

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, JANUARY 9, 2012 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
Assistant Village Manager Daniel Sarnoff
Village Attorney Michael McDermott
Clerk-Treasurer Agostino A. Fusco

ABSENT: None

MAYOR'S REPORT

WESTCHESTER DAY SCHOOL

Students from the Westchester Day School appeared to lead the Board in the Pledge of Allegiance and to also inform residents of their upcoming events on Sunday, January 15 in honor of Dr. Martin Luther King, Jr. Day. They will be collecting clothes for the Kids' Klostet as well as collecting food items for the Mamaroneck Food Pantry. The students invited the Board to visit the school to help bake cookies and join them for dinner.

1. COMMUNICATIONS TO THE BOARD

Mr. Irving Scharf of Richbell Road reported that the Village of Larchmont has increased their cost to take a taxi a substantial amount and he believes that they should offer a senior citizens discount. Mr. Slingerland stated that he would convey this message to Larchmont.

3. AUDIT OF BILLS

Trustee Ryan stated that she will abstain from voting as she did not have an opportunity to review the abstract. Mayor Rosenblum questioned the potential renegotiation of fees with the land use attorney. Mr. Slingerland stated that he has not yet received anything and will follow up with Mr. Steinman tomorrow.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

RESOLVED that the Abstract of Audited Vouchers listed below dated January 9, 2012 for fiscal year, copy being filed with the Village Clerk, after the report on legal fees by the Clerk-Treasurer is received be and the same are hereby ordered paid:

General Fund	\$522,436.98
Water Fund	18,000.00
Expendable Trust	208.70
Agency Fund	10,940.44
	<hr/>
	<u>\$551,586.12</u>

Ayes: Albert, Hofstetter, Santoro, Rosenblum

Nays: None

Abstain: Ryan

3. OLD BUSINESS

A. Tax Certiorari Settlements for (1) Hampshire Country Club, (2) Liusi and Coxe & (3) 1579 Atlantic Avenue Reality Corporation

Mayor Rosenblum stated that these were tabled at the previous meeting as the Town and School Boards had not yet settled. Since that meeting, the Board has discussed these with our attorney handling certioraris, Steve Silverberg and agreed to put on tonight's agenda. Trustee Hofstetter corrected this statement by saying that the Board did not agree to put it on tonight's agenda, that simply by procedure it is carried over to the next meeting.

There was a motion made by Trustee Santoro, seconded by Mayor Rosenblum to accept all three tax certiorari settlements. Trustee Hofstetter asked if the Town and School Boards have settled on these matters. Mr. McDermott stated that Mr. Silverberg is the attorney handling these matters and that he reported on the status at their last work session. Mr. McDermott stated that he has not updated the status since then. Trustee Hofstetter stated that Mr. Silverberg informed the Board that neither the Town nor School Boards have voted to settle; therefore, he requests that these certioraris be tabled.

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER
HAMSPHIRE COUNTRY CLUB, INC LOCATED
AT HOMMOCKS ROAD AND COVE ROAD NORTH**

WHEREAS, petitions have been filed by the property owner(s) 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 \$144,710.16 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;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes Silverberg Zalantis LLP, as special counsel, to execute the following settlement on behalf of the Village for the properties listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2006	\$297,684	\$194,025	\$103,659
2007	\$297,684	\$179,400	\$118,284
2008	\$297,684	\$160,550	\$137,134
2009	\$297,684	\$154,800	\$142,884

AND

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER LUISI &
COXE FUNERAL HOME, INC LOCATED
AT 767 & 785 E. BOSTON POST ROAD**

WHEREAS, petitions have been filed by the property owner(s) 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 \$43,889.22 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;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes Silverberg Zalantis LLP, as special counsel, to execute the following settlement on behalf of the Village for the properties listed below:

767 E. Boston Post Road

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2005	\$26,300	\$21,960	\$4,340
2006	\$26,300	\$20,711	\$5,589
2007	\$26,300	\$19,150	\$7,150
2008	\$26,300	\$17,589	\$8,711
2009	\$26,300	\$17,901	\$8,399
2010	\$26,300	\$17,069	\$9,231
2011	\$26,300	18,942	\$7,358

785 E. Boston Post Road

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2005	\$26,300	\$21,960	\$4,340
2006	\$26,300	\$20,711	\$5,589
2007	\$26,300	\$19,150	\$7,150
2008	\$26,300	\$17,589	\$8,711
2009	\$26,300	\$17,901	\$8,399
2010	\$26,300	\$17,069	\$9,231
2011	\$26,300	18,942	\$7,358

AND

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER 1579
ATLANTIC AVENUE REALTY CORP, LOCATED
AT CORNER OF E. POST ROAD AND N. BARRY AVENUE**

WHEREAS, petitions have been filed by the property owner(s) 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 \$57,065.83 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;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes Silverberg Zalantis LLP, as special counsel, to execute the following settlement on behalf of the Village for the properties listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2005	\$46,600	\$22,155	\$24,445
2006	\$46,600	\$20,895	\$25,705
2007	\$46,600	\$19,320	\$27,280
2008	\$46,600	\$17,745	\$28,855
2009	\$46,600	\$18,060	\$28,540
2010	\$46,600	\$15,580	\$31,020
2011	\$46,600	\$17,290	\$29,310

Trustee Ryan stated that as the Board has received correspondence from the attorneys of the above properties asking when they can expect to receive their check as we have indicated that the checks were coming, she will be voting yes as she believes that this could become a financially dangerous.

Trustee Santoro stated that he will be voting yes as there is no reason to wait for the Town of Rye to settle on Luisi and Coxe as they are not involved in this. Trustee Hofstetter stated that all three are being voted on at once. Mayor Rosenblum stated that he will be voting yes and that he concurs with Trustees Ryan and Santoro. Also it is stipulated in these settlements that the Village is not responsible for any interest. Trustee Hofstetter stated that the assessed value on one of these properties is less than the property cost about one year ago. Mr. Slingerland stated that the last year is not part of the equation of the settlement on this property. Trustee Hofstetter further stated that one of these properties is being assessed for less than \$10 million and the property sold for more than that a year ago. The Mayor stated that this certiorari is being treated no differently than any other and that the state is pushing for municipalities to settle these. Trustee Hofstetter believes that this is a disservice to the residents.

Randi Robinowitz of Lawn Terrace appeared. She stated that Trustee Hofstetter has a good point as these were not settled by the Town yet; however, commercial properties are assessed on an income approach not the selling price. Trustee Hofstetter understands this, but believes that common sense would tell you that as the market has declined, the value of the property should have been higher for the period of time that we settled for and not less. Trustee Ryan stated that the settlement on this property came in less than what they

asked for and again, because of the correspondence from the attorneys for the properties, she decided to vote yes.

Ayes: Ryan, Santoro, Rosenblum

Nays: Albert Hofstetter

B. Resolution Adopting Negative Declaration & EAF in Anticipation and Adoption of Comprehensive Plan Update

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA
IN CONNECTION WITH THE VILLAGE OF MAMARONECK COMPREHENSIVE PLAN UPDATE

WHEREAS, the Board of Trustees has been working for over a year on the Village of Mamaroneck Comprehensive Plan update (“Action”); and

WHEREAS, the Board of Trustees declared their intent to act as lead agency on July 18, 2011, and circulated a notice of that intent to various involved or other agencies together with relevant information, and no objections were received for the Village to act as Lead Agency in this regard; and

WHEREAS, the Board of Trustees opened a public hearing on the Comprehensive Plan Update on Tuesday, October 11, 2011, and the hearing was continued until it was closed on Monday, November 28, 2011; and

WHEREAS, on Monday, December 12, 2011, the Board of Trustees met with its planning consultants from the planning firm of Buckhurst, Fish and Jacquemart (BFJ) to review and discuss the comments submitted as part of the Comprehensive Plan update and hearing process in connection with the SEQRA review of this plan; and

WHEREAS, the Board of Trustees, with the assistance of BFJ, has classified the Action as Type I under NY SEQRA Section 617.6; and

WHEREAS, the Board of Trustees has received and reviewed the Long Form Environmental Assessment Form and supporting documentation for the Action prepared by BFJ and submitted with this Resolution (“EAF”) and has considered the probable impacts as set forth in the EAF; and

WHEREAS, the Board of Trustees has received and reviewed a Coastal Assessment Form (“CAF”) for the Action prepared by the Assistant Village Manager;

On motion of Trustee Santoro, seconded by Mayor Rosenblum:

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees accepts and adopts the CAF; and be it further

RESOLVED, that the Board of Trustees accepts and adopts the EAF and the information and assessments set forth therein; and be it further

RESOLVED, that on the basis of the EAF and CAF, the Village Board finds that the Action will not result in significant adverse environmental impacts and adopts a Negative Declaration under SEQRA and authorizes the Village Manager to execute the EAF, and for the reasons set forth, to take the necessary and appropriate actions to execute, file and publish the Negative Declaration in accordance with the applicable law.

The Mayor asked for comments from the audience. Mr. Tiekert of Beach Avenue appeared and stated that the Board procedures call for the Board to make their comments first and then to accept comments from the audience.

Ms. Doreen Roney from Highview Street appeared. On November 28, the public hearing on the Comprehensive Plan Update was closed and Trustee Hofstetter made a very good point before that hearing was closed. Ms. Roney read Trustee Hofstetter's statement which asked for clarification that after the hearing is closed, Frank Fish from BFJ will take the comments made during the hearing, incorporate what is appropriate and another public hearing will be opened. He further stated that this is not the end; this is not the final product. Ms. Roney stated that one issue raised with Frank Fish is the list of areas commonly known to have water issues be called out so that they are part of this revised plan. Ms. Roney asked when the revised plan will be available and the public hearing scheduled as right now, the Board is voting on a SEQRA declaration and EAF prior to a public hearing on this finalized product.

Mr. Jim Desmond appeared. He asked who prepared the draft EAF. When told that it was BFJ, he asked if anyone from the HCZM or the staff was involved as this involves the environment and water.

Mr. Frank Fish of Buckhurst, Fish and Jacquemart appeared. He asked if he would address all of the issues that have been raised. He stated that a public hearing has been held and the comment period was held open for more than a month. There is no requirement to have another public hearing after you revise the plan. All comments made were gone over with the Board and the Board's decisions were incorporated into the plan. In order for this to go to the HCZM for consistency, the SEQRA determination has to be made by the Board.

This is established law and is not debatable. The question before the Board tonight is whether or not the proposed action to adopt the Comprehensive Plan will have a negative or adverse impact on the environment. Mr. Fish stated that it does not. He believes that it has beneficial impacts on the environment. Mr. Fish informed the Board that the law suggests that the determination of significance is made within twenty days of the proposed action. If the Board does not act, they will be in violation of State Law. He believes that the time has come to take a vote on the Neg Dec so that this can proceed to the HCZM for Consistency. In answer to Mr. Desmond's concerns, Mr. Fish stated that BFJ did prepare the EAF and there is no requirement for the EAF to have any input from the HCZM. The Board of Trustees is the Lead Agency and they do not need any other input. How this was done is appropriate. Trustee Ryan stated that Dan Sarnoff completed the Coastal Assessment Form and it is posted on the Village's website. Mr. Sarnoff stated that this form was reviewed by the Village Manager, the Land Use Attorney and our Planner. Mr. Sarnoff also stated that a copy of the Comprehensive Plan was given to the HCZM, Planning Board, Ethics Board and Westchester County Planning Board well before tonight. Trustee Ryan stated that a member of the Planning Board recommended that we move forward. She believes it was Lee Wexler.

Ms. Doreen Roney of Highview Street appeared. She believes that there is a negative environmental impact if this plan is adopted, as well as implications for the LWRP; it is the flooding northwest of I-95. She sent correspondence to the Board regarding this. She submitted a document from Terra Stern, Coastal Resources Specialist, NYS Coastal Management Program with the Department of State addressing this issue. Ms. Roney read this for the record. This letter is filed for the record. Ms. Roney further stated that this flood area is not shown on the Comprehensive Plan or the LWRP.

Trustee Hofstetter stated that from the beginning of this process he had wanted the inventory of wetlands and lands under water included in the Plan. Part of this was to try and delineate the areas that flood as we have had a problem with flooding for years. He believes that there are areas that are not appropriately mapped and should be included. For that reason alone, he believes that the Plan should be revised.

Mr. Frank Fish addressed this stating that this is the Board's decision. A master plan does not have to be encyclopedic. He is afraid that the search for perfection is in this case the enemy of good; that we have a very good plan that is beneficial to the Village, in place; a plan that can be changed and updated when the Board feels necessary. He also stated that the LWRP is going to take time.

Trustee Hofstetter is concerned because of some of the larger buildings that have been built over the past ten or twenty years were built in flood prone areas and that emergency vehicles have had problems reaching those buildings during our recent flood events.

Mayor Rosenblum stated that the only reason that this declaration was not done at the last meeting is there were concerns raised by the Board that we may be getting into a procedural nightmare. This was discussed with the land use attorney and planner and it was confirmed that this is the right step to take at this time. There were no other issues raised at that point.

Mr. Slingerland confirmed with Mr. Fish that the flood zone areas in the Village and how these areas are treated are determined by FEMA in the FIRM maps.

Again, Mr. Fish stated that the State does not require that flooding be addressed in this document; however, the Board can make changes to this whenever they like. Trustee Hofstetter stated that because of how serious an issue flooding is, he cannot understand why this was not addressed before and made part of the plan from the very beginning.

Trustee Ryan stated that when this Update began to be worked on, she and Trustee Hofstetter were new to the Board and since that time the flooding issue has changed. The area that she lives in never flooded before and was hit terribly hard in 2007. She believes that this type of flooding will continue to happen and this Plan is the guide to help the Village plan for and recover from flooding. She would like to see more information on flooding and would like this to be public; but she understands that the effort has been made to include as much as we know about flooding and what has been brought to the Board can be put into the Plan at a later date, as things continue to change regarding flooding. The Board will need to be vigilant about keeping this document a working document and to commit to making changes when the need arises.

Ms. Roney appeared again to state that areas that are not mapped as flood areas are experiencing flooding. She asked what the residents of these areas can do to participate in the national flood insurance program and what resources they could avail themselves of. Ms. Roney also believes that this Plan should address these issues as well as what a resident would do to rebuild a home that got destroyed by flooding if not mapped as a flood area. Mr. Slingerland stated that this is not part of this plan; that these maps are prepared and updated by FEMA and if the Village were to request an update of change to the FIRM map, there would have to be engineering data to support this request. Ms. Roney also believes that the LWRP should be made part of this document. Mr. Slingerland and Trustee Ryan both stated that they disagree. Trustee Ryan stating that the LW RP is its own document and should stand on its own. Mr. Sarnoff stated that it would cost tens of thousands if not hundreds of thousands of dollars to prepare hydraulic data, hydrology data and field testing to have FIRM maps changed. He also stated that anyone can purchase flood insurance though the national

program. It is only mandated that those who have a mortgage and whose home is in a FEMA designated flood area must have flood insurance. Anyone can purchase this insurance.

Mr. Tiekert of Beach Avenue appeared. He believes that it is unrealistic to believe that with all the board has to do, they will not be revisiting this any time soon. He has also followed the Nolles Ridge application process and his recollection is that a lot was made that this was a flood prone area and because it is not in the mapped flood area, that was used to try and push this project through. If this had been mapped; if the Village had recognized this as a flood prone area, the Planning Board may have not spent two years on a plan that ultimately did not go forward.

Trustee Hofstetter reiterated that he believes that it is the Village's responsibility to show flood prone areas even if FEMA does not map them on a FIRM map.

Trustee Albert stated that he will vote yes as this is not carved in stone and can be updated. Trustee Hofstetter stated that he will vote no as he believes that it is their responsibility to delineate the flood areas so that people coming into the area do not buy property in flood prone areas without being warned. Trustee Ryan stated that she has received emails from many residents and she has been assured by the attorney and planner that this is a working document. She also believes that the flooding issue should be addressed; however, this has been going on long enough, she will be voting yes. Trustee Santoro stated that he will be voting yes as he believes this is a positive step needed to move forward and as this is a working document he asked that Trustee Hofstetter supply any information that he has on flooding that he would like incorporated into this plan. Trustee Hofstetter stated that he had brought this up previously and it is unfortunate that the Board did not feel that it was important.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

C. Resolution Considering Referral of Comprehensive Plan to HCZM

**RESOLUTION RE:
REFERRAL OF COMPREHENSIVE PLAN TO THE HARBOR & COSTAL ZONE MANAGEMENT
COMMISSION FOR CONSISTENCY REVIEW**

WHEREAS, the Board of Trustees has been working for over a year on the Village of Mamaroneck Comprehensive Plan update ("Action"); and

WHEREAS, the Board of Trustees declared their intent to act as lead agency on July 18, 2011, and circulated a notice of that intent to various involved or other agencies together with relevant information, and no objections were received for the Village to act as Lead Agency in this regard; and

WHEREAS, the Board of Trustees opened a public hearing on the Comprehensive Plan Update on Tuesday, October 11, 2011, and the hearing was continued until it was closed on Monday, November 28, 2011; and

WHEREAS, during this period, copies of the Comprehensive Plan and Long Form Environmental Assessment Form ("EAF") were distributed the various land use boards for them to review and provide substantive comments; and

WHEREAS, comments were received from the Village Planning Board recommending the adoption of the Comprehensive Plan update as well as other comments from the public and Westchester County which have been reflected in the Comprehensive Plan Update; and

WHEREAS, by resolution dated January 9, 2012, the Village Board of Trustees accepted and adopted the EAF and a Coastal Assessment Form ("CAF") and adopted a Negative Declaration for the Action under SEQRA; and

WHEREAS, it is necessary for the Village Harbor & Coastal Zone Management Commission to review the Comprehensive Plan Update, together with the CAF, to determine the consistency of the Action with the Village's Local Waterfront Revitalization Program.

On motion of Trustee Ryan, seconded by Trustee Albert:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees herein refers the Comprehensive Plan Update, together with the accompanying CAF, to the Village Harbor & Coastal Zone Management Commission and requests that it be placed on the agenda for January 18, 2012 meeting for the express purpose of determining whether it is consistent with the Village's Local Waterfront Revitalization Program.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

4. NEW BUSINESS

A. Resolution Establishing Fees for Online Police Reporting System

**RESOLUTION RE:
ESTABLISHING A FEE FOR ONLINE POLICE REPORTS**

WHEREAS, in order to streamline the process for requesting and distributing accident reports, the Village has engaged the services of PoliceReports.us to implement a web-based program which will allow individuals and insurance companies to electronically submit requests to the Village of Mamaroneck Police Department; and

WHEREAS, through such web portal, those individuals/companies will provide the necessary information to identify and select the appropriate accident reports and pay a convenience fee for such reports and as such, it is necessary and appropriate to establish a fee for such service; and

WHEREAS, based on a review of similar municipalities, it is recommended that a fee of six dollars (\$6.00) be established for such on-line report requests.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Village Board herein establishes a fee of six dollars (\$6.00) for online accident report requests.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Resolution Considering Proposals from BFJ for the Completion of the (1) LWRP and (2) Comprehensive Plan Update

Mayor Rosenblum suggested tabling this to the upcoming work session so that the Board can review and discuss as a budgetary item. They would also ask that Frank Fish attend this session to provide more information on this. The Board agreed to table.

C. Resolution Authorizing the Purchase of a Thermal Imaging Camera

**RESOLUTION RE:
PURCHASE OF THERMAL IMAGING CAMERA**

WHEREAS, in order to meet the programmatic needs of the Village of Mamaroneck Fire Department, the purchase of a new Thermal Imaging Camera is recommended; and

WHEREAS, this is a planned purchase having been discussed during the Fiscal Year 2011/2012 Budget Preparation sessions with the Village Board of Trustees; and

WHEREAS, sufficient funds exist in the Fire Department Equipment budget lines; and

WHEREAS, the New York State Office of General Services has awarded Contract PC63519 to E.D. Bullard Co., 1898 Safety Way, Cynthiana, KY, 41031-9303; and

WHEREAS, Village Staff has determined that the Model T4 Thermal Imaging Camera produced by E.D. Bullard Co. best meets the needs of the Village of Mamaroneck Fire Department, and

WHEREAS, AAA Emergency Supply Co., 635 North Broadway, White Plains, NY 10603 is an authorized distributor of the T4 Thermal Imaging Camera pursuant to State Contract PC63519, and

WHEREAS, AAA Emergency Supply Co., 635 North Broadway, White Plains, NY 10603 has quoted a price of \$13,567.84 for the purchase of the Model T4 Thermal Imaging Camera.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED, that the Village Manager is hereby authorized to purchase one (1) Thermal Imaging Camera, Model T4 from AAA Emergency Supply Co., 635 North Broadway, White Plains, NY 10603, for the purchase price of \$13,567.84 pursuant to State Contract PC59758, and be it further

RESOLVED, that the costs associated thereto be charged to General Fund Account# A.3410.0260.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Resolution Authorizing the Purchase of a Second Set of Bailout Kit

**RESOLUTION RE:
PURCHASE OF BAILOUT KITS**

WHEREAS, in order to comply with State law, all interior certified firefighters must be outfitted with a rope bailout system; and

WHEREAS, approximately 50 units has been purchase previously, as such, it is necessary to order the remaining 40 units to comply with New York State requirements and sufficient funds exist in the Fire Department Equipment budget for this purpose; and

WHEREAS, Westchester County has awarded Contract RFB-WC-097 to AAA Emergency Supply, 635 North Broadway, White Plains, NY 10603; and

WHEREAS, the Village received a quote in the amount of \$19,250, itemized as follows: 40 Units of RIT Bailout systems - \$13,920; 20 units of Standard FDNY harnesses - \$3,500; 10 units of Oversize FDNY Harnesses - \$1,830.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED, that the Village Manager is hereby authorized to purchase 40 RIT Bailout Systems; 20 Standard FDNY Harnesses; and, 10 Oversize FDNY Harnesses for an itemized total of \$19,250 pursuant to State Contract PC59758; and be it further

RESOLVED, that the costs associated thereto be charged to General Fund Account# A.3410.0250.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Tax Certiorari Settlements for (1) 275 Mamaroneck Avenue & (2) Societe Generale

Trustee Hofstetter asked if there has been notification from the Village's attorney handing certioraris in reference to whether or not the Town(s) has settled these. Mr. Slingerland stated that the attorney recommends these settlements but there is no update since these were discussed in work session.

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER 275
MAMARONECK AVENUE, LOCATED
AT 271-277 MAMARONECK AVENUE**

WHEREAS, petitions have been filed by the property owner(s) 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 \$18,182.54 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 Silverberg Zalantis LLP, as special counsel, to execute the following settlement on behalf of the Village for the properties listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2007	\$64,000	\$52,000	\$12,000
2008	\$64,000	\$52,000	\$12,000
2009	\$64,000	\$52,000	\$12,000
2010	\$64,000	\$52,000	\$12,000
2011	\$64,000	\$52,000	\$12,000

Trustee Hofstetter stated that as there is no information on whether the Town or School District has settled, he will be voting no.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER SOCIETE
GENERALE, LOCATED
AT 900 OLD POST ROAD**

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$2,076.70 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 Silverberg Zalantis LLP, as special counsel, to execute the following settlement on behalf of the Village for the properties listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2011	\$21,200	\$14,800	\$6,400

Trustee Hofstetter stated that as there is no information on whether the Town or School District has settled, he will be voting no.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

5. REPORT FROM VILLAGE MANAGER

A. File for the Record – CSEA Agreement June 1, 2010 through May 31, 2014

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

B. File for the Record – General Municipal Services Agreement w/Woodard & Curran Engineering

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

C. File for the Record – Correspondence from DOS Regarding Consolidated Funding Application Grants

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

6. FLOOD MITIGATION REPORT

Mr. Slingerland reported that we are still working with the Town of Harrison to set up a meeting regarding the Glendale Road project. His office did communicate with Harrison and they have been very

responsive in removing trees and branches from the Mamaroneck River. The chair of the Flood Committee informed Mr. Slingerland that most of the trees have been removed. Mr. Sarnoff reported that the first draft of the All Hazards Mitigation Plan was received in November; all comments were given to the consultant in December and we should have a second draft within the next week or so. Mr. Sarnoff reported that we received notice in December that the state has opened up funding for their Hazard Mitigation Grant Program. This is a program that we will be eligible to apply for once the All Hazard Plan is in place. There are two due dates for letters of intent for this grant; the first is January 31 for hazard mitigation programs and the second is February 29 and that is for the elevating of homes. This is a program that the Village will look to receive funds for. This is a 75/25% match, with the government providing the 75% and the resident providing the 25%. Mr. Sarnoff confirmed that these funds would not be available until the All Hazards Plan is submitted; however, the grant can be applied for.

Mayor Rosenblum stated that on January 12, 2012 there will be a public forum on the Town of Rye Dissolution study in the Village of Mamaroneck courtroom. This is the first report from the consultant hired; which includes a comprehensive overview of the costs and operations for all of the affected municipalities; including sharing services. Mr. Sarnoff stated that this report is on line and will be on the Village's website.

7. REPORT FROM CLERK-TREASURER

A. File for the Record – Mamaroneck Public Library Vote Results

Mr. Fusco reported that the Statement and Decision of the General Village Elections held in November 2011 were received and filed for the record.

8. REPORT FROM VILLAGE ATTORNEY

Nothing to report.

9. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

Mayor Rosenblum stated that the following meeting minutes have been noted received by the Board of Trustees:

- A. Tree Committee – September 19, 2011
- B. Committee for the Environment – November 15, 2011
- C. Board of Architectural Review – November 17, 2011
- D. Board of Trustees Work Session – December 12, 2011

Updates from the Board

Trustee Albert stated that in the last month, many residents asked how he has enjoyed his first year as an elected official. Trustee Albert read a statement sharing some reflections on his first year in office.

Trustee Santoro reported that some Mamaroneck High School students will be attending the primary in New Hampshire and will be reporting back.

Trustee Ryan reminded all of the Martin Luther King, Jr. celebration at the Hommocks Middle School. She also reminded residents that the Winter Farmer's Market started again this past Saturday and asked residents to help support. Trustee Ryan congratulated Nancy Seligson and all others who were sworn in recently in the Town. Trustee Ryan thanked Trustee Albert for recapping the year and for his work on behalf of the residents.

Trustee Hofstetter also thanked Trustee Albert. Trustee Hofstetter encouraged residents to come to the Dissolution Study meeting. He reported on the Tree Committee meeting that took place today. A list of locations to plant trees is being looked at. Trustee Hofstetter believes that the Village needs to review the zoning laws in respect to the LWRP and Comprehensive Plan. He would like to see a committee formed to help with revisions to the Zoning Code. He asked that this be put on the next work session agenda to discuss.

Mayor Rosenblum congratulated MHS students for participating in the primary process, Hector's who has taken over O'neills and the Chamber of Commerce who is honoring George Latimer.

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