

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MAMARONECK HELD ON MONDAY, APRIL 14, 2008 AT 7:30 P.M. IN THE COURTROOM AT
VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Toni Pergola Ryan John M. Hofstetter Randi Robinowitz
	Village Manager	Leonard M. Verrastro
	Village Attorney	Janet Insardi
	Police Department	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		Thomas A. Murphy

1. COMMUNICATION TO THE BOARD

Mr. Norman Rosenblum appeared and read the following statement to the Board.

“I preface that my comments are directed solely to the Mayor and Board of Trustees and are not to be attributed to any individual or group.

The last time I addressed this Board it was concerning the abuses of the individual and collective rights of the community, as was demonstrated in the postings in the Journal News web site. I absolutely defend the right of free speech. However, it does not give anyone the right to falsely yell fire in a crowded movie theater.

Unfortunately, those concerns have not been alleviated as the situation continues to be aggravated by a seemingly lack of clarification and potential control by the Village.

I previously requested that this Board explain the basic process where any Village employee, or group of employees, who may have charges brought against them and the steps by which those charges are adjudicated and the guidelines by which it is accomplished.

I believe that this should still be done in order that the ensuing charges against Det. Comblo are put into the proper perspective. I do not wish to address any aspects of the specifics of these alleged charges as this remains an on going situation and I know may not be discussed in an open forum.

This very fact however is the main reason my concerns have increased since the last Board meeting. I noted in the press that Det. Comblo has retained an attorney and plans to sue the Village for defamation and possible other torts due to public statements that have drawn, quartered, convicted and hung him out to dry before his hearing.

You must certainly be aware that his atty. is well versed as a successful opponent in the judicial system with the Village of Mamaroneck. I believe one of the main reasons he has been successful can

easily be noted in the judicial decisions in several of the most recent negative judgments against the Village.

► In the decision concerning several members of the police dept.

the appeal, in part, was based on the process of the hearing. *It was not what the Village did but how they did it.*

► In the Day school decision once again *it was not what the Village did, as noted on appeal, but how the Village did it.*

► In the Day Laborer suit it was specifically noted that the Village *had a right to do what they did but were at fault on how they did it.*

The Village seems to be going down the same road one again.

I am familiar with the process of the Village Board sitting as the Board of Police Commissioners and the rules that govern such a hearing.

Previous to that hearing all charges and related information should be strictly held in confidence and in Executive sessions and should not be released to the public. Unfortunately, this does not seem to be the situation in the most immediate case at hand. I believe it is the primary cause for such virulent and hateful comments that serve no positive purpose and continue to foster unsubstantiated claims on both sides of the fence, and worst of all, severally damages the ethics of the Village as seen by the Public.

In turn, I request that this Village Board does its own independent investigation as to the obvious leaks and abuses in this case to insure all members of the Police department and all Village employees their rights as well as the fiduciary end result for the citizens of this Village.

To do otherwise is to once again hang the albatross of a punitive award against the taxpayers of this Village and further demoralize the Village employees.

In closing, to this Board and the general public, I choose to laud all those men and women who are citizens, taxpayers, parents, brothers, sisters, cousins, etc. who give up their individual identity and choose to wear a Policemen's or Firefighter's uniform and put their lives on the line every day. They are the ones who allow us to go about our day with a sense of security.

So the next time you see someone in uniform just say thanks for the good job and be thankful you live in the United States of America."

Mayor Savolt assured Mr. Rosenblum and the public that anything released to the Journal News was not done by anyone in an official capacity with the Village. The statement that these things should be discussed in Executive session and held in confidence is absolutely true. Trustee Robinowitz stated that she feels it was an improper release of information.

In a response to a question, Village Attorney Insardi stated that she was not prepared to discuss the Village's procedure in handling disciplinary matters, but if the Board agreed, would be happy to report on this at the next meeting or to meet with Mr. Rosenblum to discuss the issue.

Mr. Jarrett Winchester appeared to ask the Board if they will abdicate their role as Police Commissioners in the case against whoever took the money missing from police headquarters, if the case is brought before them. Mr. Winchester also had a question for the Mayor, Manager and Police Chief. He is a resident of Washingtonville and uses the day laborer hiring site, arriving before 6 a.m. and leaving at 12 noon. He has noticed that there are no police patrols between 6 a.m. and 12 p.m., however, there are police posted after noon and asked if this a result of the lawsuit. Mr. Winchester also stated that there are two specific officers that sit on the corner at 5 p.m. Police Chief Flynn stated that there are no officers assigned to be posted in that area, however, there are officers assigned to patrol that area. Mr. Winchester informed the Chief that he has two 25-minute video tapes showing a specific police officer sitting on the corner. Chief Flynn would like to see the tape so that he can determine what is going on. Mr. Winchester asked how many pending lawsuits there are against the Village at this time. Village Attorney Insardi stated that she is trying to get a handle on exactly how many are still pending as there are cases that are personal injury cases, which are handled by our insurance company and cases that are actively pending in court. Mr. Winchester asked how many are pending against the police department. Ms. Insardi stated that she believes there are two.

Mr. Ron Trucchio appeared to reiterate that, in his opinion, there is a difference in the police presence in the Washingtonville area between the time the day labor site is open and closed. He stated that there have been many residents of that area that have noted this and there was a petition signed and sent to the Board as well as phone calls made to the police department. Chief Flynn asked Mr. Trucchio if he or any resident had filed a complaint, because he has not received one. Mr. Trucchio believes that the actions of the Chief are well intended, however there is a lack of leadership that is costing the residents dearly. He continued to say that during the Chief's tenure, there has been a \$2 million police corruption case, \$550,000 in a police harassment case and potentially \$1 million with the announcement of the newest lawsuit. He also believes that the problem does not come from the rank and file police officers, but from the top and there should be accountability. He believes it is time for the Chief to resign and for the Board to hold the leadership accountable for the costs they have burdened the residents with and if they do not act, they should be held accountable at the next election.

Ms. Mary Lou Greco appeared to inform the Board that on the past Friday evening, she was driving through the Village at approximately 10:30 p.m., when she observed two bicycle police officers standing stationary by the train station bridge staring at a group of African American teenagers. She believes that if these teens were Hispanic, the police officers would not be staring at them. People in her car also thought this was not right. She asked why a group of non-Hispanic people can be stared at, while Hispanics can gather wherever they like with no police presence. She feels that by being watched, these youth were being harassed and if the police are not allowed to harass a group of Hispanics gathered, then should not be allowed to harass any group that is gathered.

Mr. Richard Alter appeared to inform the Board that there was drainage work done on The Parkway that has affected his property. The fill taken from this job was dumped on his property. He has been trying to work with Village officials with no result. Mr. Verrastro asked Mr. Alter to call Mr. Yamuder, Assistant Village Manager for his assistance with this. The Village is also holding money back from the contractor as there are other issues with this project. Mr. Alter also has had interaction with the police force since moving to Mamaroneck 5 years ago and his experiences have been positive. He disagrees with Mr. Trucchio that there is a disconnect between the rank and file and the leadership, that one does not exist independently of the other. Chief Flynn thanked Mr. Alter.

2. APPROVAL OF MINUTES

Mayor Savolt informed the Board that 2B and 2E have been re-issued as there were corrections made.

A. Board of Trustee Regular Meeting – January 28, 2008

There were minor changes made by both Mayor Savolt and Trustee Ryan, which were sent to the Deputy Clerk. There were no substantive changes made.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the Board of Trustee Regular Meeting of January 28, 2008 be and are hereby approved, with the changes submitted by Mayor Savolt and Trustee Ryan.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

Absent: Murphy

B. Board of Trustee Regular Meeting – February 11, 2008

Mayor Savolt again stated that this set of minutes has been re-issued as there was a zero missing in a number under 5A Tax Certiorari and that section 5H was missing from the first set issued.

Village Attorney Insardi stated that she is listed present at this meeting and the meeting of January 28, however, she was not yet employed by the Village. Therefore, the record needs to be changed to reflect Mr. Steven Silverberg, Interim Village Attorney, present at both meetings.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that the Minutes of the Board of Trustee Regular Meeting of February 11, 2008 be and are hereby approved, with the changes submitted by Ms. Insardi, Mayor Savolt and Trustee Ryan.

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

C. Board of Trustee Regular Meeting – February 25, 2008

Mayor Savolt stated that the return from Executive Session and continuation of the meeting was noted in the minutes. There were also non substantive changes made by Trustee Ryan.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Board of Trustee Regular Meeting of February 25, 2008 be and are hereby approved, with the changes submitted by Mayor Savolt and Trustee Ryan.

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

D. Public Hearing on PLL 2-2008 (Areas Established/Vehicles & Traffic)

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Public Hearing on PLL 2-2008 (Areas Established/Vehicles & Traffic) of February 25, 2008 be and are hereby approved.

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

E. Public Hearing on PLL 3-2008 (Definitions of Section 342.3)

Mayor Savolt stated that these minutes have been reissued due to an incorrect first page.

On motion of Trustee Hofstetter, seconded by Mayor Savolt:

RESOLVED that the Minutes of the Board the Public Hearing on PLL 3-2008 (Definitions of Section 342.3) of February 25, 2008, as resubmitted be and are hereby approved.

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

F. Board of Trustee Special Meeting – March 14, 2008

Village Attorney Insardi had changes to the minutes, which were read for the record.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that the Minutes of the Board of Trustee Special Meeting of March 14, 2008 be and are hereby approved, with the changes submitted by Ms. Insardi.

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

3. AUDIT OF THE BILLS

On motion of Trustee Hofstetter, seconded by Mayor Savolt:

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	\$ 294,799.74
Capital Fund	62,444.41
Mamaroneck Health Center	1,980.11
Historic Harbor Street Fair	26.24
Disability Insurance	938.88
Guarantee & Bid Deposit	<u>4,967.34</u>
	\$ 365,156.72

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

The Board reminded residents that many of the bills paid are the same bills that homeowners face each month, i.e. electric, sewer, postage.

4. OLD BUSINESS

5. NEW BUSINESS

A. Agreement – World Team Tennis

The proposed License Agreement for the use of a portion of Harbor Island Park by Sportime Team Tennis. LLC for the 2008 World Team Tennis event during the month of July was reviewed. A fee of \$20,000 will be payable to the Village on July 1, 2008. Mr. Verrastro stated that this will probably be the last year this event is held in the Village as Sportime is building a new arena in another area. This license fee is less than in 2007, however the Village agreed on this amount, as Sportime has been losing money

on this event the past few years. Village Attorney Insardi also stated that there will be no revenue from parking as there has been in years past. The Village did get additional consideration. Village of Mamaroneck residents shall be entitled to receive free tickets, while supplies last, to the July 3, 7, 8, 12 and 18 matches. The Board will announce how to receive free tickets to these events.

Trustee Hofstetter had questions about the court lights, which Mr. Verrastro stated would be removed. He also had a question regarding the portable basketball hoops. Mr. Verrastro stated that those hoops will be put back after the event.

On motion of Trustee Ryan, seconded by Mayor Savolt:

BE IT RESOLVED that the Board of Trustees hereby authorizes Village Manager Leonard M. Verrastro to enter into a License Agreement with Sportime Team Tennis, LLC (“Sportime”) where in the Village of Mamaroneck will license a portion of Harbor Island Park to Sportime for an agreed upon fee. Said agreement is subject to the approval of the Village Attorney and the Village Manager.

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

B. Authorization – Contract Renewal Agreement - Law Enforcement Systems, Inc.

Village Manager Verrastro stated that this agreement is for renewal with Law Enforcement Systems (LES), who provides for processing and collection of parking violations, including computer equipment and software. A memo from Judge Sirlin and Judge Lanza, recommending the renewal of the contract, was presented to the Board. Mr. Verrastro stated that LES gets paid only when there is a delinquent fee. In this agreement, the Village agrees to pay LES 32% of revenue collected from tickets paid sixty (60) or more days after the issue date, which is budgeted at approximately \$52,000. Mr. Verrastro stated that this is extremely competitive, as some companies charge a per ticket fee for all tickets issued.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

BE IT RESOLVED that the Board of Trustees hereby authorizes Village Manager Leonard M. Verrastro to enter into an agreement with Law Enforcement Systems, Inc. for processing and collection of parking violations, including computer equipment and software, on behalf of the Village of Mamaroneck. Said agreement is subject to the approval of the Village Attorney.

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

C. Schedule Public Hearing to Consider Projects for Community Development Block Grant Application

In connection with the next three year Community Development Block Grant Cycle (CDBG), it is required that the Board of Trustees hold a public hearing to solicit public input on the various projects to be submitted on behalf of the Village. This will also be the forum for other community organizations submitting their own individual application to the County to make a public presentation to the community. Since the applications, with supporting resolutions are due to be filed by Monday, June 2, 2008, the Village Manager has requested the Board schedule a public hearing for Monday, May 12, 2008. Village Manager Verrastro informed the Board of some of the projects that will be proposed for this grant. The Board asked that the proposed projects be posted on the Village's website, so that the residents are prepared to discuss.

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

RESOLVED that a Public Hearing be and is hereby scheduled for Monday, May 12, 2008 to consider projects to be included in the upcoming three year Community Development Block Grant Application Cycle for 2009-2011.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

Absent: Murphy

6. REPORT FROM VILLAGE MANAGER

A. License Agreement – Marc Kramer and Kelly Kramer
Section 9, Block 108, Lot 18

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

B. Cable Franchise Agreement – The Villages of Larchmont and Mamaroneck and the Town of Mamaroneck and Cablevision of Southern Westchester, Inc.

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

C. Settlement and Release – The Town of Mamaroneck, the Villages of Larchmont and Mamaroneck and Cablevision of Southern Westchester

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

D. Agreement – Newport Alliance and Village of Mamaroneck

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

Village Manager Verrastro congratulated the Police Chief and Force for receiving the COPS Technology Program Grant. The Police Department has received \$34,824. Mr. Verrastro thanked Sgt. Kelly for his hard work.

7. REPORT FROM CLERK-TREASURER

Clerk-Treasurer Fusco read the following Public Notice, which was published in the Journal News on April 9, 2008.

PLEASE TAKE NOTICE that the Annual Assessment Roll of the Village of Mamaroneck, New York, for taxes for the fiscal year commencing June 1, 2008 and ending May 31, 2009, has been duly filed with the Clerk-Treasurer of said Village on the 1st day of April 2008 and that the same Assessment Roll will remain on file with such Clerk-Treasurer subject to inspection for fifteen days after the date of this notice.

8. REPORT FROM VILLAGE ATTORNEY

Ms. Insardi reported that the Floor Area Ratio (FAR) Code recommendation will be made available on line for residents review and there will be a Public Hearing on this on April 28, 2008.

9. REPORT FROM POLICE CHIEF

Nothing at this time.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

The following Minutes have been submitted to the Board and filed.

- A. Planning Board – February 28, 2008
- B. Board of Architectural Review – March 4, 2008
- C. Zoning Board of Appeals – February 7, 2008
- D. Harbor & Coastal Zone Management Commission – February 20, 2008

11. COMMUNICATION TO THE BOARD II

Mr. Glen Tippet asked if the Assessment Roll could be posted on the Village's website. Clerk-Treasurer Fusco confirmed that this can and will be done.

Ms. Mary Lou Greco appeared to address the condition of the streets in Washingtonville. Mr. Verrastro stated that work was done by Con Edison. They opened parts of the street and sidewalks. It is their responsibility to remove the temporary black top laid and put concrete back. Tony Iacovelli, Department of Public Works General Foreman is following up with Con Edison to insure that when their work is complete this is done.

Both Ms. Greco and Mr. Winchester appeared again to state that their earlier comments were not meant to attack the police force. They just wanted the Chief to know what was going on.

Mr. John DeCrescenzo appeared to inform the Board of the dangerous condition of storm drains on Boston Post Road. He is concerned as there are many children that walk on those drains to and from school. Mr. Verrastro informed him that the Village is appealing a decision made by the New York State Supreme Court, which denied the Village's lawsuit against the State as the Boston Post Road is a state road and they are responsible for maintenance of these drains. Mr. Silverberg is representing the Village on the appeal. Mr. Verrastro went on to say that there is a quirk in the law that if the State did not do any work after 1971, the Village (only villages, not towns or cities) becomes responsible for the maintenance of the drainage; unless the Village can prove that the State did work on the road. Mr. Verrastro hopes that the Village prevails on this suit as it will cost hundreds of thousands of dollars to fix the storm basins. If we do not prevail, Mr. Verrastro is working on another avenue. He stated that Greenway is trying to designate US-1 as a bicycle route. A gentleman with the Department of Planning informed Mr. Verrastro that the Village may be able to get a grant through the NY State Department of Transportation to fix the storm drains if it is designated a bicycle route. Mr. Verrastro and the Assistant Village Manager are working on submitting a grant for this in the event the Village does not win the litigation. Mr. Verrastro also stated that we do put the State on notice whenever a dangerous drain is brought to the Village's attention.

Mr. DeCrescenzo inquired why the Holiday decorations stop at Barry Avenue. He asked if they could be expanded to include businesses on the Boston Post Road. Mr. Verrastro stated that they have been trying to expand it each year, however, we only have so many decorations to go around and if a business owner would like to purchase their own, the Village will hang it for them.

Trustee Robinowitz announced that there will be a meeting regarding the remediation of Taylors Lane held in the Courtroom on Wednesday, April 16, 2008 at 2 p.m.

Trustee Ryan reported that she attended the D.A.R.E. graduation at Westchester Day School, held by Officer Sandra DiRuzza. Trustee Ryan thanked Officer DiRuzza for the good work done there. She also announced that this is GreenWeek. Trustee Ryan read the activities going on in Larchmont and Mamaroneck, which are posted on the Village's website. There will also be books on display in the Library to help residents understand and become more environmentally conscious. The Council of the Arts will be having a Poetry Live session on May 4th at 2:30 at the Jay Heritage Center, where middle and high school students will be reading poetry. On May 31, there will be a concert at the Emlin Theatre at 2 p.m. Graham Clark will be performing. Trustee Ryan also announced that the summer concerts at Harbor Island Park will begin on July 13, 2008. Trustee Ryan was at the Friends of the Library meeting the evening Mary Louise Cox was presented as the first Village of Mamaroneck Poet Laureate.

Trustee Hofstetter announced that the Budget Committee has been working with the Board on the tentative budget. He would like the Village to look at tying fees to cost of living increases for CSEA and Police personnel.

Mayor Savolt raised the issue of the lighting and trees on Mamaroneck Avenue. Village Manager Verrastro stated that he and Trustee Robinowitz have been meeting with the Mamaroneck Avenue Task Force. At the last meeting he informed them that the Village has been experimenting with different heads

and settings on the lights. Recently all of the fixtures between Spencer and Palmer Avenues have been changed and the lights are brighter. The Village is also looking at cobra extensions being put on the lights. Mr. Verrastro has also talked with George Latimer and unfortunately there has been no movement on putting a pedestrian walk way on the Boston Post Road over the Mamaroneck River. The State claims that it is a historic bridge and therefore the façade cannot be blocked. There was money pledged for this walkway that George stated could be used for the lighting on Mamaroneck Avenue. As far as the trees are concerned, Mr. Verrastro stated that an RFP will be going out for the pruning of the trees. Hopefully the trees will be pruned in late spring or early summer.

Mayor Savolt read a letter from a resident commending EMS and Police for their response to an emergency at her mother's home. She thanked them for their quick response and professionalism. Mayor Savolt announced that the Westchester Joint Water Works will be flushing hydrants in the areas of Mamaroneck Avenue and Harbor Heights. There may be discoloration for a few hours. The taps should be run before using the water; however the water is not harmful. The Mayor also announced that at Earth Day festivities held by the County on April 13, the Village of Mamaroneck was presented with a Certificate of Achievement "For excellence in producing and distributing informational materials on recycling in 2007, earning Westchester County's Recycling Publication Award". Mayor Savolt thanked the Committee for the Environment for their tireless work and the many hours it took to get the recycling calendar done. Recycling calendars are available in Village Hall.

Mayor Savolt announced that the first Mayor's Cup softball game was played the previous day and it was a close game. However the Village of Larchmont beat the Village of Mamaroneck with a final score of 9 to 7. Mayor Feld took the trophy home. Mayor Savolt thanked the young ladies that played.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, that the Board of Trustees convene to Executive Session to discuss pending litigation and contract negotiations.

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

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