

MINUTES OF A WORK SESSION OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK
HELD ON MONDAY, DECEMBER 13, 2021, AT 5:00 P.M. VIA TELECONFERENCE

PRESENT:

Mayor
Trustees

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

Village Manager
Assistant Village Manager

Jerry Barberio
Daniel Sarnoff

Deputy Clerk
Village Attorney
Deputy Village Attorney

Sally J. Roberts
Robert Spolzino
Mark Goreczny

Clerk-Treasurer

Agostino A. Fusco

ABSENT:

OPEN MEETING

On motion of Trustee Natchez, seconded by Trustee Wenstrup:

RESOLVED that the Board of Trustees December 13, 2021, Work Session be and is hereby open.

Ayes: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

Adoption of Agenda

Trustee Lucas motioned to adopt the December 13, 2021, Work Session Agenda, which was seconded by Trustee Natchez:

Ayes: Natchez, Lucas, Tafur

Nays: Wenstrup, Murphy

1. OLD BUSINESS

A. (October 12, 2021) Communication from Flood Mitigation Advisory Committee Flood Mitigation Committee to Attend

FMAC Chair, Tony Gelber appeared. He thanked Ms. Jackson and the committee on all the work that they have done. Last time he was on the committee, they worked with management, elected officials and staff on the Army Corps project. It was and still is of the utmost importance that the plan achieves flood control and works esthetically for the Village while being environmentally acceptable. This group traveled to Washington and got the project approved, unfortunately it was not funded at that time. As the flood water received with Ida, was the most ever to fall in the Village, in addition to looking at the Army Corps plan he would like for there to be a holistic watershed management program as there is deferred maintenance needed.

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As far as asks for tonight, he boiled them down to five, which the committee agreed upon. A meeting with the Army Corps would be first on the list. Second is to continue to work on preparedness. A list of what is done and when it is done would be helpful. Third, when applications for work in the flood plain are received, the FMAC would like to be informed. To look at them. The Board can discuss and decided if the FMAC should have any role in the approval but would just like to be able to review. Next, they would like to work with the Board on floodplain regulations. Lastly, is to get clarification on our Floodplain Manager. Who it is, what their role is, etc.?

Ms. Peggy Jackson, previous FMAC Chair, appeared. The committee sent a letter to the Army Corps with points wanting to discuss. She would like this done in conjunction with the Village. There is a meeting scheduled to greenlight the project on January 15, 2022. Would like to get as much input as soon as possible and to have everyone at the table so that residents understand the process and if tweaks may be made. As far as making certain that storm preparedness is being done, the committee hopes it becomes regular practice. They did propose a regular rotation to get the rivers cleaned. Part of this preparedness can include reverse 911 calls and the removal of silt mountains as well. They suggest adding a step in the land use process allowing them to be involved in projects in the flood zone so that they may opine. There is future legislation to be added to the Village Code, which she reviewed. The committee recommends all work in the flood zone be two feet above flood elevation and require the use of pervious materials. Ms. Jackson stated that the committee has asked for responses to their memo/questions from staff.

Mayor Murphy suggested having the Planning Department send applications to the committee when there is building in the floodplain. He also informed all that he emailed Megan Glander in Senator Schumer's office regarding meeting with the Army Corps and that staff is working on the rest of their suggestions. The Mayor agrees that the Village needs the FMAC to fill in the gaps and appreciates everything they do.

Trustee Tafur believes that to move forward on these powerful words, the Board should discuss next steps. What they and staff can do. Things were possible in the past and we need to get on the same page as we were on prior. The key is to have a timeline. Will staff take care of flood preparedness? Follow up is key.

Mr. Andrew Spatz, member of the committee and one time Chair stated that he was part of the group that worked in Washington in 2017 with other FMAC members and the Board. There are certain items that are low hanging fruit that can be implemented now. Trustee Natchez agreed and stated that is it important to recognize that there are many things that are ministerial and believes that the Board needs to establish a timetable of when things can be done. Stated that referral can be done immediately and to review the other points with staff. It was suggested that the committee outline what can be done quickly and what can be reviewed in January.

Mr. Dave Finch, current FMAC member and previous Board of Trustee member mentioned being very conscience of making residents aware that the Village is doing things and to do this sooner rather than later as there are many residents who have been terribly damaged thinking "what is the Village doing". To emphasize what we are working on.

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B. (July 12, 2021) County Project to Resurface Mamaroneck Avenue - Complete Streets Concepts
Traffic Engineering Consultant to Attend

Mr. Matt Carmody, Traffic Consultant with AKRF, appeared to talk about the Waverly Avenue traffic signal proposal and can update the Board on other various deadlines. Trustee Natchez asked that Mr. Carmody explain what is being proposed at the Waverly and Mamaroneck Avenue intersection. Mr. Carmody stated that for this intersection they are reviewing the feasibility of traffic signal phasing on Waverly and van Ranst at Mamaroneck Avenue to achieve an all stop phase or to have two separate stops. Trustee Natchez asked why these were not previously considered? Why this study has not already been done. Mr. Carmody stated that what happens now is that you can cross concurrent with Waverly Avenue and explained how crossing can be done safely without effecting vehicular delays. Mayor Murphy believes the best path is to investigate both solutions. Trustee Natchez stated that the emphasis is pedestrian safety. Mr. Carmody informed the Board that pedestrian safety is his specialty.

Trustee Lucas asked Mr. Carmody if he has a sense of how long this will take. The study and the work? Mr. Carmody informed her that the window has closed on the year for acceptable data collection due to holidays and he had hoped to get approval before now. The starting point would be early next year after things have normalized. Mayor Murphy asked when optimum time is? Mr. Carmody stated that would be in the spring when it starts to warm up, April/May timeframe. Trustee Tafur stated that we do have older studies of that area and the issues are the same. Mr. Carmody is aware of the moratorium study data that has been used but after three years, that data becomes stale. There were traffic ebbs and flows during the pandemic and is not ideal to collect data now. He is willing to use the moratorium data, but it is not his recommendation. Mayor Murphy agreed that is not optimal as there are buildings that have opened since that time.

Trustee Natchez is concerned that if they don't start until spring, will not have decision until the summer and the Avenue will be repaved next year. What if the paving gets moved up? It is not as if this area has not been studied in depth several times. He asked Mr. Carmody if he has the previous Washingtonville traffic studies done? Mr. Carmody does and would be comfortable reviewing with the caveat that they are using older data. If the Village is comfortable using older data, he is allowed to do that. Trustee Natchez asked if they have pedestrian information as well? Mr. Carmody stated that they do not. This would have to be looked at and that is why they wanted to do their own study, which is part of their proposal. Mayor Murphy agreed that the previous studies done were only vehicle and not pedestrian. He would prefer to get new data. Mr. Sarnoff stated that a study was done in 2015, and it just had traffic data.

Trustee Lucas believes that this is a long time to wait and asked if we can implement a seven second delay at this intersection and then remove it to collect data in the spring? Mr. Carmody informed her that this could be done as a pilot program on the Waverly Avenue approach without the study. Trustee Wenstrup stated that the paving is a County project, and they are our safety partners. If we tell them what we are working on, she believes that they would work corporately to accommodate what we are trying to do there. Mayor Murphy stated that the County said they want to pave during the summer when school is out. If do an April traffic study, may mesh in well with paving in July and August. Mr. Carmody stated that the study will be done before then as they will front load the project so data can be dumped in. Could be done by Memorial Day.

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Trustee Natchez asked if we would have to tear anything up to do a pilot? Mr. Carmody stated that we would not if the signal controller is modern enough to handle this. Mayor Murphy does not want to do something without knowing if there could be unintended consequences. Want to do it right. Trustee Natchez is concerned that if we wait until spring, there may not be enough time even with the County's willingness to wait. Mr. Carmody informed Trustee Natchez that the very first thing they will do is to look at the signal controller to see if it can be done without the road being torn up. Mayor Murphy asked that they do that first and report back. Mr. Carmody to do that quickly. Trustee Lucas agreed that if it can be done without tearing up the street, they should do a pilot. Mayor Murphy does not want to create safety consequences that they are not aware of, need to have engineering and science behind whatever is done.

Regarding the Mt. Pleasant intersection, Mr. Carmody stated that this is a crossing controlled by a guard during school hours. He worked with the County's DPW Traffic Engineer on geometry for that intersection to have it be a marked, striped crosswalk. At present, it does not have a walk/don't walk signal. It is a County road and they had to be convinced that it can be done safely. AKRF has a configuration that the County is happy with that must be funded. He explained the geometry and the benefit. There would be one single crossing instead of two that would not require rephasing the traffic signal. Not a small project as it involves demolishing and putting in new curbs. Trustee Natchez asked if we have pedestrian data for that intersection. Mr. Carmody informed him that this is not a requirement as it does not involve retiming of the intersection. County did not require. He did observations but doesn't require data collection. Mr. Sarnoff informed the Board that AKRF put together two proposals; one had hard scaping and one soft scaping, and the County stated that it must be hardscape. Mayor Murphy asked about the turn onto Bishop Avenue. Would it help if that was closed? If it couldn't be used? Mr. Carmody stated that it would reduce contact points and would be safer but would not affect the project timing. This may require study and coordination. Mr. Sarnoff reminded all that Tri-City Auto needs to accommodate and receive large vehicles there.

Regarding the Femimore Road and Prospect Avenue project, Mr. Carmody stated that at the beginning of this month, he received land survey data to do design drawings. Civil engineers are completing this and will present in mid-January for Village review. These will be 50% concept drawings. Once those are approved, they will move forward with 100% design drawings.

The Village no longer needs Prospect Avenue parking and regarding the Old White Plains Road area, it had to be delayed because of the I-95 bridge closure. Once the bridge reopened, they decided to wait until spring for more normal counts. Can come up with recommendations after that is done. Mr. Carmody stated that regarding the sidewalks on Orienta to Old Post Road, they did a walking assessment to look at feasibility of a sidewalk on the water side of the street. Also did an assessment of the sidewalks around Mamaroneck Avenue School and are looking at the end of January to have that done. Looking at Richbell Road, Mr. Carmody stated that Old Post Road fans out to two small lanes and that area is a pinch point to continue the sidewalk. Did study to look at feasibility of taking away left turn lane coming out of McDonalds, continuing shoulder there and it is feasible. This will not cause delays to traffic. Will better organize traffic. The State would be content with the level of study done. Trustee Natchez asked if this is the best approach. Mr. Carmody stated that if the road was going to be rebuilt, it would be better to move the parking to the other side of the road, but residents get used to parking on one side. Because of that, he didn't look at the possibility as people are rooted in what they do and didn't think it was problem. Trustee Natchez is thinking about safety. Mr. Carmody recommends keeping the sidewalk where it is and to move

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the parking to that side to act as a buffer. That can be done, as it doesn't change the feasibility of the sidewalk on that side. Mayor Murphy likes that idea but moving parking can be an issue.

C. (April 26, 2021) Enforcement of Multiple Dwelling Law Awaiting Additional Information
Not discussed. Tabled to January 10, 2022, Work Session.

D. (June 14, 2021) Use of American Rescue Plan Funds

Mr. Sarnoff stated that at the last Work Session, the concept of salary increases for not represented was raised as they did not get the percentage that represented employees did in 2020. Staff did analysis. The overall impact is approximately \$27,458 for those increases, which is a small piece of the overall \$2 million we will receive. Mr. Sarnoff explained that it is 1% and then the difference between then and now. Trustee Wenstrup stated that is correct, made the raise retroactive for this year, making employees whole as if they were given 2% at that point in time. Mayor Murphy asked the Board if they are okay to put on agenda for first meeting in January. Mr. Barberio informed the Board that there are a few municipalities using these funds for premium pay. The Board agreed to have on the January 10, 2022, Regular Meeting agenda.

E. (June 28, 2021) Filling Vacancies for Unexpired Terms of Trustees

Mr. Spolzino stated that he drafted a memo to the Board and asked if it could be put up as backup to the agenda. Trustee Lucas read it and believes that it is okay to post. Trustee Wenstrup agreed and asked if the letter should speak about the referendum. She was told that it is not necessary.

F. (July 12, 2021) Rental Registration Program

Mr. Barberio stated that he has yet set up a meeting of the ad hoc committee formed. Waiting to see how COVID will shake out as it seems to be an issue again.

G. (July 12, 2021) Constant and Intentional Harassment of Staff

Mayor Murphy stated that he revised the resolution and memo prepared and asked that it be moved to the January 10, 2022, Regular Meeting agenda for action. Trustee Wenstrup believes that is fine but wishes the language were stronger. Believes that it is symbolic and important.

Trustee Tafur asked for an Advice of Counsel to discuss. Mayor Murphy stated that the Board had a meeting with counsel, and this was not brought up. Seems like a stalling tactic. Trustee Tafur stated that many things were discussed, but this was not, and he noted that at the last meeting. Trustee Tafur differs with the Mayor and believes that this should be tabled until the discussion with counsel takes place.

Trustee Natchez stated that any Board member has a right to ask for an Advice of Counsel. Mayor Murphy stated that an Advice of Counsel was asked for and he didn't take advantage. Trustee Natchez

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stated that Trustee Tafur asked and that is what should be done. Mayor Murphy stated that he asked two weeks ago and is asking again and if it were Trustee Natchez's resolution, he would feel it was being purposefully delayed. It has been on the agenda since July. He made a conscience effort to make more palatable and still need Advice of Counsel. Trustee Wenstrup stated that this is a resolution supporting staff and does not understand why it can't move forward. Mayor Murphy will assure that this is the first thing discussed tonight with counsel.

- N. (November 22, 2021) Contract 2021-04 Streetscape Improvements Waverly Avenue and East Prospect Avenue (CDBG Project) On for Regular Meeting

Mr. Sarnoff stated that he sent an email asking that this be held for further due diligence. It will need to be addressed at the December 27, 2021, AP and Minor Items meeting. The Board agreed to have this on the December 27 meeting.

Mayor Murphy took the items on tonight's Regular Meeting next.

2. NEW BUSINESS

- A. Agreement with Town of Mamaroneck for Construction and Maintenance of Sidewalks to be installed as part of Waverly Avenue Bridge Project On for Regular Meeting

Mr. Sarnoff stated that the Town of Mamaroneck received a BridgeNY grant from the New York State Department of Transportation (NYSDOT), and they (NYSDOT) have requested that the Town and Village enter into an agreement as a component of the project, the sidewalks approaching the Waverly Avenue Bridge, are to be constructed by the Town but maintained by the Village. As far as the Capital replacement of the bridge, Mr. Sarnoff believes it is the Town of Mamaroneck, but would have to review the agreement. Mr. Sarnoff is 99% sure it is for daily maintenance by the Village, and general maintenance will be done by the Town. Trustee Natchez has no issue, as long as that is stipulated. Mr. Sarnoff informed him that the 2004 bridge stipulation between among the Village of Mamaroneck, Towns of Mamaroneck and Rye, and Villages of Rye Brook and Port Chester stipulates that.

- B. Bond Authorization - WJWW Project A-1352 Rye Lane UV Facility (Required to be considered for NYS Environmental Facilities Corporation Grant Funding and Low-Cost Financing) On for Regular Meeting

Mayor Murphy explained that this bond resolution will allow the WJWW to apply for grants to do the work. Mr. Sarnoff stated that is correct, that each municipality must demonstrate that they have committed funding through a bond. Board agreed to have on tonight's Regular Meeting for action.

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C. Intermunicipal Agreement to Apply for DEC Grant for Recycle Right App On for Regular Meeting

Mr. Barberio stated that there is an agreement with 14 municipalities; one being a city, to apply for a grant through the DEC and work with Sustainable Westchester so an intermunicipal agreement is needed. Board agreed to have on tonight's Regular Meeting for action.

D. Motel Licenses 2022 On for Regular Meeting

Trustee Wenstrup asked about the ownership name change for the Mamaroneck Motel as Mr. Patel bought out his nephews. Ms. Roberts informed her that she will investigate this and if it affects the license and will advise tomorrow, but that the license is granted to the name of the entity, not the ownership. Trustee Wenstrup was fine with that explanation and the Board agreed to have on tonight's Regular Meeting for action.

E. Budget Amendment to Fund Human Resources Contractual Account for Retention of 207(c) Police Disability Management Services On for Regular Meeting

Mr. Barberio gave background and explained the need for this. Trustee Wensrup believes that it is a great idea. Mr. Barberio agreed and stated that we need to try to save the money this could help us save, as it is significant. Trustee Natchez asked what the consultant cost will be. Mr. Barberio informed him that they charge by the hour and have a not to exceed number of \$15,000 in the resolution. Trustee Lucas asked if this is for a full year, not just until the end of this year and will we have a sense soon if this will help. Mr. Barberio stated that if no one is on worker's comp, can't send them work and will not spend any funds. This is capped for this fiscal year, ending June 1, 2022. There are active cases that we need assistance with now and the need can be adjusted going forward.

Trustee Tafur stated that as this is a per hour charge, that limit should be in the resolution. Mr. Barberio stated that it can be added to the resolution, but the ask is only \$15,000. Can revise to read "to not to exceed". Trustee Tafur was okay with the resolution as written and asked that the Board get an update at the \$10,000 mark. Mr. Barberio informed him that the Board will get information as each case is resolved. Board agreed to have on tonight's Regular Meeting for action.

F. Budget Amendment to Fund Part Time Assistance for the IT Department to Assist with the Municipality V Implementation

Mr. Barberio to send Mr. Cazes the plan for the implementation of Municipality V, as he will be the lead. He will need assistance part time to help with the tasks he typically does. The part time employee will help support staff at 123 Mamaroneck Avenue and the Fire Department. Trustee Natchez asked if there is an end date for when the implementation of Municipality V will be complete. Mr. Barberio stated that it will be until at least the end of the fiscal year and that it what he is asking for with a possibility to extend the time. Will not know if the part time person will be needed for longer until the end of the fiscal year. Board agreed to have on tonight's Regular Meeting for action.

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G. Budget Amendment to Fund Parks Overtime On for Regular Meeting

Trustee Natchez asked what project the Parks Department is currently working on. Mr. Barberio to get him that information tomorrow. Board agreed to have on tonight's Regular Meeting for action.

H. Budget Amendment to Fund Hurricane Ida Related Overtime Expenses On for Regular Meeting

Mr. Barberio gave background. Board agreed to have on tonight's Regular Meeting for action.

I. Budget Amendment to Fund Conversion and Uploading of Village of Mamaroneck Board of Trustees Minutes On for Regular Meeting

Ms. Roberts gave background. Board agreed to have on tonight's Regular Meeting for action.

J. Intermunicipal Agreement to Participate in the Westchester County Police Mutual Aid Plan On for Regular Meeting

Mr. Barberio gave background and noted that most municipalities are part of this. Our agreement ended July 31, 2020, and this agreement will end July 31, 2025. Board agreed to have on tonight's Regular Meeting for action.

1. OLD BUSINESS

H. (August 9, 2021) Zoning Strategies to Encourage and Support All-Affordable Housing Development Awaiting Additional Information

Not discussed. On January 10, 2022, Work Session.

I. (August 9, 2021) Sewer Rent Fee for Westchester Joint Water Works (WJWW) Customers

Mr. Sarnoff stated that additional analysis was requested at the last meeting. He compared what the Town of Mamaroneck and Town/Village of Harrison do versus what we do and that our rate is variable based on usage. Mayor Murphy asked what staff's recommendation is. Mr. Sarnoff stated that if want to stay closer to our methodology, go with what Harrison does. Mayor Murphy is not sure if that is the best alternative as Harrison has many golf clubs who use a great deal of water. Mr. Sarnoff informed the Board that the Village's largest consumers are the WJWW and Artic Ice.

Mr. Barberio stated that the Town of Harrison is almost exempting golf courses by basing rates during certain months, which do not include summer months. The Town of Mamaroneck's calculation is more understandable as it is a set rate for most of the year. Mayor Murphy had questions about Harrison's golf courses and would rather go with the Town of Mamaroneck as it is more closely tied with our demographic and would get the Village more revenue.

Mr. Sarnoff believes that either is justifiable. Trustee Wenstrup favors simplicity. Simpler is better. Trustee Natchez stated that the whole point is that during the summer months, water is used for irrigation and that does not go back into the sewer. This is an approach that did not penalize them. Mayor

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Murphy stated that is why the Town of Mamaroneck has at 90% to deal with that situation. Trustee Natchez asked if staff has worked out the numbers. If we adopt 90%, is that comparable? Mayor Murphy informed him that the Village will still get the same amount of money. He believes that with this there will be simplicity and residents will know their rate for the entire year. Trustee Wenstrup agrees simpler is best. Trustee Lucas agreed and that it would be easier to understand and explain in our newsletter. Trustee Tafur agreed on using the Town's calculation as well.

- J. (September 27, 2021) USGS River Gauges
Not discussed. On January 10, 2022, Work Session.
- K. (October 12, 2021) Smoking Policies in Public Parks and Spaces - Review of Proposed Public Law to Prohibit Smoking in all Public Parks
Not discussed. On January 10, 2022, Work Session.
- L. (October 12, 2021) Community Refrigerator
Not discussed. On January 10, 2022, Work Session.
- M. (November 8, 2021) Tree Scholarships
Not discussed. On January 10, 2022, Work Session.

2. NEW BUSINESS

- K. Speed Humps
Not discussed. On January 10, 2022, Work Session.
- L. Residential Collection of Food Scraps
Not discussed. On January 10, 2022, Work Session.
- M. Independence Day 2022 Fireworks and National Night Out 2022 Fireworks (August 2, 2022)
Not discussed. On January 10, 2022, Work Session.

3. EXECUTIVE SESSION - ADVICE OF COUNSEL

Trustee Natchez informed the Board that he will be recusing himself from the Garden Road discussion. Mayor Murphy stated that there will also be an Advice of Counsel to discuss the resolution regarding the staff support against harassment.

Trustee Wenstrup made a motion to convene to Executive Session in accordance with the below as well as an Advice of Counsel, which was seconded by Mayor Murphy:

- A. Cable Television Franchise Negotiations - 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 for discussion regarding proposed, pending or current litigation.

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- B. 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 to discuss the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.
- C. Village Manager Review - It is anticipated that a motion will be offered to enter into Executive Session 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.
- D. Planning Board Appointment - It is anticipated that a motion will be offered to enter into Executive Session 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.
- E. Arts Council Appointment - It is anticipated that a motion will be offered to enter into Executive Session 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: Wenstrup, Natchez, Lucas, Tafur, Murphy

Nays: None

ADJOURN

On motion of Trustee Lucas, seconded by Trustee Wenstrup, the Board adjourned the December 13, 2021, Work Session at 8:15 p.m.

Ayes: Wenstrup, Lucas, Tafur, Murphy

Nays: None

Absent: Natchez

PREPARED BY:
SALLY J. ROBERTS
DEPUTY CLERK

RESPECTFULLY SUBMITTED BY:
AGOSTINO A. FUSCO
CLERK-TREASURER