

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, JANUARY 10, 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
	Village Attorney	Steven Silverberg
	Clerk-Treasurer	Agostino A. Fusco
	Assistant Village Manager	Daniel Sarnoff
ABSENT:	None	

POLICE CHIEF FOR A DAY

Joseph « Joey » Jones opened the meeting as Police Chief for a Day. Chief Christopher Leahy read a certificate of appreciation to Joey for his interest shown in the local government process.

Mr. Brian Nadolske led the Pledge of Allegiance.

SWEARING IN OF POLICE OFFICERS

Mayor Rosenblum swore in Officers Mark Enes and Mark Gatta. He congratulated them on their new positions and wished them luck at the Police Academy.

Mayor Rosenblum asked for a moment of silence in recognition of the tragedy that recently occurred in Tucson, Arizona.

PRESENTATION OF 2009-2010 FINANCIAL STATEMENT

Mr. Scott Olin of O'Connor Davies Munns & Dobbins reported on the 2009-2010 Financial Statement. Mr. Olin focused on the General Fund. Mr. Olin stated that the auditors issued a "clean" or unqualified opinion. That is the highest form of assurance an auditor can provide any client. This basically means that this financial statement fairly presents the results of operations for the fiscal year. The General Fund appeared in summary form and this was reviewed by Mr. Olin. This is comprised of an income statement which includes the adopted budget, summary of and total revenues, summary of

and total expenses and the totals between these numbers. The budget was balanced with the use of monies from the Fund Balance. Mr. Olin informed residents that all Villages need to have a balanced budget. Mr. Olin then reviewed the actual or final budget, as after a budget is adopted, things and circumstances change and a budget can be modified. Mr. Olin reviewed the modifications made to the adopted budget.

Trustee Hofstetter questioned other financing sources with the bonding of \$1.4 million and although it is booked as revenue it is a financial obligation. This was done to pay for a tax certiorari settlement. Mayor Rosenblum reminded residents that most companies, including public municipalities borrow money as the money is cheap. The fund balance was reviewed, showing the current assets and liabilities. Mr. Olin stated that the Village's unencumbered Fund Balance represents approximately 13% of the Village's 2010/2011 budget, which is a very strong position to be in, particularly in these economic times.

Mayor Rosenblum asked if Mr. Olin's firm has had to deal with the proposed tax cap that Governor Cuomo is pushing and the effect it will have on municipalities. Mr. Olin's firm has not dealt with this as they have not seen the legislations; however, with their clients whose fiscal years end in December, this is something that they may have to deal with and will provide any insight they glean from this process to the Board.

Trustee Hofstetter asked about the Village's Bond Anticipation Notes schedule and would it be a good idea to have this kind of schedule for the pension and retiree benefits going forward. Mr. Olin stated that it would be very difficult to schedule out what will be needed to fund these and that there are no ways now to put money away today to pay for these expenses later.

REOPEN PUBLIC HEARING ON PLL AC-2010 (Chapter 318-9 on locations where trees can be planted in relation to distance from curbs and sidewalks)

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Public Hearing on PLL AC-2010 be and is hereby reopened.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum stated that in questioning the Tree Committee, they informed him that they would prefer that these guidelines be codified, not just passed by resolution, as Mr. Tiekert had suggested at the last public hearing.

Mr. Stuart Tiekert of Beach Avenue appeared. Mr. Tiekert asked if the Tree Committee submitted another cover letter stating their recommendation. They did not. Mr. Tiekert read the cover letter that accompanied the tree planting guidelines when last submitted, when Mr. Tiekert was on the Committee. At that time, they requested that these guidelines be filed for the record and given to all Village employees responsible for tree plantings. Mr. Tiekert reiterated his belief that these guidelines do not have to be codified as no other law is technically "guidelines". He also stated that the Board of Trustees has been on a binge of passing new laws this past year. We are up to 24 new laws passed in 2010. Mr. Tiekert stated that there is a tree pruning law on the books that is not enforced. He believes that the Village should concentrate on enforcing existing laws instead of passing new laws for the sake of passing a law.

Trustee Ryan asked Mr. Silverberg if he agrees that guidelines should not be made law. Mr. Silverberg stated that as this only applies to Village staff and the Village is not bound by its own laws, he does not see a purpose. He believes that it can be adopted by the Board as a policy to be followed by the Village and not a law.

By motion of Trustee Ryan, seconded by Trustee Santoro:

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

By motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Tree Planting Guidelines as noted in PLL AC-2010 be resubmitted in resolution form to be adopted as Village of Mamaroneck Policy.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

PUBLIC HEARING ON PLL AE-2010 (Change of Doubling Period(s) for Delinquent Parking Tickets)

On motion of Trustee Hofstetter, seconded by Trustee Santoro:

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum stated that this was discussed at the last work session and as the Board believed that they were doing the right thing when the doubling period for fines was recently changed, they have since found that it is too punitive. They have decided to change the doubling period to make it fairer for those who receive tickets.

Trustee Hofstetter believes that this change is more in keeping with what the Board intended. Trustee Ryan stated that the Board learned a lesson in that the previous time period of 15 days before a ticket doubled was too short a period of time for people to take care of their tickets. She also agrees with the change.

Mayor Rosenblum summarized the changes to the law. Mr. Sarnoff stated that the tickets never had the old or new schedule of doubling printed on the back. The first round of ticket stock is almost depleted and the new stock will have the doubling period schedule printed on it. Mayor Rosenblum asked the attorney if it would be appropriate to ask the Village Justices to enact this new schedule before the law is filed with the Secretary of State as it is the Board's legislative intent. Mr. Silverberg stated that if the Board notified the Justices of this policy change, and asked that they take this change into consideration and offer some relief, that would be appropriate.

On motion of Trustee Ryan, seconded by Trustee Albert:

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Albert, seconded by Trustee Ryan:

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

A local law amending Article VII (Penalties for Offenses) Section 65 (Miscellaneous penalties), Section 66 (Permit parking areas) and Section 67 (Metered parking zones) of Chapter 326 (Vehicles and Traffic) of the Code of the Village of Mamaroneck

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK, AS FOLLOWS:

Section 1. *Section 65 (Miscellaneous Penalties) Part C of Chapter 326 (Vehicles & Traffic) is hereby deleted in its entirety and replaced with the following language:*

§ 326-65. Miscellaneous penalties.

- A. Every person convicted of a violation of § 326-6 or 326-7 of this chapter shall, for a first conviction thereof, be punished by a fine of not more than \$100. For a second conviction within 18 months thereafter, such person shall be punished by a fine of not more than \$200. Upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than \$350. In lieu of or in addition to such fine, a sentence of imprisonment for not more than 30 days may be imposed for a second or third conviction within 18 months.
- B. In addition to any penalty provided by the Vehicle and Traffic Law, any person violating any of the provisions of § 326-4 or Article III of this chapter shall, upon conviction, be punished for the first offense by a fine not exceeding \$20, for the second offense by a fine not exceeding \$30 and for any subsequent offense by a fine not exceeding \$40.
- C. In addition to subsection B above, all violators who fail to pay the base fine within 30 days of the issuance of a summons will be subject to the following penalties:
 - (1) If paid after 30 days but before 60 days of summons being issued: double the original fine.
 - (2) If paid after 60 days but before 90 days of summons being issued: double of Subsection C(1).
 - (3) If paid after 90 days of summons being issued: double of Subsection C(2).

Section 2. *Section 66 (Parking permit areas) Part B of Chapter 326 (Vehicles & Traffic) is hereby deleted in its entirety and replaced with the following language:*

§ 326-66. Permit parking areas.

- A. Any person violating any of the provisions of Article IV of this chapter, except § 326-49G and H, may, upon conviction, be punished for the first offense by a fine not exceeding \$20, for the second offense by a fine not exceeding \$30 and for any subsequent offense by a fine not exceeding \$40.
- B. In addition to Subsection A above, all violators who fail to pay the base fine within 15 30 days of the issuance of a summons will be subject to the following penalties:

- (1) If paid after 30 days but before 60 days of summons being issued: double the original fine.
- (2) If paid after 60 days but before 90 days of summons being issued: double of Subsection B(1).
- (3) If paid after 90 days of summons being issued: double of Subsection B(2).

Section 3. *Section 67 (Metered parking zones) Part B of Chapter 326 (Vehicles & Traffic) is hereby deleted in its entirety and replaced with the following language:*

§ 326-67. Metered parking zones.

- A. Any person violating any of the provisions of Article V of this chapter, except §§ 326-59G and 326-61, may, upon conviction, be punished for the first offense by a fine not exceeding \$20; and for the second offense within a twenty-four-hour period by a fine not exceeding \$30; and for any subsequent offense within a twenty-four-hour period by a fine not exceeding \$40.
- B. In addition to Subsection A above, all violators who fail to pay the base fine within 30 days of the issuance of a summons will be subject to the following penalties:
 - (1) If paid after 30 days but before 60 days of summons being issued: double the original fine.
 - (2) If paid after 60 days but before 90 days of summons being issued: double of Subsection B(1).
 - (3) If paid after 90 days of summons being issued: double of Subsection B(2).

Section 4. *If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.*

Section 5. *This Local Law shall take effect immediately upon adoption and filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.*

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. COMMUNICATIONS TO THE BOARD

Ms. Tina Maresca appeared regarding the recent Library vote. Ms. Maresca stated that a reminder post card for the Library vote was received by her and many residents she knows the day after

the vote took place. She also stated that there is little information on the Library's website. Their budget was just posted as they knew that someone was coming to this meeting tonight to address their issues. She stated that other Library sites post their meeting agendas, budgets and financial statements as well as other information and ours does not. She is also disheartened by the lack of residents who actually vote on the Library's budget. She also feels that by not posting their budget, they are in conflict with their bylaws which state that a copy of the Library's proposed budget be sent to the Village Clerk and presented annually to the Village residents. She believes that the Clerk does not receive the Budget until it is voted on and finalized. She also feels that they are not in compliance with the NY State Open Meetings Law. Ms. Maresca feels that the Library is not being forthcoming with information that residents should be aware of. She works closely with the Mamaroneck School Board and they are extremely transparent and she would expect the Library to be the same. She would also like to see the vote be in November when other elections are held to get a larger audience.

Mayor Rosenblum thanked and congratulated Ms. Maresca for coming tonight, as he has had several telephone calls and emails regarding the late receipt of the vote reminders. The Mayor believes that Ms. Maresca's concerns are legitimate and asked that Mr. Meaghan, member of the Library Board respond.

Trustee Albert stated that he has been a Library Trustee and some of her concerns are legitimate and he looks forward to seeing the new library finished and believes that they can do more to get the word out. During his tenure, very few people attended their meetings, which are public meetings.

Trustee Ryan agrees that Ms. Maresca brings up excellent points; however, she does not fully understand how the Library handles their communications and cited use of current technology as a means of getting the message out, to include creating an e-blast list that would include schools and organizations. Trustee Hofstetter was also a Library Trustee and he believes that the meetings are posted according to the Open Meetings Law.

Mr. Jeff Meaghan, President of the Library Board appeared. He stated that meeting notices are posted in six conspicuous places as well as in the newspaper in accordance with the law. Mr. Meaghan informed Ms. Maresca that they strive to have people involved and to run for Trustee. It is difficult to get residents interested. At their special meeting to review the budget and ask any questions regarding the budget, two residents were in attendance. They are also striving to keep their costs down, particularly with their new building. Mr. Meaghan stated that there is a state charter which is very

specific about meeting posting and elections; which have to be held the first Thursday of December. To change the date of the election would have to be done by legislation. The post card incident was unfortunate as it was not an official notice; it was simply a friendly reminder. The printer was late and it also went out bulk mail, which cannot be controlled. It was discussed at their last meeting to stop sending these reminders out and to use the money to buy new books and to get the word out in a different way. The Library Board is going to take a hard look at community groups and outlets to get this information out to the public. Mr. George Brunner asked if the Library has a Twitter page. Mr. Meaghan stated that he does not believe so, but would welcome Mr. Brunner's help with this or any other ideas he may have. Ms. Maresca stated that the Library could send communications to Mamaroneck Schools which could be included in their newsletter. Mr. Meaghan also noted that residents can join the Friends of the Library Group.

Dr. Charles Morelli of Beach Avenue appeared. Dr. Morelli thanked the Board for meeting on the Pine Street issue at a previous work session. A way to move forward to address the issues of Pine Street was discussed. It was also discussed that reports from Mr. Furey and Mr. Winter would be prepared before the meeting. Dr. Morelli would like to get those reports as soon as possible to be able to review before the next work session. Mayor Rosenblum stated that Mr. Silverberg the new Village Attorney will now be involved in these issues. Mr. Silverberg has begun to review the file and he will have a memo for the Board for the work session next week; however, he will not be attending the meeting that will be attended by his partner.

Mr. Tiekert of Beach Avenue appeared. He also believes it would be very helpful getting the information well in advance of the meeting so that they have the opportunity to review before the meeting. He would have no problem postponing the discussion to the work session after next so that all have an opportunity to review the reports submitted. The Board agreed that if the reports from Mr. Furey and Mr. Winter are not submitted by Wednesday, the discussion on Pine Street will be tabled to the first work session in February.

2. APPROVAL OF MINUTES

A. Minutes of BOT Annual Organizational Meeting of December 20, 2010

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Minutes of the Board of Trustees Annual Organizational Meeting of December 20, 2010 be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Minutes of BOT Regular Meeting of December 20, 2010 (Including Public Hearings)

Ms. Roberts stated that there are incorrect votes listed under the Audit of Bills of the December 20, 2010 meeting which will be corrected.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of December 20, 2010 with the correction noted above, be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

3. AUDIT OF BILLS

Trustee Ryan had a question regarding the charges for chairs and the grant we received. Mr. Slingerland stated that the grant amount was less than the total cost of the chairs and that extra cost was split among the departments who use the Courtroom. Trustee Hofstetter stated that he spoke with Rich about the attorney bills as Steve's bill was higher than normal. That is due to the Mamaroneck Beach and Yacht Club case and also that he is now doing the Village Attorney work.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated January 10, 2011, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 552,332.09
Capital Fund	59,315.40
Expendable Trust	45.02
Agency Fund	23,945.98
	<u>23,945.98</u>
	\$ 635,638.49

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum brought up the question of Ms. Derrico's final invoice that was discussed at the last meeting. The invoice was reviewed by the Village Attorney, the Village Manager and Clerk-Treasurer. Trustee Hofstetter suggested that this be discussed in Executive Session.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that the final invoice submitted by the previous Village Attorney, Christie Derrico, charges which were removed from the December 20, 2010 Audit of Bills, be and is hereby paid.

Ayes: Rosenblum, Santoro

Nays: Albert, Hofstetter, Ryan

Trustee Ryan believes that it would be unfair to Ms. Derrico to discuss the reasons why she is voting no in a public meeting. She agrees that this should be discussed in Executive Session. Mayor Rosenblum does not agree, as the amount of hours Ms. Derrico worked for the Village without being compensated is unbelievable. He believes that she was the best Village Attorney this Village has ever had, as she turned around an unorganized Attorney's office, as well as settling a major law suit. He asked Trustee Ryan to give him an example of why she does not want to pay these charges, as he believes that this is all politically motivated. Trustee Ryan stated that she has several questions and would like to discuss them in Executive Session, but as the Mayor is pushing for a reason, she asked why we, or anyone, would pay for services in December and January of 2010 when Ms. Derrico's contract was not signed until February 4, 2010. Trustee Ryan also takes issue with the Mayor's comment that this is politically driven, as this Village Attorney was hired because of her political affiliation and did not meet the legal criteria for the job when she was appointed. She believes that it is her job as Trustee to ask these questions and would prefer to do so in Executive Session and asked Mr. Silverberg to comment. Mr. Silverberg suggested that as it is a personnel matter, it would be appropriate to discuss in Executive Session.

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Authorization of 2011 Sidewalk Sale Dates

RESOLUTION RE:

AUTHORIZATION OF 2011 SIDEWALK SALES DATES

WHEREAS, the Village has received a request from the Chamber of Commerce to hold Sidewalk Sales on April 21, 22 and 23; rain date April 25; June 23, 24 & 25; rain date June 27; August 11, 12 & 13; rain date August 15; September 8, 9 & 10; rain date October 12; and October 6, 7 & 8; rain date October 10; and

WHEREAS, the Chamber of Commerce and individual participating stores must provide the Village of Mamaroneck with a certificate of liability insurance naming the Village as an additional insured.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Board of Trustees approves the dates for the Chamber of Commerce Sidewalk Sales; and be it further

RESOLVED, that said approval is subject to the Chamber of Commerce and participating stores providing the Village of Mamaroneck with a certificate of liability insurance prior to the commencement of Sidewalk Sale days.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Authorization of 2011 Firemen's Carnival Dates

**RESOLUTION RE:
AUTHORIZATION OF 2011 FIREMEN'S CARNIVAL DATES**

WHEREAS, the Village has received a request from Village of Mamaroneck Fire Department to hold their annual carnival from Tuesday, June 28, 2011 through Tuesday, July 5, 2011; and

WHEREAS, the annuals Fireman's Parade has been scheduled for Wednesday, June 29, 2011; and

WHEREAS, the Fireworks display will take place on Monday, July 4, 2011.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, that the Mayor and Board of Trustees approve June 28, 2011 through July 5, 2011, as the dates for annual Firemen's Carnival.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Authorization to reserve 2012 St. Patrick's Day Parade Date

Mr. Michael Hynes of Molly Spillane's restaurant spoke about the potential business that this parade will bring to the Village.

**RESOLUTION
AUTHORIZATION TO RESERVE 2012 ST. PATRICK'S DAY PARADE DATE**

WHEREAS, the Village has received a request from Mike Hynes to hold a St. Patrick's Day Parade on Saturday, March 17, 2012 in the Village of Mamaroneck; and

WHEREAS, the planning of such a parade may necessitate logistical support from multiple Village agencies and it is appropriate that the Village establish protocol and procedures for this and other similar events on an ongoing basis.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED, that the Village herein tentatively reserves Sunday, March 18, 2012 to hold a St. Patrick's Day Parade in the Village of Mamaroneck; and be it further

RESOLVED, that such tentative reservation does not preclude the responsibility of the applicant to provide further information detailing the parade route, scope of the parade, number of participants, anticipated attendance and logistical support required; and be it further

RESOLVED, that the Village Manager is herein requested to develop a policy setting forth protocols and procedures to assist in the future planning process for these types of events.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Resolution to Authorize the Recommendations made by Traffic Commission

(1) Establishing maximum weight limit for trucks on Harmon Drive

Mr. Slingerland stated that this is something requested by the Town of Mamaroneck, as we have a sign that states that no trucks are allowed; however, it does not have a weight limit printed on it.

Mr. Larry Farcus of Munroe Avenue appeared. Mr. Farcus drives a school bus and he stated that the sign on Harmon off of Weaver Street in the Town also does not state the weight limit. Mr. Farcus informed the Board that two large corporate bus companies out of New Rochelle that service Harrison

and New Rochelle schools use Harmon Drive as their bus route. These buses average 30,000 pounds. They do this every morning. The Mamaroneck school district prohibits their drivers of which he is one, to use this road. They have small vans that service the school children living on Harmon Drive. Mr. Farcus suggested removing the work truck from the sign so that it is not vehicle specific.

The Board decided to table this item so that they may speak with the Town regarding this issue.

(2) Establish hours of enforcement for school zone on Florence Street

WHEREAS, at their meeting of December 8, 2010, the Board of Traffic Commissioners recommended the following amendment to Chapter 326 (Vehicle & Traffic), Section 70 (Schedule III – School Speed Limit) of the Code of the Village of Mamaroneck; and

WHEREAS, the Traffic Commission determined that prohibition is necessary to correct the omission of hours of enforcement in the original codification

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic Section 70 (Schedule III – School Speed Limit) of the Code of the Village of Mamaroneck be and is hereby adopted.

Section 70, Schedule III

SCHOOL SPEED LIMITS

Rescind:

<u>Name of Street</u>	<u>Speed Limit (mph)</u>	<u>Hours</u>	<u>Location</u>
Florence Street	20		From Keeler Ave. to Park Ave.

Add:

<u>Name of Street</u>	<u>Speed Limit (mph)</u>	<u>Hours</u>	<u>Location</u>
Florence Street	20	7:00 a.m. to 6:00 p.m.	From Keeler Ave. to Park Ave.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Award of Contract 10-10 DPW Garage Vehicle Ramp

**RESOLUTION RE:
AWARDING CONTRACT 2010-10 – DPW GARAGE TRUCK RAMP PROJECT**

WHEREAS, a portion of the DPW garage truck ramp located at 313 Fayette Avenue is in a state of disrepair and in need of replacement; and

WHEREAS, in order to effectuate the repairs, Village staff prepared bid documents and specification for Contract 2010-10 – DPW Garage Truck Ramp Project the Village Manager reports that he public advertised for the receipt of bids on December 10, 2010 and sent notice of said contract to twenty-four (24) vendors; and

WHEREAS, on the bid opening date of January 3, 2011, fourteen (14) sealed bids were opened with the lowest responsible bid received from Gentile Construction Corporation (Gentile), 451 Old Nepperhan Avenue, Yonkers, NY 10703, in the amount of \$47,000; and

WHEREAS, Village staff contacted references provided by Gentile and they reported that Gentile Construction Corporation had performed similar projects for them in the past and were satisfied with the quality of the work provided; and

WHEREAS, Village staff also contacted a representative of Gentile Construction Corporation to review the project scope of work and during this conversation, Gentile conveyed a clear understanding of the project and comfort with their bid.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that Contract 2010-10 – DPW Garage Truck Ramp project is herein awarded to Gentile Construction Corporation, 451 Old Nepperhan Avenue, Yonkers, NY 10703, in the amount of \$47,000; and be it further

RESOLVED, that the Village Manager is herein authorized to execute Contract 2010-10 on behalf of the Village of Mamaroneck with said Gentile Construction Corporation; and be it further

RESOLVED, that the project will be financed through the future issuance of debt.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

F. Appointment to Traffic Commission

WHEREAS, there is an open position on the Board of Traffic Commissioners; and

WHEREAS, Ms. Stephanie Lividini has graciously volunteered to serve the Village of Mamaroneck.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that Ms. Stephanie Lividini be and is hereby appointed a member of the Board of Traffic Commissioners for a term of three years, such term to expire at the Annual Organization Meeting in December 2013.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Appointment to Recreation and Parks Commission

Mr. Slingerland informed the Board that it was determined that there is no open position on this Commission. This item was removed from the agenda.

H. Budget Amendment and Transfer of Funds for Tax Certiorari and Small Claim Settlement

Trustee Hofstetter asked if this firm is owned by a former Village employee. Mr. Fusco stated that he did not believe so, but would confirm.

WHEREAS, The Court has ordered the Village of Mamaroneck to expedite the tax Certiorari and small claims outstanding; and

WHEREAS, the Assessor's office retained Valuation Plus, Inc. to analyze the value of assessment for each property; and

WHEREAS, because funds for this project were not originally provided for in the overall project budget, it has now been determined that there will be need for additional appropriations in the account listed below.

On motion of Trustee Santoro, seconded by Trustee Albert:

NOW, THEREFORE, BE IT RESOLVED, that the following transfer be made as provided in Section 5-520 of the Village Law.

<u>From</u>		<u>To</u>	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
A1990 Contingent .999 Account	<u>\$11,350.00</u>	A1355 Assessments .422 Appraisals & Valuations	<u>\$11,350.00</u>
	<u>\$11,350.00</u>		<u>\$11,350.00</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Reschedule January 17 and February 21 Work Sessions due to Holidays

WHEREAS, the Board or Trustees Regular Meeting and Work Session schedule is determined at the Annual Organizational meeting; and

WHEREAS, the Work Sessions scheduled for January 17 and February 21, 2011 fall on national holidays.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the January 17, 2011 Board of Trustees Work Session be and is hereby rescheduled to Tuesday, January 18, 2011; and be it further

RESOLVED that the February 21, 2011 Board of Trustees Work Session be and is hereby rescheduled to Tuesday, February 22, 2011.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

J. Addition of Agenda Item 5K

Mr. Slingerland stated that in addition to adding Item 5K to the agenda, he needs to add three more items to the agenda; Item 5M, Item 5N and Item 5O.

WHEREAS, the Board or Trustees Regular Meeting Agenda was published on Wednesday, January 5, 2011; and

WHEREAS, according to the Meeting Rules and Procedures any item added after that time needs to be done by Board Resolution.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that Items 5K, 5M, 5N and 5O be and are hereby added to the January 10, 2011 Board of Trustees Regular Meeting Agenda.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

K. Approval of Recommendations from Traffic Commission

WHEREAS, there is an opening on the Committee for the Environment; and

WHEREAS, Mr. Phil Horner has graciously volunteered to serve the Village of Mamaroneck on this committee.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that Mr. Phil Horner be and is hereby appointed to the Committee for the Environment to fill an unexpired term, such term to expire at the Annual Organizational meeting in December 2011.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

L. Acknowledge Planning Board Meeting Schedule Change to Second and Fourth Wednesday

Mr. Slingerland stated that this is just acknowledging the change of the Planning Board monthly meeting schedule from the second and fourth Thursday of the month to the second and fourth Wednesday of the month.

No vote necessary

M. Final Sale of Surplus Vehicles and Equipment

**RESOLUTION
FINAL SALE OF SURPLUS VEHICLES AND EQUIPMENT**

WHEREAS, by resolution dated November 8, 2010, the Village Board of Trustees declared certain vehicles and equipment that had outlived their useful lives as surplus property and authorized their disposal at public auction and sale; and

WHEREAS, in accordance with this resolution, the Village made these items available for auction through its vendor, Auctions International; and

WHEREAS, bidding for these surplus items was recently completed with the following results:

<u>ITEM</u>	<u>HIGH BID</u>
Lot #1 - 1994 Ford E350 Bus	\$926.00
Lot #2 - 1995 GMC Suburban 1500 Sierra	\$1,450.00
Lot #3 - 2000 Ford Crown Vic Police Interceptor	\$1,100.00
Lot #4 - 1999 Ford Crown Vic Police Interceptor	\$1,074.00
Lot #5 - 1996 Go-4 Scooter	\$875.01
Lot #6 - 1996 Go-4 Scooter	\$525.00
Lot #7 - 2000 Ford Crown Vic Police Interceptor	\$1,250.00
Lot #8 - 2000 Ford Crown Vic Police Interceptor	\$1,805.00
Lot #9 - Scotchlite Heat Lamp Applicator	\$30.00
TOTAL	<u>\$9,035.01</u>

On motion of Trustee Albert, seconded by Trustee Hofstetter:

RESOLVED, that the Village Manager is herein authorized to effectuate the sale of the surplus vehicles and equipment identified above; and be it further

RESOLVED, that all proceeds be deposited into General Fund Revenue Account #A.0265.2665

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

N. Budget Amendment – Mamaroneck River Maintenance Dredging

**RESOLUTION
AUTHORIZING BUDGET AMENDMENT – MAMARONECK RIVER MAINTENANCE
DREDGING**

WHEREAS, by resolution dated September 13, 2010, the Village Board awarded contract 2010-02 – Mamaroneck River Maintenance Dredging to Peter J. Landi Construction (Landi), 13 Bradhurst Avenue, Hawthorne, NY 10528 for the contract amount of \$69,500, said contract providing for dredging of the Mamaroneck River at four (4) locations; and

WHEREAS, to provide for the costs associated with Contract 2010-02, the September 13, 2010 resolution also approved a budget amendment to recognize and appropriate \$69,500 in revenues to be received from reimbursements from the Federal Emergency Management Agency (FEMA) and the New York State Emergency Management Office (NYSEMO) as a result of the March 13-15, 2010 windstorm (FEMA-1899-DR-NY); and

WHEREAS, upon reviewing the locations to be cleaned, it was determined that one of the silt and debris buildup locations in the award was not as great a priority as a location in the Shel Drake River, on both sides of the Fenimore Road bridge, which had significant silt damming and narrowing of the river by between 5 and 10 feet; and

WHEREAS, by resolution dated December 20, 2010, the Board of Trustees authorized the elimination of the Mamaroneck River dredging location to be replaced by the Shel Drake River dredging location, for a credit of \$6,000 for Hillside Avenue, and a gross increase in expense of \$21,000, which was an overall net increase in expense to the Village by \$15,000; and

WHEREAS, while conducting dredging operations at Fenimore Road, a large boulder was unearthed which, had it remained in place, would have severely impacted the dredging and bank stabilization operations and as a result, a change order of \$1,500 was negotiated to provide for the chipping and removal of this impediment; and

WHEREAS, as a result of these two (2) contract change orders, the overall contract total has increased to \$86,000; and

WHEREAS, although the original resolution only provided for the recognition and appropriation of \$69,500 in revenue to be realized as a result of the FEMA and NYSEMO reimbursements, the Village will receive reimbursements totaling at least \$92,566 as a result of the March 13-15, 2010 windstorm, an increase of \$23,066; and

WHEREAS, in order to recognize and appropriate these additional funds totaling \$23,066, a budget amendment is required.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, in order to properly fund this item, the following budget amendment is herein approved:

Budget Amendment:

<u>Debit</u>		<u>Credit</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.5100 Estimated Revenue		A.9600 Appropriations	
.0300 State Aid	\$3,295	.8140 Storm water Mgmt	
.3960 Emergency Disaster Assistance		.0421 Contract Services	\$23,066
.0400 Federal Aid	\$19,771		
.4960 Emergency Disaster Assistance			
	<u>\$23,066</u>		<u>\$23,066</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

O. Agreement with NY State Office of Emergency Management Pre-Disaster Mitigation Grant

RESOLUTION

AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT – PRE DISASTER MITIGATION GRANT

WHEREAS, the Village of Mamaroneck (Village) has submitted multiple grant applications to the New York State Office of Emergency Management (NYSOEM) which is the coordinating agency for the Federal Emergency Management Administration’s (FEMA) competitive grant program for Pre-Disaster Mitigation; and

WHEREAS, a Pre-Disaster Mitigation Plan study involves identifying risks and hazards in the community as well as projects that can reduce damage from future natural and man-made hazards; and

WHEREAS, government agencies must complete a Multi-Hazard Mitigation Plan, approved

by FEMA, in order to be eligible for most federal grants for hazard mitigation capital improvement projects; and

WHEREAS, the Village received notice from NYSOEM, dated November 10, 2010, that one of its grant applications was awarded by FEMA; and

WHEREAS, NYSOEM subsequently proffered a grant agreement to the Village, received on January 10, 2011, attached hereto and made a part hereof, said agreement providing for a grant award of \$50,000 with FEMA providing project funding of 75%, or \$37,500 in cash, and a Village required local cash match of at least 25% or \$12,500; and

WHEREAS, based on the scope of the project staff and subsequent to a Request For Proposal process, staff will recommend to the Village Board that a professional consulting firm be employed to assist the Village in the research and development of the plan in accordance with Federal and State regulations.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Village Manager is herein authorized to execute a Multi Year Grant Agreement with the State of New York, for the preparation of a Multi-Hazard Mitigation Plan; and be it further

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

6. REPORT FROM VILLAGE MANAGER

Mr. Slingerland reported that the State Thruway Authority is planning the rehabilitation of four bridges over I-95. They have asked the Village to approve detour plans by this Friday. Mr. Slingerland reviewed the detour route.

Mr. Slingerland received a letter from the NY State Insurance Fund regarding the safety review and walkthrough done at DPW, the Police Headquarters, and the buildings at Harbor Island Park. The

results of these walkthroughs have been shared with the Department Heads and Mr. Slingerland has asked that the issues be addressed. Mr. Slingerland mentioned the tragedy that happened in Tarrytown when a Public Works employee without proper training and precaution went down a manhole and was overcome and died and when a fire chief attempting to rescue him without the proper breathing apparatus went down the same manhole, he also died. The Village of Mamaroneck's policy is not to enter confined spaces. This and all other safety issues will be addressed.

7. FLOOD MITIGATION REPORT

Mr. Slingerland reported that the river dredging of the hot spots in the Mamaroneck and Sheldrake Rivers is done. The Jefferson Avenue bridge design kick off meeting was held in December 2010. Preliminary plans are being done and should be complete by the end of January or early February and another meeting will be held at that time.

Mr. Slingerland also reported that he received notice from Congresswoman Lowey that due to the condition of the economy, they are not presently accepting appropriation grants. We are working on existing grants already in place and approved, which were for Inflow and Infiltration improvements in the amount of \$500,000 and for storm drainage improvements in the amount of \$200,000. We received \$485,000 grant for storm drainage improvements, which is more than twice what was asked for. Mr. Sarnoff gave a history of the report done by Westchester County and the I&I work that report dictated be done in the Village by the end of 2010. The Village was hoping to use part of the \$485,000 grant to complete this work and perhaps additional I&I improvements; however, he has been notified by Mrs. Lowey's office that the grant will not be changed. Therefore the money that the Board approved to do the I&I work will not be refunded by the grant. The grant money will be used for storm drainage improvements.

8. REPORT FROM CLERK-TREASURER

A. Notice of Resignation

Mr. Fusco stated that he received an email from Tom O'Brien resigning from the Committee for the Environment. The Board thanked Mr. O'Brien for his service.

9. REPORT FROM VILLAGE ATTORNEY

Mr. Silverberg reported that he has been reviewing the files in the Village Attorney's office, which are in very good shape, and Ms. Derrico has been extremely responsive to his questions and he is appreciative of that. He also reported that the Mamaroneck Beach and Yacht Club cases have all been

settled and closed; although an Article 78 has been filed by the neighbors on the approvals given to the Club by the Planning Board and HCZM. He and his partner are working on getting the files together on this Article 78 and will report on this again as things progress.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

A. Zoning Board of Appeals – October 7, 2010

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the October 7, 2010 minutes of the Zoning Board of Appeals be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Board of Traffic Commissioners – November 10, 2010

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the November 10, 2010 minutes of the Board of Traffic Commissioners be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Committee for the Environment – November 16, 2010

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the November 16, 2010 minutes of the Committee for the Environment be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Board of Architectural Review – November 30 and December 7, 2010

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the November 30 and December 7, 2010 minutes of the Board of Architectural Review be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Planning Board – December 2, 2010

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the December 2, 2010 minutes of the Planning Board be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

F. Harbor and Coastal Zone Management Commission – September 16, 2010

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the September 16, 2010 minutes of the HCZM be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Updates from the Board

Trustee Hofstetter reported that the Budget Committee will meet on January 18 at 7:30 p.m. in the conference room at the Regatta because of the holiday that falls on their regular meeting day. Trustee Hofstetter also reported that the Larchmont Mamaroneck Local Summit published a directory of community services. These are available in Village Hall and at other places in the Village including real estate offices. Trustee Hofstetter reminded residents of the upcoming presentation of “Annie” at Mamaroneck Avenue School.

Trustee Ryan congratulated Westchester Day School on their 63rd anniversary. On Wednesday, January 12, the memory of Dr. Martin Luther King will be celebrated. There is additional information on this on the Village’s website.

Trustee Albert attended the Chamber of Commerce dinner dance honoring outgoing president Jennifer Graziano Mangano. It was very well attended. He attended the Westchester Day School dinner as well. He had a very nice time at both events.

Trustee Santoro also attended the Chamber Dinner. Trustee Santoro thanked the Police and EMS for the professional way they handled an emergency call he had at his home last week. Trustee Santoro informed residents of the Jennifer Katz memorial fund that has been started.

Mayor Rosenblum thanked the Public Works employees who did such a great job on the roads during the snow storms. Mayor Rosenblum read a few notes that he received congratulating the Village on a job well done.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Board of Trustees convene to Execute Session to discuss personnel matters.

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 meeting was adjourned.

PREPARED BY:
SALLY J. ROBERTS,
SECRETARY

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