in Westchester County with all of the recent events held, especially the 4th of July fireworks, which were mentioned on NBC as the only place other than New York City to watch fireworks. Mayor Rosenblum stated that there are no words to express his feelings on the response by the police and fire department at the recent fire at Nan's Gift and Party Shop on Mamaroneck Avenue. Officer Ramos rescued a mother and child from the upstairs apartment and Officer Jaeger prevented an individual from jumping from a second story window. Mayor Rosenblum quoted a Con Edison worker who was on the scene who stated that he has never seen a better fire department than in the Village of Mamaroneck. Mayor Rosenblum, as a resident, thanked the police and fire departments for always being there. Chiefs Szymanowski, Pecchia and Casterella were all on the scene and did a great job. Mayor Rosenblum also stated that there is a video on U-Tube.

Trustee Ryan stated that she was at home when she got a call about the fire. It was the first time in a long time that she has had the opportunity to witness the fire department at work. There were members from the Town's and Village of Larchmont's fire departments working the fire as well and it did not matter what uniform a firefighter, police officer or EMS member wore, they all worked together and in ways that you don't normally get to see. Trustee Ryan also thanked Det. DiRuzza for her work with the displaced residents.

Trustee Albert agrees with all that the Mayor and Trustee Ryan said and congratulated the departments for their top notch handling of this emergency. Trustee Albert also reported on the recent Mamaroneck Shares event. He took a lot of photographs which will be on the Villages and Mamaroneck Shares websites.

Trustee Hofstetter stated that he was away during the fire and this was difficult for him; however, the reports he got were all positive and he appreciates the efforts of the fire and police departments.

Mayor Rosenblum announced that the Village has added another great destination in Harbor Island Park with Chef Johnson's food truck.

Chef Johnson appeared. He thanked the Mayor, Board and residents for allowing him to serve them. He has been at the Harbor for one week and is having a lot of fun. He encouraged all residents to come down and try out his food. He reviewed his menu. Trustee Albert stated that he has gotten some feedback and Chef Johnson comes a little later than the beach goers would like and this results in long lines and a long wait for food. He asked Chef Johnson if he could possible get there earlier. Chef Johnson stated that this is part of his plan. His other work keeps him from being there as often as he likes, as well as his children's needs. He is also looking at additional staff to help him, which should help this problem as well.

PUBLIC HEARING ON PLL K-2011 (MORATORIUM ON PROPOSED SUBDIVISION TO CREATE FOUR OR MORE LOTS OR UNITS) [ADOPT NEW SEQRA DETERMINATION]

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 18th day of July, 2011, 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-2011, a local law to act upon a proposed moratorium on open space development for the subdivision of land and/or approval of site plans or special permits on lands consisting of or creating four or more parcels or units, for a period of six months.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law K-2011 is on file with the Clerk-Treasurer of the Village of Mamaroneck and on the Village of Mamaroneck website.

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: July 1, 2011

Mayor Rosenblum stated that the hearing will be opened; however, it will be continued to the next meeting on August 15. Also, for the record, a letter was received from Doreen Roney addressing her concerns on compliance with the existing codes. Also for the record, communications was received from the Village Planning Board as well as from the County Planning Board; who are in favor of both proposed local laws being heard this evening.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on PLL K-2011 be and is hereby opened.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mr. John Lese, a Mamaroneck developer appeared. He asked that the Board review the existing zoning and the changes to the zoning in as far as the development of private property and the size of the open space that is required under the zoning code. He also asked that they consider not having garage or covered parking count as part of the building's FAR (floor area ratio). The present code is very restrictive.

Mr. Mauro Gabriele of Wagner Avenue appeared. He asked which Trustee proposed this local law. Mr. Slingerland informed him that at the local level legislation does not have to be proposed by a trustee and in the case of this moratorium; he believes it is backed by all of the trustees. Mr. Gabriele asked what prompted this proposed local law. Trustee Ryan stated that during the LWRP update process the planner thought it would be a good time to consider the open spaces and protect them until the update process is over so that the Village has a clear picture of exactly where the open spaces are.

Trustee Hofstetter stated that this issue has come up during the last few years and he asked our planners to come up with a solution and one never came up. When the planners last made a presentation on the Comprehensive Master Plan, this subject was raised. Mr. Gabriele asked at what stage the Comprehensive Plan is at and also why the moratorium would not be a general moratorium on projects that affect this plan only. Trustee Ryan reiterated that this was raised in regard to the LWRP update as well as the Comprehensive Plan Update. Trustee Ryan stated that the Comprehensive Plan is still under review and there have been suggestions on how to improve this Plan. The Board will be declaring their intent to be lead agency on this Plan at tonight's meeting as well.

Mayor Rosenblum stated that he believes that this goes back to the concerns for the overall future planning and type of development in the Village; not addressing any specific property. He personally does not like the word moratorium and believes that the Board needs to be extremely careful with the message that is being sent out to developers. He believes that there should be development to keep a community living; but it cannot be uncontrolled development. Mayor Rosenblum realizes that Mr. Gabriele has a pending development and this will directly affect him; however, the moratorium is for a short period only. The Mayor noted that the letter from the Westchester County Planning Board stated that although they support the moratorium, it should have a specific intent and purpose and should not extend beyond a reasonable time frame. The Mayor stated that while the exemptions are addressed to projects that have already been passed and authorized, any new projects may be addressed by the Board of Trustees on a case by case basis.

Mr. Gabriele, as a real estate professional, agrees that the Comprehensive Plan is long overdue and he believes that there are many contradictions within the zoning code that create controversy. Mr. Gabriele agrees that the FAR regulations should be looked at. Mr. Gabriele stated that we are in the worse economy since the Great Depression and to enact a moratorium sends the wrong message to developers who would want to come to the Village to build and he believes that this message will linger long after the moratorium is over. As he believes that nothing will get done in six months, he is concerned that the moratorium will be extended for an additional six months. He recommended that the concept of a moratorium be scraped and that the Board deal with the completion of the Comprehensive Plan and if something comes from that regarding proposals for development, a change can be made at that time.

The Mayor stated that he believes it is important to do this at this time; he does not want it to be extended more than six months. He also agrees that the FAR be reviewed.

Mr. McDermott stated that the following sentence needs to be added to Section 3: Notwithstanding the foregoing, this local law shall not be applied in any manner that conflicts with a Stipulated Consent Judgment executive by the Mamaroneck Beach and Yacht Club and the Village of Mamaroneck and certain of its boards and officials and So Ordered by the Honorable Joan B. Lefkowitz, Justice of the Supreme Court, dated September 8, 2010 (Westchester County Supreme Court Index No. 8818/05).

A new Section 5, Appeals Provisions, has also been added causing the renumbering of the sections that follow. This new section reads:

A. The Board of Trustees shall have the power to vary or modify the application of any provision of this local law upon its determination, in its absolute legislative discretion, that such variance or modification from strict

compliance with this local law will not be detrimental to the Village's physical and or visual environment, or the public health, safety and general welfare of the Village, and upon finding that the application of the provisions of this local law to a specific property will cause undue economic hardship and that such hardship is unique to the property.

B. Upon receiving a written application for such a variance or modification, the Board of Trustees shall hold a public hearing within 45 days of the receipt of the application. Within 30 days of the close of the public hearing, the Board of Trustees shall render its determination either granting or denying the application. The granting of an appeal shall authorize and permit the Board of Trustees, Planning Board, Zoning Board of Appeals, Harbor and Coastal Zone Management Commission or other Village board, officer, agency or employee to accept, review, consider and otherwise act to the extent provided by the Board of Trustees in its decision on the appeal."

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the amendments to Proposed Local Law K-2001 (Moratorium on Proposed Subdivision to Create Four of More Lots or Units) as outline above by the Village Attorney be and are hereby adopted and that the revised version of this proposed local law be published on the Village of Mamaroneck website.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Santoro, seconded by Trustee:

RESOLVED that the Public Hearing on PLL K-2011 be and is hereby continued to the August 15, 2011 Board of Trustees Regular Meeting; and

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

PUBLIC HEARING ON PLL L-2011 (ZONING AMENDMENTS RELATING TO PERMEABLE PARKING FACILITIES)

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 18th day of July, 2011, 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 L-2011, a local law amending Chapter 342 (Zoning) Section 3 (Terms defined) and Section 60

(Improvement of parking facilities) relating to permeable parking facilities of the Code of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law L-2011 is on file with the Clerk-Treasurer of the Village of Mamaroneck and on the Village of Mamaroneck website.

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: July 1, 2011

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Public Hearing on PLL L-2011 be and is hereby opened.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum stated that correspondence has been received from Doreen Roney, which has been filed for the record. A letter from Westchester County Planning Board in favor of this local law as well as correspondence from the Village of Mamaroneck Planning Board stating that they are all in support have been received. Mayor Rosenblum noted that there will be changes to the law that need to be adopted. Mr. Steinman, the Village's consulting attorney to its land use boards, stated that the words improve or improvement will be substituted for pave or paving throughout the law. Mr. Steinman also stated that the Harbor and Coastal Zone Management Commission adopted a consistency resolution on this proposed local law at their meeting of July 11, 2011. Mayor Rosenblum read the HCZM resolution passed.

Mr. Dan Natchez of Alda Road appeared. Mr. Natchez stated that the HCZM had forwarded a recommendation on this proposed local law and asked if the Board had received a copy. Mayor Rosenblum stated that he had not. Mr. Natchez attended both the Planning Board and HCZM meetings and he is concerned that this hearing is to change the actual law and from his perspective, this is not what happened at either board meeting. He believes that they reacted to the concept and not the actual law. He believes that there is a problem with how this is perceived and what it is. It also believes that we are not looking at the law holistically. Mr. Natchez is concerned that when the Board focuses at specificity of an issue and does not look at it holistically, the Village ends up in trouble. Mr. Natchez submitted correspondence from the Coordinating

Council of Neighborhood Associations, who met on this subject on July 2. All those who were interested in discussing attended and there was a unanimous resolution passed. That resolution reads:

July 2, 2011 Meeting of the CCNA

Whereas the Village of Mamaroneck Board of Trustees has set a public hearing on July 18th to consider changing the Village (Zoning) Code in respect to Section 342-60 "Improvement of Parking Facilities"; and

Whereas the proposed change appears to be in relation to one application that has been before the Village and a decision of the Board of Appeals thereon; and

Whereas the proposed change is to change one aspect of the definition without a thorough examination and evaluation as to the overall implications of cause and effect relationships throughout the Code; and

Whereas the proposed changes do not evaluate examining the perceived problem in relation to the entire Village Code; and

Whereas there have been numerous issues raised by the Village's Building Department, other staff and members of the public regarding issues that should be examined in relation to cause and effect implications throughout the Code; and

Whereas the Village has had a history of changing part of the Code without a thorough examination of the cause and effect implications on a holistic basis resulting in further amendment to the Code at subsequent dates;

Now Therefore Be It Resolved that the Coordinating Council of Neighborhood Associations urges the Village Board of Trustees to table or withdraw the proposed amendment to the Code, and undertake a more comprehensive and holistic examination of the numerous issues and cause and effect relationships of perceived issues to attain improvements to the Code that are well thought out and foster the goals of the Village.

Passed UNANIMOUSLY by those either attending the meeting or voting by email

Mr. McDermott asked Mr. Natchez if there is a list of individuals who attended the July 2nd meeting and the organizations they represent. Mr. Natchez read the list of neighborhood associations who attended. Mr. Natchez invited Mr. McDermott to attend one of their meetings.

Mr. Natchez reiterated that the changes to this law need to be looked at holistically and how they will affect other parts of the code. Mr. Steinman informed the Board that the HCZM and Planning Board had the laws before their meetings and made their decisions/resolutions based on the entire law, not just the changes to the law.

Mr. Steven Kass, with Carter Ledyard and Milburn appeared. Mr. Kass is council for the Shore Acres Property Owners Association and Bennett and Cynthia Golub. Mr. Kass has had the opportunity to see the fire department at work and complimented them as well as the Village Police Department. With respect to the public hearing, his firm has tried to acquire any documents concerning the SEQRA determination on this

proposed local law, including an environmental assessment form and they have not received anything and are not sure if any documents exist. Mr. Kass stated that according to SEQRA, an action is not complete unless there has been a negative declaration issued or a draft environmental impact statement prepared; therefore, he does not believe that a public hearing can take place on this action. Mr. Kass also questioned whether the HCZM had received a negative declaration when it made its determination. If they did not, Mr. Kass stated that their resolution would be arbitrary, capricious and void. Mr. Kass is also trying to ascertain if this is being driven by a Village wide planning effort or is it being driven by the decision by the ZBA in the Mamaroneck Beach and Yacht Club matter, which is how it is portrayed in the press. Mr. Kass stated that if this is meant to address a village wide problem, there seems to him that there would be environmental impacts; some good and some not so good. One impact would be discharging water into soil, which is not necessarily a benign environmental issue as pollutants can be going into the soil without being treated properly. There are other areas in the Village that have issues other than water quality; where paving would be preferred, i.e. where there are off street parking requirements for buildings and/or businesses. Also lots that need to be plowed for snow removal cannot be handled as easily if not paved. These areas also tend to have more salt used on them in the winter as they cannot be easily plowed and this can create an issue.

Mr. Kass reiterated that if there are any environmental impacts, the Board cannot make a negative declaration. Again, Mr. Kass stated that it appears that this is being driven by the Zoning Board's decision on the Mamaroneck Beach and Yacht Club. If the Board's purpose is to facilitate the MBYC project, they then become an involved agency in this project and if this is the case, the Board cannot take any action without making findings with respect to this project versus other reasonable alternatives. It seems to Mr. Kass that either this is a village wide proposal which would require a more extensive environmental review be done or is being done for the club project in which case the EIS has been done; therefore the board would have had to make findings.

Mr. Kass stated that MBYC litigated against the Village and are grandfathered under the pre-2006 code changes. As that is the case, they cannot therefore benefit from any changes to the current code; either they are covered under the pre-2006 code or not; they cannot have it both ways.

Mayor Rosenblum stated that this local law is not being driven because of one particular project. It is being looked at for the entire Village.

Mr. Slingerland read the statement he made at the Harbor and Coastal Zone Management Commission meeting. That statement follows:

Mr. Steinman stated that the Zoning Board made a determination that according to §342-60, fifty percent of all required parking spaces must be paved and the purpose of this legislation is to provide to the village engineer the discretion to deviate from this determination. Whether or not a project will have to adhere to this 50% minimum will be left up to the village engineer. Mr. Steinman stated that this will just remove the hard and fast rule in a community that has flooding issues that 50% of required parking must be of an impervious surface. Mr. Steinman also stated that an EAF was prepared on this proposed law and that the HCZM had a copy of this EAF when they made their determination. Mr. Steinman stated that it was an uncoordinated review.

Mr. Steven Kass appeared again and stated that as this was an uncoordinated review, the Board of Trustees would have to prepare their own EAF and his office has not been able to get a copy of this document. Mr. Slingerland stated that the Board adopted an EAF at their meeting of June 27 and if it is not already on the website, he will make sure that it is posted as soon as possible. Mr. Kass also asked if the EAF adopted by the Board was for a village wide change in policy. Mr. Sarnoff stated that it was. Mr. Kass asked if it evaluated the possible negative environmental impacts from seepage in previous industrial areas. Mr. Steinman stated that this was not necessary as the law does not state that pervious or impervious surfaces have to be used. Mr. Kass stated that this is a problem as the Board has to work out the worst case on a cumulative basis. If this is not done, each time the village engineer recommends the use of a pervious surface is used for more than 50% of a parking area, an environmental review will need to be done. Mr. Steinman stated that any project before a land use board will be subject to its own environmental review.

Mayor Rosenblum thanked Messrs. Natchez and Kass for their comments. He stated that the Board does not make decisions in a vacuum and again noted that the Board received favorable comments from both the Village of Mamaroneck Planning Board and Westchester County Planning Board. The Board has been advised by legal council and the Mayor feels comfortable about potential decisions discussed in executive session.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on PLL L-2011 be and is hereby closed.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Trustee Albert believes that there were good points brought up by both Mr. Natchez and Mr. Kass and that as there are still questions that he has on this law, he will vote no for its adoption

Trustee Hofstetter is concerned that the absolute of 50% of the required space be paved remaining in the code. He believes that it is important to change the code if the Board agrees that the 50% requirement not needed; and does not believe that this should be left up to the discretion of the village engineer. He is also not comfortable given the scenario right now and the appearance that this is being done for one project and will therefore be voting no for its adoption.

Trustee Ryan stated that she is an advocate of pervious materials and consistency and believes that laws are connected. She does not see that in this law. She would like to see this law refer to and work with the stormwater law and wetlands law and to connect to laws that are supposed to work together. Trustee Ryan is also uncomfortable with the 50% requirement and will therefore be voting no.

Trustee Santoro stated that this proposed law has been in front of the Board for a couple of weeks and none of these questions or concerns were raised. He will be voting yes.

Mayor Rosenblum stated that the Board does need to do its own due diligence; however, they also need to take the advice of the land use attorney, the Village Attorney and also its boards. The statement that this law is being driven by one project is insincere. It has been drafted to help the entire Village as stated by the attorneys. Mayor Rosenblum will be voting yes.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLUTION THAT PLL L-2011 be hereby adopted was disapproved as follows:

Local Law L - 2011
A local law in relation to the improvement of parking facilities

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

Section I. Section 342-60 "Improvement of Parking Facilities" of the Code of the Village of Mamaroneck is amended to read as follows:

"Section 342-60 Improvement of Parking Facilities

Required off-street parking facilities may be enclosed in a structure or may be open, except as required specifically for multifamily dwellings, provided that all

required parking facilities shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Village Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. In multifamily residential development and in nonresidential development, the Village Engineer shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits. Upon a finding by the Planning Board that the immediate need for parking spaces is substantially less than the total required by § 342-56, the Board may temporarily waive the [paving] improvement of up to one-half (1/2) of the required spaces, provided that the applicant gives assurance satisfactory to the Village Attorney that he will [pave] improve sufficient additional spaces whenever the Planning Board makes a subsequent finding that the parking of cars connected with or visiting the use takes place on adjacent streets consistently and notifies the applicant of the additional paving required. To minimize the drainage and aesthetic impact of excess [pavement] impervious surface, seasonal or temporary overflow parking on club properties shall be permitted on grassed areas if in accordance with applicable fire and safety codes.”

Section 2. The definition of “PARKING SPACE” set forth in Section 342-3 of the Code of the Village of Mamaroneck is amended to read as follows:

“342-3 Terms defined

PARKING SPACE

A [paved or] pervious or impervious surfaced area which, exclusive of excess driveways and turning areas, is accessible and available at all hours for the parking of one passenger car and is nine feet wide and 19 feet long; employee “parking spaces” may be reduced in width from nine feet wide to 8 ½ feet wide and the length shall remain 19 feet long.”

Section 3. This local law shall take effect immediately upon its adoption and its filing in the Office of the Secretary of State.

Ayes: Santoro, Rosenblum

Nays: Albert, Ryan, Hofstetter

Trustee Hofstetter asked to comment on the Mayor’s comment about this being driven by one project. He read this in the newspaper and it made him uncomfortable. Mayor Rosenblum finds it interesting that Trustee Hofstetter would take comments in the newspaper as the official position of the Village.

MAYOR’S REPORT – THIS IS MAMARONECK

Chef Johnson appeared earlier in the meeting.

I. COMMUNICATIONS TO THE BOARD

Mr. Mauro Gabriele of Wagner Avenue appeared. He was intrigued by the comments made on the last proposed law. He wasn't planning to comment; however, he stated that in response to a recent FOIL request, he was surprised to see comments submitted to the Board via email that were unsigned. He realizes that in this world of instant communication, email is a wonderful tool; however, theoretically someone from outside of the Village could try to sway the members of the Board. He asked that the Board consider finding some way of verifying an electronic document. When asked by Trustee Ryan for an example, Mr. Gabriele stated that he received a copy of a document submitted officially to the Board where he does not believe that the person who wrote the document is the same person who signed it.

2. APPROVAL OF MINUTES

A. Minutes of the BOT Regular Meeting of June 13, 2011 (Revised and Resubmitted)

On motion of Trustee Albert, seconded by Trustee Santoro:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of June 13, 2011 be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Minutes of BOT Regular Meeting of June 27, 2011

On motion of Trustee Albert, seconded by Trustee Santoro:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of June 27, 2011 be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

3. AUDIT OF BILLS

Both Mayor Rosenblum and Trustee Santoro questioned the amount charged by Wormser, Kiely, Galef and Jacobs, particularly on the HCZM case. Mr. Steinman explained that this was an application that the HCZM approved before they represented the Commission. The Chair of the HCZM had concerns with comments that he had received stating that the Commission may not have acted appropriately and asked

Wormser, Kiely to investigate. The matter was fairly complicated. They met with the HCZM and reconfirmed their original decision. The Mayor believes that this sets a precedent that if any Board or Commission is questioned; they can seek advice that could and did cost the Village thousands of dollars, without their being any kind of litigation against them. He suggested that the Board prepare a policy for the Boards and Commissions to follow regarding the use of the land use attorneys. Mr. McDermott stated that the way the Code is written, Boards and Commissions can seek advice of council without approval of the Village Manager or Board of Trustees. Mr. Steinman also stated that he does not believe that the HCZM had the advice of council available to them when they first made the decision.

On motion of Trustee Santoro, seconded by Trustee Albert:

RESOLVED that the Abstract of Audited Vouchers listed below dated July 18, 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	\$	102,496.45
Escrow Deposit		<u>10,528.71</u>
	\$	113,025.16

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 July 18, 2011 for fiscal year 2011/2012, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$	765,692.92
Capital Projects		137,059.82
DARE Program		102.20
Mamaroneck Health Center		240.00
Historic Harbor Street Fair		1,244.00
Disability Insurance		1,026.00
Guarantee & Bid Deposit		500.00
Escrow Deposit		<u>3,660.88</u>
	\$	909,525.82

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Resolution for the Board to Declare Intent to be Lead Agency for Comprehensive Plan Update

Mr. Steinman stated that the resolution needs to be amended to authorize the Village Clerk to circulate a notice of the Board's intent to be Lead Agency.

RESOLUTION RE: DECLARING BOARD OF TRUSTEES INTENT TO ACT AS LEAD AGENCY FOR THE UPDATE OF THE VILLAGE OF MAMARONECK COMPREHENSIVE PLAN

On motion of Trustee Hofstetter, seconded by Trustee Albert:

RESOLVED, that after careful examination the Village Board determines that such project is a Type I Action pursuant to 6 NYCRR 617.2(ak) and further determines that there is an Involved Agency, the Village of Mamaroneck Harbor & Coastal Zone Management Commission and Interested Agencies in this matter: the Village of Mamaroneck Planning Board, the Village of Mamaroneck Zoning Board of Appeals, the Village of Mamaroneck Board of Architectural Review, the Village of Mamaroneck Flood Mitigation Advisory Committee, Town of Mamaroneck, Town of Rye, Town/Village of Harrison, Village of Larchmont, City of Rye, Westchester County Department of Planning, Metro-North Railroad, New York State Department of Environmental Conservation, New York State Office of Parks, Recreation and Historic Preservation, New York State Department of Transportation, New York State Thruway Authority, and the United States Army Corps of Engineers; and be it further

RESOLVED, that the Village Board hereby indicates its intent to be Lead Agency and a long form EAF be forwarded to the Interested Agencies who shall have 30 calendar days from mailing of this notification to indicate any objection to the Village Board acting as Lead Agency for this review and this action; and be if further

RESOLVED, that the Village Board authorizes the Village Clerk to circulate the notice of the Board's intent to be Lead Agency to other involved agencies.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Resolution Authorizing Professional Services Agreement for Woodard & Curran to Provide Engineering Services

Mr. Slingerland stated that with the unfortunate passing of Keith Furey, the Village's consulting engineer, the Village, as well as the land use boards are without an engineer. He is recommending that Woodard and Curran be retain as the Village's consulting engineer and an RFP will be sent out to secure the services of an engineer for use, upon request, by the land use boards.

**RESOLUTION
AUTHORIZING AN AGREEMENT WITH WOODARD AND CURRAN ENGINEERS
TO PROVIDE ENGINEERING SERVICES TO THE VILLAGE OF MAMARONECK**

WHEREAS, the Village Manager reported to the Board of Trustees of the Village of Mamaroneck that the Village is in need of retaining a new firm to provide engineering and related consulting services to the Village of Mamaroneck, due to the loss of our long-time engineer Keith Furey; and

WHEREAS, the Village Manager has received a proposed agreement to retain such services from Woodard and Curran, and the Board agrees with the recommendation to authorize the retention of Woodard and Curran in order to allow the Village to utilize their services.

On motion of Trustee Albert, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village of Mamaroneck to execute a professional services agreement with Woodard and Curran Engineers, to the satisfaction of the Village Attorney and the Village Manager; and

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes the Village Manager to utilize the services of Woodard and Curran for third-party reviews of land-use applications, upon request by land-use Boards on an interim basis; and

BE IT FURTHER RESOLVED, that the Board of Trustees requests that the Village Manager prepare and issue a Request For Proposals (RFP) for such third-party reviews of land-use applications.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Correction to Membership Terms for Committee for the Environment

This item was withdrawn as it was handled at a previous Board meeting.

D. Schedule Public Hearing on PLL M-2011 (False Alarms Charges Code Change)

Mr. Slingerland stated that although the False Alarm and Alarm Permit fees were changed in the fee schedule, they are incorrect in Chapter 88. All fees will be referenced in the fee schedule and revoked from the law. This will allow for any fee changes in the future to be done by resolution and not by local law.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that a Public Hearing on Proposed Local Law M-2011 be and is hereby scheduled for August 15, 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

E. Schedule Public Hearing on PLL N-2011 (Property Maintenance)

Mayor Rosenblum stated that this is a result of correspondence to the Board and Manager regarding properties in the Village being abandoned. Mr. Slingerland stated that although we are allowed to enforce the State's property management code, this local law will establish penalties and an additional provision for the removal of graffiti will be covered. There is also a provision that the Village can maintain the property with all charges being placed on the tax bills. The Board discussed changing the time allowance for removing graffiti. The Board agreed not to change this provision.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that a Public Hearing on Proposed Local Law N-2011 be and is hereby scheduled for August 15, 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

F. Schedule Public Hearing on PLL O-2011 (Change in Chapter 200-10(B) Garbage, Rubbish & Refuse Fee Reference to Weight

Mr. Slingerland stated that as the Village does not have a scale, the law will be changed to reflect the fee that is noted in the fee schedule.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that a Public Hearing on Proposed Local Law O-2011 be and is hereby scheduled for August 15, 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

G. Resolution Correcting the Vehicle Identification Number used on May 9, 2011 BOT Meeting Agenda Item 5I

RESOLUTION
CORRECTION OF VEHICLE IDENTIFICATION NUMBER

WHEREAS, the Village identified an incorrect vehicle identification number on resolution 5I of the May 9th Board meeting agenda and incorrectly declared a 1999 Mack as surplus property; and

WHEREAS, instead of auctioning a 1999 Mack, the Village is auctioning a 1998 Mack, vehicle identification number is IM2P296C6WVM036450.

On motion by Trustee Ryan, seconded by Trustee Albert:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby declares a 1998 IM2P296C6WVM036450 as surplus Village property and authorizes the disposal of the same; and

BE IT FURTHER RESOLVED that this resolution supersedes and replaces resolution 5I as adopted by the Board on May 9, 2011; and

BE IT FURTHER RESOLVED that the disposal of this vehicle is authorized in compliance with the requirements of law, and the Village Manager and all appropriate officials are authorized to take the actions necessary to dispose of this vehicle.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Resolution Accepting Recommendations made by Dogs in Parks Ad Hoc Committee

Mayor Rosenblum thanked this committee for working together to come up with, what he believes, are very good recommendations. Trustee Hofstetter had two questions. The first was in recommendation number one where it reads that dog owners will be allowed to walk dogs at any time on the Rushmore Avenue side of Harbor Island Park. The Board agreed to change that to read during park hours. The second was the issue of charging \$25 to dog owners who will be utilizing the park. He asked how this would be enforced. The Board agreed to raise the cost of all dog licenses to cover any additional clean up expenses that may occur.

RESOLUTION
ADOPTING THE RECOMMENDATIONS OF
THE AD HOC COMMITTEE TO STUDY DOGS IN VILLAGE PARKS

WHEREAS, on January 24, 2011, the Board of Trustees of the Village of Mamaroneck appointed an Ad Hoc Committee to study the issue of allowing dogs in Village parks, comprised of residents with views in support of and opposed to such a recommendation; and

WHEREAS, the Ad Hoc Committee met to discuss this concept, to fulfill its charge and determine whether various aspects of this matter should be recommended to the Board of Trustees for enactment.

On motion of Trustee Albert, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby enacts the following recommendations of the Ad Hoc Committee to study allowing dogs in Parks in the Village of Mamaroneck, which includes the suspension of the applicable sections of the Village Code, including but not limited to the prohibitions on dogs in Village Code Chapter 260, as further identified below:

1. Dog owners shall be allowed to walk leashed dogs during park hours on the Rushmore Avenue side of Harbor Island Park for a one year trial period, which shall expire on June 30, 2012, unless extended or rescinded by the Board of Trustees.

2. Dog walkers shall be allowed the use of the entire area of Harbor Island to walk leashed dogs between the hours of 6 am to 8 am year round for a one year trial period, which shall expire on June 30, 2012, unless extended or rescinded by the Board of Trustees.
3. To cover any additional clean-up expenses that may be incurred, such as facilities to dispose of waste, the annual license fee for all dog owners shall be raised by \$5 per license.
4. The Board of Trustees hereby directs the Police Department to enforce the leash laws and dog license laws in effect in the Village of Mamaroneck

AND BE IT FURTHER RESOLVED, that the Village Manager and the Police Chief shall take the necessary and appropriate actions to ensure that the policy directives in this resolution are implemented.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Resolution Established an Expendable Trust for Recreation Program Sports Scholarships

RESOLUTION RE:
ESTABLISHING AN EXPENDABLE TRUST TO PROVIDE SCHOLARSHIPS FOR VILLAGE OF
MAMARONECK SPORTS AND RECREATION PROGRAMS

WHEREAS, several residents have approached the Village seeking to establish an expendable trust account to be funded through private donations and maintained by the Village which would provide scholarships for the youth in the community who may be otherwise unable to afford to participate in the various sports and recreation programs offered by the Village.

On motion of Trustee Santoro, seconded by Trustee Albert:

RESOLVED, that the Board of Trustees hereby authorizes the establishment of an expendable trust to be used to provide scholarships for various Village of Mamaroneck sports and recreation programs; and be it further

RESOLVED, that the Village Clerk-Treasurer is herein authorized to undertake such administrative acts as may be necessary to effectuate the establishment of such expendable trust.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- J. Resolution Accepting Donation from George Mgrditchian of a Tree & Bench w/Plaque in Memory of Keith Furey

Mayor Rosenblum and the Board spoke about Keith and how many lives he touched in Rockland County as well as the Village of Mamaroneck. He will be sorely missed by many, many people.

RESOLUTION TO ACCEPT GIFTS FROM GEORGE MGRDITCHIAN IN MEMORY OF
KEITH W. FUREY, VILLAGE ENGINEER

WHEREAS, George Mgrditchian has graciously offered to donate a Tree, Bench and Plaque in memory of Keith W. Furey outside of the Public Safety Building located at 169 Mt. Pleasant Avenue.

On motion of Trustee Albert, seconded by Trustee Ryan:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees on behalf of the residents of the Village of Mamaroneck gratefully accepts this donation from George Mgrditchian, estimated in value to be in excess of one thousand dollars (\$1,000).

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- K. Resolution Authorizing LMC-TV to Serve Alcohol at their Annual Picnic

RESOLUTION
AUTHORIZING LMC-TV TO SERVE ALCOHOL AT THEIR ANNUAL PICNIC

WHEREAS, the Village of Mamaroneck's Recreation Department has received a request from LMC-TV to hold their volunteer/employee picnic on the back deck of the Pavilion near the beach on Friday, August 26, 2011 from 3:00 p.m. to 9:00 p.m.; and

WHEREAS, they have requested to serve alcohol along with their picnic luncheon; and

WHEREAS, according to Village Code §92.7, permission must be granted by the Village Board of Trustees.

On motion of Trustee Santoro, seconded by Trustee Albert:

BE IT RESOLVED that the Village Board hereby grants permission to LMC-TV to serve alcohol at their volunteer/employee picnic to be held on Friday, August 26, 2011, at Harbor Island Park; and

BE IT FURTHER RESOLVED that such permission is subject to LMC-TV providing the Village with a Certificate of Insurance naming the Village as an additional insured.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

L. Resolution Authorizing Settlement of Tax Certioraris for

(1) James & Ann Bilotta

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER JAMES & ANN BILOTTA FOR PROPERTY LOCATED AT 558-572 MAMARONECK AVENUE/E. PLAZA AVENUE

WHEREAS, petitions have been filed by the property owner(s) 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 \$20,563 without interest; and

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

On motion of Trustee Hofstetter, 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 properties listed below:

558-572 Mamaroneck Avenue

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2008	\$33,500	\$17,600	\$15,900
2009	\$33,500	\$17,900	\$15,600

2010	\$33,500	\$16,000	\$17,500
2011	\$33,500	\$16,000	\$17,500

E. Plaza Avenue

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2008	\$11,200	\$11,200	-0-
2009	\$11,200	\$11,200	-0-
2010	\$11,200	\$11,200	-0-
2011	\$11,200	\$11,200	-0-

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(2) Societe Generale

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER SOCIETE GENERALE FOR PROPERTY LOCATED AT 1005 NINE ACRES LANE

WHEREAS, petitions have been filed by the property owner(s) 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 \$3,325.99 without interest; and

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

On motion of Trustee Hofstetter, 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 properties listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2011	\$25,700	\$15,450	\$10,250

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(3) Howard Alexander

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER HOWARD ALEXANDER FOR PROPERTY LOCATED AT ONE PIRATES COVE

WHEREAS, petitions have been filed by the property owner(s) 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 \$3,374.66 without interest; and

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

On motion of Trustee Hofstetter, 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 properties listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2011	\$33,200	\$22,800	\$10,400

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(4) Larchmont Properties

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER LARCHMONT PROPERTIES LLC FOR PROPERTY LOCATED AT 1030 CONSTABLE DRIVE

WHEREAS, petitions have been filed by the property owner(s) 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 \$1,865.80 without interest; and

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

On motion of Trustee Hofstetter, 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 properties listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2011	\$25,800	\$20,050	\$5,750

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(5) JP Morgan Chase

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER JP MORGAN CHASE FOR PROPERTY LOCATED AT 535 EAST BOSTON POST ROAD

WHEREAS, petitions have been filed by the property owner(s) 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 \$4,984.44 without interest; and

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

On motion of Trustee Hofstetter, 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 properties listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2007	\$42,350	\$24,550	\$17,800

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

M. Resolution Authorizing IMA with Westchester County for Bus Shelter

AUTHORIZATION FOR VILLAGE MANAGER TO EXECUTE INTERMUNICIPAL AGREEMENT WITH COUNTY OF WESTCHESTER FOR BUS SHELTER MAINTENANCE

WHEREAS, the current intermunicipal agreement to maintain the County's bus shelters located in the Village expired on March 31, 2011; and

WHEREAS, the Board of Trustees is desirous of the County's continuation in providing bus passenger shelters for the comfort and benefit of its residents; and

WHEREAS, the County intends to improve Bee-Line ridership by replacing old shelters with new ones which will include benches and waste receptacles for the comfort of the County's Bee-Line riders; and

WHEREAS, the Agreement shall commence on April 1, 2011 and terminate on March 31, 2016, unless terminated sooner in accordance with the provisions of the agreement.

On motion of Trustee Ryan, seconded by Trustee Albert:

NOW THEREFORE BE IT RESOLVED, that the Village Manager is hereby authorized to execute the renewal agreement between the Village of Mamaroneck and Westchester County for Bus Shelter Maintenance; and be it further

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

N. Resolution Authorizing Changes to the Village Code with regard to enacting regulations in the Phillips Park Road parking lot, next to CVS Walkway

BOT 7/18/2011 p. 26
RESOLUTION

AMENDING THE MAMARONECK VEHICLE AND TRAFFIC CODE CHAPTER 326
BY ENACTING A LOADING ZONE FOR CERTAIN HOURS OF THE DAY
ON PHILLIPS PARK ROAD BEHIND 265 MAMARONECK AVENUE AND
PROHIBITING OVERNIGHT PARKING OF ANY VEHICLES FOR THE HOURS BETWEEN MIDNIGHT
AND 6 A.M.ON PHILLIPS PARK ROAD BEHIND 265 MAMARONECK AVENUE
IN THE VILLAGE-OWNED AREA NEXT TO THE CVS WALKWAY

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

BE IT RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby authorizes the enactment of the following restrictions under Chapter 326 – 88, "Schedule XXI: Parking Prohibited Certain Hours", as follows:

§ 326-88 Schedule XXI: Parking Prohibited Certain Hours.

In accordance with the provisions of § 326-30, no person shall park a vehicle between the times specified upon any of the following described streets or parts thereof:

Street Name	Side	Hours/Days	Location
Phillips Park Rd	West	Midnight to 6 a.m. Sun. - Sat.	In the un-marked area at the rear door of 265 Mamaroneck Ave, from the Heithaus Walkway to the first marked parking space, the entire area behind 265 Mamaroneck Ave, an area approximately forty feet in width and fifty feet in length parallel to the walkway.

AND BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby authorizes the enactment of the following restrictions under Chapter 326 – 93, "Schedule XXVI: Loading Zones", as follows:

LOADING ZONE:

Name of Street	Side	Location
Phillips Park Rd	West	For the hours of 6 a.m. to 6 p.m., not to exceed fifteen (15) minute parking for loading/unloading in the un-marked area at the rear door of 265 Mamaroneck Ave, from the Heithaus Walkway to the first marked parking space, the entire area behind 265 Mamaroneck Ave, an area approximately forty feet in width and fifty feet in length parallel to the walkway.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- O. Resolution Authorizing No Parking Chief Only Sign in front of 414 English Place

RESOLUTION

REVOKING A PREVIOUSLY DESIGNATED OFFICIAL PARKING ONLY SPACE AND
IN FRONT OF 411 FOURTH STREET AND DESIGNATING A NEW OFFICIAL PARKING ONLY SPACE
IN FRONT OF 414 ENGLISH PLACE

On motion of Trustee Ryan, seconded by Trustee Albert:

BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby revoke an “Official Vehicle Parking Only” in front of 411 Fourth Street, Mamaroneck, NY; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby designate an “Official Vehicle Parking Only” in front of 414 English Place, 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

6. REPORT FROM VILLAGE MANAGER

- A. File for the Record – Agreement for Prisoner Transportation with Westchester County

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

- B. File for the Record – Renewal Agreement for CSEA Employee Benefit Fund Platinum 12 Vision Plan

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

7. FLOOD MITIGATION REPORT

Mr. Slingerland’s office has been in contact with the Army Corps to assure that the recommendations of their plan are affordable. The county and state are also asking the Federal government to be more realistic. His office received communication from the Army Corps on the construction of the Jefferson Avenue Bridge. We are at about 30% in construction design and the Army Corps is voicing concerns that the apparent clearance under the Bridge seems to have dropped. This issue is being addressed with the Village engineers working on the project. They have been asked to raise the clearance to assure proper water flow and flood clearance. The IMA with Harrison on the removal of the Road to Nowhere and the possibility and cost of increasing the area removed was discussed. The Mayor stated that he does not want to kill the project and perhaps removing the additional area is something that can be done later.

8. REPORT FROM CLERK-TREASURER

A. Resignation of Ethics Board Member

Mayor Rosenblum announced that Ethics Board Member, John Romans has resigned from the Board as he is moving out of the area. The Board thanked Mr. Romans for his commitment to the Village. Mayor Rosenblum also stated that there are two open positions on this board, one republican and one democrat, as required by law. He has suggested Rev. Allen and former Judge Peron to fill these openings. The Mayor stated that Trustee Ryan and Trustee Albert have also reached out to individuals and are waiting to hear back. This will be revisited at a future work session. The Mayor asked that if there are any residents who are interested in serving on this board to please contact either Sally Roberts or Rich Slingerland. Trustee Ryan also asked that the file of resumes at Village Hall be reviewed.

9. REPORT FROM VILLAGE ATTORNEY

Mr. McDermott stated that he and the Village Manager met with Orienta Beach Club today on granting them an easement to put up a fence as they have been experiencing vandalism and trespassing.

Mr. McDermott stated that there is no mechanism in place for referral to the County of domestic violence cases that involve a gun. These cases should be referred to the Village Attorney who in turn refers them to the County for possible pistol permit revocation. The Mayor agrees that there needs to be a system in place as this is he believes the number one cause of injury and fatality to police officers. The Mayor asked Mr. McDermott to draft a system as soon as possible. Trustee Hofstetter asked if a judge should not be referring these cases. Mr. McDermott stated that, by law, they are not allowed to do this as it would show a disposition. Mr. McDermott will meet with the Chief regarding this matter.

Trustee Hofstetter noted that the incidence of DUI arrests in the Village has gone up. He asked Mr. McDermott if there is a way to track these; i.e. where the individuals are coming from, so that if there is an issue with a particular bar(s), the State Liquor Authority can be notified. Mr. McDermott stated that would be a function of the police department and where they are locating themselves. He will speak to the Chief about this as well.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

A. Traffic Commission – May 12, 2011

On motion of Trustee Albert, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the Traffic Commission of May 12, 2011 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Ethics Board – April 6 and May 4, 2011

On motion of Trustee Albert, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the Ethics Board of April 6 and May 4, 2011 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Updates from the Board

Trustee Albert asked for a clarification on the draft property maintenance law and asked if the removal of political signs around the Village could be enforced. Mayor Rosenblum stated that New York City seems to have the most stringent laws about this where they fine thousands of dollars; however, it is a matter of enforcement. Mayor Rosenblum asked Mr. McDermott to review this issue.

Trustee Santoro announced that the new ladder truck was delivered two weeks ago and the firemen have been training on it. They are hoping to have it in service in the next two weeks; however, it would have come in very handy at the recent fire on Mamaroneck Avenue. In speaking about the fire, having police men as volunteer fireman is something that is very unusual and we are extremely fortunate to have this in the Village. There is a video on U-Tube which has been getting many hits and comments. Trustee Santoro again congratulated the Fire Department on doing an extraordinary job.

Trustee Hofstetter stated that the Board had received an invitation from Save the Sound, who will be in the Village on Monday, August 1. This is part of a series of events on Long Island Sound to raise the profile of and help save the Sound. The Board also received an invitation for the Town of Mamaroneck's 350th Anniversary Celebration on September 18. Trustee Hofstetter plans to be there.

Trustee Ryan reported on the Fourth of July fireworks. They were spectacular. The Council of the Arts has a new email address, which is vomartscouncil@gmail.com. They are trying to create a website for local artists. Trustee Ryan asked for any information on local artists be sent to this email. The concerts in the parks

series will be starting in August on August 7. Trustee Ryan announced that the Legends game will be held on July 23 at Columbus Park.

Mayor Rosenblum received communication from former Trustee Ybarra, which he read, commending the fire department, police department and EMS on the job they did at the recent fire at Nan's Gift and Party Shop. A letter was received from Cablevision that the Independent Film Channel will be repositioned as part of the current IO package. There will be no rate or channel change with this repositioning. The Mayor added one thing to all of the compliments that the fire department is receiving. He remembers our fire department saving three apartment buildings; the first was about 5 years ago at Tompkins Park; a little less than a year ago, they saved the apartment house on Halstead Avenue and now with the apartments above Nan's. Mayor Rosenblum thanked Officer Baron for keeping them safe during the meeting.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Board of Trustees convene to Executive Session to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

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