

Minutes of the Regular Meeting
Of the Board of Trustees of the
Village of Larchmont, N.Y.
held on Monday, June 20, 2022

PRESENT: Mayor Lorraine Walsh
Trustees Sarah Bauer
Peter Fanelli
Brigid Brennan
Dana Post

Also present: Dep. Clerk Riley, Attorney Staudt, Administrator Datino, Asst. Administrator Katzin, Dep. Treasurer Cazzorla

Mayor Walsh welcomed all who were in attendance and called the meeting to order at 7:30 PM.

The Mayor said this past Friday night the Sprint to Flint took place and since 2010 it has been under guidance of Carolyn Lee. After being at the helm of the run for 12 years, Carolyn has decided to step aside. Carolyn's energy and ability to lead helped the run grow year by year. We give her our thanks and she will be missed, but now will hand the reigns over to Rachel Thomas.

On motion of Trustee Bauer, seconded by Trustee Brennan, and unanimously carried, it was: **RESOLVED,** to appoint Susan Girling as a member of the Parks and Trees Committee.

On motion of Trustee Bauer, seconded by Trustee Brennan, and unanimously carried, it was: **RESOLVED,** to open the Public Hearing to take comments from Village of Larchmont residents on the upcoming Cable Franchise Negotiations.

Mayor Walsh read the following statement:

This is a public hearing regarding cable franchise renewal for the Village of Larchmont. The hearing is held pursuant to Section 626 of the federal Cable Act and the requirements of the New York Public Service Commission, which set forth the process for franchise renewal. The Village's current franchise agreements with Verizon and Altice are expiring and we have begun the process of negotiating new franchise agreements with both cable operators. This public hearing is an important part of franchise negotiations, in which the Village seeks public comment on Verizon and Altice's past performance and our community's future cable-related community needs.

The purpose of this public hearing is to hear from citizens regarding the following:

1. The past performance of the cable operators; and
2. The Village's future cable-related needs.

Franchise renewal is the best opportunity for municipalities to assert their rights with respect to their cable operators and to obtain important benefits in return for granting the cable operator the right to use its public rights-of-way. These benefits include, but are not limited to, the following:

1. Strong and enforceable customer service standards;
2. A state-of-the-art cable system;
3. Protections of the public rights-of-way;
4. The right to impose franchise fees for the cable operator's use of the public rights-of-way and improved franchise fee accountability;
5. Reporting requirements on the cable operator;
6. Legal protections for the Village; and
7. Better mechanisms to enforce the franchise agreement.

These are just some of the potential benefits available through franchise renewal. Citizens may address these items or any other cable-related items that are important to them. We will now open the hearing up to citizen comments. Thank you.

Louise Perez, 8 Cherry Avenue

Though some past problems have been rectified I'm here to put on the record problems that have occurred in the last several years.

There have been many dangling cable wires throughout the Village. They are attached to overhead wires, but have been cut and are dangling. They are unsightly and potentially dangerous: case in point:

Chatsworth Ave between Forest Pk and Roosevelt dangling in the street that I could touch it as I biked to Train.

Monroe Ave. between Cherry and Locust there was a wire, still attached above, but spread all over the ground by the sidewalk where many children walked back and forth to school. It was there for months.

I learned from Justin that Village couldn't do anything and that I would have to contact the Cable Company. You know how long it takes to get a Rep on the line. And I could only register a complaint if my cable service was with that company.

So when I saw a repair truck in the neighborhood I would ask the technician to come over and take down the dangling wire. My success rate wasn't good. Most of the time they would tell me the wires were not their company's and they couldn't touch them.

Hurricane ISAIAS provided a stark example of this unresponsive attention. The cable wire running to our house was brought down and then cut by DPW. We were without cable service for 18 days. (I won't get into how much time was spent on our cell phones trying to get an Optimum Rep on the line.) Finally, a technician arrived. He put up a new wire which restored our service. But when I asked him to take down the old wire which was lopped over our fence and spread over the lawn next to the street where many people walk, the best he could (grudgingly) do was cut it back so it dangled in our Japanese maple. Perfect for the squirrels to play TARZAN. Out of frustration we switched our cable service to Verizon so forget about getting any service from Altice. A year later I happened to see an Optimum/Altice truck on our street, so I lurked around until I saw the technician and asked him if he wouldn't take down the old wire. He was a nice guy and came over with his ladder and disconnected the wire from our house.

But, There is still a dangling wire across the street though not so dangerously low, but just the same unsightly. Shouldn't the companies be more responsible about cleaning up their work when they do a job? If they don't do it, who will?

Elaine Chapnick of 22 Larchmont Ave stated she hope the franchise fees will still go to LMC.

Irwin Davidson from Stuyvesant Ave said he has trouble with replacing his Verizon remote control. When he gets a representative on the phone he's told they will replace the remote for a \$15 fee. Verizon has poor service and needs more competition.

Mayor Walsh read the following statement submitted by Kaaren Marcato via e-mail.

"I see that there is a meeting tonight concerning the renewal of cable contracts with Verizon and Altice. I am assuming that Altice is the same as Optimum. We have had NO success with Optimum responding to calls about finishing a job. For over a year we have had cable taped to trees, hanging low between tree branches and trailing on the ground. I hope their lack a good service comes up at the meeting and I would appreciate it if I could be informed about a phone number to call for service when you are not an Optimum customer. Thanks, Kaaren Marcato, President of the Pine Ridge Board"

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

Mayor Walsh said that during the pandemic, to avoid contact the governor ordered government meetings maybe held remotely and in person meetings could be suspended. Now a new law allows municipalities to adopt local law allowing some use of videoconferencing for their public meetings.

On motion of Trustee Fanelli, seconded by Trustee Bauer, and unanimously carried, it was:

RESOLVED, to open the Public Hearing on a proposed Local Law amending the Larchmont Village Code to permit and set forth procedures for Videoconferencing by a Public Body.

The Mayor asked the Board of Trustees and anyone in attendance if they had any comments on the proposed local law. There were none.

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

On motion of Trustee Fanelli, seconded by Trustee Bauer, and unanimously carried, it was: **RESOLVED**, to adopt Local Law 1-2022.

VILLAGE OF LARCHMONT
LOCAL LAW NUMBER 1-2022 OF THE VILLAGE OF LARCHMONT
A LOCAL LAW AMENDING THE LARCHMONT VILLAGE CODE TO PERMIT AND SET FORTH
PROCEDURES FOR VIDEOCONFERENCING BY A PUBLIC BODY

BE IT ENACTED by the Board of Trustees of the Village of Larchmont, Westchester County, New York, as follows:
Section 1. There is hereby added to the Code of the Village of Larchmont a new Chapter 35 to be read as follows:

§ 35-1. Purposes.

A. The purpose of this Chapter is to enable members of Village of Larchmont public bodies who are unable to be physically present at a meeting location due to extraordinary circumstances to attend the meeting remotely.

B. Additionally, the purpose of this Chapter is to enable Village of Larchmont public bodies to provide access to certain meetings for members of the public who are not physically present at a meeting location.

§ 35-2. Definitions.

PUBLIC BODY

Any Village of Larchmont entity for which a quorum is required in order to conduct public business and which consists of two or more members performing a governmental function for the Village of Larchmont, or a committee or subcommittee or other similar body consisting of members of such public body.

MEETING

The official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body.

EXECUTIVE SESSION

That portion of a meeting not open to the general public.

QUORUM

The quorum requirement of Village of Larchmont public bodies as provided by law.

DISABILITY

The term "disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment.

§ 35-3. Videoconferencing permitted.

A public body of the Village of Larchmont may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of this chapter provided that a

minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend.

§ 35-4. Remote attendance by members of a public body.

Each public body (including committees and subcommittees thereof) may make its own determination whether to use videoconferencing to conduct its meetings. Where a public body has determined to use videoconferencing to conduct its public meetings pursuant to this Chapter, members shall be physically present at any such meeting unless a member is unable to be physically present at any such meeting location due to the following extraordinary circumstances:

- A. Disability
- B. Illness
- C. Caregiving responsibilities, or
- D. Any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting

§ 35-5. Procedures.

The following procedures shall govern member and public attendance and shall be conspicuously posted on the official public website of the public body conducting videoconferencing:

- A. Except in the case of executive sessions, the public body shall ensure that members of the public body can be heard, seen and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
- B. The minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public as required by New York Public Officers Law.
- C. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend.
- D. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
- E. If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video and to participate in proceedings via videoconference in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.

§ 35-6. Executive session.

Nothing herein is intended to prohibit or impede a public body's ability to conduct an executive session in compliance with Section 105 of the Public Officers Law or for members to otherwise meet when not conducting official Village business (i.e. attendance at educational and similar events) in compliance with the provisions of the Public Officers Law, nor shall anything set forth herein alter any requirements previously established for meetings of other groups which are not subject to the Open Meetings Law.

§ 35-7. State of Emergency.

The in person participation requirements of Section 35-4 of this Chapter shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-

eight of the executive law, or a local state of emergency proclaimed by the chief executive of Westchester County, the Village of Larchmont, or the Town of Mamaroneck pursuant to section twenty-four of the executive law, if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.

§ 35-8. Disability access.

Open meetings of any public body that are broadcast or that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines.

Section 2. Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 3. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

Chief McNerney gave the following report.

1. Auto theft on Beach Ave. residents are reminded again to not leave car doors unlocked and key fobs in vehicles.
2. Chase Bank reported a female withdrawing fund illegally.
3. Apartment rental check fraud reports: Keystone Realty through Facebook Market
4. The department has request a list of Latino officers to replace the recently retired Lt. Juan Sanchez.
5. Department activates:
Officer Natalie Messina- Fashion Show
Sprint to Flint
Active Shooter Training at Larchmont Temple
Nicolas Field-FBI School
Sgt. J. Dispenza, N. Filed and former LPD Officer Jared Pennela-Awards for rescue of 3 women from car fire.

Next Chief McNerney introduced recently promoted and hired officers:

Lt. Joseph Paprota
Sgt. Daniel Hammond
Det. Danielle Lent
Officer Seth Roach
Officer Matthew DiSilvestri

Mayor Walsh administered the oath of office to each officer.

Chief Caparelli made the following report.

June is Summertime Burn Safety month. This month fire departments throughout the country are focusing on potential burn and fire causes related to summer get togethers and summer fun. Grilling, fire pits, camp fires and fireworks all can potentially cause burns and create a risk of unwanted fires.

1. Remember to wear short sleeves when cooking on a grill, use long handled bbq tools, keep a three-foot safety circle around grills to avoid contact with hot surfaces, open your grill before lighting and always use grills outdoors.
2. Build open campfires at least 25 ft. from tents, shrubs and other combustibles, outdoor fire pits in your yard should be at least 10 ft. from homes, always ensure the fires are extinguished before leaving them unattended.
3. View fireworks at a public display, Aerial consumer fireworks, firecrackers and chasers, skyrockets, roman candles, bombs and metal wire sparklers are illegal in New York State and are dangerous. Even sparklers can reach 1200 degrees and can cause 3rd degree burns.

Now that the weather is getting warmer, the fire dept. has begun flowing water at various locations to test the function of the fire apparatus, the flow of hydrants and other equipment. We will do everything possible to avoid causing brown water however if you do experience brown water please let your water run for a minute until it clears up. Please call 914-834-0016 to report brown water from these activities.

Today all fire apparatus had the on-board fire pumps tested by a third-party testing company ensuring proper operation and fire flow. This is done annually to comply with NFPA regulations. All ground ladders were tested in the same fashion last month.

The career staff participated in the annual county wide Hazmat training last month at the DES culminating with a drill on June 6, 2022. Along with the city of New Rochelle and Pelham FD's. Larchmont is a participating partner in squad 2 of the 6 hazmat/wmd squads throughout the county. Our last deployment was in the city of New Rochelle for the chemical release at the YMCA

The volunteer staff participated in the FASNY Spring Fair. Rescue 1 was on display as well as a recruitment table staffed with personnel handing out fire hats and fire safety materials available for residents to become familiar with and learn about the FD.

Code Enforcement

The weather is becoming favorable for Outdoor dining once again. The areas are constantly being monitored for compliance. New areas are being installed and others are being removed. Please enjoy these spaces and let me know of any issues you encounter so I can address them immediately please use the village's web site at www.vol.org.

Trustee Fanelli made the following report.

1. Flint Park Music Festival was a great success. Thanks to all who helped.
2. Concerts in Constitution Park will begin on June 30th.
3. Dixie Dandies will be in Manor Parking performing on the 4th of July.
4. Sprint to Flint returned with a big turnout. Thanks to Carolyn Lee and all the volunteers.
5. Tennis and Pickleball permits are available on the website.
6. 2022 Flint Park Day Camp will begin in July. Go to the website for more information.
7. Life Guards are needed for the Day Camp. Contact the Recreation Department.
8. The Village needs volunteers. Contact the Clerk's office.

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

WHEREAS New York General Municipal Law, Article 5G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5G, Section 19-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis; and

WHEREAS the Village of Larchmont wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019; and

WHEREAS the Village of Larchmont wishes to satisfy the safety and liquidity needs of their funds; now therefore be it

RESOLVED that James Cazzorla, Deputy Village Treasurer of the Village of Larchmont is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

Administrator Datino said paving is about to begin on Beach, Monroe, Bayard and Mayhew Avenues very soon.

The Mayor announced resolutions adopted at recent work sessions.

1. Approve promotions and hiring's Police Departments
2. Approve Glenna Lee as Chair-Parks and trees Committee

3. Amend Trees and Bench Donation Policy
4. Amend 22/23 Fees & Charges Schedule-Tree Donations
5. Approve to fly Pride Flag at Village Hall

On motion of Trustee Bauer, seconded by Trustee Fanelli, and unanimously carried, it was: **RESOLVED**, to approve the minutes of May 16, 2022.

On motion of Trustee Fanelli, seconded by Trustee Post, and unanimously carried, it was: **RESOLVED**, to approve the minutes of the work session held on June 6, 2022.

On motion of Trustee Brennan, seconded by Trustee Post, and unanimously carried, it was: **RESOLVED**, to approve the List of Bills, dated June 17, 2022, in the amount of \$285,195.53.

On motion of Trustee Brennan, seconded by Trustee Post, and unanimously carried, it was: **RESOLVED**, to approve the List of previous paid Bills, dated June 17, 2022, in the amount of \$499,189.43.

On motion of Trustee Fanelli, seconded by Trustee Bauer and unanimously carried, the meeting adjourned at 8:43PM.