

PUBLIC HEARING PLL 9-2008 p. 1

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, SEPTEMBER 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. Verraastro
	Village Attorney	Janet M. Insardi
	Police Department	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

This is a continuation of a Public Hearing which was opened at the meeting of August 25, 2008.

Mayor Savolt commented on the Board's approach to public hearings on proposed legislation. Ideas for legislation come from different areas. She reiterated that the proposed leaf bagging law came from three different sources; flood victims, senior citizens and the budget committee. The DPW staff was present at the budget meeting and amenable to this law. The Mayor further stated that the impetus for the seasonal ban on leaf blowers came from the Committee for the Environment as they did all the research and leg work. This work took them over a year and because they did all of this research and work, wanted to present their findings to the Board and to the community. She assured residents that this Board does not come into a public hearing with her mind made up; that we listen to the testimony and wants of all residents before making a decision.

Mr. Rod Brendolan of Harrison Avenue appeared. Mr. Brendolan has been a volunteer for the fire department for 48 years and has represented the fire department on the Traffic Commission for the past 27 years. Mr. Brendolan does not believe that the leaves have anything to do with floods. He stated that the last three floods were during times when no leaves were on the ground. He asked the status of the flood project.

In response, Mayor Savolt announced that Congresswoman Lowey has secured several million dollars in the federal budget for an update of the engineering analysis of the Mamaroneck and Sheldrake Rivers. The Army Corps, by law, needs local sponsors before they can come into a municipality and by NY State law, those sponsors have to include the State of New York and County of Westchester. The County and State have both been asked to commit \$900,000 for the updated engineering analysis. The Mayor understands that the County has agreed and this money will come out of the flood funding that County Executive Spano put in the budget. The State has all but signed on the dotted line for their \$900,000. The Mayor expects the parties to meet in the next couple of weeks and we are expecting to hear that this is ready to move forward.

Ms. Catherine Harris of Carpenter Place appeared in opposition of the law, representing woman homeowners. She is concerned that if this law passes, residents will cut down healthy trees. She also feels this will be a problem for senior citizens and disabled residents.

Mr. Jason Manstream of Wood Street appeared. He has massive trees on his property. This will be a hardship if he has to buy bags. He asked if this will decrease his taxes. The Mayor explained that this was a way to slow the increase in taxes.

Mr. Tom Burke of Wood Street addressed the Board. Mr. Burke is opposed to the law. He would have to fill bags every day during the fall to keep up with the leaves. He also feels that trees are a nuisance, but have to be dealt with.

Mr. Dan Natchez of Alda Road appeared. Mr. Natchez does not understand how money can be saved if the same men are going to be picking up the same amount of leaves. Mr. Verrastro stated that there are a certain amount of Saturdays that need to be anticipated for the pick up of leaves before snowfall. He further stated that in speaking with the City of Rye, it was their experience that as bagging leaves is more labor intensive, gardeners will take truck loads of leaves to the Village transfer station for drop off and there will be less leaves overall for the DPW workers to pick up. Mr. Natchez asked that if this does not happen and that the same amount of leaves are left for pick up, wouldn't it cost more as it is more labor intensive for men to pick up bags than for the truck to scoop them as is done now. Mr. Verrastro stated that the same truck would be used to scoop up the bags. Mr. Natchez suggests that this law will actually increase the cost to homeowners as they will either have to pay their gardener to transport their leaves, or bag them or they themselves will have to bag them and there will not be the decrease in the amount of leaves collected by the Village and therefore the overtime will still be there.

Mr. Carlo Reca of Melbourne Avenue appeared. He asked if anyone has talked to Harrison as they pick up leaves into January and February. By extending the pick up season, this is a way to avoid overtime. Mr. Reca asked if the Village had followed up with the professional public works association on their willingness to meet and suggest ways to increase productivity of our department of public works department. Mr. Verrastro has been in contact with Mr. Salanitro, who is president of this association. Mayor Savolt thanked Mr. Reca for suggesting alternatives.

Mr. Jeff Bryggman of North Barry Avenue appeared. Mr. Bryggman cannot understand how the Village can use the same men and the same process for this chore, but ask the homeowners to change what they are doing. Mr. Bryggman questioned the increase of overall tonnage of what is collected if the weight of bags is included with the natural refuse. He asked if there is anywhere that we can stockpile the natural refuse that can be used as compost for the Village flower beds. He also brought up the environmental issue of gardeners running their trucks waiting to dump their leaves and the issue of adding the bags to the natural refuse.

Mr. Louis Presti of Palmer Avenue appeared. He believes nothing will be gained by using the same men and same equipment to pick up the bags of leaves. Mr. Presti brought up the issue of the storm drain pump truck, which sits in the garage most of the time, when he feels, it should be out cleaning the drains.

On motion of Trustee Murphy, seconded by Trustee Robinowitz:

RESOLVED that the Public Hearing on Proposed Local Law 9-2008 be and is hereby closed.

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

Trustee Murphy stated that in the course of being a public official, you are presented with ideas and sometimes the ideas seem like good ideas. After hearing all of the testimony and considering all of the factors he realized that this will not work for the Village. Trustee Murphy thanked all for participating in their democracy.

Trustee Ryan also thanked residents for coming out. She stated that she hopes that residents realize that the Board does listen to what the people want and do not come into hearings with their minds made up, as was suggested. She heard that this would be a burden to the community and she welcomed all of the good ideas that came out of the public hearing.

Trustee Hofstetter stated that he was a big proponent of this law because he believed that the leaves in the storm drains contributed to the flooding. He further stated that if the leaves are left out for pick up, residents have to be mindful not to put them on the street until their pick up day and that this is more closely enforced.

Trustee Robinowitz stated that when telling her husband and gardener about this proposed law, they both thought it would be a burden and costly to residents. She also stated that no resident told her that this was a good idea. She realized that as this will not work for the Village, it was good to hear everyone's ideas for other ways to save money and help the environment.

Mayor Savolt reiterated that the Board will run some things up the flagpole to see what residents think. She appreciated seeing so many residents participate in the hearing. Mayor Savolt did take exception with a comment that trees are a nuisance. She asked the school children in the audience to confirm that we need trees to live. The Mayor also stated that the Village will be looking at its carbon footprint and ways to minimize this.

On motion of Trustee Robinowitz, seconded by Trustee Murphy:

RESOLVED that Proposed Local Law 9-2008 be and is enacted as Local Law 9-2008 and shall read as follows:

LOCAL LAW # 9 - 2008

A local law amending Section 200-5 (B) (3) (f) of Chapter 200 (Garbage, Rubbish and Refuse) of the Code of the Village of Mamaroneck

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows:

SECTION 1. Section 200-5 (B) (3) (f) of Chapter 200 of the code of the Village of Mamaroneck is hereby amended to read as follows:

- (f) Leaf removal. Leaves shall be placed in standard manufactured and properly closed biodegradable leaf bags. Leaves shall not be placed, piled, or amassed at the curb line or in the street unless they are bagged. Bags shall be placed so that they do not pose a travel, health or safety hazard or a nuisance of any sort. Nothing herein shall preclude the use of backyard or decentralized composting as a method of disposal for leaves.

SECTION 2. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 3. This local law shall be effective October 1, 2008.

Ayes: None

Nays: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER