

Regular Meeting of the
Board of Trustees of the
Village of Larchmont held on
Monday, July 20, 2015

PRESENT: Mayor Anne McAndrews
Dep. Mayor Lorraine Walsh
Trustees Marlene Kolbert
John Komar
Peter Fanelli

ABSENT: None

Also Present: Dep. Clerk Riley, Treasurer Brucciani, Administrator Datino,
Joanna C. Feldman, Esq., representing Village Attorney's office

Mayor McAndrews welcomed all in attendance and introduced Zoe and Alexis Pedvis, who were at the meeting as "Mayors for the Day". Alexis called the meeting to order at 7:35. Zoe and Alexis are Chatsworth Avenue School students. They were given a tour of Village Hall that included the Fire and Police Departments. Zoe said she liked seeing the jail cell in the Police Department.

Pedvis, Zoe & Alexis
Mayors for a Day

Mayor McAndrews made the following announcements.

Mayor's Announcements

1. Currently in the lobby of Village Hall, there are renderings of the Palmer Avenue Streetscape done the Architectural Club at Mamaroneck High School. Trustee Fanelli said under the guidance of Craig Romanek, by putting many hours, these students showcased their talents and did a great job. Trustee Walsh added the students who did the renderings are, Zaid Khan, Shara Safer and Nicole Hilden.
2. The Palmer Avenue Streetscape Project is on schedule to be completed by the end of October. About forty trees will be planted in the fall that will fit the site. Merchants have been impressed with the courtesy of the construction workers and the brick work.
3. The Lorenzen Park Project should go out to bid sometime in the fall with construction to start in mid-June, 2016. New laws pertaining to run-off by the DEC were the cause of the delay.
4. The Chamber of Commerce will hold "Date Night in Larchmont" on July 23, August 27 and September 24. On those nights stores will remain open so couples shop and dine. This event was approved at a work session on June 29th.

The Mayor next announced there will be a public hearing at the next Board meeting on August 17th to amend Chapter 195-5 of the Village Code regarding motorized gardening equipment and leaf blowers.

Trustee Kolbert added that the purpose of the public hearing is to clean-up the current law and have it cover the entire year.

RESOLUTION

**Public Hearing
Amend Leaf Blower Law
8/17/15**

On motion of Trustee Walsh, seconded by Trustee Kolbert, and unanimously carried, the following resolution was adopted:

RESOLVED, that a Public Hearing is hereby scheduled by the Village Board of the Village of Larchmont to be held in the Court Room in Village Hall on Monday, August 17, 2015, at 7:30 pm on proposed amendments to Larchmont Village Code Chapter §195-5, “Motorized gardening equipment and leaf blowers” to clarify that §195-5 A (1), (2), & (3) pertain to the month of May; and be it further

RESOLVED, that the Village Clerk is hereby directed to advertise said Public Hearing.

Michael Gottfried of 16 Ocean Avenue was next to address the Board on this matter. Mr. Gottfried stated that he does not believe a public hearing is needed to amend this law. He added if there is to be one perhaps the Board can review the entire law.

Mayor McAndrews thanked Mr. Gottfried for his comments.

Police Chief’s Report

Lt. Ken Olsen gave the Police Department report on behalf of Chief Poleway.

1. One of the main priorities of any police agency is to be prepared and have directed responses when confronted with major incidents, whether they are criminal in nature or occur due to natural disasters. The Mutual Aid and Rapid Response Plan is designed to quickly provide manpower and equipment to any participating agency that requests these resources as a means to provide a proper response to conditions that would otherwise be beyond the scope of our own police capabilities. Chief Poleway is requesting that the Board of Trustees agree to participate in and execute the agreement that is the Westchester County Mutual Aid and Rapid Response Plan for a period of five years. The plan will commence on July 31, 2015 and will terminate on July 30, 2020.
2. The streetscape construction project is moving along on Palmer Avenue. This is a well-traveled area and congestion could occur as a result of the project. I would like to remind motorists to be alert and patient when driving in and around this area during the next few weeks. Also, please observe all traffic regulations and parking signs as ‘no parking zones’ may change from day to day. If possible, alternate routes should be considered during construction.

3. As of June 1st a ban on the operation of all gas powered leaf-blowers within the Village will be in effect until September 30th. As you are aware, Village Code section 195-5 prohibits the use of these devices and anyone found in violation of this statute is subject to receiving a court appearance ticket and a fine. For those residents that do not personally mow or maintain their lawn, please to speak to your gardener or landscaper to ensure that they are aware of this law and in this way, compliance can be attained.
4. There was a commercial burglary and a residential burglary in the past 2 weeks. Residents and business owners are reminded to secure their homes and businesses and also to secure their vehicles. Residents that are going away can submit a security check request and a police officer will periodically check their residence. This form also gives the police contact information in case we need to contact you or a caretaker. This form is available at Police Headquarters or on our web site.
5. The police department and Village would like to be able to contact you in the event of an emergency. So if you have not enrolled to receive the Village's mass callings and e-mails, please visit our website at villageoflarchmont.org and supply us with any contact information that you may have.
6. As you are aware, New York State participates in the nationwide "If you see something, SAY SOMETHING" program regarding suspicious or possibly terrorist activity. If you observe something that may be suspicious, please, do not keep it to yourself – call the 24 hour NYS Terrorism Tips Line at 866 SAFE-NYS (866-723-3697) or simply dial 911 or call the Larchmont Police Department at (914) 834-1000.

On motion of Trustee Fanelli, seconded by Trustee Walsh, and unanimously carried, the following resolution was adopted:

WHEREAS, the Village of Larchmont currently participates in a Police Mutual Aid and Assistance Rapid Response Plan Agreement that has been effective since July 31, 2010 and expires on July 30, 2015; and

WHEREAS, the purpose of this Mutual Aid Plan is to formalize operational procedures for law enforcement assistance to participating police agencies; and

WHEREAS, through this plan, participating municipalities agree to make their police personnel and equipment available to each other upon the occurrence of a condition beyond the scope of a single municipality's police resources; and

WHEREAS, the Village of Larchmont has participated in the Westchester County Mutual Aid Plan for over 30 years; and

WHEREAS, the Police Chief and Village Administrator believe it is in the best interest of the Village of Larchmont to continue our participation in the Plan; and

WHEREAS, participation requires the renewal of the attached Intermunicipal Agreement with the County of Westchester; now therefore be it

RESOLUTION

Auth. Admin. Datino to Execute IMA for Rapid Response Plan between Police Dept. & West. Cty.

RESOLVED, that the Village Administrator is hereby authorized and directed to execute the Mutual Aid and Rapid Response Plan Intermunicipal Agreement in substantially the same form as attached hereto; and be it further

RESOLVED, that the Village Administrator is authorized to undertake any administrative acts required under the terms of the agreement.

**Fire Chief's
Report**

Chief Caparelli made the following report.

1. On July 1, 2015 the Department participated in the VMFD Fireman's Parade. The Department was well represented by our personnel and apparatus. I would like to thank all who attended and we look forward to next year's event.
2. On July 4, 2015 the Volunteer staff participated in the annual July 4th races at Flint Park. Hot dogs and drinks were handed out to the participants and the event was a big success.
3. On July 13, 2015 I was appointed to the Westchester County Fire Advisory Board by the Westchester County Board of Legislators and Westchester County Executive Rob Astorino to represent the Career Chiefs of Westchester County. It is the duty of the Fire Advisory Board to cooperate with the Office of Fire Prevention & Control in the Department of State in relation to such programs for fire training, fire service related activities and mutual aid; to act as an advisory body to the County Legislature and to the Deputy Commissioner of Fire Services, in connection with the county's participation in such programs for fire training, fire service related activities and mutual aid and in connection with the county establishment and maintenance of the County Fire Training Center and in mutual aid programs in cases of fire and other emergencies in which the services of firemen would be used; to perform other duties as the Legislature may prescribe. The members of the Fire Advisory board serve without compensation.
4. New volunteer member to propose for the Boards approval. Matthew Ciccarelli of 14 Poplar Pl, New Rochelle, NY. Matthew is a member of Mamaroneck EMS and works at the Beach Point Club in Mamaroneck. I ask the Board to approve his application for membership.
5. The new Rescue 1 is moving along the production line. The vehicle is assembled and painted. Components are being installed and final inspection should be within the next two weeks for delivery soon after.
6. Fire inspection and Code Enforcement efforts are ongoing and all apparatus and equipment are in service and fully operational.

Chief Caparelli said the new Rescue 1 construction is moving along. Since there have been delays, the manufacturer has added one more year on the warranty and compliance package that includes a black box, special lettering and radios for free.

Fire Chief's Report
Con't.

Trustee Kolbert told Chief Caparelli that the Village looks much better since he went around explain to homeowners they cannot leave organic waste in front of their houses until the evening before their second garbage pick-up.

On motion of Trustee Fanelli, seconded by Trustee Komar, and unanimously carried, it was:

RESOLUTION
Ciccarelli, M.
Vol. member
Fire Dept.

RESOLVED, to approve the application of Matthew Ciccarelli as a volunteer member of the Fire Department.

On motion of Trustee Komar, seconded by Trustee Walsh, and unanimously carried, it was:

RESOLUTION
Accept tax certiorari
Settlements w/
Larch. Realty &
Palmer Development

RESOLVED, to accept the tax certiorari settlements with Larchmont Realty, LLC, Palmer Avenue (6-601-486.1), 2009-2013 in the amount of \$8,801.97 and Palmer Development, LLC, North Avenue (6-602-494), 2009-2013 in amount \$5,489.26.

Trustee Fanelli gave the following report.

Trustee Reports

DPW:

1. DPW crews continue to maintain parks, traffic islands and parking lots. The bleachers at Lorenzen Park have been repaired as well as the stairs near the play area at Pine Brook Park. 36 of 72 new sign posts have been replaced at Flint Park for a project that will see all of the posts and many of the signs there upgraded. A donated teak bench was installed at Turtle Park.
2. DPW and Water Department personnel responded to 10 water main breaks this period. The two 250,000 gallon water tanks at Byron pump station were disinfected prior to being restored to service. The Annual Water Quality Report, along with the Pump Station report were both completed this period.
3. 16 streetlights and 7 traffic lights have been repaired. The no parking zones at fire hydrants have been painted, we are currently in the process of painting all of the stop-bars and crosswalks. 6 Village street trees have been removed and 7 new trees have been planted.
4. One sanitary sewer backup event that the DPW responded to, no overflow to storm drains or catch basins occurred. A 40 foot section of collapsed storm sewer was replaced, 1 new manhole was installed and 2 manholes were reconstructed by DPW crews.
5. DPW responded to 2 high wind events where trees and branches had fallen. Maintenance of the two dams at the Larchmont Reservoir, James G. Johnston Conservancy is ongoing as is trail maintenance in coordination with the Town of Mamaroneck.

Trustee Reports
Con't.

Recreation:

1. The Fourth of July Races were a big success. Thanks to John Pomponio and the volunteer firefighters for their efforts.
2. There over 700 runners who participated in the Larchmont Run on June 19th. Thanks to Carolyn Lee and the Recreation Committee and the Fire and Police Departments for all their work.
3. The 125th Anniversary Committee will hold the first of many yearlong events on September 26th. Contact Village Hall if you are interested in joining the committee.

Ralph Santoliquido a former Village Police Officer passed away last week. Ralph who also worked at the Larchmont Yacht Club, Manor Park and coached youth football was a friend to all, especially kids.

Trustee Walsh gave the following report.

1. Trustee Walsh, the Parks and Trees Committee and the Pine Brook Assn. have begun the process to rehab some of the equipment in Pine Brook Park. Quotes are being accepted and an arborist is being consulted on the removal of (weed) trees.
2. At the end of August credit cards will begin to be accepted in Village Hall. Residents will now be able to pay for water bills, building permits and buy parking permits with credit cards.

Trustee Kolbert made the following report.

1. Fitness trainer, Debbie Frank recently passed away. NY Time writer, Joe Berger wrote of Ms. Frank's skills "her students had a sculpted look". She was a valued member of the community and will be missed.
2. Feedback is wanted on the Community Choice Aggregation. The "CCA" allows cities and counties to aggregate the buying power of individual customers within a defined jurisdiction to secure alternative energy supply contracts on a community-wide basis. A local law would need to be adopted and could possibly save individuals between 300-500 dollars per year. Any residents who would not want to participate may opt out of the aggregate.

Admin. Datino
IMA w/ West. Cty
Sanitary sewer repairs

Mayor McAndrews asked Administrator Datino to speak on the proposed Inter-Municipal agreement between the Village and Westchester County regarding the Sanitary System Evaluation and Repairs.

Administrator Datino said the Village shares the sewer system with New Rochelle, Pelham and the Town of Mamaroneck. It is illegal to put stormwater into the sanitary sewers. In July of 2014, the Board approved an agreement with Westchester County to begin to locate the inflow and infiltrations into the sewer system. This is usually caused by illegal sump pump hook-ups. The agreement this evening would have the Village and County working together to mitigate inflow and infiltrations and avoid any enforcement and penalties.

Admin. Datino
IMA w/ West. Cty
Sanitary sewer repairs
Con't.

The Board discussed this agreement at length that included, the cost, the possibility of the Overflow Retention Facility in Flint Park being shut down, illegal sump pump hook-ups, the validity of Westchester County's testing, timeframe for approval, a new local law requiring plumber's certification before transfer of title and potential lawsuits from Save the Sound.

On motion of Trustee Komar, seconded by Trustee Walsh, the vote on the resolution goes as follows:

AYES: Mayor McAndrews, Trustee Walsh, Trustee Komar, Trustee Fanelli

NAYS: Trustee Kolbert

RESOLUTION
Auth. Admin. Datino
to execute IMA w/
West. Cty. for Sanitary
Sewer System
Evaluation & Repairs

WHEREAS, the Village of Larchmont owns and operates tributary sewer system that utilizes the County's trunk sewer system and is subject to the provisions of the Westchester County Environmental Facilities Sewer Act set forth in Chapter 824 of the Laws of Westchester County (the "County Sewer Act");

WHEREAS, the County Sewer Act limits the use of the County trunk sewer system and tributary systems to the discharge of sewage, industrial wastewater and other wastewater and specifically prohibits the introduction of groundwater, stormwater and excessive inflow and infiltration into the County trunk sewer system; and

WHEREAS, the County conducted the "Long Island Sound Sanitary Sewer Districts Flow Monitoring Report" (dated September 2012, revised June 2013) in accordance with its obligations under an Order on Consent with the New York State Department of Environmental Conservation entered into in 2004 and amended in 2008, which requires among other things, the reduction of inflow and infiltration into the County trunk sewer system and its tributary systems (the "Flow Monitoring Report"); and

WHEREAS, the County asserts that its Flow Monitoring Report indicated that the Village of Larchmont has excessive inflow and infiltration entering the County's trunk sewer system which is not permitted by law and must be corrected; and

WHEREAS, the Village of Larchmont and the County wish to avoid enforcement actions and instead act together to mitigate the excessive inflow and infiltration and to eliminate the Overflow Retention Facility (ORF) discharges which are components of the proposed agreement; and

WHEREAS, the Village of Larchmont agrees to, among other items identified in this agreement, submit to the WCDEF, by April 1, 2015 a proposed work plan for a Sewer System Evaluation Study (SSES), develop a Capacity Management Operation Maintenance (CMOM) Program, submit quarterly report to the WCDEF documenting the Village's progress, commence our CMOM program on or before December 31, 2015, complete its SSES on or before June 30, 2017, submit to the WCDEF and NYSDEC an proposed construction schedule on or before August 31, 2017, and by January 1, 2016, prepare and submit for the Village Boards consideration a local law prohibiting stormwater and sump pump connections to the sanitary sewers; now therefore be it

RESOLVED, that the Village of Larchmont Board of Trustees hereby approves the agreement between Westchester County and the Village of Larchmont for the sewer system evaluation and repairs; and be it further

RESOLVED, that the Village Administrator is hereby authorized and directed to execute the Sanitary Sewer System Evaluation and Repairs Intermunicipal Agreement in substantially the same form as attached hereto; and be it further

RESOLVED, that the Village Administrator is authorized to undertake any administrative acts required under the terms of the agreement.

Mayor McAndrews said for many years under past Treasurer Deluca, employees were able to accrue their vacation days and be paid for those days upon retirement. That policy has changed and when Lt. Wayne Sternemann retired, a grievance was filed on his behalf by the Larchmont Fire Fighters Association seeking compensation under the previous policy. With the help of the Village's Labor counsel a settlement has been agreed upon.

RESOLUTION

Auth. Admin. Datino to Enter into agreement w/ LPPF Assn. for unused vacation days of retired Lt. Sternemann, W. Fire Dept.

On motion of Trustee Kolbert, seconded by Trustee Fanelli, and unanimously carried, the following resolution was adopted:

WHEREAS, the Village of Larchmont (Village) and the Larchmont Professional Fire Fighters Association (LPFFA) are parties to a Collective Bargaining Agreement (CBA) that expired on May 31, 2015 and currently participating in contract renewal negotiations; and

WHEREAS, the LPFFA filed a grievance on behalf of the now retired Lt. Wayne Sternemann on October 27, 2014, alleging a violation of past practice as it pertains to the payment of accrued and unused vacation time; and

WHEREAS, the Village’s Labor Counsel and the LPFFA have negotiated a settlement that would resolve the Grievance and clarify the issue going forward; and

WHEREAS, the membership of the LPFFA approved of the terms and conditions contained in the Stipulation; and

WHEREAS, the Stipulation of Agreement between the Village and the LPFFA regarding the accrual of unused vacation time, for those employees hired before June 1, 1998 is being presented for approval by the Village of Larchmont Board of Trustees; and now therefore be it

RESOLVED, that the Stipulation of Agreement between the Village of Larchmont and the LPFFA dated July 16, 2015 regarding accrual of unused vacation for bargaining unit employees hired before June 1, 1998 is hereby approved; and be it further

RESOLVED, the Village Board approves a one-time lump sum payout to retired Lt. Sternamann in the amount of \$7,640.64 (less taxes and withholdings) for his accrued and unused vacation time; and be it further

RESOLVED, that the Village Board approves the accrual of eighteen (18) vacation days for the remaining four (4) bargaining unit members identified in the Stipulation; and be it further

RESOLVED, that the Village Administrator is herein authorized to undertake administrative acts as may be required pursuant to the terms of the agreement.

On motion of Trustee Komar, seconded by Trustee Walsh, and unanimously carried, the following resolution was adopted:

WHEREAS, the Village of Larchmont participated with the Town of Mamaroneck and Village of Mamaroneck for joint bid for the FY 2015/16 road resurfacing project in an effort to consolidate resources and achieve the most complete price for materials and labor for road resurfacing and related work on Village streets; and

WHEREAS, the Town of Mamaroneck acted as lead agency for the bid effort and the Town Administrator reports that he publicly advertised for the receipt of bids and notified vendors of a contract for road resurfacing and various restoration work pursuant to TA Contract # 15-04; and

WHEREAS, the lowest responsible bid, meeting all specifications for contract was received from ELQ Industries, 567 5th Avenue, New Rochelle, NY 10801, based on the unit bid prices identified on the bid tabulation sheet (attached); and

RESOLUTION

Auth. Admin. **D**atino to Execute **I**MA w/ **T**own & **V**illage of **M**am’k for 2015/16 **S**treet resurfacing

WHEREAS, Village staff reviewed the bid response with representatives from the Town of Mamaroneck and adjusted the estimated quantities to reflect available budgetary resources; and

WHEREAS, the Town of Mamaroneck has awarded the bid to ELQ, additionally the Town and Village of Mamaroneck have approved and executed the IMA for Road Resurfacing; now therefore be it

RESOLVED, that the contract work be charged to FY 2015/2016 General Fund Accounts as identified by the Village Treasurer; and be it further

RESOLVED, the Village Treasurer is herein requested to encumber an additional \$100,000 from the FY 2014/15 year end close out to be used for the FY 2015/16 Road Resurfacing Project for a total project amount of \$463,000; and be it further

RESOLVED, that the Village Administrator is hereby authorized to execute the attached IMA with the Town of Mamaroneck and Village of Mamaroneck with said ELQ Industries, 567 5th Avenue, New Rochelle, NY 10801 as contractor, and to undertake administrative acts as may be required under said agreement.

Work session
Resolutions

Mayor McAndrews said the following resolutions were adopted at recent work sessions.

1. Woodard and Curran/Engineering Services-Byron Place Pump station
2. Award bid contract to Rio Supply, Inc. - Water Meter Upgrade Project
3. Chamber of Commerce/ Date Night in Larchmont- 7/23, 8/27 & 9/24/15
4. Minutes- Feb. 9, May 18 & May 23, 2015

RESOLUTION
Minutes 6/15/15

On motion of Trustee Kolbert, seconded by Trustee Komar, and unanimously carried, with Trustee Fanelli abstaining, it was:

RESOLVED, to approve the minutes of the meeting held on June 15, 2015.

RESOLUTION
Work session minutes
6/29/15

On motion of Trustee Walsh, seconded by Trustee Fanelli, and unanimously carried, it was:

RESOLVED, to approve the minutes of the work session held on June 29, 2015.

Finck, T.
Math, I.
Constructions issues
5 Vanderburgh Ave.

Theresa Finck of 30 Concord Avenue and Irene Math of 15 Vanderburgh Avenue were next to speak to the Board on the multi-house construction project at 5 Vanderburgh Avenue.

Ms. Finck asked how a permit was issued for the project with 23 open conditions attached to it. Mayor McAndrews replied that all 23 conditions must be met at completion before the Village will issue a certificate of occupancy. Ms. Finck added that the developer has not maintained the property as far as grass cutting and snow removal. She requested the Board pay closer attention to the project.

Finck, T.
Math, I.
Constructions issues
5 Vanderburgh Ave.
Con't.

Ms. Math said the contractor is making a lot of noise early on weekend mornings and has yet to erect construction fencing around the site. She added when she calls the police to complain, she is told to contact the building inspector on Monday. Administrator Datino stated that the police have been made aware that during non-business hours, they must respond.

The Board and Administrator Datino discussed further the concerns of the project with Ms. Finck and Ms. Math and they included, trash removal, time frame for the demolition of the current structure, arranging a meeting between the neighbors and the developer and amending the Village code on the days and hours when construction can be done.

The Mayor thanked Ms. Finck and Ms. Math for their comments.

On motion of Trustee Kolbert, seconded by Trustee Komar and unanimously carried, it was:

RESOLVED, that Abstract Audit Voucher #2, dated July 20, 2015, in the amount of \$876,665.56, per copies filed with the Clerk, be paid, subject to confirmation and approval of Trustee Walsh.

On motion of Trustee Kolbert, seconded by Trustee Komar and unanimously carried, the meeting adjourned at 10:08 PM.