

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, FEBRUARY 13, 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	

Presentation by DEF Commissioner Lauro on Status of Westchester County/Mamaroneck Water Treatment Plant Upgrade Project

Commissioner Lauro reviewed a PowerPoint Presentation on the Waste Water Treatment Plant construction being done. He gave a history of the plant. Currently the plant's flow is set at 20.6 million gallons/day. After the construction, the flow will be set at 23.6 million gallons/day. During rain events, this plant has treated up to 108 million gallons/day. The normal flow to this plant is approximately 15 million gallons/day. During a rain event, the flow can increase by seven times. Commissioner Lauro stated that the most popular myth about the plant is that there is a gate that they lower during a rain event. This is not true, the plant treats all of the water that goes through it and that may be more than 108 millions gallons; however, that is the highest their meter registers. He discussed the improvements at the plant which will help remove nitrogen from the waste at a cost of approximately \$46 million. The final clarifiers are also being rehabilitated.

Commissioner Lauro reviewed the issue with the plastic media that backed out of the plant into the sound. The manufacturer gave two promises. The first being that the media will never get out of the tanks nor will they move from one tank to the other. As that did not happen, the County had to make modifications to the tanks and screens. The County has spent the last nine months getting the media out and modifying the tanks and screens, that has put them behind schedule. The consent order requires them to have the construction done by December 31, 2012. They have asked their contractor to put together a schedule so that they can meet that date. The contractor informed them that it may not be possible to meet that date, even if they work extended hours. The required construction hours to get this done by December 31 are now Monday

through Friday from 7 a.m. to 11 p.m. and Saturday from 7 a.m. to 5 p.m. Commissioner Lauro believes that the contractor has been working to control the noise before 8 a.m. and after 9 p.m.

Trustee Ryan asked what the implications are if the County does not complete its work by December 31, 2012. Commissioner Lauro stated that the fine could be as much as \$37,500/day/violation. That is if you totally ignore the State. There are stipulations in their consent order that state fines of \$5,000/day. Trustee Hofstetter asked when this new schedule will begin. Commissioner Lauro stated that it will begin on the first of March.

Mr. Dan Natchez asked if the County can tell where the majority of water is coming from during a rain event. Commissioner Lauro stated that the studies do not separate that information out. It seems like there is a good amount of Inflow & Infiltration from the municipal sewers and that private house connections and sump pumps are a major contributor as well.

MAYOR'S REPORT

None

I. COMMUNICATIONS TO THE BOARD

Mr. Stuart Tiekert of Beach Avenue appeared regarding Board procedures. He hopes that the Board has had an opportunity to review them. The last time that Mr. Tiekert appeared before the Board, he was timed and it seemed that he was the only one. He asked if there was a time limit on the communication to the Board. Mayor Rosenblum stated that it is five minutes and that it is for everyone. Mr. Tiekert stated that he watched the DVD of the last meeting and some people spoke for 15 minutes and the timer did not go off. He would hope that the rules apply to everyone. Mr. Tiekert stated that at the 12/19 meeting, the Mayor made a motion to go into Executive Session and there was discussion as to whether or not this was necessary. Mr. Tiekert stated that at the time, the Mayor said that it was required. Mr. Tiekert informed the Board that at no time is the Board required to go into Executive Session. Mr. Tiekert also stated that there is no cloak of confidentiality when the Board enters Executive Session. At the January 17 work session, the Board closed the meeting three times to convene to Executive Session. The first time was to discuss the regulations regarding Open Meetings Law. Mr. Tiekert asked the Mayor under what provision was this qualified to be discussed in Executive Session. Mr. McDermott reminded Mr. Tiekert that this is a comment period; not a time to question the Board. Mr. Tiekert suggested that the two times they went into Executive Session, they did so illegally. It appears that there was a vote to call for a police hiring list; however, there were no minutes taken of that Executive Session and there should have been as a vote was taken.

Ms. Sharon Kapus of Country Road appeared regarding an email she sent to the Board. She has written a couple of times regarding the sewage that is bubbling up on Fenimore Road near the exit ramp from I95. When Nolles Ridge was on the table, she was told that it was a County and/or Town issue. She believes that it is a Village issue. She has concerns regarding health issues and asked that this area be put back on the flood map as it floods severely and chronically. Ms. Kapus sees no proactive work being done to get this area back on the flood map. She also asked what can be done about the sewage bubbling up. Ms. Kapus also stated that she was told that it does not have to be a FEMA mapped flood area to be designated a flood area on the LWRP.

Mr. Slingerland stated that the LWRP does not regulate flood zones. That is done by FEMA. Ms. Kapus understands this; however, she believes that if it is on the LWRP, there would be further regulations for building in this area. Trustee Hofstetter stated that not only is it not included in the LWRP; it is also not included in the Comprehensive Plan Update. Ms. Kapus would like to know why it is not being addressed as a flood area as it should be. Ms. Kapus submitted a copy of her email for the record. Ms. Kapus asked about a back flow device for the sewer line that backs up, as it is a Village line.

Ms. Doreen Roney of Highview Street appeared regarding escrow fees. She did some research since the last meeting and stated that the building department does not set the fees. On the website, it states that the planning consultant (BFJ) set the escrow fee before you are seen by the Planning Board. Ms. Roney wonders why the Village would not have our Building Inspector monitoring this. Both Mr. Slingerland and Trustee Ryan stated that this is incorrect. Mr. Slingerland stated that the form on the website needs to be updated and it will be.

Ms. Carol Akin, resident of the Town of Mamaroneck appeared representing the concerned citizens for preserving the historic Gedney Farm House. This group was hoping to find a spot on Village property, perhaps at Harbor Island Park to move the house to. There is a small piece of land on Rushmore Avenue that it not used as part of the park. She asked if it would be possible to put the farm house there. On Friday, the Rye Neck School district had taken bids to destroy the house and they fear that it will be done within a month. They have a donor that is considering financing the move; however, they do not have anywhere to put the home. The group implores the Board to find a spot for this home. Trustee Ryan stated that even if this is something that the Board would consider, it could not be done quickly. There would have to be studies done, public meetings held and the neighbors consulted. Ms. Akin understands this; however, if this is something that can be started, perhaps it will stop the wrecking ball from destroying the home. Mr. John Lese appeared and stated that the piece of property suggested by Ms. Akin is adjacent to the old Richbell cemetery and therefore there is a connection to the home.

Ms. Myriam Valle of Howard Avenue appeared. She asked if the Manager's office has notified residents who would be interested in the raising of their homes of the FEMA grant. Mayor Rosenblum stated that the All Hazards Mitigation Plan has to be submitted before the Village can apply for these grants and then the residents can apply for these funds. There is a deadline of February 29th to submit this Plan. Mr. Slingerland stated that the Assistant Village Manager has met with homeowners who are interested in raising their homes. Part of the concern of residents is to try and achieve a 90% program; however this is not a guarantee. Mr. Sarnoff stated that the program that is open now is a 75/25% program; with 75% being financed by the Federal Government and 25% by the homeowner. There is also a SRL (Severe Repetitive Loss) program available. This is for homes that have been classified by FEMA as a severe repetitive loss home. The requirements to be classified a SRL home are to have two incidents of loss of 50% or greater of the total value of the home or ten incidents of loss of \$5,000 or more within ten years. Mr. Sarnoff believes that FEMA has done an outreach to those properties in the past; however, that was done before Hurricane Irene hit. It does take between 6-9 months before the list of homes affected is updated. Mr. Sarnoff has been told that the list of homes affected by Hurricane Irene has not yet been updated. When the list is updated, the Manager's office will be notified and will notify her.

Ms. Valle asked that if there is a deadline of February 29, what would be the deadline for the residents to submit to the Village. Mr. Sarnoff stated that the sooner the residents submit their information the better. At this point, a letter of intent from the Village needs to be completed as well as a notice of voluntary interest from the resident with an estimated cost of the elevation. Mr. Slingerland confirmed that information on this grant is on the web and another news blast will go out and hopefully the press will print something as well.

Mr. Victor Tafur appeared. He has been a resident of the Village for the last seven years and this is the first time he has addressed the Board. He thanked the Board for the work they do. The reason for his appearance is the Updated Comprehensive Plan. He applauds the work done on it; however, he is concerned with the EAF that was distributed after the hearings were closed. The Board declared a negative declaration on the Environmental Assessment Form, which is one way to proceed. He is concerned that the analysis has not been sufficient as he works in this area; is an academic in this field. Mr. Tafur would like to ensure that there will be no impact in the future. He believes that just saying that there are not significant impacts in the future is not good enough. The other option is to consider a generic EIS, which is recommended by the DEC. Mr. Tafur distributed a copy of the SEQRA manual to the Board, which states that a generic EIS is recommended. Mr. Tafur believes that there are many reasons to follow this route. He asked that if the Board has not been issued this option by their consultants they should inquire as to why not. Mr. Tafur believes that if we don't have a sense of what the impacts will be, there will not be solid ground for zoning changes to happen. Mr. Tafur also believes that there is not significant information for the HCZM to make their consistency

determination with no Environmental Impact Statement done. Trustee Hofstetter asked that a copy of the document submitted by Mr. Tafur be filed for the record.

3. AUDIT OF BILLS

Trustee Hofstetter questioned the fee charged by Silverberg and Zalantis and stated if the work that was not authorized by the Board is part of that charge, it should not be paid. Mr. Slingerland stated that Mr. Silverberg wrote to the Board regarding this concern. Mr. Silverberg explained that the work done was authorized. Trustee Hofstetter reiterated that he does not believe the Board authorized this work. Mayor Rosenblum noted that after the discussion after the last Board meeting, Silverberg and Zalantis sent a note explaining the work done and that it was authorized by a majority of the Board so that further penalties against the Village would not be incurred. Mayor Rosenblum read the letter from Silverberg and Zalantis and filed it for the record.

Mayor Rosenblum believes that a disservice was done to Silverberg and Zalantis by raising this in a public forum and he is glad that the majority of the Board decided to pay their bill. Trustee Hofstetter read the portion of the letter where Mr. Silverberg stated that the fee had to do with the January 11 meeting. Trustee Hofstetter stated that there was no communication from Mr. Silverberg about the bill at this meeting. The meeting was about how he thought the Board should proceed and Trustee Hofstetter disagreed with his recommendation. Trustee Hofstetter would like to be informed by our attorney before he acts on his behalf. Mayor Rosenblum asked Trustee Hofstetter if he knows what the fee from Wormser and Keily listed on the abstract is for. Trustee Hofstetter stated that he has a problem with getting the Board packet so late. He did not receive his until Saturday and that gives them one business day to ask questions. He stated that they used to receive their packets on Wednesday or Thursday. Mr. Stuart Tiekert appeared to ask if the Board authorized this work by Silverberg and Zalantis. Mr. Tiekert also believes that there are misrepresentations in Mr. Silverberg's letter. Ms. Nora Lucas appeared. Ms. Lucas spoke about Ms. McCrory's lawsuit and how the Village should have provided the records Ms. McCrory asked for. She hopes that Ms. McCrory be provided a copy of Mr. Silverberg's letter.

Mr. Doug Dunaway appeared regarding executive session. He read the regulations from the State of New York regarding executive session. Trustee Hofstetter stated that the Board has gone into executive session for reasons that are not covered in these regulations and also that there was a vote taken on something that should not have been discussed in executive session; but in a public meeting.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Abstract of Audited Vouchers listed below dated February 13, 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	\$443,078.33
Capital Fund	34,265.40
Expendable Trust	224.61
Agency Fund	16,049.82
	<u>\$493,618.16</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

3. OLD BUSINESS

None

4. NEW BUSINESS

A. Resolution Authorizing the Issuance of a Bid for Two or More Toyota Prius Parking Enforcement Vehicles

Trustee Hofstetter passed along some residents' concerns regarding these vehicles;the cost of the vehicles and that they are lower to the ground than the current vehicles. Mr. Slingerland addressed these issues.

**RESOLUTION RE:
AUTHORIZATION TO PREPARE BIDS & SPECIFICATIONS TO PURCHASE TWO (2) OR MORE
TOYOTA PRIUS, MODEL YEAR 2011 OR NEWER, OR APPROVED EQUAL**

WHEREAS, by resolution of June 27, 2011, the Village Board of Trustees authorized the purchase of two (2) new 2010 or 2011 model Toyota Prius pursuant to New York State Purchasing Contract Group 40450 – Vehicles, Including Alternate Fuel Passenger Vehicles; and

WHEREAS, the stock of Toyota Prius available has been built out and is now longer available through the State Contract and it is estimated that such vehicles will not be available until calendar year 2013 at the earliest.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Village Manager is herein requested to prepare bids and specification for the purchase of two (2) or more Toyota Prius, Model Year 2011, or Newer, or approved equal.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Resolution Scheduling Public Haring on Local Law A-2012 Extending Moratorium for 2/27/12 BOT Meeting

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that Item 4B be and is hereby open for discussion.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Trustee Hofstetter stated that both the Planning Consultant and Land Use Attorney opined that a three month extension is not a long enough period of time; that the moratorium should be extended for six months. Mr. John Lese appeared. Mr. Lese is a developer. He stated that when the moratorium was first suggested, he was guaranteed that it would be for six months only. He questioned whether privately owned property in a C-1 zone for infill housing should be permitted to be rezoned for open space for the Village. The existing zoning for infill housing is extremely restrictive and he does not believe that the Village should play with those rules. Mr. Lese is planning to apply for an exemption to the moratorium for a particular property. Mr. Lese does not think it is in the best interest of the Village to continue this moratorium.

Trustee Ryan stated that it was first discussed in work session to continue this moratorium for six months as they have an obligation to do this right. At that time, she asked the attorney if three months is sufficient time. She was told that the Board would need more than three months, but the attorneys would work to get it done in that time. Trustee Ryan stated that if the Board could extend this for three months and then extend for an additional three months if needed, she would be in agreement. Mr. McDermott stated that it can be extended again. It just cannot be put in place for more than a six month period.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED that a Public Hearing on Proposed Local Law A-2012 be and is hereby scheduled for February 27, 2012.

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

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

C. Resolution Scheduling Public Hearing on Local Law B-2012 Amending Chapter 176 on Professional Fees For 2/27/12 BOT Meeting

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that a Public Hearing on Proposed Local Law B-2012 be and is hereby scheduled for February 27, 2012.

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Resolution in Support of Idling Awareness Day on April 23, 2012, in the Village of Mamaroneck

WHEREAS, the Village of Mamaroneck Committee for the Environment has been working across multiple sound shore communities to increase awareness and discourage idling of vehicles, and have assisted in planning an Idling Awareness day to be held on Monday, April 23, 2012; and

WHEREAS, idling of Vehicles is further prohibited by local law in the Village of Mamaroneck as well as many other municipalities including Westchester County; and

WHEREAS, among the major impacts of idling are the following:

- IDLING CONTRIBUTES TO GLOBAL WARMING – Vehicle idling can have a powerful effect on the outdoor air quality at the local and community level.
- IDLING AFFECTS AIR QUALITY AND YOUR HEALTH – Diesel and gasoline exhausts contain more than 40 hazardous pollutants. Keeping your car idling increases emissions by 13 percent.
- IDLING AFFECTS CHILDREN MORE THAN ADULTS – Children are more vulnerable to health problems such as asthma and other respiratory illnesses because they breathe faster, inhale

more air per pound of body weight compared to adults, and are still growing.

- **IDLING WASTES FUEL AND MONEY** – Every minute of idling wastes fuel. Every gallon of gasoline produces 20.4 pounds of carbon dioxide.
- **IDLING CAN DAMAGE YOUR VEHICLE'S ENGINE** – Because your engine isn't working at peak operating temperature, fuel does not undergo complete combustion. This leaves fuel residues that contaminate engine oil and make spark plugs dirty.

AND WHEREAS, it is proper and appropriate that the Village of Mamaroneck recognize and support the effort of the Committee for the Environment to elevate the public consciousness as the effects of vehicle idling and the impact it has on our environment.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, the Village Board of Trustees herein recognizes and commends the efforts of the Committee for the Environment to hold Idling Awareness Day on Monday, April 23, 2012; and be it further

RESOLVED, that the Village Board herein requests that the appropriate Village Officials and employees, including the Mamaroneck Police Department, provide the necessary administrative and technical and enforcement support to the Committee for the Environment to ensure the success of this important undertaking, on this day and on subsequent days.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Resolution Authorizing Budget Amendment for Police Video Recording Grant

**RESOLUTION RE:
BUDGET AMENDMENT FOR VIDEO RECORDING GRANT**

WHEREAS, by resolution dated May 25, 2011, the Village Board of Trustees authorized the execution of an Agreement with the Westchester County District Attorney's Office to provide grant funding for the procurement of video recording equipment to be used for criminal investigations, interrogations and debriefings in an amount not to exceed \$4,516.10; and

WHEREAS, the Village of Mamaroneck has purchased such equipment and submitted requests for reimbursement to Westchester County totaling \$4,437.00; and

WHEREAS, because the purchase of this equipment was not anticipated in the Fiscal Year 2011/2012 General Fund Budget, it is appropriate to increase the budgeted revenues and expenditures accordingly.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, in order to properly fund this item, the following budget amendment is herein approved:

Budget Amendment:

<u>Debit</u>		<u>Credit</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.5100 Estimated Revenue		A.9000 Appropriations	
.0300 State Aid	\$4,437	.3120 Police Department	
		.0220 Equipment	\$4,437
	<u>\$4,437</u>		<u>\$4,437</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- F. Resolution Authorizing Submission of Draft Multi-Hazard Pre-Disaster Plan to FEMA for Review and Comment

RESOLUTION RE:

AUTHORIZATION TO SUBMIT DRAFT LOCAL MULTI-HAZARD MITIGATION PLAN TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR REVIEW

WHEREAS, by resolution of January 10, 2011, the Village Board authorized the execution of a grant agreement with the New York State Office of Emergency Management to provide funding assistance in an amount up to \$37,500 for the preparation of a Multi-Hazard Mitigation Plan; and

WHEREAS, a Pre-Disaster Mitigation Plan study involves identifying risks and hazards in the community as well as projects that can reduce damage from future natural and man-made hazards; and

WHEREAS, government agencies must complete a Multi-Hazard Mitigation Plan, approved by FEMA, in order to be eligible for most federal grants for hazard mitigation capital improvement projects; and

WHEREAS, after a thorough Request for Proposals process (RFP) which resulted in the receipt of eight (8) proposals, the Village Board, by resolution of March 14, 2011, authorized the execution of a professional services agreement with Environmental Technology Group, 300 Wheeler Road, Suite 307, Hauppauge, NY 11788 (ETG) in the amount of \$31,732, to assist the Village in preparing such Multi-Hazard Mitigation plan; and

WHEREAS, a steering committee comprised of Village staff and Village residents has worked closely with ETG to conduct risk assessment analyses, determine strengths and weaknesses of the Village operations and infrastructure and identify specific mitigation activities that the Village can implement in order to prevent or reduce future losses as a result of hazardous events that may impact the Village of Mamaroneck; and

WHEREAS, as a result of these efforts, a draft Multi-Hazard Mitigation Plan has been prepared, dated January 2012, and was posted for public review on the Village website starting 1/27/2012, and as a next step in the process, it is appropriate that this document be submitted the Federal Emergency Management Agency (FEMA) for their review; and

WHEREAS, the FEMA review process may involve the incorporation of necessary revisions as may be identified, after which FEMA will approve the plan allowing the Village to conduct a formal public review process and ultimate adoption of an approved plan by the Village of Mamaroneck board of Trustees.

On motion of Mayor Rosenblum, seconded by Trustee Albert:

RESOLVED; that the Village of Mamaroneck Board of Trustees herein authorizes the submission of the Draft Multi-Hazard Mitigation Plan dated January 2012 to the Federal Emergency Management Agency to begin the review process.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Resolution Authorizing Procurement Policy Revisions and Updates

Mr. Stuart Tiekert appeared. He does not understand why the Board is adopting this policy when this change was made in 2010. He assumes that the Village has been following this law change even if the policy was not changed. Mr. Tiekert also asked if the Board needs to adopt all policy changes. Mr. Tiekert was told that it depends on the policy.

**RESOLUTION RE:
ADOPTING PROCUREMENT POLICY**

WHEREAS, the Village Board last adopted its Procurement Policy, on December 5, 2011, pursuant to GML Section 104-b(4) of the General Municipal Law; and

WHEREAS, since the last adoption of the Procurement Policy by the Board of Trustees, the New York State Legislature amended the Procurement Law and increased the bidding limit threshold for purchase contracts from \$10,000 to \$20,000; and

WHEREAS, staff reviewed and discussed the procurement policy and recommends modifications as follows:

- Amend Section 2 to increase the bidding limit threshold for Purchase Contracts from \$10,000 to \$20,000 to reflect the amendments to the Procurement Law adopted by the New York State Legislature
- Amend Section 3 to reflect that purchase contracts in excess of \$20,000 are subject to publicly advertised bid or RFP in accordance with the Procurement Law adopted by the New York State Legislature.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Procurement Policy be amended in accordance with the attached January 30, 2012 memorandum.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Resolution Authorizing the Use of Polling Places by the Board of Elections for April 24, 2012 Presidential Primary

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 April 24, 2012 Presidential Primary 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 Hofstetter, 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 Presidential Primary Election to held on April 24, 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Resolution Authorizing Acceptance of Tree Donation from Beverly Sherrid

RESOLUTION ACCEPTING DONATION OF TREE

WHEREAS, Mrs. Beverly Sherrid and her husband have graciously requested to donate a beech tree, to replace one of the beech trees slated to be removed on The Parkway; and

WHEREAS, it is estimated that the cost to replace such Beech Tree is \$250, depending on the caliper/diameter of the tree.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Board of Trustees of the Village of Mamaroneck accepts Mr. and Mrs. Sherrid's gift and thanks them for their generosity.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

J. Resolution Reaffirming Planning and Zoning Board Training to Comply with NY State Law

Trustee Hofstetter believes that it should be noted in the resolution that this training needs to be tracked and reported to the Board. Mayor Rosenblum stated that this is not necessary as that is part of the policy.

Trustee Ryan stated that the way the law reads, it is the responsibility of the Clerk-Treasurer's office to track and report on this training on a yearly basis at the Annual Organizational Meeting. Mr. Slingerland stated that a letter has been sent to the Planning and Zoning Board members reminding them of their training requirement and that the Clerk-Treasurer's office has been asked to coordinate this training.

TO SET POLICY FOR MANDATORY TRAINING OF PLANNING BOARD, AND ZONING BOARD OF APPEAL MEMBERS

WHEREAS the Village of Mamaroneck has primary responsibility to regulate private land use through citizen planning boards and zoning boards and their actions have a profound impact on the Mamaroneck community through the application of state and local land use policies and individual land owners, and

WHEREAS effective January 1, 2007, a New York State Law, Chapter 662 of the Laws of 2006, Mandatory Training for Planning Board and Zoning Board of Appeals Members, requires a minimum of four hours of training be received by municipal planning and zoning officials each year, and

WHEREAS this law applies to all Zoning and Planning board members, and

WHEREAS members who have failed to receive this training will be exempt for past training but will be required to comply with these policies going forward.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED, that it is hereby the Policy of the Village of Mamaroneck that each member of the Village Planning Board and Zoning Board of Appeals obtain four hours of training related to their Board service, by attending and completing those educational courses, seminars, workshops, and the like, which are either authorized by state law or provided by experts or other consultants who have been retained for such purpose by the Village Board.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

K. Resolution in Support of Home Rule Legislation for the Route 1 School Zone Speed Limit

**RESOLUTION RE:
HOME RULE REQUEST – ESTABLISHING A SCHOOL ZONE ON BOSTON POST ROAD (NY ROUTE 1) IN THE TOWN AND VILLAGE OF MAMARONECK**

WHEREAS, the Village of Mamaroneck and Town of Mamaroneck have requested that a school zone be established on Boston Post Road (NY Route 1) to cover an area between the Hommocks Middle School, located in the Town of Mamaroneck, and Mamaroneck High School, located in the Village of Mamaroneck.

On motion of Trustee Albert, seconded by Trustee Ryan:

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 # A.8653 and Senate Bill # S.6290 entitled “Authorizes the Town of Mamaroneck and the Village of Mamaroneck to Designate a Portion of New York Route 1 as a School Zone” which amends New York State Vehicle & Traffic 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

- L. Resolution Setting Weight Limit on Harmon Drive to Match the Town of Mamaroneck’s Restriction Tabled as the changes the Board would like to make require changes to the Village code.
- M. Resolution Authorizing the Execution of Agreement with County Clerk for Electronic Filing of Tax Challenges

**RESOLUTION
AUTHORIZING AN AGREEMENT WITH
THE WESTCHESTER COUNTY CLERK’S OFFICE
FOR THE VILLAGE OF MAMARONECK TO PARTICIPATE IN A
PROGRAM FOR THE ELECTRONIC FILING AND PROCESSING OF
SMALL CLAIMS ASSESSMENT REVIEWS (SCAR)**

WHEREAS, the Village Manager has been contacted by the Westchester County Clerk advising that the County Clerk’s Office filings of Small Claims Assessment Review (SCAR) petitions dramatically increased from 894 in 2006 to 10,638 in 2011; and

WHEREAS, due to this huge increase in the number of cases filed, the County Clerk’s Office is asking if the Village is willing to participate in a program to accept electronically filed SCAR petitions via the New York State Courts Electronic Filing (NYSCEF) system, since the County Clerk’s successful 2011 pilot program and electronic filing of petitions saw a 50% usage of the NYSCEF system this year alone; and

WHEREAS, by resolution dated August 15, 2011, the Village Board of Trustees authorized the execution of an agreement with Westchester County providing for the participation of the Village of Mamaroneck for calendar year 2011, and both the Westchester County and the Village of Mamaroneck were satisfied with the system; and

WHEREAS, Westchester County has proffered a new agreement to the Village of Mamaroneck for allowing for the electronic submission of SCAR filings for calendar year 2012.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village of Mamaroneck to enter into an agreement with the Westchester County Clerk's Office to participate in a pilot program for the electronic filing of SCAR petitions via NYSCEF, based on the acceptance of the agreement by the Village Attorney and the Village Manager, and authorizes the Village Manager to execute the agreement; and be it further

RESOLVED, that the Board of Trustees authorizes all filers participating in the pilot program to utilize this program, accepts such filing as legal service, waives hard-copy service to the Village of Mamaroneck, and agrees to accept the filed data to be transmitted to the Village of Mamaroneck, with proper protection and preservation of this data by the Village of Mamaroneck pursuant to the requirements of the NYS Records Retention Schedule.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

N. Appointment to Flood Mitigation Committee

WHEREAS, there are two open positions on the Flood Mitigation Advisory Committee as of the December 2011 Annual Organization Meeting; and

WHEREAS, Mr. Anthony Gelber has graciously volunteered to serve.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

NOW THEREFORE BE IT RESOLVED that Anthony Gelber be and is hereby appointed a member of the Flood Mitigation Advisory Committee to fill an expired term, such term to expire at the December, 2014

Annual Organizational Meeting.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

O. Resolution Authorizing the Formation of a Citizens Zoning Update Committee

Ms. Nora Lucas appeared. She believes it is extremely important for the public to be involved in this process. Ms. Lucas stated that not having the residents involved in these types of issues makes the Board look like they are not interested in what their constituents have to say. Trustee Ryan stated that there were many charrettes and public hearings held on the Comprehensive Plan Update and there will be hearings held on any proposed zoning changes. It is unfair to state that the Board is appearing to be uninterested in what the residents have to say on issues. Trustee Ryan further stated that after receiving Ms. Lucas' email, she contacted our attorney to confirm that what the Board has done on the Comprehensive Plan was done in accordance with law and was the right thing to do. The attorney replied that the Board has acted responsibly and in accordance with the law in the implementation of zoning changes. The first step is the Comprehensive Plan Update that will lay the groundwork for zoning changes. He further stated that the Village Board and its consultants have proceeded diligently with the development and consideration of the Comprehensive Plan and afforded the public substantial opportunity for input.

Ms. Lucas disagrees as she believes that SEQRA was completed at the very end of the process and she believes that it should have been one of the first things done and then the environmental review done. Trustee Hofstetter agrees with Ms. Lucas and when a neighboring community tried to make zoning changes, it took them over two years to appropriately evaluate the laws with the help of residents. It did not seem to affect the community that this took the time that it did.

Ms. Doreen Roney appeared. She stated that a right of way law was changed as an environmental enhancement in the past. This was essentially a zoning change and Ms. Roney provided the Board with a review on how many properties in the Village this change would impact. Density could have increased significantly. Ms. Roney stated that when zoning changes are looked at it is for the entire Village not just particular properties.

Mr. Victor Tafur appeared again. Mr. Tafur believes that the Board has received information on the plan, but not on the environmental impact of the plan and that is an important difference. He believes that the Board is in a difficult position as they need to make these decisions without perhaps the proper training and information.

WHEREAS, the Mamaroneck Village Board of Trustees is aware that the Zoning Moratorium of 2011 is to expire and the new Village Comprehensive Master Plan has not been adopted and the process is not yet completed; and

WHEREAS, the intention of the Moratorium was to allow for the orderly review of Zoning Code in reflection to the Comprehensive Master Plan.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED, that the Board of Trustees form a resident committee to review and propose changes to Village zoning code that may be necessary as a result and to extend the moratorium for a period of 6 months to enable them to do so in an effective manner.

Ayes: Hofstetter

Nays: Albert, Ryan, Santoro, Rosenblum

P. Resolution Authorizing Additional Time for the HCZM to Determine Consistency of Comprehensive Plan Update

WHEREAS, the Mamaroneck Village Board of Trustees is aware that the Zoning Moratorium of 2011 is to expire and the new Village Comprehensive Master Plan has not been adopted and the process is not yet completed; and

WHEREAS, the intention of the Mamaroneck Village Board of Trustees in initially granting an extension to the Harbor and Coastal Zone Management Commission for their review of consistency was to be sure that the HCZM had sufficient time to review the document; and

WHEREAS, the Mamaroneck Village Comprehensive Master Plan is a document that the Village will use to map the next 25 years of development and planning; and

WHEREAS, it is not unreasonable for the Mamaroneck Village BOT to give additional time to review the 200+ page document for a consistency determination.

Trustee Hofstetter motioned the following resolution. There was no second.

RESOLVED, that the Mamaroneck Village Board of Trustees herein gives the HCZM additional time - until after their March meeting, if they feel they need it, to make their determination of consistency on the Village's Comprehensive Plan.

Q. Authorization from the Board of Trustees for the Village of Mamaroneck to Submit a Grant Application for Transit Oriented Development

Mayor Rosenblum stated that he and Trustee Ryan are particularly interested in this project as they believe that development in this area of the Village is important. Trustee Ryan clarified that she believes that all are interested in this development. The grant came to the Village from the Washingtonville Housing Alliance. They asked that Mayor Rosenblum and Trustee Ryan be involved in their meetings on this subject as representative of the Board. Trustee Hofstetter asked that the Board assure that this grant is not just for Washingtonville Housing properties. The Board stated that this cannot happen and this would be offered to any and all developers interested in this area.

Mr. Dan Natchez appeared. He is not in opposition to this; he does find it interesting that the Village would consider the rezoning of a significant section of the Village without this being mentioned in the Comprehensive Plan or the LWRP and without any public input. He thinks that it is positive if we can get money to look at this; however, there have been significant changes that would affect the Comprehensive Plan and this would be one of the most significant changes to have a cause and affect on the Plan. Trustee Ryan agrees; however, she informed Mr. Natchez that the Comprehensive Plan can be looked at and updated at any time the Board feels necessary and certainly if this zoning change should happen. She also stated that this information and the request to be involved in the study came after the Board had input on the Plan and that this type of development is mentioned in the Comprehensive Plan. Mr. Natchez disagreed. He believes that this should be put into the Comprehensive Plan at this time, before it is adopted.

Ms. Doreen Roney appeared. She disagrees that the Comprehensive Plan is a "living document". She read New York State Village law on this topic and this plan should be a plan for the future. Mr. Slingerland disagrees with Ms. Roney and in his experience this document is a living document that is reviewed and updated when needed. Trustee Hofstetter stated that he is in agreement with this resolution but finds the Village in a conundrum as this significant potential change is not sufficiently covered in the Comprehensive Plan Update.

**RESOLUTION RE:
SUBMISSION OF A GRANT APPLICATION FOR
TRANSIT ORIENTED DEVELOPMENT
PLANNING GRANT NEAR TRANSIT HUBS**

WHEREAS, the Tri-State Transportation Campaign is a 501(c)(3) organization that was founded by leading environmentalists and planners dedicated to reducing vehicle dependency and their attendant economic and environmental costs in the New York-metropolitan area; and

WHEREAS, a new initiative of the Tri-State Transportation Campaign is a community assistance grant program to help municipalities develop more equitable, sustainable, and transit-friendly communities by encouraging transit oriented development, or mixed use development within a quarter to half mile of a train or bus station, by offering funding support to municipalities ready to address the linkages between affordable housing, energy efficiency and equitable development near transit stations; and

WHEREAS, the Village of Mamaroneck, in partnership with the Washingtonville Housing Alliance is requesting planning funds to develop a Transit Oriented Development zoning study around the Mamaroneck Train Station with the intent of developing zoning regulations to transform the study area into a viable, equitable, transit-oriented mixed use zone; and

WHEREAS, in order to conduct this study, the Village envisions working with professional planning and engineering consultants, using a consultative, public outreach to local residents and businesses through charrettes, identifying potential sites and developing innovative zoning regulations and incentives for mixed use and affordable housing; and

WHEREAS, at this time, the application round has been opened and the Village of Mamaroneck has been invited to submit a formal proposal for such a planning grant.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED, that the Board of Trustees herein authorizes the Village Manager to submit a formal proposal and grant application to the Tri-State Transportation Campaign for the development of a Transit Oriented Development zoning study around the Mamaroneck Train Station, and authorizes the Village Manager to take the necessary and appropriate steps to execute all paperwork, submit all back-up documentation to

support this application and accept such grant funds, if awarded, in accordance with the requirements of the grant.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

R. Resolution on a Petition and Request by the French American School of New York to (1) Authorize the circulation of a Notice of Intent to be Lead Agency to other Involved Agencies; (2) Referring the Rezoning Application to the Planning Board for an Advisory Report under 342-95, (3) Referring the Rezoning Application to the Westchester County Planning Board and (4) Referring the Rezoning Application to the Village Planning and Engineering Consultants for their Review and Comment

Mayor Rosenblum informed the residents that the school is looking to expand their White Plains campus so there is a possibility that this will not happen; however, the Board is addressing this in the event that it does go forward. Trustee Hofstetter stated that he is concerned as there are many not for profit buildings in this area that can be affected. While this specific issue would not affect having a property in this area taken off the tax roll, the Village could potentially be put in that situation. He looked at the tax maps in this area and there are many tax exempt properties in this area. Trustee Ryan stated that there is the potential for this and that the Board needs to be aware of this possibility.

Mr. David Cooper, legal representative for the French American School appeared. What the school is seeking is to start the process moving with the zoning text amendment for a special permit for educational use be extended into the M-1 district as they need to address a growing eleventh and twelfth grade population. They have found an ideal location in the M-1 district and they would be leasing the space. There would be no change to the footprint of the building; only improvements to the interior of the building.

**Resolution On A Petition And Request
By The French American School Of New York,**

- (1) Authorizing the Circulation of a Notice of Intent to be Lead Agency under SEQRA;
- (2) Referring the Zoning Text Change Application to the Planning Board for Report under 342-95;
- (3) Referring the Zoning Text Change Application to the Westchester County Planning Board; and
- (4) Referring the Zoning Text Change Application to Village Planning and Engineering Consultants

On motion of Mayor Rosenblum, seconded by Trustee Hofstetter:

WHEREAS, the French American School of New York, related to their operations in the Village of Mamaroneck, has submitted a petition to the Village Board of Trustees requesting a zoning text amendment to allow a private school as a permitted special permit use in an M-1 District; and

WHEREAS, the Board of Trustees of the Village of Mamaroneck wants to begin the process on this application.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board preliminarily determines that the zoning text change application is a Type I Action pursuant to 6 NYCRR 617.4 and be it further

RESOLVED, that the Village Board hereby indicates its intent to be Lead Agency and directs that the such notice of intent, together with the zoning petition and a long-form EAF, be forwarded to other Involved Agencies who shall have 30 calendar days from mailing of this notification to indicate any objection to the Village Board acting as Lead Agency for this review and this action; and be it further

RESOLVED, that the Village Board authorizes, and directs the Village Manager, Village Clerk and other appropriate staff to take all steps necessary to accomplish, the following actions:

- (1) Circulate the Notice of Intent to be Lead Agency to other involved agencies;
- (2) Refer the zoning text change application to the Planning Board for an advisory report under 342-95;
- (3) Refer the zoning text change application to the Westchester County Planning Board; and
- (4) Refer the rezoning text change application to Village planning and engineering consultants for their review and comment back to the Board of Trustees.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

5. REPORT FROM VILLAGE MANAGER

- A. File for the Record – Agreement with Police Reports US and Village of Mamaroneck
Mr. Slingerland stated that this is being filed for the record with the Clerk-Treasurer's office.
- B. File for the Record – Newspaper Article on UV Plan
Mr. Slingerland stated that this is being filed for the record with the Clerk-Treasurer's office.

Trustee Ryan stated that when she sent this article to the Manager she suggested that we send a letter stating our interest to be part of this system and not have to build our own UV plant as we have been mandated to do. We should also encourage the other communities in this same situation to investigate this possibility as Westchester County is negotiating with New York City on who is going to be part of this.

Trustee Ryan stated that the Water Works is also petitioning that we be part of this. Mayor Rosenblum agrees as we as well as the other communities that are part of the WJWW are facing mounting fines.

Mr. Sarnoff reported that we have received notification that we are again a Tree City USA.

6. FLOOD MITIGATION REPORT

Mr. Slingerland announced that the Westchester County Stream Permit was issued. The Manager's office needs to execute and return. This is for work on the Jefferson Avenue Bridge and for silt removal. Mr. Sarnoff gave an update on the Jefferson Avenue Bridge project. The Village was waiting for this permit to be issued. The design is 98% complete and he and Mr. Slingerland will be meeting with the adjacent home owners to obtain easements. The project is slated to take place in 2012. The span will be shut down during construction. The Manager's office plans to go out to bid in the next couple of months with construction to begin in the spring.

Mr. Slingerland stated that the County has informed his office of their plan for removal and replacement of the Anita Lane Bridge and fixing the wing wall. The County is also looking for additional monies to work on the Station Plaza Bridge. This would straighten out the confluence of the two rivers and would have a substantial influence on flooding. Mr. Slingerland further stated that he and Mr. Sarnoff attended a meeting with the Army Corps of Engineers and DEC last week. Alternatives developed by the Army Corps were discussed. Future improvements that are not as expensive and/or would not have as great an impact are also being explored.

7. REPORT FROM CLERK-TREASURER

A. File for the Record – Ethics Board Annual Report

Mr. Fusco stated that this is being filed for the record.

B. File for the Record – Continuing Disclosure Filing

Mr. Fusco stated that this is being filed for the record.

C. File for the Record – Certificate of Unpaid Taxes

Mr. Fusco stated that this is being filed for the record.

Trustee Ryan asked if it is possible to do a robo-call to our residents reminding them of second half tax payments as we no longer send out a reminder notice. Mr. Fusco stated that he can look into this.

D. Filing of Tax Roll and Warrant

Mr. Fusco stated that this is being filed for the record.

8. REPORT FROM VILLAGE ATTORNEY

None

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 (Resubmitted)

B. Board of Trustees Regular Meeting of December 19, 2011

C. Board of Trustees Work Session of January 17, 2012

Trustee Hofstetter asked that these be tabled as he has changes. Trustee Hofstetter stated that the statement that the Board convene to Executive Session to discuss Fire Department personnel and a request from Police Chief to call for the police list be struck from the minutes as this is not what happened. The Board did vote on these items, but this was not what the motion made to go into Executive Session was for. He raised this issue with Mr. Slingerland on the 18th being that the Board did not state a reason to convene to Executive Session at that time. The Board agreed to table these minutes until the Clerk's notes could be reviewed.

D. Zoning Board of Appeals of November 3 & December 1, 2011 and January 5, 2012

E. HCZM of November 16 & December 21, 2011

F. CFTE of December 20, 2011

G. Planning Board of January 11, 2012

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 reminded all to keep a look out for the Green Screen film festival to take place in March. Trustee Ryan also reminded residents of clean up day in April.

Trustee Hofstetter congratulated all the children who were involved in the school play at Mamaroneck Avenue School as well as those who coordinated it and attended.

Trustee Santoro reminded residents to be aware of their surroundings especially with the mugging that took place.

Mayor Rosenblum reported that he had the pleasure of attending the real work day at the Hommocks Middle School. Mayor Rosenblum read a letter from a resident whose Aunt became very ill at Sarah Neuman recently and the professional manner in which the EMS handled the situation.

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