

MINUTES OF A WORK SESSION OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK
HELD ON MONDAY, MAY 24, 2021 AT 5:00 P.M. VIA TELECONFERENCE
PRESENT:

Mayor
Trustees

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

Village Manager
Assistant Village Manager
Clerk Treasurer
Village Attorney
Deputy Village Attorney

Jerry Barberio
Daniel Sarnoff
Agostino A. Fusco
Robert Spolzino
Mark Goreczny

ABSENT: Trustee Victor Tafur (attended
Executive Session only)

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 Wenstrup, seconded by Trustee Natchez:

RESOLVED that the Board of Trustees May 24, 2021 Work Session be and is hereby open.

Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

Mayor Murphy took the Executive Session out of order. Trustee Natchez motioned to add the Village Attorney personnel matter to the Executive Session, which was seconded by Trustee Lucas:

Ayes: Lucas, Natchez

Nays: Wenstrup, Murphy

Absent: Tafur

Motion did not pass.

Mayor Murphy motioned to convene to Executive Session to discuss the below matters, which was seconded by Trustee Lucas:

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3. EXECUTIVE SESSION - ADVICE OF COUNSEL

- A. Garden Road - It is anticipated that a motion will be offered to enter into Executive Session pursuant to §105(1)(h) of the New York State Public Officers Law as it relates to the sale of real property and the publicity of such would substantially affect the value thereof.
- B. Hampshire Recreation, LLC, vs. The Village of Mamaroneck, The Village of Mamaroneck - It is anticipated that a motion will be offered to enter into Executive Session in accordance with §105(1)(d) to discuss matters of current litigation.
- C. Jagoda v. Board of Manager - It is anticipated that a motion will be offered to enter into Executive Session in accordance with §105(1)(d) to discuss matters of proposed, pending or current litigation.
- D. EPA v. Westchester Joint Water Works - It is anticipated that a motion will be offered to enter into Executive Session in accordance with §105(1)(d) to discuss matters of proposed, pending, or current litigation.
- E. Police Department Personnel Matter - It is anticipated that a motion will be offered to enter into Executive Session in accordance with §105(1)(f) of the New York State Public Officers Law to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
- F. Appointment to Board of Ethics - It is anticipated that a motion will be offered to enter into Executive Session in accordance with §105(1)(f) of the New York State Public Officers Law to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Ayes: Lucas, Wenstrup (recused on the Hampshire matter), Natchez (recused on Garden Road matter), Murphy

Nays: None

Absent: Tafur

On motion of Trustee Lucas, seconded by Trustee Wenstrup:

RESOLVED that the Board of Trustees end Executive and reconvene the Work Session.

Ayes: Lucas, Wenstrup, Natchez, Tafur, Murphy

Nays: None

Mayor Murphy announced that the following two votes were taken in Executive Session.

POLICE PERSONNEL HEARING MATTER

On motion of Mayor Murphy, seconded by Trustee Wenstrup:

RESOLVED that the Board of Trustees hereby appoint Village Manager Jerry Barberio as Hearing Officer in the Police Personnel 207C Hearing matter.

Ayes: Lucas, Wenstrup, Natchez, Tafur, Murphy

Nays: None

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JAGODA v. BOARD OF MANAGER MATTER

On motion of Trustee Wenstrup, seconded by Mayor Murphy:

RESOLVED that the Board of Trustees hereby appoint Village Attorney Robert Spolzino and the firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP to investigate and report back to the Board of Trustees on the Jagoda v. Board of Manager matter.

Ayes: Lucas, Wenstrup, Natchez, Tafur, Murphy

Nays: None

Mayor Murphy took the items that are on tonight's Regular Meeting out of order. He also announced that the Board agreed to hold a Special Work Session on June 1, 2021 to go through the items that have been lingering.

2. NEW BUSINESS

C. Scheduling a Public Hearing for CDBG Applications for Federal FY 2019, 2020 and 2021 Funding Cycles (on for Regular Meeting)

Trustee Natchez is concerned that this is very detailed, staff knew about and did not publicize. He is also concerned about prioritization for all capital projects. Trustee Wenstrup explained why the suggested capital project is most likely to get grant funding. Trustee Natchez is concerned as we must pay part of whatever project is approved and that we do not have priorities set. Trustee Lucas agreed that we did not do the best job advertising what potential projects can be funded. Did not get much public comment. Understands that we must apply for projects that are likely to get funded. Mr. Barberio explained that once a funding cycle is missed, it gets difficult. Trustee Natchez believes that there are lots of projects that can be undertaken in that area, not just those that have been named. Part of the issue is that there is no long-term game plan or prioritization. Again, believes that there are lots of projects that can be applied for. It is the staff's job to present and the Board's to prioritize.

Mr. Barberio stated that documentation was provided showing what capital projects would be 100% Village funded and what could be done with grant dollars. He also provided the Board with information on priorities. Followed the suggestions developed by Len Aubrey and the Budget Committee. Trustee Natchez stated he received spreadsheets with projects spread over 10 years and another without dollar amounts listing all capital equipment in the Village. None of these had the transfer station or fire boat that are being requested for funding this year. None of these things being asked for have been prioritized.

Mayor Murphy reminded him that the Village has the opportunity to purchase a \$450,000 police boat for \$50,000 and the Board only allowed the Police Department to apply for the grant, not yet the purchase. This is not a capital budget item. Mr. Barberio stated that when he prepared the spreadsheet with grant opportunities, the boat was not yet eligible. Was not a thought that we could get a \$450,000 vessel for \$50,000. He also stated that he has a criteria scale with his prioritizations. If the Board wants to take this scale and look at priorities by each Trustee's ranking recommendations, they may do so. He followed the Budget Committee's ranking recommendations. If the Board wants to change this, they need to let him know their priorities or put before the Board. Trustee Natchez stated that Mr. Barberio has not put together priorities of costs. How much we can spend and what we can get funding for. Mr. Barberio stated that he has provided

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this, but somehow method of presentation needs to be changed if it is not understood. He just needs to know how to change. Trustee Natchez reiterated that none of the projects being discussed are listed as priorities.

On May 24, 2021 Regular Meeting Agenda for action.

B. Recognition of June as Pride Month TIME SENSITIVE

Mayor Murphy gave background. He worked with Ms. Finely who got 400+ signatures in support of this in 10 days. It is an important symbol, but unfortunately, does not cure things. Discrimination is not just shown by individuals but can be part of law. LGBTQ individuals cannot marry, adopt, get inheritances, etc. Discrimination hurts those discriminated against and those doing the discriminating. He was sold a bill of good when he was a young man that stunted a generation. This misinformation is still being communicated. Twenty percent of all trans-youth attempt suicide. That should not be. It is important to show that the Village is a welcoming place.

Mayor Murphy read the resolution. Trustee Wenstrup stated that on the Federal level, US embassies were barred from flying gay pride flags over their embassies. That has been reversed by the Biden administration. She believes that this is the right thing to do and an important way to support the community.

Trustee Lucas agreed but not sure it should be limited to June 2021. Trustee Natchez has concern about language that is negative. In the fourth Whereas clause he asked to delete “despite being marginalized”, believes contributions need to be emphasized. He also asked to remove the word queer as it is a derogatory statement. Asked why the + sign is used.

Mayor Murphy informed him that the + sign is what the group included after LGBTQ. He also believes that queer is a term that the community has embraced and has turned around. The + is gender fluid. This is how they want to be referred to. In honor of how they view themselves. Again, Trustee Natchez does not believe that using queer is the right tone and embraces something that we should not be doing. The Board agreed to use the acronym LGBTQ+ in place of the words Lesbian, Gay, Bisexual, Transgender, Queer in the fifth Whereas clause.

1. OLD BUSINESS

- A. Policy 2021-01 Village FOIL Policy (carried forward since January 24, 2021 Work Session Agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.
- B. PLL E-2020 Amending Chapters 240 and 342 Re: Required Setbacks from Water Bodies (carried forward since September 14, 2020 Work Session Agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.
- C. Flood Mitigation Advisory Committee Recommendations (carried forward since January 24, 2021 Work Session Agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.

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- D. Policy 2021-03 - Managing Litigation and 2006 Village Attorney Recommendation & Report (carried forward since February 28, 2021 Work Session Agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.
- E. Discussion of Scheduling of Advice of Counsel/Executive Session Meetings (No Backup) - (Originally on February 22, 2021 agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.
- F. Parking Fines Collection Strategies (carried forward since January 24, 2021 Work Session Agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.
- G. Location and Funding Opportunities/Authorizations for Living Memorial for Municipal Employees Responses During COVID-19 Pandemic (no backup) - (carried forward since March 8, 2021 Work Session Agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.
- H. Policy 2021-04 - Use of Public funds on Private Property (carried forward since April 26, 2021 Work Session Agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.
- I. Hickory Grove Sidewalk (carried over since April 26, 2021 Work Session Agenda) TIME SENSITIVE
Not discussed. On June 1, 2021 Special Work Session Agenda.
- J. Village E-Mail Distribution Lists (carried over since April 26, 2021 Work Session Agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.
- K. Enforcement of Multiple Dwelling Law (carried over since April 26, 2021 Work Session Agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.
- L. Field Reseeding & Maintenance Program (carried over since May 10, 2021 Work Session Agenda)
Not discussed. On June 1, 2021 Special Work Session Agenda.
- 2. NEW BUSINESS
- A. 2021 MS4 Report (Presentation at Regular Meeting) - backup available on Regular Meeting Agenda or at <https://www.village.mamaroneck.ny.us/stormwater-management/pages/ms4-draft-annual-reports>
Not discussed. On June 1, 2021 Special Work Session Agenda.
- D. Courthouse, Police Station and Harbor Master Roof
Not discussed. On June 1, 2021 Special Work Session Agenda.

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- E. Sewer Inflow & Infiltration TIME SENSITIVE
Not discussed. On June 1, 2021 Special Work Session Agenda.
- F. Proposed Local Law to Amend Chapter 186 - Flood Damage Prevention as it relates to Approved Letters of Map Revision
Not discussed. On June 1, 2021 Special Work Session Agenda.

ADJOURN

On motion of Trustee Lucas, seconded by Trustee Wenstrup, the Board adjourned the May 24, 2021 Work Session at 7:20 p.m.

Ayes: Lucas, Wenstrup, Natchez, Murphy

Nays: None

Absent: Tafur

PREPARED BY:
SALLY J. ROBERTS
DEPUTY CLERK

RESPECTFULLY SUBMITTED BY:
AGOSTINO A. FUSCO
CLERK-TREASURER