

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, NOVEMBER 28, 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	

MAYOR'S REPORT – THIS IS MAMARONECK (Taken out of Order)

Girl Scout Troop 1825

Girl Scout Troop 1825 attended the meeting. They led the Pledge of Allegiance and also gave a history of their troop and their recognition of Veterans. They have adopted the American Legion Post 90 as well as honoring service men and women. The Board thanked the Girl Scouts for attending the meeting and for their service.

Village Paint 50 Year Proclamation

Mayor Rosenblum presented the Goetz brothers with a proclamation recognizing and thanking them for 50 years of doing business in the Village of Mamaroneck. Mr. Goetz thanked Mayor Rosenblum and the Board and gave a brief history of the store and his family's 100 year history in the Village, which is in their sixth generation in the Village.

Presentation by Nancy Silberkleit/Archie Comics Literary Ambassador

Ms. Nancy Silberkleit, Co-CEO of Archie Comics appeared. Mayor Rosenblum appointed Ms. Silberkleit as Literary Ambassador for the Village of Mamaroneck. Ms. Silberkleit thanked the Mayor and Board for this distinction. Archie Comics has been in existence for over 70 years and in the Village for over 30. Ms. Silberkleit was a teacher for 25 years and is passionate about reading. She believes that children plus

comic books equals reading. Ms. Silberkleit is on a mission to try and touch young people to help them become interested in reading.

Audit Report Presented by ODMD

Mr. Scott Olean and Mr. Mark Traina appeared on behalf of the Village's auditors, O'Connor Davies Munns and Dobbins to review the draft audit report for the fiscal year 2010-2011. It is still a draft as the information from the Library is still in process. Mr. Olean reviewed the Village's General Fund operations, which are not expected to change in the final audit. ODMD expects to issue a clean opinion on the Village's finances, which is the highest form of assurances that an auditor supplies. The Income Statement was reviewed, which includes the revenue sources with the adopted budget reflected as well as the actual revenue collected. Actual revenue was over what was budgeted for the year by approximately \$700,000, all except state aid, which was lower than budgeted. Mr. Olean then reviewed the expenditures for the year; comparing the budgeted numbers with the actual. Mr. Olean explained that the budgeted expenditures were increased a significant amount to cover the funding of permanent financing in the form of bonds, which had been temporarily financed as bond anticipation notes to primarily pay for tax certioraris. The actual expenditures came in approximately \$600,000 under the revised budget estimate. He further stated that this is a little deceiving as encumbrances are not included in this number, which amount to approximately \$450,000. A portion of the savings will be allocated to pay for the encumbrances. Mr. Olean informed the Board that our revenues exceeded our expenditures by \$982,000, partly due to borrowing approximately \$5.3 million in bond anticipation notes versus a payoff of BANS of about \$4.5 million. The \$982,000 will be added to the fund balance, bringing the total fund balance to just under \$6.2 million. The balance sheet of the Village was then reviewed, which includes the fund balance as well as the Village's assets and liabilities. Mr. Olean highlighted the jump in the Village's contributions to the employee retirement system (ERS) and the police employee retirement system (PERS). This was between \$700,000 and \$800,000 which the Village has no control over as they are set by the State. Lastly the fund balance was reviewed; of the \$6.2 million, approximately \$5.2 million is undesignated, which represents 16% of the 2011-2012 budget. This leaves the Village in a strong financial position given the economic times.

Report by Library Board

Mr. Jeff Meaghan, president of the Library Board appeared. It is customary that someone from the Library appear at a Board meeting as there will be an election on December 14 for their trustees and budget. Mr. Meaghan gave an overview on the new library, the building and the programs offered. Mr. Meaghan announced that the library's executive director, Susan Benton will be retiring. He thanked her for all of her work, especially scaling down the library to its temporary space while the construction was being done as well

as getting the new library up and running. A new executive director, Susan Reilly has been hired. She will take office in mid-January. Mr. Meaghan informed residents of all of the free services provided by the library.

Mr. Steve Warner, treasurer of the library appeared to discuss the proposed budget, which will be voted on December 14. A very active fund raising campaign has been going on since the decision to renovate the library in 2007, which will continue. These funds will go toward the renovation as well as to sponsor future programs. Mr. Warner discussed the changing economic conditions as well as the changing needs of library goers. The operating expenses and debt service of the library were reviewed. Mr. Warner stated that the budget is posted on the library's website. The tax levy to be voted on will be an increase of 18.25%. The board understands that this is a large increase in the levy; however it is paying for the bond, to pay back some of the reserve account used for the construction and as the building is much larger, operating expenses are larger. Mr. Warner went over the budget variances over the last two fiscal years. The library board has unanimously passed the increase and it will go to vote on the 14th. Mr. Warner confirmed that the building is a certified green building and extremely energy efficient.

Mayor Rosenblum believes that one of the most important resources available to any community is their library. Trustee Hofstetter stated that he believes that Mamaroneck has the 3rd or 4th most active library outside of New York City. Mr. Warner confirmed that is true. Trustee Ryan stated that the library is becoming a cultural center and provides activities for individuals and families that she believes will become more utilized especially during difficult economic times, as most activities are free. Trustee Albert as a past trustee of the library board thanked Ms. Benton for all of her services as he was on the board when she was hired. He wished her well in her retirement. Trustee Santoro asked about a bike rack in front of the library. Ms. Benton stated that one has been installed on the Library Lane side of the building.

Ms. Randi Robinowitz of Lawn Terrace appeared. She did not realize that Ms. Benton was retiring. She is very grateful for the work done by Ms. Benton; including securing the funds to restore the WPA murals.

5. NEW BUSINESS (Taken out of Order)

C. Authorization for Auction Sale and Permanent De-Commissioning of MEMS Ford 2000 Ambulance

Mr. Reggie Wilson of the Mamaroneck Emergency Medical Services appeared. He informed the residents that they received a new ambulance with funds from FEMA. He asked the Board if the monies acquired by the sale of the 2000 ambulance can go back into the Ambulance Fund. Mr. Fusco stated that this can be done if the Board so wishes.

RESOLUTION

AUTHORIZATION FOR AUCTION AND SALE OF THREE FLOATING DOCKS
WITH REQUIREMENT THAT IT BE DE-COMMISSIONED
AND NOT USED AGAIN AS AN AMBULANCE OR OTHER EMERGENCY VEHICLE

WHEREAS, the Village of Mamaroneck owns, and the Mamaroneck Emergency Management Services (MEMS) operated a 2000 Ford Model 4DC Ambulance Vehicle, VIN 1FDXE45F4YHB28142; and

WHEREAS, as of recent years the ambulance vehicle has exceeded its useful life as an emergency vehicle and no longer performs to the levels necessary for a life-safety emergency response vehicle, such as an ambulance; and

WHEREAS, MEMS has obtained a grant from the Federal Assistance to Firefighters Program that provides funding for a new ambulance to replace this 2000 model ambulance, and one of the requirements of the grant is that the vehicle be decommissioned and taken permanently out of service as an ambulance, although it may continue to be used for other non-emergency purposes.

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 declares this 2000 Ford Model 4DC Ambulance Vehicle, VIN 1FDXE45F4YHB28142 surplus Village property and authorizes its disposal of such by public sale; and

BE IT FURTHER RESOLVED that the disposal of this ambulance unit comes with the requirement that this vehicle be decommissioned and taken permanently out of service as an ambulance, although it may continue to be used for other non-emergency purposes; and

BE IT FURTHER RESOLVED that the monies acquired by the sale of the 2000 Ford Model 4DC Ambulance Vehicle, VIN 1FDXE45F4YHB28142 be and are hereby deposited into the Ambulance Fund.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Actuary Report Presented by Danzinger & Markoff

Mr. Ed Echeverria with Danzinger & Markoff appeared. They are the actuary company who handles the Village's GASB 45 report, which is an accounting standard that requires how liabilities for our life and

medical insurance are measured. GASB 45 allows a look at what the obligation for retirees actually is. Mr. Echeverria reviewed the report, a copy of which has been filed for the record.

CONTINUATION OF PUBLIC HEARING – COMPREHENSIVE PLAN UPDATE

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Public Hearing on the Comprehensive Plan be and is open.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum stated that the Board has met on this and as public comments were made and considered, he suggests closing the hearing. He also stated that closing the hearing does not mean that comments cannot continue to be sent and they will not be considered. Trustee Hofstetter clarified that the comments received thus far will be considered and changes to this plan can and may be made by the Village's Planners and another public hearing will commence. Trustee Hofstetter also stated that the list of streets that get affected by flooding will be listed in the plan.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on the Comprehensive Plan be and is hereby closed.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. COMMUNICATIONS TO THE BOARD

Ms. Peggy Jackson of N. James Street appeared to announce that Mamaroneck Shares for 2012 is starting their planning of the event. She asked that any charity who is interested in participating to please contact her or Ellen Hauptman by December 20, 2011.

Ms. Phyllis Gutterman, Chair of the Council of the Arts appeared regarding the upcoming Holiday Arts & Crafts Fair to take place at the Library on December 10th, the proceeds will benefit the library.

Mr. Luis Quiros, resident of the Village appeared. Over 10 years ago he was appointed to the board of the Westchester Community Opportunity Program (Westcop). He was also involved with the CAP center.

He is a professor of not-for-profit accounting and is considered an expert in not-for-profits. For these ten years he tried to work with Westcop to improve how it distributes its resources. He became the treasurer; however he did not have the power to make the changes he believed were needed. He then ran and was elected Chair of their board. He was still not satisfied with the work being done by Westcop. He has since left the board. He is at the meeting tonight to ask for an audit or investigation as he does not believe that this not-for-profit is doing what needs to be done and what the community deserves. He believes that there is too much discretion in how their funds are distributed.

Mayor Rosenblum thanked Mr. Quiros for making this public. He was not at the last CAP Center board meeting but read the minutes of the meeting where it was stated that the funds are not co-mingled; however, there are questions regarding the ethics and effectiveness of the local CAP. Mayor Rosenblum also stated that the CAP center is aggressively pushing forward to see how this is run. Mayor Rosenblum stated that this will be followed up on.

Mr. Slingerland reminded residents that Westcop is not an agency of the Village of Mamaroneck, but an independent not for profit organization. Trustee Hofstetter does not believe that it is appropriate for this to be discussed at this meeting. Westcop and the CAP Center have their own boards who should be handling this.

2. MINUTES

- A. Minutes of Board of Trustees Regular Meeting of October 11, 2011
- B. Minutes of Board of Trustees Regular Meeting of October 24, 2011

The Board noted the minutes for the record.

The Board decided to note all minutes at the same time. Going forward, they will all be listed under one Minutes heading.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

- A. Board of Traffic Commissioners – October 13, 2011
- B. Board of Architectural Review – October 4 & October 20, 2011

The Board noted the minutes for the record.

3. AUDIT OF BILLS

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated November 28, 2011 for fiscal year, copy being filed with the Village Clerk, after the report on legal fees by the Clerk-Treasurer is received be and the same are hereby ordered paid:

General Fund	\$92,203.92
Expendable Trust	58.00
	<hr/>
	<u>\$92,261.92</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

4. OLD BUSINESS

A. Removal of Road to Nowhere Discussion and Update

Mayor Rosenblum stated that this was discussed again in the last work session and the Board agreed to move ahead with the original work, not including the alternate work that the Town Village of Harrison asked to be done. The Mayor also stated that because of the time of year, the Board decided to wait until the spring to complete the work. The Mayor stated that there will be a meeting set up between now and the spring with both Mamaroneck and Harrison staff and officials so that all questions are answered and there is no further miscommunication. Trustee Ryan stated that when this RFP went out, it went out for the removal of 20 feet when the original scope of work was for the removal of 15 feet, which was quoted, could be done for approximately \$35,000. When it was decided to remove 20 feet, this infringed with the manholes. Trustee Ryan stated that the Board had no idea that the scope of work was changed and when the RFPs came back they were shocked by the numbers as they were no where near the \$35,000 that they were quoted. Although the Board found some additional funds to get this work done, Trustee Ryan stated that it would be nice to do something in concert with this project with the additional funds. Mayor Rosenblum and Trustee Ryan both feel that this contract will have to be re-bid. Mayor Rosenblum stated that he believes that the Village of Mamaroneck should not be liable for Harrison's issues. The sole purpose of removing this road is because it has a direct affect on flooding in the Village.

Ms. Ellen Hauptman of Chestnut Avenue appeared. At the last meeting, Trustee Santoro had suggested reaching out to the new Harrison Board after the first of the year. Ms. Hauptman stated that she and her neighbors will be willing to attend a meeting with Harrison and she truly hopes that this project gets done in the spring.

Mr. McDermott asked the Attorney General for an informal opinion whether the expenditure of funds would be a gift to Harrison. Mr. McDermott stated that there is no way to get an informal response. Requests have to be sent in writing by US mail. He expects a response in the next two months.

Ms. Peggy Jackson of N. James Street appeared. She would be happy with the removal of 15 feet of the Road to Nowhere.

Mayor Rosenblum suggested that we begin a paper trail supporting the fact that the sewer line is sagging and needs to be repaired. We need to notify Harrison of our concern. Mr. Slingerland stated that we have contacted Harrison about trees on private properties and other issues and they have not been responsive. Trustee Ryan stated that we need to continue to try. Mayor Rosenblum believes that we should get federal agencies involved; i.e. the DEC, the DEP and the County, putting this on record. Mr. Slingerland suggested informing the Army Corps of this issue and request that this be part of their study.

7. FLOOD MITIGATION REPORT (Taken out of Order)

Mr. Slingerland stated that the Village received a draft of the All Hazards Mitigation Plan and the members of this review committee are in the process of reviewing. The Manager, Assistant Manager and Mayor attended stream bank stabilization workshop. The suggestions were more for rural communities; however, there could be a few things that we can do. Mr. Slingerland informed the Board that we are moving forward with the Jefferson Avenue Bridge replacement and one issue that has to be resolved is the permanent easements for the abutments that have to go underground on a private residence and a business that abuts the Bridge. Our engineer is in the process of getting appraisals for the work. The Village is also participating in the Westchester County Long Term Recovery Coalition driven by all of the residents harmed by Hurricane Irene. A meeting with them, FEMA and the Small Business Administration was held and the deadline was extended to December 15. Mr. Slingerland stated that they are going to ask SEMO to extend the deadline into January.

B. Tax Certioraris for (1) Hampshire Country Club & (2) Luisi and Coxe

Trustee Hofstetter asked that this be tabled as the Town of Mamaroneck and Town of Rye have not yet paid these. Mr. Slingerland informed the Board that he spoke with Mr. Silverberg and they should be settling in the next week or so. The Board moved and voted to table this issue to the December 19 meeting.

5. NEW BUSINESS

- A. Schedule Public Hearing on PLL P-2011 (Alarm System Code Chapter 88 with regard to definitions and differentiation in requirements for independent alarm devices and alarm systems)

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that a Public Hearing on Proposed Local Law P-2011 be and is hereby scheduled for December 19, 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

- B. Request from Molly Spillane's to Sell/Serve Alcohol at Harbor Island Park Staging Area for 2012 St. Patrick's Day Parade

Mayor Rosenblum stated that this is a continuation of a previous discussion and the request is from the Sound Shore St. Patrick's Day Parade Committee, a 501C3 not-for-profit group. Mayor Rosenblum also stated that Sue McCrory, resident of The Crescent sent correspondence that she is not in favor of this. Mr. McDermott stated that the group will need a separate license from the State Liquor Authority to sell alcohol. Trustee Ryan asked if this could be tabled until she is sure that the group understands that they need this license as well as a permit from the County Health Department if they are selling food.

Mayor Rosenblum stated that he sees no problem with approving this as they do with other groups who have asked to serve alcohol at the harbor, like the Coast Guard and LMC-TV. Also, as Mike Hynes is part of this group and his restaurant is a corner stone of the Village, the Mayor believes it should be approved with the provisions discussed in work session.

WHEREAS, Village of Mamaroneck has received a request from Molly Spillane's, as part of their first 2012 St Patrick's Day Parade and related Event At Harbor Island Park to serve, and sell, beer at Harbor Island Park on Sunday March 18, 2012; and

WHEREAS, the Board of Trustees must approve the use of alcohol on Village property.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby approves the request from Molly Spillane's for their first 2012 St Patrick's Day Parade and related Event At Harbor Island Park to serve, and sell, beer at Harbor Island Park on Sunday March 18, 2012; and

BE IT FURTHER RESOLVED that the Board of Trustees requires as part of this authorization and agreement:

1. provide proof of additional insurance covering the Village of Mamaroneck as additionally insured, with limits of \$1 million/\$2 million aggregate;
2. that the parade organizers and operators shall provide additional sanitation receptacles with plastic bags/liners;
3. that there shall be a restricted area for sale and consumption of alcohol, and the applicant shall provide the Village with proof of the applicable permit from the NYS Liquor Authority; and
4. that the use of Harbor Island Park shall end no later than six o'clock p.m. (6 p.m.)
5. permit from the Health Department required for the sale of food
6. permit from and fee paid to Recreation Department for use of Harbor Island Park
7. permit required from State Liquor Authority for the sale of alcohol

Trustee Hofstetter stated that he is uncomfortable with this process as he noted at the work session. He does not agree with the sale of alcohol and use of the park. He would like to see the pipers being hosted at Molly Spillane's. He is all for the parade, but is worried about the connotation of what happens next and does not want it to turn into an event that gets out of hand. Trustee Hofstetter believes that it is different for our fire department. He also believes that having a parade at no cost to the group is enough of a contribution by the Village.

Mayor Rosenblum stated that this is no different from the firemen's parade participants and to think that this is going to get out of hand is not reasonable.

Trustee Albert stated that he was under the impression that this would be specifically for the pipers. Mayor Rosenblum stated that this is correct; the pipers and their families. Trustee Hofstetter stated that if this is true, a group of this size, he believes, could be reasonably accommodated at Molly Spillane's. Trustee Ryan stated that it was decided that any group that wanted to hold an event in the Village needed to provide to the Board a complete plan; including arrangements for parking, whether or not they would provide cleanup and those types of things. She would like to see a plan in writing before they vote on this.

Trustee Santoro stated that all of the things mentioned by Trustee Ryan should be part of the permit process and has nothing to do with the approval to sell alcohol. The permit being sought tonight is only for the serving of alcohol at Harbor Island Park. The permit given by the Recreation Department will have all of the other information and restrictions in it. Trustee Hofstetter believes that this is a huge liability. Trustee Santoro stated that they have liability insurance, naming the Village as an also insured.

Ayes: Santoro, Rosenblum

Nays: Albert, Hofstetter, Ryan

Trustee Ryan believes that this needs to be discussed further. The Mayor asked that this be put on the next work session and to invite Mr. Hynes to attend. The Board agreed. Trustee Ryan asked that the information from the Recreation Department on what is needed for their permit be included as well.

C. Authorization for Auction Sale and Permanent De-Commissioning (Heard Earlier)

6. REPORT FROM VILLAGE MANAGER

A. File for the Record – Retainer with Wilson, Elser, Moskowitz, Edelman & Dicker LLP

Mr. Slingerland stated that this is being filed for the record and that they are being retained to handle a fire department disciplinary matter.

Mr. Slingerland also reminded residents that parking in the downtown business district of Mamaroneck Avenue will be free on Saturday, December 3, 2011 in thanks to the Patch. The two hour limit is still in effect; however, meters will not have to be fed.

7. FLOOD MITIGATION REPORT

Mr. Slingerland stated that the flood report was covered during the earlier discussion

8. REPORT FROM CLERK-TREASURER

Nothing to report.

9. REPORT FROM VILLAGE ATTORNEY

Nothing to report.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES (Noted earlier)

Updates from the Board

Trustee Ryan thanked those who were responsible for putting up the snowflakes and for including them on the other side of the railroad bridge as well.

Trustee Hofstetter announced that there will be a tax cap meeting at the Hommocks Middle School to discuss the ramifications and what it means for municipalities and the school districts.

Trustee Santoro stated that there were over 900 participants in the Turkey Trot race held two weeks ago. He also announced that the Tree Lighting Social will take place this Sunday at Harbor Island Park.

Mayor Rosenblum noted that the Village of Mamaroneck is again being recognized by the New York Time, with a review of the new Greek Restaurant on the Boston Post Road. Mayor Rosenblum stated that he officiated another wedding at Mamaroneck Beach and Yacht Club. He wishes the couple well.

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