

MINUTES OF A WORK SESSION OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK
HELD ON TUESDAY, NOVEMBER 12, 2019 AT 5:00 P.M. IN THE COURTROOM AT 169 MT.
PLEASANT AVENUE, MAMARONECK, NEW YORK

PRESENT:

Mayor
Trustees

Thomas A. Murphy
Victor Tafur (Via videoconference)
Nora Lucas
Daniel S. Natchez
Kelly Wenstrup

Village Manager
Assistant Village Manager
Clerk-Treasurer
Village Attorney
Deputy Village Attorney
Director of Planning

Jerry Barberio
Daniel Sarnoff
Agostino A. Fusco
Robert Spolzino
Christy Mason
Greg Cutler, AICP

ABSENT: None

OPEN MEETING

On motion of Trustee Natchez, seconded by Trustee Lucas:

RESOLVED that the Work Session of November 12, 2019 be and is hereby open:

Ayes: Natchez, Wenstrup, Lucas, Tafur, Murphy

Nays: None

Mayor Murphy took the following items out of order as they are on tonight's Regular Meeting Agenda for action.

2. NEW BUSINESS

A. Authorizing Date and Street Closures for the 2019 Turkey Trot (on for regular meeting)

Discussed. On November 12, 2019 Regular Meeting agenda for action.

C. Accepting Donations for 2019 Turkey Trot and Tree Lighting Social (on for regular meeting)

Discussed. On November 12, 2019 Regular Meeting agenda for action.

E. Replacement of Village Vehicle - Pickup Truck for Lead Maintenance Mechanic - Sanitation
(On for regular meeting)

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Discussed. On November 12, 2019 Regular Meeting agenda for action.

3. EXECUTIVE SESSION - ADVICE OF COUNSEL

Trustee Lucas made a motion to convene to Executive Session pursuant to §105(1)(d) of the New York State Public Officers Law as it relates to matters of current litigation in regard to Sportime and pursuant to §105(1)(d) of the New York State Public Officers Law as it relates to pending litigation in regard to the National Opioid Class Action Litigation, which was seconded by Trustee Wenstrup:

Ayes: Natchez, Wenstrup, Lucas, Tafur, Murphy
Nays: None

Trustee Wenstrup made a motion for the Board not to participate in the class action suit in Ohio, which was seconded by Mayor Murphy:

Ayes: Natchez, Wenstrup, Lucas, Tafur, Murphy
Nays: None

Trustee Natchez made a motion to end Executive Session and reconvene the Work Session, which was seconded by Trustee Lucas:

Ayes: Natchez, Wenstrup, Lucas, Tafur, Murphy
Nays: None

. OLD BUSINESS

- F. Westchester Joint Water Works Project A-1631 - Replacement of 875 Linear Feet of Transite Water Main on Shore Acres Drive (on for regular meeting)

Discussed. On November 12, 2019 Regular Meeting agenda for action.

2. NEW BUSINESS

- D. Authorization to Submit A Grant Application to the Hudson River Valley Greenway for the Guion Creek Trail Design (on for regular meeting)

Discussed. On November 12, 2019 Regular Meeting agenda for action.

- B. Update to Comprehensive Plan - Change Order to Incorporate Capital Plan (on for regular meeting)

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Discussed. On November 12, 2019 Regular Meeting agenda for action.

1. OLD BUSINESS

G. Contract 2019-08 - Furnish & Deliver Compactor Trailer (on for regular meeting)

Discussed. On November 12, 2019 Regular Meeting agenda for action.

A. FOIL Policy

Mayor Murphy asked to have this on the agenda as what is happening is not reasonable. He asked if the Village can limit the number of requests to one per day per person as the way it is now it is not what FOIL was intended to be. It is costing the Village a lot of money to provide a library to one individual and is affecting the day to day operations. How the Village can charge for over two hours of time copying materials was discussed. What does the law deem as reasonable was also discussed. Mr. Spolzino stated that there is no case law or opinion on this. What is reasonable would depend on the community; there is no model. The Mayor stated that staff is either putting in overtime to answer requests or overtime to do work that cannot get done due to answering FOIL requests.

Trustee Natchez believes that when Accela is up and running, many requests can be found using this program. Trustee Lucas stated that this is not true as we already have a document portal and things are difficult to find. Mr. Barberio stated that there is a dig deep philosophy when it comes to requests. Sending the document(s) we believe are responsive hardly ever works. We keep going down a rabbit hole trying to answer single requests. The Mayor brought this to light hoping that the Board would see that there is a problem and would like help with ideas on how to go forward.

The Board asked that the Village Manager and Village Attorney work with the Clerk Treasurer's office to come up with a suggested draft FOIL policy for a future work session.

B. Shared Services with the Town of Mamaroneck - Purchase of Sewer Video Inspection Truck & Brine Machine

Mr. Barberio stated that these machines are on state contract and that having a shared service with the Town opens grant opportunities. On November 25, 2019 Regular Meeting agenda for action.

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C. Food Service Establishment Law

Not discussed. On November 25, 2019 Work Session agenda.

D. Army Corps Project Update

Mr. Sarnoff reported on his conference call with the Army Corps last week. The Village needs to prepare letters to congressional representatives. State to work with State representatives. The discount rate is very high, and we are competing with projects from all over the country. The Board asked Mr. Sarnoff to prepare the letters.

(Trustee Tafur left meeting @7 p.m.)

E. Vape Shops in the Village of Mamaroneck

Mr. Spolzino stated that he prepared initial research information for the Board; however, he did not have enough time for a formal opinion. Mayor Murphy is concerned as this is dangerous for our young people. Mr. Spolzino was asked if zoning can be changed to not allow in certain areas. Mr. Spolzino stated that not without legal risk. Trustee Wenstrup asked about requiring a special permit. Mr. Spolzino stated that this can also have legal risk. A sign ordinance with discussed. Mr. Spolzino informed the Board that a link between signage and vaping would have to be established. Being the first municipality to try and fight this has disadvantages. The Board agreed to hold off and monitor to see if other municipalities take steps that may be applicable to the Village.

F. Westchester Joint Water Works Project A-1631 - Replacement of 875 Linear Feet of Transite Water Main on Shore Acres Drive (on for regular meeting)

Heard earlier.

G. Contract 2019-08 - Furnish & Deliver Compactor Trailer (on for regular meeting)

Heard earlier.

2. NEW BUSINESS

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Heard earlier.

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- B. Update to Comprehensive Plan - Change Order to Incorporate Capital Plan (on for regular meeting)
Heard earlier.
- C. Accepting Donations for 2019 Turkey Trot and Tree Lighting Social (on for regular meeting)
Heard earlier.
- D. Authorization to Submit A Grant Application to the Hudson River Valley Greenway for the Guion Creek Trail Design (on for regular meeting)
Heard earlier.
- E. Replacement of Village Vehicle - Pickup Truck for Lead Maintenance Mechanic - Sanitation (On for regular meeting)
Heard earlier.
- F. FY 2020/21 Fees And Charges Schedules
Recreation Fees & Charges
Harbor Master Fees & Charges
Not discussed. On November 25, 2019 Work Session agenda.
- G. Establishing an Ad Hoc Committee on Coyotes
Not discussed. On November 25, 2019 Work Session agenda.
- H. Declaration of Surplus Property
Not discussed. On November 25, 2019 Work Session agenda.
- I. Chapter 186 - Flood Damage Prevention Law
Not discussed. On November 25, 2019 Work Session agenda.

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J. Snow Law - Time Frame for Clearing of Sidewalks by Residents

Not discussed. On November 25, 2019 Work Session agenda.

3. EXECUTIVE SESSION - ADVICE OF COUNSEL

A. Sporttime - It is anticipated that a motion will be offered to enter into Executive Session pursuant to §105(1)(d) of the New York State Public Officers Law as it relates to matters of current litigation.

Heard earlier.

B. National Opioid Class Action Litigation - It is anticipated that a motion will be offered to enter into Executive Session pursuant to §105(1)(d) of the New York State Public Officers Law as it relates to pending litigation.

Heard earlier.

ADJOURN

The Board adjourned the November 12, 2019 Work Session at 7:10 p.m.

PREPARED BY:
SALLY J. ROBERTS
DEPUTY CLERK

RESPECTFULLY SUBMITTED BY:
AGOSTINO A. FUSCO
CLERK-TREASURER