

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, SEPTEMBER 24, 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	Lt. James Gaffney
Clerk-Treasurer	Agostino A. Fusco

ABSENT: None

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 24th day of September, 2007, at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW NO. 8-2007, a local law amending Chapter 21 (Code of Ethics) of the Code of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law No. 8-2007 is on file with the Clerk-Treasurer of the Village of Mamaroneck.

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

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

Agostino A. Fusco
Clerk-Treasurer

Dated: September 17, 2007

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED that the Public Hearing on Proposed Local Law 8-2007, is hereby opened.

Ayes: Fava, Hofstetter, Ryan, Murphy, Trifiletti

Nays: None

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Village Attorney Sciarretta stated that this law was proposed by Trustee Hofstetter in April of 2007. A new version was drafted and submitted for this public hearing after changes were made. This new law repeals Chapter 21 in its entirety and replaces it with a new chapter, which requires an annual filing of a statement of compliance with the Village Clerk, as set forth in section 21-5. This states that every official has read the Code of Ethics and they have not directly or indirectly had any interest in nor engaged in any activity contrary to the provisions of the Ethics Code. Another key point is that it requires officials to file an annual statement of financial statement of net worth. This new law also gives the Ethics Board power to investigate if they believe an ethics violation has occurred. Another change is that residents would now be allowed to make sworn written statements in investigating ethics violations. Lastly, this law would prohibit a member of any Village Board from representing anyone other than himself or herself in front of any other Village Board. That suggestion was given by the Ethics Board.

Trustee Hofstetter had some additional comments from residents that he would like to address. He also stated that there had been concern raised by some members of Village committees and boards regarding the disclosure of net worth. He believes that one way to work around that is that individuals who are principals in limited partnerships declare what those partnerships are and if they have a minimum of 5% that should be acknowledged. The goal would be to get information on companies doing business with or in the Village of Mamaroneck and any Board members interest in that company.

Mayor Trifiletti asked the Village Attorney if this information is "foilable" (accessible due to the Freedom of Information Law), even though it is in a sealed envelope filed in the office of the Clerk-Treasurer. Village Attorney Sciarretta stated that yes, this information is available to the public, however, certain information may be redacted from it, if this information is considered an invasion of privacy.

Trustee Murphy believes that there should be a provision that would not have the official state their net worth but declare the amount of stock owned in a company over a certain dollar amount.

Village Attorney Sciarretta suggested language in the law stating that officials identify each interest, trust or stock in which they he committee member or a family member has in excess of a certain dollar amount. It was also agreed to remove the statement in Section 21-6, "To that extent, all elected and appointed paid officials, department heads and their assistants and Planning Board and Board of Appeals members are required, annually, on or before June 30 of every year following the enactment of this article during the term of their office, a statement of their financial holdings, assets, liabilities and net worth." "To that extent, all elected and appointed paid officials, department heads and their assistants and Planning Board and Board of Appeals members are required, annually, on or before June 30 of every year following the enactment of this article during the term of their office, a statement of their financial holdings, assets, liabilities and net worth."

Trustee Murphy ~~suggested stated~~ that all real estate owned be disclosed, to which the Board agreed. Trustee Murphy also addressed the ability for private citizens to raise a complaint to the Ethics Board and how this would have to be a sworn complaint, so that the official who the complaint is raised about has redress if this complaint is found to be false and slanderous.

Mr. Irving Scharf thought this is excessive and would stop people from volunteering from serving on Village committees.

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Village Manager Verrastro had a comment under Section 21-6, Standards of Conduct. He questioned the statement that “no officer or employee of the Village shall directly or indirectly solicit any gift or accept or receive any gift having a value of more than twenty-five dollars (\$25)”. The Board believed that this was archaic and should be raised to a more reasonable level. The Board believes that \$75.00 is a fair amount.

Ms. Maureen Zacharino believes that no money or gifts in any amount should be given to or accepted by a Village official.

Mr. Glenn Tippit stated that he thinks this is a reasonable amount of money. He tips his garbage man and mailman every year at Christmas. He also believes that if residents thought they could gain a favor with a \$75 gift, people would be lined up out the door with them. He also believes that a gift over that amount should be accepted on behalf of the Village, as is done with the President and Governor.

Trustee Hofstetter reminded the Board that this also applies to employees of the Village who may want to give gifts to each other. Trustee Hofstetter also stated that a resident suggested to him that any Board of Trustee member not be allowed to appear in front of any board for two years after they have left office, except on your own behalf. The Board agreed that should be added to the code. A resident also suggested to Trustee Hofstetter that elected officials, prior elected officials and party chairs should not be eligible to be on the Ethics Committee. The Board agreed that a period of two years should pass before an elected official may serve on this committee. They also agreed to delete the statement “except that such person may be a member of a county committee of a political party” that appears in Section 21-9. Mr. Irving Sharf stated that he does not believe that district leaders should be exempt from serving on the Ethics Committee. The Board discussed this and agreed that they should be as they are elected officials and have voting rights on County Committees.

The Board agreed to close the public hearing. They asked Village Attorney Sciarretta to make the suggested changes for their review before the October 9th meeting so that a public hearing can be scheduled at that time. Trustee Hofstetter also asked Mr. Sciarretta why police personnel and auxiliary police personnel are not considered municipal officers or employees. Mr. Sciarretta will check the general municipal law, as he believes there is an exemption and will report back.

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

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED that the Public Hearing on Proposed Local Law 8-2007 is hereby closed.

Ayes: Fava, Hofstetter, Ryan, Murphy, Trifiletti

Nays: None

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER