

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, JUNE 23, 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 (arrived 8:15 p.m.) Randi Robinowitz
	Village Manager	Leonard M. Verrastro
	Village Attorney	Janet M. Insardi
	Police Department	James Gaffney
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

PLEDGE OF ALLEGIANCE LED BY GIRL SCOUT TROUP 1842

The following members of Girl Scout Troup 1842 led the Board in the Pledge:

Jennifer Delitto
Allie Garcia
Kirstin Morris
Tara Murray
Allison Newman
Nicole Perry
Christina Reale

Each girl read a sentence about the Girl Scouts. The Board thanked the girls for their participation in the meeting.

Before beginning the meeting, the Mayor announced that it has been one year since the Consent Decree which settled the John Doe vs. Village of Mamaroneck case was handed down; therefore, the Village is not obligated to leave the signs up at Columbus Park. The Board has decided to leave the signs up until the end of 2008 to help with the flow of traffic through Washingtonville and to address issues raised by the court appointed Monitor. This issue will be revisited at the end of 2008. The Mayor also announced that Trustee Hofstetter will be joining the meeting late as he has a family obligation.

1. COMMUNICATION TO THE BOARD

Mr. Ron Trucchio of Sunset Road appeared. He asked about his suggestion during the Budget presentations on controlling and charging a permit fee for satellite antennas in the Village. Mayor Savolt informed the residents that the Board is keeping a master list of issues to be addressed and that they meet quarterly to prioritize this list. Over twenty issues were picked as the Board's highest priorities and this can be added to the list of issues to be addressed. Mr. Trucchio feels that this is a long time coming as antenna control has had a long standing in the Village Code in Chapter 100. He is concerned that the Board is not aware of this Code, there is a potential lack of revenue and that this Code is not being enforced. Village Attorney Insardi stated that the Board is addressing means of revenue coming into the Village and that permit fees is one of the issues being addressed. The Mayor asked Mr. Trucchio if he had a list of specific properties in the Village where the Code was being violated that could be passed along to Code enforcement. Mr. Trucchio will give a list to the Building Department. Mr. Trucchio asked that he

receive feedback from the Building Department when he supplies them with information such as this, as he got no feedback from them after submitting a list of potentially illegal rentals. Village Manager Verrastro informed Mr. Trucchio that he will follow up with the Building Inspector and get back to him with what transpired at those addresses.

Mr. Norm Rosenblum of Carroll Avenue appeared. Mr. Rosenblum read the following statement:

“There are two policy considerations regarding the Village of Mamaroneck Police Dept. which I wish to address.

The first is a follow up to my previous statement to this Board regarding Det. Comblo and the obvious disregard for the proper procedure which should have been followed as to charges brought against any member of the Police Department. It is no surprise that I read the Village is dropping the charges against Det. Comblo as the facts have not changed since my last statement and to proceed would only exacerbate an established wrong.

It is more than a technicality that determines this action. It is a clear and blatant result of misconduct by either the Board of Police Commissioner or the Administration within the Police Department, since they are the only two sources that could have and did generate a “leak” of privileged information to the press.

What concerns me even to a greater extent is the published statement by this Board to seek an outside “Police Expert Consultant” to review the police department as a result of this occurrence.

This type of action would once again result in the Board of Police Commissioners abrogating their responsibility to make policy and review the operations of the Police Dept. as is their elected and delegated mandate.

Since the cause of action is a result of this obvious leak to the Journal News, which I believe may be a criminal offense, the only course of action is not with a private consultant, at additional cost to the taxpayers, but an independent review by the United States Department of Justice as to possible civil rights and criminal violations.

It is no secret to the residents of this Village that the Police Department is under public pressure and review by this current elected administration. To take any other course than an independent review by the U.S. Dept. of Justice would poison any future actions regarding the Police Dept by this Board or any other jurisdiction. It must also be noted that lying to an independent consultant has no consequence. However, lying to a federal officer is a felony that history shows results in a prison term more than not.

My second concern addresses a flawed hiring policy by this Board acting in your role as Police Commissioners. I firmly support this Board in hiring new police officers, increasing the effectiveness of the department. I am sure you are secure in your ability and authority to appoint these officers, which is the hiring of only Hispanic officers from other than the standard County civil service list. This alternative standard however may or may not be lower than that standard civil service list that is normally used is repugnant on its face, and as to the merits of such a policy, I believe it is in direct violation of the Equal Protection Clause of the Fourteenth Amendment, Title VI of the Civil Rights Act of 1964 and the U.S.C. section 1981.

This is confirmed by the United States Supreme Court in Gratz V. Bollinger on June 23, 2003. In this case all alleged “Underrepresented minority” were virtually chosen by a process that awarded 20% of the points out of 100 points needed for selection. The petitioner, other than a member of the alleged “Underrepresented minority” claimed this denied him the opportunity to “compete on an equal basis” The Supreme Court found that this policy was “not narrowly tailored” to achieve any asserted interest in diversity and that policy violates the Equal Protection Clause and found in favor of the Petitioner.

The direct parallel in the hiring policy in question is the hiring of only Hispanic applicants does not meet a “narrow tailored” program to achieve diversity. This question must be based on the opportunity of potential Hispanic applicants for police positions available from the basic County Civil Service list as well as the immediate general lists of local areas, which would include New York City where the Village has hired several officers. The answer is abundantly clear that it does not. This policy of hiring only Hispanic officers not only violates the position taken by the United States Supreme Court it

opens a possible class action law suit by any person on the basic County Civil Service list for police positions.

Most important however this policy is is repugnant on an ethical and moral basis.

Is it right to insinuate that a Hispanic candidate is not capable as others who seek the same positions? It is in fact an insult to anyone who is Hispanic, and further you will attach a stigma to each of these officers to carry throughout their entire career.

Conversely, what does this say to the current members of the Department and what are they to think when their fellow officers are not hired on the same level as they were required. Why are they held to a higher level than others?

The Village Police Department's morale has been under constant attack and this hiring policy only further undermines that morale.

The only fair and correct policy is one that is mandated by the U.S. Supreme Court and the basic tenets of Democracy and that is "All men are created equal and are guaranteed equal protection of the law".

That can only be accomplished by treating all on a level playing field.

I urge the Board to reconsider its position regarding these policies.

Thank you for your time."

Mayor Savolt stated that there are several misstatements in this that need to be addressed. Trustee Murphy informed the residents that the police officers considered for hire first had to pass the County Civil Service test, the same as any other candidate. Secondly, they took a test for Spanish language proficiency. They are not being considered because of their ethnicity. In regarding to hiring a consultant, Trustee Murphy feels that the Board is not abrogating their responsibility; however, they are trying to get more information to help them move this department forward. Trustee Murphy also stated that when the leak to the Journal News was made, the Board immediately called for an investigation of the police department and of the Board and this investigation is on-going. The investigation is being done by members of the police department who were not involved in the drafting of disciplinary charges. Mayor Savolt clarified that the outside review of the police department is not per se a review of the leak. It is a review of the entire department and its policies and procedures. Other departments may be reviewed as well to assure that the Village is being run in the most efficient manner protecting and servicing the residents. Mayor Savolt stated that with regard to the leak, tampering with documents is against state law and it is being aggressively pursued. If this warrants a Department of Justice investigation, that is the path that this will lead us to. Trustee Ryan added that sometimes you have to spend money to find out what is wrong with an organization. She also stated that the consultants performing the study have no links to our community or any of its residents, so the study will be impartial. This study would have been done whether or not the leak happened. Trustee Ryan stated that in regard to the two new officers being considered, they not only passed two tests, but both have college educations.

Ms. Mary Lou Greco of Center Street appeared to ask Mr. Verrastro about her previous request on what is being paid to the water company. Mr. Verrastro stated that he answered Ms. Greco's email the day after she requested it and will resend to her. Ms. Greco then asked what the process in hiring a replacement for Mr. Verrastro will be. Mayor Savolt stated that the Board has not set a process in place, however, there are at least six Village Manager vacancies in the County, so they do know that the

competition will be fierce. The Board has been interviewing recruitment firms and is close to selecting one. The Board will let a professional recruiter assist them in finding a replacement.

2. APPROVAL OF MINUTES

A. Regular Meeting – June 9, 2008

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Regular Meeting of June 9, 2008, are hereby approved.

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

3. AUDIT OF THE BILLS

Mayor Savolt stated that there are two Abstracts as we are in the transition period between one fiscal year and the next.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that the Abstract of Audited Vouchers listed below, dated May 31, 2008 and for FY 2007-08, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 322,679.83
Water Fund	17,955.00
Capital Fund	85,466.33
D.A.R.E. Program	152.10
Historic Harbor Street Fair	<u>480.00</u>
	\$ 426,733.26

Trustee Ryan asked what the American Petroleum Equipment charge is for (page 19). Mr. Verrastro stated that this is software to monitor the gas and diesel tanks. One program will set off an alarm in the event of a leak and the other two are to monitor the gas and diesel going in and out of the tanks.

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

On motion of Trustee Ryan, seconded by Trustee Murphy:

RESOLVED that the Abstract of Audited Vouchers listed below, dated June 9, 2008 and for FY 2008-09, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 449,317.75
Capital Fund	482,618.44
Council of the Arts	75.00
Mamaroneck Health Center	50.00

Historic Harbor Street Fair	450.00
Guarantee & Bid Deposit	<u>859.50</u>
	\$ 933,370.69

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

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Ratification of PBA Agreement

The PBA membership ratified the Memorandum of Agreement, and in order to implement same, the Board of Trustees will have to ratify the Agreement. A copy of the Memorandum of Agreement was submitted to the Board and filed for the record. Mr. Verrastro, who worked on the Agreement with the Clerk-Treasurer, Agostino Fusco, Chief Flynn and Lt. Gaffney, on behalf of the Village, highlighted some key points of the Memorandum. He also recommended a resolution authorizing him to enter into the Agreement if the Board were desirous of ratifying the Agreement. Mr. Verrastro commended David Casterella and his negotiating team for their work on behalf of the PBA. The Board thanked Messrs. Verrastro, Fusco, Flynn and Gaffney for their work on behalf of the Village.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Board of Trustees does hereby ratify the Memorandum of Agreement between the Village of Mamaroneck and the Police Benevolent Association of the Village of Mamaroneck, and does hereby authorize and direct the Village Manager to enter into the Agreement between the said parties for the period 6/1/2008 to 5/31/2012.

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

B. Capital Fund Authorization - \$125,000 – Transfer Station Compactor

A memo was received from Tony Iacovelli, General Foreman, regarding t he need to replace the Transfer Station Compactor. In his memo he asks that a new compactor be purchased as soon as possible as it has again broken down and there are no parts that can be obtained to repair it. The current unit is 22 years old. The cost of the compactor is \$125,000 and would be funded by a future bond resolution. If in agreement, Mr. Verrastro is requesting that the Board authorize the appropriation of these funds in the Capital Projects Fund by adopting the following resolution. (Trustee Hofstetter joined meeting.)

On motion by Trustee Robinowitz, seconded by Mayor Savolt:

RESOLVED that \$125,000 be and is hereby appropriated in the Capital Projects Fund for the purchase of a new compactor at the DPW Transfer Station; and

Be it further RESOLVED, that the financing for the above purchase be provided by the future adoption of the required bond resolution.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

C. Capital Fund Authorization - \$68,000 – DPW Highway Equipment

A memo was received from Tony Iacovelli, General Foreman, requesting \$68,000 in Capital Funds be authorized for the purchase of a Skid Steer Loader (\$43,000) and a new pickup truck (\$25,000). Mr. Verrastro informed the residents that a Skid Steer Loader is vital to keep the area around the Transfer Station clean and free from debris. If not picked up, this debris can turn into an environmental hazard due to odor and rodent infestation. It is also instrumental to the leaf pickup schedule. The other item is to replace an 18 year old pickup truck, which will be placed on the Village's yearly auction list. Both of these items will be purchased under state contract. Mr. Verrastro recommends that the Board approve this request. Trustee Hofstetter asked to see a list of all vehicles owned by the Village, which Mr. Verrastro will provide. Mayor Savolt announced that the Town of Mamaroneck has converted a garbage truck to run on vegetable oil. The Board is getting information on this process so that the conversion of a truck in the future may be considered.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that \$68,000 be and is hereby appropriated in the Capital Projects Fund for the purchase of a Skid Steer Loader for \$43,000 and the purchase of a pickup truck for \$25,000; and

Be it further RESOLVED that the financing for the above purchase be provided by the future adoption of the required bond resolution.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

D. Traffic Amendment

The Board received a request from the Traffic Commission to prohibit parking at all times from the driveway of 703 W. Boston Post Rd. to a point 25 feet west from said driveway. Trustee Murphy stated that there may be a right turn only out of this driveway. The Board agreed that anything that can improve the sight line coming in or out of the Boston Post Road should be done. Trustee Hofstetter asked that the Board make sure that it is a right turn only out of the lot before approving this. Trustee Murphy informed him that this is a decision made by the Planning Department during their site plan approval process. Trustee Hofstetter made a motion to table this until the Board finds out if it is a right turn only out of the driveway. This motion was not seconded.

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 hereby is, adopted by the Board of Trustees

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>
Boston Post Road, West (U.S. Route 1)	South	From the driveway at 703 West Boston Post Road (U.S. Route 1) to a point 25 feet west of said driveway.

Ayes: Robinowitz, Ryan, Murphy, Savolt
 Nays: Hofstetter

E. Tax Certioraris

(1) New Waverly Avenue Associates, (2) Orienta Condos & (3) AB-CHD Realty

Mayor Savolt announced that these will be held over to the July 14, 2008 meeting as more information is required.

F. Police Department Promotion

Police Chief Flynn has advised the Clerk-Treasurer's office of the promotion of Steven Cora to Sergeant. A resolution was offered for the Board's approval.

On motion of Trustee Robinowitz, seconded by Trustee Murphy:

RESOLVED that the following appointment be and is hereby made in the Village of Mamaroneck Police Department:

Steven Cora from Patrolman to Sergeant effective June 23, 2008 at a salary of \$99,547.00

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

G. Proposal Regarding Increase in Water Rates

Mayor Savolt announced that this agenda items needs to be tabled to the July 14, 2008 meeting as the information has not been finalized by the WJWW.

6. REPORT FROM VILLAGE MANAGER

A. File for Record C-67-06-R46 Agreement

This is an agreement with Westchester County for the Fenimore Road Curb and Sidewalk Improvement Project in the amount of \$274,066.00 dated 11/5/07 – 11/4/08. The Village's share will be \$150,000. This agreement is being filed for the record with the Clerk-Treasurer. Mayor Savolt raised the issue of speeding on Fenimore Road as there not as many bumps in the road. This is something she and the Chief have been working on and will continue to do so while this project is being finalized.

B. Official Street Tree List

An Official Street Tree List recommended by the Tree Committee and accepted by the Mayor and Board on June 9, 2008 is being filed for the record with the Clerk-Treasurer.

7. REPORT FROM CLERK-TREASURER

Mr. Fusco reminded residents that the 2008 tax bills were mailed and that the first installment is due by July 1, 2008. He also asked any resident that has not received their tax bill to contact his office.

8. REPORT FROM THE VILLAGE ATTORNEY

Ms. Insardi reported that the Village is in receipt of the report from the court appointed Monitor on the Day Laborer case dated June, 2008. The report is positive. The Monitor states that it is clear to him that the Mayor and Board have acted in good faith in complying with the decision and order. The police department also has been in compliance with the order. He has recognized a much more diligent effort on behalf of the Village and the process of full acceptance has begun. Ms. Insardi anticipates another report in six months.

9. REPORT FROM THE POLICE CHIEF

None

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

- A. BAR – May 15, 2008
- B. Planning Board – April 10, 2008
- C. Planning Board – April 24, 2008
- D. Planning Board – May 8, 2008
- E. Planning Board – May 22, 2008

The Mayor commended the Boards for getting their minutes filed in a timely manner.

II. COMMUNICATION TO THE BOARD II

Mr. John Decrescenzo of Henry Avenue appeared to inquire as to what will now happen with the storm drains on the Boston Post Road as the Village of Mamaroneck has lost its suit against the State in the matter of repairing these drains. He is very concerned with the serious problems with some of the drains as there is a lot of pedestrian traffic and children walk by these every day on their way to and from school. Village Attorney Insardi reported that Tony Iacovelli is inspecting the drains and work will be done on the most dangerous drains first. Mayor Savolt stated that until the state repairs the road, some of the drains cannot be repaired. This is something that needs to be coordinated with the state DOT. The Board asked that he send a list of the most dangerous so that the work can be prioritized.

Mr. Glenn Tippet of Hill Street appeared. The newspaper has been reporting on the state legislature looking at changes in labor contracts, by giving away benefits. He believes it behooves this

Board and other Boards to pass a resolution that requests the state legislature no longer give away benefits to unions without the approval of the local communities. He believes this is a huge tax burden and effects how you can negotiate with the unions.

Mr. Ron Trucchio of Sunset Road appeared. He has concerns about the police department investigating itself on the issue of the leak to the Journal News. He believes it is a conflict of interest. It also seems to him the Village is no closer to determining who took the money. He would like to see an external investigation done, removing the investigation from the source from where the leak originated. Trustee Murphy stated that officers who were not involved in the drafting of charges and were removed from the process were asked to handle the investigation. Trustee Murphy also stated that the Board asked the District Attorney to investigate the theft when it first happened and they declined to do so. Mayor Savolt stated that several external agencies were asked to do the investigation and none would, saying it was not their place to investigate local police departments. Mayor Savolt also stated that before looking for external assistance again, the Village needs to be sure that they have done everything they could.

Mr. Trucchio brought up the issue of the signs directing workers and employers to the day laborer site in Washingtonville. He read a letter previously sent to the Board on this issue. He believes it is unfair to the residents of Washingtonville to have this site in a residential area. He asked the Board about the traffic study done in Washingtonville as he has not seen the report. Mayor Savolt informed Mr. Trucchio that a written report was not done, as there is an issue with the fee charged for this report. However, the Board was told verbally that a baseline traffic study was done and that there was no measurable increase in the traffic after the site was opened. Trustee Murphy stated that this controversy was put on this Board by a prior Board. He takes issue with Mr. Trucchio stating they lack integrity and courage. Trustee Hofstetter stated that the Village cannot remain neutral as they were put in this position when the lawsuit was lost. Trustee Ryan informed Mr. Trucchio that the Board has been encouraged by the court appointed Monitor to promote the site and one way to do that is to leave the signs up. The Board is trying very hard to look for solutions that will keep the Village out of a situation like that which happened in the past. Ms. Insardi read part of the Consent Decree stating that the Village helps promote a gathering site on private property and that we help facilitate the safety of this site. Ms. Insardi reminded Mr. Trucchio that we are held to the Consent Decree for three years. Mr. Trucchio again stated that there is a finite time for the signs to remain

Mariana Boneo of the Hispanic Resource Center appeared. Ms. Boneo gave an update on the center as it has been open a year. As far as she knows there have been no incidences and the traffic has not been an issue, however, she suggested that this may be a good time to meet with the neighbors to discuss their concerns. Ms. Boneo did meet with the gentleman conducting the traffic study and she encouraged him to come back during the high hiring season. Mr. Verrastro thanked Ms. Boneo for all of the volunteers the center sent to the work at the Street Fair.

Trustee Robinowitz reported on the spectacular day the Historic Street Fair was. She thanked all of the Village employees for their work on behalf of the Fair, including the Police and DPW. Trustee Robinowitz also thanked all of the volunteers who worked so hard to make the Fair such a success. She especially thanked Jen Graziano for the amazing job done.

Trustee Murphy congratulated the Mamaroneck High School Baseball Team for winning the State Championship. He congratulated Coach Chapperelli for “whipping these boys into shape”. Trustee Murphy also stated that all of the players have a grade point average over 90. He informed the residents that the players will be marching in the Fireman’s Parade.

Trustee Ryan also congratulated the volunteers of the Street Fair for such a wonderful event. She shared this day with her two sisters who had moved away and were visiting. She also congratulated the Baseball Team. Her son played for Coach Chap and they have been trying to bring that trophy home for a long time. Trustee Ryan congratulated the WDS 8th grade graduates as well as all graduates.

Trustee Hofstetter apologized for being late, however, he was at his daughter’s 5th grade graduation. He also had a wonderful time at the Street Fair and thanked all who worked on it.

Mayor Savolt congratulated Jean Peron who after 24+ years is retiring from the Village. The Village wishes her well. A compliment was received by a resident on behalf of Diane Fasola at the Department of Public Works. Mayor Savolt also reported on a press release on the study being done by the Army Corps of Engineers on the Mamaroneck and Sheldrake Rivers. The study is moving forward, beginning this summer. Mayor Savolt was also told by Mayor Feld of Larchmont of the professional work done by our police department during the parade held in Larchmont for the Baseball Team.

Village Manager Verrastro thanked the Logistics Committee, Lt. Chris Leahy, Tony Iacovelli and DPW crew, John Ferris who bailed us out with the Liberty as our tall ship for all of their work to make the Fair a success. He also thanked Dean Delitta for opening Hook and Ladder as our Welcome center, Bill Collins the event planner, Myron Tannenbaum and Jen Graziano.

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

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

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