

VILLAGE OF MAMARONECK  
HARBOR AND COASTAL ZONE MANAGEMENT COMMISSION (HCZM)  
REGULAR MEETING MINUTES  
WEDNESDAY MAY 18, 2011 – 7:30 P.M.  
MAMARON E VILLAGE HALL AT THE REGATTA  
123 MAMARONECK AVE., MAMARONECK, NY

1. Meeting called to order: The meeting of the HCZM was called to order by Chairman Carl Birman at 7:39 p.m.

The following members of the HCZM were present:

Chairman Carl Birman, Members Alice Pernick, Bert Siegel, Nick Allison, Peter Jackson and Jim Bilotta. Absent – Laura Schneider.

Village staff and consultants in attendance:

Attorneys Anna Georgiou and Lester Steinman, Counsel to the HCZM; Engineer Keith Furey, P.E.; Village Manager Richard Slingerland; Clerk-Treasurer Agostino Fusco, and Building Inspector John Winter.

2. Minutes: The minutes of February and March were discussed briefly, but since members of the HCZM were not able to review the minutes before the meeting, the Commission agreed to hold those for a future meeting. It was also discussed that the recording secretary was not able to produce minutes of the April 2011 meeting, because LMC-TV's recording did not capture the meeting, there was no video record from which she could produce minutes. Applicant Steve Leicht mentioned he had made a full recording of the meeting, and he would be happy to share a copy of it with the Village. Village Manager Rich Slingerland said that would be very helpful.

3. Request for Executive Session discussion for advice of counsel: Chairman Birman stated he had had some conversations with counsel on an application matter, and would be requesting an Executive Session with the HCZM and counsel, for the purposes of taking the advice of counsel on a matter. Member Bert Siegel expressed concern and objection to the process, and for not being included in the prior discussions the Chairman had held with counsel. His key concern and issue was why the application of Mr. Leicht was being brought back on the agenda after it had been voted on and approved. There was also concern voiced about the precedent of re-opening an application that had been voted on and approved. There was discussion back and forth on the matter and the process among the board members.

Member Peter Jackson moved to go into Executive Session for the advice of counsel. Member Jim Bilotta seconded the motion. Attorney Anna Georgiou explained that it is technically not an executive session, but a session for the Board to receive advice of counsel. There was discussion, and some members voiced confusion as to the procedure. Peter Jackson amended his motion that the HCZM enter into executive session for advice of counsel on the ramifications and potential for litigation if we reopen this application and vote on something we have already approved. Jim Bilotta

seconded Peter Jackson's amended motion. Chairman Birman called for a vote. There were five in favor – Birman, Bilotta, Jackson, Pernick and Siegel, and one against – Allison, who said he felt the discussion should be held in public.

The HCZM entered into Executive Session at around 8 p.m.

They exited Executive Session and reconvened in public at around 8:15 p.m.

Chairman Birman explained that there would not be a re-vote on the Leicht application.

4. Request for discussion by the Chairman on Chapter 176 – Fees.

Chairman Birman expressed his interest in having a discussion between the HCZM, the Village Manager and the Clerk-Treasurer, about Chapter 176 and charging review fees to applicants. Mr. Siegel and Mr. Bilotta questioned why this matter should be discussed by members of the HCZM, since it appeared to be the jurisdiction and responsibility of the Board of Trustees and the Village Manager.

Mr. Siegel moved to strike the item from the agenda. Mr. Allison seconded the motion. Chairman Birman called for a vote on the request to remove the matter from the agenda. There were four in favor – Bilotta, Jackson, Allison and Siegel, and two one against – Birman and Pernick. The matter was removed from the agenda. The HCZM expressed regret that the Village Manager and the Clerk-Treasurer had been asked to attend the meeting, and the matter had ultimately been withdrawn.

Adjournment:

After brief discussion, Chairman Birman noted that the business of the HCZM had been concluded for the night. The HCZM voted to adjourn the meeting at approximately 8:45 p.m. The motion was approved unanimously by vote of six in favor, none opposed.