

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, DECEMBER 8, 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 M. Insardi
	Police Department	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

**1. COMMUNICATION TO THE BOARD**

Mr. Norman Rosenblum of Carroll Avenue appeared. Mr. Rosenblum was present at the last ZBA meeting, and on their agenda was an application from Nora Lucas for the appeal of an issuance of occupancy for BenMar properties at 609 Brook Street. Mr. Rosenblum is bringing this to the Board's attention as he is concerned that there is another potential law suit here. In the opinion written by Mr. Silverberg on this application, submitted by Mr. Rosenblum, he wrote that this appeal was not brought within 60 days of the date the decision was rendered. Therefore the appeal is untimely and it should not be heard by the ZBA.

Mr. Irving Scharf of Richbell Road appeared to suggest that the Village's Boards and Commissions get insurance so that they are covered in the event of a lawsuit.

Mr. Carl Alterman of Indian Cove Road appeared to congratulate the Board on Agenda Item 5A – New York State Grant funding of a pump out station. Mr. Alterman reminded the Board that the Village was granted monies to repair the pump out station at the West Basin and that grant allowed Harbor Island to be designated a no discharge harbor, which is a feather in our cap. Mr. Alterman stated that according to Village Code, Chapter 240, all marinas and boat yards that service more than 25 boats with holding tanks are required to provide pump out services at their yard. This has never been enforced. Mr. Alterman also believes that according to Code, the yards are allowed to charge for this service. If this is correct, he suggest that the next time this law is amended, it should require that this service be offered at no charge to their customers, as people may not want to pay a fee and will use the pump out stations located in the East and West Basins, therefore overloading those systems again.

**2. APPROVAL OF MINUTES**

A. Minutes of Special Meeting of Police Commissioners – November 5, 2008

Mayor Savolt stated that there are changes to the minutes. She was informed by Ms. Insardi that motions do not have to be made to come out of Executive Sessions. Therefore the last sentence should be changed to read that the Board came out of Executive Session and adjourned the meeting at 9:25 p.m. Ms. Insardi also informed the Board that when the Board goes into Executive Session to discuss personnel issues, the reason needs to be more specific than just personnel issues. The motion should therefore read that the Board unanimously voted to go into Executive Session to discuss matters leading to the appointment, employment, promotion and/or demotion of particular individuals. Mayor Savolt stated that these changes need to be made to both these minutes and 2B.

On motion of Trustee Ryan, seconded by Trustee Hofstetter

RESOLVED, that the Minutes of the Special Meeting held on November 5, 2008, with the changes noted above be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

B. BOT Special Meeting – November 20, 2008

On motion of Trustee Ryan, seconded by Trustee Murphy:

RESOLVED, that the Minutes of the Board of Trustee Special Meeting held on November 10, 2008, with the changes noted in 2A 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 December 8, 2008 and for FY 2008-09, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$ 398,326.06
Capital Fund	739,352.88
Trust & Agency	<u>26,314.75</u>
	<b>\$1,163,993.69</b>

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

4. OLD BUSINESS

A. Transfer of Funds – Leaf Overtime

Mr. Verrastro stated that at the last meeting the Board approved the overtime for DPW to work two Saturdays to remove leaves. At that time, Mr. Verrastro informed the Board that one more

Saturday may be needed. Mr. Iacovelli has reported that the additional Saturday will not be needed as the men did an excellent job in picking up the leaves. Therefore, the additional amount of \$5,720 is not needed and will be returned to the Contingent Account.

Mayor Savolt gave an explanation on how the Village handles the leaf pickup. As the leaves dropped early this year, residents began piling them up at the curb on October 1<sup>st</sup>, however, the County does not accept the leaves until November 1<sup>st</sup>. This leaves piles in the streets for at least four weeks. As leaves are considered organic waste and all organic waste needs to be bagged before November 1<sup>st</sup>, leaves should not be piled at the curb before that date. The Mayor also stated that DPW tries its best to get all the leaves up on the dates that are published in the Voice of the Village, however, the weather and when the leaves drop has a great deal to do with when the leaves are picked up.

5. NEW BUSINESS

A. Budget Amendment – Clean Vessel Funds/Pump-Out Station

Mr. Verrastro advised that in connection with the repair and maintenance of the West Basin pump out station, the Village has applied for and will receive 75% or \$6,393 as reimbursement for the costs incurred through October 31, 2008 for the necessary equipment and labor to keep the pump out station operating through the end of this boating season.

To reflect the availability of these unanticipated funds in the current year’s adopted budget, the Village Manager is requesting that the Board approve a budget amendment to increase the following budgetary accounts:

A5100	Estimated Revenues	
A0300	State Aid	
3089	Other	<u>\$6,393.00</u>
A9600	Appropriations	
A7230	Marina & Docks	
.435	Marine Repair & Storage	<u>\$6,393.00</u>

On motion of Trustee Ryan, seconded by Trustee Hofstetter:

RESOLVED, that a Budget Amendment in the amount of \$6,393 as noted above be and is hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

B. Budget Amendment - \$1,050 for Donation of Park Bench

Mr. Verrastro advised the Board that the Village has received a donation of \$1,050 to purchase and install a new bench in Harbor Island Park from Stanley Schaffer of Larchmont.

In order to reflect the availability of these funds in the current budget, the following budgetary accounts will need to be increased by approving the budget amendment below.

A.5100 Estimated Revenues		
A0270	Miscellaneous Income	
2776	Donations - Other	<u>\$1,050</u>
A.9600 Appropriations		
A7110	Parks Department	
.411	Materials	<u>\$1,050</u>

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that a Budget Amendment in the amount of \$1,050 as noted above be and is hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

C. Authorization – Inter-municipal Agreement with Westchester County

Chief Flynn reported that an Inter-Municipal Agreement was received from the County of Westchester to allow for the electronic transmission and storage of criminal record and police blotter information for the Police Department. The information is stored chronologically on a central computer maintained by the County and is shared by multiple law enforcement agencies having access to the system. There is no cost for this contract and it is something that the Village renews with the County every four years.

Authorization from the Board is required for the Village Manager to execute this agreement.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that Leonard M. Verrastro, Village Manager, be and is hereby authorized to sign the agreement for access to the RICIS System on behalf of the Village of Mamaroneck Police Department subject to the review and approval of the Village Attorney.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

D. Authorization – Agreement with The High Road, Inc.

The Board was given a copy of the proposed agreement with The High Road, Inc., (HRI) in connection with their event planning services for the Harbor Fest being planned for May 16 and 17, 2009.

Mr. Verrastro reported that this reflects a substantial increase over the \$16,975 fee paid last year in connection with the Historic Harbor Streetfair, however the Harbor Fest will be a two day event and

additional tasks and responsibilities will be assumed by the HRI under the proposed agreement. The Trust Fund established for the Streetfair, which the Board previously authorized to be used for the Harbor Fest, has a current balance of \$45,630 to cover this initial expense and with the reduction in overtime anticipated with not having to close down Mamaroneck Avenue on a Sunday, the Harbor Fest Committee is confident that the event will be self-sustaining.

Since the funds for the agreement will be expended from the Trust Fund, Mr. Verrastro is requesting that the Board authorize him to execute the agreement on behalf of the Village, subject to the review of the Village Attorney by adopting the following resolution:

On motion of Trustee Murphy, seconded by Trustee Hofstetter

RESOLVED that Leonard M. Verrastro, Village Manager, be and is hereby authorized to execute the agreement with The High Road, Inc. for their professional services for planning and conducting the Harbor Fest to be held at Harbor Island Park on May 16<sup>th</sup> and 17<sup>th</sup>, 2009.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

E. Renewal of Motel Licenses (Mamaroneck and Vincent & Sons)

In reference to applications for motel license renewals sent to the Board on November 14, 2008 for the Mamaroneck and Vincent & Sons Motels, the Clerk-Treasurer's office is in receipt of inspection reports from both the Building and Police Departments, which were forwarded to the Board for their information. Mr. Fusco reported that as there were no violations noted and the records appear in good order, a resolution for renewal of the licenses needs to be approved by the Board.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Motel License for the Mamaroneck Motel be and is hereby renewed for a one year period, such period to expire on December 31, 2009.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Motel License for Vincent & Sons Motel, Inc. be and is hereby renewed for a one year period, such period to expire on December 31, 2009.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

F. Retainer Agreement – Joseph Notaro

Mr. Verrastro submitted a copy of the prior year's retainer agreement with Joseph Notaro, Village Prosecutor, which was effective until the Annual Organization Meeting held on December 1, 2008.

If the Village wishes to renew the Retainer Agreement with the same terms and conditions, a resolution authorizing Mr. Verrastro to execute the Retainer Agreement on behalf of the Village needs to be adopted by the Board.

On motion of Trustee Murphy, seconded by Trustee Hofstetter:

RESOLVED that Leonard M. Verrastro, Village Manager, be and is hereby authorized to execute the Retainer Agreement with Joseph Notaro, as Village Prosecutor.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

G. Retainer Agreement – Silverberg Zalantis LLP

The Board was given a copy of the prior year's retainer agreement with Silverberg Zalantis LLP to act as Counsel to the Zoning Board of Appeals which was effective until the Annual Organizational Meeting that was held on December 1, 2008.

With one exception, the Retainer Agreement has the same terms and conditions as the previous agreement. The exception is the deletion of the second to last paragraph, since the Village has a staff Attorney. If the Village wishes to renew the agreement, a resolution authorizing Mr. Verrastro to execute the Retainer Agreement on behalf of the Village needs to be adopted by the Board.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that Leonard M. Verrastro, Village Manager, be and is hereby authorized to execute the Retainer Agreement with Silverberg Zalantis, LLP, as Counsel to the Zoning Board of Appeals.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

H. Appointment of Mamaroneck Avenue Task Force Chairperson and Members

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that Rose Silvestro be and she is appointed Chairperson of the Mamaroneck Avenue Task Force for a term of two years, such term to expire December 2010.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

On motion of Trustee Ryan, seconded by Trustee Murphy:

RESOLVED that Michael Hynes be and he hereby is appointed a member of the Mamaroneck Avenue Task Force Committee for a term of three years, such term to expire December 2011.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

I. Amended Appointment of BAR Chairperson

As Mr. Carl Finer was appointed Chair of the Board of Architectural Review for a period longer than the remainder of his existing term, a resolution amending that appointment follows:

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Resolution passed at the Annual Organizational Meeting of The Board of Trustees on December 1, 2008 appointment of Mr. Carl Finer as Chairman of the Board of Architectural Review for a three year term, be amended and that he be appointed Chairman of the Board of Architectural Review for a term of one year, such term to expire December 2009.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

J. Appointment of Committee for the Environment Member

Mr. Thomas O'Brien has volunteered to join the Committee for the Environment to fill one of the open positions.

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that Thomas M. O'Brien be and he hereby is appointed a member of the Committee for the Environment for a term of three years, such term to expire December 2011.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

K. VMFD Carnival Committee Request

The Fire Department has made a request to hold their annual carnival in Harbor Island Park from Sunday, June 28 through Monday, July 6, 2009. Approval is required by the Board.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that the Village of Mamaroneck Volunteer Fire Department be and is hereby approved to hold their annual carnival at Harbor Island Park from Sunday, June 28 through July 6, 2009.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

L. Cancellation of December 22, 2008 Meeting

As the Board decided to cancel the December 22, 2008 Regular Meeting at their last work session, a resolution needs to be adopted.

On motion of Trustee Murphy, seconded by Trustee Ryan:

RESOLVED that that Board of Trustee Regular Meeting scheduled for Monday, December 22, 2008 be and is hereby cancelled.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

M. Agreement with Library District – Bond Issue

Ms. Insardi stated that she spoke with Bond Council just before the meeting regarding the blanks in the document and these are non substantive and immaterial to the issue before the Board, which is the issuance of the Bond. As the Bond needs to be adopted, executed and delivered prior to December 15, 2008, Ms. Insardi recommends that the Board adopt the resolution.

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

RESOLVED that the Board of Trustees authorizes the Clerk-Treasurer of the Village of Mamaroneck to execute the Agreement by and between the Mamaroneck Public Library District, with such changes that are consistent with the terms of the original Bond Resolution and the Village of Mamaroneck, contingent upon review by the Village Attorney.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

**6. REPORT FROM VILLAGE MANAGER**

A. Lease Agreement – Wireless Edge

Mr. Verrastro advised that the Lease Agreement with Wireless Edge is being filed for the record with the Clerk-Treasurer.



**7. REPORT FROM CLERK-TREASURER**

**A. Justice Court – Auditor’s Report**

Mr. Fusco advised the Board that the Annual Auditor’s Report for the Village of Mamaroneck Justice Court for Year-End May 31, 2008 is being filed for the record with the Clerk-Treasurer’s office.

**B. Second Half Taxes Due**

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

**C. Mamaroneck Public Library Vote**

Mr. Fusco reminded residents that the Library Vote will be held on December 16, 2008 at the interim library at 100 Mamaroneck Avenue.

**8. REPORT FROM VILLAGE ATTORNEY**

Ms. Insardi reported that the Village’s Motion to Leave to Appeal on the Mamaroneck Beach and Yacht Club vs. the Zoning Board of Appeals was denied. There are now three cases that are pending between the Village of Mamaroneck and the Mamaroneck Beach and Yacht Club. The Village is in the process of negotiating settlements on these cases.

**9. REPORT FROM POLICE CHIEF**

Police Chief Flynn reported that the police dog, Neal, has been out of service as he had a malignant tumor removed from his eye. He is doing well and will be reporting back for duty shortly.

**10. MINUTES – COMMISSIONS, BOARDS, COMMITTEES**

- A. ZBA – September 4, 2008
- B. ZBA – October 2, 2008
- C. Traffic Commissions – September 10, 2008
- D. BAR – October 7, 2008
- E. Planning Board – October 23, 2008

**II. COMMUNICATON TO THE BOARD II**

Trustee Ryan announced that on December 13 the Village will be collecting donations for the USO to purchase phone cards to be sent to our troops overseas. This is in conjunction with the Village of Larchmont and Town of Mamaroneck. Trustee Ryan thanked the employees and volunteers that worked on the Tree Lighting Ceremony, as it was a wonderful event.

Trustee Hofstetter announced that there will be a meeting of the Budget Committee tomorrow, December 9<sup>th</sup>.

Trustee Robinowitz announced that there will be a meeting on Taylors Lane tomorrow at 2 p.m. in the Courtroom. There will also be a Wreaths Across America ceremony on Thursday, December 11 at 11 a.m. at the Kemper Memorial.

Mayor Savolt read the press release on the Wreaths Across America program. She asked that residents come out and take part in this moving ceremony.

The Mayor received a compliment on Barry Casterella and his Parks crew on the help they gave in the planting of daffodils in the park in Orienta.

Mayor Savolt announced that the report done on our Police Department by the Bratton Group was posted on the website today. A copy will be available for inspection at Village Hall soon, or a request can be made pursuant to the Freedom of Information Law for a personal copy. There is a charge of \$0.25/page for this service.

The Mayor announced that the Board has identified a leading candidate in the search for Village Manager and they hope to make an announcement on this by Christmas.

Mayor Savolt displayed a flag that was presented to the Village on Veterans Day. It was designed by Ron Sorenson, who is a member of the American Legion Post 93 in Port Chester. It is a Missing in Attack on our Nation Flag to remember victims of 9/11 and other terrorist attacks. The Mayor thanked Mr. Sorenson for the flag and it will be flown appropriately around September 11<sup>th</sup>.

On motion by Trustee Hofstetter, seconded by Trustee Murphy:

RESOLVED that the Board of Trustees go into Executive Session to discuss matters leading to the appointment, employment, promotion and/or demotion of a particular individual.

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