

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, MARCH 12, 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	Linda Whitehead
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:	None	

PUBLIC HEARING ON PLL C-2012 AUTHORIZING A REAL PROPERTY TAX LEVY IN EXCESS OF THE  
2% TAX CAP

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 12<sup>th</sup> day of March, 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 C-2012, a local law to override the tax levy limit established in General Municipal Law §3-c.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law C-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: March 5, 2012

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

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

Ayes: Hofstetter, Albert, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum stated that there have been questions raised on this proposed local law and therefore it will be tabled to a future meeting.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that PLL C-2012 be and is hereby tabled to the March 26, 2012 Board of Trustees Regular Meeting.

Ayes: Hofstetter, Albert, Ryan, Santoro, Rosenblum

Nays: None

Trustee Hofstetter stated that he believes that in light of the fact that the Village has been able to put money into the reserve fund each year that we should be able to stay within the 2% tax cap. Trustee Hofstetter further stated that it should be incumbent upon the Board to make sure that we do that. He does not have a problem with the public hearing; however, he is not in favor of the law.

## **MAYOR'S REPORT**

None

### **I. COMMUNICATIONS TO THE BOARD**

Mr. Stuart Tiekert of Beach Avenue appeared. Mr. Tiekert informed the Board that it is "Sunshine Week", celebrating transparency and government openness. He sent a resolution focusing on transparency to the Board that he hopes will be adopted this evening. Mr. Tiekert went over the basics of the Freedom of Information and Open Meetings Laws in the State of New York. Mr. Tiekert also read what Village Law states about FOIL policies. Mr. Tiekert quoted the Mayor's statement regarding FOIL and access to information made during his opening campaign announcement. He does not believe that the Village is doing a good job of this. He does not believe that the Village administration understands the meaning of the Freedom of Information and Open Meetings Laws. He brought up three occasions where the Village was not in compliance with these Laws and stated that he has had to appeal FOIL requests eleven times in the last few

months. Mr. Tiekert stated that in the last three work sessions, more than half of the meeting time was spent discussion mundane items in Executive Session and he believes that most of these were done not in compliance with the law, in his opinion. Mr. Tiekert informed that Board that one of our Village residents came in third place in the 2012 Sunshine Week Local Hero Fight; a nationwide initiative focusing on transparency issues at all levels of government.

Ms. Nora Lucas of Beach Avenue appeared. She informed the Board that this Village resident is Sue McCrory.

**3. AUDIT OF BILLS**

Mayor Rosenblum, Trustee Ryan and Trustee Hofstetter had some questions which were answered by staff. Trustee Hofstetter stated that the reason the abstract is so large this week is due to the payment of \$972,516 to the Library District for taxes collected by the Village on the Library's behalf.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated March 12, 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	\$1,230,701.13
Capital Fund	0
Water Fund	0
Expendable Trust	691.88
Agency Fund	<u>18,991.66</u>
	<u>\$1,250,384.67</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

**3. OLD BUSINESS**

None

4. NEW BUSINESS

A. Environmental Review, Declaration of Lead Agency and Proposed Zoning Text Amendment for FASNY

**RESOLUTION RE:  
DECLARATION OF LEAD AGENCY FOR A ZONING TEXT AMENDMENT TO ALLOW PRIVATE  
SCHOOLS AS A SPECIAL PERMIT USE IN THE M-1 DISTRICT**

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 the M-1 zoning district; and

WHEREAS, by resolution of February 13, 2012, the Village Board of Trustees declared its intent to act as Lead Agency in a SEQR review of such proposed zoning text amendment; and

WHEREAS, the Village Board of Trustees circulated notice of its intent to be Lead Agency to the Village Planning Board and Village Harbor and Coastal Zone Management Commission as involved agencies; and

WHEREAS, the Village Planning Board and the Village Harbor & Coastal Zone Management Commission have reviewed this matter and each board has stated that it has no objection to the Village Board of Trustees acting as lead Agency in this matter.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the Village of Mamaroneck Board of Trustees herein declares itself as the Lead Agency for the SEQR review for a proposed amendment to the Village's zoning code to allow a private school as a permitted special permit use in the M-1 zoning district.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Resolution to Schedule a Public Hearing on PLL D-2012 Amending Authority of Village Attorney

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that a Public Hearing on Proposed Local Law D-2012 be and is hereby scheduled for March 26, 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

C. Resolution to Schedule a Public Hearing on PLL E-2012 Amending Chapter 126, Building Construction Regarding Certificate of Occupancy or Completion

Mayor Rosenblum stated that this proposed local law needs further review.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that that Scheduling of the Public Hearing on PLL E-2012 Amending Chapter 126, Building Construction Regarding Certificate of Occupancy or Completion be and is hereby tabled to the March 26, 2012 Board of Trustees Regular Meeting.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Resolution Amending Chapter 347, Fees – Certificate of Occupancy or Completion

Mayor Rosenblum stated that further review of this is needed as well.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Resolution Amending Chapter 347, Fees – Certificate of Occupancy or Completion be and is hereby tabled to the March 26, 2012 Board of Trustees Regular Meeting.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Resolution to Schedule a Public Hearing on PLL F-2012 Ban on Plastic Bags

Mayor Rosenblum stated that this proposed local law needs further review.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that that Scheduling of the Public Hearing on PLL F-2012 Ban on Plastic Bags be and is hereby tabled to the March 26, 2012 Board of Trustees Regular Meeting.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

F. Resolution Authorizing Tax Grievance Settlement

Mayor Rosenblum asked the Village Attorney if the below resolution protects both sides from further action and specific grievances from either party. Ms. Whitehead stated that the Real Property Tax Law provides that as long as the applicant and assessor sign the stipulation at the end of the application, that stipulation is considered to be binding and the applicant cannot grieve this again for a one year period.

DETERMINATION BY BOARD OF ASSESSMENT REVIEW  
DISPOSITION OF GRIEVANCES DENIALS AND APPROVALS

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

BE IT RESOLVED that the following commercial and residential properties filing real property tax valuation grievances to request a reduction in the 2011 tentative assessments be and are hereby denied or approved as noted below.

BE IT FURTHER RESOLVED that all grievances noted on the table below are accepted, as follows:

Sec/Blk/Lots	Name	Address	Assessed Value	Revised AV	Reduction Amount
4-51-60 B	Mary and Timothy Kebbe	217 Wagner Ave	15300	12600	2700
4-79A-15	Carmen Fischgold	635 Barrymore Lane	17100	14000	3100
4-79A-14	Sandrine and Michael Geary	680 Barrymore Lane	19800	17100	2700
8-8-47	Jefferey Hanrahan	309 Chestnut Ave	10100	8500	1600
8-16-32	Giovanni and Eileen O'Nelli	314 Travers Ave	12500	11500	1000
8-31-15 to 19	Phyllis Hanrahan	1206 Arlington St	10300	9500	800
8-106-9	Nicholas and Leslie Dattilo	924 Harmon Drive	12400	9500	2900
9-40-20 D	Katsuhiko and Carol Nitta	114 Mt. Pleasant Ave	18000	15750	2250
		total amount of all reductions			17050

BE IT FURTHER RESOLVED, that all grievances not noted on the table above that were filed during the 2012 Grievance period are DENIED; and

BE IT FURTHER RESOLVED, that the Village Manager, Village Assessor, Clerk/Treasurer and other appropriate Village staff are authorized to take the necessary and appropriate actions to effect the authorizations and amendments to value as noted in this resolution.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

G. Appointment to Board of Architectural Review

WHEREAS, there is an opening on the Board of Architectural Review; and

WHEREAS, Mr. Malte Stoeckhert has graciously volunteered to serve.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED that Mr. Malte Stoeckhert be and is hereby appointed to the Board of Architectural Review to fill a vacant term, such term to expire at the Annual Organizational Meeting in December 2014.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Resolution Authorizing Budget Amendment and Transfer of \$3,000 for Court Officers Equipment

**RESOLUTION RE: BUDGET AMENDMENT AND TRANSFER FOR VILLAGE JUSTICE COURT**

WHEREAS, the Board of Trustees provided an appropriation of \$3,000.00 for Village Justice Court Contractual Services; and

WHEREAS, the Village has recently hired two (2) court officers for the Justice Court and it is necessary to purchase the appropriate safety and security equipment for these individuals, said costs not anticipated in the formulation of the Fiscal Year 2011/12 General Fund budget; and

WHEREAS, this matter has been reviewed with the Village Manager, in his capacity as budget officer and the Court Clerk and it is anticipated that in order to properly fund the budget through the remainder of Fiscal Year 2011/12, a budget transfer of \$3,000 is recommended

On motion of Mayor Rosenblum, seconded by Trustee Albert:

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

**Budget Amendment:**

<u>From</u>		<u>To</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.1110 Village Justice		A.1110 Village Justice	
.0120 Part-Time Salaries	\$3,000	.0220 Equipment	\$1,500
		A.1110 Village Justice	
		.0250 Uniforms	\$1,500
	<u>\$3,000</u>		<u>\$3,000</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Resolution Authorizing Budget Transfer for Recreation Department

**RESOLUTION RE: BUDGET TRANSFER**

WHEREAS, the Board of Trustees provided an appropriation of \$52,225.00 for Beach Contractual Services; and

WHEREAS, unanticipated costs associated with repairs to the Harbor Island Pavilion and costs associated with the maintenance of the Gunderboom have caused the Village to exceed budgeted appropriations for contractual services resulting in a negative balance of \$388.78; and

WHEREAS, this matter has been reviewed with the Village Manager, in his capacity as budget officer and the Recreation Superintendent and it is anticipated that in order to properly fund the budget through the remainder of Fiscal Year 2011/12, a budget transfer of \$5,000 is recommended.

On motion of Trustee Ryan, seconded by Trustee Albert:

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



**Budget Amendment:**

<u>Debit</u>		<u>Credit</u>	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.7317 Day Camp		A.7180 Beach	
.0130 Seasonal Salaries	\$5,000	.0421 Contractual Services	\$5,000
	<u>\$5,000</u>		<u>\$5,000</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

J. Addition of Agenda Item 4K

**RESOLUTION  
ADDING AGENDA ITEM 4K**

WHEREAS, in accordance with the BOT Rules of Procedure, any item or items added to the agenda after the agenda was prepared, finalized and posted on the Village's website requires a vote.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that Agenda Item 4K, Resolution Authorizing the Execution of Agreement for Copier Service and Maintenance be and is hereby added to the Board of Trustees Regular Meeting Agenda of March 13, 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

K. Resolution Authorizing the Execution of Agreement for Copier Service and Maintenance

Mr. Sarnoff gave a history of the issues with EZ Docs and the need to enter into a maintenance agreement for our Canon copiers.

**RESOLUTION RE: AUTHORIZATION TO EXECUTE A CONTRACT FOR COPIER  
MAINTENANCE AND SUPPLY SERVICES**

WHEREAS, by resolution of February 22, 2011, the Village Board of Trustees authorized the execution of a master lease agreement with Vista Digital Solutions (now d/b/a EZ Docs) for the lease and service of the Village's fleet of Canon copiers; and

WHEREAS, subsequent to the execution of such master lease agreement, EZ Docs was terminated as an authorized dealer and servicer of canon equipment and as such, has been unable to provide the requisite service and supplies to the Village of Mamaroneck; and

WHEREAS, to address this issue, the Village solicited proposals for maintenance of the Village's fleet of Canon copiers from authorized Canon dealers and service providers; and

WHEREAS, the lowest proposal was received from Superior Office Systems, 49 West 37<sup>th</sup> Street, NY, NY, 10018, at a cost of \$515.00 per month for the Village's fleet of copiers.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Village Manager is herein authorized to execute an equipment maintenance contract with said Superior Office Systems; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake such administrative acts as may be necessary to effectuate this agreement.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

L. Addition of Agenda Item M

WHEREAS, in accordance with the BOT Rules of Procedure, any item or items added to the agenda after the agenda was prepared, finalized and posted on the Village's website requires a vote.

Trustee Hofstetter made a motion to add the adoption of the Sunshine Week Resolution submitted earlier by Mr. Tiekert. There was no second.

**5. REPORT FROM VILLAGE MANAGER**

A. File for the Record - Retainer Agreement with McCullough, Goldberger & Staudt, LLP  
Mr. Slingerland stated that this was filed for the record with the Clerk-Treasurer's office.

B. File for the Record - Intermunicipal Agreement for "STEP" Grant  
Mr. Slingerland stated that this was filed for the record with the Clerk-Treasurer's office.

C. File for the Record - Agreement with Momma Johnson, Inc. and Village of Mamaroneck for Food Concession at Harbor Island Park

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

- D. File for the Record - 2011 Affordable Housing Compliance Reporting for Avalon Willow  
Mr. Slingerland stated that this was filed for the record with the Clerk-Treasurer's office.

**6. FLOOD MITIGATION REPORT**

Mr. Slingerland attended a meeting last week on improving the quality of the water in the Long Island Sound with a group of individuals from different organizations including the EPA and the Department of Environmental Facilities. Mr. Slingerland confirmed that the Beach Avenue/Pine Street project is moving ahead and has been put out to bid today. This information is also on the website.

The Mayor reported that the Building Inspector, who has been asking for an opinion from the New York State Department of State for their interpretation of their code in reference to doing work in a flood area, received a response that if there is any work done to any structure in a designated flood zone, that work would need to be done two feet above the base flood elevation. Mayor Rosenblum stated that the Village contacted all of our elected officials and because of that, this interpretation has been reversed, except for any electrical work. Anything other than that, the jurisdiction would be with the local municipality.

**7. REPORT FROM CLERK-TREASURER**

- A. Report on Tax Lien Sale

Mr. Fusco informed the Board and residents that the tax lien sale will take place on Wednesday, March 14 at 10:00 a.m.

- B. Report on Lost Tax Exemptions (520s)

Mr. Fusco reported that the properties owners who have recently lost exemptions have been submitted to the Board for their information.

**8. REPORT FROM VILLAGE ATTORNEY**

Mayor Rosenblum introduced Linda Whitehead of McCullough, Goldberger & Staudt, LLP, Mr. Goldberger's partner. Ms. Whitehead reported that an Article 78 proceeding filed by Mamaroneck Beach & Yacht Club was received today over the ZBA decision regarding the building permits issued. These proceedings as well as the pending matters were adjourned to mid-July. The hope is that there will be a decision out of the OGS, which should help matters. This Article 78 will be handled by Les Steinman and Steve Silverberg.

9. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

Mayor Rosenblum stated that the following are being noted for the record.

- A. Budget Committee – December 19, 2011
- B. BAR – January 19 & February 7, 2012
- C. BOT Special Meetings of January 30 & February 1, 13 and 17; Work Sessions of February 6 and 22; and Regular Meetings of January 9 and 23, 2012

Trustee Ryan stated that the January 19, 2012 minutes of the Budget Committee have also been submitted and should be duly noted. Trustee Ryan had a couple of concerns regarding the minutes of the Board's special meetings. Trustee Ryan sent an email today with questions and clarifications. These clarifications will be made.

Trustee Santoro had a question on the Budget Committee meeting minutes of December 19. On page 2, it states that the Chair volunteered to work with the non-resident who volunteered to work on an IT Committee. Trustee Santoro asked if that is true. Mr. Slingerland stated that it is. Trustee Santoro asked that this be stopped as the resolution passed requires that any IT committee member needs to be a resident.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Board of Trustees convene to Executive Session to discuss a personnel matter involving a specific individual.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Updates from the Board

Trustee Ryan reported on the Green Screen event held by the Committee for the Environment. She thanked the committee members for the successful event. 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 reminded residents of the St. Patrick's Day Parade coming up on Sunday.

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. All of this information is on the Village website.

Mayor Rosenblum believes that the different forms of government should not interfere with each other; however he wanted to announce that the Board of Education is considering discontinuing the busing of students to private schools and the Director of the KEEPS Program wrote to the Mayor as she is concerned that if this happens, it will be the end of this popular after school program. Mayor Rosenblum also noted that the Emelin Theatre is very active and he announced some upcoming programs. Mayor Rosenblum congratulated MHS Student, Ms. Banks, who not only won the 1,000 meter run in New York State, she won it for the second year in a row. Lastly Mayor Rosenblum congratulated Gene Warrington on his 90<sup>th</sup> Birthday tomorrow and reminded residents of the St. Patrick's Day Parade.

#### 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