

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, FEBRUARY 27, 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	

PUBLIC HEARING ON PLL A-2012 (EXTENDING MORATORIUM)

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 27th day of February, 2012, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW A-2012, a local law to extend the Moratorium on Open Space Development, previously enacted as Local Law 8-2011, temporarily prohibiting open space development for the subdivision of land and/or approval of site plans or special permits on land consisting of or creating four (4) or more parcels or units for an additional three (3) month period of time from March 7, 2012 through June 6, 2012, while the Village Board of Trustees continues to analyze the impact of any further development on the health and safety of the residents of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law A-2012 is on file with the Clerk-Treasurer of the Village of Mamaroneck and on the Village of Mamaroneck website.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

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

Agostino A. Fusco
Clerk-Treasurer

Dated: February 15, 2012

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Public Hearing on PLL A-2012 be and is hereby open.

Ayes: Hofstetter, Albert, Ryan, Santoro, Rosenblum

Nays: None

Mr. Dan Natchez appeared. He urged the Board to extend the moratorium for at least three months. The CCNA drafted a resolution in support of the moratorium that Mr. Natchez distributed to the Board .

Mr. John Lese appeared. He stated that there are some very exciting development sites in the community and he hopes that if the moratorium is extended for three months, it is not extended for longer.

Trustee Hofstetter stated that he believes that the Board should be listening to their attorneys who do not feel that three months is enough time to get what needs to be done, done. He believes that a committee should be formed and the moratorium extended for six months.

Trustee Ryan stated that she is in favor of the three month extension. She too asked the attorneys if it could be done and they said that we could try; it would be unlikely, but it could be extended if need be. She feels that the Board should do whatever they have to accomplish this in three months.

Trustee Albert is in favor of the three month extension. He feels that it gives the Board an end date to insure that they get the work needed to be done, done.

Trustee Santoro is not in support of this extension. He was not in favor of the first moratorium.

Mayor Rosenblum believes that a moratorium is a negative concept. He did vote in favor of it the first time as the Board was in the process of finalizing the Comprehensive Plan. As he believes that this Plan will be adopted this evening, the Board will have the ability to go ahead and start rezoning. He will not vote for it this evening; however, it does not believe it is onerous but does believe it sets a bad message to the community.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that PLL A-2012 be and is hereby adopted as follows:

A Local Law to extend the Moratorium on Open Space Development, previously enacted as Local Law 8-2011, temporarily prohibiting open space development for the subdivision of land and/or approval of site plans or special permits on land consisting of or creating four (4) or more parcels or units for an additional three (3) month period of time from March 7, 2012 through June 6, 2012, while the Village Board of Trustees continues to analyze the impact of any further development on the health and safety of the residents of the Village of Mamaroneck.

Section 1: Legislative intent.

The Village of Mamaroneck Board of Trustees previously adopted Local Law 8-2011 declaring a six (6) month moratorium on open space development for the subdivision of land and/or approval of site plans or special permits on land consisting of or creating four (4) or more parcels or units within the Village of Mamaroneck during the term of the moratorium. The Village Board requires an additional period of time to complete the review and analyze the impact of any further development on the health and safety of the residents of the Village of Mamaroneck.

Section 2: Moratorium.

Local Law 8-2011 establishing a moratorium on open space development for the subdivision of land and/or approval of site plans or special permits on land consisting of or creating four (4) or more parcels or units within the Village of Mamaroneck shall be extended for a three (3) month period of time through June 6, 2012, while the Village Board of Trustees continues to analyze the impact of any such development on the health and safety of the residents of the Village of Mamaroneck.

Section 3: Scope.

Except as otherwise amended herein, all provisions of Local Law 8-2011, including but not limited the exception and variance provisions contained therein, shall remain in effect during the term of the extension of the moratorium.

Section 4: Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

Section 5: Superseding other Laws

This local law shall supersede and suspend all ordinances or local laws or parts thereof in conflict with the provisions of this chapter to the extent necessary to give this chapter full force and effect during the effective period. Additionally, this local law shall supersede and suspend those provisions of the Village Code and New York State Law which require or permit the Board of Trustees, the Planning Board, Harbor Coastal Zone Management and/or the Zoning Board or any of the Village's Boards, officers, agencies, employees, representatives, consultants to accept for review, continue review, make any decision upon or otherwise consider or process any application for preliminary subdivision plat approval or site plan approval for the subdivision of land and/or approval of site plans or special permits on lands consisting of four (4) parcels or greater whether submitted prior to or after the effective date of this law. Furthermore, this chapter shall supersede and suspend those provisions of the Village Code and the New York State Village Law which grant the Zoning Board of Appeals authority to hear appeals from applicable zoning provisions relating to preliminary subdivision plat approval or site plan approval for the subdivision of land and/or approval of site plans or special permits on lands consisting of or creating four (4) or more parcels or units, and specifically the time frames for decision-making and holding hearings for decision-making.

Section 6: Effective Date.

This local law shall be effective immediately upon filing with the Secretary of State of the State of New York.

**BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF MAMARONECK**

Ayes: Albert, Ryan

Nays: Hofstetter, Santoro, Rosenblum

PUBLIC HEARING ON PLL B-2012 (PROFESSIONAL CONSULTING FEES)

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 27th day of February, 2012, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW B-2012, a local law in relation to the reimbursement of professional consulting fees on land use applications.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law B-2012 is on file with the Clerk-Treasurer of the Village of Mamaroneck and on the Village of Mamaroneck website.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

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

Agostino A. Fusco
Clerk-Treasurer

Dated: February 15, 2012

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Public Hearing on PLL B-2012 be and is hereby open.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Board will accept public comment and will discuss this local law.

No vote took place

Ms. Sue McCrory of The Crescent appeared. She feels very strongly about laws and how everyone should be treated equally in the following of law. Unfortunately there was not a side by side comparison of this and the current law on the books; therefore it was hard to see exactly what was being changed. She is also not certain if the current law applies to challenges or appeals to the building department and/or the land use boards. She believes that there is a lot of procedural confusion and selective enforcement of this law. She also believes it behooves a legislative body such as the Board of Trustees to know how the existing law is working before they try to amend it. She suggests taking a careful look at how the law is working as she believes that it is not working in the way that it was intended. Ms. McCrory stated that the fees can get way out of hand. There is a situation now where the Village does not have control over who gets to direct an individual to do something. As a result, one board member, chairman or mayor can direct a professional to do X. That activity costs money. It is not clear if activity is serving the governmental body. She believes that the official body, by a majority of its members should direct the professionals. Ms. McCrory informed the public that there was one application before the Zoning Board for an interpretive appeal where the consultant fees were \$17,000. This was not someone building anything. This was someone challenging a decision by the building inspector and that challenge was successful; however, it cost them \$17,000. Ms. McCrory asked that question of what a homeowner who does not have \$17,000 in expendable resources does if they believe that their neighbor built something that requires a variance. She believes that this would be a situation that could invite graft and corruption. The Village should make it easy for a resident to challenge something that they believe is being done against the law. Ms. McCrory also suggested that we are at a point where residents will just build and not go to the land use boards for approval because of the expense. Ms. McCrory stated that she sees many more consultants at land use meetings than ever before. Ms. McCrory made the point that we have not been consistent in who pays escrow. Some residents have to pay and others do not. An application that she was interested in where a neighbor applied and received a wetlands permit had no escrow account.

Ms. McCrory submitted her comments for the record as she was informed that her five minute time limit had been reached.

Mr. Stuart Tiekert of Beach Avenue appeared regarding Board procedures. He stated that the Board needs to do a better job and as the proceeding officer, the Mayor can limit the time that residents speak during a public hearing if there is a large group who would like to speak. Mr. Tiekert stated that the Mayor did not

poll the audience to see how many people wanted to speak; he arbitrarily chose to limit the amount of time that someone can speak. Mr. Tiekert believes that this is unfortunate and undemocratic.

Ms. Nora Lucas of Beach Avenue appeared about the residents of First Street who have tremendous liability due to a mistake by the Building Inspector. With the new law, there is no way to know what any applicants fees will be. Ms. Lucas believes that it will only be the large developers who will be able to afford to have an application in front of the land use boards and that we are holding up a sign that says, "The Village is open for Development". She also believes that the law on the books is not administered well.

Ms. Doreen Roney of Highview Avenue appeared. She asked the Board that when it comes to land use applications; who will be setting up escrow and by what measure. She also questioned who is going to monitor the consultant fees that are being charged to an applicant. Ms. Roney asked for an answer to her questions.

Mr. McDermott stated that the procedure of the Board is that residents can make public comments during this time. It is not a time for a discourse or exchange with the Board.

Ms. Roney is concerned that the practice of not having the land use boards approve what consultants and what services are needed will continue. She is also concerned of the time constraints if this is something that is going to be monitored and controlled by the Village Manager with all that is currently on his plate.

Mr. McDermott stated that each application will get the appropriate attention it requires and that it is impossible to make a blanket statement on how each Board will handle each application.

Mr. Dan Natchez appeared. He asked what the actual change to this law will be. Mr. Slingerland believes that he addressed this earlier. Mr. McDermott stated that the law has been redlined and made available to the public. Mr. Natchez stated that what is on line is not redlined. He printed out what was on the website and his first question would be what it is that we are suggesting doing that is different from the current law. The only difference he can see is that the Village will now be charging a fee to those individuals who seek a redress to something they believe the Village did in error. Mr. Slingerland stated that this is a misrepresentation. Mr. Natchez disagreed. Mr. Natchez has concerns: the first being that most of the consultant fees are for legal services, which the applicant is not allowed to see, until after a decision is made. For most of the professional fees paid, a copy of the reports by these professionals is not received by the applicant until the day of or shortly before the meeting takes place. He believes that if the Board wants to change the law then they should do so in a way that is meaningful for both the Village and the process. Mr. Natchez also asked that a redlined version of this proposed local law be put on the website. He also stated that

he believes it is not a good procedure to charge residents escrow fees who are challenging a decision made by the Village.

Trustee Hofstetter stated that he agrees with a lot of what has been stated on this proposed local law. What bothers him the most is a resident paying escrow to challenge a decision made by the Village and he therefore is not in favor of it.

Trustee Ryan stated when the Board first looked at the concerns regarding the use of consultants, it was to let Boards and Commissions know when and how to ask consultants for assistance. It has since snowballed into a combination of that and the escrow law. Trustee Ryan believes that the Village needs to look at who will be establishing an escrow account. There should also be a form that would go along with this escrow determination delineating what the expected expenses might be by looking at similar applications. She also believes that the applicant should sign this form stating that they understand what the escrow amount is and that it has to be replenished when it goes below 50%.

Trustee Albert stated that he believes that this needs to be looked at further and suggests that it be tabled to a future meeting.

Trustee Santoro agrees that a form needs to be devised. He also agrees with Mr. Natchez that applicants should not be put on an agenda until all information is received and all fees paid.

Mayor Rosenblum stated that this law has been on the books for several years and it has only been enforced for the last few years. He believes that some of the comments are valid; that the way the law is set up is a penalty and another form of taxation. This along with the moratorium gives the wrong symbol to developers. Mayor Rosenblum stated that 90% of the land use applications in the Village are brought forward by homeowners and it is onerous that they have to pay for their own attorney, engineer and other professionals and then pay for the Village's as well. He believes that there are some aspects of this law that do have to be addressed. As far as charging individuals who challenge a decision made by the Village, that should not be underwritten by the Village and the taxpayers. As stated in 176.5, there is a provision for the Board of Trustees waiving fees due to financial hardship. Also in 176.2A it states that the escrow is set by the Building Inspector. The Mayor has issue with this as he has asked what guidelines are used to set this amount and although told they exist, he has yet to see them. The Mayor agrees that the intentions of the law are good, but it still needs work and suggests that it be tabled.

Trustee Hofstetter added that consultants should be doing the work agreed upon by the entire board or commission, not one or two members. The chair should act as representative to the consultants in consultation with the majority of the board or commission.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law B-2012 be and is hereby tabled to a future Board of Trustees Meeting.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

MAYOR'S REPORT

None

I. COMMUNICATIONS TO THE BOARD

Dr. Charles Morelli of Beach Avenue appeared. He could not help but notice that there is an item on the agenda on Pine Street. He asked if he could speak during that time. The Mayor confirmed that he could. Dr. Morelli stated that there was a previous Executive Session held on Pine Street. There are eight criteria in which a Board could convene to Executive Session and he believes that the Pine Street matter does not fall under any of these criteria. He believes that the Board broke the law in this instance and cannot understand why the Board would do that.

Mr. Stuart Tiekert of Beach Avenue appeared on Board procedures. He stated that the Mayor presides over the meeting and he needs to look at and follow the procedures. Mr. Tiekert pointed out procedures that are not being followed, including time limits on public hearing speakers and motions. Mr. Tiekert asked if the minutes are items that can be discussed during a meeting. The January 17 meeting minutes show that the Board took two votes on items in Executive Session that Mr. Tiekert stated should not have been discussed Executive Sessions. One Executive Session items was to discuss Open Meetings Laws. As a resident, Mr. Tiekert finds it embarrassing that the Board can not go into Executive Session legitimately. He repeated Dr. Morreli in asking what the criterion was to go into Executive Session on the Pine Street agreement.

Ms. Doreen Roney of Highview Street appeared again to confirm that the Board received her email on the free consistency training available to Village personnel from the Department of State. Mayor Rosenblum stated that the Board did. Ms. Roney hopes that the Village will take advantage of this as we are an LWRP community.

Mr. Stew Schwartzreich of Lorraine Avenue appeared. The bridge over Barry Avenue is in complete disrepair as there are planks missing. He understands that the MTA is going to replace the bridge; however, if there is something that the Village could do in the interim, the residents would appreciate it. Mr. Schwartzreich asked what the Village's plans are for the old Hook and Ladder Firehouse building, as he believes that it is an under performing asset. Finally, going back to the Barry Avenue Bridge area, there is a Laundromat next to the bridge and patrons have begun parking on the sidewalk in front of the Laundromat which forces walkers, many of which are children, to walk in the street and the curb is completely gone. There is no way that a wheelchair could pass this building. There is a large parking lot behind the Laundromat, so this is unnecessary. Trustee Hofstetter stated that this happens all over Boston Post Road as well.

Ms. Nora Lucas appeared again to ask if the Board will be taking public comment on the Comprehensive Plan during that agenda item. Mayor Rosenblum stated that there will be an opportunity for the public to comment; however, it will be limited to two minutes.

3. AUDIT OF BILLS

Mayor Rosenblum stated that the Board would like to see the monthly reports on consultant fees be reinstated. Trustee Ryan did come across a legal spreadsheet that she had received and stated would be helpful to get again. Trustee Santoro asked that the Village use as many local businesses as possible when doing work or buying product.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated February 27, 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

Mayor Rosenblum stated that the WJWW had a meeting today and they made a second disbursement to the Village in the amount of \$475,000 which represents approximately 33% of what the Village will be receiving. It is projected that by the end of 2012, the Village will receive \$2.58 million from the Water Works.

3. OLD BUSINESS

None

4. NEW BUSINESS

Trustee Hofstetter stated that he would like to add an item to New Business; Scheduling a Public Hearing on a six month moratorium instead of a three month as was voted down earlier.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that a Public Hearing on a Proposed Local Law to extend the Moratorium on Open Space Development, previously enacted as Local Law 8-2011, temporarily prohibiting open space development for the subdivision of land and/or approval of site plans or special permits on land consisting of or creating four (4) or more parcels or units for an additional three (6) month period of time from March 7, 2012 through September 6, 2012, while the Village Board of Trustees continues to analyze the impact of any further development on the health and safety of the residents of the Village of Mamaroneck.

Trustee Hofstetter asked for Advice of Counsel before voting on the above motion. The Board convened to and exited from Advice of Counsel. The vote on the motion above was polled.

Ayes: Hofstetter

Nays: Albert, Ryan, Santoro, Rosenblum

Mayor Rosenblum stated that he would like to add an item to New Business; the appointment of a member to the flood mitigation committee.

N. Addition of Agenda Item

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED that Agenda Item 4N, Appointment of Member to the Flood Mitigation Committee be and is hereby added to the February 27, 2012 Board of Trustees Regular Meeting Agenda.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

O. Appointment of Member to Flood Mitigation Committee

WHEREAS there is an open position on the Flood Mitigation Committee; and

WHEREAS Mr. Andres Jose Bermudez Hallstrom has graciously volunteer to serve.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that Mr. Andres Jose Bermudez Hallstrom be and is hereby appointed a member of the Flood Mitigation Advisory Committee for a term to expire at the Annual Organizational Meeting 2014.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

A. Resolution to Schedule a Public Hearing on Local Law C-2012 – Authorizing a Real Property Tax Levy in Excess of the “2% Property Tax Cap”

Mr. Slingerland stated that this is a resolution to schedule a Public Hearing on Proposed Local Law C-2012, a local law to override the tax levy limit established in General Municipal Law §3-c.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that a Public Hearing on Proposed Local Law C-2012 be and is hereby scheduled for March 12, 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

B. Resolution to Change Date for the 2012 Mamaroneck Music Festival

Mayor Rosenblum stated that to work in concert with Mamaroneck Shares and the Emelin Theatre, the committee would like to keep July 14 with the option of July 21 as the date for the Festival. They would let the Board know definitely by the end of April.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the change in date and the reservation and use of Harbor Island Park for the Mamaroneck Music Festival, in coordination with the Emelin Theatre, to be held on Saturday, July 21, 2012, if necessary. If the change is not necessary, which will be known by the end of April, the date of July 14 will remain in force and authorizes the Village Manager and all other appropriate Village Officials to take the necessary and appropriate actions to hold this event.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Resolution to Update Village Fees and Charges (excluding camp fees, which were already adopted)

On motion of Trustee Santoro, seconded by Trustee Ryan:

BE IT RESOLVED, that the current fees set forth in Chapter A347 of the Code of the Village of Mamaroneck are deleted, and the following updated schedule is adopted, except for the Camp Fees covered under Chapter 347-3 that were updated on January 23, 2012, as follows:

§ A347-1. Fee schedule. update effective on adoption by the Board of Trustees on: February 27, 2012

1.03

<p>The following schedule of fees is hereby established with respect to licenses, permits and activities required or regulated under the provisions of various chapters of the Code of the Village of Mamaroneck. The Board of Trustees, by resolution, may increase or decrease any of the applicable fees. This schedule will be reviewed at least annually and approved by resolution of the Village Board of Trustees. Applications for and the issuance of such licenses and permits shall be subject to the provisions of the specific chapter of the Code which is indicated for each type of license or permit. The business, activity or operation for which the license or permit is required shall be subject to all regulations set forth in the chapter to which reference is made.</p>	<p>Typically increases are 3%, rounded to the nearest full dollar amount, unless listed at a higher level within this schedule</p>		
<p>Chapter/Type of Application, License or Permit</p>	<table border="1"> <tr> <td data-bbox="1081 1917 1300 1982">Old Fee</td> <td data-bbox="1300 1917 1463 1982">Proposed Fee</td> </tr> </table>	Old Fee	Proposed Fee
Old Fee	Proposed Fee		

Chapter 88, Alarm Devices and Systems				
	Alarm system permit, annual fee		\$31	\$32
	False alarm charges			
		First 3	No charge	No charge
		4th through 10th, each	\$102	\$105
		11th or more, each	\$510	\$525
Chapter 96, Amusements				
Article I, Places of Amusement				
		Billiard or pool halls, annual license fee, per table	\$51	\$53
		Bowling alleys, annual license fee, per lane	\$51	\$53
		Circuses, per day	\$765	\$788
		Common shows, per day	\$153	\$158
		Park license, per day or event	Up to \$2,000	Up to \$2,000
		Shooting galleries	\$102	\$105
		Theaters, annual license fee	\$77	\$79
Article II, Mechanical Amusement Devices				
		Operation of mechanical amusement devices, annual license fee per device	\$128	\$132
		Maintenance of premises containing mechanical amusement devices, annual license fee, per premises	\$77	\$79
Chapter 100, Antennas				
Article II, Satellite antennas				
		New satellite antenna erection, placement or construction	\$26	\$27
		Existing satellite antenna relocation, alteration, reconstruction or enlargement	\$15	\$15
Chapter 106, Auctions and Auctioneers				
		Fee per day, or per event, whichever is greater	\$51	\$53
Chapter 116, Bingo				
		Operation of games, per occasion	\$102	\$105
Chapter 120, Blasting and/or Chipping				
		Blasting permit	\$5,100	\$5,253
		Chipping permit	\$2,040	\$2,101
Chapter 126, Building Construction				
		Article I, Building Department and permits	See Article II of this Chapter A347	
Chapter 150, Dance Halls and Cabarets				
		Annual license	\$153	\$158
Chapter 164, Electrical Standards and Permit Fees				

	Electrical job permit			\$50, plus \$11 for each additional \$1,000 cost of work	\$50, plus \$11 for each addl. \$1,000 cost of work
Chapter 178, Film Permits					
	Per day, 8:00 a.m. to 6:00 p.m.			\$765	\$788
	Per day, early start or late finish, 7:00 a.m. to 10:00 p.m.			\$1,020	\$1,051
	Parking of vehicles on public roads related to filming operation, per vehicle space, per day			\$10 at a meter; and \$20 at non-metered spaces, per vehicle	\$20 per space, per day, metered or not
Chapter 182, Fire Prevention					
Article II, Places of Public Assembly					
				Annual fire prevention permit fee	\$102 \$105
Article III, Hazardous Materials					
				Annual fire prevention permit fee	
				Flammable or combustible liquids (tank capacity, in water gallons)	
				0 to 20,000	\$102 \$105
				20,001 to 50,000	\$306 \$315
				Over 50,000	\$510 \$525
				Flammable solids (weight, in pounds), including explosives or ammunition of any kind	
				Each 1,000	\$51 \$53
				Compressed gases, including but not limited to welding gases (number of cylinders, in pounds)	
				Up to 10	\$51 \$53
				Per cylinder over 10	\$5 \$5
Chapter 182, Fire Prevention -- continued					

			Spray booths, dipping operations, lumberyards or woodworking shops, garages, fuel stations, repair operations, fuel pumping stations, body shops without spray operations, manufacture of organic coatings, furnaces and/or ovens, spraying operations including but not limited to fumigation or pesticides, etc.			
				Per facility	\$102	\$105
				Each additional class (if more than one operation)	\$26	\$27
Chapter 186, Flood Damage Prevention						
	Floodplain development permit (fee eliminated, and merged into building permit)					
Chapter 192, Freshwater and/or Tidal Wetlands						
	Permit application fee				\$204	\$210
Chapter 200, Garbage, Rubbish and Refuse						
	Village transfer station deposition (volume)					(new charges)
		0 to 4 cubic yards			\$50 fee per load	\$52 fee per load
		4 to 8 cubic yards			\$100 fee per load	\$103 fee per load
		8 to 12 cubic yards			\$150 fee per load	\$155 fee per load
	Enclosure and screening of trash containers, receptacles or dumpsters					
		Review and permit			\$153	\$158
		Renewal, every 3 years			\$102	\$105
Chapter 210, Harbor and Watercraft						
	Annual municipal dock permits					
		Dinghy (maximum length 12 feet)				
			Resident		\$337	\$347
			Resident senior		\$260	\$268
			Nonresident		\$459	\$473
		13 feet				
			Resident		\$362	\$373
			Resident senior		\$281	\$289
			Nonresident		\$724	\$746
		14 feet				

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		Resident	\$388	\$400
		Resident senior	\$301	\$310
		Nonresident	\$780	\$803
	15 feet			
		Resident	\$418	\$431
		Resident senior	\$326	\$336
		Nonresident	\$831	\$856
	16 feet			
		Resident	\$536	\$552
		Resident senior	\$413	\$425
		Nonresident	\$1,071	\$1,103
	17 feet			
		Resident	\$566	\$583
		Resident senior	\$439	\$452
		Nonresident	\$1,137	\$1,171
	18 feet			
		Resident	\$602	\$620
		Resident senior	\$469	\$483
		Nonresident	\$1,199	\$1,235
	19 feet			
		Resident	\$638	\$657
		Resident senior	\$495	\$510
		Nonresident	\$1,275	\$1,313
	20 feet			
		Resident	\$668	\$688
		Resident senior	\$520	\$536
		Nonresident	\$1,341	\$1,381
	21 feet			
		Resident	\$704	\$725
		Resident senior	\$546	\$562
		Nonresident	\$1,408	\$1,450
	22 feet			
		Resident	\$734	\$756
		Resident senior	\$571	\$588
		Nonresident	\$1,469	\$1,513
Chapter 210, Harbor and Watercraft -- continued				
	S-floats - 23 feet up to 25 feet			
		Resident	\$1,081	\$1,113
		Resident senior	\$867	\$893
		Nonresident	\$2,162	\$2,227
	Issuance of replacement decal		\$10	\$15
	Exchange of permits		\$10	\$15
	Locker fee			
	Resident		\$46	\$50
	Resident senior		\$46	delete

	Nonresident		\$71	\$75
	Annual guest mooring space permits (maximum seven-day stay per permit)			
	Commercial marinas or commercial boatyards, per space, per season	\$82		\$150
	Yacht clubs, per space, per season	\$82		\$150
	Mooring tackle and buoy permits, annual administrative fees			
	Vessels moored offshore, per foot	\$12		\$12
	Issuance of replacement decal	\$10		\$15
	Exchange of permits	\$10		\$10
	Kayak rack fees			
	Resident, annual	\$128		\$140
	Nonresident, annual	\$255		\$270
	Ramp fees			
	Daily parking for cars with kayak(s)	\$5		\$5
	Daily use of the ramp or beach, per kayak	\$5		\$5
	Daily use of ramp and parking for car-top boats	\$20		\$20
	Daily use of ramp and parking for cars with trailers	\$30		\$30
	Seasonal use of ramp and parking for car-top boats			
		Resident	\$82	\$85
		Nonresident	\$138	\$145
	Seasonal use of ramp and parking for cars with trailer			
		Resident	\$148	\$155
		Nonresident	\$214	\$225
NOTE: The ramp will be closed each year for the Firemen's Parade in July and the Antique Car Show in September and for the Harbor Fest/Street Fair in the spring.				
	Off-season storage of private floats in Inner Harbor, per linear foot	\$4		\$5
	Offshore service floats, per float, up to 400 square feet (2010)	\$1,275		\$1,313
	Work floats, per float, over 400 square feet, not to exceed 2,000 square feet (2010)	\$1,530		\$2,000
	Operator license, in addition to mooring or dock fees, for fishing, recreational or other commercial charter activities per calendar year.	\$2,040		\$2,101
Chapter 226, Housing Standards				
	Rooming house license, per unit	\$15		\$15
Chapter 234, Laundries and Dry Cleaning				
	Coin-operated laundry or dry cleaning, annual license fee, per machine	\$26		\$27
Chapter 246, Motels				

Number of housing or lodging units on premises			
	1 to 10, annual license fee	\$179	\$184
	11 to 49, annual license fee	\$357	\$368
	50 or more, annual license fee	\$612	\$630
	Variance application, filing fee	\$51	\$53
Chapter 274, Peddling and Soliciting			
Annual license fee			
	Residents, plus cost of fingerprint background check	\$102	\$105
	Nonresidents, plus cost of fingerprint background check	\$153	\$158

NOTE: Fingerprint background checks may or may not be required for one-time vendors, such as those applying to sell at fairs or carnivals, rather than for a full year, at the discretion of the Village Manager, upon consultation with the Police Chief.

	Identification card replacement	\$15	\$15
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Chapter 278, Plumbing and Sewer Connection Fees

	Plumbing and/or sewer work permit	\$50, plus \$11 for each additional \$1,000 cost of work	\$50, plus \$12 for each additional \$1,000 cost of work
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Chapter 285, Sidewalk Cafes

	Annual permit fee, per square foot of public property	\$3.05	\$3.15
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Chapter 286, Signs

New sign erection, placement or painting			
	Permanent sign application	\$51	\$53
	Marquee annual inspection	\$51	\$53
	Temporary sign	\$20	\$21

Chapter 296, Streets and Sidewalks

Article I, General Provisions			
Curb cut permit			
	Per curb cut, up to 25 linear feet	\$153	\$158
	Per linear foot over 25	\$1.10	\$1.15
	Sidewalk repair permit	\$153	\$158
Street opening permit			
	Per street opening, up to 25 square feet	\$153	\$158
	Per each additional 50 square feet	\$15	\$15

NOTE: All curb, sidewalk and street permits require a bond of \$500 per opening.

Chapter 308, Taxicabs

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	Annual taxi license, per vehicle	\$200	\$206
	Annual taxi driver's license, plus cost of fingerprint background check	\$100	\$103
	License transfer	\$100	\$103
Chapter 316, Trapshooting			
	Permit fee, per day or per event	\$51	\$53
Chapter 326, Vehicles and Traffic			
	Annual fee for issuance of decals for commuter areas (RR)	\$428	\$441
	Annual fee for issuance of decals for general areas (GP and GP-I)	\$428	\$441
	Annual fee for issuance of decals for overnight parking in permitted general parking areas known as "Hunter Lot," "Spencer Lot," "Prospect Lot" and "Johnson Lot" (ON)	\$143	\$147
	Annual fee for issuance of decals for parking in permitted general parking area known as "Regatta Area" (RP)	\$214	\$220
	Annual fee for issuance of decals for parking in permitted general parking area known as "Continental View Area" (CV)	\$184	\$190
	Annual fee for issuance of GP decal and an ON decal which are purchased at the same time for the same vehicle	\$469	\$483
	Annual fee for issuance of decals for nonresident commuter areas (NRR)	\$592	\$610
	Annual fee for issuance of decals for overnight parking for taxis in permitted general parking area known as "Spencer Lot"	\$235	\$242
	Annual fee for issuance of merchant parking permit, whether by sticker or permit tag, which may be issued to merchant or employee, for specific parking lot or on-street parking area	\$469	\$483
	Semi-annual fee for issuance of merchant parking permit, whether by sticker or permit tag, which may be issued to merchant or employee, for specific parking lot or on-street parking area	\$255	\$263
	Quarterly fee for issuance of merchant parking permit, whether by sticker or permit tag, which may be issued to merchant or employee, for specific parking lot or on-street parking area	\$138	\$142
	Replacement decal	\$10	\$10

Parking permits for less than a year will be prorated on a monthly basis. There will be no prorated refund on returned parking stickers.

Chapter 342, Zoning				
		Application for notice of appeal, interpretation or variance		
		1- or 2-family homes	\$128	\$132
		3- to 5-family homes	\$179	\$184
		All residential types other than 1- to 5-family homes	\$357	\$368
		Boat and boat trailer storage permit application		\$128 \$132
		Fence permit application		\$128 \$132
		Recreation fee in lieu of contribution of land, per unit or per lot created, whichever is the greater amount		\$7,650 \$7,880
		Sign variance and appeal applications		\$179 \$184
		Site plan review application		
		Residential development		
		Per housing unit	\$255	\$263
		Per parking space	\$15	\$15
		Nonresidential development		
		Per 1,000 square feet of nonresidential space	\$102	\$105
		Special permit applications (commercial/industrial)		\$357 \$368
		Special permit or variance, application for extension of		\$102 \$105
		Subdivision application		
		Per lot, up to 2 lots	\$204	\$210
		Per lot, over 2 lots	\$102	\$105
		Wireless telecommunications facilities		
		Application fee		\$255 \$263
		Permit fee		
		Freestanding tower	\$5,100	\$5,253
		Applied facility	\$2,040	\$2,101
		Co-location	\$2,040	\$2,101
		Modification	\$510	\$525

Article II. Building Permit Fees

§ A347-2. Fee and estimated cost schedule.

Upon the approval of an application for a building permit, the following fees shall be payable to the Village of Mamaroneck:

A. Building permit: amount of fees. The amount of fees payable under this subsection shall be determined by rates per \$1,000 of the cost of construction, additions, alterations, temporary construction, or moving of a building as determined by the Building Inspector and certified upon completion of construction and are as follows:

(1) Fifty-dollar fee plus \$11 for each addl. \$1,000 cost of work.

\$50, plus \$11 for each additional \$1,000 cost of work	\$50, plus \$12 for each additional \$1,000 cost of work
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B. For changes in approved plans: \$77.

\$77	\$79
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C. Demolition permit:

\$50, plus \$11 for each additional \$1,000 cost of work	\$50, plus \$12 for each additional \$1,000 cost of work
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D. Work without a permit. Failure to obtain a building permit or demolition permit or to pay the fee noted hereinabove prior to taking action associated with the permit or fee shall double the fee.

E. Certification letter in lieu of a certificate of occupancy:

\$102	\$105
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F. Certificate of occupancy:

(1) Per residential unit (includes co-ops), addition or structure:

\$102	\$105
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(2) Per retail or commercial unit:

\$255	\$263
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Article III. Fees Not Related to Code

§ A347-3. Harbor Island fee schedule; tennis fees in other parks.

A. Fees for the use of Harbor Island park facilities shall be as follows:

(1) Harbor Island Beach and Pavilion.

(a) Season tickets.

[1] Residents of Village of Mamaroneck.

[a] Family:

\$60	\$75
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[b] Individual:

\$30	\$35
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[c] Senior citizens, lifetime:

\$6	\$10
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[Amended 2-14-2011]

[2] Nonresidents (includes parking).

[a] Individual: \$102.

\$102	\$105
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[b] Family: \$204.

\$204	\$210
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[3] Replacement pass: \$20.

\$20	20
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[Amended 2-14-2011]

(b) Daily bathing beach tickets.

[1] Children:

\$2	\$3
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[2] Adults:

\$4	\$5
\$1	\$1

[3] Resident senior citizens:

(2) Harbor Island Beach and Pavilion parking.

(a) Season tickets, per car.

[1] Residents of Village: \$30. requires code change;

\$30	\$35
\$60	\$75

[2] Nonresidents: \$60.

(b) Daily tickets, per car.

[1] Monday through Friday, excluding holidays: \$5.

\$5	\$6
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[Amended 2-14-2011]

[2] Saturday, Sunday and holidays: \$7.

\$7	\$8
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[Amended 2-14-2011]

[3] Resident senior citizens: free.

(3) Tennis fees at Harbor Island Park are determined by a private vendor in accordance with its license agreement with the Village of Mamaroneck.

(4) Day camp.

adopted 1/23/2012

§ A347-4. Police Department administrative fees.

The Chief of Police of the Village of Mamaroneck, or his designated agent, is hereby authorized to charge administrative fees, payable to the Village of Mamaroneck, for the following:

- A. Issuance of a police report: \$10
- B. Issuance of a good-conduct certificate: \$10
- C. Processing of a fingerprint card: \$10

Editor's Note: Former A347 Attachment 1, Schedule of Parking Rates, which was located at the end of this chapter, was repealed 1-24-2011.

BE IT FURTHER RESOLVED, that additional non-codified Village Fees shall be amended and increased as follows:

Additional fees to be increased or amended:

Men's softball – increase by \$100 from \$1,250 to \$1,350

Women's softball – increase by \$100 from \$1,050 to \$1,150

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Resolution to Authorize Chamber of Commerce 2012 Sidewalk Sales Date

WHEREAS, the Village has received a request from the Chamber of Commerce to hold Sidewalk Sales on April 26, 27 & 28 (rain date April 30), June 21, 22 & 23 (rain date June 25), August 8, 9 & 10 (rain date August 12); September 13, 14 & 15 (rain date (September 17)); and October 4, 5 & 6 (rain date October 12); and

WHEREAS, the Chamber of Commerce and individual participating stores must each provide the Village of Mamaroneck with certificates of liability insurance in the amount of \$1,000,000 naming the Village as an additional insured.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that the Board of Trustees approves the dates for the Chamber of Commerce Sidewalk Sales; and be it further

RESOLVED, that said approval is subject to the Chamber of Commerce and participating stores providing the Village of Mamaroneck with a certificate of liability insurance prior to the commencement of Sidewalk Sale days.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Resolution to Schedule a Public Hearing on the FY 2012-2013 Tentative Budget

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

BE IT RESOLVED, that pursuant to Section 5-508 of the NYS Village Law, the Board of Trustees of the Village of Mamaroneck hereby gives notice that there will be a Public Hearing held on Monday, March 26, 2012, at 7:30 p.m. in the Court Room at 169 Mount Pleasant Avenue, Mamaroneck, New York, on the Tentative Budget of the Village of Mamaroneck for Fiscal Year 2012-2013.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

A copy of the tentative budget will be available at the office of the Village Clerk in compliance with New York State Law after 4 p.m. Tuesday, March 20, 2012 and any interested person may inspect the tentative budget there or request a copy during normal office hours of 9 a.m. to 4:30 p.m.

As required by State Law, notice is hereby made that the compensation of the Mayor and Board of Trustees is as follows:

<u>Title</u>	<u>Positions</u>	<u>Annual Compensation</u>
Mayor	(1)	\$8,262
Trustees	(4)	\$4,590

* Note: The Budget hearing may be adjourned from day to day, but not beyond April 20th. By NYS Law, the Budget must be adopted not later than May 1 each year.

By Order of The Board of Trustee
Village of Mamaroneck

F. Resolution to Schedule Dates for Budget Work Sessions for the 2012-13 Tentative Budget

WHEREAS, the Village Manager in his capacity as Budget Officer will file the Fiscal Year 2012/13 Tentative Budget on or before March 20, 2012; and

WHEREAS, in accordance with their fiduciary responsibility, it is appropriate for the Village Board to convene to review the Tentative Budget with the Village Administration and department heads.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the following Budget Work Sessions are herein scheduled:

<u>Date</u>	<u>Location</u>	<u>Time</u>
March 27, 2012	169 Mount Pleasant Avenue	5:30 pm – 7:00 pm
March 29, 2012	169 Mount Pleasant Avenue	5:30 pm – 7:00 pm
April 3, 2012	169 Mount Pleasant Avenue	5:30 pm – 7:00 pm
April 10, 2012	169 Mount Pleasant Avenue	5:30 pm – 7:00 pm

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Resolution to Award Contract 2012-01 Digital Camera Systems for Police Vehicles

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of bids for Contract # 2012-01 – Furnish and Install Four (4) Digital In-Car Camera Systems for Police Vehicles on January 20, 2012 and sent notice of such contract to four (4) vendors; and

WHEREAS, on the bid opening date, one (1) bid was received from Watch Guard, 415 Century Parkway, Allen, TX, 75013, for their 4RE HD Wireless In-Car Video System in the amount of \$35,010.00; and

WHEREAS, Village staff has contacted representatives from Watch Guard to review the bid specification and during the course of this discussion, Watch Guard displayed a clear understanding of the project scope and comfort with their bid; and

WHEREAS, upon further review, Watch Guard determined that they made an error in their bid submission and have submitted a supplemental response offering their system at a reduced bid of \$33,980; and

WHEREAS, because Watch Guard was the sole responsible bidder and the revised response is lower than the original bid, the intent of the sealed bid process in ensuring optimal pricing to the Village of Mamaroneck is not impinged.

On motion of Trustee Albert, seconded by Ryan:

RESOLVED, that the Village Board herein awards Contract # 2012-01 – Furnish and Install Four (4) Digital In-Car Camera Systems for Police Vehicles to Watch Guard, 415 Century Parkway, Allen, TX, 75013, for their 4RE HD Wireless In-Car Video System in the amount of \$39,980.00; and be it further

RESOLVED, that the Village Manager is herein authorized to execute Contract # 2012-01 – Furnish and Install Four (4) Digital In-Car Camera Systems for Police Vehicles to Watch Guard on behalf of the Village of Mamaroneck with said Watch Guard; and be it further

RESOLVED, that all costs associated with said contract be charged to General Fund Account # A.3120.0421.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Resolution to Authorize Public Advertisement for Bid for Beach Ave/Pine St Drainage Project and North Barry Ave Drainage Improvement/Route 1 Catch Basin Repair Projects

WHEREAS, the Village of Mamaroneck is the recipient of grant funds from the Environmental Protection Agency (EPA) totaling \$485,000 that were secured by Congresswoman Nita Lowey to implement drainage improvements in the Village of Mamaroneck; and

WHEREAS, the EPA grant requires a match on a 55% / 45% basis, in this case, a Village match of \$396,818 or total project funds of \$881,818; and

WHEREAS, the Village has identified several projects which include Beach Avenue & Pine Street drainage improvements, North Barry Avenue/Boston Post Road drainage improvements and Route 1 catch basin repair; and

WHEREAS, detailed design work has been completed for the Beach Avenue/Pine Street Drainage Improvement project and the Village has received verbal authorization from EPA to proceed with the bid solicitation process; and

WHEREAS, detailed design work is largely complete for the North Barry Avenue/Boston Post Road Drainage Improvements project as well as the Route 1 catch basin repair and it is anticipated that authorization to proceed will be granted imminently.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED, that the Village Manager is herein authorized to publicly advertise for the receipt of bids for the Beach Avenue/Pine Street Drainage Improvement Project and be it further

RESOLVED, that the Village Manager is herein authorized to public advertise for the receipt of bids for the North Barry Avenue/Boston Post Road Drainage Improvement Project and Route 1 Catch basin Repair Project upon receipt of all necessary approvals that may be required from the EPA and the New York State Department of Transportation.

Dr. Charles Morelli of Beach Avenue appeared. Dr. Morelli asked if the Pine Street/Beach Avenue work will move forward if the agreement with the developer does not move forward. Mayor Rosenblum stated that no, it would not. He recalls that it was discussed in work session that if an agreement cannot be reached tonight, this would be tabled. Mr. Slingerland stated that the Beach Avenue project will move forward

regardless. He further stated that if the Pine Street agreement is not approved this evening, this will have to go back for review at a Board work session. Mr. Sarnoff stated that it was understood that if the developer did not sign the agreement by tonight, then it would not go forward. He informed the Board that he received a signed and notarized copy of the agreement late this afternoon.

Ms. Nora Lucas of Beach Avenue appeared. Ms. Lucas received a copy of the most revised plans today and it does not look like there are spurs off of the sewer line for the residents to be able to connect to. Mr. Slingerland stated that his office also received the plans today. He did give direction to the engineer that spurs have to be there and if they are not, he will make sure that they are before the plans go out to bid. Ms. Lucas stated that it looks like some of the sidewalks are going to have to be raised for the work to be done. As these are all big pieces of slate, she is concerned that if they are broken they will be replaced with concrete, not slate. Ms. Lucas asked that a provision be made in the contract if this should happen.

Mr. Stuart Tiekert of Beach Avenue appeared. He asked that if the Village is going to be signing the agreement with the developer; he believes the Board should request that when the RFP goes out, that there is a separate bid section for the Pine Street piece, since it will be treated differently than the other pieces. The contractor will need to know exactly what was spent on Pine Street as opposed to Beach Avenue. Mr. Sarnoff stated that the Village will be protecting themselves in two ways; first the contractor will be required to specify an apportion cost for the Pine Street section of the project and we will be requiring unit bid pricing for all the materials. The Village will be able to verify the apportion cost because of the unit pricing.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Resolution Authorizing the Execution of Agreement w/Capetta Inc. for the Beach Ave/Pine St Drainage Improvement Project

WHEREAS, Capetta, Inc, and its principal Dominic Brescia (Brescia) is Contract Vendee of certain property known as 0 Pine Street and identified on the Village of Mamaroneck tax map as Section 4, Block 54, Lot 23A; and

WHEREAS, Brescia submitted an application to the Village's Planning Board dated July 6, 2011 seeking a Determination of Compliance with Village Code 342-11B that Pine Street is suitably improved so that a building permit may be issued for the construction of a building on that street ("Determination of Compliance"); and

WHEREAS, the Village Consulting Engineer has advised the Planning Board that there are drainage problems on Pine Street that must be addressed prior to any Determination of Compliance being considered; and

WHEREAS, the Village has developed a plan for the construction of drainage improvements to be made to Pine Street to address these drainage problems as set forth on plans designed by Woodard & Curran the Village's Consulting Engineer entitled "Municipal Drainage Improvements Beech Avenue and Pine Street" and dated October 21, 2011("Pine Street Drainage Project"); and

WHEREAS, based upon those plans, the cost of the Pine Street Drainage Project is estimated to be Forty Thousand (\$40,000.00) Dollars; and

WHEREAS, Brescia has offered to pay fifty-percent (50%) of the actual construction costs for the Pine Street Drainage Project up to a maximum payment in the amount of \$22,500.00, with the remaining portion to be paid for through a grant from the federal Environmental Protection Agency (EPA).

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED, that the Village Manager is herein authorized to execute an agreement, on behalf of the Village of Mamaroneck, with said Capetta, Inc.; and be it further

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

Mr. Stuart Tiekert appeared as he believes that the resolution and agreement are problematic. Mr. Tiekert pointed out misspellings, how the plans referenced are six months old and have been revised and that there are two applications to the Planning Board mentioned that he stated do not exist.

Mr. Sarnoff stated that the Whereas clauses can be deleted as only the Resolved clauses are relevant. Mr. Tiekert stated that this information is also in the agreement and that should be deleted from the agreement as well. Mr. Tiekert also read part of an email written by Mr. Slingerland which concerns him as he believes that the Village is trying to bypass the Planning Board in this decision. Mr. Slingerland stated that is not true and cannot happen.

Trustee Ryan asked for guidance on how this should be handled. Mr. Sarnoff suggested striking the Whereas clauses and the agreement can be reviewed with Mr. Steinman who drafted it and if there are changes

to be made this can be done before the agreement is executed and returned to Mr. Brescia. Mr. Slingerland stated that as far as the agreement is concerned, the wording can be changed to read, "the plans dated October 21, 2011, as later amended". This should address any concerns.

Ms. Nora Lucas appeared. She is concerned that it appears that the Village will be bypassing the Planning Board. Ms. Lucas is also concerned that the EPA is paying 50% of the cost, \$20,000 to help a private developer. She asked that if the amount goes over the \$40,000 amount, and the developer is only required to pay an additional \$2,500, is the Village liable for the rest of the difference. Ms. Lucas believes that this is an issue. She also asked why it is that the Federal Government is paying for half of this cost, when the developers should be paying the entire amount.

Dr. Charles Morelli appeared. He stated that the Board is going out of its way to get money from tax payers and the Federal Government as well as the new developer. He does not understand why the original developer, who has created this problem, is not being made responsible to fix a problem that he created.

Mayor Rosenblum stated that as this is going on for over ten years, it was the goal of this Board to find a solution. How that came about was directed by the Village Manager and Legal Counsel. Mr. McDermott stated that as this is in litigation, these issues should not be publically commented on by the Village. Dr. Morelli understands. He will ask this question again when the litigation is over.

Mr. Stuart Tiekert appeared again. He stated that at the April 4 work session it had been discussed that the Village would be following the law and the developer who did a very poor job would be required to correct the problems he created. Mr. Tiekert believes that it is a gift of funds to the developer to pay for this improvement with a grant from the EPA. He does not believe that this complies with the law.

Trustee John Hofstetter stated that he is not in favor of this because of the capping of the \$2,500 responsibility of the developer should the project go above \$40,000. Mr. Slingerland stated that the \$40,000 estimate is very conservative and the project should come in much lower.

Mr. Tiekert appeared to speak again and was escorted back to his seat as the Mayor stated he was out of order.

Mayor Rosenblum made a motion to accept the resolution as amended, which was seconded by Trustee Albert.

Mr. Slingerland stated that the amendments are to fix the misspelling of Beach Avenue and add “as later amended and revised” after the October 21, 2011 date in the fourth Whereas clause.

WHEREAS, Capetta, Inc, and its principal Dominic Brescia (Brescia) is Contract Vendee of certain property known as 0 Pine Street and identified on the Village of Mamaroneck tax map as Section 4, Block 54, Lot 23A; and

WHEREAS, Brescia submitted an application to the Village’s Planning Board dated July 6, 2011 seeking a Determination of Compliance with Village Code 342-11B that Pine Street is suitably improved so that a building permit may be issued for the construction of a building on that street (“Determination of Compliance”); and

WHEREAS, the Village Consulting Engineer has advised the Planning Board that there are drainage problems on Pine Street that must be addressed prior to any Determination of Compliance being considered; and

WHEREAS, the Village has developed a plan for the construction of drainage improvements to be made to Pine Street to address these drainage problems as set forth on plans designed by Woodard & Curran the Village’s Consulting Engineer entitled “Municipal Drainage Improvements Beach Avenue and Pine Street” and dated October 21, 201, as later amended and revised (“Pine Street Drainage Project”); and

WHEREAS, based upon those plans, the cost of the Pine Street Drainage Project is estimated to be Forty Thousand (\$40,000.00) Dollars; and

WHEREAS, Brescia has offered to pay fifty-percent (50%) of the actual construction costs for the Pine Street Drainage Project up to a maximum payment in the amount of \$22,500.00, with the remaining portion to be paid for through a grant from the federal Environmental Protection Agency (EPA).

On motion of Mayor Rosenblum, seconded by Trustee Albert:

RESOLVED, that the Village Manager is herein authorized to execute an agreement, on behalf of the Village of Mamaroneck, with said Capetta, Inc.; and be it further

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

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

J. Resolution to Adopt the Comprehensive Plan

Mayor Rosenblum stated that as this has been going on for several years and several public hearings held before this Board as well as other boards, this is simply a procedural act.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

BE IT RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby adopts the Comprehensive Plan Update dated December, 2011, subject to the following corrections:

- Deletion of the fifth sentence of section 12.2 on page 168 because the Census-related demographic information in the plan has already been updated with the information from the 2010 US Census; and
- Revision of the second sentence of the first paragraph on page 75 to read as follows:
Also, the County's wastewater treatment plant receives excessive infiltration and inflow during heavy storms, causing the discharge of wastewater that is treated to a partial secondary level into the Sound.

BE IT FURTHER RESOLVED that the Comprehensive Plan Update as adopted shall be filed in the office of the Village Clerk and a copy thereof shall be filed in the office of the Westchester County Planning Board.

Ms. Doreen Roney of Highview Street appeared. She believes that there are serious errors in the figures on page 55. There is an omission of all federally mapped wetlands; as well as no critical environmental areas noted on the plan. The most serious issue is that there is a misrepresentation of data that could impact

flooding and erosion in the Village. That has to do with a statement in figure 65, misrepresenting Village wide steep slopes; the number and degree of slopes. Ms. Roney submitted a copy of her comments for the record.

Ms. Nora Lucas of Beach Avenue appeared. She asked the Board if they have read the Plan thoroughly as there are glaring errors; one is the statement that the Village of Mamaroneck abuts the Village of Larchmont, which it does not. This is stated in several parts of the Plan. Another is that the Village is currently renovating the library. The library has been finished and open for six month. As these inaccuracies are on basic information, it concerns her that more important information is incorrect as well. As an architectural historian, Ms. Lucas pointed out that on page 120, the Plan states that the railroad station is on the national register of historic places. This is not true, which she confirmed with the State. There are two buildings that are listed as locally designated landmarks in the Village, the post office and Walter's hot dog stand. This is also not true. Ms. Lucas stated that this is easy to verify as our landmarks are listed in the Village code. The landmarks map mismarks the Old Mill and the Rye Town Dock is shown in the City of Rye. She believes that these errors are the tip of the iceberg and should have been caught. She is also concerned that the SEQRA process could result in unwanted development as the plan had a Negative Declaration. If the Village decides to propose a zoning change for under 25 acres, it would not a Type I action requiring an impact statement, it would only require a long form EAF and the Neg Dec may have already been done.

Ms. Sue McCrory of The Crescent appeared. She sent an email to the Board earlier today. She highlighted the inconsistencies and errors in the plan and she believes that the Plan is not ready for adoption. She believes that it is a weak document and has confusing demographic information. Ms. McCrory believes that the Plan is difficult to get through and not the kind of effort we would like to make to plot our future. Ms. McCrory suggested taking time to make it better; getting rid of the errors and inconsistencies as well as making it clearer and easier to use.

Mr. Dan Natchez appeared on behalf of the Coordinating Council of Neighborhood Associations. The CCNA asked that this Board as well as the HCZM go back and take care of the most serious item, which has to do with flooding. Mr. Natchez believes that if this discussion was happening in 2007 after the flood, there is no question that the flooding issue would be taken very seriously. There are three very specific recommendations to change zoning to allow high density to other residential uses in flood prone areas. This taxes the resources during every flood and hurricane. Mr. Natchez believes that this is not prudent planning.

Mr. Bob Galvin, Chair of the 2025 Committee appeared. This committee consisted of 25 resident members who spent 18 months reviewing this material. He believes that there were no substantive issues raised this evening. This is a forward looking document making recommendations for the future. There is a

process in place to review recommendations made by the Board as the market changes, flooding mediation occurs as well as other issues. Things can be adjusted in the future. Mr. Galvin stated that this Village has a habit of going on and on with nothing happening. This is a living document. The HCZM, Planning Board, 2025 Committee and the public has had able opportunity to comment on this Plan.

Trustee Hofstetter stated that the Board received a number of suggestions and corrections and believes that this should be tabled to review the suggestions and corrections submitted.

Trustee Albert believes that this is not a perfect document and that changes can be made in the future. He will be voting yes.

Trustee Hofstetter stated that for the reasons brought up this evening, he believes it should be reviewed before adoption and will therefore be voting no. Trustee Hofstetter asked that the emails received from Doreen Roney, Stuart Tiekert, Nora Lucas and Susan McCrory be made part of the record. Trustee Hofstetter believes this is a flawed document and it is embarrassing that we are suggesting high density building in an area that we know floods.

Trustee Ryan appreciates all comments received. She stated that the plan was created by residents and that after the flooding the Village as well as the county made changes to the Plan. Trustee Ryan believes that we gave ample opportunity and followed a process that included a lot of public input. She believes that this is a blueprint and there will be no zoning changes without public hearings. There will be no building done that does not have to go before several boards where there will be opportunity for public comment. Trustee Ryan stated that this is a document that results in zoning that is calculated to serve the communities general welfare, which comes from a document sent to Trustee Ryan by Ms. Roney some time ago, and that she does read what is sent to her. Trustee Ryan stated that there is room for change and this document will change. That is why she is voting yes.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

K. Resolution Authorizing Tax Certiorari Settlements for (1) 228 Valley Pl & (2) 232 Valley Pl

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER MANFRED
E. FUHERMAN, LOCATED
AT 228 VALLEY PLACE**

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$194.69 without interest; and

WHEREAS, the Board of Trustees has had an opportunity to review this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Village of Mamaroneck;

On motion of Trustee Ryan, seconded by Trustee Albert:

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

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2011	\$7,900	\$7,300	\$600

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER MANFRED
E. FUHERMAN, LOCATED
AT 232 VALLEY PLACE**

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$194.69 without interest; and

WHEREAS, the Board of Trustees has had an opportunity to review this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Village of Mamaroneck;

On motion of Trustee Ryan, seconded by Trustee Albert:

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

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2011	\$7,700	\$7,100	\$600

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

L. Appointment of Village Attorney

Mayor Rosenblum stated that before this is voted on, he would like to take a minute to thank Mike McDermott for his exemplary term as Village Attorney. He is exactly the type of attorney this Village needs; tough and not afraid to express his views. Even though Mike informed the Board last November that they should begin the search for a new attorney, he was gracious to stay this amount of time, because unfortunately nothing moves quickly in government.

Trustee Ryan also thanked Mike and stated that it was a pleasure working with him. She wishes him well in the future.

Trustee Hofstetter thanked Mike and appreciates all the work done for them and the time spent away from family and his practice.

Trustee Albert also thanked Mike for his input as it has made some of his decisions easier.

Trustee Santoro appreciates everything he did for the Board, his guidance and straightforwardness.

Mr. McDermott stated that this is not a decision he came to lightly. He recently visited the Norman Rockwell museum where it states the four freedoms and what comes to mind tonight is the painting of a man with a solo piece of paper in his pocket but standing and speaking his mind. He may not agree with what people have to say, but he will fight to his death to protect their right to say it. He stated that all of the Board members bring their own strengths and skills and accomplished much.

Mayor Rosenblum stated that several attorneys were interviewed and all were qualified for the position. In this case, Charles Goldberger is familiar with the Board as he has worked for the Village in his practice. It is his pleasure to make the motion. Trustee Ryan stated that she would be delighted to second it.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED that Charles A. Goldberger, of the law firm, McCullough, Goldberger & Staudt is hereby appointed Village Attorney, to serve at the pleasure of the appointing authority, at a compensation to be fixed by the Board of Trustees; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake such administrative acts as may be required, including the executions of agreements, to effectuate this appointment.

Trustee Hofstetter thanked Mr. Goldberger and looks forward to working with him for years to come. Trustee Ryan welcomed Mr. Goldberger as well as stating that she is very comfortable with this decision as her experience working with him has been extremely positive.

Mr. Goldberger thanked the Board.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

M. Appointment of Village Prosecutor

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED, that John Cherico be and he hereby is appointed Village Prosecutor to the Village of Mamaroneck, to serve at the pleasure of the appointing authority, at a compensation to be fixed by the Board of Trustees.

RESOLVED, that the Village Manager is herein authorized to undertake such administrative acts as may be required, including the executions of agreements, to effectuate this appointment.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: None

Abstain: Hofstetter

5. REPORT FROM VILLAGE MANAGER

None

6. FLOOD MITIGATION REPORT

Mr. Slingerland announced that the Pre-Disaster Mitigation Plan went out and has been sent to FEMA. He also reported that he and Mr. Sarnoff attended a seminar on the HMPG Grant Program. The parameters of what is available have been discussed and Mr. Sarnoff has been meeting with residents who are interested in applying. Mr. Slingerland stated that one of the problems encountered is that homes in the flood way are not eligible for grant monies to have their homes raised. This is only available for homes in the flood plain. He also reported that regarding the violation issued by the EPA in 2011, we have been awaiting notification that they have accepted our plan and that they have accepted our IDDE plan as well. Mr. Slingerland received a verbal approval last week; however since our consulting engineer who prepared these plans has resigned, we will have to employ another consultant. Mr. Sarnoff reported that he met with the residents adjacent to the Jefferson Avenue Bridge project and that they are amenable to the permanent and temporary work easements. The Mayor asked Mr. Slingerland to address the alleged inefficiencies shown by the Building Department in the Witt application. The Mayor was at the Planning Board hearing and that it is not the Village of Mamaroneck who is holding this up, that it is the state. The Building Inspector is doing all he can to get this resolved. Mr. Slingerland stated that there is no update. The Mayor asked if we can ask other elected officials for their help. Mr. Slingerland stated that this will have state wide implications and he can understand the state's reluctance in making a decision. We as well as the state want to make sure that this is done right. Mr. Slingerland agreed that it cannot hurt to ask for assistance.

Trustee Hofstetter asked about the LWRP. Mr. Sarnoff stated that the final changes are being made and a draft should be out by the end of the week. Trustee Hofstetter asked if an appointment with FEMA has been scheduled to discuss their latest concerns. Mr. Slingerland stated that he and Mr. Melillo had a discussion with them and requested a meeting with them and Mr. Neckerman. The Village is still waiting to hear back from FEMA to confirm a meeting. Trustee Hofstetter asked that he be kept up to date with this.

7. REPORT FROM CLERK-TREASURER

None

8. REPORT FROM VILLAGE ATTORNEY

Mr. McDermott congratulated the Board on all of the Village staff, especially Ann Powers, for all of their support during his tenure. They do an amazing job and should be applauded.

9. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

None

Updates from the Board

Trustee Ryan reminded all of the Green Screen events coming up. She hopes lots of families attend. In April, we will be having an anti-idling day to make us aware that we should not keep our cars running as this affects all by what we are putting in the air. Trustee Ryan announced that there will be a Village clean up day in April as well as a Poetry Live evening. She asked that residents keep an eye on the Village's webpage for all upcoming events. Trustee Ryan also announced that the CFTE is working on ways that the Village can decrease its carbon footprint. We have identified ways in which we can do this and we have committed to a 5% reduction, even though we believe we can do more. Information on this is also on the webpage.

Trustee Albert announced that there will be a sustainable Playland meeting tomorrow evening at the Library.

Trustee Santoro gave an update on the recreation programs scheduled for this spring and summer including the Day Camp and how residents can save money by registering early. There will be a blood bank drive at the Palmer Avenue Firehouse tomorrow and a Hockey Fundraiser between the Village and Town of Mamaroneck to help a local family whose father was killed.

Mayor Rosenblum announced that former Mayor and Manger for a Day, Evan and Joshua, raised over \$2,000 for pediatric cancer. There is a Bluegrass Brunch being held at the Emelin theatre. Mayor Rosenblum reposted on a fire that took place yesterday and the fire department did an outstanding job. Lastly Mayor Rosenblum reported on a phone call that he received from a family whose daughter was missing thanking Det. McNally for help in recovering their teenage daughter. Our Fire and Police Departments are the reason that this is the best Village in the world to live in.

Trustee Hofstetter reminded all of the St. Patrick's Day parade to take place on March 18.

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