

MINUTES OF THE REGULAR MEETING AND WORK SESSION OF THE TOWN BOARD OF THE TOWN OF MAMARONECK HELD ON JANUARY 20, 2010, BEGINNING AT 5:00 PM IN CONFERENCE ROOM A AND CONTINUING AT 8:15 PM IN THE COURT ROOM OF THE TOWN, 740 W. BOSTON POST ROAD, MAMARONECK, NEW YORK

PRESENT:

Supervisor Valerie M. O’Keeffe
Councilwoman Phyllis Wittner
Councilman Ernest C. Odierna
Councilwoman Nancy Seligson
Councilman David J. Fishman

ALSO PRESENT:

Christina Battalia, Town Clerk
Stephen V. Altieri, Town Administrator
William Maker, Jr., Town Attorney

Call to Order

On motion of Councilwoman Wittner, seconded by Councilwoman Seligson the Work Session was unanimously opened at 5:15 PM.

WORK SESSION

Iron Oaks Update

Representatives from Iron Oaks and their consultants were present at the Work Session. Those present were Joe Bosco and Jeff Weir, of Iron Oaks, Ray Salzman, Project Architect and John Myers, Development and Financial Partner with Iron Oaks. Iron Oaks was present to discuss with the Board a proposal to modify the Mixed Use Development at Madison Ave by creating 20 additional one bedroom apartments. This would bring the total number of units to 159 (107 two bedrooms and 52 one bedrooms) from the proposed number of 139 (107 two bedrooms and 32 one bedrooms). To comply with the parking requirements 6 to 7 additional parking spaces would be required and would be incorporated into the building layout. They believe that these one bedroom apartments with an average square footage of 1,100 would be more salable. They have considered adding commercial space as a financially viable option, but that would require a substantial number of additional parking spaces which could only be added through additional underground parking which would be cost prohibitive. Mr. Maker explained to Iron Oaks that if they wished to proceed the process would entail their request for a change to the existing Special Permit. Once that request is received the Town would proceed with a Public Hearing; this could be done subsequently with a ‘truncated’ SEQR review. The Town Board would also be required to refer the request for a change in the Special Permit to the Planning Board for their review and advisory opinion.

Environmental Summit

Councilwoman Seligson gave the Board an update on the meetings she has attended with respect to the formation of an Environmental Summit. The organizers are actively looking for support from the Town of Mamaroneck as an active partner, as well from the Coastal Zone Management Committee as a possible source for additional committee members. Discussion is still taking place as to location.

On motion of Supervisor O’Keeffe, seconded by Councilman Fishman, the Board unanimously agreed to enter into Executive Session to discuss Acquisition of Land, Employment History of a Particular Person and Certiorari.

EXECUTIVE SESSION

Acquisition of Land
Employment History of a Particular Person
Certiorari

On motion of Councilwoman Seligson, seconded by Councilman Odierna, the Board unanimously agreed to reenter Work Session.

Town Web-site Redesign

The Board received the instruction for reviewing the new web site. They were asked to look at the site and give their feedback.

Mr. Maker requested the Board enter into a closed door session to receive advice of Counsel.

CLOSED DOOR SESSION

Advice of Counsel

PRESENTATION – Chabad of Larchmont/Mamaroneck – Teens for the Community Certificates of Appreciation

Members of the Chabad of Larchmont/Mamaroneck Teens presented to the local Police and Fire Departments' Certificates of Appreciation. The following members of the Teens for the Community were present:

Rabbi Mendel Silberstein
Josh Saideman
Sam Saideman
Joey Kaplan
Jon Pomeranz

The following members from the Police and Fire Department were present to receive the awards:

Police Chief Rivera
Deputy Fire Chief Brendan Collins
Deputy Fire Chief Joe Russo
Police Office Rui Sandiaes
Youth Officer Robert Reynolds

CALL TO ORDER

The regular meeting of the Town Board was called to order by Supervisor O'Keeffe at 8:30 PM, she then pointed out the location of exits.

PUBLIC HEARINGS – Residential Parking System for Lester Place

The following Notice of Public Hearing is entered into the record as follows:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Town Board of the Town of Mamaroneck on Wednesday, January 20, 2009 at 8:15 PM or as soon thereafter as is possible in the Court Room of the Town Center, 740 W. Boston Post Road, Mamaroneck, New York to consider the adoption of a local law entitled "Residential parking system for Lester Place" Law

Purpose: Lester Place is a public street in the Town of Mamaroneck. It is a residential neighborhood.

Lester Place lies near the Larchmont train station and one of the Town's commercial districts. Parking on Lester Place by commuters and employees of the businesses in the nearby commercial district has become unduly burdensome to the persons residing on Lester Place who often cannot find parking on Lester Place in the vicinity of their homes. To alleviate that inequity, the Town Board requested the New York State Legislature to pass special legislation creating a residential parking system for certain public streets within the Town, including Lester Place --- as it has done in the past for sections of the Towns of Eastchester and Harrison, the Cities of Peekskill and Rye, the Villages of Bronxville, Irvington, Mount Kisco, Pelham, Tarrytown and Tuckahoe as well as other municipalities throughout the State of New York.

The Legislature granted the Town Board's request and on July 28, 2009, the Governor signed legislation that created section 1662-d of the New York Vehicle and Traffic Law. This new section enables the Town Board to adopt a residential parking permit system fore, among other streets, Lester Place. By this local law, the Town Board is exercising the authority granted to it and is creating a residential parking permit system fore Lester Place.

The full text of this Local law may be examined and copies obtained at the Town Clerk's office during regular hours (Monday through Friday, 8:30 AM to 4:30 PM, or until 4:00 PM during June, July and August) at 740 W. Boston Post Road Mamaroneck, New York

PLEASE TAKE FURTHER NOTICE that at the Public Hearing all persons interested will be given an opportunity to be heard and that all persons are invited to submit written comments at or prior thereto.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF MAMARONECK

CHRISTINA BATTALIA
TOWN CLERK

Published: January 4, 2010

On motion of Councilman Fishman, seconded by Councilwoman Seligson, the Public Hearing was unanimously opened.

Supervisor O'Keefe asked if anyone wished to speak for or against the proposed law.

Angie Clifford, 610 Lester, asked what the penalties for violators would be and how quickly this Law could take effect.

Saul Rueda, a landlord on Lester Place stated he has received a number of complaints from his tenants regarding the parking situation. Encourages the Town to remedy the situation

Carden Victoria, 26 Lester Place, stated she was very unhappy with the \$25.00 permit fee, adding why should the residents effectively be penalized?

Philip Gugliermo, Lester Place said the road off 5th Avenue leading to Lester Place is also a major problem, adding emergency vehicles cannot get through. He asked about the possible code violation with respect to the containers on properties.

Angie Clifford added there is no parking for street cleaning, but she has never seen it cleaned.

The Town Clerk will work with the Town Administrator to facilitate the issuing of permits and how best to notify the residents.

On motion of Councilwoman Wittner, seconded by Councilman Odierna, the Public Hearing was unanimously closed.

On motion of Councilwoman Wittner, seconded by Councilwoman Seligson, it was unanimously

RESOLVED, that the Town Board finds that the adoption of the proposed Local Law regarding Residential Parking System for Lester Place is hereby declared to be a Type II Action, requiring no further action under the New York State Environmental Quality Review Act (SEQRA).

On motion of Councilwoman Wittner, seconded by Councilman Fishman, the following was approved:

Local Law No. 2 - 2010

This Local Law shall be known as the “Residential Parking System for Lester Place” Law

BE IT ENACTED by the Town Board of the Town of Mamaroneck

Section 1 – Purpose:

Lester Place is a public street in the Town of Mamaroneck. It is a residential neighborhood.

Lester Place lies near the Larchmont Train Station and one of the Town’s commercial districts. Parking on Lester Place by commuters and employees of the businesses in the nearby commercial district has become unduly burdensome to the persons residing on Lester Place, who often cannot find parking on Lester Place in the vicinity of their homes. To alleviate that inequity, the Town Board requested the New York State Legislature to pass special legislation creating a residential parking system for certain public streets within the Town, including Lester Place --- as it has done in the past for sections of the Towns of Eastchester and Harrison, the Cities of Peekskill and Rye, the Villages of Bronxville, Irvington, Mount Kisco, Pelham, Tarrytown and Tuckahoe as well as other municipalities throughout the State of New York.

The Legislature granted the Town Board’s request and on July 28, 2009, the Governor signed legislation that created section 1662-d of the New York Vehicle and Traffic Law. This new section enables the Town Board to adopt a residential parking permit system for, among other streets, Lester Place. By this Local Law, the Town Board is exercising the authority granted to it and is creating a residential parking permit system fore Lester Place.

Section 2 – Creation of a new article and a new section of the Code of the Town of Mamaroneck:

The Code of the Town of Mamaroneck hereby is amended to add the following article and section:

ARTICLE II

Residential Parking System

§219-2. Permit parking on Lester Place.

A. Except as provided in section 219-2 C., section 219-2 D. and section 219-2 E., no motor vehicle shall be parked on Lester Place at any time of any day of the year unless that vehicle has a residential parking permit affixed either to its rear windshield or its rear bumper or such other location on that vehicle as the Town Clerk may determine.

B. The Town Clerk shall sell residential parking permits and shall maintain a record of the license plate number and the vehicle identification number of each motor vehicle for which a residential parking permit is purchased. The Town Clerk shall not sell a residential parking permit for any motor vehicle unless the owner of that motor vehicle demonstrates to the satisfaction of the Town Clerk, acting reasonably, that such owner resides on Lester Place. The Town Clerk shall collect the amount shown in section A250-1 A. for each residential parking permit sold.

C. Section 219-2 A. shall not apply to motor vehicles registered pursuant to section four hundred four-a of the New York Vehicle and Traffic Law.

D. Section 219-2 A. shall not apply to the section of Lester Place which lies within the zoning district known as the Service Business District.

E. The Superintendent of Highways shall measure the length of that section of Lester Place that does not lie within the zoning district known as the Service Business District where motor vehicles can be parked legally. The Superintendent of Highways shall divide that length by eighteen (18) feet. The quotient of that division shall be the number of parking spaces for motor vehicles on the section of Lester Place that does not lie within the zoning district known as the Service Business District. The Superintendent of Highways shall designate one or more sections of Lester Place that does not lie within the zoning district known as the Service Business District where fifteen (15%) percent of the number of parking spaces motor vehicles rounded to the nearest greater whole number, can be parked legally. Section 219-2 A. shall not apply to the section of Lester Place so designated.

F. The fees collected from the sale of residential parking permits shall be credited to the General Fund Part Town.

Section 3 – Sign(s) to be Erected and Painting to be Done:

An appropriate sign or signs shall be erected on and/or above, and/or striping shall be painted on the surface of Lester Place indicating where only motor vehicles bearing residential parking permits may be parked, where any motor vehicle may be parked and the length of time that a motor vehicle may be parked in the section of Lester Place where any motor vehicle may be parked.

Section 4 – Amendment of a section of the Code of the Town of Mamaroneck:

The Code of the Town of Mamaroneck hereby is amended by adding the following language to section A250-1.

The schedule of fees and deposits for permits, licenses, applications and services shall be as follows:

A. General fees.

Code Section	Subject	Fee or Deposit
	...	
§ 219-2	Residential parking permits	\$25.00 per motor vehicle per year

Section 5 – Severability:

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this Local Law, which may be implemented without the invalid or unconstitutional provisions.

Section 6 – Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O’Keeffe	Aye

BOARD OF FIRE COMMISSIONERS

The meeting was called to order by Commissioner O’Keeffe and on motion of Commissioner Odierna, seconded by Commissioner Fishman, the Board of Fire Commissioners was unanimously declared open.

Present were the following members of the Commission:

Commissioner: Valerie M. O’Keeffe
 Commissioner: Phyllis Wittner
 Commissioner: Ernest C. Odierna
 Commissioner: Nancy Seligson
 Commissioner: David J. Fishman

1. FIRE CLAIMS

Commissioner Fishman presented fire claims for authorization of payment, thereafter on Commissioner Fishman motion, seconded by Commissioner Wittner, it was

RESOLVED that this Commission hereby authorizes payment of the following Fire Department claims as approved by the Fire Chief and audited by the Comptroller’s Office:

AAA Emergency Supply Co.	Helmets	\$	780.00
AAA Emergency Supply Co.	Face Masks	\$	642.60
AAA Emergency Supply Co.	Career Staff Equip.	\$	450.00
AAA Emergency Supply Co.	Axes, Halligan, Set of Straps	\$	355.00
AAA Emergency Supply Co.	Helmet	\$	195.00
AAA Emergency Supply Co.	Hydro Ram Repair	\$	158.50
AAA Emergency Supply Co.	Adapter Card Repair	\$	137.50
Amazon.com	GPS for Explorer & Tahoe	\$	309.47
Ben Romeo	Tire Chain Replacements	\$	1,085.00
Brewers	Building Supplies	\$	121.73
Con Edison	Gas 12/1-12/31/09	\$	21.11
Excelsior Garage	Parts for Engine 37	\$	325.00
Fire Academy FSA	Fire Fighter Books	\$	507.16
G & K Services	Cleaning Service	\$	116.93
IKON	Service 12/30-1/29/10	\$	212.13
Joseph Russo	Reimb. For Sport Switch for Keyless Entry Sys.	\$	32.19
Kaplan Continuing Education	On-Line Training Registration for 12 Career Staff	\$	900.00
Kelly Belnick	Temporary Services Nov.'09-Dec'09	\$	375.00
Oakland Beach Deli	Food for Training Meeting-12/23/09	\$	187.75
O.S.P. Fire Protection	Fire System Inspection	\$	140.00
Proftech	Inspection Supplies	\$	368.79
Proftech	Office Supplies	\$	222.89
Proftech	Inspection Supplies	\$	155.97
Sound Shore Contracting	Hot Water Circulator Repair	\$	145.00
Sound Shore Contracting	Kitchen Sink Repair	\$	122.00
Sound Shore Pest Control	For Exterminating Services- 11/25 & 12/29/09	\$	130.00
Technical Electronics	Car Antenna Replacement	\$	90.00
Town of Mamaroneck P.F.F.A.	Life Insurance-Dec.'09	\$	188.64
Tri City Auto Parts	Oil Dry	\$	142.89
United Water	Service 10/1/09-1/4/10	\$	323.56
Verizon Wireless	Cell Phones 11/27-12/26/09	\$	336.88
Villa Maria Pizza	Food for Explorer Drill-1/06/10	\$	61.87
Total:		\$	9,340.56

The above resolution was put to a roll call vote:

Commissioner Fishman Aye
 Commissioner Seligson Aye
 Commissioner Odierna Aye
 Commissioner Wittner Aye
 Commissioner O’Keeffe Aye

2. Transfer of Funds – Repairs Ladder 19

On motion of Commissioner Wittner, seconded by Commissioner O’Keeffe, the following was approved:

WHEREAS, the generator on Rescue 6 is inoperable, and based on its age of 23 years it is not worth repairing, and

WHEREAS, a new generator will be purchased for Ladder 19 and Ladder 19’s existing generator will be installed in Rescue 6.

NOW THEREFORE, BE IT

RESOLVED, that the Board of Fire Commissioners does hereby authorize the transfer of funds in the amount of \$25,000 from the Fire District unreserved balance, to the Highway Fund Account # DB5130.4243.

The above resolution was put to a roll call vote:

Commissioner Fishman	Aye
Commissioner Seligson	Aye
Commissioner Odierna	Aye
Commissioner Wittner	Aye
Commissioner O’Keeffe	Aye

There being no further business to come before the Commission, on motion of Commissioner Seligson, seconded by Commissioner Fishman, the Commission unanimously adjourned and the Town Board reconvened.

AFFAIRS OF THE TOWN

1. Traffic Committee Recommendation –Set Public Hearing

On motion of Councilwoman Wittner, seconded by Councilman Fishman, it was unanimously

RESOLVED, that the Town Board does hereby set the date for a Public Hearing on Restricted Parking on Preston Street for February 10, 2010, and

BE IT FURTHER,

RESOLVED, that the Town Board does hereby set the date for a Public Hearing on Restricted Parking on Chester Place and Moran Place for February 10, 2010, and

BE IT FURTHER,

RESOLVED, that the Town Clerk is hereby authorized to publish the notice of said hearing in a newspaper appointed as an official newspaper, and that said notice, be posted.

2. Authorization – South East Consortium Agreement

On motion of Councilwoman Seligson, seconded by Councilman Fishman, the following was approved.

WHEREAS, the Town of Mamaroneck’s participation as one of nine communities in the South East Consortium provides recreation programs for disabled individuals with developmental disabilities.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board does hereby authorize the renewal agreement with South East Consortium for the year 2010 in the amount of \$25,415; and

BE IT FURTHER,

RESOLVED, that the Town Administrator is hereby authorized to execute said agreement on behalf of the town.

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O’Keeffe	Aye

3. Designation of Delegate – Association of Towns Conference

On motion of Supervisor O’Keeffe, seconded by Councilwoman Wittner, it was unanimously

RESOLVED, that the Town Board does hereby delegate Councilman Odierna to attend the Annual Business Session of the Association of Towns of the State of New York, to held in New York City , on February 17, 2010; and

BE IT FURTHER,

RESOLVED, that Councilman Odierna is hereby authorized to cast a vote of the aforesaid Town of Mamaroneck, pursuant to §6 of Article III of the Constitution and By-Laws of said Association.

4. Approval of Certiorari

On motion of Councilwoman Wittner, seconded by Councilman Odierna, it was

RESOLVED, that the Mamaroneck Town Board does hereby approve the following Settlement of Certiorari as recommended by the Town Attorney:

RG Real Estate Corp. of Mamaroneck
132 E. Prospect Avenue
Mamaroneck, NY 10543

Block: 906 Lot: 111
Town of Mamaroneck/Village of Mamaroneck

<u>Year</u>	<u>Assessment</u>	<u>Reduced Assessment</u>
2002	\$22,000	\$19,300
2003	\$22,000	\$18,000
2004	\$22,000	\$19,000
2005	\$22,000	\$18,125
2006	\$22,000	\$17,400
2007	\$22,000	\$16,200

2008	\$22,000	\$16,000
2009	\$22,000	\$16,000

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Aye
O’Keeffe	Aye

APPROVAL OF MINUTES – December 16, 2009

On motion of Councilman Odierna, seconded by Supervisor O’Keeffe, it was unanimously

RESOLVED, that the Mamaroneck Town Board does hereby approve the Board Minutes from the meeting of December 16, 2009.

ORAL COMMUNICATIONS

Sandra Larriva of the Patch.com addressed the Board. She stated she is helping Habitat for Humanity gather supplies to be sent to Haiti and encouraged residents to drop off items at the New Rochelle High School.

With encouragement for the Town Board, Judy Raab, of the Larchmont Gazette addressed the Board with info regarding the Gazette website as did Paige Rentz of the Sound and Town newspaper.

WRITTEN COMMUNICATIONS

None

SUPERVISOR’S REPORT

Supervisor O’Keeffe mentioned that the Town Board has held a number of meetings with several interested groups with respect to issues that are at this time not of public discussion.

REPORT OF COUNCIL

Councilman Fishman noted the wonderful celebration of Dr. Martin Luther King, Jr. last week. The Consolidation/Shared Services Committee is in the writing phase, adding it may read like a Supreme Court decision.

Councilwoman Seligson added her compliments to all who worked so hard, especially Valerie, on the Dr. Martin Luther King, Jr. event.

Supervisor O’Keeffe interjected and thanked those involved as well. She explained that the Committee is in the process of formalizing its mission now that it has entered a Committee status from its Commission status.

Councilwoman Seligson mentioned the work being done on an Environmental Summit – a tri municipal event. There will be vendors as well as lectures for residents on how to be more ‘green’ and reduce their energy use. She will be announcing more details as they become more final.

Councilwoman Wittner noted the upcoming Coastal Zone Management Committee Meeting on January 26; it will be held in the Town Center Court Room. The Department of State will be speaking about amending local revitalization policies to reflect new thinking, specifically sea level rising.

Councilman Odierna listed the honorees at the Dr. Martin Luther King, Jr. event, as Doris “Mother” Jackson and the Kids for World Health. The quest speaker was the Honorable Andrea Stewart-Cousins. Councilman Odierna explained the Kids for World Health is an organization through the High School that was started by 12 students when they were at Chatsworth Avenue Elementary. The organization is now in a number of Countries collecting funds for world health. He also added the Recreation Meeting on January 10, the discussion centered on fees and summer programs, noting they have accepted the fee schedule as proposed in the Town Budget. Councilman Odierna also attended the Summit Meeting on January 19; the topic was women and children in poverty in our community. George Latimer will be holding a meeting with regards to “Saving Money on Medicare”, to be held on Tuesday, February 9, at 11:30, at the Mamaroneck Senior Center. Town Clerk, Christina Battalia, gave an update on the movement of the Town Archives, as well as the opening of the Pay Stations at Commuter Lot#1.

ADJOURNMENT

On motion of Councilwoman Wittner, seconded by Supervisor O’Keeffe, the meeting was unanimously adjourned at 10:10PM.

Submitted by
Christina Battalia, Town Clerk