

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, APRIL 23, 2012 AT 7:30 P.M. IN THE COURTROOM AT  
VILLAGE HALL, MAMARONECK, NEW YORK

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

Mayor Rosenblum called to order the regular meeting at 7:30 p.m.

Mayor Rosenblum stated that the Village of Mamaroneck Recreation Department received an award from the New York State Recreation & Park Society, and he asked Trustee Santoro to speak about the award.

Trustee Santoro stated the award was received for *Camp Out*. He said that this is the second consecutive year the Village received an award. *Camp Out* started in 2004. It is a program that encourages camping out with the family resulting in quality family time together. Trustee Ryan mentioned that Mamaroneck has become a model for *Camp Out*, and other communities are looking to Mamaroneck as a guide in achieving the same successful camping out experience.

Trustee Santoro noted that May 4 is the last day to receive a discount for day camp enrollment.

PUBLIC HEARING ON PLL F-2012 – Ban on Plastic Bags

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 23<sup>rd</sup> day of April, 2012, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW F-2012, a local law to establish a new Chapter – “Retail Checkout Bags” to the Village Code to encourage the use of reusable checkout bags and prohibit the use of plastic bags for retail checkout of purchased goods.

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

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

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

Agostino A. Fusco, Clerk-Treasurer

Dated: April 16, 2012

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum stated that this topic has garnered much attention and interest. A large volume of e-mails were received. The speakers this evening will state their points of view. He said the Village Attorney will need to review all of the communications and there will not be a vote this evening.

John Ryan, A & P representative, came forward and said that they are proponents of conservation and education. He noted that using paper bags will increase their business costs. Also, the storage of paper bags requires more space than for the storage of plastic bags. Paper bags are inconvenient for those who do not have access to a car. He noted that paper bags also produce atmospheric pollutants. He prefers that customers bring their own bags. In turn, cashiers reduce the total cost of the sale by two cents per recycled bag. He said that two large bins for recycling plastic bags are conveniently located in the front of the store. The use of paper or plastic bags is the customer's choice. Also, if there is not a local law, a store cannot ban the use of plastic bags.

Monica Barach, Committee for the Environment, commented that once the bags are soiled they cannot be recycled. She said that light-weight plastic bags blow into the Long Island Sound, also they clog storm drains, and are not biodegradable. She remarked that the bags are sometimes used as a liner for small garbage cans. The committee's goal is to change consumer's behavior to use recyclable bags. She noted that only a small percentage of plastic bags are recycled. She provided letters of support from the community to ban the use of plastic bags.

Kate Hearst, Mamaroneck resident, said that the ban is very successful in Rye and commented that Rye residents take great pride in conservation. She believes the ban will change the culture.

Steven Josephson, Mamaroneck business owner and President of the Mamaroneck Chamber of Commerce said that he supports the ban. He will start using a heavy paper bag at his business and when bags are returned, he will offer a discount to the customer.

Sarah Evans stated that paper bags also are bad. Even though some are made of recycled paper, they are not always reusable. She remarked that plastic bags have been found inside whales, turtles and other animals.

Sue McCrory, Mamaroneck resident, said that further studies need to be conducted. She said that it is a good idea however.

Pat Higgins stated that it is an easy task to recycle plastic bags in bins. She does not support the ban, and does not see the link between banning plastic bags and changing consumer behavior. She does believe it is important to Reduce, Reuse and Recycle.

Sarah Goddard, Rye Sustainability Committee, stated that we all need to slow down the build up of plastic waste in the environment.

Jonathan A. Cunitz, Westport, CT., stated that he is active in this initiative to ban plastic check-out bags. He said that it will not take much time to educate the masses. The Town of Westport, CT passed an ordinance on September 2, 2008, the most extensive ban on plastic bags in the U.S. Since then, through sharing documents and guidance, the sponsors of the ordinance have been assisting other communities in their efforts to ban plastic bags. He said the City of Rye passed an ordinance based on the Westport model. Many other New England cities are considering plastic bag bans and plan to use the Westport model for their ordinance.

Jordan Christiansen stated that she supports the ban.

Sydney McKinnis, Pelham, stated the award-winning film 'Bag It' was shown locally on Earth Day. She said it is an excellent film about the use of plastics in our society. She encouraged those who have not seen the film to do so.

Mayor Rosenblum thanked everyone for their comments and insight.

On motion of Trustee Ryan, seconded by Trustee Albert:

RESOLVED that the Public Hearing on PLL F-2012 be and is hereby continued to the May 15, 2012 Board of Trustees Regular Meeting.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Public Hearing on PLL G-2012 FASNY Petition for Zoning Text Amendment

A local law in relation to permitting private schools as a temporary educational use special permit in the M-1 Zoning District.

#### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 9th day of April, 2012, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW G-2012, a local law in relation to permitting private schools as a temporary educational special permit use in the M-1 Zoning District.

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

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

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

Agostino A. Fusco, Clerk-Treasurer

Dated: March 28, 2012

On motion of Trustee Hofstetter, seconded by Trustee Albert:

RESOLVED that the Public Hearing on PLL G-2012 be continued.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum stated that correspondence was received from Ms. Tina Maresca noting that students walk through St. Vito's and ignore the School Crossing Guard.

Mayor Rosenblum stated that the CAF is complete and is consistent with Local Waterfront Revitalization Program (LWRP), and is a Type I action under SEQRA, and a Negative Declaration in that it will have no adverse effect on the environment.

Michael Zarin, Esq. came forward and stated that they received a unanimous vote from HCZMC. Also discussions concluded favorably with the Spatz family. Mr. Andrew Spatz was present and concurred. An agreement also was reached with Marvel Plastics.

Mr. Spatz came forward and stated that he was very pleased with the outcome and the manner in which this matter was resolved. He stated that this easily could have spun out of control.

Mayor Rosenblum asked if there are any comments from the audience. There were none. Mayor Rosenblum then asked if there are any comments from the Board. Trustee Hofstetter asked who the permit holder is for the three-year term. The attorney answered FASNY, and said it will be the same for the three-year extension, if needed. Trustee Santoro stated that he observed the traffic in the area and noted that it is moving satisfactorily.

On motion of Trustee Albert, seconded by Trustee Santoro:

RESOLVED that the Public Hearing on PLL G-2012 be closed.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED THAT PLL G-2012 be and is hereby adopted and shall read as follows:

#### LOCAL LAW G – 2012

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

Section 1. Section 342-32 of the Code of the Village of Mamaroneck is amended by adding a new Subsection D to read as follows:

“D. Temporary Educational Use Special Permit.

In accordance with the standards and procedure set forth in Article X, the Planning Board may grant a special permit for a reasonable period of time not to exceed three (3) years for private schools having a comprehensive curriculum of studies similar to a public school, provided that the following criteria are met:

- (i) the private school shall operate only on a property in the M-1 District fronting Fenimore Road, or anywhere in the M-1 District to the east of Fenimore Road; and

- (ii) the private school shall occupy only existing buildings, and no external improvements or increases in building footprints may occur to accommodate such occupancy.

The Planning Board may renew a permit issued hereunder for a second term of no longer than an additional three (3) years. Only one such renewal may be issued to a permit holder by the Planning Board.”

Section 2.

This Local Law shall take effect immediately upon its adoption and filing in the Office of the Secretary of State.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Public Hearing on PLL H-2012 Amending Chapter 126 to Establish Expiration Dates for Building Permits

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 23<sup>rd</sup> day of April, 2012, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW H-2012, a local law to amend Chapter 126 (Building Construction) Section 13 (Performance Schedule) in relation to establishing expiration dates for Building Permits.

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

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

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

Agostino A. Fusco, Clerk-Treasurer

Dated: April 16, 2012

On motion of Trustee Hofstetter, 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

Mayor Rosenblum asked if there are any comments from the audience. There were none.

Mr. Richard Slingerland addressed building permits and their expiration dates. Mayor Rosenblum said that this will be discussed further at a work session.

Ms. Susan McCrory came forward and said that it is her understanding that a Village building permit has an expiration date, but there is no term date. She said that the construction must commence within six months.

Trustee Ryan said that the current law on the building permit is for six months and allows for two three-month extensions.

Trustee Hofstetter stated that a letter was received from a resident, Dan Natchez, stating that for large projects an extension of time for up to 18 months is appropriate. Mamaroneck Beach and Yacht Club, and the Village Fire Department Building both required more than the allotted time. Also, when applying for a permit the property owner must be the applicant.

Mayor Rosenblum said that this will be continued at the May 14 Board of Trustees Regular Meeting.

On motion of Trustee Albert, seconded by Trustee Santoro:

RESOLVED that the Public Hearing on PLL H-2012 be continued.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Public Hearing on PLL I-2012 Removing Cumulative from Chapter 186 (To Be Withdrawn)

Public Hearing on Fiscal Year 2012/2013 Budget Adoption

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mr. Leon Potok, Monroe Avenue, came forward to address his concerns and recommendations on the budget. He and his committee engaged in a comprehensive study of the Mamaroneck Village police department and compared it to Port Chester and City of Rye police departments, along with other expenses. He noted that Port Chester has a greater population and their costs are lower than those costs associated with the Village of Mamaroneck. Responses to calls for service were the lowest for Mamaroneck, but the Village of Mamaroneck has the largest police staff.

He stated that \$750,000 is outstanding in parking fines and penalties, and only 91 percent of fines and penalties have been collected. He suggested that Parking Meter collections have an assigned person to oversee debt collection.

Mr. Potok addressed the Mamaroneck School District, and spoke about a new procedure for budget preparation to be used based on the input from the newly formed budget advisory committee consisting of approximately 24 members.

Mr. Potok then said that they have looked at other potential sources of revenue. He suggested increasing parking meter rates from \$.75 to \$1.00 per hour. Metered hours also can be extended on Mamaroneck Avenue and other areas within the Village.

He addressed the loss of professional expertise in the building department with the passing of Keith Furey, and the resignation of Jon Winters, former building inspector. He stressed that the Village

needs to hire experienced personnel in this area. He noted that there is a backup of six to eight weeks in the workload.

He then said that costs and improving servicing delivery in the technology area need attention. He stated that the new Harbor Master has vast experience and knowledge. Mr. Russo noted that there is a waiting list for dock space. He also discussed a number of potential investment opportunities in this area.

Mr. Potok noted that about two-thirds of the budget is allocated to salaries and benefits, and one-half of that spending is allocated to the Police Department. Potok stated that the Village has a larger police department in relation to population than either the City of Rye or the Village of Port Chester, which suggests that there might be opportunities to manage with a smaller department. He recommended that, with two positions currently vacant in the Police Department, the Board look carefully at any possibilities of reducing staffing and the impact of such reduced staffing.

Ms. Nora Lucas came forward and stated that Mr. Potok's findings represent the efforts of several residents.

On motion of Trustee Santoro, seconded by Trustee Albert:

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

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mayor Rosenblum stated that there will be no vote this evening.

## MAYOR'S REPORT – THIS IS MAMARONECK

No report.

### 1. COMMUNICATION TO THE BOARD

Liberty Montessori School wrote a letter informing that they are celebrating their 40<sup>th</sup> anniversary on May 5. There will be festivities at the library and at the school on May 5.

A letter was received from Ms. Patricia Strauss commending a Village EMS worker and a police officer who both acted quickly, professionally, and caring during a recent incident with a dog. Mayor Rosenblum asked Mr. Slingerland to confirm the names of the Village employees who helped Ms. Strauss.

Correspondence was received from Mr. Paul Percal, Sylvan Lane, regarding planes flying over Mamaroneck. He stated that there should be a Sound Ordinance in effect. Mayor Rosenblum said that a letter can be sent to the FAA on this matter as they are subject to a Sound Ordinance.

The Hampshire Country Club donated a big sweeper to clear the Harbor Island fields. The machine was excellent. In fact, it was so effective that the Board will be looking into purchasing this type of machinery for the Village. Mr. Dan Pfeffer, owner of Hampshire Country Club, donated

equipment for last year's July 4<sup>th</sup> celebration and will do so again this year so that Harbor Island can be clean for those coming to picnic and to watch the fireworks display.

Mayor Rosenblum noted that April 24 is Primary Voting Day. He said there are five Village locations for voting.

**Public Communications to the Board**

A resident inquired about drafts and how the drafted document gets to a final stage for the Board to adopt. Mr. Slingerland stated that Village staff, agencies, and consultants work on the documents.

Ms. Nora Lucas addressed the Multi-Hazard Plan and said that it only became available on-line this past Friday and is to be adopted only three days later. She said that she expended much time reviewing it. She noted that the Greenhaven section of Rye is still showing as part of the Village of Mamaroneck. Also, there are a number of misquotes. She stated that the Multi-Hazard plan is not ready. There was no SEQRA and there should be a determination. She remarked that more time was spent on discussing plastic bags ban than on doing an environmental review.

Mr. Stuart Tiekert, 130 Beach Avenue, spoke about the Tompkins Farm Oak. On March 30, he and Trustee Hofstetter received a letter from the NYC Department of Environmental Conservation. He read aloud the letter. Mr. Tiekert expressed concern about the proposed drainage work on Pine Street that will negatively affect the stately red oak tree. By placing the storm conduit in the road near the tree, it will cause root disturbance and harm to the tree. Tunneling rather than trenching was recommended.

Ms. Sue McCrory addressed the Tompkins Farm Oak and said the storm drain down the middle of the road should go to an easement at 'O' Pine Street, or do tunneling instead of trenching. Had SEQRA been done, and she said it still can be done, alternatives would have been realized. She recommended that this work be guided by the laws of the Village.

**2. AUDIT OF BILLS**

Mr. Hofstetter inquired who issued the tree report. Mayor Rosenblum said Frank Budding, Budding Tree Consultancy, LLC., Larchmont, NY. Mr. Tiekert inquired if the fee was for the 3/12 Pine Street visit. Mr. Slingerland said it was for Pine Street construction and the RFP.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED that the audited Vouchers, dated April 23, 2012 for fiscal year, and copy being filed with the Village Clerk is received and hereby ordered paid.

General Fund	\$473,875.10
Capital Fund	23,240.90
Capital Projects	45,792.00
Expendable Trust	4,014.94
Agency Fund	<u>2,000.00</u>
	<u>\$548,922.94</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None



3. OLD BUSINESS

No Report.

4. NEW BUSINESS

A. Resolutions Adopting Fiscal Year 2012-2013 Budget

In connection with the scheduled approval of the Village of Mamaroneck Budget for Fiscal Year 2012-2013, the Board of Trustees should adopt the following resolutions tonight.

A. Resolution with Amendments and Revisions to the Tentative Budget

B. Resolution for Budget Adoption

C. Resolution to adopt the Village Tax Warrant to Levy Taxes, and setting the Tax Levy Rate

D. Resolution to authorize collection of the Library Tax Warrant to Levy Taxes, and setting the Tax Levy Rate

E. 2012-2013 Certification of arrears due from 2011-2012 for unpaid amounts receivable on various properties

F. Westchester Water Works arrears for water charges on various properties

G. Tax Warrant

H. Authorization for Investments

I. Authorization for the Levy and collection of Additional Taxes upon Termination of Exempt Status

BUDGET RESOLUTION A  
VILLAGE OF MAMARONECK – APRIL 23, 2012  
RESOLUTION AMENDING AND REVISING THE  
TENTATIVE 2012-2013 VILLAGE BUDGET  
FOR FINALIZATION AS ADOPTED BUDGET

WHEREAS, the Board of Trustees has met at the times and place specified in the Notice of Public Hearing on the proposed budget and heard all persons desiring to be heard thereon; and, subsequently consulted with the appropriate Village officials on the contents thereof and determined that certain modifications would be desirable; and

WHEREAS, the budget was reviewed and amended at Work Sessions held on Tuesday, March 27, 2012, Thursday, March 29, 2012, Tuesday April 3, 2012, Tuesday April 10, 2012, and Tuesday April 17, 2012, and as hereinafter set forth is hereby adopted and the salaries and wages stated within the budget are fixed at the amounts shown and are effective June 1, 2012, unless otherwise amended by the Board of Trustees or the Village Manager as provided under NYS Law.

On Motion of Trustee Santoro, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED that based on discussions with regard to the Tentative Budget in Work Session, there are no changes or amendments from the tentative budget document.

Summary of Changes to 2012-13 Tentative Budget					
<u>Appropriations</u>					
<u>Page #</u>	<u>Acct #</u>	<u>Detail</u>	<u>Proposed</u>	<u>Revised</u>	<u>Change</u>
<u>Revenues</u>					
<u>Page #</u>	<u>Acct #</u>	<u>Detail</u>	<u>Proposed</u>	<u>Revised</u>	<u>Change</u>
			<u>0</u>	<u>000</u>	<u>000</u>
-			-	-	-

Summary of 2012-13 Tentative Budget	2012-13 Tentative	Increase (Decrease) in overall total	Adjusted Tentative
<u>Overall Budget</u>	<u>32,110,322</u>	0.00	<u>32,110,322</u>
<u>LESS: Estimated Revenues other than Real Estate Taxes</u>	8,818,481	0.00	8,818,481
Appropriated Fund Balance	<u>560,000</u>		<u>560,000</u>
Total Non-Property Tax Revenues	9,378,481		9,378,481
Balance of Budgetary Appropriations to be raised by Real Estate Tax Levy	22,731,841		22,731,841
COMPUTATION OF TAX RATE:			
Taxable Assessed Value	73,669,995		73,669,995
Tax Rate per \$1,000	308.56		Final Tax Rate 308.563086
Percentage Increase in Tax Rate	4.17%		4.17%

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

Mr. Slingerland stated that there is no change in the budget from what was introduced to the Board of Trustees and what was adopted on April 23<sup>rd</sup>.

BUDGET RESOLUTION B  
VILLAGE OF MAMARONECK  
APRIL 23, 2012

BUDGET ADOPTION RESOLUTION

RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JUNE 1, 2012 AND ENDING MAY 31, 2013 MAKING APPROPRIATIONS FOR THE CONDUCT OF THE VILLAGE GOVERNMENT AND ESTABLISHING THE RATES OF COMPENSATION FOR OFFICERS AND EMPLOYEES FOR SUCH PERIOD.

WHEREAS, this Board of Trustees has met at the time and place of March 26, 2012 and April 9, 2012, as specified in The Notice of Public Hearing on the tentative budget and heard all persons desiring to be heard thereon; and

WHEREAS, the Tentative Budget has been amended as specified in the Amending Resolution.

On motion of Trustee Santoro, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED that the Village of Mamaroneck 2012-2013 Budget is hereby adopted, as amended.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

BUDGET RESOLUTION C

RESOLUTION TO ADOPT TAX WARRANT AND SET LEVY RATE

Date: APRIL 23, 2012

TO: Mayor and Board of Trustees

RE: 2012-2013 VILLAGE TAX LEVY AND WARRANT AND SETTING THE TAX LEVY RATE

In accordance with Section 1420 of the Real Property Tax Law, upon completion of the budget, but not later than May 15th, the Board of Trustees shall determine and levy the tax for the ensuing fiscal year.

Based on the adopted budget and the adoption of the Annual Assessment Roll, the following resolutions have been prepared for your approval to levy the Village Real Property Tax, the Library Tax, Water arrears, and other unpaid charges:

WHEREAS, the budget for the fiscal year commencing June 1, 2012, has been duly adopted and filed with the Village Clerk; and

WHEREAS, it has been thereby determined that the sum of \$32,110,322 will be necessary to meet the obligations of the Village; and

WHEREAS, there has been duly credited as against said sum estimated revenues and appropriated fund balance aggregating \$9,378,481 leaving \$22,731,841 to be raised by the levying of taxes; and

WHEREAS, based on the current Assessment Roll of the year 2012-2013 for the taxes for the fiscal year June 1, 2012 that the total assessed valuation of real property in the Village is \$73,669,995 said Assessment Roll having been duly confirmed;

On motion of Trustee Santoro, seconded by Trustee Hofstetter:

NOW THEREFORE BE IT RESOLVED that the Tax Levy Rate for the Village of Mamaroneck for the fiscal year commencing June 1, 2012 is hereby fixed at the Levy Rate of \$308.5631 on each \$1,000.00 of assessed valuation; and

BE IT FURTHER RESOLVED that the sum of \$22,731,841, the same being taxes for the fiscal year commencing June 1, 2012 be, and the same hereby is, levied upon the taxable property in the Village of Mamaroneck and that the Clerk-Treasurer be and he hereby is authorized and directed to extend and carry out upon the roll the amount to be collected from each of the persons named thereon, and the respective amounts of said tax extended on said tax roll against each such parcel of taxable property set forth thereon be and the same hereby are levied upon each parcel of taxable property respectively which said levy includes items shown on the budget for the fiscal year commencing June 1, 2012 heretofore adopted.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

BUDGET RESOLUTION D  
RESOLUTION TO AUTHORIZE COLLECTION OF THE LIBRARY TAX WARRANT  
TO LEVY TAXES AND SET THE TAX LEVY RATE

Date: APRIL 23, 2012

TO: Mayor and Board of Trustees

RE: 2012-2013 LIBRARY TAX LEVY AND WARRANT AND SETTING THE TAX LEVY RATE

WHEREAS, the Mamaroneck Library District Budget for the fiscal year commencing June 1, 2012 has been approved and duly filed with the Village Clerk; and

WHEREAS, it has been duly approved and determined by the eligible voters that the sum of \$2,719,531 will be necessary to meet the obligations of the Library District; and

WHEREAS, it appears from the Assessment Roll of the year 2012 that the total taxable assessed valuation of real property in the Village is \$73,669,995, said Assessment Roll having been duly confirmed;

On motion of Trustee Santoro, seconded by Trustee Albert:

NOW, THEREFORE, BE IT RESOLVED that the tax rate for the Mamaroneck Library District for the fiscal year commencing June 1, 2012 be and is hereby fixed at the rate of \$33.83 on each \$1,000.00 of assessed valuation; and

FURTHER RESOLVED that the sum of \$2,492,231, the same being Library taxes for the fiscal year commencing June 1, 2012 be, and the same hereby is, levied upon the taxable property in the Village of Mamaroneck and that the Clerk-Treasurer be and he hereby is authorized and directed to extend and carry out upon the roll the amount to be collected from each of the persons named thereon, and the respective amounts of said property set for thereon be and the same hereby are levied upon each parcel of taxable property respectively for the fiscal year commencing June 1, 2012.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

BOT 4/23/2012 p. 13  
BUDGET RESOLUTION E  
RESOLUTION TO CERTIFY ARREARS FOR UNPAID TAXES, RECEIVABLE FROM 2011-12

Date: APRIL 23, 2012

To: Mayor and Board of Trustees

Re: 2012-2013 CERTIFICATION OF ARREARS DUE FOR UNPAID AMOUNTS RECEIVABLE ON VARIOUS PROPERTIES

Certifying arrears due for unpaid amounts receivable on various properties and including such amounts in the annual tax levy and authorizing the levy of same upon the real property in default;

WHEREAS, the Clerk-Treasurer of the Village of Mamaroneck has under date of APRIL 23, 2012 certified arrears due for unpaid amounts receivable on various properties in the Village of Mamaroneck; and

WHEREAS, this Board desires to include such amounts in the annual tax levy and levy the same upon the real property in default;

On motion of Trustee Santoro, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED that there shall be levied, assessed, and collected against the real property hereinafter specified the amounts set opposite such real property as certified on the schedule annexed hereto; and

BE IT FURTHER RESOLVED, that a special warrant for the collection of such arrears so levied shall be issued to the Clerk-Treasurer and collected by him in the same manner and at the same time as other Village taxes.

VILLAGE OF MAMARONECK  
CERTIFICATION OF TERMINATION OF EXEMPT STATUS (520s)  
TO BE INCLUDED ON TAX LEVY

I, Agostino A. Fusco, Clerk-Treasurer of the Village of Mamaroneck, do hereby certify that the following amounts are due and owing to the Village of Mamaroneck in connection with services rendered and/or amounts paid by the Village on behalf of the various properties as identified on the Assessment Roll and remaining unpaid as of APRIL 23, 2012 for the purpose of inclusion in the 2012 tax levy of the Village of Mamaroneck:

Premises	Section	Block	Lot	Amount
612 Meadow Street	4	4	16B	1,971.23
619 Second Street	4	10	5	1,470.92
900 Halstead Avenue	4	15	133	1,864.90
403 Melbourne Avenue	4	26	33A	389.71
459 Beach Avenue	4	27	31B	93.63
695 Barrymore Lane	4	79A	8	77.10
1303 Birch Hill Lane	8	6A	49	122.07
425 Travers Avenue	8	23	10	80.09
836 Harmon Drive	8	107	8	423.09
123 Mamaroneck Avenue Unit 106	9	51	2.106	38.78
710 Hall Street	9	58	27	163.29
617 Sylvan Avenue	9	71	3E	462.07

490 Bleeker Avenue 5N	9	97	5C-N	202.76
1030 Constable Drive	9	108	12	117.22
1025 Nautilus Lane	9	112A	8	590.18
				\$8,067.04

Sworn before me this  
23<sup>rd</sup> day of April, 2012

Certified to:

Agostino A. Fusco,  
Clerk-Treasurer

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

**BUDGET RESOLUTION F  
RESOLUTION TO LEVY, ASSESS AND COLLECT UNPAID WATER CHARGES  
TO BE INCLUDED ON THE TAX BILLS FOR 2012-13**

Date: APRIL 23, 2012

To: Mayor and Board of Trustees

Re: Westchester Water Works arrears for water charges on various properties

WHEREAS, the Board of Trustees of the Westchester Joint Water Works has under date of Tuesday, April 12, 2012, certified to this Board arrears for water charges on various properties in the Village of Mamaroneck; and

WHEREAS, this Board desires to include such amounts in the annual tax levy and levy the same upon the real property in default;

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

NOW, THEREFORE, BE IT RESOLVED that there shall be levied, assessed and collected against all real property hereinafter specified the amounts set opposite such real property on the certified list as annexed hereto; and

BE IT FURTHER RESOLVED, that a special warrant for the collection of such water charges so levied shall be issued to the Village Treasurer and collected by him in the same manner and at the same time as other Village taxes.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

**BUDGET RESOLUTION G  
ADOPTION OF TAX WARRANT**

On Motion of Trustee Ryan, seconded by Trustee Albert:

BE IT RESOLVED that the Board of Trustees of the Village of Mamaroneck hereby adopt the following Tax Warrant for Fiscal Year 2012-2013.

APRIL 23, 2012

TO: AGOSTINO A. FUSCO, VILLAGE TREASURER

YOU ARE HEREBY COMMANDED to receive and collect from the several persons named in the Tax Roll hereunto annexed, the several sums stated in the Tax Roll for 2012 hereof opposite their respective names, being a total of \$ 25,311,119.18 for the following purposes:

For the Current Budget	22,731,841.00
For Library District	2,492,231.00
For Unpaid Water Arrears	78,780.14
For Prior Levies/Unpaid	<u>8,067.04</u>
	25,310,919.18

YOU ARE FURTHER COMMANDED TO receive and collect such sums without additional charge between the first day of June and the first day of July 2012, both inclusive, on the first half and between the first day of December 2012, and the thirty first day of December 2012, both inclusive on the second half; and thereafter to collect with such the sums as have not been theretofore collected, an additional charge of 5% from July 2nd, 2012, to August 1st, 2012 on the first half and from January 1st, 2013 to February 1st, 2013 on the second half with additional interest each half for each month and fraction thereof thereafter until paid as determined under Section 924-A of the Real Property Tax Law.

YOU ARE FURTHER COMMANDED TO return the Tax Roll and warrant to the Village Clerk on or before the first day of February 2013 and to deliver to the Board of Trustees at the same time an account of the taxes remaining due and unpaid, showing the person or persons to whom the parcel is assessed and showing as to each parcel and amount of tax unpaid.

\_\_\_\_\_  
Mayor Norman Rosenblum

Dated: APRIL 23, 2012  
ATTESTED TO BY:

\_\_\_\_\_  
Village Clerk  
Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum  
  
Nays: None

#### BUDGET RESOLUTION H

#### 2012-2013 VILLAGE OF MAMARONECK BUDGET AUTHORIZATION FOR INVESTMENTS

On motion of Trustee Santoro, seconded by Trustee Albert:

RESOLVED, that the Village Clerk/Treasurer and/or Deputy Treasurer, during the fiscal year beginning June 1, 2012 are authorized to invest monies not needed for immediate expenditure in accordance with the provisions of the General Municipal Law, the Local Finance Law and the Village's investment policy.

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

BOT 4/23/2012 p. 16  
BUDGET RESOLUTION I  
2012-2013 VILLAGE OF MAMARONECK BUDGET  
RESOLUTION AUTHORIZING THE LEVY AND COLLECTION  
OF ADDITIONAL TAXES UPON TERMINATION OF EXEMPT STATUS

On motion of Trustee Santoro, seconded by Trustee Albert:

RESOLVED, that the Village Assessor and Village Receiver of Taxes, during the fiscal year beginning June 1, 2012 are authorized to levy and collect additional Village taxes upon termination of exempt status of real property in accordance with provisions of Section 494 of the Real Property Tax Law.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

B. Resolution Accepting Park Bench Donation for Harbor Island Park

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

WHEREAS, Horace Malfa is desirous of donating a bench and accompanying plaque to the Village of Mamaroneck in honor of Carolyn Malfa to be installed in Harbor Island park, around the edge of the Harbor to be located along the West Basin, between Boston Post Road and Rushmore Avenue; and

WHEREAS, the anticipated cost of the bench and accompanying plaque is \$700 - \$1,200 and such gift must be accepted by resolution of the Board of Trustees; now therefore be it

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Board of Trustees herein accepts the gift of a bench and accompanying plaque to be installed on the bench from Horace Malfa to be installed in the aforementioned location; and be it further RESOLVED, that the Board of Trustees thanks Horace Malfa for his generosity to the community.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

C. Resolution Authorizing Budget Transfer of Recreation Department Funds

**RESOLUTION RE:  
BUDGET TRANSFER**

Mr. Slingerland stated the transfer is for on-going camp expenses, seasonal salaries, contractual services, etc.

WHEREAS, the Recreation Department has unused funds allocated to seasonal salaries for Youth Programs; and

WHEREAS, the Recreation Department needs \$2,500 to order t-shirts and other supplies for the upcoming summer camp season; now therefore be it

On motion of Trustee Ryan, seconded by Trustee Albert:



RESOLVED, in order to fund these supplies, the following budget transfer has been prepared for your approval:

Budget Amendment:

Debit		Credit	
<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
A.7317 Day Camp		A.7180 Beach	
.0130 Seasonal Salaries	\$2,500	.0410 Contractual Services	\$5,000

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

D. Resolution Authorizing Execution of Agreement w/EPA for Stormwater Improvement Grant

RESOLUTION RE:  
AUTHORIZATION TO EXECUTE A GRANT AGREEMENT WITH THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

Mayor Rosenblum stated that this does not commit the Board to move ahead. It secures the dollars for the EPA grant. SEQRA will be performed only when services are performed or when actions are requested. The attorney stated that this authorizes the Village Manager to sign the Agreement that the EPA requires to finalize the Grant. Mr. Slingerland said that the executed contract is being sent out.

WHEREAS, the Village is the recipient of a grant from the United State Environmental Protection Agency (EPA) in the amount of \$485,000 to be used for drainage improvement projects; and

WHEREAS, said grant is a 55/45 grant requiring total a non-federal match of approximately \$397,000 and the Village has identified multiple drainage improvement projects for which these funds will be used; and

WHEREAS, the EPA has proffered a Grant Agreement to the Village of Mamaroneck setting forth the terms and conditions of the grant agreement; now therefore be it

On motion of Trustee Santoro, seconded by Trustee Albert:

RESOLVED, that the Village Manager is herein authorized to execute a Grant Agreement with the United States Environmental Protection Agency to access grant funds totaling \$485,000; and be it further

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

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

Trustee Hofstetter stated that based on the relevant information communicated by Mr. Tiekert and others, SEQRA should be done now.

E. Resolution Authorizing Purchase of a Sedan for Use by Building Department  
Withdrawn. (Vehicle is no longer available.)

F. Resolution Adopting Local Multi-Hazard Mitigation Plan

Mayor Rosenblum stated that this is a Type II Action. The Board agreed to take out the last part of the last sentence. Ms. Nora Lucas reiterated that insufficient time was allowed to review the document.

**RESOLUTION RE:  
ADOPTION OF VILLAGE OF MAMARONECK LOCAL MULTI-HAZARD MITIGATION PLAN**

(Name of Jurisdiction)	<u>Village of Mamaroneck</u>
(Governing Body)	<u>Village Board of Trustees</u>
(Address)	<u>123 Mamaroneck Avenue, Mamaroneck, NY 10543</u>

WHEREAS, the Village of Mamaroneck, with the assistance from Environmental Technology Group, has gathered information and prepared the Village of Mamaroneck Local Multi-Hazard Mitigation Plan; and

WHEREAS, the Village of Mamaroneck Local Multi-Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Village of Mamaroneck is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Village of Mamaroneck has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, by the Village Board of Trustees that Village of Mamaroneck adopts the Village of Mamaroneck Local Multi-Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan.

Ayes: Albert, Ryan, Santoro, Rosenblum

Nays: Hofstetter

Trustee Hofstetter stated that the Village flooding issues have not been properly addressed. Village zoning needs to be modified. Rebuilding should be encouraged to protect natural resources. He stated that he voted 'No' on the Comprehensive Master Plan.

G. Resolution Adopting Certificate of Occupancy Fees

**RESOLUTION RE:  
AMENDING CHAPTER A347-FEES TO REFERENCE CO-OPS AS BEING REQUIRED TO REMIT  
FEES FOR CERTIFICATES OF OCCUPANCY OR CERTIFICATES OF COMPLETENESS**

WHEREAS, in reviewing Chapter A347 of the Village Code – "Fees" it was determined that there is a lack of a reference to Certificates of Completeness being issued by the Village of Mamaroneck in addition to Certificates of Occupancy.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED, that the Village Board herein amends Chapter A347 – “Fees” of the Village Code as follows:

Article II. Building Permit Fees

§347-2. Fee and estimated cost schedule

G. Certificate of Completeness

<u>(1) Per residential unit, addition or structure</u>	<u>\$53</u>
<u>(2) Per retail, commercial or multi-family unit (includes co-ops)</u>	<u>\$132</u>

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

H. Resolution to Reschedule May 21, 2012 Work Session to May 23, 2012

**RESOLUTION RE:**

**RESCHEDULING OF MAY 21, 2012 WORK SESSION MEETING TO WEDNESDAY, MAY 23, 2012**

WHEREAS, the Village Manager and Assistant Village Manager will be attending the New York State City County Management Association’s 54<sup>th</sup> Annual conference, scheduled this year to be held from Sunday, May 20<sup>th</sup> to Wednesday, May 23<sup>rd</sup> in Syracuse, New York; and

WHEREAS, the Village Manager has requested that the Board of Trustees Work Session Meeting of Monday, May 21, 2012, be rescheduled to Wednesday, May 23, 2012 at 5:30 p.m., so that he may be in attendance.

On motion of Trustee Albert, seconded by Trustee Ryan:

RESOLVED, that the Board of Trustees Work Session Meeting of Monday, May 21, 2012 be and is hereby rescheduled to Wednesday, May 23, 2012 at 5:30 p.m.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

I. Resolution Establishing Deed Restriction on Mamaroneck Taylors Lane

Mr. Slingerland recommended that there be outdoor uses such as walking paths, playing fields, and other appropriate uses. He will work with the State on all remedial measures.

**RESOLUTION PURSUANT TO THE REQUIREMENTS OF THE NYS DEC  
AND THE REQUIREMENTS PROVIDED IN THE NYCRR AND ECL  
TO PROVIDE FOR A DEED RESTRICTION AND COVENANT  
ON THE FUTURE USE/REUSE OF THE MAMARONECK TAYLORS LANE (#360021)  
PROPERTY FORMERLY USED AS A LEAF COMPOSTING SITE**

WHEREAS, the Village of Mamaroneck formerly operated the Mamaroneck Taylor’s Lane (#360021) leaf composting site, at the property located at the following Section/Block and Lot locations:

Tax Map Page	Section	Block	Lot #
96	4	79	1-B, and 1-C
97	4	79	B

AND WHEREAS, the Village closed the site and discontinued the use of the leaf composting function in December, 1988, at which time the site was listed as a “Class 2” site on the NYS DEC registry of inactive Hazardous Waste Disposal Sites; and

WHEREAS, as part of the long-term closure and re-use plan for the site, the Village worked on a plan, entered into a Consent Order, entered into Record of Decision issued in December, 1993, and completed construction of the cap in spring of 1997; and

WHEREAS, the Village is continuing to work with the NYS DEC on a remedial measure work plan to address the migration of leachate onto neighboring properties, with the goal of achieving a closure of the site, so that a use/reuse of the property can be established, and

WHEREAS, the Village submitted an Interim Remedial Measure Work Plan in November, 2009, submitted an Interim Remedial Measure Report in March, 2012, and at this stage the DEC has noted the requirement to the Village that it adopt a Deed Restriction, to be attached to the deed that will go with the land to restrict future use/reuse of this property.

On motion of Trustee Ryan, seconded by Trustee Santoro:

NOW, THEREFORE, BE IT RESOLVED, that the Village of Mamaroneck hereby authorizes the Village Manager and Village Attorney to enter into a Deed Restriction agreement, and complete and file all necessary and appropriate paperwork that may be required by the NYS DEC in relation to the Mamaroneck Taylor’s Lane (#360021) leaf composting site, in such a manner and fashion that it limits the use of the property for appropriate uses, which the Village generally determines at this time to be outdoor uses, including passive or active recreation (e.g. walking paths or playing fields), and any necessary and appropriate ancillary public uses, such as buildings for bathrooms, storage, equipment operation, parking, and other similar uses, and shall record such deed in the office of the Assessor, and the Westchester County Clerk’s Office, Land Records Division.

Ayes: Albert, Hofstetter, Ryan, Santoro, Rosenblum

Nays: None

J. Appointments to Mayor’s Ad Hoc Committee on Parking Facilities and Programs

**APPOINTMENTS TO MAYOR’S AD HOC COMMITTEE  
ON PARKING FACILITIES AND PROGRAM**

Mayor Rosenblum stated that he asked the budget committee members to review all parking meters, parking structures, etc., for the purpose of increasing revenue for the Village. This is a continuation of discussions from one-year ago.

Mayor Rosenblum announced the following appointments to the Ad Hoc Committee:

Steven Josephson, Bill Fonte, Lou Mendes, Myron Tannenbaum, Harry Hazelwood, Cary Sleeper, Janet Demasi, John Manouselis, Brad Goldberg, Manny Enes.

Mayor Rosenblum stated that all of the above named have accepted. He said that the Committee members will look into areas such as the Boston Post Road, industrial areas, parking meters, etc.

Mayor Rosenblum stated that Maria Valente notified him of her resignation from the Mamaroneck Avenue Task Force. He stated that she has been a great asset to the Village and thanked her for her commitment.

**5. REPORT FROM VILLAGE MANAGER**

Mr. Slingerland stated that there were about 100 volunteers who all did great work on the Annual Clean-Up Day. There also was noticeable cleanup around the Mamaroneck River. Much organic waste was taken away from the beach.

Mayor Rosenblum recognized Steve Altieri from the Town of Mamaroneck who has been very helpful concerning Village flooding issues.

**6. FLOOD MITIGATION REPORT**

Notes from 5.

**7. REPORT FROM CLERK-TREASURER**

- A. File for the Record – Negative Declaration on Proposed Zoning Text Amendment
- B. Notification of 520 – Lost Tax Exemption on 626 Baldwin

**8. REPORT FROM VILLAGE ATTORNEY**

No report.

**9. MINUTES – COMMISSIONS, BOARDS, COMMITTEES**

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

- A. BOT – Regular Meeting of March 12, 2012
- B. BOT – Special Meeting (Grievance Night) of February 21, 2012
- C. BOT – Work Sessions of March 5 & 19 and April 2, 2012
- D. Budget Committee Meeting of October 17, 2011 and March 27, 2012
- E. ZBA Meeting of February 2, 2012
- F. Board of Ethics Meeting of March 7, 2012
- G. Board of Traffic Commissioners Meeting of March 8, 2012
- H. Tree Committee Meeting of March 5, 2012

Mayor Rosenblum asked the Board if there is any reason to go into Executive Session. The Board said there are no pending issues.

**Updates from the Board**

Mayor Rosenblum asked the Board members for their report.

Trustee Ryan said that Council of the Arts *Poetry Live* will be on April 29. She stated that the cleanup of the Harbor was excellent. Each year the cleanup gets better. She recognized Mr. Pfeffer who loaned the Village a ‘Poop Scoop Vacuum’ that proved to be very effective.

Trustee Albert said the clean up was fantastic. He mentioned that the residents of Sheldrake apartments do not clean up after their dogs. Also, there is a large tree trunk in the river by the bridge that should be removed. Otherwise, the obstruction may cause flooding.

Trustee Hofstetter commented on how hard the volunteers worked in cleaning up Harbor Island Park. There was a great deal of effort and it was noticeable.

Trustee Santoro stated that there will be new camp programs this year and reminded that the deadline for residents to receive an enrollment discount is May 4. He also remarked on how hard the volunteers worked in cleaning up the beach and other areas.

Mayor Rosenblum mentioned that Jessica Calvini of the Rye Neck Girls Softball team has been recognized and named the player with the most wins in the history of Rye Neck High School. She broke the 2004 record. She will be attending Lehigh University in the fall and will be playing on their softball team.

### ADJOURNMENT

There being no further business to come before the Board, on motion duly made by Trustee Santoro, and seconded by Trustee Ryan, the public portion of the meeting was adjourned.

PREPARED BY:  
ANNE M. HOHLWECK,  
RECORDING SECRETARY

RESPECTFULLY SUBMITTED BY:  
AGOSTINO A. FUSCO,  
CLERK-TREASURER