

**EXTRACT OF MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK HELD ON SEPTEMBER 8, 2026, AT 7:30 P.M.
IN THE COURTROOM AT 169 MT. PLEASANT AVENUE**

**RESOLUTION RE:
ADOPTION OF A PROPOSED LOCAL LAW TO AMEND CHAPTER 282 OF THE CODE OF
THE VILLAGE OF MAMARONECK AND TO ADD ARTICLE VI TO CHAPTER 282 OF THE
CODE OF THE VILLAGE OF MAMARONECK RE: FLOOD MITIGATION AND MUNICIPAL
SEPARATE STORM SEWER SYSTEM CHARGES.**

WHEREAS, Proposed Local Law P of 2026 has been introduced to amend Chapter 282 of the Code of the Village of Mamaroneck and to Add Article VI to Chapter 282 of the Code of the Village of Mamaroneck Re: Flood Mitigation and Municipal Separate Storm Sewer System Charges; and

WHEREAS, The Board of Trustees, having considered the proposed local law during its August 10, 2026 meeting, scheduled a public hearing on the proposed local law for September 8, 2026; and

WHEREAS, notice of the public hearing for Proposed Local Law P was published in accordance with the law; and

WHEREAS, on September 8, 2026, the Board of Trustees held a public hearing for Proposed Local Law P of 2026;

On motion of _____, seconded by _____:

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Mamaroneck, as follows:

1. The Board of Trustees finds and determines that the adoption of Proposed Local Law P of 2026 is a Type II action under Section 617.5(c)(33) of the New York State Environmental Quality Review Act (SEQRA); and
2. Proposed Local Law P of 2026 is adopted and shall read as follows:

PROPOSED LOCAL LAW P - 2026

A Proposed Local Law to Amend Chapter 282 of the Code of the Village of Mamaroneck and to Add Article VI to Chapter 282 of the Code of the Village of Mamaroneck Re: Flood Mitigation and Municipal Separate Storm Sewer System Charges.

WHEREAS, there has been presented to this Board of Trustees the following Proposed Local Law:

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

Section 1.

Chapter 282 of the Code of the Village of Mamaroneck is hereby added to and amended to read as follows:

“...

Article VI Flood Mitigation and Municipal Separate Storm Sewer System Charges

Section 282-37 Legislative Intent.

The Board of Trustees of the Village of Mamaroneck hereby finds and declares that the proper management, operation, and expansion of the Village's flood mitigation and stormwater management systems are essential to the protection of public health, safety, and the environment. The Board further finds that the Village's flood mitigation improvements and municipal separate storm sewer system (MS4) functions as an integrated network requiring coordinated capital maintenance, flood mitigation planning, and regulatory compliance under county, state and federal law. The Village is subject to stringent and unfunded mandates imposed by various county, state and federal agencies regarding MS4 compliance and flood mitigation. The Board determines that funding the operation, maintenance, and necessary capital improvements of this integrated system solely through general property taxes places a disproportionate and inequitable burden on certain property owners, while failing to adequately capture the costs associated with the use of the system. Therefore, it is the intent of the Board of Trustees, pursuant to the authority granted by Article 14-F of the General Municipal Law of the State of New York, to establish a dedicated, self-sustaining enterprise fund. This law establishes a system of Flood Mitigation and Municipal Separate Storm Sewer System Rents based on the consumption of water on the premises, ensuring that the costs of operating, maintaining, repairing and improving the integrated Flood Mitigation and Municipal Separate Storm Sewer System are borne proportionately by the users of said system. The Board determines that utilizing water consumption, as expressly authorized by Article 14-F of the New York State General Municipal Law, represents the most equitable, rational, and administratively viable method to apportion the costs of the system. The Board of Trustees finds and determines that basing the Flood Mitigation and MS4 Rent on municipal water consumption, as authorized by General Municipal Law § 451, constitutes a fair, equitable, and rational approximation of a property's proportional burden on the MS4 system. The Board determines that metered water usage serves as a highly reliable proxy for site development density and the corresponding ratio of impervious lot coverage that generates stormwater runoff. Furthermore, the Board recognizes the systemic interaction between municipal infrastructure networks, wherein high-volume water consumption and the resulting flows exacerbate localized groundwater saturation and inflow/infiltration (I&I), thereby severely degrading natural soil absorption and exponentially increasing the volume of stormwater displaced into the MS4 network. Finally, this metric equitably captures the burden of direct, dry-weather MS4 discharges generated by exterior water utilization.

Section 282-38 Definitions.

FLOOD MITIGATION AND MUNICIPAL SEPARATE STORM SEWER SYSTEM

The systems for improvements to reduce flooding and publicly owned or operated network of infrastructure, such as storm drains, pipes, ditches, and curbs, designed to collect and convey

stormwater runoff, operating entirely separate from sanitary sewer wastewater systems, affecting the Village of Mamaroneck, whether in or outside the Village.

FLOOD MITIGATION AND MUNICIPAL SEPARATE STORM SEWER SYSTEM RENTS (“RENTS”)

A schedule of annual charges established and imposed by the Village of Mamaroneck for the use of the flood mitigation and municipal separate storm sewer system.

Section 282-39 Establishment of Flood Mitigation and Municipal Separate Storm Sewer System Rents.

Pursuant to Article 14-F of the New York State General Municipal Law (the “Sewer Rent Law”), and in order to defray the cost of maintaining and improving the Village’s flood mitigation and municipal separate storm sewer system, flood mitigation and municipal separate storm sewer system sewer rents are hereby established. The revenue collected by these sewer rents shall be used for the general operation, maintenance, repairs and improvements of the municipality’s flood mitigation and municipal separate storm sewer system in accordance with state law.

Section 282-40 Flood Mitigation and Municipal Separate Storm Sewer System Rent fees; payment schedule.

A. The owners of real property within the Village of Mamaroneck and those outside the Village using the Village’s flood mitigation and municipal separate storm sewer system or any part thereof shall be required to pay a flood mitigation and municipal separate storm sewer system rent fee for the purpose of defraying the costs of operating, maintaining, repairing, replacing and otherwise improving the flood mitigation and municipal separate storm sewer system.

B. The Village Board of Trustees shall annually establish by resolution a per-unit fee schedule based on water consumption. These fees shall be included in the Village’s Annual Fees and Charges Schedule.

C. All flood mitigation and municipal separate storm sewer system rents shall be payable at quarterly or monthly intervals consistent with the water billing for the property.

Section 282-41 Flood Mitigation and Municipal Separate Storm Sewer System Rent Fund.

All revenues generated from flood mitigation and municipal separate storm sewer system rents, including interests and penalties, shall be kept in a separate account to be designated as the “flood mitigation and municipal separate storm sewer system rent fund.” All such funds, together with the interest thereon, shall be used in accordance with General Municipal Law § 453 and this article, but in no event shall funds be used for any purpose other than flood mitigation and municipal separate storm sewer system maintenance and improvements, and no transfers as well as no budget amendments shall be made to or from the flood mitigation and municipal separate storm sewer system rent fund to or from any other Village of Mamaroneck fund.

Section 282-42 Effective Period of Flood Mitigation and Municipal Separate Storm Sewer System Rent Fee.

The flood mitigation and municipal separate storm sewer system rent fee as provided in § 282-40 herein shall be effective for flood mitigation and municipal separate storm sewer system use beginning with the October 1, 2026 through December 31, 2026 calendar quarter or month of October for those accounts billed monthly, and shall appear on the January water bill or in the case of accounts billed monthly the November water bill and the water bill for every quarter or month thereafter as applicable.

Section 282-43 Basis for fee schedule.

A. The Village Board of Trustees shall impose a fee schedule based on water consumption, setting a standard flood mitigation and municipal separate storm sewer system rent fee per unit of water. One unit of water constitutes 100 cubic feet (one ccf) or 748 gallons.

B. If water is not consumed or utilized, and a connection is maintained with the Village's flood mitigation and municipal separate storm sewer system, a flat flood mitigation and municipal separate storm sewer system rent fee per quarter shall be imposed and shall also be included in the Village's Annual Fees and Charges Schedule.

C. In establishing the fee schedule, the Board of Trustees may choose to exempt any water accounts which it determines do not contribute to the use of flood mitigation and municipal separate storm sewer system due to the nature of the water use.

Section 282-44 Lien; penalty for nonpayment.

A. Flood mitigation and municipal separate storm sewer system rents shall constitute a lien on the date payable, upon the real property served by the flood mitigation and municipal separate storm sewer system or such part or parts thereof for which flood mitigation and municipal separate storm sewer rents have been established and imposed, and such lien shall continue thereon until paid or satisfied. The lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the Village.

B. A penalty of 5% of the sewer rent fee shall be imposed for the first month unpaid and subsequently increased 1% for each succeeding month that the rent remains unpaid.

Section 282-45 User responsible for costs of managing toxic pollutants.

Each user which discharges any toxic pollutant which causes an increase in the cost of managing the flood mitigation and municipal separate storm sewer system shall pay for such increased costs.

Section 282-46 Appeals.

A. Any flood mitigation and municipal separate storm sewer system user who maintains that his/her/its flood mitigation and municipal separate storm sewer system rent should be reduced for any given year based upon actual use of the flood mitigation and municipal separate storm sewer system may make one application to the Village Manager for a reduction in that year's flood mitigation and municipal separate storm sewer system rent. Such application must be in writing and be supported by evidence that proves that the amount of the system user's water consumption that actually was discharged into the flood mitigation and municipal separate storm sewer system was less than the amount of water consumption used to calculate the system user's flood mitigation and municipal separate storm sewer system rent.

B. All such applications shall be reviewed by an Appeals Board consisting of the Village Manager, the Village Clerk and the Village Engineer. The Appeals Board shall issue a decision on such application within 30 days of submission and shall advise the applicant in writing.

C. If the Appeals Board reduces a flood mitigation and municipal separate storm sewer system rent pursuant to this section, that system user's flood mitigation and municipal separate storm sewer system rent shall be recalculated based upon the portion of that system user's water consumption that the Appeals Board determines was actually discharged into the flood mitigation and municipal separate storm sewer system."

Section 2.

Chapter 282, Article III of the Code of the Village of Mamaroneck is hereby added to and amended to read as follows:

"Article III Sanitary Sewer Charges

Section 282-3.1 Background.

A. In recent decades, federal and state legislation has been enacted along with strict regulatory action dealing with the collection, treatment, and discharge of human wastewater. The Village of Mamaroneck manages and maintains 43 miles of a sanitary collection sewer and two Village-maintained sewer pump stations within its borders. Volumes from the sewers flow into the Westchester County trunk sewer system and are treated at county sewage treatment plants, eventually discharging into the Long Island Sound. It is critically important that the Village maintain, repair, improve and replace, when necessary, components of its sanitary sewer collection system in order to reduce extraneous flows and illegal discharges into its collection system before such flows enter the county trunk lines. A major component of the extraneous flows into the sanitary sewer collection system is inflow and infiltration from groundwaters and poorly functioning storm drainage pipes. Municipalities must, by law, take action to fix and maintain sanitary sewer collection systems and storm drains to reduce all nonsanitary flows into the sanitary sewer system, as the additional volumes adversely impact the trunk lines and the ability to treat waste at treatment plants.

B. The Federal Water Pollution Control Act, also known as the "Clean Water Act," creates strict guidelines for municipalities for managing stormwater and sanitary sewer systems, with the goal

of optimal public health and safety. Under Section 402(p)(3)(B) of the Clean Water Act, municipal separate stormwater sewer systems (MS4) are required to reduce pollutants in stormwater systems to the maximum extent practicable. To regulate such stormwater systems, the Environmental Protection Agency (EPA) is authorized to enforce the Clean Water Act and to encourage municipalities to reduce harmful pollutants going into the stormwater system. Section 304(m) of the Clean Water Act sets forth guidelines which deal with discharges and pollutants. The Village of Mamaroneck, which manages an MS4, must adhere to a set of six minimum measures in the administration of its stormwater system. One of those minimum measures is maintaining the separation of stormwater and sanitary sewer systems to prevent inflow between the two systems.

C. Section 824.11 of the Westchester County Code also mandates that municipalities "take immediate action to reduce extraneous flows of water due to infiltration, illegal inflow and illegal stormwater connections to tributary [sanitary] sewer systems within a municipality's borders which are adversely impacting upon many County POTW treatment plants in their ability to treat waste, comply with their State Pollution Discharge Elimination System permits (SPDES permits), and to protect and enhance the local environment." Therefore, a municipality must take all actions necessary to ensure that the sanitary sewer system and stormwater system are not integrated.

D. Article 14-F of the New York State General Municipal Law allows for municipalities to impose a sewer rent fee on real property, to be used ~~solely~~ for the maintenance, repair and improvements of the sanitary sewer system. These funds will help further facilitate the Village of Mamaroneck's compliance with the federal, state, and county guidelines on sanitary sewer systems by establishing a steady stream of dedicated funding to perform the necessary maintenance, repairs and improvements to mitigate the infiltration and inflows from other sources, including, but not limited to, stormwater and other illicit connections to the sanitary sewer system. Compliance with federal, state, and county code further enhances and protects the public health, safety and welfare.
..."

Section 3.

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 4.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3). It supersedes the provisions of the Village Law, including those provisions which provide for the approval of a land use application on the basis of the passage of time, and the Code of the Village of Mamaroneck, including those provisions which authorize or require the approval of a land use application, to the extent that they are inconsistent with this local law.

Section 5.

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.

Ayes: _____
Nays: _____
Not Voting: _____

I, the undersigned Clerk of the Village of Mamaroneck, Westchester County, New York,

DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the Regular Meeting of the Board of Trustees of the Village of Mamaroneck, including the resolution contained therein, held on the 9th day of September, 2026 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Village this 9th day of September 2026.

Sally J. Roberts, Village Clerk