

Village of Mamaroneck

123 Mamaroneck Ave., Mamaroneck, NY 01543
ph: (914) 777-7700

Board of Trustees Agenda Annual Organizational Meeting Agenda
BOARD OF TRUSTEES ANNUAL ORGANIZATIONAL MEETING
Courtroom at 169 Mt Pleasant Ave
December 10, 2012 AT 7:00 PM
MINUTES

PRESENT: Mayor Norman S. Rosenblum
Trustees Louis N. Santoro
Ilissa Miller
Andres Bermudez Hallstrom
Leon Potok

Village Manager Richard Slingerland

Assistant Village Manager Daniel Sarnoff

Village Attorney Charles Goldberger

Clerk-Treasurer Agostino A. Fusco

ABSENT: None

Open Meeting

On motion of Trustee Ilissa Miller Seconded by Trustee Andres Bermudez

Cadet Technical Sergeant Leanora K. Ware sang the *Star Spangled Banner*.

RESOLVED that the Village of Mamaroneck Annual Organizational Meeting be and is hereby open.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

1. **SWEARING IN OF JUDGE**

Mayor Rosenblum recognized the dignitaries in the audience as well as the Village's Poet Laureate.

Judge David Zuckerman from the Westchester County Magistrates office appeared. He stated that he is honored to swear in reelected Judge Daniel Gallagher who is one of the shining lights in the judiciary of the County.

Judge Gallagher thanked Judge Zuckerman for his kind remarks. Judge Gallagher stated that the meeting tonight is being held in the Courtroom where he does his job. It is an interesting and challenging job. He sees a lot of tough cases come through and some good resolutions along the way. Judge Gallagher thanked those who voted for him and looks forward to four more years of serving the Village. For those residents who did not vote for him, he hopes that he can convince them that he is worthy of the four years he is about to serve.

2. **SWEARING IN OF TRUSTEES**

Judge Gallagher stated that he is honored to swear in the three newly elected Trustees.

Judge Gallagher swore in Trustee Andres Bermudez Hallstrom. Trustee Bermudez thanked all for joining him to celebrate the democratic ideal of our country; neighbors coming together to tackle tough issues. He stated that it is an honor to be elected to this office. He has dedicated his life to public service and looks forward to serving the residents for many years to come. Trustee Bermudez stated that it is truly humbling to be the first Hispanic Trustee elected in the Village's proud history. The ideal that we are all created equal and all deserve to be represented is alive and well in this Village. Trustee Bermudez pledged to have his door and mind open to all those who would like their voices heard. He called upon all residents to set aside color, creed, origin and party to break down the barriers that divide us to make our Village better. Trustee Bermudez addressed the Spanish speaking residents of the Village.

Judge Gallagher swore in Trustee Ilissa Miller.

Trustee Miller thanked her parents for attending this evening and her family for their support during her candidacy. She also thanked the residents who have cast their votes for her, Leon and Andres. The residents trust is precious and one that she takes very seriously. Trustee Miller stated that she is honored to represent the residents. She begins her term as Trustee with much gratitude, but knows that this will not be an easy job. Trustee Miller stated that she is dedicated to making informed decisions that are in the best interest of the entire Village for today and the future. She reiterated some of the messages she delivered during her campaign. First, she wants to hear from residents, good, bad or indifferent. She can only make informed decisions if she is informed. She promised to provide residents with the facts, point them in the right direction and be open and transparent. Second, she asked that residents share information with each other based on facts and not opinion. She does want residents to be opinionated and share these opinions in shaping the future of our Village. Trustee Miller stated that as a business owner, she

knows that we can learn from one another and together we can bring together great thoughts and ideas that can help mold this Village. This is the reason why she ran for office. To this end, Trustee Miller will continue to think of and identify ways to help communicate information to our community and residents. Lastly and regrettably, Trustee Miller stated that she will not be perfect, but she does promise to try her hardest, to listen more than she speaks and to be accessible to all residents as their public servant.

Judge Gallagher swore in Trustee Leon Potok.

Trustee Potok stated that he is honored and thrilled to serve as Trustee and thanked residents for entrusting him with this responsibility. He sought the office of Trustee to do what is best for the Village and its residents; to make our Village an even better place to live and for to make all residents proud of how Village business is conducted. There will be differences of opinions, but Trustee Potok committed to work with all Village boards and committees and to listen to and respect the opinions of others. To conduct discussions openly and in the best interest of all residents. Trustee Potok thanked all friends and relatives who are in attendance this evening, to the new volunteers and to the incumbent members of Village committees. He looks forward to working with all volunteers, village staff, outside professionals and his colleagues on the Board of Trustees.

3. APPOINTMENT OF DEPUTY MAYOR

Mayor Rosenblum appointed Trustee Louis N. Santoro as Deputy Mayor.

4. APPOINTMENT OF TRUSTEE TO THE POLICE PENSION FUND

Mayor Rosenblum appointed Deputy Mayor Louis N. Santoro.

5. MAYOR'S APPOINTMENTS TO SEXUAL HARASSMENT COMMITTEE

Pursuant to the Village's Sexual Harassment Policy, the Mayor shall annually appoint one (1) member of the Village Board and three (3) department heads and/or Supervisors, one of which shall be from the Police Department and one from the Department of Public Works.

Mayor Rosenblum made the following appointments to the Sexual Harassment Committee:

Sandra DiRuzza (Police Department representative)
Bobby Welsh (Union representative)
Joe Russo (Department Head representative)
Mayor Rosenblum (Board representative)

6. APPOINTMENT OF CLERK-TREASURER

On motion of Trustee Lou Santoro Seconded by Trustee Norman Rosenblum
RESOLVED that Agostino A. Fusco be and is hereby appointed to the position of Clerk-Treasurer of the Village of Mamaroneck.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

7. APPOINTMENT OF VILLAGE PROSECUTOR

On motion of Trustee Ilissa Miller Seconded by Trustee Lou 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. The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

8. APPOINTMENT OF VILLAGE ATTORNEY

On motion of Trustee Lou Santoro Seconded by Trustee Leon Potok

RESOLVED that Charles Goldberger be and he hereby is appointed Village Attorney, to serve at the pleasure of the appointing authority, at a compensation to be fixed by the Board of Trustees. The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

9. APPOINTMENT OF BOND COUNSEL

On motion of Trustee Andres Bermudez Seconded by Trustee Lou Santoro
RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Clerk-Treasurer to retain the services of the following firms on behalf of the Village of Mamaroneck:

- Squire, Sanders & Dempsey, LLP; and
- Cahill/Wink LLP; and
- Orrick

as the Village's Bond Counsel to handle all bond issues and Bond Anticipation Notes. The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

10. AUTHORIZATION FOR FIDELITY BONDS FOR EMPLOYEES

On motion of Trustee Lou Santoro Seconded by Trustee Leon Potok

RESOLVED, that Crime and Fidelity Bonds as examined by the Board of Trustees be executed to the Village and filed with the Village Clerk for the following officers and employees:

Clerk Treasurer	\$110,000
Deputy Treasurer	60,000
Deputy Clerk	35,000
Mayor	35,000
Court Clerks	20,000 each
Village Justices	10,000 each
Village Marshalls	10,000 each
Treasurer Police Pension Fund	10,000
All other employees, including volunteers, while employed by the Village 10,000	

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez , Miller , Potok , Rosenblum , Santoro .

11. DESIGNATION OF DEPOSITORIES

On motion of Trustee Andres Bermudez Seconded by Trustee Lou Santoro

RESOLVED that J. P. Morgan Chase Bank, Hudson Valley Bank, and TD Bank, be and they hereby are designated as depositories for the Village funds for the ensuing official year. The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez , Miller , Potok , Rosenblum , Santoro .

12. DESIGNATION OF SIGNATORIES

On motion of Trustee Ilissa Miller Seconded by Trustee Leon Potok

RESOLVED that the Clerk Treasurer shall inform the depositories for Village funds, that the following combinations of signatures on any Village of Mamaroneck checks are authorized.

Drawn on General Fund, Capital Fund, Police Pension Fund, Trust & Agency Endowment & Gift Funds, Water Fund, and Clerk Treasurer Accounts Payable Account:

Mayor Norman S. Rosenblum or Louis Santoro, Deputy Mayor

AND

Agostino A. Fusco, Clerk Treasurer or Lori Voss, Deputy Treasurer

Drawn on Payroll Account, Petty Cash Account, Trust and Agency Insurance Deduction, Trust & Agency Group Disability, Trust & Agency Fund State Retirement Systems, Trust & Agency Guarantee & Bid Deposits, and Money Market Accounts:

Only that of Agostino A. Fusco, Clerk Treasurer or Lori Voss, Deputy Treasurer

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez , Miller , Potok , Rosenblum , Santoro .

13. DESIGNATION OF OFFICIAL NEWSPAPERS AND ONLINE MEDIA

On motion of Trustee Ilissa Miller Seconded by Trustee Andres Bermudez

RESOLVED that The Journal News, The Sound and Town Report, Soundview Rising, The Patch, The Loop and Westchester Hispano be and are hereby designated as the official newspapers and online media publications of the Village of Mamaroneck for the ensuing official year; and be it

FURTHER RESOLVED that the representatives of The Journal News, The Sound and Town Report, Soundview Rising, The Patch, The Loop and Westchester Hispano be authorized to attend all meetings of the Board of Trustees with representatives being granted the right in its sole discretion to use any and all information learned during the course of such meetings as it and it alone may deem proper.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez , Miller , Potok , Rosenblum , Santoro .

14. DESIGNATION OF MEETING AND WORK SESSION NIGHTS FOR 2013

On motion of Trustee Leon Potok Seconded by Trustee Lou Santoro

RESOLVED that generally the second and fourth Mondays of each and every month be designated as the Regular Meeting Nights of the Board of Trustees, such meetings to commence at 7:30 p.m. in the courtroom at Village Hall; and

FURTHER RESOLVED that generally the first and third Mondays of each and every month be designated as the Regular Meeting Nights of the Board of Trustees, such meetings to commence at 5:30 p.m. in the conference room at the Regatta;

FURTHER RESOLVED the following tentative schedule is hereby adopted:

Tentative Board Meeting schedule for 2013 (1st & 3rd Monday W.S.5:30, 2nd & 4th Reg. Mtgs. 7:30):

January 7, 2013 – Work Session

January 14, 2013 – Board Meeting

January 22, 2013 (Tuesday for Martin Luther King Jr. Day) – Work Session

January 28, 2013 – Board Meeting

February 4, 2013 – Work Session
 February 11, 2013 – Board Meeting
 February 19, 2013 (Tuesday for President's Day) – Work Session
 February 25, 2013 – Board meeting

March 4, 2013 – Work Session
 March 11, 2013 – Board Meeting
 March 18, 2013 – Work Session
 March 27, 2013 – Board Meeting and Tentative Budget Hearing (Wednesday due to First night of Passover being sunset on Monday March 25, 2013)

April 3, 2013 – Work Session (Wednesday for Passover)
 April 8, 2013 – Board Meeting
 April 15, 2013 – Work Session
 April 22, 2013 – Board Meeting and Suggested Budget Adoption Meeting

May 6, 2013 – Work Session
 May 13, 2013 – Board Meeting
 May 20, 2013 – Work Session
 May 28, 2013 (Tuesday for Memorial Day) – Board Meeting

June 3, 2013 – Work Session
 June 10, 2013 – Board Meeting
 June 17, 2013 – Work Session
 June 24, 2013 – Board Meeting

July 8, 2013 – Work Session suggested summer meeting
 July 15, 2013 – Board Meeting suggested summer meeting
 July 29, 2013 – suggested Accounts Payable meeting and minor items

August 5, 2013 – Work Session – suggested summer meeting
 August 12, 2013 – Board Meeting – suggested summer meeting
 August 26, 2013 – suggested Accounts Payable meeting and minor items

September 3, 2013 (Tuesday for Labor Day) – Work Session
 September 9, 2013 – Board Meeting
 September 16, 2013 – Work Session
 September 23, 2013 – Board Meeting

October 7, 2013 – Work Session
 October 15, 2013 (Tuesday for Columbus Day) – Board Meeting
 October 21, 2013 – Work Session
 October 28, 2013 – Board Meeting

November 4, 2013 – Work Session
 November 12, 2013 (Tuesday for Veteran's Day) – Board Meeting
 November 18, 2013 – Work Session
 November 25, 2013 – Board Meeting

December 2, 2013 – Organizational Meeting
 December 9, 2013 – Work Session
 December 16, 2013 – Board Meeting

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

15. WRITTEN INVESTMENT POLICY

On motion of Trustee Andres Bermudez. Seconded by Trustee Lou Santoro

WHEREAS, the Board of Trustees adopted a Written Investment Policy in May of 1993 in accordance with Section 39 of the General Municipal Law; and

WHEREAS, Section 39 requires that the Investment Policy be reviewed at least annually; and

WHEREAS, the Clerk-Treasurer has updated the Written Investment Policy for our review;

NOW, THEREFORE, BE IT RESOLVED, that the following Investment Policy is hereby adopted for the Village of Mamaroneck:

VILLAGE OF MAMARONECK INVESTMENT POLICY
 CHAPTER 37

[HISTORY: Adopted by the Board of Trustees of the Village of Mamaroneck 12-4-2006.

Editor's Note: This resolution superseded former Ch. 37, Investment Policy, adopted 12-5-2005. Amendments noted where applicable.]

§ 37-1 Scope.

This Investment Policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

§ 37-2 Objectives.

The primary objectives of the local government's investment activities are, in priority order:

- A. To conform with all applicable federal, state and other legal requirements.
- B. To adequately safeguard principal.
- C. To provide sufficient liquidity to meet all operating requirements.
- D. To obtain a reasonable rate of return.

§ 37-3 Delegation of authority.

The governing board's responsibility for administration of the investment program is delegated to the Clerk-Treasurer, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates and other relevant information and regulate the activities of subordinate employees.

§ 37-4 Prudence.

A. All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Mamaroneck to govern effectively.

B. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

C. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

§ 37-5 Diversification.

It is the policy of the Village of Mamaroneck to diversify its deposits and investments by financial institution, by investment instrument and by maturity scheduling.

§ 37-6 Internal controls.

A. It is the policy of the Village of Mamaroneck for all moneys collected and deposited by any officer or employee of the government to report those funds to the Clerk-Treasurer within three days of deposit or within the time period specified by law, whichever is shorter.

B. The Clerk-Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

§ 37-7 Designation of depositories.

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are:

Depository Name	Maximum Amount	Officer
JP Morgan Chase Bank	\$5,000,000	John Gardell
Hudson Valley Bank	\$5,000,000	Rose Silvestro
TD Bank	\$12,000,000	Caren Roeder

§ 37-8 Collateralizing of deposits.

In accordance with the provisions of General Municipal Law § 10, all deposits of the Village of Mamaroneck, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

A. By a pledge of eligible securities with an aggregate market value as provided by General Municipal Law § 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.

Editor's Note: Appendix A is on file in the Village offices.

B. By an eligible irrevocable letter of credit issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed-upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements. Excluded from eligible securities for collateralization are letters of credit issued by the Federal Home Loan Bank.

C. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits

and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

§ 37-9 Safekeeping and collateralization.

A. Eligible securities used for collateralizing deposits shall be held by the designated depository and/or a third-party bank or trust company subject to security and custodial agreements.

B. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Mamaroneck or its custodial bank.

C. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposits or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

D. Agostino A. Fusco, Clerk-Treasurer, is hereby authorized to execute the Third-Party Custodian Agreement and that he be named as "authorized persons" as the term applies to the Third-Party Custodian Agreement.

§ 37-10 Permitted investments.

A. As authorized by General Municipal Law § 11, the Village of Mamaroneck authorizes the Clerk-Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- (1) Special time deposit accounts.
- (2) Certificates of deposit.
- (3) Obligations of the United States of America.
- (4) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America.
- (5) Obligations of the State of New York.
- (6) Obligations issued pursuant to Local Finance Law § 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village of Mamaroneck.
- (7) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments.
- (8) Certificates of participation (COPs) issued pursuant to General Municipal Law § 109-b.
- (9) Obligations of this local government, but only with any moneys in a reserve fund established pursuant to General Municipal Law § 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m or 6-n.

B. All investment obligations shall be payable or redeemable at the option of the Village of Mamaroneck within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Mamaroneck within two years of the date of purchase.

§ 37-11 Authorized financial Institutions and dealers.

The Village of Mamaroneck shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village of Mamaroneck. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Clerk-Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

§ 37-12 Purchase of investments.

A. The Clerk-Treasurer is authorized to contract for the purchase of investments:

- (1) Directly, including through a repurchase agreement, from an authorized trading partner.
- (2) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-06, and the specific program has been authorized by the governing board.
- (3) By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

B. All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligation shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Mamaroneck by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law § 10.

C. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

§ 37-13 Repurchase agreements.

Repurchase agreements are authorized subject to the following restrictions:

A. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.

B. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

C. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.

D. No substitution of securities will be allowed.

E. The custodian shall be a party other than the trading partner.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

16. PROCUREMENT POLICY

On motion of Trustee Leon Potok Seconded by Trustee Andres Bermudez

WHEREAS, the Board of Trustees adopted a Procurement Policy in January of 1992, which was updated and readopted in 2012, in accordance with Section 103 of the General Municipal Law; and

WHEREAS, Section 103 requires that the Procurement Policy be reviewed at least annually; and

WHEREAS, the Clerk-Treasurer has provided the current Procurement Policy for our review;

NOW, THEREFORE, BE IT RESOLVED, that the following Procurement Policy as updated and amended is hereby continued in effect for the Village of Mamaroneck as contained in Chapter 61 of the Village Code:

Chapter 61

PROCUREMENT POLICY

[HISTORY: Adopted by the Board of Trustees of the Village of Mamaroneck 12-14-2009. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics — See Ch. 21.

Records retention — See Ch. 62.

§ 61-1. Legislative intent.

The Village of Mamaroneck does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

§ 61-2. Review of purchases; documentation of purchases not subject to competitive bidding.

A. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works or service contract. Once that determination is made, a good-faith effort will be made to determine whether it is known or can reasonably be expected that the total aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a fiscal year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law:

(1) Purchase contracts under \$20,000 (to reflect the amendments to the Procurement Law adopted by the New York State Legislature); [Amended 2-13-2012]

(2) Public works contracts under \$35,000 (state law changed by Chapter 494 of 2009);

(3) Emergency purchases;

(4) Certain municipal hospital purchases;

(5) Goods purchased from agencies for the blind or severely handicapped;

(6) Goods purchased from correctional institutions;

(7) Purchases under state and county contracts;

(8) Surplus and second-hand purchases from another governmental entity. NOTE: Purchases over \$10,000 of used, surplus or second-hand materials and equipment should be subject to public bid and advertised as such.

B. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written quotes from vendors, a memo from the purchaser explaining the decision, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

§ 61-3. Methods for securing goods and services; exceptions.

All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations with documentation, or any other method that assures goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances:

- A. Purchase contracts over \$20,000 and public works contracts over \$35,000 are subject to publicly advertised bid or RFP in accordance with the Procurement Law adopted by the New York State Legislature. [Amended 2-13-2012]
- B. Goods purchased from agencies for the blind or severely handicapped pursuant to § 175-b of the State Finance Law;
- C. Goods purchased from correctional institutions pursuant to § 186 of the Correction Law;
- D. Purchases under state contracts pursuant to § 104 of the General Municipal Law;
- E. Purchases under county contracts pursuant to § 103, of the General Municipal Law;
- F. Or purchases pursuant to § 61-6 of this policy.

§ 61-4. Purchase methods.

- A. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract Method

\$500 to \$2,999 At least two to three verbal or written quotes; memo or price quotes attached to purchase order for documentation if written quotes not submitted.

\$3,000 to \$9,999 At least three written/faxed/e-mailed or otherwise documented quotes are required. Purchase order must be signed by the Village Manager, prior to the order being made.

\$10,000 and above Subject to publicly advertised bid or RFP. Must be circulated to at least three companies. Contract must be approved by the Mayor and Board of Trustees. A purchase order and/or contract must be signed by the Village Manager after Board approval is granted, prior to order being made.

Estimated Amount of Public Works Contract Method

\$500 to \$2,999 At least two to three verbal or written quotes; memo or price quotes attached to purchase order.

\$3,000 to \$34,999 At least three written/faxed/e-mailed quotations. Purchase order must be signed by the Village Manager, prior to the order being made.

\$35,000 and above Subject to publicly advertised bid or RFP. Must be circulated to at least three companies. Contract must be approved by the Mayor and Board of Trustees. An award letter must be issued and formal contract must be signed by the Village Manager after Board approval is granted.

NOTE: Total aggregate purchases over the course of a fiscal year should be considered when determining whether an item requires verbal quotes, written quotes, or be subject to public bid.

- B. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotes, purchaser will document such attempts. In no event shall failure to obtain the proposals be a bar to the procurement.

§ 61-5. Documentation required.

- A. Documentation is required of each action taken in connection with each procurement.

B. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

§ 61-6. Exemptions.

Pursuant to General Municipal Law § 104-b, Subdivision 2(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Mamaroneck to solicit quotations or document the basis for not accepting the lowest bid:

A. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on qualifications showing accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

(1) In determining whether a service fits into this category the Board of Trustees shall take into consideration the following guidelines:

- (a) Whether the services are subject to state licensing or testing requirements;
- (b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and

(c) Whether the services require a personal relationship between the individual and municipal officials.

(2) Professional or technical services shall include but not be limited to the following:

- (a) Services of an attorney;
- (b) Services of a physician;
- (c) Technical services of an engineer engaged to prepare plans, maps and estimates;
- (d) Securing insurance coverage and/or services of an insurance broker;
- (e) Services of a certified public accountant;
- (f) Investment management services;
- (g) Printing services involving extensive writing, editing or art work;
- (h) Management of municipally owned property; and
- (i) Computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.

B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits. The emergency situation must be documented.

C. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods, and a lower price may indicate an older product.

D. Individual goods or services under \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimus contracts would be awarded based on favoritism. However, it is recommended whenever possible that the Village try to obtain three comparison bids/prices, or purchase off of state or county contracts to realize the best price.

§ 61-7. Effective date; annual review.

This policy shall go into effect December 14, 2009, and will be reviewed annually.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

17. APPOINTMENT TO BOARD OF APPEALS

On motion of Trustee Santoro, seconded by Mayor Rosenblum,

RESOLVED that Len Violi be and he hereby is appointed a member of the Board of Appeals for a term of five years, such term to expire December 2017.

Mayor Rosenblum stated that he finds this a sad occasion as this was gone over by all of the Trustees. He believes that the Village is regressing back to back-room politics. In this case, existing member, Robin Kramer's term will be held over.

The Motion Failed by a vote of 2 Aye, 3 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Rosenblum, Santoro. Trustees voting Nay are Bermudez, Miller, Potok.

and

On motion of Trustee Santoro, seconded by Mayor Rosenblum,

RESOLVED that Lawrence Gutterman be and is hereby appointed Chair of the Board of Appeals, such term to expire December, 2013.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

18. APPOINTMENTS TO BOARD OF ARCHITECTURAL REVIEW

On motion of Trustee Potok, seconded by Trustee Santoro:

RESOLVED that J. Malte Stoekhart be and he hereby is appointed a member of the Board of Architectural Review for a term of three years, such term to expire December 2015.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

and

On motion of Trustee Santoro, seconded by Mayor Rosenblum:

RESOLVED that Lloyd Green be and he hereby is appointed a member of the Board of Architectural Review for a term of three

years, such term to expire December 2015.

The Motion Failed by a vote of 2 Aye, 3 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Rosenblum, Santoro. Trustees voting Nay are Bermudez, Miller, Potok.

Again, Mayor Rosenblum finds this unusual as there was an email received on November 26, 2012 from Mr. Green asking to be appointed to this position.

and

On motion of Trustee Potok, seconded by Trustee Miller:

RESOLVED that Victoria Hague be and she is hereby appointed a member of the Board of Architectural Review for a term of three years, such term to expire December 2015.

The Motion Passed by a vote of 4 Aye, 1 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum. Trustees voting Nay are Santoro.

On motion of Trustee Santoro, seconded by Trustee Miller:

RESOLVED that Dennis Cucinella be and he hereby is appointed Chair of the Board of Architectural Review for a term of one year, such term to expire December 2013.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

19. APPOINTMENT TO BOARD OF ETHICS

On motion of Trustee Santoro, seconded by Mayor Rosenblum:

RESOLVED that Maggie Leigh O'Neill be and she hereby is appointed a member of the Board of Ethics for a term of three years, such term to expire December 2015.

The Motion Failed by a vote of 2 Aye, 3 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Rosenblum, Santoro. Trustees voting Nay are Bermudez, Miller, Potok.

On motion of Trustee Potok, seconded by Trustee Bermudez:

RESOLVED that Lloyd Green be and he is hereby appointed a member of the Board of Ethics for a term of three years, such term to expire December 2015.

Mayor Rosenblum stated that this again flies in the face of the work that was done previously to find board members and as Lloyd Green is registered Republican, does not fit in with the intent or spirit of the local law. One can note by the information obtained from the County Board of Elections that Mr. Green supports local democrats.

The Motion Passed by a vote of 3 Aye, 2 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok. Trustees voting Nay are Santoro, Rosenblum.

20. APPOINTMENTS TO BOARD OF TRAFFIC COMMISSIONERS

Mayor Rosenblum stated that the Board received correspondence from the Fire Council and that they would like for Radames Brendolan to be reappointed as their representative to the Traffic Commission. The Board unanimously agreed.

On motion of Trustee Bermudez, seconded by Trustee Santoro:

RESOLVED that Frank Spedafino be and he hereby is appointed a member of the Board of Traffic Commissioners, for a term of three years, such term to expire December 2015.

and

On motion of Trustee Santoro, seconded by Trustee Bermudez:

RESOLVED that Ed Parisen be and he hereby is appointed a member of the Board of Traffic Commissioners, for a term of three years, such term to expire December 2015.

and

On motion of Trustee Santoro, seconded by Trustee Bermudez:

RESOLVED that Harry Spadaro be and he hereby is appointed a member of the Board of Traffic Commissioners, for a term of

three years, such term to expire December 2015.

On motion of Trustee Santoro, seconded by Trustee Miller:

RESOLVED that Mike Anello be and he hereby is appointed a member of the Board of Traffic Commissioners, to fill a vacant term, such term to expire December 2013.

and

On motion of Trustee Bermudez, seconded by Trustee Santoro:

RESOLVED that Tom Porretto be and he hereby is appointed Chairperson of the Board of Traffic Commissioners, for a term of two year(s), such term to expire December 2014.

by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

21. APPOINTMENTS TO BUDGET COMMITTEE

On motion of Trustee Santoro, seconded by Trustee Miller:

RESOLVED that Manny Enes be and he hereby is appointed a member of the Budget Committee for a term of three years, such term to expire December 2015.

and

On motion of Trustee Potok, seconded by Trustee Miller:

RESOLVED that Daniel Karson be and he hereby is appointed a member of the Budget Committee for a term of three years, such term to expire December 2015.

and

On motion of Trustee Potok, seconded by Trustee Bermudez:

RESOLVED that Doug Dunaway be and he hereby is appointed a member of the Budget Committee for a term of three years, such term to expire December 2015.

by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

22. APPOINTMENTS TO COMMITTEE FOR THE ENVIRONMENT

On motion of Trustee Miller, seconded by Trustee Santoro:

RESOLVED that Laura Holbrook be and she hereby is appointed a member of the Committee for the Environment for a term of three years, such term to expire December 2015.

and

On motion of Trustee Santoro, seconded by Trustee Potok:

RESOLVED that Ann Breen Metcalf be and she hereby is appointed a member of the Committee for the Environment for a term of three years, such term to expire December 2015.

and

On motion of Trustee Miller, seconded by Trustee Bermudez:

RESOLVED that Joan Heilman be and she hereby is appointed a member of the Committee for the Environment for a term of three years, such term to expire December 2015.

and

On motion of Trustee Bermudez, seconded by Trustee Santoro:

RESOLVED that Marc Karell be and he hereby is appointed a member of the Committee for the Environment for a term of three years, such term to expire December 2015.

and

On motion of Trustee Potok, seconded by Trustee Miller:

RESOLVED that Shoenna Keogan be and she hereby is appointed a member of the Committee for the Environment to fill a vacant term, such term to expire December 2013.

- by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent Trustees voting Aye are Bermudez , Miller , Potok , Rosenblum , Santoro .
23. APPPOINTMENTS TO COUNCIL OF THE ARTS
- On motion of Trustee Miller, seconded by Trustee Santoro:
- RESOLVED that Joyce Washburn be and she hereby is appointed a member of the Council of the Arts for a term of three years, such term to expire December 2015.
- and
- On motion of Trustee Santoro, seconded by Mayor Rosenblum:
- RESOLVED that Lee Stringer be and he hereby is appointed a member of the Council of the Arts for a term of three years, such term to expire December 2015.
- and
- On motion of Trustee Miller, seconded by Mayor Rosenblum:
- RESOLVED that Chari Topol-Allison be and she hereby is appointed a member of the Council of the Arts for a term of three years, such term to expire December 2015.
- by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent Trustees voting Aye are Bermudez , Miller , Potok , Rosenblum , Santoro .
24. APPPOINTMENTS TO FLOOD MITIGATION ADVISORY COMMITTEE
- On the motion of Trustee Potok, seconded by Trustee Bermudez:
- RESOLVED that Peggy Jackson be and she hereby is appointed a member of the Flood Mitigation Advisory Committee for a term of three years, such term to expire December 2015.
- and
- On the motion of Trustee Santoro, seconded by Trustee Miller:
- RESOLVED that Benny Salanitro be and he hereby is appointed a member of the Flood Mitigation Advisory Committee for a term of three years, such term to expire December 2015.
- and
- On the motion of Trustee Bermudez, seconded by Trustee Santoro:
- RESOLVED that Leigh Bass be and he hereby is appointed a member of the Flood Mitigation Advisory Committee for a term of three years, such term to expire December 2015.
- and
- On motion of Trustee Potok, seconded by Trustee Bermudez
- RESOLVED that Julia Rubin be and she hereby is appointed a member of the Flood Mitigation Advisory Committee for a term of two years such term to expire December 2014.
- and
- On the motion of Trustee Santoro, seconded by Trustee Miller:
- RESOLVED that Peggy Jackson be and she hereby is appointed Chair of the Flood Mitigation Advisory Committee for a term of 3 year(s), such term to expire December 2015.
- by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent Trustees voting Aye are Bermudez , Miller , Potok , Rosenblum , Santoro .
25. APPPOINTMENTS TO HARBOR & COASTAL ZONE MANAGEMENT COMMISSION
- On motion of Trustee Santoro, seconded by Mayor Rosenblum:
- RESOLVED that Peter Jackson be and he hereby is appointed a member of the Harbor & Coastal Zone Management Commission for a term of three years, such term to expire December 2015.
- Both Trustee Santoro and Mayor Rosenblum feel that Mr. Jackson is a valued member of this commission and served it well over the last five years. Mayor Rosenblum stated that this is another demonstration of back room politics.
- The Motion Failed by a vote of 2 Aye, 3 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Rosenblum, Santoro. Trustees voting Nay are Bermudez, Miller, Potok.

and

On motion of Trustee Miller, seconded by Trustee Santoro:

RESOLVED that Brian Glatstein be and he hereby is appointed a member of the Harbor & Coastal Zone Management Commission for a term of three years, such term to expire December 2015.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

and

On motion of Trustee Potok, seconded by Trustee Bermudez:

RESOLVED that Len Violi be and he hereby is appointed a member of the Harbor and Coastal Zone Management Commission for a term of five years, such term to expire December 2017.

Mayor Rosenblum stated that Mr. Violi is currently a member of the Board of Architectural Review and he did not resign. The only way his resignation would have come about was if he were to be appointed to the Zoning Board of Appeals. Trustee Potok asked how he was nominated to the ZBA if he did not resign from the BAR. The Mayor stated that if he were appointed to the ZBA, he would accept his resignation. If he is appointed to the HCZM, he will not accept his resignation. Mayor Rosenblum stated that he does not recognize this nomination as it is not valid. Trustee Potok asked for Mr. Goldberger's opinion on this.

Mr. Goldberger stated that this is a valid nomination with the understanding that he would have to resign from the BAR if he chooses to accept the nomination to the HCZM.

The Motion Failed by a vote of 2 Aye, 2 Nay, 1 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Potok. Trustees voting Nay are Rosenblum, Santoro. Trustees abstaining are Miller.

26. APPOINTMENT TO PLANNING BOARD

On motion of Trustee Santoro, seconded by Trustee Potok:

RESOLVED that Lee Wexler be and he hereby is appointed a member of the Planning Board for a term of five years, such term to expire December 2017.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

27. APPOINTMENTS TO RECREATION & PARKS COMMISSION

On motion of Trustee Santoro, seconded by Trustee Miller:

RESOLVED that Carlo Reca be and he hereby is appointed a member of the Recreation and Parks Commission for a term of three years, such term to expire December 2015.

and

On motion of Trustee Miller, seconded by Trustee Bermudez:

RESOLVED that Joan Spedafino be and she hereby is appointed a member of the Recreation and Parks Commission for a term of three years, such term to expire December 2015.

and

On motion of Trustee Santoro, seconded by Trustee Bermudez:

RESOLVED that Maryann Genovese be and she hereby is appointed a member of the Recreation and Parks Commission for a term of three years, such term to expire December 2015.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

28. APPOINTMENTS TO TREE COMMITTEE

On motion of Trustee Santoro, seconded by Trustee Bermudez:

RESOLVED that Ed Piacente be and he hereby is appointed a member of the Tree Committee for a term of three years, such term to expire December 2015.

The Motion Failed by a vote of 2 Aye, 3 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Rosenblum, Santoro. Trustees voting Nay are Bermudez, Miller, Potok.

On motion of Trustee Miller, seconded by Trustee Bermudez:

RESOLVED that Sarah Robertson be and she hereby is appointed a member of the Tree Committee to fill an unexpired term, such term to expire December 2015.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

On motion of Trustee Santoro, seconded by Trustee Miller:

RESOLVED that Sarah Robertson be and she hereby is appointed Chair of the Tree Committee for a term of 3 year(s), such term to expire December 2015.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

On motion of Trustee Potok, seconded by Trustee Bermudez:

RESOLVED that Gail Koller be and she hereby is appointed a member of the Tree Committee for a term of two years, such term to expire 2014.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

29. APPOINTMENT TO CABLE TV ADVISORY COMMITTEE

On motion of Trustee Santoro, seconded by Trustee Miller:

RESOLVED that Sunny Goldberg be and she hereby is appointed a member of the Larchmont- Mamaroneck Cable TV Advisory Committee for a term of two years, such term to expire December 2014.

The Motion Passed by a vote of 5 Aye, 0 Nay, 0 Abstain, 0 Absent. Trustees voting Aye are Bermudez, Miller, Potok, Rosenblum, Santoro.

30. ANNOUNCEMENT OF LIAISONS

Mayor Rosenblum announced the following Liaison appointments:

Committee for the Environment – Trustee Miller
 Fire Department – Trustee Santoro
 Council for the Arts – Trustee Miller
 EMS – Trustee Santoro
 Board of Traffic Commissioners – Trustee Bermudez
 Budget Committee – Trustee Bermudez
 Parks & Recreation Commission – Trustee Santoro
 Consolidation Committee – Trustee Potok
 Flood Mitigation Advisory Committee – Mayor Rosenblum
 Tree Committee – Trustee Potok

31.

The following extract from the GENERAL MUNICIPAL LAW was read into the records:

Section 803. Disclosure of Interest

1. Any municipal officer or employee who has, will have or later acquires an interest in any actual or proposed contract with the municipality of which he is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the governing body thereof as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

There was no disclosure of interest by anyone at this time.

Adjourn

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