

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON TUESDAY, MAY 27, 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

PRESENTATION – POLICE DEPARTMENT TRAINING

Mayor Savolt stated that when she took office she was impressed by what she learned about the police department training program. She asked Chief Flynn to present to the Board and residents the training that the Department receives.

The Department's Training Sergeant, Sergeant Kelly, began a presentation by stating that there is mandatory training dictated by the New York State Department of Criminal Justice Accreditation Program and that most local police departments have an annual training of 21 hours per year, which is the standard. The Village of Mamaroneck's police officers receive 40 hours of training per year. He also stated that each unit of the department has to have specific training and the programs were written by the department at no cost to the Village. The amount of hours spent training the officers has increased over the last three years. Every year, all officers need to be trained in firearms and less than lethal weapons. The officers are also trained to be prepared for anything and to use all resources available to them. The different courses were described. These include emergency vehicle operator's course, active shooter, domestic violence and interaction simulation field training. Training videos were reviewed. A copy of Sgt. Kelly's presentation is on file with the Clerk-Treasurer's office. The Board thanked Sgt. Kelly for the comprehensive presentation.

Mayor Savolt had an announcement before the meeting began. The Army Corps of Engineers completed their first phase of study and, as was announced at the Flood Update Presentation in March, we were looking for a local sponsor for the completion of the project. According to NY State Law, this had to be the Department of Environmental Conservation. The Mayor was happy to report that she had received confirmation that the DEC and County have agreed to sponsor the next phase, and that the Army Corps will not only be looking at structural solutions, but will also be looking at taking people away from the water. It was also agreed that they would not take an "all or nothing approach" as they have done in the past. The next phase is a \$5.7 million engineering feasibility analysis of both the Mamaroneck and Sheldrake Rivers. The legal arrangements are being made and the kick off of Phase II is expected shortly after Labor Day.

1. COMMUNICATION TO THE BOARD

Ms. Doreen Watkins of Richbell Road appeared. She was part of a large group that was at the meeting in support of Joe Comblo, retired Detective. She feels that there was a lot of speculation that has hurt Detective Comblo and the community. Ms. Watkins has contacted the ACLU and was told that a polygraph test is inconclusive and as evidentiary as a coin toss, as there are factors such as sickness that could give a false reading. Village Attorney Insardi stated that there are disciplinary charges pending and there will be evidence presented and testimony heard at his upcoming hearing. The Board will address the allegations and make a determination at that time. Mayor Savolt stated that contrary to what was in the newspaper a date for the hearing has not yet been set.

Former Trustee Tony Fava appeared. Mr. Fava resides at Munro Avenue. He asked the Board why there is a disciplinary hearing being held when the officer has retired and nothing could come from this. Ms. Insardi stated that he was disciplined when he was an employee and he has requested a hearing, as is his right. Mr. Fava asked if there have been criminal or civil charges brought against Mr. Comblo. Mayor Savolt stated that there is only a disciplinary issue at this time; however there is a Notice of Claim that has been served by Mr. Comblo against the Village. When asked if the missing money has been reimbursed by the Village's insurance company, Mr. Fava was informed that yes, a sizable portion was recovered less the insurance company's deductible.

Ron Marino of Knickerbocker Avenue appeared. He too is part of the large group at the meeting in support of Mr. Comblo. He and many others in the group have worked with Joe in his volunteer work for many years and were at the meeting to show their support and love for him. He also believes that Mr. Comblo will be exonerated.

2. APPROVAL OF MINUTES

A. Board of Trustee Regular Meeting – May 12, 2008

There were changes made by the Mayor, which were not substantive, and given to the Deputy Clerk. Mr. Verrastro asked that he be removed from attending the "Wreaths Across America" referred to on page one, as he was not there.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the Board of Trustee Regular Meeting of May12, 2008, as amended, be and are hereby approved.

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

B. Public Hearing on Proposed Local Law 5-2008 – April 28, 2008

Mayor Savolt had a change on page 2, first paragraph. The sentence “Another amendment is to count 150 percent (not 50 percent) of any interior space with a floor to ceiling height in excess of 12 feet, with exemption of the M-1 zone.” This change was made. There were other non-substantive changes made.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that the Minutes of the Public Hearing on Proposed Local Law 5-2008 of April 28, 2008, as amended, be and are hereby approved.

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

C. Public Hearing Continued on Proposed Local law 5-2008 – May 12, 2008

Village Attorney Insardi requested that these minutes be tabled to the next meeting as she would like to confirm a statement recorded.

D. Public Hearing on Community Development Block Grant – May 12, 2008

On motion of trustee Hofstetter, seconded by Mayor Savolt:

RESOLVED that the minutes of the Public Hearing on Community Development Block Grant of May 12, 2008 be and are hereby approved.

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

3. AUDIT OF THE BILLS

Trustee Ryan questioned the charge of \$17,255.90 on page 20 listed as International Salt Company. Village Manager Verrastro stated that this is to replenish the salt shed for next year’s deicing of the roads. Trustee Hofstetter asked if this is sent out to bid. Mr. Verrastro advised that it is purchased under state contract. Mayor Savolt informed the Board that the abstract is large as there is \$450,000 in old Tax Certiorari settlements that are being paid.

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	\$ 860,909.35
Capital Fund	555,679.15
Guarantee & Bid Deposit	<u>935.00</u>
	\$1,417,523.50

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Appointment to Harbor & Coastal Zone Commission

Mayor Savolt announced that Marc Karell has volunteered to fill the unexpired term of Andrea Sambrook. She thanked him for volunteering and believes that with his background and education he will be an asset to the Commission.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED, that Marc A. Karell be and is hereby appointed a member of the Harbor & Coastal Zone Management Commission to fill an unexpired term, such term to expire December 2009.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

B. Appointment to Council of the Arts

Before proceeding with this agenda item, Mayor Savolt read the memo from the Clerk-Treasurer listed as Agenda Item 7A informing the Board of the resignation of Dorothy Saraceno from the Council of the Arts effective June 1, 2008.

Mayor Savolt announced that Shadia Sachedina has volunteered to fill the unexpired term vacated by Ms. Saraceno.

On motion of Trustee Ryan, seconded by Trustee Murphy:

RESOLVED that Shadia Sachedina be and is hereby appointed a member of the Council of the Arts to fill an unexpired term effective June 1, 2008, such term to expire December 2008.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

C. Schedule Public Hearing of Proposed Local Law 6-2008

Village Attorney Insardi informed the Board that this proposed local law has been in the works for some time and that it was been reviewed and commented on by the Committee for the Environment. This proposed local law has also been posted on the Village's website for resident's review.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Public hearing on Proposed Local Law 6-2008 be and is hereby scheduled for June 9, 2008.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

D. Year End Transfer of Funds Resolution

In accordance with Section 5-520 of the Village Law, when it shall appear probable that the expenditure in any budgetary account will be in excess of the original estimated budgeted amount, it is then necessary to bring these accounts in balance by transferring from other budgetary accounts. Since it is not known at this time all the accounts that will be affected as of May 31st, it is requested that the following blanket resolution authorizing these transfers be approved by your Honorable Board:

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Clerk-Treasurer is hereby authorized to make the necessary transfers from the unexpended balance of certain budgetary accounts to those accounts that require additional appropriation.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

E. Traffic Amendment – Old White Plains Road

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the following amendment to Chapter 326, Section 76 (Vehicles and Traffic) of the Code of the Village of Mamaroneck be, and the same hereby is, adopted by the Board of Trustees

Section 76 Stop Intersections

By adding to Chapter 326, Section 76, Schedule IX:

<u>Stop Sign On</u>	<u>Direction of Travel</u>	<u>At Intersection Of</u>
Old White Plains Road	North	New Street

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

F. R.P.T.L. Section 520, Sub (1) Tax Levy

As there were mistakes in the form submitted to the Board, this matter was tabled to the June 9, 2008 meeting.

G. Authorization – Agreement with County of Westchester for AAA Transportation Program

An agreement was received from the County of Westchester regarding transportation funding for Senior Citizens as part of our Community Services Program. The Village has been awarded \$2,747 in State funds (no local match is required) to subsidize fuel costs to transport Senior Citizens to doctor's visits, lab appointments, hospitals etc. Authorization is required for the Village Manager to execute the agreement. Mr. Verrastro informed the Board that the agreement has been reviewed by the Village Attorney and that she has a couple of issues with it, which will be addressed before the agreement is executed.

On motion of Trustee Ryan, seconded by Trustee Murphy:

RESOLVED that Leonard M. Verrastro, Village Manager be and is hereby authorized to execute the agreement by and between the County of Westchester, acting by and through its Department of Senior Programs and Services and the Village of Mamaroneck to subsidize fuel costs to transport Senior Citizens, after review and approval by Village Attorney.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

H. Authorization – HCZM Review Services

A copy of the Retainer Agreement with AKRF, Inc. in connection with providing environmental consulting and review services for the Harbor and Coastal Zone Management Commission (HCZM) was submitted to the Board. In accordance with Section 240-38 of the Village Code, HCZM may hire any consultant and/or expert necessary to assist them in reviewing and evaluating any applications before it, the cost of which shall be borne by the applicant. As the HCZM had a meeting on Wednesday, May 21, 2008, the Village Manager had executed the agreement on behalf of the Village and is now requesting the Board of Trustees authorize his signing of the agreement "nunc pro tunc" by approving the following resolution.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that Leonard M. Verrastro, Village Manager be and is hereby authorized to execute the Retainer Agreement with AKRF, Inc. to provide environmental consulting and review services on an "as-needed" basis for the Harbor and Coastal Zone Management Commission.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

I. Budget Amendment – Flood & Erosion Control

In connection with the reimbursements received from FEMA for Public Assistance from the April 2007 floods, most of this revenue was reflected in the fiscal year ended May 31, 2007. In actuality, a portion of this revenue should have been deferred to the 2007 – 2008 fiscal year, since the funds to replace lost equipment or to repair and cleanup Village – owned buildings was not expended or ordered until the current fiscal year.

In order to adjust the current year’s budget to provide the necessary funding for these expenditures it will be necessary to make a budget amendment, which Mr. Verrastro recommended as follows:

A5100	Estimated Revenue	
A300	State Aid	
3960	Emergency Disaster Assistance	\$ 1,130
A400	Federal Aid	
4960	Emergency Disaster Assistance	<u>12,920</u>
		\$ 14,050
A5990	Appropriated Fund Balance	<u>200,810</u>
		<u>\$214,860</u>
A9600	Appropriations	
A8745	Flood & Erosion	
.260	Miscellaneous Equipment	\$26,500
.407	Automotive Repairs	26,110
.409	Building Improvements	44,755
.410	Supplies	6,425
.411	Materials	15,075
.421	Contract Services	93,410
.450	Miscellaneous	<u>2,585</u>
		<u>\$214,860</u>

Mayor Savolt asked what the Fund Balance will now be after this budget amendment. Mr. Verrastro stated that it was approximately \$1.2 million and with this amendment as well as one recently done for legal fees, the balance is at approximately \$700,000. The Mayor stated that we should have between 5 and 10% of our budget in fund balance which is \$1.25 to \$2.5 million.

On motion of Trustee Robinowitz, seconded by Trustee Murphy:

RESOLVED that a budget amendment in the amount of \$214,860 to fund flood and erosion control expenditures be and is hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

J. Amend Fee Schedule – Day Camp Non-Resident Fee

The Recreation Commission has agreed to allow non-residents and ninth graders to attend the Village of Mamaroneck Day Camp as enrollment thus far is extremely low. The Commission recommends the non-resident rate be an additional \$300 across the board per camper and the ninth grade camp fee the same as grades seven and eight. The Commission is asking the Board to approve enrollment

of non-residents and ninth graders and the fee. The Mayor believes that with enrollment down, we should not charge an additional amount for non-residents, as an incentive for them to enroll. All other Board members agreed. The suggestion of allowing campers to attend less than the entire session was discussed. Attendance of three consecutive weeks was suggested as the minimum attendance with fees adjusted accordingly.

Craig Casterella, member of the Recreation Commission appeared and stated that the Commission thought that charging extra would help make up for the lack of enrollment. He also stated that the Village must look for a permanent facility to run the camp if this is something that they want to do each summer.

On motion of Trustee Murphy, seconded by Trustee Robinowitz:

RESOLVED that Village Code Chapter 347-3D be and is hereby amended to allow non-residents to attend the Village camp the regular registration fee; and

BE IT FURTHER RESOLVED that Village Code Chapter 347-3D be and is hereby amended to permit ninth grade campers at the same rate as seventh and eight grade campers.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

K. Acceptance & Budget Amendment of \$1,000 Donation for Trees on Delancey Avenue

A letter was received from the Heathcote Hill Neighborhood Association in which they have made a \$1,000 donation towards the cost of planting two (2) new trees at 110 Delancey Avenue. A resolution accepting the donation and a budget amendment to reflect the available funds in the current year's budget needs to be approved.

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED that the board of Trustees be and hereby accepts a \$1,000 donation from the Heathcote Hill Neighborhood Association to be used for the cost of purchasing and planting two (2) new trees at 110 Delancey Avenue; and

BE IT FURTHER RESOLVED that the following budgetary accounts be increased to reflect the availability of these additional funds:

A5100	Estimated Revenues	
A0270	Miscellaneous	
2776	Donations – Other	<u>\$1,000</u>
A9600	Appropriations	
A8560	Shade Trees	
.413	Tree Reforestation	<u>\$1,000</u>

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

6. REPORT FROM VILLAGE MANAGER

- A. File for Record – Memorandum of Understanding between the County of Westchester and the Village of Mamaroneck for remote access to the County Clerk's Office Public Viewer Land and Legal Records.

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

- B. Certificate of Final State Equalization Rate for 2008 Assessment Roll

A copy of the New York State Board of Real Property Services Certificate of the Final State Equalization Rate for the 2008 Assessment Rate of 1.69 is being filed for the record with the Clerk-Treasurer.

Mr. Verrastro, Village Manager informed the Board on the negotiations with the PBA. Detective David Casterella, PBA President and he had drafted a Memorandum of Agreement, which Mr. Verrastro hopes will be finalized and brought to the Board at their June 9 meeting.

7. REPORT FROM CLERK-TREASURER

Mr. Fusco reminded residents that the 2008 tax bills will be mailed in the next few days and that the first installment is due by June 30, 2008. This reminder is being posted in the Journal News as well as the Sound & Town and Soundview News.

8. REPORT FROM THE VILLAGE ATTORNEY

- A. Filing of Local Law 5-2008 with Secretary of State

Ms. Insardi informed the Board that Local Law 5-2008 has been filed with the Secretary of State.

9. REPORT FROM THE POLICE CHIEF

Police Chief Flynn thanked Sgt. Kelly for his presentation.

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

- A. Flood Mitigation Committee – January 9, 2008
B. Flood Mitigation Committee – February 13, 2008
C. Flood Mitigation Committee – March 12, 2008

II. COMMUNICATION TO THE BOARD II

Ms. Mary Lou Greco of Center Street asked the Board if she could please have a statement showing what was paid to the Westchester Joint Water Works for the last fiscal year and how much rates will increase. Mayor Savolt stated that the Village does not pay anything to the WJWW, that we are joint owners along with the Town of Mamaroneck and Town/Village of Harrison. In being a joint owner, we borrow money on behalf of the WJWW when they need a capital project done. We therefore have the debt service for that loan. The money received from the WJWW at the end of the year is supposed to cover our debt payments. For the past two years, there has been a shortfall because our water rates were not high enough, and we are using Village of Mamaroneck tax payer monies to cover the debt payments. The shortfall is \$250,000, which has been phased in to be paid back in the next two years. Mr. Verrastro asked Ms. Greco to contact his office for a copy of the budget which shows the shortfall and he will also supply an explanation of the phased in increase.

Mr. Craig Casterella of Prospect Avenue appeared to ask the Board about the dead maple tree at Harbor Island Park that has been there over a year and the other dead trees in the Village behind the power lines. He believes Con Edison should be notified of these. Trustee Murphy stated that he believes the maple tree at the Park is a County tree. Mr. Verrastro will check on this. There is also a dead tree on the corner of Prospect and Delancey that may be a Village tree. This will also be confirmed by Mr. Verrastro.

Trustee Robinowitz thanked the residents for approving the Rye Neck and Mamaroneck school budgets. She also reminded residents that volunteers are needed for the Historic Harbor Street Fair. Their next meeting will take place on June 2 at 7 p.m. at the Pavilion. Trustee Robinowitz also attended the D.A.R.E. graduation at Rye Neck Middle School. She was very impressed and thanked the police department for doing this. Lastly she congratulated her son Jeffrey on his Bar Mitzvah. Part of what he received as gifts will be donated to the CAP Center.

Trustee Ryan thanked the Committee for the Environment for the work they did on the proposed Leaf Blower Law. She also thanked the Veterans of Foreign War for the ceremony they had the day before at Tompkins Square Park. Trustee Ryan reminded the residents of the upcoming Graham Clark concert at the Emelin Theatre on May 31.

Trustee Hofstetter reminded residents to turn out for the Memorial Day Parade to take place on Friday, May 30 at 7 p.m.

Mayor Savolt announced that the tri-municipalities of the Town of Mamaroneck and Villages of Larchmont and Mamaroneck have an anonymous hot line to report any teen trouble. The number is 381-6103. There will be a public service announcement on LMC-TV. Final recycling numbers for 2007 are up to 55%. The Committee for the Environment has asked the Mayor to up the goal to 60%. Finally, we are looking for volunteers to join the Liveable Communities effort. The Village also hopes to participate in

the Walkability survey, which will take place on Monday, June 9th. If any residents have time to volunteer on Monday, please contact the Mayor's office.

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