

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, APRIL 28, 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 Department	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

Mr. Jack Mayne, Exalted Ruler of the Elks Lodge No. 1457 led in the Pledge of Allegiance.

1. COMMUNICATION TO THE BOARD

State Assemblyman George Latimer appeared to notify the Board and residents that the State's Budget has been closed and there are four issues that affect the Village. Before he began Mayor Savolt thanked Assemblyman Latimer for the \$400,000 Grant by the State for flood mitigation that he secured for the Village. The four issues are:

1. \$1.2 million was granted for use by sound shore communities for flood mitigation, of which the Village of Mamaroneck has received \$400,000. It is a capital allocation targeted for physical work on whatever project we advance. He believes that this also makes the Village more competitive in receiving County monies as this grant was received from the State. Trustee Murphy asked if there is a time limit to use this money. Mr. Latimer believes that there is not.

2. AIM Program. This is direct state aid to a municipality. The amount the Village previously received was approximately \$158,000. This was in jeopardy of being cut, however the Governor and State Legislature were convinced not to make the cut and actually increased the amount by 3%, making this year's allocation \$162,564.

3. Change in Wicks Law. This is a law that has been in effect for over 100 years that was put in place to prevent corruption. Municipalities are required to break their capital projects into four categories and get bids for each of these. The previous threshold was \$50,000. It has been raised to \$1.5 million. This change goes into effect July 1, 2008. Assemblyman Latimer hopes that there will be significant savings because of this change and perhaps that will precipitate further change to this law.

4. This change does not affect the Village directly. It does however affect all taxpayers. There was a gap in state aid of approximately \$250,000 in the Mamaroneck school budget. Due to advocacies by elected officials and residents this gap has been filled. This could well represent a

percentage point in school taxes. In the Rye Neck district, there was not a gap in state aid, however there was very little state aid. An additional amount of \$30,000 was secured for this school district

Ms. Jennifer Graziano appeared to announce the Chamber of Commerce's Wine Trail Event that will take place on Sunday, May 4<sup>th</sup> at 2 p.m. Tickets are \$50.00 and can be obtained at the Wine Vault, where registration will take place or on the Chamber's website. She also spoke about the upcoming Historic Harbor Street Fair which will take place on Sunday, June 22<sup>nd</sup>. She reminded residents that there is still a need for volunteers. There are still street banners and sponsorships available. There is a website that can be visited to get additional information.

2. APPROVAL OF MINUTES

Trustee Ryan and Mayor Savolt stated that there were minor typographical errors to the minutes which were sent to the Deputy Clerk for correction.

A. Completion of Assessment Roll/Hearing & Determination of Complaints – February 19, 2008

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of Completion of Assessment Roll/Hearing & Determination of Complaints of February 19, 2008 be and are hereby approved.

Ayes: Murphy, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

B. Public Hearing on Renewal of Agreement with Cablevision of Southern Westchester – February 25, 2008

On motion of Trustee Hofstetter, seconded by Trustee Robinowitz:

RESOLVED that the Minutes of Public Hearing of February 25, 2008 be and are hereby approved, with the changes submitted by Ms. Insardi, Mayor Savolt and Trustee Ryan.

Ayes: Murphy, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

C. Board of Trustee Regular Meeting – April 14, 2008

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the Board of Trustee Regular Meeting of April 14, 2008 be and are hereby approved.

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

D. Public Hearing on Tentative Budget – April 14, 2008

Village Attorney Insardi had two corrections to the minutes; which were made for the record.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Public Hearing on the Tentative Budget of April 14, 2008, with the changes made by Ms. Insardi, be and are hereby approved.

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

3. AUDIT OF THE BILLS

On motion of Trustee Murphy, seconded by Trustee Ryan:

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	\$ 614,118.48
Capital Fund	289,459.13
Mamaroneck Health Center	90.00
D.A.R.E. Program	2,187.89
Guarantee & Bid Deposit	<u>12,657.85</u>
	<b>\$ 918,513.35</b>

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

4. OLD BUSINESS

A. Adoption of Fiscal Year 2008 – 2009 Budget

Village Manager Verrastro reported that at the last budget work session, there were some changes made. The end result was a total appropriation of \$28,605,000 with estimated revenues at \$7,459,000. \$250,000 will be taken for the Fund Balance, resulting in a tax levy of \$20,896,000. This divided by our taxable assessed value results in a new Village tax rate of \$271.45. The tentative budget increase was 6.74%, with the changes made it is now at 4.35%.

Trustee Ryan thanked all department heads for their hard work; some had budgets that were lower than last years. She also thanked the Budget Committee, Village Manager, Clerk-Treasurer and her fellow Board members.

Trustee Hofstetter as Liaison to the Budget Committee thanked the Committee for their work and forward thinking. He also thanked his fellow Board members and Village staff for all of their work. He believes that making a proposed change, requesting that residents bag their own leaves to save in labor costs also helps with the potential flooding issue as leaves tend to blow around ending up in the catch basins.

Trustee Robinowitz stated that the Board did everything they could to bring the number down. With school budgets forever increasing, they are cognizant of the fact that although the Village portion of the taxes is not that large, residents look at the whole tax picture. It was the Board's goal to keep our portion as small a piece of that puzzle as possible. She also thanked the Budget Committee, Mr. Fusco and Mr. Verrastro for their team effort.

Trustee Murphy thanked the staff and department heads for coming in with realistic budgets. There were choices that had to be made to insure that services were not affected by the changes to the budget. He also stated that many services once provided by the Federal and State governments are no longer provided by them, falling upon the Village.

Mayor Savolt thanked the department heads for presenting budgets that reflected the tough economic times. Most came in with no increases and the fire department came in with a number lower than last years. The Mayor stated that there were two structural changes made to the budget. One is the bagging of leaves by property owners, where the bags will be picked up by the DPW. This was done for the reasons mentioned by Trustee Hofstetter. The second change is that for several years the Village of Mamaroneck has agreed to subsidize the water rates through tax levy, which made our tax levy look artificially high and water bills much lower than other communities. The subsidy will be stopped in phases. There was money left in the budget to explore some new initiatives mid or next year, one of which is shared services; possibly sharing services with other communities. Mayor Savolt thanked her fellow Board members as well.

On motion of Trustee Murphy, seconded by Trustee Robinowitz:

WHEREAS, the Board of Trustees has met at the time and place specified in the notice of public hearing on the tentative budget and heard all persons desiring to be heard thereon; now, therefore be it

RESOLVED that the tentative budget as amended and revised and as hereinafter set forth is hereby adopted and that there be and is hereby appropriated for the objects and purposes specified, including the amounts set forth required for the payment of principal and interest on indebtedness; the following amounts:

	<u>General Fund</u>	<u>Water Fund</u>	<u>Debt Service Fund</u>
Appropriations	\$28,605,431	\$647,000	\$15,000
Less: Estimated Revenues	7,458,800	547,000	1,000
Appropriated Fund Balance	<u>250,000</u>	<u>100,000</u>	<u>14,000</u>
	\$ 7,708,800	\$647,000	\$15,000
Budgetary Appropriation to be raised by Real Estate Tax Levy	\$20,896,631	----	-----
Taxable Assessed Value	\$76,981,575		
Tax Rate Per \$1,000	\$271.45		
<b>Percentage Increase</b>	4.35%		

Ayes: Murphy, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

5. NEW BUSINESS

A. Budget Amendment - \$14,505 – Grant from Fireman’s Fund Insurance Co.

In connection with the grant received from Fireman’s Fund Insurance Company to be used for the purchase of twenty-five (25) bailout kits and a portable emergency safety message sign, it will be necessary for the Board to approve a budget amendment in order to reflect the availability of the funds by increasing the respective estimated revenue and appropriation account. A copy of the Grant Compliance Agreement and cover letter from Fireman’s Fund Insurance Company was submitted to the Board.

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED that the following budget amendment be and is hereby approved:

A5100 Estimated Revenues

0270 Miscellaneous Donations – Other	\$14,505
2776	

A9600 Appropriations

A3410.260 Fire Department Miscellaneous Equipment	\$14,505
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Ayes: Murphy, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

B. Amendment of Capital Fund Authorization –  
Volunteers Firehouse Heating & Air Conditioning System

On October 9, 2007, the Board of Trustees appropriated \$85,000 for the estimated cost of a new heating and air conditioning unit at Volunteers Firehouse, which was destroyed in the flood. Bid specifications were prepared by the Village's consulting engineer, KW Furey Engineering, which included additional duct work that would be needed in order to adequately service the fire house. The project was let out to bid in February 2008 and only one bid was received for \$126,610. This bid was rejected and the project was rebid in March. Four bids have now been received, ranging from \$118,783 to \$137,900. In order to proceed with the project, it is requested that the Board appropriate an additional \$40,000 which includes a 5% contingency.

The Village was verbally informed by FEMA that this project would not be considered as eligible for reimbursement, therefore if the project is amortized over five years, approval of this will result in annual principal payments of \$25,000 plus interest averaging \$2,625 per year. Trustee Hofstetter asked what will happen to the contingency if not used. Village Manager Verrastro stated that it will go against paying down debt.

Former Chief Barry Casterella appeared to discuss just how bad the flooding was and that in doing this work, all of the mechanical and electrical equipment will be relocated to the upper level of the Firehouse, assuring that this will not happen again. He thanked the Board for their support of this.

Mayor Savolt announced that Chief Casterella was the incident commander for both floods and that he had perhaps the most difficult year as Chief in the history of Mamaroneck. She thanked him for all of his work and dedication. Chief Casterella received a standing ovation from the Board and members of the audience.

Mayor Savolt also pointed out that the new windows will be energy efficient, therefore helping to reduce our carbon footprint.

On motion of Trustee Murphy, seconded by Mayor Robinowitz:

RESOLVED that an additional \$40,000 be and is hereby appropriated in the Capital Projects Fund for the installation of a new heating and air conditioning system at the Volunteers Firehouse, for a total authorization of \$125,000; and

BE IT FURTHER RESOLVED that the financing for the above project be provided by the future adoption of the required bond resolution.

Ayes: Murphy, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

C. Resolution to Reschedule Regular Meeting of May 26, 2008

The Regular Meeting of the Board of Trustees is scheduled to be held on Monday, May 26, 2008 which is a federal holiday (Memorial Day observed). Therefore a resolution rescheduling the meeting needs to be adopted.

On motion of Trustee Hofstetter, seconded by Trustee Robinowitz:

RESOLVED that the Regular Meeting of the Board of Trustees scheduled to be held on Monday, May 26, 2008, be and the same is hereby rescheduled for Tuesday, May 27, 2008 at 7:30 p.m. in the courtroom at Village Hall.

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

D. Westchester Day School Insurance Settlement

Village Attorney Insardi stated that the Village had a lawsuit against Praetorian Insurance Company for reimbursement of legal fees in the Westchester Day School case. Initially they took the position that they are not responsible for reimbursement of any fees; however Mr. Silverberg has been negotiating with them. They have agreed to settle with the Village in the amount of \$100,000. Ms. Insardi recommends the Board authorize the settlement and the Mayor sign a release in favor of the Praetorian Insurance Company.

Trustee Murphy stated that during the whole Day School debacle, the former Village Attorney believed we could just sue them for all legal fees; however, Mr. Silverberg met with the insurance company and negotiated this settlement, putting this unfortunate event in Village history behind us. Trustee Murphy thanked Mr. Silverberg for behaving like a talented attorney in settling this matter. Trustee Hofstetter also thanked Mr. Silverberg for his civility in handling this situation. Trustee Ryan thanked Attorney Silverberg for his perseverance. At first we were not going to get anything and then we received an offer that he did not believe was fair. He pursued this until we received what he believed to be a fair amount and the most we could get. Village Manager Verrastro stated that this \$100,000 will go into the Fund Balance. He also stated that \$68,000 worth of invoices for the Ametek case have been sent to Mr. Silverberg for reimbursement.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Board of Trustees authorize settlement of the claim against the Praetorian Insurance Company in the sum of \$100,000 and the execution of a release from the Village of Mamaroneck in favor of the Praetorian Insurance Company in accordance with the recommendation of special counsel.

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

E. Flotilla 73 United States Coastguard Auxiliary – Use of Recreation and/or Park Facility  
(Not on Agenda)

Village Manager Verrastro stated that this request came in today. It is for the Board to approve the serving of alcohol at their annual events held at the Coast Guard Building, Harbor Island Park on Sunday, May 4, 2008 for their Base Opening and Friday, July 4, 2008 for the Annual Blessing of the Fleet. As this was the only meeting between now and May 4<sup>th</sup>, they pleaded with the Village Manager to add this to the agenda this evening. Mayor Savolt stated that under the new meeting rules, this would need a motion by the Board to be added to the meeting agenda.

On motion of Trustee Ryan, seconded by Trustee Murphy:

RESOLVED that the request from Flotilla 73 United States Coastguard Auxiliary, be and the same is hereby approved to be added to the agenda of the Board of Trustees Regular Meeting of April 28, 2008 as New Business Item 5E.

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

On motion of Trustee Ryan, seconded by Trustee Murphy:

RESOLVED that the request from Flotilla 73 United States Coastguard Auxiliary to serve alcohol at their annual events held at the Coast Guard Building, Harbor Island Park on May 4 and July 4, 2008 be and is hereby approved.

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

F. Waiving of Notification Period – Enzo’s Restaurant  
(Not on Agenda)

Village Manager Verrastro informed the Board that this was another request that came in today. Under New York State law, restaurants in possession of State Liquor Licenses need to notify the municipality in which they are located 30 days prior to the renewal of said license to insure that there are no issues with the restaurant. Unfortunately, this notification period slipped the mind of the owners of Enzo’ Restaurant and they did not send their renewal in until April 14. Their liquor license expires on April 30. Therefore the Board needs to waive this 30 day notification period so that their license may be renewed by the State.

On motion of Trustee Hofstetter, seconded by Trustee Murphy:



RESOLVED that the request for waiving of the notification for renewal of the Liquor License for Enzo's Restaurant be and the same is hereby approved to be added to the agenda of the Board of Trustees Regular Meeting of April 28, 2008 under New Business Item 5F.

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

On motion of Trustee Hofstetter, seconded by Trustee Murphy:

RESOLVED that the 30 day notification period for renewal of the Liquor License for Luciano Restaurante Inc., d/b/a Enzo's Restaurant be and is hereby waived.

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

6. REPORT FROM VILLAGE MANAGER

A. Bid for Common Sharp Sand and Beach Sand Contract 08-04

One bid proposal was received in response to the above referenced bid. It was awarded to D.F. Stone Contracting after being reviewed by the DPW Foreman, Mr. Iacovelli.

B. File for Record – Contract 08-04 D.F. Stone Contracting Ltd.

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

C. File for Record – Agreement County of Westchester – Stormwater Education and Outreach Program

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

D. Agreement – The High Road – Historic Harbor Street Fair

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

7. REPORT FROM CLERK-TREASURER

None

8. REPORT FROM VILLAGE ATTORNEY

Ms. Insardi notified the Board that she has drafts of two proposed local laws to be reviewed by the Board. The first is the leaf blower law, which has been before the Committee of the Environment. The

second has to do with provisions to Subdivision Regulations. These have not been changed substantially since 1964. They will be discussed at a work session and public hearings set according to what the Board dictates. Ms. Insardi also informed the Board that the Neufield, Article 78 case against the ZBA has been withdrawn.

9. REPORT FROM POLICE CHIEF

None

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

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

- A. Zoning Board of Appeals – March 6, 2008
- B. Planning Board – March 13, 2008

11. COMMUNICATION TO THE BOARD II

Mr. Irving Scharf of Richbell Road appeared to recommend that when we hire police officers or staff the Village requires them to buy their own malpractice insurance to pay for any suits that may arise because of them.

Mr. Gregg Kroyswa of Cortlandt Avenue appeared as part of the Heathcote Hills Neighborhood Association. One of the items discussed was the development of 510 Boston Post Road and how their building permits may have expired. He asked if that is true or if there is an opportunity for the developer to begin construction. Village Attorney Insardi stated that the permit originally issued for foundation and earthwork was issued on June 20, 2007, and expired on December 20, 2007. Trustee Murphy stated that he spoke with the Building Inspector, Mr. Winter about this. Mr. Winter informed him that the developer is asking to go back to the Planning Board to review the site plan. Ms. Insardi stated that they are allowed under Section 342.83 of the Code to petition to go back to the Planning Board to review this site plan, however under this same Section, the site plan is void if construction is not begun within one year and completed within two. The site plan was approved June 8, 2006. Therefore they would have had to have begun construction by June 8, 2007 and completed it by June 8, 2008. However, they do have the right to go back to the Planning Board. Trustee Murphy asked if they did go back to the Planning Board would notification have to be given to the neighbors. Ms. Insardi will look into this, and will advise.

Mr. Brian Furlong of Delancy Avenue appeared to ask some questions about that same development. He stated that when the Planning Board approved the site plan it involved the narrowing of Delancy Avenue. He believes that the narrowing of a public street in the Village would need the approval of the Board and when he asked the Chair of the Planning Board about this was told that he personally approved it. He asked if the Planning Board Chair has the legal power to approve the narrowing of this street. Ms. Insardi stated that she has not investigated this Resolution of Approval, but will do so and advise.

Trustee Robinowitz reported on a walk of the West Basin she took with the Village Manager and the wonderful job the County has done in filling in some of the wetlands. There will be signs with educational value placed along the walkway. She encourages people to take that walk, that it is quite beautiful. Mr. Verrastro reported that the signs are already up. Trustee Robinowitz also thanked the Village Manager and DPW Foreman for putting in the new lights on Mamaroneck Avenue, which will light up the Avenue.

Trustee Murphy also walked the West Basin and reported that it looks beautiful. He asked if the Village will be hiring someone to maintain the area. Mr. Verrastro stated that a landscaper who specializes in wetlands will be hired and on board by October. Trustee Murphy thanked former Mayor Funicello for pushing this project through as a County employee. Trustee Murphy also reminded everyone of the Memorial Day Parade on May 30 beginning at 7 p.m. He asked everyone to come down and support those who fought to secure our freedom.

Trustee Hofstetter reported on a presentation done by Helen Rafferty, President of the Library Board at their work session. The expectation is that it will take 20 months to complete the Library project. The temporary housing for the Library will be at 101 Mamaroneck Avenue on the corner of the Boston Post Road.

Trustee Murphy also wanted to say goodbye to Kelechi Ubozoh, reporter for the Sound & Town who is going to NBC.

Mayor Savolt received two compliments on the Building Department. One was in dealing with a staff member on the phone, who was very courteous and helpful. Another resident had an encounter with Mr. Winter, who was extremely professional. The Mayor also reminded residents that the Board is meeting with neighborhood associations and if you have not yet called to schedule a meeting to please do so. The Mayor also asked all residents to continue to recycle. Our percentage over last year has already gone up and she believes will go even higher.

On motion of Trustee Hofstetter, seconded by Trustee Murphy:

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

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

## **ADJOURNMENT**

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

PREPARED BY:  
SALLY J. ROBERTS,  
SECRETARY

RESPECTFULLY SUBMITTED BY:  
AGOSTINO A. FUSCO,  
CLERK-TREASURER