

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, OCTOBER 22, 2007 AT 7:30 P.M. IN THE COURTROOM
AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Philip Trifiletti
	Trustees	Thomas A. Murphy Toni Pergola Ryan John M. Hofstetter Anthony Fava
	Village Manager	Leonard M. Verrastro
	Village Attorney	Lino Sciarretta
	Police Department	Lieutenant James Gaffney
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

This is a continuation of the Public Hearing opened at the October 9, 2007 meeting. Trustee Murphy informed the Board that since the last meeting, he and Village Manager Verrastro contacted the Village of Port Chester as they have an attorney on staff. Their cost is \$160,000/year including benefits and if you subtract what we pay in retainer fees, \$52,000 that leaves a balance of \$108,000. Their Village Attorney also handles their labor law and Section 75 hearings. Trustee Murphy looked at our Village's past five years of labor law costs (taking out the police suit) and came up with a figure of approximately \$40,000/year. He was hoping that a Village Attorney could handle a couple of Article 78 cases in addition to other duties, and as they cost approximately \$20,000 per case, the Attorney would pay for him or herself. Trustee Murphy clarified that this law does not set the Attorney's hours or duties, but just that they be an employee and if the Board feels that a full-time Attorney is not necessary, they could cut the hours of the employee. However, it is important that they be an employee of the Village, as the Village is very needful now of an Attorney whose job it is to protect the Village and manage the litigation and the affairs of the Village. Village Manager Verrastro stated that a part-time administrative employee would have to be hired.

Ms. Nancy Tumm asked what the Village has spent in legal fees over the last five years. Trustee Murphy informed her that in the last year \$1.2 million has been spent. However the Attorney will not necessarily litigate the cases. Trustee Murphy believes that the Village would need less outside council as hopefully there would be fewer lawsuits filed against the Village and less litigation. He also believes that municipal law is going to get more complicated and it would also be helpful to have an employee that transcends administrations. Mr. Jim Hanley asked if there are other communities in Westchester or the tri-state area that have Village Attorneys on their staff and what it has cost them over a five year period. Trustee Murphy stated that there are not a lot of communities that do this, however there are not a lot of communities that have had the legal issues that the Village of Mamaroneck has had. Trustee Ryan stated that when she sat on the Board 20 years ago, the only monies spent were for retainer fees and that the world has changed. Trustee Fava, who has been in the insurance industry for 29 years stated that when there has been in-house council working with him, it was like having a risk management department.

Mr. Mauro Gabriele believes that other municipalities should be surveyed as he has worked with the Town of Eastchester and they had an excellent Attorney, who was able to stop litigation before it happened. He would like for the Village to survey Eastchester. He also believes that Scarsdale has a full time Attorney. It is his belief that the Village Code needs to be looked at and updated as there are many ambiguities that have led to land use lawsuits. Mr. Gabriele also believes that a skill set for the Village Attorney needs to be formulated. Trustee Murphy again stated that Port Chester is the only Village in Westchester that has a full time Employee and Town law is very different. Mr. Gabriele would still like a survey done of other Town Attorneys and what the cost is versus their outside council cost. Mr. Walter Rogers appeared and stated that he believes it is time to move on, that this system is not working and if an attorney as employee does not work out, we go back to what we have now. Ms. Sue McCrory also supports this law and urges the Board to pass it. Mr. Ed Pomerantz appeared and urged the Board to find the right person with the right experience for the job and the savings will come from less litigation down the road.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED, the public hearing on Proposed Local Law 19-2007, Village Attorney as Village Employee is hereby closed.

Ayes: Fava, Hofstetter, Ryan, Murphy, Trifiletti
Nays: None

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED, Proposed Local Law 19-2007 is hereby enacted as Local Law 13-2007 and shall read as follows:

LOCAL LAW NO. 13-2007

A Local Law Local Law adding Part I, Chapter 78 to establish and regulate the position of Village Attorney.

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

SECTION 1. Addition of Chapter 78

§ 78-1. Establishment of office.

There is hereby established the office of Village Attorney.

§ 78-2. Qualifications; requirements.

The candidate must be admitted to practice law in the State of New York and Federal Courts of this district. The candidateHe shall also have practiced law for no less than five years or to have experience as a -municipal attorney.

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§ 78-3. Powers and duties.

The Village Attorney shall render legal counsel to the Mayor and Board of Trustees, the Village Manager, the Board of Ethics and other village department authorities; ~~the candidate~~ he shall represent the village in civil litigation and do related work as required.

§ 78-4. Appointment.

The Mayor shall appoint the Village Attorney subject to approval from the Board of Trustees.

§ 78-5. Term; compensation; status; dismissal.

The Board of Trustees shall fix said Village Attorney's salary and other terms and conditions of employment not inconsistent with the provisions hereof. Notwithstanding the foregoing, the Village Attorney shall have no civil service status, shall be an employee of the Village employable by the Village and shall be subject to dismissal by a majority of the Board of Trustees.

§ 78-6. Outside attorneys.

In addition to the above, subject to approval and authorization of the Board of Trustees, the Village may employ outside attorneys or law firms to perform legal services for the ~~Village~~ village.

SECTION 2. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, 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 3. Effective Date

This Local Law shall take effect immediately upon filing with the Office of Secretary of State. ~~organizational~~

SECTION 4. This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Ayes: Fava, Hofstetter, Ryan, Murphy, Trifiletti
Nays: None

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER