

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

PRESENT:	Mayor	Norman S. Rosenblum
	Trustees	Louis N. Santoro Toni Pergola Ryan John M. Hofstetter Sid Albert
	Village Manager	Richard Slingerland
	Village Attorney	Steven Silverberg
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:	None	

CERTIFICATES OF APPRECIATION – NIKKI DESHENSKY

Mayor Rosenblum introduced Ms. Nikki Deshensky and thanked her for her 20 plus years of service on the Village of Mamaroneck Volunteer Ambulance Corps; seven serving as an officer, three serving as Chief. The Board thanked Ms. Deshensky as she was instrumental in working on the recent grant received to purchase a new ambulance. They also thanked her for all of her work raising funds over the years and appreciate her commitment to continue to serve the Ambulance Corps. Ms. Deshensky accepted the award on behalf of all the volunteers thanked the Board for this honor as well as all of the volunteers she has served with over the years.

MAYOR'S REPORT – THIS IS MAMARONECK

Ms. Linda Alpert of Alpert Mediation appeared. Ms. Alpert reviewed what mediation is and how her business operates, as well as the fees charged. There are different means to mediate issues and these were reviewed. Ms. Alpert reviewed her background and education. Ms. Alpert thanked the Board for the opportunity to present her business to the residents of the Village.

STATEMENT BY MAYOR

Mayor Rosenblum gave the following statement on the State of the Village since he has taken office.

Approximately one year has passed since my taking office as Mayor of the Village of Mamaroneck. The following report is my review of the past year and proposals for facing the future. The platform I put forth to the residents of the Village of Mamaroneck has been largely successful. I take great pride in the positive accomplishments of the Village trying to meet those goals, as illustrated by the following:

◇ Open Board of Trustees Meetings

The first step was to bring back my promise of the increased democratic process of public participation during the Board of Trustees meetings by allowing public comment during the entire agenda. The stated objections to this participation, based upon projected uncontrollable meetings, have proved to be false. In fact, the participation of the public has proven to be both civil and a positive improvement to participation by all who choose to attend and participate in the Village meetings.

◊ Law Suits and Village Liability

Upon taking office, the Village of Mamaroneck was facing the realistic liability of millions of dollars in adverse judgments, and in particular two actions by a former police officer for one million dollars, which was settled without cost to the Village of Mamaroneck, and a financially catastrophic suit by the Mamaroneck Beach and Yacht Club, for at least 30 million dollars, with an existing Village track record of overwhelming losses in the courts, which exacerbated the potential of bankruptcy for the Village. Our aggressive approach to reverse the existing "non-negotiation" mentality of the previous Boards to seek a settlement has proven to be successful and the stipulation agreement was successfully accomplished with the expert advice and direction of our Village Attorney's, and the Village no longer has the threat of a catastrophic judgment of 30 million dollars, which I note would have been without insurance coverage.

◊ Parks

The Village instituted a new weekend schedule for the Village Parks for refuse pickup. This was accomplished with the cooperation of the Village Employees and their continued dedication to the betterment of the Village parks and the enjoyment for all who visit our parks and in particular Harbor Island with its many ball fields and beach.

◊ Flood Mitigation

The Village of Mamaroneck has long been on the receiving end of 28 square miles of rain and increased susceptibility for flooding, which has been increased with the up county development. The frustrations of our residents by lack of positive action by the Village, with the previous claims that our hands are tied by State and County agencies where we were purportedly not allowed to act on our own, has been reversed and a new dedication by the Village acting on its own to protect our homes and business has been started and successfully implemented. During the past year we have awarded over \$65,000 in funds to dredge the Mamaroneck and Sheldrake Rivers. This is only the beginning, but the first of a necessary and continuing program to dredge our rivers. The Village will also continue to accomplish other flood mitigation projects, including but not limited to the replacement of the Jefferson Avenue Bridge, The "Bridge to nowhere" (Winfield Ave. Bridge and the "Road to Nowhere". As the saying goes.... "God helps those who help themselves" and that we plan on continuing to do.

◊ Community Involvement

The community of the Village of Mamaroneck is the most diverse and successful in Westchester County. One only has to look at the benefits and improvements to the Village which are the result of our most valuable asset, the Volunteers in the Village. I note the following during the past year:

- The Harbor Island Conservancy with the new signs at Harbor Island as well as the new entrance and Toll house. This is the same group that gave us the new children's playground at harbor Island.

- The continued Harbor Fest, with the reinstated support by the Village, where we can expect 20,000 visitors to the Friendly Village, through the dedicated support of our unparalleled Chamber of Commerce.
- The resurrection of the Heithaus Walkway Committee and the MTA Bridge mural committee. Improving the gateways to the Village of Mamaroneck.
- The Mamaroneck Shares Block parties that have brought the residents and visitors to Mamaroneck Ave. to shares old and new friendships as well as enjoyment of all ages with dining and dancing in the streets. "Including the opportunity to "Dunk the Mayor" !!

◇ The Budget

The last year's budget was successfully brought in at our goal of meeting, as close as possible, a 0% tax increase. We did reach a less than 1% increase of 0.035%. This was accomplished with cooperation by all departments in the Village within our mandate of the 0% goal. This brings me to the transition from the past year to today and what the Village is facing in these continued financially stressed conditions.

◇ The Future of the Village of Mamaroneck

The Village of Mamaroneck's future must be addressed in terms of existing realities and proposals as set forth by both Federal Government and in particular by Governor Cuomo's budget program and his push for the 2% tax Cap.

On the surface the tax cap looks like a great step forward in controlling the out of control spending by New York State and I support the Governor in his dedication to bring financial reality and stability back to New York State and reversing the economic collapse of the great Empire State. I do however; take exception to the 2% cap as misleading to the public and mainly because of the extreme negative impact on local municipal and school systems. The cap will limit any increase to 2% but it does not address or take into account the non funded mandates passed down from the State to the local municipalities and school systems. This will result in the required cuts in services and programs that support the very reasons people choose to live in the Village of Mamaroneck and surrounding communities. This unfortunately is a reality that we must address as this program in all likelihood will be passed by the New York State Assembly and Senate. It is this reality that I put forth the following for consideration by the Village Board of Trustees and the residents of the Village of Mamaroneck.

We must start to "**Think out of the Box**" and move forward with the basic principles of a business approach to the future of the Village. The 2% tax Cap is a direct threat to the very existence of the Village and its programs as we now know it. In order to maintain our way of life in the Village and the essence of the community we all enjoy, **We must start to get away from depending on the real estate based tax revenue** if the Village is to continue to grow and prosper as we now know it and seek other revenue sources. The key to this business approach, for new revenues, is one that must be balanced with the basic concept to use what assets and sources of revenue the Village now has to establish programs to create the revenue without changing the character of the Village. There obviously is nothing free in life and whatever the Village may choose to do there is some cost to the existing landscape as we now know it but certainly minor changes in balance to the needed increase of revenues that will be acceptable and required to maintaining our Friendly Village as we now enjoy.

I offer the follow for consideration by the Board of Trustees and the residents and business' of the Village of Mamaroneck:

- **PARKING FACILITIES**

The Village of Mamaroneck is currently enjoying the reputation as a destination for all of Westchester and surrounding areas. This is an economic boon to the Village and its' business. We have most recently been ranked number five by **WESTCHESTER MAGAZINE** for he best places to live and visit. The top four were all Hudson River towns and We were the only community on the sound shore to be among the top noted communities. The Village of Mamaroneck is, in my opinion, the top destination in Westchester for dining, shopping and cultural events. While this all seems too great we need to be aware of the potential threat to this continued growth and be cognizant of the immediate village and towns around us who are not experiencing the same growth. The aforementioned tax burden is an ever present potential to reverse the Village as a destination point. The increasing cost of rent and government taxation must be balanced out with a strong incentive for our business' to stay in the Village of Mamaroneck. The key to both strengthening our business community and the Village of Mamaroneck non real estate based tax revenues is for the increase in available parking through tier parking structures. There are Village owned properties in the downtown business district that have been reviewed for such a possible structure and I have also requested and received preliminary plans and suggestions to accomplish the needed parking. There are several different scenarios to build these parking structures, but I believe the one that would be most advantageous to the Village would be one that the structure is built and operated by private funds and an agreement where the Village of Mamaroneck would receive an agreed to percentage of the parking revenue. This is a prime example of "**Thinking out of the Box**" where there would be no cost to the Village of Mamaroneck that provides for the needed parking and at the same time providing for needed revenues. I would note that such a proposition would also be one that the Village of Mamaroneck maintains property rights and after contractual time is met the structure belongs to the Village. These structures would also be part of our Flood Mitigation programs as they are considered "Green Buildings".

- **Harbor Island Park**

This park is the largest and most used park in the Village. It is also underutilized and offers the greatest avenue of increased revenues to the Village of Mamaroneck. The key for increased revenue at this park is to maximize the use without changing the basic character and use as a public park and beach. There are three specific proposal for Harbor Island that I offer to the BOT and the resident to consider and they are:

- A restaurant at the entrance of the park at the old cement factory site, currently known as the bait station area. I would again note all proposals would be similar to the contractual guidelines as noted for the tier parking structure where it will be no cost to the Village and obviously increasing revenues.
- The establishment of the **SHOWBOAT JAZZ RESTURANT** to be moored permanently and giving the Village of Mamaroneck as a once again a destination for the original paddle wheeler from the 1960's Adventure land and a beacon for Jazz aficionados from the tri-state area, and again at no cost to the Village with additional revenue source.
- **SPORTIME TENNIS** An existing program that generates approximately \$300,000 annually for the Village of Mamaroneck, which exists by contractual right, and has the potential of generating approximately \$1,000,000 annually.

The Board of Trustees has the fiduciary responsibility to seek methods to control the real estate tax increases that threaten to very existence of the Village of Mamaroneck as we now enjoy. As an example, I point to only one immediate threat because of the fiscal fragility of New York State and the Village of Mamaroneck and that is the Volunteer Fire Department. Currently the FDVOM costs the tax payers annually approximately

\$650,000. There are equipment requirements that the Village underwrites that would raise the cost approximately \$100,000 annually. However it must be noted that in comparison to other local communities, The Village of Mamaroneck costs for fire protection is literally millions less. In addition the 200 members and their families are also an integral part of the Village's fabric and are participants in every aspect of the cultural events in the Village. Were we to reach to taxation point to lose these volunteers because they could not afford to live in the Village we would become instant victims of the very point I started this report, and that being the negative implications of the tax cap and loss of services and character of the Village with the potential decline in business and programs now enjoyed by all. The loss of our Volunteer Fire Department would result in a minimum tax increase of approximately 5% per year.

I request my fellow board members to seriously look at the proposed non real estate sources of revenues as well as input from the residents and business.

Respectfully,

Norman S. Rosenblum
Mayor
Village Of Mamaroneck

PUBLIC HEARING ON FISCAL YEAR 2011-2012 TENTATIVE BUDGET

VILLAGE OF MAMARONECK NOTICE OF BUDGET PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Section 5-508 of the Village Law, a Tentative Budget showing the revenue and expenditures for the fiscal year of the Village of Mamaroneck, New York, commencing June 1, 2011, was filed with the Clerk-Treasurer of said Village.

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of said Village on the 28th day of March, at 7:30 p.m. in the evening of that day, at the Village meeting rooms, 169 Mount Pleasant Avenue, in the Village of Mamaroneck, New York, for the purpose of considering and discussing such tentative budget. A copy of such Tentative Budget is available at the office of the Clerk-Treasurer, located at 123 Mamaroneck Avenue, where it may be inspected by any interested person during office hours, from 9:00 a.m. to 4:30 p.m., Monday through Friday. The Tentative Budget is also available for review at the Mamaroneck Public Library.

Said Tentative Budget includes compensation for the Mayor of \$8,100.00 per annum and for the Trustees of \$4,500.00 per annum.

PLEASE TAKE FURTHER NOTICE that at said public hearing all persons are invited to attend and provide the Board with written and oral comments and ask questions concerning the Village's Tentative Budget.

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF MAMARONECK, NEW YORK

DATED: MARCH 21, 2011
MAMARONECK NEW YORK

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on the Fiscal Year 2011-2012 Tentative Budget be and is hereby opened.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mr. Slingerland presented the fiscal year 2011-2012 tentative budget, which is \$29.9 million in comparison to last year's budget of \$28.6 million. Spending over the next year is going up 4.52%. Mr. Slingerland reviewed the costs as percentages of budget. These include 68.59% for personal services and benefits, 20.94% contractual, 7.57% debt, 2.39% for equipment and .50% for interfund transfers. Mr. Slingerland reviewed how substantially employee benefits, including pension payments, have increased. Mayor Rosenblum noted the history of the pension system and during the time the stock market was doing well, Villages had to make no contributions. Since the downturn in the economy, local government has had to subsidize pensions and at this rate; local governments are not going to be able to survive.

Mr. Slingerland reviewed tax dollar allocations, with the Village of Mamaroneck collecting approximately 21.7% of the total tax dollar paid by residents, with about 57% spent on schools, about 19% on Town and County and 2% on Library. Mayor Rosenblum stated that while this is true, the same tax payer is paying 100% of the amount shown to support local government and that residents should contact their local representatives to ask that they stop spending their money and start being fiscally responsible. Mr. Slingerland stated that the tax levy rate is going from \$283.25 to \$300.11 per thousand dollar of assessed value and the annual tax bill increase will be 5.95%. The last 10 years of assessed home values was reviewed. Because of the loss of assessed value, this had a substantial impact on the budget as did the amount budgeted to pay tax certiorari settlements, which went from \$200,000 to \$600,000. Mr. Slingerland reviewed the last five years of budget appropriations ranging from \$27,276,649 to \$29,870,691. The last five years of pension contributions was reviewed as well. Lastly, Mr. Slingerland reviewed the percentage of expenditures by service for 2011-2012. Public safety at 29.5%, employee benefits including pension at 26%, debt service at 7.6%, home and community services at 7.1% and culture and recreation at 6.1% made up the largest portions of expenditures by service. Some highlights of changes from last year are the huge increase in our pension and benefits payments. The police will be receiving a 4.25% increase in fulfillment of their contract and the CSEA contract is still being negotiated. There are four pending unfilled vacancies that Mr. Slingerland asked the Board to look at. A stormwater budget line has been created to fund an additional \$25,000 for annual river and waterway cleaning and catch basin and sewer line maintenance. The fund balance is currently at 12.3% of operating expenses.

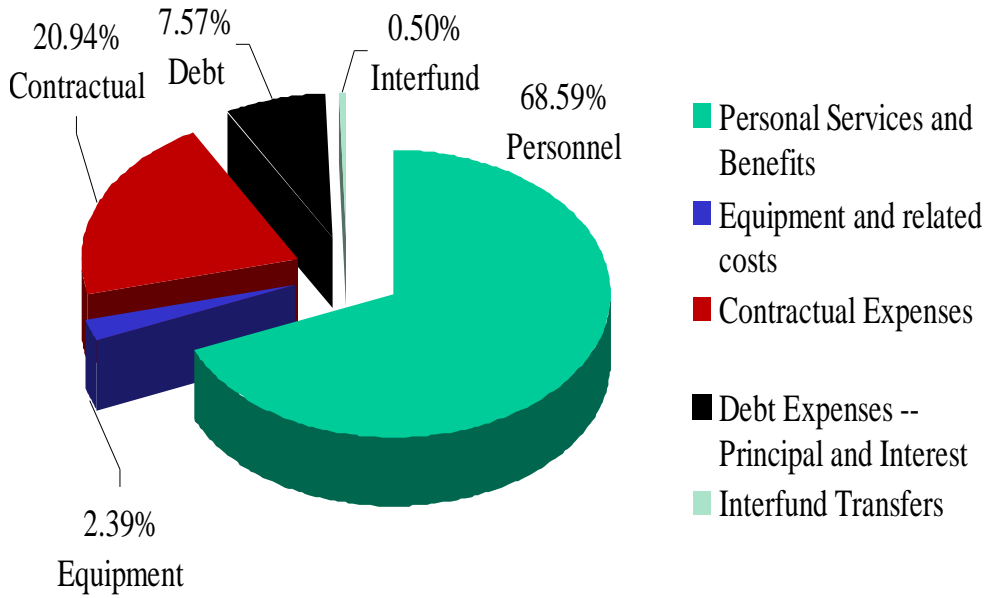
This year it is proposed to use an additional \$510,000 of undesignated fund balance. It is important to note that only \$200,000 was funded for certiorari refunds. If an additional \$500,000 is appropriated to fund these payments, this could have a significant affect on the fund balance. The contingency amount budgeted remains at \$150,000 which is ½ of one percent of the budget. The Mayor asked what the recommended amount of fund balance is that should be kept. Mr. Slingerland stated that the bond rating agencies like to see between 15 – 20% of your annual operating budget. Trustee Hofstetter asked how much of last years contingency amount has been used. Mr. Slingerland stated that only a small percentage has been used, but that \$150,000 has been appropriated to pay for snow removal. Additional appropriations totaling between \$500,000 and \$600,000 will be needed to cover actual expenses. Trustee Hofstetter stated that if that is the case, than that amount should be added to the \$28.6 million budgeted for last year. Mr. Slingerland reminded all that the big four non tax revenue streams have been down. These are mortgage tax, sales tax, building permits and interest earnings on investments.

Mr. Slingerland's presentation follows:

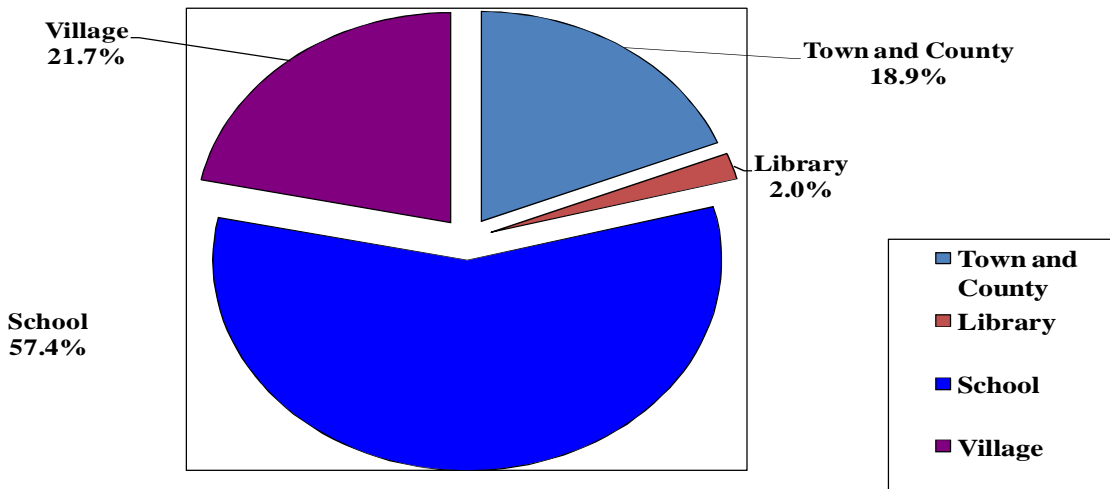
2011-2012 Village Budget Summary

	Budget Lines	Adopted 2010-11	Tentative 2011-2012	Year-to-Year Difference	Percent change
Personal Services	100	12,705,130	12,814,453	109,323	0.86%
Equipment & other	200	659,410	714,452	55,042	8.35%
Contractual expenses	400	5,450,670	6,255,469	804,799	14.77%
Debt Service	600 and 700	2,993,665	2,261,909	-731,756	-24.44%
Employee Benefits	800	6,619,316	7,674,408	1,055,092	15.94%
Interfund Transfers	900	150,000	150,000	0	0.00%
	Total	28,578,191	29,870,691	1,292,500	4.52%

Costs as Percentages of Budget

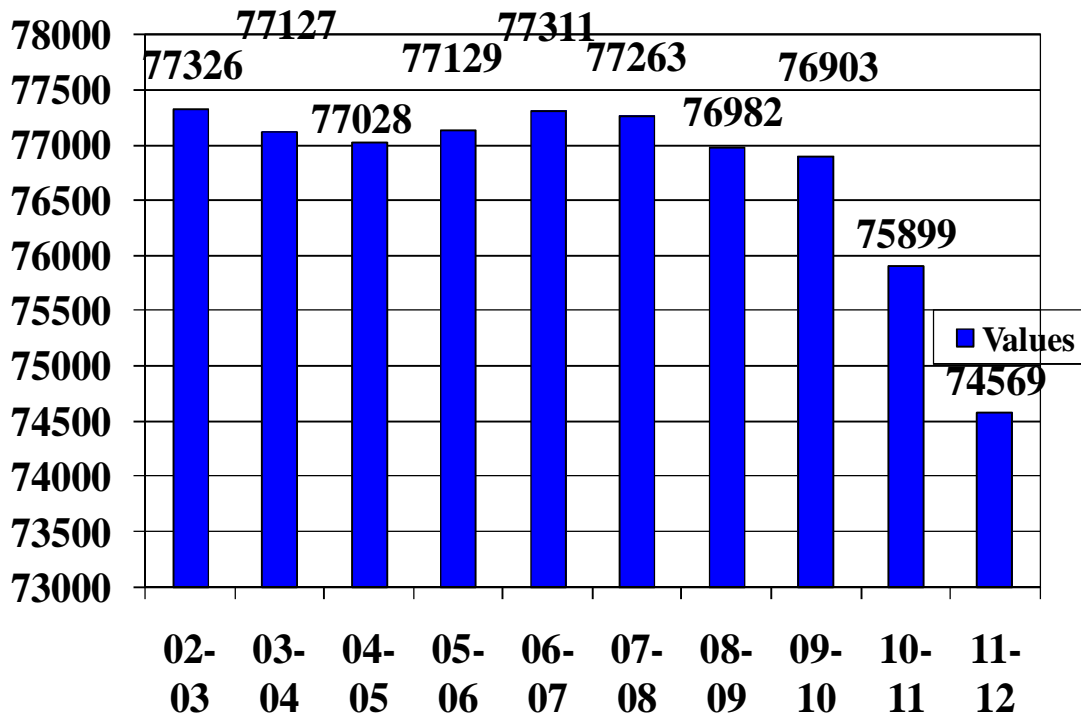


Total Tax Dollar Allocations – 2011-2012 (using Town of Mamaroneck data)

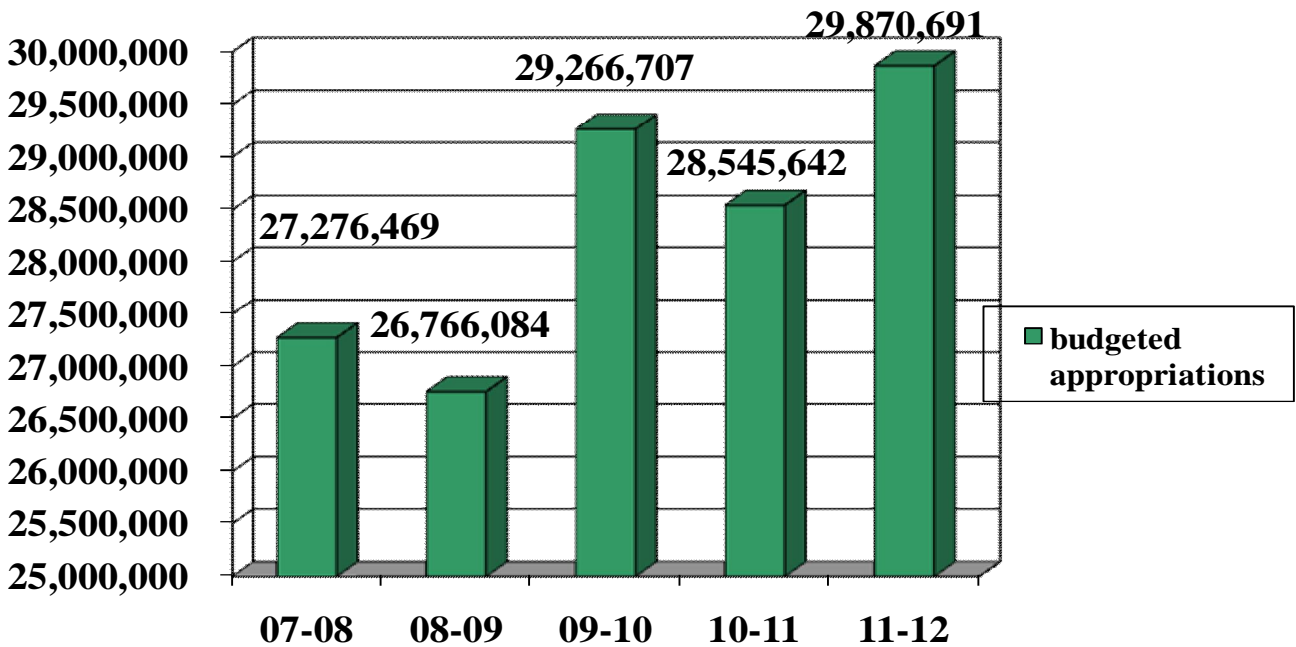


10 years of Assessed Value

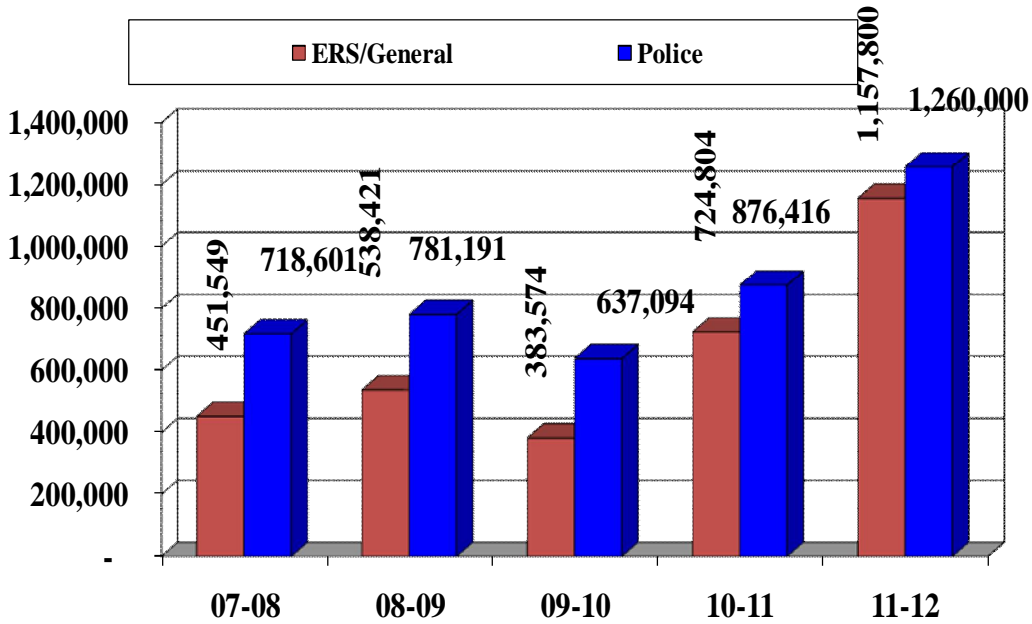
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5 years of budget appropriations

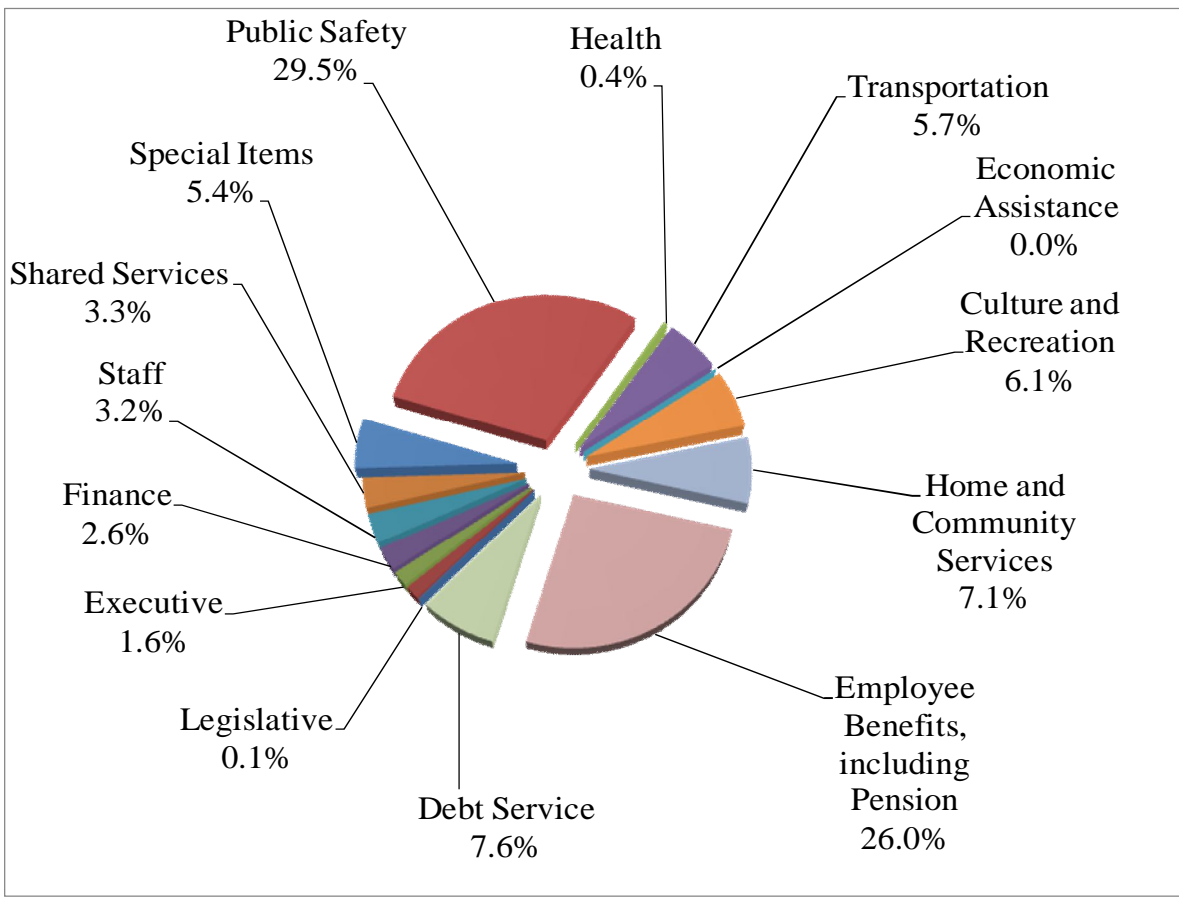


5 yrs of Pension Contributions

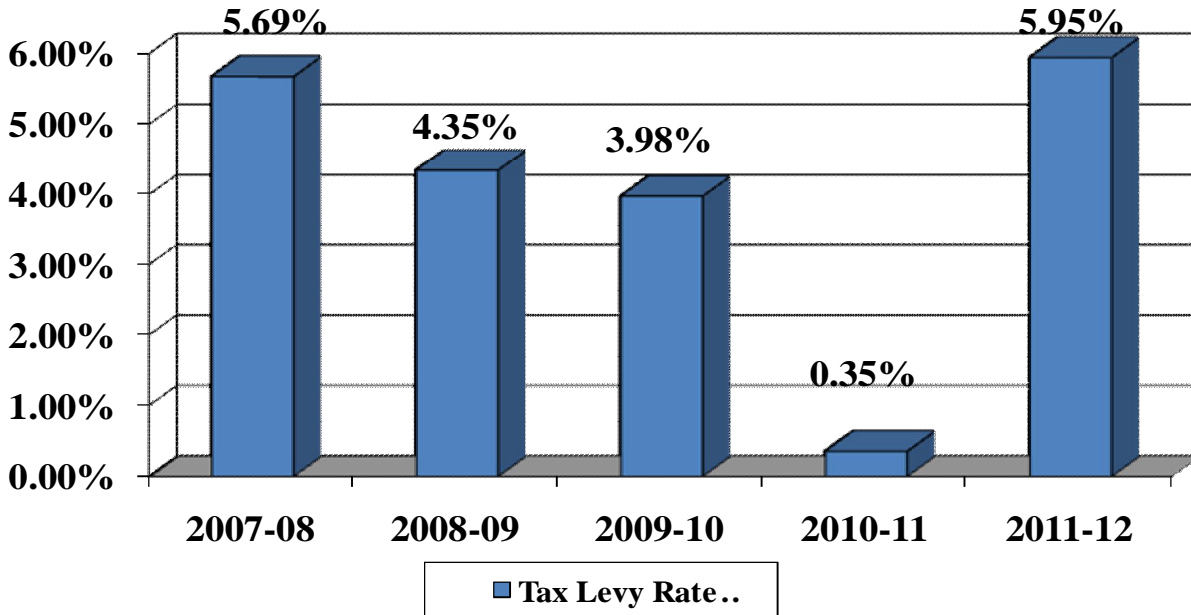


•Note Village contributions in 2001 were \$8,261 for Regular/Non-uniformed ERS and \$0 for Police and Fire.

Percentage of Expenditures by Service '11-12



Annual Tax Bill Percentage Increase



Trustee Hofstetter stated that in fairness, there should be a line added to show the actual amount spent during the fiscal year and not just what was budgeted. If we looked at what we actually spent during the last fiscal year, the budget increase last year was closer to 3% and not .35%, which was budgeted.

Dr. Mark Levy, Director of the Larchmont Mamaroneck Community Counseling Center appeared on behalf of the Center. He thanked the Board for their past support and looks forward to continuing the work done on behalf of the community. He thanked his staff for their dedication. He gave an overview of the work done in the community at the schools and the CAP center. Dr. Levy stated that he will attend a work session with the Board in the next week to go over the budget and the needs of the counseling center. The Board thanked Dr. Levy and the staff for all of their good works.

1. COMMUNICATIONS TO THE BOARD

Ms. Katherine Desmond of Prospect Avenue appeared on the LWRP Update. Ms. Desmond read in the Sound and Town that the Village received a notice from the EPA that it is in violation of the clean water act in three locations in the Village. Ms. Desmond asked the Mayor and Village Manager to comment on this. Mayor Rosenblum stated that the Village is investigating the source and taking steps to remediate the problems. Mr. Slingerland stated that the Village learned about this at the beginning of 2011 when the Town of Mamaroneck received a notice of violation. The Village began working on this issue then. We need to implement our inflow and infiltration detection program and begin investigating sanitary sewers to find the sources of the pollution

and eliminate them. Ms. Desmond stated that studies have been done and the three sites listed by the EPA show up over and over as being an issue. There was a sanitary valuation study done by the county that could be of assistance in determining where the problem is. Ms. Desmond asked that the Board give the residents an ongoing report on the work that is being done to fix this issue. Ms. Desmond had a copy of a September 23, 2003 audit that was done and should be read by all, as a problem can occur at the site of a home, on Village or on Country property.

Ms. Peggy Jackson, Chair of the Flood Mitigation Advisory Committee appeared regarding a house near the North Barry overpass and where it was dredged, the silt is starting to come back. Mr. Slingerland stated that he will look into this.

2. APPROVAL OF MINUTES

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

Trustee Ryan had sent corrections to Ms. Roberts; one of which is the vote on the pump for the Fire Boat. It was noted that Trustee Hofstetter voted against this. This correction as well as those sent by Trustee Ryan will be made. Trustee Hofstetter asked that the following be added to his comment under the Public Hearing on PLL D-2011:

Trustee Hofstetter was asking about the validity of the law that was passed in 2010 as he believes that we improperly updated the law in 2010 and are compounding this issue further. He is not sure if the boards previous to the updated law in 2010 are carrying forward, as the law states that it was rewritten in its entirety in 2010 and the members on the boards before that time have not been reappointed.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of March 14, 2011 with the above noted correction and addition be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

3. AUDIT OF BILLS

On motion of Trustee Albert, seconded by Trustee Hofstetter:

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

General Fund	\$ 390,033.28
Capital Fund	31,642.58
Expendable Trust	9,506.00
Agency Fund	<u>150.00</u>
	\$ 431,331.86

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Declaration of Two Surplus Vehicles and Authorization to Auction

RESOLUTION RE: AUTHORIZING THE SALE OF SURPLUS VEHICLES/EQUIPMENT

WHEREAS, certain Village vehicles and equipment have been recommended to be declared as surplus or they have exceeded their useful life and purpose; and

WHEREAS, the Village is desirous of selling these vehicles and equipment at public auction.

On motion of Trustee Albert, seconded by Trustee Ryan:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby declare the following vehicles as surplus Village property and authorizes the disposal of the following vehicles and equipment by public sale:

YEAR/MAKE	VEHICLE ID #	MILEAGE	ASSIGNED TO	DISPOSITION
1998 GO-4	2W9MPK633VP044063	274,380	PEO	to be sold
2004 Ford	2FAHP71W53X217808	81,129	PD	to be sold

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- B. Schedule Public Hearing on PLL F-2011 (Amending Zoning Map to Correct Errors) for April 25, 2011

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that a Public Hearing on Proposed Local Law F-2011 be and is hereby scheduled for April 25, 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).

IT IS FURTHER RESOLVED that the proposed local law be forwarded to the Planning Board for its recommendation.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- C. Schedule Public Hearing on PLL G-2011 (Amending Chapter 342 Relating to Non-conforming Drive Up Service Windows in the C-1 District) for April 25, 2011

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that a Public Hearing on Proposed Local Law G-2011 be and is hereby scheduled for April 25, 2011.

BE IT FURTHER RESOLVED that the Board of Trustees has determined itself to be Lead Agency and this matter has been determined to be an **Unlisted Action** and the Board of Trustees has reviewed a short form EAF and determined that there are no negative environmental impacts.

IT IS FURTHER RESOLVED that the proposed local law be forwarded to the Planning Board for its recommendation.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- D. Proposed 2008-2008 NYS Legislation Requiring Certification of Landscapers who Install Irrigation Systems

RESOLUTION RE:

**SUPPORTING STATE LEGISLATION TO REQUIRE THE LICENSING OF LANDSCAPERS WHO
INSTALL IRRIGATIONS SYSTEMS**

WHEREAS, improperly installed irrigation systems have a major impact on our local environment and water quality through the harmful effects of chemical, pesticide and fertilizer runoff and water consumption which has a regional impact in terms of the capacity of our reservoirs and the ability to provide adequate water pressure during certain peak periods; and

WHEREAS, damage caused by improperly installed irrigations systems can also lead to chemicals, pesticides and fertilizers flowing into the water distribution system which has a major impact on the quality of drinking water; and

WHEREAS, experience in other state has shown that irrigation systems installed by certified contractors use considerably less water, thereby having a direct financial impact on residents; and

WHEREAS, in recognition of the environmental and financial impacts that improperly installed irrigation systems have, the New York State Legislature, during its 2007-2008 session, proposed legislation to amend the General Business Law to require the licensing of landscapers who install irrigation systems, however, this bill was never presented to the full Legislature for consideration; and

WHEREAS, it is still believed that the licensing of landscapers who install irrigation systems will have a positive impact on our local environment and ensure the proper functioning of such systems and the Village of Mamaroneck supports efforts currently being undertaken to reintroduce this law for consideration by the full New York State Legislature.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the Village of Mamaroneck herein requests that the New York State Legislature, through our elected representatives State Senator Suzi Oppenheimer and Assemblyman George Latimer, make a request for the introduction, consideration and enactment of legislation requiring the licensing and certification proving proper training of landscapers who install irrigations systems.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Authorization of Contract Award for HVAC Maintenance

**RESOLUTION RE:
AWARDING CONTRACT 11-01 – HVAC MAINTENANCE CONTRACT**

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of bids for Contract 11-01 – HVAC Maintenance Contract on February 7, 2011 and sent notice of said contract to three (3) vendors; and

WHEREAS, pursuant to the specifications of such contract, quarterly service of all HVAC equipment at ten (10) village-owned facilities will be provided over a two-year term; and

WHEREAS, on the bid opening date, March 4, 2011, two (2) sealed bids were opened with the lowest responsible bid received from J&M Heating and Air Conditioning, Inc., 48 Grand Street, New Rochelle, NY 10801 (J&M), for the bid amount of \$40,600 for the two-year term, or \$20,300 per year; and

WHEREAS, J&M has previous experience with the Village having been the prime HVAC contractor of the New Firehouse Building located at 146 Palmer Avenue and the Village was satisfied with the quality of their work.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that Contract 11-01 – HVAC Maintenance Contract is hereby awarded to J&M Heating & Air Conditioning, 48 Grand Street, New Rochelle, NY 10801; and be it further

RESOLVED, that the Village Manager is herein authorized to execute Contract 11-01 on behalf of the Village of Mamaroneck with said J&M Heating & Air Conditioning; and be it further

RESOLVED, that the costs associated with such contract be charged to the several General Fund Budget accounts subject to the provision of adequate budget appropriations.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Budget Amendment for Police Pension Contributions for Lanza and Fraioli

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

WHEREAS, special legislation to "reopen" the RSSL 5384-d plan for Police Officers Fraioli and Lanza was enacted into law by the State Legislature and signed into law by the Governor, and incorporated into Chapter 517 of the Laws of 2010, in order to permit Police Officers Fraioli and Lanza's enrollment into said retirement plan; and

WHEREAS, the fiscal implications of this home rule approval would result in a past service cost contribution of approximately \$188,000 in additional cost to the current year retirement bill, which has been funded through the proceeds of previously approved borrowing; 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 Amendment to cover current and anticipated expenses for the remainder of Fiscal Year 2010/11.

On motion of Trustee Albert, seconded by Trustee Santoro:

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

<u>DEBIT</u>		<u>CREDIT</u>	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
A.0570 Obligations		A.9015 Police & Fire Retirement	
.5731 Proceeds from BAN's	\$ 188,000.00	Employee Benefits \$	188,000.00
	.0800		
	<hr/>		<hr/>
	\$ 188,000.00		\$188,000.00

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Tax Certiorari Settlements

(1) Orienta Yacht Club

This item was tabled to a future meeting.

(2) Lepore Realty

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER LEPORE REALTY CO. LLC., FOR PROPERTY LOCATED AT 620 CONCORD 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 \$34,326.49 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 Mayor Rosenblum, seconded by Trustee Santoro:

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>
2004	\$43,900	\$11,900	\$32,000
2005	\$43,900	\$14,350	\$29,550
2006	\$43,900	\$15,850	\$28,050
2007	\$43,900	\$17,800	\$26,100
2008	\$43,900	\$19,550	\$24,350
2009	\$43,900	\$19,800	\$24,100
2010	\$43,900	\$21,750	\$22,150

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- I. Authorization of Right of Entry Agreement with the Army Corps of Engineers for 313 Fayette Ave

**RESOLUTION RE:
AUTHORIZATION TO EXECUTE RIGHT OF ENTRY AGREEMENT FOR 313 FAYETTE AVENUE**

WHEREAS, the United State Army Corps of Engineers (USACE) has sent Right of Entry agreements to individuals/corporations who own property adjacent to the Mamaroneck or Sheldrake rivers to allow them to perform non-intrusive investigations of properties abutting such rivers in order to gather data necessary for the completion of the Mamaroneck-Sheldrake Flood Damage Reduction Project; and

WHEREAS, the investigations to be performed are an ecosystem investigation required pursuant to the National Environmental Policy Act (NEPA) and a cultural resource survey required pursuant to the National historic Preservation Act of 1966; and

WHEREAS, the Village of Mamaroneck is the owner of such property known as 313 Fayette Avenue and as such, the USACE has requested such a right of entry from the Village.

On motion of Trustee Hofstetter, seconded by Trustee Albert:

RESOLVED, that the Village Manager is herein authorized to execute a Right of Entry Agreement with the United State Army Corps of Engineers for 313 Fayette Avenue; and be it further

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

J. Support of Amended Home Rule Legislation to allow Hotel Occupancy Tax

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

WHEREAS, by resolution of February 28, 2011, the Village of Mamaroneck Board of Trustees submitted a Home Rule Request to the New York State Legislature requesting the passage of special legislation allowing the Village of Mamaroneck to establish a Hotel Occupancy Tax; and

WHEREAS, there have been minor corrections made to the legislation requiring the adoption of a new Home Rule Request by the Board of Trustees.

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 # A5225a and Senate Bill # S3033a 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, Rosenblum

Nays: None

K. Approval of Board Meeting Schedule for Remainder of 2011 As Amended

RESOLUTION SETTING BOARD OF TRUSTEES SUMMER MEETING SCHEDULE

WHEREAS, at the Annual Organizational Meeting, the Board of Trustees resolved that the second and fourth Mondays of each and every month be designated as the Regular Meeting Nights of the Board of Trustees, such meetings to commence at 7:30 p.m. in the courtroom at Village Hall; and

WHEREAS, at this same meeting the Board of Trustees resolved that the first and third Mondays of each and every month be designated as the Work Session Meeting Nights of the Board of Trustees, such meetings to commence at 5:30 p.m. in the conference room at the Regatta.

On motion of Trustee Hofstetter, seconded by Trustee Albert:

RESOLVED that the following Schedule for the Board of Trustees be and is hereby adopted:

Board Meeting schedule for the remainder of 2011:

April 4, 2011 – Work Session

April 11, 2011 – Board Meeting

April 18, 2011 – NO WORK SESSION BECAUSE OF THE PASSOVER HOLIDAY

April 25, 2011 – Board Meeting

May 2, 2011 – Work Session

May 9, 2011 – Board Meeting

May 16, 2011 – Work Session

May 25, 2011 – Board Meeting (Wednesday)

June 6, 2011 – Work Session

June 13, 2011 – Board Meeting

June 20, 2011 – Work Session

June 27, 2011 – Board Meeting

July 11, 2011 – Work Session

July 18, 2011 – Board Meeting

August 1, 2011 - Accounts Payable Only Meeting
August 8, 2011 – Work Session
August 15, 2011 – Board Meeting
August 29, 2011 – Accounts Payable Only Meeting

September 6, 2011 – Tuesday – Work Session
September 12, 2011 – Board Meeting
September 19, 2011 – Work Session
September 26, 2011 – Board Meeting

October 3, 2011– Work Session
October 11, 2011 – Tuesday – Board Meeting
October 17, 2011– Work Session
October 24, 2011 – Board Meeting

November 7, 2011 – Work Session
November 14, 2011 – Board Meeting
November 21, 2011 – Work Session
November 28, 2011 – Board Meeting

December 5, 2011 – Organizational Meeting (tentative)
December 12, 2011 – Work Session
December 19, 2011 – Board Meeting

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

L. Resolution Adding Agenda Item 5M

ADDITION OF AGENDA ITEM 5M

WHEREAS, in accordance with the BOT Rules of Procedure, any item or items added to the agenda after the agenda was prepared, finalized and posted on the Village's website requires a vote.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that Agenda Item 5M, Acceptance of Tree Donation from Beverly Sherrid be and is hereby added to the Board of Trustees Regular Meeting Agenda of March 28, 2011

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

M. Acceptance of Donation of a Tree from Ms. Beverly Sherrid

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RESOLUTION ACCEPTING DONATION OF TREE

WHEREAS, Ms. Beverly Sherrid graciously requested to donate a tree, preferably a red oak, to replace one of the maples taken out about a year ago in front of her home at 617 The Parkway.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Board of Trustees of the Village of Mamaroneck accepts Ms. Sherrid's gift and thanks her for your generosity.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

6. REPORT FROM VILLAGE MANAGER

- A. File for the Record – Agreement with O'Connor Davies Munns & Dobbins LLP for Auditing Services

Mr. Slingerland stated that this agreement is being filed for the record with the Clerk-Treasurer's office.

7. FLOOD MITIGATION REPORT

Mr. Slingerland stated that he had a very productive meeting with residents of Harbor Heights who have been affected with sewage overflows during the heavy rains. These issues will be included in their investigation of the sewer systems. A very productive meeting was also held with residents of the Pine Street area in regard to the issues with Pine Street and Mr. Slingerland requests an executive session with the Board to discuss this issue.

8. REPORT FROM CLERK-TREASURER

- A. Filing of Tentative Budget for Fiscal Year 2011-2012

Mr. Fusco stated that the Tentative Budget has been filed with his office.

9. REPORT FROM VILLAGE ATTORNEY

- A. Referral of Zoning Map Correction to Planning Board

Mr. Silverberg stated that the revised Zoning Map in reference to PLL F-2011 has been send to the Village of Mamaroneck Planning Board and Westchester County Planning Board.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

- A. Tree Committee – August 2, September 7, November 23, October 4, December 6, 2010 & February 7, 2011

Communication was received by previous Tree Committee member, Stuart Tiekert, on why these minutes should not be accepted by the Board. The Mayor disagrees with his interpretation of the law. The Mayor believes that these minutes can be summary minutes and also, he has been appointed as liaison, which Mr. Tiekert was mistaken about. Trustee Hofstetter and Trustee Ryan stated that Mr. Tallevi, the chair of the Committee asked that the approval of these minutes be held off for further review. Trustee Ryan agrees that there are legitimate questions with the minutes and is in favor of the Tree Committee reviewing them. Trustee Hofstetter also believes they should be tabled for further review and resubmission. Trustee Albert agreed to tabling the adoption of these minutes. The Board tabled the adoption of the above listed minutes.

Updates from the Board

Trustee Hofstetter informed residents that the Rye Neck Spring Fair is this coming Saturday. He stated that the Westchester Joint Water Works sent out a press release on using water more wisely and the ways that water is wasted. He believes that this is important information for residents and they should be aware of it and recommends that they review the release.

Trustee Ryan informed residents that the 10th annual Poetry Live will take place on April 3 at the Emelin Theatre. The Committee for the Environment is adapting the WJWW release mentioned by Trustee Hofstetter and will put on their web page. Trustee Ryan asked residents to save the date of April 30 for the next Village clean up day. There will be additional information on this put on the Village webpage as it becomes available.

Trustee Albert reported on the Old Timers event held recently at Flint Park where Paul and Toni Ryan were honored. Trustee Albert also attended the League of Women Voters luncheon where the Honorable Judith Kay, the first woman court judge on the New York Board of Appeals spoke. Trustee Albert attended the opening of a new business in Mamaroneck, ABC Cakes. Trustee Albert asked to clarify a statement made recently about the library. To date, they have been able to raise over \$6 million of the \$19,159,250 cost to renovate the library. So far to date, they have only used \$13 million of the \$15.5 million bonded.

Trustee Santoro informed residents that the recreation brochure has been mailed out to all residents. The fire department is holding an open house for residents to learn more about volunteer opportunities on April 10th at Columbia Fire House.

Mayor Rosenblum stated that he supports the library as much as he supports the fire department and does not want to pit one against the other. Mayor Rosenblum announced that there the Washingtonville Housing Alliance will be honoring Valerie O'Keeffe at their Annual Spring Dinner on May 19 at the Hampshire Country Club. He can think of no other who is more deserving.

Mr. Slingerland stated that the Village of Mamaroneck is hosting the next Westchester Municipal Officials Dinner on April 14th.

On motion of Trustee Ryan, seconded by Trustee Santoro,

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

ADJOURNMENT

There being no further business to come before the Board, on motion duly made and seconded, the public portion of the meeting was adjourned.

PREPARED BY:
SALLY J. ROBERTS,
SECRETARY

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