

Minutes of the Reorganization Meeting
Of the Board of Trustees of the
Village of Larchmont, N.Y.
held on Monday, April 3, 2017

PRESENT: Mayor Lorraine Walsh
Trustees Carol Miller
Peter Fanelli
Malcolm Frouman
Carol Casazza Herman

ABSENT: None

Also present: Dep. Clerk Riley, Attorney Staudt, Administrator Datino, and Treasurer Brucciani

Mayor Walsh welcomed all in attendance and called the meeting to order at 7:38 PM.

Judge Jerry Bernstein administered the oath of office to his longtime friend, Trustee Malcolm Frouman.

Trustee Frouman said when he joined the Board last year, he got a behind the scenes view on how the Village works. He added how he got to participate in the creation of 17 new and how he was able to march in many parades.

Mayor Walsh administered the oath of office to Trustee-Elect Carol Casazza Herman.

Trustees Herman thanked those who voted in an uncontested election. She added additional thanks to the Board, Village Staff, volunteer committees and Administrator Datino.

Judge Bernstein then administered the oath of office to Judge Thea Beaver, who will begin her 5th term as Village Justice.

Judge Beaver said it is an honor to have been elected to a 5th term. She thanked her family, the Board and Court Clerk, Nancy Brodsky for their support. She stated how different things are since she and Judge Bernstein first started. She added the court is very busy and they hear many different kinds of cases.

State Senator George Latimer was next to address the Board. He congratulated Trustees Frouman and Casazza Herman and Judge Beaver. He then presented the Board with a proclamation for the Village's 125th Anniversary. Senator Latimer said he was supposed to present it last year but thought it wasn't right while he was running for reelection.

Town of Mamaroneck Supervisor Nancy Seligson congratulated Trustee Casazza Herman, Trustee Frouman and Judge Beaver on their elections.

On motion of Trustee Miller, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to accept the Certificate of Election, held on March 21, 2017, with the results as follows:

Trustee Malcolm Frouman 158 Votes
Trustee Carol Casazza Herman 173 Votes
Justice Thea Beaver 169 Votes

The Mayor announced that the 2017 Flint Park Day Camp is looking for counselors for the upcoming session. Anyone interested should contact Recreation Director, Joyce Callahan.

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

RESOLVED, to appoint Karen Anderson Hall to the Parks and Trees Committee.

On motion of Trustee Miller, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to appoint Robert Fletcher to the Coastal Zone Management Commission.

Next Girl Scout Troop 2902 gave a presentation on their Anti-Idling project. They displayed a poster of the various topics that went into the project. Some of the items are; keeping a log of the air around school, pictures of vehicles idling and a progress report.

Mayor Walsh thanked the troop and commended them on their efforts.

Jaime Nolan of 34 Vanderburgh Avenue spoke to the Board on the unavailability of nighttime parking for permit holders in the municipal lots. Ms. Nolan stated in recent months it has become difficult to get a parking space when she gets home after work. She added many of the vehicles parked in the lots don't have permits.

Mayor Walsh said that between the hours of 6 PM and 2 AM no permit is required in the Village lots. She added the nighttime parking permits become valid at 2 AM.

Trustee Miller asked Ms. Nolan if she informed the Traffic Commission about this issue. She suggested Ms. Nolan attend the next Traffic Commission meeting on Tuesday, April 4th.

Ms. Nolan said she will attend the next Traffic meeting then thanked the Board for their time.

Chief Poleway gave the following report.

The Chief began by replying to the comment made earlier by Judge Beaver on the court's busy schedule. He said one of the reasons for that busy schedule is the efforts of the men and women of the Larchmont Police Department.

1. Saturday, April 29th, the Larchmont Police Department, in conjunction with the Drug Enforcement Administration will host a collection site for "Drug Take Back Day" from 10:00 am to 2:00 p.m. in the Village Hall lobby. This program allows for unused or expired prescription drugs to be dropped off for proper disposal. As you are aware, prescription drug use and abuse continues to rise in our society, surpassing even illicit drug use, especially among young people. We are encouraging all residents to help stop potential abuse by properly disposing of their unwanted and expired prescription medication at the collection site. Detective Doucette will be present to assist those that would like to participate.

2. Spring is here and as the weather continues to get warmer and as more people venture outside, I would like to remind pedestrians, bicyclists, and motorists alike to be aware of your surroundings when traveling throughout the Village. Pedestrian and vehicle safety is a paramount concern of the police department and we want everyone to please abide by the local and state traffic laws that govern the use of our public roadways. This includes but is not limited to: inspecting and wearing proper equipment, completely stopping at traffic lights and stop signs and using designated crosswalks and sidewalks as necessary. Working together, we can promote safety and prevent avoidable accidents and injuries.

3. April is Distracted Driving Awareness Month and Police officers throughout New York State will be looking for cell phone law violators. New York prohibits all drivers from using portable electronic devices. Distracted driving is any activity that diverts a person's attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety. According to the National Highway Traffic Safety Administration, 3,154 people were killed and 424,000 were injured nationwide in crashes involving a distracted driver in 2015. Additionally,

ten percent of all fatal accidents involved a driver who was identified as distracted at the time of the crash.

Text messaging and driving is especially dangerous as it requires visual, manual, and cognitive attention from the driver, and it is by far one of the most alarming distractions.

Texting and driving requires motorists to take their eyes off the road, hands off the wheel, and mind off the task of driving. It creates the proverbial 'perfect storm' for a crash, and no one has the right to put another person's life at risk like that. So please do not text and drive.

For more information about this important topic please visit the website www.distraction.gov This is the official US Government website for distracted driving or visit New York States website at www.safeny.ny.gov

4. As you are aware, Village Code section 273-35.1 is a "no-idling law" which prohibits vehicles from idling for more than three minutes, if parked or standing, when the ambient temperature is in excess of 40 degrees Fahrenheit. The area's most often affected by idling vehicles and the fumes they produce are the schools and the train station. Please remember to turn your vehicle off if you are going to be stopped for more than three minutes to minimize the negative impact created by idling cars and the carbon monoxide they emit.

5. See something – Say something – I would like to remind everyone to stay vigilant in reporting any suspicious activity that may be observed. 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 call the Larchmont Police Department at (914) 834-1000 or simply dial 911.

Finally, I would like to take this opportunity to wish John Komar the best of luck in all his future endeavors. Mr. Komar is a true professional and it has been a pleasure working with him for the last 6 years. I would also like to extend my congratulations to Trustee Herman on being elected and I look forward to getting to know you and working with you in the future on the issues that affect Larchmont.

Fire Chief's Report

Lt. Doherty stated Chief Caparelli is at the National Fire Academy all week and in his absence, asked the lieutenant to send his congratulations to Trustees Frouman and Casazza Herman and best wishes to outgoing Trustee John Komar.

Trustee Fanelli gave the following report.

1. Thanks to the Fire Department for their efforts at the Autism Speaks event at Daniel Webster School in New Rochelle.

Trustee Miller made the following report.

1. The Friends of the Library Spelling Bee was held on Sunday to a packed house. Mayor Walsh was one of the judges.

2. On April 9th at the Village Center, author Ariel Levy will read from her book, "The Rules Do Not Apply".

3. The Tour De Larchmont will return on Sunday, May 6th starting at 2 PM in Constitution Park.

4. Tennis permits are available and clinics in Flint Park will begin soon. Contact the Clerk's office for more information.

Trustee Frouman thanked Mauri Tamarin for substituting for an absent member of the Board of Architectural Review at their last meeting.

Mayor Walsh made the following appointments for the coming year.

Licensing Officer- Brian Riley

Deputy Mayor- Carol Miller

Joint Sanitation- Carol Miller

Trustee Liaisons

Mayor Walsh	LISWIC Police Commissioner Joint Sanitation Commission TVS Tri-Municipal Cable TV Parks and Trees Committee
Trustee Miller	Deputy Mayor Library Board of Trustee Recreation Committee Planning Board Taxis
Trustee Fanelli	Committee on the Arts Fire Chamber of Commerce Coastal Zone Management Commission Pine Brook Neighborhood Association Ambulance Commission
Trustee Frouman	Board of Architectural Review Committee on the Environment Human Rights Commission Technology and Social Media Committee
Trustee Herman	Beautification Committee Bills and Invoices Zoning Board of Appeals Finance Committee Traffic Commission

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to approve the reappointment of James Staudt as Village Attorney for the coming year.

On motion of Trustee Frouman, seconded by Trustee Miller, and unanimously carried, it was:

RESOLVED, to approve the reappointment of Joanne Lanza as Deputy Village Treasurer for the coming year.

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

RESOLVED, to approve the reappointment of Brian Rilley as Deputy Village Clerk and Registrar for the coming year.

On motion of Trustee Miller, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to approve the reappointment of Daniel Whitemore as Village Assessor for the coming year.

On motion of Trustee Frouman, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to approve the reappointments of James Cinque and Richard Levy as Village Prosecutors for the coming year.

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

RESOLVED, to reappoint John Poleway as Emergency Coordinator

On motion of Trustee Frouman, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, that the Board will meet once a month at 7:30 PM unless otherwise needed, all at the Municipal Building, and further, it was:

RESOLVED, that the tentative dates for upcoming meetings are as listed below and these dates can be changed at the pleasure of the Board.

Monday, April 17, 2017

Monday, May 15, 2017

Monday, June 19, 2017

Monday, July 17, 2017

Monday, August 21, 2017

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

RESOLVED, that all employees of the Village who are required to provide Surety Bonds according to law shall, before entering upon the duties of their respective offices, be covered by blanket Surety Bond now in force, or renewal thereof, and the expense shall be a charge on the Village.

On motion of Trustee Frouman, seconded by Trustee Miller, and unanimously carried, it was:

RESOLVED, that JP Morgan Chase, TD Bank and Wells Fargo, are hereby designated as depositories for Village funds for the ensuing year.

On motion of Trustee Herman, seconded by Trustee Miller, and unanimously carried, it was:

RESOLVED, that Treasurer Brucciani and Deputy Treasurer Lanza are authorized signatures on all Village bank accounts.

On motion of Trustee Frouman, seconded by Trustee Miller, and unanimously carried, it was:

RESOLVED, to set the date of the Memorial Day Parade for Thursday, May 25, 2017 at 7:00 PM.

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

RESOLVED, to name the Journal News the official newspaper of the Village of Larchmont

On motion of Trustee Miller, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, that the Board declares Larchmont's official tree to be the Larch.

On motion of Trustee Frouman, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to open the Public Hearing on the 2017-18 Tentative Budget.

Administrator Datino said that state law requires a public hearing be held before a budget is adopted. There have been 8 Board involved public meetings held on this year's budget. The tax levy is at an increase of 4.37%. A home in the Village valued at 1 million dollars will have an increase of \$205 and one valued at 2 million dollars, \$400. He added for the second consecutive year there will be no increases in water rates.

Mayor Walsh asked if anyone in the audience and the Board had comments to make on the 2017-18 budget. There were none.

On motion of Trustee Frouman, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to adjourn the Public Hearing on the 2017-18 Tentative Budget to Monday, April 17, 2017 at 7:30 PM.

On motion of Trustee Miller, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to reopen the Public Hearing to consider a local law authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law adjourned on March 21, 2017.

Mayor Walsh said New York State law requires a local law be adopted to go over the mandated tax cap. At the beginning of the budget process the tax rate was over 8%, the State rate for the Village this year is 1.37%. She added at this point there is not much that could be done to lower it from the current 4.37% to below 1.37%.

Mayor Walsh asked if anyone in the audience and the Board had comments to make on the proposed local law. There were none.

On motion of Trustee Miller, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to close the public hearing.

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

RESOLVED, to adopt Local Law No. 1-2017, authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law.

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to reopen the Public Hearing to take comment on amending the Zoning Law by revising regulations concerning mechanical rock excavation that was adjourned on March 21, 2017.

The Mayor said that at the Board's last meeting on March 21, 2017, the Board was unable to vote on this proposed local law because the Village had yet to receive a referral letter from the Coastal Zone Management Commission. The Village has since received the letter that states:

"It was the consensus of CZMC that the proposed amendment pertaining to rock removal is consistent with the policies in the Local Waterfront Revitalization Program (LWRP). The amendment seeks to control noise pollution in our community."

Mayor Walsh then read an excerpt from a letter written by Anthony Catalano of Woodard and Curran, the Village's consulting engineering firm that states:

"We note that the condition/density of the rock ultimately will control the duration of necessary hammering. There are very hard rock deposits found in the Mamaroneck-Larchmont area that can require effort and appropriately sized hammers to fracture.

However, it should be the Applicant's (i.e. Engineer) responsibility to complete site investigations before filing for their rock hammering permit to understand the extent and type of rock found onsite. Given the smaller parcel sizes in Larchmont, it is not unrealistic to think that subsurface conditions can be well understood with as little as 4-5 test pits. Doing a proper investigation will allow the Applicant's Contractor to mobilize the appropriate sized machines and hammers to get the work done within the allowable time frame."

Mayor Walsh said she spoke with Town of Mamaroneck Administrator, Steve Altieri who said the Town's law is for 15 days with no extension they've had no complaints although there were some who chose to blast.

The Mayor asked if anyone in the audience and the Board had any comments on this proposed local law.

Dan Patrick of Silverberg/Zalantis addressed the Board on the proposed local law. Mr. Patrick, whose firm represents the owner of 40 Ocean Avenue, said that the proposed code could result in a 1 year delay on projects. He urged the Village to consider allowing the building inspector to use his/her discretion to extend a deadline.

Mayor Walsh said the Village received commentary from Mr. Silverberg of Silverberg/Zalantis and added that 40 Ocean Avenue is not the only property affected by this proposed law.

On motion of Trustee Miller, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to close the public hearing.

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to adopt Local Law No. 2-2017, amending the Zoning Law by revising regulations concerning mechanical rock excavation.

VILLAGE OF LARCHMONT
LOCAL LAW No. 2 of 2017

A local law to amend the Zoning Law by revising
regulations concerning mechanical rock excavation

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

Section One. Section 381-44 of the Zoning Law of the Code of the Village of Larchmont, entitled, "Mechanical rock excavation and rock blasting," is hereby repealed and replaced in its entirety to read as follows:

§ 381-44. Mechanical rock excavation and rock blasting.

A. Mechanical rock excavation and rock blasting permits required.

1. No person shall engage in mechanical rock excavation, or permit such excavation to occur on their lot, unless a mechanical rock excavation permit has first been issued by the Village and the Building Inspector has issued written permission to proceed following compliance with all pre-excavation requirements set forth herein.

2. No person may engage in any blasting, or permit such blasting to occur on their lot, unless a blasting permit has first been issued by the Village as set forth in section 107 of the Village Code.

B. Mechanical rock excavation.

1. Mechanical rock excavation on a lot shall be restricted to fifteen (15) consecutive calendar days.

(a) When such operations are underway pursuant to previous approval, the Building Inspector, upon advice and consultation with the Village Engineer or village consulting engineer and for good cause shown, may extend the days by which the operations may occur; such extension must be reasonable under the circumstances, but in no event shall such extension exceed five (5) calendar days.

2. Mechanical rock excavation, including rock removal, shall only be permitted to occur between 8:00 a.m. and 3:30 p.m. on Mondays through Fridays, and shall not be permitted on any Saturday, Sunday, or federal or state public holiday.

3. Mechanical rock excavation, including rock removal, are prohibited within 500 feet of any public or private school on testing days.

4. No person performing mechanical rock excavation shall have more than two machines and two hammers operating on one lot at the same time. Rock crushing is prohibited on site.

5. All mechanical rock excavation shall comply with the same requirements as set forth in soil moving operations under § 381-42.A.(2)(c).

C. Notice to neighbors of mechanical rock excavation; affidavit of mailing; public notice sign.

1. No less than ten (10) days nor more than fourteen (14) days prior to mechanical rock excavation, the permit holder shall give written notice of the intent to engage in such operations to all property owners, managing agents, and occupants of all structures on property that has a lot line lying within 300 feet of any lot line of the property on which the mechanical rock excavation is to occur and any additional lots as required by the Building Inspector or Village Engineer. Said notice shall be approved by the Building Inspector and shall state the mechanical rock excavation permit holder's name, the permit number, the location of the excavation, the date(s) and time(s) during which excavation is to occur, and emergency telephone numbers for the police, fire, and ambulance service. Such notice shall be given by certified or certificated mail, and an affidavit, executed by the permit holder attesting to such mailing, along with the actual notice and list of addressees and addresses, shall be filed with the Building Department before mechanical rock excavation may commence.

2. Upon receipt of the notice specified in _____above, all property owners and managing agents shall immediately distribute a copy of such notice to tenants and, except for one-family dwellings, post such notice in conspicuous place(s) where it is reasonable to believe that persons entering or leaving the premises will see such notice.

3. Posting of notice on the subject property. No less than ten (10) days prior to engaging in mechanical rock excavation, the permit holder shall post a sign on the property where such excavation is to occur, in the form prescribed by the Building Department, stating the date(s) and time(s) during which such operations will occur. Such sign shall be placed in a location plainly visible from the most commonly travelled street upon which the property fronts, but in no case more than twenty (20) feet back from the front lot line. Such sign shall be appropriately revised as necessary. An affidavit attesting to such posting shall be filed with the Building Department before mechanical rock excavation may commence.

Section Two. Severability.

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 Three. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

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

RESOLVED, to approve the minutes of the meeting held on March 21, 2017.

On motion of Trustee Miller, seconded by Trustee Frouman, and unanimously carried, it was:

RESOLVED, to approve the minutes of the work session meeting held on March 21, 2017.

On motion of Trustee Herman, seconded Trustee Miller, and unanimously carried, the meeting adjourned at 9:02 PM.