

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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In the Matter of the Application of :
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 :
NORMAN S. ROSENBLUM, as MAYOR OF THE :
VILLAGE OF MAMARONECK, :
 :
 :
Petitioner, :
 :
 :
For a Declaratory Judgment for an Order Declaring :
the September 6, 2016 Village Board Meeting Void :
 :
 :
-against- :
 :
 :
VILLAGE CLERK OF THE VILLAGE OF :
MAMARONECK and THE VILLAGE OF :
MAMARONECK BOARD OF TRUSTEES :
 :
 :
-and- :
 :
 :
WESTCHESTER COUNTY BOARD OF ELECTIONS, :
 :
 :
Respondents. :
----- X

Index No.: 3054/16

Assigned to:
Justice Lawrence H. Ecker

VERIFIED ANSWER

Respondents Village Clerk of the Village of Mamaroneck and The Village of Mamaroneck, by their attorneys, Wilson Elser Moskowitz Edelman & Decker, LLP, answering the verified petition of Norman S. Rosenblum, allege as follows:

1. Respondents admit the allegations set forth in paragraphs 1 through 4 of the verified petition.
2. Answering paragraph 5 of the verified petition, Respondents respectfully refer the Court to the remaining paragraphs of the verified petition for the nature of the proceeding and Petitioner’s claim.

3. Respondents deny the allegations set forth in paragraph 6 of the verified petition, except admit that the Village Clerk noticed both a work session and a public hearing of the Board of Trustees for 5:30 p.m. on September 6, 2016.

4. Respondents deny the allegations set forth in paragraph 7 of the verified petition, except admit that due notice was given of a work session of the Board of Trustees to be held on September 6, 2016 at 5:30 p.m.

5. Respondents deny the allegations set forth in paragraph 8 of the petition, except admit that on or about and between August 31, 2016 and September 5, 2016, the Village Clerk published and posted corrected notices stating that public hearings on proposed local laws T and U of 2016 would be held at 7:30 p.m. on September 6, 2016.

6. Respondents deny the allegations set forth in paragraph 9 of the verified complaint and respectfully refer the Court to the Laws of the State of New York for the true and accurate content of the statutes as alleged.

7. Respondents deny the allegations set forth in paragraph 10 of the verified complaint.

8. Respondents deny the allegations set forth in paragraphs 11 and 12 of the verified petition, except admit that on September 6, 2016 the Board of Trustees adopted Local Law T of 2016 and Local Law U of 2016, to be effective upon the approval of the voters in a referendum to be held at the general election on November 8, 2016.

9. Respondents deny the allegations set forth in paragraphs 13 and 14 of the verified complaint and respectfully refer the Court to the Laws of the State of New York for the true and accurate content of the statutes as alleged.

10. Respondents deny the allegations set forth in paragraph 15 of the verified complaint and respectfully refer the Court to the Rules of Procedure of the Board of Trustees of Village of

Mamaroneck Laws of the State of New York for the true and accurate content of those rules.

11. Respondents deny the allegations set forth in paragraphs 16 and 17 of the verified petition.

As and for Respondents' First Affirmative Defense and Objection in Point of Law

12. Petitioner lacks standing to assert the claims alleged in the verified petition.

As and for Respondents' Second Affirmative Defense and Objection in Point of Law

13. The verified petition is barred by the applicable statute of limitations.

As and for Respondents' Third Affirmative Defense and Objection in Point of Law

14. Petitioner is not entitled to the relief requested in the verified petition by reason of laches.


As and for Respondents' Fourth Affirmative Defense and Objection in Point of Law

15. The verified petition fails to state a cause of action upon which relief can be granted.

WHEREFORE respondents respectfully request that the verified petition be dismissed in all respects.

Dated: White Plains, New York
October 24, 2016

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 
Robert A. Spolzino, Esq.
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VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

LEON POTOK, being duly sworn, deposes and says:

1. I am a Trustee of the Village of Mamaroneck. I am acquainted with the facts of this matter.

2. I have read the within answer and know the contents thereof; the same are true to my knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief as to all matters alleged in this petition is based upon my personal knowledge and my review of the file maintained by the Village of Mamaroneck with respect to this matter.



Leon Potok

Sworn to before me this
24th day of October, 2016



Notary Public

LAURA HANNA
Notary Public, State of New York
No. 01HA6035322
Qualified in Westchester County
Commission Expires Dec 27, 2017