

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, MAY 14, 2012 AT 7:30 P.M. IN THE COURTROOM AT
VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Norman S. Rosenblum
	Trustees	Louis N. Santoro Toni Pergola Ryan John M. Hofstetter Sid Albert
	Village Manager	Richard Slingerland
	Assistant Village Manager	Daniel Sarnoff
	Village Attorney	Charles Goldberger
	Deputy-Clerk	Sally J. Roberts
ABSENT:	Clerk-Treasurer	Agostino A. Fusco

PUBLIC HEARINGS AND PRESENTATIONS

A. Police Department Awards

Mayor Rosenblum presented Awards to the following Police Officers:

Excellent Police Duty Class 3

Detective Anthony Ledonne
Police Officer Michael Petrillo

Honorable Service Award Class 4

Police Officer Paul Massi

Life Saving Award Class 4

Detective Osvaldo Ramos
Detective Sandra DiRuzza
Police Officer Christopher Jaeger

Command Recognition Letter

Detective Bernard McNally
Police Officer Frank Maresca
Police Officer Mark Enes

B. Continuation of PLL F-2012 Plastic Bag Ban

Mayor Rosenblum stated that this was discussed at a prior Board meeting. Mayor Rosenblum believes that the entire Board is in favor of this law. This will be continued at the meeting of May 29. Trustee Hofstetter asked if any resident had comments.

Mr. Stuart Tiekert of Beach Avenue appeared. He is very much in favor of this law. He brought up the Board procedures and asked if the Board will continue to operate under other procedures. Mr. Tiekert read from a New York State law regarding laws being sponsored. He further stated that a proposed law may be introduced only by a member of the legislative body at a meeting of such body. Mr. Tiekert asked whose idea this law was.

Mr. Jeff Barbieri with the A&P appeared. A&P provides 50,000 bags to their customers every month. They give a penny back to customers who use their own bags at a rate of 4,400 per month. Thirty-one thousand five hundred bags are recycled each month in their Mamaroneck store and these bags come from everywhere. This leaves 14,100 bags that are not reused or recycled. They are currently mandated under NY State law to recycle these bags. If this law passes, they are not obligated to recycle plastic bags. Mr. Barbieri believes this law discriminates against them. He also believes that this is a feel good law and what we need is a “do good” law. This will not stop bags from being brought into the Village. He believes that conservation and education is the way to go.

Mr. Paul Villara, Manager of Stop and Shop appeared. They are also against the law. The store encourages the use of reusable bags by initiating payment of \$.05 per reusable bag. They also recycle plastic bags. He believes that the goal should be to reduce the use of plastic bags and to educate customers. Stop and Shop has received awards for recycling and they fully support educational programs. Representatives from Stop and Shop travel to area schools to education children.

Ms. Michaela Zeuss, resident and member of the Committee for the Environment appeared in favor of the ban. Ms. Zeuss believes that recycling is good, but not enough. Plastic bags are dangerous as they stay with us for hundreds if not thousands of years. She agreed that education is the key. Ms. Zeuss believes that this will force individuals to change their behavior. Westport has a ban on plastic bags and Fairfield University interviewed most stores in the area and Stop and Shop had an increase of 50% of reusable bags. Not one store in Westport had financial difficulties because of the ban.

Ms. Susan McCrory appeared. She is in favor, but wants to make sure we don't have unexpected consequences. What about stores who are not in Mamaroneck, but deliver to Mamaroneck. This is not clear. Ms. McCrory also asked about other plastic bags that things get delivered in, i.e. newspapers and some periodicals. As we are writing this law, these should be considered.

Mr. Andres Bermudez appeared. He stated that A&P should be ashamed of blackmailing the Board by stating that if this law passed, they would no longer recycle plastic bags. If A&P truly cared about the

environment, they would support this. Mr. Bermudez urged the Board to allow biodegradable plastic bags, which don't have as adverse impact on the environment.

Ms. Pat Brodhaden from the Food Industry Alliance appeared. Ms. Brodhaden stated that eight percent of the A&P's customers bring their own reusable bags. Ms. Brodhaden has a problem with biodegradable bags as they are not recyclable. The state discourages the use of biodegradable bags. She agrees with the issue of home delivery. She stated that anything that would bring the cost of paper bags down would be helpful. The state has mandated that if you are going to use paper bags, you have to recycle them. Ms. Brodhaden stated that in our recycling brochure on the Village's website, it states that we do not take plastic bags in our recycling pick ups. She believes it would be a great idea to list who does recycle plastic bags in the area in our brochure.

Trustee Ryan stated that if the law passes, it will take six months to implement. The CFTE will educate residents during this time period.

The Board agreed that the hearing will be continued to next meeting.

On motion of Trustee Ryan, seconded by Trustee Hofstetter,

RESOLVED that the Public Hearing on PLL F-2012 be and is hereby continued to the May 29, 2012 Regular Board Meeting.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Continuation of PLL H-2012 Establishing Expiration Dates for Building Permits

Mayor Rosenblum stated that as the state model needs to be reviewed, this proposed local law will be opened and closed tonight.

On motion of Trustee Santoro, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on PLL H-2012 be and is hereby opened.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Ryan, seconded by Trustee Santoro:

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Phase II Annual Report March 10, 2011 – March 9, 2012

Assistant Village Manager, Daniel Sarnoff, made the following presentation:

Mr. Mayor and Board of Trustees, over the past several years, the Village has spent a great deal of time talking about flooding. Tonight, I would like to spend some time talking about a similar topic, water quality, and report on the Village's Phase II Notice of Intent Annual report to be submitted to the New York State Department of Environmental Conservation later this month. This is the ninth annual report and covers the period March 10, 2011 – March 9, 2012.

By way of background, the federal Environmental Protection Agency estimates that 65% of all water pollution is caused by non-point source pollution with that figure being as high as 75% in highly urbanized areas like the New York City Metropolitan area. For those who do not know what non-point source pollution is, it is caused by water from rainfall and melting snows flowing over and through the landscape, picking up and carrying contaminants from many different sources, such as pesticides and fertilizers from lawns, oils and greases from cars, and other contaminants. This polluted water ends up in our streams, lakes and oceans by flowing directly in or by going through storm drains.

In March 2003, the Village of Mamaroneck submitted to the New York State Department of Environmental Conservation (NYSDEC) a Notice of Intent (NOI) for coverage under the State Pollutant Discharge and Elimination System (SPDES) General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems or as we more commonly refer to them, MS4s.

The submittal of the NOI to the State was to comply with the federal regulations and the requirements of New York's overall Phase II storm water management program and permit requirements. The NOI outlined the elements of the Village's storm water management program and the "measurable goals" associated with implementation of the program's best management practices (BMPs).

The Village's NOI included the following six minimum storm water management control measures:

- Public education and outreach
- Public participation and involvement
- Illicit discharge detection and elimination
- Construction site storm water runoff control
- Post-construction storm water management

- Pollution prevention/good housekeeping for municipal operation

Public Education & Outreach

- The Village established and continues to maintain display areas for non-point source pollution at Village Hall.
- The Village continued to air educational videos on stormwater pollution on our Government Access Channel.
- The Village updated its website and created a water quality/stormwater management page with educational information
- The Village continues to participate in an Intermunicipal Grant Program being administered by Westchester County to prepare and distribute additional educational materials. Under this program, the County prepared and distributed educational materials and created a water quality kiosk.

Public Involvement/Participation

We are truly fortunate to live in a community with so many residents who are desirous of helping out. During this reporting year, this was evidenced most recently by the 116 volunteers who participated in the Village's third annual clean-up day on April 30, 2011. Another cleanup in May yielded an additional 30 participants.

In testament to the sense of volunteerism in the community, tonight you will hear tonight from residents interested in bringing a marine education center to Harbor Island Park. As a side note, I have had preliminary recent conversations with the Committee for the Environment about additional water quality initiatives.

Illicit Discharge Detection and Elimination

The Village completed the digitizing of its storm sewer and sanitary sewer maps during the past year and is in the process of implementing final modification into the system as well as initiating a second phase of GIS improvements.

Despite these positive steps, there is much work yet to be done.

As you know, on March 18, 2011, the Village of Mamaroneck received an "Administrative Order" from the federal Environmental Protection Agency (EPA) apprising the Village that we were in violation of the Clean Water Act. The basis of this order was the illicit discharge of effluent material into the storm water conveyance system draining to the Mamaroneck River and Sheldrake River.

The EPA conducted sampling events at several outfalls in the Village of Mamaroneck in 2007 and the results indicated high levels of fecal coli form. To confirm their results, EPA conducted wet weather sampling events in September of 2010. The results were confirmed and the “Administrative Order” was issued.

The appearance of sanitary sewage in the stormwater system is unfortunately, not uncommon and has a major impact on water quality in the Long Island Sound. It is noted that water quality is not solely a Village of Mamaroneck problem, but rather it is a regional concern and requires a regional solution. As an example of the impact of illicit discharges, similar “Administrative Orders” were issued to surrounding municipalities along the L.I. Sound Shore in Westchester.

On tonight’s agenda is a resolution to retain the firm of Malcolm Pirnie, Inc. to assist us in this effort. Pirnie has worked with other communities on similar efforts, most notably with the City of Yonkers to investigate illicit discharges into the Bronx River.

It is likely that over the course of the next several years, significant inspection, testing and remediation work will take place. Some of the activities that the Village will engage in may include: continued sampling of stormwater outfalls to track both the level of effluent material and as best as possible find and eliminate the source of such material (i.e. human or animal); video inspection of our storm sewer lines; re-lining of storm sewer lines to stop leaks and repair deficiencies; dye testing to identify illicit connections; and finally correction and removal of illicit connections. To the extent that illicit connections exist and are located on private properties, the Village will work with property owners to correct those illicit connections.

Construction site runoff control and post-construction site runoff control

The Village Board amended its code during the Y8 reporting year and enacted chapter 294 entitled Stormwater Management and Erosion and Sediment Control to meet the requirements of both minimum measures. By adopting this law, the Village has implemented a program to reduce pollutants from constructions sites. As part of a building permit, a plan detailing the handling of surface water during construction must be filed prior to the start of the project.

Good Housekeeping

The Village continues to maintain its own facilities through our aggressive street sweeping program, catch basin cleaning and use of Best Management Practices at our Village facilities. The Village also specifies that our fields maintenance vendors utilize an integrated pest management program and use low-impact pesticides and fertilizers.

The Village has an aggressive street sweeping program whereby all streets are swept on a monthly basis from April to October. Heavy traffic areas that are known to accumulate a lot of debris are cleaned on a more frequent basis.

During Year 8, the Village began a watercourse maintenance program and spent approximately \$85,000 to clean up silt deposits at four locations, The North Barry Ext. Bridge, the Anita Lane Bridge, the Grove St. Bridge over I-95 and the Fenimore Road Bridge over the Sheldrake River. Despite this work, some of these silt piles have returned. Beginning last year, the Village Board appropriated funds for stormwater maintenance and this has been continued in the recently adopted budget. As a point of information, the Village administration is looking to get quotes for additional silt removal within the next few weeks.

The annual report will be made available for public review and comment in the Village Clerk's Office. A final copy, incorporating public comments will be sent to the New York State Department of Environmental Conservation before the end of this month.

Mayor Rosenblum stated that this report will be filed for the record. Trustee Hofstetter stated that during the work session, it was mentioned that some sections were blank and he wanted to make sure that it has been completed as he has not had an opportunity to review the document before this evening. Mr. Sarnoff stated that there were two areas where the questions asked do not apply to the Village. Mr. Sarnoff assured the Board that he would take a thorough look at the report tomorrow.

Mr. Stuart Tiekert of Beach Avenue appeared. He attended the work session where this was discussed. He went on the website to look at the past MS4 reports. He was struck by how serious a report this is. There is a certification statement that says that everything in the report is true and verifiable. Mr. Tiekert addressed the housekeeping issue. He believes that stormwater II management is all about keeping particulate matter out of the stormwater system. He noticed that this year we reported that we cleaned many less catch basins than in previous years. Mr. Tiekert had requested information on catch basin cleaning previously for a different reason and when he compared this reports to what we are reporting cleaning; there seems to be a vast difference. Mr. Tiekert asked if there may be records that he is missing; although he was told that he received all records of catch basin cleaning. Mr. Sarnoff stated that he would look into this discrepancy. Mr. Tiekert suggested that the Board be very cautious in what they are reporting to the DEC. Mr. Tiekert also stated that in years past, the street sweeper would clean the streets after leaves were picked up which seemed like a sound practice. Mr. Tiekert was asked to leave the podium by the Mayor as his three minutes were up. The Mayor asked the officer

on duty to escort Mr. Tiekert from the podium. Mr. Slingerland advised Mr. Tiekert that he may send in any additional comments he may have that he did not get to and he would be happy to review them.

Ms. Doreen Roney of Highview Street appeared. She reviewed the instructions on how to complete this report on the DEC webpage, which states that the report must be presented in a form that is open to the public, where the public can comment on and make statements on the report. Ms. Roney asked who the members of the Village's Water Quality Committee are. The Mayor reminded Ms. Roney that this is a comment period, not a time for questions to be answered. Ms. Roney reminded him of her statement read from the DEC website on the format. She is asking as among the MS-4 reports and LWRP, it points to a Water Quality Committee. Mr. Slingerland stated that there is a subcommittee of the Committee for the Environment that is studying and doing analysis on water quality. Ms. Roney stated that during this report period, we had an EPA violation and she did not see much in this report on what our stormwater management is going to be. She asked when this is going to be captured. Ms. Roney stated that there is a questionnaire mentioned in the form for residents to provide feedback. She asked where the questionnaire is and how it got to residents and businesses. Mr. Sarnoff stated that this is something that will be done for next year's report. Finally, Ms. Roney stated that in reference to fertilizers with nitrogen and phosphorous, for several years we have been using about 200 lbs. of fertilizers with nitrogen and 200 lbs. of fertilizers with phosphorous and that it is a known fact that when this gets into water it increases the algae bloom. Ms. Roney hopes that the Village will take this more seriously and she also does not appreciate being timed to three minutes and if the Board cared, residents would not be limited in their comments.

Mr. Sarnoff stated that the initial draft of the annual report was given to the Board at their last work session where they made comments. The report was updated accordingly and this is the report that is on line, on the webpage and in the Clerk's office.

Ms. Sue McCrory of The Crescent appeared. Ms. McCrory asked what number of residences in the Village still have septic tanks and are not connected to the sewer system. Trustee Hofstetter believes that number is 20-25 properties, mostly up Old White Plains Road. Ms. McCrory knows that there is a sewer system in the streets, but not all homes are connected; some still have septic fields. She believes that there are homes on her street that still have septic fields and as they are right on the water, she wonders what affect this has on water quality.

MAYORS REPORT

Jim and Katherine Desmond appeared on behalf of a project to open a marine education center at Harbor Island Park. A presentation was previously made to the Board and they are in favor.

Ms. Desmond gave a presentation on this proposed non-profit volunteer organization dedicated to promoting knowledge, conservation and stewardship of the local Long Island Sound ecosystem through educational programs, outreach and special events. This presentation was filed for the record.

Mr. Desmond appeared to show the possible sites to house this center. The best site would be the storage building on the East Basin. Ms. Desmond outlined what would have to be done to this building to make it safe and effective as a marine education center.

1. COMMUNICATIONS TO THE BOARD

Mr. Stuart Tiekert appeared to finish his comments. He believes it would be beneficial to those who want to participate in government to understand the rules. He did not realize that the MS4 was a presentation, not a public hearing as the heading lists Public Hearings and Presentation. None of the items listed under this heading state whether they are a hearing or a presentation. Mr. Tiekert read from the Board procedures stating that there will be no time limit during public hearings and speakers during the public hearing on the plastic bag ban were timed. Mr. Tiekert stated that Ms. Roney read correspondence from the DEC on the requirements of the MS4, which states that the draft must be presented in a forum where the public can ask questions and make comments. When Ms. Roney asked a question, the Mayor stated that it was not a question and answer period. Although it doesn't state that the public can ask questions and have them answered, it is implied. Mr. Tiekert asked what the outcome of the MS4 is. Will it be filed as is without it being verified? Mr. Sarnoff stated that public comments can be sent in and these comments will be reviewed and the report revised accordingly before being sent to the state. Mr. Tiekert asked if there will be an opportunity for public comment again on a new report that can conceivably be sent to the state. Again, Mr. Sarnoff stated that comments will be incorporated and sent to the state.

Ms. Nora Lucas appeared. She stated that the clock is off putting and unfriendly. It gives the appearance that the Board is not interested in hearing from the residents. She too is concerned about the MS4 report. Ms. Lucas stated that the Multi Hazard Plan still has typos. She believes that the board is doing a lot of things, but doing them too quickly and not carefully. Ms. Lucas also stated that comments made on the report that the public believed were going to be part of the report, were not incorporated. She stated that the public comment period was required to be done by the laws of the funding agency.

Ms. Doreen Roney appeared to ask if the Board received her email on LWRP. She would like to see the LWRP finished according to the grant. The grant documents list things that are not currently part of the plan and the comments from the DOS are numerous. Ms. Roney send an email on PLL I very late today. Given the documents prepared by Mr. Sarnoff and Mr. Slingerland, the SEQRA form was completed improperly. SEQRA was done before it was referred to the HCZM. According to HCZM application instructions if it is an action, the CAF is completed and an EAF. It also states that the CAF should be completed before a SEQRA determination done. Ms. Roney feels that the typing is questionable. Ms. Roney pointed out these errors as she hopes the Board will take a step in correcting follow through with upholding laws. She sent information on consistency training and it is clear that this training has not taken place.

3. AUDIT OF BILLS

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the Abstract of Audited Vouchers listed below dated May 14, 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	\$557,328.44
Capital Projects Fund	69,335.74
Capital Projects 2011	16,900.20
Capital Projects 2012	117,389.26
Expendable Trust	266.82
Agency Fund	<u>29,683.25</u>
	<u>\$790,093.71</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

3. OLD BUSINESS

None

4. NEW BUSINESS

Mayor Rosenblum stated that Item 4I would be taken out of order.

I. Resolution Authorizing St. Patrick's Day Parade 2013

Mr. Michael Hynes appeared. Mayor Rosenblum stated that the parade will have the same terms and conditions as last year's. Mayor Rosenblum congratulated Mike and Mr. O'Neill on a great parade. Mr.

Hynes thanked the Board, Police Department, Fire Department and the Department of Public Works. The event is scheduled for 3/17/13 from 1 p.m. – 4 p.m. Mr. Hynes thanked the Recreation Department and stated that they would hold the same event as last year for the marchers in Harbor Island Park from 3 p.m. to 6 p.m.

Trustee Ryan stated that the resolution reads that they will be serving beer and alcohol at the Harbor, therefore, alcohol needs to be removed from the resolution. Trustee Hofstetter stated that the Village needs to figure out how to move ahead regarding cost to residents. He believes that a policy needs to be determined for those who choose to have events in the Village to share in the costs. Trustee Ryan agreed. Trustee Ryan asked what it costs to hold these events. Mr. Slingerland spoke to the Chief and it depends on the scope. Mr. Hynes stated that several merchants told him that their sales were up 200% and the Village gets more sales tax revenue from these events. Mayor Rosenblum stated that the comments have validity. He also stated that as we should be fiscally responsible as to how we spend our funds, there are other aspects in what the Village does and what we invest in and what the results are. In his travels he has seen towns and cities that spend up to millions of dollars to promote what we do with volunteers.

WHEREAS, the Village has received a request from the Sound Shore St Patrick's Day Parade Committee to hold their second annual St. Patrick's Day Parade in the Village of Mamaroneck on Sunday March 17, 2013 from 1:00 – 4:00 pm as well as permission to serve and sell beer at Harbor Island Park on the same date; and

WHEREAS, the Board of Trustees must approve the use of alcohol on Village property as well as any road closures along such parade route.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby approves the request from Sound Shore St. Patrick's Day Parade Committee for their second annual St Patrick's Day Parade and related Event at Harbor Island Park to serve and sell beer at Harbor Island Park on Sunday March 17, 2013; and be it further

RESOLVED that the Board of Trustees requires of the Sound Shore St Patrick's Day Parade Committee as part of this authorization and agreement:

1. Provide proof of additional insurance covering the Village of Mamaroneck as additionally insured, with limits of \$1 million/\$2 million aggregate;

2. That the parade organizers and operators shall provide additional sanitation receptacles with plastic bags/liners;
3. That there shall be a restricted area for sale and consumption of beer, and the applicant shall provide the Village with proof of the applicable permit from the NYS Liquor Authority;
4. That the use of Harbor Island Park shall end no later than six o'clock p.m. (6 p.m.)
5. That the event organizers must obtain any necessary permit from the Westchester County Health Department for the sale of food; and
6. That event organizers must show proof of obtaining the necessary permit and fee required from the Village of Mamaroneck Recreation Department; and
7. All participants of the Parade will wear I.D. bracelets designating them eligible to enter the area in Harbor Island Park where beer will be sold.

RESOLVED, that such tentative reservation does not preclude the responsibility of the applicant to provide further information detailing the parade route, scope of the parade, number of participants, anticipated attendance and logistical support required; and be it further

RESOLVED, that the Board of Trustees of the Village of Mamaroneck supports and approves the closure of Village streets on Mamaroneck Avenue between the I-95 overpass and Harbor Island Park and authorizes the Village Manager to undertake any administrative acts required.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

A. Resolution Authorizing the Issuance of Debt for EPA Drainage Improvement Projects

Mr. Slingerland stated that this is the first step in the process. We have an approved grant with the EPA to move ahead with projects to improve drainage around Pine Street and Beach Avenue and also on North Barry Avenue and the Boston Post Road area. This would fund the Village's share of the project.

Mr. Stuart Tiekert appeared. He asked if there is a rush to adopt this as he understands that the bulk of money will go to the Post Road project which is not ready to be bid yet. Mr. Slingerland sent an email today stating that there may be changes to the Pine Street project. He also asked if it would be more appropriate to wait until all projects are ready to move forward. Trustee Hofstetter asked if this could be bid separately. Mr. Slingerland stated that this could not be done as it would change the scope of the project and the grant was awarded by the EPA for stormwater and drainage improvements in the Village. This could change the bid award. Mr. Sarnoff stated that the Village is going out to bid on Barry Avenue and Post Road tomorrow.

BOND RESOLUTION, DATED MAY 14, 2012, AUTHORIZING THE ISSUANCE OF UP TO \$500,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF MAMARONECK, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS TO VILLAGE STREETS.

WHEREAS, the Board of Trustees of the Village of Mamaroneck (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the construction, reconstruction and improvements to Village streets, including but not limited to drainage improvements and the acquisition of a catch basin, and including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$500,000, all in accordance with the Local Finance Law;

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Mamaroneck, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$500,000, pursuant to the Local Finance Law, in order to finance the costs of the financing of the costs of the construction, reconstruction and improvements to Village streets, including but not limited to drainage improvements and the acquisition of a catch basin, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto (the “Project”).

Section 2. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project will not exceed \$985,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds and a grant from the U.S. Environmental

Protection Agency; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is of a class of object or purpose as described in subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule,

and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney and such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 8. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk/Treasurer.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Resolution Awarding Contract 2012-04 Bach Avenue & Pine Street Drainage Improvement Project

Mayor Rosenblum stated that this is Type II action under SEQRA. Ms. Sue McCrory asked what the exemptions are. Mr. Slingerland stated that it is typed under 617.5 No. 11, extension of utility distribution facilities. Ms. McCrory stated that as there is a new lot being built on the Pine Street section she is not sure that it is an appropriate exemption. Ms. McCrory is concerned that the Tompkins Farm Oak could be imperiled by this project. This project concerns a village asset and if it gets broken we cannot put it back together. If this tree dies, we cannot bring it back. She asked that in this case the Board consider the irreplaceable value of this tree and look at alternatives that will give this tree the type of protection and security it needs and deserves.

Ms. Nora Lucas disagrees that it is a Type II action. She agrees that the Beach Avenue portion is a Type II action, but you can only get Pine Street to be a Type II if you segment the review. Segmentation is illegal. There is an agreement with a developer that a third lot will be developed. This project involves creating a new lot and making the street suitable. It is not simply Item #11, moving utility lines, it involves much more. Ms.

Lucas believes that this project should have been typed as an Unlisted Action and an environmental assessment review done. If this were done, the tree would have been looked at earlier. Ms. Lucas is very discouraged that the Village is not complying with SEQRA. She also stated that this plan is not ready. She does not understand why the Village is in such a hurry to get this passed. She asked where the hookups will be and how this will be funded. The neighbors cannot figure this out. She also asked who is going to pay for them to hook up.

Mr. Stuart Tiekert appeared and read from the Board of Trustees procedures. He stated that he will reserve his comments on this until after the Board discusses, according to their procedures.

Mayor Rosenblum commented on the statements made on the SEQRA typing. These comments were filed for the record.

Trustee Hofstetter stated when this project was first discussed, the contractor agreed to pay a portion of it as he is developing a portion of the road. He believes that leveraging the Village's assets for a private developer's benefit is not appropriate. He is therefore not in favor of this work. He further stated that the Board has not adequately addressed whether or not this work is being done to benefit one or two property owners. As far as the tree issue is concerned, he believes that this has not been adequately addressed and needs to be. He is also concerned that we are putting a tree at risk so that a contractor can build on a lot. Trustee Hofstetter believes that it is a great plan to hook up Beach Avenue, however, things have gotten muddled up and confused. He also believes that the resolution should be split and voted on separately. Trustee Hofstetter agrees that the spurs are not clearly identified. Mr. Slingerland respectfully disagreed. He went over the overall plans and specifications for this work. The plans have been worked on for months going back to 2011. Mr. Slingerland stated that there are specific plans to provide spurs for homeowners to connect to the drainage main being put in. While they are not specifically designated on the plans, the reason is that the locations will be determined in the field, as this is standard practice. It must first be determined where utility services are. Mr. Slingerland also stated that the pipe will go beyond the sidewalk so that the homeowners will not have to excavate or do any improvements to sidewalk, curbs or street. Portions for the public right away will be shared under the terms and provisions of the grant. Provisions were discussed with the homeowners in regard to this. With regard to the tree, the plan is to include air spading around the tree. Other possibilities have been discussed with the Cornell Cooperative Extension and other professional arborists. A professional arborist firm has been hired and the Village is doing everything in their power to protect this tree. The work in the field will be reviewed by the arborist firm. Mr. Slingerland stated that they will also ensure that structural soil is installed how it should be. Mr. Sarnoff stated that there is a separate line item for the construction of spurs. He also stated that all contractors bid it that way.

Mr. Stuart Tiekert stated that he copied the Board on his response to Mr. Slingerland's email and that what Mr. Slingerland said about the tree was untrue. Mr. Tiekert further stated that the Village did not create any plan before he emailed the Board. He also stated that there were addendums to the plans and that these will cause the cost to go way over the amount expected. We are already \$30,000 over bid and Mr. Tiekert believes it will go another \$20,000 over. Mr. Tiekert stated that it is disingenuous to state that the spurs are not on the plan as it is not known where the utilities are when they are clearly marked on the existing conditions page. Mr. Tiekert also believes that the contract is not ready to go. He believes that this is not how the Village should be funding projects. Mr. Tiekert stated that it is inexcusable that Mayor Rosenblum did not make sure that this went before the Tree Committee. Mayor Rosenblum stated that this project has been in the works for years and that due diligence has been done.

RESOLUTION RE: AWARDING CONTRACT 2012-04 – BEACH AVENUE AND PINE STREET DRAINAGE IMPROVEMENT PROJECT

WHEREAS, the Village Manager reports that on March 12, 2012, he publicly advertised for the receipt of bids for contract 2012-04 – Beach Avenue & Pine Street Drainage Improvement project and with copies of the bid package distributed to seventeen (17) contractors; and

WHEREAS, a pre-bid meeting was held on March 26, 2012 at which, twelve (12) contractors appeared to review the project scope and bid documents with the Village Administration and consulting Village engineer; and

WHEREAS, on the bid opening date of April 12, 2012, fifteen (15) sealed bids were opened with the apparent low bid received from Landscape Unlimited, PO Box 38, Somers, NY 10589, based on bid unit pricing and quantities identified in the amount of \$273,550.00; and

WHEREAS, Village staff has contacted references provided by Landscape Unlimited as well as contacting staff in other municipalities and they have reported that Landscape is a qualified firm and have implemented similar projects in other communities; and

WHEREAS, Village staff have further met with Landscape Unlimited to review the project and based on this meeting, Landscape conveyed a clear understanding of the project scope and comfort with their bid; and

WHEREAS, as this project is being funded in part by the United States Environmental Protection Agency through grant funding, they have reviewed and analyzed the bid response and have given the Village of Mamaroneck authorization to award this contract.

On motion of Mayor Rosenblum, seconded by Trustee Santoro:

RESOLVED, that the Board of Trustees has determined this action to be a Type II action under SEQRA and therefore no further action is necessary; and be it further

RESOLVED, that this unit price contract, 2012-04 – Beach Avenue and Pine Street Drainage Improvement Project, is hereby awarded to Landscape Unlimited, PO Box 38, Somers, NY 10589, at the total approximate bid price of \$273,550.00, with additions or deletions based on the unit pricing provided in their bid response; and be it further

RESOLVED, that the Village Manager is herein authorized to execute Contract 2012-04 – Beach Avenue and Pine Street Drainage Improvement Project; and be it further

RESOLVED, that all such costs associated with this project be charged to H12.8120.0309.002; and be it further

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

Trustee Albert stated that he has received many emails regarding the tree and because he is not comfortable with what is being done in reference to this valuable asset, he will be voting no.

Trustee Hofstetter stated that he will also be voting no as when the cost of \$40,000 was presented to the Board he believed that this was a very low number and he believes that if it was going to be realistic the cost should be split 50/50 with the property owner. Ms. Lucas's comments regarding the segmentation issue is concerning to him and as far as adding the spurs after the fact is very concerning to him.

Trustee Ryan has also received many emails. She has talked to the attorney and staff and has tried very hard to get all of the information needed to make a decision. Pine Street has been an issue from before she got on the Board and it saddened her that a solution could not be found. She believes that we are at a point where there is a solution to the problem and she will therefore be voting yes.

Ayes: Ryan, Santoro, Rosenblum

Nays: Albert, Hofstetter

C. Authorization for Renewal of Insurance Coverage

AUTHORIZATION TO RETAIN LIABILITY INSURANCE COVERAGES
FOR THE VILLAGE OF MAMARONECK
AND AUTHORIZING TO VILLAGE MANAGER
TO EXECUTE ALL AGREEMENTS FOR SUCH LIABILITY INSURANCES

WHEREAS, on an annual basis, the Village of Mamaroneck has utilized the services of an insurance consultant to solicit quotes for its various insurances among which include all applicable liability insurances; and

WHEREAS, through this annual process, the Village has been able to maintain a low cost for our overall insurance costs which stands in contrast to many municipalities whose experience has been that their insurance premiums have increased during this same period; and

WHEREAS, in the Fiscal Year 2012/2013 Budget, the Village Board appropriated \$530,000 for our various liability insurances including General, Auto, Public Officials, Police, Umbrella, and Marine, etc. (flood insurance is separate, and renews in February), and

WHEREAS, over the past 9 fiscal years the Village has obtained, through the assistance of FOA & Sons, more coverage for less cost (totals were \$570,811 in 2004-05), specifically increasing overall coverage from a total of \$10 million to a total of \$20 million, while our co-pays have been greatly reduced; and

WHEREAS, based on its due diligence analysis, Village staff in coordination with the Village's Insurance Broker has agreed to continue its municipal liability insurance coverage with The Travelers Group, Castlepoint Insurance for Umbrella, and R.L.I. Insurance for excess umbrella for all applicable liability insurances based on their quotes totaling approximately \$518,952 and the level of services provided, as well as the continued low deductibles and co-pays.

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

NOW THEREFORE BE IT RESOLVED that the Board of Trustees authorizes the Village Manager to retain Travelers, Castlepoint, RLI Insurance, and FOA & Sons, to continue to provide all applicable liability insurances for the Village of Mamaroneck in the total approximate amount of \$518,952, for all premiums and to

undertake such administrative acts as may be necessary to effectuate this action including executing any and all contracts and documents, and making the payments necessary to retain such coverages.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Resolution Authorizing Budget Transfer for the Department of Public Works

RESOLUTION RE:
BUDGET TRANSFER FOR PUBLIC WORKS

WHEREAS, the Village Board of Trustees provided appropriations totaling \$54,365 for costs associated with fuel, oil, lubricant and other contractual services in the Department of Public Works Administrative budget; and

WHEREAS, there have been increased fuel costs as well as unanticipated maintenance costs associated with the Village's fuel pumps, said costs not anticipated in the formulation of the Fiscal Year 2011/12 General Fund budget; and

WHEREAS, this matter has been reviewed with the Village Manager, in his capacity as budget officer and the General Foreman of the Department of Public Works, and it is anticipated that in order to properly fund the budget through the remainder of Fiscal Year 2011/12, budget transfers totaling \$8,500 are recommended.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, in order to properly fund this item, the following budget transfers are herein approved:

Budget Amendment:

From		To	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.1622 Operation of Buildings		A.1490 Public Works	
.0120 Supplies	\$7,000	.421 Contract Services	\$7,000
A.5142 Snow Removal		A.1490 Public Works	
.0408 Fuel, Oil & Lubricants	\$1,500	.408 Fuel, Oil & Lubricants	\$1,500
	<u>\$8,500</u>		<u>\$8,500</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

E. Resolution Amending Chapter 326 No Parking at Fenimore Road & W. Boston Post Road

Trustee Hofstetter stated that he asked for this change as this intersection has changed over the years. There were not two crosswalks here. Now that there are two crosswalks, pedestrians crossing cannot be seen by passing cars with cars parked on the south side of West Boston Post Road at Fenimore Avenue. Trustee Hofstetter also stated that he has seen two occurrences where pedestrians were almost hit.

**RESOLUTION AMENDING CHAPTER 326
NO PARKING AT FENIMORE ROAD AND WEST BOSTON POST ROAD
(NY RT. 1) INTERSECTION**

WHEREAS, a request was made to the Village Manager for the review of no-parking on the south side of West Boston Post Road (NY Route 1) at the Fenimore Road intersection; and

WHEREAS, the Village Manager visited the site and determined that the prohibition is necessary; and

WHEREAS, the Board of Trustees discussed this request at their May 7, 2012 Work Session.

On motion of Trustee Hofstetter, seconded by Trustee Albert:

RESOLVED, that the following amendment to Chapter 326 (Vehicle & Traffic), Section 80 (Schedule XIII ² Parking Prohibited at all Times) of the Code of the Village be and is hereby adopted.

Section 80, Schedule XIII Parking Prohibited at all Times
Add:

Name of Street	Side	Location
Boston Post Road, West	South	At the intersection with Fenimore Road, between the crosswalks

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

F. Resolution Authorizing BFJ Proposal for Completion of LWRP Update

Trustee Hofstetter asked when the next LWRP meeting will be held. Mayor Rosenblum informed him that it will be on June 6. Mayor Rosenblum also stated that this was discussed at the last work session. Mr. Slingerland stated that the total amount paid to date to BFJ is \$49,353.71 and the total spent on the LWRP to

date is \$65,000. Grant was for \$50,000 with a \$50,000 match required. Money has also been paid to Charlie McCaffrey, attorneys and engineers working on this project. Mr. Slingerland stated that BFJ is asking for an additional \$5,000 at this time. Trustee Hofstetter has an issue with this. He stated that in 2007/08 there was a proposal on updating the LWRP for less than \$30,000. He also feels that every time we turn around, we are writing a check to BFJ. Trustee Santoro asked if the proposal for \$30,000 was for the same work. Trustee Hofstetter stated that he is not sure that what is being done now on this plan is in compliance with the grant. Mr. Sarnoff stated that the format of a LWRP is prescribed by the Department of State. Trustee Hofstetter understands that but asked if what BFJ is doing is in accordance with the state. If not, we will be spending more money. Mayor Rosenblum stated that the state will have comments and those can be incorporated into the plan. Mayor Rosenblum stated that the Board requested several public meetings in addition to what was agreed upon and that these meetings were held. Trustee Hofstetter stated that anyone reading the grant should have known that these meetings were needed.

Trustee Ryan asked the question, what was spent so far as she remembers that last year BFJ asked for \$10,000 to get this done and now they are asking for an additional \$5000. She does not recall how long it took to write the original plan, but it seems to her that this is taking a long time and a lot of tweaking. Trustee Ryan asked how we can get to where we need to be in this process; can we have more public meetings without BFJ? Trustee Ryan stated that she does not believe that we are where we need to be with this. Mr. Slingerland was asked to call Frank Fish to request that he come to the next work session, without charge to answer these questions. Trustee Ryan asked that Messrs. Slingerland and Sarnoff look at the grant to determine where we are and how close the Village is in getting this done. Trustee Ryan heard several weeks ago that the Board was supposed to get policies as we have the policies, but she still has not seen policies. She further stated that we do not know enough in regard to where we are, where we need to be and how we will get there. Trustee Hofstetter would like to see copy of the plan now. He is very concerned as we have paid over 200% of what he believes was needed to get this done. Mr. Sarnoff stated that in all fairness, BFJ has been asked to hold additional meetings. It was also asked that Mr. Slingerland contact Charlie McCaffrey as he is the best person to ask where we are in regard to fulfilling the grant requirements.

The Board agreed to table this to the next regular meeting.

G. Resolution Authorizing Polling Locations for Upcoming Primary and General Elections

RESOLUTION RE:

AUTHORIZING DESIGNATED POLLING LOCATION IN THE VILLAGE OF MAMARONECK

WHEREAS, the Westchester County Board of Elections has requested the use of Volunteer's Fire House, Halstead Manor Fire House, Columbia Firehouse, the new Headquarters Firehouse, and the Village of

Mamaroneck Emergency Medical Service Building as polling locations for the June 26, 2012 Federal Primary Election, September 11, 2012 State Primary Election and the November 6, 2012 General Election; and

WHEREAS, the County has requested a resolution from the Board of Trustees granting permission for the usage of the above named premises for the purpose of polling locations; and

WHEREAS, the County will provide the Village of Mamaroneck with a Certificate of Insurance for each location.

On motion of Trustee Albert, seconded by Trustee Hofstetter:

RESOLVED, that the Westchester County Board of Elections request for the use of Volunteer's Firehouse, Halstead Manor Fire House, Columbia Firehouse, the new Headquarters Firehouse and the Emergency Medical Service Building as polling locations is hereby granted; and be it further

RESOLVED, that the Village facilities named above are designated as polling locations for the Federal Primary Election to be held on June 26, 2012, the State Primary Election to be held on September 11, 2012 and the General Election to be held on November 6, 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Resolution Authorizing Stipulation of Settlement in Sheldrake Lofts Lawsuit

Mayor Rosenblum stated that this was discussed in previous executive sessions, one this evening with the Planning Board in attendance. The Zoning Board was also invited to attend; however, only the chair attended. The Planning Board voted to accept this settlement. He further stated that he and Trustee Ryan met with the mediator and settlement judge. He believes that this is the best settlement that we can get. Mayor Rosenblum informed the residents that this is not costing the Village anything; that the insurance company will pay the \$150,000 settlement. Trustee Ryan stated that no one came away with 100% of what they want. She believes that the Village got a good deal for the residents. Trustee Hofstetter asked the attorney to clarify Section 14, which states that the owner will have one year or such greater time as provided for under the Village's code after the date the building permit is issued to begin construction on the property and when that year will begin. Mr. Goldberger confirmed that it is one year from the date that the building permit is issued. Trustee Hofstetter asked if we can remove the statement "such greater time" from the settlement. Trustee Hofstetter stated that although he has reservations on this settlement, he would be in favor of it if this clause is removed. He does not understand why we would leave this nebulous. Mayor Rosenblum does not agree that this is nebulous. Mayor Rosenblum also believes it would create problems to change a settlement that was just

voted on and approved by the Planning Board. Mr. Goldberger stated that the reason that this paragraph was negotiated the way it was is that in the event that the Board of Trustees should decide to extend the time to begin construction in the Code, this applicant would get the benefit of this extension. If this Board does not extend the time in the Code, then the applicant would be held to the one year timeframe. Trustee Hofstetter does not believe that he should have the benefit of this change. Trustee Ryan stated that he sued the Village because the FAR law was changed after his application was approved and in most likelihood he will sue the Village again if this timeframe law is changed and he is not allowed to extend his time. Mr. Goldberger reiterated that as long as the Board does not change the Code, he will have to begin construction within one year of receiving his permit and it will be a non-issue. Mr. Goldberger believes that this clause should be left in as it was a negotiated issue and the Planning Board did vote on it. He believes it is a non-issue and should remain. Trustee Hofstetter stated that he is concerned as there is a proposal by the Mayor to extend the time in which to build under the building permit.

RESOLUTION OF VILLAGE OF MAMARONECK BOARD OF TRUSTEES
REGARDING LITIGATION WITH SHELDRAKE LOFTS, LLC AND
SHELDRAKE ESTATE CONDOMINIUMS LLC

WHEREAS, Sheldrake Lofts LLC and Sheldrake Estate Condominiums LLC commenced four actions against the Village of Mamaroneck and/or its various boards including the Board of Trustees, Planning Board and Zoning Board of Appeals as well as certain former employees or officers of the Village, all of which are currently pending in the United States Bankruptcy Court, Southern District of New York; and

WHEREAS, the four actions request various forms of injunctive, declaratory and monetary relief including monetary damages in excess of 30 million dollars; and

WHEREAS, the Village has been advised by its counsel that the defense of these four actions will be expensive and time consuming for the Village officials who will be called upon to attend to both pre-trial and trial proceedings; and

WHEREAS, the Village's insurance carrier has recommended settling the various litigations in order to contain costs and the Village is obligated to cooperate with its carrier in the defense of these actions; and

WHEREAS, the proposed settlement will not result in the payment of any monetary damages by the Village to the plaintiffs and thus will not negatively impact the Village taxpayers; and

WHEREAS, the Village appointed a settlement committee to attend all mediation sessions and monitor the progress of settlement discussions and negotiations undertaken under the supervision of the Bankruptcy Court and the settlement committee has recommended that it is in the Village's best interest to enter into a settlement.

On motion of Mayor Rosenblum, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Mayor is authorized on behalf of the Village Board of Trustees to execute the Settlement Agreement between Sheldrake Lofts LLC, Sheldrake Estate Condominium LLC and the Village of Mamaroneck as that entity is defined in the Settlement Agreement.
2. That the Village Attorney and/or the attorneys representing the Village of Mamaroneck in the above referenced litigation is authorized to report to the Bankruptcy Court that the Village seeks the Court's approval of the Settlement Agreement.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

Trustee Hofstetter stated that he voted no as there is a premise under this agreement that the property owner is claiming damages for the Village impeding him from receiving grant monies for a "brownfield" property and he has never fully cleaned up the property, so he will never be eligible for the grant money.

I. Resolution Authorizing St. Patrick's Day Parade 2013
Heard earlier

J. Resolution Authorizing Tax Certiorari Settlements for (1) 315 and (2) 322 Center Avenue

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER 315 CENTER
AVENUE LLC LOCATED
AT 315 CENTER AVENUE**

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$4,949.28 without interest; and

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

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes Charles R. Goldberger, as village attorney, to execute the following settlement on behalf of the Village for the properties listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2009	\$15,000	\$11,150	\$3,850
2010	\$15,000	\$11,150	\$3,850
2011	\$15,000	\$11,150	\$3,850
2012	\$15,000	\$11,150	\$3,850

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER 322 CENTER
AVENUE REALTY LOCATED
AT 322 CENTER AVENUE

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

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

WHEREAS, the Village and petitioner(s) have reached a mutually agreeable resolution and the Village Clerk-Treasurer has calculated that the cost to the Village is \$6,170.53 without interest; and

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

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes Charles R. Goldberger, as village attorney, to execute the following settlement on behalf of the Village for the properties listed below:

<u>Year</u>	<u>Present A/V</u>	<u>Reduced A/V</u>	<u>Amount of Reduction</u>
2009	\$18,000	\$13,200	\$4,800
2010	\$18,000	\$13,200	\$4,800
2011	\$18,000	\$13,200	\$4,800
2012	\$18,000	\$13,200	\$4,800

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- K. Resolution Authorizing the Amendment of Parking Permit Refunds in the Village Code and Refund of Permits Requested after 1/1/2012

RESOLUTION
ADOPTING AN UPDATED FEE SCHEDULE FOR CHAPTER A347 IN THE CODE,
RELATED TO CHAPTER 326 VEHICLES AND TRAFFIC
AUTHORIZING PARTIAL REFUNDS OF UNUSED PARKING PERMIT TIME
IF SUCH PERMITS WERE USED LESS THAN SIX (6) MONTHS

On motion of Trustee Albert, seconded by Trustee Ryan:

BE IT RESOLVED, that the current language set forth in Chapter A347 of the Code of the Village of Mamaroneck as provided at the end of the section of A-347 regarding Chapter 326, Vehicles and Traffic, prohibiting Parking Permit Refunds is hereby deleted, and the following language is adopted to replace it as follows:

Language to be deleted:

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

New Language to be Codified:

Parking permits for less than a year will be prorated on a monthly basis. Refunds are authorized at eighty percent (80%) of unused parking permit time for permits used less than six (6) months.

Editors note:

Formula is – Refund = Permit cost X (365 minus days used)/365) X 80%. There is no refund if a permit is used more than 6 months. Refund requests will not be considered unless they are submitted within 30 days of the discontinued use of the permit.

BE IT FURTHER RESOLVED, that any refunds requested shall be made on the aforementioned policy for parking permits issued on or after January 1, 2012, and the Village Manager, Clerk/Treasurer, and all appropriate staff are authorized to take the necessary and appropriate actions to refund these monies within this policy.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

L. Resolution Authorizing the Tri-State Campaign Grant Agreement

Mayor Rosenblum stated that this is an excellent example of the Village of Mamaroneck working together with the Washingtonville Housing Alliance to seek grants for improved residential and commercial developments. Trustee Ryan stated that this grant money gives us the opportunity to conduct the study regarding building closer to transportation hubs. Trustee Ryan stated that she believes that this has a great deal to do with the environment and with people not having to use their cars so much and also for those who cannot afford cars. She also believes that this is a win/win situation for Washingtonville and for the entire Village.

**RESOLUTION RE:
AUTHORIZATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE TRI-
STATE TRANSPORTATION CAMPAIGN AND ONE REGION FUNDERS' GROUP
TRANSPORTATION CAMPAIGN**

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

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

WHEREAS, by resolution of February 13, 2012, the Village Board of Trustees authorized the submission of a grant application to the Tri-State Transportation Campaign and One Region Funders' Group Transportation Campaign, in partnership with the Washingtonville Housing Alliance, to request planning funds to develop a Transit Oriented Development zoning study around the Mamaroneck Train Station with the intent of developing zoning regulations to transform the study area into a viable, equitable, transit oriented mixed-use zone; and

WHEREAS, the Village was notified on April 30, 2012 that its grant application, in the amount of \$38,500 had been approved for funding and was proffered a Memorandum of Understanding for review and execution by the Village.

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED, that the Village Manager is herein authorized to execute a Memorandum of Understanding to accept such grant funds; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake such administrative acts and expend such matching funds as may be necessary to implement the terms and conditions of such Memorandum of Understanding.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

M. Resolution Awarding Engineering Services Work for EPA Storm Sewer Remediation

**RESOLUTION RE:
AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH
MALCOLM PIRNIE, INC. FOR INVESTIGATION OF STORM SEWER DISCHARGES**

WHEREAS, the federal Environmental Protection Agency (EPA) has conducted wet-weather sampling at stormwater outfalls in many Long Island Sound Shore communities; and

WHEREAS, the EPA has found higher than acceptable levels of certain bacteria at several of these outfalls which are owned and maintained by the Village; and

WHEREAS, based on these sampling results, a meeting was held with EPA officials and Town of Mamaroneck and Village of Mamaroneck staff to review the results of these sampling events and determine the next steps in this process; and

WHEREAS, the EPA will issued an Order to Remedy to the Village of Mamaroneck require the Village to identify the sources and design a program which will eliminate these pollutants of concern; and

WHEREAS, in order to assist with this process, the Village conducted a Request for Proposals process and received four (4) responses; and

WHEREAS, after reviewing the responses, the firm of Malcolm Pirnie, Inc. (Pirnie) appears to have submitted the best overall proposal to the Village in the amount of \$27,200; and

WHEREAS, Pirnie has significant experience with projects similar in scope having recently worked with the City of Yonkers to investigate illicit discharges to the Bronx River.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the Village Manager is herein authorized to execute a Professional Services Agreement with Malcolm Pirnie, Inc., to provide engineering services to comply with the Order to Remedy to be issued by the federal Environmental Protection Agency; and be it further

RESOLVED, that all costs associated with this work be charged to an account to be determined by the Village Clerk-Treasurer.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

N. Resolution Scheduling Public Hearing on PLL I-2012 Amending Chapter 186 to remove the term "Cumulative Substantial Improvement" and Declaring Intent to be Lead Agency and Referral to HCZM

Mayor Rosenblum stated that this is a resurrection of a previous resolution to schedule a public hearing; however there were some legal reasons for this to be tabled at the time. Mayor Rosenblum stated that this has direct impact on the quality of life and could be the most important legislation passed this year. Trustee Hofstetter also believes that this is important, but he believes that undoing what is in the law by removing cumulative, is detrimental to residents and it is helpful to have cumulative in the properties history. Mayor Rosenblum disagrees. He believes that it is punitive to the homeowners in the flood zone.

Mr. Slingerland stated that the resolution before the Board tonight is to schedule the public hearing, declaration of lead agency, and referral to the HCZM and he asked that the Board also consider giving the HCZM an additional thirty days to review this as their meeting is in two days and they will not have ample time to review before that meeting and their next meeting is more than thirty days away.

On motion of Mayor Rosenblum, seconded by Trustee Albert:

RESOLVED that a Public Hearing on Proposed Local Law I-2012 be and is hereby scheduled for June 11, 2012 at 7:30 p.m. at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York.

BE IT FURTHER RESOLVED that the Board of Trustees hereby determine this action to be an **Unlisted Action** and declares its intent to be Lead Agency and circulate a Notice of this Intent to the Involved Agencies together with a copy of the Proposed Local Law and the long form EAF.

BE IT FURTHER RESOLVED that the Proposed Local Law I-2012 will be referred to the Harbor Coastal and Zone Management Commission, with a Coastal Assessment Form, for consistency determination; and

BE IF FURTHER RESOLVED that the Harbor and Coastal Zone Management Commission is granted an additional thirty days for a total of sixty days from date of receipt to make their determination.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- O. Resolution to add Agenda Item 4P – Resolution to Authorize the DMV Information Use Agreement Renewal from the State (Commonwealth) of Virginia

**RESOLUTION
ADDING AGENDA ITEM 3P**

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

On motion of Trustee Ryan, seconded by Trustee Santoro:

RESOLVED that Agenda Item 3P, Resolution to Authorize the DMV Information Use Agreement Renewal from the State (Commonwealth) of Virginia be and is hereby added to the Board of Trustees Regular Meeting Agenda of May 14, 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

- P. Resolution to Authorize the DMV Information Use Agreement Renewal from the State (Commonwealth) of Virginia

**RESOLUTION RE:
AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE COMMONWEALTH OF
VIRGINIA DEPARTMENT OF MOTOR VEHICLES**

WHEREAS, the Village of Mamaroneck utilizes the services of Complus Data Innovations (Complus) for parking citation management services; and

WHEREAS, an aspect of the Village's program is to access information on registered vehicles in the various States to facilitate the collection of unpaid parking tickets; and

WHEREAS, one of the States, the Commonwealth of Virginia, recently proffered a new agreement to the Village which allows access to their vehicle owner information system for the purpose of parking ticket collections.

WHEREAS, there is no cost for the Village to access this system.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED, that the Village Manager is herein authorized to execute an agreement with the Commonwealth of Virginia allowing it access to their Department of Motor Vehicles vehicle registration information system; and be it further

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

5. REPORT FROM VILLAGE MANAGER

A. File for the Record – EPA Grant Agreement

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

B. Taylor's Lane Update

Mr. Slingerland stated that in March, the Village submitted an update to the DEC regarding the remedial measures taken on the landfill. This goes back several years. The scope of the project is not enough to take care of the entire Leachate draw down in the site. The regulator in charge of the project at the time asked that we try this phase first. Mr. Slingerland stated that a 40% installation of what was originally proposed for Leachate pipes and drains was tried. A report and analysis confirmed that the extent of pipe is not sufficient. The DEC responded on May 2nd stating that they want an additional report and analysis. Mr. Slingerland stated that there will need to be another meeting and there will then be a public meeting. This has been in the hands of the DEC for years and the Village has been going through regulatory steps to try to resolve. A key finding in the report is that the ground water levels and the Leachate within the fill are subject to tides. Mr. Furey's assessment was correct in that the site is subject to tidal influences.

Mayor Rosenblum asked for an update on a goose droppings vacuum. Mr. Slingerland stated that his office is looking into it. He has also talked with the Town Supervisor and she is interested in splitting the cost of this equipment. He will speak further to Mr. Altieri, the Town Administrator about this.

6. FLOOD MITIGATION REPORT

Given above

Mayor Rosenblum announced that sadly Mr. Fusco's mom passed away this morning. The Board extended their condolences and best wishes to Mr. Fusco and his family.

7. REPORT FROM CLERK-TREASURER

A. File for the Record – Dog Control and Municipal Shelter Inspection Reports

Ms. Roberts stated that this has been filed for the record with the Clerk-Treasurer's office.

B. Reminder of GP Parking

Ms. Roberts reminded residents that General Parking stickers will expire on May 31. New stickers are available for purchase in the Clerk-Treasurer's office.

8. REPORT FROM VILLAGE ATTORNEY

A. Filing of Local Laws 2 & 3, 2012

Mr. Goldberger stated that these laws were filed with the Secretary of State

9. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

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

A. Minutes of BOT Regular Meeting March 26, 2012

B. Minutes of BAR March 8 & 15 and April 19, 2012

C. Minutes of Board of Ethics April 4, 2012

D. Minutes of CFTE March 20, 2012

E. Minutes of Park & Recreation Commission Meeting December 14, 2011 and January 25, February 29 And March 28, 2012

Updates from the Board

Trustee Santoro reminded residents of summer camp registration. There is also a new wake up on the beach work out program. Trustee Santoro visited the beach and said that the new deck looks great. It was done in house saving the Village money.

Trustee Hofstetter stated that Assemblyman Latimer was very busy with the four students from the area who visited him in Albany. He thanked Assemblyman Latimer for hosting these students. There was correspondence received regarding fire lanes at the new restaurant at the train station. This will be looked at and taken care of. Trustee Hofstetter stated that the NY Times reviewed the new restaurant at the train station, the Club Car. He wishes them good luck.

Trustee Ryan announced the two awards that the Village will be receiving from the Westchester Planning Federation; one is for our Comprehensive Plan Update and the second is for the restoration and reuse of the Mamaroneck Train Station.

Mayor Rosenblum attended a service honoring David Porterfield, who was killed in service during Vietnam. Mayor Rosenblum acknowledged his heroism as well as the eleven other servicemen from the Village of Mamaroneck who lost their lives in this war. The Mayor noted that At home on the Sound and the Washingtonville Housing Alliance held a fundraising event at the Hampshire Country Club which helps perpetuate these organizations. He also announced the success that the Rye Neck Girls Softball Team is having this year as well as the successes of other athletes in the Village at both Rye Neck and Mamaroneck High School.

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