

BOT REGULAR MEETING
DECEMBER 13, 2021

REGULAR MEETING OF THE VILLAGE OF MAMARONECK BOARD OF TRUSTEES
MONDAY, DECEMBER 13, 2021, AT 8:00 PM
VIA ZOOM TELE AND VIDEO CONFERENCE

PRESENT: Mayor
Trustee

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

Village Manager
Deputy Clerk
Village Attorney

Jerry Barberio
Sally J. Roberts
Robert Spolzino

ABSENT: Assistant Village Manager
Clerk Treasurer

Daniel Sarnoff
Agostino A. Fusco

OPEN MEETING

On motion of Trustee Lucas, seconded by Trustee Natchez:

RESOLVED that the Board of Trustees Regular Meeting of December 13, 2021, be and is hereby open.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

ADOPTION OF AGENDA

Trustee Tafur motioned to adopt the agenda, which was seconded by Trustee Lucas:

Ayes: Natchez, Lucas, Tafur

Nays: Wenstrup, Murphy

PRESENTATIONS

A. Eagle Scout Presentation

Mr. Kyle Francavilla appeared to give a Powerpoint presentation to the Board on his Eagle Scout project at Florence Park. The Board thanked Kyle for all the hard work and the amazing outcome. It is a job well done.

B. Swearing in of Lt. PJ Trujillo

Mayor Murphy swore in newly appointment Police Lieutenant Plinio Trujillo.

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

A. CTB I

Mr. Glenn Tippet appeared regarding the New York State workshop he attended for unspent balance funds. Operating budget should be looked at to reflect actual spending. There are lines in our budget that are already overbudget. This should be looked at in January so that these numbers may be updated going into next fiscal year.

Ms. Kate Dehais appeared as a follow up to the report done by the Flood Mitigation Advisory Committee a few weeks ago. Regarding the idea of river maintenance in the Village, is there a regulation or code that states that the property owner is responsible for maintenance of their section of the river to halfway into the river? There are many areas where there is debris in the river. Mayor Murphy informed her that from time-to-time staff goes into the river to get large items of debris. There are some areas where property owners own into the river, but if an obstruction is there, the Village would take it out. Ms. Dehais asked about behind the CVS property? Mayor Murphy asked that DPW look at that area. She stated that there are areas of virtual dams. Some that are on Village property. Ms. Dehais had further comments that she would send to the Board and staff.

1. PUBLIC HEARINGS

A. Public Hearing on PLL I-2021 FEMA Letter of Map Revision

On motion of Trustee Wenstrup, seconded by Mayor Murphy:

RESOLVED that the Public Hearing on PLL I-2021 be and is hereby open.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

Trustee Natchez asked if we have a map of the area? Trustee Lucas stated that as a map is not attached to tonight's agenda and believes that this is not urgent, it should be held to the January 10, 2022, meeting. Trustee Wenstrup noted that it might urgent be for the property owner. Trustee Lucas believes that the Board needs backup and the LOMR is 4 months from now. Also, in light of the Flood Mitigation Advisory Committee report and presentation, isn't this something that they should look into? Mayor Murphy stated that they should not. It has been reviewed and approved by engineers. Mr. Spolzino stated that it is simply ministerial. FEMA tells the Board what is being amended. There is no discussion or discretion.

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Trustee Lucas stated that clearly the public is not interested as there is no one in attendance to speak on this but there should be a map attached. Is there a better procedure to follow to assure that needed materials are attached? Mayor Murphy does not understand why this cannot be done tonight. What will change in a month? Trustee Wenstrup believes that the push to hold this is being driven by Ms. McCrory's email. Trustee Natchez disagreed. Again, Trustee Lucas stated that as the date of the change is April 2022, is it critical? Can it wait? Mayor Murphy asked why wait? Trustee Lucas stated that she can't look at backup. Can't find the map.

Trustee Wenstrup said that she would close the hearing and vote on it but it is clear that Trustee Lucas and Trustee Natchez do not agree. She asked Trustee Tafur and he stated that he doesn't agree with delaying but there is a point that backup be complete. He would weigh on the side of caution, as this is not urgent. Mayor Murphy stated that the Board had this all week, and no one asked for backup. There was also backup on the last work session agenda. Trustee Lucas stated that she did not have this all week and did not see Ms. McCrory's email.

Trustee Natchez made a motion to adjourn the Public Hearing on PLL I-2021 to the January 10, 2022, meeting, which was seconded by Trustee Lucas:

Ayes: Natchez, Lucas, Tafur

Nays: Wenstrup, Murphy

2. AUDIT OF BILLS - Time Limit on Comments of 5 minutes
- A. Resolution Authorizing Budget Amendment for Hurricane Ida Overtime (on Abstract)

Trustee Lucas asked if we are likely to get this money back? Mr. Barberio stated that yes, we will be receiving money back.

**RESOLUTION RE:
REQUEST FOR BUDGET AMENDMENT TO FUND
FOR STORM IDA OVERTIME EXPENSE LINES**

WHEREAS, on November 8, 2021 the Board of Trustees approved \$1,000,000 in additional funding for Storm Ida expenses; and

WHEREAS, due to the need for additional debris removal that was not originally considered in the additional funding total, the Ida Storm Recovery overtime line is overbudget by \$5,812.94; and

WHEREAS, an additional \$15,000 in funding is requested to cover this overage and any Ida related overtime through the end of the clean-up period;

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On motion of Mayor Murphy, seconded by Trustee Lucas:

THEREFORE, BE IT RESOLVED to provide additional funding of Village-related Overtime expenses for its response to Storm Ida, the Clerk Treasurer is hereby authorized and directed to modify the 2021/22 General Fund budget by processing the following budget amendment,

<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
A. General Fund		A.8748 Storm Ida Response & Recovery	
.05990 Appropriated Fund Balance	\$15,000	.0140 Overtime	\$15,000
TOTAL		TOTAL	
	\$15,000		\$15,000

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

B. Resolution Authorizing Budget Transfer for Parks Dept. Overtime (on Abstract)

**RESOLUTION RE:
AUTHORIZATION TO EXECUTE BUDGET TRANSFER
TO FUND PARKS OVERTIME**

WHEREAS, due to multiple events that required Parks staff to work additional hours, the Parks Department overtime budget line has insufficient funds to cover expenses through the end of the current fiscal year;

WHEREAS, since the Parks Department has been performing tasks in-house that are usually done by an outside vendor, there is a surplus of funds in other Parks Department budget lines such as A.7110.0421, Contract Services; and

WHEREAS, a budget transfer as noted below is requested to transfer the excess funds to cover the additional overtime needed through the end of the fiscal year;

On motion of Mayor Murphy, seconded by Trustee Wenstrup:

THEREFORE, BE IT RESOLVED; that the Clerk Treasurer is hereby authorized and directed to Amend the 2021/22 General Fund Budget by making the following budget amendment:

<u>FROM:</u>		<u>TO:</u>	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
A. 7110 – Parks Department		A.7110 – Parks Department	
.0421 – Contract Serv	<u>\$3,000</u>	.0140 – Overtime	<u>\$3,000</u>
Total	<u>\$3,000</u>		<u>\$3,000</u>

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Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

C. Abstract of Audited Vouchers w/Reports

Trustee Natchez asked about the foreclosure of Directors listed. He also asked about the bill for the I&I work done by Kellard Sessions. Is it the final bill? Thought that the work had to be completed and approved by DOH before paying final invoice. Mr. Barberio cannot answer Trustee Natchez and should have had the question a day ago so that he was prepared. He will inform the Board tomorrow.

Mr. Glenn Tippett appeared and let Trustee Natchez know that Directors is a tax cert. It is for the years 2012-2014. Is the Village represented? Should we have our own attorney representing us? He also asked about the four fees paid to White Plains under Village Manager Contract Services. Did we hire new employees? Mr. Tippett was informed that it is for the Civil Service tests taken to replace Recreation Assistants. We also unfroze the MEO and mechanic positions. Mr. Tippett asked about the police cars purchased for \$45,000. Mr. Barberio informed him this is a hybrid vehicle and that we are getting grant funds to help pay for it. We did have to replace three vehicles due to the storm. Those are being paid for with insurance and FEMA funds.

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

RESOLVED that the Abstract of Audited Vouchers dated December 13, 2021, in the amount of \$1,848,029.05 be and are hereby approved for payment.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

D. Abstract of Manual Vouchers

No comments.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

RESOLVED that the Abstract of Manual Vouchers dated December 13, 2021, in the amount of \$14,533.02 be and is hereby approved.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

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3. OLD BUSINESS - Time Limit on Comments of 3 minutes
 - A. None

4. NEW BUSINESS - Time Limit on Comments of 3 minutes
 - A. Resolution Authorizing Agreement w/Town of Mamaroneck for Construction and Maintenance of Sidewalks to be Installed as part of Waverly Avenue Bridge Project

Mr. Glenn Tippett called in again and asked if we are sharing the cost to build the bridge. He was told that we are not. This is for maintenance of the sidewalks.

**RESOLUTION RE:
AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE TOWN OF MAMARONCK
REGARDING MAINTENANCE RESPONSIBILITY FOR SIDEWALKS TO BE CONSTRUCTED ON
THE APPROACHES TO THE WAVERLY AVENUE BRIDGE**

WHEREAS, the Town of Mamaroneck, as part of the Waverly Avenue Bridge Replacement Project, will be installing new sidewalks on the Waverly Avenue approaches to the bridge; and

WHEREAS, although the 2004 Bridge Stipulation and Settlement between the Town of Mamaroneck, Town of Rye, Village of Rye Brook, Village of Mamaroneck and Village of Port Chester addresses responsibilities for the bridge structures, maintenance of the sidewalks approaching the bridges remains the responsibility of the Village of Mamaroneck; and

WHEREAS, to that end, the New York State Department of Transportation (NYSDOT) has requested that the Village of Mamaroneck and Town of Mamaroneck enter into an agreement memorializing this as the Town will be the recipient of federal aid to construct a project element for which they will not be the party responsible for on-going maintenance; and

WHEREAS, Town of Mamaroneck and Village of Mamaroneck legal staff have met to review this NYSDOT request and have prepared a draft agreement attached hereto and made a part hereof.

On motion of Trustee Wenstrup, seconded by Mayor Murphy:

NOW, THEREFORE BE IT RESOLVED; that the Village Manager is herein authorized to execute an agreement with the Town of Mamaroneck related to ongoing maintenance of sidewalks to be installed on the approaches to the Waverly Avenue Bridge; and be it further

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

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

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- B. Resolution Authorizing Execution of Contract for Transfer Station Roof (1) Design and (2) Surveying Services (To be Held)

Held to January 10, 2022, Regular Meeting Agenda.

- C. Resolution Authorizing Bond for WJWW Project A-1352 Rye Lane UV Facility

**EXTRACTS FROM MINUTES OF MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF MAMARONECK, COUNTY OF WESTCHESTER, NEW YORK**

(\$2,144,000 WJWW Project, 40 Years)

A regular meeting of the Board of Trustees of the Village of Mamaroneck, located in the County of Westchester, State of New York, was held at Village Hall, in Mamaroneck, New York, on December 13, 2021, at 8:00 o'clock, P.M. (Prevailing Time) at which meeting a quorum was at all times present and acting. There were:

PRESENT: Mayor Thomas A. Murphy

Trustee Kelly Wenstrup

Trustee Victor Tafur

Trustee Nora Lucas

Trustee Daniel S. Natchez

ABSENT: Clerk Treasurer Agostino A. Fusco

ALSO PRESENT: Village Manager Jerry Barberio

Deputy Clerk Sally J. Roberts

* * * * *

Mayor Murphy submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee Wenstrup. The Board of Trustees of the Village was polled. The motion was adopted by a vote of five (5) affirmative votes (being at least two thirds of the voting strength of the Board of Trustees of the Village) with zero (0) negative votes and zero (0) votes absent.

**BOND RESOLUTION, DATED DECEMBER 13, 2021, AUTHORIZING THE ISSUANCE OF UP TO
\$2,144,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF
MAMARONECK, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE
LOCAL FINANCE LAW, TO FINANCE THE VILLAGE'S PORTION OF THE COSTS OF THE
ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF WATER SYSTEM
IMPROVEMENTS PURSUANT TO AN AGREEMENT WITH
WESTCHESTER JOINT WATER WORKS**

WHEREAS, on September 5, 2019, the Village of Mamaroneck, (the "Village"), located in the County of Westchester, in the State of New York (the "State"), entered into an agreement (the "Agreement") between

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the Village, the Town of Mamaroneck (the “Town”), the Town/Village of Harrison (“Harrison” and, together with the Village and the Town, the “Member Municipalities”) and Westchester Joint Water Works (“WJWW”), a not-for-profit corporation, in connection with WJWW’s application for certain grants from the New York State Environmental Facilities Corporation (“NYSEFC”) for the construction, reconstruction and acquisition of area water system improvements, know as the Rye Lake Ultraviolet Plant Project (the “Project”) at an estimated maximum cost of \$8,000,000;

WHEREAS, pursuant to the Agreement, the Member Municipalities have agreed to share the costs and debt related to the Project;

WHEREAS, the Agreement provides that the share of the total costs and debt of the Project for which each of the Member Municipalities is responsible shall be determined by each of the Village, Town and Harrison’s percentage share of the total gallons of water sold within the Member Municipalities based on the WJWW’s fiscal year ending 2017;

WHEREAS, based on such calculation, the Village is responsible for 26.8% of the total costs and debt of the Project or \$2,144,000; and

WHEREAS, the Board of Trustees of the Village hereby determines that it is in the public interest of the Village to authorize the financing of its portion of the Project, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total cost not to exceed \$2,144,000, all in accordance with the Local Finance Law;

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

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$2,144,000, pursuant to the Local Finance Law, in order to finance the Village’s portion of the Project, including any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto.

Section 2. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such

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serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$8,000,000; (b) except as set forth in the Village's financial records and the Agreement, no money has heretofore been authorized to be applied to the payment of the costs of the Village's portion of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Village's portion of the Project from (i) the proceeds of the serial bonds authorized herein, or from the proceeds of bond anticipation notes issued in anticipation of such serial bonds and (ii) certain loans and grants from NYSEFC; (d) the maturity of the obligations authorized herein may be in excess of five (5) years; (e) on or before the expenditure of moneys to pay for any costs of the Village's portion of the Project for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize capital financing of such item; and (f) the amount authorized to be applied to such objects or purposes from the proceeds of the obligations authorized herein shall be reduced *pro tanto* by the amount of aid received by the Village for such object or purpose.

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

Section 5. Each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

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

Section 7. Prior to the issuance of the obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made with respect to the Village’s portion of the Project on or after a date which is not more than sixty (60) days prior to the earlier of (i) the date of adoption of a prior declaration of intent by the Village to borrow for the objects or purposes set forth herein or (ii) the date of adoption of this bond resolution.

Section 9. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation (the “Project Financing Agreement”) and, to the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other

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documents, perform all acts and do all things required or contemplated to be executed, performed or done by this bond resolution or any document or agreement approved hereby, including, but not limited to, the Project Financing Agreement.

Section 10. For the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the Village agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations authorized herein in accordance which the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the Village’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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Section 11. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

- D. Resolution Authorizing Budget Transfer to Fund Human Resources Account for Retention of 207(c) Police Disability Management Services

**RESOLUTION RE:
FUNDING PERSONNEL CONTRACT SERVICES FOR
DISABILITY MANAGEMENT COMPANY**

WHEREAS, the Personnel Department was established to handle and process all employee related issues with one very important and costly being long term Workman's Compensation and/or 207C's for the Police Department;

WHEREAS, due to the PBA contractual unlimited sick days, long term disability cases or 207C's can be costly to the Village at approximately 67% of the salary while an employee is out; and

WHEREAS, due to the complexity of the 207C's for the Police Department the HR Manager recommends using a disability management company to help handle settle these cases quicker and ultimately the Village save thousands in costs from cases going on longer than needed; and

WHEREAS, one such company is Disability Management Associates, Inc that can provide this service at an estimated annual cost of \$15,000;

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

THEREFORE, BE IT Resolved; that the Clerk Treasurer is hereby authorized and directed to Amend the 2021/22 General Fund Budget by making the following budget amendment:

<u>FROM:</u>		<u>TO:</u>	
<u>Fund Balance</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
B. General Fund		A.1430 – Personnel	
.5990 – Approp. Fund Bal	\$15,000	.0421 – Contract Serv.	\$15,000

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

- E. Resolution Authorizing Budget Amendment for Funding of IT Part-time Employee

**RESOLUTION RE:
FUNDING FOR IT PART-TIME EMPLOYEE**

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WHEREAS, on September 27 the Board of Trustees authorized the purchase of Muncicity 5 software package to be utilized by the Building Department; and

WHEREAS, the implementation of this software will create an increased workload for the IT department and to maintain regular service to all Village departments a part-time employee is recommended to assist the IT Manager; and

WHEREAS, a budget amendment is requested to fund a part-time employee at an estimate cost of \$9,600 through the end of the current budget period; and

THEREFORE, BE IT RESOLVED; that the Clerk Treasurer is hereby authorized and directed to Amend the 2021/22 General Fund Budget by making the following budget amendment:

FROM:

TO:

<u>Fund Balance</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
A. General Fund		A.1680 – Central Data Processing	
.5990 – Approp. Fund Bal	\$9,600	.0120 – Part-time Salaries	\$9,600

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

- F. Resolution Authorizing Budget Amendment for Funding of Conversion of BOT Minutes from Microfiche to Laserfiche

**RESOLUTION RE:
AUTHORIZATION TO EXECUTE BUDGET AMENDMENT TO
FUND MICROFICHE CONVERSION**

WHEREAS, one of the main responsibilities of the Clerk/Treasurer's office is to maintains all Village records including current and historical Board of Trustee Minute Books dating back to June 1896;

WHEREAS, although these documents are kept in a secure location, overtime the wear and tear from age and use can damage these books, as well as, the dangers of fire or floods could result in the Village losing these precious documents; and

WHEREAS, to secure these documents remain in the Village archives forever, the Clerk/Treasurer's office has done their due diligence in researching companies that will scan and store these documents to microfiche so they can be accessed virtually; and

WHEREAS, the Clerk/Treasurer's office has received a quote in the amount of \$9,371 to scan, log and upload Board of Trustee Minutes not currently in electronic format to Laserfiche (Phase I); and

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WHEREAS, an additional 20% is being requested in the event of unanticipated expenses incurred; and
WHEREAS, a budget amendment is requested to fund the microfiche conversion; now

On motion of Mayor Murphy, seconded by Trustee Wenstrup:

THEREFORE, BE IT Resolved; that the Clerk Treasurer is hereby authorized and directed to Amend
the 2021/22 General Fund Budget by making the following budget amendment:

<u>FROM:</u>		<u>TO:</u>	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
A. – General Fund Balance		A.1325 – Clerk/Treasurer	
.5990 – Appropriated Fund Balance	\$11,250	.0421 – Contract Serv	\$11,250

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

G. Resolution Accepting Funds from NY State to Environmental Trust Fund

**RESOLUTION RE: ACCEPTANCE OF FUNDS FROM
NEW YORK STATE
TO THE ENVIRONMENTAL TRUST FUND**

WHEREAS, the Village is in receipt of a 2nd payment of \$5,000 from the N.Y. State Energy Research
and Development Authority; and

WHEREAS, upon receipt of this check the funds were allocated to the General Fund Revenue State
Aid A.0300.03320 line; and

WHEREAS, these funds are to be used for projects beneficial to the environment and should be
allocated to an account for that specific purpose; now

On motion of Mayor Murphy, seconded by Trustee Wenstrup:

THEREFORE BE IT RESOLVED, that the Board of Trustees herein authorizes the Clerk Treasurer
to transfer these funds from revenue account A.0300.3320 to the Environmental Trust account A.6100.9732.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

H. Resolution Authorizing 2022 Motel Licenses for (1) Mamaroneck Motel & (2) Vincent & Sons Motel

**RESOLUTION FOR RENEWAL OF MOTEL LICENSE
(MAMARONECK MOTEL)**

WHEREAS the application for motel license renewal for 2022 was sent to Mamaroneck Motel; and

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WHEREAS the Clerk-Treasurer's office is in receipt of the completed application, payment for such, insurance requirements and inspection reports from both the Building and Police Departments; and

WHEREAS Mamaroneck Motel has passed all inspections, copy of such inspections attached.

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

NOW THEREFORE BE IT RESOLVED that the Motel License for Mamaroneck Motel be and is hereby renewed for a period of one year, such period to expire on December 31, 2022.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

**RESOLUTION FOR RENEWAL OF MOTEL LICENSE
(VINCENT & SONS MOTEL)**

WHEREAS the application for motel license renewal for 2022 was sent to Vincent and Sons Motel; and

WHEREAS the Clerk-Treasurer's office is in receipt of the completed application, payment for such, insurance requirements and inspection reports from both the Building and Police Departments; and

WHEREAS Vincent and Sons Motel has passed all inspections, copy of such inspections attached.

On motion of Mayor Murphy, seconded by Trustee Wenstrup:

NOW THEREFORE BE IT RESOLVED that the Motel License for Vincent and Sons Motel be and is hereby renewed for a period of one year, such period to expire on December 31, 2022.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

- I. Resolution Authorizing Execution of Intermunicipal Agreement to Apply for DEC Grant for Recycle Right App

**RESOLUTION RE:
AUTHORIZATION TO EXECUTE AN INTERMUNICIPAL AGREEMENT TO PARTICIPATE IN
A NEW YORK STATE GRANT FOR THE DEVELOPMENT AND MAINTENANCE OF THE
RECYCLE RIGHT APPLICATION**

WHEREAS, for the past several years, the Village of Mamaroneck has been party to an intermunicipal grant application and agreement with the City of New Rochelle, Town of Cortlandt, Town of Greenburgh, Town of Ossining, Town/Village of Harrison, Village of Ardsley, Village of Bronxville, Village of Elmsford, Village of Hastings-on-Hudson, Village of Irvington, Village of Tarrytown, and Village of Tuckahoe; and

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WHEREAS, through this program, the Village and the participating municipalities worked with Sustainable Westchester and application developer to create the Recycling Right Westchester Application, a program that allows residents in the participating communities to get information on their local recycling and refuse programs including collection schedules, local rules for when certain types of rubbish are collected and other important information; and

WHEREAS, this is an annual grant program and in order to maintain its participation, the Village of Mamaroneck must execute an Intermunicipal Agreement with the participating municipalities indicating the lead community for the application and administration of the grant, in this instance the Village of Tarrytown; and

WHEREAS, participation in this program has allowed the Village to refine its program for the annual production of its recycling calendar and brochure, resulting in an approximate 57% reduction in costs; now therefore be it

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

RESOLVED, that the Village Manger is authorized to execute an intermunicipal agreement with the City of New Rochelle, Town of Cortlandt, Town of Greenburgh, Town of Ossining, Town/Village of Harrison, Village of Ardsley, Village of Bronxville, Village of Elmsford, Village of Hastings-on-Hudson, Village of Irvington, Village of Tarrytown, and Village of Tuckahoe to participate in an application to the New York State Department of Environmental Conservation for the continued maintenance and development of the Recycling Right Westchester application; and be it further

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

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

J. Resolution Authorizing Execution of Police Mutual Aid Plan

**RESOLUTION RE:
AUTHORIZATION TO EXECUTE POLICE MUTUAL AID PLAN**

WHEREAS, pursuant to §209-M of the General Municipal Law, municipal police departments may answer calls for service outside of their municipal boundaries when requested; and

WHEREAS, to ensure a synchronized response, the Westchester County Department of Public Safety has instituted a Mutual Aid Plan to organize, supervise and coordinate both cooperative and

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reciprocal assistance in which personnel, equipment and physical facilities of all participating departments is ensured; and

WHEREAS, the Village of Mamaroneck has been party to an existing Mutual Aid Agreement with Westchester County for many years; and

WHEREAS, the current agreement expired as of July 30, 2020, and Westchester County has proffered an updated agreement and sent it to the Village of Mamaroneck for its consideration for a term of five-years commencing on July 31, 2020, through July 30, 2025; now therefore be it

On motion of Trustee Natchez, seconded by Trustee Wenstrup:

RESOLVED, the Village Manager to execute an intermunicipal agreement with Westchester County providing for its continued participation in the Mutual Aid and Rapid Response Plan pursuant to New York State General Municipal Law §209-M; and be it further

RESOLVED, Village Manager and Police Chief are authorized to undertake such administrative acts as may be necessary to effectuate this agreement.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

K. Resolution Adding Agenda Item

**RESOLUTION RE:
ADDITION OF AGENDA ITEM 4L**

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

On motion of Trustee Wenstrup, seconded by Mayor Murphy

RESOLVED that Agenda Item 4L Resolution Appointing Member of the Arts Council be and is hereby added to the December 13, 2021, Regular Meeting Agenda.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

L. Resolution Appointing Member of the Arts Council

**RESOLUTION RE:
APPOINTMENT TO ARTS COUNCIL**

WHEREAS, there is an open position on the Arts Council expiring December 2023; and

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WHEREAS, Mr. Michael Norberto has graciously volunteered to serve on this Board;

On motion of Mayor Murphy, seconded by Trustee Lucas:

NOW THEREFORE BE IT RESOLVED that Mr. Michael Norberto be and is hereby appointed to the Village of Mamaroneck Arts Council to fill an unexpired term, such term to expire December 2023; and be it further

RESOLVED that the Board of Trustees thanks Mr. Norberto for serving his community.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

M. Resolution Adding Agenda Item

**RESOLUTION RE:
ADDITION OF AGENDA ITEM 4N**

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 Wenstrup:

RESOLVED that Agenda Item 4N Resolution Appointing Member of the Planning Board be and is hereby added to the December 13, 2021, Regular Meeting Agenda.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

N. Resolution Appointing Planning Board Member

**RESOLUTION RE:
APPOINTMENT TO PLANNING BOARD**

WHEREAS, there is an open position on the Planning Board expiring December 2024; and

WHEREAS, Mr. Seamus O'Rourke has graciously volunteered to serve on this Board;

On motion of Mayor Murphy, seconded by Trustee Wenstrup:

NOW THEREFORE BE IT RESOLVED that Mr. Seamus O'Rourke be and is hereby appointed to the Village of Mamaroneck Planning Board to fill an unexpired term, such term to expire December 2024; and be it further

RESOLVED that as Mr. O'Rourke is currently serving on the Harbor and Coastal Zone Management Commission, term to expire December 2024, that position is now open; and be it further

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RESOLVED that the Board of Trustees thanks Mr. O'Rourke for continuing to serve his community.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

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

Mr. Glenn Tippett called in to wish everyone a happy holiday season. Asked that the Board aggressively address capital needs in the new year. Village Hall needs to be addressed and getting monies from FEMA for remaining losses.

6. REPORT FROM VILLAGE MANAGER
 - A. File for the Record - Retainer Agreement with Whiteman, Osterman & Hanna for Fedyna vs. VOM and VOM HCZMC Article 78
 - B. File for the Record - Intermunicipal Agreement w/County for Summer Camp Program

7. REPORT FROM CLERK-TREASURER
 - A. Second Half Taxes Due on or before January 3, 2022
 - B. File for the Record - Certification/Results of 2021 Village Elections
 - C. Resignation of Arts Council Member (2023 term expiration)
 - D. Resignation of Marine Education Center Advisory Committee Member (2023 term expiration)

8. REPORT FROM VILLAGE ATTORNEY
 - A. Filing of LL 5-2021 (Tree Law) with the Secretary of State

9. MINUTES - COMMISSIONS, BOARDS, COMMITTEES
 - A. Minutes of the Board of Trustees Special Meetings of November 17 & 18 and Work Session and Regular Meeting of November 22, 2021
 - B. Minutes of the Board of Architectural Review Meeting of November 2, 2021
 - C. Minutes of the Board of Ethics Meetings of November 10 and November 17, 2021
 - D. Minutes of the Planning Board Meeting of October 27, 2021
 - E. Minutes of the CFTE Meeting of October 19, 2021

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F. Minutes of the Arts Council Meeting of November 1, 2021

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