

February 25, 2009

**MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF MAMARONECK HELD ON FEBRUARY 25, 2009 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  
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

**ABSENT:**

Councilwoman Phyllis Wittner

**WORK SESSION**

Mr. Altieri was absent for the beginning of the Work Session.

**Zoning Code - Residential Parking**

It has come to the Town’s attention that Zoning Code Section 240-79 (B) should be reviewed. Mr. Maker is under the opinion that the Code is no longer applicable, as well as confusing. The Board asked Mr. Maker to review the law and make a recommendation for its modification.

**YMCA – Activate America Program**

Councilwoman Seligson reported on her meeting with the Soundshore Trailways Committee, Village of Larchmont and Rye YMCA, regarding the YMCA’s Activate America Program. The YMCA has been working with local municipalities in promoting this program. The Village of Larchmont and the Town of Mamaroneck, has determined a number of appropriate projects for funding through the Activate America Program and will be contacting the YMCA for their input on these projects.

**Noise Ordinance – Snow Removal**

The Board discussed whether they will amend the Noise Ordinance to ban leaf blowers as a means of snow removal after hours. The Board would like to monitor this without amending the law at this time.

**Memorial Park – Master Plan**

The Board has had previous discussions regarding a master plan for Memorial Park. They have met with design consultant Hank White of HW Site Architects. The Board has determined that it does not have a formal survey of the park property and before moving any further with this project a survey should be completed. Three proposals have been received with the lowest from Ward Carpenter Engineers at \$8,890. Mr. Altieri will prepare a contract for the Board to review at their next meeting.

On motion of Councilwoman Seligson, seconded by Councilman Fishman, the Board unanimously agreed to enter into Executive Session to discuss Employment History, Collective Bargaining and Certiorari.

**EXECUTIVE SESSION**

**Employment History  
Collective Bargaining  
Certiorari**

**Traffic Committee Update**

Councilman Fishman gave an update on the last Traffic Committee Meeting. With regard to the handicapped parking space request on Alden Road, the Board will most likely see an opinion from the Committee at the Town Board's next Meeting.

**Update – Town Assessment Roll**

Supervisor O'Keeffe updated the Board on her recent meeting with the Mayor of the Village of Larchmont, as well as the Village's Attorney on the matter of the Village of Larchmont's acceptance of the Town Assessment Roll.

**Miscellaneous Updates**

The Board briefly discussed the Intersection of Myrtle Blvd and North Chatsworth Ave, the Library Budget and Long Island Sound funding.

**CALL TO ORDER**

The regular meeting of the Town Board was called to order by Supervisor O'Keeffe at 8:20 PM she then pointed out the location of exits.

**DISCUSSION – Volunteer Firefighter/Volunteer Ambulance Worker Tax Exemption**

Supervisor O'Keeffe welcomed County Legislator Judy Myers. Legislator Myers informed the Town of this new County Tax Exemption. This exemption is available to Firefighters in Departments with no more than four paid Members. Legislator Myers notes that the Town and both Village Ambulance Volunteers would be eligible; but only the Village of Mamaroneck Firefighters would be eligible. Volunteers can contact the Town Assessor to fill out the required paper work. The deadline for applications is June 1, 2009. Legislator Myers spoke briefly on the Stimulus package and the State mandated Filtration Plant, as well as an update on the County's new agreements with the municipalities for use of the RESCO refuse facility.

Mr. Altieri arrived at 8:30PM.

**BOARD OF FIRE COMMISSIONERS**

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

Present were the following members of the Commission:

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

Absent was the following member of the Commission:

Commissioner: Phyllis Wittner

**1. FIRE CLAIMS**

Commissioner Odierna presented fire claims for authorization of payment, thereafter on Commissioner Odierna’s motion, seconded by Commissioner Fishman, 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.	CO Tubes for Public	74.95
AAA Emergency Supply Co.	Chain Saw Repair	59.85
AAA Emergency Supply Co.	Garage Tools	59.85
Ben Romeo Co. Inc.	Tire Chain & Adjusters	374.00
Brewer Hardware	Tarps, Shovel and Broom	206.43
Byram Mason Supply	Rubber Mallet Replacements	99.80
Con Edison	Natural Gas	21.16
Corsi Tires	Tires for Tahoe	633.76
Foley's Hardware	Duct Tape & Hex Key Set	26.02
Galls Inc.	Rescue Multitool	322.93
G.C. Reliable Service Inc.	Heating/Ac Repairs	512.00
Giacomo Service Center	Inspection & Tire Alignment	136.95
Giacomo Service Center	Tire Mounting 2008 Tahoe	132.00
New England Sportswear	Mourning Bands	50.00
O.S.P. Fire Protection	Appliance Service	140.00
Proftech	Office Supplies	122.90
R & L Consulting	Sceptre Training TV	504.64
Rickert Lock & Safe Co.	Office Keys	5.73
Ryan McErlean	Temp. Services 2/2 & 2/3/09	50.00
Rye Ford Subaru	Switch Control for Expedition	17.26

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Sound Shore Pest Control	Exterminating Svcs. 12/23/08 & 2/4/09	130.00
Technical Electronics Inc.	Antena Replacement for E37	88.50
Tri City Auto Parts	Engine Supplies for Maint.	44.40
Verizon Wireless	Cell Phones 12/27/08-1/26/09	392.24
Westchester Elevator	Maint. For Feb. '09	175.00
Winzer Corporation	Supplies	38.77
<b>Total:</b>		<b>4,419.14</b>

The above resolution was put to a roll call vote:

Commissioner Fishman	Aye
Commissioner Seligson	Aye
Commissioner Odierna	Aye
Commissioner Wittner	Absent
Commissioner O'Keefe	Aye

**2. Other Fire Department Business**

The Town Clerk read the Fire Report for the Month of January as submitted by Chief McCarthy as follows:

**February 2007**

<b>ALARM TYPE</b>	<b>NUMBER</b>
Generals	23
Minors	12
Stills	5
Out of Town (Mutual Aid)	1
EMS	15
Drills	2
<b>TOTAL</b>	<b>58</b>

Total Number of personnel responding: 722  
Total Time working: 25 hours & 17 minutes

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

**AFFAIRS OF THE TOWN**

**1. Approval - Memorandum of Understanding, Civil Service Employee Association**

Mr. Altieri explained that on December 31, 2008 the Town's Collective Bargaining Agreement with the Civil Service Employees Association (CSEA) expired. Since that time the Town has been in negotiations with the CSEA regarding a renewal contract.

Terms of the Agreement are for one year at which the employees would receive a 2.5% salary adjustment effective January 1, 2009. On September 1, 2009 employees would receive a one time off scale payment equal to 1% of salary that is not included in the employees base salary. The CSEA has requested that the new agreement include a no-layoff clause, which the Town has agreed to for the year 2009 only. It was noted that this increase is the lowest the Town has negotiated in over 20 years.

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

**RESOLVED**, that the Mamaroneck Town Board does hereby accept the Stipulation of Settlement between the Town of Mamaroneck and the Civil Service Employees Association (CSEA), and

**BE IT, FURTHER**

**RESOLVED**, that the Mamaroneck Town Board does hereby authorize the Town Administrator to execute said renewal contract on behalf of the Town.

The above resolution was put to a roll call vote:

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

**2. Designation – Lead Agency Gardens’ Lake Improvements**

On motion of Councilman Odierna, seconded by Councilwoman Seligson, the following was unanimously approved;

**WHEREAS**, Gardens’ Lake, located in the Town of Mamaroneck, Westchester County, NY is bounded by the New England Thruway (Interstate 95) on the East, North Brook Road to the North and Lakeside Drive to the West and South, and

**WHEREAS**, in order to improve water quality, wildlife habitat and provide flood mitigation, select areas of Gardens’ Lake will be dredged. Some dredged materials will be reused onsite to create planting areas. These planting areas will benefit wildlife by providing habitat and will improve water quality by filtering out pollutants. The remainder of the material will be disposed of off site at a location to be determined. An outlet structure will be installed at the north side of the pond for flood control.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Mamaroneck Town Board does declare its intent to serve as lead agency for the coordinated SEQR review of the proposed action as described above, having determined the proposed action to be an Unlisted Action and will prepare an Environmental Assessment Form, and

**BE IT, FURTHER**

**RESOLVED**, that any objections to the Town of Mamaroneck Town Board declaring itself as lead agency must be presented in writing within 30 days of the date of this notice. Any failure to do so will be interpreted as consent that the Town of Mamaroneck Town Board serve as Lead Agency.

**3. Adoption of Resolution – CERT Team**

On motion of Councilwoman Seligson, seconded by Councilman Odierna, the following was approved:

**WHEREAS**, the Town of Mamaroneck recognizes that one of its most critical services is protecting the lives and property of its residents, and

**WHEREAS**, to supplement our existing emergency response departments it is prudent to have available additional resources that can provide assistance during times of emergencies and disasters, and

**WHEREAS**, one mechanism to provide supplementary assistance is through the

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creation of a Community Emergency Response Team made up of volunteers from throughout the Town of Mamaroneck.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board authorizes the establishment and training of a Community Emergency Response Team which shall come under the general supervision of the Town of Mamaroneck Ambulance District Administrator.

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Absent
O'Keeffe	Aye

**4. Resolution – Acceptance, Hearing Officer Report**

Supervisor O'Keeffe noted that the Town has had ample time to review the full report by the Hearing Officer.

On motion of Supervisor O'Keeffe, seconded by Councilman Fishman, the following was approved;

**WHEREAS,** in June 2008, the Town Administrator preferred certain disciplinary charges against Employee Payroll #3251 in accordance with Section 75 of the Civil Service Law; and

**WHEREAS,** in July 2008, pursuant to Section 75 of the Civil Service Law, the Town Board appointed Mr. Anthony Grant as hearing officer to hear the disciplinary charges preferred against Employee Payroll #3251, to make findings of culpability as to those charges, and if he found that Employee Payroll #3251 was guilty of any of the charges, to make recommendations as to the appropriate penalty; and

**WHEREAS,** on December 29, 2008, Mr. Grant conducted an evidentiary hearing in connection with the disciplinary charges preferred against Employee Payroll #3251, and after hearing all of the testimony and reviewing all of the documents presented at the hearing, Mr. Grant rendered a written Report and Recommendation dated January 16, 2009, in which he found Employee Payroll #3251 guilty of all of the disciplinary charges preferred against him, and recommended that Employee Payroll #3251's employment with the Town be terminated; and

**WHEREAS,** the Town Board met in executive session on February 4, 2009 and February 25, 2009 to review and discuss the entire record in this matter, and to determine whether to accept, reject or modify the findings of fact made by Mr. Grant, and if it were determined that Employee Payroll #3251 was guilty of any of the disciplinary charges, to impose an appropriate penalty therefore; and

**NOW, THEREFORE, BE IT RESOLVED THAT,** the findings of fact made by Mr. Grant and the conclusions drawn therefrom by him are supported by the weight of the evidence presented at the hearing, and therefore, are accepted and adopted by the Town Board; and

**BE IT FURTHER RESOLVED THAT,** after reviewing the Report and Recommendation of Mr. Grant, and discussing in executive session the disciplinary charges and evidence presented at the hearing, the Town Board accepts and adopts the findings of Mr. Grant that Employee Payroll #3251 is guilty of all of the disciplinary charges preferred against him; and

**BE IT FURTHER RESOLVED THAT,** after reviewing the Report and

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Recommendation of Mr. Grant, and discussing in executive session the disciplinary charges and evidence presented at the hearing, the Town Board accepts and adopts the recommendation of Mr. Grant that the appropriate penalty to be imposed upon Employee Payroll #325 1 is termination of his employment with the Town of Mamaroneck and

BE IT FURTHER RESOLVED THAT, Employee Payroll #3251's employment with the Town of Mamaroneck is terminated effective February 25, 2009; and

BE IT FURTHER RESOLVED THAT, the Town Administrator is authorized and directed to take whatever steps are necessary to effectuate the termination of Employee Payroll #325 1's employment with the Town of Mamaroneck effective February 25, 2009.

5. Salary Authorization - Recreation

On motion of Councilwoman Seligson, seconded by Councilman Fishman, it was

RESOLVED, that as provided for in the 2009 Town Budget the Town Board does hereby authorize the payment of salary to the following:

Hommocks Pool

Kristopher Mueller	Lifeguard	\$10.75/hour	effective retroactive to 2/16/09
John Spader	Lifeguard	\$8.50/hour	effective retroactive to 2/16/09.
Krystyna Stepien	Key Attendant	\$10.00/hour	effective retroactive to 2/16/09.

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Absent
O'Keefe	Aye

6. Approval of Certiorari

On motion of Supervisor O'Keefe, seconded by Councilman Fishman, it was

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

BE IT, FURTHER

RESOLVED, that as part of this settlement of the tax certiorari for 1890 Palmer Avenue, the petitioner agrees to discontinue all of the proceedings involving 10 Byron Place.

Hoffman Investors Corporation  
1890 Palmer Avenue  
Larchmont, NY 10538

Block: 603 Lot: 6

Town of Mamaroneck/Village of Larchmont

<u>Year</u>	<u>Current Assessment</u>	<u>Reduced Assessment</u>
1997	\$210,000	\$197,500
1998	\$210,000	\$193,000
1999	\$210,000	\$189,000
2000	\$210,000	\$184,800
2001	\$210,000	\$176,400
2002	\$210,000	\$168,000
2003	\$210,000	\$123,900
2004	\$210,000	\$123,900
2005	\$210,000	\$128,100
2006	\$210,000	\$121,800
2007	\$210,000	\$109,200
2008	\$210,000	\$105,000

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Absent
O'Keefe	Aye

On motion of Councilman Odierna, seconded by Councilman Fishman, it was

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

Colony Tenants Corporation  
1815 Palmer Avenue  
Larchmont, NY, 10538

Block: 603 Lot: 224

Town of Mamaroneck/Village of Larchmont

<u>Year</u>	<u>Assessment</u>	<u>Reduced Assessment</u>
2000	\$153,000	\$153,000
2001	\$153,000	\$153,000
2002	\$153,000	\$153,000
2003	\$153,000	\$153,000
2004	\$153,000	\$153,000
2005	\$153,000	\$153,000
2006	\$153,000	\$145,350
2007	\$153,000	\$139,230
2008	\$153,000	\$137,700

The above resolution was put to a roll call vote:

Fishman	Aye
Seligson	Aye
Odierna	Aye
Wittner	Absent
O'Keefe	Aye

**APPROVAL OF MINUTES**

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, February 4, 2009.

**ORAL COMMUNICATIONS**

None

**WRITTEN COMMUNICATIONS**

Mr. Altieri announced that the Town has received from Moody’s Investment Service their reaffirmation of the Town’s AAA rating, for old bonds as well as new bonds.

The Board congratulated Mr. Altieri as well as Town Comptroller Mr. Siligato.

**SUPERVISOR’S REPORT**

Supervisor O’Keeffe reported on her attendance in Albany at the NYS Conference of Mayors, a highlights being the Stimulus Package. Supervisor O’Keeffe elaborated noting much discussion involved disbursement of these funds, and the role State Agency’s and Authorities will have in funneling these monies. Of particular interest to the Town is funding for sewage treatment and water quality. She emphasized that the Town will be staying in very close touch with Senator Oppenheimer and Assemblyman Latimer. Supervisor O’Keeffe also reported that the County has received funding through Nita Lowey’s Office, in the amount of \$133,000, for Long Island Sound. She then asked Councilwoman Seligson to elaborate.

**REPORT OF COUNCIL**

Councilwoman Seligson reported that the \$133,000 is coming form the Department of Agriculture’s Natural Resources Conservation Services, which has been the channel for the restoration projects for water quality improvement in Long Island Sound. Additionally, she reported that the Long Island Study will not receive the expected funding in 2009. The State will be passing an Omnibus Bill in March which will amend this funding. There will be a \$2 Million short fall. New York State did increase the State Revolving Loan Fund, but has little impact on the Town due to our ability to borrow at low rates. For the Town she hopes that additional funding will come in the way of grants. Councilwoman Seligson also reported on the cancellation of the last Planning Board Meeting and the meeting of the Zoning Board this evening, which due to the Town Meeting, she is not attending. She and other Town Board Members will attend the R.A.D.A.R. Meeting on February 26<sup>th</sup>.

Councilman Odierna announced the 36<sup>th</sup> Annual Seniors’ Art Exhibition taking place at the Larchmont Library’s Oresman Gallery March 7<sup>th</sup> from 2:30 – 4:30. He was unable to attend the Recreation Commission’s last meeting, as he was on vacation. He will attend the next Human Rights Meeting on March 9<sup>th</sup>.

Councilman Fishman noted there has been no slow down at the Traffic Committee. Recent discussions centered around speeding on Kenmare and Copley Roads. The Committee will readdress the request for a handicapped parking space on Alden Road, as the Town will be receiving a recommendation from the Committee in the next few weeks.

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**ADJOURNMENT**

On motion of Supervisor O’Keeffe, seconded by Councilwoman Seligson, the meeting was unanimously adjourned at 11:00 PM, in memory of Mary McGee. Mary was the Director of the Federated Garden Club of New York, and served on the Town’s Beautification Committee. Her expertise in floral design won her numerous awards. She will be remembered as the light in the room whenever she was present. Our sympathy goes out to her family and friends.

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Submitted by  
Christina Battalia, Town Clerk