

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, FEBRUARY 14, 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	Kathy Zalantis
	Clerk-Treasurer	Agostino A. Fusco
	Assistant Village Manager	Daniel Sarnoff
ABSENT:	None	

MOMENT OF SILENCE

Mayor Rosenblum asked for a moment of silence for Officer Mark Romani, who passed away recently.

PRESENTATION BY SHOWBOAT OWNERS AND OPERATORS

Mr. Bill Frenz, owner of the Showboat Riverboat gave a presentation on the boat, where it would be docked and that it would be a jazz club, catering to an older clientele. Mr. Steve Feinstein, attorney for Mr. Frenz appeared. He informed the residents that they have been talking to the Village of Port Chester to locate the boat there. This has not happened. There is now an opportunity to locate the boat in the Village of Mamaroneck. Mr. Feinstein reiterated that this would be a facility for a 35 and older clientele. The musicians would be located inside the boat minimizing any noise. All doors and windows will remain closed. Mr. Feinstein addressed the issue of ambient lighting. There is very little light emanating from the boat. The only outdoor lights will be for safety.

Trustee Ryan asked if they will be serving food. Mr. Frenz stated that there will be a small kitchen to serve light food, but their intention is that people visit them either before or after dinner. Trustee Ryan asked if the doors will ever be left open. Mr. Frenz stated that during nice weather, the doors may remain open; however, music is never blasting from the boat. Trustee Ryan asked about capacity and hours of operations. The capacity is 149 and the hours could be tailored to meet the needs of the Village; however, they envision their hours being from 4 p.m. to 3:00 a.m. weekdays and opening at 11

a.m. on weekends. The gentlemen stated that there will be sensitivity to the community, the neighborhood and the neighbors when setting the final hours of operation.

Trustee Hofstetter asked about parking needs. He was informed that this would be worked out by the proper Village board and they would be amenable to whatever this board deemed appropriate.

Ms. Gina Von Eiff appeared. She has concerns as there is quite a flood problem in the Village and is afraid that this will exacerbate the problem. She asked what happens to this boat when there is a flood and also who is liable for an accident that could happen on or around the boat. Ms. Von Eiff asked if there have been any flood studies done. Mr. Feinstein stated that having the boat in the harbor should not exacerbate a flooding problem. All of these concerns, as well as the effect this will have on recreational programs will be addressed by the different Village boards and commissions.

Trustee Hofstetter asked to see a copy of the site plan.

Mr. Dan Natchez, president of Daniel S. Natchez and Associates, an environmental waterfront consulting firm appeared. Mr. Natchez is also president of the Shore Acres Property Association and spokesperson for the Coordinated Council of Neighborhood Associations. The CCNA welcomes anything to revitalize and enhance the maritime use of the harbor; however, there are many questions that need to be answered. One issue is noise as it travels on the water, particularly at night. Light radiates more so at night as well. The tide differential during a dead low tide was raised. The electrical and sewer systems of the boat also need to be looked at. There would be dredging costs, land-use costs and parking costs which would need to be factored into any rent agreement. The biggest issue that Mr. Natchez sees is the displacement of any boats that want to be moored in the harbor. We are now in an economic downturn, but there have been times when 2000 boats have been moored in the harbor and there has been a waiting list.

Mr. Tom Patista from Rye appeared. He is a friend of Mr. Frenz and he, along with other friends and musicians, have come to the meeting to support Mr. Frenz and the Showboat in the Village. He believes that it is a great opportunity for the Village as well.

Mr. Fred Geoffrey appeared. Mr. Geoffrey is a resident of Mamaroneck and also is a friend of Mr. Frenz. He has attended events at the Showboat and they have never been loud. He believes that the

Showboat fits in beautifully with the harbor. There are also not many venues that cater to the over 40 jazz crowd and he believes that it would be a feather in the cap of the Village.

Mayor Rosenblum believes that this will help the Village be a destination in Westchester and will benefit the cultural and economic wellbeing of the Village. He asked the Board if they are in agreement with the concept subject to their final okay after review by all appropriate boards and commissions.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that the Showboat ownership apply to the appropriate boards and commissions for their review before returning to the Board of Trustees for final approval.

This motion was not voted on.

Trustee Hofstetter stated that he is not prepared to move forward at this time, as there has not been sufficient information acquired. The Board has a fiduciary responsibility to the Village and the Sportime agreement still has to be worked out. Trustee Hofstetter believes that residents feel very unsure about the direction the park is going in and the Board needs to be very careful going forward.

Trustee Ryan thanked the gentlemen for their presentation and her next step is to do her homework and due diligence in regard to this project. This is her responsibility and she believes the responsibility of the entire Board. She would like to speak with the Harbor Master to get his input as well as other fact finding before moving forward.

Trustee Albert stated that he will keep an open mind as far as this is concerned. Harbor Island Park is the Village's gem and he will do his best to make a decision that is best for all the residents of the Village.

Mayor Rosenblum amended the motion to read that this be discussed further in work session and have the Village Manager communicate to the Mr. Frenz any additional information that the Board feels they need to help them make this decision.

Trustee Ryan believes that as long as there is a consensus among the Board, a resolution does not need to be passed. The Board agreed. Mr. Feinstein asked that the Board let him know what information is required from him and he will be happy to supply it.

PRESENTATION BY POLICE DEPARTMENT ON VIDEO SURVEILLANCE IN THE VILLAGE

Mayor Rosenblum stated that this study came about with the recent rash of thefts and vandalism that has taken place at the train station parking lots and in other areas of the Village.

Chief Christopher Leahy appeared. He gave a brief background on how this project came to be. The research done was broad in scope to see what could be done to enhance security in the Village.

Sergeant Regan Kelly appeared and gave a PowerPoint presentation showing the technology that is available for video surveillance as well as interviews with a community of like size in the state of California who use this technology. Where cameras could be placed and what other agencies can be linked to them was presented. The Village could also tap into existing cameras at banks and businesses within the Village, being a model city by building a community wide video system. Sergeant Kelly reviewed the next steps needed to get this done. Sergeant Kelly stated that the department has talked with the County District Attorney regarding applying for grants to start this program. A presentation will also be made to the State to try and get some monies from them. Mayor Rosenblum thanked the team for their great work and investigation. Mayor Rosenblum asked what the cost of a base system would be. Sgt. Kelly stated that more due diligence needs to be done. Trustee Ryan asked if the Village would need to add personnel to command this proposed network and if so, how many, etc. Chief Leahy stated that this would depend on the scope of the project. This and the legal ramifications need to be looked at. Sgt. Kelly stated that there is a municipal security convention scheduled for this year in Atlanta where these types of issues may be answered.

Trustee Hofstetter stated that he is uncomfortable with cameras being all over the Village. There are certain high crime areas where he can understand that cameras may be needed.

Mayor Rosenblum read correspondence received regarding thefts occurring in the railroad commuter lots as well as increased crime in the Village. The signors of the letter and petition requested that surveillance cameras be installed. The Mayor asked that a task force be formed to look into this matter further. Trustee Ryan agreed, as she believed that the only issue being looked at this evening was going to be in the railroad parking lot and other dangerous areas, not to the degree in which the system can be used.

Ms. Diane Wade of Carroll Avenue appeared. Ms. Wade is a commuter and supports having cameras in the dark, more closed off areas of the Village. Ms. Wade asked that more lights be put in areas

around the train station; the lot and tunnel. She also believes that residents would prefer having members of our police force be more present in these areas than perhaps handling traffic or other issues.

Ms. Janet Baider of Tompkins Avenue appeared. She is also a commuter and finds it very disturbing to go into the parking lot and see a car missing all of its tires. She is concerned about this as these are serious crimes and she is afraid that she may walk in on this crime happening and be harmed. She does not feel safe any longer.

Mr. Myron Tannenbaum, member of the Board of Traffic Commissioner of the Village of Mamaroneck appeared. Mr. Tannenbaum believes that the quality of the Police Department personnel was shown tonight with their proactive approach to the problem of thefts in the commuter lots. Mr. Tannenbaum stated that the Mamaroneck School wrestled with the issue of having cameras in the high school. They decided to have cameras installed and in the last two years, there has not been one incident of a pulled false fire alarm and the fights have decreased considerably. Mr. Tannenbaum believes that this should be put in place immediately.

Ms. Gina Von Eiff appeared. She and her friends sent the correspondence read by Mayor Rosenblum. She believes that there is a direct correlation between police presence and knowing that you are being watched and the crimes being committed. She has seen cocaine sales going on for hours in Columbus Park. She believes that cameras would help deter these crimes. She also believes that there will be a lot of community support for the installation of cameras.

Mr. Mark Raifman, from Congresswoman Lowey's office appeared to reassert their presence in the community. Any opinions on the passed state budget and any other issues the Board may be interested in should be communicated to Ms. Lowey's office.

Mayor Rosenblum asked that the Fire Chief make his presentation before Communications to the Board.

5A. Presentation by Fire Chief and Consideration of Acceptance of Donation

Chief DeLitta stated that the White Plains Bus company has offered to donate a small school bus to the Fire Department as they have a need due to requirements by NFPA and OSHA. The Federal Government requires that we have a means to get firefighters out of the elements during events and

rotate the crew. During evacuations there is also a need to have somewhere to put the displaced individuals on a temporary basis, out of the elements. The Village mechanic has looked at the bus and finds it in good working order. There will be little to no expense, as someone has volunteered to paint it white.

Trustee Hofstetter asked if this would increase the Fire Department's budget. Chief DeLitta stated that if something major went bad on the bus, the department would dispose of the vehicle. Mr. Slingerland stated that the Village mechanics would maintain the bus. Trustee Ryan asked who would be the owner of the bus. Chief DeLitta stated that for insurance purposes, the Village of Mamaroneck would be the owner; however, the Fire Department would take responsibility for the bus. Trustee Ryan stated that she would also like to explore the use of the bus for other programs in the Village, i.e. the summer camp. Chief DeLitta stated that if the Village is interested, we could possibly acquire another bus at no costs. Where the bus will be parked was discussed. Chief DeLitta stated that this will be decided tomorrow.

RESOLUTION RE:
ACCEPTANCE OF A GIFT FROM WHITE PLAINS BUS COMPANY

WHEREAS, the White Plains Bus Company has generously offered to donate a 1999 GMC Savana multi-passenger bus to the Village of Mamaroneck for use by the Fire Department; and

WHEREAS, based on the value of this gift, estimated at \$5,000, the Board of Trustees under state law must authorize its acceptance by the Village.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees herein accepts the gift of a 1999 GMC Savana multi-passenger bus for the Village of Mamaroneck Fire Department, which may also be used by other departments in the Village through coordination and scheduling with the Fire Department, and be it further

RESOLVED, that the Board of Trustees herein thanks White Plains Bus Company for their generosity to the community.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum asked that one other item be taken out of order.

G. Resolution Amending the Dates for Mamaroneck Shares Events

Mayor Rosenblum stated that there was concern and discussion by the Harbor Fest committee and Chamber of Commerce as there is a potential conflict of events in June. The Mamaroneck Shares Chairs graciously agreed to cancel their June meeting and have asked that an additional event date be scheduled in lieu of the June 16 date.

Ms. Peggy Jackson and Ms. Ellen Hauptmann, co-chairs appeared. Ms. Jackson stated that they originally wanted to hold five events as there was such an overwhelming response from the community. There were only four approved. As they are happy to assist the Harbor Fest with the canceling of their June event, they asked to replace this date with an additional date of July 14. Ms. Jackson stated that the four charities are already in place.

RESOLUTION RE:
REVISING THE DATES OF MAMARONECK SHARES EVENTS FOR CALENDAR YEAR 2011

WHEREAS, Mamaroneck Shares is a community action, non-profit organization dedicated to supporting organizations that provide services and programs to at-risk members of the community; and

WHEREAS, in their first year of operation, Mamaroneck Shares held three events and raised in \$12,435 which was in-turn distributed to local charities; and

WHEREAS, by resolution of December 20, 2010, the Village Board approved the closure of Mamaroneck Avenue between Mount Pleasant Avenue and Boston Post Road to allow for the planning and implementation of four (4) Mamaroneck Shares events for the summer of 2011 that embrace family, festival, ethnic food and fun to be held on June 16, July 28, August 18 and September 9, 2011; and

WHEREAS, in coordination with the Mamaroneck Shares organization, the event previously scheduled for June 16, 2011 will be cancelled and in order to accommodate this request, the Mamaroneck Shares group requested that that it be replaced with an event to be held on July 14, 2011.

On motion of Trustee Hofstetter, seconded by Trustee Albert:

RESOLVED that the approval to close Mamaroneck Avenue between Mt. Pleasant Avenue and Boston Post Road on June 16, 2011 is hereby rescinded; and be it further

RESOLVED, that the Board of Trustees hereby approves the closure of Mamaroneck Avenue from Mt. Pleasant Avenue to Boston Post Road for a Mamaroneck Shares event to take place on July 14, 2011; and be it further

RESOLVED, that the approvals previously granted for July 28, August 18 and September 9, 2011 remain in effect.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

1. COMMUNICATIONS TO THE BOARD

Mr. Dan Natchez appeared as spokesperson for the CCNA (Coordinated Council of Neighborhood Associations) appeared and read the following resolution passed unanimously by the CCNA into the record. He informed the Board that the CCNA consists of the Orienta Property Owners Association, the Shore Acres Property Owners Association, the Stuart Avenue Neighborhood Association, the Harbor Lawn Association and the Hillside Association. Each one of these organizations has an individual that represents their association.

RESOLVED that the LWRP (Local Waterfront Revitalization Program) is one of the most important documents for the Village. The Committee should be opened up to the public with people from all aspects of the Village and the harbor, form a consensus and bring that consensus to the forefront for public discussions.

Mr. Natchez stated that the biggest concern is when looking back to the geneses of the LWRP it had a large number of people from all different walks of life involved in its creation. There were individuals from boat yards, marine clubs, boaters and different neighborhoods who broke into subgroups to work on this very significant document. Another concern is opening this document up to the public, giving them 70 pages to read and expect them to make recommendations. Mr. Slingerland stated that there will be public work sessions to assist with this project. Mr. Natchez still feels that it is a humongous document and the CCNA suggests that it be opened up to a much larger group, including some of those who worked on the original document; taking a more holistic and inclusive approach to this update. Mr. Slingerland stated that the proposal on the table is not to reduce the coverage area for

the LWRP it is only to change the scope so that the entire LWRP would remain in force by the Village throughout the entire Village.

Mr. Pete O'Connell of Guion Drive appeared to point out that this group of representatives is mainly made up of the elected presidents of these neighborhood associations and that there is a certain level of authority given to these representatives. Generally the neighbors do not vote on everything that comes before this group. Mr. O'Connell feels that it is important to open this up to the former members of this committee for historical information.

Mr. Stuart Tiekert of Beach Avenue appeared regarding Village trees. The Village of Mamaroneck is one of the oldest tree cities in the United States. In 2007 the Board was told that it is at an alarming rate that the Village of Mamaroneck is changing from a tree city to a treeless city. When he moved here, his street was completely tree lined. Over the years, Mr. Tiekert has watched his street as well as many others lose their decades old trees without them being replaced. In the last six years, the Village has lost over 600 trees from public property. In those six years despite budgeting over \$125,000 on a reforestation budget line, the Village has planted less than 100 trees. In the last two years, no trees have been planted, with over \$50,000 in budgeted funds going unused. The funds are not being utilized in an orderly manner. A disproportionate amount of dollars spent have been spent on three streets in the Village. Mr. Tiekert asked that the Board pass a resolution reaffirming the Village's consideration of the importance of trees to our community and that the Board ask the Village Manager to report monthly on the tree planting and maintenance programs.

2. APPROVAL OF MINUTES

A. Minutes of BOT Regular Meeting of January 24, 2011 (Including Public Hearings)

Trustee Ryan sent non substantive corrections to the minutes to Ms. Roberts, which will be made.

On motion of Trustee Albert, seconded by Trustee Santoro:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of January 24, 2011 with the corrections made by Trustee Ryan be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

3. AUDIT OF BILLS

Mayor Rosenblum asked about the New Rochelle Humane Society charge. Mr. Slingerland stated that it is mandated by law that we have a shelter to take any stray animals found in the Village. Mayor Rosenblum asked how much we use the service and if it is mandated, perhaps we can speak to our representatives to have this law repealed. Mr. Slingerland suggested looking at entering into a shared service agreement with a neighboring municipality who run their own facility.

Trustee Hofstetter asked if we were going to be reimbursed the \$10,000 for the sale of the bonds for the library district. Mr. Fusco stated that we will be reimbursed by the library district. Trustee Hofstetter also questioned the \$7,000 charge for Moody's to rate a bond. Mr. Fusco stated that this should be re-classed back to the Library. Trustee Hofstetter also asked for a breakout of auto repairs being paid for so that we can have a better idea of what it would cost to do these repairs in house. Mr. Slingerland stated that there are over 130 vehicles in the Village with four mechanics who take care of the big trucks and heavy vehicles. The police vehicles are contracted out to be repaired. Mr. Slingerland has discussed other options with the Chief. Trustee Hofstetter understands that this is not something that we may be able to do right now, but it would be a good idea to have a history of what the labor versus materials costs are. Trustee Santoro stated that this was discussed previously with the DPW Foreman and he indicated that a study was done and it is less expensive to have this work contracted out than to do in house. Trustee Hofstetter still believes it would be a good idea to have this information available. Trustee Hofstetter asked about the \$1,600 for restaurant equipment at the firehouse. It was his understanding that most of these supplies were going to be transferred from other fire houses and that anything else needed would be paid for internally. Trustee Hofstetter was informed that this money was in the Fire Department's budget and perhaps this equipment was needed in addition to what was brought over.

Trustee Ryan asked if the cost for Buckhurst Fish for their work done on the LWRP was going to be reimbursed by the state. Mr. Slingerland stated that the state will pay for half and the Village for the other half. Trustee Ryan asked about the charge for a scanner and maintenance agreement for same. Mr. Fusco informed her that this was bought with the money that the Clerk-Treasurer's office was awarded by a grant. We were given half the cost upfront and would be reimbursed the other half when the equipment was received.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated February 14, 2011, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 699,462.91
Mamaroneck Health Center	45.36
Guarantee & Bid Deposit	750.00
Escrow Deposit	<u>11,945.00</u>
	\$ 712,203.27

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated February 14, 2011, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	<u>\$ 30,967.11</u>
	\$ 30,967.11

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

4. OLD BUSINESS

A. Code Revision to Address Recent Harrison Avenue Parking Code Amendments

Trustee Hofstetter stated that this same situation needs to be addressed at Mamaroneck Avenue School and Hommocks Middle School. Mayor Rosenblum believes that this is something the Police Chief is looking at in all the Village schools.

WHEREAS, at their meeting of November 10, 2010, the Board of Traffic Commissioners recommended an amendment to Chapter 326 (Vehicle & Traffic), Section 80 (Schedule XIII – Parking Prohibited At All Times) of the Code of the Village of Mamaroneck; and

WHEREAS, at their meeting of December 20, 2010, the Board of Trustees adopted the recommendation to Chapter 326 (Vehicle & Traffic), Section 80 (Schedule XIII – Parking Prohibited At All Times) of the Code of the Village of Mamaroneck; and

WHEREAS, it was discovered that there is a long standing existing code provision which conflicts with the change adopted by the Board of Trustees at their December 20, 2010 meeting.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic Section 86 (Schedule XXI – Parking Prohibited Certain Hours) of the Code of the Village of Mamaroneck be and is hereby adopted.

Section 89, Schedule XIX

PARKING PROHIBITED CERTAIN HOURS

RESCIND:

<u>Name of Street Side</u>	<u>Hours/Days</u>	<u>Location</u>
Harrison Avenue/North	8:00 a.m. to 4:00 p.m./ School days	From the driveway of the building at 1310 Harrison Avenue (N.Y. Route 127) to the driveway of No. 1320 Harrison Avenue (N.Y. Route 127)

-AND-

ADD:

<u>Name of Street Side</u>	<u>Hours/Days</u>	<u>Location</u>
Harrison Avenue/West	8:00 a.m. to 4:00 p.m./	From the southerly most driveway of the Daniel Warren School to the northerly most driveway of said school.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

5. NEW BUSINESS

A. Presentation by Fire Chief and Consideration of Acceptance of Donation

Heard earlier

B. Amendments to Fee Schedule for Recreation and Beach Fees

After discussion by the Trustees regarding the seniors' beach pass, the resolution was changed to the following.

RESOLUTION
ADOPTING AN AMENDMENT TO THE UPDATED FEE SCHEDULE
FOR CHAPTER A347 IN THE CODE OF THE VILLAGE OF MAMARONECK

On motion of Trustee Ryan, seconded by Trustee Santoro:

BE IT RESOLVED, that the current fees set forth in Chapter A347 of the Code of the Village of Mamaroneck is deleted, and the following updated schedule is adopted, as follows:

Chapter 347
 Article III, Fees Not Related to Code

§ A347-3. Harbor Island fee schedule.

- A. Fees for the use of Harbor Island park facilities shall be as follows:
 -2 Daily Harbor Island Beach and Pavilion parking fees.

	Current Fee	Proposed Fee
Replacement Pass for Seasonal pass	\$6	\$20
Lifetime Pass for Senior Citizens	\$20	\$6
Monday through Friday, excluding holidays:	\$4	\$5
Saturday, Sunday and holidays:	\$6	\$7

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- C. Budget Amendment – Legal Expenses

RESOLUTION RE:
 SUPPLEMENTAL APPROPRIATION FISCAL 2010/11 BUDGET

WHEREAS, the Board of Trustees provided an appropriation of \$273,150 for contract legal services for Fiscal Year 2010/11, General Fund Account # A.1420.0421; and

WHEREAS, as a result of unanticipated costs associated with certain legal actions initiated against the Village of Mamaroneck, the budget for contract legal services account A.1420.0421 has been overspent with current year to date expenses totaling \$339,687; and

WHEREAS, in addition to contract legal services, the Village of Mamaroneck has also incurred costs in connection with providing legal counsel to the Board of Ethics, with year to date expenses of \$14,464.00; and

WHEREAS, legal fees in connection with the Board of Ethics were an item that was not anticipated in the formulation of the FY 2010/2011 budget and to properly account for these costs, the Village established General Fund Account # A.1420.0423; and

WHEREAS, the Village Manager, in his capacity as Budget Officer has reviewed this matter with the Village Clerk-Treasurer and Village Attorney and based on these discussions recommends that the Board of Trustees provide a supplemental appropriation to cover current and anticipated expenses for the remainder of Fiscal Year 2010/11.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the proper Village officers are hereby authorized and directed to modify the 2010/11 General Fund budget by making the following supplemental appropriation:

<u>From</u>		<u>To</u>	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
A. General Fund		A.1420 Law	
.05990 Appropriated Fund Balance	\$ 127,000.00	.0421.010 Village Attorney	\$ 5,000.00
\$5,000.00		.0421.010 Litigation Expense	102,000.00
		.0423.000 Law Ethics	<u>20,000.00</u>
	<u>\$ 127,000.00</u>		<u>\$127,000.00</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Authorization to Enter into an Agreement with The High Road for the Annual Street Fair

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

WHEREAS, the 2011 Historic Harbor Street Fair is scheduled to take place on June 5, 2011; and

WHEREAS, they Co-Chairs have received a Proposal and Scope of Work from the High Road Inc. of Springfield, Virginia, for Consulting and Event Planning Services for the 2011 season; and

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

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

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

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Tax Certiorari Settlements

(1) John Durante

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER JOHN DURANTE FOR PROPERTY LOCATED AT 624 & 628 MAMARONECK AVENUE

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$3,092.42 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 Ryan, seconded by Trustee Albert:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Property Owner</u>	<u>Address/Description</u>	<u>Years</u>
John Durante	624 Mamaroneck Avenue 628 Mamaroneck Avenue	2007 – 2009 2007 - 2009

624 Mamaroneck Avenue

<u>Year</u>	<u>Present A/V</u>	<u>Amount of Reduction</u>	<u>Reduced A/V</u>
2007	\$10,600	\$ 400	\$10,200
2008	\$10,600	\$2,000	\$ 8,600
2009	\$10,600	\$2,200	\$ 8,400

628 Mamaroneck Avenue

2007	\$13,300	\$ 500	\$12,800
2008	\$13,300	\$2,450	\$10,850
2009	\$13,300	\$2,800	\$10,500

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(2) Fayette Avenue Realty Corp

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER FAYETTE AVENEUE REALTY CORP. FOR PROPERTY LOCATED AT 611 FAYETTE AVENUE

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$2,872.13 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 Ryan, seconded by Trustee Albert:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Amount of Reduction</u>	<u>Settlement A/V</u>
2010	\$25,300	\$9,250	\$16,050

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(3) Beach Point Club, Inc.

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER BEACH POINT CLUB, INC. (POINT CLUB REAL ESTATE INC.) FOR PROPERTY LOCATED AT 900, 929 AND 1052 RUSHMORE AVENUE

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$276,177.42 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 Ryan, seconded by Trustee Albert:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Amount of Reduction</u>	<u>Settlement A/V</u>
2006	\$451,840	\$165,815	\$286,025
2007	\$451,840	\$175,840	\$276,000
2008	\$451,840	\$194,115	\$257,725
2009	\$451,840	\$198,140	\$253,700
2010	\$451,840	\$209,940	\$241,900

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(4) PetMend Plus, LLC

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER PETMEND PLUS, LLC. FOR PROPERTY LOCATED AT 126 LIBRARY LANE

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$8,317.99 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 Ryan, seconded by Trustee Albert:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Amount of Reduction</u>	<u>Settlement A/V</u>
2007	\$19,600	\$6,000	13,600
2008	\$19,600	\$7,100	12,500
2009	\$19,600	\$6,650	12,950
2010	\$19,600	\$8,100	11,500

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(5) Gabriel and Henrietta Stignone

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER GABRIEL AND HENRIETTA STINGONE FOR PROPERTY LOCATED AT 614-616 FENIMORE ROAD

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$8,882.84 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 Ryan, seconded by Trustee Albert:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Amount of Reduction</u>	<u>Settlement A/V</u>
2007	\$15,200	\$6,920	\$8,280
2008	\$15,000	\$7,595	\$7,605
2009	\$15,200	\$7,460	\$7,740
2010	\$15,200	\$7,820	\$7,380

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(6) Swanson Boat Transportation Corp.

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER SWANSON BOAT TRANSPORTATION CORP. FOR PROPERTY LOCATED AT 131 EAST POST ROAD

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$14,032.96 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 Ryan, seconded by Trustee Albert:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Amount of Reduction</u>	<u>Reduced A/V</u>
2008	\$34,500	\$15,050	\$19,450
2009	\$34,500	\$14,700	\$19,800
2010	\$34,500	\$16,450	\$18,050

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(7) Village Plaza Condominiums

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER VILLAGE PLAZA CONDOMINIUMS FOR PROPERTY LOCATED AT 400 MOUNT PLEASANT AVENUE

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$9,590.24 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 Ryan, seconded by Trustee Albert:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2008	\$63,150	\$52,158	\$10,992
2009	\$63,150	\$54,092	\$ 9,058
2010	\$63,150	\$51,592	\$11,558

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(8) Verizon New York, Inc.

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER VERIZON
NEW YORK, INC. FOR PROPERTY LOCATED AT
478 N. BARRY AVENUE

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$61,956.02 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 Ryan, seconded by Trustee Albert:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Amount of Reduction</u>	<u>Reduced A/V</u>
2003	\$56,600	\$19,800	\$36,800
2004	\$56,600	\$23,400	\$33,200
2005	\$56,600	\$26,000	\$30,600
2006	\$56,600	\$27,750	\$28,850
2007	\$56,600	\$29,900	\$26,700
2008	\$56,600	\$32,100	\$24,500
2009	\$56,600	\$31,650	\$24,950
2010	\$56,600	\$32,800	\$23,800

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

F. Scheduling of Tax Assessment Grievance Day

Mr. Fusco informed that Board that as the Tentative Assessment Roll of the Village of Mamaroneck has been duly filed with the Village Clerk and is now on file in his office, a resolution designating the Hours of Grievance Day needs to be adopted by the Board.

On motion of Trustee Hofstetter, seconded by Trustee Albert:

RESOLVED that Tuesday, February 15, 2011 between the hours of 5:30 p.m. and 9:30 p.m. the Board of Trustees or a committee of such Board, and the Assessor of the Village will meet as a Board of Review in the Conference Room at Village Hall at the Regatta, located at 123 Mamaroneck Avenue for the purpose of completing the Assessment Roll and hearing and determining complaints in relation thereto.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Resolution Amending the Dates for Mamaroneck Shares Events

Heard Earlier

H. Approval of Village Attorney Retainer Agreement

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO RETAIN SILVERBERG ZALANTIS AS VILLAGE ATTORNEYS

WHEREAS, the Village desires to retain counsel to advise the Village Board of Trustees, Planning Board, HCZM, Village Manager, Village Clerk, Village Engineer and other Village Staff and Boards; and

WHEREAS, the Board of Trustees has received and reviewed the retainer agreement from Steven Silverberg of Silverberg and Zalantis, including an updated retainer agreement for Board of Appeals (BAR/Zoning).

On motion of Trustee Albert, seconded by Trustee Ryan:

THEREFORE BE IT RESOLVED, that the Board of Trustees authorizes the Village Manager to retain the firm of Silverberg and Zalantis as Village Attorneys, as appointed on December 20, 2010, in accordance with the terms of the retainer agreements.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Mamaroneck International Jazz Festival

Mayor Rosenblum stated that as the Jazz Festival was scheduled to take place the same night as the Harbor Fest, the committee decided to put this event on hold until 2012 to have more time to schedule a stronger event.

J. Resolution Authorizing Amendments to PBA Contract Regarding Sick Leave

Mr. Slingerland stated that this issue has been open since before he began as Village Manager. There was a long standing policy within the agreement in regard to the sick leave incentive and disincentive. The Village felt that the language had to be corrected after there was a spate of grievances and 18 months were spent correcting this language. Mr. Slingerland feels that a fair agreement has been reached among the parties.

RESOLUTION RE:
AUTHORIZATION TO EXECUTE MEMORANDUM OF AGREEMENT WITH THE POLICE
BENEVOLENT ASSOCIATION OF THE VILLAGE OF MAMARONECK

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Village Manager is herein authorized to execute a Memorandum of Agreement with the Police Benevolent Association of the Village of Mamaroneck to amend the Collective Bargaining Agreement in regard to a Sick Disincentive Program.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

6. REPORT FROM VILLAGE MANAGER

Mr. Slingerland stated that the following have been filed for the record with the Clerk-Treasurer's Office.

- A. File for the Record – Letter to Representative Latimer supporting Special Legislation to Establish a School Zone
- B. File for the Record – Affordable Housing Compliance Reporting for Avalon Willow
- C. File for the Record – Resolution Adopted by Village of Port Chester BOT endorsing the East Coast Greenway
- D. File for the Record – Letter from Assemblyman Kolb thanking the Village for Adopting a Resolution Requesting the Reduction of Unfunded Mandates
- E. File for the Record – Island Tennis L.P. Income Statement ended November 30, 2010
- F. File for the Record – Agreement with NYGIS and Large Docs Solutions

7. FLOOD MITIGATION REPORT

Mr. Slingerland reported that during all of the snow storms the Village made sure that all the storm drains were clear. An update on our GIS system of all catch basins is being done which will be retained and downloaded for future use.

8. REPORT FROM CLERK-TREASURER

- A. File for the Record – Receipt of Tax Roll

Mr. Fusco stated that the Tax Roll has been filed for the record with his office.

- B. Appointment of Sub Registrar

Mr. Fusco informed the Board that Elena Porretto has been appointed Sub Registrar of Vital Statistics for the Village.

- C. Reminder of Railroad Permit Parking Expirations

Mr. Fusco reminded residents that parking permits for resident and non resident railroad parking will expire on February 28, 2011.

9. REPORT FROM VILLAGE ATTORNEY

- A. Filing of Local Law 2-2011

Ms. Zalantis stated that Local Law 2-2011 was filed with the Secretary of State on January 19, 2011.

Ms. Zalantis also reported that Mr. Silverberg met with the Village Assessor, Village Manager and Clerk-Treasurer to review pending tax certioraris and determine amounts for the remainder of the year.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

A. Committee for the Environment – December 15, 2010

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the minutes of the Committee for the Environment meeting of December 15, 2010 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Zoning Board of Appeals – December 2, 2010

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the minutes of the Zoning Board of Appeals meeting of December 2, 2010 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Updates from the Board

Trustee Hofstetter attended the WMOA dinner in Peekskill last week where Peter Baynes of NYCOM spoke about the 2% tax cap. Trustee Hofstetter explained that the 2% tax cap does not apply to pensions and benefits. There was a budget meeting held earlier today with the Village Manager where they reviewed a report by the Budget Committee. The issue of tax certioraris was raised and this could be an extremely challenging year for the Village and we may not be in the position to use the Fund Balance to pay for overages.

Trustee Ryan attended the St. Vito 100 Anniversary Dinner Dance. It was a very successful night and she congratulated the individuals who coordinated the event. Trustee Ryan reported that Jean Peron, member of the Committee for the Environment completed an ICLEI Emissions Inventory and Forecast Study, which has been accepted. The next step is to identify ways to decrease our carbon footprint. The Board thanked Ms. Peron and the staff at Village Hall for their assistance. The 10th Poetry

Live event will take place in April at the Emelin. In May, there will an introduction to Mozart for young people and the summer concert series has been scheduled for August.

Trustee Albert informed the residents of an exhibit taking place at the Museum of Modern Art. In this exhibit, there are two photographs of Mamaroneck, which are quite extraordinary.

Trustee Santoro announced that early camp registration will be the first week of May. There will be a captains' softball meeting which will take place next week on Wednesday at 7 p.m. He also attended the St. Vito's Dinner Dance and had a wonderful time.

Mayor Rosenblum announced that he will be speaking at a Summit Breakfast tomorrow morning at 7:30 a.m.

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