REGULAR MEETING OF THE VILLAGE OF MAMARONECK BOARD OF TRUSTEES TUESDAY, NOVEMBER 13, 2018

169 MT. PLEASANT AVENUE, MAMARONECK NY

PRESENT: Mayor Thomas A. Murphy

Trustee Victor M. Tafur

Leon Potok Nora Lucas

Acting Village Manager Daniel Sarnoff

Village Attorney Robert Spolzino
Clerk Treasurer Agostino A. Fusco

ABSENT: Trustee Keith Waitt

OPEN MEETING

On motion of Trustee Potok, seconded by Trustee Lucas:

RESOLVED that the Board of Trustees November 13, 2018 Regular Meeting be and is hereby open.

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None

Absent: Waitt

PRESENTATIONS

C. Presentation of Newly Promoted Police Department Sergeants (Taken out of order)

Mayor Murphy took this out of order as there were many people in attendance for this presentation and swearing in.

Lt. Sandra DiRuzza appeared to present the newly promoted Police Sergeants. She spoke about them and the importance of the Sergeant role.

Mayor Murphy swore in Juan Gomerez and Anthony Colletti as Village of Mamaroneck Police Department Sergeants. He thanked them for their hard work and commitment to the force and the Village.

- A. Presentation by Committee for the Environment on the Food Waste Composting Program Mr. Martin Hain of the CFTE appeared to review the Food Waste Composting Program and where bins may be purchased.
- B. Presentation by the Marine Education Center Advisory Committee
 Mr. Peter Linderoth and Ms. Katherine Desmond of the Committee presented to the Board.

COMMUNICATION TO THE BOARD - Suggested Time Limit on Comments of 5 minutes A. CTB I

Mr. Stuart Tiekert of Beach Avenue appeared. He is a supporter of the composting program. He suggested the Village share on Facebook. Mr. Tiekert reminded all that Robert Freeman, Executive Director of the Committee on Open Government will be holding an Open Meetings Law forum in the Village on November 28. He suggested that members of the Westchester Joint Water Works be invited to attend. The Flagler Drive project is an issue and he encouraged the Board to get an opinion from the Attorney General on this.

1. PUBLIC HEARINGS

A. Public Hearing on PLL O-2018 to amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning) Regarding Food Service Establishments

Mayor Murphy stated that the Board has not heard back from the land use boards that they have asked for input on this proposed law. In the interim, there has been discussion about further changing the law.

Mr. Dan Natchez, Trustee-elect, appeared. He attended all three land use board meetings where this was discussed and they all had concerns. He urged the Board to give consideration to their comments as they are significant and far-reaching.

Ms. Meg Yergin, resident and member of the Zoning Board of Appeals appeared. She is concerned about protecting the beauty and quality of life in the Village. She stated that the Zoning Board is not acting under the premise that fast food is allowed in the C-1 District and permitting this would have a huge impact. Currently there is no requirement for parking in C-1. This law would also allow for the sale of alcohol and outdoor cafes in C-1. She stated that it is not true that special permit application

process would protect neighborhoods. The Board needs to look at impacts that want to be avoided. This should be part of the Comprehensive Plan Update. This proposed law creates more ambiguity.

Ms. Gina von Eiff of Jefferson Avenue appeared. In reference to the 200-foot rule, we are not looking at the totality of all the decisions being made in the Village. The Village is over saturated. Selling out quality of life. She asked the Board not to create a mini Manhattan. Take time to do properly from the beginning.

Trustee Lucas stated that the Board asked the Village Attorney to draft a new law that included no fast food or carry out in the C-1 District. She made a motion to close this hearing and vote this law down and move forward with new version. Mayor Murphy stated that he is hopeful about the new law draft by Mr. Spolzino, but he has only heard representations from the Zoning and Planning Boards. He would prefer to get the information asked from the Land Use Boards before moving forward. Would rather go through the process. Trustee Lucas stated that she watched the ZBA and Planning Board meetings twice. Trustee Potok stated that he watched the meetings as well and there was no consensus or vote on what is allowed and not allowed. The ZBA has not ruled that fast food is not allowed in C-1. There are many fast food restaurants in the C-1 District today. Never was it discussed not to allow fast food in C-1. He agrees that it is worth looking at parking, but first clarify what the law is. Trustee Lucas stated that the Board is being asked to clarify if fast food is allowed in the C-1 District and they should not be bound by what was discussed in 1968 or 1996. If there is no ambiguity, then don't change the law. The Board needs to legislate for what is best for the Village now.

Ms. Von Eiff appeared again and read a state statute regarding different legal rights and salary requirements for fast food. Mr. Spolzino stated that this is State legislature and that the Village cannot legislate the way the State does. The proposed local law did use many of the definitions in the State law.

Ms. Stephanie Figliomeni of Jensen Avenue appeared. She believes that there are still many questions regarding this law. What is push? There were many questions raised by the ZBA. The Board needs to take time with this and don't make another mistake

Trustee Tafur stated that he has issue with the SEQRA materials. He found materials that he believes may help with this. There are minutes from 1996 that reference a background memo and SEQRA documents. There was a rationale at the time. The land affected in the 1996 law was C-2 only. Only focused on this area. He agrees that the Board needs to take ownership of the issue.

Mayor Murphy stated that there were problems on Mamaroneck Avenue in the 90s. Kids hanging out, people felt threatened. This was not foresighted zoning. It was reactive to a social problem that the Board believed existed. Trustee Lucas stated that at the time, the Board was actively pursuing Main Street funding. Signage of fast food is not believed appropriate for this Main Street designation. Trustee Potok stated that before 1996, restaurants were allowed in C-1. There was no intention to make changes to the C-1 District in 1996 and that was reason that it is not mentioned in the SEQRA documents.

There was no second to Trustee Lucas's motion to close the hearing; therefore, it was continued to next the Regular Meeting. The new law draft by Mr. Spolzino will be discussed at the Work Session of November 26, 2018.

2. AUDIT OF BILLS - Suggested Time Limit on Comments of 5 minutes

A. Abstract of Audited Vouchers

Trustee Lucas stated that there is another duplicate payment on page 37 in the amount of \$327.75 being paid to Creative Habitat. The Board agreed to remove. Mr. Stuart Tiekert of Beach Avenue appeared regarding Woodard and Curren. He believes that they are not serving the Village well. Should issue an RFP for engineering services. Regarding Camden Technologies, also no RFP. He also had questions on Geiger Brothers, Expanded Supply PDTS and Colonel Exterminating. Regarding All Aspects Wildlife, there was also no RFP done for this.

Trustee Tafur stated that the invoices for Woodard and Curran should not be charged to Engineering Services, that they need to be under Building Department. Also, Mary Shiffer is working on parking, not Engineering Services. Her invoices need to be allocated properly. The Board needs to keep this in mind for next budget season. Mr. Fusco stated that he believes that a \$7,000 payment to Colonel Exterminating is duplicative. The Board agreed to pull that amount from the total, making the new total \$854,025.13

On motion of Trustee Lucas, seconded by Trustee Tafur:

RESOLVED that the Abstract of Audited Vouchers in the amount of \$854,025.13 be and is hereby approved for payment.

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None

Absent: Waitt

B. Abstract of Manual Paid Vouchers

On motion of Trustee Lucas, seconded by Trustee Murphy:

RESOLVED that the Abstract of Manual Paid Vouchers in the amount of \$55,769.87 be and is hereby approved for payment.

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None

Absent: Waitt

- 3. OLD BUSINESS Suggested Time Limit on Comments of 3 minutes
- A. Resolution re: SEQR Determination for Hillside Avenue Bridge Replacement Held over to Regular Meeting of November 26, 2018.
- 4. NEW BUSINESS Suggested Time Limit on Comments of 3 minutes
- A. Resolution Accepting Donations for Trees to be Planted in Orienta

RESOLUTION RE: ACCEPTING DONATIONS FOR PLANTING OF TREES IN ORIENTA

WHEREAS, the Village of Mamaroneck removed a number of trees in Orienta as advised by the General Foreman of Public Works and Village's Consulting Arborist; and

WHEREAS, residents of Orienta wanted to support the efforts to replace trees by soliciting donations to help with this effort; and

WHEREAS, consistent with Village Policy, it is necessary to accept these donations and recognize their generosity to the community.

On motion of Trustee Potok, seconded by Trustee Lucas:

RESOLVED, that the Board of Trustees herein accepts the following donations for the purchase of trees in the Orienta area of the Village:

Amount:
\$400.00
\$100.00
\$300.00

; and be it further

RESOLVED, that the Clerk-Treasurer establish a Trust & Agency Account specifically for donations made to purchase trees for Orienta; and be if further

RESOLVED, that the Village Manager and Clerk-Treasurer are authorized to deposit these funds in the Trust & Agency Account established for the Orienta Trees; and be it further

RESOLVED, that the Village Board of Trustees herein thanks Mr. & Mrs. Goldberg, Ms. Plachta and Mr. and Mrs. Sandler for their generosity to the community.

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None

Absent: Waitt

B. Resolution Accepting Marine Education Center Donation

RESOLUTION RE: ACCEPTING DONATIONS FOR THE MARINE EDUCATION CENTER AT HARBOR ISLAND PARK

WHEREAS, the Marine Education Center educates residents and celebrates the important environmental, cultural, and historical significance of the Mamaroneck Harbor, Long Island Sound; and

WHEREAS, the success of the Center is attributable to the volunteers who spent numerous hours participating in the design of the facility as well as the day to day operations and the generous residents who donated funds to ensure its prosperity; and

WHEREAS, over the years, the Village has received donations to the center from generous residents; and

WHEREAS, consistent with Village Policy, it is necessary to accept these donations and recognize their generosity to the community.

On motion of Trustee Potok, seconded by Trustee Lucas:

RESOLVED, that the Village Board herein accepts the following donations for the Marine Education Center:

From: Amount:

Kirsten Kollerie & Jean-Paul Jansen \$300.00

; and be it further

RESOLVED, that the Village Clerk-Treasurer is authorized to deposit these funds in the Trust Account for the Marne Education Center; and be it further

RESOLVED, that the Village Board of Trustees herein thanks Kirsten Kollerie and Jean-Paul Jensen for their support of this valuable Village asset.

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None Absent: Waitt

C. Resolution Accepting Bench Donation

RESOLUTION RE:

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

WHEREAS, Charles N. Williams is desirous of donating a bench to the Village of Mamaroneck to be installed in the West Basin at Harbor Island Park; and

WHEREAS, the anticipated cost of such bench is \$1,300 - \$1,400 and such gift must be accepted by resolution of the Board of Trustees.

On motion of Trustee Lucas, seconded by Trustee Tafur:

RESOLVED, that the Board of Trustees herein accepts the gift of a bench to be installed in the West Basin at Harbor Island Park; and

RESOLVED, that the Board of Trustees thanks Mr. Williams for this generous gift to the community.

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None Absent: Waitt

D. Resolution Authorizing Utility Agreements with Verizon & Altice

RESOLUTION RE: AUTHORIZATION TO EXECUTE A FEDERAL AID – LOCAL PROJECTS UTILITY WORK AGREEMENT

WHEREAS, Locally Administered Federal Aid (LAFA) Projects require certain agreements be in place prior to any construction work being commenced such as agreements with utilities to be impacted as part of said project; and

WHEREAS, one such project is PIN 8761.365 Hillside Avenue Bridge over the Mamaroneck Replacement as there is a utility pole owned by Verizon which carries both their facilities as well as Altice, USA (f/k/a/ Cablevision); and

WHEREAS, agreement have been proffered to the Village allowing for the relocation of such utilities which require authorization.

On motion of Trustee Lucas, seconded by Mayor Murphy:

RESOLVED, that the Acting Village Manager is herein authorized to execute Federal Aid – Local Projects Utility Work Agreements with Verizon Communications and Altice USA, in substantially the same form as attached hereto, on behalf of the Village of Mamaroneck; and be it further

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

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None Absent: Waitt

E. Resolution Establishing Re-inspection Fee

RESOLUTION RE: AMENDING CHAPTER 347- FEES TO INCLUDE REINSPECTION FEES

WHEREAS, in reviewing Chapter A347 of the Village Code – "Fees" Inspection fees have not been included.

On motion of Trustee Potok, seconded by Trustee Lucas:

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

<u>Add</u>

§A347-2. Fee and estimated cost schedule

H. Inspection Fees

Residential Construction

First Inspection	No Charge
Second Inspection	\$100
Third Inspection	\$150
Four or More Inspections	\$200 per inspection

Commercial Construction

First Inspection	No Charge
Second Inspection	\$150
Third Inspection	\$200
Four or More Inspections	\$250 per inspection

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None Absent: Waitt

F. Resolution Authorizing Tax Certiorari Settlement for (1) Hampshire Recreation, LLC (2) Harry Spadaro - 901 Hall Street and (3) Joseph Spadaro - 350 Mamaroneck Avenue

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER

HAMPSHIRE RECREATION, LLC. V. VILLAGE OF MAMARONECK (2013-2014) REGARDING ASSESSMENT OF:

9-72-1, 2, 11, 29; 9-72-3, 15, 24, 25, 28; 9-72-17B, 17C, 18D; 9-89B-15, 16; 9-89C, 22A, 23 9-89D, 24-28 (Town 9-42-568)

WHEREAS, petitions have been filed by the party(s) above 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 have reached a mutually agreeable resolution and the cost to the Village based on the reductions in assessments is \$69,419.04±; 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 Potok, seconded by Trustee Lucas:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes McCullough, Goldberger & Staudt, LLP, as counsel for the Village, to execute the following settlement on behalf of the Village:

<u>Year</u>	Actual Assmt.	Settlement Asssmt.	Reduction
	Section 9, Bloc	ek 72, Lot 1, 2, 11, 29	
2013	7,700	7,700	0
2014	7,700	7,700	0

Section 9, Block 72, Lot 3, 15, 24, 25, 28

2013	99,700	49,946	49,754
2014	99,700	51,885	47,815

Section 9, Block 72, Lot 17B, 17C, 18D

2013	1,200	1,200	0
2014	1,200	1,200	0

Section 9, Block 89B, Lot 15, 16

2013	3,800	3,800	0
2014	3,800	3,800	0

Section 9, Block 89C, Lot 22A, 23

2013	5,800	5,800	0
2014	5,800	5,800	0

Section 9, Block 89D, Lot 24-28

2013	100,200	50,446	49,754
2014	100,200	52,384	47,816

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None Absent: Waitt

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER HARRY SPADARO V. VILLAGE OF MAMARONECK (2013) REGARDING ASSESSMENT OF 901 HALL STREET (VILLAGE: 9-57-5)

WHEREAS, petitions have been filed by the party(s) above 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 cost to the Village based on the reductions in assessments is \$1,490.36±; 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;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes McCullough, Goldberger & Staudt, LLP, as counsel for the Village, to execute the following settlement on behalf of the Village:

<u>Year</u>	<u>Original Assmt.</u>	<u>Settlement Assmt.</u>	Reduction
2013	16,200	11,960	4,240
Lucas, l	Potok, Tafur, Murphy		
None			

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT
WITH PETITIONER
JOSEPH SPADARO V. VILLAGE OF MAMARONECK (2013-2014)

REGARDING ASSESSMENT OF 350 MAMARONECK AVENUE (VILLAGE: 9-18-22A)

WHEREAS, petitions have been filed by the party(s) above 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 cost to the Village based on the reductions in assessments is \$2,704.31±; 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 Lucas, seconded by Trustee Tafur:

On motion of Trustee Lucas, seconded by Mayor Murphy:

Ayes: Nays: Absent:

Waitt

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes McCullough, Goldberger & Staudt, LLP, as counsel for the Village, to execute the following settlement on behalf of the Village:

<u>Year</u>	Original Assmt.	Settlement Assmt.	Reduction
2013	19,800	16,000	3,800
2014	19,800	16,000	3,800

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None Absent: Waitt

G. Resolution Regarding Approval of Sewer Easement Agreement with Sheldrake Station Development, LLC

RESOLUTION REGARDING APPROVAL OF SEWER EASEMENT AGREEMENT WITH SHELDRAKE STATION DEVELOPMENT, LLC

WHEREAS, on December 17, 2007, the Planning Board of the Village of Mamaroneck approved a site plan for a residential development project known as Sheldrake Lofts and owned by Sheldrake Station Development, LLC ("Sheldrake"), which is located at 270 Waverly Avenue, Mamaroneck, New York; and

WHEREAS, the property owner is entitled as any other property owner to connect the project to the Village's public sanitary sewer system; and

WHEREAS, by settlement agreement approved on May 14, 2012 by the Board of Trustees and the Planning Board, and on June 7, 2012 by the Zoning Board of Appeals, the Village is additionally obligated to use its best efforts to assist Sheldrake to obtain all necessary approval and permits for the project; and

WHEREAS, Sheldrake originally proposed to provide sewer service to the project by means of a privately-owned pump station and force main on its property that would discharge to the Village's sanitary sewer system by means of a connection on Mamaroneck Avenue; and

WHEREAS, the Westchester County Department of Health has since changed its regulations to require that the sewage pump station be publicly owned and maintained; and

WHEREAS, the Village Engineer has determined that it would not be in the best interest of the Village to accept and thereafter be responsible to maintain a pump station and force main serving the Sheldrake project and that the Village and the Sheldrake residents will be better served by providing for sewer service to the Sheldrake project through discharge by gravity to the sanitary sewer system on Waverly Avenue; and

WHEREAS, Sheldrake proposed to construct sewer lines from each of the buildings that constitute the Sheldrake project to service the project that would each discharge into the sanitary sewer main on Waverly Avenue; and

WHEREAS, the Village Engineer has determined that it would not be in the best interest of the Village to approve multiple separate connections to the sanitary sewer main and that the Village and the Sheldrake residents will be better served by providing for one sewer line on the Sheldrake property that will connect to the main on Waverly Avenue; and

WHEREAS, the Westchester County Department of Health requires that any sewer line serving more than one building be publicly owned and maintained; and

WHEREAS, Sheldrake will construct the sewer line that will connect to the sanitary sewer main in Waverly Avenue as required by the Village Engineer and has offered to dedicate that sewer line to the Village and grant the Village an easement over the property in which the sewer line is located so that the Village can maintain that sewer line; and

WHEREAS, the terms by which Sheldrake will make that dedication and grant the easement and by which the Village will accept the dedication and grant are set forth in a sewer easement agreement signed on behalf of Sheldrake on August 14, 2018, a copy of which is attached; and

WHEREAS, for the reasons stated it is in the best interest of the Village to provide for sewer service to the Sheldrake project by accepting the dedication of the sewer line and grant of the easement.

On motion of Trustee Potok, seconded by Trustee Lucas:

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Mamaroneck that the dedication of the sewer line and grant of the easement by Sheldrake on the terms set forth in the sewer easement agreement are accepted and the Acting Village Manager is authorized to sign the sewer easement agreement on behalf of the Village.

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None

Absent: Waitt

H. Adding Agenda Item

RESOLUTION RE AUTHORIZING ADDITION OF AGENDA ITEM 4I

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 Mayor Murphy, seconded by Trustee Lucas:

RESOLVED that Agenda Item 4I Resolution Scheduling a Special Meeting be and is hereby added to the Board of Trustees Regular Meeting Agenda of November 13, 2018.

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None

Absent: Waitt

I. Resolution Scheduling Special Meeting

RESOLUTION RE AUTHORIZING SCHEDULING OF A SPECIAL MEETING

WHEREAS, the Annual Organizational Meeting is scheduled to take place on Monday, December 3, 2018; and

WHEREAS, this is the meeting in which the Board of Trustees appoints persons to various Village staff, consulting and volunteer positions; and

WHEREAS, the Board of Trustees need to meet to review particular persons to fill these positions. On motion of Trustee Lucas, seconded by Trustee Tafur:

NOW THEREFORE BE IT RESOLVED that the Board of Trustees be and they hereby schedule a Special Meeting to take place on Tuesday, November 27, 2018 at 4 p.m. in the Conference Room at the Regatta to review appointments for the Annual Organizational Meeting of December 3, 2018.

Ayes: Lucas, Potok, Tafur, Murphy

Nays: None

Absent: Waitt

- 5. COMMUNICATION TO THE BOARD II Suggested Time Limit on Comments of 5 minutes
- A. CTB II

None

- 6. REPORT FROM VILLAGE MANAGER
- A. File for the Record- Agreement with Pyro Engineering for 2019 Fireworks Show
- B. Filed for the Record DEC Climate Smart Communities Grant Contract T00471
- C. File for the Record-Urban County Cooperation Agreement
- D. File for the Record-Service Agreement with Sustainable Westchester for Waste & Recycling Communications Platform
- E. File for the Record-Community Choice Aggregation Electric Service Agreement
- 7. REPORT FROM CLERK-TREASURER
- A. None
- 8. REPORT FROM VILLAGE ATTORNEY
- A. Filing of Local Laws 12, 13 & 14 of 2018 with the Secretary of State
- 9. MINUTES COMMISSIONS, BOARDS, COMMITTEES
- A. Minutes of Board of Trustees Special Meeting of October 17 and Work Session & Regular Meeting of October 22, 2018
- B. Minutes of the Board of Architectural Review Meeting of September 20, 2018
- C. Minutes of the Planning Board Meetings of September 26 and October 10, 2018

ADJOURN

There being no further business to come before the Board, on motion duly made and seconded the public portion of the meeting was adjourned at 9:45 p.m.

PREPARED BY: RESPECTFULLY SUBMITTED BY:

SALLY J. ROBERTS AGOSTINO A. FUSCO, SECRETARY CLERK-TREASURER