

Sally Roberts

From: Abby Roberts <abbyroberts46@gmail.com>
Sent: Wednesday, May 27, 2020 4:31 PM
To: Goldstein Comments
Subject: Fwd: Cindy Goldstein

Please enter the below comments. In addition, I'd like to say that the timing of this hearing was extremely inconvenient. I very much wanted to make a public comment but work obligations forced me to jump on and off the call all day and I missed the public commenting window.

----- Forwarded message -----

From: **Abby Roberts** <abbyroberts46@gmail.com>
Date: Fri, May 22, 2020 at 5:36 PM
Subject: Cindy Goldstein
To: Abby Roberts <abbyroberts46@gmail.com>

Dear Mayor and Board,

I am writing in support of Cindy Goldstein and in opposition to and with deep concern regarding the recent Ethics Board Decision and Recommendation.

I do not know Cindy Goldstein personally. However, as someone on the zoning board and previous Chair of the Traffic Commission, a lawyer, a woman, and a community member with deep ties in Mamaroneck, the Ethics decision-making process and the decision itself alarm me considerably.

1. As a member of Village boards. For the last four years I have volunteered on community boards and am currently a member of the ZBA. In that capacity, I am required to read through massive amounts of paperwork every month. I also have a full-time job and two young children. Given the workload, the vagueness of the ethics code, the Byzantium standards to which Cindy Goldstein is being held, and the complexity of many of the matters we face, I can easily see myself unintentionally running afoul of the same.

To make matters worse, according to the Ethics Board Decision on page four, **we cannot even rely on the Village Attorney to counsel us on recusal or interrupt meetings on the same.** Instead we are to rely on "concerns" from other members. I certainly rely on the Village Attorney for counsel on this and would assume that's what we are paying them for.

- The fact that is "noted" that somehow writing an email to the Mayor and Board defending herself after the conclusion of the hearing "confirmed" a "disregard for the law".
- The "he said, she said" in footnote 51 where the brief credits the man (no other explanation given).
- The "gotcha" nature of the whole sewer line saga, which reading through the lines seems like a very confusing situation that could happen to anyone given loads of paperwork involved.

It's also not clear to me who is writing (and paying) for the Ethics brief. If the Village is paying for attorneys to write something like this it is deeply disturbing on multiple fronts - including financial.

Sally Roberts

From: Alan W. Borst, Jr. <awbjr57@gmail.com>
Sent: Sunday, May 31, 2020 3:05 PM
To: Goldstein Comments
Subject: Cindy Goldstein

I have read the Memorandum decision and opinion, which lays out the “multiple” {two or more} violations of the ethics code. Ironically, I believe that if she had simply disclosed these conflicts or apologized for the oversight, she could continue to serve. It would have shown that she understood the importance of full disclosure and the need for recusal. Instead, she seems to want to fight, which is of course her right. But I would question why she would want to be on a committee that has so many conflicts with her and her husband’s property interests.

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Alan Borst, Mamaroneck, NY

Sent from [Mail](#) for Windows 10

Sally Roberts

From: Alana Stone <alanaleestone@yahoo.com>
Sent: Sunday, May 17, 2020 6:28 PM
To: GOLDSTEINCOMMENTS@VOMNY.ORG; Mayor and Board
Subject: Cindy Goldstein
Attachments: Cindy Goldstein -- Public Hearing Input.docx

Please make the attached part of the public record.

Thanks,
Alana

Sally Roberts

From: albertlarry50 <albertlarry50@gmail.com>
Sent: Wednesday, May 27, 2020 10:11 AM
To: Goldstein Comments
Subject: LarryAlbert Mr Mayor and board I urge you too vote Cindy Goldstein off the board you should send the ethics

Sent from my T-Mobile 4G LTE DeviceLruling too every resident of the village so they can vote too remove her

Sally Roberts

From: Amy Brelia <amy@breliagroup.com>
Sent: Thursday, June 04, 2020 5:25 PM
To: Goldstein Comments
Subject: comments
Attachments: Xerox Scan_06042020170946.PDF

Amy E. Brelia, CPA
The Brelia Group LLC
2001 Palmer Avenue, Suite 202
Larchmont NY 10538

Tel: 914.834.3488
Fax: 914.834.3556

BEWARE OF TAX FRAUD--IRS WILL NEVER CALL TAXPAYERS REGARDING TAX ISSUES.

Sally Roberts

From: Beverley Sherrid <bsherrid@optonline.net>
Sent: Monday, June 08, 2020 9:18 AM
To: Mayor and Board; Goldstein Comments
Subject: response to call for public comments, Goldstein decision
Attachments: 8 June 2020 letter re Goldstein.docx

Thank you for the opportunity to review and comment upon the Board of Ethics decision regarding Cindy Goldstein. My thoughts are summarized in the attached letter.

Beverley Sherrid
625 The Parkway
Mamaroneck NY 10543

bsherrid@optonline.net
mrs.sherrid@gmail.com

Sally Roberts

From: Bgmbg <bgmbg@aol.com>
Sent: Thursday, May 28, 2020 11:09 AM
To: Goldstein Comments
Subject: Planning Board Member Cynthia Greer Goldstein

Dear Mayor Murphy:

I want to thank you for holding the public hearing yesterday to review the matter of the Ethic's Board recommendation to remove Ms. Goldstein from the Planning Board. I have read both the Ethic's Board decision and recommendation, the Memorandum of Law produced by Counsel on behalf of Ms. Goldstein and was in attendance for your entire hearing on said recommendation. Having been a resident of the Village for the past 26 years, a former member of the Harbor & Coastal Zone Management Commission for 6 years and an attorney licensed to practice law in New York State, I feel compelled to write to you regarding this matter.

As a former member and Vice Chair of the Harbor & Coastal Zone Management Commission, I had the opportunity of working directly with Ms. Goldstein. Contrary to the Board of Ethics opinion, I have personally experienced situations whereby Ms. Goldstein complied with both the disclosure requirement of section 21-4(N) and the recusal requirement of section 21-4(C) of the Code of Ethics for all matters that came before the HCZM relating to Beach Point Country Club, for which she was a member, and for the application of 8 Oak Lane, located across the street from her residence. Therefore, I disagree that any nonethical pattern has been established or that Ms. Goldstein shows blatant disregard for the Code of Ethics. Additionally, in the six years that we worked together, it was my direct observation that Ms. Goldstein consistently demonstrated the highest standards of professional behavior and moral character and she consistently brought energy, insight, and tremendous diligence to all aspects of her responsibilities. Ms. Goldstein has been a steadfast member of our Village community who is completely dedicated to fair and unbiased representation and decisions. I believe that removing her from the Planning Board would be a tremendous disservice to the Village and its residents as Ms. Goldstein's involvement provides tremendous value to us all.

As an attorney, I find the Memorandum of Law produced by Counsel on behalf of Ms. Goldstein compelling and the arguments therein have real traction. The latter opinion is further bolstered by my own experience as a board member, especially in regards to being held to subjective standards where no compliance training or insight was provided. I believe the document catalogs many lapses by the Ethics Board (BOE) and, unfortunately, for the Village. Said lapses could lead to actual harm of Ms. Goldstein's reputation and future professional career if not overturned by the conclusion of the Article 78 hearing. As for the difficult decision you face as the Mayor, I am heartened by your request to the community for evidence to support mitigation of the Ethics Board's recommendation. I hope that Ms. Goldstein's record of compliance and service is given considerable weight when making your final decision. It was also abundantly clear in yesterday's hearing that we as a Village, and you as the Mayor, have been thrown into un-chartered territory by this ruling. As such, although some have criticized and may attempt to take advantage of the time it takes you to act on the BOE recommendation, I fully support your thoughtful approach. There is no requirement dictating your acceptance of the BOE recommendation nor are there any time limits for your decision. To the contrary, given the sound arguments in the Memorandum of Law, we as a Village have an opportunity to improve our systems to avoid both manipulation and potential liabilities in the future. I believe that not accepting the Board of Ethics recommendation to remove Ms. Goldstein from the Planning Board

or at least waiting for the results of the Article 78 proceeding is the decision that is most consistent with your actions to date.

Respectfully,

Brian F. Glattstein

Sally Roberts

From: Cari O'Leary <coleary63@gmail.com>
Sent: Wednesday, June 10, 2020 1:02 PM
To: Goldstein Comments
Subject: Goldstein Public comment. 06.01.2020, 12:59
Attachments: Goldstein Public comment. 06.01.2020, 1259.pdf

Please find attached my submission in support of Ms. Cindy Goldstein

Sent from my iPhone

Sally Roberts

From: Celia Felsher <cfelsher2@gmail.com>
Sent: Tuesday, June 02, 2020 11:56 AM
To: Goldstein Comments
Subject: Cindy Goldstein Hearing

Dear Mayor Murphy and Village of Mamaroneck Trustees,

I am writing in support of Cindy Goldstein concerning the recommendation of the VOM Board of Ethics ("BOE") that Ms. Goldstein be removed from the Planning Board. I have reviewed the BOE memorandum and I am familiar with both the Hampshire and Oak Lane matters. Also, at the request of Mark Ettinger, who is Chairman of the BOE, I met with Mr. Ettinger and another member of the BOE in May 2019.

It is clear from the facts presented, and for the reasons articulated in submissions by Ms. Goldstein and her attorney, that there are no grounds for censuring, much less removing, Ms. Goldstein. Ms. Goldstein did not have a conflict of interest that would rise to the level of requiring recusal on Hampshire, and, with respect to the Oak Lane matter, Ms. Goldstein recused herself prior to the Planning Board taking, or even deliberating on, any substantive discretionary matter.

I also want to comment on the attitude and language used by the BOE, and in particular by Mr. Ettinger. They raise serious concerns about the attitude, agenda, unfair and unequal application of rules and principles, and inappropriate use of power by the BOE.

Mr. Ettinger, together with another member of the BOE, came to my home on May 29, 2019 to discuss two issues, the Oak Lane and the Hampshire applications in front of the Planning Board. While Mr. Ettinger, who did all the talking, did not indicate that the subject of his inquiry was Cindy Goldstein, it was clear after only a few minutes of discussion, that the entire interview was being held to gather information that would support a case against Ms. Goldstein. Mr. Ettinger was very aggressive in his questioning. As I showed him information indicating why Ms. Goldstein had no more of a conflict of interest in the Hampshire matter than hundreds of other community residents living in the vicinity of the club, he kept aggressively presenting his view that a unique conflict must exist. I believe he had no desire to obtain facts to analyze an issue, but solely wanted to gather material and testimony to support a predetermined conclusion.

I believe the Board of Trustees should undertake a review of the behavior of the BOE in this matter. There may be other matters where similar aggressive behavior has been exhibited by the BOE. The lack of transparency and ability of the BOE to destroy reputations and create a chill in volunteer participation in this community must be addressed and corrected.

Thank you.

Sincerely,

Celia Felsher

Sally Roberts

From: Dan Natchez <dan.n@dsnainc.com>
Sent: Wednesday, May 27, 2020 4:02 PM
To: Goldstein Comments
Subject: Goldstein Hearing public Comments
Attachments: 2020-05-26 dsn public comments.docx

Please see attached

Dan Natchez, CMP, President
DANIEL S. NATCHEZ and ASSOCIATES, Inc.
916 East Boston Post Road
Mamaroneck, NY 10543
Email dan.n@dsnainc.com
Office: 1-914-698-5678
Cell: 1-914-381-1234
Fax: 1-914-608-5678

Sally Roberts

From: Daria L <darlocher@gmail.com>
Sent: Wednesday, May 27, 2020 4:19 PM
To: Goldstein Comments
Subject: Comments from Goldstein special meeting

Here are my comments from the special meeting today.

Hello, I'm Daria Locher and I live on Cedar Island in Larchmont. I'm speaking up now directly to the mayor as a concerned, even upset, citizen. Mr. Mayor, in 2013 when you ran for office, the Daily Voice ran an article where you said ethics was important to you. You said and I quote, "To me, one of the most pressing issues in every form of government is to restore people's faith that the government works for them."

I am therefore confused how this is even a discussion of your agreeing or not with the unanimous decision of the Ethics Board recommending Ms. Goldstein leave the planning board immediately. As Mr. Cooper previously mentioned, why did it take 6 months for this decision to be made public with this hearing? This passage of time makes it feel like you waited for Cindy Goldstein to reject the Hampshire project and then announced the hearing a convenient few days later.

Obviously there is an issue with the official standards that were extensively discussed throughout this day, and that needs to be addressed at a future time, preferably as soon as possible. I understand that this current situation isn't convenient or wanted in your position, but it does fall under your position's official obligations and I expect that you act in a way conforming to the ethical standards promised to your constituency.

Thank you.

Best,

Daria Locher

Sally Roberts

From: Detlef <detlefjoerss@msn.com>
Sent: Sunday, May 31, 2020 5:07 PM
To: Mayor and Board; Goldstein Comments
Cc: Cindy Goldstein, Esq.; Gretta Heaney
Subject: Cindy Goldstein versus Board of Ethics

It has come to my attention that Mrs. Cindy Goldstein is under vicious attack by some the BOE (a wrong name for sure!) for alleged misdeeds, which did not occur!

Too boot, the attacks are based on a report by an anonymous person!

What have our party sunk to? I would fully expect something like this from Trump and his henchmen (and women!) but not from you!

Anyone with even the slightest knowledge of the Hampshire location in person knows it is a flood zone. Does living nearby prohibit an opinion? To some of you it seems to do that, but you are wrong!

I urge the people in charge to immediately stop these foul and vicious attacks, you are acting Trumpian, not ethical, moral or honest!

I am a long time resident of Mamaroneck and a registered Democrat and a regular voter!
I have also been a regular financial supporter of the elections for mayor and board candidates.
Please don't make me reconsider this for the future!

Let me urge you again, please do the right thing!

Sincerely,

Detlef Joerss

Sally Roberts

From: Ellen Styler <ellenjst@yahoo.com>
Sent: Monday, June 01, 2020 3:05 PM
To: Goldstein Comments
Subject: Cindy Golstein recommendation by Board of Ethics

I urge the Mayor to refrain from removing Cindy Goldstein from the Planning Board.

As detailed in my earlier letter, which was submitted into evidence at the Public Hearing, the language in the Board of Ethics's decision illustrates that their decision was subjective and unacceptably biased.

Now that the full record has been made available, I am following up my original letter with additional thoughts. Looking beyond the language of the decision, the facts of the case show the decision to be strongly unfair to Cindy Goldstein.

1. Ms. Goldstein did not violate any rule, law or standard.

On Aug. 12, 2019, the Board of Trustees considered proposed legislation that would require Board of Commission members who live within a notice area to recuse themselves. Regarding this issue, Mark Ettenger stated, "There ought to be some bright lines.... so that when matters come up, people have some predictability as to what is going to occur and what the rules are." Yoram Miller said, "there ought to be some bright line standard."

This conversation highlights that fact that there is no rule, law or standard on recusal for a Board member who lives in proximity to an application. Therefore a Board member should not be disciplined for failure to recuse.

2. In addition to their being "no bright line," meaning no law, standard or policy against Cindy Goldstein's actions, other Planning Board members have not been disciplined for failure to recuse, as evidenced by John Verne's participation in a matter on properties adjoining his own. To discipline Ms. Goldstein now would be very uneven and unfair.

Either of these points alone would be sufficient to warrant the dismissal of any disciplinary action against Cindy Goldstein.

3. In my personal experience, I've noticed that Village residents hesitate to involve themselves or express their views due to a general sense that disagreement or criticism of the Village processes and personalities will result in retribution and unpleasant personal consequences. I wish I could say such fear is unwarranted.

I'm sure you would agree that our democratic processes benefit from healthy exchange of opinions. Let's not give more substance to the belief that expressing one's opinion, in this Village, is a risk to personal security.

Please make it clear that you value thoughtful input, and the exchange of views and opinions among Board members and all residents. Do not remove Cindy Goldstein from the Planning Board.

Ellen Styler
1215 Park Ave.

Sally Roberts

From: Gloria Goldstein <gloagol@aol.com>
Sent: Monday, June 01, 2020 1:28 PM
To: Goldstein Comments
Subject: Fwd: from Gloria Goldstein

-----Original Message-----

From: Gloria Goldstein <gloagol@aol.com>
To: tmurphy@vomny.org <tmurphy@vomny.org>
Sent: Mon, Jun 1, 2020 11:41 am
Subject: from Gloria Goldstein

Dear Tom:

On Wednesday, May 27, I watched Cindy Goldstein's appearance before the Ethics Committee hearing.

I have attended numerous Planning Board meetings and am impressed with Cindy's professionalism and knowledge. Her resume is outstanding. She has spent years volunteering and contributing to the Village of Mamaroneck and the surrounding area. Cindy is a dedicated and loyal community member.

I do not know who has made the accusations. I do believe, however, that there is a connection to Hampshire. That's not a good thing. I am pleased that she has competent legal assistance to guide her.

I urge you to support Cindy Goldstein so she can clear her name and continue to be a respected member of this fine community.

Sincerely,
Gloria
Goldstein, gloagol@aol.com, 914-777-0009

Sally Roberts

From: Guisela Marroquín <gmarroquin01@gmail.com>
Sent: Monday, June 08, 2020 5:33 PM
To: Goldstein Comments
Subject: Additional requests on this matter
Attachments: Signatures to VOM 6.8.2020.pdf

Attached you will find 200 signatures from Village residents asking the Village Mayor to remove Ms. Cindy Goldstein from the Planning Board. I have original copies for clarity.

Thank you,

Guisela Marroquín
Village of Mamaroneck resident

Sally Roberts

From: John Hofstetter <johnmhofstetter@yahoo.com>
Sent: Sunday, June 07, 2020 11:48 PM
To: Goldstein Comments
Cc: Mayor and Board; Thomas A. Murphy; Nora Lucas; Daniel S. Natchez; Victor Tafur; Kelly Wenstrup
Subject: Goldstein Matter

I am writing this to all of you, although I know that this is Tom's decision alone. I think you should all know the history and some background on the Ethics Law.

I have to say I am very troubled by the Ethics Boards actions in the Goldstein matters. It appears that Cindy Goldstein is being unfairly targeted by an unknown accuser, for something no other Board member has faced even though the same situation has arisen in the past and even though it is not a proscribed action.

While the current Ethics Board would like to see land use board members automatically recused from participating in applications that are before their boards when they are within that applicants notification area, that is not the current law and nor is that within their authority to enforce or decide. The fact that the Ethics Board recently made that recommendation and it was not acted on or adopted by the Board of Trustees should have been the end of this, but clearly we find ourselves in this situation due to their overreach.

I was on the Mamaroneck Village Board of Trustees when the "new" Ethics Law was passed as was Tom Murphy, the current Mayor.

Lloyd Green a local attorney with extensive private and public practice history worked with me on the an initial Ethics Law proposal for the Village of Mamaroneck shortly after I was elected to the Board. That version/proposal used the City Of New York Ethics Law as a model for the Village. That law included an extensive list of examples of prohibited conduct, cast a very wide net in it's disclosure form and avoided the ambiguity of language at the center of this dispute. The BOT, which included Tom, felt that was too restrictive, would stifle community involvement and make finding qualified people willing to serve on the various land use boards difficult.

After many deliberations which Tom actively participated and under the guidance from Janet Insardi our Village Attorney, the Board CHOSE to pass the current law. Prior to voting on the law which went through multiple drafts, we had extensive discussions about the potential for land use board members to hear applications for property in near proximity to property they own or occupy. In fact we did discuss the idea that board members should recuse based on whether they were in the notification area or adjacent to a property and we as the Board of Trustees CHOSE not to include that language. In both cases we acknowledged that living adjacent to or within the notification area did not necessarily mean that an applicant's project had a direct financial impact on the board member or their property. The BOT was concerned that setting that kind of clause into the law would unfairly presume that a board member who lived adjacent to an applicant or within the notification area automatically had a conflict, which our attorney advised us most likely would not be the case. We were also advised that doing so would hamstring the land use boards and potentially delay an applicant's hearing.

We also discussed the ambiguity of the language regarding "reasonable appearance of a conflict of interest or impropriety" in the law that we ended up passing and as such clearly acknowledged that the ambiguity existed. However the Board was not prepared to provide an extensive or even partial list of examples of prohibited conduct. There was concern among BOT members that if certain conduct wasn't listed it would be presumed to be acceptable or permitted.

Ethics charges were brought against Toni Ryan and me in 2010. It started at a Board of Trustees meeting where a member of the public came right out and claimed during public comment that Toni and I had violated the Village ethics law. I suggested to the resident that if they felt that there is been a violation, they should file a claim with the Board of Ethics.

Shortly after the meeting it was found that the Village Manager had "just passed along" the purported violation to the Ethics Board. According the interpretation of the code at the time that is not what is supposed to happen and the BOE indicated that it would not pursue a hearing, make a determination or investigate without a sworn statement since the goal of the new law was to make everyone accountable including the Board of Ethics. The intent to prevent people from making anonymous, unscrupulous, politically based charges. As a result Richard Slingerland, the Village Manager who was the driving force behind offhandedly forwarding the information on to the Ethics Board begged off and notified the resident/member of the public from the meeting and they in turn completed, signed and filed a notarized complaint appropriately.

Subsequently I was given a copy of the filing as notice, so I knew who filed the complaint and that an Ethics Inquiry was happening and could properly defend myself. Nowhere in all of the filings regarding the Goldstein matter did I see a copy of the sworn complaint. Additionally, when Trustee Santoro was investigated multiple times there were sworn complaints filed.

I would like you to notice that the decision from the Board of Ethics in my case (and the actual complaint) are nowhere to be found in the BOE minutes, the Board of Trustees minutes or any locations on the Village website. The only mention of it is in an anecdote in the annual report of the Board of Ethics stating something to fact that Trustees were investigated and the charge was unfounded. In fact I asked the Village Clerk's office for a copy of the final determination last week and it could not be located. As someone who actively participated in writing and revising our ethics law and as someone met with and appointed the "New" Board of Ethics, I know we clearly directed BOE to build a library of decisions and plain language interpretations to aid the Village staff and board/committee members in performing their duties. Part of the duties the Ethics Board was given at that time was to provide annual guidance and training prior to filing of staff and committee members Annual Disclosure forms, so ambiguous situations could be addressed. I would think that the formal decision in my case and any others should be the basis for which the Ethics Board would build such a library of plain language meaning for that guidance.

How could that possibly be the situation if they don't have even my case from 2010 posted, along with my exoneration and the rationale for their decision? The fact is the Village can't even find any documentation regarding it after I made a formal request. One could credibly argue that the current members of the BOE do not have the benefit knowing their own past precedent since the record of minutes and decisions and opinions appears woefully incomplete. As a result of not knowing the precedent, two similar fact situations years apart could theoretically have two very different BOE findings or resolutions. That is not ethical or fair. For that matter without requiring and sharing a sworn affidavit with the person being investigated the BOE gives the appearance of arbitrarily investigating one situation and while not investigating other situations that have virtually the same set of facts. That appearance of having a hand in selecting what to investigate and when to investigate it undermines the very premise of a fair and even Board of Ethics.

I tell you this - filing an Ethics Complaint should not be lightly taken, should not be done anonymously and until recently needed a formal sworn and notarized statement of the purported violation and I know of no reason that policy was changed. The Ethics Law as written and passed by the Village of Mamaroneck Board of Trustees was never intended to prevent a member of a land use board from participating in applications purely based on location as the Mayor is well aware.

My opinion is that Cindy Goldstein is being unfairly targeted by an unknown accuser, for something no other Board member has faced even though the same situation has arisen in the past. It appears as if the Board of Ethics is being used as a cudgel in an effort to get capitulation on some other unnamed issue. Unfortunately it has now opened the Village up to multiple potential lawsuits. During my time on the Board of Trustees we had major land use issues percolating in the Village that started in a similar way. Through ineptitude or malfeasance they continued with rounds of hearings, lawsuits and in some cases mediation. These issues were avoidable, went on for many years and were very costly. Had these issues been better handled by the Mayor/BOT/land use board/staff/attorney (and now BOE) from the beginning the Village would be in a much better place than it is today. On each of the major protracted lawsuits I was left with an uneasy feeling that there was either gross ineptitude or more nefariously, someone from the Village acting to intentionally muddy the waters for an applicant who could not get their way through the normal process.

I hope none of that is at play here, but the optics are not good.

John Hofstetter
Cell: 914-584-1845
JohnMHofstetter@yahoo.com

John M Hofstetter 914-584-1845 johnmhofstetter@yahoo.com

Sally Roberts

From: John Pritts
Sent: Thursday, May 28, 2020 11:13 AM
To: Goldstein Comments
Subject: cynthia goldstein

Tom,

An acquaintance of mine approached me on Cynthia Goldstein's removal from the Planning Board and asked me to take a look at what was happening. He knows me as the Historian of the Village and co-president of the Mamaroneck Historical Society and knows that I am interested in all Village news. He is a supporter of her position. I, on the other hand, do not know her at all. My only view of her has been while watching the Planning Board meetings occasionally on LMC Media. From what I saw there she seemed competent. Not looking at these viewings too closely I did not have a strong opinion one way or the other.

I read on the Village website what the Board of Ethics conclusions were. I read the whole thing. What I took from it was that Mrs. Goldstein was a controlling, shallow, and mean spirited person that did not listen at all to any recommendations that were thrown her way by experts in ethics. The tone of the conclusion was absolute. I came away from reading it a bit wary of the results as it did not square with what I had seen on TV or with how my acquaintance described her.

I subsequently got from my acquaintance copies of Mrs. Goldstein's lawyer's action to the Supreme Court dated March 16, 2020 asking for a judgement against the Board of Ethics actions. Again, I read the whole thing, 44 pages long. What a different perspective I got from this document. The hook had been set. I needed to watch the Zoom meeting to try to figure out where the truth lay. In the mean time, I again visited the Village website and read up on the Village code concerning the Board of Ethics and the Board of Trustee and Mayor's positions concerning their actions. I contacted a variety of friends asking them their opinion of Mrs. Goldstein. Most came back extremely positive. The others knew her by reputation only and they praised her volunteerism. A pretty universal positive reaction. Hmmm?

I watched the entirety of the Zoom meeting. I didn't expect it to be as long as it was, had planned my day for it to be over before noon, but could not stop watching. I will say without trying to be judgmental about attorneys, that Mr. Leventhal is a thorough individual, but I wouldn't pay to watch him speak. His detailed dissection of a matter left nothing to the imagination but he made you work to stay on track. But I did. Based on what was said in the meeting, what I had read in the different sources that were available to me, what I had been told about Mrs. Goldstein by friends, and the manner in which she presented herself throughout the meeting and the timeline presented, some things struck me as obvious. Firstly, that Mrs. Goldstein's character and professionalism are stellar. It seems to me that Mamaroneck is lucky to have a person with her personality and work ethic volunteering on our behalf. Secondly, there is a problem with the manner in which the Board of Ethics operates. I don't know the personalities involved with the Board. I have had dealings with one peripherally and it was good. Having this come down on Mrs. Goldstein in the time frame and manner that it did seems not only unfair, but in some ways totalitarian. Where is the transparency and liberty in this process? Lastly, how the ethics rules are managed by the Board is totally inconsistent and strikes me as sexist at the very least and illegal to a large degree. Listening to the public comments made by certain volunteers and adding to what our former Mayor had to say about feeling threatened by the Board was shocking to hear.

Tom, I am not political. In my position as historian I try to keep an open mind. I like to say that my party is the ME party. I make up my own mind. There seems to be an undercurrent in this community that reinforces our

differences and widens the divide. Although this situation in itself is probably not part of that the Hampshire project certainly is and it undercuts everything connected with it. It's times like this, with this decision, that one must step back and determine what the most important aspect of the thing is. In my opinion it is that we might lose a very valuable volunteer that has done nothing that should cause her to be removed. In good government there were many better ways to have handled this matter. Words, rather than a hammer, were in order here. On top of that there needs to be an investigation of why the Ethics Board operated as they did. How in the name of God could a government agency bring down a ruling while they are trying to change the rules of the road in the middle of things? Someone needs to answer that and the Board of Trustees needs to repair the gaps in the law.

I listened to Doreen Roney in her comments. And Nora Lucas. The shock and recognition of the negative portrayal of the Village in what they had to offer were both valid. Doreen is a second cousin of mine, twice removed. Removing cousins doesn't have any effect on them. Removing Mrs. Goldstein at this juncture would certainly have an effect on her reputation and standing in the community. I would have a problem with that. It would not be right for what she is being accused of by some anonymous person.

With all of that said, I don't envy you your position. With all that is going on now, you need this like a hole in the head. Good luck and I'm sure that you will do the right thing.

With all respect,

John Pritts
Historian Village of Mamaroneck

Sally Roberts

From: k347m@aol.com
Sent: Thursday, May 28, 2020 1:20 PM
To: Goldstein Comments
Subject: Comments - Goldstein Hearing

To Whom it May Concern:

We are writing in support of allowing Cindy Goldstein to continue her top notch work on the Planning Board.

We have been Mamaroneck residents since 1975, forty five years ago.

It is not an exaggeration to say that we believe that no other member of any Village Board or Commission has done their job as well as Cindy has. Over and over, we have watched her at work. Her brilliant mind, deep seated effort to "get it right", and well articulated final decision(s) have helped define for us *the very mission of each Board or Commission she has served upon.*

We have been perpetually educated in good municipal governance by Cindy Goldstein.

How shocked and sorry we were yesterday as we watched the "Goldstein Hearing" brought about by the Village's own Board of Ethics.

Mr. Leventhal, Cindy's expert lawyer in municipal ethics made a precise, fact based legal case on her behalf. Every witness and piece of his supporting material, especially the maps, charts, and email records convinced us that the Board of Ethics has made the wrong call.

The Village of Mamaroneck Board of Ethics was shown to be untrained and unskilled. Clearly, by the way even past cases have been misunderstood, misinterpreted, and improperly handled by this volunteer Board, it is time for a complete overhaul of the Board of Ethics. We suggest that be done by Mr. Leventhal himself, with our tax money.

In conclusion, we emphatically reject removal of Cindy Goldstein from the Planning Board. Should her removal take place, we will forever be disgusted with the ethical blunder our Village has made.

Sincerely,

Katherine and Jim Desmond
347 Prospect Avenue
Mamaroneck NY 10543

h. 914-698-6168

Sally Roberts

From: Karla Aber <aberkarla@gmail.com>
Sent: Tuesday, June 09, 2020 12:24 PM
To: Mayor and Board; Goldstein Comments
Subject: BOE/Goldstein Matter

Dear Mayor Murphy,

I am writing in support of Cindy Goldstein. I am a 24-year resident of the Village of Mamaroneck and I find the Board of Ethics (BOE) charges against Cindy Goldstein so perplexing and so appalling, I cannot in good conscience remain silent.

I have known Ms. Goldstein both professionally and personally for a number of years and have found her to be perhaps the most ethical person I have ever known. I have witnessed her many times bending over backwards to be objective, reasonable, conscientious, diligent in her research & planning, and thoughtful in her analysis.

In Ms. Goldstein's almost 30 years of volunteering her time, energy and intellect to the Village and community, there has **NEVER** been a single complaint lodged against her. As her resume shows, Ms. Goldstein is the founder of both the Larchmont-Mamaroneck Hunger Task Force and Employment for Larchmont and Mamaroneck, Inc. She has served on the Village Budget Committee, the Flood Mitigation Advisory Committee, the HCZMC and the Planning Board, as well as held numerous PTA positions. She is a member of the Board of Trustees of Pace University and has received a number of awards for her service, including the Martin Luther King, Jr. award for community service. In addition, Ms. Goldstein, since 1994, has continually provided pro bono legal and tax services to local residents and non-profit organizations, including Local Summit, Fields for Kids and the Mamaroneck Town Senior Center.

The BOE claims in their Recommendations document that when examined in "totality" Ms. Goldstein's conduct "establishes a pattern of violations". I assert that when Ms. Goldstein's conduct is examined in **true** "totality" the only pattern that emerges is one of a dedicated, conscientious community volunteer.

203 Hommocks Road

First, I am perplexed in regards to the charge against Ms. Goldstein. It is clear that she verbally notified, on the record, at the beginning of the Planning Board meeting on March 27 that she owns a home within the notice area. In addition, after consulting a legal expert, she recused herself on June 14 in an email addressed to the Mayor, Board of Trustees, Village Manager, Planning Board Chair, Board of Ethics Chair and the Village Attorney. At the Planning Board meeting of June 26, she reminded everyone that she had recused herself from the matter by reading her recusal letter into the record, left the room and did not participate in any way on the 203 Hommocks Road application. I fail to see any breach on Ms. Goldstein's part significant enough to warrant removal from office. The fact is **SHE DID RECUSE HERSELF**

However, the BOE appears to object to **THE MANNER** in which she recused. They have accused her of being "disingenuous" in her recusal. This is a blatantly subjective judgement by the BOE, not an actionable, measurable offense. They complained that Ms. Goldstein showed "no contrition and no willingness to consider the views of the Ethics Board." This is patently false. One, Ms. Goldstein did consider the BOE concerns, sought advice of counsel and RECUSED from the matter. Two, I fail to see where a lack of contrition (once again subjective, biased language) is a violation of some sort. Is an apology required by our Code of Ethics? Ms. Goldstein has stated repeatedly that while she

did NOT AGREE that she was required to recuse, she did so to avoid “any appearance of impropriety whether deemed reasonable or not and to put the matter to rest.”

The actual crux of the disagreement appears to be only in the timing of Ms. Goldstein’s recusal. It all boils down to a difference of opinion about the meaning of the word “prompt” and about whether the two actions taken on March 27 were ministerial. In examining both sides of the argument, I fail to see any material problem with Ms. Goldstein’s conduct. In fact, even the BOE offered to “go easy” on this charge in order to pressure Ms. Goldstein into recusing from the Hampshire matter.

Hampshire Development application

In my opinion, Ms. Goldstein had a principled and well-reasoned disagreement with the BOE about whether she was required to recuse herself on the Hampshire application.

I won’t belabor the list of accusations against Ms. Goldstein in this matter, as they are well documented elsewhere. However, I must say that all the accusations were quite convincingly refuted by Ms. Goldstein’s attorney. In the hearing of May 27, counsel presented a rational, evidence-based defense, which included substantial documented evidence and visual aids gleaned from FEMA maps, the CDC and other independent, unbiased sources. In addition, his Article 78 filing provides credible additional detail of Ms. Goldstein’s position that she did not violate the Code of Ethics.

It cannot be refuted that Ms. Goldstein’s counsel is an expert in Ethics, Municipal Affairs and Land Use Regulation, arguably the most highly regarded legal expert in ethics and municipal law in NY state. On the contrary, the BOE did not (or could not) avail themselves of similarly accomplished legal advice. They had no such expert to guide them in investigating the matter, or crafting their decision and recommendation.

Appalling Language

As addressed in Ms. Ellen Styler’s letter to the Mayor and Board of Trustees dated May 20, I, too, strongly object to the blatantly biased language contained in the BOE filings. Multiple references to Ms. Goldstein’s “attitude”, her “hostility” and her lack of “contrition” are both subjective and irrelevant. Frankly, I am surprised that such inappropriate language was present in a legal public document. It’s actually quite offensive to me as a woman, and extremely embarrassing for the Village.

Quid Pro Quo

As I understand, the BOE convened a private meeting, off the record, behind closed doors in which they attempted to leverage the Hommocks Road matter to coerce Ms. Goldstein into recusing from the Hampshire matter. How can the BOE “go easy” on an ethics charge? Did they not believe it was a viable charge? If not, why waste time and taxpayer dollars pursuing it? In my opinion, it’s a black and white matter. Either there is an ethics violation or there is not.

Since the BOE offered to abandon their position on Hommocks Road in order to secure a recusal from Ms. Goldstein on Hampshire, it appears obvious to me that this entire matter is REALLY about Hampshire. I couldn’t help but wonder...Why is Hampshire more important to them? What is the BOE’s motive? I have no answers, but the questions linger.

BOE REFORM

The BOE acted as accuser, investigator, prosecutor, judge and jury. How can one expect objectivity under this circumstance? There are no restraints, no checks and balances. It provides a scenario ripe with the opportunity for bringing frivolous charges against someone just because you disagree with their position or even if you just don’t like

them. How can any reasonable person expect an objective and well-reasoned outcome from such an insidious set-up, one clearly susceptible to the potential for misuse and abuse of power? This structure puts both the Village and the BOE members themselves in a terrible position.

I submit that the BOE had possibly already reached a decision before an investigation was even conducted. Isn't it logical to believe that one would not lodge a complaint unless they believed a violation had occurred? Since the BOE was both accuser and investigator, does this not render their "investigation" nothing more than a hollow exercise to support a foregone conclusion?

The BOE didn't even adhere to their own precedents. This inconsistent, unequal application of the law is unacceptable. Moreover, it seems the BOE themselves are ultimately accountable to no one. This situation, too, is unacceptable and must be addressed.

The BOE members appear to lack adequate training to fully understand and interpret the "language and spirit of the Code of Ethics" which they are entrusted with applying. Likewise, they have no access to expert legal counsel to assist in this very specific area of law.

CONCLUSION

The BOE has rendered a Decision filled with cherry-picked "facts", flimsy accusations, discriminatory and biased language, and a glaring lack of understanding of the Village Code.

I submit that Ms. Goldstein is a strong, educated, diligent woman who speaks her mind and stands her ground, and that she acted in good faith without nefarious intent.

Therefore, I urge you to reject the Board of Ethics recommendation to remove Ms. Goldstein. In addition, I suggest the Village immediately address the BOE's woefully inadequate knowledge and training, the absence of accountability in the current structure, and the lack of available expert counsel to assist our current BOE with their ongoing duties.

Respectfully,

Karla Aber

Sent from [Mail](#) for Windows 10

Sally Roberts

From: Kevin Duarte <kevinduarte75@gmail.com>
Sent: Wednesday, May 27, 2020 3:24 PM
To: Goldstein Comments
Subject: Regarding Cynthia Goldstein removal from ethics board. Mamaroneck public meeting 27 May 2020.

I wish to submit the following comments for the public record regarding the aforementioned matter.

Thank you for giving me the floor. My name is Kevin and I have been a Mamaroneck resident for about ten years now. I live near the Mamaroneck Ave School, not too far from the 95 junction. I will begin by saying that I am truly upset by this whole situation. I first learned about the actions of Mrs. Cynthia Goldstein through Mr. Luis Quiros, which already upsets me because I feel as though this is information that EVERYONE in Mamaroneck should have front and center. That would make our village government transparent.

For Mrs. Cynthia Goldstein herself, I truly have no words as it is not up to me to look at her. It is up to a judge and jury to decide what her punishment should be for her abuse of power. If I was in charge, I would see to it that she be charged with 1) taking power despite a clear and present conflict of interest; 2) mismanagement of taxpayer funds that results in an uneven distribution among the community; and 3) contributing to the deliberate disenfranchisement of some Mamaroneck neighbors as a result of financial mismanagement.

Clearly, no elected official is thinking on this level. In fact, I think that sadly even the Mayor is complicit in Mrs. Cindy Goldstein's actions. I first met Mayor Murphy while I was working at the Community Resource Center in Mamaroneck and he really came across to me as a respectable and humble man, someone dedicated to his service to the 10543 zip code. But I now understand that he has been reluctant to take action against Mrs. Cynthia Goldstein for over six months now, when her removal should have been the immediate knee jerk reaction, ESPECIALLY in light of the November 2019 vote by the Mamaroneck Board of Ethics to kick her off. What good is the word of the ethics board under the leadership of Mr. Mark Ettenger if even the Mayor can just disregard it? I believe that Mrs. Cynthia Goldstein is not the only one who should resign. I truly hope that the FBI gets involved since we clearly are unable to handle this ourselves.

As an apology to my community I demand that Mayor Murphy and the government of Mamaroneck compensate us for the tragedy that is unfolding before our very eyes. If Mayor Murphy truly cares for all of Mamaroneck then let him prove it. In light of the fatal response by the Mamaroneck government to this situation, I make three demands as reparations. I demand that 1) the government of Mamaroneck pay the rent of every one of my neighbors without question for the next 12 months; 2) that the pay for ANY Mamaroneck resident or employee who works in cleaning/housekeeping, hospitals, nursing homes, transportation, and any other essential industry is increased by 30% after accounting for taxes due; and 3) that an investigation be aggressively pursued by an external, unbiased source in order to hold Mrs. Cynthia Goldstein accountable for her actions AND anyone who was complicit with her plans.

Unless the Mamaroneck government makes the right call here, or complies with the demands I have listed, then I fail to see that they care at all about our friendly village. As we can all clearly see, no one is even even thinking on this level; our officials are instead thinking about where they will find the funds to fund future legal confrontations over development.

If we have the taxpayer money to be paying the legal fees associated with the costs of development then we must have money to take care of our own residents. But instead we are spending money on fighting and stalling certain development projects in court. The Hampshire development controversy alone has already cost taxpayers an unholy amount of money in legal fees and such, when that whole project could have BEEN done by now and instead providing

amazing tax revenue for our schools and essential workers, as is the case with the Grand Street Lofts, the Mason, and others.

I do see that many of my neighbors are not as bothered as I am, if at all. I do respect the right of my neighbors to hold viewpoints, as everyone is entitled to an opinion. However, I do know many people who are understandably angered by the situation. I have in my possession several signatures from some of my immediate neighbors who support the removal of Mrs. Cynthia Goldstein for the aforementioned reasons. These signatures were gathered over the course of three days and I will see to it that the appropriate authorities receive them as proof that our friendly village deserves better than this garbage.

--

Best,

Kevin Duarte Chon
Westchester, NY
NYC

Sally Roberts

From: leslieacowen@aol.com
Sent: Friday, June 05, 2020 11:41 AM
To: Goldstein Comments
Subject: Re; Cindy Goldstein support

Dear Mr. Murphy,

I understand that you will be deciding about Cindy Goldstein's position on the ethics board. As a community member since 1966, I wanted to offer a character reference for Cindy.

I have known Cindy since 1995 when we met at a dinner party and spoke for four hours. She immediately struck me as honest, forthright, willing to listen to my ramblings, and had the potential to become a dear friend, which is indeed what resulted from that dinner.

I have proudly watched her star rise through business and public service as she started first with the PTA presidency at Central School, followed that with the chair of PT Council, was awarded a Public Service Citation before a crowd at the Emelin theater, honored by At Home On The Sound, and has helped countless people with her accounting business including pro bono work for underserved community members.

Her family has a commitment to public service as well. Her daughter works for the EPA in Washington and her husband, Steve Goldstein, taught Earth Science at the Hommocks for decades. He now is running for the Board of Education to continue to help our community even though they no longer have children in the school system.

Cindy's mission in her life has always been that of public service. I continue to be so impressed with her dedication to all she undertakes and I'm so proud to consider her a friend. Thank you for allowing me to share these traits and characteristics of our dedicated community member and thank you in advance for keeping these in mind when making your decision.

Respectfully;

Leslie Cowen

Sally Roberts

From: Luis Quiros <lquirosmsw@gmail.com>
Sent: Thursday, May 28, 2020 3:50 PM
To: Goldstein Comments
Subject: REMOVAL OF CINDY GOLDSTEIN
Attachments: REMOVAL OF CINDY GOLDSTEIN REQUIRED.docx

PUBLIC STATEMENT / MAY 27, 2020

Luis Quiros, M.P.A., M.S.W.
Author, An Other's Mind (2011) & Justice Unplugged (2020)
To order: <https://bit.ly/39YMUMj>
www.anothersmind.com

Sally Roberts

From: Marc Karell <karell@ccesworld.com>
Sent: Tuesday, May 26, 2020 6:12 PM
To: Goldstein Comments
Subject: Comments on Goldstein Ethics public hearing

Greetings.

I am a 31-year Village of Mamaroneck resident and have served the Village on its Committee for the Environment for 9 years. Overall, I like the quality of life here and while I have had some disagreements with government decisions and actions from time to time, I have always felt decisions were made based on the betterment of the Village as a whole.

I am very disturbed by the events surrounding Ms. Goldstein. One item that must be the highest of priorities is the ethics and fair-mindedness of the people making decisions, whether in government or on its committees and boards. I try to keep an open mind and I want to believe Ms. Goldstein in her defense.

However, after hearing both sides from the newspapers, it appears that Ms. Goldstein should have recused herself from both matters that went to the Planning Board. Her defense that the ethics rules are vague is a weak defense. No rule can anticipate every situation. In addition, the rules state that one should not even give the appearance of impropriety and that certainly is the case with her being involved on the Board voting and potentially influencing votes on the two matters of neighboring properties.

Based on this, I believe Ms. Goldstein, at best, suffered a lapse of judgment, and possibly intentionally acted unethically and must be removed from the Planning Board and never be allowed to serve the Village in any capacity again. In addition, for fairness, the Planning Board should be required to meet again and hear the arguments for both potential projects and be fair-minded, factual, and science-based in its revised judgments on them. It must make its decisions based on what is best and fair for the Village as a whole and not on the benefits of just a few people.

Thank you for listening to my concerns.

Very truly yours,

Marc Karell
1506 Henry Avenue
Mamaroneck, NY 10543
914-584-6720

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Marc Karell, P.E., CEM, EBCP
Climate Change & Environmental Services, LLC
tel.: 914-584-6720
e-mail: karell@CCESworld.com
website: www.CCESworld.com

See my weekly blog at: www.CCESworld.com/blog

Connect on LinkedIn: Marc Karell

Friend me on Facebook: www.facebook.com/ClimateChangeEnvironmentalServicesLLC

Sally Roberts

From: Meg Yergin <myergin1@gmail.com>
Sent: Wednesday, June 10, 2020 4:19 PM
To: Goldstein Comments; Mayor and Board
Subject: Letter Regarding Board Of Ethics and Cindy Goldstein

I am a Village of Mamaroneck resident and a member of the VOM Zoning Board of Appeals.

I am writing to you regarding the Board of Ethics ("BOE") request that Cindy Goldstein be removed from the Planning Board. I have reviewed the documentation submitted by both sides and listened to the public hearing on this matter. In my opinion, Ms. Goldstein's actions in the matters cited are beyond reproach and entirely ethical. She is an upstanding and valuable member of our community and Planning Board. She should not be removed from the Planning Board.

I was astonished to find that Ms. Goldstein had been offered a "quid pro quo" by the BOE - if she recused from review of the Hampshire application, then the BOE would drop their investigation of potential conflict of interest regarding the Hommocks application. Anyone learning this fact must see that the true purpose of the BOE's investigations was to taint the Planning Board's review of the Hampshire application.

At the public hearing regarding the BOE's request to remove Ms. Goldstein, I shared my own personal experience with the BOE. In November 2018, after I made comments as a resident at a Board of Trustees public meeting regarding proposed legislation, the BOE sent me a letter stating that *it had learned* that I had participated in a matter before the trustees by a source they refused to reveal. The Board requested that I write a letter to the trustees to disclose my potential material conflict of interest in the matter. It took several emails to determine what interest the BOE was considering, emails which I have saved, and I discovered it was simply because I own property in a zone alongside the C1 zone for which the legislation was proposed. The BOE did not detail any specifics regarding the benefit or detrimental impact I would incur with the passage of the legislation. However, I was told by the chair of the BOE that if I didn't write the letter to the BOT disclosing the fact that I owned property in the adjacent zone, the BOE would launch an investigation.

My neighbor Richard Litman is a member of the Village Planning Board - both now and in November 2018. He owns a home in my building located in the zone next to the C1 zone. Mr. Litman spoke at the same Board of Trustees meeting in November 2018 as I did regarding the same proposed legislation. However, Mr. Litman never heard from the BOE and was not asked to write a letter to the BOT to disclose his ownership of his property.

There seems to be an inconsistent standard set by the BOE. I am not sure if this is due to gender, or due to the anonymous source of the complaint sent to the Board. It is my opinion that the BOE requires training on what constitutes material conflict of interest for land use board members. I also encourage that the VOM Ethics Code be revised to require that the identity of any person who brings a complaint to the BOE should be shared with the individual who is under review.

Regards,

Meg Yergin

Sally Roberts

From: Nora Lucas
Sent: Wednesday, June 10, 2020 3:31 PM
To: Adam Stolorow; Mayor and Board; Goldstein Comments
Subject: Fw: Attached correspondence
Attachments: Goldstein Hearing Letter 061020.pdf

Adam,

You were not copied on this.

I cannot see that it is confidential, and it should be made part of the record, so I am forwarding to Goldstein Comments.

From: Sally Roberts <sroberts@vomny.org>
Sent: Wednesday, June 10, 2020 2:35 PM
To: Mayor and Board <MayorandBoard@vomny.org>
Cc: BoardofEthics <BofEthics@vomny.org>
Subject: Attached correspondence

Please see attached from the Board of Ethics. Thank you.

Sally J. Roberts
Deputy Clerk, Village of Mamaroneck



123 Mamaroneck Avenue
Mamaroneck, NY 10543
Phone: 914/825-8124 – Fax: 914/777-7787 – sroberts@vomny.org

<http://www.village.mamaroneck.ny.us>

Sally Roberts

From: Nora Lucas
Sent: Wednesday, June 10, 2020 9:04 AM
To: Goldstein Comments
Cc: Adam Stolorow
Subject: Fw: Cynthia Greer Goldstein
Attachments: Letter in support of Cindy Goldstein.pdf

Another

From: Estelle Williams <star10538@aol.com>
Sent: Tuesday, June 9, 2020 9:26 PM
To: Mayor and Board <MayorandBoard@vomny.org>
Subject: Re: Cynthia Greer Goldstein

Attached you will find my letter in support of Cynthia Goldstein and agreed to and signed by Village of Mamaroneck residents.

Estelle Williams
300 Livingston Avenue

Sally Roberts

From: Nora Lucas
Sent: Tuesday, June 09, 2020 8:32 PM
To: Goldstein Comments
Cc: Mayor and Board; Adam Stolorow
Subject: Fw: LETTER
Attachments: LLOYD SHRWIN LANDA.pdf

May be redundant.

From: Tamika Wells <TWells@vomny.org>
Sent: Tuesday, June 9, 2020 2:53 PM
To: Mayor and Board <MayorandBoard@vomny.org>
Subject: LETTER

Good afternoon,

Mayor Murphy requested that I send this letter to you. Please see attachment.

Tamika Wells
Clerk Treasurer's Office
Village of Mamaroneck
123 Mamaroneck Ave.
Mamaroneck, NY 10543

Tel: (914)777-7722
Fax: (914)777-7787
Email: TWells@vomny.org

Sally Roberts

From: Nora Lucas
Sent: Tuesday, May 26, 2020 10:10 AM
To: Goldstein Comments
Subject: Fw: Letter re Cindy Goldstein Decision
Attachments: Letter re Cindy Goldstein decision.pdf

From: Ellen Styler <ellenjst@yahoo.com>
Sent: Wednesday, May 20, 2020 4:30 PM
To: Mayor and Board <MayorandBoard@vomny.org>
Subject: Letter re Cindy Goldstein Decision

TO: Mayor and Board

Please see my attached letter regarding the Cindy Goldstein decision.

Regards,
Ellen Styler

Sally Roberts

From: Nora Lucas
Sent: Tuesday, May 26, 2020 10:09 AM
To: Goldstein Comments
Subject: Fw: Cindy Goldstein
Attachments: Cindy Goldstein -- Public Hearing Input.docx

From: Alana Stone <alanaleestone@yahoo.com>
Sent: Sunday, May 17, 2020 6:27 PM
To: GOLDSTEINCOMMENTS@VOMNY.ORG <goldsteincomments@vomny.org>; Mayor and Board <MayorandBoard@vomny.org>
Subject: Cindy Goldstein

Please make the attached part of the public record.

Thanks,
Alana

Sally Roberts

From: Richard Cohen <richardwcohen@hotmail.com>
Sent: Saturday, May 30, 2020 12:09 PM
To: Goldstein Comments
Subject: Cynthia Goldstein Ethics case

To the political leaders of Mamaroneck Village:

I have lived in Mamaroneck Village continuously since 1993. I pay a staggering amount of property taxed for my .38 acre 1960's house, situated on uneven ground a few hundred yards from a superfund site that our politicians have ignored for decades, while they pursue petty grievances like this one. Our property taxes shock anyone who lives outside our Village's myopic bubble, where people routinely pay 25%-50% of what we do. But then, they don't get the advantage of having local governance so intently focused on minutiae, like ours.

I do not know and don't believe I have ever met Cynthia Goldstein.

I don't believe I know personally any of the other Village politicians, except I do know, and have always liked, John Verni. But that is irrelevant to the issues here.

This proceeding is an outrage and should be stopped now. I understand the village has spent over \$100,000 trying to remove Ms. Goldstein, because she didn't voluntarily recuse herself. Whether or not anyone believes she had a conflict of interest, her interests and those of her husband (whom I've also never met) were matters of public record, so the allegations of deceit are nonsense.

This an offense to taxpayers, petty and political, evoking Sayre's law that "the intensity of the dispute is inversely proportional to the value of the issues at stake." You've taken leave of your senses.

Stop for a moment and consider whom you are supposed to serve – the taxpayers of Mamaroneck Village. This reminds me of the fiasco with the Westchester Day School where our small town, small minded politicians took it upon themselves to spend millions of our taxpayer dollars in a fruitless effort to stop construction of a private school, embarrassing the entire village for its "leaders'" pettiness.

Goldstein had one vote, whose interests were disclosed. I don't know if her vote swung any resolution, because the consequences (if there were any) don't seem to matter merit any mention in this idiotic crusade. But either we have rules that permit a board member to make the decision whether or not to recuse herself, or we have rules that allow the board to require it. End of story. This third way is a derogation of public responsibility to be taxpayers' fiduciaries and put those interests ahead of their personal vindictive animosities toward a fellow board member whom they dislike.

Shame on you all !

Richard Cohen
1304 Colonial Court
Mamaroneck, NY 10543

Sally Roberts

From: Robert Stark <robtstark@gmail.com>
Sent: Tuesday, June 09, 2020 3:46 PM
To: Goldstein Comments; Robert Stark
Subject: I am sharing 'Robert's Remarks.pdf' with you
Attachments: Robert's Remarks.pdf

Attached are my comments regarding cindy goldstein

Shared from Word for Android
<https://office.com/getword>

Sally Roberts

From: saras@working-pictures.com
Sent: Thursday, June 04, 2020 4:44 PM
To: Goldstein Comments
Subject: Sara Sheehan letter
Attachments: Cindy letter.docx

Sally Roberts

From: stuart tiekert <tiekerts@yahoo.com>
Sent: Wednesday, June 10, 2020 3:43 PM
To: Goldstein Comments
Cc: Mayor and Board
Subject: Goldstein comments
Attachments: Goldstein Matter Comments 2.docx

Sally Roberts

From: Thomas J. Mullaney <tmullaney@lcmslaw.com>
Sent: Wednesday, June 10, 2020 4:23 PM
To: Goldstein Comments; Mayor and Board
Cc: Steven Leventhal
Subject: Ms. Goldstein
Attachments: Memo in Opp to Removal 6-10-20.pdf

Flag Status: Flagged

Please see the attached Memorandum in Opposition to Removal.

Thomas J. Mullaney
Leventhal, Mullaney & Blinkoff, LLP
15 Remsen Avenue
Roslyn, New York 11576
tmullaney@lcmslaw.com
Tel. (516) 484-5440, ext. 301
Fax. (516) 484-2710

Sally Roberts

From: Toni's <sktryan1@aol.com>
Sent: Wednesday, June 10, 2020 11:32 AM
To: Mayor and Board; Goldstein Comments
Subject: Fwd: Cindy Goldstein

>>>>

>>>> Dear Mayor Murphy:

>>>> The purpose of this letter is to express our support of Cindy Goldstein and to urge you find the Decision and Recommendation of the Village of Mamaroneck Ethics Board to be without merit.

>>>>

>>>> It was surprising to learn that a Public Hearing was scheduled based on findings by the Ethics Board. It was shocking that Cindy Goldstein was the Planning Board member who was the subject of the Public Hearing. Cindy Goldstein has served on many boards, commissions, committees in the Village over many years and has done an outstanding job - always. In our opinion she has always had the best interests of our residents in mind. We both have known Cindy on a personal level and have worked with her in roles we have had in our Village and Town governments. Never have we observed her to be anything but professional, honest, committed, and devoted to whatever job she had undertaken. She has not only generously shared her knowledge and expertise within Village government, but she has also worked with many organization's to improve the quality of life of all Village residents.

>>>>

>>>> We read the Ethics Board's Decision and Recommendation. We watched the entire Public Hearing. At no time did we find fault with Cindy Goldstein's actions or behavior in performing her duties as a member of the Planning Board. We do feel that the Ethics Board over stepped its authority, and feel their meetings with Ms. Goldstein that led to their recommendation that she be removed from the Planning Board appear to be bullying.

>>>>

>>>> We feel that the Ethics Board has failed on many levels, but most troublesome are:

>>>> 1). The right to know her accuser. It seems that someone told the Ethics Board that Ms. Goldstein might have acted inappropriately on matters before the Planning Board. Was a Complaint Form ever filed by that individual? While the Ethics Board can undertake an inquiry on their own initiative, how often has that happened over the years? Did the same person identify the Hommocks Road and the Hampshire and if so, doesn't that make you wonder why someone is so focused on one person on the Planning Board, Ms. Goldstein? If someone doesn't have the courage of their convictions, why would an investigation be undertaken and why to this extreme. This Public Hearing involving a volunteer on a board in the Village is a sad first. It seems absolutely contrary to everything the Ethics Board is charged with doing. Bottom line, we have serious questions about the ethics of the Ethics Board, including why, at the request of Ms. Goldstein to have former Mayor Debbie Chapin recuse herself from participating in the investigation because of a personal conflict, Ms. Goldstein's request was not honored. Former Mayor Chapin's failure to recuse leaves her open to a clear conflict of interest. Finally, we come to Chairman Ettinger's final report. We find his personal remarks about Ms. Goldstein to be tacky and undeserved, especially in a document of this type. Mr. Ettinger has the inflated opinion that his position as Chairman allows him to put down in a public document not facts, but innuendo and opinion about Ms. Goldstein's attitude and demeanor. A judge may make such opinions public in a sentencing ruling, but Mr. Ettinger is not the judge in this matter. This is your job, Mayor Murphy.

>>>>

>>>> 2). A lack of consistency in findings by the Ethics Board. Examples were given of investigations of former Trustee/Deputy Mayor Louis Santoro who read a resolution to the Board of Trustees seeking

reimbursement for legal expenses he felt were due him because those expenses were the result of his Board responsibilities. After reading the resolution that had to do with a benefit to himself, he recused himself but never left the room. Ethics Board finding: No wrong doing. Ms. Goldstein, even though she believed she did not have to recuse herself on the Hommocks Road application did so at the request of the Ethics Board and left the room. She did vote to open the application and on its SEQRA designation. Neither vote was improper - opening the application for review and designation are pretty clear cut and would in no way benefit Ms. Goldstein or determine the outcome of the SEQRA determination. Ethics Board finding: guilty of inappropriate behavior. That is the comparison to recusal.

>>

>>>> The matter of residing too close to the application to be allowed to participate relates to the Hampshire project. Mr. John Verni, at the time that he was Chairman of the Planning Board participated in discussions and voted on two applications before his Board - both had to do with renovations to beach clubs. One club was across the street from his home, the other down the block. In this case there is no finding by the Ethics Board because they apparently saw no inappropriate action on his part. Ms. Goldstein's residence is, we believe, 750 feet from the Hampshire project- noise, traffic, would not affect her. She participated, she voted. Ethics Board findings: guilty of inappropriate behavior. It seems pretty clear that the Ethics Board is selective about who they choose to investigate. That was never the intent of their mission - to investigate and judge. As you well know, consistency in findings is paramount to the fair outcome of applications. That's true of dealing with individuals.

>>>>

>>>> This Ethics Board Decision and Recommendation, in our view, appears to be not about Ms Goldstein in her capacity as a member of the Planning Board and a highly respected member of the Village of Mamaroneck, but a misguided personal vendetta and character assassination. Unless there is more to this than has been made public, based on what we have read and seen in the Public Hearing, we cannot understand what the justification for removing Ms. Goldstein from the Planning Board will accomplish. If anything, we fear it will open the Village up to lawsuits from Village residents whose applications didn't go the way they hoped.

>>

>> Respectfully submitted,

>> Toni Pergola Ryan, former Trustee, VOM Paul A. Ryan, former

>> Supervisor, Town of Mamaroneck

>>>>

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>>>>

>>>>

>>>> Sent from my iPad

>>>> Sent from my iPad

My name is Dan Natchez, and in addition to being a resident, I am also a Trustee of Village Board of Trustees.

In 2017 I undertook a small assignment as President of my consulting company to assist Steven Goldstein (husband of Cynthia Goldstein, the subject this hearing). The assignment was the evaluation of the septic system at 5 Oak Lane in early 2017 when they were considering purchasing their current home. This was one-time work, not an ongoing consultation, and I listed this work on my 2018 and 2019 disclosure forms filed with the Village. As a Village Trustee I later recused myself from participating in Board discussions involving a request from Steven Goldstein to the Board of Trustees regarding sewers on Oak Lane and Hommocks Road. At the time I recused myself, I was still within the two-year period in which disclosures are required by the Village's disclosure form. It has now been approximately three years since I performed one time work for the Goldstein's and I do not anticipate any future work for them at this time. Because of my past work, I was also included on a list of potential hearing witnesses to be called by Ethics Board involving Cynthia Goldstein, but I was not called as a witness.

I have received communications from the Ethics Board suggesting that I consider recusing myself from participating in Board of Trustee matters that involve Cynthia Goldstein. I note that I do not have any decision-making authority in the hearing today, which is the Mayor's hearing, but I believe it is important for me to state my opinion, and I do not believe that I have a conflict of interest in this issue that would require recusal. I have consulted my attorney who agrees that I do not have a conflict of interest.

I believe that the Ethics Board is entirely mistaken in their recommendation regarding Cynthia Goldstein which is the matter of this Public Hearing.

In my opinion when everything is boiled down to its simplest denomination regarding Ms. Goldstein, the Ethics Board is seeking to enforce their interpretation of the Ethics Code, which differs from the historic approach of the Village, by requiring any member of a Board or Commission from recusing themselves if they live within the notice distance for a property that may before that Board or Commission.

The Ethics Board made this specific recommendation to the Board of Trustees to change the Ethics Code to incorporate that recommendation. Four members of the Board of Trustees expressed concerns about that recommendation and have not changed the Ethics Code to include same. Yet this has not

stopped the Ethics Board seeking to advise Board of Commission members that this what the Code means and that they should recuse themselves if they live with the notice area.

Ms. Goldstein first saw the Hampshire application as Chair of the Harbor and Coastal Zone Management Commission when she lived at a residence not within the notice area. Her approach at that time as reflected in the record and since that time was to ask the hard questions to insure that applicants meet the requirements of the various codes laws and regulations. It is an approach she has, and others have used on applications that have appeared before them in their various public servant capacities.

It is my belief based upon the entire Cynthia Goldstein record that that Ethics Board's recommendation to remove Ms. Goldstein from the Planning Board is incorrect and not within the best interests of the Village.

End Comments

I'm writing this letter in support of Cindy Goldstein.

In reading through your recommendation, my first thought is that septic sewage has no place in the Village of Mamaroneck. Septic sewage is okay in places like South Salem where every resident has an acre of land, but not in the Village of Mamaroneck where land frequently floods and houses are in close proximity. So regardless of what neighborhood Cindy lives in – replacing septic sewage with sewer lines is the right decision for everyone.

And secondly, everything is connected. When we were fighting the Henry street development, I mentioned that storm water from Florence street was being piped into the sewage system, and John Verni, who lives on Orienta, was very concerned that our sewage would land on his property out in Orienta – should he have recused himself? I don't think so, but he would be a beneficiary of our proper storm management.

During the Henry Street proceedings, Cindy voted against my interests, but as a woman in the Village of Mamaroneck I respect and support her. My mother-in-law, Anne Stone, was one of the founding members of the Food Pantry, and Cindy worked right along with her. Over the years, I have watched Cindy tirelessly give her time and sit through endless village meetings serving our residents with patience and respect.

To me, this complaint doesn't pass the sniff test. In the spirit of "ethics", I think it is important that the BOT disclose who brought about this complaint? Was it someone who would benefit from development? Which Board of Ethics member championed the complaint? That person should be asked to disclose any personal relations to Cindy or potential conflicts of interest. We need to know.

I would also caution the BOT to have some gender awareness. Cindy has a powerful presence, and although no one would overtly discriminate, I have seen microinequities even in our own village. It benefits the village and the boards to have powerful women representing. This BOT has made a point of inclusion for all and has worked to shift the tone of this village. Removing Cindy without due process would be harmful to the culture of this village.

Respectfully,

Alana Stone

Comments on the Goldstein Ethics Matter

Dear Mayor Murphy,

Village code at Section 21-9 instructs the Board of Ethics that “At its first meeting each year, the Ethics Board **shall** elect a chair for that year from among its members.”

I have gone to the Village website and reviewed the 2018, 2019 and 2020 minutes that are available there. The only year that there are minutes of a vote electing Mark Ettenger chair is in 2018.

I have requested additional minutes of his election as Chair through FOIL but have received none.

I have also found an LMC-TV video of Mr. Ettenger, after his appointment to the Ethics Board, appearing before the Village of Mamaroneck Harbor and Coastal Zone Management Commission on September 2, 2015 in opposition to an application by the Greens, fellow residents of Flagler Drive, who wanted to install a drainage line beneath Flagler Drive. Mr. Ettenger appeared before the commission, as an Edgewater Point Property Owners Association director in opposition to the application. Mr. Ettenger did not disclose his membership on the Ethics Board when speaking in opposition to the

application. [September 2, 2015 Village of Mamaroneck HCZM - LMC-TV, NY](#)

Section 21-4N of the Standards of Conduct of the Code of Ethics reads:

“Disclosure of interest in legislation and official action. To the extent that she/he knows thereof, any Village officer, board member and/or employee with respect to matters in which she/he participates or in which her/his board is involved in the decision-making process, shall specifically and fully disclose on the official record of the Board of Trustees at a regular public meeting thereof the nature and extent of any direct or indirect interest in legislation or official action pending before the Village.”

Mr. Ettenger’s appearance before the Harbor & Coastal Zone Management Commission also appears to violate the transactional disclosure by the Code of Ethics because as a director of the Edgewater Point Property Owners Association he had a financial interest and property interest in the proposed work for which an easement was required.

“Any Village officer, board member, employee, or consultant who has a direct or indirect private interest in any transaction under consideration by a board, court, commission, district, department, committee or agency of the Village or in any property which may be affected by such transaction, or whose relative has such a private interest, shall publicly disclose the nature and extent of that private interest on the record of the board, court, commission, district, department, committee, or agency before which such transaction is pending and shall file a copy of such disclosure with the Village Clerk-Treasurer. The Board of Ethics shall review such disclosures in a timely manner.” Code of Ethics §21.5 C.

The September 2, 2015 meeting of the Harbor Coastal Zone Management Commission was chaired by Cindy Goldstein. Based on viewing the tape of the meeting, Mr. Ettenger made no disclosures.

I hope this makes it clear that Mr. Ettenger has not applied the same expectation of compliance with the Code of Ethics to his own conduct as he does to Cindy Goldstein’s.

In the decision making process on this matter, I urge you to consider whether Mr. Ettenger's disregard of his own responsibilities to the Code of Ethics and lack of authority as chair to lead what has aptly been described as a "roving inquisition" with Cindy Goldstein as its target should be validated by your decision.

Sincerely,

Stuart Tiekert

I'm writing this letter in support of Cindy Goldstein.

In reading through your recommendation, my first thought is that septic sewage has no place in the Village of Mamaroneck. Septic sewage is okay in places like South Salem where every resident has an acre of land, but not in the Village of Mamaroneck where land frequently floods and houses are in close proximity. So regardless of what neighborhood Cindy lives in – replacing septic sewage with sewer lines is the right decision for everyone.

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Respectfully,

Alana Stone

Luis Quiros; 144 ROCKLAND AVE.; 10543; 914-320-1791

**ME, A PRIOR STATE MEMBER FOR MORE THAN 10 YEARS
OF THE NYCLU PLUS DOCTORAL COURSES AT UNION
THEOLOGICAL SEMINARY I CAN SAY, STEVE LEVENTHAL
YOU STILL DON'T UNDERSTAND MORAL ETHICS AND
GOVERNMENT HISTORY.**

**I WILL SPEAK FOR THE REMOVAL OF CINDY GOLDSTEIN
AND EXPLAIN WHY OTHER MEMBERS WITH OFFICIAL
AUTHORITY SUPPORTING HER, OR AGAINST THE SORELY
NEEDED REVEUE THAT WOULD BE YIELDED BY THE
HAMPSHIRE PROJECT, ARE RESPONSIBLE FOR THE
DEMISE OF THIS COMMUNITY, AND ESPECIALLY FOR
TODAY'S COSTS CAUSED BY THE ELITES, BEING INCURRED
BY US VIEWED AS OTHERS.**

**KNOW THAT THE VILLAGE OF MAMARONECK IS A
METAPHOR FOR THE CLOSING MOMENTS OF THE USA AND
ITS' FAKE DEMOCRACY AND UNAFFORDABLE OR FAKE DUE
PROCESS FOR US OTHERS.**

**KNOW THAT THE USA CONSTITUTION WAS ESTABLISHED
SOLELY TO CONTROL SOCIAL DISTANCING, HENCE, THERE
IS THE DAUGHTERS OF THE AMERICAN REVOLUTION WHO
ARE RESPONSIBLE FOR BEING AND FINDING "PERSONALLY
ACCEPTABLE" MEMBERS TO THEIR SOCIETY. HENCE,
ZONING BOARDS, AND CLEVER TAXATION BETWEEN
SOCIAL CLASSES. HENCE, SLAVES, MINIMUM WAGE
WORKERS, RED LINING AND COUNTRY CLUBS.**

**THE FRIENDLY VILLAGE ARE WORDS USED TO AVOID
CALLING THE VILLAGE FACIST. YES, WE ARE SMALL BUT
INTENTIONALLY NOT DIVERSIFIED THOUGH GENTRIFIED.**

**FACIST BECAUSE NEWS FOR THE FURTHER DEVELOPMENT
OF THE HAMPSHIRE IS MINIMIZED AND OMITTED... THE
MEDIA “LOOP” HAS DEMONSTRATED THAT. OR FOR OR
AGAINST TRANSPARENCY WHICH ALWAYS HAS A SOCIAL
CLASS FUNCTION; DIFFICULT TO DETECT OR COMPUTE
WITHOUT APPROPRIATE ACADEMIC CREDENTIALS, OR
EXPERIENCE OR LEISURE TIME.**

**I FIND IT IRONIC AFTER WATCHING APPROXIMATELY 20
HAMPSHIRE PLANNING SESSIONS WHERE MS. GOLDSTEIN
COMPLAINED HAMPSHIRE DEVELOPMENT WOULD BE SO
LOUD, SO MANY TREES TAKEN DOWN, AND SO HORRIBLE
THAT NOW SUDDENLY SHE HAS THE NERVE TO SAY THE
NOISE WON'T BOTHER HER HOME AND SHE WON'T SEE ANY
OF THE HOMES BEING BUILT. - PLEASE**

**FACIST BECAUSE FOOD IS USED AS A WEAPON AS IT
INTIMIDATES THE POOR. MS. GOLDSTEIN'S CONNECTION
TO THE FOOD BANK AND DONATIONS HAS PREVENTED
LARGE NUMBERS OF PEOPLE FROM SIGNING A PETITION
WHAT WOULD EXTENT THEIR LIKELYHOOD OF LIVING IN
THIS VILLAGE. INSTEAD, EVEN THE COST INCURRED
TODAY WILL BE PASSED ON TO THE LESS FORTUNATE.**

**FACISM BECAUSE THE GENTLEMEN'S AGREEMENT IS THE
LAW OF THE LAND. KNOW THAT EVEN THE POLICE
DEPARTMENT AND SCHOOL DISTRICT ARE UNDER
INVESTIGATION.**

**OVER 3 YEARS AGO I COMMENCED DIALOGUE OVER AM
RADIO STATION WVOX WITH A DOCTOR INVOLVED WITH
HEALTH AND POLITICS. MY VIEWS, THE REAL EPEDEMIC OF
THIS NATION IS MENTAL ILLNESS; PREVENTING US FROM**

BEING ALERT TO WHAT IS HAPPENING... AS IN THIS VILLAGE. FROM THIS CONVERSATION IT BECAME OBVIOUS THAT WITHIN A FEW YEARS A FLU WOULD FLOURISH THAT WOULD KILL HUNDREDS AND THOUSANDS OF PEOPLE. THE DOCTOR SUPPORTED THESE STATEMENTS; AND VERRIFIED IN MY TWO BOOKS AND WEBSITE.

THE INTENTIONALITY TO ORGANIZE A BETTER SET OF PEOPLE, ATTEMPTED THROUGH ALL OF LATIN AMERICA AND OF COURSE AFRICA IS A MENTAL ILLNESS. HENCE, AS WE CAN BOTH QUOTE FAVORING CASE LAW, THE HISTORY OF THE WORLD AND ITS GREATEST PHILOSOPHERS EXPOSE WHY SOVEREIGNTY BELONGS TO ONLY THE PEOPLE THAT INCLUDE THEMSELVES AS OTHERS; AND NOT THE GOVERNMENT THAT IS BEING DISPLAYED IN THIS VILLAGE AND THE USA. WE ARE NOT IN THIS TOGETHER.

T00 OFTEN, OTHERS ARE ASSUMED TO BE OUT OF THE SPECTRUM OF DESERVING OF THEIR NATURAL RIGHT. THIS IS HISTORICAL. ARISTOTLE WAS THE FATHER OF NATURAL LAW'S FAMOUS MAXIM, LEX INIUSTA NON EST LEX, MEANING AN UNJKUST LAW IS NO LAW AT ALL. THE CLASSIC STATEMENT, DELIVERED IN 1832 WAS BY JOHN AUSTIN, THE CREATOR OF THE SCHOOL OF ANALYTICAL JURISPRUDENCE: "THE EXISTENCE OF LAW IS ONE THING ; ITS MERIT OR DEMERIT ANOTHER."

8 June 2020

Dear Mayor Murphy, Trustees, and Members of the Board of Ethics,

Recently I learned that Cindy Goldstein, a member of the Village Planning Board, has been accused of ethics violations and instructed to resign from her Board. I have taken some time to read the decision and recommendation of the Ethics Board (yes, all 64 pages) as well as Ms. Goldstein's Memorandum of Law, and to watch the entire May 27 hearing. I would like to share my concerns.

First, you should know that I have never met Ms. Goldstein personally. My only impressions of her have been formed when I attended Planning Board meetings. On those occasions, I was impressed by how precise her thinking was, how strong her commitment was to development consistent with Village code, and how thoroughly she prepared for each case.

As you know, the charges involve two unrelated cases. Ms. Goldstein's explanations of why she did not believe there was a conflict in either case are reasonable. In the Last Home case she did in fact recuse to avoid the *appearance* of a conflict after participating in two procedural votes that did not involve judgement or discretion. I found her statement that she did not know the sewer line would be part of the case quite believable when I followed the timeline of her neighbors' statements that they had no interest in the line, the developer's indication that he was no longer interested in building the line, and the date of the developer's actual proposal including the sewer line after all.

The Hampshire development is a much larger issue affecting the entire Village. We are a small community of 7,000 residences. I think it would be hard to find anyone to sit on the Planning Board who would not be affected, either negatively by pollution, flooding, traffic, crowding of schools, or similar factors; or positively by job possibilities, increased commerce, or some other financial benefit. Even the notice area, including 169-210 homes, is large enough that Ms. Goldstein should not have been singled out as having a conflict of interest.

I am concerned by the way these charges keep shifting. Initially, January 25, 2019, Ms. Goldstein was told she had a conflict of interest because of her proximity to the Hampshire development site. Later the Board said that, regardless of whether proximity was a relevant issue, they believed she would be more affected than other residents by the construction site's noise, traffic, air and soil contamination, and flooding, and should have recused for those reasons. Four months later, they added a charge from the separate and earlier case involving a possible sewer line in her neighborhood. Finally, the Board maintained that, whether or not she actually had any conflicts, the Village Ethics Code prohibits the *appearance* of a conflict (pp. 52-54).

My conclusion is that the Board was searching for reasons to charge Ms. Goldstein with conflicts of interest. Each time she was able to rebut a charge, they added another one. The final and rather vague charge that a board member should avoid the *appearance* of a conflict, cuts both ways. The Board of Ethics has created the *appearance* of looking for reasons to remove an effective member of the Planning Board.

I realize this case will be decided in court. I encourage you to reconsider filing these charges at all. I do not think it is a convincing case of ethics violations.

Thank you for your attention.

Sincerely yours,

Beverly Sherrid
625 The Parkway
Mamaroneck, NY 10543

Sara Sheehan
616 Forest Ave
Mamaroneck, NY 10543

June 3rd, 2020

Hello Tom!

How lovely to run into you last week at Stop and Shop. I would like to reiterate how impressed I was with Mamaroneck's response to the need of many families for just the basic grocery items. I grew up here and to see everyone band together to help one another makes me extremely proud.

I know Cindy Goldstein well, as for many years she was my accountant. I can vouch for her honesty, certainly her integrity and her concern for everyone who lives in our community. I have no doubt that Cindy's judgment is fair and unbiased. I know that whatever issues arise before The Planning Board will be met with intelligence and fairness: she's just a very good person.

I wanted to share this with you, and I know my mother, Caryl Feldmann and my sister, Leslie Cowen have also probably written to you as well. There are some people- as I know you are aware- who are drawn to helping their community. You are certainly one of them. Cindy is, too and I am certain that she will continue her unbiased contribution to our community as she has done for so many years.

Thanks Tom and please stay safe and well!

Sara Sheehan

VILLAGE OF MAMARONECK

-----X

In the Matter of the Recommendation of the Board of Ethics that

CYNTHIA GREER GOLDSTEIN,

Be Removed from Office as a Member of the Planning Board.

-----X

MEMORANDUM OF LAW
IN OPPOSITION TO REMOVAL

LEVENTHAL, MULLANEY & BLINKOFF, LLP
Attorneys for Ms. Goldstein
15 Remsen Avenue
Roslyn, New York 11576
(516) 484-5440

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PRELIMINARY STATEMENT

This Memorandum is submitted in opposition to the Recommendation of the Village of Mamaroneck Ethics Board dated November 29, 2019, that Cynthia Goldstein be removed from the Village Planning Board.

The evidence adduced at the Mayor's hearing established that there is no legal basis for Ms. Goldstein's removal from office. Ms. Goldstein's good character and fitness for office were established beyond argument to the contrary. The evidence clearly established there was no neglect of duty by Ms. Goldstein that would warrant her removal from office.

The uncontradicted expert opinion and other evidence adduced at the hearing conducted by the Board of Ethics and received in evidence at the hearing conducted by the Mayor established that: (i) the recusal provision of the Village Code of Ethics is unconstitutional and void for vagueness because it fails to give sufficient notice of the proscribed conduct, and (ii) the Decision and Recommendation of the Board of Ethics was arbitrary, capricious and an abuse of discretion.

STATEMENT OF FACTS

Ms. Goldstein has served as a member of the Planning Board of the Village of Mamaroneck since December 3, 2018. On November 29, 2019, the Village Board of Ethics issued a written Decision and Recommendation finding that Ms. Goldstein violated the recusal and disclosure provisions of the Village Code of Ethics in two Planning Board matters: the Hampshire Country Club subdivision application, and the 203 Hommocks Road application for a wetlands permit.

The pertinent Code of Ethics provisions are as follows:

Village Code § 21-4 (C). Recusal.

(1) A Village officer or employee, or Board or committee member shall promptly recuse himself/herself from acting on a matter before the Village when acting on the matter, or failing to act on the matter, may benefit the persons listed in § 21-4A, financially or otherwise, or give the reasonable appearance of a conflict of interest or impropriety.

(2) Whenever a Village officer, employee, or Board or committee member is required to recuse himself/herself, he/she must do so on the record and/or in writing and refrain from any further participation in the matter.

Village Code § 21-4(N). Disclosure of interest in legislation and official action.

Disclosure of interest in legislation and official action. To the extent that she/he knows thereof, any Village officer, board member and/or employee with respect to matters in which she/he participates or in which her/his board is involved in the decision-making process, shall specifically and fully disclose on the official record of the Board of Trustees at a regular public meeting thereof the nature and extent of any direct or indirect interest in legislation or official action pending before the Village. Such public disclosure by the officer, employee or board member shall include disclosure of any political contributions made by any applicant, his/her consultants or legal representatives or their affiliates for the period commencing 12 months prior to the filing of the application and ending 12 months after a final decision has been made. However, no disclosure shall be required at any time under the subsection of any political contributions made by persons who are not applicants or their consultants, legal representatives or affiliates.

A. The Hampshire Country Club Subdivision Application

In 2015, Hampshire Recreation LLC filed an application to redevelop nine holes of the Hampshire Country Club's eighteen hole golf course into a new residential subdivision.

Ms. Goldstein lives at 5 Oak Lane with her husband, Steven. The Board of Ethics found that Ms. Goldstein should have recused herself from hearing the Hampshire application, due to the proximity of her residential property to the nearest boundary of the 106 acre Hampshire Country Club and five specifically claimed impacts that the project would have upon her property. However, the evidence in the record showed that:

- The two properties do not share a common boundary; they are separated by the Prickly Pear Inlet, a tidal water body owned by the State of New York up to the mean high water line, pursuant to common law. (BOE Tr. 339)

- Ms. Goldstein's residence is 850 feet from the nearest building construction site and 765 feet from the nearest limit of site work. (BOE Tr. 340)
- Ms. Goldstein's property is among 189 residential lots within the notice perimeter for the proposed project. (BOE Record)
- 210 houses are at the same or lesser distance, 765 feet, from the nearest limit of site work (including two apartment buildings, one of which is 3 stories and the other of which is described as 3-4 stories). (BOE Tr. 344-345)
- 169 houses are at the same or lesser distance, 850 feet, from the nearest site of building construction. (BOE Tr. 340)
- The uncontradicted testimony of a licensed appraiser established that neither the temporary construction impacts, nor the proposed development, will have a material effect on the value of Ms. Goldstein's residence. (BOE Tr. 365-367)
- Ms. Goldstein's property is screened from the Hampshire golf club property by trees, plantings, natural growth and aquatic vegetation, allowing only a limited winter view. (BOE Tr. 368-369, 400)
- Ms. Goldstein's property is at a significantly higher elevation than the surrounding properties, and above the flooding that occurred to some of the neighbors in Superstorm Sandy. (BOE Tr. 294)
- Ms. Goldstein's property is located on a dead end street. The proposed route of construction vehicles does not pass Ms. Goldstein's property. (BOE Tr. 395)
- The uncontradicted evidence established that the addition of construction noise to the ambient noise would produce sound levels no greater than a normal conversation, as measured at the two properties adjacent to Ms. Goldstein's residence.

- The uncontradicted evidence established that the disturbance of soil during construction will not result in a material adverse environmental impact, even at the construction site 765 feet from Ms. Goldstein's residence.

B. The 203 Hommocks Road Application.

Ms. Goldstein recused herself in this matter after participating at a single meeting during which the Planning Board voted unanimously to open the hearing and classify the action for SEQRA purposes. The Board of Ethics erroneously claimed that Ms. Goldstein violated the Village Code of Ethics by participating in these ministerial acts of the Planning Board.

The 203 Hommocks Road application was filed by a nearby property owner who required a wetlands permit to demolish his existing house and to construct a new house. Pursuant to §240-30 of the Village Code, wetlands permits are granted by the Planning Board after review by the Harbor Coastal Zone Management Commission to insure consistency with the Village of Mamaroneck Local Waterfront Revitalization Program.

As a part of the project, the homeowner planned to extend a sewer line along Hommocks Road to a point that would enable him to tie-in to the existing sewer system. Until Ms. Goldstein received the 1434 page meeting packet approximately five days before the first hearing date, she believed that the owner had decided not to install a sewer line. *See*, Steven Goldstein email dated February 26, 2019 (BOE Record) responding to a question as follows:

Q. "I thought the main line going up to Hommocks was going to be paid for by a purchaser of one of the homes up on Hommocks by the water. Is that no longer the case?"

A. "No, he has decided he wasn't willing to pay for the project himself."

The details pertaining to the sewer line (engineering data, cost allocation, etc.) were not included in the packet of meeting materials provided to the Planning Board members prior to the hearing. Further, the subject of the application before the Planning Board was an application for

a wetlands permit; the Planning Board had no role in reviewing or approving the construction of a sewer line. Ms. Goldstein had ample, good faith reasons for believing that her limited participation in the preliminary matters would not give rise to a conflict of interest or reasonable appearance of impropriety.

Ms. Goldstein made no public or private comments about the sewer line, the approval of which is not within the jurisdiction of the Planning Board. However, Ms. Goldstein's husband, a dedicated environmentalist, believed that a sewer would be more eco-friendly than the existing septic systems, particularly because seepage of contaminants released on the subject wetlands might invade the nearby Long Island Sound. He advocated for sharing of the cost of a further extension of the sewer line beyond Hommocks Road to the full length of Oak Lane. In an unsuccessful effort to persuade his Oak Lane neighbors to share the cost of extending the proposed sewer line from Hommocks Road up Oak Lane, he stated that the sewer line, if so extended, would increase the value of their homes. Then, having failed to persuade his neighbors to share in the cost of extending the sewer line, he tried unsuccessfully to persuade the Village to create a new sewer district, bond the construction costs, and assess the costs to the benefitted parcels.

Connecting to the proposed sewer line on Hommocks Road, if undertaken by Ms. Goldstein and her husband, would require the expenditure of a prohibitive amount to extend the line well past Ms. Goldstein's home for a total distance of 450 feet, as the Village Engineer said would be required.¹ Ms. Goldstein's husband never stated that he and Ms. Goldstein would absorb the entire cost of extending the proposed sewer line, approximately \$108,000 (\$160 per

¹ In his testimony before the Board of Ethics, the Village Engineer suggested that residents might be able to tie-in to the sewer line as proposed by the homeowner; but this alternative would have required extending the sewer line through solid rock. The Village Engineer and Ms. Goldstein's expert both testified that the feasibility and cost of this alternative could not be determined.

linear foot x 450 feet = \$72,000, plus engineering fees of \$16,000, survey cost of \$5,000, and lateral connection to house, \$15,000). (BOE Tr. 276-279) Ms. Goldstein's husband had no success in persuading the neighbors on Oak Lane to share the cost, nor in persuading the Village to create a new sewer district. (BOE Tr. 266-270) Accordingly, Ms. Goldstein and her husband had no plans to connect to the proposed Hommocks Road sewer line, even assuming that it was built.

A licensed appraiser testified at the Board of Ethics hearing that the option of connecting to a sewer line, while generally beneficial, would not increase the value of Ms. Goldstein's home because her septic system is still in good condition and is adequate to service the house.

At a meeting of the Planning Board on March 27, 2019, Ms. Goldstein participated in two ministerial actions on the Hommocks Road application. The Planning Board unanimously voted to open the hearing and, following the recommendation of the Village Planner, voted unanimously to classify the action as a Type II action for SEQRA purposes. This classification was in accordance with the SEQRA Type II List of projects not requiring an environmental impact statement promulgated by the New York State Department of Environmental Conservation (DEC), specifically 6 NYCRR § 617.5(c)(11): "construction or expansion of a single-family, two-family or a three-family residence on an approved lot including provision of necessary utility connections...."

Following the March 27, 2019 Planning Board meeting and before any further action by the Planning Board on the application, Ms. Goldstein recused herself from any further participation in the matter. Thereafter, the Planning Board referred the application to the Harbor Coastal Zone Management Commission to insure consistency with the Mamaroneck Local

Waterfront Revitalization Program. The wetlands permit was ultimately approved by a unanimous vote of the Planning Board, without Ms. Goldstein's presence or participation.

C. Proceedings before the Board of Ethics

Ms. Goldstein was accused of violating the code of ethics by the Board of Ethics itself, on its own complaint. No accuser was ever identified.

Ms. Goldstein filed a pre-hearing motion to disqualify a member of the Board of Ethics, Deborah Chapin, due to Ms. Chapin's history of antagonism toward her. (BOE Record) In a decision dated October 10, 2019, the Board of Ethics denied the motion to disqualify on the grounds that it lacked jurisdiction to take action against one of its own members. (BOE Record) The Board of Ethics referred the matter to the Village Manager pursuant to Village Code §21-13(E). However, the Village Manager took no action, and the Board of Ethics hearing proceeded to a conclusion with Ms. Chapin present and participating.

The Village Manager continued to take no action on Ms. Goldstein's complaint against Ms. Chapin for four months, despite repeated inquiries from Ms. Goldstein's counsel. (BOE Record) Finally, in a letter dated February 14, 2020, he made clear that he had no intention of acting on the matter. The Village Manager stated that:

... On October 20, 2019, I received a copy of the complaint by Ms. Goldstein against a member of the Ethics Board. Unfortunately, the Code of the Village of Mamaroneck does not provide me with any obligations or responsibilities to act on the complaint; therefore, the requirements of §21-13(E) were met on October 10, 2019 when the Ethics Board provided me with a copy of the complaint. (Exhibit 20)

Thus there is no administrative procedure for disqualification of a biased member of the Board of Ethics; any such complaint will be referred to the Village Manager, who will do absolutely nothing with it. (See Point IV, *infra*)

In its Decision and Recommendation dated November 29, 2019, the Ethics Board found that Ms. Goldstein violated the recusal and disclosure provisions of the Village Code of Ethics in both the Hampshire and Hommocks Road matters, and recommended that she be removed from the Planning Board.

The Decision and Recommendation was replete with *ad hominem* attacks on Ms. Goldstein's attitude and conduct, and even found fault with her recusal letter, and with an e-mail defending her actions that she sent to the Mayor, Board of Trustees and Board of Ethics after the hearing was completed. The Board of Ethics unreasonably took into consideration Ms. Goldstein's well founded disagreement with their interpretation of a vague standard of conduct, and effectively punished her for her good faith and conscientious defense against their charges.

D. Removal Hearing Before the Mayor

On May 27, 2020, Mayor Thomas A. Murphy held a hearing pursuant to Village Law §7-718 (9) to determine whether Ms. Goldstein should be removed for cause based on the Ethics Board's Recommendation. Due to the pandemic, the hearing was conducted by remote video conferencing.

Ms. Goldstein's counsel renewed a previous application for recusal of the Mayor on the ground that he was on the witness list for the Board of Ethics hearing against Ms. Goldstein and based on then Planning Board Chair John Verni's testimony before the Board of Ethics that the Mayor called him to discuss the matter prior to the March 27, 2019 Planning Board meeting. (BOE Tr. 35-37).

Counsel also objected that a 2017 local law that transferred the power to appoint members of the Village Planning Board from the Mayor to the Board of Trustees had the effect of also transferring removal authority.

Counsel's objections were summarily denied and the hearing proceeded.

Ms. Goldstein and Planning Board Chair Kathy Savolt testified in opposition to Ms. Goldstein's removal from the Planning Board, and Ms. Goldstein presented documentary and demonstrative evidence. Public comments were heard, and the Mayor announced that written comments would be accepted through June 10, 2020.

E. Summary of Argument

The evidence adduced by the Board of Ethics and received at the Mayor's removal hearing demonstrated that there was no legal cause for removal. Ms. Goldstein's good character and fitness for office were established beyond dispute, and the evidence showed that there was no neglect of duty warranting removal.

The Ethics Board's Decision and Recommendation was made in violation of lawful procedure, was affected by errors of law, was arbitrary, capricious, and an abuse of discretion, and was not supported by substantial evidence, because:

- The Code of Ethics provisions that Ms. Goldstein was alleged to have violated are unconstitutionally vague, and do not give sufficient notice of the conduct which they claim to prohibit.
- With regard to the Hommocks Road matter, the only actions taken by Ms. Goldstein prior to her recusal were ministerial and, because they did not involve the exercise of discretion, could not give rise to a conflict of interest.
- Any potential benefit to Ms. Goldstein from the Hommocks Road application was entirely speculative, as the costs to connect to the proposed sewer line were prohibitive, and all attempts by Ms. Goldstein's husband to persuade others to share the costs had failed.

- With regard to the Hampshire matter, the alleged grounds for disqualification were not private or personal to Ms. Goldstein. Mere proximity to the site in question is not sufficient grounds for disqualification, particularly when hundreds of other members of the community are as close or closer, and would experience the same or greater impacts from the proposed development.
- The Ethics Board failed to adhere to its own precedents in conducting its hearings and issuing its Decision and Recommendation.
- The Ethics Board's denial of Ms. Goldstein's motion to disqualify one of its members, and its *ad hominem* attacks against Ms. Goldstein in its Decision and Recommendation, were caused by animus and bias against Ms. Goldstein, and were inconsistent with due process, and just plain fairness.

POINT I

THE RECORD DOES NOT SUPPORT THE FINDINGS OF THE
BOARD OF ETHICS THAT MS. GOLDSTEIN VIOLATED THE
CODE OF ETHICS, NOR ITS RECOMMENDATION THAT SHE
BE REMOVED FROM OFFICE

A. No Legal Cause for Removal

The elements that must be established to justify removal of a Planning Board member for cause under Village Law §7-718 (9) are as follows:

The cause assigned must not be a mere whim or caprice of the one clothed with the power of removal, a mere subterfuge to get rid of the person holding the position; on the contrary, it must be of substance, relating to the character, neglect of duty or fitness of the person removed to properly discharge the duties of his position.

Gersh v. Tuckahoe, 23 A.D. 2d 258, 259 (2d Dept. 1965), *quoting*, People ex rel. Van Tine v. Purdy, 221 N. Y. 396, 399 (1917). Here, the evidence established that none of these elements were present.

B. Ms. Goldstein's Character is Beyond Reproach

Ms. Goldstein is an attorney admitted to practice in the courts of this state, and a certified public accountant. For the past thirty years, she has devoted herself to volunteerism and community service, including, among other things, pro bono legal and tax assistance to local residents and not-for-profit organizations, service on the boards of trustees of Pace University and the Washingtonville Housing Alliance, leadership positions in the Larchmont-Mamaroneck Hunger Task Force and several parent-teacher organizations, and service on numerous municipal boards and committees including as a member of the village of Mamaroneck budget, centennial and flood advisory committees, Chair of the Village Harbor Coastal Zone Management Commission, and member of the Village Planning Board. Ms. Goldstein is the recipient of the tri-municipal Martin Luther King, Jr. Award for community service. (*See* Goldstein resume, Exhibit 3.)

C. Ms. Goldstein did not Neglect the Duties of her Office

1. The Hommocks Road Application

a. Ms. Goldstein's Ministerial Acts in the Hommocks Application Did Not Give Rise to a Prohibited Conflict of Interest

On March 27, with Ms. Goldstein's participation, the Planning Board opened the public hearing on the application for a wetlands permit and classified the action for purposes of the State Environmental Quality Review Act (SEQRA). These were ministerial acts that did not involve the exercise of discretion and, therefore, did not give rise to a conflict of interest. Ms. Goldstein did not participate in the discussion, deliberation or vote on the merits of the application.

Conflicts of interest are prohibited because they actually or potentially interfere with the judgment involved in the exercise of discretion. An action that is required by a statute does not

involve the exercise of discretion and, therefore, is ministerial. Walz v. Town of Smithtown, 46 F.3d 162 (2d Cir. 1995) (the issuance of an excavation permit was a ministerial act and the highway superintendent had no discretion to deny the permit); see also, Matter of Trump v. New York State Joint Commn. on Pub. Ethics, 47 Misc. 3d 993 (Sup. Ct. Albany Co., 2015) (the legislature enacted a specific timetable for voting, and respondent does not have discretion to adhere to any other timetable.)

Many municipal actions involve no exercise of discretion and, therefore, are ministerial. In Blumberg v. North Hempstead, 114 Misc. 2d 8 (Sup. Ct. Nassau Co. 1982), the court stated that “Site plan approval is a ministerial act which can be compelled by mandamus”. Other examples of ministerial acts are addressed in opinions of the Comptroller and the Attorney General: 1979 N.Y. Comp. Lexis 217, Opinion No. 79-147 (Issuance of a check is a ministerial act not contemplated by NY General Municipal Law §801 (Conflicts of Interest Prohibited)), 1982 N.Y. Comp. Lexis 416, Opinion No. 82-319 (Mayor signing contract was ministerial act; there is no prohibited conflict of interest.), 1982 N.Y. AG Lexis 110, Informal Opinion No. 82-1 (Budgeting for uncollectible taxes is a ministerial act not subject to discretion.).

The State Environmental Quality Review Act (“SEQRA”) recognizes the distinction between discretionary and ministerial acts – ministerial acts are not “actions” subject to SEQRA review. SEQRA Regulation 6 NYCRR § 617.2 defines a ministerial act for SEQRA purposes: “Ministerial act” means an action performed upon a given state of facts in a prescribed manner imposed by law without the exercise of any judgment or discretion as to the propriety of the act, such as the granting of a hunting or fishing license. See Shorham Wading River Advocates v Town of Brookhaven Planning Bd., 2015 N.Y. Misc. Lexis 2847, 2015 NY Slip Op 31444(U) (Sup. Ct. Suffolk Co. 2015).

1. The Vote to Open the Hearing was a Ministerial Act

Opening the hearing on the Hommocks Road application was a ministerial act, not involving the exercise of discretion. Village Code §192-7 requires a hearing in all applications for wetlands permits other than minor actions without objection. Village Code §192-8 requires a hearing on all other applications. Village Code §192-13 provides that the hearing shall be conducted by the Planning Board, with all parties afforded an opportunity to be heard.

Here, notice of the hearing was published prior to the Planning Board meeting and mailed by the Village without authorization or approval by the Planning Board.

Mandamus would lie to compel the Planning Board to open a public hearing and, therefore, the vote to open the hearing was ministerial.

2. SEQRA Classification was a Ministerial Act

Classifying the Hommocks Road application as a Type II action under SEQRA was also a ministerial act.

In a memo to the Planning Board, the Village Planner recommended that the Planning Board classify the proposed action as a Type II action for SEQRA purposes. The Village Planner stated, in pertinent part, that:

It is recommended that the action be treated as Type II action under SEQRA in accordance with 617.5(c)(9) which states that “construction or expansion of a single-family, a two family or a three family residence on an approved lot including provision of necessary utility connections as provided in section 617.5(c)(11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system,” is a type II action.

See memo of Village Planner Greg Cutler dated March 27, 2019. In his remarks at the Planning Board meeting, the Village Planner erroneously stated that SEQRA classification was in the Planning Board’s discretion, but, to the contrary, the SEQRA regulations allowed no discretion.

The Type II List is found at 6 NYCRR § 617.5(c). It includes at (c)(11), “construction or expansion of a single-family, two-family or a three-family residence on an approved lot including provision of necessary utility connections....” Here the Hommocks Road application, as described in the meeting notice, was the construction of a single-family residence on an approved lot including provision of necessary utility connections:

The subject project consists of the demolition of an existing single-family residence and the construction of a new dwelling in the same general vicinity located in the southern portion of the project site. In combination with the proposed house construction the owner/applicant is also proposing a new outdoor tennis court, as well as other ancillary site improvements to the existing driveway and hardscape features. (BOE Record)

In promulgating the Type II list, the state has taken the discretion away from local municipal agencies in classifying actions appearing on the list. See, ECL § 8-0113 (2)(c)(ii):

In adopting the rules and regulations, the commissioner shall make a finding that each action or class of actions identified does not have a significant effect on the environment [and does not require environmental impacts statements under this article].

See also, 6 NYCRR § 617.5(a): “Actions or classes of actions identified... are not subject to review under this Part.... “

Provost Patricia Salkin, an expert on local government ethics and land use regulation (See Salkin resume, Ex. CCC), testified that SEQRA classification is a ministerial act that merely involves finding the particular action on one of two lists promulgated by the NYS Department of Environmental Conservation. Actions are either Type I actions (requiring an environmental impact statement), Type II actions (requiring no further SEQRA compliance), or unlisted actions (requiring a case by case determination). (BOE Tr. 11-22-19, p. 16). Planning expert Andrew Tung testified similarly (BOE TR. p. 347).

Provost Salkin testified that if an action appears on the Type II list, SEQRA does not confer any discretion on a municipal land use agency in classifying the action. Nor do the SEQRA regulations permit a municipality to re-classify a Type II action:

6 NYCRR § 617.5(b) “Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section.”

Thus, SEQRA regulations confer authority on a municipal agency to add actions to the Type II list, but confer no authority to remove an action from the list.

Because the proposed action was “listed” as a Type II action, no discretion by the Planning Board was involved in making the SEQRA determination required by the SEQRA regulations. Therefore, it was a ministerial act.

b. The Village Code of Ethics Prohibits the Discretionary Acts of Interested Officers and Employees; It does not Prohibit their Ministerial Acts

The Village Code of Ethics acknowledges that ministerial acts cannot give rise to a conflict of interest because they do not involve the exercise of discretion. See, Code of Ethics §21-4A:

A Village officer, board member or employee shall not use his or her official position or office, or take or fail to take any *discretionary action*, in a manner which he or she knows, or has reason to know, may result in a personal financial benefit for any of the following persons... (Emphasis added).

The distinction between discretionary actions and ministerial acts is implicitly incorporated in the recusal requirement of Village Code § 21-4 (C), because an act that does not involve the exercise of discretion is unlikely to undermine public confidence in government or give rise to a reasonable appearance of impropriety, however that term may be defined.²

² Public opinion is not a proper basis for determining whether the evidence has established that removal is warranted pursuant to Village Law §7-718. In particular, petitions were submitted for

Further, Code of Ethics Sections 21-4A and 21-4C(1) should be construed together and harmonized.

A statute of legislative act is to be construed as a whole, and all parts of an act are to be read and construed together to determine the legislative intent.

McKinney's Statutes §97

All parts of a statute must be harmonized with each other as well as with the general intent of the whole statute, and effect and meaning must, if possible, be given to the entire statute and every part and word thereof.

McKinney's Statutes §98

c. Ms. Goldstein's Recusal and Notice in the Hommocks Road
Application were Proper and Sufficient

After the March 27, 2019 meeting at which the Planning Board voted unanimously to open the hearing and classify the action for SEQRA purposes, Ms. Goldstein recused herself in a letter addressed to the Mayor and Trustees, the Planning Board Chair, the Board of Ethics Chair, the Village Manager and the Village Attorney. The letter stated that:

On March 27, an application for a wetlands permit for demolition of existing structures and construction of a new home at 203 Hommocks Road appeared on the Planning Board agenda for the first time. When the matter was called, I stated on the record that I own a home within the notification radius. The Board opened the hearing, and classified the action for SEQRA purposes. No other action was taken. After the meeting, it was suggested that I recuse myself in the matter based on the speculation that I might benefit in the event a sewer line is approved and installed at the property. As you may be aware, the proposed sewer line does not extend to my property where I could tie in without considerable costs that I would have to pay for. On May 14, I received a letter from the Board of Ethics informing me that the Board of Ethics had opened an investigation regarding my participation in the matter. Because I am committed to the highest standards of ethics in Village government, I consulted a prominent legal expert in the field of local government ethics. Based on his advice, I believe that my participation in the matter did not give rise to a conflict of interest or a reasonable appearance of impropriety. Nevertheless, to avoid even the speculation that I might benefit from this

consideration by the Mayor without any indication that the signatories reviewed the evidence adduced at the hearing. The petitions have no probative value.

application as well as any appearance of impropriety whether deemed reasonable or not and to put the matter to rest, I have decided to recuse myself. Therefore, I will not participate in the discussions, deliberations or vote in connection with the application for a wetlands permit at 203 Hommocks Road.

At the next meeting of the Planning Board at which the Hommocks Road application was considered, Ms. Goldstein read her recusal letter into the public record, left the room, and refrained from any further participation in the matter.

By any reasonable standard, Ms. Goldstein thus satisfied the requirement of Code of Ethics 21-4(C)(2) that her recusal be made “on the record and/or in writing and [that she] refrain from any further participation in the matter.” The surprising claim by the Board of Ethics that Ms. Goldstein’s disclosure of her reason for recusal was inadequate is clearly erroneous. In the letter, Ms. Goldstein stated that she owned a home within the notice area, and that her recusal was based on the speculation that she might benefit in the event a sewer line is approved and installed at the property. The recusal letter was sufficiently descriptive of the nature and extent of Ms. Goldstein’s purported interest in the application to satisfy the requirements of Code of Ethics §21-4(N). The unreasonable onus embraced by the Board of Ethics, that Ms. Goldstein’s particularized statement of her reasons for recusal was insufficient because she did not agree that she had a disqualifying conflict, would create a “Catch-22” for a board member who, like Ms. Goldstein, believes that she would not benefit from approval of the application, but recuses herself to avoid the speculation that she might. Even the Board of Ethics characterized the benefit to Ms. Goldstein as a “potential financial benefit” and acknowledged that there was no certainty that the sewer line would be extended in the future to serve Oak Lane. (Decision p. 44)

By her recusal letter to the Mayor and members of the Board of Trustees, Ms. Goldstein functionally “appeared” before the Board of Trustees and thus satisfied the requirement that she “disclose on the official record of the Board of Trustees at a regular public meeting thereof the

nature and extent of any direct or indirect interest in legislation or official action pending before the Village” as contemplated by Code of Ethics §21-4(N). By analogy, the submission to a state agency of a written document that identifies a former state employee is an “appearance” by that former employee before the agency for purposes of the post-employment restriction imposed by Public Officers Law § 73(8)(a)(1). *See*, New York State Ethics Comm’n, Advisory Op. 89-08 (1989).

Even if the Code of Ethics contemplated that Ms. Goldstein would personally appear before the Board of Trustees for the purpose of announcing her recusal “on the official record of the Board of Trustees at a regular public meeting”, her recusal letter addressed to the Mayor and Trustees more than satisfied the standard applied by the Board of Ethics in the Santoro Opinion, i.e. any non-compliance was limited, non-substantive and in good faith. Certainly, the form and content of Ms. Goldstein’s recusal letter neither warrant nor support her removal from office.

d. A Speculative Interest is not Sufficient to Disqualify
a Board Member

Even if Ms. Goldstein had not recused herself from participating in the Planning Board’s consideration of the merits of the Hommocks Road application, any potential benefit to her from the proposed installation of a sewer line was speculative – the sewer line might not be installed; and if installed, it would not extend to Ms. Goldstein’s home. Ms. Goldstein’s septic system showed no sign of deterioration. It was designed for a four bedroom home. Ms. Goldstein and her husband, like the previous owners, have occupied the house as a family of two. (BOE Tr. 11-15-19, p. 374).

In 2002 N.Y. AG Lexis 5, 2002 N.Y. Op. (Inf.) Att’y Gen. 9, the Attorney General opined that only a “substantial, direct personal interest in the outcome” requires recusal. In

Segalla v. Planning Board, 204 A.D. 2d 332 (2d Dept. 1994), the Second Department held that a speculative interest is insufficient to disqualify a board member from voting.

In North Hempstead v. North Hills, 38 N.Y. 2d 334 (1975), the Court of Appeals found no merit in a claim of conflict of interest, where lands owned by board members were similar to a parcel considered by the board for rezoning, and might be rezoned at some future date. “This claim is at best speculative.” *Id.* at 344. See also, Parker v. Town of Gardiner Planning Bd., 184 A.D.2d 937 (3d Dept. 1992), *lv. den.*, 80 N.Y.2d 761 (1992). (“The likelihood that a *de minimis* interest would influence [the official’s] judgment is little more than speculative.”); Peterson v. Corbin, *supra* (“A conflict should be clear and obvious.”)

The witnesses before the Board of Ethics were unable to determine the feasibility or cost of a connection by Ms. Goldstein to the sewer at the location proposed by the owner of 203 Hommocks Road. The estimated cost to further extend the sewer line the additional 450 feet from Hommocks Road up Oak Lane, as would be required by the Village Engineer, and to connect to the extended line would be \$108,000.00. (BOE Tr. 10-31-19, p. 276-279) Although the sewer line as proposed by the homeowner would have the capacity (i.e., the diameter) to serve 26 homes, including the homes on Oak Lane, Ms. Goldstein’s husband was unable to persuade the neighbors to contribute to the cost of extending the sewer line beyond the point that the applicant proposed, which would not be sufficient to reach the additional homes on Oak Lane. Furthermore, the establishment of a new sewer district to allocate the installation costs to the respective property owners would require Village approval, which Ms. Goldstein’s husband was unable to obtain. (BOE Tr. 10-31-19, p. 275-276) Unlike her husband, Ms. Goldstein made no public comments about the proposed sewer extension.

Because of the speculative nature of any advantage to Ms. Goldstein from the Hommocks Road application, there were insufficient grounds for the Ethics Board to find that Ms. Goldstein's participation in the matter gave rise to a conflict of interest or reasonable appearance of impropriety, even had Ms. Goldstein not recused herself.

2. The Hampshire Application

a. Un-contradicted Appraisal Evidence Established that the Project Would not Materially Affect the Value of 5 Oak Lane

Here, no material benefit or detriment will accrue to Ms. Goldstein whether the Hampshire application is granted or denied. *See*, report and analysis of real estate appraiser Carol Vergara, dated July 1, 2019 (Ex. 21) ("Considering the distance from the development sites and the density and types of buffering vegetation, the effect on the subject's value now, during the construction phase, and at completion, is minimal to nil.") The analysis and opinion of real estate appraiser Carol Vergara was uncontradicted.

b. No Material Impacts were Likely to Occur at 5 Oak Lane

The Board of Ethics contended that proximity alone was not the basis for its decision and recommendation. (BOE recommendation, p. 2). The Board of Ethics identified five, and only five, particularized impacts that would allegedly affect Ms. Goldstein in some way unique or greater than the impacts to the hundreds of other homes within the same radius. (BOE Decision, p. 52).

(i) Visual Impacts

Testimony and photographs presented at the hearing showed that Ms. Goldstein's residence is densely screened by large oak trees and other vegetation, permitting only a partial, winter view of the Hampshire property, the nearest boundary of which is located across Prickly

Pear Inlet. (BOE Tr. p. 372; Mayor's Hearing Ex. 21, 24). Ms. Goldstein's residence is approximately 765 feet from the nearest "limit of site work", and approximately 850 feet from the nearest Hampshire building to be constructed. (Ex. 22; BOE Tr. p. 340-344). There is presently a tennis facility at that location, which would be replaced by town houses under the planned Hampshire development, resulting in no material change in the view from Ms. Goldstein's property.

(ii) Storm Water Flooding

The Board of Ethics relied on public testimony given by residents of 3 Oak Lane and 11 Oak Lane that their properties flooded during heavy storms due to drainage from the Hampshire site. However, the evidence demonstrated that Ms. Goldstein's residence at 5 Oak Lane is situated higher than her neighbors on either side, at 3 Oak Lane and 11 Oak Lane. An aerial photograph published by FEMA, depicting the high water mark during Superstorm Sandy in 2012 (Ex. 25), dramatically revealed that the properties at 3 Oak Lane and 11 Oak Lane were flooded during that storm, but that Ms. Goldstein's property was untouched by the water.

(iii) Truck Traffic

Ms. Goldstein lives on a dead end street, away from the path of the construction traffic that would be required for the Hampshire project. None of the trucks supplying the project will pass by or near her residence. All of the construction traffic will go in the opposite direction, toward Boston Post Road. (BOE Tr. p. 432)

Further, Ms. Goldstein works from her home. She is not required to commute to a job during rush hours or at any other specific times, and can adjust her schedule to avoid peak traffic periods. (BOE Tr. p. 427). Traffic at the most heavily traveled portion of the route, at a school located on Hommocks Road, will be subject to traffic control measures. (BOE Tr. p. 430-431).

(iv) Construction Noise

A noise study prepared by project engineers VHB indicated that testing of noise levels from the Hampshire development showed no noise impact at numbers 3 and 11 Oak Lane, the houses on either side of Ms. Goldstein. Specifically, the total existing and construction noise level was 52 decibels at each location, an increase of 4 to 5 decibels over the present ambient noise level. (Exhibit 26). To put that in context, information published by the Center for Disease Control (the “CDC”) states that a refrigerator produces 40 decibels, and normal conversation or an air conditioner each produce 60 decibels. (Exhibit 27). Hence, the evidence shows no material impact from construction noise at or near Ms. Goldstein’s house.

(v) Disturbance of Soil

The soil management study prepared by the project engineering firm, VHB (Exhibit 28), stated that the Hampshire developer proposed to cover the excavated soil with a minimum of 12 inches of clean material. The engineering firm stated that:

The FEIS [Final Environmental Impact Statement] demonstrates that, with the mitigation measures outlined in the SWPPP [Storm Water Pollution Prevention Plan] and CWP [Construction Work Plan], and considering the approval from NYSDEC [New York State Department of Environmental Conservation] for material re-use, there would be no significant adverse impacts related to soil management.

Moreover, the evidence established that Ms. Goldstein’s residence was located at a distance of 765 feet from the limit of site work, and at significantly higher elevation.

c. Proximity Alone does not create a Conflict of Interest
Nor Mandate Recusal

The Ethics Board denied that its finding of a conflict of interest with regard to the Hampshire application was based solely on Ms. Goldstein’s proximity to the Hampshire property but, in the absence of any particularized impacts to Ms. Goldstein, proximity remains the only rationale for its decision.

Proximity to the site of an application, standing alone, does not give rise to a conflict of interest or appearance of impropriety; there must be additional factors present to cause a conflict of interest. In Matter of Troy Sand & Gravel Co., Inc. v. Fleming, 156 A.D. 3d 1295, 1304 (3d Dept. 2017), the court stated that a town board member's location near the subject property, without evidence of financial gain or proprietary benefit, didn't require annulling his vote on an application for a special use permit. In Matter of Tulip Gardens, Inc. v. Zoning Board of Appeals, 2009 N.Y. Misc. Lexis 6437 (Sup. Ct. Nassau Co. 2009), 2009 N.Y. Slip Op. 33159(U), the court held that proximity of a board member to the applicant's property, standing alone, did not disqualify a ZBA member from voting on an application for a variance.

In 2002 N.Y. Op. (Inf.) Att'y Gen. 9, the Attorney General opined that a trustee who owned commercial property within a business improvement district was not necessarily disqualified from voting on the BID's budget, since other factors needed to be considered. "[R]ecusal has not been required where a board member's interest is merely similar to that of other property owners." Recusal would be required where a municipal officer or employee has a "substantial, direct personal interest in the outcome". *Id.*

Planning Board Chair Kathy Savolt, who was mayor when Code of Ethics was adopted, testified that the Code of Ethics does not require that board members recuse themselves merely for residing within the notice area of an application. (Ex. T, BOE Tr. 153-154). Former Village Trustee John Hofstetter stated in a written comment submitted for consideration by the Mayor that:

I was on the Mamaroneck Village Board of Trustees when the "new" Ethics Law was passed as was Tom Murphy, the current Mayor. Lloyd Green a local attorney with extensive private and public practice history worked with me on the...initial Ethics Law proposal for the Village of Mamaroneck shortly after I was elected to the Board. That version/proposal used the City Of New York Ethics Law as a model for the Village. That law included an extensive list of examples of prohibited conduct, cast a very wide net in

it's disclosure form and avoided the ambiguity of language at the center of this dispute. The BOT, which included Tom, felt that was too restrictive, would stifle community involvement and make finding qualified people willing to serve on the various land use boards difficult. After many deliberations which Tom actively participated and under the guidance from Janet Insardi our Village Attorney, the Board CHOSE to pass the current law. Prior to voting on the law which went through multiple drafts, we had extensive discussions about the potential for land use board members to hear applications for property in near proximity to property they own or occupy. In fact we did discuss the idea that board members should recuse based on whether they were in the notification area or adjacent to a property and we as the Board of Trustees CHOSE not to include that language. In both cases we acknowledged that living adjacent to or within the notification area did not necessarily mean that an applicant's project had a direct financial impact on the board member or their property. The BOT was concerned that setting that kind of clause into the law would unfairly presume that a board member who lived adjacent to an applicant or within the notification area automatically had a conflict, which our attorney advised us most likely would not be the case. We were also advised that doing so would hamstring the land use boards and potentially delay an applicant's hearing.

Here, there was no evidence that a material benefit or detriment would have accrued to Ms. Goldstein whether the Hampshire application was granted or denied. Rather, the evidence was to the contrary. *See*, report and analysis of real estate appraiser Carol Vergara, dated July 1, 2019 (Ex. 21) (“Considering the distance from the development sites and the density and types of buffering vegetation, the effect on the subject’s value now, during the construction phase, and at completion, is minimal to nil.”) The analysis and opinion of real estate appraiser Carol Vergara was uncontradicted.

The record is devoid of any evidence that the proposed Hampshire development will result in a financial benefit or detriment to Ms. Goldstein. Neither the Hampshire premises nor the particular area that is proposed for development are directly proximate to Ms. Goldstein’s residence: the development site is 765 feet distant from her home, and the premises is separated from her residential property by a tidal waterbody (Prickly Pear Inlet), and screened by extensive trees, plantings and natural growth including aquatic vegetation. The impact of Ms. Goldstein’s partial winter view of the proposed development site would be limited due to its distance and

existing extensive screening; the temporary nuisance impacts during construction will be limited because the route of the construction vehicles will not pass her residence, which is situated on a dead end street.

d. Hundreds of Other Residents are Similarly Situated

Ms. Goldstein has no personal or private interest because the potential impacts to her would be the same as, or less than, the impacts on hundreds of properties representing a large segment of the community.

- 189 residential lots were within the notice area.
- The notice radius used by the Village was based on the distance from the boundary line of the Hampshire Golf Course property.
- A radius based on distance from the development site substantially expands the number of similarly impacted homes, as shown in radius maps prepared by planning expert Andrew Tung (BOE Tr. 343-345).
- Ms. Goldstein's residence is approximately 765 feet from the nearest "limit of site work".
- 210 residential lots are at the same or lesser distance from the site work area. (BOE Tr. 344-345)
- Ms. Goldstein's residence is approximately 850 feet from the nearest Hampshire building to be constructed. (BOE Tr. 340)
- 169 residential lots are at the same or lesser distance from the proposed construction. (BOE Tr. 340)

A disqualifying interest is one that is personal or private. It is not an interest that an official shares with a substantial number of other citizens or property owners. *See, Friedhaber v. Town Bd. of Town of Sheldon*, 16 Misc.3d 1140A (App. Term 1st Dept. 2007), *aff'd* 59 A.D. 3d

1006 (4th Dept. 2009); Town of North Hempstead v. Village of North Hills, 38 N.Y.2d 334 (1975); Byer v. Town of Poestenkill, 232 A.D. 2d 851 (3d Dept. 1996); Segalla v. Planning Board of the Town of Amenia, 204 A.D. 2d 332 (2d Dept. 1992). Here, the Hampshire development site is surrounded by a large condominium development and hundreds of private homes of equal or lesser distance to the site than that of Ms. Goldstein's home.

In Byer v. Twn. of Poestenkill, 232 A.D.2d 851, 853 (3d Dept. 1996), the court rejected the argument that a board member may financially benefit by a local law allowing rezoning, because he owned residentially zoned land which may be suitable for mining. Since every owner of property in a residentially zoned district was affected by that local law, "petitioners' argument would make all but a handful of property owners in the [Town] ineligible to sit on the board in such matters".

The court made a similar point in the Tuxedo case, *supra*, 69 A.D. 2d 320, 326:

The interest which disqualifies a member of councils to vote is a personal or private one, not such an interest as he has in common with all other citizens or owners of property'.... To say in general terms that a member of a city council cannot vote on the passage of an ordinance providing for the construction of some important public improvement, because he owns real property... in the city, when the improvement is a general one, is at once to disqualify every property owner in the city from belonging to the city council, and committing all the material interest of the city to a class of persons who have no property rights to protect. (Citations omitted)

See also, Ahearn v. Zoning Bd. of Appeals, 158 A.D.2d 801-802 (3d Dept. 1990), *lv. den.*, 76 N.Y.2d 706 (1990). ("a variety of political, social and financial interests which, through innuendo and speculation, could be viewed as creating an opportunity for improper influence ... do not rise above the type of speculation that would effectively make all but a handful of citizens ineligible to sit on the Board" and are not enough to disqualify.

3. Ms. Goldstein did not Breach any Duty of Confidentiality

The Board accused Ms. Goldstein of transmitting “confidential information regarding the proceedings” (Ex. 35), but the requirement of confidentiality, if any, was for the protection of Ms. Goldstein, and was hers to waive.

The Freedom of Information Law mandates open government and requires disclosure of public agency documents unless they are covered by a specific exemption in the statute. Capital Newspapers Div. of Hearst Corp. v. Burns, 67 N.Y. 2d 562, 565-566 (1986). In Matter of Journal News v. City of White Plains, 39 Misc. 3d 1235(A), 972 N.Y.S. 2d 144 (Sup. Ct. Westchester County 2012), a confidentiality requirement imposed by the City code of ethics did not exempt Board of Ethics records from public disclosure (“A local agency ... cannot immunize a document from disclosure under state law by designating it as confidential”).

Ms. Goldstein’s email to the Mayor and Board of Trustees was an exercise of her constitutional right to petition government and to argue her own case, guaranteed by the First Amendment to the United States Constitution and by Section 9(1) of the Constitution of the State of New York. Her email did not disclose any confidential information about the hearing before the Board of Ethics, as the intended purpose of the hearing was to produce a recommendation to the Mayor and Trustees. Moreover, the entire record before the Board of Ethics has now been posted on the Village website for all the world to see, as surely it had to be in order to conduct this public hearing required by state law. The Ethics Board cannot operate in secret, as a “star chamber”, and shield its operations from public disclosure by the target of its investigation.

D. Ms. Goldstein’s Fitness for Office is Beyond Dispute

Ms. Goldstein has a long history of service to the Village as a volunteer in various positions, including Chair of the Harbor Coastal Zone Management Commission and member of

the Planning Board. In seven years of service to the Village on the land use boards, she missed only one meeting, and that was an excused absence. She has a reputation and history of preparing diligently for meetings by reading the material that is circulated in advance of each meeting. She has completed all required training in planning and zoning matters, and obtained a certificate in those subjects (Ex. 4).

Kathy Savolt, the current Chair of the Planning Board, testified at the May 27 hearing that she has known Ms. Goldstein for twenty years, and considers her to be of the highest character and fitness for duty. In her service on the Planning Board, Ms. Goldstein exhibited common sense, a willingness to work, and an ability to engage in critical thinking. She was always prepared for meetings, reviewed the relevant applications in advance, and was effective and objective in her service on the Planning Board. Finally, Ms. Savolt testified that if Ms. Goldstein was removed, it would be a huge loss for the Planning Board and the Village.

E. Faulty Reasoning of Board of Ethics

1. There was no Pattern of Conduct

The Ethics Board purported to consider “the number and pattern of violations as an adverse factor when considering [the] appropriate penalty or recommendation.”

(Recommendation p. 3) However, two cases do not make a “pattern”, particularly when Ms. Goldstein recused herself in one of them.

2. Ms. Goldstein had a Conscientious and Good Faith
Belief that her Actions were Lawful and Proper

The events preceding and surrounding the Ethics Board’s charges against Ms. Goldstein demonstrate that she consistently had a reasonable and well-founded belief that her actions on the Planning Board were lawful and proper.

The first letter that Ms. Goldstein received from the Board of Ethics stated that “we suggest that you consider whether Ethics Code Sections 21-4 N (Disclosure) and 21-4 C (Recusal) are applicable to your participation in the Hampshire matter”. It also stated that “this is not an investigation and no complaint has been filed”. Ms. Goldstein sent a written reply the following day, stating that she had no direct or indirect interest and received no benefit, financial or otherwise, with regard to the Hampshire project.

Following that exchange of letters, Ms. Goldstein had an informal meeting with two members of the Board of Ethics on March 12, 2019. After a discussion of the Hampshire matter, the Board of Ethics members stated as follows (Ex. 17, p. 25):

: Mr. Newgaard: I can’t see where there’d be a formal complaint out of this though.
Mr. Meighan: No.
Mr. Newgaard: Absolutely not.
Ms. Goldstein: Okay.

Nevertheless, on May 14, 2019, the Board of Ethics notified Ms. Goldstein that it was opening an investigation of her. Ms. Goldstein then retained counsel who specializes in government ethics. She submitted a letter on June 14, 2019 recusing herself from any further participation in the Hommocks Road matter. Through counsel, she retained Patricia Salkin, the Provost of Touro Law School, as an expert in ethics and land use matters to advise her on the Village Ethics Code. She also hired an appraiser, who confirmed that neither the Hommocks Road project nor the Hampshire project would have any material effect on the value of her home.

On July 2, 2019, Ms. Goldstein and her counsel met with the Ethics Board’s Chairperson and counsel, following which, on July 15, counsel submitted a memorandum of law to the Ethics Board, citing authorities in opposition to all charges against Ms. Goldstein. A further meeting

was held on August 12, 2019 with Ms. Goldstein, her counsel, and the Chair and counsel to the Ethics Board. A full time line of communications between Ms. Goldstein and the Board of Ethics, introduced as Exhibit 16, further demonstrates her responsiveness to that Board.

The fact that the Ethics Board later determined to pursue charges against Ms. Goldstein in no way detracts from the history showing that she was always responsive to the Ethics Board, and consistently presented a well-documented and well-supported defense to the charges against her, founded on her good faith belief that her actions were lawful and proper.

3. Recusal is not a Neutral Act

A responsible member of a land use board should discharge her duties, and refrain from recusing herself, absent a compelling reason for recusal because recusal is the functional equivalent of a “nay” vote. N.Y. Gen. Construction Law § 41 provides that:

Whenever three or more public officers are given any power or authority, or three or more persons are charged with any public duty to be performed or exercised by them jointly or as a board or similar body, *a majority of the whole number* of such persons or officers... shall constitute a quorum and not less than a majority of the whole number may perform and exercise such power, authority or duty. *For the purpose of this provision the words “whole number” shall be construed to mean the total number which the board, commission, body or other group of persons or officers would have were there no vacancies and were none of the persons or officers disqualified from acting.*

(Emphasis added). Because the Code of the Village of Mamaroneck does not provide for alternate members, Ms. Goldstein’s recusal would have created a vacancy that could not have been filled, even if the recusal deprived the Planning Board of a quorum. Thus, Ms. Goldstein’s recusal would have been counted as a nay vote. In any event, the Planning Board unanimously denied the application and, therefore, Ms. Goldstein did not cast a decisive vote.

Here, because Ms. Goldstein’s home is no closer to the site of the Hampshire subdivision than hundreds of other village residents, she had no personal or private interest in the outcome of

the Hampshire development application that would require her recusal; and Ms. Goldstein acted responsibly in discharging her duties as a member of the Planning Board.

4. Arbitrary Enforcement by Board of Ethics

The record shows that the Board of Ethics and Village counsel have failed to consistently interpret and enforce the Code of Ethics. Planning Board Chairman John Verni testified that he did not recuse himself in connection with applications to the Planning Board made by two beach clubs, one of which is adjacent to his home (Orienta Beach Club) and the other of which is across the street (Beach Point Club). *See*, PB minutes of April 26, 2017 and July 11, 2018 (BOE Ex. R and S). Mr. Verni testified that the reason he did not recuse himself in the Beach Point Club application was that the project would have no material impact on him because the proposed development site was on the opposite side of the beach club, more distant from his home. (Similarly, the Hampshire Country Club development site is on the opposite side of the golf course, more distant from Ms. Goldstein's home, *i.e.* a distance of 850 feet.) Mr. Verni further testified that he was not advised by Village counsel that he should recuse himself in either beach club application. (10/29/19 BOE Tr. 41-48)

Ms. Goldstein's husband testified that he was not advised by Village counsel that he should recuse himself as a member of the Harbor Coastal Zone Management Commission when considering an application by his neighbor. (BOE Tr. 256-257)

Ms. Goldstein testified that she was not advised by Village counsel to recuse herself as a member of the Harbor Coastal Zone Management Commission when considering an application by the neighbor of the residence that she was then in contract to purchase.

Board of Ethics member Deborah Chapin did not recuse herself in the instant matter despite the fact that Ms. Goldstein had filed a complaint against her alleging that prior political

and personal disagreements rendered Ms. Chapin unable to judge the matter in a fair and impartial manner.

5. The Board of Ethics Failed to adhere to its own Precedent

In Lucas v. Bd. of Appeals of Mamaroneck, 57 A.D. 3d 784 (2d Dept. 2008) the Second Department stated that:

A decision of an administrative agency which neither adheres to its own prior precedent nor indicates its reasons for reaching a different result on essentially the same facts is arbitrary and capricious, and mandates reversal, even if there may otherwise be evidence in the record sufficient to support the determination.

Here, the precedent established by the Village Board of Ethics was that participation by a conflicted board member which was limited, non-substantive, and in good faith does not merit any sanction. In Opinion 2017-2 (the Santoro matter), the Village Board of Ethics, with Mr. Ettenger as Chair, rendered the following opinion:

Suzanne McCrory filed a complaint with the Board of Ethics that Village Trustee Louis Santoro violated the Code of Ethics at the February 13, 2017 Board of Trustees' meeting because he "read and introduced the resolution authorizing the payment of his legal bills." Further, Ms. McCrory complains that Mr. Santoro failed to step off the dais after his recusal and during the portion of the Board of Trustees' meeting concerning the legal fees.

Section 21.4(C)(1) of the Ethics Code provides in relevant part that "[a] Village officer or employee, or Board or committee shall promptly recuse himself/herself from acting on a matter before the Village when acting on the matter, or failing to act on the matter, may benefit the persons listed in §21-4A, financially or otherwise, or give the reasonable appearance of a conflict of interest or impropriety." Section 21.4(C)(2) provides that "[w]hensoever a Village officer, employee, Board or committee member is required to recuse himself/herself, he/she must do so on the record and/or in writing and refrain from any further participation in the matter."

As a matter of appearance, the better practice is for the member of the body who recuses to step down from the dais after recusal. The Ethics Code, however, does not address the issue of whether a Board member is required to do so. Accordingly, the Board determines that Mr. Santoro did not violate the provisions of the Code of Ethics by failing to step down from the dais.

However, Mr. Santoro did not completely "refrain from any further participation in the matter" as required by Ethics Code § 21.4(C)(2). While Mr. Santoro did not vote on the

resolution approving the legal fees or participate substantively in the public comments on the resolution or in the Board of Trustees' discussion on the resolution, he did continue to participate after his recusal in the procedural aspects of the proceedings concerning payment of his legal bills. We find that this was a technical violation of the Code of Ethics.

We further determine, however, that Mr. Santoro's limited, non-substantive participation was in good faith and was not an attempt to exert any influence on the Board of Trustees' decision-making or vote. Accordingly, no sanction, disciplinary action or penalty is warranted under the circumstances.

In the Santoro case, the participation by a trustee in the discussions leading to approval of his bills for legal services by the Board of Trustees was deemed a "technical violation" of the Code of Ethics, not meriting any penalty. By contrast here, Ms. Goldstein recused herself from any participation in the Planning Board's consideration of the merits of the Hommocks Road application, and yet the Board of Ethics found her participation in two ministerial acts to be a material violation meriting removal from the Planning Board.

The Board of Ethics distinguished its decision in the Santoro matter from the case at bar based on the fact that Trustee Santoro did not vote. However, unlike the Ms. Goldstein here, Santoro influenced or attempted to influence the Board of Trustees in its consideration of the merits of his own claim for payment, in which he had a direct pecuniary interest. *See, Eastern Oaks Dev. v. Twn. of Clinton*, 76 A. D. 3d 676 (2d Dept. 2010) (a recusal from voting is ineffective if the conflicted board member influences his colleagues on the merits of the matter under consideration). In contrast, the Ms. Goldstein here did not participate in the Planning Board's consideration of the merits of the Hommocks Road application for a wetlands permit. Unlike Trustee Santoro, she recused herself in writing and on the record, and left the room during the Planning Board's discussions, deliberations and vote on the merits of the application. Further, unlike Santoro, Ms. Goldstein had no direct interest in the application, and did not

attempt to exert any influence on the Planning Board's decision-making or vote on the merits of the application.

The Board of Ethics should have followed its own precedent, applied the same standard that it applied in the Santoro matter, and determined that Ms. Goldstein's limited, non-substantive participation in the Hommocks Road application was in good faith and warranted no sanction, disciplinary action or penalty.

POINT II

THE APPLICABLE CODE OF ETHICS PROVISIONS ARE UNCONSTITUTIONALLY VAGUE

The Second Department recently stated that, in determining whether a statute is unconstitutionally vague:

[A] court must first determine whether the statute in question is sufficiently definite to give a person of ordinary intelligence fair notice that his or her contemplated conduct is forbidden. Second, the court must determine whether the enactment provides officials with clear standards for enforcement so as to avoid resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application. Accordingly, a statute is unconstitutionally vague under the Due Process Clauses of the Federal and State Constitutions where it fails to give fair notice to the ordinary citizen that the prohibited conduct is illegal, and it lacks minimal legislative guidelines, thereby permitting arbitrary enforcement.

People v Lanham, 177 A.D.3d 637 (2d Dept. 2019), *citing* People v Stephens, 28 N.Y.3d 307 (2016).

In People v. Golb, 23 N.Y. 3d 455, 466-467 (2014), the Court of Appeals struck down former Penal Law §240.30(1), which prohibited communicating “in a manner likely to cause annoyance or alarm”. The Court observed that “the statute's vagueness is apparent because it is not clear what is meant by communication ‘in a manner likely to cause annoyance or alarm’ to another person” (citation and internal quotes omitted).

In Matter of Patricia Ann Cottage Pub, Inc. v. Mermelstein, 36 A.D. 3d 816, 819 (2d Dept. 2007), an administrative determination that the plaintiff violated Public Health Law §1399-o was vacated on the grounds of vagueness because the law required bar owners to “make a reasonable effort to prevent smoking, without providing any information as to what those reasonable efforts should be”....

The “reasonable appearance of a conflict of interest or impropriety” standard in Code of Ethics §21-4(C) is unconstitutionally vague because it is not sufficiently definite to give a person of ordinary intelligence fair notice that his or her contemplated conduct is forbidden and it lacks minimal legislative guidelines, thereby permitting arbitrary enforcement.

A. The Code of Ethics Amendment Proposed by Board of Ethics Was Not Adopted by Board of Trustees

In its charges against Ms. Goldstein in the Hampshire matter, the Board of Ethics applied a proximity test for recusal of land use board members that does not appear in the Code of Ethics. The case law shows that proximity alone has never been the standard for finding a conflict of interest. Further, Kathy Savolt, who was Mayor at the time the Village Code of Ethics was enacted, testified that the local law was not intended to require the recusal of land use board members based on a proximity test. (BOE Tr. 153-154)

On July 17, 2019, the Board of Ethics sent a written proposal to the Board of Trustees (Ex. 30) arguing that the Code of Ethics does not provide a “bright line rule” for recusal and proposed an amendment to the Ethics Code in order to clarify the circumstances in which members of land use boards must recuse themselves. “the best way to provide greater clarity for land use board members” would be to require recusal of board members who live within the “notice area” of land use projects. However, the Board of Trustees did not adopt the Board of Ethics proposal.

This proposed recusal requirement for those in the notice area is not and has never been adopted as the standard for recusal under the Code of Ethics. The Board of Ethics *ad hoc* imposition of its own standard for recusal invalidates its Recommendation that Ms. Goldstein be removed from office.

B. Application of “Appearance” Standard in Cases Involving Common Law Conflicts of Interest

Courts have invalidated municipal board actions based on clear and obvious conflicts of interest that would undermine public confidence in government. In Matter of Tuxedo Conservation & Taxpayer Assn. v. Town Board of Town of Tuxedo, 69 A.D. 2d 320 (2d Dept. 1979), the Second Department held that a board member who was vice president of an advertising firm could not vote on a zoning application by a client of the advertising firm, because he was in a position to gain business from the approval of the project. Similarly, in Matter of Zagoreos v. Conklin, 109 A.D. 2d 281 (2d Dept. 1985), employees of a public utility were disqualified from voting on the utility’s application seeking variances for a building project.

Later, in Peterson v. Corbin, 275 A.D.2d 35, 38 (2d Dept. 2000), the Second Department reversed a ruling that a county legislator was disqualified from voting for the appointment of members to the corporate board of the county O.T.B. because his membership in the same bargaining unit that represented O.T.B. employees created an “appearance of impropriety”. The court distinguished Tuxedo and Zagoreos because, in those cases, “the questioned official benefited directly and individually from the action that was taken”, and “the conflicts of interest on the part of the public officials were clear and obvious”.

Here, Ms. Goldstein had no “clear and obvious” conflict of interest in the Hampshire application. Rather, she had no personal or private interest at all. The potential, insignificant

impacts on Ms. Goldstein were the same or less than the potential impacts on hundreds of other residents. (See Point I C 2 d, *supra*)

C. Application of “appearance” standard in cases involving judges and lawyers

For lawyers engaged in the practice of law³, the “appearance of impropriety” standard set forth in Rule 1.11(b)(2) of the NY Rules of Professional Conduct is applied only in the screening of former government lawyers who move from one employer to another. It is otherwise considered “too vague a standard to justify disciplinary measures or disqualification.” Essex Eq. Holdings. v. Lehman Bros., 29 Misc. 3d 371, 382 (Sup. Ct. N.Y. Co. 2010). See also, Lovich v. Lovitch, 64 A.D. 3d 710, 711 (2d Dept. 2009) (Absent actual prejudice, appearance of impropriety is not sufficient to disqualify an attorney), Christensen v. Christensen, 55 A.D. 3d 1453 (4th Dept. 2008) (“Appearance of impropriety” is insufficient to disqualify attorney, without actual prejudice to a party.)

Professor Simon, in his commentary to R.P.C. Rule 1.11(b)(2) criticizes the “appearance of impropriety” standard because it depends on what others might think:

The ‘appearance of impropriety’ standard is a highly abstract, catch-all formulation that gives courts virtually boundless discretion to disqualify former government lawyers if anything in the circumstances makes the court uncomfortable. Negating the appearance of impropriety can be a significant hurdle.... Of course, courts have sweeping inherent power to supervise lawyers who appear before them.... But in my view courts should not use the “appearance of impropriety” standard as a disciplinary standard, because a lawyer acting in good faith can easily misjudge what others *might think* about the lawyer’s conduct. Lawyers should not be subject to professional discipline for engaging in conduct that they sincerely think is proper but that some others might believe looks improper. The appearance of impropriety standard simply gives lawyers insufficient warning of the circumstances that will subject them to discipline. In rare situations the “appearance of impropriety” standard is appropriate as a basis for disqualification, because a court can presumably weigh all of the facts and circumstances. But even in disqualification matters, the appearance of impropriety should be construed narrowly and invoked sparingly, because construing it too broadly and using it too frequently would result in excessive disqualifications....” (Emphasis in original)

³ Here Ms. Goldstein, although a lawyer, acted as a member of the Planning Board and not as an attorney engaged in the practice of law.

The application of the “appearance of impropriety” standard to judges is unique, based on the heightened standard for members of the judiciary. See, e.g. Matter of Ayres, 30 N.Y.3d 59 (2017) (Town judge removed for “lend[ing] the prestige of judicial office to advance the private interests of others”).

D. The Local Law Provides Insufficient Guidance to Village Officials

Ms. Goldstein’s expert in land use and ethics, Patricia E. Salkin, is Provost of the graduate and professional divisions of Touro College, a professor of land use at Touro Law School, and previously taught land use law at Albany Law School, at Rutgers University School of Planning and Public Policy, and at the University of Pennsylvania. She also taught government ethics at Albany Law School, and is the author of countless books, treatises, and articles on land use law and ethics. (11/22/19 BOE Tr. p. 3-6; Salkin resume, Exhibit S)

Provost Salkin testified that, in her opinion, Village Ethics Code §21-4(C) is so vague and lacking in clarity that it leaves full discretion in the hands of the Ethics Board to interpret the provision without providing adequate notice to those who are covered by the provision. She found it to be impermissibly vague in three respects (Ex. T, BOE Tr. 11/22/19, p. 9-11):

First, §21-4(C) refers to “the reasonable appearance of a conflict of interest or impropriety”. These terms are undefined in the Code of Ethics, and do not provide fair notice to village officers and employees as to what circumstances warrant recusal.

Provost Salkin testified that the local legislative body could have enacted a clear standard of conduct. For example, recusal could have been required by a board member who owns property within 100 feet, 500 feet, 1000 feet or another stated distance from the subject property; or by a board member who owns property within the notice zone (as the Board of Ethics recommend to the Board of Trustees, see Point II A, *supra*), or by a board member who owns

property with a view of the development site, etc. There are countless ways to clearly define the circumstance that would require recusal, but the vague “appearance of a conflict of interest or impropriety” standard fails to provide notice of the conduct that is prohibited, and does a disservice to conscientious officers and employees such as Ms. Goldstein by leaving the interpretation to the *ad hoc* whims of an untrained board.

Second, the section prohibits board members from voting on matters that may benefit themselves “financially or otherwise” without quantifying the financial benefit or defining “otherwise”. The disqualification of board members who have an interest “financially or otherwise” is problematic in two respects. Every owner of land in the Village has a financial interest in all proposed development projects that will affect the tax base. School taxes and other municipal services may be favorably affected by commercial and retail development, and may be negatively affected by residential development. The code does not clarify whether “financially” refers to a *de minimis* interest, or an interest in the hundreds or hundreds of thousands of dollars. For example, if a board member owned 100 shares of stock in Verizon, and Verizon applied for a permit to site antenna boxes in the Village, would the board member’s Verizon shares be a disqualifying financial interest? Further, the catch-all phrase “or otherwise” provides no explanation as to what benefits would fall into that undefined category.

Third, the requirement of recusal “when acting on the matter, or failing to act on the matter, may benefit [certain] persons” is self-contradictory. Among other things, the phrase can be interpreted to require that a person having a financial interest in a matter must recuse themselves from both acting from and not acting on the matter.

Provost Salkin contrasted the Village Code of Ethics with the Code of Ethics of the City of New York. The City Code of Ethics has a "catch-all" provision prohibiting interests that

conflict with official duties but it is supplemented by cross-references to specific examples of the conduct that is forbidden. (BOE Tr. 11/22/19, p. 11) The NYC Conflicts of Interest Board is prohibited from imposing penalties for a violation of the code's "catch-all" provision "unless such violation involved conduct identified by rule of the board as prohibited by such paragraph" (NYC Charter § 2606(d)). The NYC Conflicts of Interest Board adopted a rule specifying certain such conduct. Rules of the City of New York, Title 53, §1-13 Conduct Prohibited by City Charter §2604 (b)(2), <https://www1.nyc.gov/site/coib/the-law/board-rules.page#conduct>. Here, the Village Board of Ethics has adopted no rule, guidance, prior opinion or educational materials identifying conduct giving “the reasonable appearance of a conflict of interest”.

The goal of prevention—and just plain fairness—require that officers and employees have clear advance knowledge of what conduct is prohibited, except in those rare cases involving conflicts that are clear and obvious and thus would seriously undermine public confidence in government, such as where an action is contrary to public policy or raises the specter of self-interest or partiality. See, Peterson v. Corbin, 275 A.D. 2d 35 (2d Dept. 2000). The Village Code of Ethics fails as a regulation because it gives no guidance to officers and employees, or to the Board of Ethics, as to what conduct is prohibited. Discernable standards of conduct help dedicated municipal officers and employees to avoid unintended violations and unwarranted suspicion. Vague standards of conduct expose Village officers and employees to the risk of unintended ethics violations, and determinations based on the subjective biases of Board of Ethics members rather than on objective criteria. The vague and undefined “appearance of impropriety” standard of conduct lacks any requirement that a person subject to penalty have acted knowingly or intentionally. Yet the Code of Ethics authorizes the imposition of a fine at the discretion of the Board of Ethics. See, Code of Ethics §21-14(B).

E. The Board of Ethics Has Provided No Guidance to Village Officials

Unlike the members of a village planning board, who are required to complete four hours of training each year to enable them to more effectively carry out their duties (*see*, Village Law § 7-718(7-a)) the members of the Board of Ethics are not required to have any government ethics training. Yet, the local Law improperly delegates to them the authority to determine, *ex post facto*, what conduct is prohibited in a particular case, without providing the type of guidance required by the NYC Code of Ethics and implemented by the NYC Conflicts of Interest Board.

Despite the power to impose monetary penalties, the resulting stigma and damage to an individual's personal and professional reputation, and the other consequences that may result from its adverse determinations, the Board of Ethics has failed to adopt and distribute procedures for discharging its duties, as required by Code of Ethics §21-10(C)(1), except to reiterate, without elaboration, the bare due process requirement set forth at Code of Ethics §21-14 (Ex. B).

Other than a cursory and incomplete Plain Language Guide (BOE Record) that does not address recusal or the “appearance of impropriety” standard, no educational materials or ethics training have been provided to municipal officials or Board of Ethics members – despite the duty of the Board of Ethics “to provide training and education to municipal officers, board members and employees”, set forth in Code of Ethics §21-10(C)(8). In minutes of a meeting held on April 25, 2018, the Board of Ethics acknowledged that it had provided no training to Village officers and employees:

There was a discussion about the requirements of the Code of Ethics of the Village of Mamaroneck, particularly with respect to the responsibilities of the Board of Ethics. Mr. Ettenger noted that the Code requires the Board to provide training and education to officers, board members and employees, but it has not done so.

Planning Board member and former Mayor Kathy Savolt testified that no ethics training or educational materials were provided to Village officers and employees. (Ex. T, 10/29/19 BOE Tr. 152)

Little guidance is provided by prior opinions of the Board of Ethics. Only two prior opinions of the Board of Ethics are posted on the Village website—one rendered in 2010 and the other in 2017 (*See* 2017 Santoro opinion (discussed at Point I E 5, *supra*), neither of which addressed the “appearance of impropriety” standard.

While this matter was pending, the Board of Ethics acknowledged in a memo to the Board of Trustees that the Code of Ethics does not provide a “bright line rule” for recusal. In order to provide “greater clarity”, the Board of Ethics proposed a local law amending the Code of Ethics to require members of land use boards to recuse themselves if they own property or reside within the notice area. See Exhibit E. However, no such local law has been adopted by the Board of Trustees.

POINT III

THE DEMONSTRATED ANIMUS AND HOSTILITY OF THE ETHICS BOARD SHOW THAT ITS DECISION WAS ARBITRARY, CAPRICIOUS AND AN ABUSE OF DISCRETION

Although the Ethics Board acknowledged Ms. Goldstein’s thirty years of volunteer work for the Village and others, and listed some of the details of that work (Decision p. 4), its Decision and Recommendation was replete with hostile and unreasonable remarks about Ms. Goldstein’s supposed attitudes and actions. The Board of Ethics refused to acknowledge the legitimacy of any opinion other than its own.

Ms. Goldstein at all times rejected out of hand the concerns raised in writing and in person by the Ethics Board and others with not even a suggestion she would consider them.
(Recommendation p. 4)

In every setting in which the Ethics Board met with Ms. Goldstein, she refused to even consider the Ethics Board's view that her conduct could be in violation of the disclosure requirements and recusal provisions of the Code of Ethics. (Recommendation p. 4)

The Board of Ethics also refused to acknowledge that Ms. Goldstein acted in good faith. Despite the fact that Ms. Goldstein recused herself from any participation in the Planning Board's consideration of the merits of the Hommocks Road application, the Board of Ethics concluded that:

The Ethics Board found that Ms. Goldstein's conduct surrounding the Last Home LLC [Hommocks Road] application blatantly flouted the language and spirit of the Code of Ethics. In the case of the Last Home LLC matter, Ms. Goldstein ignored the concerns of the Chair of the Planning Board. (Recommendation p. 4)

All of Ms. Goldstein's attempts to defend herself against the Board's accusations were vehemently characterized as hostility toward the Board and proof of her guilt:

This was amplified by her unrelenting hostile attitude towards the Ethics Board, Village Attorney, and later towards the Village Engineer, and ultimately directed at the Code of Ethics itself. (Recommendation p. 4)

[T]his hostility, and disregard for truth and disclosure, was most recently evidenced in her attempt to circumvent and discredit the process proscribed by the Code of Ethics, by sending an inaccurate email and an incomplete evidence set to the Mayor, the Village Manager and the Ethics Board just hours after the hearing closed on November 22, 2019. (Recommendation p. 4)

Contrary to the Board's claim that Ms. Goldstein rejected its concerns, Ms. Goldstein recused herself in the Hommocks Road application after consulting with her private counsel. (Ex. 8, BOE Tr. 211-213, 246-247) However, even Ms. Goldstein's letter recusing herself was condemned for not acknowledging the alleged impropriety of her prior participation, such as it was, and for making unspecified "misrepresentations". In a conclusion evocative of the famous novel by Franz Kafka, *The Trial*, the Board of Ethics stated that Ms. Goldstein's recusal "only acted to further the Board's recommendation" that she be removed from office:

[T]he Ethics Board finds that Ms. Goldstein's June 14, 2019 letter recusing herself from Last Home LLC [the Hommocks Road matter] and her subsequent disclosure of that recusal at a Planning Board meeting only acted to further the Board's recommendation. Far from acknowledging that her participation in the Last Home LLC might have been improper, Ms. Goldstein asserted that she was not required to recuse herself and made misrepresentations. (Recommendation p. 6)

Although she ultimately recused herself in that matter after meeting with the Ethics Board, Ms. Goldstein's letter of June 14, 2019, by which she announced her recusal, disingenuously failed to address the actual conflict of interest or explain why she had not acknowledged the conflict and recused herself on March 27, 2019 when the matter was before the Planning Board and the conflict was readily apparent on the record. (Decision p. 2)

If Ms. Goldstein's recusal letter, with its clear and specific reference to the facts that gave rise to her alleged conflict of interest, acted to further the Board's recommendation that she be removed from office, then surely every member of a land use Board in the Village of Mamaroneck must fear that they too may be subjected to investigation and a recommendation of removal from office for their own good faith disagreement with the Board of Ethics, even where they recuse themselves to avoid any appearance of impropriety.

The Board unreasonably took respondent's well founded interpretation of the vague ethics code, and her principled defense to the Board's charges, to be an indication that she lacked "contrition" and was likely to engage in future misconduct:

The Ethics Board believes the evidence and Ms. Goldstein's conduct before, during and after the hearing show no contrition and no willingness to consider the views of the Ethics Board or others with respect to the application of the Code of Ethics.... It strongly suggests that Ms. Goldstein has the potential to ignore the application of the Code of Ethics in other circumstances.... (Recommendation p. 6)

The Ethics Board expressed particular ire for an e-mail which Ms. Goldstein sent to the Mayor, Board of Trustees and Board of Ethics on November 22, 2019, following the completion of the Board of Ethics hearings:

... Ms. Goldstein sent an email to the Mayor, Village Manager and Ethics Board within two hours of the conclusion of hearing on November 22nd, only confirming our finding that Ms. Goldstein demonstrates a disregard for the law and refuses to conform her conduct to either

the letter or spirit of the Code of Ethics. In the email, Ms. Goldstein transmitted confidential information regarding the proceedings contrary to the provisions of the Code of Ethics, made blatant misrepresentations about the evidentiary record and made baseless personal attacks against the Ethics Board, even going so far as to “hypothesize” that the Ethics Board was motivated by a financial nexus to the Hampshire developer and accusing the Ethics Board of manipulating land use board members. (Recommendation p. 6)

The Board of Ethics refused to acknowledge Ms. Goldstein’s rights, either to defend herself against the Board’s charges, or to petition the Village government for relief. Ms. Goldstein sent the e-mail to the Board of Trustees because it is the body to which the Ethics Board is authorized to make its recommendation, and because the Board of Trustees has the authority to act upon the recommendation of the Board of Ethics. The Board of Ethics took offense that the Ms. Goldstein would defend her reputation before the Board of Trustees, rather than accept, unchallenged, the stigma of the adverse determination made by the Board of Ethics.

There was no accuser in this case other than the untrained Ethics Board itself, and it used its position as complainant and judge to malign Ms. Goldstein for defending herself against its own accusations. The animus, prejudice and hyperbole shown by the Board of Ethics in this case demonstrate that its Decision and Recommendation was arbitrary, capricious and an abuse of discretion. The Code of Ethics was “applied and administered by public authority with an evil eye and an unequal hand” (*see, Yick Wo v. Hopkins*, 118 US 356, 373-374 (1886)). The Ethics Board’s hostile view of Ms. Goldstein’s legitimate defense to its charges formed a basis for its determination. The Ethics Board purported to consider “the number and pattern of violations as an adverse factor when considering [the] appropriate penalty or recommendation.” (Recommendation p. 3)

The evidence shows that Ms. Goldstein was treated entirely differently from others who have served on Village boards. Louis Santoro, a member of the Board of Trustees, introduced a resolution to pay his own legal bill, then stayed on the dais and continued to participate while it

was being considered, only refraining from participating in the vote. The conclusion of the Board of Ethics in his case was that his “limited, non-substantive participation was in good faith” and that no sanction, disciplinary action or penalty was warranted. The Board of Ethics justified its disparate treatment of Ms. Goldstein by noting that Mr. Santoro did not vote (but did participate) in the decision to approve his own payment. Here, in the Hommocks application, Ms. Goldstein’s only participation, and her only votes, were on ministerial matters that did not involve the merits of the application and could not result in any benefit or detriment to her. On these more benign facts, the Board of Ethics recommended that she be removed from the planning board.

John Verni, the Chairman of the Planning Board, testified that he did not recuse himself from Planning Board hearings on permit applications made by two beach clubs, one of which was next door to his house, the other of which was across the street. In one case, his rationale for not recusing himself was that the building project was “on the other side of the property, so it wasn’t really anything I could see” (10/29/19 BOE Tr. at 50). Similarly, Ms. Goldstein has only a limited partial winter view of the distant Hampshire development site located on the opposite side of the golf course, where a tennis facility already exists (BOE Tr. 366-369).

Further, as more fully discussed in Point IV below, Board of Ethics member Deborah Chapin participated in the Board’s consideration and determination of the instant matter despite her history of antagonism toward Ms. Goldstein and despite Ms. Goldstein’s complaint and motion seeking her disqualification (BOE Record). Ms. Goldstein’s complaint was referred to the Village Manager, but he declined to act upon it. Ms. Chapin did not recuse herself and fully participated in the hearing and determination. Left with no means by which to challenge Ms. Chapin’s participation, Ms. Goldstein was deprived of a fair hearing by the Board of Ethics.

The treatment given to Ms. Goldstein was markedly different than the deference given to Mr. Santoro, Mr. Verni and Ms. Chapin. In reaching its conclusions, the Board of Ethics considered not only whether Ms. Goldstein's conduct conformed to the ethics code, but whether her "attitude" conformed to the Board's view of the "spirit" of the ethics code. With crocodile tears, the Board of Ethics claimed that its irate determination was reluctantly made:

Each member of the Ethics Board is a volunteer and each has great reluctance to recommend removing a volunteer board member, let alone someone who has devoted considerable time and energy serving on land use boards in the Village. However, the evidence, coupled with Ms. Goldstein's attitude and conduct, has overwhelmed that reluctance. Throughout the entire process, Ms. Goldstein consistently demonstrated a disregard for and refusal to conform her conduct to the letter or spirit of the Code of Ethics. (Recommendation p. 7)

Not satisfied to rely upon the arguments that it advanced in support of its recommendation to the Mayor that Ms. Goldstein be removed from office, the Board of Ethics sought to intimidate a witness to prevent him from testifying in support of Ms. Goldstein at the Mayor's removal hearing. (Ex. 2). On May 22, 2020, five days before the removal hearing, the Board of Ethics ominously warned Trustee Dan Natchez that he should consider recusing himself from "ongoing participation in *any* issue regarding the Cindy Goldstein mater." (Emphasis in original). The Ethics Board's asserted basis for tampering with a witness favorable to Ms. Goldstein was a single instance in 2017 when Mr. Natchez, through his consulting firm, inspected the septic system at 5 Oak Lane.

The repeated references to Ms. Goldstein's "attitude" in the Board of Ethics Decision and Recommendation were the subject of a letter to the Mayor and Board of Trustees from Ellen Styler, an experienced human resources director, who stated the following:

When I first read the Village decision on Cindy Goldstein, I noticed the repeated references to her "attitude." Use of that word is a red flag to those of us involved in HR or employment law because it is subjective. It does not describe specific, measurable behavior. "Attitude" refers to our impression, not to what the person did or said.

Saying someone had a “poor attitude” generally means that his or her communication or communication style struck us as not sufficiently respectful, complimentary to us, or positive. (Ex. 37)

Ms. Styler also focused on the Ethics Board’s conclusion that Ms. Goldstein did not show “contrition”. “Apologies are not required, so I think it opens a very good question as to why Ms. Goldstein is being singled out in this way.” *Id.* Ms. Styler concluded that the Village has not demonstrated a reason to remove Ms. Goldstein from the Planning Board.

Planning Board chair Kathy Savolt testified at the May 27 hearing regarding the appearance of implicit bias in the Ethics Board’s investigations. Specifically, since December, 2017 there have been 24 people who have served on the Village’s land use boards; 14 of those are men and 10 are women. To the best of Ms. Savolt’s knowledge, the Ethics Board has conducted inquiries regarding five of the women and none of the men.

The Decision and Recommendation of the Board of Ethics was arbitrary, capricious, an abuse of discretion, and unsupported by substantial evidence. It cannot be used as a basis to remove Ms. Goldstein from the Planning Board.

POINT IV

MS. GOLDSTEIN WAS DENIED DUE PROCESS BY THE FAILURE TO DECIDE HER MOTION TO DISQUALIFY A MEMBER OF THE ETHICS BOARD FOR BIAS

Ms. Goldstein filed an ethics complaint against Board of Ethics member Deborah Chapin, and moved to disqualify her on the grounds that she was biased and prejudiced against Ms. Goldstein. (BOE Record) Ms. Goldstein worked closely on Ms. Chapin’s successful campaign for mayor, but they had a bitter falling out when Ms. Chapin was defeated for re-election. The Board of Ethics denied the motion for lack of jurisdiction and referred the complaint to the Village Manager pursuant to Village Code §21-13(E), which provides that:

Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or any of its members or staff. If the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this chapter, or of any other law, the board shall promptly transmit a copy of the complaint to the Village Manager.

The Village Manager ignored Ms. Goldstein's complaint against Ms. Chapin for four months, despite repeated inquiries from Ms. Goldstein's counsel. Finally, in a letter dated February 14, 2020, he stated that "... the Code of the Village of Mamaroneck does not provide me with any obligations or responsibilities to act on the complaint ...". (Ex. 20) The case against Ms. Goldstein proceeded through multiple hearing sessions and a decision with the full participation of Ms. Chapin.

The result was that Ms. Goldstein's motion to disqualify was never considered on its merits. Beyond that, there is no way for any person summoned before the Village's Board of Ethics to challenge any member of that Board for bias or prejudice; the motion will simply be referred to the Village Manager, where it will die without ever being considered.

It is violation of due process to deprive an accused person of a right to challenge a board member for bias. As the U.S. Supreme Court stated:

[A] fair trial in a fair tribunal is a basic requirement of due process. This applies to administrative agencies which adjudicate as well as to courts. Not only is a biased decisionmaker constitutionally unacceptable but our system of law has always endeavored to prevent even the probability of unfairness.

Withrow v. Larkin, 421 U.S. 35, 46-47 (1975) (citations and internal quotes omitted)

As the Court of Appeals stated, it is unconstitutional to subject a party to the judgment of a prejudiced or biased board:

Of course, an applicant is constitutionally entitled to unprejudiced decision-making by an administrative agency. It follows that a determination based not on a dispassionate review of facts but on a body's prejudgment or biased evaluation must be set aside.

Warder v. Bd. of Regents, 53 N.Y. 2d 186, 197 (1981).

At the removal hearing conducted by the Mayor, the following colloquy took place:

MR. LEVENTHAL: There is only one woman on the Board of Ethics and that woman, demonstrably, was biased against Ms. Goldstein as Ms. Goldstein set forth in her disqualification motion. The decision by the Board of Ethics was made...

MAYOR: I have to stop you right there. You say demonstrably, it hasn't been demonstrated.

MR. LEVENTHAL: Have you read the motion papers?

MAYOR: Yes I have. It's been alleged. It hasn't been demonstrated. Let's just be clear.

MR. LEVENTHAL: Well I'm not sure what distinction you're making between alleged and...

MAYOR: [Inaudible] it's been alleged and when you demonstrate something it's beyond fact.

MR. LEVENTHAL: Well, no, when you allege you make a claim; when you present evidence you demonstrate, and we presented evidence in the form of an affidavit, a sworn statement. The...

MAYOR: Ridiculous.

These statements by the Mayor – the person who will decide whether to accept the recommendation of the Board of Ethics and remove Ms. Goldstein from office – indicate that he discounted the claim of bias on the part of an Ethics Board member based on the fact that Ms. Goldstein's disqualification motion was ignored by the Village Manager and never decided.

By making it impossible for Ms. Goldstein to challenge a board member for her bias, the Village denied Ms. Goldstein her right to due process. Under these circumstances, the Decision and Recommendation of the Board of Ethics cannot be used as a basis to remove Ms. Goldstein from the Planning Board.

POINT V

THE MAYOR LACKS THE AUTHORITY TO REMOVE MS. GOLDSTEIN FROM OFFICE

In June, 2018, the Village of Mamaroneck Board of Trustees used its home rule powers to change Village Law §7-718 regarding the appointment of members of the Village's Planning Board.

Village Law §7-718 confers upon a village mayor the authority to appoint and remove members of the planning board. Local Law 7-2018 provided, in pertinent part, that “[a] Planning Board is hereby created pursuant to §7-718 of the Village Law ... The Board of Trustees shall appoint the members and Chairperson of the Planning Board and fill vacancies in those offices”. By transferring the power to appoint members to the Board of Trustees, the Local Law necessarily changed the power to remove members, and gave both powers to the Board of Trustees.

Courts have repeatedly ruled that the power to remove an official is a function of the power to appoint. Mc Comb v. Reasoner, 29 A.D. 3d 795 (2d Dept. 2006), Correia v. Inc. Village of Northport, 12 A.D. 3d 599 (2d Dept. 2004), Waters v. Glen Cove, 181 A.D. 2d 783 (2d Dept. 1992), see also, Inc. Village of Manorhaven v. Toner, 51 Misc. 3d 545 (Sup. Ct. Nassau Co. 2016). This rule has the advantage of logic; if the power to appoint were split from the power to remove, an official could be removed by one entity, only to be re-appointed by the other entity.

Therefore, the Mayor lacks the authority to remove Ms. Goldstein from the Planning Board. Furthermore, because the Mayor was a witness identified by the Board of Ethics see Ex. 1), and discussed the matter with then Planning Board Chair John Verni prior to the Planning

Board meeting of March 27, 2019 (BOE Tr. p. 35-37), he should have recused himself from presiding at the removal hearing.

CONCLUSION

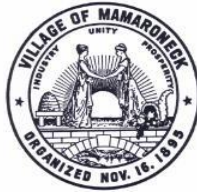
For the foregoing reasons, the Recommendation of the Board of Ethics to remove Ms. Goldstein from the Planning Board should be denied.

Dated: Roslyn, New York
June 10, 2020

LEVENTHAL, MULLANEY & BLINKOFF, LLP
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Village of



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To: Mayor Murphy
Cc: Board of Trustees
From: Ethics Board
Re: Goldstein Sanctioning Hearing-May 27, 2020
Date: June 10, 2020

A number of incorrect statements were made during the Goldstein sanctioning hearing held on May 27, 2020 in connection with the Decision and Recommendation of the Board regarding Cindy Goldstein dated November 29, 2019. The Ethics Board had concluded that it was neither necessary nor appropriate for any of our members to participate in the public comment period of the hearing since our findings and recommendations, and the underlying evidence, are complete and public.

However, a number of incorrect statements were made in the Mayor's May 27th Goldstein Sanctioning Hearing regarding the Code of Ethics and Ethics Board which, in the public interest, should be corrected. The Ethics Board will not comment on matters related to the evidence in the Goldstein matter or on statements she or her attorney made at the May 27th hearing other than in the following paragraph.

The evidence presented at the Ethics Board hearing in the Cindy Goldstein matters, now in the public domain, was either testimony taken under oath before a court stenographer, or documentary material, both entered into evidence pursuant to accepted procedural standards with Ms. Goldstein present and represented by counsel of her own choosing. Ms. Goldstein and her counsel had the right to call, and did call, witnesses, cross examine witnesses, make objections and were provided a full opportunity to present evidence, witnesses and make any arguments desired. We understand that the fees of Ms. Goldstein's counsel and expert witnesses in connection with the Ethics Board proceedings are being paid by the Village.

Our comments are broken down into a section on **BACKGROUND**, to provide the public with a heightened awareness of the Ethics Code and Board, and then a section on pages correcting statements about or related to the Code of Ethics and Ethics Board during the public comment section of the **MAYORS' MAY 27TH HEARING**.

BACKGROUND

The Village Code of Ethics

In 2009, the Board of Trustees ("BOT") enacted the current Code of Ethics (Chapter 21 of the Village Code) to promote "high standards of ethical conduct for officers, board members and employees of the Village so as to promote public confidence in the integrity of local government."¹ The requirements of the Code of Ethics are established by law, not selected by the Ethics Board. The standards for implementation are set by local or state law and are not chosen by the

¹ Village Code § 21-1.

Ethics Board. The Ethics Board has made suggestions for amendments as called for in the Code of Ethics, but none have been acted on by the BOT.

Of note, and applicable here, is that Section 21-15 of the Code of Ethics allows the Ethics Board to waive certain provisions if it finds the waiver is not in conflict with the interests or purposes of the Village. Certain provisions that cannot be waived, including the sections on transactional, applicant and annual disclosure.

Ethics Board Duties

The Ethics Board is required to fulfill various duties under the Code of Ethics including to:

- (1) provide advisory opinions to Village officers, employees and board members that seek guidance regarding their ethical obligations and the meaning of the Code of Ethics;²
- (2) verify that each Village officer, employee and board member files an annual disclosure statement;³
- (3) review and determine whether the annual disclosure statement, transactional or applicant disclosure statements filed by a Village officer, employee or board members “reveal a possible or potential violation” of the Code of Ethics;⁴
- (4) conduct investigations into potential violations of the Code of Ethics by Village officers, employees and board members;⁵
- (5) assess on its own or recommend appropriate disciplinary actions if it is determined after a hearing that a Village officer, employee or board member violated the Code of Ethics ;⁶ and
- (6) recommend changes to the Code of Ethics;⁷
- (7) make available for public inspection and copying lists of officers, board members and employees, transactional disclosure statements, applicant disclosure statements, annual disclosure statements and sworn complaints filed with the board, and certain other records;⁸ and
- (8) protect whistleblowers.⁹

Members of the Ethics Board

The Ethics Board has five members who are appointed by the Board of Trustees and serve three-year terms. By law, no more than two members can belong to the same political party.¹⁰ The Board is currently comprised of two Democrats, two Republicans and one independent member. All are long-term residents. Four are lawyers, two of whom are in practice. The fifth is a long-time educator and school administrator. All have had experience dealing with personnel and administrative issues before joining the Ethics Board.

² Village Code §§ 21-10(C)(7), 21-16.

³ Village Code §§ 21-10(C)(3), 21-12.

⁴ Village Code § 21-12(B).

⁵ Village Code §§ 21-10(C)(4), 21-13.

⁶ Village Code §§ 21-10(C)(5), 21-14.

⁷ Village Code §§ 21-10(C)(9), 21-19.

⁸ Village Code § 21-10(C)(3, 10), 21-11, 21-13(D), 21-15(B).

⁹ Village Code § 21-22.

¹⁰ Village Code § 21-7(D).

Evidentiary Records Related to Ethics Board Investigations and Hearings

The Code of Ethics mandates what information should be kept confidential and provides and delineates what information must be made public and what is to be kept confidential. For example, all decisions of the Ethic Board that find a violation, not an acquittal, must be available to the public, and at the same time the Code requires that that all evidence relating to an investigation or hearing be kept confidential, except as otherwise required by Village, state or federal law.

Section 21-3 D. of the Code of Ethics mandates that:

“All documents and hearings relating to the investigation and hearing of any alleged violation of this chapter shall be confidential and not available for public inspection or open to the public, except as otherwise required by state or federal law or by this chapter. All dispositions, including negotiated dispositions, in which the Ethics Board finds a violation of this chapter, shall be available for public inspection and copying.”[emphasis added]

While the Code of Ethics clearly acknowledges the public interest in the disposition (i.e. a decision) when the Ethics Board finds a violation, it also mandates confidentiality of the documents and hearings, with exceptions. The law acknowledges that certain matters that come formally before the Ethics Board may contain highly sensitive information that should be kept confidential. There is a balance to be found between these two requirements, which sometimes involves ambiguity and unsettled law, as we have been advised.

Ethics Board Investigations

Under the Code of Ethics, the Ethics Board is required to commence an investigation if it receives a sworn complaint. It is also expressly permitted to commence an investigation and issue charges on its own initiative. In practice, this can occur when a party reports a potential violation, but wishes to remain anonymous (e.g. a VOM staff member who is subordinate to the subject or a board peer wishing not to disrupt board functionality).

The Ethics Board does not actively monitor or review Village board proceedings, review board minutes or attend board meetings other than in response to credible information provided by others. We do not seek out violations. But if the Ethics Board receives credible information of a potential violation, we have an obligation to review the available information and decide whether further action is required, even in the absence of a sworn complaint.

Whistleblower Protection

As described above, the Village Ethics Code places limits on what information the Ethics Board can disclose and explicitly protects whistleblowers who notify the Board of Ethics about potential violations and others who provide information to the Ethics Board.

MAYOR’S MAY 27TH GOLDSTEIN SANCTIONING HEARING

Ethics Board: Protecting Sources

In the Goldstein matters, there were not sworn complaints filed by a third party. The Ethics Board’s initial and informal inquiry into the Goldstein matters began after it confirmed certain information brought to it, all of which was publicly available, but which the Ethics Board would otherwise not have become aware, as it does not proactively monitor meetings. The inquiry led to informal discussions with Ms. Goldstein (and her counsel), which led to an investigation and to charges by the Ethics Board, then a hearing and ultimately, to the Ethics Board’s Decision and Recommendation.

The Publication of the Record from the Goldstein Hearing

Some criticized that the record from the Ethics Board Goldstein Hearing was released so soon before the Mayor's May 27, 2020 Goldstein Sanctioning Hearing with inferences that the record had been inappropriately withheld by the Ethics Board. The facts do not support those assertions. As described above, the Code of Ethics specifically requires, not suggests, that records of investigations and hearings be kept confidential and not made public, unless other Village, State or Federal law requires it. There are confidentiality provisions in various sections of the Code. Here are the facts.

The Ethics Board provided the evidentiary record of its November 2019 hearing on the Goldstein matters to the BOT in February 2020 on a timely basis after being requested to do so by the BOT, which passed a Resolution on the subject allowing such disclosure.

On May 18, 2020, the Mayor (through special counsel) requested a waiver by the Ethics Board of certain confidentiality provisions of the Code of Ethics to allow public disclosure of the Goldstein evidentiary record prior to the scheduled May 27th hearing. The Ethics Board issued that waiver four days later on May 22, 2020, after receiving advice of counsel and calling a meeting as quickly as possible in light of the three-day notice requirement.

To review the specifics, the Ethics Board issued its Goldstein Decision and Recommendation on November 29, 2019. In February 2020, the Ethics Board provided the Mayor and the Board of Trustees with the entire hearing record, including all testimony and documentary evidence, pursuant to a Resolution adopted by the BOT stating it would receive the hearing record, but hold it confidential and not make it available to the "public," consistent with Section 21-3 D. of the Code of Ethics, discussed above. This Resolution arose out of mutual agreement by the Board of Trustees and the Ethics Board, communicated through and each advised by counsel, that the Goldstein hearing record could be released to the Board of Trustees, as the Board of Trustees did not constitute the "public," but could not be provided to anyone else. The Ethics Board considered the question settled. The Ethics Board was satisfied that this result respected the interests of Ms. Goldstein and the other witnesses at the hearing, while allowing the potential decision makers to have access to all pertinent information. It was subsequently determined by the Board of Trustees that the Mayor, not the Board of Trustees, would be the sole sanctioning authority.

For three months, the Ethics Board neither received any further requests from nor had any substantive communications regarding further disclosure of the hearing record in the Goldstein matter with the Mayor, Board of Trustees or Ms. Goldstein. Again, we believed the Resolution passed by the Board of Trustees had settled the confidentiality question. Then, on May 18, 2020, special counsel to the Mayor (who also represents the Board of Trustees) in the Goldstein matter, informed the Ethics Board that the Mayor wished to have the record released to the public and requested that the Ethics Board issue a waiver of the confidentiality provisions of the Ethics Code as applied to the evidentiary record of the Ethics Board Goldstein hearing. Ms. Goldstein's counsel consented, but only with the condition described below which was met.

Upon receipt of the request from the Mayor's special counsel on May 18th, the Ethics Board sought legal advice and then met on May 22, the earliest possible date under the Open Meetings law, and issued a written waiver pursuant to section 21-15 of the Code of Ethics, along with a full explanation.

To summarize, in four (4) days-between May 18 and May 22- we obtained legal advice, met and issued the requested waiver, which allowed public disclosure. The Ethics Board adhered to the statute enacted by the Board of Trustees and acted expeditiously each time it received requests regarding the record.

To amplify on a comment above, in connection with our waiver, we asked the Mayor's special counsel to confirm his indication to us that Ms. Goldstein counsel consented to the public release of evidence. However, in response, Ms. Goldstein's counsel did not simply consent. Instead, Ms. Goldstein's counsel conditioned his consent, stating that the record should only be posted on the Village website if, and only if, (i) a legal memo he had filed in connection with Ms. Goldstein's Article 78 lawsuit filed against the Ethics Board, and (ii) that Goldstein's Motion to Disqualify a Member of the Ethics Board, were also published on the Village website. The Ethics Board agreed to Ms. Goldstein's counsel's conditions even though it has not yet filed response(s) to the foregoing.

False Claim that the Ethics Board Disproportionately Investigated Women

During the Mayor's May 27th Goldstein Sanctioning Hearing and while under oath, Kathy Savolt, a former mayor who currently chairs the Planning Board, made a patently false statement and baseless inferences that the Ethics Board has disproportionately targeted women on land use boards. Ms. Savolt stated she had looked into it and claimed that five women and no men who sat on land use boards had been subject to Ethics Board actions. Ms. Savolt declined to reveal any specific information citing confidentiality leaving her unsubstantiated false statement in the public domain. We invite Ms. Savolt to meet with and/or provide the Ethics Board and Mayor with the specifics of her claims as that would not involve her concern about confidentiality. We also would welcome a discussion with the BOT about this either in open or executive session as guided by counsel.

Most matters that come to the Ethics Board are handled informally, in the nature of reminder letters or calls, completely confidential, and only occasionally gives rise to any formal process. Even in the rare cases when the official at first declines to comply with the Code of Ethics, the Ethics Board does all it can to keep the matter informal.

During their terms in office and prior to the Goldstein matters, the Ethics Board believes there have been three (3) ethics matters that reached the first formal stage of the Code of Ethics compliance process, an investigation. All three involved men. Two of the men were land use board members. The third was then a member of the Board of Trustees.

In the course of administering the annual disclosure form filings due February 15th, and as previously reported to the BOT, the Ethics Board works closely with the Village Clerk's office to gain compliance. Numerous Village board members, some elected and some appointed, of both genders, have not filed on time or filed incompletely over the last several years. Only twice in the terms of current Ethics Board members have other disclosure requirements of the Code of Ethics been triggered (not involving annual disclosure forms), of which the Ethics Board is aware. In those two instances, the board members who triggered disclosure requirements were both women and members of land use boards. In those two and all cases referenced in this paragraph, the non-filing or incomplete filing board member ultimately complied when notified of the requirements; all such issues were handled informally and confidentially, without the need for an investigation or any formal process whatsoever.

In summary, Ms. Savolt's assertions are without basis in facts and misinformed the Mayor and the public. There is no gender disparity in seeking compliance with the Ethics Code.

CATHERINE O'LEARY
313 SOUTH BARRY AVENUE
MAMARONECK, NY 10543

June 1, 2020

Village of Mamaroneck Mayor
Village of Mamaroneck Board of Trustees
123 Mamaroneck Avenue
Mamaroneck, NY 10543

Dear Mayor Murphy and the Village Board of Trustees,

For the first time in my 20 years as a resident in the Village of Mamaroneck ("VOM"), I am writing to you, the Mayor and Board of Trustees. I am extremely concerned with the ethics charges and what appears to be a frivolous and unsubstantiated case against Ms. Cindy Goldstein.

I feel it's important for you to know that I do not know Ms. Goldstein personally or professionally. I am however writing in support of Ms. Goldstein in the matter concerning the VOM Board of Ethics recommendation for her removal from the Planning Board. I watched the nearly six hour public hearing on May 27, 2020 and was first, dismayed that the hearing would take place during working hours. It required me to take the day off from work to attend. I listened to the accusations and findings and still do not understand how Ms. Goldstein is being recommended for removal. She recused herself from the matter related to Last Home, LLC after one meeting. Was this recusal not the appropriate step? What more would be expected and why did it not suffice? On the matter of Hampshire, why would/ should Ms. Goldstein be removed for violation of a rule that does not exist - simply living near the Hampshire property is not a reason for recusal.

The lack of transparency around who brought the charges, the inconsistencies in application of the rules for Ms. Goldstein vs. others, and the appearance of a dislike for her "attitude" lead me to be suspicious that this is a personal attack on a volunteer Planning Board member without just cause. I did not walk away from the public hearing with anything but anger that this was a waste of my taxpayer dollars, an over reach of the Board of Ethics, and a smear campaign against someone who has clearly dedicated her life here in Mamaroneck to the greater good.

Sincerely yours,

A handwritten signature in cursive script that reads "Catherine O'Leary". The signature is written in black ink and is positioned below the "Sincerely yours," text.

Catherine O'Leary

Village of Mamaroneck Mayor and Board of Trustees
123 Mamaroneck Avenue
Mamaroneck, NY 10543

June 9, 2020

Dear Mayor Murphy and Village of Mamaroneck Trustees:

We are residents, voters, and/or taxpayers in the Village of Mamaroneck ("VOM") and write to the Board of Trustees ("BOT") in support of Cindy Goldstein concerning the recommendation of the VOM Board of Ethics ("BOE") that Ms. Goldstein be removed from the Planning Board.¹ We fully share the concerns described in Ellen Styler's letter to the BOT, dated May 20, 2020. We believe that the execution of the BOE's recommendation would be a gross miscarriage of justice and a misapplication of the VOM Code of Ethics, the very law the BOE is entrusted to protect and enforce.

We see the entire matter as a deeply flawed process in which the BOE lacks critical understanding of material conflicts of interest and exhibits little regard for precedent of its own prior decisions, resulting in injury to the reputation of one of VOM's most outstanding citizen volunteers. The litigation cost to VOM taxpayers to date arising from this BOE action has exceeded well over \$100,000, while the cost to Ms. Goldstein's good name is immeasurable.

We urge Mayor Murphy to summarily reject the BOE's recommendation.² We recommend that the BOT censure the BOE for its misguided prosecutorial intent to pressure Ms. Goldstein to recuse when she had no legal or ethical obligation to do so.

As it is vital that the VOM Code of Ethics be reviewed and clarified in order to safeguard against potential future abuse, we ask that you consider taking the following additional steps:

- (1) Form an independent task force appointed by the BOT to evaluate the VOM's current Code of Ethics and make recommendations for reform.
- (2) Adopt enhanced transparency measures to the investigative process for citizen volunteers, including public disclosure of the complainant(s) and posting of all BOE decisions and supporting documentation on the VOM website with at least 30 days notice before hearings.
- (3) Mandate both ethics and diversity training for all BOE members.

¹ We note that four of the six persons who spoke at the May 27, 2020 hearing in favor of removal were not residents, voters or taxpayers in VOM.

²To harmonize removal authority with appointment authority consistent with the passage of the 2016 referendums, we suggest that the BOT authorize a referendum for the next election to amend the VOM code to transfer from the mayor to the BOT the authority to decide all remedial actions with respect to BOE recommendations.

- (4) Appoint independent counsel with specific expertise in code of ethics issues in governance to advise the BOE.
- (5) Cap the budget for BOE investigations unless additional funding is authorized by the BOT for a specific matter.

At a time in our history when faith in the government and democratic norms is at its lowest ebb, it is essential that local government acts in the highest ethical manner.

Jeff Aber
 Karla Aber
 Matt Aber
 Linda Albert
 Chari Topol-Allison
 Nicholas Allison
 Felix Apfaltrer
 Ritika Arora
 Len Aubrey
 Fred Bartels
 Laurie Bartels
 Susan Berenzweig
 Geertruike Boekholt
 Katherine Borst
 Marilyn Borst
 Benjamin Browning
 James Butterfield
 Emily Cohen
 Richard Cohen
 Karen Colaneri
 Kate Colson
 Jocelyn Donat
 Katharine Dufault
 Jeff Falk
 Lois Fenton
 Stephanie Figliomeni
 Ellen Freeman
 Dana Gallagher
 Peter Gallagher
 Linda Jones Gibbs
 Michael C. Gibbs
 Steve Giove
 Bob Goodman
 Jayne Goodman
 Jamie Gordon
 Enid Hammer

Richard Hammer
 Jane Hassler
 Robert Hassler
 Gretta Heaney
 Lois Herzberg
 Jane Herzog
 Amy Hodman
 Bill Hodman
 Jennifer L. Hofstetter
 John M. Hofstetter
 Detlef Joerss
 Lorraine Katen
 Sam Katen
 Stephanie Laffont
 Kevin LaFollette
 Kim Larson
 Todd Larsen
 Jen LeClair
 Steve Leicht
 Richard Litman
 Jack Lusk
 Andrew Maggio
 Kathy Maloney
 Kathy Manera
 Tony Manera
 Piero Manrique
 Emily Marshall
 Torsten Marshall
 Martha McCarthy-Falk
 Suzanne McCrory
 Linda Meehan
 Jean Meyerowitz
 Greg Moyer
 Margi Pasquet
 Kate Priest
 Abby Roberts

Charles Roney
 Doreen Roney
 Toni Pergola Ryan
 Paul A. Ryan
 Kathy Savolt
 Allen Schole
 Stu Seltzer
 Danielle Seltzer
 Sara Sheehan
 Heidi Sickles
 Kevin Sickles
 Allison Stabile
 Joshua Stabile
 Paul Stainkamp
 Robert Stark
 Alana Stone
 David Styler
 Ellen Styler
 Vonnie Sullivan
 Lucia Tavaviti
 Stuart Tiekert
 Joseph Urla
 Kristen Vetter
 Gina von Eiff
 Warren von Eiff
 Estelle Williams
 Megan Willams
 Andy Wollowitz
 Meg Yergin

May 20, 2020

TO: Mayor and Board
FROM: Ellen Styler
RE: Cindy Goldstein Decision

I am writing in support of Cindy Goldstein.

First, to introduce myself, I am a highly experienced and credentialed Human Resources Director. Much of my career has been spent advising management on staffing decisions including reorganizations, hiring, and terminations.

When I first read the Village decision on Cindy Goldstein, I noticed the repeated references to her “attitude.” Use of that word is a red flag to those of us involved in HR or employment law because it is subjective. It does not describe specific, measurable behavior. “Attitude” refers to our impression, not to what the person did or said.

Saying someone had a “poor attitude” generally means that his or her communication or communication style struck us as not sufficiently respectful, complimentary to us, or positive. And why is this a problem? Because it allows us to apply different standards to people of different demographics such as gender; for example if we expect women, or people of a different race or age group to be more deferential, cheerful, or apologetic, we would be more likely to say they had a poor attitude if they failed to conform with our standards, and that would be unfair. These double standards can of course be unconscious among people who don’t view themselves as biased, and this makes it all the more important to specify the exact nature of any transgressions to determine whether consequences are warranted.

So I suggest that it would be far more fair and correct to look beyond Ms. Goldstein’s attitude, and determine whether she actually engaged in prohibited violations.

On the matter of Last Home LLC, Ms. Goldstein did recuse herself after one meeting, even though she disagreed that she had a conflict of interest. Thus the Ethics Board’s main issue cannot be her failure to recuse herself, because she did. The issue is apparently her view that she did not have a conflict of interest, so recusal was not required. Now surely Ms. Goldstein had a right to her own opinion and had the right to disagree. The Decision says that she “showed no contrition and no willingness to consider the views of the Ethics Board.” That’s tough to prove, because she obviously did consider those views, as she recused herself even while not personally agreeing that she was required to do so.

We now come to the remaining issue: that Ms. Goldstein’s violation was that she did not show “contrition,” meaning that she was expected to apologize. I’m sure no one could

demonstrate that apologies are a requirement or a consistent standard applied to all land use board members when discussing their views. Apologies are not required, so I think it opens a very good question as to why Ms. Goldstein is being singled out in this way.

On the matter of Hampshire Recreation, there is no rule, law or standard that a land use board member is required to recuse based on proximity of her own property. In fact, other land use board members have not been required to do so, and neither should Ms. Goldstein have been required to do so. Again this raises the question that I think Village residents should now carefully consider: Why would Ms. Goldstein be removed from the Planning Board in violation of a rule that doesn't exist and has never been enforced?

In summary, I believe that the Village has not demonstrated a reason to remove Cindy Goldstein from the Planning Board and such action should not be taken.

Lloyd Sherwin Landa, D.D.S.

728 Walton Avenue
Mamaroneck, NY 10543
(914) 698-4091 ♦ *llanda@optonline.net*

June 4, 2020

Village of Mamaroneck Mayor and Board of Trustees

123 Mamaroneck Avenue

Mamaroneck, NY 10543

Dear Mayor Murphy and Village of Mamaroneck Trustees

I am writing to you to request that you not support the recommendation of the Village of Mamaroneck Board of Ethics to remove Ms. Cindy Goldstein as a member of the Planning Board.

I have had the opportunity to observe her at Village Board meetings over the past years and I am impressed with her clarity of thought on issues and her sense of fairness and independence.

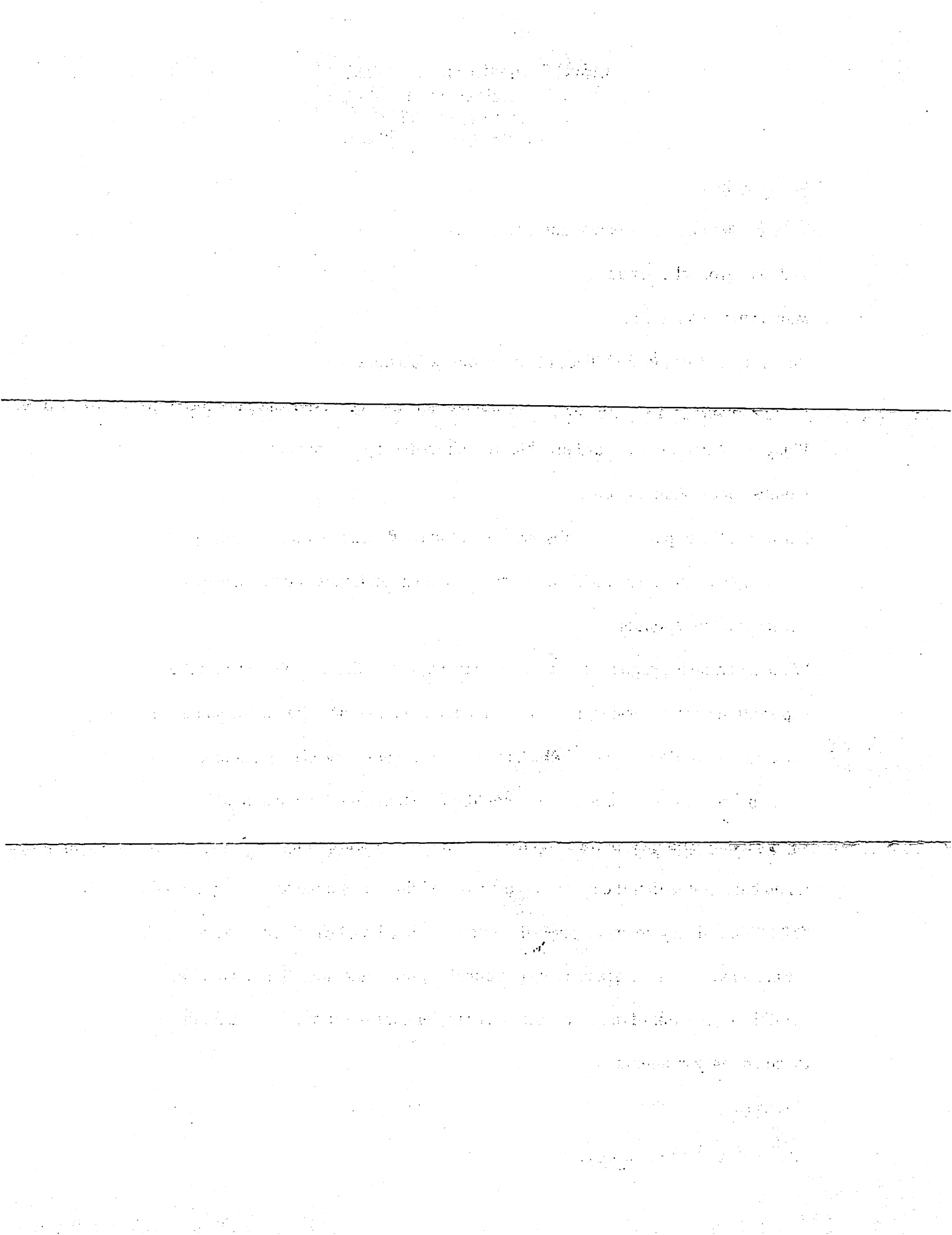
When a person is proposed and appointed to a Board or Committee, it is with the expectation of their serving in a fair and independent manner. Removing someone from a Board or Committee on which the person already serves is a judgement which has a negative inference. This should not be taken lightly, and should be supported by evidence, because it effects the person's reputation.

It had been stated that the litigation costs to the Village of Mamaroneck may exceed \$100,000, and may be ongoing. We live under the heading, "The Friendly Village."

We are all aware that there is hunger in our Village. I would hope that it would be possible for the Board to resolve the issues under consideration, and use funds to feed hungry residents.

Sincerely,

Lloyd Sherwin Landa



Cindy Goldstein and her husband have generously contributed their time and money to the Village and to public initiatives through the years. They are both giving people who have always worked to make the Village a great place to live for all. So, it is especially troublesome to hear Ms. Goldstein's ethics questioned. She is an incredible asset to our Village, honest and hard working.

I am also very disturbed by the fact that she is being held to a different standard than Lou Santoro in 2017. I was present at the BOT meeting when Mr. Santoro clearly violated the village code of ethics by participating in a discussion and arguing for the board to reimburse him for his legal expenses. He was told at that hearing that he should recuse himself immediately. He refused to do so and continued to participate in the matter. After conducting an investigation, although the ethics board determined that Mr. Santoro violated the Village's Code of Ethics, they somehow concluded that Mr. Santoro acted in good faith and did not sanction him in any way.

Now, Ms. Goldstein disagrees with the ethics board's contention that she should recuse herself on matters before the Planning Board. But the ethics board has decided not only that she is not acting in good faith, but her attitude is so repugnant that she must be removed from her position. How can the board of ethics explain this different treatment of Mr. Santoro and Ms. Goldstein? Is Ms. Goldstein's reluctance to recuse really the worst ethics violation in the memory of the board as it claims? And we must remember that Ms. Goldstein actually did recuse on the Hommocks Road application and was only present for the administrative opening of the review.

I am also troubled by the disparity in the treatment of John Verni and Ms. Goldstein regarding the issue of proximity to an applicant before a land use board. I have not heard a satisfactory explanation as to how or why these cases were treated so differently.

Mr. Verni testified before the ethics board that the pressure for Ms. Goldstein to recuse originated with the Mayor. According to Mr. Verni's testimony, the Mayor told the Village attorney to call Mr. Verni, the chairman of the Planning Board, to instruct Ms. Goldstein to recuse. I do not believe it is appropriate for the Mayor or any Trustee to weigh in on the review of a land use application.

At the BOT meeting held on June 8th, several residents offered their opinion that Ms. Goldstein should be removed from the Planning Board based on the simple fact that the Ethics Board's decision was unanimous. The hearing before the mayor

included hours of testimony from Ms. Goldstein in which she clearly and convincingly refuted every single charge and allegation the Ethics Board cited in their report and investigation.

The ethics board review of this matter is wrong and the recommendation to remove Ms. Goldstein from the Planning Board is wrong.

Robert Stark
Mamaroneck resident

Remove Cindy Goldstein from the Planning Board






To Village of Mamaroneck Mayor, Board of Trustees, Planning Board and other applicable agencies:

As a resident of the Village of Mamaroneck I was shocked to learn that the Ethics Board here in the Village issued its recommendation on November 29, 2019 that Cindy Goldstein be removed from the Planning Board due to multiple conflicts. Also shocking was the delay of six months for the hearing on this matter. This will cost the citizens money in lawsuits and time that should be spent on bringing our economy back. Cindy Goldstein was unethical and borderline criminal in her behavior by trying to steer projects in a direction that suited her own financial and personal interests. I insist that the Village Trustees do the right thing and remove Cindy Goldstein from the Planning Board immediately.

* By signing below, I hereby expressly give permission to publish my information.

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* Al firmar debajo, yo autorizo que esta información sea publicada.

Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Felicia Abrams		835 Rulph Ave	Mamaroneck NY 10543
Michelle		1001 Waverly St	Mamaroneck NY 10543
Mariela Haddad		243 Washington	10543
April Bonasini		229 Waverly Ave	10543
Jana Tran		413 Waverly Ave	10543

Remove Cindy Goldstein from the Planning Board



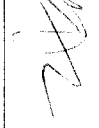


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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Eclalia Blasquez		143 center	10543
Maria Corrao		28 Madison st	10543
Fred Martinez		338 mt Pleasant	10543
Kathy Villalpando		338 mt Pleasant	10543
Cesar Luna		121 Poppen Ave.	10543

Remove Cindy Goldstein from the Planning Board

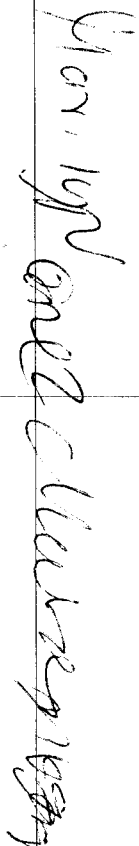
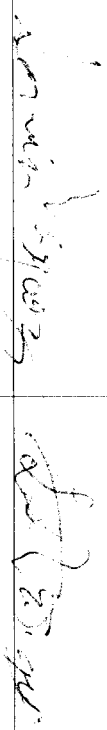
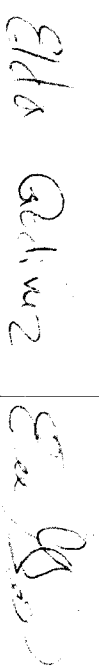


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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Marlyn Goldstein		141 Mamaroneck Ave	10543 NY
Ann Goldstein		360 Mamaroneck Ave	10543
Ella Goldstein		196 Grand St	10543
Rita Goldstein		351 West St	10543
Carol Goldstein		243 Washington	10543

Remove Cindy Goldstein from the Planning Board

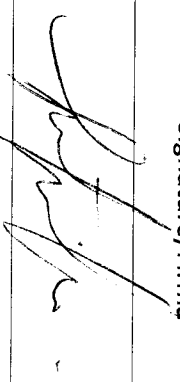
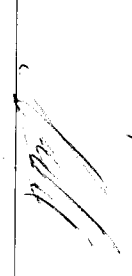
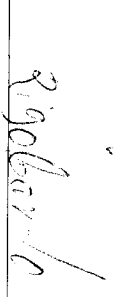

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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Marta Angeles		486 W 130th St Apt. 2	10563
Lucas Gonzalez		4408 W 130th St Apt. 2	10563
Ricoberto Mandoz		764 Center Av	10543
Tom Mandoz		214 Southern Ave	10543

Remove Cindy Goldstein from the Planning Board




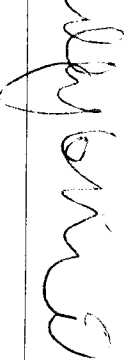

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Jose Alvarez		346 Mt Pleasant Ave. #3 Mamaroneck, NY.	10543
Alba Gomez		227 Mamaroneck Ave	10543
David Isk		304 Fenimore Co Mamaroneck	10543
John Geras		121 Prospect Ave	10543
John G		171 Prospect Ave	10543

Remove Cindy Goldstein from the Planning Board

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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Felix Lopez	Felix Lopez	1241 Prospect	10543
John Jones	John Jones	1245 Prospect	10543
John Jones	John Jones	34 Prospect	10543
John Jones	John Jones	34 Prospect	10543
John Jones	John Jones	34 Prospect	10543

Remove Cindy Goldstein from the Planning Board

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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
John Goldstein	[Signature]	530 Fay St. Ave.	10543
Sean Bonafide	[Signature]	156 W Boston St	10543
Stanley	[Signature]	156 W Boston St	10543
Miriam Goldstein	[Signature]	156 W Boston St	10543
Elizabeth	[Signature]	156 W Boston St	10543

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		10543	
Jessie P. Garcia	Jessie P. Garcia	173 Grand St Mamaroneck, NY	10543
Janet Hernandez	Janet Hernandez	209 Grand St	10543
Gina Hernandez	Gina Hernandez	209 Grand St	10543
Anthony T. Goldstein	Anthony T. Goldstein	126 Old Church St	10543

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Cindy Goldstein		21 Rockwood RD	Mamaroneck, NY 10543
John Goldstein		134 MacLean street	Mamaroneck, NY 10543
Neil Sommer		10000 MacLean street	Mamaroneck, NY 10543
John Sommer		211 MacLean street	Mamaroneck, NY 10543
John Sommer		1940 MacLean street	Mamaroneck, NY 10543

Remove Cindy Goldstein from the Planning Board

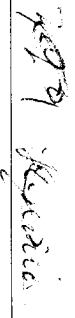



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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Yesenia		299 Mount place	10543
Yelana Plinio		115 Albrook st.	10543
Ismael Granado		13 Hudson st Mamaroneck	10543
Alberto Carras		354 Maple av	10543

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SANtos Pinedas AMtos - Pineda		430 Foxcroft Ave APT 1	10543
Teodora Castillo		156 Center Ave	10543
Antelina Aragon		626 Mamaroneck Ave	10543
Betty Jones		123 Waverly Ave	10543
Michelle Nolle		925 Lester Ave Mount Kisco NY	10543

Remove Cindy Goldstein from the Planning Board


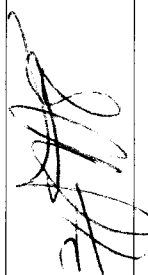

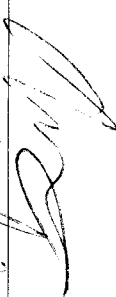

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A. L'ASSNOVE		130 Rockland Ave 3597 Mamaroneck 10543	10543
José Vergara		314-A Stanley Ave. Mamaroneck	10543
Kan van		10543	10543
Miguel Mendez		198 Madison St.	10543
Bernabe		815 Howard Av.	10543

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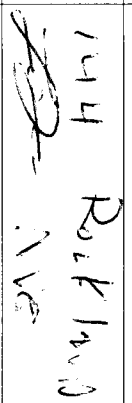
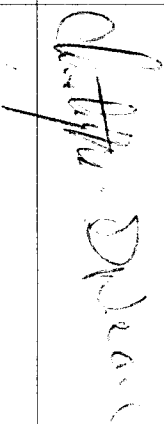

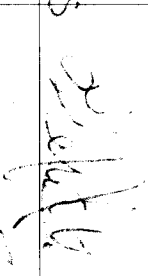

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Leah Quinn		1411 Rockland Ave	10543
Chris Beer		108 McLean Ave	10543
Michael		125 Rockland Ave	10543
Aleidy Barnes		225 Mamaroneck St	10543
YVESNIC ARAS		271 Washington St.	10543

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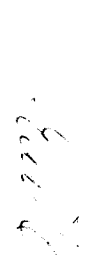

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Maria Malacca		144 Rockland Avenue Haverhill	Mamaroneck, NY 10543
Carmen Albornoz		238 Washington	Mamaroneck, NY 10543
Ernesto		144 Rockland Avenue	Mamaroneck, NY 10543
Ernesto		144 Rockland Avenue	Mamaroneck, NY 10543
Rosario Diaz		144 Rockland Avenue	Mamaroneck, NY 10543

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Judi Goldstein	Judi D. Goldstein	204 Mamaroneck Ave	10543
Paul Nobile	Paul Nobile	334 Blauvelt Ave	10513
Julia Vaccaro	Julia Vaccaro	230 Mamaroneck Ave	10543
Carmela	Carmela	809 Hall St	10543
Fabrizio	Fabrizio	334 Fairview Dr	10543

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Gregory Sullivan	Gregory Sullivan	203 Highview Street	Mamaroneck NY 10543
Naderi Joseph	Naderi J.	655 Mamaroneck	Mamaroneck NY 10543
WILLIE MARGARET	WILLIE M	21 West Boston Post RD	10543
Mollie Davis	Mollie Davis	21 Washington St Mamaroneck	10543
See A Rollman	See A Rollman	110 Rockwood Ave Mamaroneck	10543

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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Mamaroneck Ethics Board	[Signature]	652 Mamaroneck Ave	10543
Cathy Korman	[Signature]	854 Mamaroneck Ave	10543
[Signature]	[Signature]	330 Mamaroneck Ave	
Ann Ciccarelli	[Signature]	126 Mamaroneck Ave	10543
[Signature]	[Signature]	332 Mamaroneck Ave	10543

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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Cindy Goldstein	[Signature]	1300 Larchmont Ave	10543
[Signature]	[Signature]	117 Larchmont Ave	10543
[Signature]	[Signature]	117 Larchmont Ave	10543
[Signature]	[Signature]	117 Larchmont Ave	10543
[Signature]	[Signature]	117 Larchmont Ave	10543

Remove Cindy Goldstein from the Planning Board

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Barbara Goldstein	[Signature]	1200 N. 1st St. #1004	10543
Theresa M. Mamaroneck	[Signature]	232 Mamaroneck Ave	10543
Marybeth Mamaroneck	[Signature]	232 Mamaroneck Ave	10543
Little Rocker	[Signature]	112 Rockwood Ave	10543
Donna F. F. F.	[Signature]	212 Rockwood Ave	10543

Remove Cindy Goldstein from the Planning Board

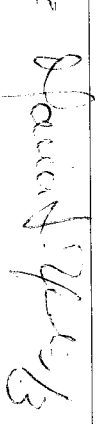
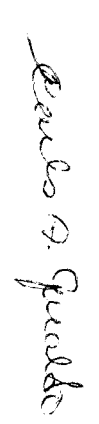

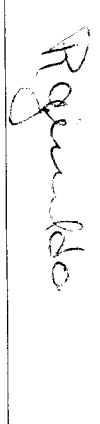

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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Maria Veliana Delgado		413 Waverly Ave Apt. 3	10543.
Carlos Escobar		413 Waverly Ave 3	10543
Matthew Escobar		413 Waverly Ave.	10543
Ronald Escobar		413 Waverly Ave.	10543.
Alexandra Valencia		413 Waverly Ave	10543

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<i>[Signature]</i>	<i>[Signature]</i>	635 Center ave	Mamaronecks NY 10543
DEYSI	DEYSI	635 Center AV	Mamaronecks NY 10543
Sergio Rios	<i>[Signature]</i>	635 Center AV	Mamaronecks NY 10543
Max	<i>[Signature]</i>	635 Center	Mamaronecks
Blanca Gonzalez	<i>[Signature]</i>	635 Center Ave. 1R	Mamaronecks NY 10543
Cirilo Hernandez	<i>[Signature]</i>	635 Center Ave. 1R	Mamaronecks NY 10543

Remove Cindy Goldstein from the Planning Board




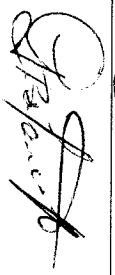
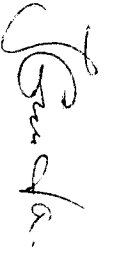
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Kevin Duarte Chen		789 Old white Plains Rd. Mamaroneck NY	10543
Dauario Duarte		789 Old white Plains Rd Mamaroneck, NY	10543
Wesley Duarte		789 Mamaroneck, NY Old white Plains Rd	10543
Sheria Betancourt		413 Waverly Ave. Mamaroneck NY	10543
Jessica Granda		413 Waverly Ave Mamaroneck NY.	10543

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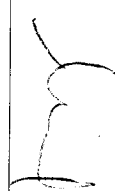
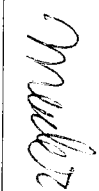

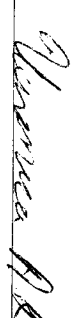
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Babacar Dial		213 Center Street	10543
Jenny Vager		192 Washington Street	10543
Elizabeth Nunk		616 Mamaroneck Ave.	10543.
Yomara Acosta		729 Old White rd	10543
Veronica R.R.		213 Centerly Ave.	10543

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Juan Hernandez	[Signature]	121 Mamaroneck Ave	10543
K. Hall	[Signature]	225 Mamaroneck Ave	10543
Carmen Doran	[Signature]	121 Prospect Ave	10543
Haiir Aguilera	[Signature]	121 Prospect Ave	10543
Ruel Torres	[Signature]	121 Prospect Ave	10543

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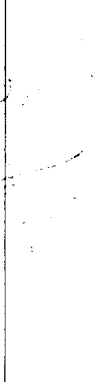
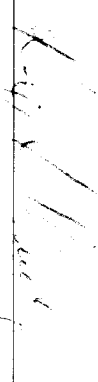

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Daniela Fernandez		121 Prospect Ave Springville NY 10544 Mamaroneck	10543
Kevin Williams		239 Center Ave Mamaroneck	10543
Filemon Robles		10543	10543
Josefine Vasquez		10543	10543

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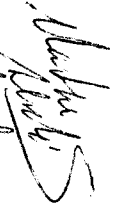
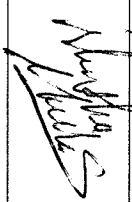

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Martha Alcalá		225 Mamaroneck Av 6 Mamaroneck NY 10543	Mamaroneck NY 10543 Mamaroneck NY 10543
Kevin Ortiz		225 Mamaroneck Av 6	Mamaroneck NY 10543
Eduar Ortiz		225 Mamaroneck Av 6	Mamaroneck NY 10543
Vicencia Arias		271 Washington Av 1	Mamaroneck NY 10543
Gynea Szumborski		715 Old White Road	Mamaroneck NY 10543

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Maria Elena Gervasio	Maria Elena Gervasio	413 Waverly Ave	10543
Therese Velasco	Therese Velasco	413 Waverly Ave	10543
Teria Ceballos	Teria Ceballos	213 Waverly Ave	10543
CHRISTOPHER VARGAS	[Signature]	1510 ROCKLAND AVE	10543
Cesar Lopez	Cesar Lopez	132 Mamaroneck Ave	10543

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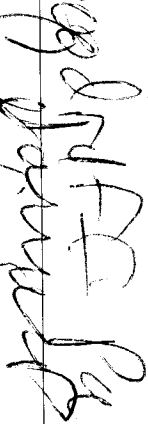

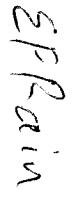
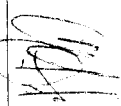
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Aurelio Zharis		135 Waverly Ave	10543
Christine Waples		150 Rockland Ave	10543
Leslie Sue		2635 Washington Ave	10543
El-Rain Rosas		430 Fayette Ave	10543
Colina Henriquez		352 Mamaroneck Ave	10543

Remove Cindy Goldstein from the Planning Board

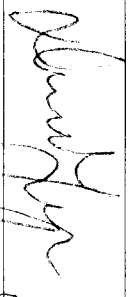
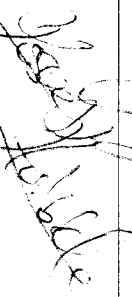



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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Diane Mazarigos		112 Rockland ave	Mamaroneck NY 10543
Joan Elin Nole		413 Wadsworth Ave	10543
Matthias Caballo		413 Wadsworth Ave	Mamaroneck
Joan Elin Nole		413 Wadsworth Ave	10543
Joan Elin Nole		439 Center Ave.	Mamaroneck NY 10543

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TESA MARTINEZ	TESA MARTINEZ	254 MAMARONECK AVE	10543 10543
DANIEL GARCIA	DANIEL GARCIA	254 MAMARONECK AVE	10543
CARLOS GARCIA	CARLOS GARCIA	254 MAMARONECK AVE	10543
FIDELIA BECERRA	FIDELIA BECERRA	619 Second Street	10543
ESSILIA MIRANDA	ESSILIA MIRANDA	254 MAMARONECK AVE	10543

Remove Cindy Goldstein from the Planning Board

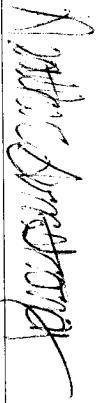




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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Heather Himmelman		220 Waverly Ave, 2014 Mamaroneck, NY	Mamaroneck, NY 10645
Edmond Himmelman		220 Waverly Ave 1911 2014 Mamaroneck, NY	Mamaroneck, NY 10645
Lisa Cavessa		1911 2014 Washington St	10543
Dora Nevia		121 Washington St	10543
Diego Lopez		121 Washington St	10543

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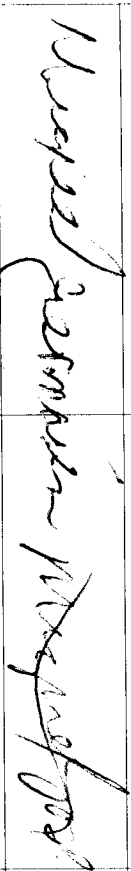
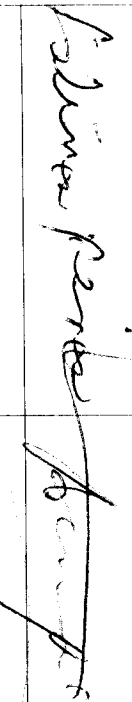
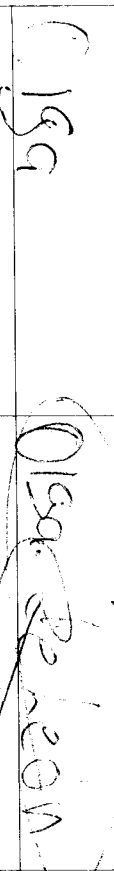
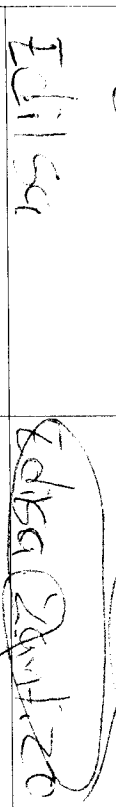
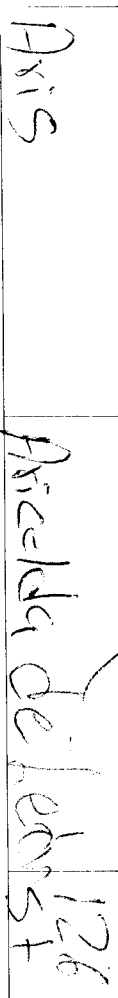
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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Marcus Goldstein		758 Mamaroneck St	10543
Colleen Perle		238 Mamaroneck St	10543
199		26 Washington St	10543
Edilene		626 W. 10th St	10543
Aris		126 Washington Apt. 2	10543

Remove Cindy Goldstein from the Planning Board

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Athena Lilius	Athena Lilius	256 Platan ST Mamaroneck	10543
Deanna Giamatti	Deanna Giamatti	14 Waverly Ave	10543
Joan L. Franco	Joan L. Franco	399 Waverly Ave	10543
Maria Pineda	Maria Pineda	221 Center Ave, Mamaroneck NY	10543
Jen Lopez	Jen Lopez	123 Waverly Ave Apt 2	10543

Remove Cindy Goldstein from the Planning Board

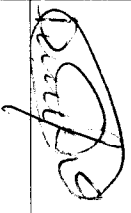

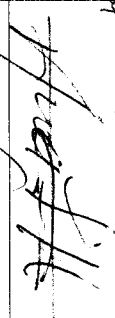


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Dennis Freitas		730 Carter Ave Mamaroneck	10543
Stephen Mazzanicos		370 Carter Ave Mamaroneck	10543
Anna Susselt		13518 Park Ave Apr 143. 10543	
Mary B. Kane		133 Liberty Ave.	10543
John J. Caroniti		296 Madison St.	10543

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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Cynthia M. Lerner		118 Palmer Ave	10543
Alexis T...		3119 N. 2nd St	10543
John J. Lerner		1029 1st St	10543
Felipe Cortes		332 4th Ave	10543
Silvia Lopez		214 5th Ave	10543

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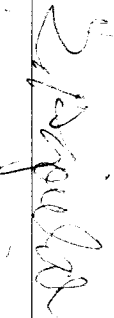
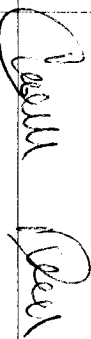

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Adam Mardinez		64 Grant St	10543
Brenda Rebello	B Y R Co	121 Prospect Ave	10543
Rosa Aguilar		121 Prospect Ave	10543
Carmen Duran		121 Prospect Ave	10543
Jesus Vazquez		12 Prospect Ave	10543

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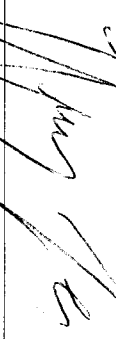

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Zoila Ascano		253 Center Ave	10543
Osidi Alvarez		2413 Washington St	10543
Alfreda		191 Prospect Hill Dr	10543
Marilyn Lee		907 Ocean Ave	10543
Ermining Lopez		723 Old White Plains Rd.	10543

Remove Cindy Goldstein from the Planning Board




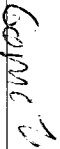
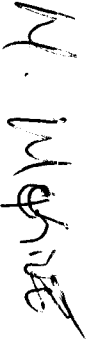
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Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
Daisy Lopez		35 Madison St Mark	10543
Kimberly Jones		195 Grand St. Mark	10543
Anthony Santiago		165 Carter Ave Mark	10543
Maria		129 Washington	10543
Murray		200 Washington St	10543

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Maria Duarte		Old White Plains Rd Mamaroneck, NY	NY. 10543
Ma Elena Giraldo	M Giraldo	Waverly Ave.	Mamaroneck, NY 10543
Alexandra Valencia	A.V.	Waverly Ave.	Mamaroneck, NY 10543
Maribel Soto	M S.	Palmer St	Mamaroneck, NY 10543
Ana Perez		246 Washington St	10543

Remove Cindy Goldstein from the Planning Board




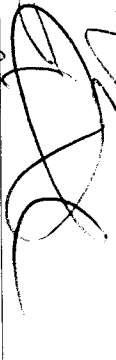
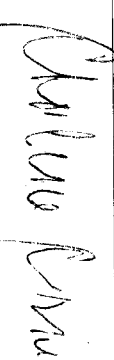
To Village of Mamaroneck Mayor, Board of Trustees, Planning Board and other applicable agencies:

As a resident of the Village of Mamaroneck I was shocked to learn that the Ethics Board here in the Village issued its recommendation on November 29, 2019 that Cindy Goldstein be removed from the Planning Board due to multiple conflicts. Also shocking was the delay of six months for the hearing on this matter. This will cost the citizens money in lawsuits and time that should be spent on bringing our economy back. Cindy Goldstein was unethical and borderline criminal in her behavior by trying to steer projects in a direction that suited her own financial and personal interests. I insist that the Village Trustees do the right thing and remove Cindy Goldstein from the Planning Board immediately.

* By signing below, I hereby expressly give permission to publish my information.

Traducción: Como residente de la Villa de Mamaroneck, me sorprende informarme que la Junta de Ética de la Villa hizo la recomendación el 29 de noviembre del 2019, de remover a la Sra. Cindy Goldstein de su puesto en la Junta de Planificación a raíz de varios conflictos con las pólizas de ética. Aún más sorprendente es saber que una audiencia sobre este asunto ha sido atrasada por seis meses. Sé que esto va a costarle dinero a los residentes de la Villa por las demandas y tiempo que este asunto trae, en vez de estar ayudando a la recuperación económica de este pueblo. Cindy Goldstein ha demostrado poca ética en su comportamiento, y violaciones de las pólizas en su intento de dirigir proyectos para su beneficio financiero y personal. Pido que los miembros del Consejo de Administración hagan lo correcto e indicado y remuevan a la Sra. Cindy Goldstein de su puesto en la Junta de Planificación de inmediato.

* Al firmar debajo, yo autorizo que esta información sea publicada.

Printed Name/Nombre	Signature/Firma	Address/Dirección	City/State/Zip Code Ciudad/Estado/Código Postal
CHRISTINE Sunder		320 W. GARDEN RD. MAMARONECK, NY 10543	10543
Jana Lisa		128 Rockland Ave	10543
Juan Carlos		443 CENTER AVE MAMARONECK	10543
Theresa		425 Old Smith Road	10543
CHARLIE Gold		501 N. BARRY AVE	10543

June 4, 2020

Amy Brelia, CPA
313 Delancey Avenue
Mamaroneck NY 10543

Cindy has really given a lot of her time and talents to the Town and Village of Mamaroneck.

However, some where along the way, she lost sight of what is important in her professional career as an attorney and CPA and in her personal life. She went off that straight and narrow path of ethics, "doing the right thing". In both professions, continuing legal education and continuing professional education is required to maintain your license and in each profession an ethics course is required.

For her own personal reasons Cindy omitted very important information-her proximity of her house. According to law.com omission is a failure to perform an act agreed to, where there is **a duty to an individual or the public to act or where it is required by law or inadvertently leaving out a word, phrase from a contract, deed, etc.** Cindy did not inadvertently leave out a word, she purposefully never mentioned her address and wanted to maintain her status on the Planning Board to get what she wanted-a no vote.

However, she had many opportunities to recuse he self from being involved from either situations and decided not to recuse herself or to correct the situation. She received notices from the Village about the development because there was a likelihood that her residence could have been affected. That in itself, should have prompted her recuse herself and err on the side of caution. Certain type of people of a high moral standard tend to think that if it appears to be a certain way, then maybe I shouldn't. However, she does not think this way.

She prefers to use the law for her benefit. She no longer possess this standard and has fallen off the ethics path. She erred in her judgement.

The ethics law are written to be vague, since no document or law can address each and every situation.

This leads me to conclude that perhaps Cindy wasn't as altruistic in her other volunteer activities and perhaps it was payback time.

We live in this community and a lot of people know one another and this can make decisions difficult. Many people must have complained to The Ethics Board in order to bring this situation to this level. The Ethics Board obviously does not take their work lightly. A lot of time and energy went into the decision to remove Cindy Goldstein removed from the Planning Board and she should be removed from the planning board as her conflict of interest. And she failed to adhere to code of Ethics. We can no longer trust her judgement.