

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, FEBRUARY 25, 2008 AT 7:30 P.M. IN THE COURTROOM AT
VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Thomas A. Murphy Toni Pergola Ryan John M. Hofstetter Randi Robinowitz
	Village Manager	Leonard M. Verrastro
	Village Attorney	Janet Insardi
	Police Chief	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

Girl Scout Troop 2723 led the Board in the Pledge of Allegiance. Mayor Savolt introduced them all and thanked them for coming. Mayor Savolt also invited any other group who would like to lead the Board in the Pledge, to please contact her office.

Mayor Savolt also welcomed Janet Insardi, the newly hired Village Attorney.

1. COMMUNICATION TO THE BOARD

Mr. Irving Scharf appeared to ask the Board if any legal action is going to be taken against any of the previous attorneys that counseled the Board leading to the loss of lawsuits. Trustee Murphy stated that in a letter written by three previous Village officials to a local newspaper, they stated that they were advised by counsel; all decisions made on these cases were based on the information they were given by counsel. Trustee Murphy feels that in doing this, they have insured that no suit can be brought against any previous attorney for malpractice.

Mr. Ron Trucchio appeared to inquire about the addresses he submitted to the Village Manager on possible illegal apartment rentals. He has recently called the Building Department to follow up, but has not received a call back. He would like the status on this. Village Manager Verrastro will check with the Building Inspector, as he was on vacation and will get back to Mr. Trucchio. Mr. Trucchio's second question was on a comment made by the Mayor in the Sound and Town where she stated: "We have people in this community that are not here legally, but are contributing socially, economically, mentally and emotionally to the vibrancy of our community. However said, in the Village of Mamaroneck, we did go through one of the darker days of our history." Mr. Trucchio asked how the Village is going to respond to the illegal activity in the Village. He did receive a letter from the Mayor on a previous suggestion he made in regard to the 287G Program, where she stated this Program was to address terrorism, gangs, and human and gun trafficking. Per the Police Chief, she was happy to report that we do not have any problems in these areas. Mr. Trucchio submitted a picture of what he believes to be gang related graffiti in the Village. Mr. Trucchio also stated that villages and towns in New York and Connecticut are looking into this Program, so that they are not subject to litigation. Mayor Savolt stated that in regard to signing on to Program 287G, at this time the police department is not requesting that we do so. She also stated that Mr. Trucchio misread her letter of February 7th and what she wrote was "This administration does not have any plans to enact this Program. It is my understanding that the intent of the

Program is to address terrorism, gangs and trafficking in guns, drugs and human beings. After consultation with the Village's Police Chief, I am pleased to report that we do not have these problems in the Village of Mamaroneck." She further stated that if there is gang related activity in the Village, the police will follow up, however does not feel that a Homeland Security Program has to be enacted. She continued to write: "In addition, this Program was intended to be enacted in larger communities and prison systems along the US boarder. We do not fall into that category either. As this Board has stated in the past, we consider immigration to be a Federal issue and we will continue to work hard on our local issues including insuring that the residents of the Village of Mamaroneck are treated equally, fairly and with respect in regard to Village services." In answer to his other question, the Mayor stated that the Board will not address illegal immigration but does address illegal activity every day with the police department and code enforcement officers.

2. APPROVAL OF MINUTES

A. Board of Trustee Regular Meeting – October 2, 2007

On motion of Trustee Ryan, seconded by Trustee Murphy:

Trustee Ryan sent some minor changes to the minutes to Ms. Roberts, however, there are changes on pages 7 and 8, reflection of votes taken, which Trustee Ryan would like recorded. There are votes which indicate that Trustee Ryan voted twice. This needs to be corrected.

RESOLVED, that the Minutes of the Board of Trustees Regular Meeting of October 2, 2007 be and are hereby approved, with the changes noted by Trustee Ryan.

Ayes: Hofstetter, Ryan, Murphy

Nays: None

Abstention: Robinowitz, Savolt

B. Minutes of a Public Hearing – Verizon New York Franchise Agreement – November 11, 2007

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED, that the minutes of the Public Hearing on Verizon New York Franchise Agreement of November 11, 2007 be and are hereby approved.

Ayes: Hofstetter, Ryan, Murphy

Nays: None

Abstention: Robinowitz, Savolt

C. Board of Trustee Regular Meeting – November 13, 2007

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

RESOLVED that the minutes of the Board of Trustee Regular Meeting of November 13, 2007 be and are hereby approved, with corrections made per Trustee Ryan's email.

Ayes: Hofstetter, Ryan, Murphy
Nays: None
Abstention: Robinowitz, Savolt

3. AUDIT OF BILLS

On motion of Trustee Ryan, seconded by Trustee Murphy:

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	\$ 429,302.96
Capital Fund	7,600.00
Council of the Arts	75.00
Guarantee & Bid Deposit	<u>8,236.64</u>
	\$ 445,521.60

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt
Nays: None

4. OLD BUSINESS

A. Traffic Amendments (4)

Mayor Savolt stated that these were previously tabled to give residents of the neighborhoods in which these changes are being made ample opportunity to review the changes and to address the Board if they had any questions or concerns.

1. Lawn Terrace

Prohibition is necessary to improve maneuverability of fire equipment at intersection. Source of complaint: Fire Department.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the following amendment to CHAPTER 326, SECTION 80 (VEHICLES AND TRAFFIC) of the code of the Village of Mamaroneck be, and the same herby is, adopted by the Board of Traffic Commissioners, be and is hereby approved.

SECTION 80 PARKING PROHIBITED AT ALL TIMES

By adding to Chapter 326, Section 80, Schedule XIII:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lawn Terrace	West	From the North side of the driveway of 219 Lawn Terrace, to a point 64 feet North thereof.

- AND -

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lawn Terrace	East	From a point 46 feet south of the driveway of 216 Lawn Terrace, to the fire hydrant 120 feet South thereof.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt
 Nays: None

2. & 3. Lorraine Street

Prohibition is necessary to improve maneuverability of fire equipment at intersection. Source of complaint: Fire Department

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the following amendment to CHAPTER 326, SECTION 80 (VEHICLES AND TRAFFIC) of the code of the Village of Mamaroneck be, and the same herby is, adopted by the Board of Traffic Commissioners, be and is hereby approved.

SECTION 80 PARKING PROHIBITED AT ALL TIMES

By adding to Chapter 326, Section 80, Schedule XIII:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lorraine Street	East	from Jefferson Avenue to a point 20 feet North thereof

and

RESOLVED that the following amendment to CHAPTER 326, SECTION 80 (VEHICLES AND TRAFFIC) of the code of the Village of Mamaroneck be, and the same herby is, adopted by the Board of Traffic Commissioners, be and is hereby approved.

SECTION 80 PARKING PROHIBITED AT ALL TIMES

By adding to Chapter 326, Section 80, Schedule XIII:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lorraine Street	West	from Jefferson Avenue to a point 20 feet North thereof

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

4. Shelburne Avenue

Prohibition is necessary to improve maneuverability of fire equipment at intersection. Source of complaint: Fire Department.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the following amendment to CHAPTER 326, SECTION 80 (VEHICLES AND TRAFFIC) of the code of the Village of Mamaroneck be, and the same hereby is, adopted by the Board of Traffic Commissioners, be and is hereby approved.

SECTION 80 PARKING PROHIBITED AT ALL TIMES

By adding to Chapter 326, Section 80, Schedule XIII:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Shelburne Avenue	North	from Sunnyside Avenue to a point 20 feet East thereof

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

5. NEW BUSINESS

A. Budget Amendment – Federal Monitor \$35,000

In accordance with the Consent Decree entered into by the Village in connection with the day laborer’s litigation, the Court appointed an independent, mutually agreed upon monitor. The fee for the monitor is required to be paid in full by the Village for a period of at least three years from entry of the decree, June 26, 2007. Retired Judge Alfred D. Lerner of the Phillips Nizer law firm was appointed by the Court as monitor at a rate of \$565.00 per hour.

To date, a total of approximately \$30,000 has been incurred in charges from the monitor, which funds were not provided for in the 2007-2008 Adopted Budget. In order to provide the necessary funds, the Village Manager has recommended the following budget amendment be approved, which includes \$5,000 for any

additional charges through the end of the fiscal year. Mr. Verrastro stated that this will be budgeted for in next year's budget.

On motion of Trustee Robinowitz, seconded by Trustee Murphy:

WHEREAS the costs incurred to date of \$30,000 for the Federal court appointed monitor in connection with the Consent Decree regarding the day laborers litigation was not provided for in the adopted budget for the fiscal year June 1, 2007 to May 31, 2008; and

WHEREAS there is a need to fund this unanticipated expenditure which currently totals \$30,000 and to provide adequate funding through the end of the fiscal year;

THEREFORE be in RESOLVED that the following budgetary accounts be increased:

A 5990	Appropriated Fund Balance	<u>\$35,000</u>
A 9600	Appropriations	
A 1010	Board of Trustees	
.421	Contract Services	<u>\$35,000</u>

Mayor Savolt stated that the Village Attorney will be the point person in regard to meeting with the monitor. She also asked that anyone who meets with him be mindful of the cost. Trustee Murphy stated that the hourly rate was not known when this monitor was mutually agreed upon and that this rate is news to him and the entire board. He also stated that Judge Lerner issued a report that the Village's Police Department is doing an excellent job in Washingtonville and in keeping the necessary paperwork as mandated by the Decree. He thanked the men and women of the police force for their work.

EXECUTIVE SESSION

The Mayor announced that as Larchmont Trustee Millstein arrived, the Board needed to adjourn to Executive Session to discuss contract negotiations.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED, that the Board of Trustees of the Village of Mamaroneck along with Village of Larchmont Trustee, Jim Millstein adjourn to Executive Session to discuss Cable contract negotiations.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt
 Nays: None

The Board returned from Executive Session, where a vote was taken. The Public Hearing on the Cablevision Agreement was held (minutes submitted under separate cover). Following the Public Hearing, the Regular Meeting continued.

5. NEW BUSINESS (Continued)

B. License Agreement – Sts. John & Paul Facility

As the Village's summer day camp did not have a home this year due to the construction planned for the Rye Neck schools, Rosanne Saracino and Len Verrastro met with Father McWeeney to pursue use of the facilities at Sts. John and Paul School. The Village has received a License Agreement with Sts. John & Paul Church for the use of their school building in connection with the 2008 Village Summer Day Camp Program. The period of use would be from Monday, June 30, 2008 through Friday, August 8, 2008 at a rate of \$900.00 per week. A copy of this agreement has been forwarded to the Village Attorney for her review.

Camp will be conducted for five (5) weeks beginning Monday, July 7, 2008 with the week of June 30th used for staff orientation and set up.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that Leonard M. Verrastro, Village Manager be and is hereby authorized on behalf of the Village to execute the License Agreement with Sts. John & Paul Church for the use of their Parish School Building at a fee of \$900 per week in connection with the 2008 Village Summer Day Camp Program for the period June 30, 2008 through August 8, 2008; and

Be it further RESOLVED that prior to executing the agreement, it is subject to the review and approval of the Village Attorney.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt
Nays: None

C. Request from Superintendent of Recreation to attend NY State Park & Recreation Conference

Rosanne Saracino, Superintendent of Recreation is requesting attendance at the Annual Conference to be held on Sunday, March 30, 2008 through Wednesday April 2, 2008 in Saratoga Springs, NY. The Conference is being conducted by the NY State Park and Recreation Society at a cost of approximately \$679.00. The estimated funds required for the seminar are provided in the Recreation Department's Budget.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that Rosanne Saracino, Superintendent of Recreation be and is hereby authorized to attend the New York State Park & Recreation Conference 2008 to be held March 30, 2008 through Wednesday, April 2, 2008 in Saratoga Springs, NY.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt
Nays: None

D. Memorial Day Parade and Ceremonies – May 30, 2008

Village Manager Verrastro submitted a letter from Howard B. Heyel, General Chairman of the American Legion, Mamaroneck Post 90 to the Village Manager requesting permission to hold the Memorial Day Parade on Friday, May 30, 2008 at 7:00 p.m.

Trustee Murphy announced that if there is any group or team that would like to participate in the parade to please contact him.

On motion of Trustee Hofstetter, seconded by Trustee Murphy:

RESOLVED that the American Legion, Mamaroneck Post 90 be and is hereby authorized to hold the Memorial Day Parade on Friday, May 30, 2008 at 7:00 p.m.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt
Nays: None

E. Scheduling of Public Hearing – Metered Parking Zones

In connection with proposed changes to Chapter 326 of the Village Code, it will be necessary for the Board of Trustees to schedule a Public Hearing. Such changes will be posted on the Village's website for residents' review before the Public Hearing.

On motion of Trustee Robinowitz, seconded by Trustee Murphy:

RESOLVED that a public hearing be scheduled for Monday, March 10, 2008 at 7:30 p.m. in the Court Room at Village Hall to amend Chapter 326 – Vehicles & Traffic, Article V, Metered Parking Zones 12, 16(a), 16(b), and 17 in order to conform to the meter fees and time limits in Zone 9 – both sides of Mamaroneck Avenue.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt
Nays: None

6. REPORT FROM VILLAGE MANAGER

A. File for Record – Agreement between City of New Rochelle & VOM for Disposal of Yard Waste

A fully executed copy of the above agreement is being filed for the record with the Clerk-Treasurer.

7. REPORT FROM CLERK-TREASURER

Nothing to Report

8. REPORT FROM VILLAGE ATTORNEY

Nothing to Report

9. REPORT FROM POLICE CHIEF

Police Chief Flynn reported that on January 10, 2008 there was a larceny reported, where money was taken from a police evidence locker on the 2nd floor of 169 Mt. Pleasant Avenue. Case number is 31-08. Beside Police Department personnel, municipal employees and citizens had access to this area. The case is being investigated by Detective Sgt. Holland. The District Attorney is aware and will be kept up-to-date. The investigation will continue until there is a successful conclusion.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

Nothing submitted

11. COMMUNICATION TO THE BOARD II

Mr. Ron Trucchio appeared to state that the Village needs to be proactive in dealing with cases such as illegal residents, so that we do not again find ourselves in the position we are in today with having to pay an appointed monitor. Program 287G is just one program that could possibly assist our police department in dealing with illegal immigration issues. He believes that the police should be trained and equipped to deal with this issue so that we do not face additional lawsuits. He also believes that the previous boards have been reactive, not proactive. Trustee Ryan stated that the NY Times had an article on Program 287G in the local section of their paper the previous day. There it said that in New York the plans have hit a snag in that to participate in 287G the local departments need to be in partnership with a facility like a county jail to hold detainees, but that the State Commission of Corrections told Rockland County in a January legal opinion that state law prevents county jails from accepting immigration detainees presented by local officers. She believes we would run into the same issue. Mr. Trucchio is aware of the article and stated that this is not the only option, but that the Village should look into ways to deal with this issue. Mayor Savolt wanted to clarify that she has no knowledge of specific illegal immigrants. A comment was made at a meeting in December where this issue was being discussed and she made an assumption that there were probably some members of the community that were undocumented. She did want to make it clear that she has no specific knowledge about any individuals or individuals that may be undocumented living in the Village of Mamaroneck.

Trustee Murphy informed the public that the Board is working on a law to reform the Village's FAR (Floor Area Ratios). The Village Attorney is reviewing the documents and she will be in contact with the Village Planner on this issue. There is a moratorium at this time on the building of multi family dwellings, which needs to be brought to conclusion.

Village Manager Verrastro commended the Department of Public Works for the excellent job they did with the storm the past week. The Mayor also wanted to congratulate the department on a great job.

Trustee Robinowitz announced that there will be a meeting on Wednesday at 11 a.m. in the Courtroom on the Taylors Lane site. The Village is working with the DEC and various government agencies along with Rob Yamuder, Assistant Village Manager. Efforts are being made to get this issue resolved as many residents are interested in that site being a field for children's sports and play.

Trustee Ryan reported that the Committee for the Environment will be working with the Village municipal buildings to assure that they are following the recycling law.

Trustee Hofstetter reported that he has met with the Budget Committee and the Library Construction Board. The Budget Committee has some questions which they will present to the Board and the Library Board has asked to meet with the Board of Trustees.

Mayor Savolt congratulated Rob Melillo, Assistant Building Inspector, as a resident called her at home to compliment him on his assistance and professionalism. She also reported that there have been complaints received from residents of Washingtonville regarding potholes and other problems on the streets. The Mayor stated that this is due to work done by Con Edison and is their responsibility to repair. The Village is aware of the problems and is working with Con Edison. However, their work is not complete. The streets will be repaired when the work is complete. Mayor Savolt announced that the subdivision of the Mayor's office is complete. The second office space is being used by Assistant Village Manager, Rob Yamuder. Mayor Savolt has received calls from many of our seniors that need help with their recycling. She is making an appeal to all residents that have senior neighbors, to please check in with them to see if they need assistance. Mayor Savolt also stated that many groups of neighbors and neighborhood associations have contacted her to set up meetings. Therefore, if you are part of a neighborhood association and have not contacted her office, please do so. The Board is planning to meet with each of the associations once and then to hold bi-yearly meetings with the heads of these associations.

ADJOURNMENT

There being no further business to come before the Board, on motion duly made and seconded, the meeting was adjourned.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

SALLY J. ROBERTS,
SECRETARY

AGOSTINO A. FUSCO,
CLERK-TREASURER