

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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In the Matter of the Application of :

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. :
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Index No.: 3054/16

Assigned to:
Justice Lawrence H. Ecker

**AFFIDAVIT OF
VILLAGE MANAGER
RICHARD SLINGERLAND**

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

Richard Slingerland, being first duly sworn, deposes and says:

1. I am the Village Manager of the Village of Mamaroneck. I make this affidavit based upon my personal knowledge.

2. 12:46 p.m. on August 17, 2016, I was copied on an email from Linda Whitehead, Esq., who is a member of the law firm of McCullough, Goldberger & Staudt and works with Village Attorney Charles Goldberger on Village matters. The email included her message to Village Clerk Agostino (Augie) Fusco regarding the notices of the public hearings on Proposed Local Laws T-2016 and U-2016.

It stated:

On T and U, a proposed notice was provided with the proposed local law when it was presented Monday night. You may want to use their form of notice. However, I note that their form says 7:30. I assume the meeting time is not changing, it will just be changed to a regular or special meeting at 5:30 rather than just work session.

Certified Transcript of Record, Exhibit E.

3. Based upon Ms. Whitehead's email, I sent the following email to the Village Clerk a few hours later:

Augie:

As Linda said, I would use what was submitted for PLL-T and U. Here they are in word format, with a couple of minor changes I made to the caption/summary. Linda or Charlie to confirm.

You also need to confirm the date of the notice on the bottom. As noted the meeting time on September 6 has not changed and remains at 5:30 p.m.

Certified Transcript of Record, Exhibit E.

4. In addressing the issue of the time of the meeting, I did not take note of Ms. Whitehead's comment that the notice should "be changed to a regular or special meeting at 5:30 rather than just work session." The standard practice in the Village of Mamaroneck when scheduling a public hearing is that the meeting and hearing are noticed to start at the same time, even if the agenda calls for other items to be addressed first.

5. On August 31, 2016, I was copied on an email in which Deputy Village Clerk Sally Roberts stated that in reviewing the video of the August 15, 2016 meeting of the Board of Trustees, she realized that on August 15, 2016, the Board of Trustees had specifically scheduled the public hearing to be held at 7:30 p.m., not 5:30 p.m., as the notices stated. Certified Transcript of Record, Exhibit H.

6. Before 3:00 p.m. that day, I called Robert J. Freeman, the Executive Director of the New York State Committee on Open Government. Mr. Freeman advised me that by issuing, posting, web-posting and e-mail blasting a revised notice specifying the correct time for the public hearings, we could satisfy the notice requirements.

7. At 3:22 p.m. on August 31, 2016, I sent an email to the Mayor and Board of Trustees to explain what had happened:

Everyone:

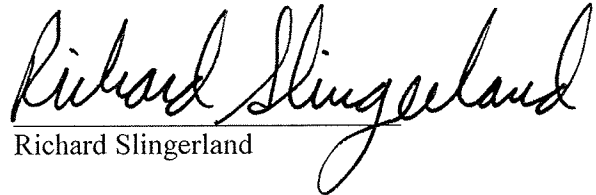
Since the Work Session had been published for 5:30 p.m., I recommended changing the hearing notices to 5:30 p.m., as I thought the time was an accidental oversight.

Per the will of the majority of the Board, the Work Session will remain at 5:30 p.m., and the public hearing has been noticed for 7:30 p.m.

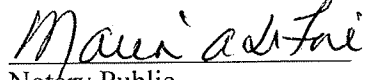
Per Bob Freeman, the times may be changed, and circulating and posting the notices today is definitely adequate to comply with the Open Meetings Law.

My apologies for any difficulties in this regard.

Certified Transcript of Record, Exhibit R.


Richard Slingerland

Sworn to before me this
21st day of October, 2016


Notary Public

Maria A DiFiore
Notary Public, State of New York
No. 01D16171722
Qualified in Westchester County
Commission Expires: 7/30/2019