

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, APRIL 11, 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

RECOGNITION OF EMELIN THEATRE

The Mayor presented a Proclamation to the Emelin Theatre for their being recognized by **ARTWESTCHESTER** with their 2011 Cultural Institute award. Mr. Mark Ettinger, President of the Board of Directors and Ms. Lisa Riley, Director of the Theatre appeared to accept the Proclamation. Mr. Ettinger thanked the Mayor and the Board for this honor. He stated that the Emelin will strive to continue to serve the community. Ms. Riley thanked the Board as well. They are very proud to be a community focal point and are happy to work so closely with the Village and Town in bringing community theatre to Mamaroneck.

MAYOR'S REPORT – THIS IS MAMARONECK

The Westchester Sandbox Theatre appeared. Mr. Dan Ferrante, owner of the Theatre appeared. He brought with him a troop of young people to perform this evening. He gave a brief overview of the Theatre and their work. Mr. Ferrante thanked the Mayor and Board and the Village for their support. He is proud to be part of the community. The youngsters performed "Freedom Run".

1. COMMUNICATIONS TO THE BOARD

Mr. Daniel Natchez of Alda Road appeared in reference to a recent FOIL request he submitted to the Village for a copy of the LWRP Draft Update in Word format, instead of a PDF, which is what is on line. Mr. Natchez stated that the Clerk-Treasurer's office has been diligent, but has not been able to obtain a copy in this format. Mr. Slingerland stated that he received Mr. Natchez's appeal and he responded to it. The Village will

do everything it can to get this document in this format. Mr. Natchez stated that it should be the policy of the Village that these types of documents be available in Word so that residents can make changes. The Mayor suggested converting the document into Word. Mr. Natchez stated that this can be done; however, much of the document is lost in these conversions.

Mr. Stuart Tiekert of Beach Avenue appeared regarding the Village's minutes of public meetings. Mr. Tiekert watched the last meeting where the Mayor took exception to Mr. Tiekert's concern about the accuracy of the Tree Committee minutes. He thought this unfortunate, as he was not at the meeting to defend his position. Mr. Tiekert read statutes from the Committee on Open Government on the taking of minutes. On tonight's agenda, the minutes of the last two work session are on for approval. He noted that no work session minutes have been submitted or approved for the last year. He is concerned about the lack of detail of these work session minutes.

Dr. Charles Morelli of Beach Avenue appeared on Pine Street. Part of their license agreement with the Village states that they are responsible for the maintenance of their parking area. He had sent an email to Mr. Slingerland with a picture of the catch basins which are sinking. There has also been severe erosion of the parking area because of the flooding that occurs. Being that these issues have occurred because of infrastructure, he is asking if the Village would split the cost in getting the parking area back to where it was three years ago. Mr. Slingerland stated that this is under review with the Village Attorney. Mr. Slingerland will contact Dr. Morelli as soon as this has been determined.

Trustee Hofstetter agrees that although it was he who pushed for work session minutes to be taken again, he believes that action minutes do not suffice. He would like to see more detail. He also believes that there are inaccuracies. Trustee Ryan stated that it was agreed that the minutes taken again at work session would be action minutes; however, there may be certain times when more detailed minutes are needed. Trustee Ryan suggested that the Board notify the Clerk-Treasurer's office when they believe that more detailed minutes need to be taken, as was the case of the last work session. Trustee Ryan believes that if residents appear to speak on a subject that is on-going, these discussions should be reflected. Mr. Slingerland stated that this will greatly increase staff time. Mr. Tiekert asked if there were minutes taken for the last year. The Mayor stated that according to the law, only motions and votes taken are required to be taken, discussion is not required. Trustee Hofstetter again stated that he believes that this is not adequate. Mr. Slingerland stated that the staff will carry out any policy set by the Board.

2. APPROVAL OF MINUTES

A. Minutes of BOT Work Session of March 21, 2011

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Minutes of the Board of Trustees Work Session of March 21, 2011 be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Minutes of BOT Regular Meeting of March 28, 2011 (with Public Hearings)

On motion of Trustee Ryan, seconded by Trustee Santoro:

Trustee Hofstetter had changes to page 7. During the discussion on moving money to cover actual expenses, he would like it noted that he stated that if we take the \$2.86 million spent last fiscal year, the tax increase would have been 3.5% and Mr. Slingerland corrected him stating that it would have been closer to 3%. Trustee Santoro understands what Trustee Hofstetter is saying; however, he believes that you then have to go back to 2002 and correct each budget to correctly reflect each year. Trustee Hofstetter stated that he is not suggesting correcting the budget, only the minutes. He wants to make sure that the residents understand that between \$500,000 and \$600,000 had to be pulled from Fund Balance to pay the expenses of the Village as not enough money was budgeted. Trustee Santoro stated again that this has been done since 2002.

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of March 28, 2011 with the above noted addition be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Minutes of BOT Special Meeting of March 31, 2011

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Minutes of the Board of Trustees Special Meeting of March 31, 2011 be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan

Nays: None

Abstain: Santoro, Rosenblum

D. Minutes of BOT Work Session April 4, 2011

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Minutes of the Board of Trustees Work Session of April 4, 2011 be and are hereby approved.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

3. AUDIT OF BILLS

Trustee Ryan questioned the charges by Concord Temporary Staffing. Mr. Slingerland stated that was for the court clerk's office. There were also two payments; one from the Town of Mamaroneck and one from the Town of Rye Receiver of Taxes, which she questioned. Mr. Fusco stated that the Village owns properties that are in both towns and this is the tax payment on these properties. Trustee Santoro asked about the charge from Red Oak consulting and asked if we should hold the payment until the final study is received. Mr. Slingerland stated that the final study was received today. Trustee Santoro asked Mr. Slingerland to hold the check until the Board has had a chance to review the study and okay the release of payment. Trustee Santoro asked what the charge from Sheldrake Environmental is for. The Mayor believes that this is something that is covered in the budget; however the Board should know about all of these programs. The Mayor asked what camps we are underwriting for which schools as it should all be done on a level playing field. Trustee Santoro asked about Lovell Safety Management. Mr. Slingerland stated that this is for workers compensation payments.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Abstract of Audited Vouchers listed below dated April 11, 2011, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 1,192,328.20
Capital Fund (2010)	15,300.00
Capital Fund (2011)	239,144.75
Expendable Trust	102.02
Agency Fund	<u>7,652.03</u>
	\$ 1,454,527.00

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

4. OLD BUSINESS

None

5. **NEW BUSINESS**

A. Annual National Arbor Day

RESOLUTION RE: ARBOR DAY 2011 IN THE VILLAGE OF MAMARONECK, NY

WHEREAS, the Mayor and Board of Trustees would like to express our best and warmest wishes in celebration of National Arbor Day which is celebrated nationally on the last Friday in April – April 29, 2011 and reflect upon the importance of trees to the Village of Mamaroneck; and

WHEREAS, the Village of Mamaroneck will be planting a tree on our scheduled Village-wide community and river clean-up, scheduled for Saturday, April 30, 2011; and

WHEREAS, trees have for centuries been an important part of the look and feel of the Village of Mamaroneck. They are a symbol of our responsibility and commitment to our environment and to our future. It is the Village of Mamaroneck's desire to continue our participation in the National Arbor Day Foundation's Tree City USA program.

On motion of Trustee Albert, seconded by Trustee Ryan:

BE IT RESOLVED, that in recognition of the Village of Mamaroneck's past and future commitments to the care and replacement of trees due to the environmental, economic and cultural value to Mamaroneck, it is our honor and privilege to recognize Friday, April 29, 2011, as Arbor Day throughout the Village of Mamaroneck, NY.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Authorization to Execute Agreement with O'Connor Davies Munns & Dobbins, LLP

Mr. Fusco stated that the resolution should read: \$62,300 for fiscal year ending 2011-12; \$62,300 for fiscal year ending 2012-13; and, \$62,300 for fiscal year ending **2013-14**.

RESOLUTION RE: AUTHORIZATION TO EXECUTE A LETTER OF ENGAGEMENT TO PROVIDE INDEPENDENT AUDIT SERVICES

WHEREAS, pursuant to New York State Municipal Finance Law, the Village must annually have an independent audit performed of the Village and Justice Court financial statements; and

WHEREAS, the accounting firm of O'Connor Davies Munns & Dobbins LLP ("ODMD"), 925 Westchester Avenue, White Plains, NY 10604, f/k/a Bennett Kielson Storch DeSantis & Co., has served as the Village's independent auditor for many years, performing these audits and providing other assistance to the Village in a highly professional manner; and

WHEREAS, in conjunction with their annual audit services, ODMD has assisted the Village in the past few years towards implementing the comprehensive financial accounting and auditing standards that are required by GASB No. 34 and 45; and

WHEREAS, ODMD'S professional services agreement with the Village recently expired; and

WHEREAS, ODMD has presented a three-year engagement letter to the Village of Mamaroneck proposing a fee for basic audit services and GASB No. 34 reporting of \$62,300 for the fiscal year ending 2011-12; \$62,300 for fiscal year ending 2012-13; and, \$62,300 for fiscal year ending 2013-14; and

WHEREAS, the fees proposed are competitive with current industry standards and it would be in the best interest of the Village to continue to use ODMD to conduct the annual audit of the Village's financial statements.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the Village Manager is herein authorized to execute a Letter of Engagement with O'Connor Davies Munns & Dobbins, LLP in substantially the same form as attached hereto, to continue to perform annual independent audit and related services for the Village and Justice Court for a one-year term at a fee of \$62,300 for the fiscal year ending 2011-12; \$62,300 for fiscal year ending 2012-13; and, \$62,300 for fiscal year ending 2013-14; and be it further

RESOLVED, that the costs for such services be charged to the General Fund Budget Account # A.1110.0421 and A.1325.0421.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Authorization to Execute Agreement with Hudson Valley Bank

RESOLUTION RE: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH HUDSON VALLEY BANK
FOR ON-LINE BANKING SERVICES

WHEREAS, Hudson Valley Bank is an authorized depository for the Village of Mamaroneck and in order to implement efficiencies and streamline financial transactions, the Clerk-Treasurer's Office is desirous of utilizing online banking services provided by Hudson Valley Bank; and

WHEREAS, Hudson Valley Bank has forwarded an agreement to the Village of Mamaroneck providing for online banking services at no additional cost to the Village, such agreement having been reviewed by the Village Attorney and approved as to form.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED, that the Clerk-Treasurer is herein authorized to execute an agreement with Hudson Valley Bank providing for online banking services; and be it further

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Proposed Additional Members of LWRP Update Committee

Mayor Rosenblum stated that this is a result of the first public meeting held on the Update of the LWRP.

RESOLUTION AUTHORIZING MAYORAL APPOINTMENT OF ADDITIONAL MEMBERS
TO THE LWRP UPDATE COMMITTEE

WHEREAS, in accordance with The Village of Mamaroneck's original grant application to updated the LWRP, the New York State Department of State requires the participation of an LWRP Update Committee; and

WHEREAS, it has been determined that the Mayor should appoint additional members to expand the Committee, based on comments submitted by the public after the first workshop.

On motion of Trustee Santoro, seconded by Mayor Rosenblum:

NOW, THEREFORE, BE IT RESOLVED, that Mayor Norman S. Rosenblum be and is hereby authorized to appoint the following individuals as additional members of the Village of Mamaroneck LWRP Update Committee:

- o Howard McMichael as a representative of a marine related business
- o Randi Ruder of the Beach Point Club, as a representative of the clubs
- o Jim Bilotta from HCZM
- o Fred Longacre, from the Harbor Island Conservancy
- o Lou Mendez, from the Planning Board
- o Scott Deutermann, Mamaroneck Boats and Motors

BE IT FURTHER RESOLVED that the term of all LWRP Committee members shall expire with the completion of the Update.

Ayes: Santoro, Rosenblum

Nays: Albert, Hofstetter, Ryan

Mayor Rosenblum questioned why the other members of the Board chose to close this down as they made comments that the update committee should be expanded. There were comments received from residents, including those who served on land use boards supporting additional members. He believes that the individuals listed above represent the members of the marine zone and the harbor and coastal zone management commission.

Trustee Ryan does not have a problem with the number of individuals nominated. She does have a problem with not having discussion on the individuals being proposed, as no resumes were submitted. She believes that all volunteers serving on boards and committees should have a resume on file at the Village. Trustee Ryan asked if this is a Mayor's or Board's committee. Mayor Rosenblum stated that it is a Mayor's committee. Trustee Ryan suggested that it become a Board committee, as the entire Board voted on the past members appointed. Trustee Ryan asked if these individuals take an oath of office and if they are voted on by the Board, should they be a Board committee. Mr. Silverberg stated that as he was not Village Attorney at the time this committee was formed, he has been trying to do some investigation on the formation and intent of the committee. He cannot answer the questions at this time, without doing some more leg work.

Trustee Ryan understands, but believes that if this is a Mayor's committee, then he should have appointed the first round of members without approval by the Board and since the Board approved the original members, they should have input on the additional members appointed. She does not think this is fair to the members, nor the Board.

Trustee Hofstetter stated that at the last Work Session, it was discussed that there are many residents who have the background and historical perspective to be helpful to this committee. He does not believe that this process has been handled properly. Trustee Hofstetter also believes that as they voted on the original members, that it would be better for the Village to have this be a Board committee.

Trustee Santoro read a portion of the minutes from the February 22, 2010 when this committee was formed, which reads:

The focus of the Mayor's committee was questioned by Trustee Ryan, and it was explained that this committee, like all committees is advisory, that the grant required a Mayor's committee be established, and that the members of the committee would act as liaisons to the boards they represent.

Trustee Santoro further stated that the resumes of the five individuals appointed at that time were not seen nor discussed. Trustee Ryan stated that all of the individuals appointed at that time were on Village committees and therefore, their resumes had been received and reviewed.

Trustee Hofstetter stated that the grant does not state that the committee has to be a Mayor's committee.

E. Authorization for County to Utilize Village Polling Places for September & November Elections

Mayor Rosenblum asked if we could request that the old machines be used in these elections, as is being done in other jurisdictions. Mr. Slingerland stated that he would make that request. The Mayor asked that this be made part of the resolution.

RESOLUTION TO AUTHORIZE DESIGNATED POLLING PLACES IN THE VILLAGE OF
MAMARONECK

WHEREAS, the Westchester County Board of Elections has requested the use of Volunteer's Fire House, Halstead Manor Fire House, Columbia Firehouse, the new Headquarters Firehouse, and the Village of Mamaroneck Emergency Medical Service Building as polling locations for the September 13, 2011 Primary Election and the November 8, 2011 General Election; and

WHEREAS, the County has requested a resolution from the Board of Trustees granting permission for the usage of the above named premises for the purpose of polling locations; and

WHEREAS, the County will provide the Village of Mamaroneck with a Certificate of Insurance for each location.

On motion of Trustee Ryan, seconded by Trustee Albert,

NOW THEREFORE BE IT RESOLVED that the Westchester County Board of Elections request for the use of Volunteer's Firehouse, Halstead Manor Fire House, Columbia Firehouse, the new Headquarters Firehouse and the Emergency Medical Service Building as polling locations is hereby granted; and be it further

RESOLVED, that the Village facilities named above are designated as polling locations for the Primary Election to held on September 13, 2011 and the General Election to be held on November 8, 2011; and be it further

RESOLVED, that the Village requests the use of the old lever machines in these elections.

Ayes: Albert, Ryan, Santoro, Ryan, Rosenblum

Nays: Hofstetter

Trustee Hofstetter stated that he is voting no as he does not agree with the last resolved clause.

F. License Agreement for 607 Stiles Avenue

As the Board is reviewing all license agreements, this item was tabled to a future meeting.

G. Authorization for use of Harbor Island Park to host "Out of Darkness" 5K Walk

Ms. Mona Cavalcoli, Westchester County Coordinator for the suicide prevention walk appeared to answer any questions the Board may have. Mr. Slingerland requested that Ms. Cavalcoli work with the county on additional crowd and traffic control. The Mayor believes that the purpose of this is important and should

be talked about more openly. Ms. Cavalcoli thanked the Board for their support and asked the Mayor to be the opening speaker the day of the walk.

RESOLUTION AUTHORIZING THE AMERICAN FOUNDATION FOR SUICIDE PREVENTION TO HOLD A 5K COMMUNITY WALK

WHEREAS, the Village of Mamaroneck has received a request from the American Foundation for Suicide Prevention, the organizers of "Out of the Darkness" to hold a 5K Community Walk in the Village of Mamaroneck on Sunday, October 16, 2011; and

WHEREAS, permission is requested for use of Harbor Island Park as a staging area for registration, parking, opening and closing ceremonies with set up beginning at 6:30 am and clean up ending by 1:30 pm; and

WHEREAS, the American Foundation for Suicide Prevention estimates 500 people will participate in this event between the hours of (9:00 am and 12:00 noon); and

WHEREAS, "Out of the Darkness" does not need any roads or lanes closed during this event.

On motion of Trustee Ryan, seconded by Trustee Albert:

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Mamaroneck supports and approves the 8th Annual "Out of the Darkness" event scheduled to take place through Village streets and Harbor Island Park on Sunday, October 16, 2011; and be it further

RESOLVED, that such approval is subject to the receipt of a Certificate of Insurance naming the Village as an additional insured.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Resolution Authorizing Budget Amendment for JCAP Grant

RESOLUTION AUTHORIZING BUDGET AMENDMENT RECORDING PROCEEDS AND EXPENDITURES FROM NYS JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT

WHEREAS, on October 25, 2010, the Board of Trustees authorized the Village Justice Court to submit a JCAP grant application to New York State and

WHEREAS, the grant application requested funding for renovations to the Court's record storage area, clerical room renovations, new court room carpeting, window treatments, and related improvements.

WHEREAS, on March 2, the Village Court was awarded a 2010 JCAP grant for \$16,270,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees authorizes the execution of the following budget amendment to record the transaction.

<u>Debit</u>		<u>Credit</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.5100 Estimated Revenue	\$16,270	A.1110. Village Justice	\$16,270
A.0300.3843 NYS JCAP Grant		0220 Equip & Cap Outlay	

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Resolution Adding Agenda Item 5J

ADDITION OF AGENDA ITEM 5J

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 Hofstetter, seconded by Trustee Ryan:

RESOLVED that Agenda Item 5J, Appointment of Special Counsel to Land Use Boards be and is hereby added to the Board of Trustees Regular Meeting Agenda of April 11, 2011.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum believes that this has been jammed through in two meetings when he was not available to meet. The Mayor also believes that the Board does not have the legal authority to appoint special council. Trustees Hofstetter and Ryan disagree. Mayor Rosenblum has asked for a legal opinion on this. Also, the Mayor has not seen any documentation on this appointment. He asked how much money the firm will be paid. Trustee Ryan stated that it is interesting that the Mayor is asking these questions, as she had to wait

months to get this sort of information when the Mayor appointed the Village Attorney when he was elected. Trustee Ryan stated that as soon as the material is available, it will be forwarded to the Mayor. The agreement has just been reached with this firm, and there is nothing yet available in writing. The document will be available for the next meeting or work session. Mayor Rosenblum stated that he has seen proposals that show a fee of over \$500/hour. He is afraid that this is going to bankrupt the Village as there are several open litigations against the land use boards. He believes that it will cost the Village several hundred thousand dollars for the new attorney to review all of these cases. The Mayor stated that this is the worst political shenanigans he has witnessed since he has been involved in Village politics going back to 1980.

Trustee Hofstetter stated that he believes that this is in the best interest of the Village.

Ayes: Albert, Hofstetter, Ryan

Nays: Santoro, Rosenblum

J. Appointment of Special Counsel to Land Use Boards

Trustee Ryan read the following statement:

Mayor Rosenblum stated that he would have like to have a copy of the statement being read.

"It has been apparent for some time that the process that residents and other applicants must follow in order to get their applications through our land use boards was greatly flawed. As a matter of fact, about a year and a half ago there was a meeting of all chairs of land use boards, the building inspector, other Village staff members, representatives from the Board of Trustees and the village attorney to try to begin to figure out how to address this very issue.

At the same time, it became clear that land use board members, all volunteers from our Village, all people who give generously of their time, were receiving little in the way of the type of support typically afforded to municipal volunteer boards.

Our goal was to find a way to streamline the application process within the parameters of the law and our Village Code, while at the same time providing our valuable volunteers with a regular resource for direction and guidance and a sense of collegiality with boards working in concert in coordinated reviews where applicable and beneficial.

The key to making all this happen is by providing our land use boards with special counsel land use attorneys, and we undertook an interview process of several firms. We began this process in late December and just completed it last Thursday, April 7. This is not something we rushed into, nor is it something we took lightly. In fact, before we even started the process, we stated to the entire board in December that we would be undertaking such a search. As of April 7, we narrowed our search to two firms that we thought would best serve our identified needs and invited the entire Board to interview the two finalists. Unfortunately, the Mayor and Deputy Mayor did not participate.

We are presenting tonight the firm of Wormser, Kiely, Galef & Jacobs, specifically Mr. Lester Steinman who will work with the Planning Board and Ms. Anna Georgiou who will work with the Zoning Board of Appeals and the Harbor and Coastal Zone Management Commission as special counsel land use attorneys. This firm specializes in municipal law, zoning, planning and environmental law. They are committed to helping us meet our goals of streamlining the application process, preparing our land-use volunteers for meetings, and training them on their roles and responsibilities in our local government.

I move that Wormser, Kiely, Galef & Jacobs, be appointed special counsel land use attorneys for the Village of Mamaroneck beginning 30 days from this date for the Zoning Board of Appeals and a mutually agreeable time frame for Planning and Harbor and Coastal Zone Management."

Trustee Hofstetter seconded the motion and stated that Mr. Steinman has done work previously for the Village with the Ethics Board and at the time, everyone praised the work done. He looks forward to everyone working closely and cooperatively with him.

Ayes: Albert, Hofstetter, Ryan

Nays: Santoro, Rosenblum

Trustee Santoro asked what the hourly rate and reimbursement fee will be. Trustee Ryan stated that this information will be given to the Board early next week. Trustee Santoro stated that he voted no on this motion as he does not feel comfortable approving something when he does not know what the costs will be.

Mayor Rosenblum believes that this denotes a total lack of concern for the residents, as this will result in an 8% tax increase to pay these increased costs. While Lester Steinman is an excellent attorney, the question is the process that took place in making this decision. He believes that an open contract that costs \$470- \$520 an hour will bankrupt this Village. He also stated that the process has been a farce, as the first time

he found out about this was four weeks ago and when he was told that there was going to be a meeting, he let them know that he had a previous engagement at the Water Works and they did not have the decency to reschedule the meeting. He stated that there have been three special meetings called while the democrats have been in power, the first of which was to try and get a "sweetheart job" for the previous Mayor and the last two were on this subject and held during work hours. He asked why this was not done in an open meeting.

Trustee Ryan clarified some of the statements made by the Mayor. They have exercised every bit of fiduciary responsibility. They did invite the Mayor and Deputy Mayor to both meetings and cannot understand why the Deputy Mayor did not attend either meeting. She would have liked to have all five Board members attend these meetings. They did everything under the law and Trustee Ryan asked the residents to give this new firm a chance and residents should not be afraid of losing their home due to the hiring of this new firm, as was stated by the Mayor.

Mayor Rosenblum stated that the budget is 5.75% and that it is a democrat's budget. Trustee Hofstetter believes that it is the budget of the entire board. The Mayor refutes the budget. Trustee Hofstetter believes that we would be in a different ballpark if we were not funding last year's deficit. Trustee Hofstetter also believes that a fresh perspective is a good idea and changing things up after a review is good for the community. Trustee Hofstetter stated that the charges to review land use applications should be charged back to the applicants.

Mayor Rosenblum stated that Trustee Ryan informed him previously that the only reason they were looking at replacing the counsel to the land use boards is she believed it was a conflict of interest in having the village attorney handle the land use boards and as Mr. Silverberg has resigned as village attorney, this should no longer be an issue. The Mayor believes that this is just sour grapes to payback the board for votes that they did not agree with. The Mayor also believes that Mr. Silverberg should remain to handle the existing litigation. Trustee Ryan stated that is something that can be discussed in executive session.

Trustee Santoro asked to clarify that it wasn't that he wouldn't attend the meetings; it was that he couldn't attend with only 48 hours notice. He also feels that as this has been going on since December, it was not an emergency in his view and emergency meetings should not have been called.

Trustee Hofstetter pointed out that he believes that Trustee Santoro voted on other resolutions without the information being submitted to him and he cannot understand why he is uncomfortable voting on this issue without first having the information.

6. REPORT FROM VILLAGE MANAGER

A. Correspondence received from Cablevision

Mr. Slingerland stated that correspondence was received from Cablevision regarding a change in subscription fees for new subscribers.

B. Correspondence received from US Census Bureau

Mr. Slingerland stated that the preliminary results are out and the Census Bureau is conducting a review and challenge period for those municipalities who believe their numbers are not correct.

7. FLOOD MITIGATION REPORT

Mr. Slingerland reported that a FMAC meeting was held and a draft agreement with the Town of Harrison on the possibility of removing the road to nowhere is being composed at a projected cost of \$36,000 which would help the flood reduction by approximately 6 inches. If up and downstream dredging and channelization were done, it would increase that reduction by 18 inches. The Village received an amended report with back up material from Leonard Jackson and Associates, which will close out his 2008 report. The Board asked for copies of this report.

8. REPORT FROM CLERK-TREASURER

A. Publication of Adoption of Annual Assessment Role

Mr. Fusco read a copy of the adoption of annual assessment role, which was published in the Journal News.

B. Municipal Shelter Inspection Report received from NY Department of Agriculture & Markets

Mr. Fusco reported that an inspection report on our municipal shelter was received and they were rated satisfactory.

9. REPORT FROM VILLAGE ATTORNEY

A. Filing of Local Laws 3, 4 & 5, 2011 with Secretary of State

Mr. Silverberg reported that Local Laws 3, 4 and 5, 2011 were filed with the office of the Secretary of State on March 21, 2011.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

A. Board of Traffic Commissioners – February 9, 2011

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Minutes of the Board of Traffic Commissioners meeting of February 9, 2011 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Park & Recreation Commission – February 12, 2011

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Minutes of Park and Recreation Commissioners meeting of February 12, 2011 be and are hereby adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Updates from the Board

Trustee Ryan reported on the 10th Annual Poetry Live Event held on April 4th at the Emelin Theatre. Trustee Ryan attended the Fire Chief Installation dinner and it was warm and welcoming as always. Trustee Ryan reminded residents of the community and river clean up date on April 30.

Trustee Santoro congratulated Mamaroneck High School's Future Business Leaders Club on taking first place in New York State. The Recreation Department also received an award for the Annual Tree Lighting Social. Trustee Santoro also attended a fundraiser in White Plains where Bernie Williams played. This fundraiser was organized by 10 individuals from the Village of Mamaroneck to help a family in need. He thanked Bernie for giving his time for the individuals of the Village.

Mayor Rosenblum thanked Legislator Judy Myers for her comments about the Village of Mamaroneck at the event where the Emelin Theatre was Mayor Rosenblum attend the Rye Neck Spring Fair and it was a wonderful event.

On motion of Trustee Ryan, seconded by Trustee Albert:

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

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