

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

----- X
In the Matter of the Application of :
 :
NORMAN S. ROSENBLUM, as MAYOR OF THE :
VILLAGE OF MAMARONECK, :
 :
Petitioner, :
 :
For a Declaratory Judgment for an Order Declaring :
the September 6, 2016 Village Board Meeting Void :
 :
-against- :
 :
VILLAGE CLERK OF THE VILLAGE OF :
MAMARONECK and THE VILLAGE OF :
MAMARONECK BOARD OF TRUSTEES :
 :
-and- :
 :
WESTCHESTER COUNTY BOARD OF ELECTIONS, :
 :
Respondents. :
----- X

Index No.: 3054/16

Assigned to:
Justice Lawrence H. Ecker

**CERTIFIED TRANSCRIPT
OF RECORD**

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

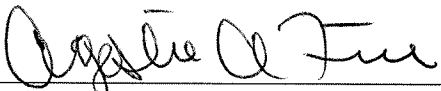
AGOSTINO A. FUSCO, being duly sworn, deposes and says:

I am the Village Clerk of the Village of Mamaroneck. I hereby certify, in accordance with CPLR 7804(e), that the following documents, copies of which are attached, constitute the Transcript of the Record of the Proceedings with respect to the above-captioned matter

- A. Rules of Procedure of the Board of Trustees, adopted August 15, 2016.
- B. Resolution scheduling public hearing on Proposed Local Law T of 2016, adopted August 15, 2016.
- C. Resolution scheduling public hearing on Proposed Local Law U of 2016, adopted August 15, 2016.
- D. Minutes of the meeting of the Board of Trustees held on August 15, 2016.


- E. Email from Village Manager Richard Slingerland to Village Clerk Agostino Fusco, Deputy Village Clerk Sally Roberts and Village Attorney Charles Goldberger, dated August 17, 2016 at 2:40 p.m., regarding “Emailing: ... PH_PLL T-2016.doc, PH_PLL U-2016.doc.”
- F. Affidavits of Posting, sworn to August 30, 2016.
- G. Affidavits of Posting, sworn to August 31, 2016.
- H. Email from Deputy Village Clerk Sally Roberts to Trustees Potok and Finch, dated August 31, 2016 at 11:37 a.m., regarding “Hearings on 09/06.”
- I. Email from Deputy Village Clerk Sally Roberts to Trustees Potok and Finch, Village Manager Richard Slingerland, Village Clerk Agostino Fusco and Deputy Village Manager Daniel Sarnoff, dated August 31, 2016 at 12:23 p.m., regarding “Revised PH notices.”
- J. Revised Notices of Public Hearing, dated August 31, 2016.
- K. Notice of Public Hearing, posted on August 31, 2016 at 1:36 p.m.
- L. Affidavits of Publication.
- M. Email from Deputy Village Clerk Sally Roberts to Linda Whitehead, dated August 31, 2016 at 2:18 p.m., regarding “Public Hearing Notices.”
- N. Email from Deputy Village Clerk Sally Roberts to Linda Whitehead, dated August 31, 2016 at 2:35 p.m., regarding “Public Hearing Notices.”
- O. Email from Deputy Village Clerk Sally Roberts to Mayor and Board of Trustees, dated August 31, 2016 at 2:53 p.m., regarding “Public Hearings for PLL T-2016 and PLL U-2016.”
- P. Email from Deputy Village Clerk Sally Roberts to Journal News, dated August 31, 2016 at 2:54 p.m., regarding “Public Hearing Notice on PLL-U-2016 . . . PLL-T-2016.”
- Q. Email from Deputy Village Clerk Sally Roberts to Lohud, Legals, dated August 31, 2016 at 2:56 p.m., regarding “Legal Notices.”
- R. Email from Village Manager Richard Slingerland to Deputy Village Clerk Sally Roberts, Mayor and Board, dated August 31, 2016 at 3:22 p.m., regarding “Public Hearings for PLL T-2016 and PLL U-2016.”
- S. Agenda with relevant documents for meeting of Board of Trustees held on September 6, 2016 at 5:30 p.m.
- T. Minutes of meeting of Board of Trustees held on September 6, 2016 at 5:30 p.m.
- U. Agenda with relevant documents for meeting of Board of Trustees held on September 6, 2016 at 7:30 p.m.
- V. Minutes of meeting of Board of Trustees held on September 6, 2016 at 7:30 p.m.
- W. Email from Lisa of Virtual Towns & Schools to Deputy Village Clerk Sally Roberts, dated September 7, 2016, at 10:15 a.m.

- X. Extracts of Minutes sent to Board of Elections.
- Y. Disk containing video of the meetings of the Board of Trustees held on August 15, 2016 and September 6, 2016.



Agostino A. Fusco

Sworn to before me this
21st day of October, 2016

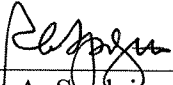


Notary Public

Maria A DiFiore
Notary Public, State of New York
No. 01DI6171722
Qualified in Westchester County
Commission Expires: 7/30/2019

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

Robert A. Spolizino, Esq.
Attorneys for Respondents
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000
File No. 06512.00026

Dated: White Plains, New York
October 21, 2016

To: Guy T. Parisi, Esq. (guytparisi@aol.com)
Attorney for Petitioner
720 Milton Road, Suite J1
Rye, NY 105780

Exhibit A

BOARD OF TRUSTEE MEETING PROCEDURES – Adopted August 15, 2016

PURPOSE OF MEETINGS

To conduct the business of the Village of Mamaroneck

GENERAL INFORMATION

REGULAR MEETINGS

The work session meetings of the Board of Trustees will be on the first and third Monday of each month, except when changed to accommodate a national or religious holiday, or for such other reason that may be found necessary by the majority vote of the Board of Trustees.

The work session meetings will commence at 5:30 p.m. and will be held in the Court Room at 169 Mt. Pleasant Avenue, unless there is a conflict due to a holiday.

The regular meeting of the Board of Trustees will be on the second and fourth Monday of each month, except when changed to accommodate a national or religious holiday, or for such other reason that may be found necessary by the majority vote of the Board of Trustees.

The regular meetings will commence at 7:30 p.m. and be held in the courtroom at 169 Mt. Pleasant Avenue.

SPECIAL MEETINGS

Special meetings of the Board of Trustees are all those Board meetings other than regular meetings.

A special meeting may be called by the Mayor or any Trustee upon notice to the entire Board. Notices for special meetings to Board Members may be given by telephone, e-mail, in person, or in writing at least 24 hours in advance unless an emergency exists.

EXECUTIVE SESSIONS

Executive sessions will be held in accordance with Public Officers Law Sec. 105.

All executive sessions will be commenced in a public meeting.

MEETING NOTICE

All meetings shall be publicly noticed as required by law including notices forwarded to the official newspapers of the Village, and notices conspicuously posted on the Village website and in one or more designated public locations.

QUORUM

A quorum of the Board of Trustees must be present to conduct business. A quorum of the Board of Trustees is three.

In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

AGENDAS

The agenda of every work session meeting of the Board of Trustees will be prepared by the Clerk-Treasurer and the Village Manager, and will include such items proposed and circulated to the Board by the Mayor and/or the Trustees.

Items for the work session meeting agendas must be given to the Clerk- Treasurer and the Village Manager by 12 Noon on the Wednesday before the meeting.

The agenda of regular meetings will be prepared by the Clerk-Treasurer and the Village Manager, based on items accepted by the Board at the prior work session. Any emergency items that arise following that week's work session that may be added by the Village Manager or the Clerk- Treasurer.

A draft agenda for the regular meeting will be circulated to the members of the Board of Trustees no later than close of business on the Wednesday before the meeting.

The final regular meeting agenda will be prepared no later than the end of business on the Thursday before the meeting. The agenda will be distributed to the Board, staff, Village's official newspapers and posted on the website of the Village on Thursday.

No item may be added to the agenda, after it is finalized, except by majority vote of the Board of Trustees. If a request is made for an item to be added and this request is denied, the item is automatically added to the agenda of the next regular meeting.

VOTING

Pursuant to Village Law, each member of the Board of Trustees has one vote. The Mayor may vote on any matter, but must vote in case of a tie.

A vote upon any question will be taken by 'yes/aye' and 'no/nay.'

When taking votes, the Clerk-Treasurer must record in the minutes for each Trustee whether they voted yes, voted no, abstained from voting, or were absent. Abstentions and absences should not be counted as votes. Abstentions and absences are neither positive nor negative votes; they are simply no vote at all. For purposes of determining whether a matter passed, the Clerk-Treasurer must tally the number of yes votes.

Unless otherwise specified by state law, a majority of the totally authorized voting power of the board must vote yes for the matter to pass.

MINUTES

Minutes will be taken by the Clerk-Treasurer or his/her designee.

Minutes must consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

Minutes must be taken at executive session of any action that is taken by formal vote and must consist of a record of the final determination of the action, the attendees and the date and vote thereon.

Minutes must include the following:

1. Name of the board;
2. Date, place, and time of the meeting;
3. Notation of whether a board member is present or absent, and the board member's time of arrival or time of departure if different from the time the meeting was called to order and adjourned;
4. Name and title of other Village officials and employees present
5. Record of communications presented to the board;
6. Record of reports made by Board members or other village personnel;
7. Time of Adjournment; and
8. Signature of clerk or person who took the minutes if not the Clerk- Treasurer.

The minutes may be amended upon request of any Board member to correct any inaccuracies.

ORDER OF BUSINESS

Call to order

Roll call

Public Presentation(s), to be scheduled by the Board at prior work session. *

Public Presentations by volunteer committee(s)

Communication to the Board I

* Public Hearing(s) if necessary

* Audit of the bills

* Old business;

New business

Communication to the Board II *

Reports from the Village Manager, Clerk-Treasurer, Village Attorney, Chief of Police, or their designees.

Reports from Board and Public Announcements

Adjournment

* Does not apply for work sessions.

GENERAL RULES OF PROCEDURE

The Mayor presides at the meeting. In the Mayor's absence, the Deputy Mayor presides.

The presiding officer may debate, make motions, and take any other action that other Board members may take.

Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking.

Motions require a second before discussion.

A member, once recognized may speak at any time during the meeting, and may not be interrupted when speaking unless it is to call him/her to order. If a member is called to order, they must cease speaking until the question of order is determined. If the member is in order, he may proceed.

A member may not be limited in the number of times he speaks on a question. Motions to close or limit debate require a supermajority vote.

The floor will be opened up to comment from the public, prior to the Board's discussion. Depending on the number of people who wish to speak on an item, the presiding officer may establish a standard time limit of three minutes, or other similar time frame.

After discussion of a motion has been completed, one of the following actions is acceptable:

The member who made the motion may withdraw the motion;

□ Any member may amend the motion;

□ If the motion to amend the motion has been seconded, the presiding officer will call for a vote on the motion to amend the motion;

□ Any member may make a motion to table an item;

□ In the event that a motion to table an item has been made and seconded, the presiding officer will call for a vote on such motion to table;

□ Unless it has been tabled, the presiding officer will then call for a vote on the motion.

GUIDELINES FOR PUBLIC COMMENT

The public may speak only during the meeting's public comment periods.

Speakers must be recognized by the presiding officer.

Speakers must step to the front of the room.

Speakers must give their name, address and organization, if any.

During the periods for Communication to the Board, the presiding officer may require speakers to limit their remarks to three minutes, or other similar time frame, on a given topic.

Speakers may not yield any remaining time they may have to another speaker.

There may be a time limit on speakers during the public comment periods on specific items up for discussion before the Board, depending on the number of people who wish to speak on a specific subject. Generally, if the number of people who wish to speak on a specific topic is five (5) or more people, at the discretion of the Mayor, time limits of three minutes per person, or other similar time frame, may be applied to each speaker.

During Public Hearings, there will be no time limit on speakers unless there are many individuals who wish to address the Board. (See next bullet.)

The presiding officer may, at his/her discretion, enact a time limit on all speakers especially during meetings where it appears that many individuals wish to address the Board.

Board members may, with the permission of the presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information.

All remarks must be addressed to the Board as a body and not to individual Board members or members of the audience.

The presiding officer may, at his/her discretion, limit the number of times a speaker may address the Board during a single meeting.

Speakers must observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

The presiding officer must announce whether limits on the number of speakers and/or time limits for speakers will apply for a public comment period prior to the first public speaker being recognized. The presiding officer may poll the public prior to a public comment period starting in order to ascertain the number of people wishing to speak.

Following the Communications to the Board I, Board members will be afforded the opportunity to make comments.

Interested parties may submit written communications to the Board.

ADJOURNMENT

Meetings must be adjourned by motion and vote of the Board.

AMENDMENTS TO THE RULES OF PROCEDURE

The foregoing procedures may be amended from time to time by a majority vote of the Board.

Exhibit B

Rcvd 8-15-16

BOARD OF THE TRUSTEES
of the
VILLAGE OF MAMARONECK

RESOLUTION TO SCHEDULE A PUBLIC HEARING ON
SEPTEMBER 6, 2016 FOR PROPOSED LOCAL LAW T-2016

RESOLVED that a Public Hearing on Proposed Local Law T-2016 be and is hereby scheduled for September 6, 2016 at 7:30 p.m. at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York.

BOARD OF TRUSTEES
of the
VILLAGE OF MAMARONECK

PROPOSED LOCAL LAW NO. T- 2016

A LOCAL LAW REGARDING THE APPOINTMENT AUTHORITY OF THE BOARD OF TRUSTEES, AMENDING SECTIONS 58-1 AND 342-88 OF THE CODE OF THE VILLAGE OF MAMARONECK TO TRANSFER TO THE BOARD OF TRUSTEES, FROM THE MAYOR SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES, THE AUTHORITY TO APPOINT THE MEMBERS AND CHAIRPERSONS OF THE PLANNING BOARD AND ZONING BOARD OF APPEALS, AND TO FILL VACANCIES IN SUCH OFFICES, SUPERSEDING SECTIONS 3-312, 7-712 AND 7-718 OF THE VILLAGE LAW OF THE STATE OF NEW YORK.

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows:

Section One. Section 58-1 of the Code of the Village of Mamaroneck is hereby amended to read as follows:

§ 58-1 Statutory authorization; powers; Board membership; terms.

A Planning Board is hereby created pursuant to § 7-718 of the Village Law of the State of New York hereby giving and granting to said Planning Board all of the powers enumerated in said § 7-718 of the Village Law of the State of New York, or any amendments thereto, including, but without limiting the generality of the foregoing, the power to approve plans showing new streets or highways and, simultaneously with the approval of such plans, either to confirm the zoning regulations of the land so platted as shown by the Official Zoning Map of said Village or to make any reasonable change therein in accordance with the provisions of said Act or amendments thereto. Board membership shall include a total of five members. The Board of Trustees shall appoint the members and chairperson of the Planning Board and fill vacancies in those offices. Terms of membership for members shall be five years.

Section Two. Section 342-88 of the Code of the Village of Mamaroneck is hereby amended to read as follows.

§ 342-88 Continuation of existence; Board membership; terms.

The Board of Appeals is hereby created pursuant to the provisions of § 7-712 of the Village Law of the State of New York and shall consist of five members. Board membership shall include a total of five members. The Board of Trustees

shall appoint the members and chairperson of the Zoning Board of Appeals and fill vacancies in those offices. Terms of membership for members shall be five years.

Section Three. This local law is intended to supersede Sections 3-312, 7-712 and 7-718 of the Village Law of the State of New York to the extent that it is inconsistent with those laws.

Section Four. 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, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Five. This local law shall take effect upon its approval by referendum by the electors of the Village and subsequent filing with the Secretary of State.

VILLAGE OF MAMARONECK

NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW

NOTICE IS HEREBY GIVEN that there has been duly introduced at a meeting of the Board of Trustees of the Village of Mamaroneck, held on August 15, 2016, a local law entitled "LOCAL LAW NO. T-2016, A LOCAL LAW REGARDING THE APPOINTMENT AUTHORITY OF THE BOARD OF TRUSTEES, AMENDING SECTIONS 58-1 AND 342-88 OF THE CODE OF THE VILLAGE OF MAMARONECK TO TRANSFER TO THE BOARD OF TRUSTEES, FROM THE MAYOR SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES, THE AUTHORITY TO APPOINT THE MEMBERS AND CHAIRPERSONS OF THE PLANNING BOARD AND ZONING BOARD OF APPEALS, AND TO FILL VACANCIES IN SUCH OFFICES, SUPERSEDING SECTIONS 3-312, 7-712 AND 7-718 OF THE VILLAGE LAW OF THE STATE OF NEW YORK."

NOTICE IS FURTHER GIVEN that the Board of Trustees of the Village of Mamaroneck will conduct a public hearing on the proposed local law in the first floor meeting room at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, on September 6, 2016 at 7:30 p.m., or as soon thereafter as the public hearing is convened, at which time all persons interested will be heard.

The proposed local law will, if adopted, amend the Code of the Village of Mamaroneck to transfer the authority to appoint the members and chairpersons of the Planning Board and the Zoning Board of Appeals from the Mayor of the Village of Mamaroneck to the Board of Trustees of the Village of Mamaroneck as described above. Copies of the local law are on file in the office of the Village Clerk of the Village of Mamaroneck, where they are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that at the public hearing, all persons interested will be given an opportunity to be heard.

Dated _____

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Exhibit C

Recvd 8-15-16

BOARD OF THE TRUSTEES
of the
VILLAGE OF MAMARONECK

RESOLUTION TO SCHEDULE A PUBLIC HEARING ON
SEPTEMBER 6, 2016 FOR PROPOSED LOCAL LAW U- 2016

RESOLVED that a Public Hearing on Proposed Local Law U-2016 be and is hereby scheduled for September 6, 2016 at 7:30 p.m. at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York.

BOARD OF TRUSTEES
of the
VILLAGE OF MAMARONECK

PROPOSED LOCAL LAW NO. U-2016

A LOCAL LAW REGARDING THE APPOINTMENT OF THE VILLAGE ATTORNEY, AMENDING SECTION 78-4 OF THE CODE OF THE VILLAGE OF MAMARONECK TO TRANSFER TO THE BOARD OF TRUSTEES, FROM THE MAYOR SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES, THE AUTHORITY TO APPOINT THE VILLAGE ATTORNEY, AND TO FILL VACANCIES IN SUCH OFFICE, SUPERSEDING SECTIONS 3-312 AND 4-400 OF THE VILLAGE LAW OF THE STATE OF NEW YORK.

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows:

Section One. Section 78-4 of the Code of the Village of Mamaroneck is hereby amended to read as follows:

§ 78-4 Appointment.

The Board of Trustees shall appoint the Village Attorney and fill vacancies in such office.

Section Two. This local law is intended to supersede Sections 3-312 and 4-400 of the Village Law of the State of New York to the extent that it is inconsistent with those laws.

Section Three. 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, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions of this local law, which other portions shall continue in full force and effect.

Section Four. This local law shall take effect upon its approval by referendum by the electors of the Village and subsequent filing with the Secretary of State.

VILLAGE OF MAMARONECK

NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW

NOTICE IS HEREBY GIVEN that there has been duly introduced at a meeting of the Board of Trustees of the Village of Mamaroneck, held on August 15, 2016, a local law entitled "LOCAL LAW NO. U-2016, A LOCAL LAW REGARDING THE APPOINTMENT OF THE VILLAGE ATTORNEY, AMENDING SECTION 78-4 OF THE CODE OF THE VILLAGE OF MAMARONECK TO TRANSFER TO THE BOARD OF TRUSTEES, FROM THE MAYOR SUBJECT TO THE APPROVAL OF THE BOARD OF TRUSTEES, THE AUTHORITY TO APPOINT THE VILLAGE ATTORNEY, AND TO FILL VACANCIES IN SUCH OFFICE, SUPERSEDING SECTIONS 3-312 AND 4-400 OF THE VILLAGE LAW OF THE STATE OF NEW YORK".

NOTICE IS FURTHER GIVEN that the Board of Trustees of the Village of Mamaroneck will conduct a public hearing on the proposed local law in the first floor meeting room at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, on September 6, 2016 at 7:30 p.m., or as soon thereafter as the public hearing is convened, at which time all persons interested will be heard.

The proposed local law provides for amending the Code of the Village of Mamaroneck to transfer the power to appoint the Village Attorney from the Mayor of the Village of Mamaroneck to the Board of Trustees of the Village of Mamaroneck as described above. Copies of the local law are on file in the office of the Village Clerk of the Village of Mamaroneck, where they are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that at the public hearing, all persons interested will be given an opportunity to be heard.

Dated _____

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Exhibit D

BOT REGULAR MEETING 08/15/2016

1

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, AUGUST 15, 2016 AT 7:30 P.M. IN THE COURTROOM AT
VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Norman S. Rosenblum
	Trustees	Leon Potok David Finch Ilissa Miller Louis N. Santoro
	Village Manager	Richard Slingerland
	Village Attorney	Charles Goldberger
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:	Assistant Village Manager	Daniel Sarnoff
	Deputy Clerk	Sally J. Roberts

OPEN MEETING

On motion of Mayor Rosenblum, seconded by Trustee Potok:

RESOLVED that the August 15, 2016 Board of Trustees Regular Meeting be and is hereby open.

Ayes: Potok, Finch, Miller, Santoro, Rosenblum

Nays: None

PRESENTATIONS

A. Autism Project

Angela Fazzino presented.

Ms. Fazzino has an autistic child and is trying to bring awareness and assurance that there are Village events for these individuals as well so that they do not feel left out as parades, fireworks, etc. are too loud and they cannot tolerate. Police, Fire and EMS services also need to be aware of and trained to handle an autistic person in an emergency situation.

B. WJWW Presentation

Mr. David Birdsall, Business Director of the Westchester Joint Water Works appeared to discuss water rates. He explained how rates are determined. Revenues and expenses were reviewed. The income that is expected to be

distributed to the Village as well as revenue projection was explained. The New York City rate increases versus the Villages was also reviewed. Mr. Birdsall stated what a 2.5% increase would cost per household.

Mr. Birdsall stated that there are projects that were not factored into the Village's budget. There will be projects needing to be done in the next fiscal year. It has not been decided whether to increase rates to cover these projects or wait until we get closer to the time when these are done. The purpose of the Water Fund was discussed. Mayor Rosenblum stated that there was a time when water projects were being paid from the General Fund and not the Water Fund. He believes that a Water Fund should be maintained to pay for local projects.

Trustee Finch believes that the WJWW has an ability to predict projects, usage, etc. and asked if there is a virtue to continue to increase rates. Mr. Birdsall believes that there is as there are a fair number of variables. Biggest issue is the settlement of the outstanding filter plant situation and what the milestones will be. The weather is also a factor as it is not easily predicted. Rates were at too low a level for years. The timing of the replacement of the Rye Lake source was discussed. Mr. Birdsall stated that this will be addressed in their discussions with the State in regard to the outstanding filter plant situation. Engineering of these projects is currently being done.

The Mayor made a motion to increase the water rates by 2.5%, which was seconded by Trustee Santoro.

Trustee Potok asked why the Board is getting the WJWW recommendation at the last minute, when the Town of Mamaroneck had weeks to make a decision. The Board has an obligation to the water users to do their due diligence. The increase in 2010 was a mistake made on misinformation. They since changed their policy. The Board agreed to use surplus capital before raising rates. Projects should be paid for by borrowing as the interest rates are so low.

Mr. Birdsall stated that the Town of Mamaroneck raised their rates by 2.5% and Harrison by 2%. Trustee Miller asked if the information they received was emailed to the Town or did he make a presentation. Mr. Birdsall stated presentations were made. She asked if the Board could get the information before the meeting where a presentation is going to be done as they ask the same questions over and over. Mr. Birdsall stated that is possible, but does not believe that it will change things dramatically. Trustee Potok believes that 2.5% is the right thing; but it is the Board's obligation to do their due diligence and not just rely on a 20 minute presentation. Mr. Potok asked that he be sent the back up as soon as possible so that the Board can adopt this as soon as possible.

Mayor Rosenblum stated that this was discussed at a prior meeting and this is nothing but a delay tactic by Trustee Potok, hurting the tax payers. Trustee Finch respects Trustee Potok's wanting to do due diligence and asked

what putting this off to the August 29 meeting would mean to residents. Mr. Birdsall stated that the billing can still be done at that time. Trustee Potok stated that if could get the information requested in the next couple of days, he would be ready to vote on this at the next meeting on August 29.

Mayor Rosenblum reminded all that have a sprinkler system that it is a state requirement that they have a backflow device to prevent contaminants getting into the public water supply.

Trustee Finch made a motion to table as Mayor Rosenblum did not make a motion to add this to the agenda. Mayor Rosenblum withdrew his motion for the 2.5% increase.

4. NEW BUSINESS (TAKEN OUT OF ORDER)

D. Resolution Authorizing the Replacement of the MEMS Roof

**RESOLUTION RE:
AUTHORIZATION TO PROCEED WITH THE REPLACEMENT OF THE ROOF AT THE JOHN
P. QUADRINE BUILDING (MAMARONECK EMS)**

WHEREAS, the Village-owned John P. Quadrine Building, located at 220 North Barry Avenue Extension, was constructed in 1978; and

WHEREAS, Mamaroneck EMS (MEMS), originally founded in 1973 as Fire Department Rescue Squad, has been proudly serving the Village of Mamaroneck and its surrounding communities for over 40 years as a non-profit, non-government organization and operates out of the said John P. Quadrine building; and

WHEREAS, the roof at the MEMS is in poor conditions and has reached the end of its useful life, with the Village having made several emergency repairs during the last year; and

WHEREAS, in anticipation of a major repair, the Village identified replacement of the roof in the FY 2016/17 Capital Budget & Plan with an estimated cost of \$125,000; and

WHEREAS, based on the plan, the Village asked Garland/DBS Inc. (a vendor through US Communities) to review the facility and prepare a quote based on the US Communities contract; and

WHEREAS, the Village had previous experience with Garland as they designed the roof replacement at the Harbor Island Pavilion Building and the Village has been satisfied with the results of that project; and

WHEREAS, the U.S. Communities contract works through the provision of bid unit pricing, and as an option, Garland can solicit a quote for the work and the Village would receive the lower of either the quote or the approved contract pricing; and

WHEREAS, the Village directed Garland to solicit a quote from BBR Contracting Inc., the company that performed the work at the Harbor Island Pavilion for the roofing work at MEMS and in addition, the Village sought quotes for Alternate 1 which includes installation of a metal wall panel system and restoration of the mansard roof and Alternate 2 which includes cleaning, repointing and sealing of the masonry wall and repair of the mansard roof; and

WHEREAS, pursuant to the terms of the US Communities contract, Garland provided a quote of \$131,390 based on bid unit pricing, BBR provided a quote of \$119,585 for the base work, \$199,899 for Alternate 1 (cladding), and \$103,900 for Alternate 2 (repointing); and

WHEREAS, because the contract utilizes bid unit pricing, staff recommends a contingency of 15% be provided in order to account for variances in quantities to be used and unforeseen conditions; and

WHEREAS, after reviewing the responses, Village staff recommends moving forward with BBR quote and Alternate 2, for a total project cost of \$223,485, which combined with a contingency of 15%, or \$33,523.

On motion of Mayor Rosenblum, seconded by Trustee Finch:

RESOLVED, that the Village of Mamaroneck Board of Trustees herein authorizes the Village Manager to proceed with Garland/DBS to replace the roof at the John P. Quadrine Building located at 220 North Barry Avenue Extension in the amount of \$257,008 based on the US Communities pricing quotes for the base work, Alternate 2 and a contingency of fifteen percent (15%); and be it further

RESOLVED, that this project be funded through the future appropriation of fund balance or issuance of debt; and be it further

RESOLVED, that all costs associated with this project 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 required to effectuate this project.

Ayes: Potok, Miller, Finch, Santoro, Rosenblum

Nays: None

COMMUNICATION TO THE BOARD

Mr. Stuart Tiekert of Beach Avenue appeared regarding the Jefferson Avenue Bridge. He believes it is time to discuss the lawsuit. He has not spoken to anyone who has seen a confidentiality agreement. If there is such an agreement, disclosing that fact is not confidential. He has submitted a request under FOIL for this and has been denied, which has been appealed. There was a video where the Mayor talked about the flooding mitigation that the bridge will do. He did not mention that this will not happen due to the construction and design. The video and article did not illuminate where we are today. Mr. Tiekert stated that we have spent \$5 million and the bridge is rated structurally deficient. We are also looking at another \$500,000 in repairs. Mr. Tiekert asked the Mayor to explain one of his quotes. Mr. Tiekert believes that the Village should not deal with Arben and the engineer that designed this disaster. The Village also paid \$500,000 in attorney fees to get \$185,000 in the settlement. Hopes that there were lessons learned in this. Mr. Tiekert enumerated all of the problems with the Bridge that taxpayers had to pay for. We still don't have as built plans.

Mr. Tiekert stated that the problems began in 2013, when the Village had a secret meeting. At that meeting, the Board added a paragraph to their resolution regarding the broken sewer main and that even if it had been on the plans, the Village would still have had to pay this money to have it fixed. Arben argued, "where are your damages?" That is a monumental failing of the Board. The Village did nothing when the contractor took the travel lane away and then abandoned the job. They negotiated for more money after doing that and the residents did not know this.

Trustee Potok asked Mr. Tiekert if he consulted with an attorney to ask if but for the paragraph added to the resolution, we would have won the case. Mr. Tiekert should speak to an attorney about betterment.

Mr. Andres Bermudez Hallstrom appeared and stated that Mr. Tiekert's statement was made to help him with his run for Trustee. Mr. Hallstrom stated that Mr. Tiekert's statement was full of misstatements. The Bridge was not \$5 million, it was approximately \$3.6 million. The Bridge is no longer structurally unsound. It was for a time until the railing was fixed. It was last inspected by the State on 09/2015 and found structural sufficient. To say that it is deficient is to cause public panic and help with his campaign.