Mamaroneck doubles down on backroom vote for manager's $1M contract package. Here's why

David McKay Wilson
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Mamaroneck village officials doubled down this week on their private vote to approve a four-year, $1 million extension for Village Manager Jerry Barberio, saying the action complied with state open government laws because they told the public about the private vote after it took place behind closed doors.

Their defense came as questions emerged about Barberio’s part-time status during regular business hours, with Westchester’s highest-paid village administrator also working several mornings a week as administrator of Englewood Cliffs, New Jersey, 25 miles west of Mamaroneck.

The four-year contract was approved in a private executive session at an emergency Friday evening meeting on March 3. The pact put his salary at $243,700 in 2023, rising to $273,000 by 2026.
The contract, which was approved by the all-Democratic board, had no prohibition on his side gig as the administrator of the borough of Englewood Cliffs, New Jersey. The new pay rate was effective March 3, the date of the emergency meeting.

While a top official at the state Committee on Open Government said a public vote was required to appropriate funds for Barberio’s new salary, Mamaroneck Mayor Tom Murphy said there was nothing wrong about voting behind closed doors.

He acknowledged, though, that board did not typically vote in private to approve new spending such as Barberio’s contract extension, which included a 4% raise in March, on top of a 4% raise he received in January.
“The voting procedures of the Village of Mamaroneck strictly follow the laws of New York State,” said Murphy.

Keeping the vote private spared the board from hearing from irate residents, who under the village's rules, are allowed to speak publicly on any agenda item. Taxpayers may also have learned the specifics of Barberio's $1 million deal that night. It took citizen activist Stuart Tiekert 10 days after the vote for the village to make it public, after Tiekert filed an appeal of Freedom of Information Law over what he saw as foot-dragging by village officials.

"It's par for the course," he said.

Absent a lawsuit challenging the vote in state Supreme Court, the private vote on the contract will stand.

**What's the big deal?**

Village Attorney Robert Spolzino said the vote behind closed doors was legal because the board did not vote to “appropriate” the money. He declined to say how a contract pledging to pay Barberio $1 million over 4 years did not constitute appropriating public funds.

“If you can discuss the terms of employment in an executive session, then you can vote on it,” said Spolzino, a former state Supreme Court justice. “What's the big deal?”
Mamaroneck Trustee Nora Lucas, the lone board member to oppose Barberio’s contract, said her colleagues wanted to keep the vote private.

“I think that was an error,” she said. “In my opinion, we should have had the vote in an open meeting.”

Lucas showed up for the emergency meeting with the understanding that the board would review Barberio’s recent outbursts as its contract negotiations on his contract extension had reached the breaking point.

The meeting came four days after Barberio sent a late-night email to many town officials and volunteers. He complained about the “awful tactics” by the village board, then withdrew from consideration for a contract renewal.

“His email was intemperate and insubordinate,” said Lucas.
Lucas said she saw no reason to move so quickly on the new contract, as the old contract had 10 more months before its expiration. She said the new contract wasn’t even on the agenda.

Barberio, who subsequently apologized, owns a home in New Jersey and rents a one-bedroom flat at the Avalon in Mamaroneck for $3,250 a month. He said his landlord needed to know if he wanted to renew his lease.

“I inappropriately accused them of stall tactics,” he said. “I was hurt. I couldn’t understand why they weren’t interested in advancing it. But I had a lease to deal with.”

Trustee Leilani Yizar-Reid said she called the emergency meeting to review Barberio’s behavior, not thinking that the trustees would end up approving the $1 million contract extension that night. Barberio attended the meeting as well, and they ended up hammering out an agreement.

“I’m happy we decided to keep Jerry,” Yizar-Reid said. “His skills are needed here. His behavior can be rectified.”

**Englewood Cliffs commute**

The new contract stated that any future side jobs sought by Barberio needed board review. But his Englewood Cliffs part-time gig was grandfathered in.

Barberio told Tax Watch he was able to fit both jobs into his busy schedule, with 10 to 15 hours of work each week in Englewood Cliffs, with that assignment usually done during the morning. Then he’d drive his 2022 Audi A-5 coupe 25 miles across the George Washington Bridge to Mamaroneck. He said he puts in full-time hours in Mamaroneck because he attends so many evening meetings.

At 1 p.m. Friday, Barberio said he’d put in 49 hours already for the village.

"I work my tail off," he said.
Lucas dislikes the village manager's daytime work for another municipality.

“I don’t think it’s responsible for him to have a part-time job elsewhere,” she said. “It’s not fair to the village.”

But Yizar-Reid noted that the contract provides flexibility, allowing him to “establish a work schedule appropriate to the needs of the Manager and the Village.”

“If his schedule doesn’t affect the running and governance of our village, it’s not a problem for me,” she said.

Follow David McKay Wilson on Twitter @davidmckay415 or email him at dwilson3@lohud.com.

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