

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, FEBRUARY 11, 2008 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Thomas A. Murphy John M. Hofstetter Randi Robinowitz Toni Pergola Ryan
	Village Manager	Leonard M. Verrastro
	Interim Village Attorney	Steven Silverberg
	Police Chief	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco

**NOTICE OF FIRE EXITS**

**PUBLIC HEARING – PROPOSED LOCAL LAW NO. 2-2008 (Amending Section 326-39 Bishop Avenue)**

**1. COMMUNICATION TO THE BOARD**

Mr. Fred Longacre advised the Board that he has located graffiti on the Harbor Island Playground Park equipment, and will also be notifying the schools. He submitted pictures to the Board and wanted the public to be “on guard”. Tony Iacovelli was also notified so he can arrange clean up of the area.

**2. APPROVAL OF MINUTES:**

No minutes

**3. AUDIT OF BILLS:**

On a motion of Trustee Murphy, seconded by Trustee Hoffstetter:

RESOLVED that the Abstract of Audited Vouchers listed below, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$364,138.42
Capital Project	\$332,477.33
Capital Project	\$101,002.99
Council of the Arts	\$ 180.00
Dare Program	\$ 269.49
Mamaroneck Health Center	\$ 177.19
Historic Harbor Fair	\$ 18.89
Guarantee Bid Deposits	<u>\$ 2,625.00</u>
	<b>\$800,889.31</b>

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

**4. OLD BUSINESS:**

**A. AMENDMENT TO FEE SCHEDULE – KAYAK FEES**

Mayor Savolt advised that the proposed changes on seasonal rates were not made available on the Village web site, and therefore public comments will be heard since the public did not get a chance to view the information prior to the meeting. Mr. Verrastro indicated that the Harbor Master, Jim Mancusi, is arranging to have 12 more kayak racks, making a total of 24 at Harbor Island. He further advised of the various rates of neighboring communities and recommended an increase from the current \$80.00 per season rate to \$100.00 per season rate for residents. Trustee Robinowitz suggested that the increase is minimal and in an attempt to defray other expenses, it should be made \$150.00 for residents. Trustee Murphy suggested that a number between the two recommended fees would be reasonable. Trustee Ryan reminded the Board of a prior meeting where a resident presented the need for such kayak racks in the Village.

On a motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the seasonal fee for residents to rent a kayak rack be raised to \$125.00, and the seasonal fee for non residents be raised to \$250.00.

Mayor Savolt inquired if any one had any public comments to make on this matter, where Mr. Tannenbaum indicated he did. He asked the Board if they will be considering raising the boat fee's in the Village. Mayor Savolt advised that they are not at this time.

Ayes: Ryan, Murphy, Savolt

Nays: Hofstetter, Robinowitz

## 5. NEW BUSINESS

### A. TAX CERTIORARI:

Proposal to settle fifteen different tax certioraris dating from 2000 to 2007. Total expenditures are almost \$600,000.00

Mayor Savolt deferred to acting attorney, Steve Silverberg, to explain the series of the proposed settlements currently in front of the Board.

Mr. Silverberg explained that each of the 17 open tax certiorari's has a supplemental judgment that has already been tentatively reached. These tentative agreements were made through the prior village attorney and date back to January 2007. Therefore, memos were requested from the Assessor's office indicating the amount of each reduction, ranging from \$2200.00 to \$22,000.00 and cover years from 2000 to current. The Mayor stated that the Board must now authorize the approval of the stipulations of settlements. The Mayor advised that due to the lack of proper steps taken by the prior attorney, they are now facing an amount of \$600,000.00 which is a "big hit" for the Village. Mr. Verrastro indicated that this year's budget of \$250,000.00 for tax certiorari's has already been spent on other small claims matters and therefore the Village will bond the entire amount on a five (5) year note with interest. The Mayor read each proposed amount of refund into the record.

On a motion of Trustee Hofstetter, seconded by Trustee Robinowitz:

RESOLVED on a single motion to accept all of the proposed tax certiorari settlements.

Trustee Murphy indicated that \$450,000.00 of these settlements are going back to various condominiums. He pointed out that the lead argument in allowing condominiums to be built in our Village is for the tax benefit; however, after a few years these same condominiums file tax certiorari and the Village returns the money. Ultimately, the burden becomes the homeowners and Mr. Murphy believes this will make it very difficult for middle class families to continue to live in the Village of Mamaroneck.

Mr. Gabriele, of 421 Wagner Avenue, appeared and advised the Board that if anyone needed assistance in understanding tax certiorari, he would be more than happy to assist as it is something he does. He further explained that the reval made in Rye had the right intention, it was not handled properly.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

**B: TRAFFIC AMENDMENTS (4)**

LAWN TERRACE – Mayor Savolt indicated that the source for the suggested changes was from the fire department to improve maneuverability of the fire trucks.

The changes are as follows:

1. Add Lorraine Street on the east side from Jefferson Avenue to a point 20 feet north thereof- parking prohibited at all times.
2. Add Lorraine Street on west side from Jefferson Avenue to a point 20 feet north thereof-parking prohibited at all times.
3. Add Shelburne Avenue on the north side from Sunnyside Avenue to a point 20 feet east thereof-parking prohibited at all times.
4. Add Lawn Terrace on the west side from the driveway of 219 Lawn Terrace, to a point 64 feet north thereof; and add Lawn Terrace on the east side from a point 46 feet south of the driveway of 216 Lawn Terrace, to the fire hydrant 120 feet south thereof – both parking prohibited at all times.

Trustee Murphy strongly suggested that these traffic amendments be held over until the next meeting as he feels people should have the opportunity to view the changes on the Village website prior to the changes.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the amendments to section 326-20 of the Village code be tabled to the next meeting.

Chairman of the Traffic Committee, Mr. Tannenbaum, advised the Board that the existing conditions from now to the next meeting continue to be hazardous and feels the Board should accept the changes immediately. Trustee Ryan stated that the Board should give the opportunity to view the proposed changes to the traffic code and also suggested tabling the matter to the next meeting. Mayor Savolt thanked the chairman for all of his continued hard work and thanked him for the submission of the site specific material.

Ayes: Robinowitz, Ryan, Hofstetter, Murphy, Savolt

Nays: None

**C. TRANSFER OF FUNDS – VILLAGE ATTORNEY**

Mr. Verrastro explained that in connection with the appointment of the new Village Attorney, effective February 19, 2008, it will be necessary for the board to approve a

transfer of funds in order to fund the position for the remainder of the fiscal year, ending May 31, 2008.

On a motion of Trustee Ryan, seconded by Trustee Murphy, to transfer funds from the following accounts, into the Attorney account.

<u>FROM</u>		<u>TO</u>
A1420 Law		A1420 Law
.120 Part time clerical	\$7000.00	.110 Perm. Reg. Personnel <u>\$34,900.00</u>
.421 Contract Service	\$16,000.00	
A1990 Contingent	<u>\$11,900.00</u>	
	<b>\$34,900.00</b>	<b>\$34,900.00</b>

Mayor Savolt believes that the new position of a full time attorney will provide long term savings. Trustee Murphy deems it will be money well spent.

RESOLVED that the transfers be made as provided in Section 5-520 of the Village Law.

Ayes: Robinowitz, Ryan, Hofstetter, Murphy, Savolt

Nays: None

**D. BUDGET AMENDMENT – LEGAL FEES**

Mr. Verrastro indicated that in connection with the addition of legal fees during the current year on different litigation matter, it is necessary to appropriate additional funds, to add to the existing budget of \$175,000.00. Mr. Verrastro recommended that the Board approve a budget amendment to transfer funds from our fund balance of \$200,000.00.

On a motion of Trustee Robinowitz, seconded by Trustee Murphy.

A5990	Appropriated Fund Balance	\$200,000.00
A9600	Appropriations	
A1420	Law	
.421	Contract Services	<b>\$200,000.00</b>

Mayor Savolt inquired what the balance will be after this appropriation, whereas Mr. Verrastro indicated it would be approximately just under one million, and the recommended amount if approximately 1.4 million. Trustee Robinowitz sincerely asked that the public please consider the amount of money appropriated for legal fees.

RESOLVED, that the budgetary accounts be increased.

Ayes: Robinowitz, Ryan, Hofstetter, Murphy, Savolt

Nays: None

**E. SCHEDULE PUBLIC HEARING – CABLEVISION FRANCHISE  
RENEWAL**

Mayor Savolt explained the plan to schedule a public hearing for a regular meeting on Monday, February 25, 2008 on the Cablevision Franchise renewal with the Village of Mamaroneck.

On motion from Trustee Murphy, seconded by Trustee Ryan:

Trustee Murphy indicated that the village now approved the contract with Verizon and the Cablevision mirrors it but it provides peg payments to LMCTV between both providers, of over two million dollars over 15 years. Additionally, he thanked the Mr. Brucciani, Mr. Millstein, Mr. Fishman and Mr. Verrastro for their hard work.

RESOLVED, that a Public Hearing is scheduled for Monday, February 25, 2008 to discuss Cablevisions Franchise Renewal with the Village of Mamaroneck.

Ayes: Robinowitz, Ryan, Hofstetter, Murphy, Savolt

Nays: None

**F. SCHEDULE PUBLIC HEARING-AMENDMENT OF FAST FOOD  
REGULATION**

To schedule a public hearing to amend the definitional sections of the zoning ordinance with reference to the fast food regulations, making it Proposed Local Law 3-2008.

On motion from Trustee Hofstetter, seconded by Trustee Ryan:

Trustee Murphy inquired if the draft proposed law will be posted on the village website prior to the scheduled meeting, in which Mr. Silverberg indicated that it will.

RESOLVED, that a Public Hearing is scheduled for Monday, February 25, 2008 to discuss Proposed Local Law 3-2008, known and cited as the Interim Development Moratorium for Fast-Food Restaurants within the Village of Mamaroneck.

Ayes: Robinowitz, Ryan, Hofstetter, Murphy, Savolt

Nays: None

#### **G. APPROVAL OF SETTLEMENT- CROTON LAND FILL**

Mayor Savolt invited Mr. Silverberg to explain this law suit against the Village, even though he is not handling it. Mr. Silverberg explained that the Village has hired outside counsel to work on this and it related to the dumping of material in the Croton Landfill found to be environmentally unsatisfactory. As a result, a series of actions were taken which involves a number of municipalities, including the Village of Mamaroneck. The amount of the settlement is for \$70,946.00 which includes an allocation of attorney fees. This amount of the settlement was based on a formula worked out with special counsel and he recommends the Board approve such amount.

On motion of Trustee Murphy, seconded by Trustee Ryan:

Mayor Savolt reminded the Board and public that the dumping by the village was done decades ago.

RESOLVED, the Board of Trustees authorized the settlement of the litigation on the Croton Landfill, Amatek v. The Village of Mamaroneck in accordance of special counsel.

Ayes: Robinowitz, Ryan, Hofstetter, Murphy, Savolt

Nays: None

#### **H. BOND RESOLUTION – JUDGMENT AND CLAIMS**

A Bond Resolution to authorize the issuance of up to \$668,000 aggregate principal amount of serial bonds of the Village of Mamaroneck to finance the costs of settled claims.

On a motion of Trustee Robinowitz, seconded by Mayor Savolt:

RESOLVED, the bond resolution to authorize the issuance of \$668,000.00 to settle various claims was approved.

Ayes: Robinowitz, Ryan, Hofstetter, Murphy, Savolt

Nays: None

**I. DESIGNATION OF HOURS OF GRIEVANCE DAY**

Mayor Savolt explained the notice of filing of tentative assessment roll of the Village of Mamaroneck and of grievance day of such assessment roll.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, that the Assessment Roll of the Village of Mamaroneck will take place on February 19, 2008 between the hours of 5:00 p.m. and 9:00 p.m. in the conference room at the Village hall at the Regatta.

Ayes: Robinowitz, Ryan, Hofstetter, Murphy, Savolt

Nays: None

**6. REPORT FROM VILLAGE MANAGER**

**A.** File For the Record – Retainer Agreement – Special Counsel to ZBA

Mr. Verrastro explained that the agreement is between the Village of Mamaroneck and Silverberg Zalantis LLP as Special Counsel to the Zoning Board of Appeals

**B.** File For the Record – Revised Residential Assessment Ratio

Mr. Verrastro indicated that the revision of the Assessment Ratio is from 1.71 to 1.73.

**7. REPORTS FROM CLERK-TREASURER**

**A.** File For the Record – Long Island Sound Watershed Inter municipal Council (LISWIC) amendments to bylaws.

Mayor Savolt indicated that the revision consist of changing to a calendar year from a fiscal year.

**B.** File For the Record – Listing of Unpaid Taxes

**8. REPORT FROM VILLAGE ATTORNEY**

Mr. Silverberg thanked the Village for the opportunity to assist the Village as the Acting Attorney. Mayor Savolt advised Mr. Silverberg how much his assistance is appreciated.



**9. REPORT FROM POLICE CHIEF**

Chief Flynn indicated that they will increase police patrol at Harbor Island since the incident of graffiti has occurred.

**10. MINUTES- COMMISSION, BOARDS, COMMITTEES**

No minutes submitted.

**11. COMMUNICATION TO THE BOARD II**

Mr. Gabriele, of 421 Wagner Avenue, inquired about item 5D and requested detailed information on specific attorneys that have received legal fees, names of cases and its' petitioners. Mr. Verrastro suggested that Mr. Gabriele file a FOIL request due to the voluminous amount .

Ms. Greco, of 220 Center Avenue, requested the protocol of repair to the streets of Washingtonville due to the disorder of Con Edison. Mr. Verrastro indicated that Con Edison is required to make such repairs and Tony Iacovelli, the DPW Foreman, is working closely with them to ensure proper repair is made.

Ms. Rubin, of 1035 Shore Acres Drive, inquired if proper measures are taken to prevent a tragedy such as the one that just took place at City Council in Missouri last week. Chief Flynn advised that the police department is vigilant about who comes into the Court Room and observes the behavior of people.

Trustee Ryan reported that the Library had a Valentines Day show for children ages 3-10. It consisted of performances, poems and explained the origin of Valentines Day. It was well attended. Trustee Ryan also indicated that Harbor Island hosted "Songster Night" which was well done and a pleasant change. She also advised that the Council of The Arts will be completing other programs and she will forward more information to the public as it becomes available.

Trustee Hofstetter reported that he will be meeting with the Budget Committee on February 12, 2008 and will provide details at a later Board meeting. As liaison to the Library Committee, he met with Helen Rafferty regarding issues that have already moved forward. He and Mayor Savolt met with the Director of Emergency Services for the Town/Village of Mamaroneck and found the information to be very informative and interesting.

Trustee Murphy indicated that the Planning Board meeting of February 14, 2008 was canceled. He also indicated that LMCTV will become available in April to all Verizon customers.

Trustee Robinowitz advised that the Mayor and she will be attending the Stuart Avenue Meeting on February 12, 2008 as an attempt to get to know all of the neighborhoods. Also, she, along with the Mayor, Village Manager and Chief of Police, will be attending the Street Fair Meeting on February 13, 2008 and she urges people to attend as more volunteers are needed as it continues to be such a great event. She also discussed that Rob Yamuder and herself continue to work on the Taylors Lane issue with the DEC. Lastly, she thanked the Larchmont Avenue Church for benefiting the Cap Center- it was a great turn out.

Mayor Savolt began by thanking the Rotary Club for hosting a Valentines Day Luncheon for the seniors at the Senior Center and stated that a great time was had by all who attended. She then stated that the Westchester County Department for the Aging is launching an effort for livable communities around the County as they are forming task forces in each municipality to accommodate seniors. They are seeking 15- 20 people to join the Mayor and Trustee Ryan, of the south central region, to help seniors with issues such as safety, security, the arts, housing option, etc. Mayor Savolt encouraged any one, of any age, who is interested in helping to contact the Mayors Office. Lastly, the Mayor spoke of the intent to schedule neighborhood meetings to update information. She expressed the importance of regular meeting for all neighborhood associations and encouraged anyone to call the Mayors office with updated information.

A motion made by Trustee Murphy to adjourn the hearing, was seconded by Trustee Ryan.

Ayes: Robinowitz, Ryan, Hofstetter, Murphy, Savolt

Nays: None

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

LAURA GARCIA

AGOSTINO A. FUSCO

LEGAL SECRETARY

CLERK-TREASURER