

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON TUESDAY, 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

NOTICE OF PUBLIC HEARING

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 12-2008 be and is hereby opened.

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

Mayor Savolt stated that this is the second public hearing on this proposed local law as there had been substantive changes to the first draft.

Village Attorney, Janet Insardi gave a summary of the issues addressed that were raised at the last hearing. These include changes and clarification to the gifts provision. Other changes were minor and typographical errors were corrected. Ms. Insardi also gave a brief history of why this law is being revised.

Mr. Norm Rosenblum of Carroll Avenue appeared to comment on the law. He is in favor of the law and believes it is needed. He had the following suggested changes:

Page 3; 21-4 B (2), last sentence, change the word "suspicion" to "have cause".

Page 4; D (1) and throughout the entire document, changing the term "directly or indirectly" as he believes that indirectly is a very broad statement and may need clarification.

Page 5; E (1) d, he believes that clarification is needed in the statement "report to the same immediate supervisor" as for example, he believes that two brothers can be police officers, both reporting to the Chief. Under both d and e of that section, he feels that it is important to have full disclosure of relationships.

Page 6; I, he would suggest adding that an individual may request a ruling by the Ethics Committee in this situation, as in almost any section of this law, he believes an individual could seek a ruling by the Committee.

Page 7; 2, he believes that there needs to be a clear definition of termination. Mr. Rosenblum also believes that a period of one year after termination is sufficient and inquired why the Board believes that a period of two or three years is needed.

Page 7; L (1), he believes that this should be a simple statement that the Village shall not discriminate.

Page 8; N, he believes that political contributions should be disclosed "only if known", otherwise it is unenforceable.

Page 9; B, he would add the words "knowingly" in the fifth sentence, reading, In the event a change "knowingly" occurs.

Page 9; C, second sentence, change the word "shall" to "may" as there can be extenuating circumstances.

Page 9; D, second sentence, change the word "the" to "any known", reading and extent of "any known" interest of any Village employee.

Page 10; D, Mr. Rosenblum asked why the Town of Rye and Town of Mamaroneck is included in this. He also suggests adding "and disclose any contribution" to the sentence reading, An ethics board member may make campaign contributions "and disclose any contributions". But restrict it only to any Village campaign contributions. He also believes that the last sentence should be changed as you may have two or more members not registered with any political party.

Page 11; 21-10 A, he believes that the definition of officers and employees needs to be added.

Page 13; 21-13 D, Mr. Rosenblum believes that the following should be added at the end of fifth line. All documents and records of hearings will be made available to any individual or group, subject to such investigation in order to be able to establish a proper response or defense.

Page 13; 21-14, for penalties that are decided under the jurisdiction of the Board of Ethics, he believes that it is paramount that any decision shall be forwarded to the Board of Trustees for confirmation and validation.

Page 17; 21-22 B, he suggests that "knowingly" should be added, reading, Any Village officer, employee or board member who "knowingly" violates this section.

Ms. Insardi stated that to a great extent the Ethics Board will make recommend future changes in the law. There is a requirement in the law that the Board reports yearly to the Board of Trustees addressing issues that may or may not be adequately covered. Also, it is Ms. Insardi's belief that if you have a Board that is actively interested in the business of ethics, many of the issues raised by Mr. Rosenblum will be worked out.

Trustee Murphy thanked Mr. Rosenblum for taking the time to read this and for his comments. Trustee Murphy disagrees with Mr. Rosenblum that the Board of Trustees should be the deciding force in what penalties are assessed, as this gets things back to politics. That is why the Board wanted to take it out of the political realm and make it a resident participatory Board. Trustee Ryan agrees that making the Board of Trustees the deciding factor, weakens the authority of the Ethics Board and the Ethics Law.

Mayor Savolt addressed some of the other issues raised. As far as nepotism is concerned, this law does not say that relatives cannot work for the Village of Mamaroneck, what it says is that relatives

cannot report to the same direct supervisor and in the example Mr. Rosenblum raised, police officers do not report directly to the Chief, but to Sergeants. Also, if there are circumstances that might lead to a potential conflict of interest, we want to make sure that if there are relatives working together, that it does not conflict with the best interest of the Village.

Mayor Savolt addressed the termination of an individual from a board or committee and that if someone is not involved in an issue, there is a period of two years before they could conduct business before the Village and if they are involved in an issue, than it would be a three year period. The thinking behind that is that if there is an issue with a board, it takes time for the board members to turn over, so that they are not appearing before a board that they either appointed or worked with.

As far as unaffiliated members are concerned, as they are not part of any particular political party, than they would not be affected by Section 21-7 D.

Mayor Savolt also believes that the “knowingly” is implied. She hopes that the Board would be ethical and fair and suggests leaving the language as it is and if the Board finds that this raises issues, it can be recommended that the language be tightened up.

Village Manager Verrastro had a question on Section 21-4 K, future employment. He asked that if a mechanic was working for the Village and that mechanic was let go within the first year, could he go to work for a local garage that does work with the Village. Ms. Insardi stated that this person would have to disclose this to the Board. Mr. Verrastro feels that this should only pertain to employees in decision making positions.

Chief Flynn asked if the Board reviewed the recommendation made on the further definition of “whistle blower”. Mayor Savolt informed the Chief that this was looked at and that if there is any question as to whether or not something is confidential, this law would cause an employee to err on the side of confidentiality. In her opinion, she would like to keep the language as it is and if it becomes an issue, can be addressed. Ms. Insardi also stated that this is the same language used in the current law and it has not been an issue in the past. The Chief asked that the language “acting in good faith” be added to Section 21-22 so that it does not conflict with the rules and regulations of the police department. Ms. Insardi believes that this is implied. The Board discussed if adding this language is a substantive change. Ms. Insardi informed the Board that if any changes other than typographical errors are made, that the law would need to be re-noticed and another public hearing held.

As the Board feels that this change should be made, the Mayor suggested closing the public hearing, re-noticing and holding another public hearing, but in the interim, choosing the members of the Ethics Board so that as soon as the law is adopted, the Ethics Board can be appointed.

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 12-2008 be and is hereby closed.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None