

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, JANUARY 23, 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, MANAGER AND FIRE CHIEF FOR A DAY

Evan Greenberg, Mayor for a Day; Joshua Greenberg, Manager for a Day and Michael Munson, Fire Chief for the Day opened the meeting and led the Board in the Pledge of Allegiance. Mayor Rosenblum presented Evan with a proclamation thanking him for his interest in government. Mr. Slingerland presented a proclamation to Joshua and Chief Szymanowski presented one to Michael.

MAYOR'S REPORT

WESTCHESTER HOUSING ALLIANCE

Mr. Jeremy Ingpen, Executive Director appeared with Ms. Angela Torero, Program Associate. Mr. Ingpen presented the Board with their 2011 Annual Report for the Fiscal Year ending September 30, 2010 as well as information on their programs and history and the Washingtonville Fuel Corporation. Mr. Ingpen gave a history of the not-for-profit, including the ownership and management of eight buildings in the Village as well as the not-for-profit sponsor of the senior citizen building. Since their establishment in 1980, they have assisted sixty local homes with home repair projects and 1,000 residents from being evicted from their homes. Emergency grants are made to families living in the Village. In fiscal year end September 2010, they gave out \$39,000 in grants and because the economy has since gotten better, gave out only \$29,000 in fiscal year end September 2011. They are greatly supported by the community with an annual appeal and annual dinner raising approximately \$100,000 per year. This is a third of their administrative and program budget; the buildings run themselves.

Ms. Angela Torero gave information on their different programs; the senior home repair program, tenant eviction prevention program and a resident emergency fund program. The client assistance program sees over 300 clients a year. Last quarter they saw 55 clients and distributed \$5,250.

The Mayor asked Mr. Ingpen about the possibility of state funding ending this year. Mr. Ingpen stated that this is a fight that they fight every year with Albany to have the program reinstated. He asked residents who have been assisted by this program to please reach out to their local representatives letting them know of the importance of this program as Albany tends to listen to its constituents. Trustee Ryan stated that residents may need help with a letter to send to their officials and suggested that the Alliance put a sample letter on their website, as well as give to the clients that come in for help. Trustee Ryan asked that a letter of support be sent from the Board of Trustees. The Board agreed.

WAY OF LIFE SHOTOKAN KARATE

Mr. Paul Cortissoz thanked Mayor Rosenblum for his support and for the invitation to tell the residents a bit about their program. Mr. Cortissoz brought two students with him. These students demonstrated some karate techniques.

Mayor Rosenblum asked that item 4D be taken out of order.

4. NEW BUSINESS

D. Resolution Authorizing the Purchase of a Utility Vehicle for Fire Department

RESOLUTION RE: AUTHORIZATION TO PURCHASE A UTILITY VEHICLE

WHEREAS, the Village of Mamaroneck Fire Department is charged with protecting the life and property of the residents of the Village of Mamaroneck; and

WHEREAS, in support of this mission, the Fire Department has been researching the market for a small utility vehicle which will provide enhanced mobility in certain emergency situations; and

WHEREAS, after thorough review, the Fire Department has identified a John Deere Gator (Model HPX Green & Yellow) as a preferred small utility vehicle; and

WHEREAS, such a vehicle is available for purchase through New York State Contract PC65425 and the Village has been provided with a quote through the authorized local delivery dealer, R. Argento & Son, Inc., 1 Prospect Avenue, White Plains, NY 10607 in the amount of \$8,510.88, and sufficient funds exist in the FY 2011/2012 General Fund Budget for this purchase.

On motion of Trustee Santoro, seconded by Trustee Albert:

RESOLVED, that the Village Manager is herein authorized to purchase One (1) John Deere Gator (Model HPX Green & Yellow) through the authorized local delivery dealer, R. Argento & Son, Inc., 1 Prospect Avenue, White Plains, NY 10607 in the amount o \$8,510.88.

Trustee Hofstetter stated that he has concerns regarding the many events that happen where a smaller vehicle is needed. He does not disagree with this; however, this is a cost that the Village is asked to bear due to the events we have on Mamaroneck Avenue. He suggested trying to recoup some of this money from the organizations holding the events. He believes that the Board should be cognizant of the fact that although we are encouraging new development and building we need to remember that there are costs that go with this and many of these developers sue the Village with tax certioraris. Trustee Hofstetter asked that we look at sharing this vehicle with other departments.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. COMMUNICATIONS TO THE BOARD

Mr. Stuart Tiekert of Beach Avenue appeared. He asked the Board earlier in the year to reconfirm their commitment to transparency. At the last meeting, Mr. Tiekert asked if the procedures on the website are the procedures that the Board is following. He has since found out that they are. He is here tonight to again ask that the Board pay attention to these procedures and follow them. Mr. Tiekert went through the procedures and highlighted the things that he believes are not being followed and not serving the residents well.

Mr. Dan Natchez of Daniel S. Natchez and Associates appeared in regard to the moratorium. He is concerned as we are getting towards the end of the moratorium and he believes that this is something that needs public input before the moratorium ends.

Trustee Hofstetter stated that he has raised the issue of creating a committee to address the moratorium and this has not been on any agenda.

3. AUDIT OF BILLS

Trustee Hofstetter stated that on page 6 of 10 there are charges from Silverberg and Zalantis that he is concerned about. He asked if any of these charges are for the filing of opposition papers in the McCrory Article 78 against the Village in regard to the Mamaroneck Beach and Yacht Club depositions. If so, he is concerned as the Board never authorized this filing or the work being done by Silverberg and Zalantis. Trustee Hofstetter stated that the Board decided that they were not going to file anything else on this matter. He believes that it would have cost less to just pay her legal fees than what Silverberg and Zalantis charged to file the opposition. Mayor Rosenblum stated that what was filed was in answer to a request by the court. Trustee Hofstetter does not believe that this is true, that the result would have been the result whether or not the opposition papers were filed. Trustee Ryan asked for a copy of the bill so that they know what is being paid for. Trustee Hofstetter stated that his concerns are also directly related to the retainer agreement that is on for approval later in the meeting and that residents are concerned that the Board is not involved in decisions on legal matters. Trustee Hofstetter also stated that he would like the Silverberg and Zalantis payment removed from the abstract. Mayor Rosenblum disagrees and that services were rendered and the Board was informed by email. Trustee Hofstetter stated that the emails were received after the work was done.

On motion of Trustee Santoro, seconded by Mayor Rosenblum:

RESOLVED that the Abstract of Audited Vouchers listed below dated January 23, 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	\$779,368.45
Expendable Trust	148.00
Agency Fund	1,884.74
	<u>\$781,401.19</u>

Ayes: Santoro, Rosenblum
 Nays: Albert, Hofstetter, Ryan

On motion of Trustee Hofstetter, seconded by Trustee Albert:

RESOLVED that the Abstract of Audited Vouchers listed below dated January 23, 2012 for fiscal year, amended as requested by Trustee Hofstetter removing the Silverberg and Zalantis bill, 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	\$766,922.45
Expendable Trust	148.00
Agency Fund	1,884.74
	<u>\$768,955.19</u>

Ayes: Albert, Hofstetter, Ryan

Nays: Santoro, Rosenblum

3. OLD BUSINESS

A. Motel License Renewal for (1) Mamaroneck Motel and (2) Vincent & Sons Motel

(1) Mamaroneck Motel

RESOLUTION FOR RENEWAL OF MOTEL LICENSE

WHEREAS, the application for motel license renewal for 2012 was sent to the Mamaroneck Motel; and

WHEREAS, the Clerk-Treasurer's office received a Failed Inspection Report from the Fire Inspector in December, 2011; and

WHEREAS, at their December 19, 2011 Regular Meeting the Board issued a one month extension of Mamaroneck Motel's current license in order to provide them with sufficient time to make the necessary corrections; and

WHEREAS, the Clerk-Treasurer's office is in receipt of updated inspection reports from both the Building and Police Departments; and

WHEREAS, the violations have been remedied and the police department records appear in good order.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Motel License for Mamaroneck Motel be and is hereby renewed for a one year period, such period to expire on December 31, 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

(2) Vincent & Sons Motel

RESOLUTION FOR RENEWAL OF MOTEL LICENSE

WHEREAS the application for motel license renewal for 2012 was sent to Vincent & Sons Motel; and

WHEREAS the Clerk-Treasurer's office received a Failed Inspection Report from the Fire Inspector in December, 2011; and

WHEREAS, at their December 19, 2011 Regular Meeting the Board issued a one month extension of Vincent & Sons Motel's current license in order to provide them with sufficient time to make the necessary corrections; and

WHEREAS, the Clerk-Treasurer's office is in receipt of updated inspection reports from both the Building and Police Departments; and

WHEREAS, the violations have been remedied and the police department records appear in good order.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Motel License for Vincent & Sons Motel be and is hereby renewed for a one year period, such period to expire on December 31, 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

4. NEW BUSINESS

A. Resolution Authorizing Additional Time for the HCZM to Make Consistency Determination on Comprehensive Plan

Mayor Rosenblum stated that once the Comprehensive Plan was forwarded to the HCZM for Consistency, they have thirty (30) days to make their determination or the plan is ruled consistent. A request was received from the chair of the HCZM for additional time to review. This was discussed with council and it was determined that the Board could grant this request. The resolution is to give the HCZM until February 15,

2012, the date of their next meeting to make a determination. Trustee Hofstetter is concerned that February 15 may not be enough time. Mr. Slingerland stated that this is what they requested. Trustee Hofstetter asked if we could give them until February 16. Mr. Slingerland stated that he will communicate with the commission that if they feel they need more time, to please advise the Board before their next meeting scheduled for February 13, 2012.

**RESOLUTION RE:
AUTHORIZING ADDITIONAL TIME FOR THE HARBOR & COASTAL ZONE MANGEMENT
COMISSION TO MAKE A CONSISTENCY DETERMINATION ON THE COMPREHENSIVE PLAN
UPDATE**

WHEREAS, by resolution dated January 9, 2012, the Village Board of Trustees referred the Comprehensive Plan Update to the Harbor & Coastal Zone Management Commission for the purpose of making a consistency determination with the Village's Local Waterfront Revitalization Program; and

WHEREAS, the Harbor & Coastal Zone Management Commission has requested an extension of the thirty (30) day time frame within which they are required to make such determination so they may consider such an action at their regularly scheduled meeting in February.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the Village of Mamaroneck Board of Trustees herein extends the deadline for the Harbor & Coastal Zone Management Commission to make a consistency determination on the Comprehensive Plan Update through and including February 15, 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Resolution Authorizing the Village Manager to Execute Retainer Agreements w/Wormser, Kiely, Galef & Jacobs

Trustee Hofstetter made a motion to discuss this item, which was seconded by Trustee Ryan. Trustee Hofstetter is concerned that the Village has had a history of paying consultants to do work for us without the Board giving them the direction. There is a line in the contract that states that the Village Manager or his designee in conjunction with the Board of Trustees can direct them. That means it is ultimately the Board's responsibility and it should rest with them and them alone. He realizes that sometimes things happen quickly, but not too quickly for the Board to call an emergency meeting, which has been done in the past.

Ms. Doreen Roney of Highview Street appeared. Ms. Roney stated that she is a small business owner as well as a previous director of staff development and education. She has questions that pertain to her small business and education in reference to this agreement. She believes that training and education are important; however, she believes that the type of training should be specified. She asked the Board to speak to what they are considering for training and education as far as this retainer is concerned. Mr. Slingerland stated that this language was part of Wormser and Keily's original agreement with the Village. It provides for training and education that is legally required for planning and zoning board members. Trustee Ryan stated that one thing they wanted to see with training is that the members of the land use boards know exactly what their charge is so that efforts are not duplicated. The Board has heard from residents that the application process is flawed. Trustee Ryan stated that the HCZM will continue to have training. Ms. Roney stated that the Department of State offers free consistency training and she recommends that the Village take advantage of this. Trustee Ryan stated that the HCZM has taken advantage of this and that they will continue. Ms. Roney believes that in addition to the HCZM, the Board of Trustees determines consistency and that there are several boards that make SEQRA determinations. She suggested that the Board of Trustees as well as any other board making SEQRA determinations and the public be trained. Trustee Ryan stated that the training sessions held with the HCZM were open sessions.

Ms. Roney asked who is going to monitor the training and report results. Mayor Rosenblum stated that this is subjective. Trustee Ryan stated that this was discussed at their work session and that there is a greater feeling of confidence on the boards and commissions and the results they would like to see are less law suits being brought against the Village. She believes that training is the least that we can do to help our volunteers be prepared to do the job that they are charged with. Mr. Steinman stated that he has already seen a higher level of confidence and that the resolutions being drafted and adopted by these boards as well as paper records are more in order. She believes that these are measures of successful training.

Ms. Roney asked if we have utilized free training. Trustee Ryan believes that this is being done.

Mayor Rosenblum stated that the impetus for this new retainer agreement is the amount being charged by Wormser and Keily. They have offered to amend the existing agreement and lessen the amount charged.

Ms. Roney asked who overviews what consultants are being asked to do in reference to land use applications and escrow accounts. Mr. Slingerland stated that the individual boards ask their respective consultants to review aspects of applications and to report back, so that they can make an informed decision. She then asked who on the Village staff oversees what is being asked of consultants, how much time is spent on each application and the escrow available. Mr. Fusco informed her that on a monthly basis, his office bills

applicants the amounts charged by the various consultants and if the applicant's escrow amount falls below 50% the secretary to the respective board is informed to not put this application on an agenda until the shortfall is made up. Mr. Slingerland reiterated that the respective boards are solely responsible for what the consultants are asked to do.

Ms. Roney asked who is going to oversee the legal fees being charged to the Village. The Mayor stated that the ultimate responsibility will be with the Board of Trustees. Ms. Roney confirmed if this will be for land use applications as well. Mr. McDermott stated that he would know if there is a review done whether the time value is too little or too much for that particular review. Ms. Roney asked what the standard for legal review of applications is. Trustee Ryan stated that it would depend on the application. Ms. Roney asked why the Village is now charging applicants for legal review of their applications when it is the Village's responsibility to have this done. Trustee Ryan stated that this is a law in the Village and something that should have been done long ago. The previous land use attorney was not breaking their bills out according to applications, and when the Board realized that the Village was paying a fee that should be charged back to the applicants, they asked for this information so that reviews can be charged back to the applicants and not paid by the Village. Ms. Roney stated that she can see this applying to things like checking her ownership or if the building inspector needed an opinion on something in the code that he needed to make a determination on.

Mr. Stuart Tiekert of Beach Avenue appeared. He again brought up Board procedures and that if a matter of procedure is brought up, it should be addressed. Mr. Tiekert read a letter on the retainer agreement in question from Ms. Nora Lucas for the record. A copy of this letter has been filed for the record. Mr. Tiekert stated that the point of authorization has been brought up by Trustee Hofstetter and Ms. Roney and he believes it is an important point. He believes that upwards of \$20,000 has been spent on the Pine Street project and that work was never authorized by the Board. He feels that the Board needs to step up and take control, especially with matters involving litigation.

Trustee Ryan stated that she received Ms. Lucas letter and comments from another resident with concerns similar to those raised by Ms. Lucas and Ms. Roney. In the past, she believes, that the Board was given an estimate of cost on litigation and the length of time that litigation could take. The Board would not want to proceed with litigation without first know our attorney's view on the matter, if the Village had a chance of prevailing and what the cost could be.

Trustee Hofstetter read correspondence received from Mr. Jeffrey Aber, resident, who had suggested changes to this agreement. This correspondence was filed for the record.

Trustee Hofstetter asked that if an applicant is paying for the legal review of an application; but the attorney is working on behalf of the Village is there any expectation of privacy on behalf of the applicant. Mr. McDermott stated that in these cases, the attorney is working for and on behalf of the Village, not the applicant. Trustee Hofstetter stated that as that is the case, an applicant would have to pay their own attorney as well as the Village's attorney for review of the same application if they do not agree with what the Village's attorney has determined. Mr. McDermott stated that the legal advice given on an application should be paid for by the applicant because if it were not for the application, legal advice would not be needed.

Trustee Hofstetter stated that we are conflating the two issues; the retainer agreement and the possible changes to the escrow law.

Mr. Stuart Tiekert of Beach Avenue appeared regarding something he read recently about a couple from upstate New York suing their municipality for forcing them to use their consultants. He suggested that the Board look into this. He asked whether or not an applicant should be able to hire their own consultant. Trustee Ryan stated that if that was allowed, in her belief, that consultant would be working for the applicant and not looking out for the Village's interest.

Trustee Hofstetter stated that he would like to make a motion to table the adopting of this agreement until the Board has more information. Mr. Slingerland stated that as this agreement is to change the fees, if it is not adopted, the Village will be paying more money than it needs to. Trustee Ryan stated that she does not have issue with the lowering of fees; it is some of the other issues that have been raised by residents that she would like to see addressed. Mr. Slingerland stated that these issues have to do with the escrow law, not this agreement. Trustee Hofstetter did not agree. He would like to see the suggestions made by Mr. Aber, that the board receive an estimate of work to be done on every case as it moves forward and that the Board of Trustees has to sign off on any and all Article 78's be instituted as part of this agreement. Mr. Slingerland stated that this is something that can be communicated to the land use boards and that limits are established with the consultants. Trustee Hofstetter asked if this is something that the Building Department should do. Trustee Ryan confirmed that the agreement being adopted is only in regard to the fees and not the process. Mr. Slingerland stated that this is correct. Trustee Ryan stated that as this is the case, she agrees that it should move forward.

Trustee Santoro confirmed that his understanding is that the only thing changing are the fees; that the process needs to change under the Code. Mr. Slingerland stated that a draft of the escrow law has been done and circulated to the Board.

Ms. Roney stated that she went to a business in the Village who received a bill for legal fees on a special permit and she was shocked because the store owner did not know anything up front. Trustee Ryan agrees that the escrow fees should be put on the applications and the applicants made aware of the fees. Trustee Hofstetter reiterated that he believes that it is imperative that in the case of litigation against the Village, the Board approve all work before it is done. There have been a few times since he has been on the Board that this has not happened; that the Village received a bill for work done that was not agreed to by the Board. He does not want to be in this position again and having to pay for something after the fact. Trustee Hofstetter appreciates Wormer and Keily lowering their fee; however, he wants to see the clause stating that any work done on an Article 78 case can be approved by the Village Manager or his agent in coordination with the Board of Trustees worked on.

RESOLUTION RE: AUTHORIZING THE VILLAGE MANAGER TO EXECUTE REVISED RETAINER AGREEMENTS WITH WORMSER, KIELY, GALEF & JACOBS, LLP AS ATTORNEYS FOR THE VILLAGE OF MAMARONECK & LAND-USE BOARDS, INCLUDING PLANNING BOARD, BOARD OF APPEALS, ARCHITECTURAL REVIEW BOARD AND HARBOR & COASTAL ZONE MANAGEMENT COMMISSION

WHEREAS, by resolution dated April 25, 2011, the Village Board of Trustees authorized the execution of retainer agreements with the law firm of Wormser, Kiely, Galef & Jacobs (WKGJ) as Attorney to the Village's various Land-Use boards as well as the Village in general for land use matters; and

WHEREAS, the Village has asked WKGJ to review the retainer agreements as they relate to the rates which are charged to both the Village for general land-use legal advice and the rate which is charged for review of land-use application a cost which is ultimately passed on to applicants through the escrow process; and

WHEREAS, WKGJ has reviewed their retainer agreements and has agreed to provide reduced rates to the Village in accordance with revised retainer agreements proffered to the Village on January 13, 2012; and

WHEREAS, such revised retainer agreements have been reviewed by the Village Board at their January 17, 2012 work session.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the Village Manager is herein authorized to execute the revised retainer agreements with the law firm of Wormser, Kiely, Galef & Jacobs to act as Attorneys to the various land-use boards, and as Attorneys to the Village on land-use matters.

Ayes: Albert, Hofstetter, Ryan, Santoro

Nays: Rosenblum

Trustee Hofstetter stated that he is voting yes; however, we need a written policy delineating what we expect from our consultants. Mayor Rosenblum stated that the process needs to be looked at, as the process for land use boards is the most unfriendly and punitive process that this Village has ever had. The Mayor also believes that this is going to stop residents from coming in for permits. Mayor Rosenblum stated that this contract is an open ended contract and that there is no way for a resident to know what it is going to cost them to go before a land use board; when Silverberg and Zalantis only charged the Village \$18,000 per year for their land use work. Mayor Rosenblum further stated that in the time that Wormser Keily has been under contract with the Village (June 2010), we have paid them over \$228,000 of which \$147,000 was paid by the Village, not reimbursable by applicants. This is equal to eight years of payments to Silverberg & Zalantis. He finds this egregious and that is why he is voting no.

C. Resolution Setting 2012 Summer Camp Fees

Trustee Santoro stated that the Town camp is not at all subsidized by the residents and the cost is lower. He also does not understand why this is subsidized when no other recreation department programs are subsidized. Mr. Slingerland stated that part of the issue may be that the Town camp is run out of the Hommocks and that they have a pool that they can use for free. Also, all of their trips are paid for separately including transportation. At the Village, trip fees are included in the registration fee. Trustee Hofstetter stated that the residents subsidize the Hommocks pool.

RESOLUTION ADOPTING AN UPDATED FEE SCHEDULE FOR SUMMER CAMP
AS SET FORTH IN CHAPTER A347-3, (4) IN THE MAMARONECK VILLAGE CODE

WHEREAS, upon review by the Board of Trustees, the Village Manager and the Recreation Department, it has been determined that the Day Camp fees should be increased such that the balance of the subsidy by the general fund budget of the Village of Mamaroneck to the fees paid by users of Camp should be approximately 16%/84%, and that to achieve such ratio would require a projected increase of current rates by 15.55216%.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED, that the Mamaroneck Village Code Chapter A347-3, (4) in relation to Day Camp Fees is revised and updated, as follows:

Chapter A347, FEES

§ A347-3. Harbor Island fee schedule; tennis fees in other parks. Part (4)

AMENDMENTS TO LANGUAGE ON DAY CAMP FEES IS AS FOLLOWS, FOR 347-3, (4):

(4) Day camp.	Old fee	New Fee
(increases rounded to nearest whole dollar amount)		
(a) 2012 early registration:		
[1] Kindergarten:	\$652	\$753
[2] Grades 1 – 6:	\$728	\$841
[3] Grade 7 – 9:	\$810	\$936
[4] Early drop-off, additional charge:	\$112	\$129
(b) 2012 regular registration:		
[1] Kindergarten:	\$744	\$859
[2] Grades 1 – 6:	\$820	\$947
[3] Grade 7 – 9:	\$902	\$1,042
[4] Early drop-off:	\$143	\$165
[5] Multiple child discount:	\$26	\$30

NOTES:

1. Nonresidents may attend day camp at an additional registration fee of \$200 over comparable resident rates.
2. Children of full-time permanent Village employees may attend camp at a reduction of 50% in overall fee.

Ayes: Albert, Hofstetter, Ryan

Nays: Santoro, Rosenblum

D. Resolution Authorizing the Purchase of a Utility Vehicle for Fire Department

Heard Earlier

E. Resolution Authorizing Village Manager to Execute STEP Grant Program Document

RESOLUTION TO AUTHORIZE EXECUTION OF SNOW AND ICE REMOVAL AGREEMENT EXTENSION WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

WHEREAS, the Village has received the snow and ice removal agreement extension from the State of New York for the year 2012/13; and

WHEREAS, this agreement calls for a lump sum payment to be paid to the Village of Mamaroneck for snow removal of 11.9 lane miles of state roads; and

WHEREAS, the Village will receive \$1,578.00 per lane mile for a total of \$18,778.20.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that the Board of Trustees of the Village of Mamaroneck authorizes the use of the lump sum method of payment for the provision of snow and ice removal services pursuant to the agreement between the State of New York and the Village of Mamaroneck and it is further

RESOLVED, that the Village Manager, is hereby authorized to execute the Lump Sum Municipal Snow and Ice Agreement with the State of New York covering the period July 1, 2011, through June 30, 2013.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Trustee Hofstetter addressed the previous issue. While he understands the Mayor's and Trustee Santoro's reluctance to subsidize the summer camp, it became apparent that there is a section of the community that did not have access to another camp and used this camp a lot. It was the desire of the past Board to keep this going for the Rye Neck portion of Village residents who do not have access to the Town camp. Now that the camp is more successful and the Village is subsidizing it less, he does not believe that it is in the best interest of the community to stop this practice. He believes that subsidizing it to a small degree is okay, but if it goes to the levels it was at previously, then perhaps we should look at stopping the program. Trustee Santoro stated that he does not have a problem with the Village subsidizing the camp, but perhaps there should be a user fee, so that tax payers do not have to subsidize it. Mayor Rosenblum believes that the program could perhaps be lessened. He never suggested stopping it. As the Recreation Supervisor does not want to cut any parts of the program, it will need to be subsidized.

F. Resolution in Support of Home Rule Request for Hotel Tax

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

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that pursuant to Article Nine (IX) of the New York State Constitution, the Village of Mamaroneck requests that the State Legislature enact Assembly Bill # A5225-a and Senate Bill # S3033-a 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

G. Resolution Authorizing Village Manager to execute STEP Grant Program Documents

**RESOLUTION
TO AUTHORIZE EXECUTION OF INTER-MUNICIPAL AGREEMENT (IMA) WITH
WESTCHESTER COUNTY FY 2012 STEP GRANT (Selective Traffic Enforcement Program)**

WHEREAS, the Village has received the FY 2012 STEP Grant Agreement funded by the NYS Governor's Traffic Safety Committee to support selective enforcement patrols which target speeding and aggressive driving violations; and

WHEREAS, the Police Department has been awarded \$4,665 per year to be utilized for increased traffic safety enforcement; and

WHEREAS, the term of the new inter-municipal agreement with Westchester County will be October 1, 2011 through September 30, 2016.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Board of Trustees of the Village of Mamaroneck is in support of the NYS Traffic Safety Committee Grant program; and it is further

RESOLVED, that the Village Manager, is hereby authorized to execute the inter-municipal agreement between the Village of Mamaroneck and Westchester County with regard to the Selective Enforcement for Traffic Safety for the period covering October 1, 2011, through September 30, 2016.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Designation of Grievance Night as Feb. 21 and rescheduling BOT Work Session to Feb. 22, 2012

DESIGNATION OF GRIEVANCE NIGHT AND RESCHEDULING BOT WORK SESSION

WHEREAS, in accordance with R.P.T.L 1406.1 the Tentative Assessment Roll of the Village of Mamaroneck must be filed with the Village Clerk of said Village on or before February 1; and

WHEREAS, in accordance with R.P.T.L. 1408.3, the Board of Trustees and Village Assessor must meet for the purpose of completing the assessment roll and the hearing and determination of complains in relation thereto; and

WHEREAS, the date agreed upon by the Board of Trustees to hold said Grievance Night is the same date as their previously scheduled Work Session.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Board of Trustees, or a committee of such Board, and the Village Assessor shall convene as a Board of Assessment Review on Tuesday, February 21, 2012 between the hours of 5:00 p.m. and 9:00 p.m in the Conference Room at Village Hall at the Regatta, located at 123 Mamaroneck Avenue for the purpose of completing the Assessment Roll and hearing and determining complaints in relation thereto; and

BE IT FURTHER RESOLVED that the Board of Trustees Work Session previously scheduled for Tuesday, February 21, 2012 at 5:30 p.m. be and is hereby rescheduled to Wednesday, February 22, 2012 at 5:30 p.m. in the Conference Room at the Regatta.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Resolution Adding Agenda Items 4J, 4K and 4L

RESOLUTION ADDING AGENDA ITEM 4J, 4K and 4L

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 Albert:

RESOLVED that Agenda Item 4J, Resolution Authorizing the Closure of Mamaroneck Avenue and Library Lane; 4K, Authorization for Extension of Fee Waiver for Hurricane Irene; and 4L, Authorization for Settlement with Westchester Shore Humane Society, be and are hereby added to the Board of Trustees Regular Meeting Agenda of January 23, 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- J. Resolution Authorizing the Closure of Mamaroneck Ave. and Library Lane for Memorial Day Parade

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

WHEREAS, Mamaroneck Post 90 of the American Legion is preparing for the Annual Memorial Day Parade to be held in the Village on Wednesday, May 30th, 2012; and

WHEREAS, Post 90 has requested that commencing at 6:15 pm, Mamaroneck Avenue be closed to vehicular traffic between the Mamaroneck Avenue School and Prospect Avenue which will also include the closure of Library Lane; and

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

On motion of Trustee Ryan, seconded by Trustee Albert:

NOW THEREFORE BE IT RESOLVED that the Board of Trustees hereby approves the closure of Mamaroneck Avenue from the Mamaroneck Avenue School to Prospect Avenue and Library Lane for the parade and service scheduled for Wednesday, May 30th 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- K. Resolution Authorizing Extension of Fee Waiver for Hurricane Irene

WHEREAS, the Village of Mamaroneck in August and September, 2011, experienced two major flood events caused as a result of Hurricane Irene and Tropical Storm Lee; and

WHEREAS, the damage caused by these floods will have a prolonged impact on the Village and its residents in both human and financial terms; and

WHEREAS, due to the extensive damage caused by these storms, the Board of Trustees and the Village Administration had waived building permit fees through the end of December for applications to repair damage caused as a result of Hurricane Irene and Tropical Storm Lee; and

WHEREAS, due to the large scale damage caused by Hurricane Irene and Tropical Storm Lee throughout New York State and the northeast region of the United States, some property owners are still in the process of applying for building permits as they are meeting with their Insurance Adjusters and FEMA personnel, and as such, it is appropriate that the waiver of building permit fees be extended.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Board of Trustees herein waives building permit fees for applications to repair and/or remediate damage caused as a result of Hurricane Irene and Tropical Storm Lee from January 31, 2011 to April 30, 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

L. Resolution Authorizing Settlement with Westchester Shore Humane Society

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Village Board of Trustees approves a payment of \$4,500.00 to Westchester Shore Humane Society as has been so ordered by the Supreme Court of the State of New York to resolve and settle claims; and be it further

RESOLVED that the Village Manager, Village Attorney and other necessary Village officers are herein authorized to undertake such administrative acts as to effectuate this settlement.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

5. REPORT FROM VILLAGE MANAGER

Nothing to report

6. FLOOD MITIGATION REPORT

Mr. Slingerland reported that the Multi Hazard Mitigation Plan is just about done. Mr. Sarnoff submitted comments to our consultants and they expect to have this document back in the next week or so. It will then be submitted to FEMA. Mr. Sarnoff stated that once it is submitted to FEMA there will be a public hearing scheduled. Mr. Slingerland announced that the State's Hazard Mitigation Grant program has been opened. His office has contacted the Army Corps to see if it is possible to submit a joint project to relocate the Station Plaza Bridge. In speaking with the State, we were informed that as this project is already being worked on and is considered an Army Corps project, it cannot be submitted to this program. Any resident who is interested in elevating their home or complete other flood remediation project has until the end of February 2012 to file a notice of voluntary interest with the State Office of Emergency Management.

7. REPORT FROM CLERK-TREASURER

A. Listing of Unpaid Taxes

Mr. Fusco filed the listing of unpaid taxes for the record.

8. REPORT FROM VILLAGE ATTORNEY

Filing of Local Law 1-2012

Mr. McDermott reported that Local Law 1-2012 was filed with the Department of State on January 9, 2012.

9. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

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

- A. Board of Trustees Regular Meeting of November 14, 2011
- B. Board of Trustees Regular Meeting of November 28, 2011
- C. Board of Trustees Annual Organizational Meeting of December 5, 2011
- D. Board of Architectural Review of December 15, 2011

Trustee Ryan asked that 9A, Board of Trustees Regular Meeting of November 14, 2011 be tabled to the next meeting as she has additions. The Board agreed.

On motion of Trustee Ryan, seconded by trustee Albert:

RESOLVED that the Board of Trustees convene to Advice of Council to discuss correspondence received by the Board.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Updates from the Board

Trustee Ryan thanked all who were involved in the Dr. Martin Luther King Day events, especially the Westchester Day School students who upheld the goals of Dr. King by their charity work in the community. Trustee Ryan also informed the residents of the upcoming Green Screen event being co-sponsored by our Committee for the Environment. Information is posted on the Village's website.

Trustee Albert also thanked Westchester Day School students. He attended the St. Vito's spaghetti dinner and it was very successful.

Mayor Rosenblum announced an upcoming event at the Westchester Sandbox Theatre. He also announced Cablevision fee changes. Mayor Rosenblum congratulated Mr. Lawrence Porretto, teacher at the Hommocks Middle School who received a NASA award for excellence in science. Also, several Mamaroneck fall athletic teams were recognized by NYS Public High School Association for having a grade point average of 90% or better. The field hockey team went to the State finals for the third year in a row; five MHS students were named AP scholars and five were chosen for All State. Mamaroneck High School is one of the two schools in the nation to host students from Beijing.

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