

MINUTES OF A SPECIAL MEETING OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK
HELD ON MONDAY, AUGUST 17, 2020 AT 4:00 P.M. VIA TELECONFERENCE
PRESENT:

Mayor
Trustees

Thomas A. Murphy
Victor Tafur
Nora Lucas
Daniel S. Natchez
Kelly Wenstrup

Village Manager
Assistant Village Manager
Clerk Treasurer
Consulting Attorney

Jerry Barberio
Daniel Sarnoff
Agostino A. Fusco
Adam Stolorow

ABSENT:

None

TELECONFERENCE INFORMATION

Pursuant to Executive Order 202.1 issued by Governor Andrew Cuomo, all in-person public access to Board of Trustees Meeting is suspended.

Each Trustee will participate remotely either by video or telephone via Zoom.

The meeting will be streamed live at <https://www.youtube.com/user/LMCTVProductions>

OPEN MEETING

On motion of Trustee Lucas, seconded by Trustee Natchez:

RESOLVED that the August 17, 2020 Board of Trustees Special Meeting is hereby open:

Ayes: Natchez, Lucas, Wenstrup, Tafur, Murphy

Nays: None

The Mayor took Executive Session first as there were members of the Board of Ethics in attendance to participate in this.

3. EXECUTIVE SESSION - ADVICE OF COUNSEL

A. Goldstein vs. Village of Mamaroneck

Trustee Wenstrup made a motion to enter into Executive Session pursuant §105(1)d of the Public Officers Law to discuss matters of current litigation as it relates to Goldstein vs. Village of Mamaroneck, which was seconded by Trustee Lucas:

Ayes: Natchez, Lucas, Wenstrup, Tafur, Murphy

Nays: None

Trustee Lucas made a motion to end Executive Session and reconvene the open session, which was seconded by Trustee Wenstrup:

BOT SPECIAL MEETING
AUGUST 17, 2020

Ayes: Natchez, Lucas, Wenstrup, Tafur, Murphy
Nays: None

1. OLD BUSINESS
- A. WJWW Filtration Plant

**RESOLUTION RE:
AUTHORIZING PRELIMINARY ENGINEERING AND ENVIRONMENTAL
PLANNING FOR A FILTRATION FACILITY BY WESTCHESTER JOINT WATER WORKS
AS A JOINT CAPITAL PROJECT**

WHEREAS, Westchester Joint Water Works (“WJWW”) is proposing to construct a filtration facility of 30 MGD (expandable to 40 MGD) for the benefit of water consumers in WJWW’s service area on property located within the Town of Harrison proximate to Rye Lake (the “Project”); and

WHEREAS, in addition to the Town of Mamaroneck and the Town of Harrison, the Village of Mamaroneck (the “Village”) is a member municipality of WJWW and, if desiring to participate in said Project, would be required to fund its proportionate share of joint capital projects (i.e. projects that benefit the entire potable water system), based upon water consumption in the Village, which is presently 27.7%; and

WHEREAS, the estimated cost of the proposed joint Project is \$108,000,000, as follows: Village of Mamaroneck - \$ 29,916,000 (27.7%), Town of Mamaroneck - \$ 18,036,000, and Town/Village of Harrison - \$ 60,048,000; and

WHEREAS, the estimated cost of the preliminary environmental and engineering planning of the Project is \$500,000, of which the Village of Mamaroneck would be required to pay \$138,500 (27.7%), and

WHEREAS, in order to move forward with the preliminary environmental and engineering planning of the Project, including budgeting, design and environmental review, WJWW requires each member municipality to acknowledge that the proposed Project is a joint capital project; and

WHEREAS, WJWW is not asking the Village Board of Trustees to approve the Project, nor appropriate funds or incur any obligation to act in connection with the Project, which can only be done after the environmental review has been completed for the Project; and

BOT SPECIAL MEETING
AUGUST 17, 2020

WHEREAS, the Village Board of Trustees agrees to fund its proportionate share of the estimated cost of the preliminary environmental and engineering planning of the Project, which is estimated at \$138,500 (27.7%), and

WHEREAS, the Village's proportionate share of any expenses associated with the preliminary engineering and environmental planning of the Project will be covered by the Water Fund fund balance or further issuance of debt; and

WHEREAS, the Board of Trustees' action to authorize and fund the preliminary environmental and engineering planning of the Project is a Type II action under the New York State Environmental Quality Review Act ("SEQRA") pursuant to 6 NYCRR § 617.5 (27), which involves the conducting of concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees, on behalf of the Village, acknowledges that the construction of a filtration facility benefiting water consumers in WJWW's service area is a joint capital project and agrees to fund its proportionate share of the preliminary environmental and engineering planning of the Project up to \$138,500 , which is 27.7% of \$500,000.00, through the appropriation of Water Fund fund balance or future issuance of debt.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

- B. Resolution Authorizing Request for Free Boat Slip for East Norwalk Blue for Pump Out Services
Trustee Tafur asked if they will need a formal agreement like we have with Save the Sound? Mr. Barberio stated that they will.

**RESOLUTION RE:
AUTHORIZATION TO DRAFT AND EXECUTE AN AGREEMENT FOR USE OF BOAT SLIP
BY EAST NORWALK BLUE**

WHEREAS, East Norwalk Blue is a not-for-profit operating that protects and promotes water quality in Long Island Sound by providing a mobile pump-out service for boaters; and

BOT SPECIAL MEETING
AUGUST 17, 2020

WHEREAS, the performance of such a pump out service is of great value to the Village at through their efforts, recreational access and enjoyment of Long Island Sound and Mamaroneck is enhanced for the benefit of the residents of the Village of Mamaroneck; and

WHEREAS, in order to provide pump out services in Mamaroneck Harbor, East Norwalk Blue requires a boat slip and as a not-for-profit agency under 501(c)(3) of the Internal Revenue Code have asked that such permit be provided to them at no cost.

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

NOW, THEREFORE, BE IT RESOLVED that the Village Manager is authorized to draft an agreement providing a boat slip to East Norwalk Blue as it relates to their pump out program; and be it further

RESOLVED, that upon approval as to form by the Village Attorney, the Village Manager is authorized to proffer an agreement to East Norwalk Blue for execution, which will be countersigned by the Village Manager on behalf of the Village of Mamaroneck.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

2. NEW BUSINESS

A. Resolution Authorizing Establishment of Budget Accounts for Tropical Storm Isaias Damage

**RESOLUTION RE:
CREATION OF GENERAL FUND ACCOUNTS AND SUPPLEMENTAL APPROPRIATION TO
FUND EXPENSES FOR VILLAGE RESPONSE TO TROPICAL STORM ISAIAS**

WHEREAS, multiple levels of government are coordinating and corresponding to Tropical Storm Isaias, which has had a major impact on the New York City metropolitan area and Westchester County; and

WHEREAS, to meet the challenges inherent in responding to the aftermath of Tropical Storm Isaias, a State of Emergency has been declared by the Governor of New York State, which allows for reimbursement of certain expenses; and

WHEREAS, during the most recent federally declared disasters, the Village has established a common general fund account number to better track costs associated with disaster response and simplify the reimbursement process; and

BOT SPECIAL MEETING
AUGUST 17, 2020

WHEREAS, the Village has incurred storm related expenses for several months with undetermined costs, including overtime, equipment rental, and fallen tree and debris removal; and

WHEREAS, the creation of a common general fund account to track such expenses will likewise require a source of funding, which is recommended as a supplemental appropriation of fund balance.

On motion of Mayor Murphy, seconded by Trustee Natchez:

NOW, THEREFORE, BE IT RESOLVED that in order to provide initial funding of Village-related expenses for its response to Tropical Storm Isaias, the proper Village officers are hereby authorized and directed to modify the 2020/21 General Fund budget by creating the following general fund accounts identified in the “TO” column below and executing the following budget transfer:

From		To	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
A. General Fund		A.8745	
.05990 Appropriated Fund Balance	\$360,000	.0140 Overtime	\$75,000
		.0260 Equipment	\$50,000
		.0408 Fuel	\$5,000
		.0410 Supplies	\$65,000
		.0411 Materials	\$20,000
		.0421 Contract Services	\$140,000
		.0431 Meals	\$500
		.0450 Miscellaneous	\$4,500
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TOTAL	\$360,000	TOTAL	\$360,000

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

ADJOURN

On motion of Trustee Lucas, seconded by Trustee Wenstrup, the Board adjourned the August 17, 2020 Special Meeting at 5:30 p.m.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

PREPARED BY:
SALLY J. ROBERTS
DEPUTY CLERK

RESPECTFULLY SUBMITTED BY:
AGOSTINO A. FUSCO
CLERK-TREASURER