

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, FEBRUARY 28, 2011 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:                    Acting Mayor                    Louis N. Santoro

                                 Trustees                            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:                    Mayor                                Norman S. Rosenblum

**PRESENTATION OF SERVICE AWARD TO NIKKI DESHENSKY**

Tabled

**1. COMMUNICATIONS TO THE BOARD**

None

**2. APPROVAL OF MINUTES**

A. Minutes of BOT Regular Meeting of February 14, 2011 (Including Public Hearings)

Trustee Ryan and Trustee Hofstetter had non substantive corrections to the minutes which will be made.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of February 14, 2011 with the corrections made by Trustees Ryan and Hofstetter be and are hereby approved.

Ayes:                    Albert, Hofstetter, Ryan, Santoro

Nays:                    None

Absent:                 Rosenblum

**3. AUDIT OF BILLS**

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Abstract of Audited Vouchers listed below dated February 28, 2011, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 507,402.68
Water Fund	17,995.00
Capital Fund	3,131.81
Agency Fund	<u>500.00</u>
	\$ 528,989.49

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

**4. OLD BUSINESS**

None

Acting Mayor Santoro announced that Mayor Rosenblum had open heart surgery last week and he is doing well. The Mayor has expressed his gratitude for the outpouring of well wishes from so many Village residents. The doctors expect him to make a complete recovery.

**5. NEW BUSINESS**

**A. Authorization for Village Manager to Execute Canon Copier Lease Agreement**

Mr. Sarnoff gave a brief background on how the Village has been trying to align their copier leases for years and have not been satisfied with the Xerox copiers nor the service provided. He, Mr. Fusco and Ms. Roberts have met with two companies that are on state contract and after all the information was gathered, it was recommended that the Village go with Canon copiers through Vista Digital Solutions.

Mr. Asim Ali from Vista Digital Solutions appeared and answered the Board's questions.

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE A LEASE AGREEMENT WITH VISTA DIGITAL SOLUTIONS  
FOR VILLAGE COPYING MACHINES**

WHEREAS, the Village leases a fleet of copying machines, the majority of said leases having expired in January, 2011; and

WHEREAS, the Village solicited proposals from multiple vendors on New York State Contract to replace its fleet of copying machines; and

WHEREAS, based on the responses, Village staff has identified Vista Digital Solutions, an authorized dealer of Canon copiers, as a preferred vendor for this purpose at pricing pursuant to New York State Contract PT64472; and

WHEREAS, among the more salient points of the Vista proposal are the following:

- Monthly lease of \$2,918.77 for 15 copiers and multifunction machines
  - Pickup and return of all Xerox equipment
  - Buyout of existing Xerox leases
  - Free toners and associated machine parts
  - Monthly Preventative Maintenance service calls
  - Quarterly service satisfaction meeting with account representatives
  - Lease term of 63 months, however eligibility for upgrades every 36 months
  - A pool of 3,150,000 copies over the lease term
- ; and

WHEREAS, in pursuit of our due diligence responsibility, Village staff visited existing customers and contacted references at Rye Middle School and the Mamaroneck Union Free School District and they reported positive experiences with Vista Digital Solutions and Canon copiers.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the Village Manager is herein authorized to execute an agreement with Vista Digital Solutions to lease Canon copiers in accordance with the schedule of equipment attached hereto; and be it further

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

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

B. Schedule Public Hearing on PLL B-2011 (Idling Legislation) for 3/14/2011

Mr. Silverberg gave a brief background on the proposed local law.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that a Public Hearing on Proposed Local Law B-2011 be and is hereby scheduled for March 14, 2011.

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

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

- C. Schedule Public Hearing on PLL C-2011 (Re-enacting Term Limits for Volunteer Boards & Commissions for 3/14/2011)

Mr. Silverberg gave a brief background on this proposed local law.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that a Public Hearing on Proposed Local Law C-2011 be and is hereby scheduled for March 14, 2011.

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

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

- D. Schedule Public Hearing on PLL D-2011 (Eliminating Alternates from Planning & Zoning Boards) For 3/14/2011

Mr. Silverberg gave a brief background on this proposed local law.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that a Public Hearing on Proposed Local Law D-2011 be and is hereby scheduled for March 14, 2011.

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

Ayes: Albert, Hofstetter, Ryan, Santoro  
Nays: None  
Absent: Rosenblum

E. Authorization to Execute Taylor's Lane Leachate Sampling Contract with Zion Environmental  
Mr. Slingerland reminded residents that the Village is continuing the clean up of the Taylors Lane site. There is an ongoing issue with Leachate entering the groundwater and the DEC has asked that we work with the County to dispose of this into the stormwater system. At this point, it cannot be disposed of through the stormwater system. The sampling being contracted is for DEC requirements. Mr. Slingerland stated that there may be additional sampling required by the County when we begin to dispose in the sanitary system.

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR  
LEACHATE SAMPLING AT THE TAYLOR'S LANE SITE**

WHEREAS, in accordance with our grant agreement with New York State for remediation at the Taylor's Lane Site, periodic sampling is required to measure the levels of Leachate in the soil; and

WHEREAS, in accordance with this requirement, staff prepared a Request for Proposals (RFP) for this professional service which provided for ten sampling events over a five-year period; and

WHEREAS, on the RFP return date, three (3) responses were received with the lowest responsible bid submitted by Zion Environmental (Zion) , 172 Excelsior Avenue, Middletown, NY 10940, in the amount of \$35,000; and

WHEREAS, although the Village has not directly contracted with Zion in the past, they have previous experience with the Taylor's Lane site as they were a subcontractor for other vendors during previous sampling periods and the Village was satisfied with the quality of their work.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Village Manager is herein authorized to execute a Professional Services Agreement with Zion Environmental to provide Leachate sampling services at the Taylor's Lane site; and be it further

RESOLVED, that all costs associated with this work be charged to A.1230.0421.0000.

Ayes: Albert, Hofstetter, Ryan, Santoro  
Nays: None  
Absent: Rosenblum

F. Support of Home Rule Legislation to allow Hotel Occupancy Tax

Mr. Sarnoff stated that last year, the Village of Rye Brook was the first village in New York State to receive special legislation to allow it to levy a hotel occupancy tax. Since that time, Assemblyman Latimer asked the Village if this is something we would be interested in as we have two motels in the Village. Two bills have been introduced by Assemblyman Latimer and Senator Oppenheimer after the Board asked them to follow up on this. The Village's support of this Home Rule Legislation is needed.

Ms. Barbara Epstein, owner of the Mamaroneck Motel appeared. Ms. Epstein is not sure how this is going to affect her motel and asked what percentage the tax will be. Mr. Sarnoff believes that it is 3% per day. Ms. Epstein is concerned that this will be a hardship that will affect her small business. She hopes that the Board is very mindful when they deliberate on supporting this legislation. Trustee Hofstetter stated that this legislation only permits the imposition of the tax if they decide to implement it. They are not passing the implementation of the tax at this time.

**RESOLUTION RE:  
HOME RULE REQUEST – HOTEL TAX FOR VILLAGE OF MAMARONECK**

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that pursuant to Article Nine (IX) of the New York State Constitution, the Village of Mamaroneck requests that the State Legislature enact Assembly Bill # A5225 and Senate Bill # S3033 entitled "Imposes an Occupancy Tax in the Village of Mamaroneck" which amends New York State Tax Law; and be it further

RESOLVED, that the Board of Trustees of the Village of Mamaroneck declares that a necessity exists for the enactment of such legislation because it, as the legislative body of said Village, does not have the power to enact such legislation by local law without authority from the State of New York.

Ayes: Albert, Hofstetter, Ryan, Santoro  
Nays: None  
Absent: Rosenblum

- G. Appointment of Keith Yizar to Community Development Advisory Group

**RESOLUTION RE:  
APPOINTMENT TO COMMUNITY DEVELOPMENT ADVISORY GROUP**

WHEREAS, the Village of Mamaroneck is a member of the Westchester County Urban Consortium through which we are able to apply for Community Development Block Grant (CDBG) funds; and

WHEREAS, as a member of the consortium, the Village is required to appoint a member of the community to the Community Development Advisory Group (CDAG) who reviews and approves all CDBG applications and attends quarterly meeting to advocate for the Village's applications

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that Keith Yizar, 216 Hillside Avenue, is hereby appointed to serve as the Village's representative to the Community Development Advisory Group.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

- H. Schedule Public Hearing on Fiscal Year 2010-2011 Budget for 3/28/2011

**RESOLUTION  
SCHEDULING A PUBLIC HEARING  
ON THE 2011-2012 TENTATIVE BUDGET**

On motion of Trustee Albert, seconded by Trustee Hofstetter:

BE IT RESOLVED, that pursuant to Section 5-508 of the NYS Village Law, the Board of Trustees of the Village of Mamaroneck hereby gives notice that there will be a Public Hearing held on Monday, March 28, 2011, at 7:30 p.m. in the Court Room at 169 Mount Pleasant Avenue, Mamaroneck, New York, on the Tentative Budget of the Village of Mamaroneck for Fiscal Year 2011-2012.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

- I. Approval of Request from Chamber of Commerce to hold 5<sup>th</sup> Annual Wine Trail Event

**RESOLUTION  
AUTHORIZATION FOR THE CHAMBER OF COMMERCE TO HOLD 5<sup>TH</sup>  
ANNUAL WINE TRAIL EVENT ON MAY 1, 2011**

WHEREAS, the Chamber of Commerce is planning to sponsor their 5<sup>th</sup> Annual Wine Trail to be held on May 1, 2011; and

WHEREAS, the Chamber of Commerce has requested use of Harbor Island Park as a registration point between the hours of 1:00 pm and 5:00 pm; and

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

WHEREAS, approval must be authorized by the Village Board of Trustees.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees approves the use of Harbor Island Park as a registration point; and be it further

RESOLVED, that said approval is subject to the Chamber of Commerce providing the Village of Mamaroneck with a certificate of liability insurance prior to the commencement of the Wine Trail.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

- J. Approval of Request from American Legion to hold Memorial Day Parade on May 30, 2011

**RESOLUTION  
AUTHORIZING THE CLOSURE OF MAMARONECK AVENUE AND LIBRARY LANE FOR  
MEMORIAL DAY PARADE**

WHEREAS, Mamaroneck Post 90 of the American Legion is preparing for the Annual Memorial Day Parade to be held in the Village on Monday, May 30<sup>th</sup>, 2011; and



WHEREAS, the parade is dedicated to those who have given their lives in service to our country and those currently serving in the armed forces in Iraq, Afghanistan and throughout the world; and

WHEREAS, Post 90 has requested that commencing at 4:15 pm, Mamaroneck Avenue be closed to vehicular traffic between the Mamaroneck Avenue School and Prospect Avenue which will also include the closure of Library Lane; and

WHEREAS, the parade will end at the Honor roll across the street from the American Legion building at which time a memorial service will be held.

On motion of Trustee Ryan, seconded by Trustee Albert:

NOW THEREFORE BE IT RESOLVED that the Board of Trustees hereby approves the closure of Mamaroneck Avenue from the Mamaroneck Avenue School to Prospect Avenue and Library Lane for the parade and service scheduled for Monday, May 30<sup>th</sup> 2011.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

K. Appointment of Deputy Treasurer

**RESOLUTION  
APPOINTMENT OF DEPUTY TREASURER**

WHEREAS, Carole Popick retired from the position of Deputy Treasurer on January 29, 2011; and

WHEREAS, the Clerk-Treasurer has recommended that the existing Village Accountant, Lori Voss be appointed to this position.

On motion of Trustee Albert, seconded by Trustee Ryan:

BE IT RESOLVED, that Lori Voss be and is hereby appointed to the position of Deputy Treasurer for the Village of Mamaroneck effective February 28, 2011 at an annual salary of \$74,000.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

L. Designation of Signatories

**RESOLUTION DESIGNATION OF SIGNATORIES**

WHEREAS, Carole Popick retired from the position of Deputy Treasurer on January 29, 2011; and

WHEREAS, Lori Voss has been appointed to the position of Deputy Treasurer; and

WHEREAS, the designation of signatories that was adopted at the 2010 Annual Organizational Meeting needs to be updated due to this appointment.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Clerk-Treasurer shall inform the depositories for Village funds, that the following combinations of signatures on any Village of Mamaroneck checks are authorized.

Drawn on General Fund, Capital Fund, Police Pension Fund, Trust & Agency Endowment & Gift Funds, Water Fund, and Clerk-Treasurer Accounts Payable Account:

**Mayor Norman S. Rosenblum or Louis Santoro, Deputy Mayor**

**AND**

**Agostino A. Fusco, Clerk-Treasurer or Lori Voss, Deputy Treasurer**

Drawn on Payroll Account, Petty Cash Account, Trust and Agency Insurance Deduction, Trust & Agency Group Disability, Trust & Agency Fund State Retirement Systems, Trust & Agency Guarantee & Bid Deposits, and Money Market Accounts:

**Only that of Agostino A. Fusco, Clerk-Treasurer or**

**Lori Voss, Deputy Treasurer**

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

M. Approval of Traffic Commission Recommendations

1. Parking Prohibited All Times at Heathcote Avenue from Munro to a Point 20 Feet North

WHEREAS, at their February 9, 2011 meeting, the Board of Traffic Commissioners agreed that stops signs at the intersection of Heathcote and Munro are not a solution to residents' complaints, but that their recommendation adopted at their March 10, 2010 meeting is a better solution.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic Section 80 (Schedule XIII – Parking Prohibited At All Times) of the Code of the Village of Mamaroneck be and is hereby adopted.

Section 80, Schedule XIII

PARKING PROHIBITED AT ALL TIMES

**Add:**

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Heathcote Ave.	Both	From Munro Avenue to a point 20 feet north thereof.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

2. Fire Lanes in the Parking Lot of Daniel Warren School

WHEREAS, at their meeting of February 9, 2011, the Board of Traffic Commissioners recommended an amendment to Chapter 183, Section 11 (Fire Lanes ) of the Code of the Village of Mamaroneck.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the following amendment to Chapter 183, Section 11 (Fire Lanes) of the Code of the Village of Mamaroneck be and is hereby adopted.

Section 11

FIRE LANE SCHEDULE

Add:

The entire length of the building on the south side of the Daniel Warren School parking lot.

-AND-

The entire length of the building on the east side of the Daniel Warren School parking lot.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

3. Establishing Emergency Response Parking for Fire Department Drivers at Volunteers

Mr. Slingerland stated that this is something that has been requested by the Fire Council, to have adequate parking for the emergency response fire department drivers at Volunteers Fire House on Mamaroneck Avenue. It was recommended that there be three spaces provided for this purpose. Trustee Ryan asked how this will impact the businesses located there as it is a very busy street and very few spaces. Trustee Santoro spoke with the store owners and they are not happy with this proposition. Trustee Santoro suggested that part of the sidewalk be taken when they are scheduled to be redone, as it is very wide, so that drivers can pull into two spots head first, which will take up less room. The Board was concerned that it would be dangerous backing out of these spots as Mamaroneck Avenue is curved at this point and they will not be seen by oncoming traffic. The Board suggested looking at having these parking spaces on Sheldrake Avenue. Trustee Santoro stated that a major issue is that they frequently need to park in the early hours when parking is not allowed and perhaps changing the Code to state that parking of fire department personnel vehicles is permissible 24 hours a day would be a solution.

The Board agreed to table this item and ask the Traffic Commission to revisit this issue.

N. Budget Transfer to Provide Additional Funding for 2010-2011 Snow and Ice Removal Budget

**RESOLUTION RE:  
SUPPLEMENTAL APPROPRIATION TO FY 2010/11 BUDGET**

WHEREAS, under New York State and local laws and the basic tenets of local and municipal government, the Village of Mamaroneck maintains primary responsibility for control of snow and ice on all local roads to ensure continued access of public roadways for emergency vehicles and other routine traffic, as well as access roads to major highways and thoroughfares like I-95 and US-1; and

WHEREAS, in order to provide such snow and ice control in a safe and cost effective manner, the Village uses Village employees and equipment, and private contractors as needed, to perform this service; and

WHEREAS, the average annual snow fall for the NY Metropolitan Region, including the Village of Mamaroneck, is approximately 30 inches per year (from the National Weather Service), however, the Village has experienced numerous storms this year with snowfall accumulations during the 2010/2011 winter in excess of 60 inches, which is approximately double our annual average; and

WHEREAS, as a result of the significant level of snowfall during the 2010/11 winter, the Department of Public works has advised the Village Manager of cost overruns in the Village's snow budget A.5142 of approximately \$125,400 for materials and supplies, employee overtime, and outside contractors necessary to clear and remove snow in order to restore local roads and streets to a level of safe and open vehicular access; and

WHEREAS, the Village Manager, in his capacity as Budget Officer has reviewed this matter 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.5142 Snow Removal	
.05990 Appropriated Fund Balance	\$ 125,400.00.0130	Seasonal Labor	\$ 71,600.00
		.0408 Fuel, Oil & Lubricants	6,500.00
		.0411 Material	17,200.00
		.0421 Contract Services	<u>30,100.00</u>
	<u>\$ 125,400.00</u>		<u>\$125,400.00</u>

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

## 6. REPORT FROM VILLAGE MANAGER

Mr. Slingerland stated that the Village staff has been working diligently on preparing the tentative budget that will be presented to the Board on March 18. The economy is in difficult shape, but consumer spending has been increasing. A huge increase in gasoline and oil costs have been seen, which affects food and transportation costs. This will impact utilities, the price of asphalt and fuel costs.

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

- A. File for the Record – Silverberg Zalantis LLP Retainer Agreement
- B. File for the Record – Agreement with Praying Mantis Tai Chi Center, Inc.
- C. Receipt of Correspondence

Mr. Slingerland received a letter and detail plans for the Rockland Avenue Bridge project from the New York State Thruway Authority.

## **7. FLOOD MITIGATION REPORT**

Mr. Slingerland stated that bids were due last week on the Hazard Mitigation Plan RFP. We received eight responses; six of these were under \$40,000. These are being reviewed and they hope to have a recommendation to the Board by their next meeting. The Department of Public Works has been cleaning the catch basins and storm grates at the Mamaroneck River Dam. We experienced our first large rain of the season last week and there was no flooding. Trustee Hofstetter asked that the rivers be checked at the high tide point in the Sound to see if things are backing up. Mr. Slingerland reported on the testing being done at the Jefferson Avenue Bridge and that the design should be done shortly. Trustee Hofstetter is concerned with having the work done on the Jefferson Avenue, Barry Avenue and Rockland Avenue Bridges at roughly the same time. Mr. Slingerland stated that he will coordinate these projects to have the least amount of impact possible.

## **8. REPORT FROM CLERK-TREASURER**

- A. Announcement of Tax Lien Sale

Mr. Fusco announced that the Tax Lien Sale will take place in his office on March 9 at 10 a.m.

- B. Reminder of Railroad Permit Parking Expiration on February 28, 2011

Mr. Fusco reminded residents that parking permits for the railroad lots expire today.

- C. Continuation of Grievance Night on March 7, 2011

Mr. Fusco announced that the Board will continue review of tax grievances, sitting as the Board of Assessment Review on Monday, March 7 at 5:30 p.m.

## **9. REPORT FROM VILLAGE ATTORNEY**

Mr. Silverberg informed the Board that the Michaelian Municipal Law Resource Center at PACE University is closing this Friday. He stated that individuals and corporations are writing letters in

support of their staying open. The Board agreed to discuss this and contact our local and state representatives.

## 10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

### A. Board of Traffic Commissioners – December 8, 2010

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the minutes of the Traffic Commissioners meeting of December 8, 2010 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

### B. Planning Board - December 9, 2010

Trustee Ryan stated that on page 6, there is a reference to 5,164 acres and it should be 5.164 acres.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the minutes of the Planning Board meeting of December 9, 2010 with the above noted correction be made and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

### C. Committee for the Environment – January 18, 2011

RESOLVED that the minutes of the Committee for the Environment meeting of January 18, 2011 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

### D. BAR – January 20, 2011

RESOLVED that the minutes of the Board of Architectural Review meeting of January 20, 2011 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro  
Nays: None  
Absent: Rosenblum

Mr. Daniel S. Natchez, president of Daniel S. Natchez and Associates appeared to address the Board regarding the question of underwater lands being owned or not owned by the state. There are pending applications and appeals before the Zoning Board and this does not concern these applications. Because this question affects the Village's entire harbor and waterfront areas, he proposes, on behalf of the Shore Acres Property Association and others, that the Board pass a resolution asking the state of New York if they own the lands now or formerly underwater. Trustee Ryan spoke with Assemblyman Latimer about this and he and Senator Oppenheimer have written a letter to the Department of State asking that a study to determine who owns the half acre in question by the Mamaroneck Beach and Yacht Club be done. Trustee Ryan read an email sent by Assemblyman Latimer regarding this issue and their request made. Mr. Natchez is appreciates this, but he believes that as this affects much more than just this half acre, the Village should go on record asking for this to be determined.

Mr. Silverberg reminded the Board that Mr. Natchez is a party to an action brought against the Planning Board regarding the use of this property. Mr. Natchez is correct that this issue has nothing to do with the application currently before the Village; however, he and his counsel have raised issue regarding the ownership of this property. His counsel forwarded a letter to the Village Assessor this week in which he made claims that actions of the Assessor by recognizing or not recognizing ownership of this property on a tax assessment potentially affected his clients. Under these circumstances, Mr. Silverberg suggests that the Board not take action on this issue without further discussion in executive session. Acting Mayor Santoro suggested following the advice of Mr. Silverberg and feels uncomfortable going any further with this discussion. Trustee Hofstetter believes that the resolution does not ask for the Board to do anything outside of their responsibility and does not ask that the OGS do anything outside of the ordinary. Trustee Ryan agrees that it does not appear to be out of the ordinary to ask, but as it has already been asked by Assemblyman Latimer and Congresswoman Oppenheimer and if nothing comes from this request, then perhaps the Board can move forward. Trustee Hofstetter believes that all parties involved would like to have this resolved as soon as possible. Trustee Hofstetter asked that the following resolution presented by Mr. Natchez be included here for the record:



Whereas there has been a threat of new litigation against the Village of Mamaroneck regarding ownership of lands now or formerly underwater in the vicinity of the Mamaroneck Beach & Yacht Club, and

Whereas the Board of Trustees of the Village of Mamaroneck has a fiduciary obligation to protect the Village of Mamaroneck from litigation as best it can, and

Whereas the Village has a well established and successful policy of working with the State of New York regarding the use of lands now or formerly underwater, and

Whereas Otter Creek is a designated Critical Environmental Area, and

Whereas substantive issues that have been raised about the land now or formerly underwater that may or may not belong to Mamaroneck Beach & Yacht Club, the State of New York, or other party(ies) , and

Whereas the determination of such ownership can affect existing practices with respect to land now or formerly underwater on the east side of the Mamaroneck Harbor as well as the administration of much of the waterfront of our maritime community, and

Whereas the Village of Mamaroneck desires to continue to cooperate and to avoid unintended conflict with the State of New York and other waterfront property owners in the administration of the Village of Mamaroneck's Land Use Policies,

Now Therefore Be It Resolved that the Board of Trustees of the Village of Mamaroneck request the New York State Office of General Services, as landlord for New York State lands above and below water, to study and to advise the Village of Mamaroneck as to the State of New York's ownership interest, if any, in the lands now or formerly underwater around Mamaroneck Beach Club, including Otter Creek area in the vicinity of the Club.

Trustee Ryan believes that this should be discussed further in executive session and followed up on with Assemblyman Latimer and Senator Oppenheimer.

Updates from the Board

Trustee Hofstetter stated that he received an invitation to the Annual "Seniors" Prom from the Town at Mamaroneck High School, run by the high school students. Unfortunately, they will be at a meeting that evening. There will also be a St. Patrick's Day luncheon at the Weaver Street Firehouse on March 14. Trustee Hofstetter asked that the presentation on the Showboat be put on the Village's website.

Acting Mayor Santoro reported that early camp registration starts March 3. There will be a new summer program for ages 5-13, which is an all sports camp. There will also be an LWRP Update Meeting on March 2 at 7:30 a.m.

Mr. Bill Reed appeared in support of the Showboat moving to the Village of Mamaroneck.

On motion of Trustee Ryan, seconded by Trustee Albert,

RESOLVED that the Board of Trustees convene to executive session to discuss personnel and matters of pending litigation.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: None

Absent: Rosenblum

**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