

Minutes of the Regular Meeting  
Board of Trustees of the  
Village of Larchmont held on  
**Tuesday, March 19, 2019**

**PRESENT:** Mayor Lorraine Walsh  
Carol Casazza Herman  
Trustees Peter Fanelli  
Malcolm Frouman  
Sarah Bauer

**Also Present:** Dep. Clerk Rilley, Attorney Staudt, Administrator Datino, Treasurer Siegrist and Dep. Treasurer Magneri

Mayor Walsh welcomed all in attendance and called the meeting to order at 7:35 PM.

Mayor Walsh announced today is Election Day and the polls are open until 9:00PM. Offices up for election are for two Trustees and one Village Justice.

The Mayor stated at this evening's meeting Administrator Datino and Treasurer Siegrist will be giving a review of the 2019-20 Tentative Village Budget. According to NYS law, the tentative budget must be filed in the Village Clerk's office on March 20<sup>th</sup> of every year.

On motion of Trustee Bauer, seconded by Trustee Frouman, and unanimously carried, it was: **RESOLVED,** to appoint Jane Nishimura and Elizabeth Reich as members of the Larchmont Environmental Committee.

Mayor Walsh said the Village has over 20 committees and boards that are in need of volunteers. If interested contact the Mayor or the Deputy Clerk.

On motion of Trustee Fanelli, seconded by Trustee Herman, and unanimously carried, it was: **RESOLVED,** to Open the Public Hearing to review and take comments on a proposed local law authorizing a property tax levy in excess of the limit established in General Municipal Law.

Mayor Walsh asked if anyone in attendance would like to comment on the proposed local law. There was none.

The Mayor stated that the 2019-20 Tentative Budget is under the tax cap and unless something happens, it will remain so.

On motion of Trustee Herman, seconded by Trustee Bauer, and unanimously carried, it was: **RESOLVED,** to close the Public Hearing.

On motion of Trustee Herman, seconded by Trustee Frouman, and unanimously carried, it was: **RESOLVED,** not to adopt a local law authorizing a property tax levy in excess of the limit established in General Municipal Law.

Chief Poleway made the following report.

1. For the first time, American's odds of dying from an accidental opioid overdose are higher than from a motor vehicle crash according to an analysis from the National Safety Council in conjunction with data obtained from the National Center for Health Statistics. The lifetime odds of dying by an accidental opioid overdose were 1 in 96, and the odds of dying by motor vehicle crash were 1 in 103. The nation's opioid crisis is fueling these grim probabilities and the crisis is worsening with an influx of illicit fentanyl. On average, 130 Americans die each day due to an opioid overdose and in 2017 that totaled more than 49,000 lives lost and this trend is continuing. If you or anyone you know is struggling with any sort of addiction, then I urge you to please seek professional help immediately. Also, just a reminder that there is a drug disposal

box in the lobby of Village Hall for safe disposal for any expired or unused medication and it can be accessed during normal business hours.

2. On February 6<sup>th</sup>, the New York State Association of Chiefs of Police and the Westchester County Chiefs of Police Association announced our opposition to Governor Cuomo and New York legislators plan to commercialize marijuana which we believe will have significant negative public safety and health concerns. I would like to read the letter that was presented at a press conference by Chief Paul Oliva who is the president of the Westchester Chiefs Association.

The Westchester County Chiefs of Police Association is made up of the Police Chiefs, Commissioners, and Command Staff of the 44 agencies that provide public safety services to the County of Westchester in the State of New York. In response to Governor Cuomo's effort to push for the rapid legalization of regulated marijuana in New York State, we as an organization feel compelled to offer our opinion, as stakeholders dealing with the aftermath of such legislation. For the record, our organization was not consulted regarding this initiative.

The Westchester County Chiefs of Police Association is vehemently opposed to the passage of any legislation that would legalize commercially grown recreational marijuana. We are in agreement with the opinion of the New York State Association of Chiefs of Police. They have recently stated their opposition to regulated marijuana legalization.

The Westchester County Chiefs are opposed to legalization based on public safety and public health concerns.

The instances of impaired driving will increase proportionally with the proliferation of regulated marijuana. Simply stated, there will be an increase in impaired driving under the influence of marijuana. This will endanger the general public and increase the number of injuries and fatalities on the roadways of New York State. The state of Colorado has already experienced an increase in impaired driving and vehicular crashes according to the data. New York State would be no different. The legislature has been concerned in the past with the safety of drivers and passengers in vehicles. There are laws requiring the usage of safety belts, car seats and booster seats for children, prohibitions on the usage of handheld devices while driving, all legislated with public safety in mind. We would implore the legislature to consider the negative ramifications of legalization on public safety versus the desire of some seeking financial gain and a segment of the public that crave easier access to a potentially dangerous intoxicant.

Our organization is concerned about the negative effects that legalization will have on adolescents. Despite what others may proclaim, we believe that marijuana is a "gateway" drug. Illicit sales and distribution will not evaporate with legalization. Illicit sales will likely be stimulated and fueled by offering a lower cost alternative to regulated sales. This has already occurred in states that have legalization. Dispensaries may abide by age restrictions, but the black market created will not. Adolescents will have easier access to the drug. A drug, which the American Public Health Association reports the health effects are not fully known. The illicit marijuana will continue to have unregulated potencies and unknown adulterants.

Our organization has additional concerns regarding the consumption of the legalized cannabis. It is either ingested or smoked. The edibles are often packaged and designed to look like candy or snacks. The designs are attractive to young children and will likely cause accidental overdoses. Over the last few years, the state has sponsored an aggressive campaign of public service announcements on television to enlighten people on the dangers and consequences of cigarette smoking. It is ironic that this same vigilance appears non-existent when it concerns marijuana.

The governor recently projected revenue from legalization of \$300 million dollars. If history is a guide, it has been reported that Colorado has generated about half of what was projected and California generated only about one quarter of revenue projections. Our organization will predict that the actual costs of dealing with addiction, traffic crashes, and enforcement will far surpass any revenue that is generated. This is what has occurred in states that have legalized

regulated marijuana. We feel that any financial benefit from the taxation of regulated marijuana will be eclipsed by the cost of escalating health issues and by the cost of human lives.

In closing, there are many issues regarding legalization that were not covered in this letter that will have a direct negative effect on policing in Westchester County and throughout New York State. Our membership is willing to discuss this complex issue with the representatives of the legislature in an effort to provide them with a common sense law enforcement perspective. The letter is signed Paul J. Oliva – President Westchester County Chiefs of Police Association.

In considering that I just discussed that we are in the middle of an opioid epidemic that kills over 49,000 American citizens each year, it is hard to fathom that our lawmakers would seek to pass this irresponsible legislation in legalizing a drug that will undoubtedly have a negative health and public safety impact on our state. I can only hope that they are wise enough to reconsider this legislation.

3. There continues to be mail thefts in Larchmont and surrounding jurisdictions from mailboxes, which sometimes contain sensitive items like personal checks, by using keys or other fishing techniques. As previously discussed, if checks are stolen, thieves can also “wash” a check by removing the ink used to fill in the amount and potentially empty victims’ bank accounts by forging their own information. We have received several reports recently regarding theft of funds from washed checks.

On Friday – March 1<sup>st</sup>, at approximately 11:46 p.m., Sergeant Doucette had recently finished working a 16 hour shift and was walking to his personal vehicle when he observed a suspect, later identified as Ryan Moran of the Bronx, and a second unknown suspect approach the U.S. mailbox located on the sidewalk in front of 2112 Boston Post Road and crouch down in front of it. Sergeant Doucette noticed the suspects attempting to gain access to the mailbox at which time he alerted on duty supervisor, Sergeant Dispenza, who was just then entering his patrol vehicle parked in front of village hall. The two sergeants began to run towards the two suspects and ordered them to stop but the suspects fled northbound on Larchmont Avenue in an attempt to evade the officers. After a brief foot pursuit, Mr. Moran was apprehended in front of 144 Larchmont Avenue and placed under arrest but unfortunately the second suspect got away.

Upon canvassing the area for evidence, Sergeant Doucette and Officer Pennella found a white and blue glove along with what appeared to be a U.S. Postal Service mailbox key. Mr. Moran was processed at police headquarters and charged with obstructing governmental administration, petit larceny, criminal possession of stolen property, possession of burglar’s tools, and resisting arrest – all misdemeanors. Mr. Moran was released to a relative after posting \$1,000 cash bail and was due to return to village court on March 12<sup>th</sup>. This incident is still being investigated and I would just like to acknowledge the superior efforts of all the officers in effecting this arrest.

4. Residents are reminded to report suspicious or potential criminal activities immediately to the police department. As you are aware, a recent report of an attempted luring occurred in the village in the vicinity of Nassau Road. The complaint was received only after a significant delay and any delay in reporting diminishes our efficiency in investigating reports of criminal behavior. If you observe any suspicious activity or you believe criminal activity is occurring or has occurred, please contact the Larchmont Police Department as soon as possible so we be able to respond quickly and take appropriate police action.

5. In considering the recent events in New Zealand, I would again like to remind everyone to stay vigilant in reporting any suspicious activity that may be observed. If you observe something that may be suspicious, please, do not keep it to yourself – call the 24 hour NYS Terrorism Tips Line at 866 SAFE-NYS (866-723-3697) or call the Larchmont Police Department at (914) 834-1000 or simply dial 911.

Mayor Walsh thanked Chief Poleway and the Police Department for their efforts in reviewing the security at the Larchmont Temple.

Lt. Martyn gave the following report on behalf of the absent Chief Caparelli.

1. The Larchmont Fire Department responded to 190 calls for assistance thus far in 2019. We are on track to exceed 2018's alarm total of 1001 calls for assistance. Of the various types of requests for assistance the fire department answers, a large number is for medical emergencies. All fire department personnel are Emergency Medical Technicians and must recertify those credentials annually. This month, all personnel conducted their annual CPR/BBP/OSHA recertification as well as a number of personnel renewed their Emergency Medical credentials and Fire Inspection authorization. All Fire Department personnel both career and volunteer maintain their certifications and are well prepared to respond to all calls for assistance from our residents and visitors alike.
2. Daylight Savings time was last week on March 9<sup>th</sup>. Along with turning your clocks ahead an hour please make it a practice to change your smoke and carbon monoxide detector batteries to ensure you are protected for another year. Detectors save lives, According to the National Fire Protection Association, an average of 1,450 fire deaths occur every year in homes with missing or non-functioning smoke alarms. Do not be unprepared for an emergency with a dead battery.
3. Annual Fire Inspections have begun for 2019. All business owners and operators should expect a visit from the Fire Department. Please ensure items requiring annual inspection are up to date and all fire safety devices are functioning properly. We appreciate your cooperation keeping Larchmont safe for all who work, visit and reside within our Village.
4. Each year, the Volunteer staff re-elects its slate of officers to function as the leaders of our volunteer fighters. This year, Lieutenant Steve Harris and Lieutenant Joe Clifton have been elected by their peers to lead the Volunteer staff for 2019. Steve and Joe have shown excellent leadership skills and are well respected by the Volunteer staff. I have worked with both men for a number of years and can attest to their commitment and dedication to the Village of Larchmont. Both men maintain their training credentials and have the necessary qualifications to be Lieutenants of the Larchmont Fire Department. I would like to congratulate Lieutenants Steve Harris and Joe Clifton and at this time ask Mayor Walsh to administer the Oath of Office.

All apparatus are in service and all equipment is operational.

Mayor Walsh administered the Oath of Office to Lt. Steve Harris and Ben Garcia.

Lt. Harris thanked Mayor Walsh and announced the newest officers and wardens to the Fire Council.

Wardens:

Hook & Ladder: Theresa Fanelli, Myron Josephs

Patrol: Joe Williams

Engine: Ben Garcia, Don Keck

Hose: Carroll Hudders , Sam Orans

Treasurer: Steve Harris

Secretary: Paula Jackson

Trustee Fanelli gave the following report.

1. At the American Legion there was a fundraising event for the antique fire equipment. Ned Benton gave a talk on the history of the equipment.
2. 2019 Flint Park Day Camp sign-up will next Saturday, March 23<sup>rd</sup> at the Playhouse in Flint Park from 9:00 AM to 1:00 PM. Applications can be found on the Village website.
3. The Village is accepting applications for employment at the 2019 Flint Park Day Camp. Applications may be found on the Village website.
4. Adult Cardio Tennis Clinic are on Tuesday, Thursday & Saturdays at Flint Park courts. Sign-up on the Village website.
5. Paddle Tennis Clinic took place Friday night in Flint Park. It was a well-attended event.
6. Pickle Ball Clinics take place in Flint Park on Wednesdays and Sundays. Sign-up on the Village website.

Mayor Walsh, who attended the Paddle Clinic event on Friday night, thanked Annie O'Connor for her efforts in organizing the event.

Trustee Herman made the following report.

1. To coincide with Arbor Day on April 26<sup>th</sup>, the Trees for Larchmont program will begin. This program's goal is to have 100 new trees planted in Larchmont. The Village has pledged 50 trees with the rest from donations. For each tree planted, a green ribbon will be placed on the Larch tree at Village Hall. There will be an announcement at the Sprint to Flint in June.
2. In attendance at the last Parks and Trees Committee was Westchester County Executive, George Latimer, who pledged the County's commitment to planting trees.
3. Love Your Parks Day will be on April 27<sup>th</sup>.
4. With the weather getting warmer, the Turtle Park renovation will restart so the park may reopen this Spring.
5. Play for the Park Trivia, a fundraiser for Constitution Park will take place on March 28<sup>th</sup> at St. Augustine's.

Next Administrator Datino began to talk about the 2019-20 Tentative Village Budget. This budget's development was done through a series of meetings starting in December with the Village staff then with the Board and Finance Committee. With the tax cap and the elimination of NYS AIM Funding, it was a challenge to get this budget to the 1.98% tax levy.

Administrator Datino then discussed items in this budget. Some were:

1. Past 10 years tax levies.
2. Spending Expenditures- Total \$15,817,948
3. Percentages of where a Resident's tax dollars go;  
Schools 58.89%, TOM 2.25%, VOL 21.58%, West. Cty. 20.28%
4. Fund Balance at 0%

Treasurer Siegrist added that building the fund balance to move upwards is to improve the Village's credit rating.

Mayor Walsh said, along with the loss of NYS AIM Funding, there was a reduction of \$12,000 in Cable Franchise Fees during the past fiscal year.

Next Administrator Datino highlighted the accomplishments of the tentative budget:

1. Stayed under the NYS Tax Cap
2. Reduction of Fund Balance to 0%
3. Maintaining services and programs
4. Future road, curb and sidewalk repairs.
5. New LED streetlight.
6. Updated equipment for Police, Fire and Public Works Departments

Mayor Walsh stated at the April 1, 2019 Board of Trustees Reorganization meeting, a Public Hearing will be scheduled to review and take comments on the 2019-20 Budget.

The Mayor thanked the Administrator, Treasurer, Deputy Treasurer, Finance Committee and other Village residents for their efforts on the 2019-20 Village Tentative Budget.

Trustee Herman thanked the Finance Committee members, Chair Paul Silverman, John McGarr, Chuck McMullan, Ian Post and Gwen Shufro. Additional thanks Michael Gottfried for his work on the water fund.

On motion of Trustee Bauer, seconded by Trustee Frouman, and unanimously carried, it was: **RESOLVED**, to adopt the 2019-2020 Larchmont Library Budget with the Village of Larchmont portion of the adopted to be \$943,032.

On motion of Trustee Fanelli, seconded by Trustee Herman, and unanimously carried, the following resolution was adopted:

WHEREAS, in an effort to centralize information, identify sources of non-property tax revenue and manage the cost of providing services to the public, staff developed a Village-wide Fees and Charges Schedule; and

WHEREAS, on an annual basis, the Village reviews its schedule of Fees and Charges and compares the services relative to current operating costs, chronology of previous increases and the completion of comparative municipal surveys; and

WHEREAS, the Village Board has reviewed and discussed the proposed 2019-20 Village-wide Fees & Charges Schedule at their February 25, 2019 and March 11, 2019 work sessions and supported the proposed fee changes; now therefore be it

RESOLVED, that the 2019-20 Village-Wide Fees & Charges Schedule, dated March 19, 2019, attached hereto and made a part hereof, is herein adopted effective immediately; and be it further

RESOLVED, that the Village Clerk is hereby directed to publish notice of the changes to the Village-Wide Fees and Charges Schedule.

On motion of Trustee Bauer, seconded by Trustee Herman, and unanimously carried, the following resolution was adopted:

WHEREAS, Boston Post Road (BPR) is a 4-lane roadway owned and maintained by the New York State Department of Transportation (NYSDOT) that travels approximately 1.2 miles through the Village of Larchmont, the BPR also serves as the primary roadway in one of the Village's two business districts; and

WHEREAS, the Beach Avenue intersection is one of three signalized intersections along BPR within the jurisdiction of the Village of Larchmont, the other two intersections are at Larchmont Avenue and Chatsworth Avenue; and

WHEREAS, the intersection of Beach and BPR is the third highest in the category of vehicular accidents in the Village and as a result is of a concern to the Village Board, Traffic Commission and Larchmont Police Department; and

WHEREAS, the Traffic Commission has discussed the issues at this intersection on many occasions and the findings indicate that creating an exclusive pedestrian phasing and right turn on red prohibition at all corners would improve vehicular and pedestrian safety; and

WHEREAS, the Village Administrator has communicated these concerns and requested modifications with the Traffic Safety and Operations Investigator at the NYSDOT, who stated a resolution of the Village Board was needed for the NYSDOT to take further action; now therefore be it

RESOLVED, that the Larchmont Village Board of Trustees formally requests the NYSDOT implement an exclusive pedestrian phasing and a right turn on red prohibition for the entire Beach Avenue and Boston Post Road intersection which would in effect mirror the existing configuration of the Chatsworth Avenue and Larchmont Avenue intersections along Boston Post Road.

Mayor Walsh announced resolutions that were adopted at recent work sessions.

1. Approve release of the RFP/Reconnaissance Level Historic Source Survey.

On motion of Trustee Bauer, seconded by Trustee Fanelli, and unanimously carried, it was: **RESOLVED**, to approve the minutes of the meeting held on January 14, 2019.

On motion of Trustee Frouman, seconded by Trustee Herman, and unanimously carried, it was: **RESOLVED**, approve the minutes of the meeting held on February 19, 2019.

On motion of Trustee Fanelli, seconded by Trustee Bauer, and unanimously carried, it was: **RESOLVED**, to approve the minutes of the work session meeting held on February 22, 2019.

On motion of Trustee Herman, seconded by Trustee Bauer, and unanimously carried, it was: **RESOLVED**, that Abstract Audit Voucher #10, dated March 19, 2019, in amount of \$333,695.37, per copies filed with the Clerk, be paid, subject to confirmation and approval of Trustee Herman.

On motion of Trustee Fanelli, seconded by Trustee Frouman, and unanimously carried, the meeting went into recess at 8:52 PM.

The meeting reconvened at 9:46 PM to poll the results of the election held this day.

Mayor Walsh announced the results of the election.

Trustees:

Carol Casazza Herman- 142

Malcolm Frouman- 145

Village Justice:

Jerry Bernstein- 138

On motion of Trustee Bauer, seconded by Trustee Frouman, and unanimously carried, it was: **RESOLVED**, to approve and certify the results of the election held this day, March 19, 2019.

On motion of Trustee Frouman, seconded by Trustee Herman, and unanimously carried, the meeting adjourned at 9:55 PM.