

BOT REGULAR MEETING  
SEPTEMBER 14, 2020

REGULAR MEETING OF THE VILLAGE OF MAMARONECK BOARD OF TRUSTEES  
MONDAY, SEPTEMBER 14, 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  
Village Attorney

Jerry Barberio  
Daniel Sarnoff  
Agostino A. Fusco  
Christy Mason  
Robert Spolzino

ABSENT: None

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 Tafur:

RESOLVED that the Board of Trustees Regular Meeting of September 14, 2020 be and is hereby open.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

PRESENTATIONS

A. None

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

A. CTB I

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Mr. Glen Tippet appeared virtually to congratulate the VOM Marine Education Center for best compliance with COVID 19 in the County as the fish were social distancing. Regarding the last Tree Committee meeting, there was a group of Village trees cut without an employee explanation or Village Manager explanation. Tree Committee didn't like that. They want to have a staff member come before them. He believes that this is not proper. Larchmont hired an arborist. If there is to be a Village tree removed, that request is sent to the arborist and have the arborist make an independent decision and report back to DPW who would then give to that to the Tree Committee.

Ms. Daria L appeared. She is beginning to work with others on taxpayer issues and asked why the Village spent so much money to fight Cindy Goldstein and developer issues. This money would be better served in school and on other issues that help the entire community.

1. PUBLIC HEARINGS

A. None

2. AUDIT OF BILLS - Time Limit on Comments of 5 minutes

A. Resolution Authorizing Budget Transfer for Harbor Master Salaries

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE BUDGET AMENDMENT  
TO FUND MARINA & DOCKS PERSONNEL**

WHEREAS, due to unforeseen circumstances, it is anticipated that the Village of Mamaroneck Harbor Master will be taking personal leave; and

WHEREAS, the Harbor experiences peak activity in connection with its docks, ramps and moorings in the summer months; and

WHEREAS, to ensure the safety of all persons using the Harbor and to maintain proper communication with boat owners and the general public, it is pertinent to maintain active Harbor staff during this busy time; and

WHEREAS, since June 15, 2020, Jeffrey LaRusso has been serving as acting Harbor Master and will continue to do so for 4 months through October 15, 2020, as regulated by Civil Service; and

WHEREAS, this position requires 20 hours a week at an hourly rate of \$35.00 for 18 weeks, resulting in an additional salary expense of \$12,600.00 to General Fund budget line A.7230.0110; and

WHEREAS, since June 15, 2020, the weekly hours for the part-time Harbor clerk, Kristen Salov, have increased from 18 to 37.5 hours weekly, which will continue for 4 months through October 15, 2020 as regulated by Civil Service; and

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WHEREAS, Ms. Salov's increase of 19.5 hours a week for 18 weeks at an hourly rate of \$24.30 will result in \$8,530.00 of additional salary expense to General Fund budget line A.7140.0120; and

WHEREAS, such additional expenses will require funding of the budget lines noted to be appropriated from Fund Balance.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

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><b>From:</b></u>	<u><b>To:</b></u>	
<u><b>A.5990 – Fund Balance</b></u>	<u><b>A.7230 - Harbor</b></u>	
.05990 Appropriated Fund Balance \$21,130	.0110 – Personnel	\$12,600
	<u><b>A.7140 – Recreation Admin</b></u>	
	.0120 – Part-Time	\$8,530

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

B. Resolution Authorizing Budget Transfer for Crossing Guard Salaries

**RESOLUTION RE: RE:  
AUTHORIZING BUDGET AMENDMENT TO FUND  
SCHOOL CROSSING GUARD SALARY BUDGET LINE**

WHEREAS, the Village of Mamaroneck employs School Crossing Guards to ensure the safety of the residents and students walking to and from the Mamaroneck Public Schools; and

WHEREAS, due to the COVID-19 pandemic and current NY State requirements to maintain proper social distancing, the Mamaroneck School District has adjusted the 2020-21 daily school schedule to incorporate a “split-shift” schedule to reduce attendance at each school location at any given time; and

WHEREAS, the “split-shift” daily schedule will create an additional mid-day student crossing at nine (9) school locations, resulting in an additional budgetary expense of \$35,000 for the School Crossing Guards that were not anticipated in the adoption of the 2020-21 budget; and

WHEREAS, the Village has recognized a savings of \$21,000 in June 2020 due to reduced School Crossing Guard staffing for the remainder of the 2019-20 school year, which will be used as an offset; and

WHEREAS, a budget amendment is being requested in the amount of \$14,000 to increase budget line A.3120.0130 School Crossing Guard Salaries for the difference needed to fund the remainder of the 2020-21 budget period.

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

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

**FROM:**

Fund Balance

A.5990 – Appropriated Fund Bal.     \$14,000

**TO:**

Police Department

A.3120.0130 – School Crossing Guards \$14,000

Ayes:    Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays:    None

C.    Resolution Authorizing Budget Transfer for Beach Salaries

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE BUDGET AMENDMENT  
TO FUND BEACH PAYROLL EXPENSE**

WHEREAS, during the 2020-21 budget process it was anticipated, due to the uncertainties of COVID-19, that the Beach at Harbor Island Park (“Beach”) 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 and August 10, 2020, the Board of Trustees approved a budget amendment to reflect the increase in both revenues and expenses due to an early opening and the continued use of the Beach at Harbor Island;

WHEREAS, the popularity of the Beach has continued throughout the summer months resulting in additional staffing for the Beach area and both part-time Recreation Office Assistants and Parking Booth attendants, and therefore, Beach Seasonal Salaries have exceeded the budgeted amount by \$14,575.00 and the Recreation Admin Part-Time budget line is also overbudget by \$18,760; and

WHEREAS, a budget amendment is requested to fund the overbudgeted expense account A.7142.0130 - Beach Seasonal Salaries and A.7140.0120 - Recreation Admin Part-Time salaries for office assistants and Parking Booth Attendants.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

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:

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<u>From</u>		<u>To</u>	
A.0000.5990 – Fund Balance		A.7142. – Beach	
.5990 – Appropriated Fund Balance	<u>\$33,335</u>	.0130 – Seasonal Salaries	\$14,575
		A.7140. – Recreation Admin	
		.0120 – Part-Time Salaries	<u>\$18,760</u>
Total	<u>\$33,335</u>	Total	<u>\$33,335</u>

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

D. Resolution Authorizing Budget Transfer for Tropical Storm Isaias & COVID 19 Salaries

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE BUDGET TRANSFER  
TO FUND TROPICAL STORM ISAIAS MANAGEMENT AND COVID-19 SALARIES**

WHEREAS, budget lines for Tropical Storm Isaias Management and COVID-19 Response have gone overbudget due to underestimating the total expenses needed; and

WHEREAS, the expense line funded for Storm Management materials (A.8745.0260) was over estimated and has an excess of funds; and

WHEREAS, an additional \$1,464 in Storm Management Overtime (A.8745.0140) is needed to cover overbudget expenses and an additional \$2,000 is needed to fund additional expenses to COVID-19 Response (A.846.0110); and

WHEREAS, a budget transfer is requested to fund the two overbudget expense lines

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>	
A.8745 – Storm Management		A.8745 – Storm Isaias Management	
.0260 – Materials	\$3,464	.0140 – Overtime	\$1,464
		A.8746 – COVID-19 Response	
		.0110 – Salaries	\$2,000
Total	<u>\$3,464</u>	Total	<u>\$3,464</u>

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

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E. Abstract of Manual Vouchers

On motion of Mayor Murphy, seconded by Trustee Lucas:

RESOLVED that the Abstract of Manual Vouchers dated September 14, 2020 in the amount of \$15,610.63 be and is hereby approved for payment.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

F. Abstract of Audited Vouchers

Trustee Natchez asked about the invoice for food at a sexual harassment training session. Mr. Barberio stated that this is an annual training for firefighters. Trustee Natchez stated that this is not what rest of the Village is adhering to. Are we setting a precedence? Mr. Barberio stated that we do not, but this is a volunteer group and the rest of the Village staff will take this training online at their desks. Mayor Murphy stated that Chief Barney paid for the coffee and donuts and is getting reimbursed. We ask a lot of our volunteer firefighters.

On motion of Trustee Lucas, seconded by Mayor Murphy:

RESOLVED that the Abstract of Audited Vouchers dated September 14, 2020 in the amount of \$881,580.39 be and is hereby approved for payment.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

Mayor Murphy took the next item out of order as there were many individuals in attendance to speak on it.

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

D. Resolution Authorizing the Painting of a Black Lives Matter Mural on Madison Street

Ms. Rita O'Connor, lifelong resident appeared. She believes that painting this in a section of the Village that is not centrally located presents an issue. Why not put in a central location representing all groups that have contributed. Don't take political stance with one group. There is a better way to support the cause.

Ms. Susan Deshensky appeared. She believes that if the Board is going to do for one group, should do for other groups that support other causes. Need to listen to other groups equally.

Mr. Robert Miceli appeared and stated that this is a direct result of the Mayor being more concerned with this issue then remembering those lost on 911. He cannot sit by and watch the hypocrisy and divisive

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views that are tearing individuals apart. Read the Village Code 123.1 which states that a block party should not include a political meeting or rally. These are Marxist ideologist ideals that support the democratic party. Since the march on June 5, there have been 3 illegal demonstrations. No permits were filed for these events. Leaders are putting politics before public safety. Need to protect all of us equally.

Ms. Laura Abatte appeared. She is no stranger to diversity as diversity has never changed Washingtonville. Different races and ethnicities have always lived side by side. This neighborhood cannot continue to shoulder or burden issues that have not been resolved. Putting a mural in one specific small part of town where homes are continuously jeopardized is not fair or just. What about painting lines for parking spaces? This will also be too expensive to upkeep. She is already opposed to the mural on Waverly Avenue that was painted three years ago. If this mural is painted in Washingtonville, how with the Village ensure safety? It should not be the Boards position to take a stance on social issues. They are elected to maintain taxpayer dollars. Not to take a political stance on an issue like this. Is this the only section in the Village that African Americans live? Most diversified part of town. Why not put in Harbor Island where it can be supported or in front of the Regatta. Paint it also in Shore Acres, Orienta and Harbor Heights.

Mr. Glen Tippet appeared and asked if community members asked for this and will they be paying for it? He was told that they did and are. Village is not paying for. He stated that there is a difference between the movement and the Black Lives Matter organization. Perhaps make it temporary. Allow other groups to put messages in other parts of the Village. Doesn't see a problem. Must be emphasized that this is separate from the organization.

Ms. Tracy Dickerson appeared. She is also a lifelong resident. Thinks that it is an awesome idea. This neighborhood throws a party every year, that everyone in Washingtonville is invited to. As this party cannot happen, this neighborhood group asked to have this mural painted instead. Something is obviously happening if protests are going on in the Village. Asking for everyone to join together and show support, instead she is feeling hostility. She agrees with separating the issue from the organization. Putting at Harbor Island is a phenomenal idea.

Mr. Jim Abatte appeared. He understands that a handful of people are going to do the right thing but have to look at protests and much have been negative. Not just going to have residents of Mamaroneck be here. Not safe in residential area. He would support if done the right way. Agrees with putting at the Harbor. The Washingtonville community did not discuss or want it. There are people who are not going to do the

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right thing and is concerned that we cannot control that. Would like to see blue lives matter get respect. Important to recognize everyone.

Mr. Jarret Winchester appeared. He is the resident who proposed the idea. Opposition has wrong idea. For 15 years, a group of neighbors ran a block party to help the neighborhood kids going to college. Two years ago, they had shirts printed that said all lives matter. This is fundraising for Mamaroneck children. Never meant to be divisive. As they cannot have a block party this year, they asked to paint this and by invitation only. Not opposed to residents putting other signs in the street. No such thing as a blue life. Not what this is about.

Mr. Damon Romanelli appeared and stated that there is nothing more divisive right now than the BLM movement. He lives in the flats and every time something is going on, it is always put in this neighborhood. There are so many important issues that are not being addressed, but this is getting pushed along. People are going to come to see. Why not do in another community. Why not Orienta, Shore Acres? Should be in a different area. On Mamaroneck Avenue or Harbor Island.

Trustee Wenstrup believes that the BLM movement and the way it started is the civil rights movement of our time. There are residents who want to paint these words in lieu of having a block party. It breaks her heart to have this divide the neighborhood. She hoped that it could be a positive thing for the community. Doesn't necessarily bring violence. She supports it.

Trustee Lucas admitted that the BLM movement is something she can't really understand, as she cannot walk in other's shoes. The Board needs to also respect traffic, activity in their neighborhood. Can we do in a place that more people could see. Believes that it cannot be permanent. Perhaps something that we can do as a community for the community.

Trustee Natchez stated that he is a big civil rights person and that this is a comment, not just a mural. Concept was to do something collectively together. Words can be misinterpreted. Mural concept was good.

Trustee Tafur believes that this is well intended. Key for the Board to determine is can we guarantee the safety and deny that it is political. Will have to accept other proposals along the same line. He needs to hear about specifics. This will require an even-handed approach. This is an important moment where people want to express themselves and the Board must be fair on what they allow. What is being requested goes beyond a mural; it is a statement. Cannot guarantee that it is only a statement and not supporting the organization.



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Trustee Tafur stated that what the Board has in front of them does not explain anything. No guarantee that it will not be out of control. This must happen in an organized way. Still too controversial.

Mayor Murphy stated that he is glad members of the neighborhood came out and voiced concerns. Understands their concerns but doesn't hold the same views. He grew up in a diverse but segregated neighborhood. These are important words and are not saying that other lives do not matter. For 400 years African American lives did not matter, and they have been trying to tell us that. Violence has been blown out of proportion. Not near comparable to what happened during the civil rights movement. This Country has had the same conversation about race since he was a little boy. He wants to move past that, demonizing people. We have a large community that has been saying that they should be allowed to reach their potential. This has nothing to do with political persuasion. To say that this divide is gone, and all is good is putting your head in the sand. Mayor Murphy also informed the Board that if they approve this, they do not have to entertain everything that comes along.

Trustee Natchez made a motion to amend the Resolution to stated that a mural without words will be painted and to also strike BLM and add that it will be painted with temporary paint. There was no second.

Trustee Tafur believes that either this proposal be allowed, or impose conditions to the proposal. He does not think that this Resolution is ready for the Board to adopt.

The Board agreed to continue this discussion at the September 29, 2020 Work Session.

**RESOLUTION RE:  
AUTHORIZATION TO PAINT A BLACK LIVES MATTER MURAL ON A PORTION OF  
MADISON STREET LOCATED BETWEEN OLD WHITE PLAINS ROAD AND GRAND STREET**

WHEREAS, an annual "End of Summer" party will be held in the Washingtonville neighborhood on September 26, 2020 on Madison Street between Old White Plains and Grand Street; and

WHEREAS, the event organizers have requested permission from the Village of Mamaroneck to paint a "Black Live Matter" mural on this section of road.

On motion of Trustee Wenstrup, seconded by Mayor Murphy:

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NOW THEREFORE BE IT RESOLVED, that the Board of Trustees approved the request of the event organizers to paint a “Black Lives Matter” on Madison Street between Old White Plains Road and Grand Street.

Ayes: Wenstrup, Murphy

Nays: Natchez, Lucas, Tafur

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

A. Resolution Scheduling Public Hearing on PLL H-2020 Amending Chapters 342 and A348 Re: Fee to be Charged in Lieu of Dedicating Parkland

Trustee Lucas asked if this needs to be circulated to Land Use Boards. Mr. Spolzino stated that laws are circulated after hearing is scheduled. The Board agreed to open the hearing at the October 26, 2020 meeting to give the Land Use Boards time to comment. The also agreed to revise the Resolution to read that this will be circulated to the Zoning and Planning Boards.

**RESOLUTION REGARDING SCHEDULING A PUBLIC HEARING  
– PROPOSED LOCAL LAW H OF 2020 –**

**A PROPOSED LOCAL LAW TO AMEND CHAPTERS 342 AND A348 OF THE CODE OF THE  
VILLAGE OF MAMARONECK (SUBDIVISION REGULATIONS) REGARDING THE FEE TO BE  
CHARGED IN LIEU OF DEDICATING PARKLAND**

A PROPOSED LOCAL LAW amending Chapters 342 and A348 of the Village Code (Subdivision Regulations) regarding fees to be charged in lieu of dedicating parkland in the Village of Mamaroneck having been duly presented to the Board of Trustees for its consideration; and  
The Board of Trustees having duly considered the proposed local law at several work sessions, commencing on July 13, 2020.

On motion of Mayor Murphy, seconded by Trustee Wenstrup:

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Mamaroneck, as follows:

1. The Board of Trustees finds and determines that the adoption of Proposed Local Law H of 2020 is a Type II action under Section 617.5(c)(26) of the New York State Environmental Quality Review Act (SEQRA) because the action is routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and

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2. A public hearing on Proposed Local Law H of 2020 in accordance with Municipal Home Rule Law § 20 will be held at the regular meeting of the Board of Trustees at 7:30 p.m. on October 13, 2020 at the Municipal Building, located at 169 Mount Pleasant Avenue, Mamaroneck, New York; and
3. The proposed local law is referred to the Planning Board and the Zoning Board of Appeals for advisory reports in accordance with Village Code §§ 342-96 and 342-97, respectively; and
4. The Village Clerk-Treasurer is directed to provide copies of the proposed local law to the Planning Board, the Zoning Board of Appeals and within five days; and
5. The Village Clerk-Treasurer is directed to provide notice of the public hearing as required by law.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

Trustee Tafur left meeting at 9 p.m.

4. NEW BUSINESS - Time Limit on Comments of 3 minutes
- A. Resolution Authorizing Execution of License Agreement with Brixmor

**RESOLUTION RE:  
AUTHORIZATION TO EXECUTE AN AMENDED LICENSE AGREEMENT WITH CW A&P  
MAMARONECK LLC**

WHEREAS, the Village of Mamaroneck previously entered into a license agreement, dated December 27, 2019, with CW A&P Mamaroneck LLC (“CW A&P”) that provides CW A&P with a revocable license to occupy and use a portion of the Village right-of-way at the end of Lester Avenue; and

WHEREAS, CW A&P has requested to place two (2) bollards at the west side of Lester Avenue in order to protect a transformer and in order to memorialize granting of CW A&P’s request, an amendment to the current license agreement is required.

On motion of Mayor Murphy, seconded by Trustee Lucas:

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees authorizes the Village Manager to execute, on behalf of the Village, the attached amended license agreement (“amended agreement”) between the Village and CW A&P; and

RESOLVED that the Village Manager is authorized to undertake such administrative acts as may be necessary to effectuate the terms of the amended agreement.

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Ayes: Wenstrup, Lucas, Murphy

Nays: Natchez

Absent: Tafur

B. Resolution Scheduling Public Hearing on PLL E-2020 Amending Chapters 240 and 342 Re:  
Required Setbacks from Water Bodies

Mr. Glen Tippet appeared and stated that this amendment was added at the last minute and poorly thought out. Must allow residents of Washingtonville to add to and build to accommodate them and their families. If not, you will be removing them from the Village and will lose diversity.

**RESOLUTION REGARDING SCHEDULING A PUBLIC HEARING  
– PROPOSED LOCAL LAW E OF 2020 –  
A PROPOSED LOCAL LAW AMENDING CHAPTERS 240 AND 342 OF THE CODE OF THE  
VILLAGE OF MAMARONECK REGARDING REQUIRED SETBACK FROM WATER BODIES**

A PROPOSED LOCAL LAW amending Chapters 240 and 342 of the Code of the Village of Mamaroneck regarding required setbacks from water bodies, having been duly presented to the Board of Trustees for its consideration,

The Board of Trustees having duly considered the proposed local law at several work sessions, commencing on September 23, 2019.

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Mamaroneck, as follows:

1. The Board of Trustees finds and determines that (i) the adoption of Proposed Local Law E of 2020 is a proposed action as that term is defined in the New York State Environmental Quality Review Act (“SEQRA”) and the regulations, 6 NYCRR Part 617, adopted pursuant to that statute; (ii) the proposed action is an Unlisted Action under SEQRA; (iii) the proposed action does not involve a federal agency; and (iv) the proposed action does not involve any other agency; and

2. Because no other agency is involved, the Board of Trustees is the lead agency under SEQRA (6 NYCRR § 617.6[b][1]); and

3. The Board of Trustees has reviewed the Short Environmental Assessment Form – Part 1, dated March 18, 2020, and the Coastal Assessment Form and accompany narrative, dated April 8, 2020, associated with the proposed action and issues a negative declaration, finding that the proposed action will not result in

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any significant environmental impacts and an environmental impact statement is not required; and

4. The proposed local law is referred to the Planning Board and the Zoning Board of Appeals for advisory reports in accordance with Village Code §§ 342-96 and 342-97, respectively, and to the Harbor and Coastal Zone Management Commission for a written recommendation regarding consistency in accordance with Village Code § 240-29; and

5. The Village Clerk-Treasurer is directed to provide copies of the proposed local law to the Planning Board, the Zoning Board of Appeals and the Harbor and Coastal Zone Management Commission within five days; and

6. A public hearing on Proposed Local Law E of 2020 in accordance with Municipal Home Rule Law § 20 will be held at the regular meeting of the Board of Trustees at 7:30 p.m. on October 26, 2020, or as soon thereafter as the matter may be heard, at the Municipal Building, located at 169 Mount Pleasant Avenue, Mamaroneck, New York; and

7. The Village Clerk-Treasurer is directed to provide notice of the public hearing as required by law.

Ayes: Wenstrup, Natchez, Lucas, Murphy

Nays: None

Absent: Tafur

C. Resolution Scheduling Public Hearing on PLL A-2020 Amending Chapter 260 Re: The Allowance of Dogs in Parks

Trustee Lucas asked that all comments received be made part of the record.

**RESOLUTION REGARDING SCHEDULING A PUBLIC HEARING  
– PROPOSED LOCAL LAW A OF 2020 –  
A PROPOSED LOCAL LAW AMENDING CHAPTER 260 OF THE CODE OF THE VILLAGE  
OF MAMARONECK (PARKS) REGARDING THE ALLOWANCE OF DOGS IN PARKS**

A PROPOSED LOCAL LAW amending Chapter 260 of the Village Code (Parks) regarding where and when dogs are allowed in Village of Mamaroneck parks and having been duly presented to the Board of Trustees for its consideration; and

The Board of Trustees having duly considered the proposed local law at several work sessions, commencing on January 27, 2020.

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

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NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Mamaroneck, as follows:

1. The Board of Trustees finds and determines that the adoption of Proposed Local Law A of 2020 is a Type II action under Section 615.5(c)(36) of the New York State Environmental Quality Review Act (SEQRA) because the action is routine or continuing administration and management, not including new programs or major reordering of priorities that may affect the environment, and that, therefore, no further review under SEQRA is required;

2. A public hearing on Proposed Local Law A of 2020 in accordance with Municipal Home Rule Law § 20 will be held at the regular meeting of the Board of Trustees at 7:30 p.m. on September 29, 2020 at the Municipal Building, located at 169 Mount Pleasant Avenue, Mamaroneck, New York; and

3. The Village Clerk-Treasurer is directed to provide notice of the public hearing as required by law.

Ayes: Wenstrup, Natchez, Lucas, Murphy

Nays: None

Absent: Tafur

E. Resolution Appointing Members of the Ad-Hoc Ethics Code Review Committee

The Board discussed having this group come to a Regular Meeting to discuss their mission. Trustees Lucas and Wenstrup to answer the questions posed by one of the members.

**RESOLUTION RE: APPOINTMENTS TO THE AD HOC ETHICS CODE REVIEW COMMITTEE**

WHEREAS, at its July 13, 2020 meeting, the Village of Mamaroneck Board of Trustees authorized the creation of an Ad Hoc Ethics Code Review Committee to consist of up to seven (7) members with the charge of reviewing the Village's current ethics code to identify its strengths, limitations and opportunities for improvement; review ethics codes and standards from other municipalities; and make a report and recommendation to the Board of Trustees no later than December 31, 2020 identifying specific amendments to be considered and other best management practices for the Village; and

WHEREAS, concomitant with the adoption of the resolution, the Village Board asked residents interested in serving on said Ad Hoc Ethics Code Review Committee to submit notice of their interest and resume to the Village for consideration; and

WHEREAS, the Village Board received numerous resumes and letters of interest and after careful

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consideration, has selected a diverse group of individuals, comprised of residents with various backgrounds which will be an important part of this process.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

NOW THEREFORE BE IT RESOLVED, that the following individuals are hereby appointed to the Ad Hoc Ethics Code Review Committee

Jocelyn Donat  
Ellen Hauptman  
John Hofstetter  
Dan Karson  
Brian Kerr  
Michael Kopy

AND BE IT FURTHER RESOLVED, that Mr. Dan Karson is hereby appointed Chair of the Ad Hoc Ethics Code Review Committee.

Ayes: Natchez, Lucas, Wenstrup, Murphy

Nays: None

Absent: Tafur

F. Resolution Authorizing Year-End Budget Transfer Resolution

Mr. Glen Tippet appeared and asked about the legal bills, loss of permit parking revenue and other recreation programs cancelled. He asked if these items are reconciled with last year's budget.

**RESOLUTION RE:  
AUTHORIZING BUDGET TRANSFERS AND YEAR END TRANSFER OF FUNDS FOR  
VILLAGE OF MAMAMRONECK FISCAL YEAR 2019-20**

WHEREAS, in accordance with Section 5-520 of the Village Law, when it shall appear probable that the expenditure in any budgetary account will be in excess of the original estimated budgeted amount, it is then necessary to bring these accounts in balance by transferring from other budgetary accounts; and

WHEREAS, there is an available balance in the Department A.1990.0499 Contingent account of to cover \$922 not budgeted; and

WHEREAS, there is an available \$42,826 in the Department A.7550 Celebrations account to cover \$29,178 not budgeted; and

WHEREAS, a budget transfer is needed to fund the current expenses.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

RESOLVED, that the Clerk-Treasurer is hereby authorized to make the necessary transfers from the

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unexpended balance of certain budgetary accounts to those accounts that require additional appropriation, in order to affect the Fiscal Year 2019-20 budgetary close out, and

RESOLVED, that the Clerk Treasurer is hereby authorized and directed to Amend the 2019/20 General Fund Budget by making the following Budget Amendment:

<u>From</u>		<u>To</u>	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
Contingent Account		Marine Education Center	
A.1990.0499 Contingent	\$992.00	A.7146.0404 – Postage	\$,150.00
Celebrations		NYS Employee Retirement	
A.7550.0423 Memorial Day	1,336.00	A.9010.0800	13,393.00
A.7550.0424 July 4 <sup>th</sup> , Fire Works	16,627.00		
A.7550.0430 Summer on the Avenue	11,215.00	Police & Fire Retirement	
		A.9015.0800	<u>16,627.00</u>
	<u>\$30,170.00</u>		<u>\$30,170.00</u>

Ayes: Natchez, Lucas, Wenstrup, Murphy

Nays: None

Absent: Tafur

G. Resolution Renewing Village Attorney Contract

**RESOLUTION RE:**

**AUTHORIZATION TO EXECUTE LEGAL SERVICES AGREEMENT WITH ABRAMS, FENSTERMAN, FENSTERMAN, EISMAN, FORMATO, FERRARA, WOLF AND CARONE, LLP**

WHEREAS, Village Attorney Robert A. Spolzino and Deputy Village Attorneys Edward A. Smith III and Christy Mason have joined the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP, as of December 30, 2019; and

WHEREAS, at its December 26, 2019 meeting, the Board of Trustees adopted a resolution that Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP will assume the Village's legal services agreement held by Spolzino Smith Buss & Jacobs, LLP, for a period of 30 days and that Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP agrees to indemnify the Village of Mamaroneck in any claim made by Spolzino Smith Buss and Jacobs LLP for services rendered to the Village on or after December 1, 2019, under the contract with Spolzino Smith Buss and Jacobs, LLP dated October 15, 2018; and



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WHEREAS, at its January 13, 2020 meeting, the Board of Trustees adopted a resolution that Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP will assume the Village's legal services agreement held by Spolzino Smith Buss & Jacobs, LLP for an additional 90 days; and

WHEREAS, at its April 13, 2020 meeting, the Board of Trustees adopted a resolution that Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP will assume the Village's legal services agreement held by Spolzino Smith Buss & Jacobs, LLP for an additional five (5) months, expiring on September 13, 2020.

On motion of Mayor Murphy, seconded by Trustee Wenstrup:

NOW, THEREFORE, BE IT RESOLVED that the Village Manager is authorized to execute a legal services agreement with Abrams Fensterman in substantially the same terms as the prior legal services agreement with Spolzino Smith Buss and Jacobs, LLP for a period expiring on December 7, 2020.

Ayes: Natchez, Lucas, Wenstrup, Murphy

Nays: None

Absent: Tafur

H. Resolution Establishing Ad Hoc Committee for Year-Round Recreation Study

Trustee Wenstrup stated that this was not discussed at the work session and asked that it be approved this evening as this committee would continue the work of the Ad-Hoc Tennis Committee and their recommendations made in January. Trustee Lucas agreed and asked that the Board suspend the rules and move this forward.

Mayor Murphy made a motion to suspend the Board procedures and have this Resolution adopted this evening, which was seconded by Trustee Lucas:

Ayes: Natchez, Lucas, Wenstrup, Murphy

Nays: None

Absent: Tafur

**RESOLUTION RE:  
ESTABLISHING AN AD HOC COMMITTEE FOR YEAR-ROUND RECREATION STUDY**

WHEREAS The Village of Mamaroneck's Harbor Island Park includes tennis courts which have been used year-round for many years, providing both year-round recreation to residents and revenue to the village; and

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WHEREAS The Village of Mamaroneck, formed an ad hoc Tennis Committee in 2019, to examine continuation of year-round tennis in the village; and

WHEREAS The ad hoc Tennis Committee completed its work and made recommendations to the Board of Trustees in 2020; and

WHEREAS such recommendations included continuation of year-round tennis in the village, but recognized the need for additional study of possible relocation of the tennis courts, as well as studying the possible addition other year-round sports and recreation offerings as part of a tennis rehabilitation project; and

WHEREAS the Village of Mamaroneck would benefit from additional work from members of the ad hoc Tennis Committee, members of the Recreation Committee as well as additional residents interested in exploring options for a year-round recreational facility in the Village of Mamaroneck.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

NOW THEREFORE BE IT RESOLVED that the Village of Mamaroneck establishes an ad hoc Committee for Year-Round Recreation, consisting of no more than nine members (with up to three former members of the ad hoc Tennis Committee, up to three members of the Recreation Committee and three members of the public not otherwise members of either committee), such work to be completed with a report to the Board of Trustees no later than October 1, 2021.

Ayes: Natchez, Lucas, Wenstrup, Murphy

Nays: None

Absent: Tafur

I. Addition of Agenda Item

**RESOLUTION RE:  
ADDITION OF AGENDA ITEM 4J**

WHEREAS, in accordance with the BOT Rules of Procedure, any item or items added to the agenda after the agenda was prepared, finalized and posted on the Village's website requires a vote.

On motion of Trustee Wenstrup, seconded by Trustee Lucas:

RESOLVED that Agenda Item 4J Resolution Authorizing a Five-Year Lease for Police Desk Communications Systems be and is hereby added to the September 14, 2020 Board of Trustees Regular Meeting Agenda.

Ayes: Natchez, Lucas, Wenstrup, Murphy

Nays: None

Absent: Tafur

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J. Resolution Authorizing a Five-Year Lease for Police Desk Communications Systems

**RESOLUTION RE:  
AUTHORIZATION TO APPROVE FIVE-YEAR LEASE FOR  
POLICE DESK COMMUNICATIONS SYSTEM**

On motion of Mayor Murphy, seconded by Trustee Lucas:

RESOLVED that the Board of Trustees be and they hereby approve the five-year lease for the Police Desk Communication System; and

BE IT FURTHER RESOLVED, that the Village Manager is authorized to execute a sixty (60) month lease agreement with Goosetown Communications, 58 ,North Harrison Avenue, Congers, NY 10920, in the amount of \$1,535 per month for AVTECH Scout E8 Dispatch Console Position including ancillary products and services; and

BE IT FURTHER RESOLVED, that all costs associated with this lease be charged to General Fund Account Number A.3120.0421 for Fiscal Year 2020/21 and future fiscal years subject to adequate appropriations being provided; and

BE IT FURTHER RESOLVED, that the Village Manager and Police Chief are authorized to undertake such administrative acts as may be necessary to effectuate the installation of the Police Communications Desk and terms of the lease agreement.

Ayes: Wenstrup, Natchez, Lucas, Murphy

Nays: None

Absent: Tafur

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

A. CTB II

Mr. Glen Tippet appeared and stated that the Elks Loge in Mamaroneck has had black rulers in the last couple of years. Also, that residents of Washingtonville are defensive as they have asked for things to be done and they have not been, like painting of lines for parking spaces. Must stop rhetoric. If a resident doesn't like a policy, they should argue the policy or vote the policy makers out of office. Stop the personal comments/attacks. He asked about the US Open.

6. REPORT FROM VILLAGE MANAGER

A. Update from Manager Barberio

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Mr. Barberio stated that all is going well with parking for the Open at Harbor Island Park. Gave credit to the Harbor Master's, Parks and Recreation Departments.

- B. File for the Record – Agreement w/Sustainable Westchester
- C. File for the Record – Agreement w/Seagrave Fire Apparatus LLC

7. REPORT FROM CLERK-TREASURER

- A. Renewal of Continental View (CV) Parking Stickers
- B. Resignation of Tree Committee Member Christine Sculti

8. REPORT FROM VILLAGE ATTORNEY

- A. None

9. MINUTES - COMMISSIONS, BOARDS, COMMITTEES

- A. Minutes of Board of Trustees Work Session & Regular Meeting of August 10 and Special Meetings of August 7 & August 17 and Work Session & AP and Minor Items Meeting of August 24, 2020
- B. Minutes of the Board of Ethics Meetings of June 5, June 19, July 3, July 20 & July 30, 2020
- C. Minutes of the Flood Mitigation Advisory Committee Meeting of February 26, 2020
- D. Minutes of the Committee for the Environment Meeting of February 25, 2020
- E. Minutes of the Board of Architectural Review Meetings of June 18, July 16 and August 20, 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 9:35 p.m.

PREPARED BY:  
SALLY J. ROBERTS  
SECRETARY

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