

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, MARCH 26, 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
	Village Manager	Richard Slingerland
	Assistant Village Manager	Daniel Sarnoff
	Village Attorney	Charles Goldberger
	Deputy-Clerk	Sally J. Roberts
ABSENT:	Trustee	Sid Albert

Mayor Rosenblum asked for a moment of silence in mark the loss of one of our police officers and friend, Sergeant Tom Anderson.

Mayor Rosenblum requested that Item 4H, under New Business be taken out of order.

4. NEW BUSINESS
- H. Resolution Appointing Police Sergeant

On the motion of Mayor Rosenblum, seconded by Trustee Ryan, and vote of four in favor, none opposed, the Board of Trustees of the Village of Mamaroneck hereby convenes as the Board of Police Commissioners of the Village of Mamaroneck.

On the motion of Mayor Rosenblum, seconded by Trustee Santoro, and vote of four in favor, none opposed, the Board of Police Commissioners of the Village of Mamaroneck hereby adopts the following resolution:

RESOLUTION  
AUTHORIZING THE APPOINTMENT AND PROMOTION BY THE MAYOR  
OF MATHIEU RICOZZI TO THE POSITION OF POLICE SERGEANT  
IN THE VILLAGE OF MAMARONECK POLICE DEPARTMENT

BE IT RESOLVED, that the Board of Police Commissioners of the Village of Mamaroneck hereby authorizes the appointment and promotion by the Mayor of Mathieu Ricoszi to the position of Police Sergeant, effective on Monday, March 26, 2012, subject to the requirements of Civil Service.

On the motion of Trustee Santoro, seconded by Trustee Ryan, and vote of four in favor, none opposed, the Board of Trustees of the Village of Mamaroneck hereby adjourns as the Board of Police Commissioners of the Village of Mamaroneck.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

Chief Christopher Leahy appeared to speak on the appointment and the importance of this position in the department. Chief Leahy congratulated Officer Ricoszi on his stellar career and on his appointment. Chief Leahy believes that he will excel in this position.

Mayor Rosenblum swore in Officer Ricoszi.

#### MAYORS REPORT

Mayor Rosenblum asked to take this out of order as the children need to get home. He stated that he was invited by Ms. Katherine Offner to attend her Bellows fourth grade class to see their Butterfly project.

Ms. Offner appeared with students from her current as well as last year's class. Ms. Offner stated that last year, her class watched a video entitled *The Paperclips Project* about a class in Whitwell Tennessee who decided to foster a greater understanding of the number of people killed in the Holocaust by collecting eleven million paper clips to represent all of the victims of the Holocaust. Norwegians wore paperclips on their lapel in protest of the Jews of Norway having to wear a yellow Star of David on theirs. This project eventually garnered world wide publicity and they not only reached their goal of collecting 11 million paper clips, but gathered three times that amount. The German government along with two journalists, who publicized the project, sent an actual cattle car to house what would eventually become a Children's Holocaust Memorial Museum on the grounds of the school. Six million paperclips were put into a Plexiglas container within the rail car to memorialize the number of Jews killed. Eleven million paperclips were put into a triangle tomb to remember all of the victims of the Holocaust. The current students of the school act as stewards and curators for the museum as they continue to receive paperclips, letters from surviving families and even hate mail.

Ms. Offner stated that she and her students have been fortunate to be able to speak to Ms. Hooper and her students in Whitwell, TN. Ms. Offner's class decided to collect butterflies to represent the 1.25 million children that died during in the Holocaust. It was their hope to complete the project by the time last year's fourth grade class graduates from Rye Neck High School. The butterfly has particular significance. The poem, *I never saw another butterfly*, was written by a young boy who perished during the Holocaust and the butterfly became a symbol to the children. Children of Ms. Offner's current and this year's class appeared to show some of the collection and to share their personal reflections of the project.

The Board thanked Ms. Offner and the children for attending this evening and for their bringing their project to the attention of the residents.

#### PUBLIC MEETING ON PRE-DISASTER HAZARD MITIGATION PLAN

Mr. Sarnoff gave a brief background on the draft multi-hazard mitigation plan. The disaster mitigation act of 2000 and the national flood insurance program require that all local governments adopt an approved mitigation plan to be eligible to receive future hazard mitigation and flood prevention grant funding. To fulfill this requirement, the Village sought and received a planning grant from FEMA. We conducted an RFP process and the retention of the company ETG, to draft a plan which will be adopted by the Board and FEMA. A steering committee of residents as well as members of the staff was formed to help with this plan. The timeline and achievements to date were reviewed by Mr. Sarnoff. Tonight is the second public meeting being held. Public comments need to be received within thirty days of posting the notice of the meeting; which was posted on March 13, 2012. Mr. Sarnoff therefore asked that any and all comments be received by Friday, April 13, 2012.

Mr. Sarnoff introduced the members of ETG, Ms. Valerie Rifkin and Dr. Jim Brower. Ms. Rifkin and Dr. Brower made a PowerPoint presentation on the plan, which is available in hard copy at 123 Mamaroneck Avenue and will be posted on the Village's website. Dr. Brower stated that this plan has many benefits; it identifies the critical hazards and provides remedies, it makes the Village eligible for FEMA hazard mitigation grants, it engages the community in planning and also coordinates with neighboring communities. Dr. Brower explained the process that this plan went through, including coordination with outside agencies; i.e. the county and power and utility companies. Dr. Brower stated that public comments received will be reviewed and incorporated into the plan if appropriate.

Dr. Brower reviewed the coordination of the planning process with the committee, Village staff and ETG, this included hazard identification and assessment, developing mitigation measures, identifying goals and measures and developing the plan. This plan has been sent to FEMA for their input and then that plan is

forwarded to the Board of Trustees for their input and approval. This plan must be updated and revised every five years.

Mayor Rosenblum reported that the Village of Larchmont is just beginning their hazard mitigation plan work with the county. This puts the Village of Mamaroneck a year and one-half ahead of them and many other municipalities in getting this plan done.

Ms. Valerie Rifkin reported on the hazard assessment and identification. This included reviews of websites, documents, prior studies done and discussions with residents. Hazards are prioritized and ranked for scope, frequency, impact and onset and duration of events. Significant hazards were reviewed and prioritized for further analysis. These hazards can have significant impact on health, safety and property damage. Risks to the vulnerable population were assessed next. Ms. Rifkin reviewed the 100 and 500 year flood plain map as well as the hurricane inundation zone. Risks to structures and critical facilities were studied next. These buildings were inventoried. An impact and damage analysis was done including the replacement cost to these buildings. Ms. Rifkin encouraged residents to review the plan and give their feedback.

Dr. Brower appeared to review the next steps, which includes setting community objectives and goals including mitigation planning. Numerous tables listing activities were developed and action plans to address these activities made part of the plan. Objectives and plans were prioritized as well as a cost benefit analysis done. Sources of funding were identified. The next step is FEMA reviewing the plan and sending their comments. Those comments as well as public comment will then be incorporated into the plan and the plan sent back to FEMA for approval. Upon approval by FEMA, the plan will be submitted to the Board for their adoption. As things change and projects change the plan will change and be updated.

Ms. Sue McCrory of The Crescent appeared. She asked how this public meeting differs from the one held earlier. Ms. Rifkin answered that it is required that two public meetings are held; the first to get initial ideas and the second for review. Ms. McCrory asked if the committee studied how many structures that are in the flood zone are safe from flooding and how many are not during a 100 and 500 year storm. Ms. Rifkin stated that they did not. Ms. McCrory believes that this is important as it seems that what is known gets done. She believes that if the Village had a list of properties that are not safe from flooding and what it would take to get them safe or flood compliant existed, that a process would start and that progress could be measured.

Mr. Dan Natchez of Alda Road appeared on behalf of the Coordinated Council of Neighborhood Associations. The CCNA reviewed the plan and adopted a resolution which Mr. Natchez read and filed for the

record. He stated that he found the plan to be very well written and a major step in the right direction. The CCNA will be submitting some comments which they believe could help the plan. They are concerned that the plan is an “after the fact” plan. Mr. Natchez believes that it does not significantly outline how to prevent the hazards from occurring.

Mr. Paul Ryan of Waverly Avenue appeared. Mr. Ryan was a member of the All Hazards Mitigation Plan Committee. Mr. Ryan disagrees with Mr. Natchez in that it is an after the fact. He believes that it is a pre-fact plan and helped the Village prepare for Hurricane Irene. Part of the work to be done is educating the public on what to do at the time of a future event. The committee did anticipate the rise in sea level and it will be up to the Board of Trustees to change zoning codes if they feel necessary. As far as the comment he has heard to prevent residential development in flood prone areas, this would turn into a taking of property, which is not cost effective for municipalities. Residential development can be one of the least dense uses of property and a municipality cannot tell a resident what they can and cannot use their property for. We need to follow New York State laws regarding flood regulations which are very strict. Mr. Ryan believes that the committee and ETG did a fantastic job and looked at not only what hazards can happen here, but how events in neighboring communities could affect the Village. Mr. Ryan stated that having this plan will lower the flood insurance premium costs for residents as well as opening up funding opportunities for residents affected by flooding.

Trustee Hofstetter stated that this is going to require educating the residents and it is an important document to pay attention to. One of the most interesting things he got from the plan is that there were 64 major disaster declarations in NY State since 1954 and 46 of those were either due to hurricanes or flooding which affected the Village. Trustee Hofstetter believes that the resources we need to service structures built in flood areas needs to be looked at as well.

Mayor Rosenblum noted that this is a continuing process and comments should be sent to the Village Manager’s office. The Mayor believes that no plan is viewed perfect by all; he believes this is an excellent start and thanked the committee, staff and ETG for all of their work on it.

#### PUBLIC HEARING ON TENTATIVE BUDGET FOR FISCAL YEAR 2012-2013

Mayor Rosenblum read the public hearing notice. Mr. Slingerland stated that this is a 2% tax cap compliant budget totaling \$32,110,332. Mr. Slingerland noted that in 1992, the tax rate was \$129.36 per \$1000 in value. Because we have lost so much value and maintained a slow, but steady increase in expenses, the rate in 2012 is \$308.56. The largest increases in the coming year are in benefit and pension costs. Projected

increases in fuel costs and program costs were anticipated as well. Mr. Slingerland stated that budget hearings with all department heads have been scheduled and that these meetings are open to the public.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on the Fiscal Year 2012-2013 Tentative Budget be and is hereby open.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

On motion of Trustee Ryan, seconded by Mayor Rosenblum:

RESOLVED that the Public Hearing on the Fiscal Year 2012-2013 Tentative Budget be and is hereby adjourned and will be continued at a future Board of Trustees Regular Meeting.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

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

On motion of Trustee Santoro, seconded by Trustee Ryan:

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

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

Ms. Sue McCrory of The Crescent appeared. Ms. McCrory asked if there will be a time limit on public comment. Mayor Rosenblum stated that yes, it will be five minutes. Ms. McCrory believes it would be helpful to post time limits when a public hearing is noticed. Mayor Rosenblum stated that a limit depends on the number of speakers. Ms. McCrory stated that her time was limited at the last meeting and she was one of only two speakers. Ms. McCrory appeared to state that she is opposed to this law as she feels the Village should show fiscal responsibility. She realizes that the Board may feel that their hands are tied due to unfunded

mandates and obligations; however, she believes that the tax cap gives us an opportunity for fiscal discipline. Ms. McCrory believes that the Village should do benchmarking in how we perform duties and what these things cost. She would like to see the Village compared to neighboring communities. This could give us some insight on how to cut costs. Trustee Hofstetter stated that during the time he was on the budget committee and also as a liaison to that committee, they pushed for performance measurements; however, that has not happened.

Mr. Dan Natchez appeared again on behalf of the CCNA. They adopted a resolution in reference to this proposed local law, which he read and filed for the record. They are in opposition to this proposed local law. Mr. Natchez stated that he does not know a family who has not had to reassess their priorities and their activities and expenditures due to the tax burdens, which are increasing in alarming rates. Mr. Natchez believes that the Village has to set the example.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that Proposed Local Law C-2012 be and is hereby adopted and shall read as follows:

A local law to override the tax levy limit established in General Municipal Law §3-c

#### Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Mamaroneck to adopt a budget for the fiscal year commencing June 1, 2012 – May 31, 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

#### Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

#### Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Mamaroneck, County of Westchester, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012- May 31, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Trustee Hofstetter stated that he is voting no as he believes that given the tentative budget they have been given, the Village should be able to come in well under 2%. He sees no reason to pass this law. He believes that it is perfectly reasonable to be able to stay under 2%.

Trustee Ryan is uncomfortable not passing this as they have not met as a Board to discuss the budget nor have they met with the department heads to discuss their plans for the year. She does not want to have her hands tied before she has met with the department heads so that they can have the flexibility if needed. She is voting yes.

Trustee Santoro stated that he agrees with Trustee Ryan. He has not had the opportunity to review the budget and would like to have some leeway in the event the Village needs it. He does not believe that we will, but would like to have the option. He is voting yes.

Mayor Rosenblum thanked the speakers for their comments. The first year he was in office, the budget was at 0.35%. His ultimate goal is to have a zero percent increase; however, to be successful and creative, he stated that we have to begin running this Village like a business. Mayor Rosenblum stated that the taxpayers know better what to do with their money and he would like money to stay in the taxpayers hands. We need to be able to address any unforeseen fiscal situation and will vote yes.

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

Trustee Hofstetter asked to clarify his understanding that as this has passed, the proposed budget may go up. Mayor Rosenblum stated that this is not true; this is just an added tool.



Trustee Ryan stated that she does not know what the department heads took out that she would like to be able to be part of a decision on removing or perhaps moving things around in the budget. She anticipates that the budget increase will stay where it is or hopefully go lower after the department meetings.

PROPOSED LOCAL LAW D-2012 AMENDING AUTHORITY OF VILLAGE ATTORNEY

Mayor Rosenblum read the proposed changes to the law, which is changing the word candidate to attorney.

Ms. Sue McCrory of The Crescent appeared to confirm that any consultation that the Village Attorney participates in with any other Village consulting attorney is covered under his retainer agreement and the Village will not be billed in addition. Mayor Rosenblum and Village Attorney Charles Goldberger confirmed that this is true. Ms. McCrory is concerned as this is not law; this is part of Mr. Goldberger's retainer agreement and can change with the change of Village Attorney. Mayor Rosenblum stated that this law could be changed if necessary and that this Board cannot bind future Boards.

Trustee Hofstetter asked if there was a conflict between the Village Attorney and a Land Use Board Attorney, how that would be addressed. Mr. Goldberger stated that in a land use case, he would defer to the Land Use Attorney; however, if the case were going to come before the Board for determination, than it would be in his purview to handle.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that Proposed Local Law D-2012 be and is hereby closed.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that Proposed Local Law D-2012 be and is hereby adopted and shall read as follows:

A LOCAL Law amending Chapter 78, Village Attorney, of the Code of the Village of Mamaroneck, regarding "Powers and Duties."

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

**Section I.** Amend Chapter 78 as follows:

§ 78-3. Powers and Duties.

The Village Attorney shall render legal counsel to the Mayor and Board of Trustees, the Village Manager, the Board of Ethics and other Village departments and authorities; the Village Attorney shall represent the Village in civil litigation and do related work as required; the Village Attorney shall communicate and coordinate with such other special counsel(s) as may be necessary including, but not limited to, Land Use Counsel, Bond Counsel, Labor Counsel, General Liability Counsel (as assigned by insurance company(ies) and Village Prosecutor.

**Section II.** This Local Law shall take effect immediately upon filing with the Secretary of State.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

**I. COMMUNICATIONS TO THE BOARD**

Mr. Stuart Tiekert of Beach Avenue appeared on a point of order. He believes that the Public Hearing on PLL C-2012 was never closed. Ms. Roberts stated that her notes show that there was no motion to close the hearing. Mr. Goldberger stated that before closing the hearing, there should first be a motion to reconsider.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that the Public Hearing on PLL C-2012 be and is hereby reopened for reconsideration.

Ayes: Ryan, Santoro, Rosenblum

Nays: Hofstetter

Absent: Albert

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

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

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED that Proposed Local C-2012 be and is hereby adopted and shall read as follows:

A local law to override the tax levy limit established in General Municipal Law §3-c

### Section 1. Legislative Intent

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### Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

### Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Mamaroneck, County of Westchester, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012- May 31, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

### Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Ayes: Ryan, Santoro, Rosenblum

Nays: Hofstetter

Absent: Albert

Mr. Stuart Tiekert appeared again. Mr. Tiekert stated that the Board has procedural mayhem and asked the Board to please follow their meeting procedures. It is only fair to the citizens that the Board follow their own rules. Mr. Tiekert stated that one month ago the Board was presented with a resolution to the drainage problem on Pine Street. A lot has happened since then. The federal litigation that he and a neighbor were dragged into due to the Village’s mismanagement of the situation has been dropped. He is not sure if it has been dropped against the Village. He stated that the plans that were submitted to the Board when they passed

their resolution have been changed; an RFP has been sent out and he believes that the costs appear to be grossly underestimated, the plans are inconsistent and the plan for the tree is unworkable. Mr. Tiekert stated that it appears that \$15,000 of engineering work was done without authorization and there is no data or calculations that say this drainage plan will work. Mr. Tiekert stated that Pine Street has been an issue for 30 years and has cost the tax payers \$100,000 and it appears that it will cost them an additional \$50,000. There is one question that has been asked for 30 years that has not been answered by this Board or any previous Board and that is "is Pine Street suitably improved". Mr. Tiekert believes that this will still not be answered after all of this proposed work is done. Mr. Tiekert asked that the Board suspend this plan as he believes that it is nowhere ready to go forward.

Ms. Doreen Roney of Highview Street appeared to confirm that the Board received her email on the errata changes. The Board confirmed the receipt. Ms. Roney has submitted numerous data on errors in the Comprehensive Plan. The letter she sent today was three pages; there were another 11 pages from the Department of State that highlighted areas of the Comprehensive Plan that are still incorrect and not corrected in the proposed errata sheet. In Figure 6.3, critical environmental areas are not mapped; all wetlands as well as the national wetlands are not mapped. There is a six-lot subdivision in the Plan that will have text added to it after the adoption of the errata changes that was not approved as it failed consistency determination by the HCZM and NY DOS. Ms. Roney stated that it is her opinion that BFJ Planning is not delivering the high quality work that the Village is expecting. She has these concerns, as well as concerns regarding the careless errors in the LWRP. After the last meeting, there were angry interactions with residents over errors in the Comprehensive Plan with Mr. Fish. It is her opinion that perhaps the Village Planner who has been here for thirty years is too cozy and it may be time to look for another planning firm.

Ms. Sue McCrory of The Crescent appeared regarding Item 4L, authorizing non-union employee salary increases. Ms. McCrory does not have issue with the raises; however she believes that giving retroactive pay increases is in direct violation with the gift provision in the NY State Constitution and the gift and loan clause. Ms. McCrory suggested that the Board receive legal clarification on whether this is consistent with NY State law before moving forward.

### 3. AUDIT OF BILLS

Mayor Rosenblum, Trustee Ryan and Trustee Santoro had some questions which were answered by staff.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Abstract of Audited Vouchers listed below dated March 26, 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	\$525,785.59
Capital Fund	16,991.92
Capital Projects	2,875.00
Expendable Trust	719.52
Agency Fund	<u>14,323.41</u>
	<u>\$560,695.44</u>

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

3. OLD BUSINESS

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

Mr. Slingerland gave an overview of the Proposed Local Law. Trustee Santoro asked if this will affect all open Certificates of Occupancy, or only those going forward. Mr. Slingerland stated that this would be for all open permits.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that a Public Hearing on Proposed Local Law E-2012 be and is hereby scheduled for April 9, 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: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

- B. Resolution Amending Chapter 347, Fees – Certificates of Occupancy or Completion

This item was tabled for further discussion during the Public Hearing on PLL E-2012

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

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED that a Public Hearing on Proposed Local Law F-2012 be and is hereby scheduled for April 23, 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 an **Unlisted Action** and the Board of Trustees has reviewed a long form EAF and determined that there are no negative environmental impacts.

BE IT FURTHER RESOLVED that Proposed Local Law F-2012 will be referred to the Harbor Coastal and Zone Management Commission for consistency.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

D. Proclamation in Support of National Sunshine Week

Mayor Rosenblum stated that this came up at the last meeting; however, the Board wanted to look into it further before adopting. Trustee Hofstetter stated that this is significantly different from the proclamation he put forward; however, he appreciates the effort.

Mr. Stuart Tiekert of Beach Avenue appeared. He believes that this is a meaningless exercise, that this proclamation does not require that the Board do anything that they are not doing now. The proclamation on the website that this was culled from had substantial changes from what the Board is currently doing and did not seem onerous. Mr. Tiekert read a recommendation that he sent to the Board adding that the consulting attorney make recommendation within 90 days to the Board of Trustees after seeking public input for strengthening transparency in our government. The recommendation should focus on actions that could be accomplished within one year of the date of this declaration. Mr. Tiekert asked that the Board reconsider and at least add this statement.

## **Sunshine Week Open Government Proclamation**

*WHEREAS*, James Madison, the father of our federal Constitution, wrote that “consent of the governed” requires that the people be able to “arm themselves with the power which knowledge gives,” and

*WHEREAS*, every citizen in our participatory democracy has an inherent right of access to government meetings and public records; and

*WHEREAS*, an open and accessible government is vital to establishing and maintaining the people’s trust and confidence in their government and in the government’s ability to effectively serve its citizens; and

*WHEREAS*, the protection of every person’s right of access to public records and government meetings is a high priority of the Village of Mamaroneck; and

*WHEREAS*, the Village of Mamaroneck is committed to openness and transparency in all aspects of its operations and seeks to set a standard in this regard.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

*NOW, THEREFORE*, the Village of Mamaroneck commits during this Sunshine Week, March 11-17, commemorating the 261st anniversary of James Madison’s birth, and throughout the year 2012 to work diligently to enhance the public’s access to government records and information, to increase information provided electronically and online, and to ensure that all meetings of deliberative bodies under its jurisdiction, and their committees, are fully noticed and open to the public.

*TOWARD THAT END*, the Village of Mamaroneck does and will continue to enhance the public’s access to information regarding governmental process, and adhere and operate within the established laws and regulations of the State of New York.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

#### 4. NEW BUSINESS

- A. Resolution to (1) Schedule a Public Hearing on FASNY Petition for Zoning Text Amendment (PLL G-2012) and (2) Approval of Alternative Means of Circulation of Written Notice to Adjacent Property Owners

Mr. Michael Zarin from Zarin and Steinmetz, attorney for the French American School appeared regarding these two resolutions. Trustee Ryan asked if the word temporary should be included in the action under project information as this is a temporary solution. Mr. Zarin stated that EAF was drafted before they appeared before the Planning Board and this Board. The draft amendment will include this language. Also, the one that was publically noticed included this language.

- (1) Schedule a Public Hearing on FASNY Petition for Zoning Text Amendment (PLL G-2012)

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that a Public Hearing on Proposed Local Law G-2012 be and is hereby scheduled for April 9, 2012.

BE IT FURTHER RESOLVED that the Board of Trustees pursuant to the State Environmental Quality Review Act declares itself Lead Agency for the proposed zoning code changes and that this matter has been determined to be an Type I Action and the Board of Trustees has reviewed a long form EAF and determined that there are no negative environmental impacts.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

- (2) Approval of Alternative Means of Circulation of Written Notice to Adjacent Property Owners

WHEREAS, the French American School of New York (FASNY) submitted a petition for an amendment to the Village of Mamaroneck Zoning Code to permit private schools to temporarily operate by special permit in the M-1 District; and

WHEREAS, by resolution of February 13, 2012, the Village Board of Trustees referred said application to the Planning Board for the purpose of providing an advisory report pursuant to §342-95 of the Zoning Code; and

WHEREAS, at their March 14, 2012 meeting the Planning Board issued a positive recommendation on said petition and by resolution on March 26, 2012, the Village Board of Trustees has scheduled a public hearing for April 9, 2012 on the proposed zoning text amendment ; and



WHEREAS, §342-99 of the Code of the Village of Mamaroneck establishes notification requirements for public hearings on zoning amendments and provides that written notice be given to all property owners of record within 400 feet of the property which is the subject of the public hearing; and

WHEREAS, based on the 400 feet notification requirement as promulgated in §342-99, this would entail providing notice to 173 parcels in the M-1 District and 437 additional parcels within 400 feet of the M-1 District; and

WHEREAS, §342-99 further provides that in the event that it is determined that more than 100 notifications would be required to be given, the Board of Trustees reserves the authority to determine how notice shall be given; and

WHEREAS, FASNY has requested that the Board of Trustees exercise its authority to allow for an amended notification procedure as it relates to this public hearing and has offered the following “hybrid” alternative as a preferred method of notification which would include: (i) written notice to the sixty-six (66) parcels located within 400 feet of the proposed FASNY site (525 Fenimore Road and 300 Waverly Avenue); (ii) placement of signs on the FASNY properties; (iii) publish notice in the Village’s Official Newspaper and a newspaper of more local circulation; (iv) posting of the notice on the Village’s website; and

WHEREAS, this “hybrid” alternative has been reviewed and Village staff and the Land Use Counsel believe this alternative notification procedure to be effective and legally appropriate.

On motion of Mayor Rosenblum, seconded by Trustee Hofstetter:

RESOLVED, that pursuant to the §342-99 of the Village Code, the Village Board of Trustees does herein establish the following notification requirements as it relates to the public hearing on the proposed local law to amend the Village’s zoning code as it relates to permitted uses in the M-1 District:

1. Written notice shall be sent to the sixty-six (66) parcels located within 400 feet of the proposed FASNY site (525 Fenimore Road and 300 Waverly Avenue)
2. Placement of notification of public hearing signs on the FASNY properties.
3. Publishing of the public hearing notice in the Village’s Official Newspaper and a newspaper of more local circulation.
4. Posting of the notice on the Village’s website.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum  
Nays: None  
Absent: Albert

B. Resolution Confirming and Authorizing Non-Substantive Errata Changes to Comprehensive Plan

Ms. Doreen Roney of Highview Street appeared. She is finding that many of the errata changes have been submitted by residents and there are still significant errors in the Plan. Ms. Roney reviewed the errors in the Plan as well as the errors in the errata sheet. She believes that there are still gross errors and asked that the Board reconsider adopting this resolution. Mayor Rosenblum stated that when the Board adopted the Plan, it was discussed that this is a living document and there will be changes and corrections to it from time to time. Mayor Rosenblum read a letter of response to Ms. Roney's objections and noted errors. That letter was filed for the record. Mayor Rosenblum believes that the Board is doing its due diligence in accepting this errata sheet.

Mayor Rosenblum made a motion to accept this resolution. Mayor Rosenblum read the following resolution for adoption.

**BE IT RESOLVED** that the Board of Trustees of the Village of Mamaroneck hereby adopts the Comprehensive Plan Update ERRATA SHEET which contains non-substantive clerical corrections to the plan, which is attached hereto and made a part hereof of this resolution, on this date of March 26, 2012; and

**BE IT FURTHER RESOLVED**, that the Comprehensive Plan Update, as corrected by the adoption of this ERRATA SHEET, shall be corrected by BFJ Planning, and as corrected 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; and

**BE IT FURTHER RESOLVED**, that if for any reason any of these clerical corrections are dismissed or deemed null and void, the original comprehensive plan as adopted on February 27, 2012, shall remain in full force and effect without the dismissed corrections.

Trustee Santoro seconded Mayor Rosenblum's motion. Trustee Hofstetter stated that the errata sheet reviewed at the last work session is different from the errata sheet they received today. Trustee Hofstetter would like to have an opportunity to review the errata sheet that was emailed to them today before voting on the adoption. Mr. Slingerland stated that the sheet received today was more flushed out and provides the text and is different from that was reviewed at the work session because it has the text included with the changes.

Trustee Hofstetter stated that some of the changes presented at the work session are not on the errata sheet received today. Trustee Ryan stated that she would like to have an opportunity to compare the two documents and asked that this be tabled. When asked, Mr. Goldberger stated that the motion can be withdrawn. Mayor Rosenblum withdrew the motion. Trustee Hofstetter asked that the Board please remember this as in the past the Mayor would not allow a motion to be changed or withdrawn once made.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that Item 4B, Resolution Confirming and Authorizing Non-Substantive Errata Changes to Comprehensive Plan be and is hereby tabled to a future Board meeting.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

C. Resolution Awarding Contract for Two or More Toyota Prius Cars

**RESOLUTION RE: AWARDING CONTRACT 12-02 – FURNISH AND DELIVER TWO (2) OR MORE TOYOTA PRIUS MODEL YEAR 2011, OR NEWER, OR APPROVED EQUAL**

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of bids for Contract 12-02 – Furnish and Deliver Two (2) or More Toyota Prius Model Year 2011, or Newer, or Approved Equal on February 21, 2012; and

WHEREAS, on the bid opening date, March 14, 2012, one (1) sealed bids was opened with the lowest responsible bid received from Hudson Motor Partnership (d/b/a/ Hudson Toyota), 585 Route 440, Jersey City, NJ 07304, for a base bid of based on their bid of \$22,896 per vehicle or \$45,792 for two (2) vehicles); and

WHEREAS, Hudson Toyota has significant experience with providing vehicles for governmental entities and has recently sold and delivered vehicles to the New York Power Authority and Putnam County.

On motion of Trustee Ryan, seconded by Mayor Rosenblum:

RESOLVED, that 12-02 – Furnish and Deliver Two (2) or More Toyota Prius Model Year 2011, or Newer, or Approved Equal, be awarded to Hudson Motor Partnership (d/b/a/ Hudson Toyota), 585 Route 440,

Jersey City, NJ 07304, for a base bid of based on their bid of \$22,896 per vehicle or \$45,792 for two (2) vehicles); and be it further

RESOLVED, that the Village Manager is herein authorized to execute Contract 12-02 on behalf of the Village of Mamaroneck with said Hudson Toyota; and be it further

RESOLVED, that this purchase be funded through the future issuance of debt.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

D. Resolution Awarding Bus Transportation Contract (For Summer Day Camp)

**RESOLUTION RE:  
AWARDING CONTRACT 12-03 – BID FOR PROVIDING BUS TRANSPORTATION  
FOR SUMMER CAMP AND OTHER SPECIAL EVENTS**

WHEREAS, the Village Manager reports that he publicly advertised for the receipt of bids for Contract 12-03 – Bid for Providing Bus Transportation on February 27, 2012 and sent notice of said contract to nine (9) vendors; and

WHEREAS, on the bid opening date, March 15, 2012, four (4) sealed bids were opened with the lowest responsible bid received from First Student Bus Company, 295 Duffy Avenue, Hicksville, NY 11801, based on their bid of \$295 per day, per bus for camp transportation, \$295 per bus for special events and \$295 per van for special events; and

WHEREAS, this compares favorably to last year's bid award amount of \$293 per day, per bus for camp transportation, \$317 per bus for special events and \$281 per van for special events; and

WHEREAS, First Student has provided bus transportation services for the Village in the past, and the Village has been satisfied with level of performance.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED, that Contract 12-03 – Bid for Providing Bus Transportation is hereby awarded to First Student Bus Company, 295 Duffy Avenue, Hicksville, NY 11801, based on their bid of \$295 per day, per bus for camp transportation, \$295 per bus for special events and \$295 per van for special events; and be it further

RESOLVED, that the Village Manager is herein authorized to execute Contract 12-03 on behalf of the Village of Mamaroneck with said First Student Bus Company; and be it further

RESOLVED, that the costs associated with such contract be charged to the General Fund Account # A.7317.0422 not to exceed budgeted appropriations.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

E. Resolution Accepting Bench Donation

**RESOLUTION RE:  
ACCEPTANCE OF DONATION OF A BENCH TO BE INSTALLED AT HARBOR ISLAND PARK**

WHEREAS, Janine Dallow is desirous of donating a bench and accompanying pre-determined sized plaque to the Village of Mamaroneck in honor of Teresa Palmieri to be installed in Harbor Island park, around the edge of the Harbor to be located along the West Basin, between Boston Post Road and Rushmore Avenue; and

WHEREAS, the anticipated cost of the bench and accompanying plaque is \$700 - \$1,000 and such gift must be accepted by resolution of the Board of Trustees.

On motion of Trustee Ryan, seconded by Mayor Rosenblum:

RESOLVED, that the Board of Trustees herein accepts the gift of a bench and accompanying plaque from Janine Dallow to be installed in the aforementioned location; and be it further

RESOLVED, that the Board of Trustees thanks Janine Dallow for her generosity to the community

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

F. Resolution Authorizing Chamber to Utilize Harbor Island Park as Registration Area for Wine Trail

**RESOLUTION RE:  
FOR THE CHAMBER OF COMMERCE TO HOLD 6<sup>TH</sup> ANNUAL  
WINE TRAIL EVENT ON MAY 6, 2012**

WHEREAS, the Chamber of Commerce is planning to sponsor their 6<sup>th</sup> Annual Wine Trail to be held on May 6, 2012; and

WHEREAS, the Chamber of Commerce has requested use of Harbor Island Park as a registration point between the hours of 1:00 pm and 5:00 pm; and

WHEREAS, the Chamber of Commerce must provide the Village of Mamaroneck with a certificate of liability insurance naming the Village as an additional insured; and

WHEREAS, approval must be authorized by the Village Board of Trustees.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that the Board of Trustees approves the use of Harbor Island Park as a registration point; and be it further

RESOLVED, that said approval is subject to the Chamber of Commerce providing the Village of Mamaroneck with a certificate of liability insurance prior to the commencement of the Wine Trail.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

G. Resolution Authorizing American Legion Post 90 to Close Mamaroneck Avenue on May 30 for Parade

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

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

WHEREAS, the parade is dedicated to those who have given their lives in service to our country and those currently serving in the armed forces in Iraq, Afghanistan and throughout the world; and

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

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

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

NOW THEREFORE BE IT RESOLVED that the Board of Trustees hereby approves the closure of Mamaroneck Avenue from the Mamaroneck Avenue School to Prospect Avenue and Library Lane for the parade and service scheduled for Monday, May 30<sup>th</sup> 2011.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

H. Resolution Appointing Police Sergeant

Heard Earlier

I. Acknowledgement of Resignation of BAR Member and Resignation of Tree Committee Member

The Board acknowledged the resignation of Mr. Doo Ho Lee, member of the Board of Architectural Review and Mr. Dennis Cucinella from the Tree Committee and thanked them for their service.

J. Resolution Appointing Board of Architectural Review Member

**RESOLUTION  
APPOINTING BAR MEMBER**

WHEREAS, with the resignation of Mr. Doo Ho Lee, there is an opening on the Board of Architectural Review; and

WHEREAS, Mr. Dennis Cucinella has graciously volunteered to serve on this Board.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED that Mr. Dennis Cucinella be and is hereby appointed a member of the Board of Architectural Review to fill an unexpired term, such term to expire at the 2013 Annual Organizational Meeting.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum  
Nays: None  
Absent: Albert

K. Resolution Appointing Tree Committee Member

RESOLUTION  
APPOINTING TREE COMMITTEE MEMBER

WHEREAS, with the resignation of Mr. Dennis Cucinella, there is an opening on the Tree Committee;  
and

WHEREAS, Mr. Stephen Pshierer has graciously volunteered to serve on this Board.

On motion of Mayor Rosenblum, seconded by Trustee Hofstetter:

RESOLVED that Mr. Stephen Pshierer be and is hereby appointed a member of the Tree Committee to fill an unexpired term, such term to expire at the 2014 Annual Organizational Meeting.

L. Resolution Authorizing Non-Union Employee Salary Increases

Mayor Rosenblum stated that this was discussed at length at the work session. The non-union employees were left out of the union negotiations and this is to bring them whole and to treat the non-union employees the same as union employees. Mayor Rosenblum asked the Village Attorney if this would be in violation of NY State Law and/or considered a gift of funds as suggested by Ms. McCrory. Mr. Goldberger stated that he does not believe so, but has not researched the issue. Mr. Slingerland stated that based on his experience, there are retroactive raises done everywhere he has been. Mr. Goldberger stated that in his experience, this is commonly done.

RESOLUTION AUTHORIZING THE ENACTMENT OF NON-UNION MANAGEMENT  
AND NON-UNION EMPLOYEE RAISES FOR THE VILLAGE OF MAMARONECK

WHEREAS, upon review and discussion with the Board of Trustees, the issue of non-union employee raises has been discussed and agreed upon in concept; and



WHEREAS, the total estimated budgetary impact is approximately \$27,500, dating back to June 1, 2011, which is included and provided for without additional budgetary appropriation by the Village of Mamaroneck.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED that the following salaries and budget lines are authorized to be increased to provide for two percent (2%) salary increases, retroactive to June 1, 2011, for the following employee titles:

Budget Code	Employee Title
1230	Village Manager
1230	Asst. Village Manager
1230	Secretary to the Village Manager
1230	Intermediate Clerk, Part Time
1110	Court Clerk
1110	Court Clerk
1110	Village Judge
1110	Village Judge
5110	Asst. Gen. Foreman
1325	Clerk-Treasurer
1325	Deputy-Clerk
1325	Deputy-Treasurer
1420	Legal Office, Senior Office Assistant
1420	Legal Office, Clerical Assistant, Part Time
7230	Harbor Master
7230	Intermediate Clerk, Part Time
7140	Superintendent Of Recreation
7140	Recreation Assistant
1355	Assessor, Part Time
1355	Assessor's Office, Intermediate Clerk, Part Time
3620	Former Building Inspector (4 payrolls, prior to departure)
3620	Code Enforcement Officer
3620	Fire Inspector

BE IT RESOLVED that the Village Manager, Clerk/Treasurer, and other appropriate employees and Village staff are authorized to take the necessary actions to amend the budget lines and make payment of these salary increases.

Trustee Hofstetter does not have issue with the raises, but believes that the Village Attorney should research this before it is adopted as he has acknowledged that he has not researched this. Mayor Rosenblum stated as Mr. Slingerland and Mr. Goldberger have both seen this in other municipalities, he has no problem

with it. Trustee Ryan stated that she agreed. Trustee Santoro stated that he was an employee of the WJWW and union president for 12 years and had seen this done many times.

Ayes: Ryan, Santoro, Rosenblum  
Nays: None  
Absent: Albert  
Abstain: Hofstetter

M. Statement of Public Support for Pension Tier 6

Mayor Rosenblum reviewed the statement and stated that it is a step in the right direction, but not a quick fix to the State's problems.

On motion of Mayor Rosenblum, seconded by Trustee Hofstetter:

RESOLVED that the Board of Trustees be and approves the following statement be sent to the New York State Governor's office.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum  
Nays: None  
Absent: Albert

**STATEMENT OF SUPPORT FOR NEW YORK STATE PENSION TIER VI**

It is known that municipalities within Westchester County have among the highest property tax rates in the United States. Unfunded mandates imposed by higher levels of government are a major contributing factor exacerbating this tax burden. In addition to these unfunded mandates the required annual contributions that municipalities must make to the New York State and Local Government Retirement System also have a large affect on municipal budgets.

In a resolution adopted by this Board on December 20, 2010, we expressed our support for positive consideration of a mandate relief package as proposed by the New York Conference of Mayors (NYCOM) and presented to the New York State Legislature. Among the recommendations submitted by NYCOM on behalf of its member municipalities was the creation of a new pension tier.

As a positive step, the New York State Legislature working with Governor Cuomo has taken a proactive step to help the taxpayers of the State of New York by establishing a new pension tier for employees hired after April 1, 2012.

Among the major benefits to municipalities, Tier VI provides for a graduated employee contribution rate based on salary, ranging from 3% to 6%, which continues through the entire term of employment. This contrasts with the existing system under which a majority of employees contribute 3% of salary for the first 10 years of employment only. Other benefits include an increase in the minimum retirement age for non-uniformed personnel to 63, modification of the pension calculation rate, and the provision of an optional defined contribution plan for non-union personnel.

All told, it is estimated that Tier VI will save State and local governments over \$80 billion dollars over the next 30 years. However, these savings will not occur until employees in the new Tier VI begin to be hired by municipalities.

As a reminder and policy position to the State of New York, the Village of Mamaroneck requests mandate relief along the lines that have been communicated previously to the State of New York.

Looking at big-ticket items, from the aspect of cost-benefit balance, the largest expense any municipal entity in New York State faces is the expense for providing employees and retirees with health benefits. Presently, providing health benefits for these employees and retirees costs the Village roughly ten percent of our annual expenses, which exceeds the Village's contributions to the pension system. Also, the Wicks Law for larger projects continues to drive up bidding costs by as much as 15% and 25%. For major, large scale projects such as new offices or facilities, these additional expenses can run into the millions of dollars.

The Village is requesting New York State to provide mandate relief by focusing on amending laws to reduce the costs on big-ticket expenses, especially health benefits, and the Wicks Law.

N. Resolution to Allow Pilot Program for Early Start for Side Walk Cafes

**RESOLUTION RE: AUTHORIZATION TO INITIATE A PILOT PROGRAM TO ALLOW SIDEWALK CAFES PRIOR TO APRIL 1, 2012**

WHEREAS, the sidewalk cafe regulations as established pursuant to Chapter 258 of the Code of the Village of Mamaroneck are designed to allow sidewalk cafés on public property in locations where they are determined to be appropriate by the Village Manager and as identified in the Code, they aim to achieve the following:

- Provide adequate space for pedestrians on the sidewalk adjacent to sidewalk cafés and to ensure access to adjacent commercial and retail uses.

- Promote sidewalk cafes as useful and properly planned visual amenities which better relate to the streetscape.
- Promote the most desirable use of land and buildings in the village.

WHEREAS, pursuant to §258-3 of the Code of the Village of Mamaroneck, Sidewalk Cafés are permitted between April 1 and October 31 of each calendar year as the temperature typically remains mild through March into early April; and

WHEREAS, temperatures for the month of March are much higher than compared to previous years and as a result, several restaurants have expressed a desire to operate sidewalk cafés prior to the April 1 commencement date to take advantage of the unseasonably warm weather; and

WHEREAS, the spirit of the law is to allow sidewalk cafes when weather conditions are optimal and while April 1 is typically an appropriate day to allow the installation of sidewalk cafes, however, given the unseasonably warm weather it may be beneficial to the community to allow the installation of such cafés in advance of the commencement date for 2012.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED, that the Village Manager is herein authorized to begin issuing sidewalk café permits prior to the April 1 statutory date insofar as applicants comply with all other requirements as set forth in Chapter 258 of the Code of the Village of Mamaroneck.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

## 5. REPORT FROM VILLAGE MANAGER

A. File for the Record – Modification Agreement for Contract C006442 with the NYS Dept. of State  
Mr. Slingerland stated that this was filed for the record with the Clerk-Treasurer's office.

B. File for the Record – Multi-Hazard Mitigation Plan Agreement w/NYS Office of Emergency Management

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

- C. File for the Record – Revised Retainer Agreement with Wormser, Kiely, Galef & Jacobs, LLP

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

- D. File for the Record – Agreement between the Village of Mamaroneck and Capetta, Inc.

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

## 6. FLOOD MITIGATION REPORT

Mr. Slingerland announced that Saturday, April 21 between 9:30 a.m. and 4:30 p.m. will be the fourth annual clean up day in the Village of Mamaroneck beginning with a tree planting ceremony at Harbor Island Park. Mr. Dan Pfeiffer, from the Hampshire Country Club appeared to announce that they will be helping the effort by loaning the goose dropping picker-upper. A number of the Club's personnel will also be helping out. The Board thanked Mr. Pfeiffer and the Club.

Mr. Slingerland stated that the All-Hazards Mitigation Plan was filed with FEMA on February 14 and it was asked when we could expect to hear from the State on the several applicants we filed for assistance through the Hazard Mitigation Grant Program, which closed in February. These are contingent upon FEMA's review and approval of the plan. Mr. Slingerland stated that the State is aware that FEMA is conducting their review and we have asked FEMA to get back to us as soon as possible. Mr. Slingerland also announced that we will be moving forward on silt removal and additional work to help mitigate flooding. Mr. Slingerland reported on a meeting that took place last week with FEMA and the DEC. This was purely an informational meeting where no policies were established or amended. This was a community assistance visit on the 818 The Crescent file. We were represented by our land use attorneys, as well as the current and previous building inspectors. There were additional discussions regarding flood plain variances. Based on the building department's records, we have issued approximately three since the floods in 2007 out of several hundred building permits. The removal of the "cumulative" provision from the code was discussed, and how this could affect the CRS rating. Trustee Hofstetter asked where the meeting took place. Mr. Slingerland stated that it took place at Beach Point Club.

## 7. REPORT FROM CLERK-TREASURER

- A. Notice of Filing of Assessment Roll on March 30, 2012

Ms. Roberts announced that the Assessment Roll for the Village will be filed with the Clerk-Treasurer's office on March 30, 2012 and will be available for inspection for 30 days from that date.

B. Filing of Tentative Budget for Fiscal Year 2012-2013

Ms. Roberts announced that the tentative budget for fiscal year 2012-13 has been filed for the record with the Clerk-Treasurer's office and is available for view at Village Hall or on the Village's website.

8. REPORT FROM VILLAGE ATTORNEY

None

9. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

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

- A. BOT – Regular Meeting of February 13, 2012
- B. BAR – February 16, 2012
- C. Board of Traffic Commissioners – November 10, 2011, January 12 and February 9, 2012
- D. Board of Ethics – February 1, 2012

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that the Board of Trustees convene to Executive Session to discuss matter involving escrow, which is in litigation, for 615 First Street and a Tax Certiorari matter involving a property on North Barry Avenue.

Ayes: Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Absent: Albert

Updates from the Board

Trustee Hofstetter reported that the St. Patrick's Day Parade was a huge success. Hopefully it will get a little bit bigger next year. The International Fair was held at Mamaroneck Avenue School this past weekend and it was a great event for the kids. The Mamaroneck Avenue Task Force had a meeting this past week and an issue about businesses on Mamaroneck Avenue putting their garbage out earlier in the morning was raised.

Trustee Ryan also attended the Parade and as she was one of the individuals worried about it, she realized that there was nothing to worry about. She thanked all individuals involved in its coordination. Trustee Ryan reminded residents to look at the Committee for the Environment and the Council for the Arts web pages as there are many events taking place in April and going forward.

Trustee Santoro reported on the classes starting at the Recreation center; as well as early camp registration. Trustee Santoro also gave his compliments to our police department in the way the recent tragedy was handled. Trustee Ryan thanked the police officers from the Town of Mamaroneck and Village of Larchmont for filling in for our force so that all officers could attend the services for their lost brother.

Mayor Rosenblum reported on the jazz festival at Mamaroneck High School that he attended. Mayor Rosenblum attended the Rye Neck School Fair, which was great, as well as the Mamaroneck Avenue School Fair. Mayor Rosenblum congratulated outgoing Mayor of Larchmont, Josh Mandel. He was a great asset and Mayor Rosenblum had the pleasure of working with him on the WJWW Board. The Mayor announced the ribbon cutting ceremony for the opening of the train station building and he congratulated the Verni brothers.

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