

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, NOVEMBER 24, 2008 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

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

**Ceremony Honoring Judge Roger Sirlin**

There was a ceremony honoring outgoing Justice, Roger Sirlin. Judge Sirlin served the Village for twenty-eight years. Mayor Savolt presented Judge Sirlin with proclamations from Congresswoman Nita Lowey; State Senator, Suzi Oppenheimer; Town of Mamaroneck Supervisor Valerie O'Keeffe and the Town Council. Mayor Savolt read a proclamation declaring December 1, 2008 the honorable Judge Sirlin day in the Village of Mamaroneck. Mayor Savolt also presented Judge Sirlin with a plaque from the entire community.

Village Manager Len Verrastro read a letter from Court Clerk, Louise Dunaway. Trustee Toni Ryan read a letter from Justice Richard Lanza, as neither could be at the ceremony.

Mayor Savolt introduced dignitaries in the audience, including Assemblyman, George Latimer who presented a proclamation to Judge Sirlin from the State Assembly and Senate. District Attorney, Janet DiFiore was also in attendance.

Chief Flynn and Detective Casterella, as well as Fire Chief Dellner, Assistant Chief Delitta and second assistant Chief Szymanowski made presentations thanking and honoring Judge Sirlin.

Judge Sirlin thanked the Mayor, Board, his family, and his staff.

There was a reception held for Judge Sirlin.

**I. COMMUNICATION TO THE BOARD**

Mr. Norman Rosenblum of Carroll Avenue appeared to request that the Village Code be changed to permit the use of a six foot fence instead of five feet without having to seek a variance. He also requested changing the requirement to have a project finished within a year of the application date to a year from the date the application has been approved by all relevant boards and commissions.

Mayor Savolt announced that the Board and Chief Flynn received the assessment done by the Bratton Group on the Police Department. Trustee Murphy reported on the assessment done. Trustee Murphy urged all residents to read the report, which will be posted on the Village’s website. Mayor Savolt summarized some of the major points of the report. Three points that the Board will be addressing immediately are:

Reorganization: The Board will be flattening out the chain of command and creating another division. Completing the New York State Accreditation process using existing resources.

New Positions: Creating the position of Lieutenant. This individual will be responsible for receiving and investigating any complaints about the department from citizens. There will also be one new sergeant position which will be filled from the exiting work force. Communication and openness will improve as well.

2. APPROVAL OF MINUTES

A. Public Hearing PLL 11-2008 – November 10, 2008

On motion of Trustee Ryan, seconded by Trustee Hofstetter

RESOLVED, that the Minutes of the Public Hearing on Proposed Local Law 11-2008 held on November 10, 2008 be and are hereby approved.

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

B. BOT Regular Meeting – November 10, 2008

On motion of Trustee Murphy, seconded by Trustee Robinowitz:

RESOLVED, that the Minutes of the Board of Trustee Regular Meeting held on November 10, 2008 be and are hereby approved.

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

3. AUDIT OF BILLS

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED that the Abstract of Audited Vouchers listed below, dated November 24, 2008 and for FY 2008-09, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

|                |                      |
|----------------|----------------------|
| General Fund   | \$ 362,352.36        |
| Capital Fund   | 211,424.08           |
| Water Fund     | 7,466.25             |
| Trust & Agency | <u>1,634.09</u>      |
|                | <b>\$ 582,876.78</b> |

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Transfer of Funds

Based on prior discussions regarding the status of the Village’s implementation of a Geographical Information System (GIS), Assistant Village Manager, Robert Yamuder has contacted the intern who has assisted the Town of Mamaroneck with the implementation of their GIS.

Mr. Yamuder has estimated he can utilize the intern in connection with the duties outlined on a memo submitted to the Board for a total of approximately fifteen (15) weeks through the end of May.

In order to proceed with utilizing the intern, the following transfer of funds will require the Board’s approval.

| <u>Transfer From</u>             |                | <u>Transfer To</u>                               |                |
|----------------------------------|----------------|--|----------------|
| <u>Account</u>                   | <u>Amount</u>  | <u>Account</u>                                   | <u>Amount</u>  |
| A1990 Contingent<br>.999 Account | <u>\$4,500</u> | A1230 Village Manager<br>.120 Part Time Salaries | <u>\$4,500</u> |

Mr. Verrastro thanked the Board for their consideration of the above transfer, which, if approved, will leave a balance of approximately \$107,000 in the Contingent Account, excluding the additional funds allocated by the Board.

On motion of Trustee Robinowitz, seconded by Trustee Murphy:

RESOLVED that a transfer in the amount of \$4,500 from the Contingent Account to the Village Manager Part Time Salaries account be and is hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

B. Transfer of Funds – Annual Inspection Dinner

In connection with the request from the Fire Chief, Kevin Dellner, Village Manager Verrastro is requesting that the Board approve a transfer of funds as follows:

| <u>Transfer From</u>                      |               | <u>Transfer To</u>                           |               |
|---|---------------|--|---------------|
| <u>Account</u>                            | <u>Amount</u> | <u>Account</u>                               | <u>Amount</u> |
| A3410 Fire Dept.<br>.406 Training & Conf. | \$1,940       | A7550 Celebrations<br>.421 Fire Insp. Dinner | \$1,940       |

The expense went over budget since it is never known exactly how many invitees will be attending the Annual Inspection Dinner and Chief Dellner has agreed to cover the overage from one of his departmental budget lines.

On motion of Trustee Robinowitz, seconded by Trustee Murphy:

RESOLVED that a transfer in the amount of \$1,940 be made from the Fire Department's Training and Conference account to their Celebrations Fire Inspection Dinner account be and is hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

C. Transfer of Funds – Leaf Removal Over-time

Mr. Verrastro reported that the tentative budget had included \$17,160 for overtime in connection with three (3) Saturdays scheduled for leaf removal. This amount was removed from the adopted budget in anticipation of requiring that all leaves would be bagged during this leaf season.

Since the Board of Trustees did not approve the required bagging of leaves and in order to complete the leaf removal in a timely fashion prior to the snow and ice season, the General Foreman and Mr. Verrastro are requesting that overtime for two Saturdays, amended from the original request for three Saturdays, be re-instated in the DPW budget by approving the following transfer of funds:

| <u>Transfer From</u>             |               | <u>Transfer To</u>                                 |               |
|----------------------------------|---------------|--|---------------|
| <u>Account</u>                   | <u>Amount</u> | <u>Account</u>                                     | <u>Amount</u> |
| A1999 Contingent<br>.999 Account | \$11,440      | A5110 Highway Maintenance<br>.141 O/T Leaf Removal | \$11,440      |

Mr. Verrastro informed the Board that if two Saturdays are not needed, the money will be returned to the Contingent Account.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that a transfer in the amount of \$11,440 from the Contingent Account to the Highway Maintenance Overtime Leaf Removal Account be and is hereby approved, with the understanding that the money will only be used for overtime leaf removal and whatever portion is not needed will be returned to the Contingent Account.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

D. Budget Amendment – COPS Technology Program

Mr. Verrastro advised that the Police Department has been awarded funding from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for \$34,825 in connection with the purchase and installation of hardware and software to set up wireless network access in our police patrol cars.

In order to reflect the availability of these funds, which were not anticipated in the adopted budget, Mr. Verrastro has prepared the following budget amendment increasing the respective budgetary accounts which requires the Board’s approval:

|        |                      |          |
|--------|----------------------|----------|
| A.5100 | Estimated Revenues   |          |
| A.0400 | Federal Aid          |          |
| 4320   | Crime Control - COPS | \$34,825 |
|        |                      |          |
| A9600  | Appropriations       |          |
| A3120  | Police Department    |          |
| .220   | Police Equipment     | \$34,825 |

Chief Flynn reported that this will allow for better communication between the cars and desk, the ability to send information back and forth, including completing reports in the cars, which will help the efficiency of the department.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED that a budget amendment in the amount of \$34,825.00 from the Estimated Revenues Federal Aid Crime Control COPS Account to the Police Department’s Police Equipment Appropriations Account be and is hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

E. Amendment to Capital Project

Based on the submitted memorandum from Robert Yamuder, Assistant Village Manager, following several meetings and discussion with the contractor to negotiate a fair and equitable change order; it will be necessary to amend the Capital Authorization for The Parkway Drainage Project in order to provide the required funding.

As noted in Mr. Yamuder’s memo, the major additional cost item involved unanticipated rock excavation which was necessary to complete the project and was approved by our Village Consulting Engineer.

Based on the shortfall of \$44,879.32 and \$2,875.00 of engineering costs charged to the project, Village Manager Verrastro is requesting that the original capital authorization be increased by \$48,000. This will bring the total for the project to \$333,000.

A resolution has been prepared for the Board’s approval:

Depending on the Board's approval of the resolution, Mr. Verrastro is requesting that the final payment of \$83,685.32 to Precision Site Development, Inc. be added to the Abstract of Audited Vouchers approved tonight in order to process the payment.

Mr. Keith Furey, Consulting Engineer presented the history of the area and why this project was undertaken. He assured the Board and residents that the project is complete.

On motion by Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that additional funds of \$48,000 be appropriated in the Capital Projects Fund in addition to the previously authorized funding of \$285,000 for the Parkway Drainage Project (H08.8120.308); and

Be it further RESOLVED that the additional funding of \$48,000 be included with the financing to be provided by the future adoption of the required bond resolution.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

As the Board approved of the resolution, Mr. Verrastro requested that the final payment of \$83,685.32 to Precision Site Development, Inc. be added to the Abstract of Audited Vouchers, previously approved, in order to process the payment.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the amount of \$83,685.32 be and is hereby approved added to the Abstract dated November 24, 2008 under the Capital Fund expenditures.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

F. Tax Certiorari Settlement – 1205 West Boston Post Road

Village Attorney, Janet Insardi, stated that this tax certiorari has been discussed by the Board in a previous work session and she has prepared a resolution authorizing her to execute the settlement on the estate of Dan Elkind.

Trustee Murphy stated that these tax certioraris are “reval by a thousand cuts”. As other municipalities are revaluating the properties in their towns/villages, this is something that the Village needs to consider.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

WHEREAS, petitions have been filed by the property owner below challenging real property tax assessments on the Village's assessment roll; and

WHEREAS, petitioner’s court challenges are now pending in Supreme Court, Westchester County; and

WHEREAS, the Board of Trustees has had an opportunity to review this matter and has been satisfied that the proposed settlement is just, reasonable and in the best interests of the Village of Mamaroneck;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby authorizes the Village Attorney to execute the following settlement on behalf of the Village for the property listed below:

| <u>Property Owner</u>                    | <u>Address/Description</u>                                      | <u>Year</u> |
|--|---|-------------|
| Estate of Dan Elkind/<br>The Coley Group | 1205 W. Boston Post Road<br>Section 9, Block 72, Lots 27C & 27D | 2008        |

  

| <u>Assessment Year</u> | <u>Assessment</u> | <u>Revised Assessment</u> | <u>Reduction</u> |
|------------------------|-------------------|---------------------------|------------------|
| 2008                   | \$68,000          | \$50,000                  | \$18,000         |

The approximate cost to the Village is \$5,257.00.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

G. Contract with RFH Management Services, Inc. – Village Manager Transition

Mayor Savolt reminded the residents that Mr. Verrastro will be retiring from his position of Village Manager at the end of January, 2009. The Board has contracted with RFH Management Services, Inc. in the search for Mr. Verrastro’s successor. There have been three candidates identified and the Board is in the process of final interviews.

Mayor Savolt stated that Mr. Rick Herbek, of RFH Management Services will work with Mr. Verrastro to assist with the transition to the new Village Manager. The resolution presented this evening is authorizing the Village Manager to enter into a contract with RFH Management Services, Inc. and approve a budget transfer to pay for said contract.

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

WHEREAS, the Village Manager has announced his intention to retire in January 2009;

WHEREAS, the Board of Trustees has selected RFH Management Services, Inc. to undertake the task of locating a qualified individual to fill the position;

WHEREAS, the Board of Trustees will also require management services from RFH Management to assist with the transition of the new Village Manager, work with the outgoing Village Manager to record necessary information regarding open issues and work with the Board to Trustees to assess current management conditions and identify strengths, weaknesses and issues requiring immediate attention;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby authorizes the Village Manager to enter into a contract with RFH Management Services, Inc. for the specified management services at a rate of \$125.00 per hour for all professional management services rendered in an amount not to exceed \$31,500;

NOW, THEREFORE, BE IT FURTHER RESOLVED that \$23,500 be transferred from the Contingent Account (A1999.099) to the Board of Trustees Contract Service Account (A1010.421) for that purpose.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

H. Amend Agreement with Telecommunications Consultant

Mr. Verrastro reported that the original agreement approved by the Board of Trustees at their August 25, 2008 meeting in connection with the review by the Planning Board of the Metro PCS Wireless Telecommunication Facility was authorized on a time and material basis not to exceed \$6,000.

Even though the fee will be paid from escrow funds placed on deposit by the applicant, HDR has requested that their contract amount be increased by \$3,432 for an amount not to exceed \$9,432.

In order to proceed, Mr. Verrastro is requesting that the Board authorize him to approve an amendment to the original agreement increasing the total to \$9,432.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Village Manager be and is hereby authorized to approve an amendment to the original agreement with Henningson, Durham & Richardson Architecture and Engineering, P.C. (HDR) for an increase in their contract amount of \$3,432 for a total amount not to exceed \$9,432 in regard to their review of the Metro PCS Wireless Telecommunication Facility on behalf of the Planning Board.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

I. Schedule Public Hearing on Proposed Local Law 12-2008

Village Attorney Insardi stated that at the last meeting, there was a public hearing held on this proposed local law and at that time, the Board decided to make substantive revisions to the proposed law. Therefore, a revised proposed law is in the process of being drafted, which will be available to the Board and posted on the Village's website well in advance of the next public hearing recommended for December 8, 2008.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:



RESOLVED that a Public Hearing on Proposed Local Law 12-2008 (Code of Ethics) be and is hereby scheduled for December 8, 2008.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

**6. REPORT FROM VILLAGE MANAGER**

A. Personnel Appointments

Mr. Verrastro advised that effective 11/12/08, Patricia Vileo has been provisionally appointed to the position of Senior Law Stenographer in the Attorney's Office at the annual salary of \$49,600. Also, effective 11/17/08, Kevin Winter has been appointed to the position of Laborer in the Department of Public Works at the annual salary of \$37,431.

B. Personnel Termination

Mr. Verrastro advised that due to a change in title, Laura Garcia's employment with the Village has been terminated, effective November 7, 2008.

C. File for Record – Wireless Edge Contract

This was pulled from the agenda, and will be filed at the December 8, 2008 meeting.

**7. REPORT FROM CLERK-TREASURER**

A. Filing of Financial Statement

Clerk-Treasurer Agostino Fusco advised the Board that the Annual Financial Statement for the fiscal year June 1, 2007 – May 31, 2008 has been filed with the Office of the State Comptroller. In addition, a public notice will be published in the official newspaper stating that the Financial Statement has been filed and is available for inspection at the Clerk-Treasurer's office.

B. Second Half Taxes Due

Clerk-Treasurer Fusco reminded residents that the second half Village property taxes are due in the month of December.

C. Resignation from Harbor and Coastal Zone Management Commission

Mr. Fusco informed the Board that Dan Gallagher has resigned from the Commission as he was elected a Village Justice and will begin his term on December 1, 2008.

**8. REPORT FROM VILLAGE ATTORNEY**

None

9. REPORT FROM POLICE CHIEF

None

10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES

None

II. COMMUNICATON TO THE BOARD II

Mr. Norman Rosenblum of Carroll Avenue appeared. Mr. Rosenblum congratulated the Chief and the entire Police Department for the positive report. He also reported, as Chair of the Tree Committee, that finally, trees are being planted in the Village of Mamaroneck. There are approximately 90-100 trees being planted around the Village.

Mr. Irving Scharf of Richbell Road appeared. He inquired if the Board has set up standards for use in the revaluation of properties. Mayor Savolt informed Mr. Scharf that the Village is not planning on doing a revaluation of properties. This is being done at the Town level.

Trustee Robinowitz announced two upcoming events being sponsored by the Recreation Commission. The first is the tree lighting ceremony to take place on December 7<sup>th</sup> at Harbor Island Park. The second is a trip to the Museum of Natural History scheduled for December 30<sup>th</sup>, which is being co-sponsored by the Kiwanis Club.

Trustee Murphy reminded residents that LMC-TV is sponsoring a video contest. Entry forms are available at the LMC-TV's website or by calling Ms. Carino at LMC-TV.

Trustee Murphy also reminded residents of the upcoming Annual Organization Meeting on December 1 at 7:00 p.m.

Trustee Hofstetter reported on the ending of the Village of Mamaroneck's soccer season. He also reminded residents of the need for replenishment of supplies facing food pantries and asked that residents be generous in supporting this effort.

Trustee Ryan stated that LMC-TV and the Council for the Arts are partnered on "artumentary" which will showcase local artists. Trustee Ryan also reminded residents that once again, the Village is partnering with the Town and Village of Larchmont to raise money for the USO to purchase phone cards for our troops overseas. This will be on Saturday, December 13<sup>th</sup>.

Mayor Savolt reported on a letter of commendation she received on Frank Maresca from an attorney who was part of a trial where Officer Maresca testified. Mayor Savolt also received a copy of a letter sent to Tony Iacovelli for a job well done on the replacement of slate sidewalks in the Heathcote Hills neighborhood.

Mayor Savolt had the pleasure of starting the Turkey Trot. She congratulated all the runners and especially enjoyed seeing the students from Mamaroneck Avenue School who ran as a team. Mayor Savolt thanked the staff and volunteers for their great job.

Lastly, Mayor Savolt announced that the United Way runs a referral hotline that can be accessed by dialing 211, if anyone is in need of information on any social services. If extra help is needed, the County has created a specials needs registry. Registration can also be accessed by calling 211. This will allow the Village to be aware that in the event of an emergency they can access those in special need.

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