

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK
HELD ON MONDAY, SEPTEMBER 11, 2017 AT 7:30 P.M. IN THE COURTROOM, MAMARONECK, NEW YORK

PRESENT:

Deputy Mayor
Trustees

Louis Santoro
Leon Potok
Keith W. Waitt (via Zoom)
Victor M. Tafur
Robert Yamuder
Daniel Sarnoff
Robert Spolzino, Esq.
Agostino A. Fusco

Village Manager
Assistant Village Manager
Village Attorney
Clerk-Treasurer

ABSENT:

Mayor

Norman S. Rosenblum

OPEN MEETING

On motion of Trustee Santoro, seconded by Trustee Potok:

RESOLVED that the September 11, 2017 Board of Trustees Work Session be and is hereby open.

Ayes: Potok, Waitt, Tafur, Santoro Rosenblum
Nays: None
Absent: Rosenblum

PRESENTATIONS

At Home on the Sound

Leslie Molioff, Vice President of Development. At Home on the Sound provides programs, transportation and services to our members, age 60 years and up, so they can remain in their own homes and live independent, engaged and active lives in the Sound Shore communities of Larchmont and Mamaroneck.

Special Thank You to the Village of Mamaroneck Fire Department for its Quick Response and Action Responding to a Student Trapped Under a Vehicle at Mamaroneck High School

COMMUNICATION TO THE BOARD

Stuart Tiekert, 130 Beach Ave

- Mr. Tiekert expressed his concerns with the building department and the work being done at 1017 Grove Street.
- In addition Mr. Tiekert wanted to know if the action minutes policy had been adopted.

9/11/2017

Trustee Waitt informed Mr. Tiekert that he reviewed how the board intended for minutes to proceed going forward.

PUBLIC HEARINGS

A. Public Hearing on PLL O-2017 - Amending Village Code Chapter 36 (Ethics) to Provide for Defense of Village Officials/Volunteer Board Members in Administrative Proceedings

On motion of Trustee Potok, seconded by Trustee Santoro Public Hearing on PLL O-2017 is hereby open.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

Village Attorney Robert Spolzino reviewed the background of the law.

Comments from the Public

Mr. Tiekert was curious if Administrative proceedings is a legal term.

Village Attorney responded yes, it is a legal term.

Mr. Tiekert believes this law should not be adopted. This could open up taxpayers to significant fees and would be a reduction in the importance that the trustees act ethically during board meetings.

Andres Bermudez Hallström, 650 Halstead Ave.

Mr. Bermudez Hallström believes that everyone has the right to have council in a court of law. All elected officials should have a right to an attorney, this law will provide sure council if needed. This protects all of them from malicious ethics complaints that are meant to harass the volunteer in question. Such counsel should be provided.

Trustee Potok stated that it is the board's intention to improve upon the law after it is passed.

On motion of Trustee Potok, seconded by Trustee Santoro the public hearing of Public Law O is now closed.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

**A PROPOSED LOCAL LAW TO AMEND CHAPTER 36 OF THE CODE OF
THE VILLAGE OF MAMARONECK (INDEMNIFICATION AND DEFENSE)
WITH RESPECT TO THE DEFENSE OF CERTAIN VILLAGE EMPLOYEES IN
ADMINISTRATIVE PROCEEDINGS**

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

Section 1.

Section 36-3 of the Code of the Village of Mamaroneck is amended as follows:

§ 36-3 Obligation of village to provide for defense.

Upon compliance by the employee with the provisions of § 36-7, the village shall provide for the defense of the employee in any civil action or proceeding in any state or federal court, arising out of any alleged act or omission which occurred, or is alleged in the complaint to have occurred, while the employee was acting within the scope of his/her public employment or duties or which is brought to enforce a provision of § 1981 or 1983 of Title 42 of the United States Code, as the same may, from time to time, be amended. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the Village of Mamaroneck. If the employee is an elected official, an appointed volunteer member of a board or agency of the village or an appointee of the Board of Trustees, the village will also provide for the defense of the employee in any proceeding before any administrative body which has the authority to impose sanctions or penalties upon the employee, including any administrative body of the Village of Mamaroneck, except where the administrative proceeding is brought by or on behalf of the Village of Mamaroneck at the direction of the Board of Trustees, the Village Manager or, in the case of a compensated employee, the employee's appointing authority.

Section 2.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 3.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 4.

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This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27 and shall apply to all actions or proceedings pending upon its effective date or thereafter.

On motion of Trustee Potok, seconded by Trustee Waitt.

Ayes: Potok, Waitt, Tafur

Nays: None

Abstain: Santoro

Absent: Rosenblum

B. Public Hearing on PLL-P - Microbrewery Legislation Version 3

Public Hearing not opened.

C. Public Hearing on PLL-P - Microbrewery Legislation Version 4

On motion of Trustee Potok, seconded by Trustee Santoro Public Hearing on PLL P-2017 is hereby open.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

Mr. Tiekert would like to know when version 4 of the law was proposed and adopted?

Trustee Potok stated it was during a special meeting on August 24, it was motioned by Mayor Rosenblum and seconded by Trustee Potok.

Trustee Potok motions to amend Microbrewery Legislation Version 4 Version 4 to Version 5. Village Attorney Robert Spolzino reviews changes to the proposed local law.

No substantive changes from Version 4 to Version 5 of this law. The changes are the definition of the brewpub is now a restaurant, brewpub to be more consistent with the definitions within code. The definition of distillery has been deleted, the quantity limitations on production which was in the substances part of the law has been moved to the production part of the law. The definition of tasting room and nanobrewery have been modified but not substantively. Additional limitations are now in a substantive new section, 242.7.1, with no additional changes.

During the work session the Board decided to remove section A from 347.1 which would have made a substantive change to the law.

Version 5 is substantively identical to version 4 with those few changes. The board is voting to substitute version 5 for version 4 with those changes and move forward with version 5 of the law.

Trustee Waitt seconds the motion.

Mr. Tiekert returned to the podium to review New York state procedures for adopting of local laws. No such law can pass until it is in its final form for 7 calendars.

Andres Bermudez Hallström returned to the podium. Is the 200 foot from school rule the same as the beverage control act?

The board answered that they have removed that from the law.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

On motion of Trustee Potok Motion, seconded by Trustee Tafur to adjourning the Public Hearing to October 10.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

On motion of Trustee Potok Motion, seconded by Trustee Tafur to referral version 5 of PLL-P 2017 to HCZMC, and long form EAF.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

D. Public Hearing on PPL-Q - Clarifying Village Code on Member Clubs and Uses in the MR Zone

Village Attorney Robert Spolzino reviewed the law.

On motion of Trustee Potok Motion, seconded by Trustee Tafur to open the Public Hearing.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

No comments from the public.

On motion of Trustee Potok Motion, seconded by Trustee Waitt to adjourning the Public Hearing to October 10 and refer the most recent version of the law to the land use boards.

Ayes: Potok, Waitt, Tafur, Santoro
Nays: None
Absent: Rosenblum

E. Public Hearing on PLL R-2017 to Amend Chapters 9 (Board of Trustees), 76 (Village Manager) and 78 (Village Attorney) of the Code of the Village of Mamaroneck with respect to the powers of the Mayor, Board of Trustees and Village Manager

On motion of Trustee Potok Motion, seconded by Trustee Waitt to open the Public Hearing.

Ayes: Potok, Waitt, Tafur, Santoro
Nays: None
Absent: Rosenblum

Village Attorney Robert Spolzino reviewed the changes to the code that this law makes.

Mr. Tiekert highlights that in the changes that in the all boards and committees are mentioned except the Tree Committee.

Andres Bermudez Hallström brings up his concerns that the filling of vacancies needs a full board vote, for example the Village Prosecutor. If there is no Village Prosecutor then all local cases will be dismissed due to the fact that the Westchester County DA's office doesn't prosecute local cases. For a lot of these offices you do need to have the power to appoint someone quickly without having a 3-2 vote by the board.

Dan Natchez it seems that the board has been able to get together more this year than ever before with the addition of many special meetings.

Mr. Bermudez Hallström returns to the podium to remind the board how one absence can create a 2-2 dead lock. A violation must be heard within 30 days of receiving the notification if there is no Prosecutor the judge will have no problem dismissing the case.

On motion of Trustee Potok Motion, seconded by Trustee Waitt to close the Public Hearing.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None
Absent: Rosenblum

LOCAL LAW 12-2017

**A LOCAL LAW TO AMEND CHAPTERS 9 (BOARD OF TRUSTEES),
76 (VILLAGE MANAGER) AND 78 (VILLAGE ATTORNEY) OF THE CODE OF THE
VILLAGE OF MAMARONECK WITH RESPECT TO THE POWERS OF THE MAYOR,
BOARD OF TRUSTEES AND VILLAGE MANAGER**

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

Section 1.

Article III of Chapter 9 Section of the Code of the Village of Mamaroneck is amended as follows:

Article III Authority of Mayor and Board of Trustees

§ 9-5 Authority of the Mayor.

The Mayor shall have all of the authority granted to and duties imposed upon the Mayor by section 4-400 of the Village Law of the State of New York and section 5711-q of the Unconsolidated Laws of the State of New York, except

A. The authority to appoint

- (1) the members and chairperson of the Board of Architectural Review and fill vacancies on that Board, which is given to the Board of Trustees by Village Code § 6-4;
- (2) the members of the Arts Council and fill vacancies on that Council, which is given to the Board of Trustees by Village Code § 7-5;
- (3) the members and chairperson of the Committee for the Environment and fill vacancies on that committee, which is given to the Board of Trustees by Village Code § 20-1;
- (4) the members of the Ethics Board and fill vacancies on that Board, which is given to the Board of Trustees by Village Code § 21-7;
- (5) the members and chairperson of the Planning Board and fill vacancies on that Board, which is given to the Board of Trustees by Village Code § 58-1;
- (6) the members and chairperson of the Board of Traffic Commissioners, which is given to the Board of Trustees by Village Code § 72-1;
- (7) the Village Manager, Village Clerk, Village Treasurer and police officers, which is given to the Board of Trustees by Village Code § 76-1(A);

- (8) the members of boards, commissions, councils or committees created by the Board of Trustees and fill vacancies on those boards, commissions, councils or committees, which is given to the Board of Trustees by Village Code § 76-3;
 - (9) the Village Attorney and fill vacancies in that office, which is given to the Board of Trustees by Village Code § 78-4;
 - (10) the members of the Landmarks Advisory Committee, which is given to the Board of Trustees by Village Code § 218-3;
 - (11) the members of the Coastal Zone Management Commission and fill vacancies on that commission, which is given to the Board of Trustees by Village Code § 240-35;
 - (12) the members and chairperson of the Zoning Board of Appeals and fill vacancies on that Board, which is given to the Board of Trustees by Village Code § 342-88;
 - (13) the clerk of the court, upon the consent of the village justice or justices, which is an administrative and executive power given to the Village Manager by Village Code § 76-1(A);
- B. The authority to supervise the Village Clerk, Village Treasurer and Chief of Police, which is an administrative and executive power given to the Village Manager by Village Code § 76-1(A); and
- C. The authority to exercise the following powers, each of which is an administrative and executive power given to the Village Manager by Village Code § 76-1(A):
- (1) to institute, at the direction of the Board of Trustees, all civil actions in the corporate name of the Village;
 - (2) to intervene in any and all actions, at the direction of the Board of Trustees where deemed necessary to protect the rights of the village and its inhabitants;
 - (3) to provide for the enforcement of all laws, local laws, rules and regulations and to cause all violations thereof to be prosecuted;
 - (4) to execute all contracts in the name of the village;
 - (5) to sign checks in the absence of the treasurer or deputy treasurer when authorized by the Board of Trustees;
 - (6) to cause all claims to be thoroughly investigated and issue subpoenas to compel the attendance of the claimant; and
 - (7) to issue all licenses as the “licensing officer” of the Village.

§ 9-6 Authority of the Board of Trustees.

The Board of Trustees shall have all of the authority granted to it and duties imposed upon it by section 4-412 of the Village Law of the State of New York and the Village Code, including the authority to appoint

- A. the members and chairperson of the Board of Architectural Review and fill vacancies on that Board, as provided by Village Code § 6-4;
- B. the members of the Arts Council and fill vacancies on that council, as provided by Village Code § 7-5;
- C. the members and chairperson of the Committee for the Environment and fill vacancies on that committee, as provided by Village Code § 20-1;
- D. the members of the Ethics Board and fill vacancies on that Board, as provided by Village Code § 21-7;
- E. the members and chairperson of the Planning Board and fill vacancies on that board, as provided by Village Code § 58-1;
- F. the members and chairperson of the Board of Traffic Commissioners, as provided by Village Code § 72-1;
- G. the Village Manager, Village Clerk, Village Treasurer and police officers, as provided by Village Code § 76-1(A);
- H. the members of boards, commissions, councils or committees created by the Board of Trustees and fill vacancies on those boards, commissions, councils or committees, as provided by Village Code § 76-3;
- I. the Village Attorney and fill vacancies in that office, as provided by Village Code § 78-4;
- J. the Village Prosecutor and fill vacancies in that position, as provided by Village Code § 78-7;
- K. the members of the Landmarks Advisory Committee, as provided by Village Code § 218-3;
- L. the members of the Coastal Zone Management Commission and fill vacancies on that commission, as provided by Village Code § 240-35; and
- M. the members and chairperson of the Zoning Board of Appeals and fill vacancies on that board, as provided by Village Code § 342-88.

Section 2.

Section 76-1(A) of the Code of the Village of Mamaroneck is amended as follows:

- A. The administrative and executive powers of the Village, including the power of appointment of officers and employees, except the Village Clerk, the Village Attorney and Treasurer and, in the County of Westchester, officers and members of the Police Department, where such a department has been established pursuant to law, are vested in an official to be known as the "Village Manager," who shall be appointed by the Board of Trustees and shall hold office during the pleasure of such Board. He shall receive such compensation as shall be fixed by the Board of Trustees. Notwithstanding any other provisions of law, the Board of Trustees may also appoint the Village Manager to the office of Village Clerk, to serve in such office at

the discretion of such Board. Superseding, to the extent necessary, the provisions of section 4402 of the Village Law of the State of New York and section 5711-q of the Unconsolidated Laws of the State of New York, the administrative and executive powers of the Village shall include the power to supervise the Village Clerk, Village Treasurer and Chief of Police, each of whom shall report to the Village Manager, each of whom shall be subject to the direction and control of the Village Manager.

Section 3.

Chapter 78 of the Code of the Village of Mamaroneck is amended by adding a new section, designated § 78-7, as follows:

§ 78-7 Appointment of Village Prosecutor.

The Village Prosecutor shall be appointed by the Board of Trustees. Such appointment shall be for a term of one year and shall be made annually at the Board's annual organizational meeting. Any vacancy shall be filled by the Board of Trustees and such appointee shall serve until the next annual organizational meeting.

Section 4.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 5.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 6.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27 and shall apply to all actions or proceedings pending upon its effective date or thereafter.

On motion of Trustee Potok, seconded by Trustee Waitt.

Ayes: Potok, Waitt, Tafur

Nays: Santoro

Absent: Rosenblum

AUDIT OF BILLS

A. Abstract of Audited Vouchers

On motion of Trustee Potok, seconded by Trustee Waitt.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

Mr. Tiekert returned to podium with a few questions on the audit.

- Dunkin Parking Technologies
 - Domes for the Parking meters
- Johnny Erskine Exterminator
 - Pest control for the Fireman's Carnival
- Ridgeway Garden Center
- Bamboo Marshmallow Sticks
 - Used at assorted Rec Events
- Robert Galvin
- McCarthy Fingar

Board wants to remind the staff that they are looking to combine the communication bills to consolidate.

On motion of Trustee Potok, seconded by Trustee Tafur.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

OLD BUSINESS

A. None

NEW BUSINESS

Item Taken Out of Order

E. Resolution Authorization to Execute A Lease Agreement With Larchmont-Mamaroneck Community Television (LMC-TV) To Lease Village Owned Property

Jeff Meighan, President of the Board for LMC-TV presented on how this would be a better location and opportunity for LMC-TV.

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The board decided to wait to vote until they review differences in leases and they hear back from LMC-TV's Board of Control.

Item held over to next Board of Trustees Meeting on September 25, 2017.

A. Resolution Authorizing the Sale of Surplus Vehicles and Equipment

RESOLUTION:

AUTHORIZING THE SALE OF SURPLUS VEHICLES AND EQUIPMENT

WHEREAS, certain Village Vehicles and equipment have been recommended to be declared as surplus or they have exceeded their useful life and purpose; and

WHEREAS, the Village is desirous of selling these vehicles and equipment at public auction, which in the past has been through Auctions International; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby declares the following as surplus Village property and equipment and authorizes the disposal of the following vehicles and equipment by public sale:

YEAR/MAKE	VEHICLE ID #	MILEAGE	ASSIGNED TO	DISPOSITION
2004 Ford	2FAAP71W14X140606		PD	Auction
1985 Boston Whaler	BWC5825AM821		Recreation	Auction
2003 Mack	1M2P296CX3M066210		DPW	Auction
1999 Mack Tractor	1M1P267Y8XM045908		DPW	Auction

BE IT FURTHER RESOLVED that the disposal of these vehicles is authorized in compliance with the requirements of law, and the Village Manager and all appropriate officials are authorized to take the actions necessary to dispose of these vehicles and equipment.

On motion of Trustee Potok, seconded by Trustee Tafur.

Ayes: Potok, Waite, Tafur, Santoro

Nays: None

Absent: Rosenblum

B. Resolution Authorizing Acceptance of Marine Center Donations

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, Daniel Rubock & Amy Hersh have generously donated \$200 to the Marine Education Center and consistent with Village Policy, it is necessary to accept these donation and recognize their generosity to the community; now therefore be it

On motion of Trustee Potok, seconded by Trustee Waitt.

RESOLVED, that the Village Board herein accepts a gift of \$200 from Daniel Rubock and Amy Hersh for the Marine Education Center; and be it further

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

RESOLVED, that the Village Board of Trustees herein thanks these Mr. Rubock and Ms. Hersh for their generosity to the community and support of this valuable Village asset.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

C. Resolution Authorizing NYSDOT Snow & Ice Agreement for 2017-18

RESOLUTION RE:

9/11/2017

**NEW YORK STATE INDEXED LUMP SUM MUNICIPAL SNOW AND ICE AGREEMENT EXTENSION
FOR 2017/2018**

WHEREAS, pursuant to Section 12 of the New York State Highway Law, the maintenance of State highways includes control over snow and ice removal authorized by the New York State Department of Transportation (NYSDOT), in order to make these roads safe and passable; and

WHEREAS, there are 11.9 lane miles of New York State-owned roads located within the Village of Mamaroneck; and

WHEREAS, the snow and ice control on these State roads may be done by the host municipality, pursuant to an agreement entered into by the municipality and the NYSDOT; and

WHEREAS, the State of New York, in the interest of public safety, has historically contracted with the Village for snow and ice removal services on these roads, the most current expired as of June 30, 2017; and

WHEREAS, the extension is proposed to commence on July 1, 2017 and terminate June 30, 2018 with the estimated index lump sum expenditure of \$19,373.20; now therefore be it

On motion of Trustee Tafur, seconded by Trustee Potok.

RESOLVED, that the Village Board of Trustees hereby authorizes the Village Manager to execute the New York State Index Lump Sum Municipal Snow and Ice Extension Agreement for Seasons 2017/18, between the Village of Mamaroneck and the New York State Department of Transportation for snow and ice removal services, in substantially the same form as attached hereto; and be it further

RESOLVED, that the Village Manager is, herein, authorized to undertake all administrative acts required pursuant to the terms of the Agreements including the execution of any amendments to the above cited extension.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

D. Resolution Authorization of Road Closures to Hold the Annual Inspection of the Village Of Mamaroneck Fire Department

RESOLUTION RE:

**AUTHORIZATION OF ROAD CLOSURES TO HOLD THE ANNUAL INSPECTION OF THE VILLAGE OF
MAMARONECK FIRE DEPARTMENT**

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WHEREAS, pursuant to Village Law §10-1000(6), municipal Fire Departments are authorized to provide for annual inspection of their personnel and apparatus; and

WHEREAS, the Village of Mamaroneck has scheduled their annual department inspection to be held on Wednesday, October 4, 2017 to allow for the staging of the apparatus for review and inspection on a portion of Mamaroneck Avenue and Palmer Avenue in the vicinity of the Fire Headquarters Building located at 146 Palmer Avenue; now therefore be it

On motion of Trustee Potok, seconded by Trustee Waitt.

RESOLVED, that the Village Board of Trustees herein authorizes the closure of Mamaroneck Avenue between Palmer Avenue and Prospect Avenue and a closure on Palmer Avenue between Mount Pleasant Avenue and Mamaroneck Avenue on Wednesday, October 4, 2017 from 5:30 pm – 7:45 pm.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

E. Resolution Authorization to Execute A Lease Agreement With Larchmont-Mamaroneck Community Television (LMC-TV) To Lease Village Owned Property

Already Heard

F. Resolution Approval Of Consent Order For Dismissal Of Defendant Village Of Mamaroneck As It Relates To Connecticut Fund For The Environment, Inc., D/B/A/ Save The Sound, Soundkeeper Inc., And Atlantic Clam Farms Of Connecticut Inc., Vs. Westchester County Et Al.

APPROVAL OF CONSENT ORDER FOR DISMISSAL OF DEFENDANT VILLAGE OF MAMARONECK AS IT RELATES TO CONNECTICUT FUND FOR THE ENVIRONMENT, INC., D/B/A/ SAVE THE SOUND, SOUNDKEEPER INC., AND ATLANTIC CLAM FARMS OF CONNECTICUT INC., vs. WESTCHESTER COUNTY et al.

RESOLVED, that the Village of Mamaroneck Board of Trustees herein authorizes the Consent Order for Dismissal as it relates to Connecticut Fund for the Environment, Inc., d/b/a Save the Sound, Soundkeeper, Inc., and Atlantic Clam Farms of Connecticut, Inc. (collectively, "Plaintiffs"), and defendant Village of Mamaroneck; and be it further

9/11/2017

RESOLVED, that the appropriate Village officials are authorized to execute such Consent Order and take such other and further administrative acts as may be necessary to effectuate the terms of the Order

On motion of Trustee Potok, seconded by Trustee Waitt.

Ayes: Potok, Waitt, Santoro

Nays: None

Abstain: Tafur

Absent: Rosenblum

G. ADDITION OF AGENDA ITEM 4H

RESOLUTION RE:

ADDITION OF AGENDA ITEMS 4H

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.

RESOLVED that Agenda Item 4H Resolution Authorizing the Village Manager to execute agreement with Harriman and Chazman to fulfill the industrial area rezoning GEIS as described in their RFP be and is hereby added to the Board of Trustees Regular Meeting Agenda of September 11, 2017.

On motion of Trustee Potok, seconded by Trustee Tafur.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

H. RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AGREEMENT WITH HARRIMAN AND CHAZMAN TO FULFILL THE INDUSTRIAL AREA REZONING GEIS AS DESCRIBED IN THEIR RFP

RESOLUTION RE:

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AGREEMENT WITH
HARRIMAN AND CHAZMAN TO FULFILL THE INDUSTRIAL AREA REZONING GEIS AS DESCRIBED
IN THEIR RFP**

RESOLVED that the Board of Trustees authorizes the Village Manager to execute agreement with Harriman and Chazman to fulfill the industrial area rezoning GEIS as described in their RFP.

On motion of Trustee Potok, seconded by Trustee Tafur.

Ayes: Potok, Waitt, Tafur, Santoro
Nays: None
Absent: Rosenblum

I. ADDITION OF AGENDA ITEMS 4J

**RESOLUTION RE:
ADDITION OF AGENDA ITEMS 4J**

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.

RESOLVED that Agenda Item 4J Resolution Authorizing the Village Manager to execute agreement with NV5 consistent with the RFP that was issued in regard to the comprehensive plan update and zoning analysis be and is hereby added to the Board of Trustees Regular Meeting Agenda of September 11, 2017.

On motion of Trustee Potok, seconded by Trustee Tafur.

Ayes: Potok, Waitt, Tafur, Santoro
Nays: None
Absent: Rosenblum

J. RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AGREEMENT WITH NV5
CONSISTENT WITH THE RFP THAT WAS ISSUED IN REGARD TO THE COMPREHENSIVE PLAN
UPDATE AND ZONING ANALYSIS

RESOLUTION RE:

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AGREEMENT WITH NV5
CONSISTENT WITH THE RFP THAT WAS ISSUED IN REGARD TO THE COMPREHENSIVE PLAN
UPDATE AND ZONING ANALYSIS**

RESOLVED that the Board of Trustees authorizes the Village Manager to execute agreement with NV5 consistent with the RFP that was issued in regard to the comprehensive plan update and zoning analysis.

On motion of Trustee Potok, seconded by Trustee Waitt.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

K. ADDITION OF AGENDA ITEMS 4L

RESOLUTION RE:

ADDITION OF AGENDA ITEMS 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.

RESOLVED that Agenda Item 4L Resolution Scheduling a Public Hearing on PLL K / M / N-2017 is hereby added to the Board of Trustees Regular Meeting Agenda of September 11, 2017.

On motion of Trustee Tafur, seconded by Trustee Potok.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

L. RESOLUTION SCHEDULING A PUBLIC HEARING ON PLL K / M / N-2017

RESOLUTION RE:

RESOLUTION SCHEDULING A PUBLIC HEARING ON PLL K / M / N-2017

RESOLVED, that a Public Hearing on Proposed Local Laws PLL K / M / N-2017 be and is hereby scheduled for October 10, 2017 at 7:30 p.m. at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York.

BE IT FURTHER RESOLVED, that the Board of Trustees refers the Proposed Local Laws together with an EAF and CAF to the Harbor and Coastal Zone Management Commission for a recommendation on consistency with the LWRP for review and recommendation.

BE IT FURTHER RESOLVED, that pursuant to Section 342-99 of the Village Code, notice of the hearing shall be provided by 1. published legal notice in the official newspaper, 2. publication on the Village website, 3. circulation of notice by Village News e-mail notification, and 4. by posting prominently in six (6) conspicuous locations in the Village.

On motion of Trustee Potok, seconded by Trustee Tafur.

Ayes: Potok, Waitt, Tafur, Santoro

Nays: None

Absent: Rosenblum

COMMUNICATION TO THE BOARD II

A resident thanked Trustee Tafur for insisting more information for Public Law P, while it might be more work for the staff it will be worth it in the long run.

Mr. Tiekert wants to reiterate his points on the dirty water in the Village. The MS4 reports that are uploaded on the website are still incorrect. He is hoping that there is a correction made in the near future. Mr. Tiekert was also surprised to hear that LMC-TV knew that the board was in support on this lease, while the public is left in the dark.

REPORT FROM VILLAGE MANAGER

None

REPORT FROM CLERK-TREASURER

None

REPORT FROM VILLAGE ATTORNEY

None

MINUTES - COMMISSIONS, BOARDS, COMMITTEES

BOT REGULAR MEETING

9/11/2017

Minutes of the Board of Trustees Work Session, Regular Meeting and Special Meetings from August 14, 24 & 28.

ADJOURN

On motion of Trustee Potok, seconded by Trustee Waitt:

RESOLVED that the Board of Trustees be and hereby adjourn the September 11, 2017 Board of Trustee regular meeting at 9:35 p.m.

PREPARED BY:

AGOSTINO A. FUSCO
CLERK TREASURER

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO
CLERK TREASURER

DRAFT