

BOT REGULAR MEETING
AUGUST 10, 2020

REGULAR MEETING OF THE VILLAGE OF MAMARONECK BOARD OF TRUSTEES
MONDAY, AUGUST 10, 2020
VIA TELE AND VIDEO CONFERENCE

PRESENT: Mayor
Trustee

Thomas A. Murphy
Victor Tafur
Nora Lucas
Daniel S. Natchez
Kelly Wenstrup

Village Manager
Assistant Village Manager
Clerk-Treasurer
Deputy Village Attorney

Jerry Barberio
Daniel Sarnoff
Agostino A. Fusco
Christy Mason

ABSENT:

Village Attorney Robert Spolzino

TELECONFERENCE INFORMATION

Pursuant to Executive Order 202.1 issued by Governor Andrew Cuomo, all in-person public access to Board of Trustees Meeting is suspended.

Each Trustee will participate remotely either by video or telephone via Zoom.

The meeting will be streamed live at <https://www.youtube.com/user/LMCTVProductions>

OPEN MEETING

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

RESOLVED that the Board of Trustees Regular Meeting of August 10, 2020 be and is hereby open.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

PRESENTATIONS

A. Presentation by Board of Ethics

Mayor Murphy stated that due to the power outages, the Ethics Board was not able to prepare their presentation in time for this meeting. They will present at a meeting in September.

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B. Presentation by Police Department

Chief Leahy appeared. He stated that they are working on Police reform to comply with the Governor's order to achieve New York State Certification. He is confident that this could be done by June 2021. Need to achieve accreditation to comply. There are guidelines that need to be conformed to, inspections, manuals, procedures and training records will need to be reviewed. Trustee Lucas stated that it sounds similar to a school's accreditation. Chief Leahy stated that they may already comply but must demonstrate that they do; need to go through the process. He also informed the Board that the Department is using Power DMS software to put all manuals in electronic format.

Chief Leahy then spoke about COVID 19. We are nowhere near where we were a few months ago. Still have positive cases, but no new positives in a couple of days. As of today, there have been 477 COVID positive cases in the Village.

Next, he spoke about the vehicle vandalism that has increased 65% in the County since last year. There were 13 larcenies just last night. The department has put out many Public Safety Announcements about this and asked that residents please lock their cars and not leave valuables in them. Keys and valuables are being left in open cars. If we do this, this will make Mamaroneck a more difficult location.

Det. Sgt. Mark Gatta appeared with statistical information on crime in 2019. Because of COVID, they are late in presenting this. He reviewed the statistics compared to 2018.

Mr. Glenn Tippettt appeared. He is happy to see the Police Department giving this report. He asked about traffic accidents occurring in the Village. Also, if there are any new robocalls taking advantage of senior citizens, to please make residents aware.

Trustee Natchez stated that the Village spent money on traffic control speed signs. What does the data show? Are they helping? Chief Leahy stated that they are very helpful in controlling speeding. Work to slow drivers down. Mayor Murphy stated that it also keeps reminding drivers that the speed limit is 25 on Village streets, instead of 30 mph as is most of the State.

Trustee Tafur thanked the Chief for the information on vehicle break ins and asked how we can convey the alerts more quickly to the community. He was informed that the PSAs have been blasted. Mr. Barberio informed the Board that the Village is going to a constant contact platform and that will allow us to expand the number of people reached. Mayor Murphy thanked the Chief, Det. Sgt. Gatta and the entire Department for their work especially during the pandemic and recent storm.

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C. Presentation by Sustainable Westchester

Ms. Carmen Santos and Mr. Dan Welsh from Sustainable Westchester were in attendance regarding Westchester Power. They gave a Powerpoint presentation on who they are and how they facilitate sustainable energy for County residents. Information on this and the upcoming community forum will be put on the Village's website.

COMMUNICATION TO THE BOARD - Time Limit on Comments of 5 minutes

A. CTB I

Mr. Glenn Tippet appeared. He is glad that the Police Department made a presentation but believes that national statistics are not relevant. He raised the issue of Palmer Avenue as you drive into the Village. You drive into a school zone and speed limit sign says 30. It is not 30 and should be moved to outside of the school zone and should indicate 25 mph. He had questions on the proposed tree law. Believes that it is complicated and will not work. Wetlands portion should indicate that trees can be removed only by permit issued by the Harbor and Coastal Zone Management Commission. Take that section of the law out. If an applicant is not before the Planning Board to remove three or more trees, they should have to go to the Zoning Board. This would take care of 95% of problems. Tree committee should also be notified to give input to the other boards. Then only deal with single tree removal on properties. How do you prove someone killed a tree? How do you enforce? That is overkill.

1. PUBLIC HEARINGS

A. Public Hearing on PLL I-2020 Appointment Authority for Planning and Zoning Board Members

On motion of Trustee Natchez, seconded by Trustee Lucas:

RESOLVED that the Public Hearing on PLL I-2020 be and is hereby open.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

Trustee Lucas explained that four years ago, the Board changed the appointment of Planning and Zoning Board Members to the Board of Trustees, but the removal authority was not harmonized. As this Board has the authority to appoint, they should have the authority to remove. She suggested adjourning this hearing to September as not many residents are in attendance with the week the Village has had. We have already missed timing to get on the November ballot for referendum.

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Mayor Murphy stated that in 2003 or 2004, the Village had police disciplinary hearings which were televised. The entire Board of Trustees had to attend these hearings. The Officers being charged had a savvy lawyer, objected to everything and as the Board had to make decisions as a group, it was a circus. At that time, they hired a hearing officer to attend the hearings and gave his opinion to the Board. They never passed a law to delegate authority. To have five individuals be hearing officers will not work. He has seen it; it is un-wielding. The Board then changed the law to have a hearing officer for police disciplinary hearings. As the timing to get on the ballot has passed, he would hope that the Board consider this. Don't think the law needs to be changed. If something like this happens again, the Board can delegate to a hearing officer, who would give findings to the Board who would then make a decision.

Trustee Wenstrup asked if there was a hearing officer, could the Board pass along questions? Participate in any way? She agrees that having a hearing officer is a good solution but would want the opportunity to ask questions so that the Board could participate in that way. Mayor Murphy will forward the 2009 law to the Board.

Mr. Robert Stark appeared and asked what happened to Board of Ethics presentation? Mayor Murphy explained that due to the power outages, they were not able to put their report together. Will present at the September 14, 2020 meeting.

Mr. Glenn Tippet appeared and stated that if the Board is looking at hearings, they should look at what happens when trying to discipline teachers in the New York City School system. This needs three different appointees and can take up to 8 months to get through hearings. Questions would go through who is bringing case or defending.

Trustee Tafur stated that this is about how to conduct a hearing. Managing or deciding are two different things. Mayor Murphy did not agree that these are two different things.

On motion of Trustee Natchez, seconded by Trustee Wenstrup:

RESOLVED that the Public Hearing on PLL I-2020 be and is hereby adjourned to the Board of Trustees September 14, 2020 Regular Meeting.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

2. AUDIT OF BILLS - Time Limit on Comments of 5 minutes
 - A. Resolution Authorizing Budget Transfer for Beach Salaries

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**RESOLUTION RE:
AUTHORIZATION TO EXECUTE BUDGET AMENDMENT
TO FUND BEACH SALARIES**

WHEREAS, during the 2020-21 budget process it was anticipated, due to the uncertainties of COVID-19, that the Beach at Harbor Island Park would not open to the public until August 2020 and therefore budgeted expenses and revenues were reduced by two thirds of the tentative budget to reflect this shortened period ; and

WHEREAS, on July 27, 2020 the Board of Trustees approved a budget amendment to reflect the increase in both the revenues and expenses due to the early opening of the Beach at Harbor Island;

WHEREAS, the need for additional staffing of the Beach area continues and therefore, the Beach Seasonal Salaries to date have exceeded the budgeted amount and is currently overbudget by \$8,557.50; and

WHEREAS, the Beach Revenues continue to exceed projections for Seasonal Permits and Daily Sales and are currently over adjusted budgeted projections by \$27,512; and

WHEREAS, a budget amendment is requested to increase revenues and expenses to properly fund the overbudgeted expense account A.7142.0130 Beach Seasonal Salaries.

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

NOW, THEREFORE, BE IT RESOLVED that the Clerk-Treasurer is authorized and directed to amend the 2020/21 General Fund Budget by making the following budget amendment:

<u>Revenue</u>	<u>Expenses</u>
A.0200.2025 Beach Fees	A.7142. – Beach
.0012 – Beach Non-Resident Family \$1,970	.0130 – Seasonal Salaries \$8,558
.0013 – Beach Non-Resident Indiv \$ 715	
.0014 – Beach Resident Individual \$1,260	
.0015 – Beach Permit Seniors \$ 575	
.0016 – Beach Resident Family \$1,990	
.0020 – Beach Daily Sales <u>\$2,048</u>	
Total <u>\$8,558</u>	

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

B. Resolution Authorizing Budget Transfer for MEC Supplies

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**RESOLUTION RE:
AUTHORIZATION TO EXECUTE BUDGET TRANSFER
TO FUND MARINE EDUCATION CENTER SUPPLIES**

WHEREAS, during the 2020-21 budget process it was anticipated, due to the uncertainties of COVID-19, that the Marine Education Center expenses were reduced by two thirds of the tentative budget to reflect a shortened season; and

WHEREAS, unanticipated supplies have caused the Marine Education Center's budget line for supplies, A.7146.0410 to go over budget;

WHEREAS, it is estimated that the Marine Education Center will require additional funds in the amount of \$1,200 to cover fish food and supplies for the remainder of the season; and

WHEREAS, there will be an excess of funds in the Marine Education Center equipment budget line A.7146.0220.

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

NOW, THEREFORE, BE IT RESOLVED that the Clerk-Treasurer is authorized and directed to amend the 2020/21 General Fund Budget by making the following budget transfer:

<u>From:</u>		<u>To:</u>	
<u>A.7146 – Marine Education Center</u>			
.0220 – Equipment	\$1,200	.0410 – Supplies	\$1,200

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

C. Abstract of Audited Vouchers

Trustee Tafur asked about the charge from the Engineers for the Hillside Avenue Bridge. What is this for? Mr. Sarnoff informed him that the Village needs to purchase property. This is for the easement for one of the properties. Need contracts for sale. Because of how the Baptist church is set up, this can be done as a friendly condemnation. He also asked about the tax certioraris. Mr. Sarnoff stated that these were previously approved by the Board and he can provide back up if needed. Trustee Lucas asked what the budget for easements is. Mr. Sarnoff stated between \$25 and \$35 thousand. It is in the budget. He will put this information on his monthly bridge report.

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Mr. Glenn Tippet appeared and asked where we are with the sale of Railroad parking permits. Mr. Fusco to email this information to him in the morning.

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

RESOLVED that the Abstract of Audited Vouchers dated August 10, 2020 in the amount of \$346,154.81 be and is hereby approved for payment.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

3. OLD BUSINESS - Time Limit on Comments of 3 minutes

A. Resolution Scheduling Public Hearing on PLL H-2020 Waiving Recreation Fees for all Affordable Units Built

The Board discussed and agreed to schedule the Public Hearing at the September 14, 2020 meeting to open at the October 13, 2020 meeting. As this was on tonight's Work Session agenda and not discussed, they also agreed to discuss at the August 24, 2020 Work Session. Mayor Murphy asked that if the Board members have any questions for Mr. Spolzino before the August 24 meeting, to please try to have them answered so that they may have a productive conversation.

4. NEW BUSINESS - Time Limit on Comments of 3 minutes

A. Resolution Authorizing Street Closure and Sale and Serving of Beer for 2021 St. Patrick's Day Parade

WHEREAS, the Village has received a request from the Sound Shore St Patrick's Day Parade Committee to hold their seventh annual St. Patrick's Day Parade in the Village of Mamaroneck on Sunday March 21, 2021 from 1:30 – 4:30 pm as well as permission to serve and sell beer and alcohol at Harbor Island Park on the same date with a rain date Sunday, March 28, 2021; and

WHEREAS, the Board of Trustees must approve the use of alcohol on Village property as well as any road closures along such parade route.

On motion of Mayor Murphy, seconded by Trustee Lucas:

RESOLVED, that the Board of Trustees of the Village of Mamaroneck hereby approves the request from Sound Shore St. Patrick's Day Parade Committee for their seventh annual St Patrick's Day Parade and related Event at Harbor Island Park to serve and sell beer at Harbor Island Park on Sunday March 21, 2021 with an alternate rain date of Sunday, March 28, 2021; and be it further

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RESOLVED that the Board of Trustees requires of the Sound Shore St Patrick's Day Parade Committee as part of this authorization and agreement:

1. Provide proof of additional insurance covering the Village of Mamaroneck as additionally insured, with limits of \$1 million/\$2 million aggregate;
2. That the parade organizers and operators shall provide additional sanitation receptacles with plastic bags/liners;
3. That there shall be a restricted area for sale and consumption of beer, and the applicant shall provide the Village with proof of the applicable permit from the NYS Liquor Authority;
4. That the use of Harbor Island Park shall end no later than six o'clock p.m. (6 p.m.)
5. That the event organizers must obtain any necessary permit from the Westchester County Health Department for the sale of food; and
6. That event organizers must show proof of obtaining the necessary permit and fee required from the Village of Mamaroneck Recreation Department; and
7. All participants of the Parade will wear I.D. bracelets designating them eligible to enter the area in Harbor Island Park where beer will be sold.

RESOLVED, that such tentative reservation does not preclude the responsibility of the applicant to provide further information detailing the parade route, scope of the parade, number of participants, anticipated attendance and logistical support required; and be it further

RESOLVED, that the Board of Trustees of the Village of Mamaroneck supports and approves the closure of Village streets on Mamaroneck Avenue between the I-95 overpass and Harbor Island Park and authorizes the Village Manager to undertake any administrative acts required.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

B. Resolution Authorizing WJWW Filtration Plant Project and Funding

The Board agreed to hold this to the August 17, 2020 Special Meeting for more information.

C. Resolution Authorizing Budget Transfer for Swings at Columbus Park

Trustee Wenstrup thought that the Lions Club was going to contribute. Mr. Sarnoff stated that he and Mr. Barberio had a teleconference with the Community Resource Center and Lions Club and the

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fundraiser has not yet happened. Looked towards the Fall. Also, will have a master plan for Columbus and other Village parks that need TLC.

**TRANSFER FROM THE RECREATION TRUST FUND TO INSTALL SWING SETS
AT COLUMBUS PARK**

WHEREAS, the Village of Mamaroneck Recreation Department's mission is to preserve, enhance and inspire a healthy lifestyle that will enrich the mind, body and spirit through quality and affordable recreation programs and is further committed to maintaining and enhancing its facilities to improve the quality of life for all community members; and

WHEREAS, a recent request of residents for the addition of swings in Columbus Park (the "Park") would provide additional recreation opportunities for the children of the Village, specifically those within walking distance of the Park; and

WHEREAS, various studies and surveys have demonstrated that a significant percentage of residents in neighborhoods adjacent to the Park do not have a vehicle, which inhibits them from enjoying full access to the Village recreational resources; and

WHEREAS, in accordance with this request, Village staff contacted MRC Recreation as they are a distributor of Gametime playground equipment, an authorized vendor on New York State Contract (PC678340), and received a quote in the amount of \$18,079.04, which would provide for new swing sets at both playground locations at the Park; and

WHEREAS, installation of said equipment will be performed by separate contract with Pat Corsetti, Inc., as they are the authorized installer of Gametime playground equipment, at a cost of \$15,300.00, resulting in a total project cost of \$33,379.04; and

WHEREAS, there is currently \$479,501.00 in the Recreation Trust fund, which can be used for this purpose and requires the approval of the Board of Trustees.

On motion of Mayor Murphy, seconded by Trustee Lucas:

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees authorizes the following budget transfer:

<u>From</u>		<u>To</u>	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
T.0000 Trust Fund		H21.7110	
.9704 Recreation Subdivision Fees	\$33,379.04	.0360.0001	\$33,379.04
TOTAL	\$33,379.04	TOTAL	\$33,379.04

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and be it further

RESOLVED, that the Village Manager purchase and have installed two (2) swing sets at the Park in the amount of \$33,379.704, as specified in the quotes above; and be it further

RESOLVED, that all such costs be charged to Capital Budget Account H21.7110.0360.0001; and be it further

RESOLVED, that the Village Manager is authorized to undertake such administrative acts as may be required to effectuate this purchase and installation.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

5. COMMUNICATION TO THE BOARD II - Time Limit on Comments of 5 minutes

A. CTB II

Mr. Glen Tippet appeared virtually again and stated that he is happy to hear about the swings. He asked if the residents could get a quarterly report on where we stand on our budget. He reminded the Board that they need to address the 50-foot setback and multi-dwellings laws.

6. REPORT FROM VILLAGE MANAGER

A. Update from Manager Barberio

Mr. Barberio reported on the two states of emergencies declared and how on August 5, at 1 p.m. half of the Village was without power. Still have 595 customers without power, while 3,900 have been restored. We had staff, department heads, Board of Trustee members, County, Homeland Security and State officials working on this. There were 35 out-of-state restoration trucks in the Village. This does not happen without persistence. There are communities in the county that still have major outages. Mr. Barberio stated that in all his years working for government, he has never experienced the stepping up of employees that happened after this storm. It is by far the best staff he has ever worked with.

Trustee Tafur agreed and thanked Mr. Barberio for being a tremendous champion on County calls along with Mr. Iacovelli. The fire and police departments have also been amazing. The entire Board appreciates the speed in which the command post was manned.

Mayor Murphy stated that every employee stepped up. He gave special mention to Mr. Iacovelli. Con Edison is a constant source of disappointment. Staff had to stay on and badger them to get results. Something must change in the state; we cannot go on like this. We pay the highest electric rates in the

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country and get abysmal service. Mayor Murphy also thanked all the boards and committees for resuming their meetings via Zoom.

B. File for the Record – Agreement w/Soccer Camp

Mr. Barberio filed this agreement for the record with the Clerk Treasurer's office.

7. REPORT FROM CLERK-TREASURER

A. None

8. REPORT FROM VILLAGE ATTORNEY

A. None

9. MINUTES - COMMISSIONS, BOARDS, COMMITTEES

A. Minutes of Board of Trustees Work Session & Regular Meeting of June 22, July 13 and AP & Minor Items Meeting of July 27, 2020

B. Minutes of the Tree Committee Meeting of July 9, 2020

ADJOURN

There being no further business to come before the Board, on motion duly made and seconded the public portion of the meeting was adjourned at 9:30 p.m.

PREPARED BY:
SALLY J. ROBERTS
SECRETARY

RESPECTFULLY SUBMITTED BY:
AGOSTINO A. FUSCO,
CLERK-TREASURER