

BOT REGULAR MEETING  
MAY 24, 2021

REGULAR MEETING OF THE VILLAGE OF MAMARONECK BOARD OF TRUSTEES  
MONDAY, MAY 24, 2021  
VIA TELE AND VIDEO CONFERENCE

PRESENT: Mayor	Thomas A. Murphy
Trustee	Kelly Wenstrup
	Nora Lucas
	Daniel S. Natchez
Village Manager	Jerry Barberio
Assistant Village Manager	Daniel Sarnoff
Clerk Treasurer	Agostino A. Fusco
Village Attorney	Robert Spolzino
Deputy Village Attorney	Mark Goreczny
ABSENT:	Trustee Victor Tafur

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 Wenstrup, seconded by Trustee Lucas:

RESOLVED that the Board of Trustees Regular Meeting of May 24, 2021 be and is hereby open.

Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

Mayor Murphy took Item 4E out of order as there were many in attendance for this item.

4. NEW BUSINESS

E. Resolution Recognizing June as Pride Month

Mayor Murphy gave background. The arch of justice has not completed its journey. There is still a lot of discrimination. Many individuals face tough times because of who they are, who they love. It is especially important to support all and show our youngsters that Government is now welcoming. The flying of this flag is a small step in making this happen. Mayor Murphy read the revised resolution.

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Ms. Lesley Findlay appeared, and thanked the Board for their support and for allowing her to speak. This is a celebration of human rights, that most take for granted. Title 7 was changed last year, 57 years after the civil right act was enacted. LGBTQ individuals are now protected. She read an editorial from a Rye Neck School student, which sends a strong message to all that the Village is striving to be its best and welcomes all. Shows that we celebrate diversity and are the stronger because of it.

Ms. Alana Stone appeared. She is very moved, appreciative, and never prouder of the community.

Ms. Mary Elizabeth Shaw appeared. Her daughter is the author of op/ed piece that appeared in the Panther's Tail and was read by Ms. Findlay. It showed so much bravery. Grateful that the Village is showing the same bravery in supporting our youth. Important for children to know that they are accepted, no matter what.

Mr. Luis Quiros appeared and stated that he finds the resolution a peace maker. It is not the government who created racial conflict, there were people before there was a government. The people are responsible for picking who government is. Cannot escape role of how we view others. There is no democracy without diversity. Need to pay attention.

Ms. Hillary Short appeared. Impressed with Lesley and Mary for working on this important issue. Have many gay and trans friends. They often cannot go back to their home communities or live where they would like, due to discrimination.

Trustee Lucas stated that this is probably something the Board should have thought of themselves. Thanks for bringing this good idea to their attention. She suggested having this discussion every May.

RESOLUTION RECOGNIZING JUNE AS PRIDE MONTH

WHEREAS, all are welcome in the Village of Mamaroneck to live, work, play, and every family, in any shape, deserves a place to call home where they are safe, happy, and supported by their friends, neighbors, and community; and

WHEREAS, the Village denounces prejudice and discrimination based on age, gender identity, gender expression, race, color, religion, marital status, national origin, sexual orientation, or physical attributes as an affront to our fundamental principles; and

WHEREAS, Pride month began in June of 1969 on the one-year anniversary of the Stonewall Uprising in New York City after LGBTQ+ and allied friends rose and fought against constant police harassment and discriminatory laws that have since been declared unconstitutional; and

WHEREAS, despite being marginalized, LGBTQ+ people inspire the community by celebrating authenticity, acceptance, and love; and

WHEREAS, the Village of Mamaroneck appreciate the cultural, civic, and economic contributions of the LGBTQ+ community which strengthens our social fabric; and

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WHEREAS, it is imperative that young people in our community, regardless of sexual orientation, gender identity, and expression, feel valued, safe, empowered, and supported by their peers, community leaders and institutions; and

On motion of Mayor Murphy, seconded by Trustee Wenstrup:

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees declare the month of June 2021 as LGBTQ+ Pride Month in the Village of Mamaroneck and urge residents to recognize the contributions made by members of the LGBTQ+ community and to actively promote the principles of equality; and

BE IT FURTHER RESOLVED, to recognize and support our many citizens who are LGBTQ+, the Village of Mamaroneck will raise the Pride flag over Village Hall at 169 Mt. Pleasant Avenue for the month of June.

Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

Trustee Lucas stated that a group of students from MHS were told that they can present tonight; however, it did not get on the agenda so they will do so during Communication to the Board I.

## PRESENTATIONS

### A. Presentation of MS4 Report

Mr. Barberio stated that this has been a difficult year, much construction was paused. Because of that, this report is very different than in years past. Meeting some of the control measures were difficult as well due to the pandemic. There was less activity than in the past. Mr. Barberio had a PowerPoint presentation that will be attached to the agenda and posted on the Village website.

Trustee Wenstrup thanked Mr. Barberio for the good work and stated that the Flood Mitigation Advisory Committee will be happy to know that the vac truck is being used. Mr. Barberio stated that staff did all the leg work, and he is happy to report. He stated that comments from Trustee Tafur were received and he was able to respond with assistance from Charlotte Mountain, Code Enforcement Officer.

Mr. Stuart Tiekert appeared and thanked Mr. Barberio for reporting. Shortly before presentation was done last year, Trustee Tafur responded to Mr. Barberio's email stating that he would not do a presentation. At that time, Trustee Tafur informed him of requirements. One of the requirements is to receive comments and questions from the public and in that or the following year's report include a

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summary of comments and responses. Does not see responses to his comments and questions. Many more mistakes in past years' reporting have been repeated this year. He hopes that staff looks at the comments and questions and includes in the final report as required. Mr. Tiekert stated that catch basins cleaned and applicator report regarding use of pesticides and herbicides is not clear. He does hope that the full comments have been listened to.

Mr. Tiekert stated that at the last two meetings, folks were allowed to speak over the time limit, but he is not. Regarding the list of catch basins cleaned and reporting only on the Otter Creek Preserve to the DEC, he is not sure this is correct or consistent with Best Practices. Also, 195 catch basins were cleaned after larvicide was put in and there is no indication that larvicide was put back. He hopes that in the future, we clean before larvicide is put in the basins. There are extraneous records as part of the backup. He asked what schools and universities were inspected. What food processing facilities were inspected.

On page MCM 3, 2 of 4, it states that sewer shed mapping has been completed. This is not true and needs to be corrected. On page MCM 3, 3 of 4 regarding staff in relevant positions, it states 100%. What are considered relevant positions? Asked same question last year. On page MCM 4/5 1 of 2, asking if MS4 has mechanism for questions, the answer given is yes. He is unaware what the process is for SWPPPs that never get to land use board. On page MCM 4, 3 of 3, the Village answered measurable goal for SWMP in this reporting period is that revisions will be made to the Code and that this was postponed due to the pandemic. Suggested that this year as a goal, the Trustees turn their attention to a workable stormwater management law. On page MCM 5, 3 of 3 it states that the Village will resume inspections of post construction practices. This is disingenuous as the Village has never done an inspection of a post construction stormwater management system. It is not the Village's responsibility, is property owner's, but should be done. We do not have a record of where they are. How will people trained be utilized in improving stormwater? Public involvement is fundamental to this program.

COMMUNICATION TO THE BOARD - Time Limit on Comments of 5 minutes

A. CTB I

Mamaroneck High School students, Justin Solis, Jackson Owen, Olivia Sundin and Daniel March appeared and thanked the Board for accommodating them. They are part of the Original Civics Research and Action group. They presented their study and recommendation to have local elections align with general elections. This presentation will be attached to tonight's agenda as well as posted on the Village website.

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Mayor Murphy asked if this is something that the Board can adopt? Mr. Spolzino stated that they can pass a Local Law having it affective after a referendum. If opposed, voters can also petition for a referendum. Mayor Murphy stated that as he is running unopposed for his third term, if this proposal is adopted, this term would be for three years. The next would be for a four-year term. He and Trustee Lucas would both be running for a four-year term in a presidential election year. Those are always best turn outs for Democrats and gives him an unfair advantage. If this Board adopts this, he will only run for the next term and not for a four-year re-election in the presidential election year. Believes that this is a good idea, and the students presented a good case. He would support with the caveat that he would not run again in 2024.

Trustee Lucas also stated that they did an amazing job with a good idea. She would like to see a required referendum with it and not have to have a permissive referendum. Mr. Spolzino stated that the timeframe for passing a law and getting on the ballot would be the end of August. Trustee Lucas believes that with early voting, needs to be done by early August.

Trustee Wenstrup is sensitive to an all-Democrat Board passing a law and having the vote to adopt during an off year. Can we get a grassroots movement to put before the voters first? Believes that it would be more democratic by having the petition first. Mayor Murphy stated that the Board can adopt the law with a required referendum and if referendum is passed, this would allow him and Trustee Lucas to serve three years. If referendum fails, it would be status quo. In 2022, three Trustees would run for 4-year terms. Trustee Wenstrup would prefer that this be put on the ballot by voters and not the Board and effective the following year. Trustee Natchez agrees that it is a good idea and needs to be vetted out. Mayor Murphy asked that this be added to a future work session.

Mr. Luis Quiros appeared again and believes that this is an issue of transparency and voter oppression comes up a lot. Things are controlled through gentlemen's agreements. There is a lack of diversity on Village boards and committees. What is wanted is voted for behind closed doors and already agreed upon. All committees control the voice and the power. Still waiting for Goldstein documents to appear on the Village website. But will not see as her family gave donations. Need to break up the mob. A handful of residents control the community. Mayor Murphy informed Mr. Quiros that the Goldstein decision is on the Ethics Board page of the website and that she is not a supporter of Mayor Murphy.

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Mr. Glenn Tippet appeared. He is very disappointed. After one presentation, the Board wants to go for four-year terms. There is a reason behind two-year terms; a four-year commitment may be too much for some. The House of Representatives are two-year terms, that is the people's house; they are more reactive to local citizenry. During the Work Session, the Board talked about the Capital Budget. Yes, a priority list is needed, but next step is determining what the number one project is and how will it be paid for. Already have \$1.7 million in projects that are done and need to be bonded. Have another \$1.4 million that have just come up and not on the list. Capital Budget needs to be a living document.

Ms. Daria Locher appeared to ask when in-person meetings will be reinstated. Mayor Murphy informed her that it will be when Governor Cuomo lifts the emergency order.

Mr. Stuart Tiekert appeared again. He sent an email today about payment for seawall repair at Harbor Island Park made as a manual pay early in March, which is illegal. This is improper without Board review. When he asked for the invoice, he received one for an amount higher than what was paid. Not what he asked for. Another inappropriate payment was made to an engineer at the last meeting. He sent the section of Village law that requires review when spending is done. The invoice was dated January 6, 2021. He asked what emergency was it that required payment at the end of March. Also, the work was done to the East Basin wall. Fairly minor work. Thought this was for work on the West Basin seawall. Board is not acting responsibly. Supposed to have control. Hope they exercises their duty.

1. PUBLIC HEARINGS

A. None

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

A. Resolution Authorizing Budget Transfer/Amendment for Overbudget Accounts

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE BUDGET TRANSFERS TO FUND  
OVERBUDGET ACCOUNTS**

WHEREAS, some budget lines are deficit and require funding for current expenses; and

WHEREAS, other budget lines, as noted, have excess funds; and

WHEREAS, a budget transfer is needed between budget accounts to fund expenses through the end of the current budget period.

On motion of Mayor Murphy, seconded by Trustee Wenstrup:

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THEREFORE, BE IT RESOLVED; that the Clerk Treasurer is hereby authorized and directed to Amend the 2020/21 General Fund Budget by making the following Budget Transfers:

**FROM:**

**TO:**

(For overbudget salary lines after final payroll of fiscal year ending 5/31/2021)

A.1325.0421 – Clerk Treasurer Contract Serv	\$1,786.26	A.1325.0110 – (CT) Personnel
A.1430.0406 – Personnel (HR) Training	\$796.41	A.1430.0110 – (HR) Personnel
A.1490.0130 – Public Works Seasonal	\$192.52	A.3621.0110 – Electric Personnel
A.1640.0110 – Central Garage Personnel	\$18,482.91	A.5110.0110 – Street Maint Personnel
A.7110.0130 – Parks Seasonal	\$648.73	A.7140.0120 – Rec Part-Time
A.7110.0131 – Parks Seasonal	\$560.42	A.7140.0140 – Rec Over Time
A.7141.0425.110 – Fall Softball Salaries	\$2,410.50	A.7141.0424.110 – Spring Softball
A.7110.0131 – Parks Weekend	\$839.50	A.7141.0424.110 – Spring Softball
A.1490.0130 – Public Works Seasonal	\$12,334.01	A.8160.0110 – Sanitation Personnel
A.1490.0130 – Public Works Seasonal	2,000.00	A.4086.0130 – Insect Control Seasonal

(For NY Power Authority invoices thru May 2021)

A.1640.0110 – Central Garage Personnel	\$6,000	A.1640.0416 – Central Garage Electric
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Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

B. Abstract of Audited Vouchers w/ Reports

Trustee Natchez asked about the invoice for steno services on page 7. Is this for court hearings? Mr. Barberio informed him that he will have to ask the court. For the future, we can get a detailed list. Trustee Natchez asked if these are reimbursable? He was told that court stenography is not. Trustee Natchez asked about the invoices from AKRF on page 35. Mr. Fusco informed him that the transferred expenditures were authorized, they just need to be reclassified. On the salaries for services provided to land use boards, Trustee Natchez asked to please include the project. He asked about the Arcadis invoice on page 41. Is it for I&I? Mr. Barberio stated that he sent an email detailing these costs. Mayor Murphy again asked that staff get questions before meetings so that they may have answers.

3. OLD BUSINESS - Time Limit on Comments of 3 minutes

A. Resolution Scheduling Public Hearing for PLL D-2021 Metered Parking on West Boston Post Road

**RESOLUTION REGARDING SCHEDULING A PUBLIC HEARING  
– PROPOSED LOCAL LAW D OF 2021 –**

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**A PROPOSED LOCAL LAW TO AMEND ARTICLE V (METERED PARKING ZONES) AND  
ARTICLE VIII (SCHEDULES) OF CHAPTER 326 OF THE CODE OF THE VILLAGE OF  
MAMARONECK TO AMEND A METERED PARKING ZONE AND RESTRICT PARKING**

A PROPOSED LOCAL LAW amending Article V (Metered Parking Zones) and Article VIII (Schedules) of Chapter 326 of the Village Code to extend metered parking on the north side of West Boston Post Road from St. Thomas Church to Delancey Avenue, install parking meters on the south side of West Boston Post Road between Mamaroneck Avenue and Delancey Avenue, and prohibit parking in front of the Village of Mamaroneck Volunteer Fire Department Memorial, having been duly presented to the Board of Trustees for its consideration at its meeting on May 24, 2021; and  
The Board of Trustees having duly considered the proposed local law at work sessions.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Mamaroneck, as follows:

1. The Board of Trustees finds and determines that the adoption of Proposed Local Law D of 2021 is a Type II action under Section 617.5(c)(26) of the New York State Environmental Quality Review Act (SEQRA) because the action is routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and
2. A public hearing on Proposed Local Law D of 2021 in accordance with Municipal Home Rule Law § 20 will be held at the regular meeting of the Board of Trustees at 7:30 p.m. on June 14, 2021; and
3. The Village Clerk-Treasurer is directed to provide notice of the public hearing as required by law.

Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

4. NEW BUSINESS - Time Limit on Comments of 3 minutes

A. Resolution Authorizing Engineering Services - Mamaroneck Waster Transfer Station Roof

Mr. Barberio stated that two weeks ago, the Board asked staff to look at the cost of this project. He met with Tony Iacovelli, DPW Superintendent, Kevin Jamison, Village Electrician and Dennis Drogan, Assistant Building Inspector and they got it down to \$53,000 saving approximately \$9,000.



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Mr. Glenn Tippet appeared and stated that this is to his point. Believes that this is something that needed to be done and should have been included in capital projects for 2021. He asked what project we are pushing back, or will the Village do extra funding? Which is the next project and how much spending is in capital projects budget. There is no money in the operating budget to pay for capital projects.

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR  
ENGINEERING SERVICES FOR THE MAMARONECK WASTE TRANSFER STATION ROOF**

WHEREAS, several years ago, the Village demolish a brick building and roof over the Village trash compactor located at 313 Fayette Avenue as the roof had been structurally compromised due to a lack of clearance for sanitation vehicles to tip their packers and dump refuse, rubbish and recyclables; and

WHEREAS, the Village is desirous of replacing the roof structure to limit the compactor's exposure to the elements which will limit its useful life, as well as providing a safer working for Village Department of Public Works Staff; and

WHEREAS, the Village asked in consulting engineer, Kellard Sessions, to provide a proposal for design, engineering, permitting, planning, bid documentation, and construction oversight services associated with this project; and

WHEREAS, Kellard Sessions did present such a proposal as follows:

I. Base Mapping.....	\$1,200.00
II. Site Plan Phase .....	\$7,100.00
III. Local Wetland and County Stream Permits Phase.....	\$4,200.00
IV. Floodplain Development Permit Phase.....	\$3,200.00
V. Application Phase.....	\$6,000.00
VI. Bid Phase .....	\$9,500.00
VII. Construction Phase .....	T&M as Required

WHEREAS, staff has reviewed this proposal and believes the pricing to be fair and appropriate based on the anticipated work necessary to effectuate this capital project;

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

NOW THEREFORE BE IT RESOLVED, that the Village Manager is herein authorized to execute a professional services agreement with Kellard Session to provided engineering and design services in accordance with their proposal submitted to the Village, not to exceed \$31,200 for Phases I – VI above, and on a Time & Material Basis for Phase VII; and be it further

RESOLVED, that all such costs associated with Phases I- VI be charged to A.1440.0421; and be it further

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RESOLVED, that all costs for Phase VII be charged to a capital budget account to be determined by the Clerk-Treasurer; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake such administrative acts as may be necessary to effectuate this work.

Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR  
STRUCTURAL ENGINEERING SERVICES FOR THE MAMARONECK WASTE TRANSFER  
STATION ROOF**

WHEREAS, several years ago, the Village demolish a brick building and roof over the Village trash compactor located at 313 Fayette Avenue as the roof had been structurally compromised due to a lack of clearance for sanitation vehicles to tip their packers and dump refuse, rubbish and recyclables; and

WHEREAS, the Village is desirous of replacing the roof structure to limit the compactor's exposure to the elements which will limit its useful life, as well as providing a safer working for Village Department of Public Works Staff; and

WHEREAS, the Village asked in consulting engineer, Kellard Sessions, to solicit a proposal for structural engineering services for a pre-fabricated structure in order to complete the design and engineering for this project; and

WHEREAS, Kellard Sessions did present such a proposal from Grossfield Macri Consulting Engineers Inc. for such work in the amount of \$16,800; and

WHEREAS, staff has reviewed this proposal and believes the pricing to be fair and appropriate based on the anticipated work necessary to effectuate this capital project.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

NOW, THEREFORE BE IT RESOLVED, that the Village Manager is herein authorized to execute a professional services agreement with Grossfield Macri Consulting Engineers, Inc for structural engineering services for the Mamaroneck Waste Transfer Station Roof Project in an amount not to exceed \$16,800; and be it further

RESOLVED, that all such costs associated with this work be charged to A.1440.0421; and be it further

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RESOLVED, that the Village Manager is herein authorized to undertake such administrative acts as may be necessary to effectuate this work.

Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR  
SUBSURFACE SOIL AND FOUNDATION INVESTIGATION SERVICES FOR THE  
MAMARONECK WASTE TRANSFER STATION ROOF**

WHEREAS, several years ago, the Village demolish a brick building and roof over the Village trash compactor located at 313 Fayette Avenue as the roof had been structurally compromised due to a lack of clearance for sanitation vehicles to tip their packers and dump refuse, rubbish and recyclables; and

WHEREAS, the Village is desirous of replacing the roof structure to limit the compactor's exposure to the elements which will limit its useful life, as well as providing a safer working for Village Department of Public Works Staff; and

WHEREAS, the Village asked in consulting engineer, Kellard Sessions, to solicit a proposal for subsurface soil and foundation investigation services in order to complete the design and engineering for this project; and

WHEREAS, Kellard Sessions did present such a proposal from Carlin Simpson and Associates for such work in the amount of \$5,125; and

WHEREAS, staff has reviewed this proposal and believes the pricing to be fair and appropriate based on the anticipated work necessary to effectuate this capital project;

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

NOW, THEREFORE BE IT RESOLVED, that the Village Manager is herein authorized to execute a professional services agreement with Carlin, Simpson & Associates to provide subsurface soil and foundation investigation services for the Mamaroneck Waste Transfer Station Roof Project in an amount not to exceed \$5,125; and be it further

RESOLVED, that all such costs associated with this work be charged to A.1440.0421; and be it further

RESOLVED, that the Village Manager is herein authorized to undertake such administrative acts as may be necessary to effectuate this work.

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Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

- B. Resolution Scheduling a Public Hearing for CDBG Applications for Federal FY 2022, 2023 & 2024 Funding Cycles

**RESOLUTION RE:  
SCHEDULING A PUBLIC HEARING FOR CDBG APPLICATIONS FOR FEDERAL FY 2022, 2023  
AND 2024 FUNDING CYCLES**

WHEREAS, the Village of Mamaroneck is a member of the Westchester County Urban Consortium through which we are able to apply for Community Development Block Grant (CDBG) funds; and

WHEREAS, a new three-year cycle covering federal fiscal years 2022, 2023 and 2024 will be released; and

WHEREAS, in order for the Village, and not-for-profits located in the Village to submit grant applications for funding consideration, a public hearing must be held on such applications in advance of the June 25, 2021 submission deadline.

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

RESOLVED, that a Public Hearing be and is hereby scheduled for Monday, June 14, 2021, to consider projects to be included in the upcoming three-year Community Development Block Grant Application Cycle for 2022-2024.

Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

- C. Resolution Accepting Bench Donation

**RESOLUTION RE:  
ACCEPTANCE OF DONATION OF A BENCH AT A VILLAGE PARK**

WHEREAS, Ms. Eileen Puleo is desirous of donating a bench and plaque to the Village of Mamaroneck ("the Village") to be placed in Harbor Island Park in loving memory of "Grandma Dot"; and

WHEREAS, the quoted cost of the bench and plaque is \$1,885 and the bench, as a donation, must be accepted by resolution of the Village of Mamaroneck Board of Trustees ("Board of Trustees") at their discretion;

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On motion of Mayor Murphy, seconded by Trustee Wenstrup:

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees accepts the donation for the bench and plaque in a Harbor Island Park; and be it further

RESOLVED, that the Board of Trustees, on behalf of the Village, thanks Ms. Puleo, for this generous gift to the community.

Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

D. Resolution Authorizing Execution of Kellard Session Contract for I&I Construction Oversight

Mr. Barberio stated that in reference to the long-term consent order, the Board approved the \$5.1 million rehabilitation project. The Village has received grant funds and more to come. We need documentation from our engineer, to file proper paperwork. Cost started at \$400,000 and he was able to reduce to \$150,000 with promise that staff would participate in oversight. Trustee Wenstrup stated that this exemplifies the attention to detail and involvement of staff to save money. It is laudable and serving residents well.

Trustee Lucas stated that this should have been solved years ago and she is appreciative that it is getting done. Mayor Murphy, Mr. Barberio and Mr. Spolzino are working hard with Save the Sound to keep them from initiating a new lawsuit. The Board thanked Messrs. Barberio and Spolzino.

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE KELLARD SESSIONS CONTRACT FOR I&I  
CONSTRUCTION OVERSIGHT**

WHEREAS, during rain events in April and May 2014, the Village experienced a sanitary sewer overflow in the vicinity of Orienta Avenue and Rushmore Avenue, which was anonymously reported to the Department of Environmental Conservation (“DEC”); and

WHEREAS, to remedy the violation, the DEC provided the Village with an Order on Consent, memorializing the key terms and conditions for a settlement of the violations and the implementation of a Schedule of Compliance; and

WHEREAS, the Schedule of Compliance required the Village to complete West Basin Pump Station Drainage Area Inflow and Infiltration (I/I) Investigation, Flow Metering Plan, and accompanying reports within specified timeframes; and

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WHEREAS, pursuant to the Schedule of Compliance, the Village submitted a Flow Metering Engineering Report proposing corrective action measures and an implementation schedule to complete such measures by January 31, 2020, which was approved by the DEC on October 23, 2015; and

WHEREAS, on January 4, 2016, the Village entered into an Inter-Municipal Agreement with the County of Westchester that requires implementation of investigations and corrective actions in accordance with the scope and timeframes set forth in the Consent Order between the Village and the DEC, including additional actions and reporting duties; and

WHEREAS, on April 15, 2020, Village Attorney, Robert Spolzino, Esq., contacted the DEC to request the modified Order on Consent, which was provided to the Village by the DEC on April 15, 2020; and

WHEREAS, the modified Order on Consent extends the timeframe for completion of corrective active measures to January 31, 2022; and

WHEREAS, the Village completed investigation of all areas of the Village except for Metered Area #7 (composed generally of the area known as the Industrial Area). Metered Area #9 (composed generally of the area known as Harbor Heights), and Metered Area #10 (composed generally of and area of the northeast section of "Rye Neck"), and

WHEREAS, based on the completion of these tasks, the Village prepared bids and specifications for Contract # 2020-03 Sanitary Sewer Rehabilitation Areas 8, 11, 13, and 14 to Green Mountain Pipeline Services, LLC for the total amount of \$5,132,780 based on unit bid prices and estimated quantities of work to be completed; and

WHEREAS, in support of this contract work, the Village solicited a quote from its contracted Engineer, Kellard Sessions, to provide oversight and construction management services; and

WHEREAS, Kellard Session submitted said proposal to the Village Manager and with a proposed cost of \$150,000, which based at 2.9% of the total project cost is less than the industry standard of 5-15% of total project cost.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

NOW THEREFORE BE IT RESOLVED, that the Village Manager is authorized to execute a professional services agreement with Kellard Session for Inflow & Infiltration Remediation in Metered Areas #8, #13, & #14 in an amount not to exceed \$150,000; and be it further

RESOLVED, that such costs associated with this work be charged to a capital budget account to be determined by the Clerk-Treasurer; and be it further

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RESOLVED, that the Village Manager is authorized to undertake such administrative acts as may be necessary to effectuate this work.

Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

- F. Resolution Authorizing Return of Funds for Regatta Parking (to be held)  
Held to June 14, 2021 Regular Meeting Agenda.

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

Mr. Glenn Tippet called in again and stated that during the discussion on the operating budget, the Recreation Department stated that they will keep their water bill down by limiting the time that the spray ground is open. This would be a disservice to our children. Put \$30,000 back for water for spray ground and use money from sales tax. Regarding having Police cars in the capital budget, not sure how you bond, as cars lose 80% of their value after three years and we do not keep for the life of the bond. These should be moved from capital to operating. These decisions need to be made by the Trustees. Mayor Murphy stated that the Village did not borrow \$600,000 to balance the budget, took this out of our fund balance. It is taxpayer money and how it should be used.

Ms. Leonora Shalet called in regarding the Fenimore/Prospect Avenues intersection. She emailed the Board and they all acknowledged that it is a safety issue and was going to be on the agenda. Trustee Wenstrup informed her that it has been on the work session agenda for many weeks; however, they are backlogged. The Board is going to hold a special work session on June 1 hoping to get through the backlogged items then. Mayor Murphy assured her that it will be discussed in the month of June. Trustee Lucas asked that it be added to the June 1 Special Work Session.

6. REPORT FROM VILLAGE MANAGER  
A. Update from Village Manager Barberio  
B. Filed for the Record - Contracts w/Kellard Sessions for West Basin & Police Station

BOT REGULAR MEETING  
MAY 24, 2021

7. REPORT FROM CLERK-TREASURER

- A. GP Permits Expire on May 31, 2021 - May Purchase Online or In Office by Appointment
- B. First Half Tax Payments Due June 2021

8. REPORT FROM VILLAGE ATTORNEY

- A. None

9. MINUTES - COMMISSIONS, BOARDS, COMMITTEES

- A. Minutes of the Board of Trustees Work Session & Regular Meeting of May 10, 2021
- B. Minutes of the Traffic Commission Meeting of April 13, 2021
- C. Minutes of the Board of Architectural Review Meeting of April 15, 2021
- D. Minutes of the Board of Ethics Meetings of April 5 and April 23, 2021
- E. Minutes of the HCZMC Meetings of September 16 and October 21, 2020

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:  
SALLY J. ROBERTS  
SECRETARY

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